

8.6.3

Information Session Summary

- A. GROUP:** Exxon Valdez Oil Spill Public Advisory Group (PAG)
- B. DATE/TIME:** February 10, 1993
- C. LOCATION:** Anchorage, Alaska
- D. MEMBERS IN ATTENDANCE:**

RECEIVED
MAR 30 1993

EXXON VALDEZ OIL SPILL
TRUSTEE COUNCIL
ADMINISTRATIVE RECORD

<u>Name</u>	<u>Principal Interest</u>
Kim Benton (for Sturgeon)	Forest Products
Pamela Brodie	Environmental
James Cloud	Public-at-Large
James Diehl	Recreation Users
Richard Eliason	Public-at-Large
John French	Science/Academic
Paul Gavora	Public-at-Large
Richard Knecht	Subsistence
Vern McCorkle	Public-at-Large
Mary McBurney (for McCune)	Commercial Fishing
Brad Phillips	Commercial Tourism
Charles Totemoff	Native Landowners
Dan Warren (for McMullen)	Aquaculture
Llewellyn Williams	Public-at-Large

E. NOT REPRESENTED:

<u>Name</u>	<u>Principal Interest</u>
Rupert Andrews	Sport Hunting & Fishing
Cliff Davidson (<i>ex officio</i>)	Alaska State House
Donna Fischer	Local Government
James King	Conservation
Jalmar Kertulla (<i>ex officio</i>)	Alaska State Senate

F. OTHER PARTICIPANTS:

<u>Name</u>	<u>Organization</u>
Mark Broderon	Restoration Team AK Dept. Envir. Conservation
Ralph Eluska	AKI
Thomas Fink	Private Consultant
Dave Gibbons	Restoration Team Interim Administrative Director
Chuck Gilbert	National Park Service
Carol Gorbics	Fish and Wildlife Service
Kathy Hess	The Nature Conservancy
Bill Hines	Nat'l. Marine Fisheries Ser.
Rita Kasper	Rusher Services

Bob Loeffler
Johanna Munself
Doug Mutter

Alan Phipps
Ken Rice

Jerry Rusher
Marty Rutherford

Joe Sullivan
Chris Swenson
Kim Sundberg
Ray Thompson
Art Weiner

AK Dept. Envir. Conservation
Self
Designated Federal Officer
Dept. of the Interior
AK Center for the Environment
Restoration Team
U.S. Forest Service
Rusher Services
Restoration Team
AK Dept. Natural Resources
AK Dept. of Fish & Game
AK Dept. of Fish & Game
AK Dept. of Fish & Game
US Forest Service
AK Dept. Natural Resources

G. SUMMARY:

The information session was opened at 9:30 a.m. by Chairperson Brad Phillips. It was determined that a quorum was not present and agreed to that the PAG would continue with an informal information and discussion session. There were no problems with the summary of the January 6-7 PAG meeting.

Dave Gibbons provided a summary of the January 19-20, 1993 Trustee Council meeting (attachment J.4.a). Actions taken by the Trustee Council on the PAG recommendations are:

#1--PAG procedures: tabled until 2-16-93 meeting

#2--Local involvement in restoration: passed a like motion

PAG recommendations for 1993 Work Plan projects: see attachment J.4.c.

The Trustee Council also approved a motion directing the PAG not to spend funds for public hearings (attachment J.3).

Gibbons suggested that the PAG discuss what they want to report to the Trustee Council to be clear on the issues and recommendations. There was discussion about the need to prioritize recommendations, in particular the upcoming 1994 projects, and to pass that information to the Trustee Council. This could be done by a grading system and then averaging grades per project, or by setting a budget ceiling and prioritizing within those limits. It was made clear that the Trustee Council desired a more critical PAG review of proposed activities.

The subject of PAG alternate members was discussed. It was suggested that the Trustee Council examine the possibility of having PAG alternates that could vote. This would aid in

achieving a quorum. If this was not possible, the PAG should revisit the number of members required for a quorum. Names of potential alternates are to be forwarded, along with the request to designate voting alternates, to the Trustee Council. PAG members should be called before a scheduled meeting to verify their attendance.

Art Weiner, Kim Sundberg, and Chuck Gilbert presented the proposed draft analysis (attachment J.4.b) of imminent threat lands to be brought before the Trustee Council February 16. The overall goal of habitat protection is to protect lands and habitat in order to protect injured resources and services affected by the oil spill. The immediate goal is to protect parcels imminently threatened by changes in land use. The Trustee Council is expected to approve the staff moving ahead with discussions with landowners as to collecting data on their property, whether they are willing to participate, and whether they are willing to sell title or rights. The question of consideration of land exchanges in lieu of purchases was raised. It was recommended that restoration staff contact landowners and timber owners early on in the process. It was suggested that additional weight be given to fish and services in evaluating habitat. The location of the "spill affected area" was raised--there is no spill boundary map. The exact role of the PAG in this process is unclear.

Bob Loeffler and Carol Gorbics presented the injured resources table and the table of 5 proposed alternatives for the Restoration Plan (attachments J.4.a & d). A similar table on injured services is being developed. The relationship of alternatives to existing Area Plans was raised. The amount of money identified for expenditure throughout the Restoration Plan time-frame was \$522 million (\$610 million corrected for inflation--this is what is left of the \$950 million after reimbursements and current work plans). Three types of endowments are to be considered separate from the alternatives. There were comments that endowments should be more of an integral part of the alternatives.

Joe Sullivan outlined the status of the 1994 Work Plan. A mid-March work session with the Trustee Council will be used to develop the basis for the 1994 Work Plan, which will then be drafted for public review late in the spring. The Trustee Council plans to approve a 1994 Work Plan around August. Comments were made that it would be useful for the PAG to get draft portions as soon as possible in order to better respond.

Issues and concerns were identified, but not agreed upon by all PAG members, for transmittal to the Trustee Council at their February 16 meeting (attachment J.4.1).

The information session was opened for public comment. Jerry Rusher presented a proposed project (attachment J.4.g) for beach restoration.

H. FOLLOW-UP:

1. Chairperson, Brad Phillips, will give the status report at the February 16, 1993 Trustee Council meeting.
2. Phillips will consult with Gibbons and Mutter regarding scheduling the next PAG meeting.
3. Each PAG member is to get to Mutter by Friday, February 12 (or as soon as possible), the name, address, telephone number and a short description of background for a proposed alternate.

I. NEXT MEETING: Not Scheduled (probably late April to mid-May).

J. ATTACHMENTS:

1. Issues/concerns raised at the February 10, 1993 PAG information session.
2. Proposed modifications to the PAG operating procedures, for consideration by PAG members.
3. Excerpt from the January 19, 1993 Trustee Council meeting transcript.
4. Handouts attached for those not present:
 - a. Trustee Council Meeting Notes
 - b. Opportunities for Habitat Protection/Acquisition (vol. II tab V)
 - c. 1993 Work Plan Summary Recommendation Matrix (vol. II tab IV)
 - d. Table V--Degree of Injury (vol. II tab II)
 - e. Letter from Alaska Wilderness Recreation and Tourism Assoc. (vol. I tab X)
 - f. Notice of Second Withdrawal from Settlement Account (vol. I tab VII.C)
 - g. Letter from Rusher Services (vol. I tab X)

K. CERTIFICATION:

PAG Chairperson

Date

**Selected Issues and Concerns Identified
at the EVOS Public Advisory Group Information session
February 10, 1993**

The following items were raised, but not necessarily agreed upon by all members. This is presented for the information of the Trustee Council.

1. Land trades should be considered as a tool to use in the habitat protection process.
2. Fish species are underweighted in the habitat classification system (eg. there should be 3 categories of fish). Also, services are not given enough weight.
3. More site-specific information about linkage to injured species was suggested by some members as a need in the habitat protection summary data.
4. Landowners and timber owners should be involved earlier in the habitat protection process, rather than later.
5. The possible uses of lands acquired under the Restoration Program should be identified in the parcel summary tables.
6. Commercial fishing should be considered a service in the habitat protection analysis.
7. The PAG needs feedback from the Trustee Council as to what it should be focussed on and how it should approach its responsibilities.
8. Allowing for the selection, with Trustee approval, of voting alternates for PAG members should be reconsidered--this may involve an amendment to the charter. An option is to reduce the number of members required for a quorum.
9. Contracting to private concerns should be considered for upcoming projects.
10. The overlap of agency and project plans should be determined to prevent unnecessary duplication.
11. Should the PAG be prioritizing projects as part of their recommendations to the Trustee Council?
11. Endowments should be incorporated into Restoration Plan alternatives and included in the Plan summary.
12. Some PAG members suggested looking at a "no habitat acquisition" alternative.
13. Areas close to, but not within, the spill-affected area should be considered for application of restoration efforts.

DRAFT

E. Officers

The Public Advisory Group shall have a chairperson and a vice-chairperson, who shall be elected annually from the voting membership by a majority vote of the membership, and approved by the Trustee Council in consultation with members of the Public Advisory Group. Officers shall serve a one-year term. The chairperson and vice-chairperson are eligible for re-election and reappointment to successive one-year terms.

F. Alternate Members

- ** Public Advisory Group members may designate one alternate to attend a meeting(s) in place of the official member in case they cannot attend. Designated alternates must have prior approval of the Trustee Council in order to have a vote. The official member must inform the Designated Federal Officer ahead of time, if travel funds are requested for the alternate to attend. At the Public Advisory Group meeting, the alternate can participate in discussions and can vote for the official member.

DRAFT

E. Action/Rules of Voting

- ** Matters before the Public Advisory Group requiring a vote to make a recommendation to the Trustee Council shall have a majority approval of the voting members present (which must constitute a quorum). The Designated Federal Officer and any *ex officio* members shall not vote on matters before the Public Advisory Group. When recommendations are approved with less than unanimous consent, a minority report(s) indicating the range of opinion on the issue will be submitted, along with the majority recommendation, to the Trustee Council.

F. Subcommittees

The Public Advisory Group may create *ad hoc* subcommittees or work groups to review in depth subject matter brought before the Public Advisory Group. Under Federal law, the Designated Federal Officer must approve the agenda and any travel involved and be present at all subcommittee or work group meetings. Meetings will be publicly announced ahead of time by the issuance of public service announcements to relevant local media, posting of meeting notices at the Oil Spill Information Center and local libraries and teleconference sites, and by distribution of meeting notices to Public Advisory Group members, the Restoration Team and the Trustee Council. A record of the subcommittee or work group meeting will be maintained, noting the time and location of the meeting, who was in attendance/their organizations represented, and the issues raised.

G. Public Information

- ** The official spokesperson for the Public Advisory Group is the chairperson, or in his/her absence, the vice-chairperson. All inquiries regarding the official position of the Public Advisory Group shall be referred to these officers.

H. Records

All accounts and records of the activities and transactions of the Public Advisory Group shall be kept and maintained by the staff of the Administrative Director and, subject to the provisions of 5 U.S.C 552, such accounts and records shall be available for public inspection at the offices of the Administrative Director.

I. Amendment of Procedures

The Public Advisory Group may adopt appropriate procedures for operating and decision making consistent with applicable Federal and State law and the Public Advisory Group charter--such procedures require the approval of the Trustee Council. The Public Advisory Group may suggest amendments to their charter to the Trustee Council, who must approve such amendments by unanimous consent. Charter amendments must be submitted by the Trustee Council to the Secretary of the Interior for signature.

EXCERPTS 1/19-20/93 TRUSTEE COUNCIL
MTG TRANSCRIPTS

1 -- in the blue book, following page 16. There are two charts. The
2 second page after page 16 of your blue book, which the
3 administrative director's budget -- well, what's the --who's
4 prepared to do this? Dr. Gibbons can you summarize quickly the
5 proposed -- proposed expenditure for administration.

6 DR. GIBBONS: Yes. I'll quickly summarize it. If you
7 go to page -- it's after page 16. It's form 1A, page two of three.
8 At the bottom of the page, it's listed 93AD, administrative
9 director's office, direct project support, five hundred seventy-six
10 thousand four hundred. That is for the chief scientist and peer
11 review monies for the 1993 work plan. 93RT, the following line,
12 Restoration Team support, direct support, for two million forty-two
13 thousand eight hundred, is in support of work groups, which I will
14 list -- which are listed on page 24, and they include the 1994 work
15 plan, the Cultural Resources Work plan -- Work Group, the GIS Work
16 Group, the Environmental Compliance Work Group, the Restoration
17 Planning Work Group, and the Habitat Protection Work Group.
18 Basically, on page 24, they're the ones below the middle line,
19 excluding the chief scientist, peer review, for five hundred and
20 seventy-six thousand four hundred. Going onto page 3 -- 3, form
21 1A, 93AD, the administrative director's office -- that is this
22 building, the staff, and the Public Advisory Group -- includes
23 those three, three facets of the one point two nine three million
24 dollars. 93FC, the finance committee, that is the separate
25 committee set up for a hundred and five thousand five hundred, and
26 the final item is 93RT, the Restoration Team support, and this is

1 the Restoration Team itself, the public partation -- Public
2 Participation Work Group and the Management Work Group. To give
3 you notes on -- the Public Advisory Group spent considerable time
4 discussing this, they had several resolutions, one concerning the
5 expense of the chief scientist and peer review. The could not
6 reach closure on that so that was tabled. The thing that they told
7 the Restoration Team was to -- it was high, to reduce it. They
8 didn't specify where to reduce, but they said it seemed high, and
9 the action they did take was concerning the Public Advisory Group.
10 They increased the budget from a hundred, and I believe, fifty
11 thousand to two hundred and twenty-five thousand.

12 MR. COLE: Mr. Chairman.

13 MR. SANDOR: Yes, Mr. Cole.

14 MR. COLE: On that Public Advisory Group, I move to
15 delete any funds for the Public Advisory Group for expenses of
16 public hearings.

17 MR. PENNOYER: Second.

18 MR. SANDOR: It's been moved and seconded that any
19 funds in the Public Advisory Group that were allocated for conduct
20 of public hearings be removed. Is there any objection to that
21 motion?

22 MR. ROSIER: Mr. Chairman.

23 MR. SANDOR: Yes.

24 MR. ROSIER: I don't have any problem with what he's
25 recommending, but are we talking about the budget as it's prepared
26 here and does it have such funds in it, or are we talking about the

1 expanded budget that they're requesting?

2 DR. GIBBONS: ~ As I understand it, the expanded budget
3 has money for public hearings.

4 MR. SANDOR: Yeah, the expanded budget for -- well, but
5 the motion then would apply to whatever budget applied

6 MR. ROSIER: The addition of the fifty-five thousand
7 dollars.

8 MR. SANDOR: Yeah, and -- well, can we take care of
9 that motion on the floor with respect to that, but I wanted to ask
10 him a basic question about the total budget process and the way in
11 which we're dealing with this administration budget. But, Carl,
12 was your question answered?

13 MR. ROSIER: Yes, it was. Thank you.

14 MR. SANDOR: And then, Curt McVee.

15 MR. McVEE: I think I understand the motion, but just
16 for clarification, I assume that that would not prevent the Public
17 Advisory Group from taking public comment at one of their scheduled
18 meetings.

19 MR. SANDOR: Yeah, I presume that's not --

20 MR. COLE: Yeah, if -- if it's -- it's not an
21 expense. I'm not saying that they can't have a meeting and so
22 forth, but this business of going throughout state and holding
23 hearings, and it's not the purpose of the motion is not that we
24 shouldn't have public input, but when we have -- send out these and
25 get two hundred fifty responses, have people come and testify at
26 these hearings, I mean, that's, I think, as Mr. Barton said, we're

1 working the public to death, and I think they get confused, and w
2 never know, you know -- this is duplicate testimony or the sam
3 group or -- it just gets too much to be able to evaluate the public
4 response. And I would like to say those people were appointed
5 because of their broad experience and -- and special abilities, and
6 we thought that they generally themselves represented the public in
7 their areas of qualification.

8 MR. SANDOR: Any further comments or questions on the -
9 - yes, Mr. Pennoyer.

10 MR. PENNOYER: I was just going to reiterate that. I
11 don't think it was our intent that the Public Advisory Group be a
12 focus -- a synthesis for us on public comment and that they
13 basically hold the hearings and distill the public comment to us,
14 that they are another form of public comment, and I think that we
15 intended that our hearings and our mailouts, and so forth,
16 continue, and we would get independent public comment for that
17 reason. So at this time there is no reason for the Public Advisory
18 Group to hold public hearings.

19 MR. SANDOR: If there's no further comments or
20 questions, then we will ask if there is any objections to the
21 passage of that motion. There being none, the motion passes. Yes.

22 MR. COLE: Let me ask this, can -- can we defer this
23 until the February meeting, and let me say why. I sense that there
24 is sense among the Trustees that we need to examine the Restoration
25 Team process. If -- if I'm on track on that, and that is the sense
26 of this group, then I think it would be inappropriate to deal with