

8.3.10

## PUBLIC PARTICIPATION SCOPING MEETINGS

May 18, 1992 7:00 p.m.  
Trustee Council Meeting Room  
645 G Street  
Anchorage, Alaska

RECEIVED  
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EXXON VALDEZ OIL SPILL  
TRUSTEE COUNCIL  
ADMINISTRATIVE RECORD

Attendees	Affiliation	Address
Ken Rice	Restoration Team	
Stan Senner	RPWG	
Barbara Iseah	Restoration Team	
LJ Evans	Restoration Team	
Donna Mix		2500 W. 66th
Steve Planchon	The Nature Conservancy	601 W. 5th, #550
Michael Galginaitis		1652 Sunrise Drive
David Johnson		Houston, Texas
Pandora Southkamp		Santa Barbara, CA
John Grames		P.O. Box 60827
John Humke	The Nature Conservancy	6911 Strata Street
		McLean, Virginia
Peter Schwar	AMT	3960 Alitak
Alan Phipps	ACE	519 W. 8th, #201

**Issues Addressed:****General Review**

Ken gave a brief introduction and proceeded to summarize the following handout documents:

- Settlement 101
- Draft Summary of Comments
- Nomination Process/Timeline
- Public Advisory Group Charter
- Letter to Agencies and Public Requesting Ideas for 1993
- Proposed Expenditures for 1992 (Projects and Administration)
- Timeline for the Restoration Plan

**Public Advisory Group**

The Trustee Council has approved a 15-member advisory group. A request for nominations has gone out and includes an explanation of the information sought for nominees. The deadline for nominations is June 8th. Nominations will then be compiled and submitted to the Trustee Council. Comments are also solicited on whether there should be assigned seats for the principal interests or whether there should be some flexibility in filling the seats to reach a balance.

## **1993 Work Plan**

Ideas are solicited on what projects should go forward in 1993. The public's input will help to develop requests for proposals.

## **Release of Natural Resource Damage Assessment Information**

Attorney General Charlie Cole is no longer requiring confidentiality on the interim natural resource damage assessment reports. This information will be made available within the next month through the Oil Spill Public Information Center.

Attention was directed to the following handouts:

Proposed Budget Summary for 1992  
Timeline for Completion of the Restoration Plan and Environmental Impact Statement  
Habitat Protection and Acquisition Process

## **Volume I - Restoration Framework**

Stan inquired whether the public had received copies of the framework document through the mailing list, and gave the following brief description of each section contained in Volume I - Restoration Framework:

- Chapter I - provides the background of the legal settlement
- Chapter II - outlines the goals of the public participation program
- Chapter III - recounts restoration activities from 1989 to the present; includes a list of issues and concerns identified for purposes of analysis of restoration options
- Chapter IV - contains a summary of the injury information to date
- Chapter V - proposes criteria for determining when the injury is sufficient to warrant any restoration action
- Chapter VI - proposes criteria and procedures for evaluating restoration options
- Chapter VII - contains six conceptual restoration alternatives
- Appendix A - provides information on injured resources and services
- Appendix B - provides 35 restoration options for consideration and the 14 options rejected

The Restoration Framework is a process document which will lead up to the preparation of a draft Restoration Plan. The goal over the next six months is to draft a plan to go to the public for review. By next spring a final Restoration Plan should be in place. The purpose of the Restoration Plan is to lay out a blueprint with a program for the ten-year life of the settlement. It will not be a

site-specific document but will describe the types of things the Trustee Council wants to do. The framework is a preliminary document to solicit comments from the public and to focus the Trustee Council's thinking. Attention was directed to a chapter-by-chapter prompt of questions eliciting comments on the framework document. The point of these questions is not to limit what the public might say. Comments are also solicited from the public on whether the criteria listed in Chapter V are too rigid or not rigid enough. Suggestions of additional options and priorities from among those options are welcome. Although this is a process document, there is also a lot of meat in it. The goal now is to have a draft Restoration Plan and environmental impact statement out by February of 1993 and to have the final Restoration Plan completed in May or June of 1993. The comment period for the Restoration Framework and draft Work Plan ends June 4th.

#### **Volume II - 1992 Draft Work Plan**

Volume II lays out the program of work being proposed to the Trustee Council for 1992. The first section is the natural resource damage assessment projects. The closeout cost is \$4.8 million. An additional six projects costing \$2.4 million are proposed for continuation due to insufficient information to determine the level of injury. Restoration projects costing \$6.6 million are designed to provide more information on the resources injured to determine when the resources are fully recovered.

#### **Questions:**

Ken and Stan answered the following questions posed by the public:

Regarding the Restoration Plan and the identification of alternatives, will the plan offer a preferred alternative?  
Alan Phipps

In terms of resources and services, is wilderness considered a resource or service? Alan Phipps

In the introduction to the plan, is the amount listed only for the plan or for the work? Can we expect the costs to go up or down? Donna Mix

In noting that the budgets do not include audit processes, what kind of audits will be done and what kind of accountability can the public expect? Donna Mix

Will this audit information be available to the public in one document? Donna Mix

What happens if money is not spent at the rate it comes in?  
John Humke

In Chapter VII under the restoration options, is fee simple acquisition not an option? Alan Phipps

Similar alternatives will surface again in the draft document. Do you foresee a lot of blocking out of options? Steve Planchon

When will the public know about responses to comments? Steve Planchon

Besides comments, what direct influence will the Public Advisory Group have? John Grames

How does the supplement to the framework document on habitat protection work? Steve Planchon

Since money has gone to both state and federal agencies, who does ownership of land go to and who will administer habitat? Will it depend on which pot the money is pulled from? Donna Mix

Could you explain restoration options rejected under Appendix B, Potential Restoration Options? Alan Phipps

When is the deadline for the Public Advisory Group nominations? Alan Phipps

Is this just a bunch of paper work or is there a check on the progress of the environment? Is there any restoration going on now? Peter Schwar

Will the Public Advisory Group be involved in fine tuning the development of the Restoration Plan? Steve Planchon

Where is the support for the Public Advisory Group going to come from? Will this be a set group of people working seven days a week? Donna Mix

#### **Oral Statements Presented:**

John Humke

-seems the plan doesn't come close to covering expenditure costs

John Grames

-this process seems undemocratic in appointments so that the citizen has been excluded; it doesn't behoove citizens to digest all these volumes of material; the people on the advisory group have their own agendas and they will play politics with all of this just by the very nature of the

group; this will make people cynical about the whole process in that they cannot affect their own affairs; this process is reverse from what we are governed by; public participation is not talking to committees; submitted a recommendation that issues about restoration be accepted from political platforms

Peter Schwar

-has gone out in his boat and seen oil still pouring out;  
wants to know if any more removal and cleanup will be done

**Written Proposals and Comments Submitted:**

John Grames

-nomination to the Public Advisory Group  
-Primary Election '92 proposal

Ken solicited written comments from the public. Stan announced the continuation of a Trustee Council meeting, which will be teleconferenced on May 20th, and invited the public to attend.

Meeting adjourned at 8:00.

**DRAFT****DRAFT**

Public Involvement Meeting  
Anchorage 2/13/92

Presentors: Sandy Rabinowitch (NPS), L.J. Evans (ADEC)

- S. Rabinowitch opened the meeting with an explanation of the primary purpose: to find out what the public thinks needs to happen in the broad sense with public participation and with the public advisory group. He went over the handouts available on the table, and said that the Oil Spill Public Information Center is serving as a clearinghouse for all documents having to do with the spill. In particular he pointed out the "Dear Citizen" letter and the discussion questions attached. He asked if anyone had any questions or comments.
- \* Lynda Hyce (City of Whittier): Have you at this time outlined who will be on the public advisory group?
- S. Rabinowitch: On the last page of that handout is a list of a dozen suggestions to serve as a beginning set of ideas for who would serve on the PAG. Is this list any good? Is this right way to try to try to coordinate it?
- \* L. Hyce: I noticed in the notes that came to our community that an emphasis of the PAG was on educating the public. We feel the trustees need to be educated by us. How is that going to work?
- S. Rabinowitch: There have been no decisions made on how that's going to work. At the last Trustee meeting one member started to make a motion about the formation of the PAG but the response of the others was to wait until this series of public meetings is done. There's strong feeling and language in the settlement to focus on Alaska and even within the spill area for PAG members; there hasn't been any disagreement with these ideas from the trustee members.
- \* Charles E. McKee: I have transcripts from the meeting. I want to submit copies of these bills and the emancipation proclamation. The spill would never have occurred had they not. I'm not against the U.S. Government, I am opposing the federal reserve corporation and it's money. If they're going to settle it it should be with U.S. money.
- S. Rabinowitch: We'll make this part of the public record, thank you for your comments.

Sandy then reviewed the charts taped to the walls:

**Public Advisory Group**

- All public or just some?
- How many members?

- "Reserved" seats? (entitled or have some special claim? or just have a variety of seats)
- Public "filter?"
- Source of advice/info?
- Selection - how chosen, who nominates
- What type of decisions?
  - Consensus?
  - Majority?
  - No decisions at all?

## **Interaction with Trustees**

- Discussion
- Reports
- RCAC model for replies
- Verification

## **Other Facets:**

Do we need:  
PIO  
Library  
FACA  
Cost

- \* Pam Miller (The Wilderness Society): My interpretation of the 2/10 minutes is that NEPA doesn't apply.
- S. Rabinowitch: I think you're confusing FACA with NEPA. We're discussing FACA, which is an act promulgated during the Carter administration to regulate advisory groups.

Regarding public participation you must keep in mind that the more meaningful the public participation is the more it costs. Running meetings, paying staff, covering travel expenses -- these costs all will come out of the settlement fund. Do you think that's a worthwhile way to spend the money?

- \* L. Hyce: I looked at the budget (that was discussed at the 2/5 and 6 trustee council meetings) and I thought of one way to put it in perspective. The PAG budget proposed was about the same as that slated for the Chief Scientist and his staff and that seems about right to me. However, I think the overall administrative costs in that budget were pretty high. It's important to point out that the regional representatives have been involved in a lot of public processes since the spill. The government agencies providing people to the process are all reimbursed. The local people and the non-profit organizations are not paid. It's probably worth a small amount to make sure it happens. In the Regional Citizens Advisory Council (RCAC) everyone donates their time. In that case the contribution of the individuals is more than that of the oil industry.



- S. Rabinowitch: goes over “all public or just some?” flip chart.
- \* Unidentified speaker: Could you please explain the RCAC model?
- \* L. Hyce: The RCAC was formed after the Exxon Valdez oil spill. It was originally formed by Alyeska to help improve contingency planning. One criteria is that the members are representing an organization, not just themselves. On the RCAC I speak for the city of Whittier. This broadens our base of constituency. We also have a sub-committee on public education. If the PAG used the RCAC model I hope that would be followed too.
- \* Unidentified speaker: However I was asking about the RCAC model for replies.
- \* L. Hyce: That is regulated by the Oil Pollution Act of 1990: questions to Alyeska from the RCAC must be answered in writing in 10 days.
- \* Alan Phipps (Alaska Center for the Environment): We have a letter to enter into the record. I'll summarize a few of the points for you. We believe the PAG should have 13 designated seats. It is important that the members be selected by the interests they represent. We are especially concerned because of some recent actions by the present Alaska administration regarding putting a representative of the environmental community on a certain advisory board. The credibility of your PAG rests on the ability of the interest groups to select their own representatives.
- S. Rabinowitch: I'd like to refer you particularly to FACA, which has specific language about basic fairness of representation.
- \* A. Phipps: It's important for the public at large to have access to the trustee council members. The PAG needs to represent groups, not the public at large. We're also in favor of subcommittees representing geographical areas. We recommend the PAG have two paid staff members because the work load will otherwise be overwhelming. We think the overall budget for the PAG should be between \$200 and \$350 K annually.

We recommend the trustees respond to PAG questions with written findings of fact and that the trustee council needs to be accountable to the PAG. It is important for the PAG to come to terms with how they're going to make decisions. We think whether the decisions are consensus or majority vote is issue dependent. The Trustees on the Shell oil spill accepted two non-voting members from the public. We think two members of the PAG should serve in that role with the Trustees.

- S. Rabinowitch: Please clarify -- you want two PAG members to sit with the trustees at meetings?
- \* A. Phipps: We think they should be full members of the trustee council but just not vote. They travel with the council, participate in discussions but don't vote.

It's important for the PAG to have full access to the Trustee Council and other staff. There is still an unresolved issue under discussion regarding the role of the state legislature in disbursement of funds. Attorney General Cole responded inadequately to the issues raised at the join committee meetings. Expenditure of funds in the near term is in jeopardy because of this. It is unfortunate the administration is taking this stand.

- S. Rabinowitch: Are you talking about spending money from the criminal penalties or the civil penalties.
- \* A. Phipps: Davidson's HB 411 is addressing the criminal monies, but what I am talking about is the civil settlement. ADEC has forwarded an idea to place most of the settlement into an endowment. We're opposed to that idea because it ties up money so it can't be used now, and because it may not be legal. We believe it is a thinly veiled attempt by the state to resist spending the money on restoration. We're concerned about agency budgets, on-going budgets, and feeding the bureaucracy.
- \* Unidentified speaker: In the dispute between Cole and the legislature, who has the authority?
- A. Phipps: Ultimately the judicial branch has the authority within the state.
- \* Unidentified speaker: It's becoming a question of how long is it going to take to get anything going with this restoration money.
- \* Dan Warren (Prince William Sound Aquaculture Association): We think the PAG should have designated seats and that it should not be a filtering group. The public needs direct access to the trustees. The PAAG should have regional representation, that is critical. We suggest that the people who are involved with the aquaculture groups are an important source; they already represent people in the regions.
- S. Rabinowitch: Can you logically come up with one person to represent both Kodiak and PWS?
- \* D. Warren: The areas affected are indeed very different. I can't speak for the other aquaculture groups, but speaking for PWSAA, probably not.
- S. Rabinowitch: One of the dilemmas is hopefully to come up with something that works for all the regions. If you say we must have people

from one end of the spill to the other, the group gets bigger, costs more, it becomes harder to do business. This is not bad, just adds factors that need to be considered.

- \* Kim Beaton (Timber Industry): There needs to be a mechanism for selecting PAG representatives, but it shouldn't be that seats just go to the most vocal groups. We also need to reach the quiet groups and make sure they are represented.
- S. Rabinowitch: How do we do that?
- \* K. Beaton: There is a parent group, the Alaska Forest Association. Contact them, they have mechanisms to reach everybody, newsletters, networks, other ways. I'd suggest you use them.
- \* A. Phipps: Since many of the lands involved here are national public lands, how are you involving the lower 48 states in these questions?
- S. Rabinowitch: At least so far we haven't done too much. At the January 10 Trustee Council meeting this issue was brought up but no decisions have been made.
- \* A. Phipps: As I recall that meeting the question was about available money to spend on land, not public meetings. Why is that not a priority of the three federal trustees?
- S. Rabinowitch: If that's something you're concerned about, you need to raise that point with the Trustee Council members. Certainly we have the ability to involve people from the lower 48. We do have a large mailing list which includes many people outside Alaska.
- \* P. Miller: The national groups such as mine are trying to put the perspective of the public in the national eyes. The media outside do not cover this story. In terms of what groups are represented on the PAG, you need to identify the local, Alaska-based environmental groups, but we'd also like to see the national groups represented, too. They can get the word out better nationally. We are also concerned about the PAG as an information filter. At the last Trustee meeting, one of the audience's testimony especially moved the trustees. If the PAG is a filter for the public that won't happen. We think the trustees should go out to each of the affected communities. It's not fair to the communities not to have a direct voice. We would also like to see the opportunity for more public comment at meetings.
- S. Rabinowitch: Is what they've been doing satisfactory? Sooner, later, more less?

- \* P. Miller: The decisions are made before the public has a say. If the PAG members are on the Trustee Council, there is a chance for public to have some input. If public comment can only be at the end of the meeting, that's OK, I guess. It is kind of a problem. But the best way to do that is to have a PAG member on the council.
- S. Rabinowitch: There are several reasons why we bring the concept of a filter up. If the PAG is a filter, a couple of staff members need to be on board for public involvement. We've been trying to make all of the opportunities we can to have public input. The staff needs support. It's a balancing act.
- \* P. Miller: We encourage you to use the Trustee Council meetings as public meetings, in the communities. The public benefits from seeing the Trustees by having the meetings in the communities. We want to see the Trustees somehow in the communities.
- \* L. Hyce: There have been decisions made already about paying back the agencies. The local governments haven't had their budgets restored, which should the state and federal agencies? I think it's real important for decisions like this to not be made before there's been an opportunity for public input.
- \* Jim Brennan: I'm in agreement with a lot of things Alan said. I think the groups need to pick their own representatives for the PAG. There is a lot of well-founded mistrust in the government, particularly the state administration.

As to how the groups pick these representatives, if you look at the draft (stakeholder) list, most of these groups have organizations which already exist. Ask them to show an effort to get people involved in the process. Impose obligations to show that they have made that effort. If they come up with representatives that satisfy both goals -- it removes the possible influence of the governments, and you don't allow the selection to be closed up within the group.

You also need some kind of clout for this group, it shouldn't just be a talking social club. They should be able to make decisions that mean something. It is reasonable to expect if the Trustee Council ignores their recommendations they must provide a written response explaining why.

- \* Jerry Ann Lowther: I am speaking representing myself as a recreational user, and I guess as a representative of the tourist industry. I am in favor of doing things that have an impact on habitat and on recreational and tourist uses of the area. What I see so far is top down management. It seems to me the advisory group must involve the public and present their input to guide the decisions. Part of the problem is because the public wasn't involved in the (settlement) decision. I think it is very important for the groups to select their own representatives.

- \* A. Phipps: In regards to the “stakeholders list,” one thing we disagreed with was having a science and academic representative on the PAG. If this is a public policy group, there’s not a scientist group that a public policy person would represent. That representative’s own personal interests would be reflected in the PAG. The PAG should be able to hire scientists if they need that expertise.
- \* J. Brennan: How does ACE’s list of representatives differ from the one presented in this handout?
- \* A. Phipps: It is similar but in a different order. We suggest there be representatives from:
  - local environmental groups
  - national environmental groups
  - fisheries
  - aquaculture
  - tourism
  - recreation
  - sport hunting
  - subsistence
  - regional native corporations
  - village corporations
  - local village councils
  - local spill impacted governments
- \* K. Beaton: You’ve done a good job of representing the villagers. They’re the most difficult to reach and get involved.
- \* P. Miller: The village representatives in that scenario would represent all of the villages and have it in their budget to make it to all the communities. Regarding the chief scientist, I noticed that budget is written to be about equal to the PAG. I assume the PAG should have access to the chief scientist.
- \* L. Hyce: From a practical standpoint you’re looking at a big group here. I think there has to be some structure to deal with regions and select seats so there’s a manageable size.
- S. Rabinowitch: What’s your opinion about the magic number?
- \* L. Hyce: If the group is more than 15 people it is impossible to discuss an issue of substance and it is difficult to find meeting places big enough. Twenty people at a table is a lot.
- \* Unidentified speaker: Couldn’t you have a committee and also have outside advisors?

- S. Rabinowitch: In Kodiak someone suggested there be three or four subgroups that make up “the” group. People there pointed out the disparity in interests between regions. They suggested the subgroups get together then maybe only one from each comes to the trustee council/PAG meeting. Do you have any thoughts on these ideas?
- \* K. Beaton: If both of the non-voting members come from the Restoration Team it devalues the lands acquisition committee.
- S. Rabinowitch: Let me clarify -- the PAG we’re talking about here is composed of members of the public, not agency representatives like me. The group looking at habitat acquisition will be composed of agency representatives since it is part of the government system, making recommendations through the Restoration Team. The various sub-groups of the Restoration Team formed of people like me and the PAG are completely separate things.
- \* K. Beaton: Will the PAG deal with lands acquisition?
- S. Rabinowitch: They can deal with anything they want to, and/or anything the Trustee Council asks them to deal with.
- L. Hyce: I think there’s other ways from the public process to work. Agencies can advertise their positions within the region and hire people from that region to do the work on restoration projects. Possibly they should give preferential hire to local people. I would hope the Trustee Council also would not look only to the PAG for public input. They should have meetings within the region. All restoration job announcements should also be advertised in the spill affected areas.
- \* Unidentified speaker: Who will choose the members of the PAG?
- S. Rabinowitch: The Trustee Council will decide who picks the members and whether they decide the structure of the PAG. The Trustees will decide the path, whether they do it, or start it and let the public decide from there. The goal for setting something up is stated as March 12. The date was set by the settlement on October 8 with a 60 day comment period ending December 8. Then a 90 day limit was set for the group to be in place, which ends March 12.
- \* Unidentified speaker: Are the categories of representation on the PAG set?
- S. Rabinowitch: No, not at all.
- \* K. Beaton: Say the Trustees select the PAG members. What group will contact the members?

- S. Rabinowitch: Probably the Trustees will assign that task to Dave Gibbons, Interim Administrative Director. Though he is a Forest Service employee, in the Director's role he must serve as a neutral party.
- \* L.Hyce: What is the deadline for written comments?
- S. Rabinowitch: Though no one has set a formal deadline, I'd say very soon would be good. We're working on a summary of these meetings to give to the Trustees. They like things sent around a little in advance of meetings, the next meeting is on 2/27 so I would guess by 2/21 would be best.
- \* L. Hyce: The selection process seems very short. In order for most of the organizations and the governments to submit written comments they must be reviewed and approved, and that takes time. The appointments will also take time.
- S. Rabinowitch: There's time pressure from both sides. The date specified from the settlement is one side and the reality of what you're pointing out presses the other way. You need to make the Trustees aware if what you need is more time.
- \* L. Hyce: On the other hand, I would not like those time constraints to dilute the PAG. The representatives should be chosen by the groups, not appointed by the Governor or the Trustees.
- \* K. Beaton: Assuming a lot of groups haven't been involved or submitted written comment, is that needed?
- S. Rabinowitch: It always helps. Please make comments in any way you can. If you don't let us know we can't pass the word along.
- \* P. Miller: What is meant on the stakeholder list by "conservation groups?"
- S. Rabinowitch: We made the distinction between goals of conservation and environmental groups. But in terms of who would actually be represented -- I don't think we've discussed that as far as I know.
- \* L. Hyce: So would the Restoration Team or the Trustees designate the organizations who would then select the members?
- S. Rabinowitch: We have not sorted that out. Different paths to the end result are available, we've just not had that discussion.
- \* J. Brennan: I suggest that you contact the groups and give a firm deadline, saying "if you don't choose by that time we will make the pick."

- \* K. Beaton: Will this be discussed on the 27th?
- S. Rabinowitch: Very likely.
- \* C. Livsey: How quickly does what happens here get to the Trustee Council?
- S. Rabinowitch: We made a report of public meetings so far at the February 5 and 6 Trustee meetings. We will probably have a full report on the 27th.
- \* P. Miller: I have questions about including representatives from the forest products industry, as you have them listed here on the stakeholder list. I'd say yes to the local and native groups, but not sure the forest products industry needs a representative.
- S. Rabinowitch: We listed them there because we recognize there is a significant enough interest in timber acquisition or habitat acquisition which is owned by a number of corporations. Those interests are somewhat synonymous with being a landowner. Owning a lot of acres of timber is somewhat equivalent to having property rights in this case. From a practical standpoint, anything that goes on in the way of habitat acquisition will affect those entities. We think the Trustees shouldn't go blind into decisions that might have serious effects on a lot of people.
- \* Forest - Koncor: I disagree with Ms. Miller. Forest industries have a legitimate interest in what happens. Talking about acquisition affects jobs, native hire, and other things.
- \* P. Miller: I feel that those interests would be represented by village corporations and the communities. I'd rather hear directly from the people than from an industry representative.
- \* Unidentified Speaker (identified himself as from Koncor Forest Products): But those interests would not necessarily represent the loggers and the companies that hire them. Who has control of the trees? We'd like to relay what the public thinks to the companies.
- \* P. Miller: It's inevitable that there will be minority views. But I still have doubts that the timber industry needs to be represented.
- S. Rabinowitch: There are going to be differences of opinion, obviously. We believe if we have a broad enough representation on the PAG that when people get together we hope the group is able to come up with creative solutions even to divisive issues.



- \* J. Brennan: Effective restoration to me means buy back of timber rights. There are interests in the villages that are different from the corporations. I want that representative to be on the advisory board. If we can all come together and develop a consensus the PAG will have lots of credibility with the Trustee Council.
- \* L. Hyce: Another way to look at it is making sure all the interests are represented. For example at RCAC we often discuss economic issues. We have found that if you try to define recreational issues, you end up with economic issues.
- \* Unidentified speaker: If you set up the PAG to represent interests and then try to keep out some interests because they're already represented that is a problem. If you do designate the seats you truncate these people and their lives. They're not environmentalists all the time, or forest products representatives all the time. Some people are going to have to represent more than one interest.
- \* K. Beaton: Encourage communication throughout the process. Anytime you can get everyone to work together it is to the benefit of the whole process.
- S. Rabinowitch: One and a half years ago we brought three people who are experts in public involvement up here to give us all training in this area. One of the most important things I remember is do not exclude anyone. I think that whoever you leave out of a process like this is going to take pot shots and eventually what is otherwise a good idea.

There being no other comments, Sandy closed the meeting at 9:15 p.m.



# Alaska Center for the Environment

519 West 8th Ave. #201 • Anchorage, Alaska 99501 • (907) 274-3621

*Rec'd at 2/13/92 mty*

February 13, 1992

Trustee Council  
c/o Mr. David Gibbons  
645 G Street  
Anchorage, AK 99501

RE: Public Process for Exxon Valdez Spill Restoration

Dear Mr. Gibbons:

The Alaska Center for the Environment welcomes the opportunity to comment on the above referenced spill restoration process. We believe that full public involvement is essential to a successful restoration effort. Towards that end, we make the following comments:

1. The Public Advisory Group (PAG) mandated by the Settlement should be composed of thirteen members selected by the interest groups they represent, not appointed by the Trustee Council or other governmental officials. We emphasize this point because the very validity and credibility of the PAG depends on trust and a good working relationship between the PAG members, the public they represent, and the Trustee Council they are advising. Unfortunately, the current state administration has a documented history of appointing individuals to advisory groups who are not representative of the interests they are supposed to represent. A case in point is the Alaska Board of Forestry. The current "representative" of environmental organizations, a seat mandated by statute, was not selected from the list of nominees submitted by the environmental community.

The PAG should be composed of one representative each of the following interests:

- Local and regional environmental groups
- National environmental groups
- Commercial fishermen
- Aquaculture
- Tourism
- Commercial recreation
- Private recreation
- Sport hunting and fishing
- Subsistence hunting and fishing
- Regional native corporations
- Village native corporations
- Native village councils
- Local spill-impacted community governments

The PAG should be allowed full access to all Restoration Team and other agency staff meetings, as well as full access to the Trustee Council.

2. The PAG should be allowed to select two of its members to represent the public as non-voting members of the Trustee Council. Precedent for this was established by the Trustees of the Shell Oil Spill Settlement in California, which has two non-voting members representing the public.

3. The PAG should have subcommittees, composed of individuals who are not PAG members, representing the several geographic regions within the spill-impacted area.

4. The PAG should be provided a budget sufficient to enable it to hire at least two staff persons to serve at the pleasure of the PAG in order to assist in setting up meetings, facilitating communication flow between PAG members, between PAG members and the Trustee Council, between PAG members and Restoration staff, between PAG members and the interests they represent, and between the PAG and the general public. Staff should have day to day involvement with the Restoration Team. The budget should also include adequate funds for travel to meetings, telephone calls, printing, per diem, and other expenses. Assuming one PAG meeting per month, an annual budget of \$250,000 to \$300,000 would be necessary.

5. The Trustee Council should be held accountable for their decisions. If the Trustee Council acts contrary to the recommendations of the PAG, it should have to justify its actions with "written findings of fact" prior to proceeding with the actions in question.

6. The Trustee Council should continue to hold regular public meetings in Anchorage and other communities within the spill-impacted region so that the general public can review and comment on draft restoration plans. And since the spill impacted federally managed national interest lands, public meetings should be held in the Lower 48 as well.

7. Adequate involvement of the general public can be assisted by the establishment of an information office staffed by a public involvement specialist.

8. We oppose the idea being forwarded by a few individuals that a series of public advisory groups be established, each representing a different interest, which would recommend how to spend monies earmarked for those interests by the Trustee Council. This scheme fails to provide a mechanism for public input to the Trustee Council on how the monies would be "divided", fails to address the overlapping concerns of many interests, and perpetuates an attitude of "pork barrel" politics. The diversity of interests should come together in a common PAG in order to provide the most valuable and credible advice to the Trustee Council.

In addition, we have the following general comments:

9. The Trustee Council must immediately address the question of legislative and congressional appropriation powers. The Alaska constitution requires that the legislature appropriate all monies. The Trustee Council must immediately negotiate with the legislature a procedural solution to this problem so that restoration monies can be utilized for habitat acquisition and other restoration projects immediately.

10. We adamantly oppose the idea being forwarded by the Alaska Department of Environmental Conservation and others to place most of the Settlement money into an endowment. This is a thinly veiled attempt to limit the amount of money immediately available to pursue habitat acquisition and other restoration projects. This does not comply with the spirit or intent of the Settlement, by essentially locking up the funds now when they are needed most. It is unclear how endowment funds available in the distant future, say the year 2101 A.D., could be used to "restore" the impacted areas.

Broad segments of the public have stated repeatedly that acquisition of fish and wildlife habitat and recreation sites is the most appropriate and valuable way in which settlement funds can be utilized. It is necessary for the amount of funds available for these acquisitions be maximized now and over the next ten years, in the face of imminent logging and other development activities. An endowment does not respond to this public need.

11. We oppose continuing efforts by the agencies to fund their operating budgets with settlement monies. We also oppose the use of settlement funds for unnecessary scientific studies. All efforts should focus on maximizing the funds available for habitat acquisition.

12. We are dismayed by the concerns expressed by certain Trustee Council members regarding habitat acquisition, based on philosophical opposition to acquisition of privately owned resources with public funds. Philosophical opposition notwithstanding, the Trustee Council must seek to maximize the restoration of the spill-impacted areas with the limited monies available. Public support for habitat acquisition and the presence of willing sellers provides a clear opportunity to maximize private realization of capital assets and long term economic diversity in local communities. Given that the future economic well-being of local spill-impacted communities depends on a diversity of forest dependent industries such as commercial fishing, sport fishing and hunting, recreation, tourism, and subsistence uses, habitat acquisition is essential for economic as well as biological reasons.

We appreciate your careful consideration of our comments. If you have any questions, please do not hesitate to contact us.

Sincerely,

A handwritten signature in cursive script, appearing to read "Alan Phipps".

Alan Phipps  
State Lands Specialist

# Exxon Valdez Restoration Public Participation Meeting, Anchorage, February 13, 1992

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