

8.1.1

EXXON VALDEZ OIL SPILL RESTORATION
AND DAMAGE ASSESSMENT
TRUSTEE COUNCIL MEETING
PUBLIC UTILITIES HEARING ROOM
DECEMBER 19, 1991
6:30 P.M.

DRAFT

RECEIVED
MAR 30 1993

ATTENDEES:

Name	Affiliation
Jerry D. Rusher	Rusher's Services
Carrie Holba	OSPIC
Barbara Iseah	CACI
Paul Gertler	USFWS
Susan Saupe	UAF/IMS
Joe Sullivan	ADF&G
Darrell Totemoff	Village of Chenaga Bay
Thor Skulstad	
Faye Skulstad	
Chuck Totemoff	Chenega Corporation
Steve Rehnby	The Eyak Corporation
David Bruce	ADEC
Susan Ruddy	Nature Conservancy
Steve Planchod	
Dori McDannold	
Chuck Curry	
Stan Robbins	Rep. Max Gruenberg
Frankie Pillifant	
Randall Hagenstein	
Ken Chalk	
Pam Miller	The Wilderness Society
Linda Bonewell	
Doug Miller	National Wildlife Federation
Dan Saddler	Anchorage Times
Bill Walker	
Chris Gates	City of Seward
Darryl Schnefermeyer	" "
Brian Hart	KENI Radio
Byron Morris	NOAA
Cliff Groh	Ellamar Property
Ken Rice	USDA Forest Service
Mark Fraker	ADF&G
Pamela Brodie	Sierra Club
Blaine Hollis	USCG
Donald Kompkoff Sr.	
Rita Miraglia	
Jayne Soutag	PWS Economic Development Council
Dan Golden	State of AK, Dept. of Commerce
Neil Anderson	Chugach Alaska Corporation
Philip Totemoff	Chenega Bay, Alaska
Gregg Erickson	Erickson and Associates

EXXON VALDEZ OIL SPILL
TRUSTEE COUNCIL
ADMINISTRATIVE RECORD

Mike Barker	
John McMullen	PWSAC
Ted Raynor	
Alan Phipps	A.C.E.
Jill Parker	U.S. Fish and Wildlife Service
Carol Gorbics	" "
Dan Hamson	U.S. National Park Service
Sandy Rabinowitch	DOI
Mary McGee	OSPIC
Terri Bristow	CACI
Rebecca Williams	CACI
Anne Wieland	KBCC
Jay Nelson	Representative Cliff Davidson
Theresa Day	
Tom Starr	Alaska resident
Louann Rank	Center for the Environment, Mat-Su Valley
Johanna Munson	Senator Curt Menard
Greg Winter	ADEC
L.J. Evans	" "
Jan Fortier	Attorney
R.L. Sleater	DOI
Ronald B. McCoy	DOI
Craig O'Connor	NOAA
Jim Wolfe	USDA, Forest Service
Bob Burd	U.S. EPA

Trustee Council

Charles Cole	AK Attorney General
John Sandor	Commissioner, DEC
Steven Pennoyer	Reg. Director, NOAA
Carl Rosier	Commissioner, AK Fish and Game
Curtis McVee	Special Assistant, Dept. of Interior
Michael Barton	Reg. Forester, USDA Forest Service

The agenda was distributed

Cole - he introduced the members of Trustee Council and also introduced Administrator Reilly's representative, Robert Burke; at the last meeting each Trustee member was afforded the right to name one member to the Restoration Resource Coordination Group (RRCG); Dave Gibbons, the executive director, was introduced; the following designees were announced: Jerome Montague, Stan Senner, Marty Rutherford, and Ernie Piper; Cole asked for opening statements

McVee - he recognized the interior member on RRCG as Pam Bergmann with Cordell Roy as her substitute

Pennoyer - Byron Morris is the NOAA representative on the RRCG

Cole - trustee members on the federal side were asked to give

opening statements; none were given

Cole - he requested statements from the RRCG; none were given

Cole - presentation of subgroups was requested from Dave Gibbons

Gibbons - the trustee council requested initiation of tasks including public advisory groups and a draft restoration plan; four small interim sub-groups were established using existing staff:

1. Restoration Framework Group - prepare draft restoration framework in March, 1992 and initiate draft restoration plan for March 1993
2. NRDA/Restoration 1992 Work Plan - prepare draft 1992 work plan for damage assessment activities in March, 1992
3. Public Participation Group - develop an interim public participation plan
4. Budget and Process Group - develop recommendations regarding such items as specific budgets

approval was requested to continue groups

Pennoyer - how many members are in each group?

Gibbons - the number is not determined at this time

Pennoyer - he might be able to comment on adequacy and composition later in meeting

Cole - will these people be members of the RRCG?

Gibbons - there are members of RRCG in these group with additional personnel; approval was requested to continue with process until final organization is completed

Cole - there were no objections; it was so authorized

Gibbons - approval was requested to start some operational procedures; he would like to initiate some activities

Cole - Mr. Tillery has done some work on operating procedures; are there any objections to the request?

McVee - he had some comments on Tillery's product; it was a good effort and will work; one area of concern is the appointment of a designee in case of failure of a council member to attend a meeting; the council might want to broaden this out other than illness or vagrancy; there needs to be a clear understanding that the designee would carry the same vote and be able to conduct business

Pennoyer - an additional factor is that you don't want different people at the table each time; designees should be identified for purposes of consistency

Cole - are there any other comments?

Pennoyer - regarding the concept of quorums, it might be alright for certain purposes

Cole - a quorum is not equivalent to the vote of all six; we will proceed in accordance with the MOA

Rosier - regarding meeting notices and agendas, the list should be expanded to other communities for public notice

Pennoyer - regarding item 14, he is not sure a decision has been made regarding cost

Cole - his position regarding notice is we should see how much notice we can give and how far in advance; steps should be taken to put notices on Alaska public radio; also publishing the agenda should be considered

Barton - he thinks the agenda should be published

Cole - it was requested that Dave Gibbons follow through on this

Gibbons - Mark Brodersen was identified

Gibbons - some thoughts regarding meaningful public participation were discussed and Ernie Piper will share this information

Piper - he is the on-scene coordinator; he requested four authorizations for administrative housekeeping issues; diagram shows how the public can participate but is not intended to be specific; authorization was requested to make this a part of a package for the public; the following opportunities for meaningful public involvement were discussed:

Level

Opportunities

Information Availability

- public access resource center
- public outreach (news releases)
- mailings (agendas and minutes)
- educational programs

Planning Process

- community meetings
- PAG staff participation on RRCG
- review and comment-draft products

Decision Making Process

- open Trustee Council meetings
- public advisory group input

he would like to establish an interim public information organ and discussed the following options:

1. delegate to the oil spill response center
2. could use CACI
3. could locate an oil spill specialist

his personal recommendation is the oil spill response center; authorization was requested to conduct a public comment period; the existing mailing list could be used to ask people for written comment; information could be collected and revised to make a good strong draft proposal for public participation; the pro is that this is a good way to talk with people; the con is the time frame and getting to everybody

public advisory group - should provide meaningful oversight; it should be pointed out that the mission of the group has a direct effect on the composition of the group; the following ways the group would participate were discussed:

1. general oversight policy - make sure that policy choices reflect the wishes of the public
2. advice to trustees
3. fiscal oversight

are we seeking a consensus? is the goal access? the public needs access to someone they trust; we are seeking guidance on the types of things expected of the public advisory group; the following public advisory group draft interest list was provided:

agricultural
commercial fishing
commercial tourism
conservation
environment
forest products
local government
native landowners
recreational users
sport hunting and fishing
subsistence

Cole - general comments were requested

Piper - his personal recommendation is to get together the best options and put them together as a package; mailings should be used to get to the principals

McVee - he is concerned with the issue of going out with a written inquiry; he is a proponent of going out with a summary of injuries and the information of the advisory group and asking people early on to give comments in meetings; a stronger perception of what we want will get the maximum input from the public and should be conveyed; it would be very positive followed up with a draft and another set of public meetings

Rosier - regarding the planning process, the issue should be addressed if there would be a separate staff for the public advisory group

Sandor - he endorses the use of the existing public information center; it would be well advised to continue that effort; he has some concern about the public advisory group and feels some alternatives should be looked at

Pennoyer - a suggestion was made that items be reviewed one at a time

Cole - he prefers listening to oral views as he thinks that people have the belief that they don't write well and are hesitant to express views in writing and agrees with McVee that the council needs to get out to the bush and let people express themselves fully

Pennoyer - he thinks the more often the council can do that, the better off we will be; a preliminary round of public hearings should be conducted and then a plan developed; after this a second round of public hearings should be held

Piper - a series of meetings were held like this last year and we managed to get everywhere; this is not a problem; we are experienced and prepared to go

Cole - each item should be gone over

Piper - his diagram lists some options being considered and would like to bring this out for public comment

McVee - the resource center could be used as a focal point for public inquiry

Piper - it would be involved in collecting public comment and should be located within DEC as a funnel for public inquiry; this is within his budget

McVee - there would need to be a linkage with the RRCG regarding policy or fiscal response

Piper - this has taken care of the request to conduct hearings or meetings regarding proposals

Cole - we should try to limit the use of acronyms to alleviate confusion

Piper - under letter f (public advisory group), principal interests could be used as a discussion point; a request was made to make this part of the comment package

Sandor - he has concerns regarding the definition of the group and alternative mechanisms; a letter was received suggesting utilizing community leadership such as mayors and city councils; there may be other established groups that might represent the community also; has this possibility been considered in public participation?

Piper - under letter e, if we are looking for consensus, you would want a very small group; if the point is access, you can expand; in terms of using existing institutions, this may or may not be desirable; one problem in using community leadership is they may not always be able to hone in on the issues

Sandor - the extensive knowledge that has been built up with respect to cleanup work should be used and this expertise taken advantage of; he would like to see a bridging of knowledge between cleanup and restoration efforts; a member should be designated on the public advisory group; we should regularly interface with those in the group

Barton - Sandor raised an excellent point and we should look at how to use existing institutions

McVee - does the federal advisory act apply; it requires a cross section of all interest groups represented

Piper - he is in the process of looking at that; if the act does apply, identification of principal interests becomes very important

Cole - he received from Representative Kubina a recommendation of the broad use of elected community leaders; he disagrees with this and thinks that it is vital with respect to policy decisions that we have a broad range of views by the interest groups in the oil spill area; the views of a broad spectrum of the groups out there are needed and it is a mistake to try to utilize groups which were formed for some other purpose; we should start afresh

Rosier - he thinks that there is a pretty good balance in the groups identified so far; this is a good list to go out to the public with; regarding consensus, from the size of the issues dealt with, we do want specific information and some consensus from the public; the consensus type structure appeals to him

Cole - it is a big mistake not to listen closely to the interest

groups; if you don't listen, they will find some mechanism to make their voice heard

Pennoyer - he doesn't see how this group relates to other public access; is this group a funnel? he is not sure about consensus versus access

McVee - he suggested that to start to get some focus on how the advisory body would function, we should develop some type of charter for the public to look at

Cole - does this give some consensus to start with?

Piper - we do need to have a charter and the guidance received will allow us to do that

Cole - what is expected from this group of diverse interest? what will be asked of them - obviously a lot of scientific studies; he envisions them helping in making policy cuts

McVee - input into criteria used for selecting further monitoring efforts should be used for selecting restoration projects and is very essential; background will have to be provided; advisory groups and the public might reach some conclusions on this important area

Sandor - he agrees with McVee; this organization will be in operation for some time and thinks the group will be very helpful regarding policy; other entities should be looked at as well; this will have to be cultivated and it should be very clear that we are willing to listen to everyone

Cole - are there comments on section d (fiscal oversight)? - what do you foresee as the oversight group's role in this?

Piper - this covers whether it appears that importance is being placed in one area and money is put into backing it up

Cole - what about scientific oversight?

Piper - this entails understanding and coming to clear judgements about whether it is good science and is being put in the proper areas; we need some technical guidance

Pennoyer - the peer review process will be needed; he envisions looking at statistical procedures

Piper - this does not mean scientific auditing

Sandor - how much time is needed to organize a charter?

Piper - we will spend February devising a charter

Rosier - regarding the recruiting process, have you given any thought to this?

Piper - whatever the interests are, it is imperative that the nominations come from within the communities rather than leaving open the possibility of someone being handpicked

Cole - we will look at this closely and give thoughts at the next meeting; this is a very important area, and we could get into a lot of trouble in this area; how late does the council wish to go? he would like to reserve time for public comment; there were some concise comments made at the last meeting and 30 minutes should be reserved for public comment

Rosier - we should go until 9:00 and have public comment from 9:00 to 9:30

Cliff Breaux - he would like five minutes of the council's time

Gibbons - he thinks we can meet this schedule; everyone was directed to the signup sheet at the door and those on teleconference were advised to send a signup sheet to him for mailing lists; Stan Senner will discuss the restoration framework group

Senner - the approval item for consideration is whether to proceed with the draft restoration framework document; the contents were addressed; framework is a way to brief the public with two documents - Volume I and Volume II; these documents would come out simultaneously and would be ready for distribution in March of 1992; Dr. Montague will discuss damage assessment; we might look to various mechanisms to facilitate public comment; the heart of the document would summarize restoration planning activities and highlights of what we have learned; it would include a summary of injury (18-page summary) and all the damage results which have been completed and peer reviewed; these sections represent a mix of what has been learned and would propose to the public the criteria to select options and narrow lists down to those which are relevant to restoration of the injured species; these are based on the eight scoping meetings; the last section would describe the structure being set up and a tentative program for public participation; it should be noted that the framework will capsuleize where we stand based on additional comment; we should have a solid basis for drafting a restoration plan; the target date is March of 1993, a year after the framework document has been released; framework is a preliminary statement to invite public comment; the draft of the restoration plan evolves from this framework and is much more detailed; the final restoration plan would be supplemented by annual work plans; this is no small undertaking and there are numerous policy questions that need the council's input; there are a number of factors that fit in:

1. staff resources dedicated to task
2. how quickly able to complete and synthesize results
3. what are the steps necessary to complete with the national environmental policy act
4. what is the level of detail and credibility

McVee - this would meet the requirements; policy should be to close out NRDA studies so information will be available to the public; there is a sequency dilemma; there is critical work to do, and data needs to be collected; a structure needs to be developed as rapidly as possible; everyone has to have an equal opportunity

Sandor - when is completion of the draft plan anticipated?

Senner - draft restoration plan targeted for March of 1993 with framework completed in March 1992

Sandor - will it be possible to identify projects of high priority to be done in 1992?

Stan - there are a number of policy components; do we want to proceed with implementation or limit activities to further studies?

Barton - he has the same concerns as Sandor

Cole - he has a lot of reservations about this proposal and sees a big bureaucratic machine starting to formulate with stacks of paper; he is concerned about the process we are getting into and wants to be sure that we husband these resources very carefully and concentrate on spending for the restoration of the sound

Barton - he feels very strongly that we get a maximum amount of money into restoration activities; we can't spend the bulk of money on studies and bureaucracy; the framework with some modifications might serve the purpose of a more comprehensive plan

Rosier - he hopes we are striving for a balance between research work and actually doing the work; information is needed to make decisions

Pennoyer - we are faced with a dilemma; we want to make sure we do the right thing so that we don't repair something that is not broken; we shouldn't wait forever but we have to look at the information to make sure we are making the right choices

Sandor - it might be advisable to listen to Mr. Montague to give a projected fiscal note on what will be expended in 1992 with regard to long range plans and studies; there is concern about bureaucracy and how much funding will be committed to this plan of action

Rosier - he would like some feel for the total dollars expended

Cole - how much money is in the bank?

Senner - he would have to defer to Mr. Gibbons on this

Cole - there comes a time when the time for study is passing us by; his belief is that we have to husband these dollars and spend them very carefully and not have a huge framework writing reports; the time has come to get down to the restoration process

Dr. Montague - he would like to bring council up to date on where we are regarding damage assessment, restoration and continuation of the 1989 process; the principal investigators were asked to prepare their proposals and annual reports; proposals were received in November and evaluated at a two-week meeting in December; we are not entertaining implementation proposals presently; the following criteria were used for information gathering projects:

1. documentation of probable injury
2. estimated time needed for natural recovery
3. restoration activity or endpoint that may result from this study
4. need for the proposed study with respect to the ability to carry out future restoration activities
5. technical feasibility of the proposed study and the prospect for success
6. importance of conducting the study in 1992 (i.e., Would delay beyond 1992 result in a lost opportunity?)
7. the cost of a proposed study relative to the degree of injury or to the value of the potential restoration outcome

he recommends that damage assessment studies be brought to a conclusion; reports are available between now and June of 1993; our estimate of cost to close out damage assessment is 8 million dollars; numerous restoration proposals were received which are extensions of damage assessment studies presently going on; many of which are contingent upon receipt of detailed study plans and detailed budgets; estimates for information gathering proposals for restoration would be 17 million for 1992, in addition to the 8 million; approval was requested to ask for detailed proposals

Cole - of the first 90 million, 24 million went to the federal treasury and 29 million to the state fund for reimbursement of expenses; this leaves 35 million

Montague - a good many of the projects are monitoring damage, and in some cases the damages are getting worse

Barton - some of these are continuations of the damage assessment

studies; are we talking about natural recovery monitoring?

Montague - that is correct

Sandor - is this for calendar year 1992?

Montague - it covers the period March 1992 to February 1993; 75% of the damage assessment studies will end for sure; 25% may or may not

Sandor - is the restoration planning cost another item?

Montague - yes; administration cost is 15% to 20% of projects, and the restoration framework planning process would be 1 to 5 million

Sandor - we need to spend some time on this particular aspect; does this include overhead of the management team? we are talking about 25 to 30 million dollars; he is concerned that we definitely want to close studies in a scientific manner; there appears to be very little restoration work for 1992; the troublesome part is that four years will have passed between spill and restoration; he is worried about being accountable regarding what restoration work is done

Barton - spent over 100 million dollars on damage assessment which began very shortly after the spill; he is puzzled why there aren't some things that we have learned in the last three years regarding what we can do to restore the impacted areas; he realizes this is a complex issue

McVee - also coming out of the 90 million is the cost of any cleanup activities; what has to be done to close out the various studies?

Montague - approximately half of that or somewhat less is for actual field work and the remainder is the reports and samples that haven't been analyzed

McVee - is there any way to look at the impacted area in a comprehensive way so we could get some feel for what has priority? we need to identify what resources we need to evaluate some more

Montague - projects are species-specific; damages to the ecosystem can be described quite well; regarding what have we done for restoration, we have done a tremendous amount; the results of studies have made dramatic improvement in protecting the resources; in many ways the management actions taken will restore them; in some ways that is probably the cheapest expenditure; without information some harvests might have been closed

Pennoyer - we have spent a lot of money on damage assessment; we need to tie it together and describe what happened; it is very difficult to comment with no projects in front of us; it is presumed you will come back with what the expenditures mean; we should not miss any opportunities; a session needs to be scheduled to discuss the details fairly quickly

Rosier - there has been no public input into the process for the 1992 field season; some further detail is needed in regard to total dollars; Mr. Montague is interested regarding whether to proceed with specifics

Sandor - he would like to elaborate on Rosier's point; council should give some guidance; he recommends that it be kept as simple and lean as possible; organization should be minimum in size and process cost as tight as possible; existing agencies should be utilized; we should involve the people who worked on the spill cleanup and begin integrating them; the process of integrating should be kept in mind; the spill fund should not pay the whole bill; the restoration framework might be used to begin some restoration work; this group deserves guidance from the council

Cole - he thinks the analysis is outstanding and congratulations are in order on the work product presented; he is stunned over the amount expended for 1992; how come studies cost so much? he can't fathom how costs could reach 25 million

McVee - some specifics are needed; what can be closed out and what needs to be continued? we need to look at other restoration sources

Montague - a list of projects and background are available, but due to litigation sensitivity they are not made public

Cole - we are making progress along those lines

Pennoyer - we need to bring this to closure; he is not sure what we are telling them to do with the 1992 work plan and has no concept to evaluate; a timeframe is needed on this to make a decision; we want to be able to entertain alternatives for restoration

Barton - he suggests that the RRCG be asked to proceed to develop a detailed study plan and would like to see a matrix of the damage assessment studies outlining what will be closed out and why and those that will continue and why and what our best estimate of cost is? the council needs to go into executive session due to litigation sensitivity

Rosier - Mr. Montague stated it might be tough for the public to make suggestions for restoration; he doesn't think it needs to be

species-specific

Pennoyer - the restoration planning group has made progress regarding certain restoration; time is needed for presentation of this information

Sandor - a high degree of professionalism has been observed; we can be reassured that pencils will be sharpened and these activities will be very closely scrutinized; he felt this was an excellent session

Rosier - he wished to compliment the group on their twelve-day session of reviewing studies

Cole - can the substance of studies be realized for less money? we should look carefully at the cost; he expressed appreciation for the work the group has done; the council is very concerned about maximizing the restoration

Montague - is there approval to go ahead with the plan?

Cole - yes

Gibbons - is there approval to go ahead with the restoration framework?

Cole - yes

Brodersen - would like to point out that development of the plan would cost less than 1%; Exxon setoff comes in December of 1992; criminal restitution should be considered also

Rosier - we have not talked about all the funding sources; we have only talked about the 90 million

Pennoyer - regarding the Spies contract, do we have to make a decision regarding extension?

Gibbons - yes

Pennoyer - are we thinking about extension

Cole - Dr. Spies should be identified

Pennoyer - he is our chief scientist under contract and has been the focal point for science reviews

Gibbons - that is quite correct; his contract expires on February 8; we are not sure how long we will need him but he should be extended an interim contract until later

Cole - we may want to get a series of three month options and give 60 days notice

Alex Swiderski - he currently has two contracts - one with NOAA and one with the Department of Law

Cole - would you work with Mr. Tillery regarding this issue?

Swiderski - yes

Cole - how much does Dr. Spies receive?

Swiderski - about \$25,000 per month with staff expenses

McVee - it is reasonable to look at some extension; how we appoint subcommittees should be discussed

Cole - when is the next meeting? we should have one in January; the next meeting is scheduled for January 10th; it is now time for public comment

Cliff Breaux - he is here on behalf of the residents of Ellamar; he acquired Ellamar which has nine full time residents; nobody has consulted them; he has over a million dollars invested in these properties and is the biggest single owner in PWS; who will the Sound be preserved for? the purpose should be to enhance the use of the Sound by the public

Cole - we will look forward to hearing from you in the future and you will be on the mailing list

Chris Gates - he is a resident of Seward and president of the regional citizens council; it is an organization established under federal law; it appears it will be recertified for another year; the citizens are very much involved with evaluating the science that is going on and have learned the vocabulary; the council should watch out for the learning curve of how long it takes to bring ordinary people up to speed; there are 16 representatives from the impacted areas; they are a functioning team; he offers his group as a way to access the citizens; his group is being offered in the interim before the start afresh approach is begun; the citizens are vitally interested; there is a huge investment of volunteer effort

Rosier - what is the geographic area?

Gates - it covers the impacted areas; the region is very well-represented

McVee - could your staff send a list of interests represented on the group? what is the size of the staff?

Gates - there is a staff of seven right now with a 2 million dollar budget

Sandor - he thanked Mr. Gates for his interim offer

Toma - he had the opportunity to observe the settlement meetings; nothing of any substantive amount will be done naturally; thinks bulk of money should be used for private land holdings; federal government should actively promote this and should look at the redetermination of future uses; trustees should reevaluate their position not to purchase land outside Alaska

Cole - he was involved in negotiations dealing with this subject and would never consent to spending one penny of that settlement money outside the state of Alaska; the damage resources occurred in the state of Alaska

Audience - what is the phone number for Dave Gibbons?

Gibbons - phone number is 278-8012; fax number is 276-7178

Audience - it might help if the definition of restoration was placed on agendas

Randall Hagenstein - you can't have meaningful public participation without meaningful access; he disagrees that we should use existing agencies and should look at fresh organizations outside the framework; money to enhance ecosystems should be looked at

Tillery - he distributed comments to the council members received from Cordova

Cole - a resolution regarding access of timber rights was read; comments from Cordova were requested; the mayor expressed that he was happy the council members would be there in January

Larry Smith of Homer - an advisory committee ought to be able devise its own program; he thought Mr. Gates' offer was interesting and feels they could be a source of some support; what is Mr. Piper's fax number?

Piper - fax number is 563-1325

Carl Bagger in Cordova - he urged deep consideration of the resolution that was read; in the future it would be helpful to break the opening presentation midway to allow some input from audience and teleconference

Cole - he had thought of that

David Jenkins in Valdez - he appreciates concern over too big of a bureaucracy; damage was done and is continuing; the main reason

for doing anything is to heal the affected areas

David Stitzer in Homer - regarding spending a lot of the money on studies, he shares those fears; we could study this for 15 years; he encourages the wrap up of studies and that we get on with restoration

Greg Patrick in Kodiak - he supports the resolution from Cordova; there should be some immediate action toward lease options; main point is not to lose options at this point; on the issue of accountability, he would like all public comment recorded and published to promote better understanding of what is happening in other communities

Cole - verbatim comments are being prepared and will be available

Gibbons - they are available at 645 G Street

Oliver Holman - he would like to be involved in restoration planning and awaits some opportunity to participate in the future

Cole - perhaps in the future we can hold meetings there

Bob Anderson in Cordova - he doesn't feel comfortable with using RCAC; they picked a candidate for prevention and not these issues

Cole - meeting was adjourned at 9:55

PUBLIC ADVISORY GROUP

Draft interest list

1. Aquaculture
2. Commercial fishing
3. Commercial tourism
4. Conservation
5. Environment
6. Forest products
7. Local government
8. Native landowners
9. Recreational users
10. Sport hunting and fishing
11. Subsistence

**EXXON VALDEZ TRUSTEE COUNCIL MEETING
DECEMBER 19, 1991**

Attendees (please print)	Affiliation/Address	Mailing List (✓)
JERRY D RUSHER	RUSHER'S SERVICES HC 33 Box 2866 Wasilla, AK 99687	
Carrie Holba	Oil Spill Public Information Center 645 G St. Anch 99501	✓
Barbara Tseah	CACTI 645 G St. Anch 99501	✓
PAUL GERTLER	USFWS, 1011 E Tudor Rd Anchorage, AK 99503	✓
Susan Saupe	1020 Neill NAF/IMS Fairbanks, AK 99708	✓
Joe Sullivan	333 333 Raspberry Rd. ADFCs Anchorage, AK 99516	✓
Derrell Toornoff	Box 5079 Village of Chena Bay Chena Bay AK 99574	✓
Thor Skulstad	8621 Peck Ave #6 Anchorage AK 99504	
Faye Skulstad	" " " " " "	
Chuck Toornoff	Cheneyz Corp. Box 60 Chena Bay AK 99574	✓
Steve Robby	The Eagle Corporation 4792-5 Business Park Blvd Anch AK 99503	✓
David Deora	ADEC	
Susan Padden	Nature Conservancy	✓
Steve Plankton	601 D. St #536	
Dan McDaniels	HC 03 Box 8012 Palmer AK 99645	✓
Chuck Curry	HC 03 Box 8012 Palmer AK 99645	✗
Steve Robby	Rep Max Greenberg 3111 E St, 99503	✓
FRANKIE PILLIFANT	1960 WILDWOOD LN '57	✓
RANDALL HAGENSTEIN	PO Box 100358 Anchorage AK 99510-0358	Please add to list.
Ken Chalk	4311 Sycamore Circle Anch 99516	
Pam Miller	The Wilderness Society 430 W. 7th Ave Suite 210 Anch 99501	✓
Linda L. Bonnell	11355 Frontage Road, Suite #228 Kenai, AK 99611	✓

EXXON VALDEZ TRUSTEE COUNCIL MEETING
DECEMBER 19, 1991

Attendees (please print)	Affiliation/Address	Mailing List (✓)
Doug Miller	National Wildlife Fed. 750 West 2nd Ave, Anchorage	99501 ✓
DAN SAMLER	ANCHORAGE TIMES PO Box 100040 ANCHORAGE, AK	99510 ✓
Bill Walker	509 W 3rd Anch. AK	—
Chris Gates	City of Seward P.O. Box 167 Seward, AK	99664
DARRYL SCHAEFERMEYER	City of Seward Box 167 SEWARD, AK	99664
BRIAN HART	KENI RADIO 1777 FOREST PARK DR. ANCH. AK	99517
BYRON MORRIS	NORR PO Box 210029 Anchorage AK	99582
CLIFF GROH	ELLAMAR PROP. 2550 DENALI, STE 1700, ANCH	99503
Ken Rice	USDA Forest Service 645 G ST, ANCH. AK	99501
MARK FRAKER	ADFG, 333 RASPBERRY RD, ANCHORAGE AK	99518-1091
Pamela Brodie	Sierra Club, 241 E. 5th Ave #205, Anchorage AK	99501 ✓
Blaine Hollis	USCG, Fed. Bldg & Warehouse of U.S. Atty, Anchorage AK	—
DONALD P KOMPKE SR.	621 Cato ST Chenega Bay AK	99574
RITA MIRAGLIA	1406 ELMENDORF DR, ANCH. AK	99504
Jayne Soutag	Prince William Sound Econ Develop. Council (ARBOR) P.O. BOX 2353 VALDEZ, AK	99686 835-3715
Dan Golden	State of AK. Dept. of Commerce (Anch.) 3601 C St., Anch AK	99503 Suite 724
NEEL ANDERSON	CHUGACH ALASKA CORP 3000 A STREET, STE 400 ANCHORAGE AK	99503 ✓
PHILIP TOTEMOFF	CHENEGA BAY, ALASKA	99574
GREGG ERLKSON	ERLKSON & ASSOC. P.O. Box 21124, JUNEAU	99802
Mike Barker	6101 Alpine Woods Dr. Anchorage,	99516
John McMullen	Box 1110 Cordova, AK	99574 (PWSAC)
Ted Rymor	13801 Schubert Circle Anchorage, AK	99516
ALAN PHIPPS	A.C.E., 519 W. 8th Ave #201, Anchorage AK	99501 ✓
JILL PARKER	US Fish & Wildlife Service 1011 E. Tudor Rd.	99503 ✓

EXXON VALDEZ TRUSTEE COUNCIL MEETING
DECEMBER 19, 1991

Attendees (please print)	Affiliation/Address	Mailing List (✓)
Carol Gorbics	US Fish & Wildlife Service	
Don Hamson	U.S. National Park Service - Anchorage	
Sandy Robinson	U.S. Dept. of the Interior 2525 Gambell St. Anch. AK. 99503	
Mary McEe	Oil Spill Public Info. Center 645 G St 99501	
Leslie Brewster	CACI 645 G St. Anch. 99501	
Rebecca Williams	CACI 645 G Street Anch 99501	
Anne Wieland	KBCC 1421 N St Anch 99501	
Jay Nelson	Rep Cliff Davidson State Capitol Juneau, AK 99801	
Theresa Day	P.O. Box 53 Wasilla AK 99687	
Tom STARR	Alaska Resident ^{EMPLOYED} EVOS/Box 53 Wasilla AK 99687	
Louann Rank	Ctr. for the Environment ^{Mat-Su Valley} / P.O.B. 212309 Anchorage 99521 (✓)	
Johanna Munson	Sen. Curt Menard 165 E. Parks Hwy Wasilla 99654 (✓)	
GREG WINTER	ADEC / EVOSRC 4241 "B" St. ANCH, AK 99503	
LG Evans	ADEC / EVOSRC 4241 B St, Suite 304, Anch 99503	
Jan Fortier	Attorney 2550 Denali St Suite 604 Anch 99503	
R.L. SLEATER	DOI/SOL FED. B.L.G., ANCHORAGE	
RONALD B. MCCOY	DOI/SO 1689 C St, #100, ANCH. AK 99501	
Craig Clonatz	NORAC 1600 Sand Point Way Seattle WA	
Jim Wolfe	USDA, Forest Service Juneau, AK 99801	
Bob Burd	U.S. EPA 1200 6th Ave Seattle, WA. 98101	

EXXON VALDEZ OIL SPILL RESTORATION
AND DAMAGE ASSESSMENT
TRUSTEE COUNCIL MEETING
FAIRVIEW RECREATION CENTER
DECEMBER 5, 1991
5:00 P.M.

Attendees:

Name	Affiliation
Dan Hamson	U.S. National Park Service
Andy Gunther	Applied Marine Sciences
Terri Bristow	CACI
Barbara Iseah	CACI
Rebecca Williams	CACI
Paul Gertler	U.S. Fish and Wildlife Service
Carol Gorbics	U.S. Fish and Wildlife Service
David Janka	PWS Conservation Alliance
Linda Bonewell	Kenai, AK
George Ripley	Kachemak Citizens Coalition
Susan Bishop	Anchorage, AK
Carrie Holba	OSPIC
Susan MacMullin	EPA/RPWG
Byron Morris	Auke Bay, AK
Mary McGee	OSPIC
Margaret Salmon	PWS Seiners Association
Chris Nerson	Cordova District Fishermen United
Don Setters	Eagle River, AK
Jayne Sontag	PWS Economic Development Council
Nancy Naslund	Anchorage, AK
Darrell Totemoff	Chenega Bay IRA Council
Phillip Totemoff	Chenega Bay IRA Council
Tom Van Brocklin	Rep. Kubina staff
Rep. Gene Kubina	Alaska Representative
Bill Walker	Anchorage, AK
Shep Dale	DEC
Art Weiner	ADNR
Carol Fries	NOAA
Doug Miller	NWR
Pam Miller	The Wilderness Society
Harold Heinze	ADNR
Jerry Rusher	Rusher's Services
T.A. Starr	Meadowlands Community Council
Maria Lisowski	DOA/OGC
Sandy Rabinowitch	Dept. of Interior
Stan Senner	RPWG/AK Fish and Game
Trustee Council	
Charles Cole	AK Attorney General

John Sandor	Commissioner DEC
Steven Pennoyer	Reg. Director, NOAA
Carl Rosier	Commissioner, AK Fish and Game
Curtis McVee	Special Assistant, Dept. of Interior
Dave Gibbons	USDA Forest Service
	substitute for Michael Barton

The following items were distributed:

Agenda

EVOS Functional Flow Chart

Charles Cole, State Trustee Chairman, introduced state and federal trustees and asked for preliminary statements; he assured everyone in the state that we can alleviate concerns that there have been mysterious secret meetings and concerns that decisions have been reached by this group; the trustees are firmly committed to open meetings as a matter of good solid government; the meeting notice may not have been as timely as they would have liked, but in the future notice will be more timely

Why are we here--pursuant to the terms of the MOA and Consent Decree of August 27, 1991; the agreement was prior to settlement with Exxon; therefore, some provisions of the agreement address prospective litigation; agreement provides for a joint trustee body; decisions on the part of the trustees are required to be unanimous which generated debate; it came down to a recognition by state representatives that the state would have a firm hand; the Governor's principle views were that he did not want to see the money controlled by Washington, DC; there are three vetoes which will provide a good system of balance; the MOA provides that within 90 days meaningful public participation shall be provided for in the injury assessment and restoration (page 11); the whole purpose and scope is to restore the PWS

McVee - the Interior Secretary is intent on this process working

Sandor - he wants to make a point that there was excellent cooperation between the state and federal governments; it is tremendous that we are at this stage in the process, and we are fortunate to have the litigation behind us; he sees a very positive working relationship in the next important work

Rosier - he looks forward to working with federal counterparts and looks forward to getting settlement arrangements off and running

Gibbons - he talked with Mike Barton and would like to pass along his sincere regrets that he could not make it here due to weather conditions

Cole - it is appropriate to talk about how the Trustee Council

will be organized; it is not a decision made in smoke-filled rooms; he recognizes that it won't be possible to have meaningful decisions made by the statutory state and federal trustees (6 under CERCLA); the state trustees feel strongly on the issue of how the monies will be spent being headquartered and centered in Alaska

McVee - the Department of Interior has substantial staff for implementation responsibilities who also have planning, contracting and scientific capabilities

Cole - would state organizations be put on a parity with federal organizations?

McVee - his agency has been working closely with the state organizations, and this would be a continuation

Goals for Post-settlement Organization

- creating efficiency and eliminating excess cost
- provide fiscal accounting
- organize within existing structure where feasible
- minimize use of settlement funds
- improvement of Alaska/Washington interface
- provide optimum scientific review
 - decisions need sound scientific base
- define a good decision-making process
 - process that is defensible to the public

McVee discussed the EVOS Functional Flow Chart

- attempt to make advisory groups as effective as possible

Cole - he only saw the flowchart for the first time this afternoon; Are Pennoyer, Barton and McVee the members of the Trustee Council appointed by the federal statutes? he had a question regarding EPA; the MOA says the decisions of the federal trustees shall be made in conjunction with EPA

McVee - there was a commitment made by the President that EPA would be involved in the restoration in providing advice to the federal trustees as co-chairman of planning activities on the federal side

Cole - is the public advisory group meant to be definitive?

McVee - we had to start somewhere and thought a public group might put together a plan for a first cut on making decisions on specific studies

Sandor - regarding the EPA coordination role, the definition of

coordination needs to be examined; EPA advice and direction should be Alaska-based; he is concerned if advice came from Washington or even Seattle; there should be established a region 11 in Alaska

Cole - is there any objection to adoption conceptually of flowchart? it was decided unanimously that the trustee council is hereby established

Pennoyer discussed the makeup of the Resource Restoration Coordination Group (RRCG) with six members proposed

Cole - it was unanimously decided to form the restoration coordination group

McVee - he visualized that each representative will identify one of their key staff members

Cole - should six members be appointed--one by each trustee council member?

McVee - this gives a cross-section of the council

Cole - it was agreed that each trustee council member gets to select one person for the RRCG

McVee - it is important to settle on the director in executive session

Cole - it should be decided if this is a full-time executive director position

Pennoyer - given the Trustee Council members' schedules, there is no time for council members to fulfill this job

Cole - we should address if RRCG members should be full-time devotees

McVee - Interior is committed to that

Cole - will these six people serve other governmental duties?

Sandor - he has no problem with committing someone full-time and sees some different skills and participants brought to bear; one person and an alternate would be the lead from each agency; we will need flexibility in the operation of the group

Cole - his nominee cannot spend full-time on this group

McVee - we all face different situations organizationally; there is expected to be considerable travel to Juneau

Cole - is there the power of substitution?

Sandor - it is imperative to have this power and also flexibility

Gibbons - he has looked at the work load which has gone up and thinks this would be full-time and at one location

Cole - where will this group be headquartered?

Pennoyer - he has found that you need a lead and someone to assist but some consistency is needed

McVee - the responsibility of the Interior nominee will be two-fold; he will spend considerable time with the agency in regional offices; the process has to develop from the ground up; he is proposing to have their person headquartered here

Sandor - why does location have to be decided tonight? should be fairly close to the areas impacted; the location should be field-related and could best be done out of Anchorage

Pennoyer - he feels Juneau should be picked as a starting point

Audience - is there something that keeps a group from voting by teleconference?

Cole - teleconference can be used; regarding location, he never has been convinced that it should be Juneau

Pennoyer - the location base doesn't mean they always have to meet there

Cole - when will members of RRCG be established?

McVee - the sooner, the better; Interior could name someone by tomorrow

Sandor - he could identify someone in four or five days

Rosier - he could name someone by Monday

Pennoyer - someone could be named within the next four or five days

Cole - we will name the RRCG members a week from tomorrow, the 13th of December

PUBLIC PARTICIPATION

McVee - we should use some agency experts to come up with a plan for scoping meetings versus hearings within various communities, particularly around the oil spill area; public comment should be

recorded which will identify who the interested parties are

Cole - should there be any deadlines by which the development of a public participation plan be completed?

Pennoyer - the RRCG should be instructed to present a better thought out way to deal with public participation to be made available to the council at a meeting later in December

McVee - someone that has public participation experience from the state and federal side and knows the issues should be volunteered

Cole - Sandor and McVee should get together and outline this

Pennoyer - a course of action should be selected and started as soon as possible

RESTORATION PLAN

Audience question from Pam Miller of the Wilderness Society - she doesn't feel the public needs experts to show the public how to give meaningful public participation

McVee - when there is something for the public to review, the scoping meeting can serve as a base for this discussion

Cole - the process is exactly what Ms. Miller suggested; it just won't be done tonight

Audience - Anchorage is more accessible to the areas affected; could the crowd be screened for their views on the location for the RRCG?

Cole - the council is trying to get some framework set out to get on with the huge job ahead of us and decided to get organization underway; the public advisory group might provide meaningful participation in the future on the location; the decisions are not locked in stone

Audience - the public would like to participate in preliminary organization

Audience - the trustees should work out the structure and subcommittees

Cole - we have to get this underway but you can't please everyone; if we don't, we will lose control to Washington, DC

Audience - he would like to hear the consensus of the crowd regarding Anchorage as the location

Cole - this is a temporary decision to get things established

Audience - information from this meeting was pulled together on short notice; what is the method for disseminating information such as a sign up sheet for mailouts

Cole - this is a good point

Sandor - the question of Anchorage versus Juneau needs serious consideration

Cole - we will have to see where the economics fit best as far as travel costs

RESTORATION PLANNING

McVee - the initial effort is so critical; there are some basic requirements such as budget and financial management that have to be addressed; if we want to have activities by summer of 1992, we need to get this done; it is necessary to have the framework plan before the release of funds; the restoration planning committee should be activated as soon as possible; we can do this in 60 days

Sandor - this is where the meaningful public participation is critical; framework will drive activities

Cole - what about the existing groups such as Management Council that are out there? he is concerned that the council is not subject to any oversight control

Rosier - we will have to draw from work going on in those groups

Sandor - we want to make certain that activities that are going on are concluded in a scientific way and can turn into a basis for information

Pennoyer - he doesn't think the team has been without direction except for the last couple of months on how to proceed; RRCG will need to inventory what is going on so that nothing is lost that should be kept

Rosier - a lot of good work has been done and should be brought to a logical conclusion

Cole - he doesn't know how much money has been spent and where it is coming from, but steps should be taken to find this out

McVee - it is necessary for the Trustee Council to meet fairly often to provide direction to RRCG on policy guidance; we have to take responsibility for the drifting of the last few months

Cole - the council should meet soon

Pennoyer - December 19th was discussed as a possible date which is about a week after the RRCG has been appointed

Cole - it was decided to meet on December 19th; what time is most convenient for meaningful public participation?

Audience - it is felt that the evening meetings are most appropriate

Cole - the meeting will be held in Anchorage at 6:30; 15 minutes were set aside for comments about the future

Audience - is it possible that meetings could be teleconferenced?

Cole - yes

Audience - is there discussion to leave 1 million in restoration?

Cole - this is out of his control; he will have to give this some thought; it is possible to approach the representatives regarding this

Audience - it might help for each member to have a microphone at the next meeting

Audience - what is the definition for the 90-day period?

Cole - MOA states ... shall agree to an organizational structure for decision-making and meaningful public participation in 90 days

Audience - could a sign in sheet be provided?

Cole - there is one going around and you can also sign in at the door

Audience - what about acquisition of timber rights - that doesn't have to wait for the summer months

Cole - that is a thought

Audience - a suggestion for public involvement is having three public members on RRCG who would be non-voting members

Cole - this has not been considered; the meeting was adjourned at 6:47 p.m.; the next meeting will be December 19, at a facility with teleconference capabilities

**EXXON VALDEZ
OIL SPILL
RESTORATION
AND
DAMAGE
ASSESSMENT
TRUSTEE COUNCIL
MEETING**

5:00 pm

December 5, 1991

**Multi-Purpose Room
Fairview Rec Center
1121 East 10th
Anchorage, AK**

The Trustee Council
will discuss:

- 1) Post-settlement
organization
- 2) Development of a
public participation
process; and
- 3) Development of a
restoration plan.

AO# 02-032

AGENDA
EXXON VALDEZ OIL SPILL SETTLEMENT
TRUSTEE COUNCIL

Fairview Recreation Center
1121 East 10th Avenue
Anchorage, Alaska
December 5, 1991
5:00 p.m.

TRUSTEE COUNCIL MEMBERS

Charles Cole, Attorney General
State of Alaska

Michael Barton, Regional Forester
USDA Forest Service

John Sandor, Commissioner
Department of Environmental
Conservation, State of Alaska

Steven Pennoyer, Regional Director
National Oceanic & Atmospheric
Administration

Carl Rosier, Commissioner
Department of Fish and Game
State of Alaska

Curtis McVee, Special Assistant
to the Secretary for Alaska
Department of the Interior

OPENING STATEMENTS

ORGANIZATION

- * Council Staff Organization (Resource Restoration Coordination Group)
 - Operating Guidelines
 - Subcommittees
 - o Restoration Framework Plan
 - o Public Participation

PUBLIC PARTICIPATION

- * Initial Scoping Meetings
- * Public Participation Plan
- * Advisory Board
 - Selection Process
 - Appointment Process
 - Charter

RESTORATION PLANNING

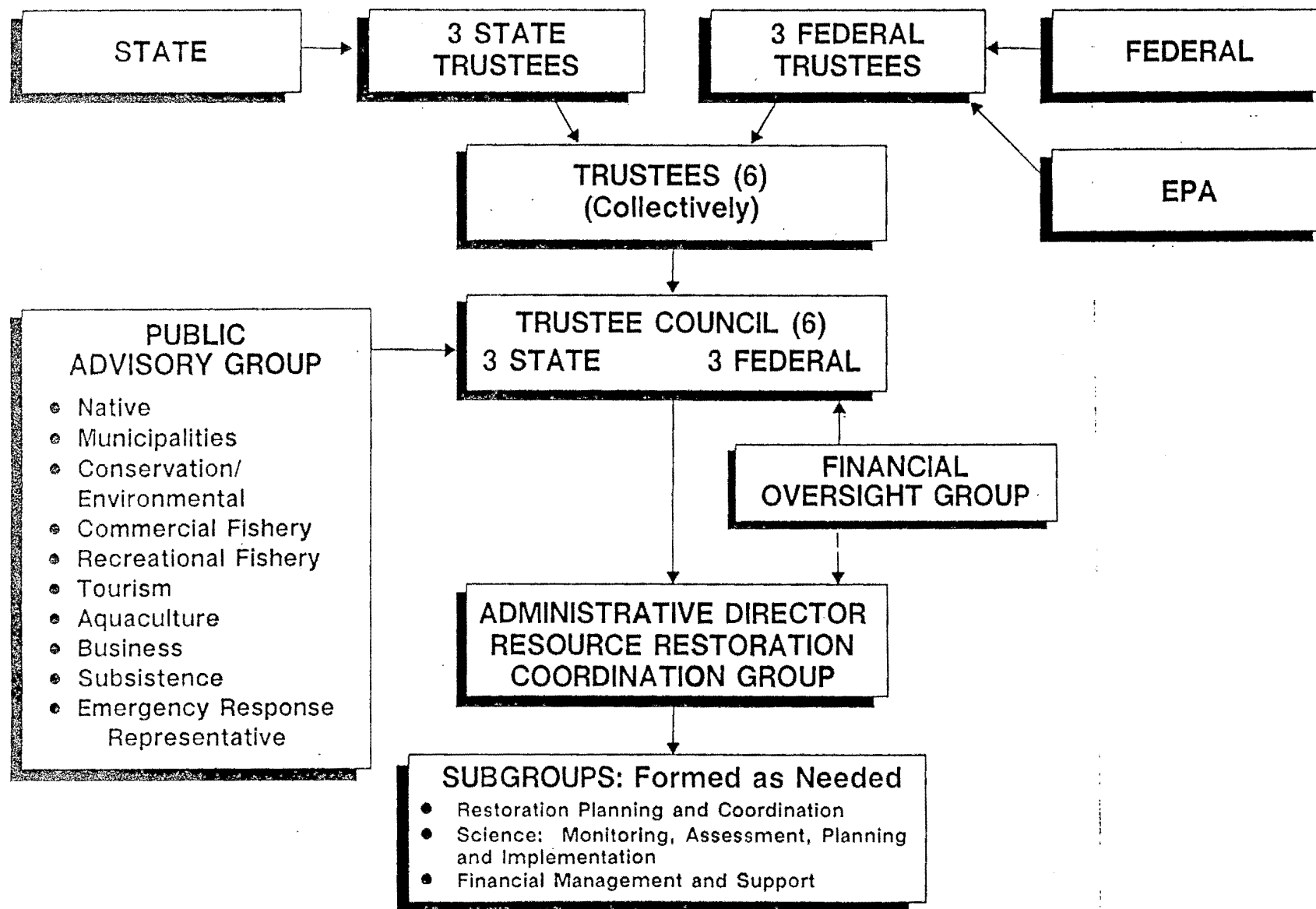
- * Components
 - Budget
 - Financial Management
 - Restoration Criteria
 - Monitoring/Natural Recovery
 - Time Frames

EVOS SETTLEMENT FUNDS

- * Federal Process
- * State Process

EXECUTIVE SESSION - PERSONNEL AND LITIGATION SENSITIVE MATTERS

EVOS Functional Flow Chart



PROPOSAL

Trustees

1. Provide overall approval for restoration program through approval of annual budgets.
2. Appoint members of the Trustee Council
3. Appoint chair and members of the Public Advisory Group
4. Provide policy guidance and dispute resolution

Trustee Council

1. Review Resource Restoration Coordination Group (RRCG) recommendations and public testimony on issues and ultimately make program budget, project, and policy decisions. Federal Council members receive policy input from their Washington offices.
2. Council directs RRCG to implement decisions.
3. Individual Council members supervise or provide oversight for their respective agency representatives on the RRCG.
4. Assure fiscal accountability.
5. Public Advisory Committee reports to Council and coordinates with RRCG.

Resource Restoration Coordination Group (RRCG)

1. Restoration planning: plan development and evaluation.
2. Public involvement: planning and implementation involvement.
3. Science: needs, content, and peer review as needed.
4. Through agency counsel; identification of legal requirements for project completion.
5. Restoration: implementation, oversight, evaluation, and monitoring.
6. OSPIC collection to be transferred to appropriate facility (deadline for this should be agreed; i.e. 3/30/92 or something close to that date).
7. RRCG maintains administrative record.
8. Budget involvement: internal and project costs and expenditures.
9. Interact and coordinate with Washington and Alaska financial teams while at the same time consulting with OMB, U.S. Treasury, and State agencies on fiscal matters. Financial matters reviewed by Alaska and Washington financial teams prior to recommendations to Trustee Council.

Administrative Director of RRCG

1. Budgetary and contract coordination with financial teams.
2. Liaison with Trustee Council and Public Advisory Committee.
3. Supervise small administrative staff.
4. Non-voting Chair of RRCT.
5. Interacts with the public and public officials.

Financial Management Support Group (FMSG)

1. Budget oversight: internal costs and Trust Fund expenditures, in coordination with FMG
2. Contract oversight, in coordination with FMG.
3. Insure proper audit coordination.
4. Facilitate OMB approval of annual restoration budgets and amendments.
5. Serve as a focal point for Washington level budget inquiries (i.e., Congress, OMB, etc.)

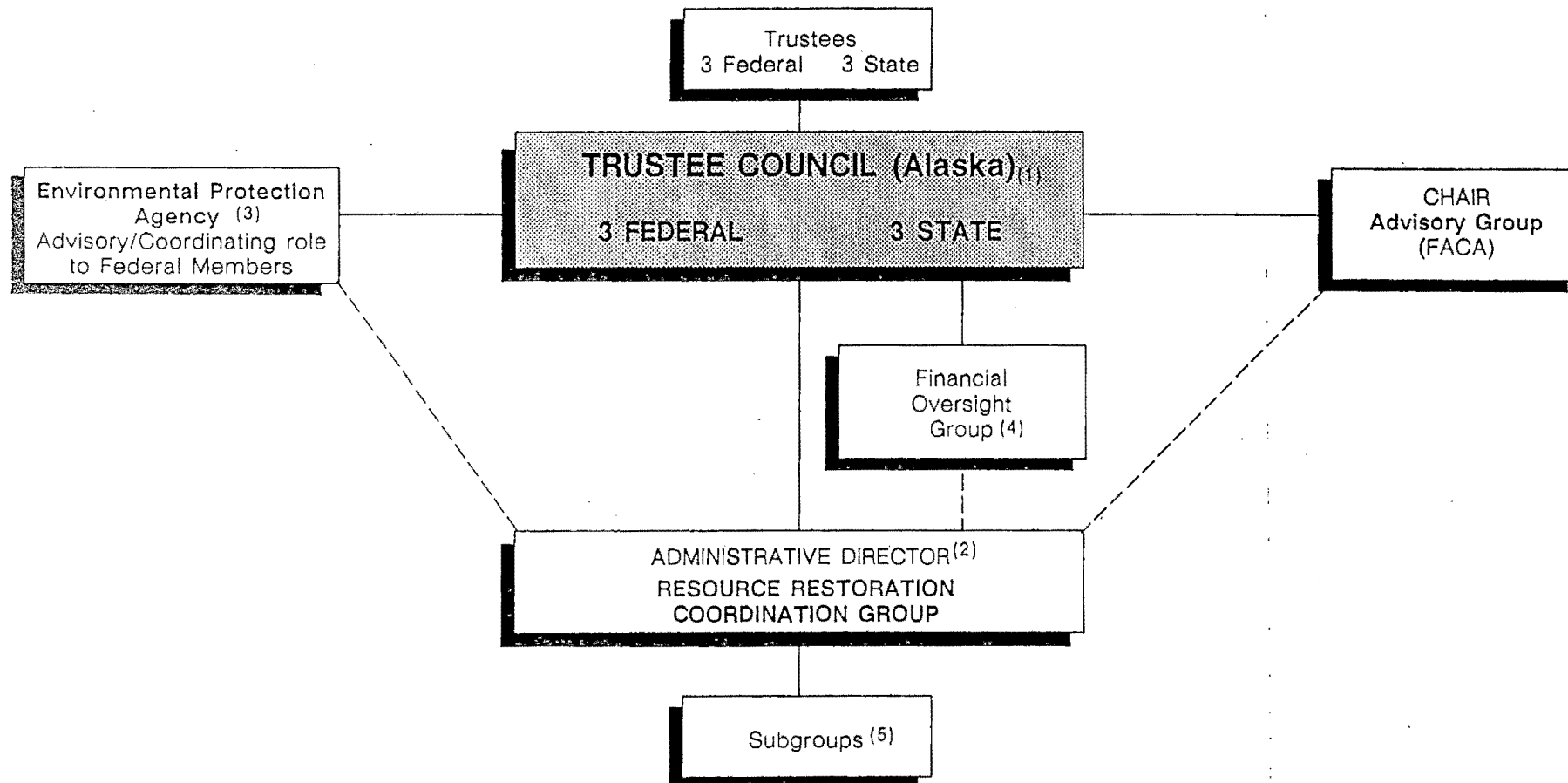
Financial Management Group (FMG)

1. Assemble budget for restoration activities and outyear requirements for submission to RRCG.
2. Coordinate during budget preparation with FMSG.
3. Cooperate with auditing requirements and procedures.
4. Monitor project performance as costs are being incurred.
5. Develop internal control procedures to ensure fiscal accountability and financial oversight.

FINANCIAL OVERSIGHT GROUP

1. Appointed by the Trustee Council (for the Federal members, with the concurrence of the Trustee Department's chief financial officer), and reporting directly to the Trustee Council.
2. To review operations of the Trustee Council, the RRCG and the Joint Trust Fund for financial matters, including audits, cost control criteria, reporting on fiscal management improvements and safeguards.

— PROPOSED —
EVOS Resource Recovery Organization Chart



- (1) Policy direction, legal counsel and budget oversight from Trustees in Washington and Juneau through normal agency channels.
- (2) Non-voting presiding officer of RRCG, (full time; responsible to Trustee Council) supported by a small administrative staff.
- (3) EPA & appropriate state agency co-chair a restoration planning subgroup of the RRCG.
- (4) To perform audit functions and oversight.
- (5) Formed as needed from Trustee Agencies — FS, BIA, FWS, NPS, NMFS, ADNR, ADF&G, ADEC and others as appropriate.

Name	Affiliation (if any)	Mailing Address
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Chris Nelson	Cordova District Fishermen's Union	Box 340 Cordova AK 99574
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Lancy Naslund		MBM, 1011 E. Tudor Rd., Anchorage AK 99503
Arnell J. Torenoff,	Chenega Bay IRA Council Administrator	Box 8079 Chenega Bay, AK 99574 573-5132
Philip Torenoff,	" President	" " " " " 573-5132
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indy Rabinowitz	Dept. of Interior	2525 Gambell Anchorage AK 99503

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Barbara Iseah	CACI	" " " " "
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usan Argill Bishop		P.O. Box 230951 Anchorage, AK 99523 Anchorage, AK.
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