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**EXXON VALDEZ OIL SPILL SETTLEMENT  
Trustee Council**

**Simpson Building  
645 "G" Street  
Anchorage, Alaska  
February 27, 1992  
11:00 o'clock a.m.**

**IN ATTENDANCE:**

State of Alaska	<b>MR. CHARLES COLE</b> Attorney General
State of Alaska Department of Environmental Conservation	<b>Mr. JOHN SANDOR</b> Commissioner
Alaska Department of Fish and Game	<b>MR. CARL ROSIER</b> Commissioner
USDA Forest Service	<b>MR. MICHAEL BARTON</b> Council Meeting Chairman <b>MR. DAVE GIBBONS</b> Regional Forester
National Marine Fishery Service	<b>MR. DONALD COLLINSWORTH</b> Deputy Director
United States Department of the Interior	<b>MR. CURTIS McVEE</b> Special Assistant to the Secretary

\* \* \* \* \*

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P R O C E E D I N G S

MR. BARTON: Let me call this meeting of the Trustee Council to order. We're still missing one representative, the NOAA representative. The rules under which we operate we all six need to be represented in the case of any decisions to be taken, but perhaps there's some procedural mishmash we can get out of the way while Don Collinsworth is coming, he was on the plane with me; I'm not sure what happened between here and the airport. But I apologize for the late start, Alaska Airlines crew needed crew rest and they are well rested at this point.

So, with that, let me just identify the representatives present. On my far left is Charles Cole, Attorney General for the State of Alaska; Commissioner John Sandor, Department of Environmental Conservation, Trustee for the State of Alaska; on my immediate right is Carl Rosier, Commissioner of Fish & Game for the State of Alaska, Trustee for the State of Alaska; Curt McVee of the Department of the Interior, the Secretary of Interior's representative on the Trustee Council; and I'm Mike Barton representing the Department of Agriculture on the Trustee Council.

Let me ask are there any corrections or changes to the Agenda that anybody wants to make?

MR. SANDOR: I move approval of the Agenda.

MR. ROSIER: Second.

MR. BARTON: It's moved and seconded.

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1 MR. GIBBONS: Excuse me, Mr. Chairman.

2 MR. BARTON: Go ahead.

3 MR. GIBBONS: I have a change. Is this on?

4 UNIDENTIFIED VOICE: Yeah.

5 MR. GIBBONS: Okay. Item 3(d), the Trailer Vans and  
6 Carcass Disposal will not be discussed today; some recent  
7 developments in the last several days requires additional Staff  
8 work.

9 MR. BARTON: So we just delete that.

10 MR. GIBBONS: Just delete that.

11 MR. BARTON: Is there any objections to deleting 3(d)?  
12 So moved or so done. Any other changes? Any objection to the  
13 adoption of the Agenda? The Agenda's adopted.

14 Why don't we begin with the meeting overview, and if we  
15 need to we'll call a halt later in the morning to await  
16 Commiss- -- or Mr. Collinsworth if we need to. Go ahead, Dave.

17 MR. GIBBONS: Just some quick notes on how the  
18 meeting -- we hope the meeting to run. We were aiming for a  
19 one-day meeting here, I'm not sure we're going to make that but  
20 that's hopefully still our aim. We have reserved tomorrow in  
21 case we don't get through the Agenda today and we'll continue.  
22 We're going to hopefully take a break around noon for lunch, an  
23 hour break, and then reconvene at 1:00. We have a public  
24 comments section tonight from 5:00 to 8:00, we'll hook in 13  
25 sites -- teleconference sites for comments as well as comments

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1 from Anchorage. We'll take an afternoon break, and this one at  
2 3:00, probably 15 minutes to stretch our legs.

3 And the package -- run through the package which you  
4 have in front of you here so people can follow along. The  
5 first part of the package is the Agenda. The second part of --  
6 the next thing in the package is the financial review material  
7 which will be discussed next on the Agenda. Following that  
8 would be -- is a summary of the proposed 1992 activities,  
9 separated into three blocks; the first block is Dr. Spies and  
10 the Restoration Team combined recommendation to the Trustee  
11 Council. The second section is a block of studies which  
12 Dr. Spies did not comment on but the Restoration Team reviewed  
13 again. And the third block is two studies that need further  
14 discussion; we could not reach agreement, we had a short time  
15 frame to deal with those two studies.

16 The following -- those spreadsheets is a budget summary  
17 sheet that has a summation of the budget, where we are with the  
18 remaining balance of funds from the 36.5 million that's  
19 available this year. Following that, we have a generic charter  
20 for the Public Advisory Group, and we'll be talking about three  
21 options -- possible options for the formation of a Public  
22 Advisory Group. Following that is we have a couple of pages on  
23 some -- the Trustee Council requested that we -- to look in to  
24 holding these meetings at the Court chambers -- Supreme Court  
25 chambers, and we have a couple of pages of discussion on that

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1 item.

2           We have, following that, some operating procedures for  
3 the Restoration Team; this was in the package that was  
4 presented last week. We have some additional comments by --  
5 we've received additional comments, we've incorporated some of  
6 those into the document and this is another version. And the  
7 large portion of the package are three-month detailed budget  
8 summary sheets; these were requested by the Trustee Council to  
9 clearly identify what costs would be incurred in the period  
10 from March 1st to May 31st. Those, by the way, are broken into  
11 the three tiers as the spreadsheets are so that they match up.  
12 They're arranged alphabetical and numerically so you can find  
13 it easier that way.

14           MR. BARTON: Any questions of Doc Gibbons? Is the next  
15 item a decision item, Dave? At that point, we need to wait for  
16 Mr. Collinsworth.

17           MR. COLE: Mr. Chairman.

18           MR. BARTON: Is there other business that we could take  
19 up?

20           MR. COLE: Mr. Chairman. As we go through on some of  
21 these studies and recommendations of Dr. Spies, you will recall  
22 that there was some policy decisions to be made by the Council.  
23 I'm wondering whether it might not be advisable limited public  
24 comment on these policy issues before decisions are made. I  
25 didn't raise any comment on this subject when we adopted the

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1 Agenda, but it seems to me that having public comment after  
2 critical decisions are made is sort of like -- I don't know --  
3 getting the horse in the barn too late. I wonder if we  
4 couldn't talk about that just a little bit.

5 MR. BARTON: Surely.

6 MR. COLE: And get views of the other members of the  
7 Council. I wouldn't, you know, propose that people have an  
8 opportunity to speak for, you know, 20 minutes on some of these  
9 things, but if we could just confine it to say no more than  
10 three minutes per speaker on some of these policy issues it  
11 might be a good idea. I would like to hear what people  
12 generally have to say on some of these critical policy  
13 decisions before we make the decisions. So .....

14 MR. BARTON: Curt.

15 MR. McVEE: Mr. Chairman. I think that we're really  
16 all interested in public comment, but as I understood it what  
17 we would be doing today here would be approval of the '92 work  
18 activities to go forward for public comment. I guess I was  
19 assuming that we would some time later on, at the end of that  
20 comment period, have to reconvene. I guess I don't have any  
21 problem with the Attorney General's proposal, but I guess maybe  
22 just trying to clarify where we were headed in the next 30 days  
23 or so.

24 MR. COLE: Mr. Chairman

25 MR. BARTON: Mr. Cole.

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1 MR. COLE: It's sort of a mild rebuttal. If we decide  
2 not to submit one of these projects for public comment, then we  
3 don't get public comment. And you know, there's just -- I  
4 don't know -- four or five issues here where Dr. Spies has  
5 asked for policy decisions, and if we make a negative policy  
6 decision on one of those, well then it doesn't go out to public  
7 comment. That's what I sort of had in mind, but I don't have  
8 strong views, I do solicit the views of other members of the  
9 Council.

10 MR. BARTON: Mr. Rosier.

11 MR. ROSIER: Thank you, Mr. Chairman. Yeah. I  
12 certainly concur with the latter statement there that I think  
13 when we go forward with the public package, I think we want to  
14 be sure that everything that should be included is included.  
15 I, for one, would certainly appreciate the input from the  
16 public on a couple of those policy calls.

17 MR. BARTON: Let the record show that Mr. Collinsworth  
18 has just joined us, and all the Council Members are now here.

19 MR. McVEE: Mr. Chairman.

20 MR. BARTON: Curt.

21 MR. McVEE: I guess maybe kind of thinking ahead to  
22 where -- or what we would put out for public comment, just one  
23 thought would be to also put out those projects which we had  
24 not approved. It may be -- it could be interesting from the  
25 public in knowing what was not approved at this time.

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1 MR. BARTON: Other comments? Mr. Sandor.

2 MR. SANDOR: I guess just to make sure I understood  
3 that last comment, then the suggestion is is that for those  
4 projects not approved, those would also go out for public  
5 review, is that what you were suggesting?

6 MR. McVEE: That was the idea.

7 MR. SANDOR: Yeah.

8 MR. McVEE: It was just a thought.

9 MR. COLE: It seems like -- Mr. Chairman.

10 MR. BARTON: Mr. Cole.

11 MR. COLE: Well, haven't we decided not to put out for  
12 public comment the score or scores of projects which we had  
13 decisions not recommended. I mean I think we're sort of past a  
14 lot of these. My view, Commissioner Sandor, was that these  
15 critical policy decisions where we did not get a firm  
16 recommendation from Dr. Spies that we hear today before the  
17 decision is made briefly, and I want to briefly hear from  
18 interested groups on those issues. And, you know, I'd rather  
19 postpone the decisions 'til 5:00 to 8:00 tonight rather than,  
20 you know, make critical decisions and then hear people complain  
21 about our decisions made six hours earlier. And it just seems  
22 to me the policy doesn't quite fit, so I leave it at that.  
23 Thank you.

24 MR. BARTON: Is there a motion?

25 MR. SANDOR: I'll stick my neck out. I think the

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1 Attorney General makes a good point. And in that segment that  
2 Dr. Spies did not deal with because they were primary policy  
3 issues as opposed to scientific issues, I believe it would be  
4 desirable to have some public input. And so Mr. Chairman, I  
5 would move that we not have the public participation during the  
6 course of this daytime meeting on all those issues in which  
7 Dr. Spies and the Restoration Team agreed to, but in those  
8 issues in which the Chief Scientist did not make a  
9 recommendation and our policy issues that we provide for public  
10 involvement or participation limited either -- during this  
11 afternoon's session or whenever we get to that or defer our  
12 actions on those until after our public participation session  
13 this evening.

14 I'd defer the actual decision of which route to go  
15 until we hear Dr. Spies. That's a long motion but I move it.

16 MR. COLE: Would you care to restate that?

17 MR. SANDOR: In other words, we provide for public  
18 participation before a decision on those items that Dr. Spies  
19 has not made a recommendation on.

20 MR. BARTON: Is there a second?

21 MR. COLE: I'll second.

22 MR. BARTON: Okay. Is there objection?

23 UNIDENTIFIED VOICE: No objection.

24 MR. BARTON: We'll do it that way. Dr. Spies, I don't  
25 see him here but I'm sure -- there he is.

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1 DR. SPIES: I'm hiding back here, Commissioner.

2 MR. BARTON: Okay. Perhaps, at that time, you could  
3 identify for us the specific policy questions which you had  
4 outlined in your correspondence that we need to address that  
5 we're seeking public comment on.

6 Moving back to the Agenda, Financial Group Review.

7 MR. GENTRY: Mr. Chairman, for the record, my name is  
8 David Gentry, I'm with the State Office of Management & Budget  
9 in Juneau. I'll be presenting today an overview of discussions  
10 within the Financial Group that's worked with the Restoration  
11 Team, agreement has been reached on these broad outlines.  
12 There are two documents that you have at the table here, the  
13 audience has just one set. First, before the meeting, I handed  
14 out a one page summary with about five points, I'd like to go  
15 through those initially; these are the concepts that underlie  
16 the detailed process and principles that are laid out in the  
17 longer document in the original packet which, again, the  
18 audience has.

19 First, these principles and processes that -- I was  
20 wondering if I had done something. The -- what we're going to  
21 be talking about today is the long-run process and procedures.  
22 In the short-run, the next six, nine, twelve months, we're  
23 going to fit a round peg into a square hole here. So again, I  
24 want to make clear at the outset that this is the long-run  
25 process, short-run will, in fact, be somewhat different

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1 (indiscernible).

2 First, making a distinction between two types of  
3 budgets leading up to a specific point. The distinction is  
4 between budgets for standing committees, the Restoration Team,  
5 there is representation on the Restoration Team; essentially,  
6 those folks are representatives of agencies that the Trustees  
7 come from. So, there is a legitimate interest in having,  
8 again, representatives of Trustees on these Staff working  
9 groups, funds from the settlement passing to the Trustee  
10 Council can legitimately be used to pick up those costs.

11 The other type of budget is project budget. Some work  
12 that needs to be done around the state. And I want to make one  
13 thing clear, that we view the body that carries out that work  
14 as a contractor. The agency that's best suited for carrying  
15 out that work should do the work, and there's no divvying up of  
16 the pie for certain types of projects or in certain areas among  
17 State and Federal agencies. And the principle here that we've  
18 adopted in viewing the organization carrying out these projects  
19 as a contractor, it carries through to procedures.

20 The second point, existing agency staff, financial  
21 systems and procedures will be used to the maximum extent  
22 possible. It's in no one's interest to create a new set of  
23 organizations -- set of rules and procedures and staff and so  
24 on, we don't want to do that; it's expensive, it's cumbersome  
25 and it's not effective. Federal and State agencies will

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1 account for, report and audit expenditures in the same budget  
2 units that the Trustees approve. In other words, when you  
3 folks give your approval to a certain set of expenditures it  
4 will be reported in the same block. We want to make it clear  
5 that you can match authorized expenditures and the  
6 expenditures, in fact, were carried out; we'll make that as  
7 easy as possible. And again, we're not going to reinvent the  
8 wheel, audit procedures, accounting procedures and so on that  
9 already exist in the agencies will be used to the maximum  
10 extent possible.

11           Number 3, methods for calculating budget costs, in  
12 particular for administrative costs. This is an awkward issue  
13 for everyone as to how to quantify those. That the rules  
14 adopted apply to both State and Federal agencies consistently.

15           Four. The State and Federal governments will adopt  
16 whatever review and notification procedures that they feel are  
17 necessary when a State agency or a Federal agency is carrying  
18 out work for the Trustee Council. The State rules, if there  
19 are any adopted, will not apply to Federal agencies and vice-  
20 versa. And those are still being discussed now and will be  
21 made available to the Trustee Council when they are decided.

22           Fifth. We'll use the Federal fiscal year to present  
23 these budgets and prepare project budgets. State agencies are  
24 familiar with the Federal fiscal year. It'll be easier to have  
25 State agencies change their normal way of doing things than to

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1 have the Federal agencies do that. What we would very much  
2 like to do is get away from the so-called oil spill fiscal  
3 year, March 1st throughout; that doesn't match with anybody's  
4 way of thinking. And what we're trying to do is use existing  
5 institutions and ways of doing business as much as possible;  
6 it's what the public is used to, it's what we're used to.

7 That's the overview of the basic principles that lie  
8 behind the process. If you come away with anything from this  
9 presentation, remember these concepts use the detailed outline  
10 that, again, is in the packet as a reference document. When we  
11 go to that, briefly I'll just go through it and highlight some  
12 of the points that we feel are important. Commissioner.

13 MR. BARTON: Commissioner Sandor.

14 MR. SANDOR: Question. Yeah. Mr. Gentry, the question  
15 I had with -- I guess none on these points, but when there were  
16 studies or activities that were funded by the regular agency  
17 programs, Federal or State, and then these studies, of course,  
18 came along. As we're phasing back into -- or closing out  
19 studies and phasing into a continuation of studies that have  
20 gone on before. And I presume it's fairly easy to keep track  
21 of funds that came from the Exxon Settlement Funds, say 30% or  
22 50% or 75%, and mingle these with State and Federal funds that  
23 came from regular appropriated sources, is -- how do you deal  
24 with that?

25 MR. GENTRY: I think it can be dealt with quite easily.

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1 And that is both State and Federal agencies can identify today  
2 expenditures that they have incurred for a specific project.  
3 Any use of Settlement Funds, criminal or civil, that have come  
4 to the State or Federal agencies can go into the kitty,  
5 essentially, rather than track dollar for dollar, money coming  
6 in and tracking one single dollar came from this source and was  
7 spent in this project, no. Money comes into a pot, it loses  
8 its identity and then it goes out again.

9 So to answer to your question, the civil or criminal  
10 portion, depending on how the State and Federal governments  
11 decide to use it, would simply go into the general fund on the  
12 State side, our chronology (ph), and cover expenditures that  
13 have already occurred to date. I don't know if I've been clear  
14 on that or not. Think of it again as not tieing dollar for  
15 dollar, dollar revenue has been clearly identified as an  
16 expenditure. In fact, the dollars would come in, lose their  
17 identity in a big pool, like a big checking account, and then  
18 going out.

19 Again, have I answered your question?

20 MR. SANDOR: Well, partly, I was thinking more of the  
21 future of this in year -- in phasing out and in this year's  
22 program. There's no problem is there in setting the .....

23 MR. GENTRY: That's the short answer, no problem.

24 MR. SANDOR: Yeah. Okay.

25 MR. BARTON: We like short answers.

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1 UNIDENTIFIED VOICE: Yeah.

2 MR. COLE: Mr. Chairman.

3 MR. BARTON: Mr. Cole.

4 MR. COLE: I have a question about the second paragraph  
5 in Item Number 1 which reads as follows: State and Federal  
6 agencies represented on the Trustee Council have the right, but  
7 not the obligation, to use Exxon settlement funds to pay the  
8 costs associated with executing the responsibilities of the  
9 Trustee Council. What does that mean?

10 MR. GENTRY: Well, it wasn't intended to be a legal  
11 document, terribly precise. The basic idea was, again, John  
12 Sandor, for example, or yourself, you may have staff working  
13 for you as Trustees to help you in your work as Council  
14 Members, as Trustees. And those people could help you within  
15 your own offices, in your own organizational setup; they could  
16 be members of the Restoration Council. This are unwilling  
17 advisors to Trustees to carry out the work of each and every  
18 Trustee.

19 I want to distinguish that again between projects being  
20 carried by a State agency. And that Settlement Funds should be  
21 used -- can be used to support you in your work as a Council  
22 Member. And again, it becomes much more ambiguous as to -- or  
23 flexible, if you will, on the projects, who's going to carry  
24 out the projects and why.

25 To put it a different way, John Sandor or Commissioner

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1 Rosier -- again I'm from the State side so I use State examples  
2 here, those departments represented by those two Commissioners  
3 can carry out projects. There's no obligation that the Trustee  
4 Council has to give those agencies a new project. There is an  
5 obligation for the Trustee Council to at least make available  
6 funds so that Carl Rosier and John Sandor can carry out their  
7 work as Trustees. That's the answer.

8 MR. COLE: I must say I'm still a little unsettled  
9 about that. When we say they have the right because I think  
10 any right that the State or Federal agencies have has to flow  
11 from decisions of the Trustee Council. And when we have this  
12 statement that the State and Federal agencies represented on  
13 the Trustee Council have the right, that -- you know, that  
14 seems to me a fairly blunt statement.

15 MR. BARTON: Let me -- I understood this was being  
16 submitted for Council action, so in fact, we will be giving  
17 ourselves that right, Mr. Cole; is that not correct?

18 MR. GENTRY: You folks would approve budgets for your  
19 staff, and they would all be presented before you, at least, on  
20 an annual basis.

21 MR. BARTON: Well, but I'm talking about the documents  
22 we have in front of us today and not the budget but what you  
23 just sat down (ph). Are there further questions?

24 MR. COLE: Someone -- Mr. Chairman. Someone suggested  
25 that maybe the use of the work "option" is better suited there

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1 than the "right". I don't know. I would like to see the  
2 management group -- Financial Management Group take another  
3 look at that particular paragraph. To me it's muddy and  
4 somewhat distressing. I really just have problems with  
5 "right".

6 MR. GENTRY: Perhaps that too strong.

7 MR. BARTON: But the intent that this is permissible  
8 not necessarily mandatory, isn't that what you're trying to get  
9 across?

10 MR. GENTRY: The more important point here is the  
11 leading up to, again, the project side of things. To make the  
12 basic point that, again, the State Department of Fish & Game  
13 and the State Department of Environmental Conservation don't  
14 have a claim on any of the project money coming through.  
15 That's the real point of this Item Number 1.

16 MR. COLE: Well, that's what we should just simply say,  
17 you know, in my view of things.

18 MR. GENTRY: All right.

19 MR. COLE: Let me raise one thing. Also Number 2: To  
20 the maximum extent, I mean that just means that probably we  
21 won't use any other procedure because the maximum extent would  
22 permit that -- State and Federal agencies to be used all the  
23 time. That's a little troubling concept, too.

24 MR. GENTRY: All right. Well maybe rather than the  
25 maximum extent possible, maximum extent feasible.

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1 MR. COLE: That's just nicely done. Thank you.

2 MR. GENTRY: I should have cleared this with your  
3 office beforehand.

4 MR. COLE: No. It's just that, you know, one of the  
5 problems is I must say is when we get these things so late, you  
6 know, I mean like the day before or the night before and we get  
7 this mass of reading material, it's a little hard to be  
8 adequately prepared I must say. I know everybody's worked hard  
9 on these things, but it's just quite burdensome to stay up all  
10 night to read it, you know.

11 MR. GENTRY: I sympathize.

12 MR. BARTON: I have a suggestion, if I might, for the  
13 second paragraph problem if we're going to sit here and word  
14 smith this thing. How about State and Federal members  
15 represented -- or State and Federal members of the Trustee  
16 Council may use Exxon Settlement Funds? Is that your problem?

17 MR. COLE: That's much better.

18 MR. BARTON: All right.

19 MR. COLE: Thank you.

20 MR. GENTRY: That was the second paragraph of the first  
21 item.

22 MR. BARTON: Yeah. Now, that we've totally derailed  
23 your presentation, why don't you continue.

24 MR. GENTRY: Quite all right. If there are any more  
25 questions, though, I'd -- okay, we'll go on then to the more

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1 detailed document that again was in the packet the audience  
2 has. I'm not going to go through it line by line, but again,  
3 basically to highlight the concepts throughout so that folks  
4 have a sense of what the process will look like.

5 Starting with the first page, they aren't page numbered  
6 unfortunately, so I'll use whatever headers are obvious on the  
7 pages to help identify. Starting at the top, Financial  
8 Management Framework, this is an introduction; these concepts  
9 really are covered in the discussion we just had.

10 The Annual Budget, again, to reiterate, will follow the  
11 Federal fiscal year; there will be annual budgets. There will  
12 be -- although I've made the distinction between two types  
13 before, here in fact, we're making three, with the addition  
14 here of being a standing administrative office very specific to  
15 the Trustees, one that Dave Gibbons right now is the interim  
16 direction. And these are budgets then that you will see  
17 annually.

18 General Administrative Costs. Again, the problem is,  
19 of course, that it's hard to see what those support costs are;  
20 they're slippery to quantify. What we've decided to do and if  
21 agreeable to all parties is, in the middle of the second page,  
22 for projects 15% of staff costs and up to seven percent of any  
23 contracts issued as part of that project; that will be up to  
24 seven percent per contract within that project. And those  
25 relate to project overhead expenditures or administration

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1 overhead expenses. That will simply be a percentage that goes  
2 to that agency and again will disappear in their general  
3 support budget.

4 Restoration Team, again, the standing working group  
5 staff associated with each of the Trustee Council Members.  
6 There will be a five percent administrative cost associated  
7 with, again, agency folks attached to those standing groups.  
8 Similarly with the Administrator Director's Office and what  
9 Dave Gibbons now is seeing a five percent administrative costs  
10 on the staff, using that as a base. These are modest  
11 administrative support costs. We have every intention to make  
12 them lower if we can. We're going to start out with this and  
13 go by experience.

14 Budget Formula Process, third page. There will be two  
15 phases of the process and as a time line for public  
16 participation first to propose projects, second of all to  
17 comment on the projects after a draft plan has been adopted by  
18 the Trustee Council. A short presentation as to how we wanted  
19 to make it clear to match money with the agency implementing a  
20 given project.

21 Federal and State Review and Notification at the bottom  
22 of that page. I mentioned earlier that, again, the State  
23 government and the Federal government each are going to have to  
24 work out how to integrate funding from the Trustee Council for  
25 work done by State and Federal agencies for the Trustee

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1 Council, how to integrate that into their normal processes --  
2 their processes, their budget review comment, their accounting  
3 procedures and so on.

4         Top of the next page, that'll be Page 4, Transfer of  
5 Exxon Settlement Funds from the Court Registry. This is just  
6 simply how to deliver the funds from court to the State and  
7 Federal government. Again, falling back on the idea of these  
8 projects implementers (ph), if you will, the agencies involved  
9 in carrying out the projects as contractors, any money that is  
10 provided by the court to pay those costs, if that money is  
11 provided up front, that that money belongs to the court and the  
12 Trustee Council even though it might reside unspent yet in the  
13 State Treasury or in the Federal agency account.

14         Accounting and Reporting. It simply reiterates here  
15 what I mentioned earlier about using State agency and Federal  
16 agency accounting, auditing procedures. We will -- well we  
17 propose to report expenditures for approved projects quarterly;  
18 it will be provided to the Administrative Director's office for  
19 appropriation to the Trustee Council. If a project is carried  
20 out jointly by a State and Federal agency, then those  
21 expenditures will be consolidated so you folks don't -- just  
22 simply as possible for you folks to see them (ph).

23         And the last item relates to audits and using existing  
24 procedures for audits. Should the Trustee Council want more  
25 oversight, certainly the Trustee Council can do so in terms of

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1 hiring an outside audit firm.

2 Appendices, I won't go through all of them. I think  
3 the important one is the Appendix C, the flow chart. Really  
4 it's Chart A with Page C-1 in the upper right-hand corner,  
5 that's the important one for this group at this time. It  
6 outlines in very gross, general terms in input from the public  
7 coming to the Trustee Council. The far right -- excuse me, far  
8 left block News Media and so on, the block at the bottom, the  
9 PAG or Public Advisory Group and so on, these are coming  
10 together to develop projects and proposals for review by the  
11 Trustee Council. And, again, to the far right, the 30-day  
12 notice relating to comment after a draft plan has been  
13 prepared.

14 That's the conclusion of what I'd like to say, I'll be  
15 happy to answer any questions.

16 MR. BARTON: Are there questions? I have one  
17 question. Page C-1, on the right side of the diagram, the  
18 pitchfork package for State review, package for Federal review;  
19 those packages are really one package of projects and budget  
20 requirements for those projects for which there's a State need  
21 (ph) and similarly for the Federal. They're not the same  
22 package?

23 MR. GENTRY: That's right.

24 MR. BARTON: Okay.

25 MR. GENTRY: That's exactly right.

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1 MR. BARTON: Other questions? Should we adopt these, I  
2 guess that's the question or the intent. How do we want to  
3 proceed?

4 MR. COLE: Mr. Chairman.

5 MR. BARTON: Mr. Cole.

6 MR. COLE: I'm not prepared to adopt them because I  
7 haven't had an opportunity to read them. I received them, you  
8 know, either last night or this morning, and I don't feel  
9 comfortable, you know, adopting or voting to approve something  
10 I've never read; I did that once and had to make a public  
11 apology, I don't want to do it again.

12 MR. COLLINSWORTH: Mr. Chairman.

13 MR. BARTON: Mr. Collinsworth.

14 MR. COLLINSWORTH: On the table you just referred to,  
15 C-1, there's a dark arrow, decision there from the RT to the TC  
16 in the middle, that might more appropriately be instead of a  
17 decision arrow to an input arrow, be not dark but gray.

18 UNIDENTIFIED VOICE: All right.

19 MR. GENTRY: I don't think we were following  
20 conventions on flow charts. We did intend as written there  
21 that it's a recommendation.

22 MR. BARTON: And it's so identified but the color of  
23 the arrow isn't consistent.

24 MR. GENTRY: I understand. And relating to the  
25 Attorney General, one thing I would like to (indiscernible -

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1 background coughing) is on the arrow going to the top, the  
2 State review, clearly that doesn't imply anything in terms of  
3 what the State plans to do.

4 MR. BARTON: Well, how should we proceed to handle this  
5 package? Would others want some time to review this package as  
6 well as Mr. Cole?

7 MR. SANDOR: Question. Is there any problem in  
8 deferring this -- final action on this until the next Trustee  
9 Council meeting, giving interim approval but reserving final  
10 approval until the next Trustee Council meeting?

11 MR. BARTON: Are you aware of any, Mr. Gentry?

12 MR. GENTRY: I am not aware of any.

13 MR. BARTON: Mr. Gibbons? Are you moving that we do  
14 that?

15 MR. SANDOR: Yeah.

16 MR. BARTON: Is that what I heard? Is there a second?

17 MR. McVEE: Second.

18 MR. BARTON: Is there objection? Okay. We'll bring  
19 the Financial Management Framework up for decision at the next  
20 Trustee Council meeting. In the meantime, then each of us will  
21 review the information here and convey that to -- our comments  
22 to you, Mr. Gibbons? Okay. We'll do that in time so that we  
23 can get a finished package to look at at the next meeting.

24 Do you have anything further, Mr. Gentry?

25 MR. GENTRY: No. Thank you, Mr. Chairman.

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1 MR. BARTON: Mr. Gibbons, Item 3.

2 MR. GIBBONS: Yes. I'd like to make some opening  
3 comments before we dive into the '92 Work Activities and maybe  
4 I'll set the stage for them.

5 The last package we presented to you on February 5th  
6 and 6th, the package was prepared under the guidance -- under  
7 the Restoration Team guidance that if there was an injury to a  
8 life stage that constituted injury to the species. We have  
9 revisited this package based on another point of view, and that  
10 is that there has to be documentation of population injury in  
11 that the injury to the life stage does not necessarily lead to  
12 a population injury. And that was -- it's a change in  
13 philosophy, it led to the package we've got before you today.

14 The priorities in the package today in relation to the  
15 previous package are the fir- -- the highest priority the  
16 Restoration Team gave for projects was damage assessment  
17 closeout. And this is due to the fact that we wanted to see  
18 the projects finalized, the material reach the public and  
19 provide a basis for a sound restoration program; and that was  
20 the basis for that -- putting that Priority Number 1.

21 The second priority that we had that the package is  
22 based on is the damage assessment continuation. We don't have  
23 a clear picture of what the injury is out there presently, we  
24 should do a little bit more work and wrap that up into a  
25 package so that's clearly understood what the injury is.

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1           And the last priority we gave was of that to providing  
2 further insight and information concerning habitat protection  
3 for injured species; be it Marbled Murrelets or Harlequin Ducks  
4 or whatever it is. We felt we needed more information in this  
5 area to provide a basis for sound decision making.

6           The next step we would see in this process would be the  
7 package approved here today, or by the Trustee Council, would  
8 be prepared into a 1992 Work Plan and this would be presented  
9 to the public for review. We would collect and analyze the  
10 public comments and prepare a final draft of the 1999 -- 1992  
11 Work Plan to the Trustee Council for review and approval on the  
12 appropriate parts.

13           Today, it is our recommenda- -- the recommendation of  
14 the Restoration Team to the Trustee Council to (1) accept the  
15 combined Restoration Team and Dr. Spies' recommendations as a  
16 block, and that's -- if you'll turn to your book, that's this  
17 title Restoration Team and Chief Scientist Recommendations 1992  
18 Project Proposals. And secondly, we'd like to recommend that  
19 the Trustee Council accept the next block of studies as a  
20 basis, and those are projects that received recommendations  
21 from the Trustee Council -- excuse me, from the Restoration  
22 Team only, we did not have the Chief Scientist review.

23           We have a third set of -- there's two studies that we  
24 need further discussion on, but we're recommending that the two  
25 blocks, the first block combined Dr. Spies and the Restoration

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1 Team and the Restoration Team only block, be approved by the  
2 Trustee Council.

3 MR. COLLINSWORTH: Question, Mr. Chairman.

4 MR. BARTON: Mr. Collinsworth.

5 MR. COLLINSWORTH: Dave, the first point you made was a  
6 change in philosophy in determining what damage -- how you  
7 define damage from impact or affect on some life stage versus  
8 population. Can you briefly tell me why, what -- I mean what  
9 was the reasoning?

10 MR. GIBBONS: It was a basis -- it's a complicated --  
11 I'm sure as you're aware, it's a complicated process to  
12 identify an injury say to an egg stage of a species that have  
13 management complications on top of that, either harvesting or  
14 other influences affecting the number of individuals and  
15 reaching to adult stage. It's also based on some discussions  
16 with Dr. Spies on this point.

17 MR. COLLINSWORTH: Follow-up question. You mentioned,  
18 you know, the three categories; is there a category or is it  
19 subsumed into one of the categories, taking the damage  
20 assessment work that has been carried on for whatever period of  
21 time and chronicling the work and doing completion reports, is  
22 that part of the process?

23 MR. GIBBONS: Yeah. Yeah. That's the damage  
24 assessment closeout. That's closing out the damage assessment  
25 study and producing a final report.

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1 MR. COLLINSWORTH: And that is going to be done in  
2 every case?

3 MR. GIBBONS: Pardon?

4 MR. COLLINSWORTH: That is proposed to be done in every  
5 case?

6 MR. GIBBONS: There's one question -- we could run  
7 through there -- that we've omitted humpback whales. The work  
8 was done in 1989 on that and no further work, we've omitted  
9 that one; we have a question on coastal habitat.

10 MR. COLLINSWORTH: Okay. Thank you.

11 MR. BARTON: Other comments or questions?

12 (Pause)

13 MR. BARTON: Is there a motion?

14 MR. McVEE: Mr. Chairman.

15 MR. BARTON: Mr. McVee.

16 MR. McVEE: Yes. I move we give approval to this  
17 listing of projects that have the recommendation of the  
18 Restoration Team and the Chief Scientist to go forward for  
19 public review.

20 MR. BARTON: Is there a second? Is there a second?

21 MR. SANDOR: I wonder if -- Mr. Chairman.

22 MR. BARTON: Mr. Sandor.

23 MR. SANDOR: Has the motion been seconded?

24 MR. BARTON: No.

25 MR. SANDOR: I'll second the motion just for the

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1 purpose of discussion, but I'd like to really defer the vote on  
2 it until after Dr. Spies' presentation. Is there a problem  
3 with that? I guess I'd like to hear what he has to -- I've  
4 read his report, it's excellent, but it might be worthwhile  
5 actually .....

6 MR. BARTON: Perhaps it'd be appropriate before we  
7 proceed any further to ask Dr. Spies to give us the benefit of  
8 any thoughts he might have that would be appropriate and  
9 relevant to the motion.

10 (Pause)

11 DR. SPIES: What I've essentially done in my analysis  
12 that's contained in this memo, and that'll be available shortly  
13 after lunch to the public at large at the meeting, was to  
14 review the damage assessment closeout, review the proposed  
15 restoration -- most of the proposed restoration projects,  
16 except for those which I had a policy question or it dealt with  
17 habitat, and make recommendations. Then I met with the  
18 Restoration Team for several days last week, and we had further  
19 input from the Restoration Team, from the principal (ph)  
20 investigators and also have gone back to the peer reviewers in  
21 many cases to get some clarification of their points of view in  
22 order to try to make a fair and balanced judgment on what I  
23 would be recommending to the Trustee Council.

24 In the area of damage assessment closeout studies, the  
25 original budget was approximately five million dollars, and

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1 we've gone through that, and I've gone through it with the help  
2 of the Restoration Team and have asked some questions and  
3 polled the PIs into what exactly they had planned and whether -  
4 - what sort of resources were needed to finish and what sort of  
5 analyses were going to be done.

6 And on the basis of that, I'm recommending the package  
7 that's in my memo, with the exception I think that the coastal  
8 habitat project because it is so large and complex it needs to  
9 be looked at again with the help of the Restoration Team and  
10 consulting with the investigators from the University of  
11 Alaska. We'd like to get some further options on that because  
12 we think there could be some more progress made on those lines.  
13 So with that exception, I'm recommending that the package as  
14 proposed go forward to you.

15 In the second area, I have a very general philosophy  
16 that I have followed relative to recommending proposals in the  
17 area of restoration, and it is connected, again, to the damage  
18 assessment closeout. I think it's very apparent from the  
19 closeout budget that was originally submitted of over five  
20 million dollars that we're -- in fact, have been gathering --  
21 doing studies and gathering data for litigation for fear of  
22 losing the field season. But we've been gathering data at a  
23 rate faster than we can analyze it in-depth and evaluate it and  
24 come to some conclusions.

25 And my general recommendation would be that we slow

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1 down, do a good job of wrapping up damage assessment, take this  
2 year to plan further and only go into the field with work that  
3 we absolutely have to have. And there's a few studies that I  
4 think we need, absolutely have to have fieldwork this coming  
5 year. And that we take this year to essentially wrap-up damage  
6 assessment and figure out a monitoring program that makes sense  
7 in terms of the resources out there. Those are for things that  
8 need to be monitored.

9           So that's the philosophy that I have adopted in  
10 recommending a package for restoration. And many of the  
11 resources that have been proposed to be studied over the next  
12 year are for rest- -- are for monitoring the populations to see  
13 how well they're recovering. And so we will have a situation,  
14 hopefully, where we'll be able to proceed in a little bit more  
15 studied and deliberate fashion after having the full benefit of  
16 having the damage assessment finished, completed, available  
17 then to the public hopefully soon on all the details so that we  
18 can get public input to this process.

19           MR. BARTON: Questions for Dr. -- are you finished?  
20 I'm sorry. Were you finished?

21           DR. SPIES: I could go into the details of the -- what  
22 I am proposing to do in restoration -- what I'm recommending to  
23 you for restoration if you wish.

24           MR. COLE: Mr. Chairman.

25           MR. BARTON: Mr. Cole.

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1 MR. COLE: Would it not be well to just address these  
2 as Dr. Spies goes through them so we don't lose the continuity  
3 of his thought. For example, we could decide whether to accept  
4 his recommendations in Paragraph A, the damage assessment  
5 closeout, at this time if the Council wanted to address those  
6 subjects. Is that the motion that's now pending?

7 MR. BARTON: Well the motion that's now pending would  
8 adopt the entire package for which there is joint support with  
9 the Restoration Team and the Chief Scientist. That's -- what  
10 you're suggesting subdivides the motion on the floor.

11 MR. COLE: I would move to amend the motion so that we  
12 act upon now Paragraph A damage assessment closeout  
13 recommendations with the exception of CH1A, the coastal habitat  
14 study to which we deferred until later in the meeting.

15 MR. McVEE: I would second that motion.

16 MR. BARTON: Any discussion on the move to amend the  
17 main motion? Is there objection?

18 UNIDENTIFIED VOICE: No objection.

19 MR. BARTON: Hearing none, the motion has now been  
20 amended, and we'll deal with these section by section; is that  
21 the gist of your motion, Mr. Cole?

22 MR. COLE: Yes, sir.

23 MR. BARTON: So, let us address Group A, Damage  
24 Assessment Closeout.

25 DR. SPIES: Do you want to move onto the next category?

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1 MR. BARTON: No.

2 DR. SPIES: No.

3 MR. BARTON: Not yet.

4 DR. SPIES: Okay.

5 MR. BARTON: We're still -- as I understand where we  
6 are in the process, we're examining now the damage assessment  
7 closeout group of studies, Item A.

8 MR. COLLINSWORTH: I move for approval.

9 MR. BARTON: Is there a second.

10 MR. McVEE: Second.

11 MR. COLE: With the exception of, as I said earlier,  
12 CH1A, the coastal habitat study by the University of Alaska.

13 MR. BARTON: And I believe that is not -- as I  
14 understand it, I believe that's the way of the document -- what  
15 the documents reflect now. Is there discussion.

16 MR. COLLINSWORTH: Mr. Chairman.

17 MR. BARTON: Mr. Collinsworth.

18 MR. COLLINSWORTH: What are your plans and procedures  
19 for breaking for lunch? The reason I ask is that I would like  
20 to have -- before we proceed to a vote, I mean I'm perfectly  
21 happy to have discussion, debate on the motion, but before we  
22 proceed to a vote, I could certainly benefit from spending a  
23 few moments during the lunch recess with Staff. Not having  
24 planned to attend this meeting until 4:00 o'clock yesterday  
25 afternoon, I have some -- and I didn't plan then, I was told to

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1 attend the meeting, I would benefit from having an opportunity  
2 to talk with Staff before we vote. So, I'm perfectly happy to  
3 continue discussion but .....

4 MR. BARTON: All right. Is there more discussion on  
5 these -- on this sweep (ph) of studies, Group A? In view of --  
6 frankly, I have no plans for lunch, to answer your question.  
7 We could break, I suppose, at this point, and you could caucus  
8 with your folks or we could go through and not vote on this  
9 motion on, continue on through .....

10 MR. COLLINSWORTH: That's fine with me, too.

11 MR. BARTON: ..... for discussion purposes, and then  
12 come back and vote after -- then break for lunch and come back  
13 and vote then. What -- is there any desires one way or the  
14 other on the part of the Council. Mr. Cole.

15 MR. COLE: Let me ask a question. Dr. Spies, how far  
16 have you commented upon these proposed projects, have you gone  
17 through B and C, have you, and D?

18 DR. SPIES: B -- C is in there, I haven't really  
19 reviewed C, Restoration Technical Support; D I have, E and F I  
20 have not, and G I have not and H I have not.

21 MR. COLE: Well, Mr. Chairman, to get -- .....

22 DR. SPIES: Well some of H. Excuse me, some of H.  
23 Yeah.

24 MR. COLE: ..... get this on the floor, I'll move the  
25 adoption of the recommendations of the Restoration Team for

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1 Items B and D as well.

2 MR. BARTON: That would be A, B and D.

3 MR. COLE: I'm omitted C because Dr. Spies said he did  
4 not comment upon that.

5 MR. BARTON: Mr. Gibbons.

6 MR. GIBBONS: Excuse me, Mr. Chair. Bob, I think this  
7 is -- we can visit at lunch too, I think this is the combined  
8 package that we sat down, and the blanks in the package reflect  
9 that you have not commented on them and we've dealt with those  
10 in another area.

11 DR. SPIES: Right.

12 MR. GIBBONS: But .....

13 DR. SPIES: There's a second portion attached that is  
14 those that the Restoration Team has commented on but I have not  
15 reviewed; they're recommended.

16 MS. RUTHERFORD: I think that there are -- I think some  
17 of the Trustee Council might be looking at your document that  
18 you set out via fax, Bob, whereas the one in the packet  
19 actually is the one that's combined and has -- it's a little  
20 clearer I think as to where the Restoration Team and Bob are  
21 aligned.

22 DR. SPIES: There were some changes yesterday .....

23 MS. RUTHERFORD: Right.

24 DR. SPIES: ..... as I was coming up here I think.

25 Um-hum.

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1 MS. RUTHERFORD: Yeah. That you guys discussed and  
2 agreed to this morning I understand.

3 DR. SPIES: Right.

4 MS. RUTHERFORD: Okay.

5 UNIDENTIFIED VOICE: Mr. Chairman.

6 MR. BARTON: Is there some way of identifying which  
7 package is which now that I've mixed them up?

8 DR. SPIES: Attached to my memo is the version that's  
9 two days old 'cause I didn't have time yesterday to revise  
10 this; it's kind of a moving target here. And the -- in your  
11 package that was out on the table, it's the thick one with the  
12 Agenda on top, I believe is the second version that the  
13 Restoration Team has revised.

14 MR. BARTON: Okay. And that is the version that you're  
15 using and discussing at the moment?

16 DR. SPIES: That's that version I should be using.

17 MR. BARTON: That's what I'm asking.

18 MR. BRODERSON: Mr. Chairman.

19 MR. BARTON: Yes.

20 MR. BRODERSON: The way you can identify the difference  
21 between packages is the one that now truly represents joint  
22 agreement has subtotals in it, and the one that does not have  
23 subtotals in it is a couple days old.

24 MR. BARTON: Okay. Now .....

25 MR. BRODERSON: So look for subtotals.

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1 MR. BARTON: Yeah. And the first subtotals can be  
2 found on Page 3.

3 MR. MORRIS: Also, the heading says Recommendations of  
4 the Restoration Team and the Chief Scientist at the top of each  
5 of those pages.

6 MR. BARTON: All right. Thank you.

7 MR. COLE: Mr. Chairman.

8 MR. BARTON: Mr. Cole.

9 MR. COLE: The intent of my motion was to move the  
10 approval of all actions jointly agreed upon by Dr. Spies and  
11 the Restoration Team. So in the block form.

12 MR. BARTON: In the entire package?

13 MR. COLE: Yes.

14 MR. BARTON: Okay. That's .....

15 MR. COLE: Then if we have that on the floor before  
16 lunch we can .....

17 MR. BARTON: We have a motion on the floor that you're  
18 wanting to amend at this point, and as I understand the  
19 amendment, the amendment is to endorse or approve for sending  
20 out to the public all those projects which have the joint  
21 endorsement of the Restoration Team and the Chief Scientist; is  
22 that your motion?

23 MR. COLE: Yes.

24 MR. BARTON: Is there a second? Is there a second?

25 MR. McVEE: I'll second it.

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1 MR. BARTON: Okay. Now, Mr. Collinsworth does not want  
2 to vote until he has a chance to caucus, is that correct?

3 MR. COLLINSWORTH: That's correct.

4 MR. BARTON: And I would suggest we break and you go  
5 caucus.

6 MR. COLLINSWORTH: Okay.

7 MR. BARTON: How much time do you think you need to  
8 caucus?

9 MR. COLLINSWORTH: Ten minutes.

10 MR. BARTON: Then I'd suggest we recess for 10 minutes,  
11 come back and finish this off and then we'll figure out lunch,  
12 is that (indiscernible - interrupted) .....

13 MR. COLLINSWORTH: Thank you for your indulgence.

14 MR. BARTON: We stand recessed for 10 minutes.

15 (Off record)

16 (On record)

17 MR. BARTON: When we recessed, there'd been -- it had  
18 been moved and seconded that we would approve for sending out  
19 for public review all those projects that had joint support  
20 from the Restoration Team and the Chief Scientist. Is there  
21 discussion? Mr. Rosier.

22 MR. ROSIER: Mr. Chairman. I had -- just as a point of  
23 clarification, it's not clear to me how far we are going, is it  
24 the entire package that is now included in the motion?

25 MR. BARTON: It is.

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1 MR. ROSIER: Everything through Item H?

2 MR. BARTON: Every -- A, B, C, D, E, F, G and H on the  
3 first five pages of .....

4 MR. ROSIER: Okay.

5 MR. BARTON: ..... the package in our handout, the  
6 heading being Restoration Team and Chief Scientist  
7 Recommendations for '92 Project Proposals.

8 MR. ROSIER: Mr. Chairman, while I have no problem with  
9 how far the Restoration Team and the Chief Scientist have in  
10 fact gone on some of these projects, in the case of the --  
11 under Item H, the pink salmon project, R60AB and the R73 harbor  
12 seals, these are items that I would like to see further  
13 discussion on. I have no problem with them going forward at  
14 this time for public review, but there are -- we are talking  
15 add-ons here, and I would like to find out how we would proceed  
16 in terms of those add-ons.

17 MR. BARTON: Are you amending the motion then?

18 MR. ROSIER: That's what I would like to do, but I'm  
19 interested in being sure that we do go forward with these  
20 projects to the public. But in both cases, I think that we've  
21 got additional information that we would certainly like to  
22 present to the Council on this. And with your concurrence then  
23 I would move that the budgets and the projects and the projects  
24 in those two cases be reviewed before the package goes forward  
25 to the public.

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1 MR. BARTON: All right. So you -- would it be  
2 appropriate then to remove those two projects and put them in  
3 the package entitled Project Proposals Requiring Additional  
4 Consideration?

5 MR. ROSIER: I believe at this time, Mr. Chairman, I  
6 would -- again, if we will have the opportunity to review these  
7 budgets, you know, I'm prepared to at least let this go forward  
8 at the present time.

9 MR. BARTON: Well in that case, there would be no  
10 motion -- or no amendment necessary but you just would like an  
11 understanding. As I understand it, the entire package will  
12 come back to the Council for final approval following public  
13 comment, so we would have another opportunity at that point; is  
14 that right, Mr. Gibbons?

15 MR. GIBBONS: That's correct.

16 MR. BARTON: Does that .....

17 MR. ROSIER: Well, that's -- I think that that is part  
18 of it, but on the other hand, I believe before we get out of  
19 here and out of this meeting that from the standpoint of the  
20 dollars that go forward for public review, I would certainly  
21 like to see those dollars -- the actual dollar amounts of those  
22 projects included when we go forward to the public.

23 MR. BARTON: I see. All right.

24 MR. COLE: Mr. Chairman.

25 MR. BARTON: Mr. Cole.

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1 MR. COLE: I would consent to amendment of the motion  
2 to placing these two items, Number 60AB and Number 73, into the  
3 class of studies requiring additional review by the Trustee  
4 Council.

5 MR. BARTON: Is there a second?

6 MR. COLE: And then have those examined later today.

7 MR. BARTON: Does the second agree to that change?  
8 Mr. McVee, did you second that?

9 MR. McVEE: Yes.

10 MR. BARTON: Is that satisfactory?

11 MR. McVEE: Yes, that's satisfactory.

12 MR. BARTON: Okay. Further discussion. Is -- are we  
13 ready? The motion now before us is to adopt all those projects  
14 for which there is joint support from the Restoration Team and  
15 the Chief Scientist, approve those for all those projects for  
16 sending out for public review with the exception of Project  
17 R60AB and R73. Is there objection? The motion's adopted.

18 Mr. Gibbons, I guess that brings us to the Restoration  
19 Team Recommendations For '92 Without Recommendations From The  
20 Chief Scientist.

21 MR. GIBBONS: That's correct.

22 MR. BARTON: The second package consisting of three  
23 pages.

24 MR. GIBBONS: I think we need the Chief Scientist to  
25 return and maybe discuss, you know, where he sees there --

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1 perhaps, some policy questions here or why there was no  
2 recommendation in some of these studies.

3 MR. BARTON: Dr. Spies.

4 (Pause)

5 DR. SPIES: There's a variety of issues that came up  
6 that I felt were policy issues, and I highlighted some of those  
7 in my memo. To give you an example and, perhaps, one of the  
8 largest issues for me was the studies being proposed under  
9 restoration for salmon studies projects of various  
10 descriptions. And the basis of the two largest groups of  
11 studies are those that deal with the consequences of the  
12 overescapement of red salmon, sockeye salmon to Upper Cook  
13 Inlet systems, particularly the Kenai River. And the second  
14 group of studies relate to the pink salmon studies that are  
15 being proposed to be carried forward.

16 And in the first case, the overescapement Upper Cook  
17 Inlet systems, particularly the Kenai River, very briefly, as  
18 most of you are probably aware already, but there was -- the  
19 escapement goal is about 600,000 fish to the Kenai River. In  
20 1987, because of the Glacier Bay spill, there was a closure of  
21 the fishery and a large number of fish went up that system. In  
22 1988, there was unnaturally high escapement and about 1.5  
23 million, if I recall correctly; it's either 1.2 or 1.5; went up  
24 the system.

25 The -- when the Exxon Valdez spill occurred in the

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1 spring of '89, the fishery was once again closed and another  
2 large run went up that system. The result, apparently, has  
3 been a very low smolt production from those and other systems;  
4 and we have the most information, of course, on the Kenai River  
5 system. And there's -- Fish & Game feels that -- justifiably  
6 so, that the impact of a low smolt production is going to be a  
7 very reduced run of sockeye salmon to that system in '94, '95  
8 and perhaps there may be even further repercussions in the  
9 population as a result of this low smolt production years.

10 It's very difficult scientifically to dissect out what  
11 contribution the Exxon Valdez spill made to the total problem,  
12 but there are overescapement years involved here and that's the  
13 issue that I'm raising to the Trustee Council policy, whether  
14 Settlement Funds should be used to implement all the sockeye  
15 salmon studies that are being proposed. I'd say generally the  
16 peer reviewers have been supportive of most of those studies  
17 scientifically.

18 MR. COLE: What numbers?

19 DR. SPIES: The pink -- do you want me to -- I could  
20 review the pink salmon one.

21 MR. COLE: Well, what numbers are those studies, could  
22 we have that?

23 MR. MONTAGUE: I can tell you that, Attorney General.  
24 We're off the first section and we're looking at these  
25 remaining three pages. And the ones that would apply here for

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1 the Kenai system are R117 and for Kodiak/Red Lake system R114.

2 MR. BARTON: Those are sockeye only, Jerome?

3 MR. MONTAGUE: That's early (ph). And R113 also deals  
4 with restoration of Red Lake and Kodiak.

5 MR. COLE: So, it's R13, 14 and 17?

6 MR. MONTAGUE: Correct.

7 MR. McVEE: Mr. Chairman.

8 MR. BARTON: Mr. McVee.

9 MR. McVEE: I thought it was R .....

10 MR. MONTAGUE: And FS27, excuse me.

11 MR. McVEE: FS27, I thought it was also R53 and 59.

12 MR. BARTON: Well, all right, wait a minute here.

13 FS27.

14 MR. MONTAGUE: That is correct.

15 MR. BARTON: And what were the others?

16 MR. MONTAGUE: Okay. We'll just start from the  
17 beginning again and go through them; FS27 on the first page, on  
18 the second page R113, R114, and on the third page R117, R53 and  
19 R59.

20 MR. BARTON: And these all relate to the same policy  
21 issue that Dr. Spies suggested we address, is that correct?

22 MR. MONTAGUE: Well, first of all, the Kodiak system  
23 only had an overescapement in '89. And if we could indulge the  
24 Council for a minute, I think it would be worthwhile to have  
25 Dana Schmidt give us a little bit more clarity on what exactly

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1 happened on the Kenai system. And I'm not sure that -- well,  
2 the fashion that it was presented I don't think is truly  
3 correct, and I would like Dana Schmidt to address that issue.

4 MR. BARTON: My question was do these relate to this --  
5 all the projects relate to this policy question that Dr. Spies  
6 has laid before us.

7 MR. MONTAGUE: In my opinion only the Kenai River ones  
8 relate to it.

9 MR. BARTON: Okay. And then, could you identify those  
10 for us?

11 MR. MONTAGUE: Okay. What I'll do is just tell you  
12 which ones apply to Kodiak.

13 MR. BARTON: However we can identify them.

14 MR. MONTAGUE: Okay. R113.

15 MR. BARTON: Is Kodiak?

16 MR. MONTAGUE: Yeah. And R114.

17 MR. BARTON: So -- and then the ones that relate to the  
18 policy question are FS27, 117, 53 and 59?

19 MR. MONTAGUE: That is correct.

20 MR. BARTON: Is there discussion, more questions or  
21 comments?

22 MR. COLE: Where are we at the moment, what are we  
23 doing?

24 MR. BARTON: Well, we need to address -- well, we need  
25 to decide if we want to address the policy issue that Dr. Spies

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1 has laid before us, and if we do, then we need to address it.  
2 And I assume this is one of those items, Mr. Cole, that you  
3 thought we ought to have the benefit of the public's thoughts  
4 on it.

5 MR. COLE: I do. Why don't we do that after lunch.  
6 Are there anything -- well, should we go through the rest of  
7 these? Are there any other policy questions in this category  
8 that Dr. Spies would like to comment upon?

9 MR. BARTON: Dr. Spies.

10 DR. SPIES: Well, yeah, the pink salmon I think also  
11 come in as a policy issue. What's been proposed is -- has been  
12 carried to a large extent in the last three years is quite a  
13 few studies relating to pink salmon, and it's a very complex  
14 system and to try to understand whether it may have been a  
15 population level affect of the spill on pink salmon, there have  
16 been a lot studies that have been carried out. To put it in a  
17 nut shell and maybe the Department of Fish & Game might want to  
18 have -- you know, present their of view in this as well. But  
19 the way I see the problem is that the wild stock pink salmon  
20 were declining before the spill, there may be some relationship  
21 to hatcheries production there, it's not entirely clear. The  
22 spill occurred, we've got some indications of a number of  
23 different sorts of damages to pink salmon. The -- whether we  
24 have a population level impact in my mind is still uncertain,  
25 but we're being asked to continue some of these studies that

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1 help better management of pink salmon on the basis of the  
2 injuries that we have. And I think the policy the Council  
3 needs to decide whether the spill Settlement Funds should be  
4 used for this sort of activity.

5 MR. BARTON: And which of these projects relate to that  
6 policy question?

7 MR. MONTAGUE: Yes, Mr. Chairman. On Page -- on the  
8 first page, FS28, the second project, that's the only one on  
9 these three pages.

10 MR. COLLINSWORTH: Mr. Chairman.

11 DR. SPIES: Isn't FS30, the database management?

12 MR. MONTAGUE: FS30 deals with approximately 22  
13 projects, it's technical support the same as GIS, Geographic  
14 Information Systems, and the Restoration Team has decided it's  
15 not a project in its own, it's support for other projects and  
16 certainly not just Prince William Sound pink salmon projects.

17 DR. SPIES: Those data are in that database, though?

18 MR. MONTAGUE: Yes.

19 DR. SPIES: Right.

20 MR. MONTAGUE: They are.

21 MR. BARTON: I have .....

22 MR. COLLINSWORTH: Mr. Chairman.

23 MR. BARTON: Mr. Collinsworth.

24 MR. COLLINSWORTH: All of these projects on these pages  
25 are without recommendation of the Chief Scientist, and I'd like

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1 to kind of systematically get short remarks on the reason why  
2 he did not comment, whether it was a policy issue or there was  
3 some other reason; and maybe we could do it systematically and  
4 just kind of run down the list.

5 MR. BARTON: Dr. Spies.

6 DR. SPIES: All right. On the GIS question, there's a  
7 very active subcommittee that I have not really had time to  
8 participate, it's reviewing the GIS needs in restoration, and  
9 so that was one reason I have not commented on the  
10 appropriateness of the budget for the GIS activities; that  
11 would be TS3.

12 We've discussed already -- let me back up to Category A  
13 there. The archeology studies have been -- have oversight from  
14 archeological steering committee, and I have been very  
15 marginally involved in those; I'm not an archeologist and it's  
16 somewhat out of my purview. So I've not had time -- I've not  
17 been requested, I have not had time to get involved in the  
18 archeological damage assessment and proposed restoration  
19 projects.

20 The run reconstruction, FS28, is we just covered that  
21 under pink salmon.

22

23

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1 Under Part B, GIS mapping, I just covered that; it's  
2 been handled by a subcommittee and is still under review.  
3 Sockeye policy question.

4 FS30, in my mind, is a policy question still, but I  
5 understand the point of view of Fish & Game there.

6 R92, another GIS product, that's under Part C.

7 Part E, the Montague Island chum salmon project is --  
8 falls under habitat alteration, doing things on the field. And  
9 I haven't -- doing things on the ground for restoration of  
10 resources and it's related to the habitat question; I have not,  
11 in general, reviewed those sort of proposals. Likewise with  
12 the in-stream survey, R105, I haven't been involved in  
13 reviewing the habitat portions of the restoration program.

14 The R37 and R41 under Part F, again, are like the chum  
15 salmon study -- the chum salmon project, they are on the ground  
16 alterations that are being proposed, and I have not generally  
17 reviewed those either. The R113 is -- and R114, again, relate  
18 to sockeye salmon. R116 to pink salmon. R117 to pink salmon.  
19 R47 and R96 to habitat evaluation.

20 R52 is -- in my mind raises a somewhat similar policy  
21 question, and my understanding is that the proposal is for the  
22 Department of Fish & Game to develop a rockfish management plan  
23 mainly for Prince William Sound. There was a change in the  
24 fishing activity in Prince William Sound to rockfish in the  
25 summer of '89 because of the closure of the pink salmon

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1 fishery. Now, there is increasing pressure on rockfish, it's a  
2 long-lived species, and Fish & Game feels they need a better  
3 management plan to do better management since the spill. And I  
4 think this raises a policy question, whether the Council wants  
5 to support that sort of activity.

6 R53 and 59 are sockeye salmon. R104 is an  
7 archeological study. Again, I haven't reviewed those. Excuse  
8 me, 104A and B are both archeological studies. And R106 is  
9 similar to the rockfish plan somewhat in it's development of a  
10 dolly varden cut-throat trout (ph) management plan for Prince  
11 William Sound as a result of their -- somewhat of the affect of  
12 the spill and the secondary affect of changing -- restricting  
13 and moving the fishing pressure around Prince William Sound to  
14 other parts that is a management action that's been taken.  
15 And, it's felt by Fish & Game they need to develop a management  
16 plan for dolly varden cut-throat trout.

17 And that would cover all of the projects that I have  
18 not reviewed and very briefly the reasons I have not reviewed  
19 those.

20 MR. BARTON: Thank you, Dr. Spies. Other questions for  
21 Dr. Spies? How do we wish to proceed? We could deal with  
22 those projects in this package for which there are no policy  
23 calls to be made now, or we could break for lunch now or we  
24 could do most anything we want I guess. What's the pleasure of  
25 the Council?

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1 MR. McVEE: Mr. Chairman.

2 MR. BARTON: Mr. McVee.

3 MR. McVEE: It seems to me like we should deal with the  
4 policy issues, I'm not discounting it might be an opportune  
5 time to stop for lunch, but it might be a good -- it might be  
6 well to deal with the policy issues because it could affect our  
7 decision on some of the others also.

8 MR. BARTON: Okay.

9 MR. McVEE: So we start to approach this from a  
10 different perspective.

11 MR. BARTON: Why don't we break for lunch, come back,  
12 we'll open the floor for 30 minutes of public comment on those  
13 three policy questions. And perhaps, after lunch, Dr. Spies  
14 could enumerate those one more time for us so we're all clear  
15 on what we want to address. Is that -- somebody move that.

16 MR. ROSIER: I would so move.

17 MR. BARTON: Could somebody second that?

18 MR. SANDOR: Second.

19 MR. BARTON: Let's break for lunch and be back at 1:45.

20 (Off record)

21 (On record)

22 MR. BARTON: ..... come back to order. When we broke  
23 for lunch, we were about ready to discuss the policy questions  
24 that Dr. Spies laid before us, and entertain public comment on  
25 those issues before the Council dealt with them. If I could

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1 ask Dr. Spies to articulate those questions again for us.

2 DR. SPIES: I'll do the best I can. Can you hear me?  
3 I'll do the best I can. Can everybody hear me?

4 I raised three issues with the salmon -- with the pink  
5 salmon and the red -- sockeye salmon. With the pink salmon,  
6 there are potentially other causes of problems with wild stocks  
7 other than the oil spill. And the question I raised, the  
8 perspective I had in this is whether the Settlement Funds  
9 should be used to manage that fishery -- as wholly (ph)  
10 settlement funds used to develop manage (indiscernible) -- the  
11 fishery as a means to the restoration.

12 With the sockeye salmon, particularly in the Kenai  
13 system, and I realize that it's different for the Kodiak  
14 system, the Kenai system there were three years in a row of  
15 high escapement and it was only the Exxon Valdez that  
16 contributed that one last year of high escapement --  
17 overescapement. And so we have other contributing causes  
18 besides the Exxon Valdez, probably, due to the problems we see  
19 in smolt production (indiscernible - voice lowers).

20 And the other issue is some secondary affects, for  
21 instance, the rockfish management, development of the rockfish  
22 management plan. There was a change in fishing pattern as a  
23 result of the spill, and there's a need to manage the fishery -  
24 - the rock fishery much closer since the spill since there's a  
25 bigger take of rockfish.

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1 MR. BARTON: Any questions for Dr. Spies from the  
2 Council? Okay. At this time, could I get a show of hands of  
3 how many in the audience would like to speak to one or all of  
4 those issues but only those issues? We'd like to save other  
5 comments for the public comment period that will begin at  
6 5:00 o'clock. One, two. All right. Why don't we proceed with  
7 that. Do you want to go ahead, sir? Please identify yourself.

8 MR. MATTHEWS: Mr. Chairman, my name is Theo Matthews,  
9 I'm from Kenai, Alaska; I'm here representing the United Cook  
10 Inlet Drift Association, we represent about 350 of the 585  
11 drift permit holders in Cook Inlet. And since I assume people  
12 off-line, like Cordova, won't be able to comment, I'll take the  
13 liberty of talking for .....

14 MR. BARTON: Those people will be able to comment .....

15 MR. MATTHEWS: On this issue?

16 MR. BARTON: ..... on -- not on this issue.

17 MR. MATTHEWS: All right.

18 MR. BARTON: No, we're not set up for that. But .....

19 MR. MATTHEWS: All right. So I think I can safely  
20 address the concerns of Prince William Sound also. We clearly  
21 feel that the policy calls should be made even though it is not  
22 conclusive that every bit of damage was done by the spill, that  
23 these monies should be used for these purposes. And it's very  
24 clear to us in Cook Inlet that we had a very large escapement  
25 in '89, the fry were in the lakes, the smolts did not come out.

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1 If we're not allowed to manage and monitor these systems, we  
2 risk over harvesting our future resource, and that's -- we're  
3 very concerned with that, and we think these dollars are  
4 appropriate. And I would say the same thing is equivalent to  
5 the Prince William Sound pink problem. So that's my comments,  
6 basically.

7 MR. BARTON: Thank you. Any questions from Council?  
8 Thank you. Ma'am.

9 MS. MILLER: My name is Pam Miller, I'm with the  
10 Wilderness Society here in Alaska. And I will address the same  
11 point of Dr. Spies that we're concerned that even if the Exxon  
12 Valdez isn't the sole factor that may be resulting in damage  
13 and impacts that restoration funds should be used for that  
14 purpose. And we don't see it an issue that could potentially  
15 just affect these three salmon -- or fish issues in terms of  
16 how the restoration funds get spent. So we're very concerned  
17 that you do go forward and consider that if there are  
18 complicating factors beyond the Exxon Valdez spill that we  
19 still can grant restoration funds for those types of projects.

20 I'm also concerned about a policy statement that  
21 Dr. Spies made earlier concerning how injury is defined, and  
22 that was not brought before the Trustees and the public before.  
23 I think it's a major issue that could affect the long-term  
24 restoration planning. And if all of these projects were  
25 evaluated based on that there were population level affects

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1 seen, you're ignoring injury to a life stage or to habitat in  
2 preference to what's happening to populations, and I think  
3 that's an oversight in the process that should be rectified and  
4 we hope doesn't continue throughout the restoration planning  
5 process.

6 Finally, in this packet that we're looking at,  
7 Dr. Spies said he did not review the habitat questions because  
8 he was not intimately involved with that. So, it's a policy  
9 question in a way because you're looking at a set of documents  
10 with Dr. Spies recommendations, the Restoration Team's  
11 recommendations. And my question is what does Project  
12 Number R96, Habitat Evaluation, refer to; and does this mean if  
13 it's unfunded as is currently listed on your plan, that there  
14 would be no habitat acquisition monies other than for streams  
15 looked at in this year. Thank you.

16 MR. BARTON: Any questions for Ms. Miller.

17 MR. COLE: Yes, I have a question.

18 MR. BARTON: Mr. Cole.

19 MR. COLE: Or comment. You understand now that to the  
20 extent that we spend money on these salmon projects, the pink  
21 salmon and these others, that that will be less money available  
22 for the acquisition of habitat.

23 MS. MILLER: I understand that. And I .....

24 MR. COLE: I mean it's not me (ph), you know, it's  
25 just .....

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1 MS. MILLER: I believe that the level of funding for  
2 the fish work may be excessive, but I think there's a critical  
3 question that doesn't just address how much funding each of  
4 these projects gets this year but what we're doing over the  
5 long-term about restoration. And I hate to see both the  
6 earlier change in policy about what constitutes injury and does  
7 Exxon Valdez have to be the sole factor that you're weighing  
8 what projects could go forward.

9 Now, I think there is quite a lot of money,  
10 disproportion amount, to those fish projects. And especially  
11 when we don't have any money for habitat acquisition, it  
12 appears, yes, there may be a problem there, and I hope you'll  
13 discuss it.

14 MR. COLE: But let me say to the extent that we make  
15 decisions to spend money on salmon restoration studies that we  
16 therefore, at the end of the day, have less money for the  
17 acquisition of habitat. I mean -- and that's the -- so we --  
18 as we go through this, these are the calls and it's not  
19 either/or both, it's how much here and how much there; and that  
20 is the issue in which I think we need guidance.

21 MS. MILLER: Well, I guess since you're not getting  
22 guidance from the Chief Scientist on the habitat acquisition  
23 parts, you're not getting that level of peer review on how  
24 you're balancing how much to spend on management and how much  
25 to spend on preparing to do the actual acquisition. Now, if

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1 you can just walk down the street and acquire land tomorrow  
2 without spending any money, great.

3 MR. COLE: See, here's what I'm getting at. To the  
4 extent we take -- accept Dr. Spies definition of what money  
5 should be spent on restoration projects where there is a direct  
6 relationship to spill, that means we have more money available  
7 for the acquisition of habitat; and you understand that I'm  
8 sure.

9 MS. MILLER: Right. And it's .....

10 MR. COLE: Just so we know where the calls are and how  
11 difficult they are, because we get people who say acquire  
12 habitat and then we say well, fold in (ph) studies. So you  
13 know, to the extent we limit the broad-ranging studies and  
14 require them to have a relationship to injury in the  
15 population, we have more money available for habitat. I mean  
16 am I right on that?

17 MS. MILLER: Unless your .....

18 MR. COLE: I think so.

19 MS. MILLER: Unless you're changing the terms upon  
20 which you're willing to acquire habitat, and if you're only  
21 considering population level affects and not other injury,  
22 including habitat injury, then you may run into problems. And  
23 so while fish, if you add up all -- there's enough money in the  
24 overhead for some of the fish projects to entirely fund some of  
25 the acquisition work or the amount that you've already gotten

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1 for the work that was done last year.

2 MR. COLE: Thank you.

3 MS. MILLER: So I'll conclude here and speak later.

4 MR. COLE: Thank you.

5 MR. BARTON: Is there anybody else in the audience that  
6 wishes to address these three policy questions that are before  
7 us? Okay. Thank you. We'll close the public comment period  
8 then on those three policy questions. Discussion amongst the  
9 Council Members on how we resolve them. Mr. Rosier.

10 MR. ROSIER: Thank you, Mr. Chairman. In the case of  
11 both pink salmon and sockeye, these are two species that are  
12 actively managed in both the Prince William Sound area -- in  
13 fact, in all three areas; in Prince William Sound, Cook Inlet  
14 and Kodiak areas. Pink salmon is the same. We've got major  
15 programs within the State program at the present time that  
16 addresses the management needs of these particular species. In  
17 both cases, we do have linkage to damage to these resources  
18 directly attributable to the Exxon Valdez oil spill.

19 We would, perhaps, have responded to these with State  
20 money had we -- you know, had we not had a settlement, but on  
21 the other hand, we do have a settlement. And with that  
22 linkage, in my mind, due to the importance of these particular  
23 species to the economy of the areas, I think that's part of  
24 what the settlement was about was the rebuilding of the  
25 affected services and supporting the economies of the areas

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1 that were impacted by the oil spill. These are two key species  
2 that are involved in the economies of those areas. They are  
3 species that are being actively managed. It's not a case of  
4 just being able to go out and decide that you're going to close  
5 a fishery, there's longstanding fisheries in all of these  
6 areas; it's a matter of, in fact, standing -- trying to manage  
7 to permit people to continue to make a living after the -- in  
8 the face of further adversity, I guess is the best way to put  
9 it, that been brought about as a result of the Exxon Valdez.

10 It just seems illogical to me that we would, in fact,  
11 move away from these species as one of the -- as two of the  
12 target species associated with restoration. We know that we've  
13 got certain levels of knowledge, certain levels of information  
14 about these two species virtually all of the areas. In the  
15 long run, when it's all said and done, perhaps, the cheapest  
16 restoration that we can come by is the improvement of the  
17 information base upon which we, in fact, manage these  
18 particular species.

19 I'm not sure what else we could do in terms of these  
20 species. Do we can build a hatchery? Do we -- you know, do we  
21 do something else other than what's being proposed here? But  
22 we heard today that the pink salmon were on the decline in  
23 Prince William Sound prior to '89, that's not so. The  
24 situation in the Sound was a typical situation as far as pinks  
25 were concerned. We had fluctuations in the population there,

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1 we had fluctuations in pink salmon populations everywhere. So  
2 I think that, you know, don't be mislead as the Council as a  
3 result of that type of information.

4 I think in the case of reds, red salmon in Cook Inlet,  
5 specifically the Kenai Peninsula, is really the heart of the  
6 red salmon fishery in Cook Inlet. If we reach the point where  
7 we -- for whatever reason that we cannot, in fact, conduct a  
8 fishery in Cook Inlet because of Kenai River failure, then  
9 we've got a major, major disaster on our hands, and we simply  
10 cannot live with that.

11 We know that -- from the '87 and the '88 that there  
12 were large numbers of fish got in there, we don't know exactly  
13 what the impacts were or what the affects of those problems  
14 were in the Kenai system those years. But at least in the case  
15 of the '87 run, despite the fact that we did have a large  
16 number of fish in there, we got out a pretty good smolt  
17 production, a very large smolt production. In 1988, the same  
18 thing; it was declining, I'll grant you that, but we don't know  
19 what all of the inter-specific (ph) actions were that, in fact,  
20 caused that further decline in 1988. We do know, though, that  
21 following '89 when we put those fish in there that we had a  
22 major drop in terms of production out of that system, and that  
23 we are, in fact, faced with a significant decline in the  
24 population as a result of that. How long that's going to  
25 continue remains to be seen, but we know at the present time

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1 that based on the smolt production out of that '89 parent year  
2 that we're looking a major disaster in the Cook Inlet fishery  
3 and on the Kenai River. It's not just confined to the  
4 commercial fishermen either, those species are, in fact, shared  
5 by recreational fishermen basically from all over the state and  
6 from out of the state as well and that the need to, in fact,  
7 provide for that human use of those resources as a part of this  
8 restoration program I think is critical.

9 Move ahead. Whether it's 10%, whether it's 50%,  
10 whether it's a hundred percent tied to Exxon Valdez, I think  
11 that we need to move ahead with those programs. Thank you.

12 MR. BARTON: Other comments.

13 MR. McVEE: Yes.

14 MR. BARTON: Mr. McVee.

15 MR. McVEE: Mr. Chairman. I guess I may have a  
16 question to start with. And that is relative to the production  
17 -- smolt production of '89, we have data that indicates that  
18 that is reduced. But these projects that are proposed would be  
19 designed, as I understand it, to just get more data that would  
20 be used for management purposes; they would not do anything in  
21 terms of -- speaking of the Kenai projects specifically, they  
22 would not do anything in terms of trying to increase that  
23 recovery.

24 MR. BARTON: Mr. Rosier.

25 MR. ROSIER: Mr. Chairman. The key to managing in the

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1 face of those reduced runs, of course, is better information.  
2 And of course, the programs that we're talking about here  
3 would, in fact, insure the information base or at least improve  
4 the information base upon which to better manage those  
5 resources. And there will be opportunities from other systems  
6 that were not adversely affected to impact (ph) fish, but the  
7 heart of it is the Kenai River and how quickly you bring that  
8 back on-line. And from our standpoint, the beginning of that  
9 is the information base on which we manage within the Inlet.

10 MR. McVEE: Mr. Chairman.

11 MR. BARTON: Mr. McVee.

12 MR. McVEE: I might follow that up I guess. It's a  
13 sticky problem and it certainly is -- I guess will be  
14 contentious, I realize that. But you know, I guess I feel like  
15 first, you know, we looked -- we have to look at injured  
16 resources and attend to their recovery, and those that have had  
17 some direct relationship with the oil spill, were impacted by  
18 the oil itself. And if the damage linkage -- and in this case  
19 I guess that's what I would see is a linkage as a result of a  
20 management decision not as a direct impact, so that then  
21 becomes the policy question; do we use the dollars where --  
22 restoration dollars where as a result of a management decision  
23 as a result of the spill secondary or two step -- or I guess  
24 two phase impacts, do we use those dollars, you know, for  
25 projects. You know, I might be very conservative in this

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1 respect, and -- but I guess that's the problem that I have with  
2 the Kenai project.

3 Well, maybe the answer to that -- or maybe one option  
4 there is as Carl may have suggested that it's, you know, for  
5 partial funding from the spill dollars; however, you don't  
6 still get -- you're still talking about what I call secondary  
7 impacts.

8 MR. BARTON: Other comments, questions.

9 MR. COLE: Mr. Chairman.

10 MR. BARTON: Mr. Cole.

11 MR. COLE: Is this going to be a multi-year's study  
12 proposal or is it just going to be wound up this year?

13 MR. MONTAGUE: Mr. Chairman.

14 MR. BARTON: Mr. ....

15 MR. MONTAGUE: If I could address that. There's a  
16 number of projects in here and I'm not exactly sure which ones  
17 you refer to. But in terms of those designed to better manage  
18 the fishery and, you know, to provide a fishery while  
19 protecting the stocks, we envision some funding forum until the  
20 Kenai has recovered, and we do not know when that will happen.

21 MR. COLE: Well, I mean are we talking about -- well,  
22 specifically, are we talking about FS27 and 28? I guess that's  
23 the two I was questioning. Are those multi-year studies and  
24 are we looking at -- let's see -- 650,000 each year for three,  
25 four, five years, one or two or what?

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1 MR. MONTAGUE: Okay. In the case of FS28, is just the  
2 data management of which maybe five percent would be in one or  
3 two sockeye projects. But FS27, it's the primary project that  
4 tries to determine what exactly -- what were the conditions in  
5 the lake prevented the fry from surviving to the smolt stage  
6 and also documenting the outflow of smolts. And there's a  
7 rather expensive portion of the project that is to measure the  
8 outflow of smolts that we think our fry enumeration systems in  
9 the lakes within a year or two will suffice so that we can drop  
10 the more expensive smolt enumeration portion. So, we would  
11 anticipate within a year or two that one dropping by about 40%  
12 in its cost.

13 And the reason why that particular project is so  
14 necessary, you know, right now we have very low smolt counts  
15 from '91 so we know that we're going to have probably very low  
16 returns in '94. But next year, we're going to be looking at  
17 the smolts that are going to return in '95, so next year, if  
18 it's also another low year, then we know that we've got a  
19 potential collapse of the fishery on our hands. And without  
20 that smolt enumeration, we can't -- could not address that.

21 MR. BARTON: Mr. Cole.

22 MR. COLE: Did I get yet an answer about how many years  
23 we could look for? Once we start down this road, you know, we  
24 shouldn't cut it off, we have to follow through and get the  
25 complete project. So, how much -- how long are we really

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1 looking at?

2 MR. MONTAGUE: Okay. Well, if '92 showed very good  
3 smolt production, then we would be quite a bit more relieved  
4 and actually, might not even need to do that project in '93 and  
5 beyond. And you know, if '92 shows poor smolt production, then  
6 we do have to do it in '93 and so on.

7 MR. COLE: Mr. Chairman, I have another question.

8 MR. BARTON: Mr. Cole.

9 MR. COLE: Did Dr. Spies -- did someone say that one of  
10 the causes for this may have been and was (ph) caused by the  
11 Glacier Bay accident?

12 MR. BARTON: Is Dr. Spies here?

13 UNIDENTIFIED VOICE: He left the room for a few  
14 moments.

15 MR. BARTON: Is that what he said? I don't recall.

16 MR. COLE: Is that what he said? Why don't we use some  
17 of the Glacier Bay natural resource recovery monies to fund  
18 this program if that's the case?

19 MR. BARTON: It would seem logical. I'm not sure we  
20 can spend somebody -- some other Trustee Council's money but  
21 I'd be delighted.

22 (Off record comments)

23 MR. MONTAGUE: Mr. Chairman, if I may address the  
24 Council further on the comment of the relationship to the '87  
25 spill and the overescapement that year. That first of all, we

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1 think the factors that contribute to the decline in smolts from  
2 overescapement results from lake temperature, nutrient levels,  
3 sunshine and a cloud cover for that year, as well as the timing  
4 of which certain prey species reached the stage that they are a  
5 choice food by the fry and smolts in the lake. And that as an  
6 example, Red Lake colla- -- I don't know if collapse is the  
7 right word but lost its smolt production in a single  
8 overescapement, whereas the '87 overescapement in the Kenai did  
9 not cause the same thing that Red Lake had.

10 So, what we're trying to say is that the conditions in  
11 the lakes in '89 very likely would have resulted in low smolt  
12 production from an overescapement whether there'd been an '87  
13 escapement or not. So, we're not saying that there probably  
14 isn't some contribution from '87 but we're reasonably  
15 comfortable that it's far smaller than the natural conditions  
16 in the lake. Thank you.

17 MR. BARTON: This -- whether really how -- the real  
18 question in my mind is how directly the injury has to be tied  
19 or needs to be tied to the oil spill. And I don't think  
20 anybody questions the importance of either one of those  
21 fisheries to the economy and to the people that live in the  
22 area. But it really gets back, in my mind, to whether it's an  
23 appropriate use of these monies versus some other source of  
24 monies, perhaps, another oil spill's money, and then how far do  
25 you carry it. You know, there are a lot of things that are

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1 very important to people that live in those areas, some of  
2 which need some attention.

3 And so there's 900 hundred million dollars here to use  
4 to give attention to things. Should we look up on this big pot  
5 of money as an opportunity to fix a lot of different things  
6 that need fixed, or do we need to adhere pretty closely to the  
7 Settlement Agreement and the law, and where do you draw that  
8 line? And I guess that's the policy question that's in front  
9 of us; that it seems to me that if we start down that road,  
10 well you could go quite a long ways, a gymnasium (ph), for  
11 public health.

12 MR. COLLINSWORTH: Mr. Chairman.

13 MR. BARTON: Yeah. Mr. Collinsworth.

14 MR. COLLINSWORTH: I think this is a very interesting  
15 policy issue, and actually it's not a simple policy issue  
16 'cause it's rather complex in nature. But certainly, the law  
17 provides for the opportunity to look at the option of  
18 equivalent value resources, the acquisition of equivalent  
19 resources; and perhaps, you might expand it to say equivalent  
20 value services.

21 We -- I don't believe this Council has come to grips  
22 with the concept of what is the universe of restoration  
23 activities that are going to be utilized in making the Sound  
24 and the affected regions whole subsequent to the oil spill.  
25 And we have -- the reason that it is complex is there's

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1 different categories of restoration activities that might be  
2 engaged in. I had hoped that this Council a couple years ago  
3 would start to develop a restoration methodology plan that more  
4 clearly identified by species what the restoration  
5 opportunities were, whether they be direct opportunities to  
6 restore the species itself by supplementing its ability to  
7 reproduce, to deal with habitat, to deal with enhancement  
8 activities, receding grasslands, developing hatchery  
9 alternatives or whatever.

10 But it seems to me that we have a couple of different  
11 kinds of species that have been affected by the oil spill. We  
12 have those species that I think Mr. Rosier referred to as those  
13 who are under some kind of active management; and I guess  
14 that's another term that is used to define species of animals  
15 that are exposed to human use, harvest or consumption. So that  
16 generally is our fisheries, and I think that's where we have  
17 active management programs where we are controlling removals  
18 from population because of some kind of human activity.

19 Then we have other categories of resources that are not  
20 harvested. And we do not control the taking of those animals;  
21 and perhaps, our options with regard to those animals in terms  
22 of restoring their populations or productivity deal mostly with  
23 their habitats, trying to alter their habitats or to work with  
24 predator/prey species relationships to assure that the  
25 populations have an opportunity to have the foods necessary for

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1 reproduction and other activities. And then, of course,  
2 there's the possibility of some kind of direct enhancement  
3 through artificial reproductive activities.

4 So we have those fish -- I mean we have those resources  
5 that are actively managed and those that are not actively  
6 managed in the category that -- I mean divided up like I  
7 expressed. And it seems to me reasonable to look at  
8 restoration to include the concept of acquiring information  
9 that will allow you greater precision in your management  
10 program in order to help restore a population of animals that  
11 is actively managed. And I could see that being particularly  
12 the case in Cook Inlet and in Prince William Sound as well with  
13 pinks. But in Cook Inlet, if you are going to try to manage --  
14 intensively manage Kenai Peninsula stock, you're going to have  
15 to have information about the status of those stocks and you're  
16 going to have to have information that allows you to engage in  
17 various kinds of stock separation in the Lower Inlet and -- so  
18 that you might manage discreetly to try to allow for harvest of  
19 resources that were not affected by the spill and those that  
20 were so that you can exploit those resources at the appropriate  
21 levels.

22 And so you need that kind of information and -- to have  
23 an intensive management program that will restore the resource.  
24 And it seems to me that within the proper definition that this  
25 Council ought to consider whether or not active -- the

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1 enhancement of active management programs is an appropriate  
2 restoration activity. I tend to think it is. And I think that  
3 it is one of the tools that should fit under this universe of  
4 restoration activities.

5         The extent to which you may approve projects, of  
6 course, depends on a particular situation. And I think that  
7 there needs to be good oversight to assure that we're not going  
8 far afield and engaging in general scientific work and stock  
9 work that doesn't relate specifically to the resources of  
10 concern. But I, nevertheless, think that being able to acquire  
11 the information and the technology to allow you to more  
12 precisely and intensively manage resources that are under this  
13 active management category is a legitimate use of restoration  
14 funds.

15         MR. BARTON: Further comments.

16         MR. McVEE: Mr. Chairman.

17         MR. BARTON: Curt. Mr. McVee.

18         MR. McVEE: I think as Dr. Montague mentioned, you  
19 know, other factors could have affected the smolt production;  
20 and that, you know, therefore, I guess -- maybe I'm not  
21 interpreting this right but my logic would say that while we  
22 don't know whether it's all a direct relationship with the  
23 escapement problem that have years of -- where we've had large  
24 escapement, we had a fair or a good smolt production. So other  
25 things are built into that. And, you know, therefore, there's

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1 a dilemma I guess in trying to keep some purity in the way we  
2 spend the funds, the Settlement Funds, that were gained from  
3 Exxon through the court settlement.

4         The other -- I guess the other problem is that, you  
5 know, we have some species that had direct damages and that we  
6 have not got those in the budgets this year because we could  
7 defer or postpone, or in some cases I guess we felt like that,  
8 you know, maybe -- that was the question, there was enough  
9 information on some of those. So, you know, in trying to keep  
10 the budget down, there's some of that information that we are  
11 not going to collect this year; some that will be lost forever,  
12 some of it we can probably recapture in subsequent years,  
13 information concerning, you know, the animals' losses  
14 themselves to the certain species.

15         And I guess on management programs, then the questions  
16 come one -- come down to well, should we supplement or what  
17 degree should we supplement agency management programs with  
18 spill Settlement Funds. And that opens up, you know, Pandora's  
19 Box in my mind, I have great problems with that.

20         MR. BARTON: Any other comments or -- Mr. Sandor.

21         MR. SANDOR: Dr. Spies, in his papers, said  
22 specifically -- he suggested that the Trustees determine  
23 whether oil spill Settlement Funds should be the sole support  
24 for the development of management tools for pink salmon; while  
25 that specific quote (ph) is for that one issue, I think that's

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1 one that the Trustees need to address. That was the reason I  
2 asked Mr. Gentry if there was any problem in -- from an  
3 accounting standpoint of targeting projects for funding from  
4 different sources, including the regular agency appropriations  
5 or from other funding sources like the Glacier Bay.

6 And I guess with respect to that question, whether or  
7 not the Trustees should determine whether or not it should be  
8 the sole support, my position is that it shouldn't be the sole  
9 support. We should not look just to -- and I guess if we're --  
10 I don't know whether there's a consensus on that point or not.

11 The second point that I wanted to make is with respect  
12 to the projects under consideration. I wonder if it might not  
13 be of benefit to the Trustee Council and the public here if  
14 someone on the Restoration Team itself could summarize very  
15 quickly the rationale for their conclusion on these projects.  
16 Is that possible?

17 MR. BARTON: Sure. It certainly is. Do we want to do  
18 that before we deal with the policy issues?

19 MR. SANDOR: Well, I guess we don't have to but at some  
20 point I think it would be worthwhile doing. That's all I had  
21 this.

22 MR. BARTON: We can do it any time. Mr. Rosier.

23 MR. COLE: Mr. Chairman.

24 MR. ROSIER: If I might.

25 MR. BARTON: Mr. Cole.

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1 MR. COLE: I'm in favor of FS27, 28, 53 and 59. And on  
2 the other hand, I am not in favor of 52, the rockfish, because  
3 I think there is a distinction that can reasonably be drawn. I  
4 think basically that these studies can come within the  
5 definition of replacement or acquisition of equivalent  
6 resources as those terms are discussed in 43CFR, Section 11.

7 And I tilt in favor here of the salmon studies because  
8 I think it's a very important natural resource for the State of  
9 Alaska. It's a historic resource which hundreds if not  
10 thousands of people in Alaska have derived a livelihood from  
11 them over the years. It provides the State with historic of  
12 revenue and a hope for the future given the comments one reads  
13 in the paper about the budget. And therefore, given those  
14 considerations, and following up without reiterating the  
15 comments of Mr. Collinsworth, I would like to see the Council  
16 approve these projects which I mentioned.

17 Distinguishing from the rockfish plan, on the other  
18 hand, that's simply management of a resource which has not been  
19 very well related to the spill itself; it's, I think, a  
20 collateral management problem. So, therefore, I intent to  
21 support these projects in full. And by the way, there is no  
22 money from the Glacier Bay natural resource damage funds  
23 because none were I think sought; so we can forget about that.

24 And, you know, I just think that we ought to look to  
25 the future of this industry in Alaska and support these

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1 proposed projects. Thank you.

2 MR. BARTON: Mr. Rosier.

3 MR. ROSIER: Thank you, Mr. Chairman. I believe  
4 Mr. McVee was talking in terms of a hundred percent funding for  
5 the management in these cases. I guess I would respond to that  
6 by saying that while there may be major expenditure of funds  
7 from the civil settlement associated with this, that it's not a  
8 hundred percent funding. That the agency, you know, with the  
9 responsibility for management here is contributing a fairly  
10 substantial amount at the present time. This is really an  
11 improvement of the information base. Over time, certainly, we  
12 would anticipate that these projects would, in fact, be phased  
13 out of Exxon Valdez Oil Spill money was the question that was  
14 raised earlier.

15 But these were resources that were damaged and  
16 certainly this is the time to move ahead on those resources.  
17 So I don't know whether that helps or not, but we are spending  
18 a lot of money in both of these areas currently.

19 MR. BARTON: Further comments or questions. Are you --  
20 Mr. Cole, let me understand what you're supporting. You're  
21 supporting those projects related to red salmon and pink salmon  
22 because they're actively managed stocks that are important to  
23 the people of Alaska?

24 MR. COLE: Not simple because they were actively  
25 managed, but because they could, in my view, properly come

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1 within the definition of replacement of damaged natural  
2 resources or the acquisition of equivalent resources. Clearly,  
3 they may come otherwise within the direct restoration concept.  
4 But in any event, if they don't come within the restoration  
5 concept, they come within one or the other two, that's  
6 Number 1.

7           And then, we have the problem of well, how direct must  
8 that be? Well, I think we're past that. And then  
9 substantively, should we approve these two projects as a policy  
10 matter? It's because of the I think really immense value of  
11 the salmon species to the State, both historically and  
12 presently, and we should take steps to further those salmon for  
13 those reasons. And the rockfish, you see, I think comes on the  
14 other side. I mean that's just a management problem and that  
15 doesn't require -- in my limited view and limited knowledge of  
16 this area, which can be otherwise controlled without a large  
17 expenditure of money. And in this area, we have a very basic  
18 view (ph) policy issues supporting the decision, plus the  
19 likely inability (ph) of acquiring funds to do this work from  
20 other sources.

21           MR. COLLINSWORTH: Mr. Chairman.

22           MR. BARTON: Mr. Collinsworth.

23           MR. COLLINSWORTH: I have I guess it's kind of a  
24 technical question. The project FS27 under B Damage Assessment  
25 Continuation, is this properly listed under continuation of

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1 damage assessment or should it really be back here in  
2 restoration management action? Is this .....

3 MR. BARTON: Mr. Gibbons, can you answer that?

4 MR. GIBBONS: What I understand there are two phases of  
5 this project; one phase is to look at the adult escapement and  
6 one phase is to look into the fry out migration. And this is a  
7 continuation of some work that was done last year under the  
8 guise of damage assessment and we deducted money; you can  
9 correct me but I think that's the case.

10 MR. MONTAGUE: Yes, Mr. Chairman. FS27 is several  
11 years old, and it certainly has benefits to management into it,  
12 but as far as categorizing it, you know, how much of it would  
13 help management and how much of it was finishing up the damage  
14 assessment -- rather than cause the confusion of looking like  
15 an unchanged project is now classed differently, we left it  
16 under Continuation.

17 MR. COLLINSWORTH: So, it really does have aspects of  
18 both?

19 MR. GIBBONS: That's correct.

20 MR. COLLINSWORTH: One further comment, Mr. Chairman.  
21 Mr. McVee issued some concern about whether or not these  
22 restoration monies were going to be the sole source of funding,  
23 I think Mr. Rosier answered that question. When I -- earlier,  
24 I talked about with appropriate oversight, and I think it's  
25 important that we take some care in assuring that we don't end

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1 up substituting restoration funds for normal State funding of  
2 programs of Federal funding of programs. I really look at this  
3 restoration money as being enhancement activity to the ongoing  
4 management program. And I know that there might be technically  
5 some times when budgets get tight to look at this as a  
6 substitute alternative. But I'm sure that with the appropriate  
7 oversight that that won't happen.

8 MR. BARTON: Well, we've had a good discussion, what do  
9 we want to do with it?

10 MR. COLE: Well, I move we approve FS27, 28, 113 and  
11 114, as well as R53 and R59.

12 MR. COLE: Is there a second?

13 MR. ROSIER: Second.

14 MR. BARTON: It's moved and seconded. 27 -- read those  
15 again, would you, Mr. Cole?

16 MR. COLE: Well, let's start on Page 1 so we can get  
17 it.

18 MR. BARTON: All right.

19 MR. COLE: Paragraph A, FS28.

20 MR. BARTON: 28.

21 MR. COLE: Run reconstruction.

22 MR. BARTON: All right.

23 MR. COLE: Paragraph B, FS27, sockeye overescapement.

24 On Page 2, R113 and R114, Paragraph F. And on Page 3, R53 and  
25 R59.

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1 MR. BARTON: Moved and seconded. Any further  
2 discussion of that?

3 MR. COLLINSWORTH: Yes.

4 MR. COLE: May I add to that, at funding levels  
5 recommended by the Restoration Team.

6 MR. BARTON: Okay. February 27 proposal column (ph).

7 MR. COLE: Hold on. I'm told -- hold on just a second.

8 MR. COLLINSWORTH: We've got a problem with R114 I  
9 think.

10 UNIDENTIFIED VOICE: Yeah.

11 MR. COLE: We'll take out R114. But we can address  
12 that one later.

13 MR. BARTON: So it's 20- -- FS27, FS28, R113, R53 and  
14 R59. Any more discussion?

15 MR. MONTAGUE: Mr. Chairman.

16 MR. BARTON: Mr. Montague.

17 MR. MONTAGUE: May I add something. FS28, the current  
18 recommendation is to not do the work but to finish analyzing  
19 existing information. I guess I just want some clarification  
20 if we're approved to put this project forward as fully doing  
21 run reconstruction or just to cut it off where it is?

22 MR. BARTON: As I understand the motion, we're  
23 approving the February 27 proposal. Is that everybody else's  
24 understanding?

25 MR. COLE: Yes. Except for 114, which is on the shelf

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1 currently.

2 MR. COLLINSWORTH: I need clarification, Mr. Chairman.

3 MR. BARTON: Yes.

4 MR. COLLINSWORTH: Are we looking at the February 27  
5 proposal column or are we looking at February 27 proposal with  
6 overhead? And there are differences. The initial February  
7 27th proposal wasn't that .....

8 MR. BARTON: I thought we were looking at the second  
9 column from the left.

10 MR. COLE: Well, didn't we decide this morning to in  
11 principle to go along with an overhead factor, as I glance at  
12 that 15%, wasn't that in there?

13 MR. BARTON: That's what .....

14 MR. COLE: I thought so, and I thought we generally  
15 approved that subject to -- somebody would at least be reading  
16 it (ph).

17 MR. BARTON: Does that help.

18 MR. COLLINSWORTH: Thank you. Yes, thank you.

19 MR. BARTON: Mr. Rosier.

20 MR. ROSIER: Yes. I'm still a little confused on the  
21 motion here as related to -- in order to accomplish FS28 -- you  
22 won't accomplish FS28 at the February 27th proposal level.

23 MR. COLE: Well, I mean do we just tear this all up?  
24 It's my view that the rest- -- we adopt the Restoration Team's  
25 recommendations for 1992 project proposals listed in A, FS29.

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1 Now, is not their recommendation? If it isn't, we need to  
2 know.

3 MR. ROSIER: Yeah. My recommendation, Mr. Chairman, on  
4 this is that in order to accomplish that program we need the  
5 474.6 rather than the 55 that's indicated on the February 27th  
6 proposal. That's a closeout -- that is a closeout budget under  
7 the February 27th proposal.

8 MR. COLE: My motion remains the same, that we accept  
9 the Restoration Team's recommendations. I mean if somebody  
10 wants to move to amend it, that's up to them.

11 MR. BARTON: Mr. Rosier.

12 MR. ROSIER: Mr. Chairman. I would move to amend FS28,  
13 replace the 55 recommended by the Restoration Team to 474.6.

14 MR. BARTON: Is there a second? Is there a second?

15 MR. SANDOR: I'll second that for discussion purposes.  
16 And at this point, I think I'd like the Restoration Team to  
17 give the rationale for the change.

18 MR. BARTON: Mr. Gibbons, could you orchestrate that?

19 MR. GIBBONS: Yeah. I can try to explain that. I have  
20 these projects broken out by species and have the listing of --  
21 under sockeye. The Restoration Team voted yes on FS27, voted  
22 yes on R113. We voted no on R114 because it was a fishery's  
23 issue, or at least fish were being -- will be accessed and  
24 harvested by the fishermen right at the site, and we had some  
25 concerns with that approach. R117 was the replacement for the

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1 Kenai sockeye, we had some concerns with that so we voted that  
2 one no. We voted yes on R53 and yes on R59.

3 On FS28, the Restoration Team voted to close this study  
4 out but would like a final report, so that's what the 55,000  
5 reflects, is a final report only and no further work from the  
6 rest- -- .....

7 MR. SANDOR: Mr. Chairman, if I might ask.

8 MR. BARTON: Mr. Sandor.

9 MR. SANDOR: What was the rationale for the closeout  
10 versus the continuation of the study?

11 MR. GIBBONS: My understanding of it was -- and maybe  
12 the Restoration Team can add to this, but we considered that it  
13 was an issue between the hatcheries and the wild fish. And  
14 this was a modelling (ph) effort to figure out where the wild  
15 fish go and where the hatchery fish go. And we -- my  
16 recollection was that we thought was a normal agency  
17 responsibility.

18 MR. BARTON: So other members of the Restoration Team  
19 want to speak to that?

20 MR. MONTAGUE: Yes, Mr. Chairman. I -- how best to  
21 express it. I guess the development of the Restoration Team  
22 recommendations were based on a voting procedure where only two  
23 votes, two no votes, were required to not have a project go  
24 ahead. And based upon that -- those operating procedures, that  
25 is the Restoration Team's recommendation. I assume that Dave

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1 is representing the summary of interpretation of the two no  
2 votes.

3 MR. GIBBONS: Let me clarify that. On the voting  
4 procedures, when we hit two votes, we stop; if we get two  
5 immediately, we stopped at that point, there was no further  
6 discussion on it. So, in other words, we had two no votes on  
7 this one and so -- but really the voting record is not clear on  
8 it but we had two votes so it didn't go forward.

9 MR. BARTON: Further .....

10 MR. MONTAGUE: Mr. Chairman, if I may add this. The  
11 two things this project was supposed to do is it was the final  
12 pulling together project of all the pink salmon work. It was  
13 the one that essentially made sense out of a dozen odd projects  
14 over the years on pink salmon. And further, during the  
15 litigation phase, it was to have been the mechanism by which we  
16 could hind-cast (ph) to prove population level affects, and  
17 since population level affects still seem to be under some  
18 question, cutting this project off seems ill-advised.

19 MR. BARTON: Any other comments or discussion?

20 MR. COLLINSWORTH: Just -- yes, Mr. Chairman.

21 MR. BARTON: Mr. Collinsworth.

22 MR. COLLINSWORTH: Just briefly, whoever can summarize  
23 the objectives of this project, I'd like to have that. What is  
24 it you're going to do for 474.6?

25 MR. MONTAGUE: The primary -- Mr. Chairman, if I may.

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1 The primary cost component of this project is the tagging of  
2 adult pinks as they enter Prince William Sound and recovering  
3 them during the fishery as well as during carcass surveys on  
4 streams. And the purpose of that is to in order to develop the  
5 run construction model, one of the pieces that we're still  
6 missing was a mechanism of -- indicating when fish would arrive  
7 in the certain quadrants of the Sound. And an additional cost  
8 component of that recommended by the peer reviewers was to not  
9 depend entirely upon the commercial fishery and the streams  
10 surveys but to actively go out and conduct a test fishery to  
11 try to recover some of those tagged fish.

12 And those two things are by far the largest component  
13 of it, and the remaining parts of it were -- a lot of it's  
14 already done, and that's getting all the information on  
15 computer, developing a program to describe run reconstruction  
16 in the Sound. Right now, it's done for one quadrant, and it  
17 would be expanded to the remaining quadrants of the Sound.

18 MR. COLLINSWORTH: One follow-up, please.

19 MR. BARTON: Mr. Collinsworth.

20 MR. COLLINSWORTH: Is this -- would this be the last  
21 year of the project?

22 MR. MONTAGUE: Absolutely.

23 MR. McVEE: Mr. Chairman.

24 MR. BARTON: Mr. McVee.

25 MR. McVEE: As I understand it then, the end objective

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1 is to identify the wild stocks versus the hatchery stocks, and  
2 where the wild stocks are going and that where the separation  
3 is made; and therefore, where -- you know, or how a fishery  
4 management program can be constructed in the future to provide  
5 access to those stocks when they're separated so that there  
6 will be less impact for the proper amount of harvest on the  
7 wild stock, they won't be endangered from over-harvest  
8 proposition. Is that accurate?

9 MR. MONTAGUE: Mr. Chairman. I believe many components  
10 of that are accurate. I think the -- and the question being  
11 does this better improve the ability to manage both hatchery  
12 and wild fish, is that -- I believe that's correct.

13 MR. BARTON: Mr. Rosier.

14 MR. ROSIER: I had a question on this, I guess it's  
15 related to the dollar amount, just to get it out on this. Is  
16 the 474.6, does that include the overhead as part of the second  
17 question that was raised?

18 MR. MONTAGUE: No, it does not. We have that figure  
19 somewhere here, we did prepare it. Usually, it's on the order  
20 of about eight percent to ten percent of the project.

21 MR. ROSIER: Okay.

22 MR. BARTON: Well, we have a motion on the table  
23 to .....

24 MR. COLLINSWORTH: Mr. Chairman, one more question,  
25 please.

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1 MR. BARTON: Mr. Collinsworth.

2 MR. COLLINSWORTH: Would the full funding of the  
3 proposal of 474.6 also include the closing out of the project?

4 MR. MONTAGUE: Mr. Chairman. Yes, it would.

5 MR. BARTON: In other words, if we funded this at  
6 474.6, consider that (ph) .....

7 MR. COLLINSWORTH: We wouldn't see something next year  
8 for closeout.

9 MR. BARTON: The motion on the floor is did we accept  
10 the February 27th proposals for Projects FS27, 28, 113, 53 and  
11 59. There's been an amendment offered and seconded that would  
12 substitute the February 5th proposal on FS28 for the  
13 February 27th proposal. Any more discussion? On the  
14 amendment, is there objection to the amendment?

15 MR. McVEE: Objection.

16 MR. BARTON: Okay. Under the rules of which we  
17 operate, we have to have a unanimous vote, the amendment fails.  
18 On the motion, and the motion now includes the February 27th  
19 proposal for FS28. Is there objection to the motion? The  
20 motion carries.

21 What do we wish -- have we actually answered the policy  
22 question, I guess? And I guess we have sort of by the back  
23 door.

24 MR. COLLINSWORTH: Yeah.

25 MR. BARTON: Which is better than not answering it at

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1 all, so I won't ask anymore.

2 MR. COLLINSWORTH: Mr. Chairman. I think that,  
3 perhaps, by our action, we did give an indication of what the  
4 attitude of the Council is towards enhancement of your  
5 management precision for actively managed resources and it's  
6 appropriate for certain cases. I still think it is an issue  
7 that need clear definition as we continue with building the  
8 restoration plan so that we really have a good understanding of  
9 what the universe of activities that we consider to be  
10 acceptable for restoration.

11 MR. BARTON: Well, I think we'll have ample opportunity  
12 to do that, and we'll, in fact, have to do that because I think  
13 there's a real Pandora's Box out there if we don't.

14 MR. COLE: Well let me say, Mr. Chairman, if I may.  
15 There is simply no bright (ph) line.

16 UNIDENTIFIED VOICE: No, there isn't.

17 MR. COLE: And we just have to find that line .....

18 MR. BARTON: As we go.

19 MR. COLE: ..... by dealing with these proposed  
20 projects one by one, and I think we will then find a general,  
21 broad policy as we do that. But to try to state it in advance,  
22 I just don't think we can do it, it's not capable, you might  
23 say, to mathematical precision.

24 MR. BARTON: Okay. Where do we want to go next?

25 MR. COLE: Find an easy way.

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1 MR. BARTON: I'm sorry.

2 MR. COLE: Find something easy.

3 MR. COLLINSWORTH: Do we still have .....

4 MR. BARTON: We still have a number of these projects  
5 that are from the Restoration Team recommendations to deal  
6 with. We could deal with the remainder now as a group having  
7 answered those policy questions or what's the pleasure of the  
8 Council?

9 MR. COLLINSWORTH: Mr. Chairman.

10 MR. BARTON: Mr. Collinsworth.

11 MR. COLLINSWORTH: I move that we adopt the  
12 recommendation of the Restoration Team for those items that we  
13 have no acted upon.

14 MR. SANDOR: I'd second.

15 MR. BARTON: Okay. It's moved and seconded that we  
16 adopt the Restoration Team recommendations for the  
17 February 27th proposal for the remainder of those projects in  
18 the Restoration Team recommendations package without  
19 recommendations for the Chief Scientist. Any discussion?

20 (Pause)

21 MR. COLE: May we have a moment, please, .....

22 MR. BARTON: Yes.

23 MR. COLE: ..... to study these?

24 (Pause)

25 MR. COLE: Mr. Chairman.

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1 MR. BARTON: Mr. Cole.

2 MR. COLE: Could we have an explanation of R118,  
3 information and education?

4 MR. BARTON: Mr. Gibbons.

5 MR. GIBBONS: Yes, I'll have Pamela Bergmann explain  
6 that, that's primarily in her department.

7 MS. BERGMANN: Mr. Chairman. The purpose of R118 is  
8 it's a project that's been jointly funded or would be used by  
9 the Department of Interior and Forest Service is also part of  
10 this project, and it would be to develop information and  
11 educational materials to the public for the public to let them  
12 have a better understanding of the kinds of injuries that are  
13 occurring out in the project area, and also talk about kinds of  
14 things that they might do to prevent additional injuries to the  
15 affected resources.

16 MR. COLE: You mean additional injuries to the salmon,  
17 for example?

18 MS. BERGMANN: Well, for example, when some of the  
19 murre colonies that were affected, that if there are people who  
20 have tour boats in the area, they need to be aware of the fact  
21 that they need to be staying a certain distance away from those  
22 colonies so that they don't create disturbance to the colonies  
23 and cause additional injury to the birds in those areas. And  
24 the same thing would go to -- for marine mammal (indiscernible)  
25 areas.

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1 MR. BARTON: Do you see that as a continuing program?

2 MS. BERGMANN: Ken.

3 MR. RICE: Mr. Chairman. Most of the costs for this  
4 project would be in the design and production of materials to  
5 give to the public this year. So any continuing cost would be  
6 drastically reduced in the next few years, after this year.

7 MR. BARTON: Mr. Rosier.

8 MR. ROSIER: Question on this. What kind of  
9 information is there at the present time surrounding such  
10 things as the murre colony, and what's the direct involvement  
11 here of the agency in terms of managing those colonies or --  
12 I'm having trouble .....

13 MS. BERGMANN: Well, this would be information  
14 developed that would be specific to the spill, especially for  
15 areas that were directly affected by the spill, such as the  
16 murre colonies and off the Kenai -- in Kenai Fjords National  
17 Park, in that area as well as say the Barren Islands in the  
18 Gulf of Alaska.

19 MR. BARTON: Mr. Rosier.

20 MR. ROSIER: Is this going to -- is it general type  
21 information and education program or is this something aimed  
22 specifically at the guided tours going out there or what are we  
23 talking about?

24 MS. BERGMANN: For the general public who are coming up  
25 from the outside as well as people here just in Alaska. And

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1 this would be in addition to what the agencies would normally  
2 be doing as part of their regular agency public education  
3 efforts. But this is the part that would be attributable to  
4 the spill itself.

5 MR. COLE: Mr. Chairman.

6 MR. BARTON: Yes, Mr. Cole.

7 MR. COLE: I move we delete R118 and transfer the  
8 190,000 to FS28.

9 MR. BARTON: Is there a second to the motion?

10 MR. SANDOR: I'll second that for discussion purposes.

11 (Off record comments)

12 MR. BARTON: Okay. Discussion? The amendment is that  
13 we would delete R118 and add \$180,000.00 to FS28.

14 MR. SANDOR: Run restoration.

15 MR. BARTON: Run restoration -- .....

16 MR. COLE: Yeah, that's the one we chucked.

17 MR. BARTON: ..... run reconstruction.

18 MR. COLE: 474 to 60.

19 MR. SANDOR: Mr. Chairman.

20 MR. BARTON: Yes, Mr. Sandor.

21 MR. SANDOR: Now that that motion's on the table, what  
22 does that -- would that do? I guess it'd be addressed to  
23 either Jerome or someone with respect to mid-level funding.

24 MR. MONTAGUE: Mr. Chairman. The most expensive  
25 portion of that project was finding that one piece of

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1 information. And the write-up and final component was the life  
2 history model and the run reconstruction which missing that  
3 component can be estimated, certainly not with as high a degree  
4 of precision, but we could still have usable life history  
5 models and run reconstruction models out of it.

6 MR. COLE: You want the 200,000?

7 MR. SANDOR: Mr. Chairman.

8 MR. BARTON: Mr. Sandor.

9 MR. SANDOR: I guess the question was indirectly, and I  
10 apologize for not asking it more directly, will that money be  
11 able to be used effectively and the questions you were seeking?

12 MR. MONTAGUE: Yes, Mr. Chairman. We had hoped to I  
13 guess at a bare minimum be able to complete the life history  
14 model and the run reconstruction model minus the more precise  
15 quadrant timing that would have been achieved through the adult  
16 tagging. In fact, as the project was originally designed, the  
17 adult tagging wasn't even identified as being necessary. But  
18 you know, during the last year of looking at data, through  
19 discussion with peer reviewers, they indicated that it would  
20 certainly add to the precision of the model.

21 MR. BARTON: Further discussion on the amendment?  
22 Mr. Collinsworth.

23 MR. COLLINSWORTH: Well, I have a little trouble I  
24 guess, Mr. Chairman. I -- we're going to cut a project in  
25 half, and basically what I heard was that we can do what we

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1 said we were going to do for 474, but we're going to cut it in-  
2 half and do the same work. Why was it at 474 in the first  
3 place?

4 MR. COLE: You tag less fish, that would be my thought.

5 MR. MONTAGUE: Mr. Chairman.

6 MR. BARTON: Mr. Montague.

7 MR. MONTAGUE: I could address that. I guess if you're  
8 able to -- that all these projects that have been done to-date  
9 that would be synthesized into this run reconstruction project,  
10 for instance, may increase our management precision by,  
11 hypothetically, 20%, and the timing of adding the adult tagging  
12 may have increased it to 35%. But nonetheless, even with the  
13 run reconstruction and life history without the adult tagging,  
14 we're way ahead of where we were at the time of the spill. So,  
15 for \$200,000.00 to increase that precision, it seems like a  
16 smart move but if the money is not available, then that's why  
17 I'm going to this original position.

18 MR. BARTON: More -- other discussion.

19 MR. COLLINSWORTH: Yes, I'd like to follow-up, please.  
20 Are we going to completely eliminate any information education  
21 program?

22 MR. BARTON: That's the amendment before us. Well, I  
23 don't know if there are other -- are there other projects with  
24 information education built into them.

25 (Pause)

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1 MS. BERGMANN: There are none, Mr. Chairman.

2 MR. BARTON: Okay. Then I (indiscernible - microphone  
3 out) .....

4 MR. COLE: May I address that, Mr. Collinsworth?

5 MR. BARTON: Mr. Cole.

6 MR. COLE: You weren't here, but you know I think we  
7 have a fairly substantial appropriations you might say for  
8 public information which we've already allocated. We have this  
9 -- like, you know, facilities (ph), we have people who answer  
10 questions of the public. I saw some report the other day about  
11 how many responses we're doing. Maybe Mr. Gibbons can address  
12 that.

13 So what I'm saying is I guess more directly in  
14 response, I think we already have a reasonably adequate public  
15 information project or plan in place, and that's the reason I  
16 thought we could just do without this and have the public  
17 information come within the existing administrative structure.

18 MR. BARTON: Mr. Gibbons.

19 MR. GIBBONS: Yes, maybe I can try to answer that  
20 question. Yeah. The Staff that we have on-hand is to handle  
21 the public responses and hear the public comments to us and  
22 getting information to the public. As I understand it, this  
23 project is to prepare material to tell the true story that what  
24 went on out there in the oil spill in regards to injury to the  
25 resources, those types of activities, in addition, to provide

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1 protection to critical habitat areas that may not have -- the  
2 halibut fisherman, perhaps, shooting halibut close to a murre  
3 colony that's nesting, this type of thing. An information  
4 education program to the public, that's what I understand.

5 MR. BARTON: Mr. McVee.

6 MR. McVEE: Yes, Mr. Chairman. I guess certain to that  
7 group of people, I guess the recreation users that will be  
8 going throughout the area, that reasonably (ph) the only avenue  
9 that's available as far as management of those uses will be  
10 through an information and education program. And so I guess I  
11 would point out or argue that the information we need (ph)  
12 developed, brochures and slide programs and some of the  
13 information centers and so on like at Seward and at Homer,  
14 other locations, these are additional materials that would be  
15 available. It would get to that group of people, make them  
16 aware of the resources that were damaged and how they should  
17 respond as they are using and traveling through those areas, to  
18 not interfere or further impact those resources, create  
19 additional stress upon -- on bird populations and so on.

20 MR. COLE: Mr. Chairman.

21 MR. BARTON: Mr. Cole.

22 MR. COLE: Who are these people who would receive this  
23 public information that we can't otherwise say put a notice in  
24 the newspaper and read the morning paper and get the same type  
25 of information?

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1           MR. McVEE: I would I guess -- Mr. Chairman. I would  
2 visualize then is that the people that go to say the Visitor's  
3 Center in Seward that go out with the charter boats, and  
4 certainly, you know, it would be targeted towards maybe the  
5 charter boat operators or a certain amount of it so that they'd  
6 stay away from the murre colonies which were impacted and not  
7 impact further nesting there of those populations. But it'd be  
8 targeted towards the people that actually go right out on --  
9 you know, into the area. And I think we're talking about, you  
10 know, basically the tourists.

11           MR. COLE: Mr. Chairman.

12           MR. BARTON: Mr. Cole.

13           MR. COLE: Well, why don't we just ask the tour boat  
14 operators to tell these people as part of, you know, the little  
15 spiel that they get as they go out there. I mean I just can't  
16 see spending (ph) these handout flyers and probably nobody'll  
17 read them anyway. And, you know, we can use the money for  
18 maybe some better things; I mean you know, I don't know, it  
19 just seems to me it's hardly worth it and it's not much bang  
20 for the buck. We could get the information out more easily,  
21 Fish & Game people could tell these people, you know, as  
22 they're out; certainly, commercial fisher group -- fishermen  
23 groups could put the information out to their people, and ask  
24 them just publicly (ph) respond rather than spending  
25 \$200,000.00 for this. That's all I'm saying.

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1 MR. BARTON: Mr. Rosier.

2 MR. ROSIER: In this vein, is it currently agency  
3 dollars that are going to this? I mean we're four years into  
4 the spill here, we're (indiscernible - microphone out). And  
5 has there been agency dollars that have directed to this type  
6 of thing to-date?

7 MR. RICE: Mr. Chairman.

8 MR. BARTON: Mr. Rice.

9 MR. RICE: I could speak for the Forest Service, and we  
10 have produced some materials related to the oil spill that have  
11 come out of agency funding, and that would continue to be in  
12 the case in this. We have a normal interpretation program that  
13 goes on, half a million people go down through Portage Glacier  
14 (ph), for example. There could be not just flyers and  
15 brochures but at least a whole variety of techniques to get  
16 information to the public, whether they're going into Whittier  
17 and kyaking out of there, taking the tour boats and going out  
18 and halibut fishing, or whatever place -- wherever places where  
19 the visitors are going, and there's a whole variety of  
20 techniques that you can apply to that. And the attempt here is  
21 to supplement agency funding and focus in on assisting in  
22 restoring those key resources so that people did not further  
23 contribute to the damage that was already out there.

24 MR. BARTON: Further comments? Okay. The amendment  
25 before us is to delete Project R118 and move the \$180,000.00

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1 associated with that to FS28, Run Reconstruction, which would  
2 bring that total to \$235,000.00. Let me ask you, Mr. Cole, did  
3 you -- included in that \$235,000.00 is also the final closeout  
4 report as is in the \$55,000.00, that we'll not finance this  
5 project beyond this year?

6 MR. COLE: Well, we're assured by Dr. Montague that it  
7 won't be necessary to spend funds on this next year, so I would  
8 assume that they'll wind it up this year for that amount; is  
9 that right?

10 MR. MONTAGUE: Mr. Chairman, that is correct.

11 MR. BARTON: Thank you. Okay. Any further discussion  
12 on the amendment?

13 MR. McVEE: Mr. Chairman.

14 MR. BARTON: Mr. McVee.

15 MR. McVEE: Yes. Before we vote, I guess I've got to  
16 describe the dilemma that I'm in if I vote against the  
17 amendment.

18 MR. BARTON: Be my guest.

19 MR. McVEE: I anticipate that there will be a vote  
20 against the project, and I wanted to say that before I vote.

21 MR. COLE: I'm not sure I follow you but .....

22 MR. BARTON: Mr. Collinsworth.

23 MR. COLLINSWORTH: Yes. I find myself in a bit of a  
24 dilemma as well because I would've much preferred to have  
25 incrementally added to Project R28, which I have sympathy to,

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1 in the first instance, without completely eliminating all  
2 funding for information education. We may well want to have a  
3 reduced level in there. But I do think it's appropriate for  
4 fishermen's organizations, charter boat operator organizations,  
5 tourism, agency, each of the management agencies to have a  
6 public information program to try to educate the public to what  
7 appropriate practices are around sensitive areas; and the  
8 example that Pamela gave is I think a good one. My agency  
9 presently is embarked on an information education program along  
10 with the State dealing with threatened stock sea lions. And, I  
11 know that there is an importance of that public information,  
12 information has to be prepared, it has to be given to those  
13 people, and those people in these various organizations can  
14 then disseminate it and use it. But in the first instance,  
15 they have to have it made available to them.

16 So I have some sympathy to continue that program. I  
17 mean have something in education and information, perhaps, not  
18 at the current level. I'm not sure then I'm very prepared to  
19 take this action and then predetermine what the fate of  
20 information education is going to be.

21 MR. BARTON: I think it's important that we remember  
22 what we're doing here today, and that's approving these  
23 projects to go out for public review.

24 MR. COLE: Mr. Chairman.

25 MR. BARTON: Mr. Cole.

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1 MR. COLE: Before Mr. McVee votes, it might not be  
2 inappropriate to say there may be a vote against R118.

3 UNIDENTIFIED VOICE: That's right.

4 MR. BARTON: Before this gets any deeper, .....

5 MR. COLE: So you know .....

6 MR. BARTON: ..... is there objection to the amendment?  
7 Hearing none, then the amendment to the motion is to move  
8 \$180,000.00 from R118 to FS28. The motion before us is to  
9 approve for public review all those projects that we had not  
10 previously approved, except for that change that we just made.  
11 Is that clear? Mr. Sandor.

12 MR. SANDOR: I just wanted to request some information  
13 on ARC1, the archeological survey; did the Restoration Team in  
14 reviewing that recommendation consider or look at the  
15 possibility of shared costs for that activity with other  
16 agencies or is this solely to be funded by restoration money?

17 MR. BARTON: Dave.

18 MR. GIBBONS: This is a Department of Natural Resources  
19 project. Marty.

20 MS. RUTHERFORD: Mr. Chair.

21 MR. BARTON: Marty.

22 MS. RUTHERFORD: ARC1 is a closeout project, it's --  
23 there is another restoration project that does involve multiple  
24 agencies, but ARC is primarily DNR and is completing some  
25 damage assessment activities that have been ongoing.

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1 MR. SANDOR: I guess the question is maybe not only on  
2 this but the other archeological work that's to be done, is  
3 this to be funded solely from Exxon Valdez restoration money or  
4 is the project activity, the survey activity, needs to be  
5 shared by other organizations as well?

6 MS. RUTHERFORD: All of the -- both in ARC1 and in the  
7 restoration project, it is solely Exxon Valdez Oil Spill  
8 Settlement money.

9 MS. BERGMANN: Mr. Chairman. The reason for that is  
10 that ARC1 is looking at the injury to the culture resources in  
11 the oil impact areas that were a direct result of the Exxon  
12 Valdez oil spill; for example, when you have oil contamination  
13 on an archeological site, you are no longer able to use radio  
14 carbon dating to date the materials in that site, and that does  
15 result in an injury to that resource. In addition, as a result  
16 of having thousands of workers out in the area cleaning up the  
17 oil spill, sometimes the actual work activities themselves  
18 damaged archeological sites. And an additional problem that  
19 occurred is that people became aware of sites and you actually  
20 had vandalism occurring of sites.

21 So there were two kinds of injuries really that  
22 occurred to the resources out there. So, ARC1 is trying to  
23 just complete the injury assessment that occurred as a result  
24 of the spill to those resources, and then the two restoration  
25 projects are trying to prevent additional damage to those

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1 resources that were basically identified through the oil spill;  
2 so they are directly related to the oil spill.

3 MR. BARTON: Let me just clarify one thing. I misspoke  
4 what the motion was. The motion is to endorse the Restoration  
5 Team's February 27th proposal. Further questions that have to  
6 do with the amendment.

7 MR. COLE: Mr. Chairman.

8 MR. BARTON: The amendment failed -- I mean passed.  
9 Yeah, the amendment was passed.

10 MR. COLE: Mr. Chairman.

11 MR. BARTON: Maybe we need a break.

12 MR. COLE: Are these archeol- -- .....

13 MR. COLLINSWORTH: I didn't hear you call for the vote  
14 but that's (indiscernible) .....

15 MR. BARTON: Well, we haven't voted yet. We voted on  
16 the amendment.

17 MR. COLE: Are the archeological sites all on State or  
18 Federal land?

19 MS. BERGMANN: They're on a mixture of lands. I mean  
20 the oil impacted areas indiscriminately, sites -- we're looking  
21 at sites. I couldn't tell you exactly what the numbers are,  
22 but certainly in the Prince William Sound, the majority would  
23 have to be on Federal lands because that's the majority of the  
24 area that was affected.

25 MR. COLE: Are .....

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1 MS. BERGMANN: Ernie, you may have more specific  
2 information.

3 MR. PIPER: In Kodiak area as well. It was very, very  
4 substantial in the Kodiak area. And I can't speak to the  
5 quality of the projects so I won't do that, but I just -- from  
6 the perspective of response. Just to let you know that one of  
7 the I think least known stories from out of the spill was that  
8 fact that there was very, very, very significant traffic at  
9 very significant archeological sites throughout the Sound; it  
10 was a very serious problem, it's not insignificant in any  
11 manner.

12 MR. BARTON: Mr. Cole.

13 MR. COLE: Well I thought I was getting at on whose  
14 lands are these arch- -- are they all on State and Federal  
15 lands or are there some on lands owned by Native corporations?

16 MR. PIPER: Some of these are in upland areas above the  
17 tide line, but a lot of them are in the upper inner-tidal area,  
18 they're not just private lands, they are State and Federal  
19 lands.

20 MR. COLE: Let me ask the question once more 'cause I  
21 have .....

22 MR. PIPER: Yes, sir.

23 MR. COLE: ..... a difficulty. Are any of these  
24 archeological sites on lands other than lands to which the  
25 title rests in the United States of America or the State of

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1 Alaska; that's the question?

2 MR. PIPER: I can't tell about the projects but go  
3 ahead, Dave.

4 MR. GIBBONS: Excuse me, Mr. Chairman, I can answer  
5 that. No. We have excluded any private plans from this damage  
6 assessment analysis.

7 MR. COLE: Thank you.

8 MR. BARTON: Further comments or questions?  
9 Mr. Rosier.

10 MR. ROSIER: Question in regard to -- Dave, the  
11 Restoration Team had zeroed out R37, R41 and R15, could you  
12 give me some insight into why those projects -- what the  
13 thinking was on those projects by the Restoration Team?

14 MR. GIBBONS: Yes. Maybe I can give a little bit of  
15 input on that, and hopefully the Restoration Team will help me  
16 out here. The thought behind the manipulation enhancement by  
17 the Restoration Team was to defer these actions until we've had  
18 public input from the Restoration Plan on what types of  
19 activities the public would like to see out that. And so that  
20 was the reasoning behind these projects going down, not being  
21 deferred through this year I should say.

22 UNIDENTIFIED VOICE: Mr. Chairman.

23 MR. MORRIS: Mr. Chairman. And I think we felt that  
24 they could be postponed and still achieve the same results, it  
25 wasn't necessary to do it this year as opposed to next year.

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1 MR. BARTON: Okay. Any other comments or questions?  
2 Is that true that 115 can be postponed, be deferred without  
3 further (indiscernible) -- R115?

4 MR. RICE: Mr. Chairman.

5 MR. BARTON: Yes, Mr. Rice.

6 MR. RICE: R115 is the Coghill Lake sockeye salmon  
7 project, there is decline in the sockeye salmon returns to that  
8 lake that are very dramatic. Not all of the decline is  
9 attributable to the oil spill, but in conversations or  
10 information I have both from Forest Service biologists and from  
11 Fish & Game is that the returns coming back to that lake are so  
12 low that they've had to even pull the weirs out of there to not  
13 cause harm to any of the smolts going out, there's so few fish  
14 coming back in there. And there is a fear that unless some  
15 work is done very soon that they could completely lose the fish  
16 out of that lake.

17 MR. BARTON: Does that not fall within the philosophy  
18 and policy that we addressed earlier in our motion to adopt  
19 that?

20 MR. ROSIER: It seems to me that it did, Mr. Chairman,  
21 at least in the case of the Coghill situation there. Again, it  
22 seems to me that in the case of Coghill that this is an  
23 opportunity that would be highly beneficial in the area. And  
24 it seems to me that I'd like to see this at least go forward to  
25 the public and see what their reaction is to that proposal, for

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1 something other than a zero budget dollar attempt (ph).

2 MR. BARTON: Are you making that amendment?

3 MR. ROSIER: I would move to amend the February 27th  
4 budget allowance from 00 to 184.1 with overhead.

5 MR. BARTON: It hasn't been adopted in the February 5  
6 proposal?

7 MR. ROSIER: Yes.

8 UNIDENTIFIED VOICE: February 5 proposal.

9 MR. SANDOR: I'll second it.

10 MR. McVEE: Mr. Chairman.

11 MR. BARTON: Further discussion? Mr. McVee.

12 MR. McVEE: Yes. I guess while we're looking at the  
13 projects that were zeroed out, there was another one that was  
14 zeroed out by the Restoration Team, the sea otter project, R6.

15 MR. BARTON: I wonder, would we be better off taking  
16 these one at a time or would it be easier to deal with them? I  
17 don't -- go ahead.

18 MR. McVEE: I guess that was zeroed out, and as I  
19 understand it, we'd probably -- it might be well to have  
20 someone explain that in more detail, but that .....

21 MR. BARTON: Which one is that?

22 MR. McVEE: R6.

23 MR. BARTON: R6, what's the .....

24 MR. McVEE: It was Recovery Monitoring.

25 MR. GIBBONS: Excuse me, Mr. Chairman. That is in the

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1 section where the Restoration Team and Chief Scientist  
2 recommendations.

3 MR. BARTON: That's the one we've already dealt with?

4 UNIDENTIFIED VOICE: No.

5 MR. COLLINSWORTH: No, that's the -- where there was  
6 deferral.

7 MR. McVEE: That was deferral?

8 MR. COLLINSWORTH: Yeah.

9 UNIDENTIFIED VOICE: It was the Restoration Team and  
10 the Chief Scientist.

11 (Off record comments)

12 MR. McVEE: Okay.

13 MR. BARTON: I don't even have it.

14 MR. GIBBONS: You've already dealt with it.

15 MR. BARTON: We've already dealt with it?

16 MR. GIBBONS: That's correct. What you have in your  
17 package is there's the package that you've approved minus the  
18 coastal habitat, and which is the joint recommendations of the  
19 Restoration Team and Dr. Spies, and that's where R6 is located.  
20 It's -- there's another summary sheet in the back of the  
21 Trustee Council's documents that just collates all the things  
22 that were deferred, no matter where they were; it just collates  
23 them all into one -- into three pages there.

24 MR. BARTON: In the interest of getting a string (ph)  
25 around these things, can we hold off on that?

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1 UNIDENTIFIED VOICE: Defer that (indiscernible -  
2 interrupted) .....

3 MR. BARTON: So, anymore discussion on R115? The  
4 amendment to the main motion and the amendment is to adopt the  
5 February 5 proposal. Any objection to the amendment?

6 MR. COLE: Could you please say again, please?

7 MR. BARTON: The amendment is to adopt the February 5  
8 proposal for R115, \$184,000.00 instead of the February 27  
9 proposal which zeroed it out. We would just go ahead with that  
10 one for public review.

11 MR. COLLINSWORTH: Mr. Chairman.

12 MR. BARTON: Yes.

13 MR. COLLINSWORTH: Are we not going ahead for public  
14 review of all of these projects, whether they're zeroed out or  
15 not?

16 MR. BARTON: We've not dealt with that question. We  
17 certainly -- you know, we can send out two packages, one has  
18 been approved and one has not been approved. We've not dealt  
19 with that, but we -- I guess in the interest again of getting a  
20 string around this thing, set that one aside for a little while  
21 or do you want to go through that now?

22 MR. COLE: Let's set aside.

23 MR. COLLINSWORTH: Well, it makes -- it certainly makes  
24 a difference. I mean if we -- if the only way that we can get  
25 something before the public to have their comments is that we

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1 have to have some dollars in the column, then that's one  
2 decision. I mean if we're going to -- if the public is going  
3 to have an opportunity to comment on the projects that have  
4 been zeroed out, that's another situation. I'd like to know  
5 which it is before I vote, because I may well like to have the  
6 public comment on R115, but I don't know if they're necessarily  
7 going to approve it (ph) before we get public comment.

8 MR. BARTON: We're not approving it.

9 MR. COLLINSWORTH: I know.

10 MR. BARTON: We are approving them for public review at  
11 this point.

12 MR. COLLINSWORTH: I'm trying to find out whether the  
13 public's going to have an opportunity to review these projects  
14 with or without a dollar amount in 27, a positive dollar amount  
15 in the February 27 column.

16 MR. COLE: Mr. Chairman.

17 MR. BARTON: Mr. Cole.

18 MR. COLE: It's my view that once we say that a project  
19 is zeroed out then we cannot go forward, we shouldn't send it  
20 out for public review. I mean we'll never get anything done,  
21 we'll never make any decisions. I mean it's my understanding  
22 that when we make this decision, we said we don't want public  
23 comment on these because we are not in favor of the projects  
24 going forward. That's been the understanding I've been  
25 operating under.

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1 MR. BARTON: It would seem that we waste a lot of time  
2 if we don't (indiscernible - microphone out) -- we could have  
3 sent these out the first of January and sent them all out (ph).

4 MR. COLE: What are we doing if we aren't doing that?  
5 We should say send them all out and pick up our papers and go  
6 home.

7 MR. BARTON: The public will have the opportunity to  
8 (indiscernible - background coughing) -- comment on these and  
9 provide suggestions to us for others as well (indiscernible -  
10 voice lowers, microphone out).

11 MR. MORRIS: Mr. Chairman.

12 MR. BARTON: Mr. Morris.

13 MR. MORRIS: Yeah. A procedural point though that  
14 there is a distinction there and that we do have interim  
15 budgets attached to these projects that would say what some  
16 projects need to do during the public review period. And  
17 they -- to me, it's implied that you're allowing us to fund  
18 those projects, but the ones with zero, of course, wouldn't  
19 have any funding approved for the interim.

20 MR. BARTON: Other comments or should we go back to the  
21 amendment and vote?

22 MR. COLLINSWORTH: One question then. If we were to  
23 approve the motion before us, what would be in the three-month  
24 budget with overhead? There would be no activity on these  
25 projects?

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1 MR. BARTON: Here generally, are you talking about 115?

2 MR. COLLINSWORTH: 115, that's correct.

3 MR. BARTON: If .....

4 MR. GIBBONS: I think we can find that number in the  
5 back. The sheets, the three-month project budget, that should  
6 be in.

7 MR. BARTON: Well, we can answer your question I guess  
8 that there would be money -- you know, there is money in a  
9 three-month budget if that project were approved, is that  
10 right?

11 MR. GIBBONS: That's correct.

12 (Off record comments)

13 MR. BARTON: More comments or discussion?

14 MR. COLLINSWORTH: If there is money in the three-month  
15 budget then that starts -- and there will be money committed to  
16 this project before we get back to it after public comment,  
17 then essentially we're approving this project to go ahead  
18 unless we want to incur the loss of stopping the project after  
19 we spend three months of the money (ph), is that correct?

20 MR. BARTON: Then we had a lengthy discussion about  
21 that at our two previous meetings, and .....

22 UNIDENTIFIED VOICE: Yes, we have.

23 MR. BARTON: ..... that is not a desirable thing in the  
24 real (ph) situation. Further comments, discussion on that  
25 point?

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1 MR. COLLINSWORTH: Well did we find out whether there  
2 would be any activity in the next three months?

3 MR. GIBBONS: Yes.

4 MR. BARTON: Mr. Gibbons.

5 MR. GIBBONS: That figure is about \$93,000.00.

6 UNIDENTIFIED VOICE: No.

7 UNIDENTIFIED VOICE: No.

8 MR. GIBBONS: Yes. Yes. There's -- it's a joint  
9 Alaska Department of Fish & Game project and joint Forest  
10 Service project, there's two sheets in the back.

11 MR. BARTON: I assume the reason that we have to do  
12 that is because of the resource considerations?

13 MR. GIBBONS: Yeah. The way I understand it, and  
14 maybe .....

15 MR. RICE: Mr. Chairman. Yes.

16 MR. BARTON: Mr. Rice.

17 MR. RICE: The major expenditure of this project would  
18 be acquiring fertilizer to begin the fertilizing of Coghill  
19 Lake.

20 MR. BARTON: And why does that need to be done in the  
21 next three months?

22 MR. RICE: They would start the fertilizing fairly  
23 early in the spring.

24 MR. BARTON: And that's because of?

25 MR. RICE: Biological considerations but I don't have

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1 an answer to that.

2 MR. BARTON: That's the answer I was looking for.

3 MR. McVEE: Mr. Chairman.

4 MR. BARTON: Mr. McVee.

5 MR. McVEE: I guess, you know, this three-month budget  
6 problem, you know, and the fact that there we're authorizing  
7 the expenditure of funds isn't a great problem, but I think  
8 that it's a high-risk -- very high-risk operation, not only  
9 from the standpoint that something may happen that we didn't  
10 fund and approve (ph) but I think from a legal base it's a real  
11 problem.

12 MR. BARTON: But that's certainly true of all agencies  
13 (ph) not just this one.

14 MR. McVEE: Not just this one, but just the fact that,  
15 you know, of our -- where we stand in terms of our current  
16 authorities to expend money.

17 MR. BARTON: About where we were in April of '89.

18 MR. McVEE: Yeah.

19 MR. BARTON: (Indiscernible - microphone out). I don't  
20 know what -- what is the answer, though, what do we about it;  
21 do we stop it?

22 MR. COLE: Vote on the motion.

23 MR. COLLINSWORTH: Mr. Chairman, before we get ready to  
24 vote, I'd like to have the Team tell me why that was zeroed  
25 out.

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1 MR. BARTON: Mr. Gibbons.

2 MR. GIBBONS: Yes, I could try to explain that. Again,  
3 the philosophy of the Team was that we'd go forward to the  
4 public with a restoration plan before we do any implementation  
5 projects and get the feedback from the public on what they  
6 would like to see done. That was the reasoning behind it.

7 MR. BARTON: I'm ready on the amendment. Any more  
8 questions, comments?

9 MR. McVEE: One more point, Mr. Chairman.

10 MR. BARTON: Mr. McVee.

11 MR. McVEE: Some of these projects -- and I don't know  
12 whether they've been done or not -- will require, you know, an  
13 environmental assessment, there's a new compliance, I point  
14 that out before we vote.

15 MR. COLE: How are you going to vote, by the way?

16 MR. BARTON: Why don't we find out. Is there objection  
17 to the amendment? The amendment being to adopt the February 5  
18 proposal for R115. Is there objection to the amendment?

19 MR. McVEE: Is that with the clarification with the  
20 Coghill Lake amendment, is that where we're at?

21 MR. BARTON: That's what we're voting on right now.

22 UNIDENTIFIED VOICE: That's the amendment.

23 MR. McVEE: Okay.

24 MR. BARTON: Is Coghill Lake.

25 MR. McVEE: Okay. I'll object.

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1 MR. BARTON: All right. The amendment fails. We're  
2 back to the main motion again. Are there other comments or  
3 questions on any of the other projects?

4 I have a question myself on R96 and why that was zeroed  
5 out, what's the rationale there? Under G, Page 3, R96.

6 MR. RICE: Mr. Chairman.

7 MR. BARTON: Have I hit a bingo yet?

8 MR. RICE: Mr. Chairman.

9 MR. BARTON: Yes.

10 MR. RICE: Yes. R96 was one proposal to identify  
11 upland resources as they relate to injured species -- or upland  
12 habitats, excuse me, as they relate to injured species. And I  
13 think the Team voted it down because they were concerned with  
14 the cost and the time frame that it would take to get that  
15 information, and felt that there were other ways of gathering  
16 that information.

17 MR. BARTON: How does this -- I'm sorry, Mr. Sandor.

18 MR. SANDOR: No, go ahead.

19 MR. BARTON: How does this then relate to what we did a  
20 couple meetings back in establishing the Lands and Habitat  
21 Group?

22 MR. RICE: Well it, at least, removed this one from a  
23 mechanism for making that direct link to injured resources.  
24 There may be other ways of approaching it or refinements of  
25 this one that the Restoration Team could bring back to the

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1 Trustee Council that would give them maybe several options for  
2 looking at that upland habitat.

3 MR. BARTON: This then was not a way of that group  
4 redeeming its charge, is that what you're saying?

5 MR. RICE: Well it could have done that, what it would  
6 have done is looked both from a remote sensing application with  
7 field checking to identify habitats. And there were concerns  
8 with both the technique and with the time frame and the costs  
9 of getting that product out, and that's why the Restoration  
10 Team voted it down.

11 MR. BARTON: Mr. Sandor.

12 MR. SANDOR: Well, identification of critical habitat  
13 is -- I think as the Chairman pointed out, is an item we  
14 discussed before and one that was, I thought, a high priority  
15 item. How are we going to identify critical habitat if we  
16 don't do it in this project?

17 MR. RICE: We have one other project in there that will  
18 -- that is, at least, an attempt to look at some of the lands  
19 that have identified as high risk; i.e., those where there may  
20 be plans of operation for timber sales that would go in and  
21 look at the stream side areas, both looking for salmon and  
22 possibly Harlequin ducks. We don't have a proposal to look at  
23 those other resources besides those species specific studies  
24 that are going on, they will provide some information but that  
25 won't -- could not be applied spill area wide or to certain

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1 areas unless the study was conducted in that area. So, we  
2 don't have a broad project to provide that information.

3 MR. SANDOR: Sort of a follow-up question,  
4 Mr. Chairman.

5 MR. BARTON: Mr. Sandor.

6 MR. SANDOR: Then very specifically for the Harlequin  
7 duck critical habitat, was that to be identified in this study  
8 or this other study?

9 MR. RICE: I think it's R47.

10 MR. MONTAGUE: Yeah.

11 MR. SANDOR: Okay.

12 MR. MONTAGUE: Mr. Chairman.

13 MR. RICE: Which would have provided some of that  
14 information for Harlequin ducks because they do appear to nest  
15 very close to the stream sides, and R47 would look at salmon  
16 stream habitat.

17 MR. BARTON: Other comments or questions?

18 MR. COLE: Mr. Chairman.

19 MR. BARTON: Mr. Cole.

20 MR. COLE: I would like to say that I intend to vote  
21 for this motion. I think the Restoration Team has done an  
22 outstanding job in the last two or three weeks since they  
23 reviewed again these projects. I might not come out the same  
24 way as they on each of these, but they've worked hard, I  
25 respect, generally their judgment, and I intend to support

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1 them. I think that they've devoted a lot of time, a lot of  
2 special abilities on these issues, and I think once we get our  
3 work done on this, we -- at some juncture, we must have  
4 confidence in the Team that we appointed.

5 MR. BARTON: It sounds like we're ready for the vote.  
6 Is there any further comments or questions?

7 MR. COLLINSWORTH: Yes, Mr. Chairman.

8 MR. BARTON: Mr. Collinsworth.

9 MR. COLLINSWORTH: I may have had a misunderstanding as  
10 we started this process. I thought we had -- we were going to  
11 look at three tables. The one where we had both the  
12 Restoration Team and Chief Scientist recommendation, and then  
13 the Restoration Team and Chief Scientist recommend- -- I mean  
14 without the Chief Scientist, then there is this other table  
15 that had some deferrals. And I think somebody down the table  
16 brought up one issue there on sea otter. Will we be visiting  
17 this table?

18 MR. BARTON: Well let me just say I thought we were  
19 dealing with three tables, too, but we have a different  
20 Table 3.

21 MR. COLLINSWORTH: Well .....

22 MR. BARTON: Maybe we've got four tables.

23 MR. COLLINSWORTH: When .....

24 MR. BARTON: Where is this deferral table to be found?

25 MR. GIBBONS: Let me try to explain this. We tried to

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1 make it easy for you.

2 MR. BARTON: You weren't counting on me being here.

3 MR. GIBBONS: There are actually four tables in there,  
4 we were looking for recommendations. There's -- stop. There's  
5 three tables in the public version. This morning, we finally  
6 said well, perhaps, the Trustee Council would like to have a  
7 summary of all of our deferrals; where they could just look at  
8 a table and look right down it and see every project we  
9 deferred.

10 So, the Trustee Council has four sets of tables. You  
11 have a table that has Dr. Spies and the RT joint  
12 recommendations, that includes both the ones that we've moved  
13 forward and the ones that we also deferred. The next table is  
14 the recommendations of the RT members only, that also contains  
15 projects that we recommend to move forward and recommend  
16 projects for deferral. The third table is a project proposal  
17 requiring additional consideration by the Restoration Team and  
18 Chief Scientist, that has two studies on it and their coastal  
19 habitat. And then the table that the public doesn't have that  
20 we thought we'd make easy for you is the fourth table you're  
21 looking at, and it's called Restoration Team/Chief Scientist  
22 Deferral Recommendations.

23 MR. BARTON: But that .....

24 MR. GIBBONS: And that's a composite of all three -- of  
25 pre- -- yeah, there's no deferrals already on the third one.

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1 But the composite of the joint and the RT recommendation  
2 deferrals.

3 MR. COLLINSWORTH: Well, Mr. Chairman. Maybe, again,  
4 it was the result of my confusion. But there were -- there are  
5 two projects that I wish to bring to consideration -- forward  
6 for consideration, and that is the killer whale project and the  
7 humpback whale closeout. Now, I don't know where the  
8 appropriate point is to do that.

9 MR. BARTON: Let me suggest that since neither of those  
10 are contained in the group of studies that we're presently  
11 dealing with that we finish the action on this group of studies  
12 and then come back to that either next or after we finish my  
13 third table.

14 MR. COLLINSWORTH: Well .....

15 MR. BARTON: And they do not relate to this, is that  
16 right? At least they're not contained any of these three  
17 pages.

18 MR. COLLINSWORTH: Mr. Chairman. I'd like to -- with  
19 your guidance, what I'd like to do is to make a motion that  
20 will expand the present motion that's under consideration to  
21 allow us to take into consideration the issues that I  
22 identified and that, perhaps, others have identified in terms  
23 of sea otters, and humpback whales and killer whales. I'd like  
24 to have it within the package of the motion that we're looking  
25 at and not dealt with .....

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1 MR. BARTON: Okay.

2 MR. COLLINSWORTH: ..... individually (ph).

3 MR. BARTON: Do you want to make -- amend then the  
4 motion to include those two studies?

5 MR. COLLINSWORTH: I would make that motion, yes.

6 MR. BARTON: Okay. And how do you want them included?  
7 See, I don't understand the issue; you want the funding  
8 restored -- or you want to adopt the February 5 proposal for  
9 sea otters, is that it, or killer whales, whichever one?

10 MR. COLLINSWORTH: I would -- yes, similar to the --  
11 yes, I'd like to have those.

12 MR. BARTON: Okay. So now, we have an amendment on the  
13 table, is there a second to the amendment?

14 MR. ROSIER: Yes. We should discuss I guess before  
15 there's a second.

16 MR. BARTON: I don't know that it makes any difference,  
17 go ahead.

18 MR. ROSIER: Okay. I'll second the motion.

19 MR. McVEE: I guess it would be my feeling if we could  
20 go -- if we could finish -- and I guess I agree with Don, that  
21 we maybe need to look at all of the projects that were zeroed  
22 out, you know, kind of a second shot at that in case we've got  
23 something there that we want to have second thoughts about.  
24 But it seems like maybe we should go ahead and complete dealing  
25 with Table Number 2 first, and then just agree to take a quick

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1 look at all of those that were zeroed out; if we could agree  
2 upon that, I think that it might be operationally a little  
3 easier to handle.

4 MR. BARTON: Is that satisfactory to you or not?

5 MR. COLLINSWORTH: Well, I'm -- for ease of  
6 administration here, I guess I'll go along with that; I'm not  
7 real excited about doing that because I'd rather have these  
8 things taken up for consideration in the matrix of all of the  
9 other things that we're going to be voting on but as opposed to  
10 individually. But I will go along with the majority's  
11 sentiment.

12 MR. COLE: Well, Mr. Chairman.

13 MR. BARTON: Mr. Cole.

14 MR. COLE: I thought we went through all this at  
15 11:00 o'clock this morning. I mean is everything opened up  
16 again, that we are going to go back and review everything we've  
17 done this morning? I don't even know where we are now, as a  
18 matter of fact. But I thought when we took a vote and we acted  
19 upon these that that was the end of it. Are we going to go  
20 back and revisit these things that we passed upon this morning?

21 MR. BARTON: Well, I presume that it's within our rules  
22 to do so. We can agree not to do so, but I think it's clearly  
23 within the rules.

24 MR. COLLINSWORTH: Well, Mr. Chairman.

25 MR. BARTON: Mr. Collinsworth.

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1 MR. COLLINSWORTH: I guess there were two things then  
2 that I have some responsibility to bring before this body for  
3 consideration. And that is the wishes of my agency to finish  
4 the humpback whale study for \$15,000.00 to close it out; we  
5 have two years of work not one, about a hundred thousand  
6 dollars a year. So we've invested a couple hundred thousand in  
7 that, and I would like to close that study out for \$15,000.00;  
8 a modest amount of money. And then, I would like to have  
9 consideration of the killer whale studies, and I had Staff  
10 prepared to discuss that.

11 Now, if I erred this morning by thinking I would have  
12 an opportunity to bring these issues before the Council, I  
13 apologize, but I'd like to have that opportunity at some point.

14 MR. COLE: I have no objection.

15 MR. BARTON: Again, for ease of getting a string around  
16 this thing, I would suggest we defer, we can reopen that whole  
17 matrix if you want to keep it within the matrix. But we do  
18 have an amendment that was seconded, and then did the second  
19 withdraw his second?

20 MR. ROSIER: I'll be glad to withdraw my second.

21 MR. BARTON: Okay. So now we're back to the main  
22 motion. The main motion being to adopt the February 27  
23 proposal for those items that we have not previously dealt with  
24 in the Restoration Team recommendations without the  
25 recommendations of the Chief Scientist, with the exception

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1 R118, that money got moved to FS28. Is there objection to the  
2 motion? Is there objection to the motion? Great. The motion  
3 passes. I move we take a break. We'll get back in 10 minutes.

4 (Off record)

5 (On record)

6 MR. BARTON: We've got to break by 4:50 so we can get  
7 set up for the teleconference. We need to decide what we're  
8 going to do here. The first thing I would like to do is  
9 recapitulate -- .....

10 (Off record comments)

11 MR. BARTON: ..... recapitulate what I think the last  
12 motion was. And that is that we endorsed the Restoration Team  
13 recommendations, the February 27 proposal, for everything that  
14 we had not dealt with earlier in this group, and what we dealt  
15 with earlier was FS28, FS27, R113, R53 and R59. Then we also  
16 deleted the funding for 118 -- R118 and moved that FS28.  
17 Everything else we adopted as a Restoration Team February 27  
18 proposal. Is that the Council's understanding as well?

19 All right. That brings us to the 1992 Project  
20 Proposals Requiring Additional Consideration by the Restoration  
21 Team and the Chief Scientist. And we had earlier moved R60A  
22 and B and R73 to this list from the first package we dealt with  
23 this morning. Mr. Gibbons, do you want provide any insight to  
24 what we do with this table?

25 MR. GIBBONS: Yeah, I might provide some. Maybe we can

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1 get some discussion from Dr. Spies on the coastal habitat  
2 recommendation, and then we can move off from there and deal  
3 with coastal habitat first and then deal with R60A and B and  
4 R73.

5 MR. BARTON: All right. Dr. Spies.

6 DR. SPIES: As I said in my memo to the Trustee  
7 Council, the coastal habitat program is a very complex and  
8 geographically comprehensive study that was meant to describe  
9 with a great deal of precision and certainty damages to the  
10 coastal habitat zone throughout the spill area. And it was  
11 really designed with the litigation end in mind, I think, to a  
12 large extent and have many, many parts to it. It examined  
13 three main geographic areas, as well as different habitats,  
14 such as rocky -- exposed rocky shores, protected rocky shores,  
15 hollow (ph) beaches, estuaries (ph). It dealt with various  
16 (indiscernible) of oiling, it dealt with various kinds of  
17 organisms and it had experimental work in it. It's a very  
18 large and complex study.

19 And since the -- we are in settlement (indiscernible)  
20 now I think that my reading of the sympathy of the Trustee  
21 Council is, perhaps, that we don't need this much detail in the  
22 study to get to the end point. I think that the problem is  
23 something like somebody who wants to do well in the Grand Prix  
24 race and they would want to design a very nice car  
25 (indiscernible) -- a block engine and designed -- complete the

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1 machine from the ground up. And I think there is some  
2 questions now as to maybe we could get where we want to go with  
3 a Ford Taurus or something of that sort.

4 And it's a problem as to how we can extract the kind of  
5 information reviewed in this study in an economical way to  
6 understand what the injury was. There has been approximately  
7 18 to 20 million dollars spent already, and there's a request  
8 for about 3.4 to 2.95 depending on how you interpret the  
9 numbers for closing out this study. I have conveyed the --  
10 what I (indiscernible) -- the Trustee Council's feelings on  
11 this to the people at the University of Alaska that were doing  
12 this work, and asked them to provide a number of options in the  
13 last several weeks as to how we could complete this study more  
14 economically.

15 Plus, we understood, also, that with the needs for  
16 litigation -- the litigation schedule that was set up last year  
17 before settlement was achieved, the lawyers were pressing us  
18 pretty hard as to bring forward the essence of the findings and  
19 (indiscernible) would come into the litigation schedule. And  
20 last August there was a major caucus or large meeting in  
21 Fairbanks, we tried to prioritize, parts of the studies need  
22 more attention than others. For instance, we know that there  
23 is more damage probably done on the rocky shores, there were  
24 (ph) some of the other sandy beaches and so forth and this  
25 would be easier to detect in the environment. So, we put

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1 priority on that.

2 We knew that there was probably -- we thought there was  
3 probably more damage in Prince William Sound because most of  
4 the heavily oiled shorelines were -- there was more heavily  
5 oiled shoreline in Prince William Sound, and so we put priority  
6 in Prince William Sound studies.

7 So, we've tried to set a priority, and we've set  
8 schedules and so forth. And, the University of Alaska have  
9 been very cooperative in trying to meet the needs under this  
10 time. And I think what's being asked now is there a way that  
11 we can finish this study in a little more economical factor  
12 because that number does stick out, it's very large. But my  
13 comments to that, I'm just trying to give the Trustee Council  
14 an appreciation of where we're at in this process really (ph).

15 We, in some sense, made a commitment early on, and the  
16 question is how are we going to be able to still get something  
17 useful out of this and an economical approach as well.

18 The University of Alaska gave me some options, they're  
19 in the memo to the Trustee Council, and they go down to about  
20 two million dollars. And now, they've prioritized those  
21 options and gave us an idea of what would be lost if we did not  
22 do certain parts of the study. And most of those options  
23 include the leading geographic areas outside of Prince William  
24 Sound. It had been suggested by the peer reviewers and some of  
25 the Restoration Team that, perhaps, we'd look at another sort

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1 of option. It would involve different sampling periods because  
2 during each field season there was two visits to most sites.  
3 And although, Dr. Hysmith (ph), the project director's initial  
4 response to that was that he thought the leading geographic  
5 areas might be, in his opinion, a better option than the  
6 deleting (ph) of the second round or first round visits. And I  
7 think we would need to revisit that issue.

8           There's also in the second part of -- is a restoration  
9 proposal for next year, and the question is do we need to do  
10 some fieldwork out there. This is one of the few studies we're  
11 -- the peer reviewers have prevailed very strongly on me that  
12 we need to do something out there in the inner-tidal zone  
13 because the zone may be recovering pretty quickly. And there  
14 is some other things going on out there that it would be very  
15 nice to know about.

16           In particular, there's some secondary things, some  
17 upper inner-tidal zone; the deepest (ph) seaweed is not coming  
18 back in the upper inner-tidal zone very quickly, and there is  
19 some things about the way that the young plants settle. There  
20 is apparent secondary affects going on with the inability of  
21 limpets to recolonize in the upper inner-tidal zone; in fact,  
22 they're being preyed on by shorebirds. And the limpets are  
23 probably -- would be surviving better if fucus (ph) was up  
24 there.

25           So there's a whole series of things that are just

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1 becoming to emerge as affects. And in some sense, at least  
2 from a scientific point of view, we'll be missing something by  
3 not being out in the field. I would propose to add that we do  
4 just the experimental work that's been done in Herring Bay,  
5 Upper Yukon (ph), in support of the understanding of those  
6 secondary affects. And the University of Alaska's preliminary  
7 given to me -- and this is very rough, a figure of \$580,000.00  
8 (ph) to do that work next year. I think there may be some  
9 possibility for achievement of further economies (ph) on that.

10 (Off record comments)

11 MR. BARTON: Do you want to continue, Dr. Spies? I'd  
12 ask you to hold any further comments.

13 (Off record comments)

14 MR. BARTON: Is there anything further, Dr. Spies?

15 DR. SPIES: Yeah. I think that it would be -- you  
16 know, we've been under a lot of pressure in the last month,  
17 we've been doing a lot of different projects, and I'm a little  
18 concerned that we be a little bit too hasty here in making  
19 decisions about these particular projects. I would like a  
20 chance to revisit these now that most of the package has been  
21 decided upon, and get back to the University of Alaska with the  
22 Restoration Team and bring the peer reviewers back into and see  
23 -- I know the field season is pressing upon us and commitments  
24 need to be made if things are going to be done. But I would  
25 like the opportunity to revisit these two projects and come

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1 back to you with some further recommendations.

2 MR. BARTON: So you main message in CH1A is to use --  
3 borrow legal terminology, it's not ripe, is that right, yet for  
4 a decision.

5 102, it sounded a little like we were trying to  
6 contribute to the general body of knowledge rather than work  
7 towards restoration with that project. Is that an accurate  
8 characterization?

9 DR. SPIES: I'd say in large that's true, but there are  
10 some things that have been proposed as restoration measures  
11 that we don't know for sure would work, but people have  
12 proposed mechanisms of seeding in (ph) by one mechanism or  
13 another, the fucus plants that might trigger some recovery of  
14 the other species, and upper inner-tidal is one.

15 So, whether -- the peer reviewers are mostly all  
16 academic scientists so you appreciate their interests or  
17 understanding these injuries. And I have sympathy with that,  
18 and at the same time, I think we need to look at the costs in  
19 terms of what could be done in terms of restoration. A lot of  
20 these (Indiscernible) are likely to fix themselves  
21 (indiscernible - away from microphone.

22 MR. BARTON: Comments or questions of Dr. Spies?

23 MR. McVEE: Mr. Chairman.

24 MR. BARTON: Mr. McVee.

25 MR. McVEE: Since what we're doing here is approving

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1 projects to go out for public review, could we send this one  
2 forward, I guess this would be an option, and during that  
3 interim -- of course, it might create some expectations on the  
4 part of the public but maybe some qualification on it in the  
5 public review package would be appropriate. But during the  
6 interim, then do some further analysis and see where there may  
7 be ways of scaling down the size of this project before we take  
8 the final action.

9 MR. BARTON: Other comments, questions? When would you  
10 anticipate having these discussions concluded with the  
11 University and being able to recommend something?

12 DR. SPIES: Realistically, probably within several  
13 weeks, at the pleasure of the Trustee Council to have the  
14 option to making that decision later on (ph) (indiscernible).

15 MR. BARTON: Mr. San- -- is there a motion on either of  
16 these two or is there just no motion? Thank you for the  
17 information, Dr. Spies. Where does that leave us (ph)?

18 MR. GIBBONS: Mr. Chair.

19 MR. BARTON: Mr. Gibbons.

20 MR. GIBBONS: Yes. The Restoration Team I think is  
21 recommending that the damage assessment closeout move -- you  
22 know, we need -- there was a bunch of people up there at the  
23 University of Alaska that are working right now, and the  
24 existing contract ends at the end of this month. And so we  
25 would like to treat it like Dr. Spies, move it ahead at a

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1 level, let us work with Dr. Spies and the University to look  
2 where we could get some savings on this and come back.

3 MR. BARTON: Okay. Can you come back by the next  
4 meeting?

5 MR. GIBBONS: Yes.

6 MR. COLE: Mr. Chairman.

7 MR. BARTON: Mr. Cole.

8 MR. COLE: I move we accept the recommendations of  
9 Dr. Spies and Mr. Gibbons.

10 MR. BARTON: Is there a second?

11 MR. SANDOR: Second.

12 MR. BARTON: Any further discussion?

13 MR. COLLINSWORTH: Mr. Chairman, just for -- again for  
14 clarification. I can't find my sheet, but it looks to me like  
15 in the first three-month budget plus overhead, essentially one-  
16 third of the dollars in both of these projects -- well not  
17 quite one-third in the first one, but about a third of these  
18 two projects will be -- the monies will be committed and that  
19 they will be engaged in activities. And how do we know if  
20 there is going to be an opportunity to scale it back if they  
21 initiate expenditures on projects that -- or portions of the  
22 project that might be scaled back?

23 MR. BARTON: Mr. Gibbons?

24 MR. GIBBONS: I would assume that if we reach agreement  
25 with the University at a point before the end of the three-

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1 month period, we would scale it back to that time and just move  
2 forward with the new level that we've reached agreement on.  
3 That would be our recommendation.

4 MR. BARTON: Further discussion? Is there objection to  
5 the motion? Okay. The motion's adopted. R60A and B and R73.

6 (Pause)

7 We moved those to this group from the earlier -- from  
8 the first grouping. I don't even know what they were.

9 UNIDENTIFIED VOICE: R60A and B I think -- R73 was  
10 harbor seals.

11 MR. BARTON: Harbor seals. Who wishes to speak to  
12 those? What action do we want to take on those?

13 MR. COLLINSWORTH: Mr. Chairman.

14 MR. BARTON: Mr. Collinsworth.

15 MR. COLLINSWORTH: For purposes of considering the two  
16 items that I brought to your attention before the break, I  
17 would move to reconsider our motion of this morning; the  
18 package that was approved, Restoration Team and Chief Scientist  
19 Recommendations.

20 MR. SANDOR: Question. Is that just those two items  
21 only?

22 MR. COLLINSWORTH: Well that's my intent.

23 MR. SANDOR: Yeah. I would second the motion that  
24 reconsideration be confined to those two items only.

25 MR. BARTON: So -- all right. Marine mammals, one, and

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1 what's the other one, Mr. Collinsworth?

2 MR. MORRIS: R82A.

3 MR. BARTON: Wait a minute.

4 MR. MORRIS: R82A.

5 MR. BARTON: Is the purpose for which we move R60A and  
6 B and R73 the same as the purpose for marine mammals one? In  
7 other words, can we talk about them as a group now, is that  
8 appropriate to meet your needs?

9 MR. COLLINSWORTH: I need to get a second with a  
10 caveat. It's all right with me.

11 MR. BARTON: Okay.

12 MR. COLLINSWORTH: I'm doing it for the purposes of to  
13 identify (ph).

14 MR. BARTON: Yeah. Okay.

15 UNIDENTIFIED VOICE: Mr. Chairman.

16 MR. COLE: Mr. Chairman.

17 MR. BARTON: Mr. Cole.

18 MR. COLE: Which ones are we reconsidering?

19 MR. BARTON: Marine mammals one which can be found on  
20 Page 2. First of all, we're in the package of Restoration Team  
21 and Chief Scientist Recommendations.

22 MR. COLE: I'm not that far off.

23 MR. BARTON: Okay. It's on Page 2, marine mammals one.

24 MR. COLE: Okay.

25 MR. BARTON: And where is R82A?

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1 MR. MORRIS: Page 4.

2 MR. BARTON: On Page 4, killer whales. And then we  
3 have, also, on Page 5 R60AB and R73.

4 MR. McVEE: Mr. Chairman.

5 MR. BARTON: Mr. McVee.

6 MR. McVEE: Yes. As long as we're listing projects for  
7 reconsideration, I'd like to include R6, sea otters.

8 MR. BARTON: R6, sea otters.

9 MS. BERGMANN: R6E.

10 MR. BARTON: Found on what page?

11 MS. BERGMANN: Page 4.

12 MR. BARTON: R6.

13 UNIDENTIFIED VOICE: And is a companion project 6E.

14 MS. BERGMANN: Right.

15 MR. BARTON: Where is 6E on Page 4? Okay. Anybody  
16 else want to throw something in? We have 20 minutes before we  
17 need to break for to set up the teleconference. Does anybody  
18 want to speak to any of these?

19 MR. COLLINSWORTH: Mr. Chairman, I'd like to speak to  
20 R82A, killer whales. I propose that we adopt the February 5th  
21 proposal to go out for public review. I'd like to ask -- if I  
22 have a second on that, I'd ask Mr. Morris to address the issue.

23 MR. SANDOR: I'd second that.

24 MR. BARTON: Okay. Mr. Morris. Mr. Morris.

25 MR. MORRIS: I had originally intended to make a

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1 somewhat 10 minute or more presentation on killer whales to  
2 you. I think it's very important to demonstrate to you the  
3 injury that we have documented to this species. And I don't  
4 want to be rushed on this either because we have a very  
5 compelling story here that needs to be fully told. I really  
6 don't -- I guess I don't know how to proceed, I can try but I  
7 know our time is short and there are other projects that also  
8 want to be considered in this half hour.

9 MR. SANDOR: Twenty minutes.

10 MR. MORRIS: Twenty minutes.

11 MR. COLE: Mr. Chairman.

12 MR. BARTON: Yes, Mr. Cole.

13 MR. COLE: You know, out of consideration for everyone,  
14 I intent to vote against each one of these reopened projects.  
15 I mean I respect the Restoration Team's work, I respect  
16 Dr. Spies' work, and it seems to me that I support, as I said  
17 earlier, their effort. So I mean .....

18 MR. BARTON: That would seem to be a fairly definitive  
19 statement.

20 MR. COLE: Well, I mean we've asked this Restoration  
21 Team to go back and work these projects (indiscernible -  
22 background coughing). Dr. Spies has worked, the peer review  
23 work, we've had Restoration Team work and it just seems to me  
24 that at some juncture we must support the people whom we've  
25 asked to make, basically, these decisions for us. And I don't

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1 know. If we're not going to generally give them the support  
2 which we've given them here today, I mean we ought to sack the  
3 team and devise a new basic plan.

4 And I've gone through these things myself. Let me just  
5 say a word about the whales. We've done a lot of work in the  
6 Department of Law, and I realize that one pod, maybe seven is  
7 gone, we don't know where it went, we really don't know what  
8 happened to it, and furthermore, what will restore those killer  
9 whales. I mean, you know, it's nice to have that data, but I  
10 mean I just don't see the restoration work we can do. So I  
11 think we ought to just say that's enough and get on with the  
12 decisions we have to make. Thank you.

13 MR. BARTON: Mr. Sandor.

14 MR. SANDOR: I certainly wouldn't disagree with the  
15 Attorney General.

16 MR. COLE: No, he does all the time.

17 MR. SANDOR: But I think there may be a  
18 misunderstanding or at least something that might be cleared up  
19 with respect to this. As Mr. Collinsworth pointed out, this  
20 one project is a matter of with \$15,000.00 the final report is  
21 prepared. And I would want to know from the Restoration Team  
22 why they would have voted not to spend the 15,000 simply to  
23 write the final report?

24 MR. COLE: Ask Dr. Spies.

25 MR. SANDOR: Anybody.

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1 MR. BARTON: Mr. Gibbons, can you help us?

2 MR. GIBBONS: Yeah. I can speak to that. As I  
3 understand it and Mr. -- Dr. Morris can correct me, this was  
4 more of a life history study than a damage assessment study.  
5 And we figured that the final report would be a life history  
6 movement of the humpback whales, it wouldn't provide to the  
7 damage.

8 MR. MORRIS: That's not exactly correct. The Chief  
9 Scientist's recommendation was not to continue with this study  
10 and some of the Restoration Team members supported his  
11 recommendation. It's happened in several other studies as  
12 well.

13 The fact is we did study humpback whales for two years;  
14 the first year, we found no evidence of injury but there was  
15 such disturbance and commotion there that we feared that they  
16 would not return in the second year. We got the studied  
17 continued, they returned in better numbers than had ever been  
18 known to return before. There was no apparent injury other  
19 than, perhaps, disturbance to humpback whales. Nevertheless,  
20 we did learn a lot about the humpback whales that use Prince  
21 William Sound in terms of photo ID work, where they winter,  
22 what their other movements are that would be very valuable  
23 public information.

24 MR. BARTON: Would this .....

25 MR. MORRIS: And we feel it's just tidy to allow that

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1 information to be produced into a proper form that it can be  
2 presented to the public. And also I think in future oil  
3 spills, I think this contributes to the literature information  
4 on whales versus oil spills. The fact is the whales did not  
5 enter the Sound until late May, early June and probably were  
6 not exposed to the worst part of the oil is probably why -- may  
7 be why they were protected. But nevertheless, there's a flaw  
8 with that (ph).

9 MR. BARTON: This kind of falls in then to that area of  
10 the general body of knowledge versus restoration oriented.  
11 Mr Sandor.

12 MR. SANDOR: Well I guess the bottom line is there to  
13 be a final report that can be written for 15,000 from somewhere  
14 so that the information isn't lost?

15 MR. BARTON: I would ask Mr. Collinsworth.

16 MR. COLLINSWORTH: That's what it's for, yes.

17 MR. SANDOR: Is there an alternative source of doing  
18 this 15,000 thing to be sure that this information isn't lost.  
19 I guess that's my concern.

20 MR. COLE: Mr. Chairman.

21 MR. BARTON: Mr. Cole.

22 MR. COLE: I'd like to hear Dr. Spies' views on this,  
23 if you would, please.

24 MR. BARTON: Dr. Spies.

25 MR. COLE: Having already made up my mind but now I'm

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1 not .....

2 DR. SPIES: We didn't spend a lot of time in this  
3 (indiscernible - background coughing). That it looked that we  
4 needed to make some cuts, this is a study that had been over  
5 for a year, we expected to have seen, perhaps, a final report  
6 by this time, it wasn't in (ph) as low as priority listed NOAA  
7 (ph) as I understand it. And on that basis we made a cut, so I  
8 don't have a real strong feeling on this one (ph).

9 MR. BARTON: Mr. Rosier.

10 DR. SPIES: I'd like to also say that the  
11 recommendation against doing (indiscernible) work next year was  
12 more of a deferral than it was a recommendation on doing work  
13 further to the (ph) proposal. After talking with principal  
14 investigators we feel like we absolutely need to be out there  
15 next year (ph). So, defer that for a year.

16 MR. BARTON: Mr. Rosier.

17 MR. ROSIER: I was just going to say that in looking at  
18 the general budget of 15,000 for closeout, that seems to be the  
19 best bargain in town here at the present time. But .....

20 MR. BARTON: There is one cheaper in there.

21 MR. ROSIER: There is one cheaper but it's still an  
22 awfully good bargain as I see it on that. But the -- I'd like  
23 to move to the killer whales because I feel that that's the  
24 arena where certainly there's going to be a fairly significant  
25 amount of public interest. And we're all aware of the concern

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1 that's been expressed there on this, and I'm not sure where the  
2 121,000 actually leaves us with that particular study, but I'd  
3 at least like to hear what that particular project, in fact,  
4 offers. Is this a final year on this one or is this .....

5 MR. MORRIS: No. This could be an ongoing effort  
6 depending on what we find this year. I guess I won't waste the  
7 public's time and injury (ph) with Mr. Cole's statement, but I  
8 hate to play my hold card right away. But this particular pod  
9 is severely injured, it went from 36 to 23 animals in two  
10 years; it may be still declining, we don't know. It's been  
11 socially disrupted. There's evidence of physiological injuries  
12 to various animals.

13 The point is this pod could lose it's cohesiveness and  
14 disintegrate into individuals animals wandering here and there,  
15 and that's a significant injury to a significant resource that  
16 we did not expect when we started this work. And we would not  
17 know that if we don't continue to follow this pod either to  
18 recovery or to final decline.

19 MR. BARTON: Mr. Rosier.

20 MR. ROSIER: Is there a restoration end point to this  
21 or is it, again, general information type .....

22 MR. MORRIS: I think there are several. The first ones  
23 that you think of are the terms of public education, perhaps,  
24 enforcement to protect the pod. It is a pod that has in the  
25 past been involved in fishery interactions and has suffered

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1 some level of mortality. We could, in some ways, protect it  
2 from that mortality through education and enforcement.

3 We could identify habitats that it uses that could be  
4 very important and offer them protection. And as a last  
5 resort, if there is -- and this is a real long shot but if this  
6 pod does show that it's disintegrating, some potential rescue  
7 effort of individuals.

8 MR. McVEE: Mr. Chairman.

9 MR. BARTON: Mr. McVee.

10 MR. McVEE: I guess what I understand of these would be  
11 deferrals, so the question would be what would we miss in terms  
12 of information if it was deferred until the 66 (indiscernible).

13 MR. MORRIS: Most of our techniques and what we know  
14 about how to study killer whales comes from the efforts that  
15 have taken place in British Columbian waters over the past 20  
16 years. And they feel it takes -- I'm talking -- there's two  
17 types of killer whale pods, residents and transients;  
18 transients tend to come and go and split up, the resident pods  
19 seem to always stay together. But if an animal dies, they want  
20 to confirm it by two years from being missing for two years.  
21 As an example, we had one whale that was reported missing last  
22 year, we would not confirm that that was a death until we found  
23 that it was missing this year. If we don't go up this year, we  
24 wouldn't find that that whale was missing until 1993. Also,  
25 any whales that were missing this missing or next year could

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1 not be confirmed which year they were missing in and it would  
2 take another two years to track their loss. It's those kinds  
3 of things that's happening.

4 You can't calculate mortality rates, life history  
5 tables for the population if you don't sort of have an annual  
6 record of what they're doing.

7 MR. COLE: Mr. Chairman.

8 MR. BARTON: Mr. Cole.

9 MR. COLE: If this information is so valuable and so  
10 needed for scientific studies and so forth, then the  
11 presentation should be made to the Legislature of the State of  
12 Alaska and to Congress and say, you know, this is valuable  
13 scientific data, we'd like to have it, we'd like to wind up  
14 these studies and let the Legislature make the appropriations.  
15 I have no objection to that, but to expect money from this  
16 restoration project to be spent on these things after we've  
17 gone through this definitive process, it seems to me is  
18 improper expenditure from these funds.

19 MR. COLLINSWORTH: Mr. Chairman, I .....

20 MR. BARTON: Mr. Collinsworth.

21 MR. COLLINSWORTH: Mr. Cole, I don't follow your  
22 logic. I have a very difficult time disassociating the changes  
23 that we have observed in this pod of killer whales and the fact  
24 that we spilled a whole bunch of oil in Prince William Sound.  
25 There is a relationship. There is a linkage, this is not a

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1 disassociated academic exercise. I certainly respect your  
2 prerogative to object to it.

3 I would say, though, that your remarks about relying on  
4 the Chief Scientist and the Restoration Team are well-taken;  
5 they are very credible, knowledgeable professionals. But I  
6 don't intent to abrogate my responsibilities as a Trustee  
7 Council member in making determinations on whether or not I  
8 agree with them. And it seems to me, you exercise that  
9 prerogative earlier in the day when you recommended the motion  
10 to change their recommendation and substitute your judgment for  
11 theirs with regards to information and education and another  
12 project.

13 So I certainly agree with part of what you say but not  
14 all of it.

15 MR. BARTON: I'm confused a little. Was there a year's  
16 hiatus in the data or in the study already?

17 MR. MORRIS: No. We've studied them in '89, since  
18 March 31st we were out in the field with that pod and in every  
19 year since.

20 MR. BARTON: There is no motion before us.

21 MR. COLLINSWORTH: There is a motion before us. The --  
22 I made the motion and it was seconded to -- unless you took  
23 Mr. Cole's categorical nos .....

24 MR. BARTON: No. What was the motion? I don't recall.

25 MR. COLLINSWORTH: The motion was to adopt the killer

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1 whale project at the February 5th proposal level, and that was  
2 seconded. I had asked Mr. Morris to speak to the motion.

3 MR. COLE: Mr. Chairman.

4 MR. BARTON: Mr. Cole.

5 MR. COLE: Let me say this, you know. If we give on  
6 this one as it were, then we just as well say we're going to  
7 approve all of the others, you know. I think that's where the  
8 cut must be. I mean we either say if we accept this study on  
9 the killer whales and these pods, then really this would fall  
10 in line and approve every other project which we are  
11 reconsidering here or is sought to be reconsidered because we  
12 will have the same arguments. And that's why I'm, you know,  
13 sort of trying to hold the line, 'cause I realize that if we  
14 give on this and all the others will like dominoes fall and  
15 that's the end of that.

16 So that's how I see it.

17 MR. BARTON: Any .....

18 MR. COLE: And once you give on 15,000, we're out (ph)  
19 15,000. All the others we'll just as well say we'll approve  
20 them and be done with it.

21 MR. COLLINSWORTH: I call for the question.

22 MR. BARTON: Is there objection to an alternate?

23 MR. COLE: Yes.

24 MR. BARTON: The motion fails under the rules with  
25 which we operate. We still have not dealt with three other

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1 studies -- or five other studies here. Is there a motion to  
2 deal with those, R60AB, R73, R6, R6E and MM1.

3 MR. ROSIER: Mr. Chairman, I would move for  
4 consideration of the R60AB, before making any final motion on  
5 the dollar amount, I would call on Dr. Montague to provide the  
6 Council with that.

7 MR. BARTON: Which one is that?

8 MR. ROSIER: R60AB.

9 MR. MONTAGUE: Yes. Mr. Chairman. This is I guess the  
10 life blood of our pink salmon damage assessment and restoration  
11 work. The pink salmon industry in Prince William Sound is a 20  
12 to 40 million dollar industry that employs approximately 6,000  
13 people in the affected area. And the proposal that was  
14 accepted by the Restoration Team was simply to recover tags  
15 that had been applied in the past and not tag any new fish in  
16 1992.

17 And this project has provided major methodology in  
18 which we can allow a fishery to go ahead and at the same time  
19 protect a number of damaged -- streams damaged by the oil  
20 spill. And we believe that a lack of having this information  
21 would require the Department to recommend a very conservative  
22 approach on the commercial fishery which could put requirements  
23 that fish be harvested near their terminal areas in which the  
24 value of the product would be quite a bit lower than is  
25 desirable and could, potentially, contribute to an already

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1 serious problem of lower prices for pink salmon.

2 And we feel that in the end, this is how pink salmon  
3 will be restored; it'll be through a very precise management  
4 that allows the major industry in this region to continue  
5 without essentially dropping that obligation to provide the  
6 service and simply protect the damaged streams.

7 MR. BARTON: Present status of that project is, though,  
8 that it has been approved? I mean the action we took today  
9 included the February 27 .....

10 MR. ROSIER: Yes.

11 MR. BARTON: ..... proposal? Okay. Mr. Rosier.

12 MR. ROSIER: Mr. Chairman, yes. I think the question  
13 that's involved here, as I indicated, the entire program, I  
14 believe, is -- this was looked at from the standpoint of an  
15 issue that we covered earlier this morning in terms of funding  
16 from other sources. And it was originally submitted as a three  
17 million dollar package to the Restoration Team, ultimately, it  
18 was decided that it would be split, a flat (ph) funding on  
19 this. We're asking, at the present time, for this to be  
20 covered by the restoration funds from the civil suit, the  
21 entire project. And that, we feel, is what's necessary; this  
22 was a resource that was -- which we've indicated is -- there's  
23 a demonstrated damage there, and you've heard the economic  
24 importance of this to the Prince William Sound area. And  
25 certainly from our standpoint, a full program with the

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1 continuation of additional tagging is a necessary step in the  
2 restoration of those pink salmon in Prince William Sound.  
3 That's the full proposal at the present time.

4 MR. BARTON: But what would be the expectation in the  
5 future years?

6 MR. ROSIER: Perhaps, Dr. Montague could give us a  
7 helping hand with that stuff.

8 MR. MONTAGUE: Yes, Mr. Chairman. We believe that the  
9 level of tagging effort can be reduced in the future,  
10 especially after such things as run reconstruction are  
11 finished. Right now, we feel the minimum level is  
12 approximately a million fish to be tagged; it's a big  
13 operation. And we would anticipate, I don't know percentage-  
14 wise, but certainly a very marked reduction in coming years.  
15 And when -- right now, the eggs and fry are showing increased  
16 mortality, an indication that that ceases and we no longer have  
17 an oil spill problem, we would immediately cease all funding of  
18 the project out of the oil spill settlement monies.

19 MR. BARTON: How would -- what does a marked reduction  
20 translate into in terms of dollars?

21 MR. MONTAGUE: What's it translate into in terms of  
22 dollars? I'd say 50%.

23 MR. BARTON: So in future years, we could expect an  
24 \$800,000.00 request?

25 MR. MONTAGUE: Well, it would be 50% of three million,

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1 so it'd be one and a half million.

2 MR. BARTON: But isn't that what you're asking for now  
3 is 1.6?

4 MR. MONTAGUE: Mr. Chairman, no, that is not correct.  
5 What we're asking for is -- I believe it's just under three  
6 million.

7 MR. BARTON: So you're not asking for the February 5  
8 proposal, you're going back to the December proposal?

9 MR. ROSIER: To the December proposal, that's correct.  
10 (Pause)

11 MR. MONTAGUE: One -- Mr. Chairman, one additional item  
12 of information that may be useful for that is that we have  
13 approximately 30 years of information indicating quite  
14 conclusively that reduction in spawning numbers, and therefore,  
15 reduction in the number of eggs translates directly into adult  
16 returns; and in fact, that's how a lot of the predictions of  
17 the fishery are made. So that we feel that 120% mortalities  
18 that we're seeing -- higher mortalities in the oiled areas as  
19 opposed to the unoiled areas is directly reflected at a  
20 population level and as such, is impacting the fishery.

21 MR. BARTON: We need to set up for the teleconference I  
22 think at this point. How do we want to proceed? Do we want to  
23 proceed on with this or go to the public comment period and  
24 come back to this at some later time? What's the pleasure of  
25 the Council?

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1 MR. COLE: It might be -- Mr. Chairman.

2 MR. BARTON: Mr. Cole.

3 MR. COLE: It might be wise to defer these until  
4 tomorrow.

5 MR. BARTON: Is there a second?

6 MR. COLE: As much as I am repelled by that idea.

7 MR. BARTON: Well, we have a number of other items on  
8 the Agenda that we haven't gotten to yet either, hopefully,  
9 those will go fairly rapidly. But was there a second to  
10 Mr. Cole's motion?

11 MR. McVEE: I'll second it.

12 MR. BARTON: Is there objection? All right. We'll  
13 move in to the public comment period, come back to the five  
14 remaining projects tomorrow and finish the rest of the Agenda  
15 tomorrow. We'll take a break until -- for 10 minutes.

16 MR. COLE: Mr. Chairman, could we fix what time  
17 tomorrow in case there are those who do not wish to sit through  
18 the public hearing.

19 MR. BARTON: I'd suggest 8:00 o'clock, is that  
20 convenient?

21 MR. COLE: I have a 9:00 o'clock commitment as well as  
22 a 7:30 commitment, a.m.

23 MR. SANDOR: I have an 8:00 o'clock as well as a 9:30.

24 MR. BARTON: Is 10:00 o'clock a wonderful time?

25 UNIDENTIFIED VOICE: That sounds pretty good.

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1 MR. BARTON: All right. 10:00 o'clock tomorrow we will  
2 reconvene the Council. We'll take a 10 minute break and come  
3 back for public comment.

4 (Off record)

5 (On record)

6 (Off record comments)

7 MR. BARTON: ..... come in and take a seat. For those  
8 of you out on the teleconference sites, I'm Mike Barton with  
9 the Department of Agriculture, serving as Chair at today's  
10 Council meeting. Curt McVee with the Department of Interior is  
11 with us, Commissioner Rosier from the Department of Fish &  
12 Game, Deputy Director Don Collinsworth from National Marine  
13 Fishery Services representing NOAA, Commission Sander from the  
14 Department of Environmental Conservation, and Attorney General  
15 Cole is with us today.

16 We'll start the teleconference by asking our Interim  
17 Administrative Director of the Restoration Team, Dr. David  
18 Gibbons, to summarize what we've done today.

19 MR. GIBBONS: Thank you, Mr. Chairman. The first item  
20 of the Agenda was to visit the Agenda this morning, we removed  
21 one item from the Agenda; we removed Item 3(d) discussion of  
22 the trailer vans and carcass disposal, this will be discussed  
23 at a later time.

24 BRIDGE OPERATOR: This is the Bridge Operator and  
25 you're barely transmitting, no one can hear you well enough.

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1 MR. GIBBONS: Let me start again, is this better?

2 BRIDGE OPERATOR: It's slightly better.

3 MR. GIBBONS: Okay. I'll start over again. The first  
4 item on the Agenda this morning was to revisit -- to visit the  
5 Agenda to see if there was any changes to the Agenda. We had  
6 one change to the Agenda, we removed Item 3(d) which was the  
7 trailer vans and carcass disposal. Some recent information  
8 came to light in the last several days to postpone that  
9 discussion.

10 The next item on the Agenda was the finan- -- a  
11 discussion of the financial situation or material framework.  
12 The Trustee Council reviewed the material and deferred a  
13 decision on the financial material or framework until the next  
14 Trustee Council meeting.

15 We visited the Restoration Team and Dr. Spies five page  
16 spreadsheet on recommendations. The -- it was moved to  
17 reconsider Projects R60A and B and Project R73 to a later date.  
18 The rest of the package, at that time, was approved.

19 Next, we visited the Restoration Team's recommendation  
20 only without recommendations by Dr. Spies. What was approved  
21 from that package is the following: Archeological Study 1;  
22 Fisheries Study 28 on pink salmon; Technical Services Study 3,  
23 GIS; Fisheries Study Number 27 sockeye; Fisheries Study  
24 Number 30 database; Restoration Study Number 92, GIS  
25 restoration; Restoration Project 105, the fish project survey;

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1 Restoration Project 113, Red Lake; Restoration Project 47,  
2 stream survey; Restoration Project 53, Kenai sockeye;  
3 Restoration Project 59, sockeye; Restoration Project R104A,  
4 archeological stewardship. And it was moved R- -- Project R118  
5 was deleted and the \$180,000.00 was moved to Project FS28.

6 The next suite of studies that was visited were studies  
7 requiring additional review by the Trustee Council, Dr. Spies  
8 and the Restoration Team. It was moved that Coastal Habitat  
9 Project 1A and Coastal Habitat Project R102 move ahead but  
10 negotiations with the University of Alaska should occur before  
11 the next Trustee Council meeting to reduce the costs.

12 Next, the approval for the five-page spreadsheet for  
13 the Restoration Team recommendation along with the --  
14 Dr. Spies' recommendation was revisited. Five -- six projects  
15 were moved to have reconsideration; these included R60A and B,  
16 pink salmon project; Marine Mammals Project 1, humpback whales;  
17 Restoration Project R82A, killer whales; Restoration Project  
18 73, harbor seals; Restoration Project 6, sea otters; and  
19 Restoration Project 6E sea otters.

20 That's where we ended for the day. It was decided that  
21 the Trustee Council will reconvene tomorrow morning at 10:00  
22 a.m.

23 MR. BARTON: Thank you, Dr. Gibbons. I would encourage  
24 all who wish to testify to include any remarks that are  
25 pertinent to the part of the Agenda that we did not get to as

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1 well as that that we did get to. My intent would be to not  
2 have a public comment period in tomorrow's session, so we need  
3 all of your comments in this evening's session.

4 For the purposes of this evening's session, I think  
5 I'll change the order in which we've done things in the last  
6 few meetings; I think we'll take one person from each site,  
7 work down the sites, that may be a little more equitable to  
8 Valdez and Whittier, and continue that rotation until everyone  
9 has spoken that cares to speak. We'll begin in alphabetical  
10 order.

11 Is there anyone here in Anchorage that wishes to speak?  
12 Go ahead. Please identify yourself and .....

13 MR. KUSICK: My name is Ron Kusick and I am the  
14 assistant to the general manager from Municipal Light & Power,  
15 and I representing the Municipality. Several days ago, we  
16 found that Project 117 had been removed from the list, we want  
17 to support this project, we do support the project and we wish  
18 the project to be reconsidered. Thank you.

19 MR. BARTON: Thank you. Any questions from the Council  
20 Members? Thank you.

21 Is Chenega on-line, anybody at Chenega? Cordova, is  
22 Cordova on-line?

23 CORDOVA: Cordova is on-line, we have five or six  
24 people here, but I think at this time that we'll pass, please  
25 come back to us next time around.

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1 MR. BARTON: All right. Fairbanks?

2 UNIDENTIFIED VOICE: You've got a man from Chenega  
3 here.

4 MR. BARTON: All right. We have the Chenega  
5 representative right here in the room.

6 MR. TOTEMOFF: Excuse me, Mr. Chairman, thank you.  
7 Chuck Totemoff with Chenega Corporation. It's more of a  
8 question really. There still remains large amounts of oil in  
9 Prince William Sound, especially close to my home village in  
10 Chenega Bay. I was wondering if the Trustee Council is  
11 prepared to deal with this problem before we talk about  
12 restoration. And if they are, is it going to be addressed this  
13 year?

14 MR. BARTON: Mr. Sandor.

15 MR. SANDOR: Yes. I wanted to ask Ernie Piper who's  
16 the State on-scene coordinator for the Exxon Valdez Cleanup  
17 Project, who's working closely, of course, with the Federal on-  
18 scene coordinator to summarize what action is planned for  
19 cleanup this year.

20 MR. PIPER: There are two surveys and a survey and a  
21 supplement survey scheduled for this spring, the first is the  
22 joint State and Federal survey going to a little over 60 sites,  
23 14 of them are on a list that was offered to the Federal on-  
24 scene coordinator and the State coordinator by Chenega  
25 Corporation. The remaining sites on that list that are of

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1 concern to Chenega we're looking at now, and we've offered to  
2 have Chuck or whomever from the Village and from the  
3 Corporation come in and sit down with us and go through our  
4 database and let's see what we can find on those sites to  
5 decide if we need to go back to them again. We're willing to  
6 go back and look, and if there's cleanup that's necessary and  
7 it meets the criteria for cleanup under State or Federal  
8 guidelines, we'll certainly insist that it's done.

9 MR. TOTEMOFF: Okay. Thank you, Ernie. It's always  
10 been our position that we'd like to get the oil out of the --  
11 totally out of the environment. But we've been going along  
12 with the State and Federal guidelines just for the purpose of  
13 furthering the cleanup. But since this is probably the last  
14 year of the cleanup effort, Chenega Corporation for one would  
15 like to see the greatest effort possible into remaining as much  
16 (ph) free flowing oil as possible. Thank you.

17 MR. BARTON: Thank you. Fairbanks, is there anyone  
18 from Fairbanks on the line that wishes to testify?

19 MS. SAUPE: There's one person from Fairbanks.

20 MR. BARTON: Go ahead, please.

21 MS. SAUPE: My name is Susan Saupe (ph), and I am  
22 representing myself as a life-long Alaskan from Kodiak and now  
23 working in Fairbanks, and as a member of the scientific  
24 community. I have attended most Trustee Council meetings since  
25 the first one in December, and I'm aware of the many difficult

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1 tasks and decisions set before you. Nevertheless, I am  
2 disturbed by some of the decisions that have been made by the  
3 Trustee Council concerning expenditure of Settlement Funds.

4 I am referring to setting unrealistic limits on  
5 research that will likely result in the cutting of regions (ph)  
6 outside of Prince William Sound from monitoring programs; and  
7 the cutting of monitoring of shown damaged resources such as  
8 the subtidal. It was my understanding that one of the top  
9 priorities set by the State and Federal Governments in the  
10 aftermath of the Exxon Valdez oil spill was to document and  
11 understand the damage to the environment due to the oil so that  
12 these resources could be restored, and so that a settlement  
13 could be obtained with Exxon.

14 Since that settlement has occurred, though, it appears  
15 that damaged resources are no longer the main concern.  
16 Although, I do support measures that reduce the damage that is  
17 done to an eco-system through the clear cutting of timber, I am  
18 concerned that the acquisition of timber land will become the  
19 major issue of the settlement at the expense of determining the  
20 fates of known damaged resources.

21 I am approaching this as a member of the coastal  
22 habitat project, which has studied the inner-tidal zone of EVOS  
23 impacted areas. Our study has included all regions affected by  
24 EVOS, not just Prince William Sound. Injury to the inner-tidal  
25 zone has been documented in all of these regions, that is

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1 Prince William Sound, Cook Inlet, Kenai, and Kodiak and the  
2 Alaska Peninsula. And now, it is important to determine when  
3 recovery has occurred.

4         The inner-tidal zone, along with the subtidal is used  
5 as forging grounds for many of the injured birds and mammals  
6 whose studies are supported by agencies represented by members  
7 of you on the Trustee Council. You must recognize then the  
8 importance of knowing the status of their major food sources in  
9 these areas. The long-term fate of these food sources can only  
10 be understood with the support of a recovery monitoring program  
11 for all three regions, and I urge you to support such a  
12 program.

13         In conclusion, I would like to stress the importance of  
14 obtaining a set of long-term baseline data in order to  
15 characterize the inner-tidal zone and to understand it's rates  
16 of recovery. This may be invaluable data in the aftermath of  
17 any future spills.

18         I would like to address Attorney General Cole by  
19 reminding him that it is not possible to directly compare the  
20 research budget for collecting scientific data from remote  
21 coastlines of Alaska to his budget for the Justice Department  
22 as he has done in the past. We cannot plan that the next oil  
23 spill will occur in a downtown Juneau office building. It is a  
24 fact, though, that if oil from a spill reaches shore again, it  
25 will hit in the inner-tidal.

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1 Thank you for this opportunity to voice my opinion.

2 MR. BARTON: Thank you. Are there any comments or  
3 questions of the our members of the Council? If not, Juneau.  
4 Is Juneau on-line?

5 JUNEAU: Juneau's on-line, we have no one here to speak  
6 at this time.

7 MR. BARTON: Thank you. Homer, are you there, Homer?

8 HOMER: Yes, we have several observers but no one to  
9 speak at the moment.

10 MR. BARTON: Thank you. Soldotna. Is Soldotna on-  
11 line?

12 SOLDOTNA: Soldotna's on-line, we've got two observers  
13 and, perhaps, you could come back to us later.

14 MR. BARTON: All right. Thank you. Kodiak.

15 KODIAK: This is the moderator in Kodiak, we have four  
16 to testify and one observer.

17 MR. BARTON: All right. The routine we're using  
18 tonight is to ask one person from each location as we work done  
19 the list, and then we'll start over at the top of the list, so  
20 please have your first person testify.

21 MR. SELBY: Okay. Thank you very much. This is Jerome  
22 Selby (ph), Mayor of the Kodiak Island Borough; we appreciate  
23 the opportunity to testify. Hopefully, you'll get through the  
24 list another three or four times so the rest of the folks will  
25 have a shot at it.

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1 I just had a few comments. We're pleased to see that  
2 the Red Lake project was made -- the funding was today (ph).  
3 At the same time, we're somewhat disappointed that the Brown  
4 bear study, R5, was not approved, and I would hope you folks  
5 would reconsider that.

6 We have some others. I guess I'm not real clear if  
7 some of our other high priority projects -- if they are or are  
8 not included since some of the titles I can't really tell for  
9 sure. But maybe Ernie Piper or someone from the Staff could  
10 kind of answer a couple of questions. One we -- that's a high  
11 priority is the Katoya (ph) Hatchery, early (ph) marine salmon  
12 habitat utilization baseline studies for 45,000. Maybe he  
13 could indicate whether that study is included in one of these  
14 other salmon studies or not.

15 The other one was the -- whoops, I lost my place here -  
16 - but the Uganik (ph) River fish counting weir, I don't see  
17 that on here at all, even with a number; and that was a pretty  
18 high priority item for us since that side of the island got hit  
19 pretty hard with the oil. And it looks like Fish & Wildlife  
20 will have to shut that weir down this summer if there isn't  
21 some assistance provided. So, we lose the data and lose the  
22 baseline on the returning salmon here for the next year or so  
23 if nothing's done there. So I would hope something could be  
24 done with that one.

25 I'm not sure if the Bald eagle funding -- study funding

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1 included the 55,000 that Fish & Wildlife had proposed here on  
2 Kodiak or not, but that'd be another question I guess for the  
3 Staff. And those were probably our highest priority projects,  
4 if there isn't any way to do the mitigation on Red Lake, the  
5 restoration's a good start; but of course, we'd like to do --  
6 start on some of the mitigation operation as well. So I guess  
7 if someone knows those numbers or I don't know, maybe Ernie  
8 will have to call me later, but we sure would like to see a  
9 couple of these high priority projects for us included if you  
10 guys could figure out a way to do it.

11 MR. BARTON: We'd be pleased to have Mr. Montague  
12 address a couple of those questions.

13 MR. MONTAGUE: Yeah. Yes, Mr. Chairman. I believe the  
14 project you're referring to is Red Lake and early marine is  
15 actually R113 which is the Red Lake restoration study. R114  
16 and that one -- excuse me, R113 is currently in the program.  
17 R114, Red Lake mitigation fishery is not. And those were the  
18 only two Fish & Game projects that he addressed.

19 MR. BARTON: The Bald eagle study, Pam.

20 MS. BERGMANN: Mr. Chairman, I'm not sure if it  
21 includes Gulf of Alaska or not but the funding for that was not  
22 recommended to go forward. Do you know, Cordell, if it .....

23 CORDELL: No, not the Gulf of Alaska.

24 MS. BERGMANN: We'd have to check on that.

25 UNIDENTIFIED VOICE: He said it's not Gulf.

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1 MS. BERGMANN: Oh, I'm sorry, it's not Gulf of Alaska,  
2 it's only Prince William Sound.

3 MR. BARTON: But it was not approved.

4 MS. BERGMANN: But it was not approved.

5 MR. BARTON: Was there another study, Mr. Mayor?

6 MR. SELBY: Yeah. The other one would be the Brown  
7 Bear study for the Parks, the R5 Brown Bear Study, we  
8 definitely had impact on that Brown Bear population over there  
9 on the Shelikof shore of the Katmai Park. We thought it was  
10 fairly important that that be underway.

11 MR. BARTON: Yeah. That study was also not approved.  
12 We'd be glad to have Mr. Gibbons give you a call tomorrow and  
13 discuss this in more detail.

14 MR. SELBY: Okay. I'd appreciate that. Again, we  
15 appreciate the opportunity to testify, appreciate the amount of  
16 work you folks are putting into these studies, and hopefully a  
17 few more of these high priority ones for the Kodiak area can  
18 make it in to the funding before you get through with your  
19 funding cycle this year. Thanks for the opportunity.

20 MR. BARTON: Thank you, Mr. Mayor. And of course,  
21 you'll have another opportunity, these studies -- the package  
22 will then come out for public review and public comment some  
23 time next month.

24 Seward, is Seward on-line? Tatitlek, anybody in  
25 Tatitlek wish to testify?

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1 TATITLEK: No, sir, not at this time.

2 MR. BARTON: Okay. Thank you. Valdez.

3 MR. JANKO: Yes. Good evening. My name is Dave Janko  
4 (ph), Prince William Sound Conservation Alliance. I had a  
5 question and probably a comment. At this point, you're going -  
6 - on the meeting I attended in Juneau February 10th, and it was  
7 my impression that you had gone through all of these and said  
8 yes, we approve them, you know, in concept so that we could  
9 pass them on for public comment. And now, I see you're working  
10 on cutting some out completely, and then when we do get a  
11 public comment document, there will be some of these that'll  
12 just totally missing off of them. I have a little concern for  
13 that and am I right in how that process is working?

14 MR. BARTON: You are right.

15 MR. JANKO: Okay. Then, I guess my comment is I'm kind  
16 of concerned about that, that by the time this gets to public  
17 comment, there'll be some of these are missing which are  
18 important, such as say the humpback whale, killer whale  
19 studies. And I wonder how can -- if the public had -- does not  
20 have access to a final damage assessment study such as that you  
21 have and Mr. Steve (ph) has, and I wonder if those are finished  
22 out enough to even make recommendations for restoration  
23 projects; if the closeouts aren't complete, how do we know  
24 whether we need to have continuing monitoring or any  
25 restoration. So I just am afraid some of these are going to be

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1 dropped without any Public Advisory Group or public input, as  
2 well as not even having the information of the final closeout.

3 MR. BARTON: Okay. Any comments from members of the  
4 Council?

5 MR. GIBBONS: Mr. Chair.

6 MR. BARTON: Mr. Gibbons.

7 MR. GIBBONS: Yes. Let me respond to that. The only  
8 damage assessment closeout project that is proposed not to go  
9 forward at the present time is the humpback whale. The other  
10 ones are going forward to closeout for final reports, so the  
11 information will be available to the public.

12 MR. JANKO: Okay. Well, with that one project then, I  
13 guess the bottom line is that each project has some sort of a  
14 finished document. I mean will there be some sort of a  
15 document, at least, as far as where things are for the humpback  
16 for potential future monitoring, this year, next year, the year  
17 after?

18 MR. BARTON: Mr. Gibbons.

19 MR. GIBBONS: The National (ph) Fishery Service might  
20 be better served to answer this. But I think that there's  
21 progress report on that study, you know, if it was done for two  
22 years, we'd have to progress reports available.

23 MR. JANKO: Okay. Like I said (ph) that answers my  
24 question, and I appreciate hearing -- that's the only one,  
25 although, we do have concern about that, but just so there's

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1 some final product of some sort for future evaluation for  
2 restoration or monitoring, and come back around, there might be  
3 some other comments. Thank you.

4 MR. BARTON: Okay. Thank you. Whittier. Is Whittier  
5 on-line? Okay. We'll come back to Anchorage, who here now  
6 would like to testify? Mr. Rusher (ph).

7 MR. RUSHER: Yes. My name Jerry Rusher, and I'm with  
8 Rusher Services (ph), and I just have a few yes and no  
9 questions; I made them pretty simple. I would like to know if  
10 the Trustee Council would ask the Chief Scientist to look at  
11 the project that I turned in on January 10th for  
12 recommendations to go on farther.

13 MR. BARTON: Mr. Gibbons, can you respond to that?

14 MR. GIBBONS: Yeah. I wrote a letter to Mr. Rusher,  
15 and the process for dealing with public proposals that we have  
16 laid out presently is to solicit public proposals in May and  
17 deal with all public proposals at that time, and then move  
18 forward with a program in 1993.

19 MR. RUSHER: Okay. Well that takes care of Question 2  
20 and 3 that I had. Question 4: Is it true by law if Exxon  
21 expenditures are made in 1992, this additional cleanup work  
22 will be credited against the next payment owed to the  
23 Governments?

24 MR. BARTON: Can anybody here answer that? Any of you.  
25 Ernie, Mr. Piper.

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1 MR. PIPER: If Exxon is ordered to do any work, and  
2 that includes this survey by the Federal on-scene coordinator  
3 or the State on-scene coordinator, the expenses will be  
4 reviewed in advance by the Federal or State on-scene  
5 coordinator, depending on who it is, and then those expenses  
6 that they actually make up to that limit, they will be eligible  
7 to set those off from that that they will pay the Governments  
8 next December, if I'm right on that, Mr. Attorney General.

9 MR. COLE: I believe that's right. I thought -- is  
10 there a perspective limit of -- estimate of about three million  
11 dollars?

12 MR. PIPER: The three million dollars was the talking  
13 estimate that Otto Harrison gave to us about a month ago, but  
14 we haven't seen their detailed proposal yet.

15 MR. RUSHER: The last question that I have, is this  
16 Council familiar with the statutory responsibilities from the  
17 MOA in regards to discharged oil?

18 MR. BARTON: I think you need to be a little more  
19 specific.

20 MR. RUSHER: Do you realize the responsibility that you  
21 took on from discharge of oil on Prince William Sound at this  
22 present time from the shorelines? That is the question.

23 MR. BARTON: Are you referring to oil that's already  
24 been spilled and that's seeping back?

25 MR. RUSHER: I'm referring to the oil that's in the

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1 shoreline.

2 MR. BARTON: Yeah. Okay. Well I can't speak for all  
3 the Council members.

4 MR. PIPER: The Trustee Council is the wrong target on  
5 that question. Still, whenever -- if the Federal or State on-  
6 scene coordinator based on Federal or State guidelines  
7 determines if further cleanup is necessary, then the Coast  
8 Guard and/or DEC is responsible as the lead agency to carry out  
9 that cleanup.

10 MR. RUSHER: So this Council has no responsibility of  
11 the discharged oil?

12 MR. PIPER: This Council does not. The State and  
13 Federal Government agencies that continue to handle oil spill  
14 response have that responsibility.

15 MR. BARTON: This -- the duties of this Council are  
16 related to damage assessment and restoration not cleanup;  
17 though, some of us are involved in it, in other words (ph).

18 MR. RUSHER: Yes. I think you need to look at Page 3  
19 of the statutory responsibilities.

20 MR. BARTON: We'll do that. Thank you.

21 UNIDENTIFIED VOICE: Okay.

22 MR. BARTON: Chenega, anybody on-line at Chenega that  
23 wishes to testify?

24 UNIDENTIFIED VOICE: Mr. Barton.

25 UNIDENTIFIED VOICE: There's a man from Anchorage here.

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1 MR. COLE: This gentlemen here.

2 MR. BARTON: Yeah. We're -- I've been rotating through  
3 the sites.

4 UNIDENTIFIED VOICE: There's one lady from Chenega back  
5 there, I think.

6 UNIDENTIFIED VOICE: From Chenega.

7 MR. BARTON: Is there a lady from Chenega back there?  
8 Yeah.

9 MS. EVANOFF: I'm Gail Evanoff (ph) from Chenega Bay.  
10 Sitting here this afternoon, I'm very appreciative of the  
11 efforts in identifying ways and means to address restoration of  
12 the many losses that was suffered in the Prince William Sound,  
13 but I also caught something that concerns me, and that is  
14 restoration in the interest of the public is something that is  
15 a high priority. Chenega Village people are part of the  
16 public, but we're also very high subsistence users down there.  
17 And a lot of the studies that you've addressed I find omits a  
18 lot of what we subsistence on, and we think that's important  
19 like you think it's important representing your various  
20 agencies and for the public in general.

21 Other subsisting resources such as the decline of  
22 octopus, the kelp, clams, gumboots (ph), sea urchins, we want  
23 to know why we can't get them anymore. We know by our  
24 observation it's due to the large amount of oil on our beaches,  
25 but I think it warrants a study, just like the killer whale.

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1 The very thing that we live off of, that resource out there, is  
2 an attraction to the public at general, and I think we would  
3 both benefit tremendously by addressing those other very local  
4 concerns that I'm expressing; the things that we eat, that we  
5 bring home to feed our families. The small communities in  
6 Prince William Sound, you know, our lives have been totally  
7 changed by this and we want you to know that, and we want you  
8 to address subsistence to a people who are going to be there,  
9 we were -- we lived through it. And we think we have something  
10 to offer to you in terms of information.

11 We wish that your surveys would include input from the  
12 communities. I've heard of millions of dollars going into  
13 surveys, and I've not seen a survey team in Chenega Bay. I  
14 would invite you to involve our local knowledge because we have  
15 a lot. Thank you.

16 MR. BARTON: Thank you. Questions of members of the  
17 Council?

18 Cordova. Anybody in Cordova want to testify? I'm  
19 sorry, Cordova?

20 MR. WEAVERLING: Can you hear me there in .....

21 MR. BARTON: Yes, go ahead.

22 MR. WEAVERLING: My name is Mayor Weaverling here in  
23 Cordova. And I would first like to inquire if the Trustee  
24 Council received the facsimile transmission that I sent today?

25 MR. BARTON: Yes, we did, Mayor.

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1 MR. WEAVERLING: I won't bother you then to testify.  
2 Thank you very much.

3 MR. BARTON: Thank you. Fairbanks, anybody else in  
4 Fairbanks want to testify?

5 FAIRBANKS: No further testify from Fairbanks.

6 MR. BARTON: Thank you. Juneau, anybody in Juneau want  
7 to testify? In Homer?

8 HOMER: Yes. We have one participant who would like to  
9 speak.

10 MR. BARTON: Thank you, go ahead, please.

11 MS. HILLSTRAND: Yes, good evening, I know you're ready  
12 to go home by now. But anyways, this is Nancy Hillstrand (ph).  
13 And I'm just wondering if you folks -- I'm sorry I'm not up to  
14 speed with everything right now, but I wonder if you have  
15 considered any purchasing of any lands, terrestrial (ph) lands  
16 that would help the waterfowl populations. Over.

17 MR. BARTON: Mr. Gibbons, do you want to address that?

18 MR. GIBBONS: Yeah. We have no proposals for  
19 acquisition at this time. We have proposals to look at the  
20 critical habitats that those species need -- that the injured  
21 species need, and then move forward in the process to identify  
22 those first, but we have no acquisition proposals.

23 MS. HILLSTRAND: Yeah. Okay. I really appreciated  
24 that, I hope you do consider that. So thank you very kindly,  
25 and I really appreciate all the work you folks are doing.

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1 MR. BARTON: Thank you. And we will consider those  
2 proposals. Soldotna, anybody in Soldotna wish to testify?

3 MR. FLAGG: Yes, can you hear me?

4 MR. BARTON: Yes, go ahead, please.

5 MR. FLAGG: Yeah. This is Loren Flagg (ph) in  
6 Soldotna, and I'm the Executive Director for the Kenai  
7 Peninsula Fishermen's Association. And we wanted to lend our  
8 support to the damage assessment project on the Kenai River  
9 sockeye salmon, that's FS27. Also, the two restoration  
10 projects that are proposed for the Upper Cook Inlet, period;  
11 R53 which is Kenai River sockeye restoration and R59 the  
12 genetic stock proposal.

13 We feel these projects are extremely important so that  
14 damage was done to the spawning grounds here on the Kenai  
15 River, a number of smolts coming out in '89 escapements are  
16 extremely low, and we're looking an extremely poor return in  
17 '93 and '94 (indiscernible). If you make sure that we document  
18 the affect on spawning areas against fishery (ph).

19 Also, I have a question. I learned today or heard  
20 today that part of the projects that were originally proposed  
21 for the criminal penalty fund under the State control have been  
22 transferred to the Trustee Council, and included in this was  
23 some of the enhancement work. Could someone comment on this?

24 MR. COLE: Mr. Chairman.

25 MR. BARTON: Mr. Cole.

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1 MR. COLE: I think that's an erroneous report, flatly  
2 erroneous.

3 MR. BARTON: Thank you, Mr. Cole. Do you have anything  
4 else you wish to say, Soldotna?

5 MR. FLAGG: Yes. Just one other comment. We do  
6 support land purchase, and especially on an area -- a critical  
7 area which is the Kenai River flat tidelands, it's a very  
8 critical habitat area for both fisheries and waterfowl, and we  
9 would support that project. Thank you.

10 MR. BARTON: Okay. Thank you. Any further comments or  
11 questions from the Council?

12 Kodiak, anyone in Kodiak wish to testify?

13 MR. PATRICK: Thank you. My name is Greg Patrick (ph),  
14 and I'm the Conservation Chair for Kodiak Autobahn.

15 MR. BARTON: Go ahead, please.

16 MR. PATRICK: I'd just like to say on the subject of  
17 habitat acquisition, it seems like there's one school of  
18 thought going towards determining the damage and the recovery  
19 of certain species. But this should be limited and tempered by  
20 the fact that certain inner-tidal areas and things, there's  
21 very little that can be done to -- realistically to restore  
22 those. And so, I believe the focus should be on acquisition of  
23 habitat for (ph) litigation damage, and I believe there's a  
24 great deal of support for that.

25 Timber lands are extremely important. Estuaries, areas

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1 like this, it's important not only to protect them from further  
2 damage but to restore people's confidence in this evaluation.  
3 One thing that's very important is that we need to be  
4 identifying willing land sellers because the best scientific  
5 evidence may support acquisitions in certain areas, but they  
6 may not be available because they're private land.

7           So, I'm disappointed to hear that there's no proposals  
8 being put forth at this point. I think as time goes on,  
9 sellers go to other commitments for development and you're  
10 going to be losing very good position opportunities. And I'd  
11 like to see some more effort being made in this area. Okay.

12           MR. BARTON: Okay. Thank you. Seward, anyone in  
13 Seward wish to testify?

14           Tatitlek, anybody in Tatitlek wish to testify?

15           TATITLEK: Just that we support the comments made by  
16 Mr. Totemoff and Mrs. Evanoff from Chenega Bay.

17           MR. BARTON: All right. Thank you very much.

18           Valdez, anybody in Valdez?

19           MS. LEFCO: Yes. This is Nancy Lefco, I'm speaking on  
20 my own behalf. I'd like to thank L.J. Evans for sending down  
21 the material so that we had a chance to review them this time,  
22 it makes much better for us here to have read through things;  
23 it's unfortunate, we would still like very much to hear your  
24 discussions during the day but realize that we don't want to  
25 spend all the Trustee funds on teleconferencing.

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1           The -- I have a few comments. One, your Public  
2 Advisory Committee Report. The change to the qualifications  
3 for the appointment of members, I think that was a very  
4 courageous step, and hopefully, it will lead to that committee  
5 being less politically divisive and able to work together  
6 better; it'll obviously depend on who's -- the way the  
7 appointments go to it, but I thought that was a very good thing  
8 from what we had seen in previous drafts and we'd support that.

9           The killer whale proposal, I have some concerns with.  
10 The -- as you know, the transient pods of killer whales in  
11 Prince William Sound have -- about a half of them have not been  
12 photographed now in the last two years. That has, of course,  
13 some implications for what's, perhaps, happening to the ecology  
14 of Prince William Sound. It also has implications for the  
15 recreation and tourism industry in that killer whale sightings,  
16 observations are a very important part of our business. So,  
17 to, perhaps, lose half the killer whales in Prince William  
18 Sound is -- or at least, not having them return to Prince  
19 William Sound or be utilizing the area is a significant concern  
20 to us.

21           And for the restoration of, perhaps, the utilization or  
22 the return of the killer whales to Prince William Sound and of  
23 the disbursed recreation/tourism industry, this is a project  
24 that we would, perhaps, like to see funded and not  
25 discontinued. The -- certainly, are very concerned that there

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1 might be some restoration project that could come out of this  
2 study, such as the identification of the rubbing beaches (ph)  
3 and protection of them if they need protection; another is the  
4 food chain. There are certainly some -- I believe shown some  
5 problems in the food items of the killer whales; one food item  
6 that has not been discussed but is important for transient  
7 killer whales are dalls (ph) porpoise.

8 Dalls porpoise were never studied as part of the  
9 assessment, but those of us who live and work in Prince William  
10 Sound on a daily basis know that since 1989, or estimate that  
11 since 1989, the killer whale population -- the dalls porpoise  
12 population has declined maybe 75 to 80%. In the past, we could  
13 guarantee our charter guests see (ph) dalls porpoise almost  
14 everyday and at least once a week have them playing around the  
15 hull of the boat. In 1989/'90, we saw dalls porpoise six times  
16 the entire summer; last summer, we saw them nine times in the  
17 entire summer. Pods who without -- have been able to identify  
18 through sketches of key members and particular markings on  
19 them, I have not seen those pods since 1989. That's an item  
20 that is -- if it has disappeared and they are important to the  
21 killer whales as a food item, I think this whole area, perhaps,  
22 needs more study than it's receiving, and hope that this could  
23 be looked at by your scientific advisors.

24 Thank you.

25 MR. BARTON: Thank you, Nancy. Any questions from

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1 Council Members?

2 Whittier. No, Whittier is not on-line. Anchorage,  
3 there's a gentleman back here who's been trying very hard.

4 MR. STALSTED: Mr. Chairman, Members of the Council, my  
5 name is Thor Stalsted (ph). I didn't see any of you people at  
6 the Exxon Valdez while she was grounded on Bligh Reef. I was  
7 there for 10 days while the Exxon Valdez I believe lost at  
8 least 26 million gallons of North Slope crude oil. She was  
9 then exported to Outside Bay on Naked Island.

10 I view the settlement in this light. If a family is  
11 killed in an auto accident and one survivor sues for damages  
12 and wins, five million, then Mr. Cole and the State decide to  
13 take the five million and dole it out to lawyers and the  
14 Highway Department and others to try to design a fail-safe  
15 highway, leaving the survivors 500 for the death of his family.

16 Can this happen in Alaska? You bet it can, it's  
17 happening right now. What about the people who live along the  
18 coast of Alaska that's been polluted with crude oil? These  
19 people live off the marine and wildlife resources of the coast  
20 and are now afraid to consume many of these species polluted  
21 with crude; that's passing down through the food chain every  
22 hour of the day. If the State wanted to be moral, fair and  
23 legal, then 950 million settlement wouldn't be enough to settle  
24 with Chenega, let alone settle with the rest of us who have  
25 been harmed by the oil spill.

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1           What happens when cancer and other ailments start  
2 showing up in the people from consuming oil polluted fish and  
3 wildlife? Where is the medical fund? I see the State has  
4 taken care of that, a State Judge just made it illegal to sue  
5 the State over the oil spill damage. The State settled with  
6 Exxon for \$.10 on the dollar for the damage that has been done.  
7 How do you think the people who have really been harmed feel  
8 watching you divide up the settlement dollars among the  
9 unharmed who will spend this money and five years from now we  
10 won't know anymore about oil spills than we do today.

11           Thank you.

12           MR. BARTON: Thank you. Any questions from the Council  
13 Members? Okay. Thank you.

14           Chenega, anybody at Chenega? Okay. Cordova, does  
15 anybody in Cordova wish to testify?

16           MR. BECKER: Yes. My name is Karl Becker (ph), and I  
17 have two questions I'd like to ask the Trustee Council. The  
18 first question is do you have any written summary of your  
19 reasons for determining whether or not to continue studies or  
20 to close them out?

21           MR. BARTON: Mr. Gibbons, do you want to address that?

22           MR. GIBBONS: We have notes that -- on the discussions,  
23 yes, we have notes.

24           MR. BARTON: And we have transcripts of this meeting  
25 available.

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1 MR. GIBBONS: As well (ph).

2 MR. BARTON: Go ahead with your second question.

3 MR. COLE: Mr. Chairman.

4 MR. BARTON: Mr. Cole.

5 MR. COLE: Well, we also have Dr. Spies .....

6 MR. BECKER: Just to go along with my first question, I  
7 wonder if you would be able to summarize that, the process that  
8 you went through to evaluate which studies to either continue  
9 or to closeout.

10 MR. BARTON: Do you want to address that question,  
11 Mr. Gibbons?

12 MR. GIBBONS: Yes. It's really a three-prong. I  
13 mentioned the Restoration Team, the Chairman mentioned the  
14 meetings of this note (ph), and we also have the meetings --  
15 the notes of Dr. Spies' recommendations. So, we have three  
16 documents that summarize; two of them bring them to the Trustee  
17 Council and then the transcripts would be the mechanism for  
18 determining how projects were deferred or approved. You know,  
19 you've seen -- can we collate that into one document?

20 MR. BECKER: I guess I'd just like to be able to see  
21 what things were weighed as you went through each study in  
22 determining which ones to keep on-line and which ones to  
23 closeout. Yeah, if you had some summary that was available  
24 publicly, that would be real helpful I think.

25 MR. BARTON: Can I make that available?

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1 MR. COLE: Mr. Chairman.

2 MR. BARTON: Mr. Cole.

3 MR. COLE: Do we not, in addition, have the text  
4 evaluation prepared by Dr. Spies as to how he approached as a  
5 policy matter each of these studies?

6 MR. GIBBONS: Yes, we do.

7 MR. COLE: We do, yeah.

8 MR. BECKER: And would that be available then just by  
9 writing your group?

10 MR. GIBBONS: Yes. You can write me and I will supply  
11 that information to you. I'm Dave Gibbons, the Interim  
12 Director.

13 MR. BARTON: Why don't you give him the address.

14 MR. GIBBONS: 645 "G" Street, Anchorage, Alaska, 99501.

15 MR. BECKER: Okay, real good. Yeah, thank you very  
16 much for that. And I guess -- I don't know, I -- to follow-up  
17 on this question. Now that we're in the restoration process,  
18 are there still -- are these studies still litigation  
19 sensitive?

20 MR. BARTON: Mr. Cole, can you answer that?

21 MR. COLE: I don't think that the question is  
22 susceptible to a yes or a no answer. But let me state again  
23 the State's position. The State has settled with -- under a  
24 class action settlement approved by Judge Shortell with the  
25 group that I call the Alaskan Claimants, often called Third-

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1 Party Claimants, and we have generally deferred to them with  
2 respect to the release of that data.

3 I think, broadly speaking, the State itself has no  
4 objection to the release of the data, but under the terms of  
5 the settlement, the Third-Party Plaintiffs released their  
6 claims against the State in exchange for the State's litigation  
7 work product and scientific studies. And, I've said before and  
8 I continue to say, I think it would be a breach of faith for  
9 the State now to make that data public, to turn it over, in  
10 essence, to Exxon without the Alaska Claimants suing Exxon,  
11 having a reciprocal exchange of Exxon's data. And so that's  
12 where the matter lies at the moment.

13 MR. BARTON: Thank you, Mr. Cole. Does that answer the  
14 question?

15 MR. BECKER: Yes, it did. Yeah. Thanks. Thank you  
16 very much, Mr. Cole. The last question I had is have you made  
17 any decisions regarding the funding of habitat acquisition in  
18 Prince William Sound and other oiled areas; specifically, how  
19 do you propose to respond to recommendations from cities,  
20 organizations and individuals supporting logging moratorium in  
21 the Prince William Sound and other oiled areas?

22 MR. BARTON: Mr. Gibbons.

23 MR. GIBBONS: Yeah. We're in the process of developing  
24 a process to deal with that. We will be developing objectives,  
25 criteria that we will apply to the projects when we -- we'll be

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1 soliciting to -- from the public willing sellers and proposals  
2 from the public that we could take and run through the  
3 objectives and the criteria and follow a logical process. And  
4 that's -- we're in the initial stages of that right now.

5 MR. BECKER: I see. Thank you very much, I appreciate  
6 the chance to testify, and really encourage you to keep up the  
7 good work on having an open, public process.

8 MR. BARTON: Thank you. Homer, anybody want to testify  
9 in Homer?

10 MR. HIESEN: Yes, sir. I'd like to testify on behalf  
11 of the priority project put forth by Rusher Environmental  
12 Services; that is to apply a substance (ph) known as  
13 Environmental 75 (ph) to the affected areas in the interest of  
14 shoreline restoration through enhancing the naturally occurring  
15 organisms there. This project is technically feasible. I  
16 believe it's cost-effective. It's very well researched. It is  
17 broadly supported by affected Alaskans and I think it would  
18 recoup a lot of benefits for all parties involved. Thank you.

19 MR. BARTON: Thank you. Could you identify yourself,  
20 please?

21 MR. HIESEN: Pardon me, sir. This is Jim Hiesen (ph)  
22 of Homer.

23 MR. BARTON: Thank you. Soldotna, is there anybody in  
24 Soldotna that wishes to testify?

25 SOLDOTNA: We're still on line, nobody wishes to

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1 testify now.

2 MR. BARTON: Thank you. Kodiak, is there anybody  
3 further in Kodiak?

4 MR. MALLOY: Mr. Chairman, this is Larry Malloy (ph)  
5 with the Kodiak Regional Aquaculture Association. And I guess  
6 we'd like to briefly voice our support to -- for the proposed  
7 restoration projects identified earlier by the Kodiak Island  
8 Borough Mayor Selby and by Mr. Patrick.

9 Also, Mr. Chairman, we'd like to reiterate our strong  
10 support for the University of Alaska's seafoes (ph), that is a  
11 cooperative fishery and oceanographic studies proposal which  
12 would apply to the three major fisheries areas impacted by the  
13 spill. I think their proposal, as identified by Mr. -- Dr. Ted  
14 Cooney's (ph) written comments to Commissioner Rosier and  
15 copied to the Trustee Council would initiate long-term,  
16 relatively low funding support for coordinated early (ph)  
17 marine salmon studies in the Prince William Sound, for Cook  
18 Inlet and Kodiak areas. We wholeheartedly agree with  
19 Dr. Cooney's contention that this proposal would provide  
20 essential information pertaining to salmon production in that  
21 broad geographical area encompassed by the proposal, which  
22 again, coincides with the oiled areas from the '89 spill. I  
23 guess we're not sure if this proposal is included in Project  
24 Number FS4A or exactly what the status of this proposal is at  
25 this point.

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1           Also, additionally, we strongly support the Department  
2 of Fish & Game's proposals which address sockeye overescapement  
3 associated with the Red Lake system on Kodiak Island. This is  
4 a major sockeye system for which two proposals were provided,  
5 Number R113, the restoration study which would help return the  
6 stock to pre-spill levels, and also Number R114, which is a  
7 mitigation study which would provide for the development of the  
8 mitigation fishery for lost production from that system. These  
9 are important projects to Kodiak salmon fishermen.

10           And finally, our organization continues to feel very  
11 strongly about the acquisition of those lands which have been  
12 identified as a significantly important habitat for species of  
13 fish and wildlife impacted by the spill. And thus, we support  
14 any proposals dealing with habitat acquisition, and in  
15 particular, those lands on Afognak Island which are available  
16 for acquisition.

17           And, Mr. Chairman, likewise, we appreciate all the  
18 effort you folks are putting into this. And I thank you very  
19 much for the opportunity to testify here this evening.

20           MR. BARTON: Thank you. Any questions or comments from  
21 the Council?

22           Valdez?

23           MR. LOPEZ: This is Tom Lopez of Valdez, a salmon  
24 fisherman. And I'd like to propose that you follow the Chenega  
25 Bay, Jerry Rusher enterprise of trying to clean the beaches or

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1 whatever; the program that they're pushing in Chenega to try to  
2 clean some habitat, to get some oil up instead of just studies  
3 and you know, to try to get something done with the money, and  
4 we appreciate you to consider that proposal as well (ph).

5 And I'd like to see some -- try to get some money to  
6 the hatcheries, too, you know, they have taken quite a hit  
7 since the 1989 spill, and the value of the fish have fallen and  
8 fallen. I'd appreciate if you'd keep the hatcheries in mind  
9 since they're going through tough times and -- as money is  
10 doled out. Thank you.

11 MR. BARTON: Thank you. Anchorage?

12 MR. NIEBERT: Mr. Chairman, for the record, my name is  
13 David Niebert, I'm with the School of Fisheries & Ocean  
14 Sciences, University of Alaska - Fairbanks. I've been asked to  
15 read a letter from Dean Alexander of the School of Fisheries &  
16 Ocean Sciences who was unable to attend. It's addressed to  
17 Dr. Gibbons.

18 At the time of the Exxon Valdez oil spill, there was a  
19 serious dearth of baseline information about Prince William  
20 Sound. As a result of the ensuing need for information, a  
21 surge of assessment activity followed, some of which is still  
22 continuing. When the currently available samples have been  
23 worked up and the results synthesized, there will exist an  
24 excellent database, perhaps, unparalleled anywhere else. I  
25 urge you to see that the current studies are completed as far

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1 as possible.

2 Continuing studies need to be designed using an  
3 environmental assessment approach with better coordination and  
4 synthesis than is applied at present. Perhaps, this was not  
5 feasible during the damage assessment phase because of the  
6 rapid need for information in support of possible litigation.  
7 The situation is very different now, there is an opportunity to  
8 design and support first-class studies which will serve the  
9 Prince William Sound area specifically, but the results of  
10 which could be more widely extrapolated within Alaska's coastal  
11 environment.

12 If there is one priority which is important in Alaska,  
13 it is its vast marine resources. It is knowledge about our  
14 marine environment. I, therefore, strongly recommend that at  
15 least some of the restoration money go to support environmental  
16 studies, especially those studies which address species and/or  
17 habitats which are clearly impacted, but also, some attention  
18 to developing a long-term database.

19 With respect to other issues in Prince William Sound, I  
20 recognize that the question of timber harvesting and the  
21 problem of preserving the coastal forests is of critical  
22 importance. This issue extends far out of Prince William  
23 Sound, into Katchemak Bay and even Southeast Alaska. Balanced  
24 harvesting with optimal preservation of biological habitats and  
25 species must be the goal, and it is important that action be

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1 taken which balances the conflicting pressures. I certainly  
2 share the concern of the residents. Yours sincerely, Vera  
3 Alexander.

4 Thank you.

5 MR. BARTON: Thank you. I assume Dr. Gibbons is  
6 getting a copy of that?

7 MR. NIEBERT: Yes.

8 MR. BARTON: Thank you very much. Cordova, is there  
9 anybody in Cordova that wishes to testify?

10 MS. MCBURNEY: This is Mary McBurney representing  
11 Cordova District Fishermen United. One of our major concerns  
12 is that the Public Advisory Group will never have an  
13 opportunity to see many of the projects that never this --  
14 what, second or third cut in the recommendations.

15 And it appears that the recommendations for the 1992  
16 funding appear to have been made in a vacuum without much  
17 benefit of a true objective peer review process. You can't  
18 help but feel that the criteria for not recommending certain  
19 projects was strictly cost-cutting for cost-cutting stakes  
20 (ph). Although, we do appreciate the Council's intent to avoid  
21 padding any of the agency budgets with some of the restoration  
22 monies, but at this rate, we do question whether the Public  
23 Advisory Group is going to have very much to review and offer  
24 recommendations on.

25 We are particularly disappointed to see that R58, the

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1 herring restoration and monitoring project, has been  
2 eliminated. The 1992 herring season will be the first year  
3 when population damage will be clearly evident. And CDFU  
4 strongly feels that the herring restoration and monitoring  
5 project should be restored and funded.

6 Finally, I'd like to express our support for the pink  
7 salmon studies included in R60AB. We also appreciate the  
8 inclusion of the pink salmon tagging projects and the  
9 preemergent fry and juvenile pink studies in the damage  
10 assessment closeout. Thank you.

11 MR. BARTON: Thank you. Any questions from Council?  
12 Homer. Homer, is there anybody in Homer that wishes to  
13 testify?

14 HOMER: No, there's no one else to speak at the time.

15 MR. BARTON: Thank you. Kodiak, anybody further?  
16 Kodiak? Valdez.

17 UNIDENTIFIED VOICE: (Indiscernible - telephone  
18 cutout) .....

19 MR. BARTON: I'm sorry, could you say it again?

20 MS. LEFCO: This is Nancy Lefco again in Valdez. I had  
21 two questions. One, Mr. Sandor had a proposal for an endowment  
22 fund, I'm wondering, have you taken any action on that or is  
23 there any more information available about it? I picked it up  
24 last time at the meeting and haven't been able to pursue that  
25 further.

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1 MR. BARTON: Dr. Gibbons.

2 MR. GIBBONS: Yes. We're looking into endowment funds  
3 in the Restoration Framework document that's in preparation  
4 right now and will be available for public review towards the  
5 end of March.

6 MS. LEFCO: Thank you very much on that. My second  
7 question was at the last meeting, you were talking about the  
8 criteria that would be used to evaluate projects. And I  
9 understood there was going to be a paper -- draft paper put  
10 out, has that been put out yet?

11 MR. GIBBONS: Are you referencing the habitat  
12 protection criteria? If you are, we're in the process of  
13 developing those presently, and we have an agenda item to  
14 discuss on this tomorrow.

15 MS. LEFCO: Fine. When those -- when it is available,  
16 are any of this information is available on these reports, is  
17 it possible to have them sent down to the Valdez Legislative  
18 Office so that we can pick them up and read them here?

19 MR. GIBBONS: All the materials at the meetings here  
20 are faxed to the teleconferencing sites, as was done today.  
21 When those are developed for public review, you will get those  
22 in that package, and yeah, we'll ensure that.

23 MS. LEFCO: Okay. Thanks very much, I appreciate that.  
24 There's nothing further.

25 MR. BARTON: Thank you, Nancy. Anchorage. Anchorage,

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1 anybody from Anchorage that wish to testify? Go ahead.

2 MR. JEWITT: Mr. Chairman, my name is Steven Jewitt  
3 (ph) with the University of Alaska in Fairbanks. I've been  
4 operating as a principal investigator of the shallow, subtidal  
5 studies; these are damage assessment studies ST2A and  
6 monitoring restoration R101.

7 It's been recommended to you, the Trustee's Council, by  
8 Dr. Spies that no field activities for the shallow, subtidal  
9 studies take place in 1992. This recommendation is contrary to  
10 reviews of Dr. Donald Bosh (ph) who stated, and I quote: It  
11 seems prudent to continue the subtidal damage assessment  
12 studies at some reduced level, perhaps, focusing on the eel  
13 (ph) grass beds during 1992. This will, hopefully, enhance  
14 the level of understanding both of effects that were  
15 experienced and the recovery which has taken place; end of  
16 quote. This is also in direct contrast to most other oil spill  
17 studies which have been, at least, five years in duration  
18 without any break in annual sampling.

19 Let me give you a synopsis of the dynamics of our  
20 program. In early 1990, we were approved to sample plants,  
21 benthic invertebrates and fishes from five shallow, subtidal  
22 habitats in Prince William Sound. After sampling, we were told  
23 to process samples from only the two soft bottom habitats;  
24 these results are in our latest report. The analysis revealed  
25 on all components -- revealed impacts on all components of the

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1 shallow, subtidal communities. The most dramatic affects were  
2 observed in the eel grass habitat; lesser affects were noted in  
3 a kelp community which represents approximately 60 to 70% of  
4 the shallow, subtidal habitat in Prince William Sound. Many of  
5 the affects observed were on species that are utilized either  
6 directly or indirectly by commercial species of fish and  
7 invertebrates, birds and mammals.

8           In early 1991, we were approved to sample the same two  
9 soft bottom habitats, these benthic samples are being  
10 concurrently processed in Fairbanks. I was told earlier this  
11 week that monies are only available to finish the eel grass  
12 habitat samples, thereby terminating the almost completed kelp  
13 habitat sample; the savings of this move is only \$30,000.00. A  
14 final report for the 1990/'91 data is anticipated in the fall  
15 of this year.

16           Therefore, in the past two years of studying the  
17 shallow, subtidal communities in Prince William Sound we've  
18 been reduced from five habitats to one. This reduction is  
19 amazing in light of two facts; (1) the shallow communities  
20 being studied are adjacent to the inner-tidal zone where the  
21 greatest devastation from the spill occurred; and (2) only a  
22 scant amount of hydrocarbon data has been provided for  
23 incorporation into our report. The two reviewers of our 1990  
24 results, Doctors Bosh and Peterson, stated regarding the lack  
25 of sediment hydrocarbon data, and I quote: These are

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1 desperately needed to interpret funnel (ph) patterns and to  
2 implicate oiling; end of quote.

3 My recommendations are -- to you are four-fold.

4 (1) Permit us to complete the kelp sampling in 1991, processing  
5 those samples; this would give us at least two years' picture  
6 of the eel grass in the kelp communities. (2) Insist that all  
7 1990/'91 priority sediment hydrocarbon samples be processed for  
8 inclusion in our fall report; without this, the report will be  
9 meaningless. (3) Permit us to sample the eel grass community a  
10 third year in 1992 and archive these benthic samples. This  
11 could be done at a cost savings of 20% of the proposed 12-month  
12 project. The benthic samples would be processed only if  
13 affects are observed in 1991 and/or if monitoring restoration  
14 funds are later approved. And, finally, (4) It would naive to  
15 think that there will never be another oil spill in Prince  
16 William Sound or Alaska. Therefore, I recommend an integrated  
17 workshop that synthesizes all findings, hopefully, the results  
18 of such an integrated effort could be used when the next oil  
19 spill occurs.

20 Thank you.

21 MR. BARTON: Thank you. Any questions from the  
22 Council?

23 MR. COLE: What was that number was being referred to,  
24 the study?

25 MR. JEWITT: Damage assessment was ST2A and the

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1 monitoring restoration was R101.

2 MR. BARTON: More questions, comments? Cordova?

3 MR. COLE: Can we stay there for just a second?

4 MR. BARTON: Sure. Sure.

5 MR. COLE: Didn't we approve ST2A?

6 UNIDENTIFIED VOICE: At a reduced level.

7 UNIDENTIFIED VOICE: At a reduced level.

8 MR. BARTON: Dr. Gibbons.

9 MR. GIBBONS: Yeah. Mr. Chair. We requested 125,000  
10 for closeout, we approved 95,000 plus overhead; so what Steve -  
11 - Mr. -- Dr. Jewitt or Steven Jewitt was referring to was the  
12 reduction of \$30,000.00 out of that study.

13 MR. COLE: And then the other one is what?

14 MR. GIBBONS: The other one is R101, it's a combined  
15 subtidal study for, I believe -- yeah, \$985,000.00.

16 MR. COLE: And did he say that could be completed or  
17 some work could be completed for 20% of that amount?

18 MR. JEWITT: The work that I've been doing -- that I  
19 propose under the monitoring restoration was only a part of the  
20 900K.

21 MR. MONTAGUE: Mr. Chairman, maybe I could address that  
22 somewhat.

23 MR. BARTON: Mr. Montague.

24 MR. MONTAGUE: It was about 500 and something from a  
25 NOAA project and about four -- 450 or something for two

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1 University of Alaska projects, of which one was Dr. Jewitt's.

2 MR. BARTON: Thank you. Any further questions?  
3 Cordova, anybody in Cordova that wants to testify?

4 MS. BIRD: Yes, Mr. Barton, this is Nancy Bird in  
5 Cordova testifying on my own behalf. I first would just like  
6 to ask if you could summarize, I'm a little lost in the Agenda  
7 processes. Have you already discussed the Public Advisory  
8 Group and maybe can I get clarified the City of Cordova did  
9 receive a long fax today that includes something called the  
10 Charter of the Exxon Valdez Oil Spill Public Advisory Group, is  
11 that the -- it's about a 10-page document I believe, is that  
12 what is currently being considered?

13 MR. BARTON: In answer to your question about the  
14 Agenda, we are behind schedule; we've just about completed  
15 Item 3 on the Agenda. We have not talked about the public  
16 participation process, we're reconvening tomorrow at 10:00 to  
17 complete our Agenda. In terms of the 10 pages you received,  
18 I'd ask Mr. Piper to address that.

19 MR. PIPER: Nancy, it's Ernie Piper. We were asked at  
20 the last meeting to, at least, set in motion the process that  
21 would comply with the Federal Advisory Committee Act, and to do  
22 that, we had to come up with a Charter. So, the Restoration  
23 Team and the Public Participation Subgroup took a draft that  
24 had originally been put together by the Department of Interior  
25 for discussion purposes. We then genericked (ph) it as best we

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1 could to leave open the available options for specifics on the  
2 Public Advisory Group. The goal here is just to come up with  
3 the most basic document that we could, and that's what's going  
4 to come up for review tomorrow by the Trustees.

5 MS. BIRD: Okay. Can I ask -- reading through that  
6 Draft, it appears that there could be at least nine public  
7 members who are not specified, they would just be appointed by  
8 the Trustee Council. I've heard some rumors in the last few  
9 days that those individuals might be the mayors of communities  
10 in the oil impacted area. Is there any truth to that rumor  
11 or .....

12 MR. PIPER: No rumors here. There's a proposal that  
13 was discussed and that's one of several options that will be  
14 presented for consideration by the Trustees. And nobody has  
15 recommended it or considered it to the Restoration Team or to  
16 the Trustees as yet.

17 MS. BIRD: Okay. Thank you. I guess I would --  
18 reading through the Charter as quickly as I could today, I find  
19 a couple of things I would like to add to it. One, the idea  
20 that has been proposed I know before that the Trustee Council  
21 be asked to respond in writing if any recommendations made by  
22 the Public Advisory Group are not followed by the Trustee  
23 Council so that there is some kind of response. And as far as  
24 the proposal for the mayors, I like the idea in terms of it  
25 being public officials who have to account for themselves to

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1 somebody; but I, also, would like to see it open-ended to a  
2 certain extent.

3 I guess another question I would have is how soon is  
4 the Trustee Council hoping to get this Public Advisory Group  
5 in-place. And maybe to avoid coming back and forth to me  
6 again, a further question is: Where are you in your budget  
7 process at this point, since you've already spent, as I  
8 understand it, the 54 million to repay the State and Federal  
9 Governments? There can't be -- and if there is 17 to 20  
10 million being proposed for studies at this point, there isn't a  
11 whole lot of additional money, what will the Public Advisory  
12 Group be commenting on in the coming year until the next money  
13 comes through?

14 MR. BARTON: Do you want to respond to the question  
15 regarding the time line on the establishment, Ernie?

16 MR. PIPER: Nancy, the intent that we have for  
17 tomorrow's agenda item is to present concise enough options and  
18 complete enough options that the Trustees can make a decision  
19 about what kind of model that they would like to see; and  
20 that's also -- those options, in addition, are based on public  
21 comments; so those will be coming up. We hope that if a  
22 decision is -- can be made tomorrow, that we can get things up  
23 and running within several weeks; as fast as possible under the  
24 provisions of the Federal Advisory Committee Act.

25 In terms of what you'd be -- the Public Advisory Group

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1 would be commenting on, the Restoration Framework document  
2 which is really the meat on the bones of much of the future  
3 restoration work is going to be available in the end of March,  
4 and I would expect that that's the principal vehicle for  
5 review.

6 MR. BARTON: Well and this won't be the last year.

7 MR. PIPER: Right.

8 MR. BARTON: Unfortunately. In response to your second  
9 question, you know, the balancing of the funding is the process  
10 that we're going through right now. There has been  
11 reimbursement accounts set up for the funds that were borrowed  
12 from other appropriations and other locations. But this  
13 process of balancing the studies against other financial needs,  
14 that's exactly what we're trying to do right now, and we'd  
15 appreciate any help.

16 MS. BIRD: Maybe could you summarize for those of us on  
17 the teleconference line what the latest is from Dave Gibbons  
18 and Bob Spies as far as total amounts that would go for  
19 research studies, either damage assessment closeout or  
20 restoration?

21 MR. BARTON: Well, we haven't completed that work,  
22 that's the Item 3 on the Agenda, and we're not completely done  
23 with that.

24 MR. COLE: Mr. Chairman.

25 MR. BARTON: Yes, Mr. Cole.

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1           MR. COLE: Perhaps, tomorrow morning, before we convene  
2 again, Mr. Gibbons and the Restoration Team could just get one  
3 of these sheets of paper that contains the listing and mark  
4 "approved" or "rejected" so -- and fax those out to the various  
5 agencies, and then everyone would know what action has been  
6 taken or have a good sense of it in any event.

7           MR. BARTON: That's a good idea. Can you take care of  
8 that?

9           MR. GIBBONS: Okay.

10          MR. BARTON: Then you'll have it in-hand, at least, as  
11 far as we've gotten.

12          MS. BIRD: Appreciate that a great deal. And I guess  
13 that sort of leads to another comment I was going to make  
14 regarding the availability of agendas and back-up materials  
15 prior to the meeting. I realize that you're probably operating  
16 under a lot of deadlines and such, but would hope that in  
17 future we can get things a day or two before the meeting  
18 instead of just the morning of the meetings.

19          MR. BARTON: We're trying very hard, the Council  
20 Members also have some of the same concerns. And the  
21 Restoration Team has been really working hard to get the  
22 materials pulled together in as timely a fashion as possible;  
23 perhaps, we'll be able to do better here in the near future.  
24 It's one of the things that, of course, we're concerned with in  
25 terms of timing is the field season is fast approaching and we

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1 need to work through these pretty rapidly. So -- but we're  
2 striving for improvement, we'll get there.

3 MS. BIRD: I'm sure you will. I just have two last,  
4 quick things on the Public Advisory Group again. I guess I  
5 would like to speak against or would like to have it clarified  
6 a little bit more, the section where the Trustee Council can  
7 take a member of that group -- remove a member for malfeasance  
8 or -- I forget what the other word was. And somehow, I would  
9 hope that there'd be a little -- it sounds a little arbitrary  
10 to me.

11 And then finally, I would just like to ditto or support  
12 Greg Patrick's comments regarding habitat acquisition. Thank  
13 you very much for the opportunity to testify.

14 MR. BARTON: Thank you. Valdez, anybody in Valdez?

15 MR. STEVENS: Yes. This is Stan Stevens from Valdez.  
16 And Mr. Chairman and Trustee Council Members, I do appreciate  
17 the work by the Council Members; you're faced with sorting out  
18 a very large variety of opinions and suggestions from a lot of  
19 very concerned public.

20 I would like to make sure that -- we have a very large  
21 mountain of problems, and we really have a very small anthill  
22 of funding to handle them. And I suggest that we try the best  
23 we can to stick to the scientific and technical grounds the  
24 best we can and not get too political. I think we need to very  
25 much look at restoring the Sound to where it was before the

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1 spill.

2 I would like to kind of back-up what Nancy had to say  
3 about killer whales and porpoise. Those of us who live in the  
4 Sound have, for a great deal of -- since the spill have always  
5 hoped that we would be -- the scientific information would be  
6 released to us so we can make sound and good decisions like you  
7 people are trying to make. We do not have this available to  
8 us, so we have to make our decisions, what we can see and  
9 what's available to us.

10 It's very obvious to many of us that the killer whale  
11 population is way down. And I can speak for almost sure (ph)  
12 that the porpoise population has to be down, the dall porpoise,  
13 at least two-thirds. And I think it's an area that you might  
14 want to put in here and look at, because I think it's important  
15 to many of us.

16 Most important, I think, the whole operation here is  
17 that we have to look at the history of the Sound, and we have  
18 to look at the people who have survived through many, many  
19 years here in Prince William Sound and the other oiled areas.  
20 And I think if we were to take a first priority, the Natives  
21 from the Prince William Sound and oiled areas should get the  
22 first priority. And I would think we should very soundly  
23 listen (ph) and do what we can to help those people from  
24 Chenega, Tatitlek and the other areas around Kodiak oiled  
25 areas.

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1           And that's all I have at this time. Again, I unders- -  
2 - I know you have a tough job ahead of you, and I appreciate  
3 the time and effort you're putting in.

4           MR. BARTON: Thank you. Anchorage, anybody in the  
5 audience wish to testify? Yes, sir.

6           MR. PHIPPS: Thank you, Mr. Chairman. My name is Allen  
7 Phipps, I'm speaking this evening on behalf of the Alaska  
8 Center for the Environment.

9           I have submitted a letter to Mr. Gibbons on -- in  
10 regards to the Public Advisory Group. And I did want to make  
11 some comments based on what I see in the Draft proposal. I  
12 understand the discussion has not occurred yet, but since it's  
13 unclear as to whether we'll have opportunity tomorrow after the  
14 discussion to testify, I thought I would go ahead and take the  
15 opportunity now.

16           I want to emphasize the importance to you all of a  
17 legitimate and valid Public Advisory Group; the very validity  
18 of this process is based or will be based on the validity and  
19 the credibility of that group. And we are very concerned about  
20 the criteria and the process that will be used to select the  
21 members of that group; especially, as I mentioned in my letter,  
22 based on our previous experience with the current State  
23 administration in regards to selecting people for advisory  
24 groups. And I would urge you to allow, Number 1, that the  
25 Public Advisory Group have specified seats for specified

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1 interests, and that those interests are allowed to select the  
2 people to represent them on the committee.

3 We are also concerned about what appears to be a lack  
4 of emphasis in the Draft for the importance of the Public  
5 Advisory Group, both in terms of having the Public Advisory  
6 Group be allowed to have their own staff, having the Public  
7 Advisory Group have representatives sit on the Trustee Council  
8 as non-voting members but enabled to participate in the  
9 discussion. And we believe that the Trustee Council should be  
10 held accountable to the Public Advisory Group, and we've  
11 outlined a proposal for that in the letter.

12 Secondly, we're still concerned about the unresolved  
13 issue of the State Legislature's role in the appropriation of  
14 these monies. And I would hope that the Trustee Council is  
15 working with the State Legislature to resolve that problem, and  
16 we're eager to, if possible at some point, perhaps tomorrow, to  
17 have an update on the status of that resolved issue.

18 In regards to the studies that have been discussed  
19 today and the ones that have been deleted, I would encourage  
20 you, in whatever document goes out to the public, that you  
21 include not only the studies that have been approved but the  
22 studies that have been deleted so that the public has an  
23 opportunity to see the broad spectrum of what the studies were  
24 and have the opportunity to comment, certainly not only on the  
25 ones who were approved but the ones that have been proposed for

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1 deletion.

2           Finally, we oppose the idea of putting the majority of  
3 the spill settlement money into an endowment. It may be  
4 appropriate to put a small portion of the money into certain  
5 endowments for certain purposes, but since the purpose of this  
6 money is for restoration, it is difficult to understand how an  
7 endowment set up for perpetuity would be able to restore the  
8 Sound right now. In other words, it's difficult to understand  
9 how we would spend the money on restoration in the year 2100.  
10 Hopefully, although we don't know, hopefully, the Sound will  
11 have restored itself by then. The money needs to be used up-  
12 front, right now for habitat acquisition, and an endowment  
13 doesn't pursue that end.

14           Thank you.

15           MR. BARTON: Thank you, Mr. Phipps. Any questions?  
16 Thank you.

17           Cordova, anybody in Cordova?

18           CORDOVA: Yes, we have one other person in Cordova.

19           MR. BARTON: Please, go ahead.

20           JEFF: Yes, my name is Jeff (indiscernible), and I  
21 speak on my own behalf. It's kind of a comment and a question.  
22 I couldn't help but notice going through the studies that have  
23 been funded and cut that they're heavily weighted towards  
24 species which are commercially harvested, where Bald eagles,  
25 whales, oyster catchers (ph) and otters all seem to get the ax.

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1 And I kind of find it hard to believe that nothing but  
2 commercially harvested species were affected by the spill. And  
3 I was wondering if anybody there could comment on why some of  
4 the other studies were funded.

5 MR. BARTON: Mr. -- Dr. Gibbons.

6 MR. GIBBONS: Yeah. I can comment on that. A lot of  
7 the studies concerning the non-commercial species were in a  
8 category called Recovery Monitoring . And we considered those  
9 as to the importance of doing that activity this year, could it  
10 be delayed until next year. And we didn't consider, in our  
11 analysis, commercial or non-commercial but just the merits of a  
12 project.

13 JEFF: Okay. The next question I have for you is what  
14 could the general public do as far as trying to get some of  
15 these projects restored?

16 MR. BARTON: These -- the projects that do make it  
17 through this process will be sent out for public review in  
18 March. And proposals from the public will be solicited in  
19 conjunction with that process, so that would be the prime  
20 opportunity to make any suggestions that you might have.

21 UNIDENTIFIED VOICE: Mr. Gibbons.

22 JEFF: Okay. I guess just one final comment on habitat  
23 acquisition. I hope that it doesn't go the same way these  
24 projects were funded. Again, I feel like cities like Anchorage  
25 and Soldotna that have larger populations are getting more of a

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1 say in this process, and the areas that maybe were affected the  
2 most by the spill are going to get ignored. And I hope that  
3 science plays a much bigger role in determining what gets  
4 bought rather than just public opinion.

5 And thank you for your time.

6 MR. BARTON: Thank you. Valdez, anybody left in  
7 Valdez?

8 VALDEZ: No, everyone here has spoken. Thank you.

9 MR. BARTON: Thank you. Anchorage? Geoff.

10 MR. PARKER: Thank you, gentlemen. My name is Geoff  
11 Parker and I'm speaking on behalf of the Alaska Sport Fishing  
12 Association tonight. I think, generally, I'd want to commend  
13 you first, because I think the Council has made progress in  
14 res- -- but has not yet gone all the way that it should, in  
15 basically resisting either the inclinations to follow agency or  
16 interest groups or even individual agendas for what should be  
17 done, and has made progress in moving towards trying to pursue  
18 a process that ties its expenditures to facts related to  
19 injuries to resources or to services, and how the restoration  
20 options identified in the law, such as restoration, replacement  
21 or acquisition, ought to be tailored to that.

22 And also, progress has been made in terms of moving  
23 towards complying with the terms of both the MOA, the  
24 Memorandum of Agreement, and the Consent Decree. But there are  
25 still places where some more, further progress could be made,

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1 and that'll be the substance of my comments.

2 I think in putting out -- first a couple of other  
3 preliminary points. I think when you put out to the public a  
4 document that identifies your proposals for recommendations for  
5 which you seek public comment, it would do you all -- do us all  
6 very well if you would state as strongly as the Attorney  
7 General's Office and the Department of Justice will allow you  
8 to the factual rationales for the particular projects that  
9 you're proposing. I think a factual statement for each  
10 project, not just a project description of what is going to be  
11 done, but the rationale in terms of injury to resources or  
12 injury to services that the resources provide needs to be  
13 stated as clearly as possible so that the public can see why  
14 your decision is rational or irrational.

15 I think you've also made progress in focusing on  
16 process and getting away from agency or interest group agendas.  
17 In that context, I think the Advisory Group comments that Allen  
18 Phipps had I would second. You need, in order to have that  
19 process work, credibility of all of the interest groups needs  
20 to be firmly maintained.

21 I would disagree with Allen, however, on the issue of  
22 an endowment. I think we may well face periods in the  
23 Trustees' life, or the duration of this group, Council, in  
24 which it will -- you won't yet have sufficient data but you may  
25 have it in the future to justify your expenditures. And when

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1 and if that situation occurs, and I think it'll probably occur  
2 in the front-end years more than in the late-end years, money  
3 is probably most usefully spent later with good information  
4 than foolishly spent in the early stages without such good  
5 information.

6 And I think the endowment concept is also a method by  
7 which restoration of resources and the services they provide  
8 can be more commensurate with what the unpublished economic  
9 studies, specifically economic study -- Economic Uses Study  
10 Number 7 probably showed in terms of the amount of damages to  
11 non- -- damages to resources as measured by non-use value  
12 showed.

13 So the endowment principle, I think, is probably the  
14 only principle that may get us restoration commensurate with  
15 the multi-billion dollar figure that we all know has been  
16 mentioned in the press.

17 My -- then now, onto kind of the main point. And that  
18 is this will sound arcane, but it is about the terminology that  
19 we all use. And I think the deficiencies of the Trustee  
20 Council's use of terms leads to deficiencies in how the public  
21 responds to you and in how you, also, pursue your decisions.

22 Specifically, there are three areas where I think  
23 precise use of words is necessary in order to comply with the  
24 law, the Memorandum of Agreement and the Consent Degree. We  
25 speak about damage -- closing out damage assessment studies,

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1 what really we are -- we have confused damages and injury. And  
2 I think Mr. Cole will -- Attorney General Cole will agree with  
3 these comments. We confused the concept of damage and injury.  
4 We really had injury assessment studies, and that is, in fact,  
5 what we're closing out, and we had economic damage calculation  
6 studies that put dollar signs on that.

7           The fact that we start mixing these terms around leads  
8 us to several problems. One is we confuse restoration of  
9 resources with restoration of services. And the MOA,  
10 Memorandum of Agreement, between the United States and the  
11 State specifically says we are to restore not only resources  
12 but also services. That's the second place where confusion  
13 occurs, because we talk consistently about restoring resources.  
14 And from that we say -- the public responds with buy habitat to  
15 restore resources when, in fact, that desire for buying habitat  
16 may well be served very well by buying land that has use value,  
17 service value but is also, coincidentally, very high in habitat  
18 value. And that high habitat value may be commensurate with  
19 the non-use value that was very high in the economics and (ph)  
20 intrinsic value study. I think Attorney General Cole probably  
21 follows my meaning more than, perhaps, the others do.

22           Habitat and land acquisition. Again, we confuse again;  
23 we confuse hab- -- progress has been made because you're  
24 starting to talk about not only acquiring habitat but acquiring  
25 land. Those are two different concepts in terms of

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1 restoration. Habitat may be relevant to restoring resources;  
2 land, which may or may not have habitat value, may be relevant  
3 to restoring services.

4 So, again, and I want to try and emphasize, I think if  
5 you can increase your precision in how you use the terms, and I  
6 would hope you would rely on the Attorney General here who  
7 ought to be at your service for that purpose, the result will  
8 be some improvement in terms of what the public is recommending  
9 you do.

10 That, I think, takes care of it. And I hope the final  
11 point wasn't terribly arcane, but I think that you will improve  
12 the nature of the public discourse if you improve your own.  
13 Thank you.

14 MR. BARTON: Thank you, Mr. Parker. Any questions,  
15 comments?

16 MR. PARKER: I'll make one more comment. Sorry.

17 MR. BARTON: I was asking the Council.

18 MR. PARKER: Sure. I apologize. I'm sorry, Mike.  
19 I'll just make a prediction because I think it will help you.  
20 You will end up buying much more land that may or may not, but  
21 probably in most instances will have high habitat value, if you  
22 do so on the basis of lost services, including uses and non-use  
23 value than you'll ever do by buying land for the relationship  
24 of the habitat that is being acquired to the injured natural  
25 resource.

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1           In other words, what -- and I think Attorney General  
2 Cole knows this. What we measured in Intrinsic Value Number 7  
3 that led to the -- what according to the press, at least, is a  
4 multi-billion dollar figure and what we're now trying to  
5 restore. What we did there is we injur- -- we measured the  
6 non-use values, and those came out, according to the press, in  
7 very high numbers. Now, theoretical, good restoration would be  
8 to be able to restore multi-billion dollars worth of non-use  
9 value. And how do you do that?

10           That's not necessarily restoring resources that are  
11 injured but it's replacing resources that are injured and the  
12 services, the high non-use value that those replacement  
13 resources have. If you do that, you can spend rationally and  
14 in a legal way that's consistent with the MOA, with the Consent  
15 Decree, and consistent with the law and consistent with  
16 injuries to resources and services -- more importantly,  
17 services, that's what I'm trying to bring forward. There's too  
18 much -- we neglect the aspect of injury to services, and that's  
19 where the real money came from.

20           MR. COLE: That's right.

21           MR. PARKER: Thank you. I'm glad to see the Attorney  
22 General agrees with me.

23           MR. BARTON: Thank you, Mr. Parker.

24           JUNEAU: This is the Juneau Moderator.

25           MR. BARTON: Yes.

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1 JUNEAU: We have someone here who would like to speak  
2 now.

3 MR. BARTON: That'd be wonderful, put 'em on.

4 MS. JENNY: (Indiscernible - telephone cutout) and my  
5 last name is Jenny (ph) and I'm speaking for myself. I'd like  
6 to say that the marine ecosystem was damaged, recovery is not  
7 over. And I am concerned that without continued comprehensive  
8 studies over time Alaskans will never know the extent of the  
9 effect of the 1989 Exxon Valdez oil spill and its cleanup  
10 efforts or the effect of any other future oil spills that we  
11 may have. Thank you.

12 MR. BARTON: Thank you. Any questions or comments from  
13 the Council?

14 Cordova, anybody left in Cordova?

15 MR. BECKER: Yes. My name is Karl Becker, I had  
16 another question mainly with respect to what the last speaker  
17 was talking about. One, I'm not sure what Intrinsic Value  
18 Number 7 -- I guess let me back up a minute.

19 Maybe this idea of things being arcane is more  
20 appropriately applied to chronology (ph) and the way the public  
21 participates in these teleconferences, come in after the fact  
22 and are somewhat lost because of either terminology or -- I'm  
23 looking at your mailer that we got by fax, your flow chart,  
24 today, and it's full of acronyms that are never defined. And I  
25 wonder if in the interest of helping us and the public

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1 participate better, (1) that you could maybe put out a  
2 dictionary of acronyms or else define them as you go along; and  
3 (2) when you use -- when you refer to what has been commented  
4 upon by the press, for instance, Intrinsic Value Number 7, that  
5 maybe you could just take a moment and explain what you mean by  
6 those things.

7 And actually, I would kind of be curious to know what  
8 you mean by Intrinsic Value Number 7 and maybe someone could  
9 clarify what the last speaker was saying.

10 MR. BARTON: Give him Mr. Parker's number.

11 UNIDENTIFIED VOICE: Well .....

12 MR. COLE: Excuse me, Mr. Chairman.

13 MR. BARTON: Yes, Mr. Cole.

14 MR. COLE: Let me respond briefly. First with respect  
15 to acronyms, down in Juneau, I constantly get this flow of  
16 paperwork containing acronyms; finally, I gave up and I said I  
17 will not read another piece of paper presented to me by anybody  
18 in the Department of Law which contains a single acronym.  
19 Because it's absolutely impossible to read these things, that  
20 they're spattered with acronyms that are totally meaningless,  
21 and I understand that point of view.

22 Look, here is the thing we should be (ph) talking about  
23 or Mr. Parker was talking about. When we looked at the large  
24 damages in this case, we were of the view that the damage  
25 measurement technique which yielded the greatest damage

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1 evidence was the contingent valuation studies, which the State  
2 undertook and the Federal Government undertook. That was the  
3 category of damage which provided the biggest number which we  
4 were prepared to present at trial.

5           And how do we get that big number in the contingent  
6 valuation study? Well, we talked about it, it's a newly  
7 emerging damage measurement process. But you know, it's really  
8 keyed to the value of a resource, you might say, in its  
9 pristine condition; the intrinsic value of an undamaged Prince  
10 William Sound. And I think Mr. Parker was saying look, if you  
11 want to be able to acquire land in Prince William Sound, that  
12 the mechanism by which you can do that lies in the precise use  
13 of the acquisition of the services provided by the land and its  
14 intrinsic, pristine condition.

15           And that will allow a greater flexibility in the  
16 acquisition of land than simply looking at restoration from the  
17 standpoint of how do we acquire land which would led to  
18 restoration of a particular damaged resource. That's the  
19 concept.

20           MR. BARTON: Thank you, Mr. Cole.

21           MR. BECKER: Yes, thank you, Mr. Cole. I really  
22 appreciate it, I think that clarifies. In other words, you  
23 would look at the restoration process also from the standpoint  
24 of contingent valuation, is that correct?

25           MR. COLE: Yes. Not simply the acquisition of land

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1 based upon what it provides for the restoration process itself,  
2 restoration of a particular damaged resource; that is the  
3 concept, I think. Is that right, Mr. Parker?

4 MR. PARKER: I think that's correct, yes.

5 MR. BARTON: Anything further?

6 MR. BECKER: No. I just want to thank you for  
7 clarifying that, and I appreciate your comments on acronyms,  
8 too; they are pretty frustrating at times. Thank you all very  
9 much.

10 MR. BARTON: Thank you. Anchorage, anybody else want  
11 to testify? Yes, ma'am.

12 MS. JOHNSON: My name is Myo Johnson (ph). And I  
13 appreciate the difficult decisions and the amount of material  
14 that you people are having to sort through.

15 My concern is one project, in particular, which has  
16 been dropped from the list, and some others which may have been  
17 very worthy and people didn't have a chance to speak for. I  
18 live in the Anchorage area, but I hunt, I fish, I pick berries;  
19 nobody's planting berry patches for me, not too much is being  
20 down about hunting, but I appreciate the fish hatcheries.

21 And the project I would like to support is the  
22 Anchorage Fish Hatchery Project, it was R117, I believe. We  
23 have a fish hatchery here that is not operating at the full  
24 capacity that it was meant to when it was first designed  
25 because it doesn't have enough water; the wells haven't

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1 produced the way they were anticipated. This project would  
2 bring water to the hatchery, and it would bring heated water to  
3 the hatchery, which the fish grow faster and they can turn them  
4 out in about twice the time.

5           These fish are delivered every place from up in the  
6 Fairbanks area, we're facing a shortage down on the Kenai River  
7 in '93 and '94. And I think one of the intents of this whole  
8 program is to try and restore Alaska, and to put fish and to  
9 rebuild our stocks the way they need to be. And I would urge  
10 you to reconsider this project. Thank you.

11           MR. BARTON: Thank you. Any questions from the  
12 Council?

13           Cordova, anybody left in Cordova?

14           CORDOVA: We're still here but I think you've gone  
15 through everybody who wants to testify. Thank you.

16           MR. BARTON: Okay. Thank you. Back to Anchorage then?  
17 Ms. Brody.

18           MS. BRODY: Thank you, Mr. Chairman. I'm Pamela Brody  
19 from the Sierra Club. I am going to talk first about the  
20 restoration program that you gentlemen have been discussing  
21 today, and then talk a little bit about the Public Advisory  
22 Committee that you'll be discussing tomorrow. And regarding  
23 the restoration program, I have several questions. First of  
24 all, I'd like to say that we -- I won't be commenting on  
25 individual studies at this time, although, I expect I will in

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1 the future, after I can get some more information on what the  
2 peer reviewers were saying about these projects.

3 I'm sure that every project has some merit, and it's  
4 difficult for me as I'm sure it must be for you gentlemen to  
5 make the cuts, but we do appreciate that you are cutting the  
6 budget and saving the money for some other purposes. But as  
7 you know, we're very concerned about what those other purposes  
8 are going to be, the money that is being saved out of this  
9 budget. And so far, there seem to be two options on the table;  
10 and one is to use this money for acquiring land and habitat,  
11 and particularly at this time, acquiring options; and the other  
12 is using it for an endowment for which the earnings would be  
13 used for unspecified important programs.

14 My question at this point -- and you know already which  
15 I favor. But my question at this point is when -- and maybe  
16 you've answered this already, Mr. Gibbons, but I am confused  
17 about when in the process these decisions will be made, and  
18 will this group be making more budget decisions on that  
19 leftover money in any time soon?

20 MR. GIBBONS: I think that's a decision of the Trustee  
21 Council. Now, we're trying to set up a process for, you know,  
22 habitat protection, and we'll submit that to the Trustee  
23 Council when we get that process established. And if it's the  
24 wish of the Trustee Council, we will move forward, solicit  
25 public proposals. It's -- we're in the process development

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1 stage at this time, that's all I can tell you.

2 MS. BRODY: My second question has to do with some  
3 testimony from people from Chenega Bay. And that is about  
4 subsistence resources. Would that be part of the coastal study  
5 that Dr. Spies was talking about how that will be going ahead  
6 at a reduced level or is that something that is, in fact, not  
7 covered by any existing studies?

8 MR. GIBBONS: The coastal habitat will deal with some  
9 subsistence species. There has been some subsistence work done  
10 under the auspices of the response, and they have that  
11 information; I'm not sure if they're going to be doing any more  
12 of that this year, but they have data from the previous years  
13 on subsistence. There are some other studies being done that  
14 are not related to the oil spill but that will also provide  
15 some information, I believe; by the (indiscernible) Management  
16 Service and Alaska Department of Fish & Game.

17 MR. COLE: Mr. Chairman.

18 MR. BARTON: Yes, Mr. Cole.

19 MR. COLE: Isn't it true that the Department of the  
20 Interior is making a 400 or \$500,000.00 study of that very  
21 specific issue? I thought it was under one of the Settlement  
22 Agreements with the Native interests between the State and  
23 Federal Governments.

24 MR. McVEE: Mr. Chairman.

25 MR. COLE: That's my recollection.

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1 MR. BARTON: Mr. McVee.

2 MR. McVEE: Yes. I can comment on that. That study is  
3 being designed at the present time, and I guess that the (ph)  
4 Federal Government's part of that will be pulled together, some  
5 of the scientific information -- or all the scientific  
6 information, and that will be utilized in -- I guess by the  
7 Plaintiffs in looking at subsistence. But it isn't completed  
8 as far as design, but it's in that process.

9 MS. BRODY: Thank you. My third question is  
10 particularly for Attorney General Cole. In the past  
11 discussions -- past Trustee Council meetings, people have  
12 talked about these -- closing out these damage assessment  
13 studies and releasing them to the public. But I am not sure  
14 based on what you are saying, Mr. Cole, about whether these  
15 damage assessment studies that you have approved, that come to  
16 about four million dollars, whether they would be released to  
17 the public at the time they're completed or whether they would  
18 still be kept secret until this lawsuit is finished.

19 MR. COLE: Let me comment, if I may, Mr. Chairman.  
20 First, I reiterate what I said earlier, Number 1. But  
21 Number 2, I have every reason to believe that that data will  
22 soon become public, and essentially all of it. Is that right,  
23 Mr. Swiderski?

24 MR. SWIDERSKI: It will clearly be public by September  
25 because it will be gone -- have gone and been made public

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1 through the discovery process. I mean that would be the very  
2 latest that would become public. And there are many reasons it  
3 could become public earlier than that, such as the ones you've  
4 addressed.

5 MS. BRODY: Thank you. My fourth question is about the  
6 process by which the Restoration Team and Dr. Spies made their  
7 decision. I was a little surprised to hear that it was a  
8 matter of two people could veto any project. And I wondered if  
9 you might explain that a little bit?

10 MR. BARTON: First, let me say Dr. Spies and the  
11 Restoration Team made recommendations, the Council made the  
12 decisions.

13 MS. BRODY: Yes, I'm sorry, of course.

14 MR. GIBBONS: Yes. The voting procedure is to align  
15 the Restoration Team more in sequence with the Trustee Council.  
16 The Trustee Council must act unanimously, and we were trying to  
17 align ourselves more in that mode.

18 MS. BRODY: Thank you.

19 MR. COLE: May I something? I think people should know  
20 that this was a two-week process of many bloody battles. I  
21 mean this was no easy sort of thing where people simply said  
22 well, that's fine and trade here and trade there. There was  
23 intense emotional effort that went into the decisions on the  
24 Restoration Team. And I admire, you know, like I said earlier,  
25 what they've done, and I want to respect it; and that's one of

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1 the reasons that I am sort of steadfastly trying to support  
2 them, because I think they did really an outstanding job on  
3 what they've done, and I really want to support it. It was not  
4 something that anyone simply just regarded it as -- you know,  
5 some sort of exercise without meaning.

6 MS. BRODY: I do agree, it must have -- that the  
7 decisions must be very, very difficult. As I said at the  
8 beginning, I'm sure that all of these projects are worthy.

9 One of the things that's concerned me is not only the  
10 worthiness of the project but the cost. And I wondered if in  
11 the peer review process, if people -- if there were people  
12 reviewing the programs that had a good sense of what the costs  
13 of these studies -- how they could be done at a minimum cost;  
14 was it just a matter of deciding what needed -- what was worthy  
15 to do scientifically and what wasn't, or were there people who  
16 were evaluating those costs closely?

17 MR. GIBBONS: Both.

18 MS. BRODY: Okay.

19 MR. BARTON: Ms. Brody, if you've got a number of these  
20 specific questions, perhaps, for the sake of the other folks  
21 who want to testify, I wonder if it might not be more  
22 profitable to sit down with Dr. Gibbons and discuss them.

23 MS. BRODY: Okay. Thank you. That's the end of my  
24 questions. I'll just say a little about the Public Advisory  
25 Committee. Mostly, I agree with what Allen Phipps of Alaska

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1 Center for the Environment has said; that is that I agree that  
2 the interest groups should be -- should have seats on the  
3 Public Advisory Group, that the interest groups should be able  
4 to select their own representatives. I would also add that I  
5 think that the Public Advisory Group should be able to elect  
6 its own officers rather than having them selected by the  
7 Trustee Council. And that when the Trustee Council disagrees  
8 with the Public Advisory Group that it should submit written  
9 findings of fact with reasons for the disagreement.

10 Thank you.

11 MR. BARTON: Thank you. So we can plan out the rest of  
12 the evening, could I have a show of hands of those of you that  
13 wish yet to testify? One? Two. Any more than that? We could  
14 take a break now or we can continue on.

15 MR. STIENER: Mine's very short.

16 MR. BARTON: All right.

17 MS. MILLER: Mine's short.

18 MR. BARTON: Your's is short. Fine, why don't we  
19 continue on then. Mr. Stiener.

20 MR. STIENER: Rick Stiener from Cordova. I just have a  
21 quick question about what do you think the time line will be on  
22 the habitat acquisition decisions? I know Sharestone and Eyak  
23 does have a proposal in to you, and it's a very, very clearly  
24 thought out, I think, proposal; it's not an agency submitted  
25 proposal. But there's a number of people in Cordova that are

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1 kind of anxious to know how soon we could have some sort of an  
2 indication from the Council.

3 MR. BARTON: Do you want to handle that one (ph),  
4 Dr. Gibbons?

5 MR. GIBBONS: That's really difficult to estimate at  
6 this point. Like I've said before, we have to develop the  
7 objectives and the criteria for this. We're going to discuss  
8 this tomorrow with the Trustee Council. After we have these  
9 set, if the Trustee Council wishes to solicit proposals at that  
10 time or incorporate the solicitation of proposals with the  
11 Restoration Plan, yeah, those decisions have not been made yet.  
12 So, that's all -- I'm sorry, that's all I can tell you. We're  
13 in the initial stages of this thing, on the process  
14 development.

15 MR. STIENER: I suppose one last quick comment. This  
16 has been talked about for well over two years; I think, Don,  
17 you -- we talked with you two years ago about it. And much to  
18 the liking of most of the people in the region, you submitted a  
19 budget request for about 40 million dollars; and of course,  
20 then you folks left office. Here we are, a year and a half  
21 later, with not a cent spent on it yet. But anyway, we do  
22 thank you for your interest while you were the Commissioner  
23 there. So, that's all I have.

24 MR. BARTON: Comments or questions from the Council?  
25 Last but not least.

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1 MS. MILLER: Pam Miller, Wilderness Society. I'd like  
2 to ask again about the agencies reimbursements for the funds  
3 that were already spent with appropriated money, and if we  
4 could get in writing what's happened with that and if it's,  
5 indeed, gone forward, that would be useful. And all this talk  
6 about cutting budgets, that's the biggest chunk of the budget  
7 for this year, and I'd like to see what's actually been done  
8 with that.

9 MR. BARTON: I think we can get a cast up (ph) to the  
10 best we know it right now. But I want to say again that those  
11 monies that are being reimbursed were taken from other  
12 locations and other appropriations in an emergency manner, and  
13 those folks that have some interest in seeing those programs  
14 restored. But we can sure provide the information.

15 MS. MILLER: Well, I guess in terms of that, the  
16 assurance that where the funds were stolen from in the first  
17 place, whether they're going to go back there or just get  
18 dumped into the Federal Treasury and goes into who knows what.  
19 That would be useful to see in writing, what the process is.

20 My other question will be -- concerns the description  
21 of these restoration projects that will be submitted to the  
22 public for review. And I know you've been hindered by limited  
23 information on what these projects entail. I find it  
24 surprising there's not even a research question that's  
25 identified for what these projects will be looking for. And

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1 for the public, that would be quite helpful to know what is a  
2 general research question; usually, that's part of a project  
3 proposal.

4 As well, the factors in terms of the Committee was  
5 addressing whether if there was delay in these projects it  
6 would hinder the projects. From what we've gotten so far,  
7 there's no indication whether these projects are being written  
8 off forever, whether they were considered for delay, what the  
9 long-term merits of the information would be and what  
10 irretrievable loss of data we're going to have. And that would  
11 be useful to have identified in the document that goes out to  
12 the public.

13 I don't mean for this to be an onerous document but  
14 without it there's -- we can't tell if the reduction in money  
15 means the geographic scope of a project has been reduced or  
16 just having fewer people go out, less sampling or whatever.  
17 It's really impossible to tell what the projects are about.

18 And finally, I will follow-up on what Rick Stiener said  
19 about when are we going to see for public review the habitat  
20 acquisition criteria? And if it doesn't come into this  
21 document that will be out soonest, does that mean that there  
22 won't be a process this year at all by which any habitat could  
23 be acquired?

24 Thank you.

25 MR. BARTON: Do you want to address any of those

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1 questions, Dave?

2 MR. GIBBONS: Yeah, a bunch of them. I lost track  
3 towards the end there. But on the public document, we're going  
4 to have detailed study plans; and we may overwhelm you with the  
5 information that's in them for the damage assessment  
6 continuation and restoration program. We have long, detailed  
7 study plans that have justification statements that led -- that  
8 link injury to the study and .....

9 MS. MILLER: But that'll only be for the projects that  
10 weren't zeroed out by the Trustees, is that correct?

11 MR. GIBBONS: That's correct.

12 MS. MILLER: Okay. Will that information be publicly  
13 available in the library here or somewhere so we can see what  
14 those justifications were for the projects that were zeroed  
15 out?

16 MR. GIBBONS: Well, I think that was referenced earlier  
17 in the evening with the decision-making request that the  
18 document by Dr. Spies, the documentation on our decisions that  
19 will be available in the Public Information Center that'll tell  
20 you what the decision-making -- you know, recommendations --  
21 further recommendations to move forward was on those projects.

22 MR. BARTON: Okay. Anything further? Do I hear a  
23 motion to recess until 10:00 a.m.? I thought I did. Pardon  
24 me?

25 Well, let me ask the teleconference sites, is there

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1 anybody out there that wishes to testify that hasn't? Hearing  
2 none, again, I thought I heard the motion to recess until  
3 10:00 a.m.

4 UNIDENTIFIED VOICE: You did.

5 UNIDENTIFIED VOICE: Second.

6 MR. BARTON: Thank you all for your patience.

7 (Off record)

8 (END OF DAY'S PROCEEDINGS)

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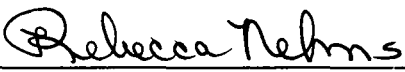
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