

Minutes of the June 26, 2012, Legacy Land Conservation Commission Meeting

Date: June 26, 2012

Time: 9:00 a.m. - 1:00 p.m.

Place: Room 322C, Kalanimoku Bldg., 1151 Punchbowl St., Honolulu, Hawai'i

COMMISSION MEMBERS PRESENT:

Mr. Thorne Abbott

Dr. Carl J. Berg

Dr. Dale Bonar

Ms. Lori Buchanan

Dr. Joan E. Canfield

Mr. Kaiwi Nui

Mr. Herbert ("Monty") Richards

COMMISSION MEMBERS ABSENT:

Dr. Robert J. Shallenberger

Ms. Karen Young

STAFF:

Ian Hirokawa, DLNR, Land Division

Molly Schmidt, DLNR, DOFAW

Cassandra Smith, DLNR, DOFAW

Melissa Kolonie, DLNR, DOFAW

Besty Gagne, DLNR, DOFAW

PUBLIC:

John Sinton

ITEM 1: Call to order and introduction of members and staff.

Members and staff introduced themselves. Member Young was on vacation.

ITEM 2: Approval of Legacy Land Conservation Commission minutes from the April 27, 2012, meeting.

Member Richards motioned, and Member Berg seconded to have the minutes approved with small spelling edits.

ITEM 3: Update from staff, discussion, and possible action draft rules for the Legacy Land Conservation Commission and the Legacy Land Conservation Program.

Ms. Schmidt informed the Legacy Land Conservation Commission (Commission) that the rules had been approved by the Board, now they are passed the stage of the deputy Attorney General's

signature and so she believed the rules would be in effect by the end of the 2013 grant cycle which is generally February or March. In regards to management funds since they have reached an impasse in interpreting procurement laws and Sunshine laws in trying to figure out how to implement management fund grant requests for proposals; they are currently consulting with the Office of Information Practices staff on what they need to do for Sunshine.

ITEM 4: Update from staff, discussion, and possible action regarding Act 82, Session Laws of Hawaii 2012, Relating to the Legacy Land Conservation Commission. Possible action to elect a new chairperson pursuant to Act 82, SLH, 2012.

Ms. Schmidt stated that Act 82, SLH 2012, allows the Natural Area Reserve System Commission (NARSC) Chair to delegate his or her membership on the Commission to another NARSC member, and also allows the Commission to elect a chair from among its members, instead of the previous arrangement, where the NARSC Chair was automatically the Commission Chair under law. She offered to propose a process for the Commission to decide on a new chair.

Ms. Gagne provided some information regarding the NARSC, and stated that several of the members were interested in serving on the Commission; however, they were traveling at the moment. The NARSC Chair would most likely delegate the Commission membership at the next NARSC meeting.

Chair Bonar proposed opening nominations for the next chair of the Commission. He stated that Member Shallenberger was absent, but had stated prior to the meeting that he was not interested in serving as chair. He asked if anyone would be willing to volunteer for the chair position. Member Canfield stated that she was not able to serve due to other time-consuming commitments in her schedule, and did not feel that she was suited to certain aspects of the position. Member Berg stated that he would not be able to volunteer for similar reasons.

Chair Bonar suggested that Member Kaiwi take on the role of chair. Member Buchanan agreed and made a motion. Several other Commission members seconded the motion. Member Kaiwi asked the Commission members to hold before voting, he stated that he was considering a job transition within the Office of Hawaiian Affairs and wasn't sure how this would play into acting as chair.

Chair Bonar stated that almost all members had conflicts to consider and could abstain from voting when appropriate. He added that the primary responsibilities were running the Commission meetings and occasionally attended a meeting as a representative of the Commission. He encouraged Member Kaiwi to consider it and asked if any other members had not spoken up and were interested.

Member Buchanan stated that she was currently dividing time between Molokai and the Big Island and did not desire the additional responsibility. Member Richards stated that he had several other commitments and responsibilities as well.

Ms. Schmidt stated that staff would be as supportive as possible in alleviating the workload on the new chair.

Chari Bonar asked if Member Kaiwi would be willing to serve. Member Kaiwi consented. Chair Bonar called a vote for the previously-made motion to elect Member Kaiwi as chair. All were in favor. Member Kaiwi stated that Chair Bonar should remain as chair for the rest of the meeting.

ITEM 5. Update from staff, discussion, and possible action regarding the implementation of new requirements that may be imposed by the potential passage into law of Senate Bill 2378 SD1, HD1, CD1, Relating to Legacy Lands.

Ms. Schmidt indicated that everyone had a copy of Senate Bill 2378 (SB2378) in their handouts. She gave a brief history of the bill which originally would have cut funding from counties and non-profits and would sponsor only State entities. That was the first draft, and the version that exists now is a bit complicated so Ms. Schmidt had created a diagram to help explain. Member Berg asked if this was actually signed in to law yet; and Ms. Schmidt said it was not on the Governor's veto list so it will be signed very soon. She went on to explain that there are two sections of the bill, and section one modifies part of the statute that describes legal restrictions on projects, meaning the legal restrictions that are recorded in a deed, conservation easements, deed restrictions etc. Section two modifies a different statute by requiring in the application that the applicant describe public benefits of the project, also requires a consultation with the staff of DLNR, Department of Agriculture (DOA), Public Land Development Corporation (PLDC), and the Agribusiness Development Corporation (ADC). Chair Bonar said the way it's written does not require access, but the topic must be addressed in the application. Ms. Schmidt stated that she would propose adding a section to the application that asks the applicant to address this topic.

She explained that what she wanted to discuss is what the changes are and how she proposes to address them. She began with the second section of the bill because it was less complicated and explained that "the projects' public benefits including but not limited to where public access may be practicable or not practicable and why" needs to be stated in the application. She planned to propose adding a section to the application to address this subject, she also stated that they could discuss other possible solutions and thoughts after she explained her ideas on how to address the changes. For the second part, the consultation with staff basically providing a consultation form would be the way to implement this. Specifically what it says in the bill is to include in the

application results of the applicants consultation with the staff of the DLNR, DOA, ADC, and PLDC regarding the maximization of public benefits of the project are practical. Ms. Schmidt's idea to help the applicant with this change was to provide a consultation form for the applicant to fill out and send to these agencies, and the agencies can respond and the applicants can turn it in by a deadline so the Commission can have the results of the consultation by the deadline. If the applicant decides to act upon any of the consultation there could be a question in the application that states whether they have done that or what their response is. The idea is to stick as close to the bill as possible with the wording and language, and since it does put the burden on the applicant to conduct the whole consultation, keep the process with the applicant and have them turn it in by the deadline. Member Berg stated he saw an issue with the timeline in getting letters of response from all four agencies. Chair Bonar asked if these agencies knew this was coming. Ms. Schmidt stated that in the beginning of June a memo was sent out by the Division of Forestry and Wildlife notifying the other agencies of the basics, with an attached copy of SB2378 saying that the Commission would be discussing at this meeting how to implement this law. She thought that after this meeting she can consult with them to make sure there is a point person so that this doesn't fall through the cracks.

Member Kaiwi asked if in the access part of this was there a discussion of Article 12, Section 7, regarding access for native Hawaiians. Ms. Schmidt responded that the bill itself did not directly refer to that. He then asked who decided on these particular consulting agencies. Chair Bonar responded it was a senator. Member Kaiwi asked if that was final or if other organizations could be added to that. They thought since it was in statute already they were sure. Member Kaiwi stated he agreed with issues that Member Berg stated, but also that he felt the State Historic Preservation Division (SHPD) or Office of Hawaiian Affairs (OHA) should also be consulting agencies to forgo issues that may arise. Member Richards agreed and also stated he felt their needs to be a time limit for response. Member Canfield stated they couldn't require anything that wasn't authorized in the statute or rules. Ms. Schmidt thought that they could do the request for proposals a few weeks early so they can figure this out, and also they could put a deadline on the form for the agencies but they will first have to consult with them and get a consensus on how much time they need to do this; hopefully it can fit within the month and half they give applicants to fill out the application. If they make the form available to the applicants for them to summarize the basics of their projects they should be able to do that and get it over the agencies pretty quickly. If the agencies don't respond, Ms. Schmidt's thoughts were they had done their duty under the statute, and tried with direct communication and there is no response there is nothing more they can do. They can also always check it and say no comment, or no suggestions. Chair Bonar explained his concern regarding the lack of understanding from these agencies regarding conservation easements and what Legacy Land does, so it is also important to make sure at least one person is trained in this area. Ms. Schmidt shared the same concern and

she planned to follow up this meeting by meeting with these organizations to explain what they are asking for. Member Berg shared that in a grant that he was working on he had to get letters from another agency and they said the project was too small, and they wouldn't do a letter. Member Abbott stated he felt the process shouldn't be that difficult if they did a form letter like SHPD; and it could consist of a check box, box for comments, the addresses of all the agencies along with a point of contact, and it should tell the applicant when they need to send it out by. It should be explicit on there that if the agency doesn't respond within thirty days it will be assumed that the project is acceptable. That way they do their diligence, they have been given the opportunity, they didn't respond within those thirty days, and they were informed if they didn't respond it would be assumed it was acceptable. Ms. Schmidt confirmed that is what she intends to discuss with these agencies when they meet, with a draft of a form such as that.

Member Abbott asked if anyone had any comments on his suggestion. Member Kaiwi stated he was concerned; if SHPD did not participate there might not be a party responsible for checking that box. Ms. Schmidt stated that they don't specifically have to consult with SHPD. Member Kaiwi's stated that his concern is that they should be a consulting party to help applicants avoid issues that might arise. Member Berg stated he understood, but if this bill is already a law what can they do now. Chair Bonar thought that in all conservation easements there is the statement something like, "in no way may this conservation easement be interpreted to contradict any law regarding native Hawaiian access." Member Kaiwi stated that he understood this point, but the consultation is not there. Member Abbott pointed out that SHPD fell under DLNR. Ms. Schmidt stated that the way she had thought of it was if a forestry project came her way and she would actively consult with whoever is the point person on that kind of project so she doesn't see why they would do SHPD unless for lack of response. Member Berg stated then if you were creating the form you can list the different sections with their contact person and say you must consult with those that are applicable. Ms. Schmidt said that was a possibility but she thought it may be best to leave it to each of the agencies to perform their respective reviews.

A discussion took place on this topic and the possibility of it being Ms. Schmidt's responsibility to distribute these letters to the agencies. Chair Bonar thought it would be most efficient for her to send them to the contact person at these agencies. Ms. Schmidt felt that it should still be up to the applicant since they are supposed to be the ones consulting and incorporating it in to their projects. Member Abbott understood Ms. Schmidt's apprehension about having to distribute the letters, and asked how many agencies would be open to receiving things via compact disc or internet. Ms. Schmidt said she did have the answer at this point, was still not clear on why it would be more efficient for her to send out the letters since it was an extra step, and the way she envisioned it was to have four copies of the same letter sent to the agencies point people so they could consult directly with the applicant. Chair Bonar thought it would help out the more inexperienced applicants. More discussion took place on this issue. Member Richards felt they

were offering to help people get money, and it only makes sense that they are going to have to do some of it themselves, and Ms. Schmidt is always available to help. Chair Bonar reminded everyone that this was a gutted bill and its original intent was to have funds only go to the four consulting agencies, with a focus on agriculture. The more there can be good interaction between Ms. Schmidt, Legacy Lands, and these agencies the better Legacy Lands has a chance to have oversight over the program.

Ms. Schmidt felt that Legacy Lands could most successfully help the agencies and applicants with this process by planning ahead doing most of the work before they put out the request for applications. In terms of nailing down a point person, discussing whether we get their agreement on a project and that sort of thing and they will probably have to go back year after year because of staff changes. Ms. Schmidt reiterated again that she felt because of the way the law was written and that it's the applicant that needs the consultation they should be the ones to send it in to the agencies. Member Berg stated that a good point was how they know if the applicant actually sent it in and got a response. Member Abbott stated you require a copy be sent. Ms. Schmidt stated they have to verify it.

Chair Bonar asked if there was a rule that determined how long the agencies have to send these back. Ms. Schmidt stated that her understanding was that is usually has to go through a bunch of people, which can be a slow process but with a point person it should go a lot faster, but she felt thirty days was reasonable. Member Canfield stated then there would be three weeks for the applicant to incorporate any suggestion in to their project. Chair Bonar felt that they would have to get the applications out early then because it would just be too tight of a time frame. Member Abbott stated he felt that with staff's outreach to the agencies, having a point person, and clearly stating in the application that the letters must be sent as soon as the application is open, then the responsibility is with the applicant to talk with the agencies. Member Kaiwi asked and if they don't even have the time to check the box that states they have no comments. Member Abbott responded that there has to be some type of stipulation that states if it's not returned within so many days they comply and have to comments. A discussion took place about the shortness of time that applicants may have.

Then a discussion began on the knowledge that these agencies may have regarding public access. Ms. Schmidt stated that one of the nice things about having an open-ended letter response is that if they don't feel comfortable commenting on something due to lack of expertise on a subject, they can simply state that. Chair Bonar asked what they applicant will do if they don't respond. Ms. Schmidt stated they would say that, yes, they consulted and they didn't get a response. Member Kaiwi asked so what if an applicant got somewhere with these agencies and got two out of the four and someone else has zero, does the applicant who got two responses fare better than the other? Ms. Schmidt suggested that perhaps there should be a deadline for submitting the

forms to the agencies so there is an even standard for everyone. Ms. Schmidt explained that after this meeting she wants to revise the forms, touch base with the agencies, send them to the Chairperson for approval of the forms for FY13, and after that working with the public information officer get a press release out. She would like to get the applications out as soon as possible. Member Canfield asked if it was possible to extend the deadline. Ms. Schmidt stated there is a little leeway, but giving too much time starts to cut into the Commission's time to review the application and do site visits. A discussion took place about if this was possible.

Chair Bonar asked if it would be possible for the consultation letters to be due later than the application. Ms. Schmidt responded that wouldn't allow the applicant to make any changes from the consultation. A discussion took place regarding supplemental materials. Member Buchanan said that putting an arbitrary due time on the letters might not go over well since it isn't in the statute. Ms. Schmidt commented that the term "consultation" doesn't imply that a response from the agency is mandatory. Her closing thoughts on the topic were that they can do their best to implement the new requirements this coming grant cycle, and they can report how it goes and if enough of a problem perhaps they will be able to propose changes to the statute the coming legislative session. The Commission took a 10 minute break.

When everyone returned, Ms. Schmidt began to explain the first section of the bill, which they skipped over to discuss section two. Ms. Schmidt stated that the first section basically concerns legal deed restrictions on projects and it divides it up between state and county projects, and then conservation organizations and non-profit projects. The bill requires that the Board of Land and Natural Resources require State and county Legacy Land grant recipients to provide a conservation or agricultural easement, or deed restriction to the DLNR, DOA, ADC, PLDC or a land conservation organization or state or county natural resource agency, and the Board of Land and Natural Resources shall be a holder of such conservation easement. For non-profits the Bill requires that the BLNR require non-profits receiving Legacy Land funds to provide a conservation easement, agricultural easement, or deed restriction or covenant to DOA, ADC, PLDC, an appropriate land conservation agency or appropriate federal, county or state agency and the Board shall be an owner of any such easement. At the end of all of that it says that the Board or an appropriate non-profit land conservation agency, county, state, or federal agency required to be provided an easement can waive to not have the easement required. While this law will be implemented soon, the Commission's rules will also come into effect halfway through the grant cycle and they did have in their rules that conservation easements are required over non-profit land conservation organizations projects when they apply for fee, not conservation easements.

Ms. Schmidt's guidance from the AG's office was that anytime there is an outright conflict between the statute and rules, the statute prevails; however, if the rules are simply more

restrictive than the statute, the rule can survive. In other words, any rules inconsistent with the new statute will be rendered invalid; rules that are merely more restrictive will stick around. When it comes to any kind of deed restriction there are two different approaches, and Ms. Schmidt referenced a diagram she had created and a discussion took place regarding what was just stated and why a non-profit who owns the land cannot hold their own conservation easement. Member Berg posed the question if the county and State agencies would even want to be holders of easements because of the requirements to make sure the terms of the easement are fulfilled. Discussion took place regarding this question.

Chair Bonar then asked if any of the other three agencies had a clue about the law and what it requires. Ms. Schmidt stated she thought that PLDC might be aware, but ADC or DOA may not have learned of the changes yet. Member Kaiwi again raised his concern about who is responsible for make sure the cultural resources are protected.

A discussion then took place in regard to another diagram that Ms. Schmidt had made to contrast the new statute and the administrative rules. She stated that there wasn't much conflict between the new statute and the relevant rule; excepting the part that discusses who is holding the deed restriction or conservation easement. The statute is a lot more specific, and allows for the exemption from any required restrictions or easements, plus includes BLNR being a co-holder. As for non-profit fee projects, the administrative rule states there must be a conservation easement, whereas the statute allows for an exemption from any required easements or restrictions. More discussion took place regarding the diagram and place where the statute and rule may conflict. Non-profit fee projects will follow the administrative rule and have a conservation easement; however, the entities listed as holders in the law control it in that situation. The basic outcome of the diagram is that county and state projects and non-profit projects look to the new law for guidance; whereas non-profits still have to heed the administrative rule in combination with the bill's exemption possibility. Member Canfield asked if they have to get an exemption from all the agencies. Ms. Schmidt said the actual wording of the bill is the Board or an appropriate land conservation organization, or county, state, or federal agency required to provide in an easement pursuant to this section may grant an exception for an easement required pursuant to this section. Basically, the Board or any of the other agencies can provide an exemption. Member Abbott asked if Ms. Schmidt knew what the intention of this clause was. Ms. Schmidt wasn't sure. Chair Bonar said that a lot of this came from another senator who felt that the Land Conservation Fund monies should not go to nonprofits. So it was put in there to make sure they could control everything, the idea was if the State is putting money into something, it ought to be reflected in the deed.

Member Abbott posed the question if he were a non-profit according to the law he has to provide an easement, but according to the rules it has to be a conservation easement, and he can give that

to DLNR, PLDC, etc. So basically you follow whichever one is more restrictive, but any of these agencies can also give an exemption, but since the rules are more restrictive you couldn't get an exemption. Ms. Schmidt said that is the key question, because the statute does say that any entity required to give an easement under the section can be exempted. She did have a preliminary discussion with the AG, but still would like to confirm this understanding again. Ms. Schmidt stated that she wanted to implement a form that applicants could fill out to address these questions, so that half way through the projects they don't have to figure out the important details, all would be answered when they fill out the application. The Commission will then have input to provide the Board in deciding whether or not a project is exempt from the conservation easement requirement. Member Canfield asked what entity would decide on exemptions after the Commission presents its decisions to the BLNR. Ms. Schmidt interpreted the law as enabling, not requiring, these agencies to consult and hold an easement. For the county, state, and non-profit projects it can be a conservation easement, an agricultural easement, deed restriction or covenant. Currently, Legacy Land takes deed restrictions or covenants for all projects. A discussion took place regarding this. Chair Bonar expressed the importance of land monitoring and making sure the right things are happening, and how that needs to be improved; OHA would be a good steward. Member Berg asked is they could check if OHA is a land conservation agency. Ms. Schmidt said she would check with the AG on legal interpretation.

Mr. Hirokawa stated it does say land conservation agency and not natural resource agency so they might fall under it. Also, PLDC and ADC did not have many staff members; he didn't think they'd want to spend their time on Legacy Land given all that they are currently doing. Chair Bonar asked if PLDC had drafted rules yet. Mr. Hirokawa said no, but they are in progress. Member Canfield asked about the due date for a veto. Ms. Schmidt stated the deadline for the Governor to state his intent to veto a bill was yesterday, and this bill wasn't on the list.

Ms. Schmidt said that even though there is a lack of interest in going back through the time-consuming rulemaking process, having an inconsistent statute might be an opportunity to go back and do amendments. In order to repeal content that has been rendered invalid, DLNR may have to go back through public hearings anyway. Chair Bonar said even if the statute basically wipes out the rules? Ms. Schmidt responded she thought so, but would need to check with the AG. She said it could be a chance to go through again and make it clearer, at least get rid of the rule that conflicts. Ms. Schmidt stated that the other question she still had to double-check was whether the exemption applies for all projects.

ITEM 6. Update from staff, discussion, and possible action regarding the Fiscal Year 2013 Legacy Land Conservation Program grant cycle, including the establishment of a tentative timeline and review of forms and procedures to be implemented.

Ms. Schmidt showed the Commission the revised application form and pointed out the changes

and new draft consultation form. Chair Bonar reiterated how important it was to put in bold letters that there were new steps to the process and things needed to be done early on. Ms. Schmidt agreed, and pointed out that there was a longer deadline for people to turn in the results of the consultations than to turn in the application. This is because they are trying to keep the consultation process with the applicant, and if they have already submitted a project that doesn't consider the consultation, so they'll either be making changes at the last minute or not at all. Member Berg asked if they have a policy regarding last minute changes. Ms. Schmidt said they do have a precedent or two; so far, they have let certain things come in, like adjustments to the matching funds. Member Berg was thinking of the one in Hanalei when they switched properties. Ms. Schmidt said that substantial changes like TMK switches have not accepted. Chair Bonar stated he thought this first time around there should be a little flexibility due to these agencies lack of experience in dealing with the program. A discussion took place on the consultation and whether a lack of response on consultations would affect the application. Member Canfield asked when and where it is decided which agency is going to hold the conservation easement. Ms. Schmidt said that part of the process is for the non-profit to figure out who is going to hold the conservation easement separately, or request an exemption.

The Commission, especially Chair Bonar, expressed their concern over the revising the rules and how the new bill and process would affect the applicants' applications. Ms. Schmidt responded that, despite the burden of the new process, the changes were about to be enacted through law, and she felt the best way to go about trying to implement them is to integrate and continue with as much of their established process as possible. The due date of the applications was then discussed and concern was expressed that pushing the due date back too much it would impede on the Commissions time to review applications. Member Abbott asked what would be the possibility of someone serving as a liaison to these agencies specifically for the public access question. Ms. Schmidt stated that she of course doesn't mind following up, talking to, and helping the agencies and applicants out as much as possible, she just doesn't want to assume the responsibilities of the applicants. Chair Bonar again stated he wouldn't be that concerned if there were well-trained people in these agencies to handle this, and really wants to see flexibility in the first year. Ms. Schmidt said if that if the Commission really wants to accept the consultation forms after the application deadline they can do that, but then the application would not be able to effectively ask if the project had changed pursuant to the consultation, and applicants that want to change projects pursuant to the results of the consultation would be changing their projects after the deadline.

Member Berg suggested another way to look at it is if changes were suggested are really substantial then they agencies has actually helped the Commission by stating it's not a good proposal. Discussion took place regarding the purpose of the consultation and the time frame; the purpose being to consult on public benefit and access. Member Kaiwi felt that they needed

to go through the process and then make recommendations and changes once they see how it turns out, but excess time and effort spent on it are taking away from the program's purpose which is to protect 'āina. Ms. Schmidt agreed, and also stated that is the reason why she doesn't think moving the deadline up would affect the time the Commission has to review projects. If these agencies can't get it together to respond to one letter with a letter head then that's a downfall of the legislation that took place. A motion was made that the Commission supports staff in going forward, meeting with the AG, and going to the Board with the proposed process. Member Canfield motioned, Member Berg seconded, everyone was in favor. Chair Bonar asked Ms. Schmidt to fill them in on the responses of these agencies after they talked to them.

The timeline is that application will go out in the middle of July and they will get the heads up that things are a little different this year. They are due September 17th, and with the goal of having site visits done by the end of November. The October meeting will be between the 15th and 19th, the next one in the first week of December. Ms. Schmidt briefly went over the changes that would take place in the application and asked the Commission to take a look.

ITEM 7: Announcements:

- a. May 23, 2012, letter to Chair Bonar from Senator Donovan Dela Cruz

Chair Bonar explained that a letter had been sent to the Commission by Senator Dela Cruz asking why more of the Legacy Land money wasn't being spent on agriculture and Chair Bonar, Ms. Schmidt, and Mr. Kennedy from DOFAW had scheduled a follow-up meeting with him. Ms. Schmidt had shared information with him regarding the various agricultural projects funded. Senator Dela Cruz's main concern was that agricultural acquisition projects come in to State ownership so that revenue from these lands can be used to support the State. The discussion had been good for gaining understanding; there weren't really any resolutions just explanations from both sides. A discussion took place regarding this.

Ms. Schmidt stated that Maika'i Kamakani O Kohala had expressed a lot of gratitude to the Commission for its support with the Kauhola Point acquisition.

Chair Bonar expressed thanks to the Commission for all their work, and stated he hopes to maintain a relationship with everyone and work with them in the future. Ms. Schmidt thanked Chair Bonar for him always being available to help staff and the Commission. Chair Bonar said it's been a joy and a pleasure being a part of Legacy Land since the beginning.

ITEM 8: Adjournment.