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Dec 2, 1992

Meeting Summary

- A. MEETING: Exxon Valdez Oil Spill Public Advisory Group (PAG)
- B. DATE/TIME: Wednesday, December 2, 1992
- C. LOCATION: Anchorage, Alaska
- D. MEMBERS IN ATTENDANCE:

<u>Name</u>	<u>Principal Interest</u>
Rupert Andrews	Sport Hunting & Fishing
Pamela Brodie	Environmental
James Cloud	Public-at-Large
James Diehl	Recreation Users
Richard Eliason	Public-at-Large
Donna Fischer	Local Government
John French	Science/Academic
Paul Gavora	Public-at-Large
James King	Conservation
Richard Knecht	Subsistence
Vern McCorkle	Public-at-Large
Gerald McCune	Commercial Fishing
John McMullen	Aquaculture
Brad Phillips	Commercial Tourism
Kim Benton (for J. Sturgeon)	Forest Products
Charles Totemoff	Native Landowners
Llewellyn Williams	Public-at-Large

E. NOT REPRESENTED:

<u>Name</u>	<u>Principal Interest</u>
Cliff Davidson (<i>ex officio</i>)	Alaska State House
Jalmar Kertulla (<i>ex officio</i>)	Alaska State Senate

F. OTHER PARTICIPANTS:

<u>Name</u>	<u>Organization</u>
Pamela Bergmann	Restoration Team Dept. of Interior
Mark Broderson	Restoration Team AK Dept. Envir. Conservation
David Bruce	AK Dept. Envir. Conservation
Charlie Cole	Trustee Council AK State Attorney General
Shep Dale	AK Dept. Envir. Conservation
Chris Dillon	Cook Inlet Regional Citizens Advisory Council

LJ Evans

Dave Gibbons

Keith Goltz

Jeff Guard

Peg Kehrer

Theo Mathews

Curt McVee

Jerome Montague

Byron Morris

Doug Mutter

Alan Phipps

Sandy Rabinowitch

Ken Rice

Marty Rutherford

Cordell Roy

John Sandor

Alex Swiderski

Craig Tillery

Anne Wieland

Restoration Team Public
Information Officer
Restoration Team Interim
Administrative Director
Dept. of Interior
Cordova Dist. Fishermen United
AK Dept. Fish & Game
VEIDA
Trustee Council
Special Assistant to the
Secretary of Interior - AK
Restoration Team
AK Dept. Fish & Game
Restoration Team
Nat. Marine Fisheries Ser.
Designated Federal Officer
Dept. of Interior
AK Center for the Environment
National Park Service
Restoration Team
Forest Service
Restoration Team
AK Dept. Natural Resources
National Park Service
Trustee Council
Commissioner, Alaska Dept.
Environmental Conservation
AK Dept. Law
AK Dept. Law
KBCC

G. SUMMARY:

The meeting was called to order by Doug Mutter at 9:40 a.m. and introductions were made by all present. Dave Gibbons distributed informational materials (see list, section J). Mutter suggested that the election of officers be held at this time. It was moved by Williams and seconded by French that the elections be postponed until 3:30 P.M. Said motion was passed by a majority vote. Approval of the summary of the last meeting was moved by Phillips and seconded by Cloud. Said motion was passed by consensus.

The draft "PAG Background and Guidelines" were reviewed. It was decided not to have staggered terms for PAG members at this time. The use of alternates to officially designated members was discussed. Legal questions about the subject were not resolved and the issue was tabled. The number of members to establish a quorum was changed from 9 to 12. A restriction of membership on subcommittees to PAG members only was rejected. It was moved by Cloud and seconded by McCorkle that the procedures be presented to the Trustee Council for approval. Said motion was passed by unanimous vote.

Brodie moved and McCorkle seconded that the Trustee Council forward any restoration staff/organizational changes and applications for the permanent position of Administrative Director to the PAG and the public for review and comment prior to making any decisions. After discussion, the motion failed by a vote of 6 to 11.

Sandy Rabinowitch reviewed the draft outline and alternative themes for the restoration plan.

Craig Tillery discussed the applicability of the Alaska Open Meetings Law to the PAG. The PAG is subject to the law. Reasonable public notice of a meeting must be given (eg. a notification in a public place). He also summarized the draft legal view of what the joint settlement monies can be spent for; the first level being for restoration, rehabilitation, replacement and/or enhancement of impacted resources and services; the second being for acquisition of equivalent resources/services. He also distributed and summarized the recent court settlement with Alyeska.

Dave Gibbons gave a brief overview of the 1993 Restoration Team work plan. Discussion ensued about the role of the PAG in advising the Trustee Council on the 1993 plan. Some PAG have examined projects in depth and have comments to make from their principal interest viewpoint. It was agreed that they should forward such comments to the Trustee Council and give a copy to Mutter, who will distribute to the PAG. Two levels of concern were identified: one with the process of plan development and decision making, the second with the merit of individual projects. There was a discussion about the use of non-government contractors and local involvement in projects. It was moved by McMullen and seconded by Phillips that a resolution prepared by Totemoff be passed. Said resolution was amended and passed (attached). It was moved by Williams and seconded by Cloud that the PAG meet again January 6 and 7 to make its recommendations on the 1993 projects. Said motion passed. It was moved by Phillips and seconded by Fischer to request that the Trustee Council refrain from final decision on the 1993 projects from its December 11, 1992 meeting until after the PAG meeting in January 1993. Said motion was passed (attached).

The election of officers for the next year was held. Nominees for Chairperson were Brad Phillips and John French. Phillips was elected. The nominees for Vice-chairperson were Donna Fischer and Lew Williams. Fischer was elected.

Brodie moved and it was seconded by McCorkle that three regional work groups (Kenai Peninsula, Kodiak, Prince William Sound) be established for PAG members to use to review and discuss restoration plans. Said motion was passed. The Chair asked for volunteers to chair each work group, the following were identified: Kodiak: John French, Kenai: Vern McCorkle,

PWS: Donna Fischer. Work group leaders must contact Mutter prior to holding meetings to ensure travel is authorized, meetings are given public notice and the Designated Federal Officer is in attendance. Brodie moved and it was seconded by Benton to create a scientific work group and a habitat work group. Said motion failed.

The meeting was opened to public comment. Jeff Guard presented a letter (attached) from the Cordova District Fishermen United.

H. ACTION ITEMS:

1. Chairperson Phillips will present the four resolutions of the PAG to the Trustee Council at their December 11, 1992 meeting.
2. The three work group leaders, French, McCorkle, and Fischer, will arrange for discussions on the 1993 projects and report at the January 6-7, 1993 meeting. They will coordinate with Mutter.
3. Mutter will follow-up on the use of alternates for PAG members.

I. NEXT MEETING:

January 6 and 7, 1993 at 9:30 a.m., First Floor Conference Room, 645 G Street, Anchorage, AK

J. ATTACHMENTS:

1. Resolution #1 Public Advisory Group procedures
2. Resolution #2 local involvement in 1993 restoration projects
3. Resolution #3 review period for 1993 restoration projects
4. Resolution #4 election of PAG officers
5. PAG Background and Guidelines (vol. I tab IV.C)
6. Handouts attached for those not present:
 - a. Flow chart for Exxon Valdez Settlement Funds (vol. I tab VI.D)
 - b. Exxon Valdez oil spill settlement account #1 (vol. I tab VI.D)
 - c. Exxon Valdez oil spill settlement account #2 (vol. I tab VI.D)
 - d. Final work group procedures for Restoration Team (vol. I tab III.B)
 - e. Draft alternative themes for restoration plan (vol. II tab II)
 - f. Draft annotated outline for draft restoration plan (vol. II tab II)
 - g. Totemoff statement to PAG (vol. I tab X)

- h. Exxon Valdez oil spill symposium brochure (vol. I tab VIII.C)
- i. Valdez Charter Boat Assoc. letter (vol. I tab X)
- j. Cordova District Fishermen United letter (vol. I tab X)

7. Handouts at the meeting not attached:

- a. Restoration Team administrative record of 1993 project decisions
- b. Look-up tables for 1993 projects
- c. Public comments on 1993 projects
- d. Agreement and Consent Decree: Alyeska case
- e. Options for Identifying and Protecting Strategic Fish and Wildlife Habitats and Recreation Sites a handbook by The Nature Conservancy.

K. CERTIFICATION:

PAG Chairperson

Date

EXXON VALDEZ OIL SPILL PUBLIC ADVISORY GROUP

Recommendation to the Trustee Council

RESOLUTION NO. 1

WHEREAS, the Trustee Council established the Exxon Valdez Oil Spill Public Advisory Group through the Charter filed by the Secretary of the Interior on October 26, 1992; and

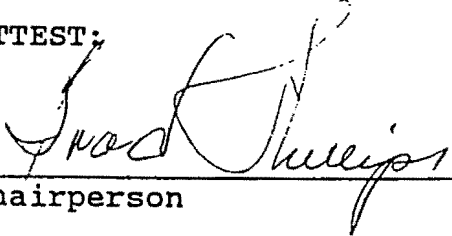
WHEREAS, the Public Advisory Group finds it necessary and beneficial to establish operational procedures as set forth in the Exxon Valdez Oil Spill Public Advisory Group Background and Guidelines; and

WHEREAS, the Charter states that "All rules and procedures governing the proceedings of the Public Advisory Group must be approved by the Trustee Council";

NOW, THEREFORE BE IT RESOLVED BY THE PUBLIC ADVISORY GROUP to advise that the Trustee Council approve the above named procedures (attached) for use by the Public Advisory Group.

ADOPTED the 2nd day of December, 1992, by majority vote.

ATTEST:


Chairperson

EXXON VALDEZ OIL SPILL PUBLIC ADVISORY GROUP
Recommendation to the Trustee Council

RESOLUTION NO. 2 _____

WHEREAS, the United States of America and the State of Alaska entered into a Memorandum of Agreement and Consent Decree ("MOA") on August 28, 1991, in which the United States and the State of Alaska agreed to act as co-equal trustees; and

WHEREAS, the MOA provided that all future Natural Resource Damage Recoveries from Exxon must be used "for purposes of restoring, replacing, enhancing, rehabilitating or acquiring the equivalent of natural resources injured as a result of the oil spill and the reduced or lost services provided by such resources;" and

WHEREAS, the trustees for the State of Alaska and the United States of America entered into a Memorandum of Understanding (MOU) on October 1, 1992, the purpose of which MOU was to confirm the establishment of and the authority granted to the Exxon Valdez Oil Spill Trustee Council; and

WHEREAS, the Trustee Council established, pursuant to the MOU, and appropriate policies and procedures, including standards and procedures "for meaningful public participation, including the receipt of advice by the Trustee Council of advice from the Public Advisory Group on behalf of the Trustees;" and

WHEREAS, the Federal members of the Trustee Council and the state members of the Trustee Council are to take action in order to release settlement funds and transfer those funds to the United States Department of the Interior Natural Resource Damage Assessment and Restoration Fund and to an account designated by the State of Alaska, respectively with the Trustee Council sharing the expectation that the Federal portion of the budget will be completed within thirty (30) days of receipt in Washington, D.C.; and

WHEREAS, the 1993 Draft Work Plan has been reviewed and submitted for public comment and for advice from the Public Advisory Group on behalf of the Trustees; and

WHEREAS, the Public Advisory Group believes that significant participation in restoration contracts is a necessary component, pursuant to the MOU, in order to restore, replace, enhance, rehabilitate, or acquire the equivalent of natural resources injured as a result of the Exxon Valdez oil spill, and the reduced or lost services provided by such resources; and

EXXON VALDEZ OIL SPILL PUBLIC ADVISORY GROUP

Recommendation to the Trustee Council

RESOLUTION NO. 3

WHEREAS, the Trustee Council established the Exxon Valdez Oil Spill Public Advisory Group, in part, to review and comment upon program plans under consideration by the Trustee Council; and

WHEREAS, the Trustee Council has requested that the Public Advisory Group review and comment upon the proposed 1993 work plan projects and budget; and

WHEREAS, the Public Advisory Group received a significant amount of pertinent information since October 29 and as recent as December 2, 1992 and has not had ample time to digest this information; and

WHEREAS, the Public Advisory Group recognizes and fully appreciates the importance of moving forward in a timely manner with 1993 programs; and


WHEREAS, the Public Advisory Group has serious concerns about the 1993 program process and individual project proposals; and

WHEREAS, the Public Advisory Group believes it is in the best interest of the Trustee Council to ensure that adequate public review and comment be provided for prior to making final decisions for the 1993 program;

NOW, THEREFORE BE IT RESOLVED BY THE PUBLIC ADVISORY GROUP to respectfully request that the Trustee Council withhold final approval of 1993 projects and budgets until after the January 6 and 7, 1993 meeting of the Public Advisory Group to review 1993 programs in depth and make recommendations to the Trustee Council.

ADOPTED the 2nd day of December, 1992, by unanimous vote.

ATTEST:


Chairperson

EXXON VALDEZ OIL SPILL PUBLIC ADVISORY GROUP

Recommendation to the Trustee Council

RESOLUTION NO. 4

WHEREAS, the Charter of the Exxon Valdez Oil Spill Public Advisory Group provides for the election of officers, including Chairperson and Vice-chairperson; and

WHEREAS, the Charter requires Trustee Council approval, in consultation with the Public Advisory Group, of these two officers; and

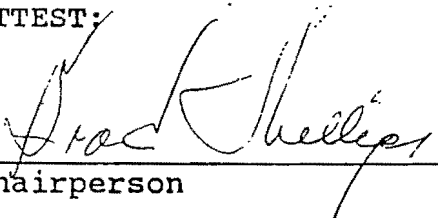
WHEREAS, the Public Advisory Group, by majority vote on a secret ballot, elected Brad Phillips to serve for one year as Chairperson; and

WHEREAS, the Public Advisory Group, by majority vote on a secret ballot, elected Donna Fischer to serve for one year as Vice-chairperson;

NOW, THEREFORE BE IT RESOLVED BY THE PUBLIC ADVISORY GROUP to request that the Trustee Council approve the two officers elected to serve the Public Advisory Group for the upcoming year.

ADOPTED the 2nd day of December, 1992, by majority vote.

ATTEST:


Chairperson