Approved by Commission on Water Resource Management 5/20/15

## MINUTES FOR THE MEETING OF THE COMMISSION ON WATER RESOURCE MANAGEMENT

DATE: April 28, 2015 TIME: 5:30 pm

PLACE: Kauai Planning Commission Meeting Room

Lihue Civic Center 4444 Rice Street

Moikeha Building, Rooms 2A and 2B

Lihue, Hawaii 96766

Chairperson Suzanne Case called the briefing of the Commission on Water Resource Management to order at 5:55 pm.

The following were in attendance:

MEMBERS: Ms. Suzanne Case, Mr. Jonathan Starr, Mr. Michael Buck, Ms. Denise

Antolini, Mr. Milton Pavao

ABSENT: Mr. Kamana Beamer, PhD, Ms. Virginia Pressler, M.D.

STAFF: Roy Hardy, Rebecca Alakai, Malie Beach-Smith, Lenore Ohye, Jeremy

Kimura, Neal Fujii, Katie Ersbak

COUNSEL: Colin Lau, Esq.

OTHERS: Steve Spengler (Element Environmental), Kirk Saiki, Kim Tamaoka,

Edward Doi, Tim Kallai, Lori Nishida, Lynn Malinger, Amanda Tanaka, Hoku Cabebe, Phoebe Eng, John Kruse, Helen Lacono, Yolanda Leone, Diane DeVries, D. Kaliko Santos, Kalani Kumai, Dan Sargent, Don Heacock, Shyla Moon, Lyn McNutt, Bridget Hammerquist, Eileen Kechloian, Katherine Muzik, Pua Nani Rogers, Kipukai Kualii, Mahealani Hookano, Debbie Lee-Jackson, Greg Holzman, Salvador Marti, Agnes Keailani Marti-Kim, Ken Taylor, Makeala Kaaumoaua,

Henry Kaaumoaua

Chair Case welcomed the public and apologized for being late.

Acting Deputy Director, Roy Hardy explained the purpose of the briefing - to strengthen the Water Commission's relationship with the Kauai community and explain what the Commission does. He introduced the commissioners and staff.

Commissioner Buck noted that the Commission spent all day with the Kekaha community as part of the West Kauai investigation about the Köke'e and Kekaha Ditches. He went on to explain the challenges of dealing with the public trust.

Commissioner Starr said it has been 20 years since the Commission came to Kauai. The Commission wants to understand the community's feelings, concerns and interests about water.

He explained that the commissioners are volunteers and are here to listen to the mana'o of the community.

Commissioner Antolini said she was happy to be back on Kauai after attending the Water Resource Protection Plan (WRPP) workshop in March 2015. The Commission promised to come back and we have. Staff spent a lot of time preparing for this meeting. It has been structured to reflect the comments submitted at the WRPP workshop. The Commission would like to share information at a slower pace and allow time for interaction.

Mr. Hardy began his presentation. The Water Commission's motto is "Ke Kahuwai Pono." Together, these words translate to "the trustee who oversees the rightful sharing of water." Water is a limited resource and there are different issues on each island. The Commission must manage and make decisions statewide. The Chair of the Department of Land and Natural Resources (DLNR) (Suzanne Case) and the Director of the Department of Health (DOH) (Virginia Pressler, M.D.) serve as ex-officio voting members of the Commission. Five members (Jonathan Starr, Milton Pavao, Karnana Bearner, Michael Buck, Denise Antolini) are appointed by the Governor and confirmed by the Senate for four-year terms. The Commission is primarily concerned with water quantity issues (how much is available). DOH takes the lead on water quality issues (things that may contaminate the water). The Commission and DOH work together. The Hawaii State Constitution (Article XI, Section 1) says that all public trust natural resources are held in trust by the State for the benefit of its people. Water is one of those natural resources. No one owns the water. Water is held in trust by the State. Article XI, Section 7 of the Hawaii State Constitution states that "The legislature shall provide for a water resource agency..." This agency is the Water Commission. In 1987 elected officials at the State Capitol passed the State Water Code (HRS §174C), which established the Water Commission. The Water Code shall be liberally interpreted to obtain maximum beneficial use. The Commission must protect traditional and customary Hawaiian water rights, habitat for fish and wildlife, ecological balance, scenic beauty, municipal use, public recreation, public water supply, agriculture, and navigation. These uses must be balanced and protected in accordance with what is reasonable and beneficial.

Commissioner Antolini said the presentation slides can be sent to the audience and will be posted to the website.

Mr. Hardy explained the importance of balancing public trust resources. The Hawaii State Constitution, Water Code, and Supreme Court decisions have established four main public trust purposes. They are the maintenance of water in its natural state, domestic use, traditional and customary rights, and Department of Hawaiian Home Lands (DHHL) water reservations. There is no hierarchy to the public trust purposes. Some may even conflict (e.g.: domestic use vs. maintenance of water in its natural state). These are the types of balancing questions the Commission must deal with.

A member of the public commented that if water is a public trust resource, the people should make the rules instead of the State. The people have a lot to say about how the water should be managed.

Mr. Hardy assured the audience that the Commission is here to listen. For a use to be reasonable and beneficial it must have a purpose, the quantity must be justified, the use must be efficient (do not take more than you need), there is a lack of practicable alternatives, it is consistent with the public interest, and is it consistent with the state and county land use plans. The Commission does not have the authority over land use decisions, but water use must be consistent with land use.

A member of the public commented on water being diverted on Kauai and sold to the county. The end product is of beneficial use to the public, but those individuals may not have the right to divert the water from its natural source to sell for a profit.

Mr. Hardy agreed that it is a complicated issue.

The member of the public questioned why the Commission had not addressed the issue.

Mr. Hardy explained that there are many issues on every island. The Commission will continue to look at the issues on Kauai.

The member of the public talked about questionable diversions. He said he was glad to see the west side community stepping up to address the problem. Similar issues can be found in other places on Kauai. It is a shame that the public must be the ones to raise these issues with the Commission.

A member of the public asked if water on Kauai is used for fracking.

Mr. Hardy replied to his knowledge "no."

The member of the public said fracking is common place on the mainland. She asked if the geothermal wells on the Big Island use fracking.

Mr. Hardy said he was not familiar with the practices on the Big Island. Geothermal issues are handled by another division at DLNR.

A member of the public commented on the order of the public trust uses. He said traditional and customary rights and DHHL reservations should be at the top of the list.

Another member of the public said some individuals on Kauai interpret the definition of domestic use as control by a single person or corporation.

Mr. Hardy said bottled water is considered commercial.

The member of the public said water from Kealia and Wailua is being used in Koloa. Taro farmers suffer when water is transferred outside of the ahupua'a. She asked why commercial use takes precedence over the public trust.

Mr. Hardy replied "it doesn't." These are things the Commission must consider when it makes decisions.

A member of the public commented on the slide that said maximum beneficial use is inclusive of industrial and commercial use.

Mr. Hardy clarified that reasonable and beneficial use also includes the four public trust purposes.

Commissioner Buck commented that the Waiahole decision states that commercial use is held to a much higher standard and level of scrutiny. The traditional users must be satisfied first.

Mr. Hardy said the Commission is guided by the Public Trust Doctrine. The State has an obligation to protect the public trust resources. Furthermore, the Commission has a duty to take anticipatory action to protect public trust resources and uses from harm in accordance with the precautionary principle. Public trust uses come first.

A member of the public asked if the precautionary principle prevents projects from moving ahead until they can prove no harm.

Mr. Hardy replied "yes."

A member of the public asked if farmers and farming are part of the public trust.

Mr. Hardy answered appurtenant rights are considered part of the traditional and customary public trust uses. If a parcel of land can prove that it was using water at the time of the Great Mahele in 1848 it has an appurtenant right to water. Otherwise farmers must prove that their use will not harm the public trust.

A member of the public commented on the 19 million gallons of water per day (mgd) that flows through the Waimea River versus what is diverted.

Mr. Hardy explained the organizational chart for the Commission staff and the various branches (Survey, Planning, Ground Water Regulation, and Stream Protection and Management). The Commission has 23 staff members. All the staff is located in Honolulu. Most people want to know how much water is available. To answer this question the Commission must assess the resource using hydrologic unit delineations, setting ground water sustainable yields, and setting surface water instream flow standards. Hydrologic unit delineations include ground water aquifers and surface water hydrologic units. There are 13 aquifer system areas on Kauai. Each aquifer absorbs and directs water flow differently. In some places the aquifers can be connected. Surface water is different than ground water. Surface water is above ground and usually stays within a particular watershed. For ground water the Commission uses recharge estimates to calculate sustainable yield. Recharge is based on rainfall, fog drip, runoff, and evapotranspiration (ET). The Rainfall Atlas (2012) has the latest 30 years of data.

A member of the public asked what data is being used to estimate recharge.

Mr. Hardy said there is historic data. The Rainfall Atlas is a great tool and resource.

A member of the public asked about the impact of polluted rainfall and "chemtrails" from airplanes.

Mr. Hardy replied these are valid concerns that are also of interest to hydrologists. Isotopes are used by hydrologists to trace how water moves.

A member of the public asked if Kauai's aquifer systems are unique.

Mr. Hardy said Kauai is an older island and is different from the others.

A member of the public asked how DLNR monitors the degradation of the public trust resources caused by pollution.

Mr. Hardy said the DOH requires the county Departments of Water Supply to monitor the soil and chemical levels. Any municipal water supply (private and public) must send monthly reports to the DOH to ensure that they do not exceed limits set by the Environmental Protection Agency (EPA). The Commission relies on the DOH to monitor these issues.

Don Heacock said there are many compounds that are contaminating the ground water. Water can be diverted from a stream, settle in a pond, heat up and kill native stream life.

Mr. Hardy said if there is no flow (quantity) then the Commission will get involved.

A member of the public said pollution is getting into the ground water.

Mr. Hardy said the Commission will work with DOH.

A member of the public asked what happens when DOH does not address the water quality issue.

Commissioner Antolini suggested that the Commission convey the community's concerns to the DOH Director.

Mr. Heacock said DOH is not interested in the fish. They are only concerned with sediment.

Mr. Hardy continued to explain resource assessments. Sustainable yield (what can be pumped) represents a percentage of the overall recharge. The sustainable yield is set at less than half (44%) of the total recharge. Surface water is much more complicated. Instream flow standards (IFS) must account for a variety of variables. Hydropower is considered a reasonable and beneficial use. Potential use must also be taken into consideration along with non-instream uses (diversions, agriculture, etc.). He gave an example from Wailuanui Stream in East Maui and explained the process for setting Interim Instream Flow Standards (IIFS). IIFS are still being reviewed in East Maui and may change in the future. Resource monitoring (water use reporting, deep monitor wells, water-level observation wells, climate, chlorides, and streamflow) help determine how much water is being used. Users must report their water use. The Commission has permitting processes and enforcement to help regulate the use of water. Water use permits are issued in designated water management areas.

A member of the public asked about the process for designation.

Mr. Hardy replied that designation requests usually come in the form of a petition. Designation can also be triggered if an area starts to approach the sustainable yield.

Commission Starr commented on the designation process. The Water Code was intended to apply to all of the areas and freshwaters of Hawaii. There are surface and ground water management areas. The island of Molokai, most of Oahu (with the exception of Waianae) and Na Wai Eha on Maui are ground water management areas (GWMAs). Na Wai Eha is also a surface water management area. There are criteria for designation. The community can work together to petition the Commission. In a water management area, water users need to obtain a water use permit, which is scrutinized by the Commission to make sure it meets reasonable and beneficial use.

Commissioner Buck added that there is no surface or ground water management area on the island of Kauai.

Commissioner Antolini clarified that non-designated areas must still answer to common law. However, designation is a much clearer process.

A member of the public asked where she could find out about the criteria for designation.

Commissioner Antolini said she would show it to her during the break.

Commissioner Buck pointed out that there may be the issue of home rule among many county governments who do not want State involvement.

A member of the public gave some background on two proposed projects on Kauai that will use public trust water.

Commissioner Start encouraged the audience to read the Water Code and Dr. Lawrence Miike's "Water and Law in Hawaii."

The member of the public asked how long it takes to designate an area.

Commissioner Starr said it tends to take years. It could be faster if the county government supports designation.

A member of the public asked how water use is enforced in a designated water management area, especially in areas where diversions are still present.

Mr. Hardy said users must go through the water use permitting process. In the Na Wai Eha surface water management area, all the users had to report their water use to the Commission in order for the Commission to set IFS. Diverters will have to get a water use permit to legally continue to divert water.

The member of the public asked at what point the Commission becomes aware of applications for designation.

Mr. Hardy replied once we receive the petition.

The member of the public asked if the Commission had received a petition related to Kauai.

Commissioner Starr replied "no."

Commissioner Buck said the website has examples of petitions.

A member of the public asked if the Commission had a record of all the diversions on Kauai.

Malie Beach-Smith with the Commission's Stream Protection and Management Branch said there are 249 diversions on Kauai. Everyone is required to report, but currently 2 are reporting.

The member of the public expressed his frustration over the lack of enforcement and monitoring of the diversions.

Mr. Hardy said reporting is critical to understanding how much water is being diverted.

Commissioner Starr lamented the lack of monitoring and gaging stations. The Commission's ability to enforce is limited in non-designated areas. He said petitions can be based on egregious use, IFS, and more. Management tends to put the onus on the Commission.

The member of the public said the Kauai Department of Water Supply is only concerned with water that is pulled from county wells. She asked whose kuleana it was if the water is not coming from a county well. Can corporations pull all the water they want?

Commissioner Buck noted the Kauai Springs court case that said the county governments also have a public trust responsibility.

The member of the public said there are instances where the county does not issue the permit. The proposed dairy on Kauai did not have to go to the county for a permit because it is not proposing to use county water. It is proposing to use water from the Waita Reservoir.

Commissioner Starr suggested that Mr. Hardy continue his presentation.

A member of the public asked if a Stream Diversion Works Permit (SDWP) gives someone the authority to fix diversions.

Mr. Hardy said SDWPs will also require a Petition to Amend Instream Flow Standard (PAIFS). A lot of information is required. The Aha Moku Advisory Council can advise the Commission.

Mr. Heacock asked about IIFS.

Mr. Hardy said amendments to IIFS require a petition.

Mr. Heacock disagreed with the idea that water can be added to a stream and only a permit is required to take it out. He said that is ludicrous. The Water Code does not address the issue of storm water. There are dozens of sites on Kauai with culverts that channel storm water into streams.

Mr. Hardy said that is something the Commission needs to look at.

A member of the public asked how he could find out about the 249 registered diversions.

Mr. Hardy said information about the diversions is public and can be shared. He reiterated that 2 of the 249 are reporting. The others are not compliant.

A member of the public said he was concerned that someone can petition for designation and it will be approved if it is politically correct. In other cases it takes years. This is a problem. He said the Commission should treat all petitions equally.

Commissioner Starr replied that all petitions are taken seriously and acted on judiciously and properly. When county governments fight petitions it takes longer. If a petition is submitted, the Commission will follow the law and follow up as quickly as possible.

Lenore Ohye (Planning Branch Chief, Commission on Water Resource Management) started her presentation with some background on planning. The Planning Branch seeks to identify future threats to water resources and upcoming issues. The Commission does not want to operate in crisis mode. We want to be proactive. Planning looks at patterns to predict what may happen in

the future. We also identify gaps in management. An example threat is climate change. Science tells us that there will be less water in the future. Dry areas will become drier, and wet areas will become wetter. There will be changes in rainfall. People who have lived on Kauai for decades can see the climate changing. These changes are validated by studies. Stream flows and rainfall have decreased over time. More droughts are expected. Drought on Kauai is not projected to be as bad as other places in the state. Hawaii will experience flashier storms and water that used to percolate into the aquifer will run-off. Less water may be available.

A member of the public asked about the aquifer in the Puna moku on Kauai. She said this aquifer is porous and the water is tapped up high near Waialeale. The proposed horizontal drill found that recharge is lacking. Water diversions are taking water out of the streams. The aquifer is suffering because of the runoff and the lack of recharge.

Ms. Ohye said that point speaks to the science. Flashier storms will lead to quick run-off and less recharge. Slow and gentle rain is needed to recharge the aquifer. The U.S. Geological Survey (USGS) has found that streams also recharge aquifers. All these issues will be exacerbated by climate change. The Commission is trying to get ahead of these issues and manage water resource under changing conditions. There is also increasing water demand across the counties. The municipal water needs for each county will increase in the future due to population growth. Population projections indicate more demand and pressure on water supplies.

A member of the public asked if the Commission considers the impact on water supplies from large corporate users.

Ms. Ohye explained that the projections for water demand are based on population projections. Individual corporate use is not included.

A member of the public asked about the impact to animals and plants.

Ms. Ohye said native Hawaiian water rights will also be impacted in the future if there is not enough water in the streams. DHHL also has needs for water. DHHL is completing a study and long range plan for future water needs of their beneficiaries. Appurtenant water rights are attached to parcels that were using water at the time of the Great Mahele in 1848. A lot of the traditional and customary rights are not being met because there is not enough water in the stream. Here we have a situation of high demand coupled with less water availability. Priorities must be adequately accommodated on a case by case basis. This includes the West Kauai investigation. The Commission can order more water returned to the streams.

A member of the public noted that climate change can be reversed by putting more water back in the streams so trees can grow, which absorb carbon dioxide. The rain follows the forest.

Ms. Ohye acknowledged that we need to take care of our watersheds. We are still waiting to see how climate change will affect sustainable yields. The Commission takes the lowest estimate of recharge even if scientists tell us there is more.

A member of the public asked how the Commission determines these numbers when the science is unclear.

Ms. Ohye explained that management decisions are based on the best available information. We recognize that the science is not perfect. With every new well that is drilled we learn a little bit more. The rock is not the same in every place and recharge rates will differ.

A member of the public asked about the hydrologic units.

Ms. Ohye said the boundaries are not set in stone. The Commission can make changes. She encouraged the public to submit any information they have.

Mr. Heacock critiqued the word "sustainable." Our stream life and culture are suffering.

Commissioner Starr said aquifer management is evolving. Numerical modeling can take into account a larger area. It looks at all the inputs with a tight scaling in terms of infiltration and rainfall. It enables "what if" scenarios and shows future trends.

Ms. Ohye said common questions are "how will we meet all of our water needs?" and "will we run out of water?" The Commission is a trustee of water with a fiduciary responsibility to make sure Hawaii does not run out of natural water resources. However, natural supplies will not be enough. Other strategies are needed including monitoring and planning. The Hawaii Water Plan has multiple components. Different agencies are responsible for the various components. The Water Resource Protection Plan (WRPP) is the only plan prepared by the Commission to protect water quantity. The Water Quality Plan (WQP) is prepared by the DOH. She noted that each plan is currently being updated, something that had not been done since 1990. The WQP identifies the State's clean drinking and recreational water standards. The State Water Projects Plan (WPP) is prepared by DLNR's Engineering Division. It inventories all the State needs for schools, hospitals, harbors, and DHHL. The Agricultural Water Use and Development Plan (AWUDP) addressed the needs for agriculture. It includes and maintenance and rehabilitation plan for irrigation systems and what agriculture needs.

A member of the public noted that not all agriculture is equal.

Ms. Ohye continued to explain the County Water Use and Development Plans (WUDP). The WRPP, WQP, WPP and AWUDP all feed into the county WUDPs. The counties need to know how much water is needed to meet entitlements and various projects without infringing on the needs identified in the other plans.

A member of the public asked if Kauai has a WUDP.

Ms. Ohye replied "yes." It was first published in 1990 and is in the process of being updated. The county will be hosting public meetings very soon. The county has home rule over land use. WUDPs must be consistent with land use.

Mr. Heacock said the minutes from the advisory committee stated that there is no known relationship between pumping water and instream flow. He disagreed with this idea.

Ms. Ohye confirmed that there is a connection between ground and surface water. This interaction occurs on Kauai and is monitored by the Commission.

Commissioner Buck asked if the Commission must approve the county WUDP.

Ms. Ohye replied "yes." The Commission must approve Kauai County's plan methodology. The public can be added to the Commission's agenda mailing list. Kauai's WUDP has not yet come before the Commission. She clarified that the WUDP includes all water use, not just municipal. The Commission is also interested in promoting water conservation. In the 1990s, the Honolulu

Board of Water Supply (HBWS) enacted aggressive water conservation measures. Today, water use on Oahu is lower than what was projected and has been flat the last few years.

A member of the public asked how population projections are calculated.

Ms. Ohye said the Department of Economic Development and Tourism (DBEDT) provide population projections for the entire State. Alternative water resources include reclaimed water, desalinization, catchment, grey water re-use, and storm water. The Commission also supports the work of the Watershed Partnerships (WPs) to help protect our mauka areas and increase the capacity of our watersheds and water supply.

A member of the public asked about EPA's Region 9 grants for state agencies.

Ms. Ohye said the WPs seek public and private grants. Excess run-off from rainfall needs to be captured and stored.

A member of the public asked if the Commission can work with other agencies on the dam safety issues. Some reservoirs are dry, but could be used to capture and store water.

## [Break]

Mr. Hardy asked the audience if they wanted to continue with the presentation or talk story with staff and the commissioners.

Commissioner Pavao pointed out that the Commission only has 23 staff and a lot of responsibility. He agreed that much work needs to be done and suggested that the public urge their representatives to increase the Commission's budget.

Mr. Hardy said it would be nice to have staff on each island.

Commissioner Buck added that DLNR gets less than 1% of the entire state budget.

Mr. Heacock agreed that the Commission is under-staffed. The community needs to be included in the watershed partnerships. A lot can get done when people work together.

Someone else suggested that the Commission utilize student help.

Mr. Hardy reminded the audience that the Commission will meet again tomorrow for a regular meeting.

A member of the public said she knows someone who has walked the entire island and documented the diversions and ditches. Many places do not have water.

Another audience member talked about the Ko'olau moku and the illegal damming near Anahola. There are 5 separate man-made dams. She asked who to talk to.

Mr. Hardy said those types of complaints are the kuleana of the Commission. Complaint forms are available on the website.

Hope Kallai brought up Kaloko dam. There is no emergency action plan. She asked how many more people have to die before the State does something. Nothing has been fixed.

Mr. Hardy said Kaloko dam is the kuleana of the Dam Safety Division at Engineering.

Ms. Kallai asked if the Kaloko ditch is legally permitted.

Rebecca Alakai with the Commission's Stream Protection and Management Branch said it sounded like a lease number and might fall under the purview of the Board of Land and Natural Resources (BLNR).

Ms. Kallai said the ditch was recommended for decommissioning by DLNR in 2007.

Mr. Hardy said the Commission can check the status with the Land Division.

Commissioner Antolini encouraged Ms. Kallai to continue an open dialogue with the Commission and staff. Rebecca may be able to help.

Ms. Kallai asked about the emergency action plan.

Ms. Alakai said the emergency action plan would be with the Engineering Division. Chair Case also sits on the BLNR.

Chair Case said she would facilitate a conversation with Engineering and Carty Chang.

Tim Kallai asked how the general public can help with enforcement.

Mr. Hardy said the public can be the eyes and ears for the Commission. He encouraged the public to fill out complaint forms, send pictures and maps.

Mr. Kallai expressed his frustration about the time it takes to get a response from the State. New commissioners have to be educated. High turn-over delays the response time.

Others in the audience agreed.

A member of the public said there is plenty of documentation about the Waimea River. She asked what it will take to fix the problem.

Ms. Alakai explained that the Commission has hired a contractor to investigate the allegations raised by Earthjustice. Measurements and studies are needed before the Commission can make a final decision.

Commissioner Buck said he learned a lot on the site visit and expected action soon.

The audience thanked Commissioner Buck.

The member of the public said the wars of the future will be about water.

Commissioner Buck reflected on Hawaii's innovative framework for water management. The Water Code is amazing. This is a new era for the Commission. Water is a public trust. He recommended that people read the Water Code.

Commissioner Starr talked about the Supreme Court rulings to overturn past decisions made by the Commission. The Commission has changed and improved. The staff is excellent and put heart and soul into their work. Things are moving along. He said he is optimistic about the future.

Mr. Kallai thanked the Commission for coming to Kauai, but said the community needs to see words put into action. Community members have been lost due to inaction. It is difficult for people to stay optimistic when there is no action.

Chair Case said she appreciates the community's desire to remain optimistic. Some problems are complicated and solutions take time. She agreed that DLNR needs more staff. She encouraged the public to use the complaint process and committed to working with staff to communicate more effectively with other divisions.

Commissioner Antolini thanked everyone for attending the briefing. Water issues are a lifetime commitment. She assured the community that she would stay involved even after her term ends on June 30, 2015. Partnerships with the community are needed. One of the best ways to protect water is to empower the community.

Chair Case said her priority is to fill the Water Deputy position.

Mr. Hardy thanked everyone for attending and said he looks forward to future collaboration with the Kauai community.

Chair Case adjourned the meeting at 8:35 pm.

Respectfully submitted,

KATIE ERSBAK

Private Secretary to the Deputy

APPROVED AS SUBMITTED:

Acting Deputy Director