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U.S. COMMISSION ON CIVIL RIGHTS

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MEETING

**ORIGINAL**

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MONDAY, DECEMBER 28, 2015

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The Commission convened by teleconference  
at 10:01 a.m., Martin R. Castro, Chairman, presiding.

PRESENT:

MARTIN R. CASTRO, Chairman

PATRICIA TIMMONS-GOODSON, Vice Chair

ROBERTA ACHTENBERG, Commissioner

GAIL HERIOT, Commissioner

PETER N. KIRSANOW, Commissioner

DAVID KLADNEY, Commissioner

KAREN K. NARASAKI, Commissioner

MICHAEL YAKI, Commissioner

MAURO MORALES, Staff Director

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STAFF PRESENT:

ANGELA FRENCH-BELL

ALFREDA GREENE

TINALOUISE MARTIN

DAVID MUSSATT

MAUREEN RUDOLPH, General Counsel & Parliamentarian

COMMISSIONER ASSISTANTS PRESENT:

SHERYL COZART

JASON LAGRIA

CARISSA MULDER

ALISON SOMIN

KIMBERLY TOLHURST

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P R O C E E D I N G S

(10:01 a.m.)

CHAIRMAN CASTRO: Thank you, everyone. This is Chairman Marty Castro, and I want to announce that this is the telephonic meeting of the U.S. Commission on Civil Rights. We'll come to order. This meeting is taking place today, December 28, 2015. It is now 10:00 a.m. Eastern Time. This meeting is taking place telephonically.

I wanted to go over -- excuse me, I'm fighting off a little bit of a cold here. I want to go over a few logistical matters just to ensure that we have a readable transcript and a meeting that flows well. Since we're doing this telephonically, there's obviously a few little hurdles we have to make sure we overcome.

So whenever anyone speaks, if you could please identify yourself, not just the first time, but every time because the court reporter will need to identify who we are, and he or she may not necessarily recall the tone of your voice. When you aren't speaking, please make sure you mute the phone, particularly if you're in a public place, so that we don't get a lot of feedback or static background noise.

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1                   And also, try not to speak over one another  
2 because when someone is speaking, we can't hear the  
3 other person anyway. Aside from, you know, obvious  
4 courtesy reasons, but we just want to make sure we have  
5 as accurate and complete a transcript as possible.

6                   So in terms of commissioners that are  
7 joining us telephonically, myself, Commissioner  
8 Kirsanow, Commissioner Heriot, Vice Chair  
9 Timmons-Goodson, Commissioner Kladney, Commissioner  
10 Narasaki, Commissioner Achtenberg, and Commissioner  
11 Yaki are all participating. We have a quorum present.  
12 Is the court reporter present?

13                   COURT REPORTER: I am.

14                   CHAIRMAN CASTRO: Court reporter, can you  
15 answer please?

16                   COURT REPORTER: Yes, I'm present.

17                   CHAIRMAN CASTRO: Sheryl, are you on the  
18 line?

19                   MS. COZART: Yes, I am.

20                   CHAIRMAN CASTRO: What's the problem?

21                   MS. COZART: I am not sure. The operator,  
22 Angela, said that the court reporter is on the line,  
23 but I have not heard the court reporter's voice.

24                   CHAIRMAN CASTRO: Is there a way we can get

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1 some acknowledgment?

2 COURT REPORTER: I'm present. I don't  
3 know why they can't hear me.

4 MS. COZART: I just heard something.

5 OPERATOR: And I did open up the lines of  
6 all the participants in the room.

7 CHAIRMAN CASTRO: Okay.

8 COURT REPORTER: I'm on the line. Can  
9 anyone hear me?

10 MS. COZART: Yes.

11 CHAIRMAN CASTRO: Who is this?

12 COURT REPORTER: This is the court  
13 reporter.

14 CHAIRMAN CASTRO: Okay, good, all right.

15 COURT REPORTER: Okay.

16 CHAIRMAN CASTRO: Thank you. Is the  
17 staff director present?

18 DIRECTOR MORALES: I am present. This is  
19 Mauro Morales.

20 CHAIRMAN CASTRO: Okay, then I think the  
21 meeting will come to order. The first item is the  
22 approval of the agenda.

23 I. APPROVAL OF AGENDA

24 CHAIRMAN CASTRO: I have moved that we

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1 approve the agenda. I do have additional amendments  
2 as well, and that is to add the discussion vote on the  
3 2016 enforcement report discovery plan. So I'll make  
4 a motion that we approve the agenda with that amendment.  
5 Are there any other amendments? Hearing none, is there  
6 a second?

7 VICE CHAIR TIMMONS-GOODSON: Mr. Chair,  
8 I'll second.

9 CHAIRMAN CASTRO: And that was the Vice  
10 Chair?

11 VICE CHAIR TIMMONS-GOODSON: Vice Chair.

12 CHAIRMAN CASTRO: Okay, so all those in  
13 favor, say, aye.

14 (Chorus of aye.)

15 CHAIRMAN CASTRO: Any opposed? Any  
16 abstentions? Okay, the motion passes unanimously.  
17 So that gives us four items on our agenda today.

18 II. PROGRAM PLANNING

19 PRESENTATION ON TOWN HALL BUDGET ESTIMATES

20 FOR THE ENVIRONMENTAL JUSTICE REPORT

21 CHAIRMAN CASTRO: The first is a  
22 presentation on the town hall meeting budget estimates  
23 for the environmental justice report, so for that I'll  
24 ask our Director of OCRE, Angela French-Bell, to please

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1           come to her mic and discuss the budget estimates for  
2           us.

3                         MS. FRENCH-BELL: Good morning, Chairman  
4           Castro, Vice Chair Timmons-Goodson, Commissioners,  
5           special assistants, and staff, and happy holidays.  
6           Our budget for the town hall meetings that we are  
7           proposing in Alabama on either February 26 or March 4  
8           come to a total of \$36,000. We estimate \$10,000 for  
9           the operating travel budget. There would be  
10          approximately eight employees, mostly staff -- I'm  
11          sorry, was there a question?

12                        CHAIRMAN CASTRO: No, go ahead. There  
13          may be one when you're done, but please continue.

14                        MS. FRENCH-BELL: Okay, they would stay  
15          approximately three nights. We're hoping to have this  
16          be a late afternoon event from 5:00 to 7:00 p.m. so that  
17          we can get the most people to be able to attend and not  
18          have them be at work. So the extra day would be helping  
19          to set up and also ensuring that everything runs  
20          smoothly.

21                        We will anticipate that there would be  
22          approximately 19 employees who would stay for two  
23          nights at a total cost of \$19,000, and that would  
24          include commissioners as well as special assistants.

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1 It would be \$1,000 for sign language interpreters,  
2 \$3,000 for transcription services, \$2,500 for the  
3 facility and equipment rental, and \$500 for shipping  
4 materials, supplies, and printing costs.

5 Of course these are estimates. It's not  
6 entirely accurate. It's just a rough estimate. Are  
7 there any questions regarding this estimate?

8 CHAIRMAN CASTRO: So you've broken it  
9 down. This is Chairman Castro. You've got a line that  
10 says \$10,000 for a three-night stay with eight  
11 employees, and then a line that's got \$19,000 for a  
12 two-night stay for 19 employees.

13 MS. FRENCH-BELL: Right.

14 CHAIRMAN CASTRO: Are these two separate  
15 proposals or is this -- there's going to be a group of  
16 us staying two days and a group staying three days?

17 MS. FRENCH-BELL: Well, we thought there  
18 would be a group staying three days and a group staying  
19 two days.

20 CHAIRMAN CASTRO: Okay, so the \$29,000 is  
21 the total for the --

22 MS. FRENCH-BELL: Exactly.

23 CHAIRMAN CASTRO: -- travel, okay.

24 MS. FRENCH-BELL: Right.

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1 COMMISSIONER KLADNEY: This is  
2 Commissioner Kladney. Is there a court reporter  
3 budgeted?

4 MS. FRENCH-BELL: That's part of  
5 transcription services.

6 COMMISSIONER KLADNEY: Okay, and why are  
7 all OCRE employees going, all five of them?

8 MS. FRENCH-BELL: When it comes to an  
9 event like this, we typically bring most of OCRE to come  
10 along. We help do timing. We help to ensure that  
11 events run smoothly. We help to do printing. So it's  
12 really a team effort, so that's normally what we do.

13 COMMISSIONER KLADNEY: So they're  
14 actually doing the administrative duties?

15 MS. FRENCH-BELL: Absolutely.

16 CHAIRMAN CASTRO: Any other questions?  
17 Okay, I think we need a vote on this.

18 MS. FRENCH-BELL: Okay.

19 CHAIRMAN CASTRO: So, I'm sorry, was there  
20 somebody who wanted to ask a question? This is  
21 Chairman Castro again. Sorry, I forgot to use my own  
22 rule here. Did I hear a question from anybody? If  
23 not, then I will entertain a motion to approve this  
24 budget. Is there such a motion?

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1 COMMISSIONER NARASAKI: This is Karen,  
2 Commissioner Narasaki. I so move.

3 CHAIRMAN CASTRO: Do we have a second?

4 VICE CHAIR TIMMONS-GOODSON: Vice Chair  
5 Timmons-Goodson, I second it.

6 CHAIRMAN CASTRO: Okay, any additional  
7 discussion? If not, let me take a roll call vote on  
8 this. Commissioner Narasaki, how do you vote?

9 COMMISSIONER NARASAKI: I vote yes.

10 CHAIRMAN CASTRO: Commissioner Kladney,  
11 how do you vote?

12 COMMISSIONER KLADNEY: I'll pass for a  
13 minute.

14 CHAIRMAN CASTRO: Okay, Commissioner  
15 Achtenberg, how do you vote?

16 COMMISSIONER ACHTENBERG: Yes.

17 CHAIRMAN CASTRO: Commissioner Yaki, how  
18 do you vote?

19 COMMISSIONER YAKI: Yes.

20 CHAIRMAN CASTRO: And Vice Chair, how do  
21 you vote?

22 VICE CHAIR TIMMONS-GOODSON: Yes.

23 CHAIRMAN CASTRO: Commissioner Kirsanow,  
24 how do you vote?

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1 COMMISSIONER KIRSANOW: No.

2 CHAIRMAN CASTRO: Commissioner Heriot,  
3 how do you vote?

4 COMMISSIONER HERIOT: I think I abstain.

5 CHAIRMAN CASTRO: Commissioner Kladney?

6 COMMISSIONER KLADNEY: Yes.

7 CHAIRMAN CASTRO: And I vote yes. We have  
8 one, two, three, four, five, six yeses, an abstention,  
9 and a no, so the plan passes. Next, we have on the  
10 agenda the review of the town hall meeting plan itself.

11 II. PROGRAM PLANNING

12 DISCUSSION AND VOTE ON TOWN HALL MEETING PLAN

13 CHAIRMAN CASTOR: Again, Angela, would  
14 you please proceed to discuss that?

15 MS. FRENCH-BELL: Thank you, Chairman  
16 Castro. There is an update to the environmental town  
17 hall plan. We wanted to make sure that we were clear  
18 that although staff will be able to conduct the January  
19 22 briefing on environmental justice and a town hall  
20 meeting in Alabama in late February, tentatively we  
21 have it scheduled for February 26.

22 The proposed Commissioners' subcommittee  
23 briefing for Nevada, Chicago, or North Carolina would  
24 be too onerous at this time in terms of staff time and

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1 resources. As a consequence, we are proposing that we  
2 do not undertake briefings in those three cities.

3 As an alternative, we would like to work  
4 with the State Advisory Committees to hold state  
5 committee meetings instead. We just can't accommodate  
6 an additional briefing for environmental justice at  
7 this time. We would also be willing to send OCRE staff  
8 members to either of those three locations to conduct  
9 additional research. So --

10 CHAIRMAN CASTRO: Questions,  
11 Commissioners? Oh, go ahead.

12 DIRECTOR MORALES: Mr. Chair, this is  
13 Staff Director Mauro Morales. I just wanted to add a  
14 little bit to what Angela has stated. What -- because  
15 of the -- it's not just the cost factor that we're  
16 looking at. It is also the demand on staff time in  
17 terms of, you know, trying to get out to the field to  
18 find sites, to work with, you know, folks out in the  
19 field when we try to pull this together.

20 Given the other reports and the other  
21 hearings we have scheduled in February, March, April,  
22 and May, to do additional town halls would place undue  
23 stress on our resources and our staff.

24 So what Angela has -- and we've been in

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1 discussions with SAC chair David Mussatt in terms of  
2 the SAC in Illinois doing a hearing for the SAC on  
3 environmental justice and coal ash for the state of  
4 Illinois, and then the other two proposals to go out  
5 to Nevada and to North Carolina would be to send OCRE  
6 staff or investigators or the individuals writing the  
7 reports to do additional field hearing out there, and  
8 so that's what we're looking at more to be able to  
9 accomplish all that we -- that they proposed.

10 CHAIRMAN CASTRO: You don't mean a field  
11 hearing, do you? Do you mean a fact finding?

12 DIRECTOR MORALES: I'm sorry, yes, a fact  
13 finding. I misspoke.

14 VICE CHAIR TIMMONS-GOODSON: This is Vice  
15 Chair Timmons-Goodson. I support the decision by OCRE  
16 for us not to conduct the subcommittee briefings or  
17 meetings as originally proposed. I think that it makes  
18 good sense for us to scrap that notion. I would even  
19 be open to further discussion on whether we even want  
20 to go the SAC route.

21 Perhaps it's Commissioner Heriot in my ear  
22 all the time, or perhaps it's my experience as a jurist,  
23 but I do believe the more narrowly we focus our efforts,  
24 the more likely it is that we'll be able to handle the

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1 issue or issues comprehensively, and so I support the  
2 withdrawal of that subcommittee plan.

3 CHAIRMAN CASTRO: Any other questions or  
4 comments from Commissioners?

5 COMMISSIONER HERIOT: Mr. Chair, this is  
6 Gail. I just -- I'm getting a little mixed up here  
7 about whether or not at any point we specifically voted  
8 to do this. Is this a proposal to the Commission or  
9 is this a decision by OCRE? And I guess the answer to  
10 that question depends upon what we adopted earlier.

11 CHAIRMAN CASTRO: This is Chairman  
12 Castro. I don't believe we voted on a plan for this.  
13 We talked about it, but I don't think we ever really  
14 voted on it. That's why the plan was to vote on it at  
15 our last attempted meeting, and when we weren't able  
16 to do that, we put it on the agenda for today, so what  
17 is being presented today is for Commissioners to vote  
18 upon. It's not a --

19 COMMISSIONER HERIOT: Okay, okay, I  
20 support it, by the way, for the same reasons that the  
21 Vice Chair just gave.

22 CHAIRMAN CASTRO: Yes, so this is for us  
23 to vote on once we're done questioning, or asking, or  
24 discussing it. Any additional questions or comments?

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1                   COMMISSIONER YAKI: This is Commissioner  
2                   Yaki. I -- while I understand the -- some of the  
3                   reasons behind this, I would hope that -- one of the  
4                   things I think drew support for this topic was the fact  
5                   that it had broader implications beyond just the one  
6                   facility in Alabama that we're talking about, and  
7                   especially the impact on differential minority  
8                   communities, not just one specific one.

9                   So I would hope that if we're going to be  
10                  doing this revised -- I don't know if it's going to be  
11                  called revised, but somewhat revised plan, that if the  
12                  SAC's -- that the SAC should not only be encouraged but  
13                  requested to engage in these activities, and that the  
14                  OCRE staff give them as much support as may be needed  
15                  in order for them to be helpful to the Commission in  
16                  performing these tasks, and that if there are  
17                  Commissioners who wish to be present at these SAC  
18                  meetings, that they be allowed to attend because I think  
19                  this is a very important topic.

20                  It has broad ramifications beyond just one  
21                  location in one state in this country, and if we're --  
22                  As I talked to Sue, I just wonder is this really going  
23                  to be so different than if we did subcommittees if we  
24                  are going to be tasking OCRE with field investigations

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1 as well as assisting SACs in putting together possible  
2 field hearings of their own on this particular subject?

3 So I would support it. I would support  
4 this modification or this proposal, whatever you want  
5 to call it, if there are those kind of resources being  
6 present, and if Commissioners who are interested are  
7 allowed to attend those meetings. But if it's just to  
8 ask them to do it, and if they don't do it, that's fine,  
9 I have some problems with that.

10 COMMISSIONER ACHTENBERG: Mr. Chairman?

11 CHAIRMAN CASTRO: I'm in agreement with  
12 what Commissioner Yaki just said. Who else wanted to  
13 speak?

14 COMMISSIONER ACHTENBERG: It was  
15 Achtenberg. I concur with what Commissioner Yaki just  
16 said. I think that's the right way to go. That gives  
17 us the breadth that this topic demands, and presumably  
18 accommodates the concerns of the OCRE director as well  
19 as the staff director, so I support Commissioner Yaki.

20 COMMISSIONER HERIOT: Mr. Chairman?

21 CHAIRMAN CASTRO: Yes, Commissioner  
22 Heriot?

23 COMMISSIONER HERIOT: I just wanted to  
24 comment a little bit on a controversy over the law here.

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1 Commissioner Yaki had said that he thought that SAC  
2 should be encouraged -- I think maybe he even used a  
3 stronger word than that -- to pick this as a topic.

4 I know that back a few years back with Staff  
5 Director Marcus, he was under the impression that FACA  
6 was -- did not allow us to try to get the facts to look  
7 at particular topics. I have never known whether his  
8 interpretation of the law is correct or whether he even  
9 firmly had that interpretation. That was his working  
10 interpretation.

11 It always struck me as rather strange that  
12 we couldn't request a SAC to undertake a particular  
13 topic, that we had to be so very standoffish on this.  
14 So I just want to point out there is that possible legal  
15 issue if it comes to actually requesting SACs to do  
16 this.

17 And personally, I would like it if we had  
18 the time to look into whether or not that's what the  
19 law is, if the General Counsel could look into this,  
20 because I think it's something we need to settle.

21 CHAIRMAN CASTRO: Is our General Counsel  
22 on the line?

23 MS. RUDOLPH: This is Maureen Rudolph, the  
24 General Counsel. Yes, I am.

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1 CHAIRMAN CASTRO: Go ahead.

2 MS. RUDOLPH: I would be happy to look into  
3 that and report back to the Commissioners as to what  
4 I find.

5 COMMISSIONER HERIOT: Thank you.

6 COMMISSIONER KLADNEY: This is Dave  
7 Kladney. I think that's a very important issue to get  
8 resolved because in my office's research on this, North  
9 Carolina specifically exhibits many of the problems  
10 brought forward with this coal ash problem, especially  
11 recently, where instead of taking all 36 coal ash sites  
12 and cleaning them up and capping them, lining them and  
13 capping them, they are deciding only to do 24, and the  
14 current state of the law is that only active plants have  
15 to clean up their coal ash sites.

16 So I think this is very important, and I  
17 would support Commissioner Yaki, and I would also --  
18 I also feel that if the SAC does not do this -- these  
19 hearings, that we should actually follow-up in the  
20 future and do this because it's a very important and  
21 pertinent issue. Thank you.

22 CHAIRMAN CASTRO: Any other questions or  
23 comments?

24 MS. FRENCH-BELL: Good morning, this is

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1 Angela French-Bell. I just want to say that we stand  
2 in support of Commissioner Yaki's proposal as stated  
3 today, and that we will work cooperatively with --  
4 actively with David and with Commissioner Yaki and Kim  
5 to come up with the best plan forward to incorporate  
6 that changes that we see here.

7 COMMISSIONER NARASAKI: Mr. Chair, this  
8 is Commissioner Narasaki.

9 CHAIRMAN CASTRO: Yes.

10 COMMISSIONER NARASAKI: So I do support  
11 the plan to cut back, particularly since we did not get  
12 the President's full requested budget, and also because  
13 we do have a lot on our plate and on OCRE's plate for  
14 the first six months of this year as we continue to try  
15 to catch up with all of the reports, so I think that's  
16 important.

17 And I do agree with Commissioner Yaki and  
18 others that I think it's important to go beyond Alabama  
19 if we can because, you know, Alabama is a situation  
20 where the EPA is actually doing something, and I think  
21 they're concerned about where they're not. If we're  
22 really looking at the EPA, I think we need to look at  
23 those types of situations.

24 So I do want to note, Mr. Chair, that I

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1 think we were supposed to also vote on the date, or at  
2 least confirm the date for the Alabama town hall, so  
3 I want to make sure we do that --

4 CHAIRMAN CASTRO: Right.

5 COMMISSIONER NARASAKI: -- before we get  
6 off the phone.

7 CHAIRMAN CASTRO: Yes, thanks for  
8 reminding me about that, yeah.

9 VICE CHAIR TIMMONS-GOODSON: This is Vice  
10 Chair Timmons-Goodson. I think that those that have  
11 spoken have offered compelling reasons for why we  
12 should take a look at these others, in some way take  
13 a look at the others, and so you have indeed had the  
14 discussion that I wanted as we're looking at those other  
15 sites, and so I would support Commissioner Yaki's  
16 notion.

17 CHAIRMAN CASTRO: Any other Commissioners  
18 have a comment or a question? If not, then I will  
19 entertain a motion to approve the modified proposal as  
20 clarified by Commissioner Yaki, subject to our General  
21 Counsel making sure that we are inviting the SACs to  
22 participate in an appropriate manner. Do I have a  
23 motion on that?

24 COMMISSIONER NARASAKI: This is

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1 Commissioner Narasaki. I so move.

2 CHAIRMAN CASTRO: Do we have a second?

3 COMMISSIONER ACHTENBERG: I second.

4 CHAIRMAN CASTRO: Who is that?

5 COMMISSIONER ACHTENBERG: Commissioner  
6 Achtenberg.

7 CHAIRMAN CASTRO: Okay, thank you. Any  
8 additional discussion? If not, let me call the roll.  
9 Commissioner Kirsanow, how do you vote?

10 COMMISSIONER KIRSANOW: No.

11 CHAIRMAN CASTRO: Commissioner Heriot,  
12 how do you vote?

13 COMMISSIONER HERIOT: I'm a little unsure  
14 as to what the proposal is, so I guess I'm going to  
15 abstain now.

16 CHAIRMAN CASTRO: Would you like it to be  
17 clarified?

18 (Simultaneous speaking.)

19 COMMISSIONER KLADNEY: Mr. Chairman,  
20 Commissioner Yaki also spoke about attendance, and I  
21 don't think he asked about participation of other  
22 Commissioners at those meetings as well, and we were  
23 also getting an opinion from General Counsel, so I'm  
24 not exactly sure how clear we are.

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1 CHAIRMAN CASTRO: I said that though. I  
2 said that it would be subject to the General Counsel  
3 clarifying how we can appropriately engage the SACs.

4 COMMISSIONER HERIOT: Mr. Chairman? Mr.  
5 Chairman, this is Gail again. What I wasn't sure of,  
6 Commissioner Yaki had mentioned that this would --  
7 allowing Commissioners to participate, I think our rule  
8 is that Commissioners can always participate, but I  
9 think what isn't clear is whether or not the  
10 Commission's budget could be used for travel in order  
11 to facilitate that participation.

12 CHAIRMAN CASTRO: And I think he said we  
13 can participate, which implies that we could ask  
14 questions, which we cannot, so we would be like  
15 observers.

16 COMMISSIONER HERIOT: Yes, I think that we  
17 can always do that, but what's really unclear to me is  
18 whether or not the Commission's budget can be used for  
19 the travel. Part of our problem here is lack of money.

20 CHAIRMAN CASTRO: I'll ask Mr. Staff  
21 Director.

22 DIRECTOR MORALES: You raise a good point.  
23 I think we can look at this in terms of Commissioners  
24 traveling to a SAC hearing. I think they've done that

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1 in the past. I don't see a problem with them attending  
2 and our paying for it, within reason, and maybe we can  
3 -- I can send out an email, you know, when we do get  
4 -- because I know Illinois is doing a SAC hearing on  
5 environmental justice. Now --

6 COMMISSIONER HERIOT: I just wonder if  
7 it's not going to become more expensive than the  
8 original plan.

9 COMMISSIONER YAKI: This is Commissioner  
10 Yaki. It can't be more expensive because we're not  
11 setting up the whole Commission, U.S. Commission on  
12 Civil Rights apparatus when we're going over it to --  
13 when the SACs are performing these tasks. So I think  
14 that it would be very -- I think the cost would be pretty  
15 minor compared to the overall costs of bringing the  
16 whole road show.

17 COMMISSIONER HERIOT: I thought the plan  
18 was subcommittees.

19 COMMISSIONER YAKI: Yes, but even with the  
20 subcommittee, there are certain things that we can't  
21 get out of in terms of the kind of -- well, this is  
22 Commissioner Yaki. I'll let the staff explain, but I  
23 believe that even if you're a subcommittee, there are  
24 certain things that we cannot waive in terms of the

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1 process and machinery that must be brought along.

2 COMMISSIONER HERIOT: I think that's true  
3 for SACs too.

4 COMMISSIONER KLADNEY: This is  
5 Commissioner Kladney. You know, this was originally  
6 proposed by OCRE and the staff, and they are not  
7 objecting to it because of cost. They are objecting  
8 to it because of manpower, or person power, or employee  
9 power. They are not objecting to it because of cost.  
10 They've already budgeted all of that, and they proposed  
11 it to begin with. So --

12 COMMISSIONER HERIOT: I thought part of it  
13 was cost. I thought it was both.

14 COMMISSIONER KLADNEY: Well, I think they  
15 clearly said that they were unable to do it because of  
16 not having sufficient powers.

17 DIRECTOR MORALES: This is Staff Director  
18 Morales. I just wanted to make sure we clarify. One,  
19 the town hall in Alabama is a headquarters commission  
20 event where we're in charge of it. We're taking all  
21 of the resources. We're taking all of it on. The SAC  
22 events are things that the State Advisory Committee  
23 puts on themselves.

24 And the view, I believe, from OCRE, and you

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1 can correct me if I'm wrong, was that we would go as  
2 participants, and then those SACs would provide us with  
3 the information they gather. So the resources from the  
4 national headquarters is limited to just a commissioner  
5 attending and/or maybe an OCRE staff attending. We're  
6 not running those SAC hearings.

7 The SACs themselves are running them, and  
8 they run them through their own budget, and they run  
9 them through their own staff, and they run them through  
10 their own SAC committee members who, you know, get the  
11 public to attend and so forth. So we were coming as  
12 just observers and participants from the Commission  
13 standpoint, the National Commission standpoint.

14 MS. FRENCH-BELL: That's correct, Staff  
15 Director Morales. That's correct.

16 COMMISSIONER HERIOT: But it all comes out  
17 of the same budget in the end.

18 DIRECTOR MORALES: Well, that's true, but  
19 the SACs are budgeted to -- they have to have a hearing,  
20 and if they're interested in the project because of the  
21 community being impacted by environmental justice  
22 issues, then all the better that we piggyback.

23 But then again, the costs to the SACs are  
24 also very different because the SAC members themselves

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1 attend. They're local people. The SAC staff that  
2 works on these are also local, so the costs go  
3 phenomenally down compared to transporting all of the  
4 national staff out there and the apparatus that --

5 COMMISSIONER HERIOT: Again, this is  
6 going to be subcommittees.

7 VICE CHAIR TIMMONS-GOODSON: Okay, this  
8 is Vice Chair Timmons-Goodson. We have a motion on the  
9 floor, and I believe the motion is that OCRE, that we  
10 follow OCRE's recommendation that we no longer go with  
11 the subcommittee, but in the alternative, that we  
12 request SACs to engage in hearings in those three  
13 states, I believe it is, subject to a legal research  
14 by our General Counsel that it's permitted, and that  
15 those -- and that at least a couple of OCRE folks be  
16 involved at these -- at the SAC meeting, to the extent  
17 that they're needed or warranted, and that any  
18 commissioners that wanted to attend in those three  
19 locations be permitted to go, and so I'd like for us  
20 to vote on it if that is, in fact, what we're voting  
21 on.

22 CHAIRMAN CASTRO: That was my  
23 understanding, yeah.

24 COMMISSIONER KLADNEY: Madam Vice Chair,

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1 I thought it was any commissioner could attend.

2 VICE CHAIR TIMMONS-GOODSON: Well, I  
3 think -- I hope that's what I said.

4 COMMISSIONER KLADNEY: Oh, no, I thought  
5 you said, "in those areas." That's okay. If that's  
6 what you mean, that's fine with me.

7 VICE CHAIR TIMMONS-GOODSON: If I did, I  
8 misspoke. But it's my understanding anybody who  
9 wanted to go, any commissioner who wanted to attend in  
10 those three -- those states that the SACs would be  
11 looking at, could go.

12 CHAIRMAN CASTRO: All right, let me start  
13 again on the roll call vote now that we had additional  
14 discussion. Commissioner Kirsanow, how do you vote?

15 COMMISSIONER KIRSANOW: No.

16 CHAIRMAN CASTRO: Commissioner Heriot,  
17 how do you vote?

18 COMMISSIONER HERIOT: I still abstain. I  
19 have no idea what anybody's talking about here.

20 CHAIRMAN CASTRO: Okay, Commissioner  
21 Narasaki, how do you vote?

22 COMMISSIONER NARASAKI: I vote yes.

23 CHAIRMAN CASTRO: Commissioner Kladney,  
24 how do you vote?

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1 COMMISSIONER KLADNEY: Yes.

2 CHAIRMAN CASTRO: Commissioner  
3 Achtenberg, how do you vote?

4 COMMISSIONER ACHTENBERG: Yes.

5 CHAIRMAN CASTRO: Commissioner Yaki, how  
6 do you vote?

7 COMMISSIONER YAKI: Yes.

8 CHAIRMAN CASTRO: Madam Vice Chair, how do  
9 you vote?

10 VICE CHAIR TIMMONS-GOODSON: Yes.

11 CHAIRMAN CASTRO: And I vote yes. We have  
12 one, two, three, four, five, six yeses, one no, and one  
13 abstention. Okay, before I move on, I want to confirm  
14 the date for the Alabama town hall. Now, the primary  
15 date that has been discussed and circulated was  
16 February 26. I think there's also a backup date, if  
17 we don't have a quorum, for March 4. So does February  
18 26 work for the commissioners or not?

19 COMMISSIONER NARASAKI: This is  
20 Commissioner Narasaki. It works for me.

21 COMMISSIONER ACHTENBERG: This is  
22 Commissioner Achtenberg. I had originally asked that  
23 it not be the 26th because I had a trip planned. I have  
24 now changed that plan to great inconvenience, so it's

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1 my hope now that we can stick with the 26th because I  
2 absolutely could not do March 4.

3 CHAIRMAN CASTRO: Okay, that's a good  
4 point. Does February 26 work for everybody else or the  
5 majority of everybody else?

6 COMMISSIONER HERIOT: This is Gail. It  
7 works for me.

8 CHAIRMAN CASTRO: All right, silence is  
9 acceptance, folks. We'll entertain a motion then that  
10 we do the hearing, I'm sorry, the town hall in Alabama  
11 on February 26, 2016. Do I have a second?

12 VICE CHAIR TIMMONS-GOODSON: I'll move  
13 it.

14 CHAIRMAN CASTRO: And who was that?  
15 Okay, Yaki moved. Who seconded?

16 VICE CHAIR TIMMONS-GOODSON:  
17 Timmons-Goodson.

18 CHAIRMAN CASTRO: Okay, I'm going to do a  
19 voice vote on this unless people want to roll call. But  
20 all those in favor, say aye.

21 (Chorus of aye.)

22 CHAIRMAN CASTRO: Any opposed? Any  
23 abstentions?

24 COMMISSIONER KIRSANOW: Kirsanow.

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1                   CHAIRMAN CASTRO:       Kirsanow abstains,  
2                   okay, so it passes with seven yeases and one abstention.  
3                   Next, we have the environmental justice discovery plan  
4                   that was circulated about a week ago in your folders,  
5                   and I will ask the head of OCRE to discuss that, and  
6                   then we'll vote on it.

7                   MS. FRENCH-BELL:       Good morning.       I  
8                   thought we had on here to discuss a Quiet Crisis. Do  
9                   you want to discuss the Quiet Crisis after the discovery  
10                  plan?

11                  CHAIRMAN CASTRO:       We'll discuss it  
12                  afterward because let's just keep -- we're still  
13                  talking about the environmental justice report, so  
14                  let's just keep it consistent.

15                  MS. FRENCH-BELL:       Okay, so pursuant to  
16                  Administrative Instruction 1-6, Section 8, OCRE  
17                  submitted a discovery plan for the 2016 statutory  
18                  enforcement report. Even though we're submitting  
19                  this, we are aware of a possibility that we may issue  
20                  more than one set of interrogatories and documents or  
21                  additional questions that may arise during the course  
22                  of our research.

23                  But essentially what we're proposing are  
24                  formal and informal meetings with EPA to talk about

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1 their Title VI enforcement and enforcement of Executive  
2 Order 12898, their final coal ash rule and clear water  
3 act rule, the location of coal ash generating and  
4 disposal facilities, and along with that, we're heavily  
5 looking at the ways and social economic level of  
6 individuals that surround each of those facilities.

7 We're also seeking information pertaining  
8 to the status of the EPA and Department of Interior's  
9 Surface Mining Bureau's joint rule developing offsite  
10 coal ash disposal and storage facilities. We're also  
11 interested in obtaining information from the Census  
12 Bureau that will help us to track demographics for  
13 communities where coal ash is generated and disposal  
14 facilities are located.

15 We're also interested in setting up formal  
16 and informal meetings with relevant DOJ offices.  
17 Among other things, we would like to discuss how they  
18 make the decision to start an in-court action that  
19 involves environmental justice issues, specifically  
20 when it comes to doing interrogatories, document  
21 requests, and subpoenas.

22 We're seeking EPA's handbook for the  
23 complaint process, data regarding their current and  
24 historic Title VI compliance docket, how they developed

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1 the coal ash rule. We're also looking at whatever  
2 census, and housing, and job availability data that  
3 they have, information on their environmental justice  
4 impact study in their final coal ash rule.

5 We also will work with the commission's  
6 advisory committee to obtain additional information.  
7 As we've already stated, we are also holding the January  
8 22 briefing to question EPA officials regarding Title  
9 VI and Executive Order 12898, and we also submitted the  
10 town hall meeting proposal to obtain additional  
11 information as well.

12 CHAIRMAN CASTRO: Okay, any questions for  
13 OCRE? Any comments?

14 COMMISSIONER NARASAKI: This is  
15 Commissioner Narasaki. I had a question about what  
16 kind of investigation will be done in terms of the issue  
17 over whether there is sufficient resources for this  
18 enforcement work.

19 MS. FRENCH-BELL: So one of --

20 COMMISSIONER NARASAKI: And --

21 MS. FRENCH-BELL: Oh, I'm sorry.

22 COMMISSIONER NARASAKI: Particularly,  
23 are we going to be talking to members of Congress or  
24 not?

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1 MS. FRENCH-BELL: We are working now to  
2 work with members of -- or to obtain members of Congress  
3 to attend the briefing. Another thing that we're doing  
4 is we're looking at EPA's budget for conducting Title  
5 VI investigations, resolving complaints, and  
6 monitoring any settlements. So one of our goals is to  
7 see whether or not this budget is sufficient based on  
8 the work that's been allocated to them. That's a good  
9 question. Thank you for that.

10 CHAIRMAN CASTRO: Any other questions?

11 COMMISSIONER KLADNEY: This is Dave  
12 Kladney. I was wondering if OCRE had a timeline on each  
13 of these pieces of discovery?

14 MS. FRENCH-BELL: Our timeline is rather  
15 vague because we get information at various points. We  
16 hope to have all of it by the end of March to enable  
17 us to meet our April 25 deadline.

18 COMMISSIONER KLADNEY: And how many  
19 people in OCRE are working on this discovery?

20 MS. FRENCH-BELL: The discovery part?  
21 Three.

22 COMMISSIONER KLADNEY: And your deadline  
23 is -- your self-imposed deadline is the end of March?  
24 How late can you go on the discovery and still get the

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1 report out by the end of September?

2 MS. FRENCH-BELL: If we get additional  
3 items, and we've already submitted the rough draft to  
4 you, there still might be an option to either make an  
5 addendum to the report, or if there is sufficient time,  
6 to include it in the report itself, but it would depend  
7 upon the volume of information, and the type of  
8 information, and the time that we still have after we've  
9 received the information.

10 So, I mean, there are opportunities if it  
11 comes to that, but we are hoping since we started early  
12 with them, that it does not come to that, but your point  
13 is well taken.

14 COMMISSIONER NARASAKI: So this is  
15 Commissioner Narasaki again. I have an additional  
16 request. I found it very difficult last year because  
17 we got the testimony for the hearings so late, and I  
18 know that it's not -- it's the fact that the witnesses  
19 don't meet the deadlines.

20 I'm wondering if we could push up the  
21 deadlines for testimony so that we could have the  
22 testimony a week before the hearing, because it just  
23 becomes, particularly I think in this area of inquiry,  
24 it just becomes very difficult to be trying to figure

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1 out what the focus of questions should be when we get  
2 the testimony, like two days before the actual hearing.

3 MS. FRENCH-BELL: Thank you for that  
4 request. We can definitely request the information  
5 sooner. We may not be able to do that since we're  
6 already giving them timelines that are maybe two weeks  
7 out from the date of the hearing, but we will do our  
8 best to meet your request.

9 COMMISSIONER NARASAKI: Yes, and I would  
10 request for all of the hearings. So as you move  
11 forward, to move that date up so we have some hope of  
12 getting at least most of the testimony in a time that  
13 makes it more useful for us to prepare.

14 MS. FRENCH-BELL: Thank you, will do.

15 CHAIRMAN CASTRO: Any other questions?  
16 Do I have a motion to approve the discovery schedule,  
17 or discovery plan, I should say? Do I have a motion?

18 COMMISSIONER NARASAKI: This is  
19 Commissioner Narasaki. I so move.

20 VICE CHAIR TIMMONS-GOODSON: This is Vice  
21 Chair Timmons-Goodson. I second the motion.

22 CHAIRMAN CASTRO: Any additional  
23 discussion? Hearing none, I will call the roll. Oh,  
24 yes, go ahead? Okay, Commissioner Kladney?

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1 COMMISSIONER KLADNEY: Yes.

2 CHAIRMAN CASTRO: No? Oh, go ahead.

3 COMMISSIONER KLADNEY: I said yes.

4 CHAIRMAN CASTRO: Are you going to vote?

5 Oh, okay, I thought you were going to ask a question.

6 I'm going to take the roll now, so Commissioner

7 Kirsanow?

8 COMMISSIONER KIRSANOW: Abstain.

9 CHAIRMAN CASTRO: Pardon me?

10 COMMISSIONER KIRSANOW: Abstain.

11 CHAIRMAN CASTRO: Abstain, okay.

12 Commissioner Heriot?

13 COMMISSIONER HERIOT: Now I'm going to be

14 the no vote. No.

15 CHAIRMAN CASTRO: Commissioner Narasaki?

16 COMMISSIONER NARASAKI: I vote yes.

17 CHAIRMAN CASTRO: Commissioner Kladney?

18 COMMISSIONER KLADNEY: I pass.

19 CHAIRMAN CASTRO: You pass, okay.

20 Commissioner Achtenberg?

21 COMMISSIONER ACHTENBERG: Yes.

22 CHAIRMAN CASTRO: Commissioner Yaki?

23 Commissioner Yaki?

24 COMMISSIONER YAKI: Sorry, I couldn't hit

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1 the unmute button. Yes.

2 CHAIRMAN CASTRO: Vice Chair?

3 VICE CHAIR TIMMONS-GOODSON: Yes.

4 CHAIRMAN CASTRO: I vote yes.  
5 Commissioner Kladney, going back to you.

6 COMMISSIONER KLADNEY: I'm concerned that  
7 this is an awful lot to do, but I will vote yes.

8 CHAIRMAN CASTRO: Okay, so we have one,  
9 two, three, four, five, six yeses, an abstention, and  
10 a no, so the plan passes. The fourth and final item  
11 of the agenda for today is a discussion on the plan for  
12 the revision of the Native American Quiet Crisis  
13 report.

14 II. PROGRAM PLANNING

15 DISCUSSION ON PLAN FOR REVISION OF THE

16 NATIVE AMERICAN QUIET CRISIS REPORT

17 CHAIRMAN CASTRO: Madam French-Bell,  
18 you're still up.

19 MS. FRENCH-BELL: Thank you, Chairman  
20 Castro.

21 CHAIRMAN CASTRO: You're welcome.

22 MS. FRENCH-BELL: What we're proposing is  
23 holding a mini briefing. That would accomplish a  
24 couple of things. One, it would give the commissioners

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1 an opportunity to question potential advocacy groups  
2 and the federal agencies about issues related to  
3 housing, health, and infrastructure for Native  
4 American communities.

5 The last time that we did this was 2003,  
6 so the information is old and stale. The reason that  
7 we want it to be a mini briefing is because we do not  
8 want to use up all of our resources to do that. We do  
9 have a busy schedule, and so we want to make sure that  
10 we're able to propose a mini briefing that would  
11 actually accomplish our goals, but yet not overtax the  
12 staff.

13 The third thing that it would accomplish  
14 is to give us a chance to learn additional information  
15 that we could use for the report. So what we're  
16 proposing is holding the mini briefing on February 19,  
17 2016. It would consist of only two panels. A federal  
18 agency panel, it would include invitations to DOI, the  
19 Department of Justice, HHS, and HUD.

20 There would also be an advocacy panel as  
21 well. We would have no more than five people per panel.  
22 We would want it to be short, and we would want it to  
23 definitely be focused, but it would be something that  
24 would be useful for our report.

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1 CHAIRMAN CASTRO: Okay, any questions,  
2 Commissioners?

3 COMMISSIONER NARASAKI: This is  
4 Commissioner Narasaki. I had actually suggested that  
5 we do a short hearing. When we had -- the Commission  
6 voted to update these reports, I think the initial  
7 thinking was that at least for some of them we would  
8 be able -- the staff would be able to just look at the  
9 data.

10 This report is a fairly large undertaking,  
11 and I think this would give an opportunity for  
12 Commissioners and special assistants to be able to dig  
13 in so that when we get the actual draft, we will have  
14 sufficient foundation to be able to work with the staff  
15 on the final report. That was at least my thinking.

16 CHAIRMAN CASTRO: Okay.

17 COMMISSIONER HERIOT: Mr. Chairman?

18 CHAIRMAN CASTRO: Yes, Commissioner  
19 Heriot?

20 COMMISSIONER HERIOT: Are we sure we want  
21 to do this on as quick a schedule as we're talking about?  
22 It sounds like this updating has turned into a real  
23 report. I'm kind of surprised at this notion of a mini  
24 briefing. Two panel briefings used to be our norm.

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1 Now we've gotten into doing much, much larger  
2 briefings. I think this is more of a standard  
3 briefing. Do we really want to do it in February?

4 COMMISSIONER NARASAKI: So, Commissioner  
5 Heriot, the challenge on timing is -- the Commission  
6 has hired a consultant who appears to be doing a very  
7 good job and has actually been working for several  
8 months now laying the groundwork for the initial draft.

9 And so, that contract runs out in April,  
10 and also we want to do it in time for that person to  
11 be able to help us identify which things need to be  
12 resolved at that particular hearing. So as our OCRE  
13 director noted, one of the differences we hope will be  
14 that this will not be sort of wide-ranging questions,  
15 but hopefully more focused inquiries so that we can do  
16 it in half a day.

17 COMMISSIONER KIRSANOW: Mr. Chair?

18 CHAIRMAN CASTRO: Yes, Commissioner  
19 Kirsanow?

20 COMMISSIONER KIRSANOW: Thank you. I am  
21 a little concerned about work load here. Just last  
22 month, we -- or maybe it was a month-and-a-half ago,  
23 we had a discussion related to the timing of the  
24 statutory enforcement report for 2016, and we were led

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1 to believe that more time was necessary because of the  
2 congested schedule of OCRE and the rest of the staff  
3 in timely discharging all of their other functions,  
4 plus the statutory enforcement report.

5 I'm concerned that the introduction of  
6 even a mini briefing, which Commissioner Heriot  
7 characterizes as, by any other term, a briefing, will  
8 impinge upon the ability of staff to address other  
9 matters, including the statutory enforcement report.

10 CHAIRMAN CASTRO: Okay, does OCRE have any  
11 comment? My understanding is I believe you already had  
12 this contemplated when you were making those other  
13 proposals, but I'll let you speak to that.

14 MS. FRENCH-BELL: That's exactly the  
15 issue. One of the things that we did was to ensure that  
16 we could handle the schedule by doing our best to kind  
17 of narrow and focus what we were doing with the  
18 environmental justice report.

19 As we stated, we do have a contractor to  
20 help us to locate panelists and to assist with this mini  
21 briefing as well, so it's not quite the same issue that  
22 we would have with the other briefings. So definitely  
23 your point is well taken, but we have definitely put  
24 that into consideration as a part of the plan that we

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1 have proposed.

2 CHAIRMAN CASTRO: Any other questions or  
3 comments from Commissioners?

4 COMMISSIONER ACHTENBERG: Mr. Chairman?

5 CHAIRMAN CASTRO: Yes, Commissioner  
6 Achtenberg?

7 COMMISSIONER ACHTENBERG: Will the  
8 contractor be assisting in the drafting as well?

9 MS. FRENCH-BELL: I'm sorry, the drafting  
10 of the report, Commissioner Achtenberg?

11 COMMISSIONER ACHTENBERG: Yes, the  
12 drafting of the update, yes.

13 MS. FRENCH-BELL: Yes, that's correct.

14 COMMISSIONER ACHTENBERG: So there will  
15 be a writing component as well, is that correct?

16 MS. FRENCH-BELL: Absolutely.

17 COMMISSIONER ACHTENBERG: Okay, thank  
18 you.

19 COMMISSIONER KLADNEY: This is Dave  
20 Kladney. So with this -- what you're saying is with  
21 this hearing in February, and he completes his work,  
22 when was it, in April?

23 MS. FRENCH-BELL: Correct.

24 COMMISSIONER KLADNEY: So you will have a

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1 completed report before he leaves?

2 MS. FRENCH-BELL: A draft, yes.

3 COMMISSIONER KLADNEY: A draft, okay,  
4 thank you.

5 MS. FRENCH-BELL: Thank you.

6 COMMISSIONER HERIOT: Mr. Chairman?

7 CHAIRMAN CASTRO: Yes, Commissioner  
8 Heriot?

9 COMMISSIONER HERIOT: We'll have a draft.  
10 Well, there could be quite a lot of work in the second  
11 draft, and there usually is. Is the contractor going  
12 to be in charge of that as well?

13 MS. FRENCH-BELL: It depends on how  
14 extensive the changes are. As we said, he's slated to  
15 leave us in April. So after that time, it would be  
16 dependent upon OCRE to finish any other additional  
17 changes.

18 COMMISSIONER HERIOT: Is there some  
19 possibility of extending the contract?

20 MS. FRENCH-BELL: Definitely we'll talk  
21 to the staff director and consult with him about that.

22 COMMISSIONER KLADNEY: This is Dave  
23 Kladney again. How much was the contract to begin with  
24 and what was the period of time, just six months, or

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1 eight months, or what were the -- what were the basic  
2 terms?

3 MS. FRENCH-BELL: The time was six months.  
4 I'm sorry, I can't give you an exact figure right now  
5 on the amount, but I can get that to you.

6 COMMISSIONER KLADNEY: Thank you.

7 CHAIRMAN CASTRO: Any other questions?

8 COMMISSIONER YAKI: This is Commissioner  
9 Yaki. Although I won't -- although this won't affect  
10 my vote, I will add an observation which is Commissioner  
11 Heriot is actually correct in characterizing this  
12 briefing as more like what the briefings we used to have  
13 versus what we have right now.

14 This -- we -- I always thought a mini  
15 briefing was going to be more along the lines of two  
16 or three people on one single panel. That being the  
17 case -- not being the case, for purposes of ensuring  
18 an adequate report, this is really more of a briefing.

19 CHAIRMAN CASTRO: Any other comments or  
20 questions? Hearing none, I entertain a motion to  
21 approve this plan.

22 COMMISSIONER NARASAKI: Can I actually --  
23 this is Commissioner Narasaki. Sorry, it took me a  
24 while to get off mute. So Commissioner Yaki, are you

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1 suggesting that we should try to just do it in one panel  
2 instead of two?

3 COMMISSIONER YAKI: No, I'm saying that  
4 the numbers of speakers are such that it would lend  
5 itself to two, and that's fine with me. I would just  
6 say that, I mean, I think it almost diminishes what  
7 we're doing for the report by even calling it a mini  
8 briefing. We should just call it a briefing.

9 COMMISSIONER NARASAKI: Okay, I just  
10 wanted to understand where you were coming from. Thank  
11 you.

12 CHAIRMAN CASTRO: Okay, do I have a  
13 motion?

14 COMMISSIONER NARASAKI: This is  
15 Commissioner Narasaki. I move that we adopt the plan  
16 as presented for the hearing for the Quiet Crisis  
17 report.

18 CHAIRMAN CASTRO: Is there a second?

19 VICE CHAIR TIMMONS-GOODSON: Vice Chair  
20 Timmons-Goodson, I'll second it.

21 CHAIRMAN CASTRO: Any additional  
22 discussion? Hearing none, I will call the roll.  
23 Commissioner Kirsanow, do you abstain or vote no?

24 COMMISSIONER KIRSANOW: No.

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1 CHAIRMAN CASTRO: Okay, Commissioner  
2 Heriot?

3 COMMISSIONER HERIOT: I vote no. I don't  
4 see how we're going to be able to get all of this done  
5 in that short amount of time.

6 CHAIRMAN CASTRO: Commissioner Narasaki?

7 COMMISSIONER NARASAKI: I vote yes.

8 CHAIRMAN CASTRO: Commissioner Kladney?

9 COMMISSIONER KLADNEY: Yes.

10 CHAIRMAN CASTRO: Commissioner  
11 Achtenberg? Commissioner Achtenberg?

12 COMMISSIONER ACHTENBERG: Yes.

13 CHAIRMAN CASTRO: Commissioner Yaki?

14 COMMISSIONER YAKI: Yes.

15 CHAIRMAN CASTRO: Commissioner  
16 Timmons-Goodson?

17 VICE CHAIR TIMMONS-GOODSON: Yes.

18 CHAIRMAN CASTRO: And I vote yes, so we  
19 have six yeses, a no, actually two nos -- six yeses and  
20 two nos, so the motion passes, and that is our agenda  
21 today, folks, so thank you, everyone, for participating  
22 by phone today. There being nothing further, I hereby  
23 adjourn the meeting at 10:55 a.m. Eastern Daylight  
24 Time. Thank you.

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1                                   (Whereupon, the above-entitled matter  
2 went off the record at 10:55 a.m.)

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