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EXXON VALDEZ OIL SPILL SETTLEMENT
TRUSTEE COUNCIL

Simpson Building
645 G Street
Anchorage, Alaska
February 28, 1992
10:00 a.m.

TRUSTEE COUNCIL MEMBERS:

State of Alaska	MR. CHARLES COLE Attorney General
State of Alaska Department of Environmental Conservation	MR. JOHN SANDOR Commissioner
Alaska Department of Fish and Game	MR. CARL ROSIER Commissioner
USDA Forest Service	MR. MICHAEL BARTON Regional Forester Council Chairman
National Oceanic and Atmospheric Administration	MR. DONALD COLLINSWORTH Deputy Regional Director
United States Department of the Interior	MR. CURTIS McVEE Special Assistant to the Secretary

* * * * *

P R O C E E D I N G S

MR. BARTON: Take seats, I'd like to begin the meeting.

When we recessed for the public comment period last night, we were in the middle of discussing a number of the projects that we had not taken action on, specifically five that we had not taken action on, and we were in the middle of R82A I believe it was. Are there any members of the Council that want to say anything before we resume that discussion?

MR. COLE: Mr. Chairman?

MR. BARTON: Mr. Cole?

MR. COLE: One of the principal reasons yesterday afternoon I asked to continue until today our discussions on these projects was because I wanted to have an opportunity to reflect on where we were and the position which I should take with respect to these projects. I have now done that and I want to express my thoughts.

You will recall that a number of days ago we asked the Restoration Team to re-examine the projects which had been recommended to us initially. And the Restoration (sic) responding to the signal which we gave it re-examined the projects themselves, and the proposed expenditures related to each such project. Correctly interpreting the signal which I think the Trustee Council gave to the Restoration Team, the projects were markedly reduced, and the amount of the

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1 expenditures related to a number of those projects were
2 reduced. And the recommendations have now come back to us
3 following this re-examination which was done, in addition, in
4 cooperation with Dr. Spies and peer reviewers.

5 We are now in my view at an important juncture in this
6 process which we have embarked upon, because now several of
7 the Trustees have asked that projects which did not make the
8 cut be re-examined by the Council. And I think that that as a
9 matter of process may not be advisable. And why do I say
10 that? Well, first I think it's destructive of the process
11 which we've asked the Restoration Team to follow. I mean, I'm
12 sure that after the acrimonious sessions which I suspect took
13 place in the review, some members of the Restoration Team say
14 "What are they asking us to do and signal are we to take from
15 the Council?" So I think the juncture at which we are now is
16 -- certainly does not further the morale of those working on
17 the Restoration Team if we approve the prospective projects or
18 at least a number of them. That's point number one.

19 Point number two is that if we proceed in the fashion
20 which we are now embarked upon and we approve any one or more,
21 for example, of these projects which we are now being asked
22 to re-examine, we then place other Trustee Council in a
23 position of being in a position that they must then advance
24 projects which their agency asked to be included and which did
25 not make the cut on the Restoration Team. That much seems

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1 clear to be -- to me to be the case. If we say Agency A has
2 now urged the Trustee Council to reconsider projects number
3 one, two and three, then Trustee Council member representing
4 as it were Agency B will be urged quite naturally I think to
5 support project number 17 being advanced by that Agency. And
6 -- and if that Trustee Council member does not do that,
7 confidence in that member will be lost to Agency personnel.
8 It just seems sort of clear to me. So what this leads to is
9 sort of a possible proliferation of projects which the Trustee
10 Council should reconsider. Be asked to reconsider.

11 Then what does that do to the integrity of the
12 process? I thought about it very early this morning. Well,
13 it leads to a possible perception by members of the public
14 that -- that there's a whole lot of trading going on among
15 members of the Trustee Council. You know, I don't -- not --
16 not explicit, not overt, but, you know, sort of lying out
17 there: "If you will support mine, one says, well, I don't
18 want to vote against this one, because, I mean, I have got one
19 coming out for examination, and," you know, I mean -- so how
20 do we really balance that out? And I -- I think there's, you
21 know, a troublesome possibility there that the public may mis-
22 -- may lose some confidence in -- in the integrity of the
23 judicial make -- or the -- of the decision-making process
24 which is going on here. If we do that, you know, we're really
25 in trouble. So that helped.

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1 Then what do we do about where we are now? Well, we
2 then have the requirement of the memorandum of agreement or
3 understanding that it takes a unanimous vote. And any one of
4 us, namely me, can, you know, block all of these by just
5 saying no. But that really is not very good to the process
6 either. And why do I think that? Well, you know, there's
7 been comment, at least by one member of the public, who said
8 that's a bad provision. And somebody -- simply any one person
9 can block the whole process by just being obstinate. And --
10 and I expressed in response the view that -- that requirement
11 of unanimity really should serve to bring us all together or
12 in -- and to prevent divisiveness among the members of the
13 Council. And because if one member of the Council, you know,
14 just sort of becomes bull-headed as I'm often accused of
15 being, then that may lead to retaliation and the lack of
16 congeniality among the members of this Council, which has not
17 surfaced.

18 So where does that bring me at the conclusion of these
19 remarks? I am concerned about the process that we're about to
20 embark upon at this moment. I think we should preserve the
21 process and reflect carefully on what you're now considering,
22 and I want to retract my statement yesterday that I would vote
23 against each one of these projects which we're now about to
24 consider, to say that I will not singularly vote against any
25 project. If I do not have the support of at least one and

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1 perhaps two other members of the Trustee Council, I will
2 acquiesce. But I am concerned about the process for the
3 reasons I mention.

4 Thank you for giving me the opportunity to make these
5 not so brief remarks.

6 MR. BARTON: Thank you, Mr. Cole. Any other
7 member of the Council wish to say anything?

8 MR. McVEE: Mr. Chairman?

9 MR. BARTON: Mr. McVee?

10 MR. McVEE: I guess after hearing Mr. Cole's
11 remarks, I think the points that he raises are very valid,
12 that -- that we do need to honor the process. It was a
13 product of the Trustee Council that we asked the R.T., the
14 Restoration Team, gave them direction to go back as Mr. Cole
15 said and -- and make some cuts. And they did. They did the
16 job, and, you know, with Dr. Spies' help, we have a budget
17 that -- that I personally feel is within, you know, the -- the
18 ballpark of what we were asking them to do.

19 I guess the other thing is that -- is these projects
20 that -- that we were -- we're talking about now are, you know,
21 are -- are deferrals, and it means, I guess putting the work
22 off for one year. I know that that has ramifications from
23 management standpoint, people standpoint, too, even, but, you
24 know, it may be that -- that maintaining the process is -- and
25 going with the recommendations of the Restoration Team -- Team

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1 and the chief scientist is in my mind probably the best way to
2 go an -- and maybe we should defer this entire slate until --
3 until -- to be considered in the '93 package.

4 MR. BARTON: The entire slate being the five
5 projects we've get to

6 MR. SANDOR: If that's a motion, I'll second
7 it.

8 MR. ROSIER: Mr. Chairman?

9 MR. BARTON: Mr. Rosier?

10 MR. ROSIER: Give us the list of the five that
11 we're talking about?

12 MR. BARTON: Yes. R6, R6E, R82A, R60AB, and
13 R73. It's been moved and seconded that I -- I guess that
14 would essentially be adopt the Restoration Team's
15 recommendations for those five projects, is that correct,
16 Mr. Gibbons?

17 DR. GIBBONS: That is correct.

18 MR. COLLINSWORTH: Can we have the title of
19 those, please? I -- I want to make sure that I understand
20 which projects we're on?

21 MR. BARTON: Can you find those, Dave?

22 DR. GIBBONS: Yes, I can -- I can read them
23 off. MM1, humpback whales,

24 MR. BARTON: We disposed of that one
25 yesterday.

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DR. GIBBONS: We did?

MR. BARTON: Yeah.

DR. GIBBONS: Okay.

MR. COLLINSWORTH: What -- what did we dispose
of it at?

MR. BARTON: Didn't we reject that one
yesterday?

MR. COLLINSWORTH: Well,

MR. COLE: Well, Mr. Chairman?

MR. BARTON: Mr. Cole?

MR. COLE: I don't want to complicate where we
are, but I think the sense of my remarks would mean I would
like to afford Mr. Collinsworth an opportunity to have a clean
vote on that. I was the only

MR. BARTON: All right.

MR. COLE: dissenting vote on that, so
I would like to see that that come within whatever we do this
morning.

MR. BARTON: Without objection then the -- the
slate that we're talking about includes MM1. If Mr. Gibbons
would name them for us?

DR. GIBBONS: R6 sea otters, R6E sea otters,
R60AB pink salmon, and R73 harbor seals.

MR. BARTON: And R82A?

DR. GIBBONS: Yeah, killer whale. R82, killer

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1 whales.

2 MR. COLE: Would you -- Mr. Chairman, would
3 you be good enough to renumber those so we have a clean shot?

4 MR. BARTON: R6 and R6E, both sea otter, MM1
5 is humpback whales -- or is that killer whales?

6 MR. COLLINSWORTH: No, the -- the humpback
7 whale is the

8 MR. BARTON: Humpback whale. MM1

9 MR. COLLINSWORTH: MM1 is \$15,000.00 for a
10 close-out, and

11 MR. BARTON: Right.

12 MR. COLLINSWORTH: I still would like to
13 have an opportunity

14 MR. BARTON: Well,

15 MR. COLLINSWORTH: to deal with that.

16 MR. BARTON: We'll do that. MM1 is humpback
17 whales, R82A is killer whales, R60AB is pink salmon, and R73
18 is harbor seals. So those are the six projects under
19 discussion at the moment. It's been moved and seconded that
20 we deal with those as a block, and adopt the Restoration
21 Team's recommendations, which would essentially defer those
22 six projects until subsequent years.

23 MR. ROSIER: Well,

24 MR. BARTON: Mr. Rosier?

25 MR. ROSIER: Yes, Mr. Chairman. That is, if

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1 I'm reading the Restoration Team's recommendation on R60AB
2 pink salmon,

3 MR. BARTON: That's right.

4 MR. ROSIER: that is not what they're
5 recommending there.

6 MR. BARTON: That's -- that's right. I stand
7 corrected. What is recommended on R60AB is a funding at a
8 level of 1.3 million. Now, is the motion -- did the maker of
9 the motion mean to endorse the Restoration Team's
10 recommendation?

11 MR. McVEE: Yes, it is.

12 MR. BARTON: All right.

13 MR. SANDOR: And the second's

14 MR. BARTON: And the second -- and is that the
15 intent of the second is to endorse the Restoration Team's
16 recommendation?

17 MR. SANDOR: Yeah, that was the -- Mr.
18 Chairman, that was the intention the exception of that R6 sea
19 otter closure -- no, I guess the 15,000 closure which was not
20 really dealt with yesterday, so I assume it was Mr. Cole's
21 intention as well as Don Collinsworth to revisit that one
22 separately, so I was dealing with the other ones.

23 MR. BARTON: You were dealing with the
24 five

25 MR. SANDOR: Yeah.

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1 MR. BARTON: other than MM1?

2 MR. SANDOR: Yeah.

3 MR. BARTON: So we've got a motion for six of
4 them, and a second for five of them.

5 MR. SANDOR: Yes.

6 MR. COLE: Mr. Chairman?

7 MR. BARTON: Yes, sir?

8 MR. COLE: It was not my intent to revisit
9 that one separately. It was more straight forwardly my intent
10 to allow the entire Council to -- or to -- to withdraw my
11 objection and to furnish the Council an opportunity to
12 re-examine that separate project this morning. So I'm just
13 simply withdrawing my objection to it yesterday.

14 MR. BARTON: Thank you, Mr. Cole. We still
15 have a dilemma with a motion to deal -- there's a motion --
16 the motion's been made to deal with all six of these as a
17 block and to endorse the Restoration Team's recommendations.
18 Is there a second to that motion?

19 MR. SANDOR: I'll second that motion,

20 MR. BARTON: All right.

21 MR. SANDOR: Mr. Chairman, as I did with
22 the -- with the total block, and I would move to amend that
23 motion to treat MM1 first specifically separately.

24 MR. BARTON: All right. There's an amendment.
25 Is there a second to the amendment to

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1 MR. COLLINSWORTH: Second. Second.

2 MR. BARTON: Okay. It's been moved and
3 seconded that we delete MM1 from the block and deal with it
4 separately. Any discussion on the amendment? Any objection
5 to the amendment? Okay. The amendment -- the motion now
6 reads that -- to deal with the five remaining projects as a
7 block and endorse the Restoration Team's recommendation.
8 Discussion on the motion? Objection to the motion? Hearing
9 none, that -- that motion is adopted.

10 We now have dealt with all the projects except MM1.
11 Is there

12 MR. COLLINSWORTH: Mr. Chairman?

13 MR. BARTON: Mr. -- Mr. Collinsworth?

14 MR. COLLINSWORTH: Yes, I would like to move
15 the adoption of marine mammal one at the February 5th level,
16 which is the proposed close-out for \$15,000.00. We have spent
17 \$318,000.00 on the humpback whale work, and the request is for
18 \$15,000.00 to close that project out and to prepare a final
19 report. It seems a reasonable investment.

20 MR. BARTON: Is there a second?

21 MR. SANDOR: I'll second that.

22 MR. BARTON: Discussion? Is there objection
23 to the motion? The motion passed.

24 We've now dealt, if my count is right with all the
25 proposed projects. And those that we have in -- well, the

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1 appropriate action for those that we've accepted is to send
2 them out for public review shortly, and we'll revisit them
3 again following public review.

4 That brings us to item four on the agenda if I'm not
5 mistaken, and that is the organizational budget. Dr. Gibbons?

6 MR. COLE: Mr. Chairman, may I

7 MR. BARTON: Mr. Cole?

8 MR. COLE: bring up one issue or two?

9 It -- it's clear, is it not that items which did not make the
10 cut will not be -- we will not seek public comment upon, is
11 that

12 MR. BARTON: That's my understanding of what
13 we said yesterday.

14 MR. COLE: All right. That's mine, too. One
15 other thing I have in mind I feel compelled to bring up. It's
16 this: I see that some of these studies provide for, in the
17 expenditures the acquisition of hardware, what I will call
18 hardware, non-expendables. What becomes of the ownership of
19 those expen- -- non-expendables following completion of the
20 study? I mean, you know, who owns this hardware?

21 MR. BARTON: Dr. Gibbons, can you help with
22 that answer?

23 MR. COLE: Well, let -- let me express my view
24 perhaps.

25 (Laughter)

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1 MR. BARTON: I didn't think you had one. Go
2 ahead, Mr. Cole.

3 MR. COLE: Well, it seems to me, and I like
4 the -- the members of the Council's view is that to the extent
5 that hardware is purchased, it is part of these appropriations
6 you might call it for the studies, that it is owned by the
7 Council, and that a separate record of the ownership of this
8 hardware should be kept and accounted for, and, you know, then
9 we can deal with what becomes of it later, see. I think
10 that's proper, and it's been troubling me a little bit it
11 hasn't been brought up, but I've frankly gone through, you
12 know, all these long pages to see what hardware is being
13 purchased as part of these projects, and I -- I think it
14 should be owned by the Trustee Council, so that's my view.
15 I'd be pleased to hear what views are expressed on that
16 subject by other Council members.

17 MR. BARTON: Dr. Gibbons?

18 DR. GIBBONS: That -- we've had some
19 discussions on this. We -- we were trying to make a
20 distinction before settlement and after settlement. I'm not
21 sure if that's appropriate or not, but the Restoration's Team
22 (sic) idea is that the equipment that's purchased after
23 settlement is -- is -- belongs to the Trustee Council. It's a
24 joint process. One project uses it one year and if another
25 needs it by another agency the next year, it can be -- can be

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1 moved back and forth.

2 We're uncertain about the -- the equipment that was
3 purchased before settlement. We would hope that it was -- it
4 was -- it is the same way, but

5 MR. BARTON: Well, it seems to me that at the
6 very least presettlement purchases are the property of the --
7 the agencies who purchased them with public funds, you know,
8 and essentially the lead agency for each project would be the
9 owner of any physical property.

10 MR. McVEE: Mr. Chair?

11 MR. BARTON: Mr. McVee?

12 MR. McVEE: Just one thought I was having is
13 that -- that if there's residual value in the -- in the
14 capital property after the point, you know, where it's -- it's
15 not needed any more for a project or for a series of projects
16 or activities, that that -- that that residual value that
17 would be recovered through -- you know, through sale or
18 disposal process should be -- be part of the settlement fund,
19 and not go where it would normally go, into general
20 treasuries.

21 MR. BARTON: You're talking presettlement or
22 post settlement?

23 MR. McVEE: Post settlement, yes. It would
24 seem like that -- you know, that may be -- may be an issue,
25 maybe we need a little assistance on that from -- from, you

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1 know, legal folks or property people, but one thought would be
2 give the R.T. some direction to explore this a little bit
3 first.

4 MR. COLE: Is that a motion?

5 MR. McVEE: I'll make that a motion.

6 MR. COLLINSWORTH: Second the motion.

7 MR. BARTON: Moved and seconded that we ask
8 the Restoration Team to look into the property question,
9 particularly post-settlement. Objection to the motion?

10 MR. COLE: Could I make an amendment? And in
11 the meanwhile,

12 MR. BARTON: Sure.

13 MR. COLE: in the meanwhile that the
14 agencies receiving these funds establish a mechanism to
15 account for this hardware and its ownership. And the reason I
16 say that is we -- we should give them notice up front so that
17 later on they say, "Well, we didn't know," and all this is
18 gone and shuffled off and, you know,

19 MR. BARTON: Well, I would -- I would expect
20 that the property has been handled in accordance with existing
21 agency procedures up to this point.

22 MR. COLE: Well, but what are they? I mean,
23 it's

24 MR. BARTON: Well, we

25 MR. COLE: we're not sure we know.

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1 MR. BARTON: We can identify those. We can
2 ask the Restoration Team -- is there objection to the
3 amendment? Hearing none, we'll ask the Restoration Team to
4 compile the existing agency procedures.

5 Are we ready for item four? Dr. Gibbons?

6 DR. GIBBONS: Yes. If you'll turn in your
7 package to a page called "budget summary"? It's right after
8 the spreadsheets. We tried to summarize on this one page of
9 -- of where we were with the proposal when we -- when we came
10 in yesterday morning. If everybody's got it, I'll kind of
11 walk down through this and what's -- what's involved here.

12 The first item is the administrative director.
13 Previously approved has been the office of the director and
14 the public outreach budget without one-half information
15 specialist. The -- the proposal came in at the last Trustee
16 Council meeting for one and a half, the Trustee Council
17 eliminated one-half of that position, so there is one
18 information specialist in that public outreach. A total there
19 of -- of 1.218.7.

20 The Restoration Team next has also been approved by
21 the Restoration -- by the Trustee Council. That's six
22 members, representing each Trustee agency and travel and per
23 diem, a total of 623.6.

24 And the next item on the budget sheet is the public
25 advisory group. That has not been approved. This is a place-

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1 holder number. We will have some discussion on the next
2 agenda item that relates to this amount. This amount is with
3 a staff liaison as -- at the suggestion of the Trustee Council
4 at the last meeting. This number is -- is to be determined.

5 The next item on the budget summary are work groups.
6 These are really projects. The following pages behind the
7 budget summary -- summary sheet will have the -- the details
8 of these working groups or working project groups, and we'll
9 try to go -- go through those on -- on how much time is
10 required by project. But the -- the one that had been
11 approved in here previously by the Trustee Council is the
12 Restoration Planning working group at five-sixths of a year,
13 and the number there is 759.4.

14 The other working groups, the Restoration Team put
15 together the -- the tasks that we saw that the working groups
16 would be doing in the near future or the next three months.
17 We tried to identify the -- the personnel needed to accomplish
18 those tasks in the next three months and have -- have listed
19 those, and we -- we've come up with a -- with a number. The -
20 - the personnel for those groups have not been solidified at
21 this time. We have an estimate of the total amount of
22 personnel that will be needed, and we've come up with a --
23 with an estimated budget for a period -- for the first
24 quarter, from March 1st, '92, to -- to May 31st, '92, of --
25 of 300,000. This is split 50,000 per agency.

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1 The next part of the -- the budget summary is the 1992
2 work plan. We've been dealing with that for the last -- last
3 day. The senior scientist's budget previously approved at 191
4 -- up to 191, and the -- the projects below that, the Spies/RT
5 recommended program of 7.2, the RT recommended program alone
6 of 3.7 or 3.8, and then -- then the for further consideration
7 of the coastal habitat projects, that's, you know, the number
8 we came in with. It's been changed a little bit. We'll --
9 we'll come up with a new number on that. That's -- that
10 totals to about \$17.8 million we need, with uncommitted funds
11 from the December 1991 payment then of 18 and a half million
12 dollars sitting in -- in an account.

13 Okay. Now I'll walk briefly through the working
14 groups to see how we came up with the -- with the tasks. I
15 won't read every item on here, but I'll just walk through the
16 working groups themselves.

17 The Restoration Planning Working Group, as -- as I
18 mentioned that was previously approved, and the -- and the
19 tasks are identified under item A. This is for a period I
20 will point out from March 1st to December 31st of '92, five-
21 sixths approval period that the Trustee Council previously
22 approved.

23 The next working group is the Geographic Information
24 System, and we estimate that the oversight for this will take
25 one month to provide the oversight for GIS products and --

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1 that will be required for damage assessment close-out and any
2 restoration work.

3 The third group, Public Participation Working Group is
4 presently chaired by Ernie Piper. It's been working since
5 January on scoping sessions, will continue to be working on
6 the -- the restoration framework which will come out the end
7 of March we're estimating now for public, and then we'll need
8 the public -- a series of public meetings on that document.
9 Our estimate here is for a three-month period for six -- six
10 total months for personnel. There's -- there's some personnel
11 identified that -- I don't know -- remember the exact number
12 of people in that group, but it's not -- it's -- I think it's
13 five people for 1.2 months, but

14 The Financial Working Group, this was established by
15 the Trustee Council at the last meeting, an estimate of time
16 needed between March 1st and May 31st is -- is 14 months.

17 The Process Working Group that was established in
18 January, in the January Trustee Council Meeting, this will
19 sunset after the end of this period. We're estimating the
20 period from March 1st to May 31st at four months, and then
21 there will be no further need for this subgroup, and so we
22 will expect a reduction in -- in the next quarter.

23 Item F, 1992 Work Plan Working Group. This again is
24 for a period from March 1st to May 31st, and will be sunsetted
25 after this period. We'll have the 1992 work plan out to the

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1 public and have public comments back, so this is an estimate
2 for getting that document ready to the public and then getting
3 -- getting the document back and making the comments to it and
4 getting the -- the final draft to the Trustee Council for --
5 for approval.

6 The next working group is the 1993 working plan -- the
7 -- the Work Plan Working Group. The estimate on the timeline
8 for going to public proposals for the 1993 program is May. We
9 will need to prepare the formats and the information that
10 we'll be requesting from the public pretty soon. The
11 proposals for 1993, an estimate of the time needed from March
12 1st to May 31st is three months. Three person months.

13 The next task is Cultural Resources Working Group.
14 This is an archaeological steering groups that's been formed
15 in 1990. It continues to operate. We estimate two months of
16 -- of personnel needs for the period March 1st to -- to May
17 31st.

18 The next group is the Environmental Compliance Working
19 Group. This was suggested that the NEPA process and some
20 other things be -- be examined by projects or -- or by plans.
21 We estimate personnel needs from March 1st to May 31st of one
22 and a half months to do some of this work.

23 And then the last group is the -- the group that was
24 requested they be formed by -- by the Trustee Council is a
25 Land/Habitat Protection Working Group. We envision a lot of

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1 work for this group. There's a lot of interest by the public.
2 We need to develop objectives and criteria and processes for
3 dealing with habitat protection measures. There's a lot of
4 interest by the various agencies in this group. It affects a
5 lot of people. And we estimate the -- the working time from
6 March 1st to May 31st to be 16 months in this group.

7 The -- the last page on this adds the -- the working
8 group personnel needs up for a period from March 1st to May
9 31st, and this is exclus- -- exclusive of the Restoration
10 Planning Work Group, to be 53.5 months, and then the breakdown
11 for the appropriate -- appropriation to the agencies to fund
12 the personnel involved with the working groups. We have
13 various skilled involved in these working groups pulled from
14 the various agencies, such as the habitat -- Lands/Habitat
15 Protection Group may need realty specialists, land
16 specialists, appraisal specialists, a whole myriad of -- of
17 people, so we'd be pulling people from the agencies for these
18 working groups to get -- to get the -- the job done.

19 MR. BARTON: Questions or comments from the
20 Council? Mr. Sandor?

21 MR. SANDOR: Dr. Gibbons, am I assuming
22 correctly that these individuals that are assigned to these
23 working groups may often not usually be members of the regular
24 agencies that are on assignment temporarily for specific
25 periods of time, and -- and are not necessarily employees that

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1 are -- that are fulltime to this project?

2 DR. GIBBONS: Well, we have a mixture. We
3 have people that are pulled from the agencies that we pull as
4 -- as on-needed basis -- at-needed basis, and then we have
5 some other people that were employed for the oil spill that
6 bits and pieces of their time were needed in other -- other
7 areas, such -- such as the GIS specialist. We may spread that
8 person over several of these projects. That was -- and this
9 person was hired strictly for the oil spill, so there's --
10 there's been a mixture.

11 MR. BARTON: Mr. Sandor?

12 MR. SANDOR: Yeah. Mr. Chairman, I -- I think
13 it's important to -- that all the agencies have the
14 flexibility of utilizing the -- not even necessarily the same
15 individual, but to -- to be able to draw on their best
16 expertise to deal with the specific tasks at hand, and that --
17 that it be understood that the -- the Trustee Council approve
18 an arrangement in which the agencies have flexibility to -- to
19 work with the Trustee Council and the Restoration Team group
20 in getting that best mix of people to work on projects. And
21 I -- I assumed that that was taking place, because I know we
22 have assigned some individuals in that way, and I this gives
23 the Restoration Team the kind of flexibility it needs to get
24 these -- to -- to have a good product. I have no further
25 questions.

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1 MR. BARTON: Other questions or comments?

2 DR. GIBBONS: Mr. Chairman?

3 MR. BARTON: Yes.

4 DR. GIBBONS: Yeah, that was the intent. I
5 heard the direction that -- of Trustee Council that I was use
6 -- supposed to use my good judgment in pulling the -- the
7 appropriate personnel from the agencies to these groups, and
8 -- and that's what we've tried to do.

9 MR. BARTON: Other comments? Mr. Rosier?

10 MR. ROSIER: Thank you, Mr. CHairman. I'd
11 just like to complement the working group on this. I think
12 they've done a -- done an excellent job and I would move for
13 adoption of the budget as presented.

14 MR. SANDOR: Second.

15 MR. BARTON: It's been moved and seconded that
16 we adopt the budget as presented. Is there further comment or
17 discussion?

18 MR. COLLINSWORTH: Mr. Chairman, just a point.
19 In terms of the -- under the work groups, other work groups,
20 from March 1st to May 31st, \$50,000.00 per agency, this seems
21 acceptable at least for the -- the quarter, but I believe that
22 it's important to develop specific agency budgets that can be
23 evaluated by the Trustee Council and approved for the -- for
24 the remaining quarters. I understand that the team can do
25 that and have that information available for the next Council

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1 meeting. And I believe that's appropriate.

2 MR. BARTON: Okay. Further comment or
3 discussion?

4 MR. McVEE: Well, Mr. Chairman,

5 MR. BARTON: Mr. McVee?

6 MR. McVEE: My only comment would be that we
7 may as we get into later subjects on the agenda refine the
8 public advisory group budget to -- when we discuss membership
9 and numbers.

10 MR. BARTON: Yeah, I think that's certainly
11 true, and that we should consider this budget amended with
12 whatever action we take on a matter. I think further we have
13 done some things with the projects that may change that figure
14 slightly as well.

15 Further comments or discussion? Mr. Rosier?

16 MR. ROSIER: Thank you, Mr. Chairman. On --
17 and I'm not sure whether this is the place to -- to bring it
18 up, and I -- I think we need to -- to recognize that the --
19 that the budgets that have been put forth not only for the
20 overhead budget, but as far as the project budgets are
21 concerned as well, in my look -- in my review of these, it
22 appears that we're dealing with rounded figures in many cases,
23 and there may in fact be adjustments to those budgets that are
24 necessary. I think the Council should certainly have some
25 procedure for -- for making modifications in the budget or at

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1 least review those -- those needs in the process.

2 MR. BARTON: Mr. Collinsworth?

3 MR. COLLINSWORTH: Yes, just can -- can we
4 vote on this budget -- budget with the understanding that the
5 item that I brought up, that there will be agency-specific
6 budgets developed for the next Council meeting?

7 MR. BARTON: Are you amending the motion?

8 MR. COLLINSWORTH: I -- if -- yes, I
9 would

10 MR. ROSIER: Second.

11 MR. COLLINSWORTH: amend the motion.

12 MR. BARTON: Second? Any discussion on the
13 amendment? Is there objection to the amendment? The motion
14 is amended to include that. Any further discussion on the
15 budget? Any objection to the motion? Then the budget is
16 adopted subject to further refinement by the actions we took
17 on the projects and subsequent actions we may take today.

18 Anything further on organizational budget,
19 Dr. Gibbons?

20 DR. GIBBONS: No, that's it.

21 MR. BARTON: We will then move on to item
22 five, which is public participation. Mr. Piper?

23 MR. PIPER: Thank you, Mr. Chairman. The --
24 I've handed out this morning a short decision list to each of
25 the Trustees, and it's going around to the Restoration Team

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1 right now. This is just meant to guide you along on the
2 principal issues that you may or may not want to decide on
3 today.

4 What you have in your packet and what was referred to
5 yesterday is the draft charter. I think the best way to start
6 here is to explain to you what we've done so far, recap that
7 in terms of public participation, what needs to be done in
8 terms of principal tasks, and where all this goes from here
9 based on what you decide today.

10 So far you have approved staff and duties for, in the
11 Attorney General's words yesterday, a reasonably adequate
12 public outreach and information program. That's included in
13 the administrative director's budget and structure that was
14 previously approved at an earlier meeting. You've also
15 approved staff on an as-needed basis to be the liaison to PAG.
16 The understanding was that one of the -- one of the public
17 outreach information staff people will serve as the liaison to
18 the public advisory group.

19 MR. COLE: Mr. Piper, I'm having a little
20 trouble with that last preceding sentence with respect to
21 (indiscernible, coughing) with whom?

22 MR. PIPER: The -- the

23 MR. COLE: I thought I heard something like
24 "PAG" or something like that that shouldn't

25 MR. PIPER: Oops. Excuse me. I'm

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1 MR. COLE: Are you referring to the public
2 advisory group?

3 MR. PIPER: I am busted on that one, Mr. Cole.
4 Public advisory group.

5 MR. COLE: I just wanted to make sure I knew
6 what you were talking about.

7 MR. BARTON: We could call it public
8 information group.

9 (Laughter)

10 MR. PIPER: From here on all my proper nouns
11 will have completed constructions.

12 MR. ROSIER: I only got three hours of sleep
13 myself.

14 MR. COLE: Well, like the Governor says,
15 there's some purpose to this -- this job, not many, but

16 MR. PIPER: The principal things that need to
17 be done from here, and you saw a list of tasks that
18 Dr. Gibbons handed out. To boil that down into -- to general
19 categories. One is approval of a draft charter that would be
20 -- meet the provisions of the Federal Advisory Committee Act,
21 and the second would be select a model for the public
22 advisory group and generally its duties, and that would allow
23 us to refine its (indiscernible, coughing).

24 Where it goes from here? Whatever you -- whatever you
25 decide will go into the Restoration Framework Document for

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1 comment.

2 One thing to keep in mind is that a public advisory
3 group is going to exist for the life of -- of the Trustee
4 Council or the projects or a long period of time, and so the
5 -- we view it properly as part of the restoration plan as
6 well.

7 We also, though, are dealing with the reality that
8 there's going to be a considerable amount of important work
9 done on the restoration plan in this next year, and therefore
10 it's important to have some kind of a public advisory group in
11 place. The -- the Restoration Team has wrestled with this
12 idea at our first meeting and what we came up with generally
13 speaking was that we ought to have -- You ought to approve
14 some kind of an interim group on the expectation that if
15 public comment steers it in a different direction during the
16 public comment period and the restoration framework document,
17 that you can make alterations to that, but we think it's
18 important to have some kind of group in place during that
19 critical period.

20 The other thing to keep in mind is, of course, the
21 90-day clock which was specified in the -- in the various
22 settlement agreements that ways that there shall be or should
23 be a meaningful public participation program developed within
24 90 days of the effective date. That puts us right around
25 the -- the first week of March, which is why I -- I gave you a

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1 decision list to go down.

2 In terms of the -- the draft charter, which was
3 number one in the list, we were instructed to come up with a
4 generic charter. We tried to be as generic as possible, but
5 we included in that charter those things that -- on which we
6 were able to reach consensus. And the charter does not really
7 do an enormous amount in terms of policy, but I can run down
8 the sections for you very quickly. There are 11 of them.

9 Number one says that it has a name.

10 Number two says that it was authorized by the -- the
11 memorandum of agreement and the settlement and the -- and the
12 memorandum of agreement. It also says that it advises you
13 about the things that the Restoration Team does and that you
14 do.

15 It's -- section three says that it lasts until 2001
16 unless -- it -- it lasts until the year 2001, generally the --
17 the life of the project.

18 Number four says that it reports to you, the Trustee
19 Council, and that members of the public advisory group,
20 however that may be, may report to you at a designated time on
21 -- on the agenda at Trustee Council meetings to tell you what
22 their -- what questions they have or what advice they have.

23 Then section five says there's administrative support
24 provided by the ref- -- the administrative director.

25 Number six is probably the -- the section most laden

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1 with policy questions. It says that to be qualified to sit on
2 the public advisory group, you should know -- have a
3 demonstrated knowledge of the region, peoples, or principal
4 economic and social activities of the area, or a demonstrated
5 expertise in -- in those kinds of issues that are coming up:
6 public lands and resource management.

7 It says that the public shall nominate and that the
8 Trustee Council shall appoint.

9 It says that each member may serve up to two years
10 from the date of appointment, and they're eligible for
11 renomination or re-appointment at the close of their terms.

12 Councilwoman Bird from Cordova made reference
13 yesterday to a statement about removal. I sort of threw this
14 in as a very general type of thing that says the Trustee
15 Council may remove a member of the advisory group for reasons
16 of malfeasance or incompetence, but there's -- there's no
17 hidden agenda behind that statement.

18 Section six also says that there shall be officers. A
19 chair and a vice chair and no others.

20 Section seven says that the -- whoever serves on this
21 group shall get travel and per diem, and whatever
22 administrative support is -- is approved by the Trustee
23 Council. This was an issue only because there were some
24 questions about whether people would get stipends, and
25 generally speaking we didn't feel that was necessary. That

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1 actually also tracked with the public comment at least from
2 within the region.

3 Section eight says that they'll keep records
4 according to the various laws that require good record keeping
5 in government.

6 Section nine says that there -- there's no implied
7 administrative authority over -- over -- in terms of veto
8 votes and that kind of thing over Trustee action.

9 Number ten once again reiterates the termination date,
10 and section 11 just re-auth- -- reiterates that it's
11 established according to the memorandum of -- of agreement.

12 There are one -- actually three things that you might
13 do here today. One would be approve the charter for filing in
14 the Federal Register. A second might be to approve it for
15 filing, but only after -- pending a final legal review by
16 counsel, and a third is you could throw it out, of course, but
17 I -- I didn't include that as an option. And depending on the
18 will of -- of the -- the chair, I will either go through these
19 one by one or I shall stop after each, depending on what the
20 Council would like me to do.

21 MR. BARTON: We

22 MR. PIPER: In other words, you may debate the
23 charter at this point or decide on it, or I may -- or you may
24 have me continue down my list

25 MR. BARTON: I see.

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1 MR. PIPER: of -- of five and revisit
2 them as you see fit.

3 MR. BARTON: What's the will of the Council?
4 It seems -- it seems to me that dealing with the charter would
5 be the appropriate one. Is there objection to that? Why
6 don't we deal with the charter? Any comments from the Council
7 members regarding the charter which Mr. Piper has
8 proposed?

9 MR. McVEE: Mr.

10 MR. BARTON: There are several
11 decisions to be made there. Mr. McVee?

12 MR. McVEE: Mr. Chairman, yeah, looking at the
13 draft charter, there's -- there's some -- I guess maybe just
14 refinements that -- that would need to be made as I understand
15 it to -- to really bring it into, you know, compliance with
16 the Federal Advisory Committee Act. I think that one of the
17 things is that we have to set, you know, some specific
18 membership level to do that, is my understanding. I think we
19 have to I believe have an estimate of operating costs within
20 the -- in the charter. And we may have to designate, you
21 know, because of the federal law some federal agency to -- to
22 be kind of the -- the paper pusher in respect to the charter
23 approval process with GSA. I think, you know, that there's --
24 and maybe this is what Mr. Piper was -- was alluding is that
25 it probably needed, you know, another -- another legal review,

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1 and I think those things could be picked up and those
2 refinements made.

3 I guess one other area, maybe we've talked about this
4 some in the past, and -- and -- is a policy area, is -- is
5 the role, you know, of the -- of the advisors. How expansive
6 a role do we want them to play in terms of -- of providing
7 advice. Are we interested in them conducting meetings and
8 hearings and collecting, you know, information which may be
9 useful to us in the public participation process, review
10 process? Or -- or a less-expansive role which would be to
11 review the documents, the proposals that we're developing and
12 comment -- comment upon them at their -- at their scheduled
13 meetings?

14 I guess those are -- are my comments right now.

15 MR. BARTON: In fairness to Mr. Piper, as I
16 recall, we asked him to develop this charter sufficiently
17 specific, but not unduly so, in order satisfy the needs of the
18 federal act at this time, and that -- and then subsequently
19 develop a more specific working charter or something of that
20 nature. To merely discuss the role, whether it's in this
21 document or that subsequent document, you know, we could -- we
22 could put it in this document. I -- apparently it's not
23 necessary to comply with the act. Is that correct?

24 MR. PIPER: Yeah, I

25 MR. SANDOR: Go ahead.

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1 MR. PIPER: I was just going to point out that
2 some of the -- some of the points that Mr. McVee has raised
3 are -- could be addressed in the list of possible decisions
4 that I have before you, and that the reason for doing that is
5 whatever level of specif- -- specificity that we achieve, the
6 higher the better, and -- and if -- if we can achieve a higher
7 level of specificity by making some decisions on these points,
8 that's fine, but generally again pending final legal review,
9 we've written that draft charter so it would meet the minimums
10 of the Federal Advisory Committee Act, with the exception of
11 member- -- exact membership.

12 MR. BARTON: But we do have the numbers under
13 that. Mr. Sandor?

14 MR. SANDOR: Mr. Chairman, I move approval of
15 this charter, pending final legal review and refinement to
16 bring into compliance with federal and state laws, following
17 which the Trustees will authorize this be published in the
18 Federal Register.

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

20 MR. ROSIER: I'll second the motion.

21 MR. BARTON: It's moved and seconded that we
22 approve the filing after final review. Any more discussion of
23 the motion?

24 MR. COLE: Mr. Chairman?

25 MR. BARTON: Mr. Collinsworth, and then

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1 MR. COLLINSWORTH: I would just -- have the
2 agencies had an opportunity to -- to comment to you,
3 Mr. Piper, on -- I -- staff has pointed out some kind of
4 editorial changes. Will there be an opportunity to -- to give
5 you these kind of editorial changes? I -- I don't think they
6 change the substance, but I do think they'd help clarify some
7 of the relationships. If we have an opportunity to do that,
8 then I think the motion is -- is fine.

9 MR. BARTON: Mr. Cole? Did -- didn't you
10 want to comment, Mr. Cole?

11 MR. COLE: Pardon me?

12 MR. BARTON: Did you want to comment?

13 MR. COLE: Oh, yes. Thank you. I noticed --
14 a little hard to follow this morning. I notice here that it
15 says of at least nine members, so that's no -- we have no
16 limit then on the number of members by virtue of this proposed
17 charter?

18 MR. PIPER: (Nods affirmative)

19 MR. COLE: Thank you.

20 MR. BARTON: Further comments? Dr. Gibbons?

21 DR. GIBBONS: Excuse me, Mr. Chairman. One
22 option we might have available to us is to have the Trustee
23 Council review this, submit their comments to me, and then we
24 could have a teleconference on this and then get approval at
25 that time. And we can combine it with -- with the proposed

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1 teleconference to deal with the framework.

2 MR. BARTON: Does any Council member wish to
3 amend the motion to reflect that? Any further discussion on
4 the motion?

5 MR. COLE: Yes. Could I have just a moment,
6 please? I'm reviewing the requirements of the Act generally
7 as it relates to this draft.

8 Section nine of the Federal Advisory Committee Act
9 provides in C, subsection (g) that the manyears for such
10 committee. Is that in here? I didn't see it. I was just
11 wondering if you considered that?

12 MR. PIPER: I guess I'm not sure what you
13 mean?

14 MR. COLE: Well, let -- let me just read it.
15 "Such charter shall contain the following information," and
16 then (g), "Estimated annual operating costs in dollars and the
17 manyears for such Committee."

18 MR. PIPER: That esti-

19 MR. COLE: Is that in here?

20 MR. PIPER: The estimated operating costs is
21 not. It was in the original draft, but the numbers didn't
22 quite meet what the Trustee Council had in mind, and that was
23 one of the issues that we were going to discuss. The intent
24 would be to -- to arrive at some kind of number so that we can
25 assert it as part of the final draft.

1 The -- the manyears, I don't know that counsel for
2 Department of Interior is here who did the original draft, but
3 I -- I suspect that her -- well, I don't know.

4 MR. BARTON: Then it would seem to me to be
5 difficult to do that before we decided on the number of
6 members.

7 MR. COLE: Yeah.

8 MR. SANDOR: Mr. Chairman?

9 MR. BARTON: Mr. Sandor?

10 MR. SANDOR: It -- it was the intent of the
11 motion with the point that refinements to bring into
12 compliance with federal and state laws would deal with this
13 very specific issue of -- and -- and it absolutely, of course,
14 has to be in compliance and -- and I would I guess make the --
15 make the point that I understood Dr. Gibbons made is that if
16 in fact in the course of the -- the review, the legal review
17 to -- to see that it was in compliance that it was necessary
18 to -- to assemble the Trustee Council by teleconference to
19 deal with some unforeseen issue or circumstance that -- that
20 merited the attention of Trustee Council, that could take
21 place.

22 My concern, Mr. Chairman, is that we get this process
23 in place to meet this 90-day requirement which is next week?

24 MR. PIPER: March 8 or 9, because

25 MR. SANDOR: March 8 -- 8 or 9,

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1 MR. PIPER: one day's a Sunday.

2 MR. SANDOR: and -- but the intent is to
3 have this kind of refinement.

4 MR. BARTON: Thank you, Mr. Sandor. Any
5 further discussion on the motion?

6 MR. COLE: Yes, Mr. Chairman?

7 MR. BARTON: Mr. Cole.

8 MR. COLE: I subscribe to Commissioner
9 Sandor's views, but one of the things is that when we have
10 this short-notice meeting to plug these things in, if
11 required, we have the Open Meetings Act to comply with, too,
12 so it's not unfortunately quite as simple as we would like it
13 to be. Therefore maybe it would be better to take a stab at
14 it this morning and, you know, file it subject to review, but
15 at least try to get in there the basic requirements so we can
16 go ahead. That's just simply a thought. I'd defer to others.

17 MR. SANDOR: Well, Mr. Chairman, excuse me, I
18 would move to table this until this process actually takes
19 place so

20 MR. BARTON: A motion to table. Is there a
21 second on the motion to table?

22 MR. COLLINSWORTH: Second.

23 MR. BARTON: And any objection to the motion?

24 MR. COLE: Yeah, well, would you have in mind
25 doing it later today?

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1 MR. SANDOR: No, right now. We've

2 MR. BARTON: Well, I don't

3 MR. SANDOR: got -- if we can, or -- or
4 later today.

5 MR. COLE: Well, once we fix the numbers on
6 the, you know, -- then we could deal with it a little more.

7 MR. BARTON: All right. I would suggest that
8 we ask our legal folks to -- to work on it a little while
9 perhaps while we proceed through the rest of Mr. Piper's
10 decision list here, and perhaps they can -- they can work
11 rapidly I'm sure and bring this back to the table perhaps
12 before we're even done with the decision list. If not then,
13 perhaps as the last item of business.

14 MR. SANDOR: Okay.

15 MR. COLLINSWORTH: Mr. Chairman?

16 MR. BARTON: Mr. Collinsworth?

17 MR. COLLINSWORTH: Is there going to be --
18 will there be during that process the opportunity to
19 incorporate some of the editorial changes?

20 MR. BARTON: I don't see why not. We'll all
21 have a chance to look at it again. Who amongst our legal crew
22 is here to deal with this? Is Maria -- ? Okay. Would you
23 two work on the legal wording while we're working through this
24 decision list, the -- the legal requirements? Do you -- do
25 you understand what's being asked of you?

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1 MS. LISOWSKI: Yeah, it's -- it's fine if we
2 have the regs. I'm not sure that they're -- they're available
3 to us.

4 MR. RICE: I can get you those.

5 MR. PIPER: Yeah, we have them upstairs.

6 MR. BARTON: The regs are upstairs. Okay. So
7 you'll -- you'll check the legal sufficiency while we proceed
8 on. Mr. Piper?

9 MR. PIPER: Item number two is prob- -- will
10 probably help you fix some of these things a little better.
11 Two is membership of the public advisory group. We've
12 discussed three different models. The decision that's --
13 that's necessary here is not so much which model is -- is
14 better, but which one meets the most priorities. All of them
15 have their strong points. It just depends which are -- are --
16 which of those strong points are most important to you.

17 The first option listed is "A," a local government or
18 regional model. That would have a compact membership of -- of
19 nine, which is why the charter said at least nine originally.
20 It deals with existing institutions, meaning local
21 governments. It has a clear and specific base of interest.
22 It could be assembled quickly and it has a high relative cost
23 efficiency, just meaning that if you're using local
24 governments and their institutions, some of the costs that are
25 in our budget would not -- would just not show up. They

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1 wouldn't be incurred actually.

2 The second point is an interest group model, which is
3 -- which is one of the -- the way -- where we started in our
4 sessions on coordinate -- on the Restoration Team. The strong
5 points of this are primarily that it includes more points of
6 view. It goes considerably outside the region. It -- it is
7 the best -- of the options, it is the best sounding board for
8 the affected interests as opposed to the region. It is -- it
9 gives you -- it makes you more able to get specific views from
10 outside of Government. And generally when we went around, at
11 least in the regional meetings, the regional public comment
12 reflects that the interest list is generally acceptable to the
13 public.

14 A third option would be to mix the two, and you would
15 once again have a strong regional voice, including local
16 governments and interests, and an opportunity to balance
17 general and regional views.

18 I can make a more detailed argument for or against any
19 one of the three, but -- and I could say at this point I would
20 say if the -- if the Council has any important views they want
21 to impart on this, to go ahead, but I'm available to say for
22 or against anything at this point.

23 MR. BARTON: The reason we -- we need to do
24 this before the public review process is what?

25 MR. PIPER: Well, the -- you don't -- I guess

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1 you don't have to, but the -- the point being that if you're
2 -- if we're going to be having a restoration framework
3 document out for comment, and that is really the basis for
4 developing the restoration plan, that it would seem logical
5 that some kind of public group needs to be in place, or should
6 be in place to meet the -- at least the intent of the
7 settlement.

8 And -- and by including the model or the plan within
9 the restoration framework document, it allows the public both
10 in and outside Alaska another cut at the idea, and if public
11 comment indicates that there's a strong feeling for or against
12 some of the things that are currently being done, that group
13 can be modified based on that public comment.

14 And again, the group doesn't just have a life through
15 next year, so if you operated it with an interim or one sort
16 of group for a year, it wouldn't necessarily be a fatal flaw
17 in the whole process. You would have another six, eight, ten,
18 whatever number of years in which your other group would be --
19 other model would be working.

20 MR. BARTON: Comments or questions?

21 MR. COLLINSWORTH: Mr. Chairman?

22 MR. BARTON: Mr. Collinsworth?

23 MR. COLLINSWORTH: Would the Chair entertain a
24 motion on this subject?

25 MR. BARTON: Certainly.

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1 MR. COLLINSWORTH: Mr. Chairman, I would
2 propose that we adopt the 2(c), the model that is local
3 government/interest mix.

4 MR. BARTON: Okay. Do I hear a second?

5 MR. SANDOR: Second.

6 MR. BARTON: Any further discussion?

7 MR. McVEE: Yeah. Mr. Chairman?

8 MR. BARTON: Mr. McVee?

9 MR. McVEE: Is that really much different than
10 -- than (B) I guess in that it represents a mix of views,
11 interest mix? I would see on (B) that one of the interests
12 would be local government. I would expect that, you know, in
13 order to get balanced representation from all those interests
14 in the oil spill area there would have to be -- local
15 government would have to be represented on -- on (B) also.

16 MR. COLE: Mr. Chairman?

17 MR. BARTON: Mr. Cole?

18 MR. COLE: What is the mix proposed on (C)?
19 50/50? 90/10? 90/10, that has a nice ring to it.

20 (Laughter)

21 MR. BARTON: 50/50

22 MR. PIPER: If -- if I could -- if I could
23 offer the group one of the points of clear consensus among --
24 among the Restoration Team and -- and also at least regional
25 public comment, there was a strong desire to keep the number

1 down as far as total representation. And the number 15 seemed
2 to be the edge -- edge of the universe in terms of what a
3 workable group would be, and so if local government itself
4 were to be a strong component and it were 2(C) that was
5 selected, you -- you can have whatever mix you like, but I
6 would think that it would -- probably something on the order
7 of 50/50.

8 Now, I should also point on Mr. McVee's point, if you
9 want to make regional concerns, not just local government,
10 regional concerns, you can satisfy those regional concerns by
11 making it a high criterion for appointing people from among
12 those interests.

13 The local government emerges for one reason. The
14 local government idea came up because at the -- the regional
15 public hearings as opposed to broader public comment, at
16 regional public hearings, people said generally from Cordova
17 down through Kodiak, "look, we think your list of draft
18 interests seems to make sense, but we want to make sure that
19 there's some way that we don't lose the regional flavor of --
20 of recommendations," meaning gear group people from Cordova
21 don't necessarily share the same concerns as gear group people
22 from Kodiak commercial fisheries. And -- and you could go
23 down the list of interests and say that there are a difference
24 in that way.

25 The -- including the local government just means that

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1 you have some sort of a local council that's dealing with an
2 issue as well, and -- and it satisfies that. But that's not
3 necessarily the best way to go about it. I think that you can
4 satisfy regional interests by -- by carefully using it as a
5 criterion in how you select the people to represent interest
6 groups.

7 The -- the statement behind this is that local
8 government came up because I suggested it and it -- and that's
9 -- just so everybody knows, it's not something that -- that I
10 would be willing to die for. It's not

11 MR. COLE: God, I hope not.

12 MR. PIPER: all that critical. I mean
13 it's not -- it's not a major philosophical point here that --
14 that I'm debating, and I -- I appreciate Commissioner
15 Collinsworth's suggestion as a way to -- to do that, but it's
16 not something that I think we're going to -- to die for.

17 MR. SANDOR: Mr. Chairman? As I understand
18 this local government/interest -- dash-interest mix, that this
19 could be a combination of the nine leaders that were
20 identified in your original proposal, plus six or whatever
21 number of at large interest groups that would meet the
22 requirements of the federal or other act?

23 MR. PIPER: That's true, and I should also
24 point out that two of the nine of local governments were
25 specifically designated for native traditional governments in

1 the lower Cook Inlet area, and also in the Kenai area. The
2 intent there was to make sure that we covered all the possible
3 necessary basis for the -- the requirements that we have,
4 quote/unquote, native interests properly represented on such a
5 board. So if one -- if one classified those two seats as an
6 interest seat as opposed to government, you'd wind up with
7 about your 50/50 mix with seven local governments, borough or
8 municipal governments and then seven sets of interests,
9 including native traditional governments.

10 MR. BARTON: Mr. Sandor?

11 MR. SANDOR: Well, Mr. Chairman, I favor that
12 kind of a mix and I -- I really believe it's important that
13 elected leaders be represented and then I think the two native
14 leadership positions that were identified would also assure
15 the reflection of the people's views as represented through
16 these elected representatives as well, as the leadership of
17 these two native groups. And I would support this motion
18 which is on the table of -- of 2(C) presuming that's the
19 understanding that it's going to include this native -- this
20 nine group -- this group of nine. I don't know whether that's
21 the intent of the motion or not, but -- could we have a
22 clarification of -- of what 2(C) then is? Does it -- would
23 it provide for that option or?

24 MR. PIPER: That's -- that's exactly the
25 point, that it would be the municipal and borough government

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1 in addition to two traditional native governments, in addition
2 to at-large seats that -- that you could designate to
3 interests, specific interests.

4 MR. COLLINSWORTH: Mr. Chairman?

5 MR. BARTON: Mr. Collinsworth?

6 MR. COLLINSWORTH: Two or three thoughts on
7 this proposal. I think that -- that the mix, the concept is
8 -- is a good one. I think we do need the local governments
9 from the affected communities. I have no doubt in my mind
10 that there are interests there that need to be represented to
11 make this process creditable. The two traditional native
12 government representatives, I absolutely feel that's essential
13 as well. So I guess basically I was looking at this as a --
14 as a group that would be comprised of the nine, the seven, the
15 two, plus other nongovernmental interests.

16 The regional interests are -- are part of the total
17 over-all interests that we have concerning this spill and the
18 restoration of the resources and the services in the affected
19 area. I think that we need that nongovernmental
20 representation. We have some national organizations that have
21 representatives in Alaska that can represent the concerns of a
22 broader spectrum of -- of folks across the United States that
23 have an interest in this restoration activity. We talked some
24 yesterday about the damage assessment work using various kinds
25 of economic models and much of the value of those models came

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1 from the interest of people outside of just the affected area.
2 I think that also will give the -- the program credibility.

3 I'm not sure that -- that 15 members is -- is the
4 maximum. I think that a good deal of what we do, the
5 credibility of what we do will be because we have an advisory
6 group that is representative of a broad range of -- of
7 interests. And I know that there's always a concern about
8 keep the group small enough so that we can get our job done.
9 This is not going to be without costs so there is the
10 consideration about the -- the financial aspects of the size
11 of the advisory group. But I -- I do want to make this as
12 open a public process as possible, and participation on the
13 public advisory committee is -- is the vehicle that we have.

14 An example of other advisory groups, such as the --
15 the North Pacific Council, has an advisory group that has 21
16 members, and that -- that functions well. Not all your
17 members will be able to attend every meeting, but that's a
18 fairly large group and it functions well.

19 So I think that -- that we can set the upper bounds
20 certainly. We don't want to leave it open ended, but we
21 should provide an opportunity for the nongovernmental
22 interests to participate. And if we have to make it 50/50 and
23 talk about 18 people, I don't know exactly how many interests
24 groups have expressed interest, nongovernmental -- on the
25 nongovernmental side, but 15, 18, I don't think is totally

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1 unreasonable for this kind of a committee.

2 MR. BARTON: Further discussion?

3 MR. McVEE: Mr. Chairman?

4 MR. BARTON: Mr. McVee?

5 MR. McVEE: I'll speak again I guess in favor
6 of -- of the option (B). I think that, you know, by
7 experience with advisory boards, one of the biggest benefits
8 of working with advisory boards comes from the interchange
9 that occurs at their meetings as they address certain issues,
10 problems and subjects. And I guess to -- to get the -- the
11 best -- the best interchange, in my mind, it requires a
12 balanced mix of interests, and that if there are, you know, a
13 number of mayors, or -- or a number of elected officials, I'm
14 concerned that -- that their views might -- might tend to
15 dominate that -- that discussion.

16 The other problem I have is that -- is that while I
17 recognize that they represent, as elected officials would have
18 to run for office, and have to represent their various
19 constituencies and be sensitive to their constituencies, but
20 also that they have -- they have avenues I think that -- that
21 as a Trustee Council we have to give a certain deference to
22 the mayors of the communities, to the public officials that
23 are responsible for -- for public programs and have public
24 responsibilities.

25 But I guess I would, you know, opt to try to get the

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1 maximum -- have the maximum balance by -- by having the
2 broadest range of interest and in a balanced form.

3 MR. BARTON: Further -- further

4 MR. COLE: Mr. -- Mr. Chairman?

5 MR. BARTON: comment? Mr. Cole?

6 MR. COLE: I subscribe to the views of those
7 who I'm suing currently for the exercise of bad judgment, but
8 I -- I tell you, I am leery of too much government in this
9 whole process. I mean, we are all government here, the six,
10 okay? The restoration team is all government, and now the
11 thought is loading as it were this advisory group with more
12 government, and I just am very deeply troubled about that.
13 These people, or these elected officials, ran for election on
14 the ground that they could lead their governmental units and
15 -- and the exercise of traditional and orthodox governmental
16 functions.

17 That is not the case with what we're dealing with
18 here. I mean, we're dealing with restoration of damaged
19 resources, enhancement, acquisition of alternate resources. I
20 mean these -- these are -- all require, I think, fields of
21 judgment and knowledge which in my view are vastly different
22 from those who normally are elected to governmental positions.

23 And -- and I join with Mr. McVee about a concern of
24 domination of this group by governmental units. What I would
25 be looking for here are people who have special skills by

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1 virtue of training adn -- and experience and records of
2 distinguished service in these various fields to guide us and
3 to furnish us with information which is desirable to enable us
4 to exercise and perform the responsibilities for which we sit
5 here. And so anyway it would be a lot of trouble for me to
6 see more government loaded into this advisory -- public
7 advisory group. I think it's really not a public advisory
8 group, it's sort of a governmental advisory group, you know,
9 if we structure it from the standpoint of, you know,
10 dominating government. That's not public. That's just
11 governmental advisory. So

12 MR. BARTON: Mr. Collinsworth?

13 MR. COLLINSWORTH: I have a question of Ernie.
14 The -- is it assumed that the local government would be
15 represented by their mayors, or would it be that these local
16 governments would be represented by someone chosen by the
17 local government?

18 MR. PIPER: My assumption would be that it
19 would be someone from that elected base, whether it's a
20 borough or city council or the -- the mayor him or herself.

21 MR. COLE: That's even worse.

22 MR. PIPER: The Attorney General's called (ph)
23 theory says that this is worse.

24 MR. COLLINSWORTH: Well, I guess these

25 MR. COLE: Well, excuse me, Mr. Collinsworth.

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1 MR. COLLINSWORTH: these local
2 governments, they are certainly community -- in each of these
3 communities there are interested folks that probably should
4 participate on this advisory committee. How do you select
5 them? Are we going to have someone from Cordova -- how do you
6 select someone from Cordova? You're going to get a commercial
7 fisherman? You're going to get a person who represents the
8 tourism and guiding industry in the -- in the Sound? Are you
9 going to select someone from the local -- a member of the
10 Sierra Club? Somebody from the Audubon? Who is going to
11 represent the collective sets of diverse interests for the
12 City of Cordova if it isn't someone that has some
13 accountability to those collective interests? And it seems to
14 me that that would be perhaps one of the elected officials, or
15 someone selected by the elected officials. And so I think
16 that the -- I think that argues for having the governments
17 represented either by an elected official or someone chosen by
18 the -- the -- either the borough assembly or -- or whomever.

19 MR. COLE: Mr. Chairman?

20 MR. BARTON: Mr. Cole and then Mr. Rosier.

21 MR. COLE: I want to respond to that, because
22 I think it's very important. You see, if we allow, for
23 example, the mayor of Valdez to select the person who actually
24 sits on this group, then we appoint, you know, an interest
25 group, commercial fisherman, tour groups, scientists,

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1 environmentalists and so forth, we run a danger that the
2 governmental unit from -- from Valdez will select, for
3 example, an environmentalist, and we already have
4 environmentalists on the group, or you can say commercial
5 fishermen or whomever you want to put in there, and then, you
6 know, we get not a balanced participation group. We run the
7 danger of having an unbalanced group if we permit that.

8 And -- and it seems to me that if we permit the local
9 government official to select, I mean, we're sort of
10 abdicating our responsibilities and -- and just passing it on
11 to somebody else and letting them make the decision for us.

12 I think it's vital that -- you know, that we have a
13 broad range of interest groups in the public participation
14 council, and that they be selected for their representation,
15 spokesman as it were, or spokeswoman, for the interest groups.

16 MR. BARTON: Mr. Rosier?

17 MR. ROSIER: Thank you, Mr. Chairman. It
18 seems to me that -- that I would certainly agree with -- with
19 Mr. Cole as related to the -- the importance of the decision
20 that we're about to make, but it seems to me that there's --
21 there's probably some techniques or a system, however, that --
22 that we as a Council could implement on the selection of the
23 people that could in fact give us the balance that we're
24 looking for. For instance, perhaps we ask for three
25 candidates from each of the communities. Perhaps we ask for

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1 three candidates from the individual groups that are involved.

2 To my way of thinking, I lean toward the -- the mix on
3 this, because I think that -- that we really do need that --
4 that information from -- from some of the government people
5 out there in those communities, and we also need it from the
6 -- from the interest groups. It seems to me that if we design
7 the -- the group perhaps with a 50/50 split on this, that --
8 that we've in fact got the -- the broad group of interest if
9 we're -- that we need if we're careful in how -- how we
10 proceed as a Council to select, to appoint that particular
11 group.

12 It seems to me that in terms of dominance of
13 government over the interest groups, I've certainly seen
14 nothing quiet or -- or unassuming about the interest groups
15 that have come forth here and participated in the public
16 process here on this, and so I really feel that -- that they
17 can represent themselves, and represent themselves very well.
18 And I certainly lean toward having a mix myself.

19 MR. BARTON: Mr. Sandor?

20 MR. SANDOR: Well, I've been reflecting on
21 this matter of -- of government being represented on the
22 Trustee Council at the federal and the state, and to -- and to
23 what degree they ought to also be represented on -- or whether
24 or not the state -- the local government should be represented
25 on the public advisory group. And it seems to me that there's

1 such a difference between the feds and the state from the
2 standpoint of their charters and management. In some
3 instances they've been known to sue one another.

4 (Laughter)

5 MR. COLE: Sue each other right on this
6 Council.

7 MR. SANDOR: But I guess, seriously, that the
8 -- the trouble I have and -- and why I strongly believe there
9 should be local government representation here, is that
10 they're not represented on this Trustee Council, and I think
11 their views would be extremely valuable and -- and it would be
12 it seems to me a real problem not to have -- to just have,
13 quote, feds and the state on this Trustee Council and not
14 having these local governments have a very significant voice,
15 at least equal, at -- you know, this is the areas of their own
16 communities. Yet at the same time I recognize the necessity,
17 desirability of -- of having the public interest groups and
18 special interest groups involved. That's why I was so -- it
19 seems to me that (C) was a good way of having the benefits of
20 both. So I suppose we could make this large enough to
21 accommodate both, but I'd hate to see the -- the local
22 government get screwed.

23 MR. COLE: Mr. Chairman?

24 MR. BARTON: Mr. Cole?

25 MR. COLE: Yeah. I don't think anyone

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1 conceives of the exclusion of local governments. I think it's
2 clear that they should be included, and I'm not arguing for
3 their exclusion. I'm -- I'm just concerned about having too
4 many of them on there, that, you know, we don't get the
5 diffused group, and I -- that -- that I think we need. So I
6 would say why don't -- one thing we could start with was, you
7 know, some discussion about how many on this group and get a
8 sense of that, and then how many should be from the public.

9 See, here, when we did this, as I say, historically,
10 we said, look, we would need, for example, about, as I recall,
11 11 or 13 people, and here's what the discussion was, and it's
12 certainly not binding or anything like that, but we thought we
13 should have -- there was a discussion, I'd like to put it that
14 way, local government should be on this, the tour groups
15 should be -- representation should be on there, sport fishing
16 should be a member, for example, commercial fishing could be
17 there, a guide representation could be there. As I -- I lose
18 track, but -- if I duplicate these, please excuse me. Native
19 interests should be there. Scien- -- scientists should be
20 with special skills. Maybe an academician should be there
21 from the University of Alaska or somebody. Let's see. An
22 environmental -- I -- I won't forget that, thanks.

23 I mean, that's the sort of thing we had in mind, and
24 then you put all these people in a room and say, you know,
25 sort of -- and there -- there were some more, I mean, three or

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1 four more, and I don't need to be definitive about this. And
2 then you put them all in a room and you say, "okay, you know,
3 have at it folks, you know, and give us your recommendation."
4 And I -- you know, I thought that was sort of pretty good,
5 about 11, 13 people, as Mr. Collinsworth says. I -- I don't
6 think we should keep it down to, you know, too few in number.
7 I think the broader input we have from the public generally,
8 everybody then can say, "Well, I wasn't left out. I had my
9 say. It didn't make the cut, but, you know, we were in it."
10 And that's the way I conceive of this group. So

11 MR. BARTON: Do I detect that we're really not
12 ready to deal with it?

13 MR. COLLINSWORTH: Well, Mr. Chairman, maybe I
14 could get the ball rolling in that regard to amend my motion,
15 to amend 2(C) and speci- -- to specify that there shall be 18
16 members of the advisory committee, and I will be specific that
17 there should be the seven local governments and two
18 traditional native governments plus nine others.

19 MR. ROSIER: Second.

20 MR. BARTON: Any discussion on the amendment?
21 Any objection to the amendment?

22 MR. COLE: Yes.

23 MR. McVEE: Yes.

24 MR. BARTON: The amendment fails.

25 MR. COLE: Two objections?

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1 MR. BARTON: Two objections. It is now 20
2 minutes to 12. Let me just say I know of two Council members
3 that need to take a break. Let me suggest we break for ten
4 minutes, come back and finish this discussion on the public
5 advisory, the whole public advisory item on the agenda, and
6 then decide what we want to do from there on. Ten minutes.

7 (Off record)

8 (On record)

9 MR. BARTON: If we could get back together
10 again so we can reconvene the meeting? Ask you to take your
11 seat, please?

12 There's been a suggestion that the Council might
13 benefit from some public comment on the issue that we've just
14 been discussing. Does any Council members object to taking 15
15 minutes and

16 MR. COLLINSWORTH: I'm afraid we may have lost
17 most of our public to lunch.

18 MR. BARTON: Well, they have better sense than
19 we do. What are you suggesting?

20 MR. COLLINSWORTH: I -- I see a lot fewer
21 people than -- than when we started our break is the only
22 thing.

23 MR. PIPER: Mr. Chairman?

24 MR. BARTON: Mr. Piper?

25 MR. PIPER: Until people are deciding whether

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1 they're going to comment, would you like me to sort of
2 summarize the -- the regional public comment that led us to
3 certain parts of this suggestion?

4 MR. BARTON: What I would like is if you have
5 some feeling that it addresses the motion on the floor, that's
6 exactly what we need.

7 MR. PIPER: That's -- that's what I'm getting
8 at.

9 In -- in terms of what people said about this kind of
10 -- of thing, what the -- two things to keep in mind is they --
11 the public comment that we've gotten from this has been
12 regional in nature rather than from the entire broad range of
13 interests that were effected, meaning including interests from
14 outside the state and so on, so whatever infor- -- whatever
15 comment we got on this was restricted to the region.

16 Now, in public comment in each of the places we went,
17 generally what people said was this: They liked or they
18 approved or they had no quibble with the list of interests
19 that we had laid out, and -- but they wanted to make sure that
20 regional concerns like Commissioner Collinsworth was
21 mentioning, the difference between Cordova commercial
22 fishermen and Kodiak regional fishermen, to make sure that
23 those weren't lumped together in such a way that it diluted
24 their voice. Mayor Weaverling from Cordova specifically
25 recommended that one way out of that was to -- to set up the

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1 council on a regional basis and use local government people.
2 Based on those, and a variety of other both practical and
3 theoretical compromises, that's where the local government
4 suggestion came from.

5 There -- there was not specific comment from those
6 towns themselves that said they wanted their local elected
7 officials on there, or kind of -- they just wanted to make
8 sure a strong regional presence or regional point of view was
9 represented. They didn't argue specifically for the local
10 government, so that -- that's one thing to keep in mind on
11 that.

12 MR. BARTON: Thank you.

13 MR. RICE: Mr. Chair- -- Mr. Chairman?

14 MR. BARTON: Mr. Rice?

15 MR. RICE: Is this on?

16 SOUND SYSTEM OPERATOR: No, if -- if you could
17 borrow one next to you I'm afraid. I'm sorry.

18 MR. RICE: Just a point of information for the
19 public, the decision list that we're working from at the front
20 table is available in the back table outside the -- in the
21 hall there for those who would like to have a copy of it.

22 MR. BARTON: How does the Council wish to
23 proceed? We have a motion on the floor to adopt 2(C). Any
24 further discussion? Well, we can't vote without Mr. Cole.
25 Any further discussion?

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1 MR. McVEE: Mr. Chairman?

2 MR. BARTON: Mr. McVee?

3 MR. McVEE: Would it help us, you know, I
4 guess to get out of this kind of dilemma if we were to go out
5 and -- and ask for nominations, frame that request, you know,
6 describing what basically we wanted the -- the advisory group
7 to do and -- and, you know, just give us an idea of the kind
8 of interests that are -- that are out there and want to --
9 that want to serve. I'm just trying to find a way to -- to
10 get a sample of -- of what interests that we should consider
11 as we're -- we're selecting membership.

12 MR. BARTON: Well, the other thing I think to
13 remember is that is going out for public review and presumably
14 it could go out without a decision on this item. Is that
15 correct, Mr. Piper?

16 MR. PIPER: It could, but -- but once again I
17 should point out some of my suggestions are -- are based on
18 expediency as well, and

19 MR. BARTON: Yeah, I understand.

20 MR. PIPER: and some of the reasons that
21 I felt local government worked well were based primarily on
22 that it skipped a couple of steps and that you could get
23 something in place that provided public review on -- at least
24 on an interim basis to do that. Now, there are some real
25 drawbacks with that, and some of them have been pointed out by

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1 Attorney General Cole and some of them have been pointed out
2 by Mr. McVee.

3 What -- I really would suggest that based on being in
4 the communities and talking with the people on a consistent
5 basis, and based on the fact that the Trustees have the option
6 of making regional representation a strong criterion for
7 selection, i.e. that no matter what interest you chose, a
8 certain percentage or a strong number if them should be from
9 within the region themselves. I think that you can satisfy
10 the need for regional representation within selection (B),
11 which is, with due respect to Commissioner Collinsworth. I'm
12 -- I'm just looking for a compromise here only because I would
13 -- from -- from our standpoint like to see that we get
14 something up and running fairly quickly.

15 MR. BARTON: Mr. Sandor?

16 MR. SANDOR: Mr. Chairman, I wonder if there's
17 another possible approach to -- to resolving this important
18 issue, and that is to -- to have essentially an interim public
19 advisory group that in fact was the -- the group of nine, and
20 have it charged with -- with the process during the public
21 review process that's now underway between now and May I guess
22 to solicit from within their communities the alternative
23 options that's under consideration, including (A), (B) and
24 (C), and target at that time in which we're to make the final
25 decision on these other items, the -- the selection of a

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1 permanent public advisory group. Is -- is that within the --
2 the bounds of possibility?

3 MR. BARTON: Mr. Piper?

4 MR. PIPER: Mr. Chairman, I -- I think that if
5 we -- if we put that -- and again keeping in mind that I'm a
6 strong believer in local government, and I like it and I --
7 and it's the kind of thing that I see happen, the -- a real
8 downside to that though is that if you put the decision or
9 that type of deliberation at a local government level, you're
10 -- you're bound to get somewhat of a biased result. I mean,
11 your -- your sample that you've selected is -- is
12 automatically biased towards producing a regional result, and
13 whether you like the result or don't like the result, you just
14 have to argue from a logical standpoint, that it started off
15 somewhat biased.

16 I think that the -- one of the options that we
17 discussed is that if local government was just as important
18 as -- as some had argued, that simply A plus -- plus B
19 produced -- giving you a group of -- of some 20 or 21 or 22
20 members was an alternative, but it just seemed too big to us.
21 If size isn't a problem to -- to the Trustee Council, that's
22 an option, but the more members you add and the more travel
23 and -- and kinds of things go with it and it just will then
24 tend to cost more money and be less likely to produce the kind
25 of clean results in terms of consensus or advice that you're

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1 looking for.

2 MR. BARTON: Mr. Collinsworth?

3 MR. COLLINSWORTH: Well, I -- I think -- I
4 don't know, I was going to make another point and I will, but
5 Mr. Piper's -- this last comment about consensus
6 recommendations, I don't expect this advisory committee to --
7 to only give consensus recommendations. I expect that there
8 will be a majority opinion and minority opinion, and I want to
9 hear both. The advisory committees that I have worked with, I
10 find it very valuable not only to hear the majority side, but
11 to hear the minority side as well, and -- because these are --
12 this is advice to this group that has to make a final policy
13 decision.

14 The question, Mr. Chairman, is that we are going to go
15 out with this public participation framework and then make a
16 final decision on it,

17 MR. BARTON: That's

18 MR. COLLINSWORTH: in terms of which
19 model we're going to use, and the number of participants, is
20 that correct? Or are we supposed to do that today?

21 MR. BARTON: We can do it either way as I
22 understand Mr. Piper.

23 MR. PIPER: It would be helpful to have some
24 kind of at least interim public advisory group on the
25 assumption that at the close of comment on the restoration

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1 framework document, and -- that whatever public comment came
2 in that would alter your view of how it was originally set up,
3 that you could do that. There's no reason to suggest that
4 what you decided today or next week would be what you'd have
5 to live with for the next ten years. My concern is that there
6 be some kind of public advisory group in place during a very
7 critical period that's -- that's up this next year.

8 Now, if -- if I could make a suggestion?

9 MR. COLLINSWORTH: Well, just

10 MR. PIPER: Go ahead.

11 MR. COLLINSWORTH: When you say this next
12 year, I mean, if the -- in terms of public notice and
13 opportunity to comment on this framework, that will be out to
14 the public between now and the next Council meeting? Is that
15 -- would that be the?

16 MR. BARTON: Well, we've not established the
17 next Council meeting, but it -- it

18 MR. COLLINSWORTH: Well,

19 MR. BARTON: when is that designed to go
20 out, Dr. Gibbons?

21 DR. GIBBONS: The -- the charter?

22 MR. BARTON: The framework.

23 DR. GIBBONS: The framework? The framework is
24 -- is due towards the end of the -- end of March.

25 MR. BARTON: To go out.

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1 MR. COLLINSWORTH: To go out for public
2 review?

3 MR. BARTON: Public -- that's for

4 DR. GIBBONS: For -- for public review.

5 MR. COLLINSWORTH: How long?

6 DR. GIBBONS: Thirty days.

7 MR. COLLINSWORTH: Thirty days.

8 MR. BRODERSON: I thought it was 45?

9 MS. RUTHERFORD: It's 45.

10 DR. GIBBONS: Excuse me. I stand corrected.
11 Forty-five days.

12 MR. PIPER: Mr. Chairman, if I could make a
13 conceptual suggestion and -- and just see if that brings us
14 closer to something specific?

15 MR. BARTON: Would be pleased to have a
16 conceptual suggestion.

17 MR. PIPER: If -- if one assumed that it was
18 the will of the Council to have more than 15, and if one
19 assumed that local government representation was important to
20 some members of the Council, and less important to others, and
21 one assumed that interest were important to be represented as
22 defined by some of the discussion, that if there were a group
23 of say 18 and that there was some upper limit on what local
24 government representation might be, for example, three or four
25 members, would be -- that be the kind of set up that might be

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1 acceptable to all parties?

2 MR. BARTON: I don't know. We, however, just
3 defeated an amendment that said an upper limit of five on the
4 -- on local government and a total of 18, so it -- I don't --
5 any other Council members

6 MR. COLLINSWORTH: Well, Mr.

7 MR. BARTON: wish to comment on that?

8 MR. COLLINSWORTH: Mr. Chairman?

9 MR. BARTON: Mr. Collinsworth?

10 MR. COLLINSWORTH: We -- I guess it's the
11 rules of the procedure that we can't conduct any business
12 unless we have all members present, and

13 MR. BARTON: That's why

14 MR. COLLINSWORTH: so I think

15 MR. BARTON: I'm stalling.

16 MR. COLLINSWORTH: this is -- huh?

17 MR. BARTON: That's why I'm stalling.

18 MR. COLLINSWORTH: Well, I -- I don't care to
19 -- to stall and discuss the issue any further until we have
20 all of our voting members, so we might as well either go to
21 lunch or find our other voting member,

22 MR. BARTON: I understand.

23 MR. COLLINSWORTH: 'cause we -- I mean,
24 I'm -- I'm prepared to offer a motion, and

25 MR. BARTON: Well, we have one on the floor.

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1 MR. COLLINSWORTH: And we have one on the
2 floor, so

3 MR. BARTON: Well, let me ask, unrelated to
4 this subject, how much time do you think we will need,
5 Dr. Gibbons, to go through items six through ten? To finish
6 the meeting in other words?

7 DR. GIBBONS: The -- the primary items left
8 are items eight and nine. Item seven is -- is a short
9 discussion as -- as item six, and item ten, so I would hope an
10 hour for that -- for those six.

11 MR. BARTON: Why don't we break

12 DR. GIBBONS: Optimist.

13 MR. BARTON: Optimist. Thank you. And then
14 we need to conclude this discussion. Why don't we break for
15 lunch, come back at 1:00 o'clock and perhaps all of us can be
16 present then.

17 (Off record)

18 (On record)

19 MR. BARTON: If we could take our seats, we'll
20 resume the meeting.

21 When we recessed for lunch, we had a motion on the
22 floor that we adopt option 2(C), and considerable discussion
23 of what -- what the correct balance should be. Was there any
24 enlightenment over lunch?

25 MR. COLE: I

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1 MR. BARTON: Mr. Cole?

2 MR. COLE: I -- I will move that the
3 appointment of what might be termed the permanent public
4 advisory group be deferred until the next meeting, and that we
5 request the staff to review the public participation issue
6 from this -- to submit proposals to the Trustee Council that
7 provides for a government -- two local government
8 representatives, two native governmental representatives, for
9 example, one traditional village and -- and the rest composed
10 of broad categories of broad interest groups.

11 MR. BARTON: Is there a second to the
12 amendment?

13 MR. McVEE: I'll second.

14 MR. BARTON: Any further discussion of the
15 amendment? Any objection to the amendment?

16 MR. COLLINSWORTH: I object.

17 MR. BARTON: Okay. The motion's still before
18 us then of option 2(C).

19 MR. COLLINSWORTH: Mr. Chairman, I would move
20 to amend the motion to amend 2(C) to put a limit of not more
21 than 16 persons shall comprise the committee.

22 MR. BARTON: A second to the motion -- or the
23 amendment? Is there a second? Amendment dies.

24 MR. COLE: I'll move to amend to a maximum
25 limit of 15.

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1 MR. BARTON: Is there a second to the
2 amendment?

3 MR. COLLINSWORTH: I'll second.

4 MR. BARTON: Any discussion of the amendment?
5 Any objection to the amendment? Okay. The amendment is
6 adopted. Is there any further discussion on the motion?

7 MR. McVEE: The motion as I understand
8 it

9 MR. BARTON: The motion is 2(C) with a limit
10 of six- -- 15.

11 MR. McVEE: But it would still be half --
12 seven and a half representatives from local government?

13 MR. BARTON: As I understood our earlier
14 discussion, there was some feeling that it would be about
15 50/50, yes.

16 MR. COLE: Well, what -- what is the -- what
17 is the issue before the Council at the moment?

18 MR. BARTON: The motion before the Council at
19 the moment is option 2(C) with a limit of 15 members. In the
20 course of the discussion, I understood the sense of the
21 Council was -- or the sense of the maker was about a 50/50
22 split between local government and interests.

23 MR. SANDOR: Mr.

24 MR. BARTON: Mr. Sandor?

25 MR. SANDOR: Mr. Chairman, just a point of

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1 clarification, this is -- this is 2(C) and is to be
2 established when? Is it now or is it deferred? Are we
3 having interim or -- or what?

4 MR. BARTON: The motion as I understand the
5 motion myself, now I'm getting foggy, is that this would be a
6 final decision to adopt 2(C), permanent -- a permanent
7 advisory committee structure utilizing 2(C) until such time in
8 the future as we might change.

9 MR. SANDOR: Mr. -- Mr. Chair -- Mr.
10 Chairman, I -- I think it's premature to -- to suggest the
11 precise split between -- and I was not aware that we had
12 actually voted on that, but

13 MR. BARTON: We had not.

14 MR. SANDOR: Okay. So this -- that leaves
15 that open of the -- of the

16 MR. BARTON: That's

17 MR. SANDOR: degree of constitution.

18 MR. COLLINSWORTH: That's my motion.

19 MR. SANDOR: I would support the motion.

20 MR. BARTON: Further discussion on the motion?

21 MR. COLE: Mr. Chairman, could

22 MR. BARTON: Mr. Cole?

23 MR. COLE: Could it be thence re- -- restated
24 so we know precisely what we're dealing with when we vote?

25 MR. BARTON: It's my understanding -- well,

1 did you make the motion, Mr. Collinsworth? Would you restate
2 your motion?

3 MR. COLLINSWORTH: Yes, under -- under
4 paragraph two, the issue sheet that we're dealing with, the
5 membership of the public advisory committee, the motion was to
6 adopt the model that is indicated at 2(C), that the -- that
7 the model would be a local government and other interest group
8 mix. It does not spec- -- the motion does not specify the --
9 what the mix shall be or the seats that would be dedicated to
10 either local government or other interest groups, but it does
11 set a limit that there shall be no more than 15.

12 MR. COLE: I have a -- Mr. Chairman, I have a
13 question.

14 MR. BARTON: Mr. Cole.

15 MR. COLE: What -- what then is the difference
16 between 2(B) and 2(C) if that is the motion?

17 MR. COLLINSWORTH: Mr. CHairman?

18 MR. BARTON: Mr. Collinsworth?

19 MR. COLLINSWORTH: I chose 2(C) as opposed to
20 2(B) to explicitly express my interest in this motion that it
21 be clear that local governments would be a part of the model.
22 Under 2(B) you could argue that they are included, but it's
23 not explicit, and I wanted to make it explicit.

24 MR. COLE: So, -- Mr. Chairman?

25 MR. BARTON: Mr. Cole.

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1 MR. COLE: Then if I understand the motion, it
2 -- the -- that we have, the motion calls for the appointment
3 of or a public advisory group comprised of 15 members, one or
4 more of whom will representative of local government? Is that
5 the motion, no more, no less?

6 MR. BARTON: That's my understanding of the
7 motion. Further discussion on the motion? Is there objection
8 to the motion? The motion's adopted.

9 Mr. Piper, would you lead us through in an expeditious
10 manner the remainder of your decision list?

11 MR. PIPER: Certainly will. Three is the
12 acceptable nomination and appointment methods for public
13 advisory group. We now have 15 members, one of which at least
14 is -- is the local government. For -- letter (A) does
15 actually not obtain (ph) under the motion that you've --
16 you've mentioned, because that was originally intended to
17 refer to a group that was all local government. So we are
18 just dealing with (B) and (C).

19 For each -- these are the ways that they -- that it
20 could be done, that the restoration team has suggested. First
21 is that for each seat of a designated interest, and let's say
22 it's commercial fishing, environmental organizations,
23 subsistence or so on, the Trustees would select a member for
24 each seat from a list of three nominees submitted by the
25 public, by recognized organizations or a caucus of

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1 organizations.

2 This is similar to the way in which some selection is
3 done now, at least at the state level, where -- and I'll give
4 you an example. If we were choosing commercial fisheries, the
5 -- a group such as the United Fishermen of Alaska would submit
6 three names that would be acceptable to that group, and the
7 Trustees would select from among those three to represent that
8 interest.

9 The point here is that it tracks with consistent
10 public comment, that the public wants to make sure that they
11 have a strong direction over who represents -- who represents
12 them in those things.

13 Letter (C) is that if you had just at-large seats, not
14 a designated seat, but you reserved some seats on an at-large
15 basis to balance things in -- in whatever way you felt it
16 needed to be balanced, those would be selected strictly from
17 individual nominations. A much more straight-forward process.

18 So the Restoration Team suggests that (B) and (C) be
19 adopted as the models for selecting members.

20 MR. BARTON: Comments or discussions by
21 members of the Council?

22 MR. COLLINSWORTH: Mr. Chairman?

23 MR. BARTON: Mr. Collinsworth?

24 MR. COLLINSWORTH: There has not previously
25 been any designation of seats, is that correct, although

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there's been some discussion, there are not designated seats?

MR. BARTON: No. The group doesn't exist at this point.

MR. COLLINSWORTH: Okay. I -- the -- my only point I guess in asking that question is that it's I think difficult at times to designate seats, you know, this is a -- this is a fisherman's seat, or this is somebody from the environmental community. Just as some people think that everybody in the environmental community are green, there's certainly different shades of green and different interests, and there are -- the same could be said about fishermen's organizations, a fisherman whose experience maybe is a Prince William Sound gillnetter, is not -- is not necessarily well-informed or knowledgeable about the interest of somebody in -- in Cook Inlet who is a setnetter or a seiner in -- in Kodiak. So there -- when you say a fisherman or an environmental representative, it's difficult to find single individuals who -- who really are knowledgeable and representative of -- of the whole variety of interest. So as you designate not only -- I think if -- if we do get to the process of designating seats, there's also regional differences, and so it's -- it's almost interest-slash-region that will give you the best mix of -- of people.

MR. BARTON: Thank you. Mr. Sandor?

MR. SANDOR: Mr. Chairman, I think we want

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1 both and I say that, because specifically if we -- and maybe
2 Mr. Collinsworth alluded to this, but I think, for example,
3 that we would want in this one or more members of -- of local
4 government, you know, someone from Prince William Sound,
5 perhaps one -- someone from Kodiak or (indiscernible,
6 coughing), and -- and with respect to the native groups, we
7 could have, you know, the council or village corporation, so I
8 -- I would see some opportunity to have a mix, and maybe we
9 don't -- maybe we can just leave this open and agree -- in
10 fact I would move that -- that we consider a nomination with a
11 mixture of both designated seats and at large seats without
12 specifying at this point in time which they would be. Is that
13 -- I would move that. Is that appropriate? Is a motion even
14 appropriate?
15

16 MR. BARTON: The motion's in order. Is there
17 a second?

18 MR. ROSIER: Second.

19 MR. BARTON: All right.

20 MR. SANDOR: Well, let's discuss it.

21 MR. BARTON: Yeah. I have a question, that
22 essentially would make them all at-large seats at this point?

23 MR. SANDOR: No. The -- it would provide the
24 opportunity for either as we -- we go through, so there might
25 be -- I -- I guess what I'm concerned about is -- is that
there actually be a native representation, and some -- and

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1 also a community representative, and -- and can we do that
2 without -- how can we do that without designating? I don't
3 want them all designated, you know. Can't we have a mix of
4 both? That was the spirit of the motion.

5 MR. PIPER: Mr. Chairman, yes, sir, you -- you
6 certainly could. The -- the point of my number three is to
7 say that "let's assume that you have a designated seat,
8 regardless of how many there are." But in the case where
9 there's a designated seat, such as environmental community,
10 commercial fisheries, or local government, that the Trustee --
11 that the -- the principal service, trade or public interest
12 organization in the area submit three names. For example, if
13 we're in the local government seat, the Alaska Conference of
14 Mayors, or the Oiled Mayors Group submit three names that
15 would be nominees, and then from that list the Trustees would
16 select one.

17 The attempt here was to balance the prerogatives of
18 the Trustees to ensure that they have a board that will
19 produce results and that they can work well with and feel
20 comfortable with, with the public interest and making sure
21 that the public is not being given a representative as opposed
22 to choosing a representative. And

23 MR. BARTON: Other comments?

24 MR. PIPER: this is a practice that's
25 followed in some boards currently.

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1 MR. BARTON: Other comments from the Council?

2 I have a question. At what point do we identify the
3 interest? It seems to me that's a pretty significant step.

4 MR. PIPER: The -- I think it was two Trustee
5 Council meetings ago we had submitted a draft list -- list of
6 interest to be included in the public comment, and that was
7 approved by the Trustees, and it was list of 12. And that
8 list quite frankly was -- there were no significant comments
9 against that list when we went to regional public comment.
10 There were a couple of suggestions to fine-tune it, which I
11 think were good, but generally the -- the list was intact that
12 the Trustees looked at originally.

13 MR. BARTON: Yeah. I understood at that time
14 though we were going to have another opportunity, and -- and I
15 may have misunderstood that. At any rate, if

16 MR. PIPER: You -- you certainly -- you can
17 give us

18 MR. BARTON: Yeah, I would -- I would like one
19 myself.

20 MR. PIPER: Sure.

21 MR. COLLINSWORTH: Mr. Chairman?

22 MR. BARTON: Mr. Collinsworth?

23 MR. COLLINSWORTH: For the -- the initial
24 appointment of the committee, you might want to just do a
25 broad solicitation asking for nominations from local

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1 governments, from interest groups, and those persons who might
2 wish to seek an at-large position. Find out what array of
3 interest there is, where, you know, the regional as well as
4 kind of the classification of interest, and then at the time
5 you do your selection, you can achieve some, you know, balance
6 in the -- of the committee, and then I think subsequently if
7 you want to establish designated positions, then it could be
8 done later. When the -- for example, when the North Pacific
9 Council formed its advisory committee, it did not have
10 designated positions. It -- it simply took a broad range of
11 nominations, made a selection and in an evolutionary process
12 over a period of time, it became obvious what the -- you know,
13 where the various interest groups -- where they were, who they
14 were, and in fact now there is pretty much a system of
15 designated positions, some still at large, but some
16 designated. For example, a Southcentral/Gulf of Alaska
17 processor would be one of the kind of designated positions,
18 and -- and so on and so forth. So for the first -- for the
19 first go around, you may not want to designate, but in fact
20 you will de facto in balancing the -- the committee at the
21 time the appointments are -- are made do that, and then if
22 you want to, subsequently you can specifically designate that
23 when somebody leaves, that that is a position that's dedicated
24 to that particular kind of interest.

25 MR. COLE: Mr. Chairman?

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1 MR. BARTON: Mr. Cole?

2 MR. COLE: Yeah. I -- let me try my motion
3 again. I -- I move that we refer this to the -- to Mr. Piper
4 until the next meeting, have him make recommendations based
5 upon the views expressed by the Council today.

6 MR. BARTON: Is there a second to the
7 amendment?

8 MR. SANDOR: Second.

9 MR. BARTON: Any further discussion of the
10 amendment?

11 MR. COLLINSWORTH: Mr. Chairman, I guess the
12 -- I thought there was, you know, something of a fairly
13 compelling need to start this process to move forward quickly
14 so that you would get your nominations and be able to appoint
15 a committee and have that committee proactive early on in this
16 process, particularly as the framework restoration document
17 goes out and so on, so I guess that's why I was -- rather
18 than deferring this to some later time, trying to see if we
19 could find a way of fixing it well enough so that that
20 committee could get in place fairly quickly.

21 MR. COLE: Mr. Chairman, but I

22 MR. BARTON: Mr. Cole?

23 MR. COLE: I agree with that view. It
24 -- I thought one way around it would be to appoint an interim
25 advisory group, give us an opportunity to address more fully

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1 the -- the views which the Council has expressed here today.
2 That's my thought on it. I -- I just think we're not quite
3 prepared to make final decisions or cuts that -- that are
4 necessary. And a reason I think that is Mr. Piper has not
5 furnished us with that specific type information. One of the
6 reasons, he hasn't really had, you know, guidance from the
7 Council, which type guidance I think we've expressed today.

8 MR. BARTON: Further discussion on the
9 amendment? Is there objection to the amendment?

10 MR. COLLINSWORTH: Restate the amendment,
11 please?

12 MR. BARTON: The amendment is to -- well,
13 Mr. Cole, do you want to restate your motion?

14 MR. COLE: It was to recommit to Mr. Piper for
15 his further advice the composition and means of selecting the
16 public advisory group, and to have him furnish us with the --
17 a report at the next meeting of the Council. And I'll add to
18 that I think, and in the interim for us to appoint a temporary
19 advisory group.

20 MR. BARTON: Is there objection to the motion?
21 Does the second concur with the amended motion? Mr. Sandor?

22 MR. SANDOR: Yes.

23 MR. COLLINSWORTH: Well, Mr. Chairman, I -- I
24 guess I'd like to have a better understanding of how the
25 interim advisory committee would be appointed, how that

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1 committee would be dissolved, the permanent committee put in
2 place, how long they would operate, is there going to be a
3 chance for continuity? I guess if we were going to put this
4 off until the next meeting of the Council, I would have been
5 willing to put off the -- the model that would be used to
6 allow public comment on that as well. But I -- I guess I just
7 have just the mechanics of an advisory committee, selecting --
8 selecting that advisory committee, getting it started, when
9 does -- you know, when does its task conclude, are the members
10 that you appoint to the interim committee automatically
11 members of your -- of your final group? I don't know quite
12 how that would work, and I would have trouble voting for the
13 motion until I had some explanation. I would be willing to
14 deal with it separately though.

15 MR. COLE: Then I'll

16 MR. BARTON: Mr. Sandor?

17 MR. COLE: then I'll cut back the motion
18 and let's deal with it separately. One -- the first one is --
19 the first of the motion is to continue it until the next
20 meeting.

21 MR. BARTON: Does the second accept that
22 change?

23 MR. SANDOR: Yes.

24 MR. BARTON: Is there objection to the
25 amendment to the motion which would defer this discussion

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1 until the next meeting at which time we would have the benefit
2 of Mr. Piper and the Restoration Team's advice? Is there
3 objection to that amendment? Okay. And then it passes. Is
4 there objection now to the motion which is essentially the
5 same thing? Or is the same thing. Hearing none, the motion
6 passes. So we're tabling this until the next meeting, the
7 decision on item three on the decision list of Mr. Piper's, at
8 which time Mr. Piper would give us some suggestions about how
9 to go about this, the advantages and disadvantages.

10 Further discussion on the public advisory group?

11 MR. COLE: Mr. Chairman?

12 MR. BARTON: Mr. Cole?

13 MR. COLE: The -- the concern I have now is do
14 we need in order to comply with the MOA, or U, I'm never sure
15 which it is, an interim group? That's one of the things I
16 think we need some guidance on. I would like to have some
17 guidance.

18 MR. BARTON: Do you know the answer to that,
19 Mr. Piper?

20 MR. PIPER: I think that you could fashion a
21 way to -- that by having a generic charter approved and to say
22 that there will be a public advisory group and it generally
23 consists of interests, I suppose one could argue that it --
24 that it meets it. It would be preferable I think to meet the
25 intent to -- to come up with some interim group of people to

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1 do that, and I think that would be closer to it, but that's
2 just my general opinion.

3 MR. BARTON: Let me ask a question. As a
4 practical matter, to whom do we send this generic charter that
5 we're developing for approval?

6 MR. McVEE: Mr. Chairman?

7 MR. BARTON: Mr. McVee?

8 MR. McVEE: Those are approved by GSA.

9 MR. BARTON: All right. And I wonder what
10 time frame we're talking about in securing that approval?

11 MR. PIPER: The process in a very shorthand
12 way is that the -- first, whichever designated federal agency
13 wants to deal with its Secretary, justifies the need in a
14 letter that -- that you need the advisory group, and then file
15 a charter. It has to be in the Federal Register I think it's
16 15 days before you intend to meet, and that it's -- it's for
17 review while it's in the Federal Register, and you accept
18 comments on it or whatever, and then it's -- it's either
19 accepted or rejected by the Secretary.

20 MR. BARTON: So would six weeks be an
21 optimistic estimate of the time that that will take?

22 MR. PIPER: I would think so.

23 MR. BARTON: So that we could not even convene
24 an interim group until we had secured that approval, is that
25 correct?

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1 MR. PIPER: If one were going to comply with
2 -- on all matters which apply to the Federal Advisory
3 Committee Act. If one does -- if the Trustee Council decided
4 that it wanted to appoint some kind of interim advisory group
5 to provide it some guidance on -- on a variety of issues, I
6 don't think there's anything that prevents you from doing
7 that. But the issue is whether it would meet the standards
8 that are laid out in the Federal Advisory Committee Act, and
9 if that is -- is a very important thing to the Trustee
10 Council, then it would take six weeks.

11 MR. BARTON: Has legal counsel got any
12 opinion?

13 MS. LISOWSKI: I think in my view, even if you
14 had an interim advisory group, you would still have to comply
15 with the FACA, Federal Advisory Committee Act, and that would
16 require filing the charter and as -- as Alex Swiderski and I
17 have gone through here and reviewed the -- the draft charter,
18 you would need to identify a federal agency that would submit
19 the charter to the General Services Administration.

20 I'm told that it may take up to three months for GSA
21 to be able to approve it, to give its blessing to the charter,
22 so you -- either way you're going to have to file the charter
23 whether it's an interim group to comply with the Act, or
24 whether it's a permanent group.

25 MR. BARTON: If -- if then we were to comply

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1 completely with the law, we could probably establish the --
2 the work- -- the permanent group as quickly as we could the
3 interim group. Is that a fair assessment?

4 MS. LISOWSKI: That's the conclusion I come up
5 with, yes.

6 MR. BARTON: Yes. Mr. Sandor?

7 MR. SANDOR: I wanted -- I wanted to ask a
8 question. Why couldn't we when we -- well, we've already
9 voted to submit this charter, and that -- that was good, we're
10 going to go ahead. But why can't in that submission, we -- we
11 say that's what we're submitting, but we're having an interim
12 group to assist in the formulation of that group?

13 MS. LISOWSKI: I have no problem with you
14 establishing some group that will help you. All I'm saying is
15 that you have to file the charter at the same time, whether
16 you have it as an interim group initially or whether you have
17 a permanent group, the -- the time frame for the approval of
18 the charter is going to be the same.

19 MR. BARTON: We have to have a charter for the
20 interim group as well as the permanent group, is that

21 MS. LISOWSKI: Correct.

22 MR. BARTON: what you're saying? All
23 right.

24 MS. LISOWSKI: At the same time, just going
25 over the regulations, at the same time that you submit a

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1 charter, the -- whatever federal agency is submitting it to
2 the General Services Administration must also provide a
3 description of how the agency, in this -- in this sense the --
4 the Council, is -- is planning to obtain fairly balanced
5 membership. To ensure that selection of members of the
6 committee, advisory group, the agency will consider a cross
7 section of those directly affected, interested, and qualified
8 as appropriate to the nature and functions of the advisory
9 group.

10 And in addition, one thing you may want to consider is
11 that if there's any technical expertise that's required from
12 the advisory group, that you may need to consider having that
13 individual also be a member of the group.

14 MR. BARTON: A member of which group?

15 MS. LISOWSKI: The advisory group.

16 MR. BARTON: It seems to me that -- well, we
17 have a motion on the floor. I can't remember what it is
18 though. Do we have a motion on the?

19 MR. COLLINSWORTH: No, I don't think so.

20 MR. BARTON: Oh, okay. Then I -- I move that
21 we -- in view of what we've heard, that it will take as long
22 to establish an interim group as it does a permanent group,
23 that we discuss no further the establishment of an interim
24 group.

25 MR. McVEE: I second the motion.

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1 MR. COLLINSWORTH: Second.

2 MR. BARTON: Discussion on the motion?

3 Objection to the motion?

4 MR. COLE: May I raise a question?

5 MR. BARTON: Yes, Mr. Cole.

6 MR. COLE: I -- Mr. Tillery or Mr. Swiderski,
7 are -- are we in compliance with the -- Judge Holland's order,
8 the 90-day order, if we do not appoint an interim advisory
9 group? You know, Judge Holland is nearby, you know, and he
10 has a way of reaching out, you know, and I -- I am a little
11 more respectful of compliance with his orders. I -- I know he
12 has the power to hold us in contempt for failure to comply and
13 I'm not really quite so worried about these people back in
14 Washington, D.C. But, you know, in all seriousness, I think
15 we should think very seriously whether we're in compliance
16 with Judge Holland's order.

17 MR. BARTON: I -- I

18 MR. COLE: And I want to make sure we are.

19 MR. BARTON: Yeah, I'm anxious to hear the
20 answer to that, but it would seem to me as long as we were
21 proceeding with due diligence, you know, maybe we can get
22 Judge Holland to help hurry up GSA.

23 MR. COLE: Like I say, Mr. Chairman, I take
24 quite literally orders from federal judges as well as state
25 judges I might hasten to add.

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1 It troubles me a little bit. I would like counsel's
2 advice on that, and then if we sought to be held in contempt,
3 we can say, "Well, we had incompetent legal advice."

4 (Laughter)

5 MR. BARTON: Has counsel come to a conclusion
6 as to whether we're in compliance?

7 MR. TILLERY: The conclusion is that you are
8 going to need to have established procedures, although not
9 perhaps the group itself.

10 MR. BARTON: The procedures for the
11 establishment of the group,

12 MR. TILLERY: That's right.

13 MR. BARTON: the public advisory group?

14 MR. TILLERY: That's right.

15 MR. BARTON: In which case

16 MR. TILLERY: By the 9th if I recall.

17 MR. BARTON: I take it then that we probably
18 need to deal with item three as one of the procedures that we
19 need to have established, is that correct?

20 MR. TILLERY: Unless your next meeting is the
21 8th.

22 MR. BARTON: I doubt it. It's -- At any rate,
23 by the 9th we would -- would have needed to have dealt with
24 the nomination and appointment methods.

25 MR. COLE: Mr. Chairman?

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1 MR. BARTON: Mr. Cole?

2 MR. COLE: In light of -- of the legal view
3 which has been furnished us, I move that we ask Mr. Piper to
4 furnish us with his report by the 7th and that when we
5 adjourn, or when we get to the end of the day we continue this
6 meeting until the 8th, and at that time have -- have either
7 the telephonic meeting, -- continue this meeting with a
8 telephonic meeting or we meet again on the 8th. And -- and
9 at that -- at that occasion adopt the procedures.

10 MR. BARTON: Is there a second to the
11 amendment?

12 MR. SANDOR: Second.

13 MR. BARTON: Mr. Sandor. Any further
14 discussion on the amendment? Is there objection to the
15 amendment? Okay.

16 MR. COLE: Is -- is the 8th a Sunday?

17 MR. BARTON: Yeah.

18 MR. COLE: Well, let's do it on the 9th then,
19 but get -- get the information by the preceding Friday.

20 MR. BARTON: All right. Moving right along,
21 Mr. Piper, item four?

22 MR. PIPER: I think items four and five fall
23 into the same category that -- that Attorney General Cole just
24 moved.

25 MR. BARTON: How about item six?

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1 MR. PIPER: The same. I would suggest
2 respectfully that the Trustee Council move on to the next
3 agenda item.

4 MR. BARTON: Well done, Mr. Piper. All right.
5 We're now ready for item six on the main agenda. Mr. --
6 Dr. Gibbons?

7 DR. GIBBONS: This is a real brief one. Just
8 a report that by the next Trustee Council is set, the day is
9 set, I will have a state/federal draft of job description --
10 position description for the permanent executive director.
11 There wasn't time to -- to get that prepared between the --
12 the February 10th meeting and today's meeting.

13 MR. BARTON: Any questions on item six by the
14 Council? Item seven. Mr. Rice?

15 MR. COLE: Item seven? Could -- Mr. Chairman?

16 MR. BARTON: Mr. Cole?

17 MR. COLE: Well, we're -- Mr. Sandor and I am
18 a little confused here. We don't have an item seven on our
19 agenda.

20 MR. PIPER: Turn your page over.

21 MR. BARTON: Well, Habitat Protection/Lands
22 Group is item seven.

23 MR. COLE: Oh, the other side.

24 MR. BARTON: Well, we're -- we're back to the
25 main agenda.

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1 MR. COLE: Here.

2 MR. BARTON: Have you got it?

3 MR. COLE: We've -- we've located some.

4 MR. BARTON: We -- we -- having dispensed with
5 items four, five and six on Mr. Piper's list, incorporating
6 that into the material to be provided to the Council for us to
7 deal with on March 9. We went -- item six on the main agenda
8 and now -- now item seven on the main agenda. Mr. Rice?

9 MR. RICE: Mr. Chairman, a lands working group
10 has been formed with representation from all the Trustee
11 Council agencies. Mr. Gibbons would be able to give you a
12 list of the membership of that working group along with the
13 other working groups.

14 The working group has met once since the last Trustee
15 Council meeting and we -- and we've discussed approaches to
16 handle the project. We will be meeting in the very near
17 future to develop a process for dealing with the lands/habitat
18 protection option, and develop objectives and criteria for the
19 Restoration Team to review.

20 I realize we've agreed to provide the Trustee Council
21 at this meeting with a preliminary list of objectives and
22 criteria for -- today, however, we've not been able to put the
23 time into this effort that it -- that it deserves.

24 Before the working group spends too much effort on
25 developing a process and a realistic timeline criteria, et

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1 cetera, we would like some direction from the Trustee Council
2 on whether we should be out essentially ahead of the
3 restoration plan in formulating a program, or whether we
4 should be in close step with development of a restoration --
5 with -- with the development of the restoration plan. There's
6 been discussion of a two-step process, one dealing with short-
7 term interests that are out there, and the other a more long-
8 term program, and we'd like some direction from the Trustee
9 Council on it.

10 MR. BARTON: Comments or questions from
11 members of the Council?

12 MR. McVEE: Mr. Chair?

13 MR. BARTON: Mr. McVee?

14 MR. McVEE: It's my feeling that, you know,
15 we've got a process set up for looking at the -- the framework
16 document that we could -- could we get the lands, you know,
17 habitat protection component within the document, then the
18 public has it all in one package that -- that would be a
19 positive approach.

20 MR. BARTON: Other comments or questions? As
21 a practical matter, will your work -- is your work very much
22 ahead of the restoration framework package at this point?

23 MR. RICE: We're -- we're not ahead of the
24 restoration framework plan. We're behind the framework
25 document and I seriously doubt we would have objectives,

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1 criteria, timelines worked out and through a review process
2 that we could get it into the document going out in the
3 framework plan. We could -- we could strive for that if
4 that's the Council's wish, but I -- I'm real reluctant to --
5 to promise that we could do that. It's -- this is going to
6 take fair amount of effort and a lot of thought.

7 MR. BARTON: So in reality it would be a
8 matter of incorporating it into the framework at a later point
9 rather than an earlier point?

10 MR. RICE: In- -- into the restoration plan I
11 think is what -- what we were thinking. Marty, do you have
12 anything to add to this?

13 MS. RUTHERFORD: Just that the -- the -- the
14 rest- -- the restoration plan itself is due out in -- in
15 August, and that's what we were wondering is if you want these
16 efforts done prior to that? I mean, do you want them
17 available for us to start acting on some applications if you
18 will by May or April?

19 MR. BARTON: Well, then I guess my question
20 would be as a practical matter, is that possible? I'm not
21 talking about desirable. I'm just asking about possible now.

22 MR. RICE: I suspect by the end of March we
23 could have objectives and criteria to the Trustee Council. If
24 you were planning to meet in early April, for example, we
25 could have some objectives, criteria, and a time frame

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1 available for you to review at that time, and we might then be
2 able to send that out to the public for comment. That would
3 be after the framework document is out, but, of course, before
4 the restoration plan is out.

5 The other option would be to put everything onto a
6 time frame, at which -- integrated into a restoration plan,
7 that would preclude I think reacting to any of the -- the
8 proposals we've heard from the public for this summer.

9 MR. BARTON: Mr. Sandor?

10 MR. SANDOR: Mr. Chairman, it was my hope or
11 expectation that when we went out for public comments on these
12 different projects that we would have been able to define at
13 least some framework in which this issue of habitat protection
14 would have been dealt with, or at least where this was
15 beginning to focus, because a substantial amount of the public
16 comment dealt with this -- this issue. Even if it was just to
17 narrow it down to areas affected by the spill or critical
18 habitat or -- are -- are we saying we're not going to give
19 anything out with respect to this issue in this -- when this
20 package goes out for public comment now?

21 MR. RICE: Well, I think that -- Mr. Chairman,
22 I think the framework document does address this as an option,
23 and -- and gives some conceptual ideas with that, but it
24 doesn't necessarily say that here the -- here are the
25 criterion for it. It -- it probably addresses it in terms of

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1 willing -- willing seller basis. It doesn't say what kind of
2 weight would be given to, for example, different values that
3 we might apply to habitats or -- or services that might be out
4 there, how we're going to evaluate the different -- the
5 different areas that are -- that are available. It's -- it
6 doesn't have that kind of direction in the framework document,
7 but it does have -- it does have it identified as an option.

8 MR. SANDOR: Mr. Chairman?

9 MR. BARTON: Mr. Sandor?

10 MR. SANDOR: Then there's -- in a sense this
11 is essentially fairly wide open, this -- that this is what
12 we're soliciting then comment -- comment and -- I guess I
13 don't remember what has already been defined, that's part of
14 the problem, and I think the public is going to be looking for
15 some response to, you know, the information we have gotten
16 from them so far, and -- and I guess I'd like to know what it
17 is we're tell- -- what it is we're putting out there, and I
18 forget what's in that package.

19 MR. RICE: I -- I think at the start of
20 yesterday you were handed a copy of the framework document. I
21 don't have one here to -- to pull out that section. Perhaps
22 somebody -- somebody has one. Stan, can you help with that?

23 MR. SANDOR: Mr. -- Mr. Chairman, if everybody
24 else is satisfied with that segment, and it's just me that's a
25 problem, I'm willing to accept what's in that package.

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1 MR. BARTON: No, I'm curious myself. I didn't
2 know about the other Council members.

3 MR. COLE: Add me to the group.

4 MR. BARTON: Can you give us a reference,
5 Stan?

6 DR. SENTER: Yeah, I'm trying to -- I'm trying
7 to locate it myself here. Mr. Chairman, this is -- this is in
8 Chapter Six on "Options," the criteria and evaluation of
9 options. And that's on page 48, up -- you're -- yes, it's --
10 it's quite -- yeah, if you'll just find page 40

11 MR. BARTON: Well, there's 32.

12 DR. SENTER: Yeah.

13 MR. BARTON: Maybe we could number these.

14 DR. SENTER: It's -- it is 48, up front.
15 Start -- start from the front. If you go from the rear,
16 you'll be way too far back. Page 48, down at the -- the
17 numbers are on the bottom. I can -- I can steer you to it, if
18 you

19 MR. COLE: Yeah.

20 MR. SANDOR: Oh, here it is.

21 DR. SENTER: Here in -- Yeah, here you go.
22 Just take mine. Okay. It begins right there and then flip
23 over to another page.

24 What is in there, gentlemen, is right now a very
25 generic description of a habitat evaluation process which is

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1 based on the recommendations or -- or menu that was provided
2 us by the Nature Conservancy. And elsewhere in the document
3 we talk rather specifically about some of the -- the options
4 that have come from the public about different kinds of things
5 we can buy and different resources and services to protect.

6 What is not reflected in here are actual criteria for
7 making decisions on whether or not to buy or otherwise protect
8 a piece of property. That's not in here. Nor is there a time
9 frame for acting, whether one wants to act on a fast track or
10 a slower track, that information is not in there.

11 We have probably two or so weeks, maybe three weeks
12 before this thing is going to get put to bed and -- and sent
13 to a printer, and if it's your will and -- and the lands
14 committee doesn't have -- you know, if we can pull it off, we
15 can certainly put more in there for people to sink their teeth
16 into, but right now it's fairly generic.

17 MR. McVEE: Mr. Chairman?

18 MR. BARTON: Mr. McVee?

19 MR. McVEE: It -- it seems to me like since
20 we're also going to use the framework document as a scoping
21 document in preparation -- or in conjunction with the
22 preparation of the restoration plan, that it would be -- it
23 would be desirable to have a first cut at criteria for the
24 public to review, you know, even if it's only 80% you might
25 say, but at least something to -- to comment on, so we get

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1 that input.

2 MR. BARTON: Criteria specifically as
3 to?

4 MR. McVEE: Land acquisition, priorities,
5 program, or habitat protection I guess I probably should say,
6 because we're looking at, you know, different components of
7 land acquisition.

8 DR. SENTER: Well, maybe Ken wants to respond
9 to that.

10 MR. RICE: Yeah, my only -- my only --
11 Mr. Chairman, my only thought on that is that we would -- we
12 would desire to send those through you for review before that
13 went into the document, and -- and I think it was the intent
14 of this group to get -- to get your review fairly quickly back
15 so that the final changes could be made on that document
16 before it goes out to the printer.

17 MR. BARTON: Other comments?

18 MR. COLE: Mr. Chairman?

19 MR. BARTON: Mr. Cole?

20 MR. COLE: Well, one of the things that I -- I
21 think about as we get into this habitat whatever, land
22 acquisition thing, but we not adopt too narrow a view of what
23 we're doing. I mean I think we have to look down the road to
24 where we're going to be five, six, seven years from now. As
25 70 million a year comes in, or -- what are we going to do with

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1 that money? How are we going to think about expending it?
2 And I think we should have an over-all, what I sort of
3 conceive of or think about as a grand plan for this whole
4 area, you know, not just looking at some habitat here and some
5 habitat there, but we should be looking at a plan -- although
6 I hate that word "planning," "government planning," or -- it
7 disturbs me, but nonetheless I -- I just think we -- we should
8 have a broad enough vision and far reaching enough vision to
9 see what we're really going to do with this relatively vast
10 sum of money which we have, and -- and look at it -- look at
11 where we're going at this stage from that standpoint, because
12 I have a sort of fearful sense that our -- our vision, if
13 that's the word, is too narrow. Too narrow. What habitat can
14 we buy now? What little acreage can we acquire now? That's
15 something that I -- I am personally giving a lot of thought
16 to, and I -- I would like to see the people do -- who were
17 working in this area give thought to that, not just the land
18 we can buy with ten million a year, next year and the next.
19 Where we're really going. So I'm -- that's all I have to say
20 on the subject.

21 MR. BARTON: Mr. Rosier?

22 MR. ROSIER: Thank you, Mr. Chairman. Well,
23 it seems to me that -- that in terms of the longer -- longer
24 term that -- that we've approved projects during this session
25 where we would be at least developing some of that information

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1 on a longer-term sense.

2 I guess I feel a bit uneasy. This -- this particular
3 issue has been with us since the first meeting, and we've
4 heard a lot from the public in terms of -- of at least their
5 ideas of -- of land acquisition. We have a number of
6 proposals, some of which I think that the landowners have
7 indicated some immediacy in terms of protecting those lands,
8 or we lose the opportunity, and -- and it -- it seems to me
9 that -- you know, that I'm kind of like the Attorney General
10 there, when we talk in terms of a long-term plan, I'm sure
11 there's some hearts that sink out there in the audience when
12 we say that, as the -- the decision process here on this. I
13 think they're looking -- looking for a signal from us in terms
14 of at least giving some consideration to those proposals,
15 recognizing that there's a need for that criteria for
16 selection to in fact go forward for public review and get- --
17 getting that stuff out of the way, but I really feel that we
18 do need to deal with some of these more immediate issues where
19 we can within the context of a larger plan, but I think we
20 need to deal with it on a short-term -- shorter-term basis
21 here, and at least get the criteria off of the ground and give
22 that a priority in terms of getting it out and letting the
23 public begin to look at it. There's certainly been the demands
24 there for -- for us to look seriously and rapidly at -- at
25 land.

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1 MR. COLE: Mr. Chairman?

2 MR. BARTON: Mr. Cole?

3 MR. COLE: I'd -- I'd like to respond to that,
4 'cause I realize that, you know, when I say that we should
5 take a broad, large view of this that those like Ms. Brodie
6 will have near heart failure and say, "oh, my goodness," you
7 know, the -- but in some ways I -- I think that their view for
8 their -- for what they seek to achieve, is not really broad
9 enough. I mean, I think the vision should be, you know,
10 greater, and I would like to see what agreements we can reach
11 with the Forest Service about what they're prepared to do with
12 their land, what agreements we can reach with the regional
13 native corporations with respect to their land, rather than
14 say, "Here we have some money, let's go buy some habitat." I
15 think that that may be a short-run approach. So I think that
16 there is more to be done, and I think it's one of the great
17 things, perhaps, in a sense we can do is to look at this whole
18 Sound and the future from that standpoint. Thanks.

19 MR. BARTON: One of the things -- did
20 you

21 MR. ROSIER: No, that's all right.

22 MR. BARTON: One of the things that I think we
23 need to think about is, you know, is what our objective is and
24 I don't think our objective is to buy land. I think that is
25 one of the tools with which we can accomplish our objectives,

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1 but somehow we need to deal with this as an integrated
2 package, and examining all the tools that are available to us
3 to -- to accomplish what we're trying to do. And from that
4 point of view, I -- I agree with the grand plan concept of
5 getting the -- getting it laid out so that we know which tools
6 can best be used to achieve the various components. And --
7 and again as Mr. Rosier points out, there are some
8 opportunities perhaps available at this point in time that may
9 not be in the future, but, you know, we've been concerned
10 about the amount of money and how we are allocating that
11 money, and I would hate to -- to spend some now on something
12 that we later determine to have been perhaps not the best use,
13 or there might have been a more effective use of the money.

14 So I think Mr. Rosier's suggestion about trying to get
15 the criteria in front of the public by -- in the restoration
16 framework is one that I would agree with. Where we go beyond
17 that, I would -- I would like to see that done in an
18 integrated manner and in a -- in a plan-wise manner so that we
19 all are maximizing our efforts. And if that means the
20 restoration plan itself, I guess that's where I'm at on the
21 issue.

22 Mr. Sandor?

23 MR. SANDOR: Well, I agree that at least
24 tentative criteria or criteria ought to be identified. I
25 also think some reference should be made to alternative

1 mechanisms for protection, and there is a reference to
2 acquisition or protection of -- of strategic habitat, but
3 specifically it seems unlikely that, at least I -- I perceive
4 it to be unlikely that native village or regional corporations
5 which fought so hard to get their heritage would be willing to
6 sell their lands, and I think those alternative mechanisms
7 like scenic easements or moratoriums or whatever else might be
8 identified linked to those strategic habitats. There is no
9 reference -- I guess we're focusing on the -- the spill area
10 itself, but this is one Trustee Council representative -- or
11 representative, and I think at some point in time we're going
12 to have to focus on -- on that, and I guess that is one of the
13 criteria you're talking about. You know, I -- certainly the
14 Nature Conservancy's input on not (ph) -- in the study and
15 here have been excellent, and that will be helpful, but I wish
16 you can go the step further, not only the criteria, but maybe
17 make reference to a number of mechanisms that could be
18 utilized, and -- and inform the -- the groups of the options,
19 and then they could get input back from them. If those two
20 things could be added, the criteria and then alternative
21 mechanisms that are -- that are under consideration, I think
22 that would be helpful.

23 MR. BARTON: As I recall, in some document or
24 other we laid out a flow chart process which I think
25 illustrated that very well. I don't recall what document that

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1 is. Dr. Gibbons, can you help?

2 DR. GIBBONS: I think -- I think the document
3 you're talking about is -- is in the framework plan presently.
4 It's a decisional information flow

5 MR. BARTON: Process?

6 DR. GIBBONS: process. It -- it is in
7 the document now.

8 MS. RUTHERFORD: Mr. Chair? I think one of
9 the things that I'm a little concerned about is trying to get
10 both a short term and a long done in time to put it into the
11 framework, and the odds are we just couldn't accomplish
12 it,

13 MR. BARTON: I don't

14 MS. RUTHERFORD: at least not well.

15 MR. BARTON: Yeah, I'm -- I

16 MS. RUTHERFORD: Perhaps would you consider
17 splitting it and allowing us to attempt to get something done
18 for the short term and some that -- so that you would have the
19 opportunity to consider some more immediate options that come
20 forward and try to get that into the framework document and
21 then to take a longer period of time to work out a long-term
22 approach?

23 MR. BARTON: I think what we -- my
24 understanding of what we've talked about so far in relation to
25 short term is -- for the framework, is the development of the

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1 criteria.

2 MS. RUTHERFORD: But I -- but we see there
3 might be a very big difference between sort of the short-term
4 approach and a long-term approach, even in terms of criteria
5 and objectives.

6 MR. BARTON: I see. Comment from the Council?

7 MR. COLE: Mr. Chairman?

8 MR. BARTON: Mr. Cole?

9 MR. COLE: Well, I -- I think that as part of
10 this process, we could also consider, as long as we're in this
11 general area, is what services that these injured resources
12 provide and so we can look at the establishment of
13 alternatives to -- for enhancement of those services, as
14 Mr. Parker mentioned yesterday.

15 I -- I don't think we should confine our approach
16 simply to -- as we look toward the future, to the acquisition
17 of simply habitat, number one. I think we could look at -- at
18 the adoption or other expenditures for other projects which
19 are broader than simply acquiring habitat or land, and I think
20 we should consider whether other landowners in the Sound are
21 willing to contribute some of their land for the protection of
22 habitat and the environment. You know, we -- we should look
23 some slightly -- well, considerably more broadly than simply
24 acquiring habitat, although certainly that doesn't mean to say
25 less for that subject. Just look at all the alternatives in

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1 this area.

2 MR. BARTON: And that's what I was -- meant by
3 my discussion about the broad picture in terms of

4 MR. COLE: Yes.

5 MR. BARTON: protection of habitat and
6 achievement of our objectives. As I said, I don't think our
7 objective is acquisition. I think it is protection of
8 habitat.

9 Other comments from the Council members? Have you got
10 as much help as you can stand?

11 MR. RICE: I -- I think we're a little clearer
12 here. It's -- it's then the intent of the -- of the Council
13 that we should have some objectives and criteria developed and
14 -- and try and get those into the framework document, is that
15 the

16 MR. BARTON: Is that the consensus of Council?
17 Everybody seems to be nodding.

18 MR. McVEE: Sure. Get

19 MR. BARTON: Mr. McVee?

20 MR. McVEE: Mr. Chairman, I guess the other
21 thing I heard that -- that might be worth addressing, and I
22 guess this would be more in a narrative form, would be, you
23 know, along the lines of -- of Mr. Cole's comments that we
24 were looking at -- at a longer-term program, and that fits
25 very well in with the aim (ph) and the process we're

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1 following, which would be to move from the framework document
2 to a restoration plan. And it starts to give people something
3 to sink their teeth into and comment.

4 MR. BARTON: Further comment?

5 MR. BRODERSON: Mr. Chairman?

6 MR. BARTON: Mr. Broderson?

7 MR. BRODERSON: Yeah, this topic, as --
8 especially as outlined by Mr. Cole here, it strikes me as --
9 as way too important to -- to rush in and try and change the
10 restoration framework at this point, unless we make the
11 conscious decision to delay the framework several weeks. It
12 seems like trying to rush out with more information on habitat
13 protection and the other options which do need to be looked at
14 in conjunction with this, is really going to be a disservice
15 to this whole area, that I -- I think one needs to look at
16 either moving as fast as we can with protection and the other
17 aspects, but not put it in the framework any more than it
18 already is or else make the conscious decision to delay the
19 framework document and not come out with it. Trying to make
20 the two of them mesh at this point would be a disservice to
21 both of them.

22 MR. BARTON: Do you -- I wouldn't -- if I
23 understand from what you said, you thought -- you think we
24 might be evaluating specific proposals in the framework?

25 MR. BRODERSON: No, I think just getting to

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1 what you're requesting in terms of objectives, criteria,
2 process, et cetera, is going to be a fairly time consuming
3 task judging by the conversations that we've had in the RT
4 already, and also from the guidance that we've gotten from you
5 here today and in previous sessions, that to try and rush
6 ahead at this point, essentially in the next week after having
7 driven ourselves pretty hard to get the budget to you,
8 wouldn't give the protection options and other things the --
9 the attention that they deserve at this point, that if we
10 could try and have this to you by the next Trustee Council
11 meeting, whenever that would be, assuming that it's a month,
12 month and half from now, that we could do an awful lot better
13 job for -- for you on this and maybe what we want to consider
14 is then having an appendix to the framework that we could take
15 out to the public at -- if I remember correctly, the public
16 meetings that we're going to have to explain the framework and
17 work plan to people, that we could have it ready as an
18 appendix to take out to those public meetings perhaps. But --
19 otherwise our doing it and getting the proper review by you,
20 et cetera, to include it in the framework at this point really
21 will be difficult to do and do justice to the subject that is
22 probably the -- the meat of -- of what we're trying to do here
23 for restoration. And I'm not saying just habitat protection.
24 I'm also including the things that Mr. Cole was alluding to,
25 that this is not our only mechanism, and we do have to do this

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1 as a package.

2 MR. BARTON: Well, yeah. Let me just say I
3 think it would be a mistake for us to focus on acquisition and
4 criteria for acquisition. I don't think that's what we intend
5 at all. What we

6 MR. BRODERSON: Right. Exactly.

7 MR. BARTON: intended in the broader
8 context of all the options available to achieve the objective.

9 MR. BRODERSON: Well, that was the point I was
10 trying

11 MR. BARTON: Yeah.

12 MR. BRODERSON: to make.

13 MR. BARTON: Okay. So your suggestion is that
14 it really would be to then issue a supplement at some point
15 after the framework goes out?

16 MR. BRODERSON: I'm suggesting that as one
17 possible alternative to delaying the framework. Another
18 option is to delay the framework, which I really wouldn't want
19 to see considering that we're two or three weeks behind where
20 we promised it now, but to try and squeeze additional
21 information into the framework at this point, and -- and do
22 justice to both habitat protection and grand (ph) plans, et
23 cetera, it seems that we're having the potential of -- of
24 trying to do too much in too little time and not really do it
25 justice.

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1 MR. BARTON: Comment? Mr. Rosier?

2 MR. ROSIER: What kind of a time frame would
3 you envision, say your option of -- of going out with a
4 supplement?

5 MR. BRODERSON: Thinking back to earlier
6 Trustee Council -- excuse me, Mr. -- Mr. Chairman, may I go
7 ahead?

8 MR. BARTON: Sure. Yeah. Go ahead.

9 MR. BRODERSON: Thinking -- thinking back to
10 prior Trustee Council meetings, there -- there was a
11 discussion of having another round of public hearings as was
12 done with the public advisory group hearings, to take the
13 restoration framework and the work plan out to the public. I
14 would hope that we could have -- I'm speaking off the top of
15 my head now, and not necessarily representing the Restoration
16 Team here, but I would hope that we could have a short
17 document in hand by that time that would -- could more fully
18 address the issues that -- that are -- are really pretty
19 important here.

20 I'm -- I'm not advocating putting off the -- the
21 protection option any longer than we absolutely have to, but I
22 do think it's important that we get it in context of all the
23 other things that we need to be doing for this. I think we
24 can do that. It would really need to have discussion amongst
25 members of the lands subgroup and the RT to -- to see if

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1 that's true, and as you say, I don't want to commit anybody
2 else or myself for that matter to doing that. I'm just
3 concerned about use rushing ahead here or trying to change the
4 framework and then regretting what we came out with just
5 because it wasn't the best job that we could do.

6 MR. RICE: Mr. Chairman?

7 MR. BARTON: Mr. Rice?

8 MR. RICE: I think that the co-chair of this
9 subcommittee and myself certainly like that idea a lot better
10 than trying to get something together in essentially the next
11 seven days.

12 MR. BARTON: When -- when do you see us able
13 to have the document available to the public if we would
14 follow Mr. Broderon's suggestion?

15 MS. RUTHERFORD: Mr. Chair?

16 MR. BARTON: Marty?

17 MS. RUTHERFORD: We had discussed earlier
18 today, the Restoration Team had discussed when potentially we
19 could get several of the items that we may have to complete
20 for you by the next meeting, and we were going to suggest an
21 early April meeting I believe. I think we could have
22 something available for you folks to review then, and if you
23 approve it or change it, we can have something out by mid
24 April then.

25 MR. BARTON: So it would -- it would be

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1 following on the framework by three weeks or so then.

2 MS. RUTHERFORD: Right. Uh-huh.

3 DR. GIBBONS: Mr. Chairman?

4 MR. BARTON: Dr. Gibbons?

5 DR. GIBBONS: Yeah, right -- right now for the
6 framework, we were shooting for mid March. I think we're --
7 we're looking towards the end of March now, that -- that's not
8 too far past that time when the framework plan will be going
9 to the -- to the public, and we could -- could make a -- you
10 know, get that out and -- and during the -- the public
11 meetings concerning the framework have those discussions of
12 criteria.

13 MR. BARTON: This is as Mr. Broderson pointed
14 out I think a pretty important part of our work. I move that
15 we adopt the suggestion to take a little more deliberate
16 approach and -- and issue then a supplement to the framework
17 by mid April.

18 Mr. Rosier?

19 MR. ROSIER: Mr. Chairman, I would -- I would
20 second that -- that motion with the understanding that -- that
21 we do move ahead expeditiously on this as it is an important
22 issue, and it's something that needs to be dealt with as --
23 really as a priority consideration and -- and activity of the
24 Council.

25 MR. BARTON: Further discussion?

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1 MR. COLE: Mr. Chairman?

2 MR. BARTON: Mr. Cole?

3 MR. COLE: Yeah. I think the greatest risk we
4 face is moving ahead too rapidly. I think the greatest risk
5 we face is moving ahead too rapidly. We're looking at sort
6 of an organic document for the guidance of this commission for
7 the next ten years, and I think that we should proceed
8 deliberately, and I have not been told or seen at least, maybe
9 I missed, that's a possi- -- a good possibility, but if
10 there's any significant danger to the environment which now
11 faces us if we don't act immediately virtually, and if there
12 is, I mean, I would like to be told of -- of that, so that it
13 would perhaps change my thinking. And I don't see that before
14 us. If there were, we should act almost precipitously.

15 But on the other hand, furthermore, we're still in the
16 process of acquiring information I thought by our studies
17 yesterday which would help us make these decisions, and a lot
18 of those studies will not be completed for a while.

19 So I mean I -- I won't object to anything that other
20 Trustees think ought to be done here, but I do want to say
21 that I think the greatest danger we face is to -- is -- well,
22 I -- I can't -- the word "stampeding" comes to me, but it may
23 be a little too strong a word to use here. But -- anyway
24 that's my cautionary thought.

25 MR. BARTON: I wonder -- it would seem to me

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1 then we could bring this effort into synch with the
2 restoration planning effort after -- I'm not sure -- you say
3 the public review period on, for example, the framework is 45
4 days?

5 DR. GIBBONS: (Nods affirmative)

6 MR. BARTON: And this would follow three
7 weeks. We -- if we wanted to bring them both to conclusion at
8 the same point, then we'd only have about three weeks on -- on
9 this effort. But even if we didn't bring them both, the
10 comment period to close at the same point, it seems to me that
11 we could then synchronize them later in the process very
12 easily and get it all back together again under the same
13 umbrella, and -- and that's what I sense that you're asking
14 for, Mr. Cole, is that correct?

15 MR. COLE: Well, suggesting.

16 MR. BARTON: Dr. Senter?

17 DR. SENTER: Yes, Mr. Chairman, just a
18 suggestion, and that is that perhaps before one reaches a
19 conclusion that we do in fact need a supplemental document, if
20 you can sometime in the next week take a look at this document
21 and discuss it with your Restoration Team member and then
22 consider whether it is sufficiently broad or too broad or
23 narrow or whatever, and -- and then make a decision about
24 whether we need an additional document. I think my own view
25 is that we have a good start here and we'd want to make it the

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1 document that best reflects what you want to provide to the
2 public, and if that takes an extra ten days or something to
3 accomplish, then we should do that, but it's -- I -- I would
4 -- my only caution I guess is to take a few minutes to look
5 through it and see whether you think it captures your -- your
6 notions of where it should head before we decide whether or
7 not to do yet another document.

8 MR. BARTON: Further comment or discussion
9 from Council members? Mr. Broderon?

10 MR. BRODERSON: Yeah, I would like to concur
11 with what Mr. Senter was saying there. I wasn't thinking of
12 -- of a major supplement here and was actually I think in
13 total agreement with the Attorney General on the amount of
14 information we want to put out at this level. I was
15 envisioning maybe four or five pages max on this. It's just
16 that the information that goes into there requires quite a bit
17 of consideration to make sure that what's there is truly
18 representative of what we're all thinking and reaching
19 consensus on it. And maybe we do want to delay the framework
20 document a week or so to get that. That was one of the
21 options I was trying to put out, if as Mr. Senter says, we
22 find that there's not enough information in the framework
23 already.

24 MR. BARTON: I guess I'm confused. I thought
25 we were talking about a three-week delay.

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1 DR. SENTER: Mr. -- Mr. Chairman, it all
2 depends on what you think of the draft that you've got in
3 front of you. If

4 MR. BARTON: Let me just say I don't know
5 whether it's a major or a minor supplement. In my mind it --
6 it needs to be whatever it takes to get the information out
7 that we want to get it out. If it's four pages, that's twice
8 as bad as two pages, but a hell of a lot better than 30 pages.

9 MR. ROSIER: And a lot better than none.

10 MR. BARTON: Yeah.

11 DR. SENTER: I can say in -- in the appendix
12 to this draft document there are 30 plus options which have
13 come from -- largely from public suggestions, and they range -
14 - a number of them are habitat, but there are endowments in
15 there, monitoring programs, research institutions, testing
16 subsistence foods for contaminant levels, a wide array of
17 things. And -- and undoubtedly there are a number more that
18 could be added in there, so there's a lot in there and we
19 just need to take a look at it and decide whether we can fine
20 tune it and make it what you want, or whether we need to add
21 to it.

22 MR. BARTON: A motion on the floor. Any
23 further discussion on the motion?

24 MR. COLE: Would you restate the motion,
25 please?

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1 MR. BARTON: The motion is to essentially
2 follow Mr. Broderson's suggestion that we take enough time to
3 develop the objectives and the criteria properly and then
4 issue a supplement around mid April, a supplement to the
5 restoration framework, with the intent then that this would
6 all come together again as part of the restoration plan.
7 Further discussions? Objection to the motion? Okay. Done.

8 Item eight, Trustee Council meeting location. Marty?

9 MS. RUTHERFORD: Mr. Chair. There's a letter
10 in your packet from myself to Dave Gibbons on the subject --
11 subject of Trustee Council meeting locations.

12 At the last Trustee Council meeting, you had asked us
13 to look into the potential of using -- using the Supreme Court
14 Chambers as a meeting location for the Trustee Council. You
15 also approved the Restoration Team to lease the second half of
16 -- of this building, the Simpson building, the first floor for
17 -- for the near-term Trustee Council meetings.

18 We did follow up and contacted Jan Hansen, who's the
19 clerk of the court for the Supreme Court, and she was
20 extremely helpful. She determined that the Supreme Court
21 would allow you to use their facilities. The conditions that
22 they imposed are that when the facility was available -- first
23 of all, that they would try -- they would go out of their way
24 to determine in four-month period of times when the facility
25 would be available, and once we lock into specific dates, they

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1 would not bounce us. They also indicated that any
2 teleconferencing costs would, of course, have to be charged to
3 a Trustee Council number; that the Trustee Council would have
4 to provide an operator and tapes for recording sessions,
5 however, we could use the court equipment; and that the
6 Trustee Council must pay for after 4:30 p.m. security.

7 Now, the four -- the first four months calendar that
8 she provided us is attached to the letter in your packet.
9 There is somewhat limited time available, however, it's
10 primarily in the first two weeks of each month.

11 The Restoration Team, however, felt that there were
12 some off-setting issues that were worthy of your
13 consideration. If the res- -- if the Trustee Council decided
14 to continue with leasing the second half of the first floor of
15 the Simpson Building, there would never be any question about
16 dates of availability should you decide to hold a meeting.

17 This same facility could be used for the public
18 advisory group meetings as they were required and -- and
19 called, and they could be used for Restoration Team meetings.
20 It would eliminate some fairly significant legwork for Dave
21 Gibbons' administrative staff, because they would no longer
22 have to search for meeting spaces and accommodate to the
23 limitations or the requirements of any of those meeting spaces
24 for the Restoration Team, or the public advisory group, or for
25 the Trustee Council for that matter.

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1 Neither would the administrative staff have to leave
2 their work areas to set up for any of the meetings that were
3 scheduled. And this becomes somewhat of a significant problem
4 as the administrative staff begin to fulfill dual and
5 sometimes triple functions, such as providing the public
6 participation process, upkeep of the administrative record and
7 staffing the resource center.

8 There has been in the last couple of weeks additional
9 demand for this second half of the first floor of the Simpson
10 -- Simpson Building. The chief scientist held a synthesis
11 meeting here that coalesced three restoration projects into
12 one. I understand that the Department of Interior has shown
13 an interest in using this area for their rather significant
14 discovery effort. And I'm sure that there are other uses that
15 would make themselves apparent if we were to continue with
16 this base.

17 And then there's one other thing that I think is
18 worthy of comment. The Supreme Court Chambers are indeed
19 beautiful, and they are extensive. However, they're very
20 formal, and should the Trustee Council decide to avail
21 themselves of the raised dias, which is the best way you would
22 access their teleconferencing equipment, it -- it sort of
23 creates an atmosphere that might not be conducive to -- to the
24 public participation process.

25 But that doesn't preclude you maybe from using the

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1 Supreme Court Chambers and keeping the half -- this half of
2 the building, so I just wanted to brief you on what we found
3 and ask you for some guidance.

4 MR. BARTON: Comments from the Council
5 members? Mr. Cole had the most interest in this.

6 MR. SANDOR: Mr. Chairman?

7 MR. BARTON: Mr. Sandor, do you have his
8 proxy?

9 MR. SANDOR: No. Just an observation. As he
10 left he said the -- he said this -- he's reviewed this report
11 by Ms. Rutherford and thought it was fine. Had no comments.
12 There he is.

13 MR. COLE: Sorry. Excuse me. Thank you.

14 MR. BARTON: Well, I do appreciate the
15 advantages of this facility here. I think it's been very
16 helpful to have the support staff support, the logistics of
17 this are better in this facility than previous, and I would
18 say the sound system has worked better, although not perfect.
19 Much better here. The temperature can be adjusted. But
20 otherwise, it's pretty -- I found it satisfactory.

21 Mr. Cole, you had the most interest, raised the --
22 raised the possibility of using the Supreme Court Chambers for
23 meetings. Any comment?

24 MR. COLE: I think this is quite acceptable,
25 and we should probably just stay here would be my view.

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1 MR. BARTON: Is there a second to that motion?

2 MR. McVEE: Second.

3 MR. BARTON: Objection to the motion? Okay.

4 Item nine.

5 DR. GIBBONS: At the last Trustee Council
6 meeting, the -- in the package that was presented to the
7 Trustee Council was a copy of the draft operating procedures
8 for the Restoration Team. During the meeting the decision was
9 reached to -- the Trustee Council members would review the
10 operating procedures and submit any comments to me for the --
11 another draft.

12 I have some -- the Department of Interior has
13 submitted some changes. I have a copy of their letter. It
14 was sent to the Trustee council. I have -- I'll pass copies
15 down, these were not available to you.

16 MR. COLE: Mr. Chairman?

17 MR. BARTON: Mr. Cole?

18 MR. COLE: Could we continue this to the next
19 meeting? I mean, when we get these things, you know, really
20 late, I -- it's hard to have an opportunity to review all
21 these things and then assimilate them. We -- well, we would
22 have an opportunity to look at these carefully. Here's, how
23 many pages in this? A number of pages, four, five, six.
24 Count them. Several pages. And -- and look at them and study
25 them and be prepared at the next meeting. Is -- are they --

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1 is the Trustee -- Restoration Team working effectively now?
2 Or is there any need for immediate action on these?

3 MR. BARTON: I'd ask, Dr. Gibbons, your view
4 of how the Restoration Team is operating?

5 (Laughter)

6 MR. BARTON: I'll -- I'll come to the rest of
7 the members next.

8 DR. GIBBONS: Yeah, I'm glad you asked me that
9 today and not a couple days ago.

10 MR. BRODERSON: He only gets to comment if we
11 get to comment about him.

12 MR. BARTON: You'll get a chance.

13 DR. GIBBONS: Yeah, the -- the letter we
14 received was dated February 18th. We went through it, the
15 Restoration Team went through it. We agree with some, we
16 don't agree with others of the comments, and right now the
17 Restoration Team is -- is functioning successfully.

18 (Laughter)

19 MR. BARTON: Does that answer your question,
20 Mr. Cole?

21 MR. BRODERSON: It's functioning.

22 MR. BARTON: I don't know if there -- is there
23 -- would there be a problem if this was continued? Or held
24 over to the next session? Perhaps this would be substance for
25 the continuation of this meeting on the 9th.

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1 MR. McVEE: Mr. Chairman?

2 MR. BARTON: Mr. McVee?

3 MR. McVEE: I -- I think it could be continued
4 over. I guess my only point, or principal point in -- in the
5 -- in our letter was the appointment of committee members. I
6 think that -- think that could be held over for a decision
7 until the next meeting.

8 MR. BARTON: All right. Any objection to
9 holding it over?

10 MR. COLE: Will that be then until the 9th?

11 MR. BARTON: Until the 9th.

12 MR. COLE: Fine. Thank you.

13 MR. BARTON: Would any of the Restoration Team
14 members like to comment on the functioning of the Restoration
15 Team?

16 MS. RUTHERFORD: We're functioning.

17 MR. BARTON: All right. There seems to be a
18 consensus.

19 That brings us to item ten.

20 DR. GIBBONS: This is a real short one. The
21 draft -- a draft -- working draft of the restoration framework
22 was passed out to the Trustee Council yesterday or -- or this
23 morning. And by -- by the Restoration Team. This is a
24 draft. It has been revised once based on the comments of the
25 Restoration Team members and the respective legal council.

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1 Our goal is to get this document to the public as
2 quick as possible. The process from here is -- is kind of
3 largely up to you. The restoration planning working group
4 suggests that if we can get your comments concerning this
5 document by perhaps the 9th, Monday, March 9th, we will have
6 the teleconference, we can maybe discuss it at the
7 teleconference at that time. If there's any policy questions,
8 we could take your -- your comments and concerns, redraft it
9 and perhaps if -- depending on the -- the extent of the
10 comments and unresolved policies, have another draft by the
11 17th of March that we could perhaps get your approval on to go
12 to the public, ship -- ship it to the printer and have it out
13 by -- towards the of the -- end of March. That's our goal
14 with -- with the framework plan.

15 MR. BARTON: You're -- you're suggesting on
16 the 9th that we would discuss our comments, or would we have
17 a redraft to discuss at that time?

18 DR. GIBBONS: No, have your comments by the
19 9th. It's -- it's now the 28th, that gives you about ten days
20 to -- to read that small document and -- it's a pretty
21 extensive job.

22 MR. BARTON: How then would we give final
23 approval to the document that goes out?

24 DR. GIBBONS: Well, we -- we would take your
25 comments at that time, redraft and then on the 17th, write a

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1 final -- final draft for your approval or for further review.

2 MR. BARTON: So that then we would need to
3 have another meeting?

4 DR. GIBBONS: We -- we figure this -- this is
5 a working draft that goes to the -- to the public for comment.
6 We were hoping that perhaps -- this is essentially up to the
7 Trustee Council, that -- that we could have a teleconference
8 on -- on the 17th to get this out to the public.

9 MR. BARTON: I see. Okay.

10 DR. GIBBONS: We could arrange -- a mechanism
11 to do that, we could arrange this office -- the meeting room
12 here and a meeting room in Juneau perhaps for the public to
13 sit in and -- and listen if -- they would.

14 MR. BARTON: Comments from Council members?

15 MR. McVEE: Mr. Chairman?

16 MR. BARTON: Mr. McVee?

17 MR. McVEE: I don't have any problem with the
18 procedures. I will have a problem with dates, and I -- when
19 we get to that part, meeting dates, date availability, but I
20 would assume that almost everyone will have some of those
21 also.

22 MR. BARTON: All right. Any -- any further
23 discussion on the process that's been laid out by Dr. Gibbons?
24 Is that acceptable? Any objection to doing that? Okay.
25 Hearing none, that's what we'll do.

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1 Now let's talk about dates.

2 DR. GIBBONS: Mr. Chairman?

3 MR. BARTON: Dr. Gibbons?

4 DR. GIBBONS: I passed out a one-sheet draft
5 of the next Trustee Council meeting from notes we developed
6 this morning. It's purely draft. There are dates on there
7 I'm -- I'm sure that are incompatible with -- with members,
8 but we thought we'd present you with a starting point anyway,
9 so perhaps with some discussion of the items we hope to have
10 ready for the next Trustee Council and -- and in the process
11 of -- review.

12 MR. BARTON: I see an acronym on there. The
13 10th, March 10th meeting, I see. Is that

14 DR. GIBBONS: That would

15 MR. BARTON: that's to -- to discuss the
16 comments on this framework, is that correct? And then on the
17 17th we would do what?

18 DR. GIBBONS: Yeah. The -- the date now
19 that's been established, that would be -- the tenth would move
20 to the ninth.

21 MR. BARTON: Yeah.

22 DR. GIBBONS: And the 17th would be the -- the
23 final draft before final -- before public -- before printing
24 for a public review.

25 MR. BARTON: Then we would take action on the

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1 17th to approve distribution?

2 DR. GIBBONS: That's correct.

3 MR. BARTON: Any comments on the dates?

4 MR. McVEE: A comment on the dates,
5 Mr. Chairman.

6 MR. BARTON: Mr. McVee?

7 MR. McVEE: I guess the 9th we have a Federal
8 Subsistence Board meeting the morning of the 9th. If it's an
9 afternoon teleconference or meeting would be -- would be fine.
10 The week of the 16th I'll be D.C. I guess. Maybe there's some
11 way of, you know, of teleconferencing into that meeting if
12 that's the only time we can come up with.

13 MR. COLE: Mr. Chairman?

14 MR. BARTON: Mr. Cole?

15 MR. COLE: With respect to that Subsistence
16 Board meeting there, I mean, Mr. McVee, we'd probably enjoin
17 that anyway, so you needn't be concerned about that.

18 (Laughter)

19 MR. McVEE: Look forward to it. I look
20 forward to it.

21 MR. COLE: Isn't it wonderful we can sit here
22 and go through this for two days and suing each other right
23 and left and nothing really changes?

24 MR. BARTON: Commissioner Rosier got handed a
25 complaint here. I thought maybe you were suing him, too. I

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1 see it was just a copy of the other one.

2 MR. COLE: No, we -- we served my good Trustee
3 colleagues here, Mr. Barton and Mr. McVee, during yesterday's
4 events. The marshall walked in and handed them his process
5 and the meeting just went on. Lovely.

6 MR. McVEE: Mr. Chairman?

7 MR. BARTON: Mr. McVee?

8 MR. McVEE: What really bothered me, it was my
9 own lawyer who did it.

10 MR. COLE: Do you want another copy?

11 MR. BARTON: Well, it sounds like we don't
12 have a conflict on the 9th or won't have a conflict on the
13 9th. At any rate, I -- I assume we could do it in the
14 afternoon of the 9th in any event whether we're enjoined or
15 not.

16 MR. MORRIS: You -- you would -- excuse me,
17 Mr. Chairman?

18 MR. BARTON: Yes, go ahead.

19 MR. MORRIS: You had already -- you had
20 already -- I -- as I believe, according my notes, set the 9th
21 aside for a decision on the -- on the composition of the
22 public advisory group?

23 MR. BARTON: That's correct.

24 MR. MORRIS: Okay.

25 MR. BARTON: Can we set a time for the

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1 teleconference on the 9th? I'll just ask Dr. Gibbons to
2 arrange an appropriate time after checking with all of our
3 calendars. And away (ph) with lawsuits. And also for the
4 17th. If we don't have a meeting on the 9th, you may not need
5 to go to D.C. on the week of the 16th.

6 MR. McVEE: That would solve that problem.

7 MR. BARTON: Mr. Cole's awfully helpful.

8 MR. SANDOR: Mr. Chairman, what's happening
9 again on the 17th? And can we cover it with teleconference?

10 MR. BARTON: That -- the intent would be to
11 take -- cover it by teleconference, and then as I understand
12 it will be to give final approval for the distribution of the
13 restoration framework.

14 DR. GIBBONS: Could -- Mr. Chairman?

15 MR. BARTON: Dr. Gibbons?

16 DR. GIBBONS: At the same time we'd -- we'd
17 like to load you down some more. The 1992 work plan, we'd
18 like to have review of that, too. The -- you just approved
19 the last two days. We -- we plan to have that prepared and --
20 and we

21 MS. RUTHERFORD: On the 17th.

22 MR. BARTON: For -- on the 17th?

23 DR. GIBBONS: That's correct.

24 MR. BARTON: And is there anything we really
25 need to do with that, or are you

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1 DR. GIBBONS: No, just

2 MR. BARTON: just giving us the -- what
3 we just did?

4 DR. GIBBONS: Right. Just

5 MR. MORRIS: Mr. Chairman?

6 MR. BARTON: Yes.

7 MR. MORRIS: There is one question at least we
8 do have about the work plan that we -- I guess we need a
9 little bit further direction on. We understand we -- we will
10 not include the studies that have been deferred. What

11 MR. BARTON: That's correct.

12 MR. MORRIS: May we -- or would you like for
13 us to include a list of those studies as a -- as a minimum?

14 MR. BARTON: I think we've got a list already,
15 don't we? Didn't you prepare one? How does -- yes, and we
16 just incorporate today's action on the document you handed out
17 this morning. Is that -- or

18 DR. MONTAGUE: Mr. Chairman?

19 MR. BARTON: am I misunderstanding the
20 question?

21 DR. MONTAGUE: Yes. Mr. Chairman, the -- is
22 this thing on? The ones that were deferred there are only the
23 ones that were left between the last meeting and this meeting.
24 At each Restoration Team meeting since December, there's been
25 projects deferred.

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1 MR. BARTON: Does the Council feel a need for
2 that information? I guess not.

3 Anything further, Dr. Gibbons?

4 DR. GIBBONS: Yeah, the -- the -- pardon?

5 MR. BARTON: Anything further we

6 DR. GIBBONS: Yes.

7 MR. BARTON: need to discuss?

8 DR. GIBBONS: No. You'll just notice that we
9 do have habitat protection objectives criteria process to be
10 ready for the next meeting, and -- and that's

11 MS. RUTHERFORD: But which meeting? When --
12 when do they?

13 DR. GIBBONS: Well, we proposed that the
14 Trustee Council meeting be on the -- on the 9th of April.
15 Sometime during that -- during that week, if you could get --
16 the next face-to-face.

17 MR. BARTON: We have a Subsistence Board
18 meeting, which Mr. Cole might have taken care of, for that
19 entire week, is that correct?

20 MR. McVEE: Yes, that's correct. That will at
21 least take three days I'm sure.

22 MR. SANDOR: What's the dates again?

23 MR. BARTON: The week of the 6th I guess is
24 what was being discussed, is that correct, Dr. Gibbons?

25 DR. GIBBONS: That is correct.

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1 MR. BARTON: That doesn't work for

2 MR. SANDOR: The 6th of what?

3 MR. BARTON: April, I'm sorry. If Mr. Cole
4 truly does enjoin us, that's -- then we have an open week.

5 MR. McVEE: Otherwise we've got -- both you
6 and I have problems.

7 MR. BRODERSON: Does -- does that carry
8 through the 10th also?

9 MR. BARTON: Yes. Well, who knows, but we
10 need to block that out as I understand it.

11 MR. McVEE: Yes, it's

12 MR. BRODERSON: How about the 13th?

13 MR. BARTON: The 13th, that -- the following
14 week, you'll have to accept my alternate. Those two weeks are
15 both out as far as I'm concerned. The 6th and the 13th.
16 Well, wait a minute. Now why do I have a Subsistence Board
17 meeting in Anchorage on the 14th to 16th, as well as the
18 previous week? Do we have a?

19 MR. McVEE: No, sir.

20 MR. BARTON: I need to get my schedule
21 straightened out obviously. It may be possible the -- I mean
22 one-half or the other the following week, and I'm not sure
23 which half.

24 MR. BRODERSON: Mr. Chairman?

25 MR. BARTON: Mr. Broderon?

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1 MR. BRODERSON: Might -- might we revisit this
2 subject on the

3 MR. BARTON: I think that

4 MR. BRODERSON: next teleconference?

5 MR. BARTON: I believe that would be highly
6 appropriate, and think it's

7 MR. BRODERSON: Shoot -- shoot for the 10th or
8 somewhere around in there?

9 MR. BARTON: Under discussion is the next
10 Council meeting dates. Mr. Cole, at -- at the teleconference
11 on March 9 we'll try to pick a date for the next

12 MR. COLE: Okay.

13 MR. BARTON: Trustee Council meeting,
14 and under discussion is the week of the 13th, unless we are
15 indeed enjoined and then the week of the 6th is also
16 wonderful.

17 Anything further, Dr. Gibbons?

18 DR. GIBBONS: Yeah, we -- we intend at this
19 time to have the material to you a week in advance, and so
20 I

21 MR. BARTON: Let -- let me just say though, we
22 all would like that very much, but we also know that the --
23 the effort that the Restoration Team as well as yourself is
24 going through to get the stuff to us at all, let alone in
25 advance, and I know it's not been easy, and I sure appreciate

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1 that. Any improvement that can be made will be very welcome,
2 but we also understand.

3 DR. GIBBONS: Thank you.

4 MR. BARTON: Anything further?

5 MR. McVEE: Mr. Chairman?

6 MR. BARTON: Mr. McVee?

7 MR. McVEE: Yes, I -- I guess I'd just like to
8 recognize the extra time and effort the Restoration Team put
9 into be- -- getting prepared for this meeting and getting
10 material to us. I realize, you know, that we'd like to see it
11 in advance, but I think that -- that they put in a -- they put
12 in a lot of extra time I know, and gave a lot of extra effort,
13 and I think we should appreciate that.

14 MR. BARTON: Mr. Sandor?

15 MR. SANDOR: Yeah, I -- I want to second that.
16 Also, Mr. Chair, when I -- I think the package, the
17 contributions that Dr. Spies made, too, at the meeting is just
18 outstanding and I'd like to add our commendations to include
19 his -- his contributions as well.

20 MR. BARTON: Thank you, Dr. Spies. Anything
21 else?

22 MR. COLE: Yes, Mr. -- Mr. Chairman?

23 MR. BARTON: Mr. Cole.

24 MR. COLE: One -- one thing, we -- we've had
25 repeated requests to address the Eyak logging situation, and

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1 without expressing in any way how I feel on that, would it be
2 possible to have a report from the Restoration Team on that
3 specific issue by the 9th? I mean, I -- I just -- I just
4 don't want to be in a position where, you know, we haven't
5 really addressed it, and -- and to pass it off with -- in a
6 sense without specifically looked at it. I mean, we look at
7 it and say "no dice." I mean, that's -- it didn't make the
8 cut, but on the other hand, they've in quite a number of
9 instances in virtually every meeting presented that subject to
10 us, and I would like to see us address it at least. Is there
11 dissent from that or am I just alone in that view?

12 MR. SANDOR: Well, I concur.

13 MR. BARTON: Mr. Sandor?

14 MR. SANDOR: I concur.

15 MR. ROSIER: I concur.

16 MR. McVEE: And me.

17 MR. BARTON: Mr. Collinsworth?

18 MR. COLLINSWORTH: I don't know, so

19 MS. RUTHERFORD: Mr. Chair?

20 MR. BARTON: Marty?

21 MS. RUTHERFORD: Could I -- is it possible to
22 give any guidance on some of the things you'd like to see in
23 the report?

24 MR. COLE: No.

25 (Laughter)

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1 MS. RUTHERFORD: Thank you.

2 MR. BARTON: Does any -- any other Council
3 member have any suggestions for the report? It seems to me,
4 you ought to -- we ought to set out the parameters

5 MR. RICE: Mr. Chair?

6 MR. BARTON: of the situation in the
7 report. I don't know how far it would be possible to go since
8 we don't have our criteria. You know, I think you could
9 raise is issues that need to be addressed perhaps and
10 generally report.

11 MS. RUTHERFORD: We'll do the best we can.

12 MR. BARTON: I have no doubt of it.

13 MR. RICE: Mr. Chairman?

14 MR. BARTON: Mr. Rice?

15 MR. RICE: Yeah, I think -- I think we can
16 probably address some of the facts of the issue in terms of
17 size and -- and land base, that sort of thing. You just have
18 to realize we're not going to have this to you a week in
19 advance.

20 MR. COLE: And -- and also I -- I would
21 request that it specifically look at the urgency there. How
22 urgent is this thing. Need to be told it's urgent from the
23 standpoint of damaging of the resources, et cetera, et cetera.
24 I would like it to really focus on that, and as -- as well as
25 the other major issues.

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1 MR. BARTON: Are -- we're -- are we asking the
2 Restoration Team for a recommendation? It seems like -- it
3 seems to me that that's probably premature to do that.
4 Dr. Gibbons?

5 DR. GIBBONS: Yes, that was a recommendation
6 from the Restoration Team that we would?

7 MR. BARTON: This is premature.

8 DR. GIBBONS: I think it's premature. One --
9 one concern that I have is if we -- if we deal with -- with
10 this particular option and location, should we deal with all
11 urgent options? So I think the way we might deal with it is
12 -- is to generically rather than specific. I don't know how
13 else to do that. If we deal with -- with Eyak's, we -- you
14 know, we -- we may have other requests to meet (ph) when we
15 do. All right. So

16 MR. COLE: Mr. Chairman?

17 MR. BARTON: Mr. Cole?

18 MR. COLE: Just, you know, present, quote,
19 "package," close quote, to us and if you feel that it's
20 premature, just tells us it's, you know, premature and we can
21 act accordingly. But I think as a matter of courtesy we
22 should at least address it.

23 MR. BARTON: And the Restoration Team's report
24 will provide -- provide a basis for addressing it.

25 Is there anything further we need to discuss? Is

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1 there a second to the motion to adjourn?

2 MR. COLE: My acclamation.

3 MR. BARTON: By attrition somebody said the
4 other day.

5 (END OF PROCEEDINGS)

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I, Meredith L. Downing, Notary Public in and for the State of Alaska and Reporter for R & R Court Reporters, Inc., do hereby certify:

THAT the foregoing pages numbered 02 through 140 contain a full, true and correct Transcript of the Exxon Valdez Oil Spill Settlement Trustee Council meeting taken electronically by me on the 27th day of February, 1992, beginning at the hour of 10:00 o'clock a.m. at the Simpson Building, 645 G Street, Anchorage, Alaska;

THAT the transcript is a true and correct transcript requested to be transcribed and thereafter transcribed by me to the best of my knowledge and ability;

THAT I am not an employee, attorney, or party interested in any way in this action.

DATED at Anchorage, Alaska, this 2nd day of March, 1992.

Meredith Downing
Notary Public in and for Alaska
My Commission Expires: 7/3/94

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