

**EXXON VALDEZ OIL SPILL SETTLEMENT
Trustee Council**

**Simpson Building
645 "G" Street
Anchorage, Alaska
April 27, 1992
10:00 o'clock a.m.**

IN ATTENDANCE:

State of Alaska

MR. CHARLES COLE
Attorney General

State of Alaska Department
of Environmental
Conservation

MR. JOHN SANDOR
MR. MEAD TREADWELL
Commissioner/Deputy
Council Meeting Chairman

Alaska Department of Fish
and Game

MR. CARL ROSIER
Commissioner

USDA Forest Service

MR. MICHAEL BARTON
MR. DAVE GIBBONS
Regional Forester

National Marine
Fishery Service

MR. STEVEN PENNOYER
Director

United States Department
of the Interior

MR. CURTIS McVEE
Special Assistant to the
Secretary

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P R O C E E D I N G S

1
2 MR. TREADWELL: Gentlemen, I'm going to call this
3 meeting to order. My name is Mead Treadwell, I'm John Sandor's
4 Deputy, and I'll be here 'till the lunch hour, and it's the
5 State's turn, Mr. Sandor's turn, to be Chairman today. So,
6 it's a beautiful day and let's see if we can get this show on
7 the road. We've all got microphones, which I'm advised are
8 appropriate to wear for the recording. And I guess we'll go to
9 the first item on the agenda, which is the status of the Public
10 Participation Working Group, we'll call on Marty Rutherford,
11 unless Mr. Gibbons do you have any

12 DR. GIBBONS: Yeah. Before we get started, I've got a
13 couple of announcements. And the first is the Restoration
14 documents, the planning documents for '92, the Restoration
15 Framework, and the comments to -- the responses to the public
16 comments from Oil Year 3 are still being printed; we have
17 copies -- some copies available. As they become available,
18 they tend to get shipped out, but we'll have more copies of
19 this available for you. Basically, that's all I have to say.

20 MS. RUTHERFORD: Thank you, Mr. Chair. Basically,
21 there are four areas that I want to cover today. The first is
22 to talk a little bit about the definition for the Public
23 Advisory Group -- the Principal Interest Group. And then, I
24 thought, Mr. McVee, I would turn it over to you for a brief
25 update on the status of the Public Advisory Group charter.

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1 MR. McVEE: Okay.

2 MS. RUTHERFORD: Then, I'd move onto the nomination
3 process for the Public Advisory Group, and finally, talk
4 briefly with you about the public meeting schedule for the '92
5 Draft Work Plan and Restoration Framework, those will be
6 scoping meetings.

7 At the last meeting, the Trustee Council approved 12
8 principal interests. At that time, you asked us to go back and
9 to expand on and provide you with some definitions; we have
10 done that, that's Item Number 1 in your document -- in your
11 packet. Those 12 Principal Interests that you approved are
12 aquaculture, commercial fishing, commercial tourism,
13 environmental conservation, forest products, local government,
14 Native landowners, recreation users, sports hunting and
15 fishing, subsistence and science academics. You may want to
16 review those quickly and discuss them at this point in time.

17 I would like to point out that at the same time that
18 you approved the 12 Principal Interests, you chose 15 members
19 as the number to be used for the charter for the Public
20 Advisory Group. The Restoration Team did spend some time
21 talking about that, the number of Principal Interests versus
22 the number of members. We suggest that should you wish to
23 expand the list, that there are some options; it's in the next
24 document, just following the definitions there is just a quick
25 sort of sheet that talks about those options. You could add

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1 commercial marine transportation, mining or public at large, or
2 you could split three of the existing Principal Interests into
3 two; you could split local government into municipal government
4 and traditional Native government, you could split Native
5 landowners into corporate landowners and individual landowners;
6 and you could split sport hunting and fishing into sport
7 hunting and sport fishing. You may also want to discuss
8 whether you want to continue to have, as you currently do,
9 fewer Principal Interests than there are Public Advisory Group
10 members, the same number or greater than.

11 And I thought before we go on, maybe we could pause
12 here. And what we are asking from you today is approval or
13 acceptance of the definitions that have been provided, and a
14 decision on whether or not you would like to expand the
15 Principal Interests beyond the 12.

16 MR. TREADWELL: Is there any discussion on the 12
17 definitions?

18 MR. COLE: Mr. Chairman.

19 MR. TREADWELL: Mr. Cole.

20 MR. COLE: It's not quite exactly in the 12 Interests,
21 but I would like to propose to the Council that we add three
22 members of the public at large to this group.

23 MR. TREADWELL: Do I take that as a motion?

24 MR. COLE: No. I would like to hear, you know, an
25 expression of views from the Trustee Council on that subject.

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1 I think the public at large has -- let's say deserves or might
2 merit a voice in this rather than simply interest groups. I
3 think that the public at large would serve to, perhaps, balance
4 some, if that's the word, special interest thoughts and to
5 serve us by helping us blend this 12 member interest group into
6 some decisions which we are -- difficult decisions which we are
7 constantly required to make.

8 MR. PENNOYER: Mr. Chairman.

9 MR. TREADWELL: Mr. Pennoyer.

10 MR. PENNOYER: Mr. Cole, a couple of questions in that
11 regard. We currently have 15 members, we've got 12
12 disciplines, these aren't seats, they're disciplines, and we
13 could choose within that 15 any way we want to I presume. So,
14 are you adding a specific number of seats to go to 18 or are we
15 just adding public at large to the classifications here and
16 we'll choose within those classifications how many we want per
17 seat or whatever?

18 MR. COLE: Yes. I'm advancing the thought that we
19 choose out of the 15, in addition to the 12 disciplines, three
20 members comprising the public at large. In other words, my
21 thought is that we would have one member representing each of
22 the 12 disciplines, and then three public at large members.
23 Now, I realize that finding "three public at large members" who
24 have no relationship to any of those 12 disciplines might be
25 hard to find, but I think we could make an effort. There must

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1 be three people out there someplace in this great state who
2 could serve as a good sounding board for the "public interest."

3 MR. TREADWELL: Mr. Pennoyer.

4 MR. PENNOYER: Mr. Chairman, I've got no problem with
5 having a public at large category here, but I didn't know we
6 had decided that we're going to have one person representing
7 each of these interests. We talked earlier about, perhaps,
8 having an interest -- one person covering two or more of those
9 interests and just being able to sort of choose within it. I'm
10 unsure I'd prefer to go back to an individual seat per interest
11 and trying to define each person as that seat. But I have no
12 problem with adding public at large as a category, and then
13 within that choosing -- they might want -- one person might end
14 up being three of these, you might end up with three more
15 people public at large. But

16 MR. COLE: I'm not saying that we've decided on one
17 member for each of those interest groups, but it would be my
18 thought that that's a good starting point. I would like to see
19 a broad representation of interest groups on this Public
20 Advisory body, it seems to me that's the concept that, at
21 least, I'm searching for. And I think that if we do that, you
22 know, we're less subject to criticism from any particular
23 interest group because we can say look, you know, you had your
24 representatives there, expressed the views of your group, and
25 you know, you made the cut or you didn't make the cut. But I

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1 think we need a broad group of people on this Advisory Group,
2 and then also, it would serve to balance out in loading of any
3 special interest groups so that any particular group does not
4 have a disproportionate voice.

5 MR. TREADWELL: Mr. Barton, did you have a comment?

6 MR. BARTON: Yes. I agree that we need to have broad
7 representation on this Advisory Group, and I support the idea
8 of adding three public at large. I am concerned in terms of
9 how this listing of Principal Interest is intended to be used.
10 It was not my understanding that we would have a seat from each
11 one of these Principal Interests, but these are the types of
12 interests that are involved in the Spill activity, but not
13 necessarily that each of these interests would be represented
14 by a seat on the Advisory Group.

15 MR. COLE: Mr. Chairman. Excuse me. Go ahead, I'm
16 sorry.

17 MR. TREADWELL: Mr. Rosier and then

18 MR. ROSIER: Yes, Mr. Chairman. I agree with the need
19 for a broad base within the Advisory Group. But as I
20 understand what Mr. Cole is relating to here, we're getting
21 back into that with the assignment of three seats to the public
22 at large. It's my understanding that while this will certainly
23 be the focus of the public input to the Council that we're
24 really -- that's just not going to be the only point of input
25 to the Council; that we are, in fact, going to have a fairly

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1 substantial number of the public that's, in fact, going to
2 continue to participate in this process on a long-term basis.
3 And I would certainly like to see the public member at large be
4 a category here, but I'm not sure about the assignment of three
5 seats at this point.

6 MR. TREADWELL: Mr. Cole, did you want to follow up?

7 MR. COLE: Well, I was going to ask Mr. Barton what
8 would you propose then if we did not do it as I have, even say,
9 suggested or thought about?

10 (Off record comments)

11 MR. BARTON: No. I would envision a body of 15
12 members, amongst which these interests could be found, but that
13 a specific individual would not be responsible for representing
14 commercial fishing, per se, in the activities of the group.

15 MR. PENNOYER: Mr. Chairman.

16 MR. TREADWELL: Mr. Pennoyer.

17 MR. PENNOYER: Is it not adequate at this stage to
18 simply have a category for public at large and put it in there.
19 We recognize, I think all of us, we want a broad representation
20 of interests on this group, and we don't know yet whether some
21 people are going to easily speak for one or more of these
22 categories. So, they included public at large so it was
23 obvious we weren't just simply seeking nominations from
24 individual interest groups but the public at large as well, and
25 then we will make a choice. And when we make our choice,

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1 hopefully, it will be a broad representation without specific
2 seat assignments but a broad representation of these interests.
3 So, we don't have a category in here of public at large, and I
4 think the impression is we only want interest groups, and I
5 think what you're suggesting gets around that. So, if we could
6 add -- I don't know how you write the words exactly, but add a
7 category of public at large and it will be considered, so it's
8 obvious we're seeking nominations from public at large as well
9 as special interest groups.

10 MR. COLE: Mr. Chairman.

11 MR. TREADWELL: Mr. Cole.

12 MR. COLE: I'd like to rejoin to Mr. Barton. I
13 haven't, you know, necessarily concluded that there is a
14 specific seat for each of these interest groups, but I think it
15 would be ill-advised not to focus the selection that way. I
16 guess that's a little narrower line, but I mean if we do not
17 have a voice for these various -- you know, a voice, maybe not
18 a specific seat but a voice, we're going to be forever dogged
19 by that decision as the months go on; and people say if you had
20 only had one of our group there, well then we wouldn't have
21 this, and you didn't hear us, and et cetera, 'cause then
22 they'll just, you know, make their voice heard elsewhere. So,
23 I think they -- all these various interests deserve to "have a
24 say" in this process. So, anyway, maybe that's a slight
25 distinction there that I haven't gotten across well, but I

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1 think it's very important.

2 And let me say one other thing while we're at it,
3 'cause this might not be inappropriate to mention it, I think
4 before we go too far in this process that we should start
5 preparing a charter for this public interest group, because I
6 have read comments on the Public Advisory Group, and I want to
7 mention that Advisory Group, because we should get those
8 parameters laid out early on. Do you know what I'm driving at?

9 MR. PENNOYER: Mr. Chairman.

10 MR. TREADWELL: Mr. Pennoyer and then Mr. Barton.

11 MR. PENNOYER: Marty, I believe we have one at this
12 meeting, do we not, to consider.

13 MS. RUTHERFORD: Yes.

14 MR. PENNOYER: So, we satisfy that requirement.

15 MS. RUTHERFORD: In fact, the next item, it's in your
16 packet, it's a generic charter, and it has, I believe, been
17 submitted, and Mr. McVee will add -- give us an update on that.
18 However, it is pretty, like I said, generic, and we are
19 currently working on operating procedures that will be brought
20 to you at your next meeting; they are pretty close to being
21 finalized at this point, and those are much more detailed.

22 MR. COLE: Mr. Chairman.

23 MR. TREADWELL: Mr. Cole.

24 MR. COLE: I had in mind of what is the term, if there
25 is a term, members of the Advisory Group, what is the scope of

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1 advice, how new people are selected, will there be any right of
2 removal or grounds for removal, et cetera, et cetera. I think
3 we should thrash those out early, and that's not in this
4 existing document. So, that when people go on this board and
5 accept the appointment they know what the deal is, then we
6 don't have a big squabble in Phase II.

7 MR. TREADWELL: Let me suggest, it might be
8 appropriate, you've really got three issues here; you've got
9 the issue of whether or not you want to add the public at large
10 category, you've got the question of whether or not your seats
11 are limited to those specific categories, and you've got the
12 question of the charter. It may be appropriate, at this point,
13 to receive a motion on the at large issue which you seem to
14 have a consensus on and move forward on the other issues.

15 MR. COLE: I so move.

16 MR. TREADWELL: Is there a second?

17 MR. ROSIER: I would second that.

18 MR. PENNOYER: Mr. Chairman, clarification, are we
19 moving to add the category or three specific seats?

20 MR. TREADWELL: Would you state your motion?

21 MR. COLE: I'm moving to add -- well, let me be more
22 specific -- three specific seats for members of the public at
23 large.

24 MR. TREADWELL: There's a motion pending to add three
25 specific seats for the members of the public at large to the

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1 Public Advisory Group, and there is a second; does that meet
2 with the approval of the second?

3 MR. ROSIER: No, it does not.

4 MR. TREADWELL: Is there a second? So, the motion dies
5 for lack of a second.

6 MR. PENNOYER: Mr. Chairman.

7 MR. TREADWELL: Mr. Pennoyer.

8 MR. PENNOYER: I move that we add the category of
9 public at large to our categories appropriately described
10 making it clear that we are going to consider members of the
11 public at large for this group as well as special interest
12 groups, and that we reserve our decision on the number of seats
13 when we see the nominees that we get, but that we act --
14 everybody recognizes we want as broad a representation as
15 possible covering these interests that we have specified.

16 MR. COLE: Would you mind restating that motion?

17 MR. PENNOYER: I think the restatement was that we will
18 add a category amongst our Principal Interests definitions of
19 public at large to make it clear to the public we are seeking
20 nominations from not just special interest groups, and that we
21 will, as we select our candidates, recognize we're going to try
22 and cover as broad a sector as possible with these interests,
23 and including people from -- folks from the public at large;
24 that we won't, at this time, specify a specific number of seats
25 to any category, but we'll select -- seek the nominees and then

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1 select a group of slated members to the Public Advisory Group
2 that represents these interests that we're concerned about.

3 MR. TREADWELL: Is there a second to the motion?

4 MR. ROSIER: I'll second that motion.

5 MR. TREADWELL: The motion has been seconded by Mr.
6 Rosier. Is there any discussion? Mr. Cole?

7 MR. COLE: Well, I object and will not agree to
8 everything beyond the three seats for the public at large, that
9 I would agree to. But I think the remainder is too far blended
10 into a concept of how we select the remaining 12 to be prepared
11 to vote for that now.

12 MR. TREADWELL: Okay. At this point, the motion does
13 not speak to three seats, it just says that we add the
14 category. You can call for a division of the question if you'd
15 like or we can vote on this motion as it is?

16 MR. PENNOYER: There's no vote if there's an objection.

17 MR. TREADWELL: Say again.

18 MR. PENNOYER: There needs to be the consensus.

19 MR. BARTON: Yeah. Any objection

20 MR. COLE: What I'm saying

21 MR. BARTON: kills it.

22 MR. TREADWELL: Thank you.

23 MR. COLE: I missed that, Mr. Barton.

24 MR. BARTON: I just said any objection kills the
25 motion.

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1 MR. COLE: Let me see what I can say. I have no
2 objection to adding the category of public at large, that I
3 agree to, I think that's fine, I would support that.

4 MR. TREADWELL: Okay. If -- I think we have a
5 consensus then. There is -- if we want to narrow that motion
6 to say we add the public at large as a category that we will
7 seek nominations for along with the 12 other nominations for
8 the 15 seats. Is there any objection to approving that motion
9 as I have stated it, that we will add this public at large as a
10 category?

11 All right. Having found no objection to that motion,
12 we are still open to a discussion on whether or not we're going
13 to allocate specific seats to individuals. If anyone wants to
14 make a motion to that effect.

15 MR. COLE: May I suggest -- is that a motion to that
16 effect?

17 MR. TREADWELL: No, there is no motion to that effect
18 at the time.

19 MR. COLE: Well, I would suggest maybe that would be a
20 subject on which it would be well to get public comment.

21 MR. TREADWELL: Okay. We will hold off on that second
22 issue as far as the number of seats until this afternoon. Move
23 on, Marty.

24 MS. RUTHERFORD: Mr. Chair, I was wondering do
25 you

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1 MR. COLE: Excuse me just a second, until this
2 afternoon? I wasn't quite prepared for that.

3 MR. TREADWELL: Well, if you'd like to ask for public
4 comment now, we can

5 MR. COLE: No. I mean aren't we

6 MR. PENNOYER: We're receiving public comment on the
7 process anyway.

8 MR. TREADWELL: Sure.

9 MS. RUTHERFORD: Mr. Chair.

10 MR. TREADWELL: Yes.

11 MS. RUTHERFORD: I do want to point out I'm skipping
12 ahead just a little bit, but there is in here a discussion on
13 the nomination process, and behind that is a timeline. If we
14 do not go forward with the process at this point in time, we're
15 going to go beyond the current date of getting a Public
16 Advisory Group up and running by the week of August 25th. Now,
17 we could -- given now the fact that you have 13 Principal
18 Interests and 15 seats, you could move forward with it, and at
19 a later date, after you get the nomination process done, decide
20 how you allocate the seats; you could do that at that point in
21 time. But to put off that decision and not proceed with the
22 nomination process will extend this timeline somewhat
23 significantly, and you may not want to do that, so I just want
24 to point that out.

25 MR. PENNOYER: Mr. Chairman.

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1 MR. TREADWELL: Mr. Pennoyer.

2 MR. PENNOYER: Ms. Rutherford, I'm not sure why we're
3 putting off the process.

4 MS. RUTHERFORD: Well, you don't

5 MR. PENNOYER: Mr. Cole talked about seeking public
6 comment. We take public testimony at each one of these
7 meetings. At the time we seek the nominations, the public will
8 have the chance to write a note as to whether they think there
9 ought to be one seat for a particular aspect or not. I'm not
10 sure why we're putting off the process.

11 MS. RUTHERFORD: Well, I guess maybe I just needed a
12 clarification on it. What you're really talking about then is
13 just proceeding and getting comments as we go in terms of the
14 number of -- on how many of each of the Principal Interests
15 would fill the 15 seats.

16 MR. PENNOYER: That was my understanding.

17 MS. RUTHERFORD: Okay.

18 MR. PENNOYER: I didn't know we were going to put off
19 the sending out -- when we send out the requests for
20 nominations, we're not telling people how many seats, we're
21 not

22 MS. RUTHERFORD: Right, we're not.

23 MR. PENNOYER: guaranteeing a seat, we're not
24 doing any of that.

25 MS. RUTHERFORD: That is not what we're going to

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1 propose.

2 MR. PENNOYER: So that comment is available to us to
3 base our selection on. We don't make the selection until when
4 in your timeline?

5 MS. RUTHERFORD: We hope to have the nomination package
6 to you on June 22nd, and we're hoping that you can preliminary
7 selections on it by the 29th of June.

8 MR. PENNOYER: That's a reasonably ample time for
9 people to comment on how we ought to structure it.

10 MS. RUTHERFORD: Good. All right. Thank you, that
11 clarifies it for me then.

12 MR. COLE: Mr. Chairman.

13 MR. TREADWELL: Mr. Cole. We're still on the -- just
14 for the status, we're still on the issue of the definition, are
15 there -- is there anything else to come up on this list of
16 definitions?

17 MR. COLE: That's what I had in mind. Well, we had,
18 you know, we'll get to it later, the public review processes of
19 the 1992 Work Plan Draft, et cetera. I mean I would have in
20 mind that as letters were received on that during the period
21 April 20 to June 4, that we could receive public comment on
22 this issue by those letters and consider that comment as we
23 make the decision on June 27th or whenever it is. I just
24 really would like to hear from the public on this subject.

25 MR. TREADWELL: Mr. Barton.

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1 MR. BARTON: What specifically do we have in the
2 documents that are out for public comment right now on this
3 issue?

4 MS. RUTHERFORD: The only thing that is out for public
5 comment right now is what is in this packet here.

6 MR. BARTON: Okay. And in this form or is it also in
7 the Framework document?

8 MS. RUTHERFORD: It's just in this form.

9 MR. TREADWELL: Well, let me just ask Mr. Cole. Would
10 it be appropriate if we move forward today to publish this list
11 of definitions, including the at large category which has just
12 been added, that when we ask for the public to make nominations
13 for these categories, we also ask the public to comment on the
14 issue of whether or not each category requires a specific seat.

15 MR. COLE: Yes.

16 MR. BARTON: I would further like to ask the public to
17 comment on the comprehensiveness of these categories, whether
18 should there be more or should there be less, at the same time.

19 MR. TREADWELL: Okay.

20 MR. BARTON: The adequacy of the list, in other words.

21 MR. TREADWELL: Is there any other discussion about
22 these definitions as far as the definitions that have been
23 derived at this point? Why don't we leave this item with the
24 three points of consensus then, which is adding public at
25 large, and then asking for public comment on both the number of

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1 seats and the number of categories, and we'll get back to that
2 specifically when we look at the nomination process.

3 Mr. McVee, can you bring us up to date on the status of
4 the Advisory Group charter?

5 MR. McVEE: I can do that, I think, rather quickly,
6 unless there's some questions. The charter has gone forward,
7 it's being processed in the Secretary's office Interior, and of
8 course, it gets another review by the solicitor there. But it
9 gets routed through a couple of offices within Interior,
10 Congressional Affairs, will basically identify the appropriate
11 Congressional committees that the charter gets submitted to,
12 and that submission is for information purposes. And, after it
13 has gone through that process, it goes to the Secretary for
14 signature, it's filed with the committees in GSA, and there's
15 no waiting period on that. On Friday, I was told that it
16 should take one to two weeks to get the Secretarial signature,
17 so we should have a charter within a couple of weeks. And
18 then, you know, I think the next thing, and the Staff is
19 working on that, are those operating procedures which are
20 probably a lot more significant than the charter.

21 MR. COLE: Mr. Chairman.

22 MR. TREADWELL: Mr. Cole.

23 MR. COLE: Could I have an explanation of this Page 3,
24 Paragraph 6, Subsection B, specifically the last sentence, I'm
25 a little confused about that.

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1 MR. McVEE: The last sentence: From these nominations
2 the Trustee Council will recommend membership to the Trustees
3 and following selection by the Trustees, the Secretary will
4 make the appointments. Is that the sentence, Mr. Cole?

5 MR. COLE: As I read it it says the Secretary of the
6 Interior will make the appointments, and I just had a little
7 trouble with that. I, apparently, missed that before.

8 MR. McVEE: The reason for that is that it's operated
9 under FACA (ph), we need a federal official to sign the
10 appointment papers, and that's what it amounts to.

11 MR. COLE: Well, do we have a commitment by the
12 Secretary that he will appoint the people whom we recommend?

13 MR. McVEE: I think there's probably strong indications
14 that that will happen, but his instructions to me was he was
15 reserving, at least, the Interior's decision on appointments to
16 himself; one thing that he had not delegated to me so

17 MR. COLE: We better hold the horses if that's the
18 case, as far as I'm concerned.

19 MR. McVEE: This is written that the Trustees -- the
20 way we wrote it was the Trustees and following selection by the
21 Trustees, it would be the Trustees themselves that would make
22 the selection and then the Secretary would made the
23 appointments. The reason it was written that way is in
24 connection with his instructions.

25 MR. PENNOYER: Mr. Chairman.

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1 MR. TREADWELL: Mr. Pennoyer.

2 MR. PENNOYER: Speaking to Mr. Cole's question, I think
3 does the language imply to you that the Secretary of Interior
4 has latitude to make other appointments than those recommended
5 by the Trustees?

6 MR. McVEE: That's wasn't the intention. The Trustees
7 would make the selections, the Secretary would sign the papers.

8 MR. PENNOYER: So, he is, in fact, then -- well, you
9 said he would reserve, he is, in fact, bound by the selection
10 of the Trustees?

11 MR. COLE: He says he was reserving, he's really not
12 reserving. I mean let's -- I just think that we really should
13 make sure that -- I mean I have great confidence in Secretary
14 Lujan, but I mean don't you think it would be well if we got
15 that cleared up; I sort of think we should. I mean, you know,
16 the Governor has taken the position that this is -- the State
17 should assert its sovereignty; you know, we may justifiably
18 hold the view that in some of these subsistence regulations and
19 other things that the Secretary is just beyond the line. We
20 should assure ourselves that we're comfortable in this
21 selection process.

22 MR. PENNOYER: Mr. Chairman.

23 MR. TREADWELL: Mr. Pennoyer.

24 MR. PENNOYER: Mr. McVee, the language reads: "From
25 these nominations the Trustee Council will recommend membership

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1 to the Trustees and following selection by the Trustees, the
2 Secretary of Interior will make appointments." It's slightly
3 ambiguous, but it seems to me to say that the selection is by
4 the Trustees, I don't see it saying the Secretary of the
5 Interior will make different appointments. What do you mean by
6 reserve?

7 MR. McVEE: Mr. Chairman.

8 MR. TREADWELL: Mr. McVee.

9 MR. McVEE: I guess what I mean by that, or
10 clarification at least, is that he felt -- the Secretary felt
11 like that the selection, you know, of the advisers should be
12 something that's done at the Trustees level, he wanted to be
13 personally involved at the Trustee level in the appointments.
14 And so, this language, when it says the selection will be made
15 by the Trustees, it would be the principal Trustees, not the
16 Trustee Council; of course, on the State side, the three
17 members are Trustees.

18 MR. COLE: Well, Mr. Chairman.

19 MR. TREADWELL: Mr. Cole.

20 MR. COLE: I will move to amend the language to read
21 from these nominations, the Trustee Council will recommend
22 membership to the Trustees and following selection by the
23 Trustees, the Secretary of the Interior will appoint those
24 selected by the Trustees.

25 MR. TREADWELL: Is there a second to the motion?

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1 MR. McVEE: I'll second that.

2 MR. TREADWELL: The question's been moved and seconded,
3 is there any further discussion? Is there any objection to the
4 motion? Without objection, the motion is approved. I guess
5 that brings a question I'd like to ask which is what -- after
6 this is filed, what opportunity do the Trustee -- or does the
7 Trustee Council have to change this charter if it finds a need
8 to change the charter?

9 MR. McVEE: I guess the charter can be amended at any
10 time. It has to be reviewed on a two-year cycle, but it can be
11 amended at any time. I think probably more importantly are the
12 operating procedures, which will actually describe the
13 functions, how the PAG will function.

14 MR. TREADWELL: And I guess another question I'd like
15 to ask is did you consider, in drafting this, staggered terms?

16 MR. McVEE: Mr. Chairman, I think that would be in the
17 procedures in the -- it's certainly thought about there should
18 be some continuity, you know, from year to year on the
19 membership, so I would hope that that would be in the
20 procedures, some way of -- and I know that's typically done of
21 making some longer term appointments and some short-term
22 appointments.

23 MR. TREADWELL: Marty, did you have anything to add?

24 MS. RUTHERFORD: Yeah, Mr. Chair. The operating
25 procedures do deal with terms, and we are looking at staggered

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1 terms; it does deal with the scope of the advice that the
2 Public Advisory Group would be giving to you; it does deal with
3 how people can be removed. It does not, at this point in time,
4 and maybe I'd like to get your input, deal with how people are
5 appointed, that nomination process is sort of distinct, and
6 we're going to talk about it here. Do you want it in the
7 operating procedures?

8 MR. TREADWELL: About how people are appointed?

9 MS. RUTHERFORD: How they are nominated and appointed,
10 yes.

11 MR. TREADWELL: Is there any thought from the group?

12 MR. COLE: I'm not sure -- Mr. Chairman, I'm not sure I
13 understood the question.

14 MS. RUTHERFORD: Well, just earlier, when you guys were
15 discussing the operating procedures, someone suggested that the
16 operating procedures would talk about how people are nominated
17 and appointed. And the operating procedures as we foresaw them
18 would not included that, and I just wanted to clarify that.

19 MR. COLE: My view is that we should address those.
20 When will we address them if we don't address them there?

21 MS. RUTHERFORD: I was hoping we would address them
22 today in this context, and it's not a formal document like
23 operating procedures, it would just be an established process
24 for nominations.

25 MR. PENNOYER: Mr. Chairman.

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1 MR. TREADWELL: Mr. Pennoyer.

2 MR. PENNOYER: The operating procedures govern the
3 operation of the group

4 MS. RUTHERFORD: Right.

5 MR. PENNOYER: after it's appointed and
6 operating. I'm not clear why the operating procedures for the
7 group would dictate how the nomination process occurs, which is
8 our responsibility.

9 MS. RUTHERFORD: Again, we did not perceive that it
10 would, but someone suggested that it probably would, and I
11 wanted to clarify it. We did not see that as being part of the
12 operating procedures and I wanted to point that out.

13 MR. BARTON: Mr. Chairman.

14 MR. TREADWELL: Mr. Barton.

15 MR. BARTON: In our packet is laid out the nomination
16 process, it seems to me that the nomination process is outside
17 the operating procedures of the group. But I guess I don't
18 think it needs to be in the operating procedures, but we do
19 need to have a formal nomination process laid out somewhere.
20 It can be a separate document as far as I'm concerned, it could
21 be an appendix, perhaps, to the basic charter that has been
22 submitted to the Secretary I think, it might be an appropriate
23 place for it.

24 MS. RUTHERFORD: Then, Mr. Chair, maybe I should
25 proceed with going through the nomination process, and if you

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1 guys agree to it, we will set it up as a process -- a formal
2 process that someone can refer to.

3 MR. TREADWELL: Well, before we do that, we're still on
4 the charter issue, and I guess in 6B, the clause that we just
5 amended, there is some description of the nomination process,
6 except that it doesn't really speak to the list of groups and
7 so forth. If you want to add it to the charter, now is the
8 appropriate time.

9 MR. COLE: Mr. Chairman.

10 MR. TREADWELL: Mr. Cole.

11 MR. COLE: Well, we decided, I thought, that this
12 charter which we're filing to comply with the federal law is
13 sort of a bare bones charter.

14 MR. TREADWELL: Okay.

15 MR. COLE: And that we're just complying with federal
16 law so we can get on with the public participation process.
17 So, that's the reason it's not in this document is my
18 understanding, Number 1. Number 2 is I agree with Mr. Barton
19 that it not necessarily need not be in the operating procedures
20 of the Public Advisory Group. But my remarks earlier this
21 morning were predicated on the fact that we need some document
22 that's broader than simply the "operating procedures" of the
23 Advisory Group, and I think that was the sense that Mr. Barton
24 understood my remarks and said we need some other formal -- or
25 some type of formal document that in which to lay those out.

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1 MR. TREADWELL: Okay. At this point, if there is no
2 further action to come on the charter, let's set the charter
3 aside and have a discussion about the nomination process and
4 then we can approve the whole thing if there's further
5 approvals necessary. Why don't you go ahead and describe the
6 nomination process, Marty.

7 MS. RUTHERFORD: The process for soliciting nominations
8 for the Public Advisory Group involves notifying the public,
9 evaluating the nominations and compiling a list of potential
10 nominees for Trustee Council consideration. The Trustee
11 Council will then review the nominations and recommend
12 membership to the Trustees for appointment by the Secretary of
13 the Interior. At this point, what we're recommending is that
14 nominations would be solicited using a wide range of media;
15 examples include newspapers in the affected areas, the Federal
16 Register, existing Exxon Valdez Oil Spill mailing list,
17 agencies, interest groups mailing lists, public service
18 announcements, flyers for posting in communities and all
19 persons having expressed interest, sent in letters, in serving
20 on the Public Advisory Group.

21 We also are recommending that the request for
22 nominations will ask for the following information and only the
23 following information, so if you feel it needs to be expanded,
24 you need to comment and tell us that. It would include a
25 biographical sketch, asking for education information,

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1 experience, address and phone number; some demonstrated
2 knowledge of the region, peoples or principal economic and
3 social activities of the area affected by the Exxon Valdez Oil
4 Spill, or demonstrated expertise in public lands and resource
5 management; identification of the relationship and involvement
6 with one or more of the identified public -- Principal
7 Interests; and, identification of a group or groups, if any,
8 that are recommending this person be appointed and providing
9 the point of contact information and phone number for that
10 group. And then, attached is, also, the timeline that we are
11 foreseeing and recommending we proceed with.

12 But I think the most important thing we need to hear
13 from you is if the information that we are requesting from
14 nominations is adequate or if it's, perhaps, too much.

15 MR. TREADWELL: Is there any thought on that question?

16 MR. COLE: Mr. Chairman.

17 MR. TREADWELL: Mr. Cole.

18 MR. COLE: Why should we limit the amount of
19 information that a candidate or a nominee might want to supply
20 us with?

21 MS. RUTHERFORD: I don't think we are asking to limit
22 it, I do think, though, that we have to ask for at least some
23 of this information, and I think if they wanted to provide us
24 more, that would be adequate. But when we are going to do a
25 comparison, we want to make sure that you have what you need to

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1 adequately do that.

2 MR. BARTON: Mr. Chairman.

3 MR. TREADWELL: Mr. Barton.

4 MR. BARTON: This is actually a minimum list, as I
5 understand it, Marty?

6 MS. RUTHERFORD: Yes.

7 MR. TREADWELL: Would you like to add the word
8 "minimum?"

9 MS. RUTHERFORD: I think -- Mr. Chair?

10 MR. TREADWELL: Yes.

11 MS. RUTHERFORD: If you're going to ask for more, now
12 is the time, because if we're going to start the process, you
13 know, we need to tell them what we need. So

14 MR. PENNOYER: Mr. Chairman. Maybe you're just making
15 it clear that any other information -- just the way you write,
16 any other information you care to submit that would help the
17 Trustees deciding on qualifications to serve on this committee
18 or something like that.

19 MS. RUTHERFORD: Okay.

20 MR. PENNOYER: They realize that this is -- if they may
21 have other information, they can submit it.

22 MS. RUTHERFORD: Other pertinent information. What --
23 I mean is this enough, though, for you guys to make decisions,
24 I think that's the most important thing; is there something --
25 some element missing?

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1 MR. PENNOYER: Well, I think they really should be
2 encouraged to submit any other information that would help
3 qualify them or our discussions of their qualifications to
4 serve on this committee. And I think you could bare bones do
5 some of this and still not have very much, so make it clear
6 that they're trying to present us with the case of why they'd
7 be the appropriate person to put on a committee, that's going
8 to be one of the most structured ways of getting public input
9 to us.

10 MR. TREADWELL: Okay. Well, I see a consensus here, I
11 don't know if we need a formal motion to that fact that you
12 want to add that maybe as a fifth bullet under request for
13 information, that would make sense, Marty.

14 MS. RUTHERFORD: Absolutely.

15 MR. TREADWELL: Is there anything else that we'd like
16 to discuss in the nomination process at this point?

17 MR. COLE: Yes, Mr. Chairman.

18 MR. TREADWELL: Mr. Cole.

19 MR. COLE: If you reflect upon Ms. Rutherford's remarks
20 there, it comes close to saying, at least one could argue that
21 we're saying, that there are not to be "assigned seats" in this
22 selection process. And, you know, I would like to have the
23 record today clear that the remarks here on the nomination
24 process do you not imply that there will not be assigned seats.
25 Make it clear that that's a decision we're reserving for the

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1 future.

2 MR. BARTON: It's still open.

3 MR. COLE: Yes. It's still open.

4 MR. TREADWELL: Yeah. I think that's clear, and in the
5 record we've already said that at the same time we publish the
6 request for nominations, we will ask for comments on the number
7 of assigned seats and the number of categories, and we'll be
8 publishing the categories at the same time. So, I believe that
9 issue is clear.

10 MS. RUTHERFORD: Yes. We will make certain that that
11 is part of the request for nominations, that they hopefully
12 will comment on what they'd like to see.

13 MR. TREADWELL: Okay. Mr. Barton.

14 MR. BARTON: Given the addition of the public at large
15 category in the Interest list, how do you see the last two of
16 the minimum information request applying to the public at large
17 applicants?

18 MS. RUTHERFORD: I think we should add the words "if
19 any" to Number 3.

20 MR. BARTON: Well, and 4.

21 MS. RUTHERFORD: It already has it, "if any."

22 MR. BARTON: Yeah, it does.

23 MR. TREADWELL: At this point, we've discussed this and
24 we've discussed the timeline, are there any other comments on
25 the Public Advisory Group nomination process?

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1 MR. COLE: Yes, Mr. Chairman. Mr. Barton made a
2 comment, why don't we have a paragraph in there on why you
3 would -- requesting a statement of why you think this candidate
4 fits -- fills the bill or why you think you fill the bill if
5 you nominate yourself. I'd like to have a expression of, you
6 know, reasons we ought to appoint this particular person; that,
7 I think, would be helpful to all of us. I think these other
8 things -- these four items that we say we ask for should be
9 included to add one more along those lines; why.

10 MS. RUTHERFORD: Mr. Chair, I had-- kind of from the
11 discussion of just a minute ago, I had sort of -- I had written
12 that down, maybe a statement of why they feel they should be on
13 the Public Advisory Group.

14 MR. COLE: Okay.

15 MR. TREADWELL: Do we have a consensus to add that? Is
16 there any other thinking to go on this issue? Okay. Is there
17 any objection? Then, I will consider this process approved
18 without objection. Is there any question? And just to make it
19 very clear that there's no question on the timeline that has
20 been laid before us, the timeline would have request for
21 nominations published by the 6th of May, a deadline of June 5
22 for receipt of nominations and comment on the issues that we've
23 asked for comment on, and nominations package to the Trustee
24 Council along with, I guess, a synthesis of that public
25 comment, and an Executive Session of the Trustee Council

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1 June 29 with an announcement that day of the choice of
2 selections to go forward to the Trustees. That's how I
3 understand the timeline, and if there's no further thought on
4 that, we could consider that approved without objection.

5 MR. COLE: I would -- Mr. Chairman. I would like to
6 say that, at least, from my standpoint so the people know that
7 I think all of us have read the draft summary of comments from
8 the community meetings on a public participation process, and
9 I've read all of those comments. And I think it should be
10 clear that we have considered them and we'll continue to
11 consider them as we proceed along this process.

12 MR. TREADWELL: Thank you.

13 MR. COLE: There's some interesting comments that are
14 -- and I think the public should know that those public
15 participation groups in the various cities have been translated
16 into -- compiled into a summary form by the Restoration Team,
17 that the trouble that they've gone to to attend those meetings
18 is not simply -- and expressed their views has not been
19 disregarded, but they have been read and, I think, considered
20 by the Council even though many -- a number of them said we're
21 an untrustworthy group and view our actions and decisions with
22 great suspicion.

23 MR. PENNOYER: Mr. Chairman.

24 MR. TREADWELL: Mr. Pennoyer.

25 MR. PENNOYER: Marty, were you going to specifically

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1 cover the public meeting schedule and so forth?

2 MS. RUTHERFORD: Yes. If you're ready to move onto
3 that.

4 MR. TREADWELL: Yeah, actually, why don't we hold off
5 on that for just a second, and let me just ask the charter is
6 -- I guess we've given our request to the Interior Department
7 to change the filing of the charter once, are there any other
8 suggestions for changes to the charter at this point or shall
9 we consider that approved by the Trustee Council without
10 objection for now? That done, the only other question is how
11 -- were you prepared to talk about the operations issue of this
12 Advisory Group today?

13 MS. RUTHERFORD: No, we are not. The Restoration Team
14 has not finished their review of the operating procedures, and
15 we hope to have it -- we will have it at your next meeting.

16 MR. TREADWELL: Okay. That done, then let's move onto
17 the time table for the Restoration Framework meetings.

18 MS. RUTHERFORD: Mr. Chair, there is in front of you a
19 draft public meetings schedule to -- for the scoping meetings
20 on the '92 Draft Work Plan and the Restoration Framework
21 document. It's two pages there, it notes the meetings that are
22 currently scheduled in all the communities, it also notes that
23 letters were sent to some other communities asking if they
24 wanted us to attempt to travel there; we have not heard from
25 some of them.

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1 I should note here that we have provided you with
2 information on who from the Restoration Team will be attending
3 each of the scoping meetings. However, there also will be
4 attending a member from the Restoration Planning Working Group
5 to each of these meetings, one person from the sub working
6 group for each of the meetings. We also are intending to have
7 the same Recorder attend every single meeting so that there is
8 great consistency in the public record, so that what you are
9 provided from those meetings is consistent. And, I also wanted
10 to note that those communities, specifically the villages that
11 have not indicated to us yet that they wanted us to visit them,
12 we will attempt to teleconference with them, we are attempting
13 to do that.

14 Other than that, if you -- we're just looking for an
15 approval on this public -- the meeting schedule.

16 MR. McVEE: Mr. Chairman.

17 MR. TREADWELL: Mr. McVee.

18 MR. McVEE: Yes. Although, you know, this is a subject
19 that will come up later as we talk about budget, I guess one
20 thing that has bothered me is that the '92 Draft Work Plan
21 contains the project budgets, and as a result of that, we
22 haven't given the public, you know, the complete picture, but
23 we've got say 20% or somewhere in that area of the proposed
24 annual budget, you know, that's not been released for public
25 review. And I guess my recommendation would be that we do

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1 maybe a one page supplement, and I know we've got some work to
2 do on this, but -- and maybe we make those decisions after
3 we've done that, but we prepare a supplement containing that
4 increment of the proposed budget that's not in the '92 Draft
5 Work Plan and mail it out very soon, say prior to that first
6 meeting on May 4th. One of the problems by not having the
7 budget for public review is, I believe, compliance with the MOA
8 where we were to have a Public Advisory Group that would be
9 commenting upon the budget prior to the time it was finalized.
10 We don't have that group in-place yet, so this would be an
11 alternative way of getting some public input into the total
12 budget, and I think put us in compliance with the MOA.

13 MR. PENNOYER: Mr. Chairman.

14 MR. TREADWELL: Mr. Pennoyer.

15 MR. PENNOYER: Are you suggesting we vote on that at
16 this time or something, Mr. McVee? We'll do that after we take
17 up the budget so we can see what you're proposing being sent
18 out to review.

19 MR. McVEE: That would be -- we can come back to that
20 at that point in time.

21 MR. TREADWELL: Yeah. I think the suggestion is
22 whatever we decide on the budget, we get out a mailing so that
23 we can collect comment on that as we collect comment on the
24 Restoration Work Plan. Is there any objection to that
25 suggestion?

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1 MR. BARTON: I have a comment.

2 MR. TREADWELL: Mr. Barton.

3 MR. BARTON: Yeah. I think that's a very worthwhile
4 effort. I do think, though, it's important to recognize the
5 amount of opportunity that the public has had to comment on the
6 development of the budget; it's been discussed in this
7 meeting -- in these meetings since January, and it's a matter
8 of public record, it's been in the record. I do recognize the
9 need to get additional comment, but I don't think that that
10 process has been without public involvement.

11 MR. TREADWELL: Okay. Well, let's move on then, and we
12 will note the public meeting schedule is accepted without
13 objection of the Trustees, and that we will also try to do a
14 mailing ahead of time so that once we have concluded
15 deliberation on the budget this afternoon people are aware of
16 that and bring that up at the hearings.

17 MR. McVEE: Mr. Chairman. Just maybe one other
18 question. I notice that of the Restoration Team, the RT, that
19 some of the Staff are sharing a heavy burden there in terms of
20 the public meetings. Is that just the way it feel or just
21 based upon who ever was going to be available for those days?

22 MS. RUTHERFORD: It was a combination of all of that.

23 MR. McVEE: Okay.

24 MR. TREADWELL: Okay. Well, everybody appreciates the
25 tremendous amount of work that this Team is doing. Let's move

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1 onto the second agenda item, which is the project -- the
2 Position Description of the Administrative Director, and we'll
3 call on Dave Gibbons to brief us on that.

4 DR. GIBBONS: Before I get into that, there's one other
5 section in the book. And Mr. Cole related to it, it's the
6 Draft Summary of Comments from the Community Meetings, and it's
7 a pretty good summary, and I just wanted to point out that it
8 is in there and it is an actual summary of the meetings.
9 So

10 MS. RUTHERFORD: Mr. Chair, I might also that the
11 Working Group -- the Public Participation Working Group and the
12 Restoration Team took these comments very seriously in making
13 their decisions to propose to you folks today.

14 MR. TREADWELL: Thank you. Dave, go on.

15 DR. GIBBONS: What's available in the book is a draft
16 position description for the Oil Spill Administrative
17 Director's position. And I just am requesting comments from
18 the Trustee Council on the wording of it and with suggested
19 changes, if any, to proceed with the advertisement of this
20 position both in the State and the Federal side, and the public
21 sector also.

22 MR. McVEE: Mr. Chairman.

23 MR. TREADWELL: Mr. McVee. A question of Dave. You
24 know, have these been through kind of the classification
25 process? I've noticed several levels -- grade levels there,

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1 have they been through the formal process of classification?

2 DR. GIBBONS: The position has been looked at by the
3 classification specialist from the Department of Agriculture.
4 I thought before we finalized that, if the Trustee Council had
5 any changes, we should incorporate that into it before we
6 classify that.

7 MR. TREADWELL: What is your time table on this?

8 DR. GIBBONS: The time table is to make the changes as
9 quick as possible and then immediately go to advertisement.

10 MR. TREADWELL: Without having finished the
11 classification?

12 DR. GIBBONS: No. Incorporate the comments from the
13 Trustee Council on the position description, have it classified
14 and move through the normal process for advertisement.

15 MR. COLE: Mr. Chairman.

16 MR. TREADWELL: Mr. Cole.

17 MR. COLE: It's well done. I have some comments. In
18 the second paragraph on Page 1 is this sentence: The mission
19 of the Administrative Director and the Restoration Team is to
20 restore the natural resources injured as a result of the Exxon
21 Valdez Oil Spill to pre-spill conditions." I think that's a
22 little strong statement, you know, that's not quite the precise
23 mission as I view that. Maybe we could soften that a little
24 bit and make it a little more accurate.

25 Also, on Page 3, in the next to the last paragraph from

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1 the bottom under Factor 2 is this sentence: "The Trustee
2 Council is kept informed of progress on major issues but
3 recommendations are accepted as technically authoritative even
4 though final approval depends upon formal action by the Trustee
5 Council." I'm not sure that's quite the way it works,
6 technically authoritative. Anyway, maybe some people would
7 agree.

8 On, I think, Page 4, is the word "statutes" correctly
9 spelled there at the end of the first line on -- I'm not sure,
10 it doesn't look right to me.

11 MR. TREADWELL: We'll put in a T and we'll cross that.

12 MR. COLE: And lastly, sometimes we capitalize services
13 and other times we don't, and sometimes we capitalize federal
14 and sometimes we don't. If anybody wants to change it, that's
15 up to them. That's my comments.

16 MR. BARTON: Mr. Chairman.

17 MR. TREADWELL: Mr. Barton.

18 MR. BARTON: I share Mr. Cole's concern over the
19 mission of the Restoration Team and the Administrative
20 Director. I, too, think that returning to pre-spill conditions
21 may not be what we're all about.

22 MR. COLE: It's called Mission Impossible.

23 MR. BARTON: Yeah. And it doesn't recognize that time
24 marches on. In terms of whether the recommendations are
25 accepted as technically authoritative, I don't have any trouble

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1 with that particular statement; I think the Restoration Team is
2 responsible for the technical accuracy of the materials of
3 which we deal. The implication that the Trustee Council's
4 final approval is more administerial than actual, I think has
5 been proven to be not so, however, and maybe that needs a
6 little changing, whether that's desirable or not, that's the
7 way I think we've operated.

8 MR. TREADWELL: Well, I think we've heard some
9 discussion on that though, Dave, as you're rewriting that
10 paragraph that you might even want to drop it. This is -- the
11 way I see this position is that it's very similar to any
12 challenge that an Executive Director has with a very active and
13 strong board of directors, who themselves have got constraints
14 upon them. You know, there are, oftentimes, decisions that are
15 deferred by one board are taken on by another board later, so
16 it ought to be understood that that path is set as you go
17 along.

18 On the first issue, I wanted to ask if we could use the
19 word "enhance" along with restore, possibly, you know, in line
20 with the terms of the Settlement, restore and enhance the
21 natural resources injured.

22 MR. BARTON: I think we're getting in -- Mr. Chairman.

23 MR. TREADWELL: Mr. Barton.

24 MR. BARTON: I think we're getting into an area where
25 we need legal advice at that point, in terms of what it is

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1 we're doing out there and what is encompassed in restoration.

2 MR. TREADWELL: So, would you consider that as you move
3 forward.

4 MR. COLE: Did you want to comment on that? I would
5 say why don't we just sort of duck the issue and say something
6 bland and get on with it rather than

7 MR. PENNOYER: Mr. Chairman.

8 MR. COLE: trying to get into some technical,
9 legal concepts of what the mission is.

10 MR. PENNOYER: Mr. Chairman. I agree. I don't think
11 it's that pertinent to the job description, the degree of
12 independent authority, the mission of the whole operation which
13 includes the Administrative Director, you could restate it
14 right up the line. I think if you can just sort of smooth
15 through that and say generally the program we're about and the
16 Administrative Director is the person who directs that program
17 for us. But I don't want to get -- I don't think we should get
18 into a big legal hassle over the definition of the mission, and
19 the amount of restoration, and the alternative resources and so
20 on and so forth. This shouldn't be a definition of the program
21 in terms of the legal sense.

22 MR. BARTON: This should not set policy.

23 MR. PENNOYER: Right. Better stated. Thank you.

24 MR. BARTON: It will hire an Administrative Director

25 MR. PENNOYER: Thank you.

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1 MR. TREADWELL: Okay. I guess the only other
2 question -- Mr. Rosier, please.

3 MR. ROSIER: Yes. Two things. I don't see a salary
4 listed here, I see a Range 28. I'd like to know what the
5 salary is and what the thought process was that went into that
6 salary. And no where in the description of the position do we
7 make the tie with the Public Advisory Group that we made with
8 the charter. That seemed to me that's going to be the
9 important function of this position is he made the commitment
10 that he was going to supervise it, but that doesn't make the
11 tie-in anywhere in the duties.

12 DR. GIBBONS: To respond to -- Mr. Chairman.

13 MR. TREADWELL: Yes.

14 DR. GIBBONS: I'll respond to the first one. The
15 first, on the levels, was more looking at the responsibilities
16 of those types of levels of people; we had both Federal and
17 State members on there, and we're looking at a high level
18 manager type position. And that's why the Restoration Team
19 kicked around salaries versus actual cost to the Trustee
20 Council and then looked at responsibilities. And so what we
21 finally kind of settled on here was looking at the
22 responsibility of this position as related to the federal
23 government and the state's governments, and so that's why those
24 figures are in there; the Range 28 and the 15.

25 MR. ROSIER: What's the price tag for that?

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1 DR. GIBBONS: On the State side, I'm not sure on the
2 28, maybe somebody on the State side can help me. But on the
3 15, it's probably around 95,000, total, that's with benefits
4 and everything.

5 MR. TREADWELL: Ms. Rutherford.

6 MS. RUTHERFORD: Mr. Chair. With the benefits, Range
7 28 is probably right around a hundred thousand dollars, but the
8 actual salary is about 72. That's what the differences are,
9 the State benefit package is greater than the Federal, the
10 salary is probably greater with the Feds so

11 MR. TREADWELL: Well, which benefit package are we
12 going to use?

13 MS. RUTHERFORD: It depends. Right now, I think the
14 intent was to which -- whoever they hire, whether it's a State
15 person, they'll use the State, if it's a Fed, they'll use the
16 Federal. That's why we tried to use comparable job
17 descriptions, the 15 and the 28 are about comparable, although
18 salary and benefits really vary there.

19 MR. COLE: Well, what -- Mr. Chairman.

20 MR. TREADWELL: Mr. Cole.

21 MR. COLE: What if he's neither? And that's a
22 possibility.

23 MR. PENNOYER: Or she.

24 MR. COLE: Or she, excuse me.

25 MS. RUTHERFORD: I think the intent was for then it to

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1 be a State person, a State hire, one of the State agencies
2 would do the hire.

3 DR. GIBBONS: Yes. The intent is to advertise
4 simultaneously in the Federal -- soliciting Federal, State and
5 public, you know, non-agency associated, and then make the --
6 to have the Trustee Council -- come forward with a list to the
7 Trustee Council and have them make the selection.

8 MR. COLE: Mr. Chairman.

9 MR. TREADWELL: Mr. Cole.

10 MR. COLE: What are we going to do about that, are we
11 going to run the -- hire this person on the State payroll or
12 the Federal payroll, is that required in what we're doing?

13 MR. TREADWELL: Mr. Barton.

14 MR. BARTON: I think we should consider contracting it,
15 if the successful applicant is from neither the Federal
16 government or the State government, then I think we better
17 consider contracting that activity at that point.

18 MR. COLE: Contracting it how?

19 MR. TREADWELL: It might be useful to make that
20 decision now before you get to the person, because if it's
21 Candidate A who is going to cost us a hundred thousand versus
22 Candidate B who is going to cost us, you know, some kind of a
23 different thing, I don't think you'd want, necessarily, that to
24 factor into the decision; you want to make that decision ahead
25 of time. The other thing is that you can shift between the

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1 State and Federal government using the IPA process. So, if you
2 made the decision right now that this would be either a State
3 employee or a contract, for example, you could still bring in a
4 Federal employee and keep that Federal employee's benefits, if
5 that's who you choose and/or vice versa. So, you know, it may
6 behove us right now to just pick.

7 MR. BARTON: Well, I don't think -- Mr. Chairman. I
8 don't think it's a problem if the person selected is currently
9 either a Federal employee or a State employee. The problem
10 will arise if we pick an individual who is neither of those, in
11 which case, I would suggest we look strongly at contracting
12 versus putting an individual on either government's payroll,
13 from a very practical standpoint, and that's the FTE (ph)
14 problem that both of us have.

15 MR. TREADWELL: How much are we budgeted for this
16 position?

17 DR. GIBBONS: Presently at 95,000.

18 MR. BARTON: In fact, you know, it may be possible
19 through a contract to come in at a lower level.

20 MR. McVEE: Mr. Chairman.

21 MR. TREADWELL: Mr. McVee.

22 MR. McVEE: Yes. It seems to me like to make the
23 contracting proposition work that -- simultaneously with the
24 announcement, that you'd also have to go out with a request for
25 proposals at the same time the announcements went out in order

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1 to open that door.

2 MR. BARTON: Personnel services.

3 MR. TREADWELL: Well, you know, I don't think we've had
4 a giant problem with the FTE issues for Exxon Valdez positions,
5 at least not as much as we've had from the agencies themselves.
6 Carl, you have more experience here, but I think it would be
7 appropriate to try to state just one and say that we're
8 negotiable on others if that's the candidate we choose, and try
9 to do it as a State position.

10 Mr. Barton.

11 MR. BARTON: I would think that we would be better off
12 leaving it open. If we select a Federal employee, in all
13 probability, that individual would want to continue their
14 Federal tenure; if we pick a State employee, that individual
15 would want to continue with his State tenure in all
16 probability. But I don't -- I honestly don't see the need to
17 pick one or the other of those for current employees. Now, if
18 it's somebody who's not an employee, and we want to reject the
19 contracting approach, I have no trouble picking one or the
20 other for that purpose.

21 MR. PENNOYER: Mr. Chairman. I'm not sure of the
22 necessity to make this decision at this point before we send it
23 out for

24 MR. TREADWELL: Okay.

25 MR. PENNOYER: informational purposes. If people

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1 know we have that broad spectrum of choice, then if they have a
2 certain feeling about wanting to, quote, stay a Federal
3 employee under the system and that was the best person for the
4 job, we could make that choice at the time.

5 MR. TREADWELL: Okay. What I would take from your
6 comments and Mr. Barton's comments, Dave, is that you should be
7 sure to make sure that if we do decide to contract, we have the
8 contracting option by the initial announcement, and make sure
9 that that's checked.

10 Mr. Rosier.

11 MR. ROSIER: Yeah. Well, I'm still a little concerned
12 about the salary range, I guess, is that I realize the need for
13 a good administrator, but when I look, you know, at a Range 28
14 on this and the responsibilities that go with this position is
15 something -- in our budget of something in the neighborhood of
16 about 18 million dollars, within the State system we've got pay
17 grade 26s that are handling twice that much money in terms of
18 time. So, I'd like -- you know, maybe the Restoration Team can
19 give me a little bit more information in terms of what they
20 compared it against. I'm not sure that -- you know, the
21 Executive Director of the North Pacific Fisheries Management
22 Council, for instance, I'm not sure that they make \$81,000.00 a
23 year on this. So, this overall salary kind of concerns me a
24 little bit here. We've been fairly tight with dollars in terms
25 of projects and trying to hold costs down, but I'm not

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1 convinced that we're at that point with this position.

2 MR. TREADWELL: Mr. Gibbons.

3 DR. GIBBONS: Yeah. Maybe I can talk a little bit to
4 that. On the Federal side, it's like a staff director at the
5 Federal level with a large staff and responsibilities. That's
6 where the 15 comes from. I think we were looking at somewhere
7 as the -- maybe as a director of a division or an assistant to
8 a commissioner level on the State side, that maybe the State
9 can -- you know, I'm not fully aware of the levels in the
10 State, but I think a director is it not normally a 26? And
11 then, so somewhere at that level or above, that was the
12 thinking that I had behind it.

13 MR. TREADWELL: Mr. Barton.

14 MR. BARTON: Aren't we doing the classifier's job right
15 now? Why don't we have a Federal classifier and a State
16 classifier look at this, and that's, I thought, part of their
17 mission in life was to make these kinds of judgments as to what
18 grade levels are associated with what responsibilities. Maybe
19 we ought to do that and then come back and see whether we want
20 to make some adjustments at that point.

21 MR. McVEE: I would agree with that, Mr. Chairman.

22 MR. TREADWELL: All right.

23 MR. McVEE: Mr. Chairman.

24 MR. TREADWELL: Mr. McVee.

25 MR. McVEE: Yeah. I would suggest that with the

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1 direction that we've given Mr. Gibbons that he, you know,
2 proceeds to make the changes in the Draft, the rewording that's
3 been suggested here, plus follow through with the
4 classification, and then proceed to advertise. I guess I would
5 not have any problem with them circulating, you know, one more
6 draft of this if they think it's necessary. I guess I
7 personally feel like that if it classifies out at the 15 level,
8 and I can't speak to the State's side, but that he be
9 authorized to proceed with advertising the position so that we
10 can move forward with selection.

11 MR. COLE: Mr. Chairman.

12 MR. TREADWELL: Mr. Cole.

13 MR. COLE: Why do we need to concern ourselves, I think
14 as Mr. Barton or someone says, with whether this is 26 or 28,
15 why don't we just say salary range, you know, of 70,000 to
16 85,000 or something like that, DOA (ph) and be done with it.

17 MR. TREADWELL: Settle at the time. I've just watched
18 the State of Alaska fill its Space Board position by, you know,
19 getting somebody from the SDI (ph) Office, and they've had to
20 negotiate on salary. But they picked -- you know, they went
21 through a national process and found the person they wanted and
22 still has the flexibility (ph)

23 MR. COLE: It sounds just like what the State would do.

24 MR. TREADWELL: Sure.

25 MR. COLE: Highly bureaucratic.

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1 MR. TREADWELL: Actually, it

2 MR. COLE: Why don't we just put down salary range and
3 get on with it.

4 MR. TREADWELL: Do it. All right. I think we've got a
5 consensus there. I've got one other question to ask Dave,
6 which is: You say provides oversight with the Restoration
7 Team, we're really going to be looking to this person to be the
8 director of the Restoration Team and have a dotted -- you know,
9 kind of a dotted line authority in that area are we not, or am
10 I mistaken in this position?

11 DR. GIBBONS: Well, that's a thin line. I've been
12 trying to look at what I've been doing recently, and trying to
13 put that into a position description and it's very difficult.
14 There's no authority over the Restoration Team, direct
15 authority. The Restoration Team members, you know,

16 MR. TREADWELL: Sure.

17 DR. GIBBONS: report to the Trustee Council --
18 the respective Trustee Council members. So, this person has to
19 have some influence on the activities of the Restoration Team
20 but has no direct authority. So, it's a tough one to write
21 about.

22 MR. TREADWELL: In essence, you do serve, though, as
23 the coordinator of the Restoration Team?

24 DR. GIBBONS: That's correct.

25 MR. TREADWELL: I think that should be reflected in

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1 there. I mean you've got -- it's well-understood that each of
2 the Restoration Team members report back to their individual
3 Trustees, and the Team itself reports to the Council. But at
4 the same time, we would be counting on this person to keep the
5 trains running on time and to knock out the baffles if the
6 Restoration Team is having problems.

7 DR. GIBBONS: That's correct.

8 MR. TREADWELL: Okay. With no further comment, let's
9 move on to the next agenda item. At this point, Dave, I think
10 you can consider this, essentially, with the comments included,
11 ready to go out, and you are free to move ahead and advertise
12 this position after you've done the bureaucratic things that
13 have to be done.

14 The third item on our agenda that we're going to try to
15 finish this one before -- get as far as we can before we break
16 for lunch is the approach for releasing Exxon Valdez Oil Spill
17 Injury Assessment Information, and that's Byron Morris and Bob
18 Spies.

19 MR. MORRIS: Yeah, I'll start out. The action item you
20 have before you is approval to initiate planning for a
21 symposium for the presentation of damage assessment results
22 from the Exxon Valdez Oil Spill. There are four pages in your
23 packet that address this issue. Briefly, a little background.
24 You're well aware that we're in the process of closing out most
25 or all of the damage assessment studies that have been

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1 conducted over the past three or more years. And final reports
2 on most of these projects will be available between now and
3 March 1st of next year. We anticipate that sometime in the
4 near future the lid will be lifted on litigation sensitivity
5 information, and we'll want to get it out in as much detail as
6 possible to the public. And with -- the best information we
7 have to date is that this lid may be lifted on or around
8 September 1st when the discovery for the third party litigants
9 takes place.

10 With that in mind, we went through -- formed a small
11 subgroup and went through an exercise of identifying the
12 different ways that this damage assessment information would be
13 made available to the public. And the table on the second page
14 of this packet identifies the various avenues of information
15 release that we could identify. Each of them has its pros and
16 cons, its upsides and its downsides, and briefly, I'd just like
17 to go over the various one.

18 The first one being the status of injury reports, which
19 is in the Restoration Framework document, there's been two of
20 those released, the most recent one's the update. This report
21 is distributed to a fairly wide audience, lay people as well as
22 technical people. It can be produced in a relatively short
23 period of time, and it covers the broad scope of injuries that
24 we have identified from the Spill but in a very general way.
25 It basically gives a brief summary of what we know, but it

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1 doesn't tell how we know this, what approach we took to find
2 out this information. And it's sort of as a take it or leave
3 it type of document, you know, believe us or not. So, the
4 detail is, at best, fair.

5 Press releases haven't been used much to date for the
6 NRDA damage assessment information. Usually, when they are,
7 they're very brief and to the point and lack lots of detail.

8 The study reports will be produced within this coming
9 year. We expect them to be quite detailed, and many of them
10 will be quite lengthy, a number of pages. However, there is no
11 mechanism for the distribution other than to deposit them at
12 OSPIC and to have them available for people who come here and
13 read. The cost of duplicating these reports for wide
14 distribution would probably be quite prohibitive.

15 The fourth avenue is through scientific publications,
16 either in journals or technical books. And this is very good,
17 it reaches the scientific audience, there's a wide variety of
18 journals that this information would be valuable to;
19 unfortunately, the information tends to get scattered in
20 various disciplines, and there's no continuity to where it
21 goes. Individual PIs, presumably, would choose the journal
22 they like best to publish their information in.

23 Popular articles are another avenue. And to date, none
24 of us are contemplating, to my knowledge, producing any; we
25 know there are third parties, journalists and what have you

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1 that are interested in this information for magazine articles
2 and popular books.

3 Another avenue is through conferences. And by
4 conferences I mean the special -- let's get the right word --
5 special organizations hold conferences and often invite papers
6 on a wide variety of topics for their conference. So, one
7 could attend a conference and present information on the Exxon
8 Valdez damage assessment information, but that would in company
9 with lots of other papers from lots of other disciplines and
10 interests as well. And this is much like in the scientific
11 journal approach, the information would be scattered out in a
12 variety of different conferences.

13 The final two items on the list, one is a symposium
14 that would be sponsored by the Trustee Council that would focus
15 on the NRDA damage assessment information. The audience that
16 would attend that would be a broad audience, it would be
17 members of the public, any other interested parties that so
18 wish to attend, as well as scientists and government folks that
19 are involved in oil spills and damage assessment type of
20 activities. The level of detail can be quite high and quite
21 in-depth if it was accompanied by a published proceedings of
22 the symposium itself.

23 And the last item on the list is a book, a synthesized
24 book of all the information that would be accumulated under the
25 damage assessment to date, including putting it into the

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1 perspective of what we know, perhaps, about other spills;
2 lessons we learned compared to the knowledge that maybe
3 previously existed from oil spills.

4 So, what the Restoration Team -- we've run this through
5 the Restoration Team from the subgroup, we'd like to propose to
6 the Trustee Council is that we receive approval to start a more
7 detailed planning for an oil spill symposium on the Exxon
8 Valdez. We have some basic assumptions in mind, a few of them
9 are that we would like to hold the conference as soon as
10 possible. The soonest we can anticipate doing this would be
11 next spring, we're suggesting either February or March. We're
12 suggesting the Egan Convention Center as an appropriate place
13 to hold the conference, and we've made some assumptions about
14 what the scope of the conference would be, what the commitment
15 of the Trustee Council would be to the cost of it. And we
16 would, then, working with these assumptions, come back with
17 more detailed estimates of costs to give to the Trustee
18 Council.

19 Some of the assumptions we've made are that
20 approximately 500 people or more would register to attend this
21 conference. That there would be no additional travel funds
22 provided to participants or speakers at the conference, it
23 would be mainly principal investigators that are presently a
24 part of the process. That there would be a minimum
25 registration fee of approximately \$25.00, or thereabouts, would

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1 be charged to cover the costs of putting on the conference
2 itself. That the proceedings of the conference would be made
3 at cost -- made available at cost to any participants who wish
4 to order them. The conference would, as we said earlier, focus
5 on the full array of the damage assessment information that
6 would be available at the time. And the remaining cost of the
7 conference would be paid by funds approved by the Trustee
8 Council, and which we would identify what those costs would be
9 at a later date. Some of the things that I have in mind is
10 some of the support for publishing the proceedings, for getting
11 it put together and published, perhaps, so some of the copies
12 would be available to public libraries around the country at
13 maybe no cost and things like that.

14 The fourth page is a brief quote from the Egan
15 Convention Center on what their costs would be for the
16 conference; and essentially, it's \$1,500.00 a day for the
17 facilities; and we anticipate this would be a three -- probably
18 four day conference to get all the presentations fit in.

19 With that in mind, I would like to turn it over to Bob,
20 Dr. Spies, our chief scientist who you well know, and to
21 Dr. Doug Wolfe from NOAA's Damage Assessment Center who is a
22 senior scientist there who has been involved in a number of
23 past oil spills on an international level to address the merits
24 of the conference in their view -- of the symposium and their
25 view of its value. Could we start with Bob.

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1 DR. SPIES: I really hadn't prepared any formal
2 comments, I'm just here to support the general concept of a
3 systematic release of the scientific information from these
4 studies. I feel with a hundred million dollars spent on the
5 science in the last three years, or a number approaching that,
6 that we should be putting out this information in a systematic
7 way and not just simply releasing data as in kind of a random
8 process. And I see the symposium as one of the better ways to
9 do this in combinations with some of the other mechanisms
10 proposed here by Byron. So, I'm just here to lend my support
11 to that idea, and I think if the Trustees would like to support
12 this, it would be good. I think there are other ways of doing
13 it as well, perhaps, private organizations, but in that case,
14 the costs might be fairly high to the participating public in
15 terms of obtaining proceedings and attending the meeting and so
16 forth. So, I don't know if you have anything to say, Doug.

17 DR. WOLFE: Yeah, I do. Yeah. I'd like to add some of
18 my experience to support for the concept of carrying out a
19 symposium as well, or more importantly, perhaps, for a very
20 high quality -- and by high quality I mean scientifically high
21 quality -- publication that documents the overall NRDA process
22 for the public. I think that the Amoco Cadiz spill in Britain
23 -- that occurred in Brittany, France in 1978, in fact, provides
24 a valuable precedent here. After the second year of field
25 studies in that program, the French National Center for the

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1 Oceans sponsored a symposium leading to a comprehensive
2 compendium that encompassed governmental, academic, industry
3 studies undertaken after the spill. Two years after that, NOAA
4 and Synexxo (ph), the French agency, published another
5 compendium in 1982 that described all the work undertaken, with
6 support by Amoco at that time, by the International Commission
7 for Ecological Studies of the Amoco Cadiz.

8 These two volumes are widely cited, and they provide a
9 focal point for all studies on the history, the response, the
10 affects, both environmental and socioeconomic of that spill.
11 They also provide a directory to the studies that were
12 subsequently carried out and published in the dispersed
13 literature by identifying all of those investigators and
14 authors who were involved in spill studies from the start.

15 Without such a product, the results from those spill
16 studies and the results from the Exxon Valdez Oil Spill NRDA
17 studies are going to be destined for diffusion into a mixture
18 of gray literature reports and scientific papers in a wide
19 range of journals, some peer reviewed, some not, scattered over
20 several years I'm afraid. This will make retrieval a nightmare
21 for the scientists and managers who need to access and use that
22 information. Such a proceedings is a most important technical
23 product of the overall NRDA process, one that's going to
24 benefit future scientists, and the managers, and lawyers and
25 damage assessors that are going to be carrying out related

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1 studies in the future. And they need access to a focused,
2 centralized source of information for that purpose, and I hope
3 the Trustee Council will find a means for producing and
4 generating such a product from this very extensive effort that
5 we've undertaken so far.

6 MR. PENNOYER: Mr. Chairman.

7 MR. TREADWELL: Mr. Pennoyer.

8 MR. PENNOYER: Doug, one of our missions here has
9 always -- we've stated it is to sort of tell the story, and so
10 I think we've already assumed that's what we're going to do in
11 some comprehensive, cohesive fashion. What you didn't say is
12 how this relates to the symposium proceedings (ph) exactly.
13 The two -- the publications from Amoco Cadiz were done
14 separately from the sympos- -- they were just done as a
15 compendium, would you care to relate that to the symposium
16 concept?

17 DR. WOLFE: Yes. Excuse me, I didn't make that clear.
18 The French symposium was a symposium which led to the first
19 hardbound book which covered the entire scope of that spill.
20 And I think that the symposium, per se, probably affords a
21 rather limited means of communicating the spill results;
22 although, it does afford an opportunity for the investigators
23 who were involved and -- well, to convey their results to one
24 another, to help ensure that there's compatibility among the
25 studies and use of the information, and also to convey the

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1 results to the concerned public at that moment. But I think
2 that the symposium provides a very important mechanism for
3 bringing together the conclusions and generating, what in my
4 view, is the more important product, the published document.

5 MR. BARTON: Mr. Chairman.

6 MR. TREADWELL: Mr. Cole, then Mr. Barton.

7 MR. COLE: Do you want to go first.

8 MR. BARTON: Fine. Go ahead.

9 MR. COLE: Let me say this, for over a year now, I've
10 taken heavy pounding for requiring that the information
11 collected by the Department of Law in connection with the
12 prosecution of its claims against Exxon, Alyeska Pipeline
13 Service Company remain confidential. I have taken that
14 pounding from the Legislature, from these meetings, and from
15 literature, but I'm pleased to say that those days are over,
16 and I am no longer requiring, as Attorney General, the holding
17 of that data confidential. I made that decision because, in my
18 view, it was essential to protect the State's litigation rights
19 against those responsible for the Spill, and to protect in good
20 faith our agreement with the third party plaintiffs who were
21 prosecuting claims against the State and subsequently settled
22 those claims with the understanding that the State of Alaska
23 would furnish its material to their lawyers. I made that
24 decision in recognition of what I thought to be very legitimate
25 complaints of public that they should be entitled to see that

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1 information, and that information was necessary for them to be
2 able to evaluate the proposed restoration programs.

3 So, to the extent that others don't care to see that
4 data released generally for whatever reasons, the Attorney
5 General is no longer responsible. There. Now, I want to just
6 comment briefly about the symposium and the release of that
7 data. I think we should get on with the releasing of that
8 data. As I said, I thought the clamor, if you will, by the
9 public for that data was rooted in very legitimate concerns.
10 And it would be my thought that the Restoration Team should
11 devote itself to providing that mechanism for the expeditious
12 release and dissemination of that data. And I also feel that
13 delaying, if you will, the release of that data until the
14 symposium can be held next year, is an inordinate delay.

15 MR. TREADWELL: Mr. Barton.

16 MR. BARTON: I, too, am concerned with the delay. I am
17 delighted to hear the Attorney General has released the data --
18 the hold on the data, at any rate. I was going to suggest that
19 -- and this was based on the assumption that the data and
20 information would be available around the 1st of September, I
21 was going to suggest that the Draft Restoration Plan would be
22 an excellent place to disseminate all of the damage or injury
23 information with the timeline we have for that. Now, that it's
24 available today

25 MR. COLE: Did I say that? I said we should set about

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1 getting it released in orderly form forthwith.

2 MR. BARTON: That's what I was going to address, that
3 I, too, share your direction to the RT to get on with figuring
4 out how to release this information in an orderly fashion. But
5 I don't know that there's anything wrong with the symposium, I
6 just don't think it's timely enough to accommodate the public
7 interests.

8 MR. MORRIS: Mr. Chairman. Just clarification. MR.
9 TREADWELL: Just have an answer on that and we'll go to Mr.
10 Morris.

11 MR. MORRIS: Yeah. I'm sorry I didn't make it clear.
12 All the other ways that I discussed are currently being
13 accomplished, it's just that the symposium is the one form of
14 release of information that we haven't yet been able to act on.
15 The information, as the reports come in, will be put in the
16 library and their availability will be announced. We will ask
17 our PIs to start preparing papers for scientific publication.
18 All those other forms we would proceed with as well, so there
19 wouldn't be any delay in the release of the information, one
20 would not hold the other up.

21 MR. TREADWELL: Would Restoration Planning Work Groups
22 that have previously had to take place in confidence because
23 they've been using the data, could those meetings be opened up
24 to the public at this point?

25 MR. MORRIS: That, I don't know, that's a policy call.

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1 It wouldn't be because the data was sensitive of that (ph).

2 MR. TREADWELL: Any thoughts on that? Mr. Cole? Mr.
3 Barton.

4 MR. BARTON: Well, one thing is that that's really a
5 discussion the Restoration Team has as well as the various work
6 groups that work for the Restoration Team, you know, those are
7 pre-decisional meetings, and whether we would want to open them
8 up or not, we would need to consider that aspect.

9 MR. TREADWELL: Mr. McVee.

10 MR. McVEE: One thought, that, you know, this data is
11 involved in a dynamic process in that the PIs -- we've approved
12 projects are currently NRDA projects, damage assessment
13 closeout projects -- are in the process of preparing those
14 reports; you know, so it's data that they may have in some form
15 before it has been analyzed or synthesized into those final
16 reports. I guess one of my concerns is that even though, you
17 know, a symposium is not a bad idea, these have been useful
18 tools, there was one put on last spring on arctic research, and
19 I think Minerals Management Service does information exchange
20 programs and they're valuable tools in order to bring all that
21 information before the scientists and before the public, but my
22 concern is that I don't want to see anything that detracts from
23 the principal investigators from completing the damage
24 assessment reports. I think we need to find a way, if we're
25 going to do a symposium, that we could put it on without

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1 impacting that process.

2 The other part of it is that the Restoration Team is a
3 group that is probably over-obligated at the present time. So,
4 I feel like that if we do move towards a symposium, we should
5 look for someone outside the Restoration Team to do that. I
6 feel like they're going to have their hands full with the work
7 that has to be done, reviews and so on on setting up this
8 program, and the Restoration Plan and the drafts that have to
9 go out, and the Public Advisory Group, getting that
10 implemented. So, I certainly would recommend that we look
11 somewhere else for, you know, lead to handle that if we're
12 going to move that direction.

13 MR. TREADWELL: Are there any other thoughts to come
14 before the group on the proposal for the symposium at this
15 time?

16 MR. PENNOYER: Mr. Chairman. The action being
17 requested of us here is to ask the RT to scope -- further scope
18 out the concept and come back to us with an organizational
19 budget structure and how it might work?

20 MR. TREADWELL: As I understand it

21 MR. PENNOYER: We're not approving the symposium, per
22 se, at this point.

23 MR. MORRIS: I guess what we need is approval of the
24 symposium and some commitment risk, at least, on the symposium
25 facilities, the cost of \$1,500.00 a day, so we could have those

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1 lined up, and then come back with greater detail on the further
2 costs of conducting the symposium based on some committee being
3 established to flush these out. I identified a ballpark figure
4 of the cost to the Council, including the proceedings, of
5 \$50,000.00. But I only realize that the proceedings, as we
6 anticipate them, the time frame would follow the symposium,
7 there's no way you could get manuscripts and a proceedings
8 accomplished before then. So, this -- the cost of the
9 proceedings would, in fact, be a cost for next year not for
10 this year.

11 MR. TREADWELL: Well, based on

12 MR. MORRIS: The cost for this year would probably be
13 about \$10,000.00 just to have the symposium and whatnot.

14 MR. TREADWELL: You're looking for a commitment of
15 \$6,000.00 right now before you -- to tie down the date and then
16 to come back with a plan?

17 MR. MORRIS: Yes. Up to \$6,000.00. I don't know what
18 a penalty would be if we canceled the reservation.

19 MR. TREADWELL: Right. Mr. Cole.

20 MR. COLE: The \$50,000.00 figure sort of staggers me.
21 Did you say 50,000 to put on this symposium?

22 MR. MORRIS: Up to. That's including the proceedings,
23 the publication costs would be the major expense I would
24 presume.

25 MR. PENNOYER: Mr. Chairman. Mr. Cole, I think part of

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1 the answer to that is that we're looking for ways to
2 disseminate this information, and part of that is the cost of
3 the book, so to speak; the proceedings would be sort of the
4 book about the Spill, it would be one method of getting that
5 book out. So, the costs go up as much as we want to put into
6 that book and on how widely we want to distribute it. The
7 symposium is simply just the focus to bring all of that
8 together, as I understand it and

9 MR. TREADWELL: Well, at this point, if I could say,
10 Charlie, I think your announcement will be welcomed very much,
11 and I would hope that the plan that they come back with is, as
12 you said, much more ambitious here and also looks at
13 partnerships with entities such as the universities, science
14 centers and also looks at the participation of other
15 investigators besides those having done NRDA research, if
16 you're going to have a large symposium, and looks at other
17 mechanisms to get information out. But the idea being that,
18 you know, because we are now free to move forward, we try to
19 move forward with as much speed as possible.

20 MR. COLE: Mr. Chairman.

21 MR. TREADWELL: Mr. Cole.

22 MR. COLE: Who would like to hear views of others on
23 whether they really feel that a \$50,000.00 expenditure is the
24 best means of disseminating the information? I really don't
25 have a good enough feel for that, although, I certainly respect

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1 Dr. Spies and other views on the subject. But I mean could I
2 ask, for example, Mr. Rosier to see what his sense of that is.
3 I don't have enough experience in this area to make a very
4 informed judgment.

5 MR. ROSIER: Well, I would say -- Mr. Chairman.

6 MR. TREADWELL: Mr. Rosier.

7 MR. ROSIER: I would say that, you know, the cost
8 estimate that's been put forth is probably about in the
9 ballpark for this type of operation. Generally, you don't get
10 much for less than about 50 to \$60,000.00 on this. This
11 timing, this issue is something that I know that the public has
12 really been pushing hard for getting that information, and it
13 would seem to me that the symposium, you know, in February or
14 March would almost be an after the fact type of thing. That
15 we're really talking about a situation that those people that
16 are really after that information are going to be collecting
17 that, you know, as of tomorrow probably, after Mr. Cole's
18 announcement.

19 MR. TREADWELL: Across the hall during lunch.

20 MR. ROSIER: Yeah. Quite possibly. But I suppose that
21 in terms of a final wrap-up of the -- so to speak of the damage
22 assessment then, you know, that it might be -- in order to have
23 some type of conference of symposium. I cringe a little bit at
24 the thought of 50 to \$60,000.00 just to wrap the program up
25 myself.

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1 MR. MORRIS: There are other ways to approach it. In
2 some ways, the symposium could be self-supporting with the
3 registration fee and the charge for the cost of the
4 proceedings, there'd be some respite that it could,
5 essentially, pay for itself. Those are sorts of details that I
6 think maybe need to be established to flesh out

7 MR. TREADWELL: We need to come to a consensus because
8 we're coming up on a break, and I know some people have got
9 noon appointments. At this point, does the Council want to go
10 forward and authorize the Restoration Team to set a date as
11 early as possible for a symposium, and to come to back with an
12 ambitious plan for releases of information in the meantime and
13 to proceed?

14 MR. PENNOYER: The motion -- your idea is that the plan
15 to release information would include a symposium and other
16 factors

17 MR. TREADWELL: Yes.

18 MR. PENNOYER: and a timeline of how this is
19 going to be done?

20 MR. TREADWELL: Yes.

21 MR. McVEE: Mr. Chairman.

22 MR. TREADWELL: Mr. McVee.

23 MR. McVEE: I think the proposal needs a little bit
24 more work since the Attorney General's announcement. I think
25 because we're almost dealing with two issues here, immediate

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1 release -- immediate access to information versus trying to do
2 something that ultimately puts this information out before the
3 scientists and the general public in winds up in a publication.
4 But I guess one thought is maybe looking at a contractor, there
5 are people that put those things on, and you know, there are
6 contractors that do that; it would be one way of keeping the
7 burden off of the Restoration Team.

8 MR. TREADWELL: Mr. Rosier.

9 MR. ROSIER: Yes. In that regard, certainly, the
10 Alaskan Sea Grant (ph) Program laid out -- they have excellent
11 capabilities in this particular arena, and they have put on a
12 couple that I've been involved with. They've certainly done a
13 find job of

14 MR. TREADWELL: Okay. Well, at this point, I sense
15 there is a consensus to have the Restoration Team set a date
16 for a symposium but to come back in the wake of Mr. Cole's
17 announcement with a more ambitious plan of the budget and
18 timeline at the next meeting. Is there any further any
19 further business

20 MR. COLE: Mr. Chairman.

21 MR. TREADWELL: Mr. Cole.

22 MR. COLE: Is there really a consensus on that
23 symposium? I'm not sure I have that sense, but maybe there is,
24 I'm not sure.

25 MR. TREADWELL: Well, Charlie, I'd be happy to back you

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1 up by saying I'm not sure the symposium couldn't be held
2 earlier or cheaper either. I think it would make sense to try
3 to reserve a date and work toward, I guess is the point.

4 MR. BARTON: Mr. Chairman. I would -- I assume you're
5 making a motion, and I would amend your motion to ask that the
6 symposium be largely self-supporting, then I would have no
7 trouble supporting your entire motion.

8 MR. PENNOYER: Mr. Chairman. I don't disagree with
9 that except part of the costs of the proceedings may be part of
10 our public information release, and therefore, it may be fully
11 appropriate for this group to underwrite. I don't know how
12 much those are, I don't know how they relate to other things we
13 might do. So, I think the cost of actually holding the
14 symposium, I would agree that the cost of what we do with the
15 proceedings in terms of getting the word out as a summary of
16 what we've done on damage assessment might be a little bit
17 different.

18 MR. TREADWELL: Well, maybe the best thing to do is
19 hazard the guess that the Egan Center is going to be able to
20 find -- it's either the Egan Center or something else will be
21 able to find four or five days a month from now and you'll be
22 able to come back with a better plan at this point for the
23 whole thing, and just authorize you to move forward with it.

24 MR. MORRIS: I guess I didn't quite follow that.

25 MR. TREADWELL: I guess the point is is don't -- I

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1 would like to pull the motion, so to speak, and I was trying to
2 form a consensus as Chair here and just suggest that we'll take
3 the risk in the time between now and the next meeting that we
4 can find a place to hold this next spring, and we'll have a
5 better laid out plan that will take in some of the concerns the
6 Trustees have raised today and the public comment we'll hear
7 this afternoon.

8 MR. COLE: Well, Mr. Chairman, let's stay on this a
9 little bit just

10 MR. TREADWELL: Okay.

11 MR. COLE: more, if you don't mind.

12 MR. TREADWELL: Certainly.

13 MR. COLE: I would move to amend the motion to amend,
14 if you will, to contribute \$25,000.00 to this symposium to show
15 our support for it. I think asking it to be totally self-
16 supporting may be a little onerous. But I mean I would say
17 25,000 and get it going wouldn't shock my conscious -- economic
18 conscious, let's put it that way. That's -- I make that
19 motion.

20 MR. McVEE: Mr. Chairman.

21 MR. TREADWELL: Mr. McVee.

22 MR. McVEE: I think as a guide that's a pretty good
23 number, as I recall this arctic informational thing we did last
24 spring or (indiscernible), that the National Science Foundation
25 contributed 25,000 for the publication, and the rest of it was

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1 borne by several groups and agencies. But I think that that
2 was a three-day symposium, so there was a fairly thick document
3 developed out of that, so I think that's a pretty good ballpark
4 number.

5 MR. COLE: May I just say we could give some support
6 from this body to that symposium, too, to cut the expense.

7 MR. TREADWELL: Okay. At this point then it might be
8 to invite proposals to stage a symposium on NRDA data and other
9 data, and to say that the Trustees will support \$25,000.00
10 toward publication of those proceedings is how I would restate
11 the motion. Is there any objection to that motion?

12 MR. COLE: Well, I don't want to fuss, but I don't
13 think it was 25,000 to support publication.

14 MR. TREADWELL: Okay.

15 MR. COLE: As I understood it, it was 25,000 to
16 contribute to the symposium, and where those monies are put
17 would be in the discretion of those who are organizing the
18 symposium, that would be my thought.

19 MR. TREADWELL: Is there any objection to that as
20 Charlie has stated it?

21 MR. PENNOYER: Mr. Chairman.

22 MR. TREADWELL: Mr. Pennoyer?

23 MR. PENNOYER: No objection, but as a follow-up,
24 though, we still have the part in there about given the timing
25 of the release of data how this fits in with total data release

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1 and releasing things -- pieces now and this might form the
2 comprehensive book bringing it all together later on or
3 however, that report will be brought back to us at the next
4 meeting?

5 MR. TREADWELL: I believe that's understood as well.
6 Thank you.

7 MS. BERGMANN: Mr. Chair. Could you please clarify
8 what you meant by other data when you said release of NRDA data
9 and other data, please?

10 MR. TREADWELL: If there is going to be a comprehensive
11 symposium, there has been some independent science conducted in
12 the same lines of inquiry, there's been some industry science,
13 there's been some -- there may be others who want to take the
14 data and do their own papers based on their review of the data,
15 and if you're going to have a symposium, somebody may want to
16 come with an independent view. I think once you do that, you
17 may have some question on peer review, on proceedings, and I
18 think that the scie- -- you know, you may want to look at those
19 issues later. But the issue is -- the idea really is to have a
20 comprehensive symposium.

21 MS. BERGMANN: But only focusing on the Exxon Valdez
22 Oil Spill

23 MR. TREADWELL: That's correct.

24 MS. BERGMANN: and not bringing in other spills
25 was my

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1 MR. TREADWELL: That's correct.

2 MS. BERGMANN: Thank you.

3 MR. BARTON: But encompassing all the work that's been
4 done regardless of whether it's done by Exxon or as part of the
5 damage assessment or independently, is that

6 MR. TREADWELL: That's correct.

7 MR. BARTON: the motion?

8 MR. TREADWELL: Yes.

9 MR. BARTON: Okay.

10 MR. MORRIS: Okay. For my benefit then, I guess I'm a
11 little unclear. We didn't -- I'm just concerned now with what
12 to do with the proposed reservations with the Egan Convention
13 Center. Those were the only two time frames that were open
14 this coming spring for them. We all know that any later in the
15 year, you run into the problem with tourism season and
16 availability of hotels and other things. So, we were looking
17 at probably February as the earliest we could probably feasibly
18 put this together without distracting PIs from final reports
19 and what have you and still have them available. We can come
20 back with you for -- at your next meeting, I don't know when
21 that's going to be, with more detail. I guess I need some
22 guidance on what to do with the reservations that the Egan is
23 holding for us now, they'll hold them till the middle of this
24 week. But if you hope it to be available after the next
25 Trus- --

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1 MR. PENNOYER: Mr. Chairman. My assumption was if we
2 said we were committing some funding to this, and that was an
3 appropriate time to have it, you would proceed with that, and
4 maybe we might, through some unforeseen circumstances, have to
5 absorb penalty costs, but hopefully we would not. So, I guess
6 we're saying to proceed with

7 MR. TREADWELL: I think you've got the leeway to go
8 ahead, but you've got to try to help find -- you know, while
9 you're signing on the dotted line there, you're also trying to
10 find a partner to take on that risk at some other point and see
11 that -- see those funds returned.

12 MR. MORRIS: We can handle that tomorrow probably.

13 MR. TREADWELL: All right. Ms. Bergmann.

14 MS. BERGMANN: I might suggest that, perhaps, over the
15 lunch hour, Byron could call the Egan Center and find out what
16 their refund policy is if we would cancel in a month, and that
17 be a useful piece of information to the Trustee Council.

18 MR. TREADWELL: Okay. If there is no further business
19 to come, we will adjourn for lunch and reconvene at 1:00?

20 MR. COLE: 1:00? How about

21 MR. PENNOYER: Let's try to make it about 1:15.

22 MR. TREADWELL: Why don't we say 1:15.

23 MR. COLE: 1:15.

24 (Off record)

25 (On record)

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1 MR. SANDOR: Good afternoon, can you hear? The Exxon
2 Valdez Oil Spill Settlement Trustee Council meeting will
3 reconvene with Item 4 on the agenda, which is the Public Review
4 Processes. I did want to announce that the technicians, the
5 audio technicians, have asked that we adjourn at 4:30, a half
6 an hour prior to the 5:00 p.m. start of the teleconference
7 portion of this meeting to set up the telephone equipment, so
8 we will have a break somewhere in the vicinity of 3:00 o'clock
9 and then reconvene and plan to have that break at 4:30. I
10 express appreciation to Mead Treadwell for representing the
11 Department of Environmental Conservation this morning.

12 We'll move forward then with Item 4 on the agenda, the
13 Public Review Processes, Jerome Montague and Stan Senner will
14 make the presentations.

15 DR. MONTAGUE: Thank you, Mr. Chairman. At the
16 beginning of this section you'll see there's one page here that
17 lists the four items that we're going to cover, and also lists
18 the action that is requested of the Trustee Council. The first
19 thing in this section is the procedure for responding to public
20 comments on the 1992 Draft Work Plan, and that includes some
21 portion of the comments on the Restoration Framework. And on
22 this, we request approval of the process and schedule.

23 The second item is the first portion, or at least, the
24 beginning through the 1st of July schedule for the development
25 of the 1993 Work Plan, and we'd like an approval on the first

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1 section of this '93 Work Plan.

2 The third item is the Exxon Valdez Oil Spill Trustee
3 Council format for public ideas for restoration projects, and
4 on this, we request approval of this format.

5 And the last item in this section is a timeline for the
6 completion of the Restoration Plan and associated Environmental
7 Impact Statement, and we'd be interested in approval on that
8 timeline as well.

9 Very briefly, if you'll turn to the next page, there's
10 a little flow chart here on how we'll be responding to the
11 public comments. And if you come down to the point where there
12 is a box off to the left where it says Restoration Plan, since
13 the request for comments on the '93 Work Plan were sent out
14 concurrently with the request for comments -- or the '92 Work
15 Plan as sent out concurrently with requests for comments on the
16 Restoration Framework, they will be coming in at the same time
17 and we intend to handle them all as one group. Also, comments
18 will be coming in from the scoping meetings that we're going to
19 be holding in May around the State, and these will be included
20 as well. And basically, the primary sort (ph) at this stage on
21 the flow chart is whether it's a comment for the '92 Work Plan
22 or a comment for the Restoration Plan. And we won't really
23 address the Restoration Plan any further because the response
24 to the comments will basically be the Draft Restoration Plan,
25 so there won't be any response to comments, per se. But for

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1 the '92 Work Plan, the next stage is concurrent reviews that
2 include the technical reviews, legal reviews, if there's any
3 economic comments, and a general response. And there's only
4 about five days in the schedule for that.

5 And, just the main thing -- one of the main things I
6 want to point out about the schedule here is that from June 4th
7 to June 29th, basically, the comments will be put together and
8 recommendations to the Trustee Council made. And this is very
9 fast; for instance, our response to comments from 1991 just
10 came out this month, so we're planning on doing something that
11 in the past has taken six to eight months in less than a month.
12 So, I just wanted to highlight that so that -- then, after we
13 have done that portion, and we're just looking at '92 Work Plan
14 comments, the primary decision is does it change the Work Plan
15 or does it not change the Work Plan? If it changes the Work
16 Plan, it can either do it by deleting or adding a project, by
17 changing the cost or changing the scope. And if it's a new
18 project or a project was dramatically changed or increased
19 scope, there may be some need to evaluate it for environmental
20 compliance.

21 Then, there'll be a draft of the recommendations in
22 about a six day period where the drafts will be reviewed two or
23 three times; and again, the reviews will be concurrent, and any
24 delays in these reviews will extend the approval of the Work
25 Plan, which is already, at the end of June, a month later than

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1 our original end of May deadline. So, we'd have approval of
2 the '92 Work Plan by June 29th. And as far as what the
3 document that's released after that would be like, we're not
4 really sure; it depends on the magnitude of the comments, but
5 it would either be an addendum to the Draft '92 Work Plan or,
6 if necessary, if the changes are extensive, then a whole new
7 final 1992 Work Plan.

8 There's no comments on the '92 Work Plan. The next
9 page is just a more detailed schedule of the flow chart.

10 MR. SANDOR: Perhaps, let's take, unless the Council
11 wants to do otherwise, each one of these items in sequence.
12 Are there any questions with respect to Item 1, the procedure
13 for responding to public comments in the 1992 Draft Work Plan,
14 any questions? Yes, Steve.

15 MR. PENNOYER: Mr. Chairman. Not exactly a question,
16 but at some time about the time we get to the final approval, I
17 would like some type of a status report on where we are in
18 various projects. We have some chart of where -- what stage of
19 implementation we're at on various projects. I don't need that
20 now but at some time as you go through you're asking us to make
21 approvals at different times, it would be helpful to know the
22 status of projects when we do that.

23 MR. SANDOR: Can that be accommodated, Jerome?

24 DR. MONTAGUE: Yes, Mr. Chairman. If you could advise
25 me on the time that you would want that, concurrent with our

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1 recommendations or at an earlier time than our recommendations?

2 MR. PENNOYER: Well, I'd like to have them by the time
3 you made your recommendations, so if we could have them a
4 little bit earlier so we've got a chance to look at them.

5 MR. SANDOR: Mr. Gibbons, can we plan for that?

6 DR. GIBBONS: Yes, I think we can do that.

7 MR. SANDOR: Mr. Barton, did you have a question?

8 MR. BARTON: Looking on Page 2 of the flow chart at the
9 June 29 box, and then there's a three-way split from that box,
10 what determines which track we go down?

11 DR. MONTAGUE: Mr. Chairman, if I could address that.
12 The press release itself is just that, the press release Since
13 at June 29th we would have recommendations of the Trustee
14 Council put into effect, the affect -- whatever changes that
15 brings about should take place immediately. So, even though
16 the actual document, other than what's presented here at the
17 Council, hasn't been put together. New projects are to be
18 added or projects stopped or changed, it should happen as soon
19 as possible after the 29th.

20 MR. BARTON: Well, how do we get down to the right-hand
21 track; what determines if we go down that track?

22 DR. MONTAGUE: Well, if it's not the press release or
23 -- basically, what the right-hand track is is taking the brief
24 document that's presented to the Council and providing more
25 details and putting it in and having it going to professional

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1 editors and made up to a document to be distributed to the
2 public.

3 MR. COLE: Mr. Chairman.

4 MR. SANDOR: Yes, Mr. Cole.

5 MR. COLE: Following up on Mr. Barton's view there,
6 don't we need sort of an arrow from implement appropriate
7 project actions and run that over to prepare final '92 Work
8 Plan? I mean I think we've got to get over to the right-hand
9 column from the left-hand column somehow.

10 MR. SANDOR: How about that, Jerome or Dave Gibbons?

11 DR. MONTAGUE: Mr. Chairman, that's fine, we can do
12 that. I am afraid that that seems to indicate that the actions
13 won't be taken until, you know, July 31st when the document's
14 to the printer. If that's not what's intended, then yes, we
15 can have a line

16 MR. COLE: Run it over to the 6/30 line.

17 DR. MONTAGUE: I see. Yes, we can accommodate that.

18 MR. SANDOR: That change, have we made any other
19 questions or suggestions.

20 MR. McVEE: Mr. Chairman.

21 MR. SANDOR: Yes, Mr. McVee.

22 MR. McVEE: I believe I missed this, but what happens
23 to the public comments after they flow into the Restoration
24 planning process?

25 MR. SANDOR: Jerome, what happens to the public

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1 comments after they flow into the rest- --

2 DR. MONTAGUE: Pardon me, I didn't hear your question.

3 MR. SANDOR: What happens to the public comments after
4 they go into the restoration planning process, are they
5 responded to or are they summarized?

6 DR. MONTAGUE: Mr. Chairman. Yes. The comments that
7 actually change the projects will be in there, and they'll be
8 described, more or less, by the June 29th time frame (ph). The
9 reason for the additional time beyond June 29th is to better
10 assimilate and put together the response to comments that were
11 not -- that did not bring about a change to the '92 Work Plan.

12 MR. RICE: Mr. Chairman. I think the question was more
13 what happens to the comments that relate to the Draft
14 Restoration Plan.

15 MR. SANDOR: Um-hum.

16 MR. RICE: That information will go into identifying
17 the issues that would need to be addressed in the Environmental
18 Impact Statement and the questions that would be answered in
19 the Draft Restoration Plan. We don't, at this time, envision
20 specific responses back to the public on that. We would, in
21 the draft plan, provide a summary of the public involvement and
22 those issues that were raised, and then how they were addressed
23 in the Environmental Impact Statement.

24 MR. McVEE: One other question, Mr. Chairman. In
25 looking at the Public Comment Review Schedule, the Milestones

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1 and/or Activity, I guess what's bothering me a little bit in
2 looking at that 9th of June through the 17th period where it
3 looks like we've got the Restoration Team locked up with the
4 Work Plan Working Group; and part of that time, seven days of
5 that time, we've got the attorneys in there also. And I just
6 wonder if that's really the way it's going to work. My problem
7 being, I guess, of having the Restoration Team, with all the
8 other things they have to do, you know, going through this kind
9 of a detail. We've got 10 people on the Working Group, it
10 seems like the Restoration Team will just have to review their
11 product, and it shouldn't take that whole period of time.

12 MR. SANDOR: Dr. Gibbons, do you want to comment on
13 that?

14 DR. GIBBONS: Yeah. That is an estimate on our part.
15 We envision we're going to quite a few comments, and to meet
16 the schedule that we have laid out here, it's going to take
17 everybody working full-time to get those done. And so, yeah,
18 this is an estimate of based on what we think we're going to be
19 receiving, and I think it's going to need the work of everybody
20 to progress in an orderly manner.

21 MR. SANDOR: Any further questions?

22 MR. COLE: Mr. Chairman.

23 MR. SANDOR: Yes, Mr. Cole.

24 MR. COLE: Looking at that milestone chart, I'm a
25 little confused about the text material after the date of

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1 May 5, there is the term "principal investigators" there, and
2 I'm not just sure what they have in mind there.

3 MR. SANDOR: Dr. Gibbons?

4 MR. COLE: Well, let me just

5 DR. GIBBONS: What we have in mind there is

6 MR. COLE: Let me give a little help, if you don't
7 mind. You see, are the investigators looking for principles or
8 are they the principal investigators, that's what's troubling
9 me.

10 DR. GIBBONS: They're principal investigators, the
11 project leader, we'll correct that.

12 MR. COLE: That's under May 25, too, I was just thrown
13 there for a minute to figure out 'cause I also thought it might
14 the unprincipled investigators, too.

15 MR. SANDOR: Any further questions or comments? May we
16 have a motion to approve the procedures for responding to
17 public comment on the 1992 Draft Work Plan.

18 MR. BARTON: So moved.

19 MR. SANDOR: Barton moves and who seconds? Pennoyer
20 seconds. Any further discussion on this motion to approve the
21 procedure for responding to public comment on the 1992 Draft
22 Work Plan? Is there any objection? Unanimous consent and that
23 is approved.

24 Item Number 2, 1993 Work Plan Development Schedule.
25 Jerome, are you doing this one?

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1 DR. MONTAGUE: Yes, Mr. Chairman, thank you. As you
2 can see, the '93 Work Plan development schedule isn't complete.
3 Various -- well, in a minute, I'll outline some of the problems
4 that we've been wrangling with that we haven't resolved, which
5 is the reason why it's not complete. The main point that we're
6 trying to seek approval on here is back earlier in the year,
7 the Trustee Council asked us to set up some sort of a process
8 for how we would handle -- I think the word used was public
9 proposals, whether it really meant full-blown proposals or not,
10 I'm not sure. But what we're recommending for the Council to
11 consider now is that for 1993, attached to this is a letter and
12 a format for which ideas for 1993 and future work would be
13 submitted.

14 And some of the problems that we haven't resolved that
15 shed light on this idea of format is that in the future, 1993
16 and beyond, we had a desire to, more or less do what need to be
17 done as opposed to what sometimes can happen of agencies or
18 individuals successfully selling a particular idea. And the
19 idea was that we would let the injuries, and the technology and
20 the urgency drive the formulation of generalized restoration
21 needs. And we envision the logical process of goal setting and
22 consideration of the public ideas that come in on these forms,
23 and developing generalized project identification. And the
24 exact procedure that we would use to do this we haven't set
25 upon, but on May 8th, we are having an expert on a process

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1 called Adaptive Environment Assessment come to speak to the
2 Restoration Team.

3 Another problem that we were wrangling with was how to
4 deal with unsolicited proposals. And one of the main reasons
5 we wanted the Trustee Council to consider this idea approach is
6 to prevent potentially severe disappointment in individuals or
7 firms or agencies for spending a lot of time and thousands of
8 dollars on projects that had a lower probability of funding.
9 So, that's one of the primary reasons for trying to go with the
10 idea format. And as I just mentioned above, we'd like to have
11 an unbiased direction of what needs to be done to, more or
12 less, determine what projects go ahead in '93.

13 The third thing we were trying to achieve is if we were
14 reading the Council correctly is to try to get this to be
15 more -- not just an agency operation but to also get a fair
16 amount of money to the private sector, and not that the '92
17 Work Plan and earlier plans don't have considerable amount of
18 government activities. One of the best ways we thought about
19 going about this would be through a request for proposals
20 approach where once the general project that we wanted to go
21 ahead with was approved, then it could be written up in detail
22 and those in the private sector wishing to do it would be able
23 to compete for a project that had a high probability of
24 funding. One of the problems that adds complexity to this
25 issue is how to decide which -- what proportion or whatever

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1 goes to agencies as opposed to the public or all one way or all
2 the other.

3 One thing that we're trying to do is since -- as we'll
4 talk about under the financial topic, that we will be trying to
5 get onto a federal fiscal year, which begins October 1st, so
6 that would be -- require getting approval for the '93 Work Plan
7 by September. And, in fact, the State and the Federal process
8 actually works on a more advanced schedule than that, and we're
9 even considering trying to have the '94 Plan ready for approval
10 by this September.

11 That's all I had on the '93 Work Plan, I hope that
12 describes, somewhat, why we're just looking for approval of the
13 schedule through the 1st of July and approval of using the idea
14 format.

15 MR. SANDOR: Okay. Are there any questions of Dr.
16 Montague regarding the 1993 Work Plan Development Schedule up
17 to the period 1 July?

18 MR. McVEE: Mr. Chairman. Question. Would by our --
19 by our next meeting, would the schedule be available to show, I
20 guess, the remainder of the Work Plan development? What I'm
21 thinking about is, you know, crucial is when we would be going
22 to the court, or when we would actually be receiving money.
23 And in '93, for the '93 program, that crucial date might be by,
24 you know, sometime in January so that we can look at
25 contracting processes and not be in the cycle we're in this

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1 year. But it seems like the rest of -- maybe the rest of the
2 schedule could be developed for looking at that end --
3 achieving that end by maybe whatever is reasonable, a January
4 date or early February date.

5 DR. MONTAGUE: Mr. Chairman. In response to
6 Mr. McVee's comment, we actually do have a schedule of that
7 latter end of the Work Plan development, but since we hadn't
8 agreed upon how to handle non-solicited proposals and whether
9 we use a request for proposals route and whether we use this
10 adaptive environmental assessment process, that you're kind of
11 middle in the schedule, we decided to get those worked out
12 before we presented the rest of it. But in response to your
13 comment about whether we'll have it available by the next
14 Trustee Council meeting, Dave, I think we can assure that.

15 DR. GIBBONS: Yes, we can assure that.

16 MR. COLE: Mr. Chairman.

17 MR. SANDOR: Mr. Cole.

18 MR. COLE: I think I'm confused. How can we come out
19 with a '93 Work Plan until we get the results of these studies
20 that are out there? I think we would need the results of these
21 ongoing studies before we can decide what to do in '93. Am I
22 getting off base there?

23 MR. SANDOR: Dr. Gibbons.

24 DR. GIBBONS: Yeah. That's a real concern that we have
25 also, we've tried to get around that. The earliest that we can

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1 have any information from the '92 work would be like we've
2 operated in the past, probably late October or November, and
3 that pushes us way back out of sync. So, yeah, we wrestled
4 with that problem also, and the only solution we came up with,
5 if we're going to get on a Federal fiscal year and get it the
6 time schedule turned around, is to make some decisions without
7 full information from the '92 studies.

8 MR. COLE: Mr. Chairman. I just don't see how we can
9 do that. I mean it seems to me what we're trying to do is to
10 commission these studies, review the results of the studies and
11 then decide on the basis of those studies what restoration
12 projects need to be initiated to further restoration, et
13 cetera. And I think that should be the central focus rather
14 than getting on the Federal calendar year or whatever that is.
15 I mean so what?

16 DR. MONTAGUE: Mr. Chairman.

17 MR. SANDOR: Is it -- excuse me. Do you want to
18 respond, Mr. Montague?

19 DR. MONTAGUE: Please. Mr. Cole, I agree those are
20 very good comments, and it was largely that idea that had us on
21 the schedule that we were this year. I guess having worked in,
22 you know, long-term programs like this one, and many other
23 people on the Restoration Team, what happens is that

24 UNIDENTIFIED VOICE: Mr. Chairman, could you have the
25 gentleman either speak up, get closer to the mike or get the

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1 mike closer to him.

2 DR. MONTAGUE: I'm sorry. Is this any better?

3 (Off record comments)

4 DR. MONTAGUE: Is that okay? Now.

5 UNIDENTIFIED VOICE: There you go.

6 DR. MONTAGUE: Sorry. And what happens is that by
7 October or November the investigators really don't have their
8 findings together, and they're presenting findings that aren't
9 fully thought out and defensible; that's one part of it. We
10 feel that to really do a report and analysis right that the
11 report for something happening in the summer of '92 wouldn't be
12 out until April or May of '93. And just the schedule of being
13 able to accomplish this requires doing it that far in advance,
14 and that's the way it's done within State agencies and Federal
15 agencies now for such a program. And I guess we just don't see
16 a way to do it in two or three weeks, it takes five or six
17 months.

18 MR. McVEE: Mr. Chairman.

19 MR. SANDOR: Yes, Curt McVee.

20 MR. McVEE: Yes. Another problem, you know, in the
21 scheduling, and I don't know what to do about it, but is that
22 the Restoration Plan -- not even the Draft will be out before
23 we're looking at -- or before we're asking the public to make
24 their comments or their recommendations on the '92 program.
25 So, they -- the public will not have that guidance document to

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1 help them.

2 MR. SANDOR: Dr. Gibbons, is it possible to -- would it
3 not be possible to incorporate in the milestone work plans
4 schedule either quarterly or periodic instances where the
5 feedback from the ongoing studies could be incorporated into
6 this plan for the 1993 Work Plan; was that considered or is
7 that enough

8 DR. GIBBONS: Well, we hadn't thought about that
9 option. Just thinking about it right now, the investigators
10 are out in the field, they're collecting this stuff during the
11 summertime, and I'm not sure when they're going to have time to
12 prepare a quarterly report when they're out; that was just my
13 first thinking. They're going to be busy actually doing --
14 running the experiments. I'm not sure how that would work.

15 MR. PENNOYER: Mr. Chairman. Excuse me. It is sort of
16 a Catch-22, but if we're not to be putting the plans out after
17 the work's already half over, we've got to start earlier than
18 we're going to have the data to really evaluate what we want to
19 do. And I don't know you get around that. I think this is an
20 iterative process, next year it'll be a little bit more
21 awkward, the following year it'll match a little bit better
22 because we'll have a Restoration Plan out. I think we just
23 have to work into it, but I don't think we can go on putting
24 our plans out in June, or July or August for work that starts
25 in April. So, I think we're stuck with starting it at this

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1 point, and we just have to work with the Restoration Team and
2 the PIs and start an iterative process of updating as we go
3 along. If we wait until we get the results of the work to put
4 out our request for projects or a Draft Plan to the public,
5 we'll be back in the situation we are this year; we will be
6 actually putting a Plan out after we're already halfway through
7 the year. In the past, we actually put the Plan out after the
8 year was over, so we're getting a little bit better, we're
9 putting the Plan out halfway through, next year, hopefully,
10 it'll be out before we start. So, I don't know how we avoid
11 working into it that way. We have to have our eyes wide open,
12 as Mr. McVee said, because these events don't match up very
13 well.

14 MR. SANDOR: Mr. Cole.

15 MR. COLE: It strikes me -- is this gadget on or off
16 now?

17 DR. MONTAGUE: It's on now.

18 MR. COLE: It's on now. Well, it strikes me that to
19 put out a '93 Plan before we have the results of the studies
20 which form the basis for that Plan or should form the basis for
21 that Plan strikes, you know, at the heart of the entire
22 scientific process and what we're trying to do. I mean it just
23 strikes me that this is a very fundamental issue that we -- why
24 are we holding this Plans, doing these studies in '92 so we can
25 use them for the '94 work? I think that we simply have to step

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1 up the results of these studies, at least preliminary, and we
2 cannot wait for four, or five or six months to get these things
3 done before we decide what we're going to do in '93. We'll,
4 essentially, lose an entire season of really constructive
5 restoration work if we do it that way. I can't see any other
6 way to approach it than that.

7 MR. SANDOR: Any other comments for Dr. Montague?

8 DR. MONTAGUE: Mr. Chairman. On how we would be able
9 to use new information coming in, certainly once a project --
10 you know, between September approval and beginning a project in
11 March, there's certainly a fair amount of leeway in changing --
12 you know, even stopping the project entirely or changing its
13 scope quite a bit on these interim findings. And for instance,
14 we funded closing out a bunch of projects this year that was
15 field work in '91 and '90, and we did not have that information
16 in a final assimilated form in the preparation of the '92 Work
17 Plan. As Mr. Pennoyer was saying, it's just one of the -- I
18 believe one of the hazards of having to do this kind of work.

19 MR. COLE: Mr. Chairman.

20 MR. SANDOR: Mr. Cole.

21 MR. COLE: You know, I'm struck as I sit here and
22 listen to those remarks how they fought this war over there in
23 the Middle East and ran, you know, 500 -- a thousand planes,
24 you know, day after day, you know, and they got data from the
25 raids the day before, they put together, you know, an armada of

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1 500 airplanes to fly the next day, and somehow, you know, they
2 got it done. And here we sit around and we say yeah, they're
3 out there studying these things and it takes them six months to
4 put this data together so they can decide what we should be
5 doing with it next year. I just don't think we have the luxury
6 of, you know, people sitting around, if you will, smoking pipes
7 and reflecting on this, we have to make decisions and get on
8 with it instead of, you know, waiting for this stuff to play
9 out for months and months and months. Now, I'll tell you, I
10 obviously feel very strong about this stuff. I mean we've got
11 to get on with this process.

12 MR. SANDOR: Mr. Pennoyer.

13 MR. PENNOYER: Mr. Chairman. I think it's true, if we
14 throw enough money and people at it, we can probably get the
15 results a lot sooner than we're getting them now, but we don't
16 have that type of staff to sit around and practically analyze
17 that stuff post-experience, it does take some time. And I
18 think the results are speeding up because as you gain more
19 experience, one study -- year's study builds on the past year
20 and start to gain that experience so we can make decisions from
21 it. But

22 MR. COLE: Let me continue this argument. Excuse me.
23 I make decisions, gentlemen, daily, you know, daily, involving
24 much more vast sums of this, and I don't take six months to
25 figure out, you know, shall we file a complaint or shall we do

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1 some- -- I mean decisions have to be made. And, you know,
2 maybe this is the way government works, but I just think that
3 we've got to change this process and make decisions. Because I
4 mean we're going to lose a whole year and we're simply flying
5 blind in the '93 season if we don't have that data on which to
6 base what we do in '93. That's the end of my remarks on the
7 subject. Thank you.

8 MR. SANDOR: Any other comments by members of the
9 Council? Any -- Mr. McVee.

10 MR. McVEE: Yeah. Mr. Chairman. I guess will there be
11 a parallel process for the agencies to submit proposals?

12 MR. SANDOR: Dr. Gibbons, can you answer that, or
13 Jerome?

14 DR. MONTAGUE: Mr. Chairman.

15 MR. SANDOR: yes.

16 DR. MONTAGUE: We anticipate that the agencies would
17 send in their ideas using the same format during the same
18 period. Somewhere along the way, when we decide how to make
19 the division between what goes out to the public through a
20 request for proposals and what's done by an agency, then at
21 that point, once that decision has been made, then the lead
22 agency could have its people put together a detailed proposal.

23 MR. SANDOR: Any other questions or comments? The
24 Chair surmises from the comments that there are at least a
25 couple of deficiencies with respect to the Work Plan

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1 development schedule that's been outlined. The first being the
2 fact that the remaining process is yet to be defined. The
3 second, that results of the 1992 work activities are not
4 provided for -- or do not appear to be provided for in the 1992
5 Work Plan development schedule. That leads me to ask
6 Dr. Gibbons is if the Restoration Team might want additional
7 time to bring this back at the next meeting?

8 DR. GIBBONS: Yes. That's one of -- you know, you'll
9 notice the short nature of the list. And we were wrangling
10 with the same problems that we're trying to deal with here, is
11 how do you build a '93 program in a reasonable amount of time,
12 can -- how do you incorporate it, if you can, with '92
13 information. And it's a complicated process. What we would
14 like to get the Trustee Council today to make a recommendation
15 on to give us the authority to move forward and solicit ideas
16 on the public, and we'll come back to you with some of this
17 other -- the other timelines.

18 MR. SANDOR: Jerome, you had

19 DR. MONTAGUE: Yes, Mr. Chairman. I just wanted to
20 point out that the problems that are arising around a schedule
21 that we haven't yet presented and what we do have here, I hope
22 that there's not as much concern about it 'cause all we're
23 trying (ph) to get approval for at the moment.

24 MR. SANDOR: Mr. Barton, did you have a comment?

25 MR. BARTON: Well, we've talked a lot about trying to

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1 get the '93 Work Plan developed before we get it completed and
2 get the '92 Work Plan funded before we get it completed, you
3 know, I think we just need to move ahead as rapidly as we're
4 able to, not as we'd like to, and develop the '93 Work Plan and
5 develop the '94 Work Plan, perhaps, before we've got all the
6 information that we'd like to have to provide the foundation
7 for that. Go ahead and get it out to the public for comment
8 with full recognition that we will adjust that Work Plan as the
9 information becomes available; for example, from the '92 field
10 season, we'll use that information to modify the '93 Work Plan.
11 But I don't think we can just sit and wait till we have all the
12 '92 field information available to us.

13 MR. PENNOYER: Mr. Chairman.

14 MR. SANDOR: Yes, Mr. Pennoyer.

15 MR. PENNOYER: Mr. Gibbons, it wasn't your intent to
16 not use '92 information, you would at least use qualitative
17 information from the PIs. We have done this in the past, they
18 would come in and tell you if they saw anything dramatically
19 different. We'd proceed with decision-making with the best
20 information we had. So, in other words, we would use, at
21 least, qualitative information from PIs, if they saw anything
22 dramatically different occurring than would have been
23 anticipated.

24 DR. GIBBONS: That's correct. We'd use all the
25 information we have possible that's available to us to make

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1 these decisions. We wouldn't say just because, you know, it's
2 not complete we wouldn't use it. If we've got trends showing
3 up, those types of things, we would use that information.

4 MR. SANDOR: Literally, Dr. Gibbons, listing of
5 milestones and activities does not, in any way, reflect any
6 input from the 1992 studies, and I think that was one of the
7 points that Mr. Cole is making. And even though the final
8 results aren't in, cannot there be a mechanism in which there's
9 ongoing input from those 1992 activities?

10 DR. GIBBONS: Yes. We can build that into the process.
11 I would envision that occurring after July 1, and that's where
12 that would be coming in. So, when we have the next timeline
13 for you with the milestones and activities, we can build that
14 into that, you know, and it will be later on in the process;
15 but it will be after the July 1, '92 date but we can build that
16 in.

17 MR. SANDOR: Any other comments from members of the
18 Council. The Chair would entertain a motion that would express
19 the desire of the Trustee Council to, in fact, have the 1993
20 Work Plan reflect the 1992 project results. And that with that
21 understanding in that the Restoration Team would work toward
22 having that mechanism, give interim approval to proceed with
23 this public participation you want. Is that a motion that any
24 member of the Council would want to deal with? Yes,
25 Mr. Barton.

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1 MR. BARTON: No, it's not what I want to deal with, but
2 I'll provide an alternate motion. I move that we accept the
3 package as presented, and in addition to that, ask the
4 Restoration Team to further develop this schedule reflecting
5 incorporation of the 1992 field season data at the appropriate
6 time.

7 MR. SANDOR: Is there a second to that?

8 MR. McVEE: Second.

9 MR. COLE: Point of inquiry. I'm not sure I get the
10 nuance of the difference between your position and that of the
11 suggestion of the Chairman.

12 MR. BARTON: There isn't any. It's just I couldn't
13 repeat what he said.

14 MR. SANDOR: Nor can I. Is the motion clear? Mainly
15 that the approval of the 1993 Work Plan development schedule is
16 proposed, however the division, that there be added the input
17 from the 1992 (indiscernible).

18 MR. COLE: Mr. Chairman.

19 MR. SANDOR: Yes.

20 MR. COLE: Could I say generally that I would ask that
21 the Administrative Director to urge the investigators during
22 the 1992 work to complete their projects and give us at least
23 tentative conclusions as soon as they can, I don't think that's
24 an unreasonable request, so that their tentative conclusions
25 can be molded into the tentative 1993 Plan.

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1 MR. SANDOR: Okay. Any further discussion? Any
2 opposition to the motion? The motion is adopted to have the
3 1993 Work Plan development schedule as outlined is approved
4 with the understanding that the 1992 projects results will be
5 integrated in that process.

6 Item Number 3, Exxon Valdez Oil Spill Trustee Council
7 Format for Public Ideas for Restoration Projects.
8 Dr. Montague, are you doing this one?

9 DR. MONTAGUE: Yes, Mr. Chairman. This is pretty self-
10 explanatory. The first page is just a cover letter to invite
11 anyone who's interested in submitting an idea to do it through
12 the office of Administrative Director by June 15th. And we
13 would anticipate beginning to distribute these on May 1st. One
14 thing I would like to point is that when an idea is submitted,
15 it enters the public forum, and as such, proprietary
16 information should not be divulged in this one page project
17 idea nor should the submission of an idea be construed as
18 meaning the person or the firm that submitted the idea to have
19 any special ownership of it.

20 MR. SANDOR: Any questions on the proposed format?

21 MR. COLE: I have one comment, Mr. Chairman.

22 MR. SANDOR: Yes.

23 MR. COLE: I think it would not be amiss to put in
24 there that these ideas for restoration must be within the
25 confines of the Federal Court order as to what we can use these

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1 monies for. You know, we'll get a lot of suggestions but we're
2 circumscribed by law as to what these funds can be used for. I
3 don't know, that's up to

4 UNIDENTIFIED VOICE: I'm sorry, we're fading out again.

5 MR. COLE: Well, I'll speak up a little bit. My
6 thought was that in this proposed letter to Dear Concerned
7 Citizens that we note that the ideas or proposed projects must
8 be within the limitations of the Federal Court order as to what
9 these monies can be used for. We have a lot of good, salutary
10 ideas but, you know, we're guided by Judge Holland's order.

11 MR. SANDOR: Dr. Gibbons, can we add that suggestion to
12 the letter?

13 DR. GIBBONS: We sure can.

14 MR. PENNOYER: Mr. Chairman. I think that's a good
15 suggestion but if you're going to add those words, give some
16 people (ph) the idea of what it means. Are you actually going
17 to have something in there talking about the scope of the
18 proposals and what they have to fall within?

19 MR. SANDOR: Any suggestions on that?

20 MR. PENNOYER: I don't know. If we had the things Mr.
21 Cole was talking about earlier, the Restoration Framework out
22 and the rest of it, people would have a better idea. But is
23 there some wording we can substitute simply saying it ought to
24 fall within the bounds of the Court order doesn't get people
25 very far in terms of suggesting some type of process.

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1 DR. GIBBONS: We can expand on that and make it clear
2 to the public what -- you know what that is.

3 MR. PENNOYER: Thank you.

4 MR. SANDOR: Okay. Any other questions or suggestions
5 on either the letter or the format? The Chair would entertain
6 the motion to approve the Trustee Council format as proposed
7 with the provision that the paragraph suggested by Mr. Cole be
8 added. Is there

9 MR. McVEE: I so move.

10 MR. SANDOR: It's been moved by McVee, seconded
11 by

12 MR. PENNOYER: Mr. Barton's alternate from the audience
13 may respond (ph).

14 MR. SANDOR: Are you Mr. Barton's alternate do you have
15 objection to that?

16 UNIDENTIFIED VOICE: No objection.

17 MR. SANDOR: Okay. It's been moved and seconded that
18 that be approved with that addition, any objection? Any
19 objection? Okay. The motion is approved.

20 Item Number 4, a timeline for completion of the
21 Restoration Plan and Environmental Impact Statement, Item 4,
22 Mr. Montague.

23 DR. MONTAGUE: Yes. Thank you, Mr. Chairman. I'll
24 give a brief overview here, and then I'd like Ken Rice and Stan
25 Senner to offer some of the details. But I guess it's useful

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1 to get right to the point on what we think is going to be the
2 critical issue here, and that is that after a lot of discussion
3 and evaluating of the situation we feel that the Draft
4 Restoration Plan and the associated programmatic (ph)
5 Environmental Impact Statement cannot be completed by September
6 and would have to put off to December, and the final
7 Restoration Plan and Environmental Impact Statement in May of
8 1993. And the reasoning for this is (1) the Restoration
9 Framework was delayed by about one month, and we feel that
10 having to go the route of preparing a programmatic
11 Environmental Impact Statement will be something more than just
12 a chapter to the Restoration Plan but would be a document unto
13 itself. And such documents, generally, take on the order of 12
14 to 18 months to prepare, so we're much, much shorter than that.
15 And the Restoration Framework -- well, the Restoration Plan is
16 probably going to be on the order of magnitude above the
17 complexity of the Restoration Framework, and great difficulty
18 in achieving consensus -- with the great difficulty we had in
19 achieving consensus on the Restoration Framework has carried
20 through to the Restoration Plan, we feel it will require this
21 additional time. And, you know, it's sad to present it until
22 -- because we had really hoped to have the Draft Restoration
23 Plan come out concurrently with the September, 1993 Work Plan.
24 Ken and Stan can probably reflect more on it, but again, we
25 feel that it's just not doable.

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1 MR. SANDOR: Mr. Rice, do you want to reflect further
2 on this?

3 MR. RICE: Mr. Chairman. The schedule that we've laid
4 out is trying to take a realistic look at what we can
5 accomplish and put all the information into the Restoration
6 Plan that we envision the Trustee Council is going to need to
7 make decisions on in there. We feel that a Restoration Plan is
8 a document that's going to guide the actions and the programs
9 for the next 10 years. And an Environmental Impact Statement
10 really serves a different purpose, and that is to inform the
11 decision makers of the consequences of their action and to
12 display to the public what it is the impacts are projected to
13 be from those decisions. So, we feel that they need be two
14 separate documents to make it more readable to the Trustee
15 Council and more understandable by the public.

16 MR. SANDOR: Mr. Senner, did you want to add something?

17 MR. SENNER: Mr. Chairman. Maybe you should have
18 whatever discussion you want to have, and if there's something
19 useful I can add, I will, but I think that Dr. Montague and
20 Mr. Rice have framed the issue.

21 MR. SANDOR: Is there any questions by any members of
22 the Council?

23 MR. McVEE: Mr. Chairman.

24 MR. SANDOR: Mr. McVee.

25 MR. McVEE: Yes. It was in February that the Trustee

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1 Council appointed, you know, six -- appointed the committee to
2 set up the Restoration Planning Committee, six people full-
3 time, and a six support staff, three of which were full-time.
4 I guess I'm a bit dismayed, you know, that the schedule has
5 slipped. I understand the problems associated with doing the
6 Plan and the associated EIS, and the normal processes there
7 take about 18 months. I just wonder if there aren't some areas
8 where, you know, we can save some time in this process so we
9 can have a finished product a little bit earlier. The other
10 thing, I think, is the Working Group, we funded them through
11 December, so we're going to have additional funding that we'll
12 have to obligate to carry on for the remaining period of time
13 here.

14 I guess I'm disturbed about waiting until a year from
15 now before -- well, a year and a month before we have a final
16 Plan and EIS.

17 MR. SANDOR: Any other comments from the Council? I
18 guess the Chair also has that concern. Maybe at this point,
19 Mr. Senner, you could

20 MR. SENNER: One think I can add, Mr. Chairman and
21 Mr. McVee, is that the projections we had for the staff
22 required to do the Restoration Plan were all developed before
23 we knew we also had to do programmatic Environmental Impact
24 Statement. And when I appeared before this group in December
25 of '91, I told you then my best estimate for completion of a

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1 Restoration Plan was March of '93, and you greeted that
2 suggestion with a distinct lack of enthusiasm. And in our
3 desire to try and be responsive to your wishes, we said we
4 would try and do it in September of '92. But subsequent to
5 that, you made the decision to require a full-scale
6 programmatic Environmental Impact Statement, we simply had not
7 bargained on that. And we've had discussions ad nauseam with
8 the Environmental Compliance Working Group and the Restoration
9 Team about what's real, and we thought we'd rather give you the
10 bad news now than, you know, five months from now.

11 Let me add one other thing, and that is our experience
12 in producing the Restoration Framework suggested that it is not
13 easy to get six agencies and Trustees to agree on the content
14 of a document that has as many policy implications as these do.
15 And the Restoration Framework, in truth, will be a piece of
16 cake in comparison to the Restoration Plan where something
17 really big is at stake.

18 MR. BARTON: Mr. Chairman.

19 MR. SANDOR: Mr. Barton.

20 MR. BARTON: Could you -- I don't know whether this is
21 answerable by Mr. Rice or Mr. Senner, who, could you lay out
22 the statutory time requirements associated with the EIS itself,
23 let alone the work required, but just the time?

24 MR. SENNER: I think Mr. Rice better respond.

25 MR. RICE: Mr. Chairman. The first thing you have to

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1 do is publish a notice of intent, which has already been
2 accomplished. The next requirement is filing of a -- after you
3 publish the notice of intent, you go through your scoping --
4 formal scoping process, which takes a period of time, although
5 that time is not mandated by the NEPA (ph) procedures as to how
6 long that would take; it would depend on the project itself.
7 Once you've filed a draft Environmental Impact Statement there
8 is a minimum of a 30 day public review up to 60 days, sometimes
9 longer depending on the complexity of the project and the
10 issues that have been raised on that. Then, you have to spend
11 whatever time is necessary to come up with your final
12 Environmental Impact Statement, and I think there's another
13 minimum 30 day waiting period after the final has been filed
14 and notice of availability is in the Federal Register before a
15 decision can be made on a course of action.

16 I may have missed a couple of others, but I think those
17 are the major time requirements.

18 MR. SENNER: This timeline here, Mr. Chairman, I'll
19 just note that we have 45 days in here for comment on the draft
20 EIS, that's 15 February to 31 March, so we're assuming 45 days
21 there rather than the minimum of 30. Yes.

22 MR. PENNOYER: Mr. Chairman.

23 MR. SANDOR: Mr. Pennoyer.

24 MR. PENNOYER: Stan, I understand the process from
25 about the 15th of January on, and the time periods you've laid

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1 out are obviously correct. What about the period of time prior
2 to that, the first draft Restoration Plan and draft EIS we send
3 out for comment, it goes out on the 15th of June of this year,
4 you've got basically nearly eight months between those two
5 events. What occurs and what statutory requirements are there
6 for that eight month period of time?

7 MR. SENNER: The 15th of June, that's this June, is
8 simply to be able to have an outline of the Plan and
9 Environmental Statement ready for review. So

10 MR. PENNOYER: But I guess my question, though, Stan,
11 is why does it take then eight months to prepare it in draft
12 form before you send it out and start these clocks rolling that
13 you're talking about?

14 MR. SENNER: Because that's really when the rubber
15 meets the road. I mean that's when we've got to really do the
16 work. An outline is easy to prepare, it's actually drafting --
17 doing the analytical work and then drafting it is what takes
18 between June and mid-November.

19 MR. COLE: Mr. Chairman.

20 MR. SANDOR: Mr. Cole.

21 MR. COLE: It seems to me that these teams -- this Team
22 is going to be swamped with work, if you look back at these
23 other timelines, which you know we're doing here in the '92
24 Draft Work Plan, I mean they've got a myriad of things to do
25 virtually everyday. I am surprised if they will be able to

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1 complete everything that's on this '92 Work Plan public comment
2 review schedule within that. And I think that that it just
3 won't be possible for them to -- preparing this Plan during
4 that time. And I would -- then, do you agree with that,
5 Mr.

6 MR. SENNER: I do.

7 MR. COLE: What is the harm for not having this
8 Restoration -- this Plan available until next spring? I mean,
9 you know, what -- is there some damage that's being done,
10 disadvantages being incurred if we don't get it out until then
11 as against say November? I just don't under- -- there might
12 be, I don't know, I'm asking.

13 MR. SANDOR: Mr. Barton.

14 MR. BARTON: Well, I think as a practical matter that
15 probably the timeline that's laid out here is pretty realistic.
16 Much of the -- I hate to take an extra five months and incur
17 the additional expense, this is probably a realistic timeline
18 for given the tasks to be done. We did not consider, I don't
19 think, the EIS when we approved the budget earlier, 5/6 (ph)
20 and the budget earlier. And so I don't think there's any harm,
21 it's a matter of whether we're being diligent enough; and I
22 guess in my assessment I think we are in regards to this
23 matter.

24 MR. SANDOR: Any other comments or questions?

25 MS. BERGMANN: Mr. Chair. I think the -- in an ideal

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1 situation we would like to have the draft Restoration Plan in-
2 place before we go out with our plans for 1993, because
3 obviously we'd like to have all those projects be under that
4 umbrella of the Plan.

5 MR. PENNOYER: Mr. Chairman. Yeah. I concur, I wasn't
6 suggesting you were dragging your feet, it was just as Mr.
7 Barton asked the question about the statutory mandates, and I
8 think it's really workload that shoves us off that far, and
9 then you add on top of that the statutory mandates. And I
10 don't disagree with that, I think that -- I don't think we can
11 avoid this, but clearly amongst the same questions you brought
12 up of having an eye to results available to Plan '93, this also
13 is something that would be essential, I think, if you had it
14 for people to suggest the restoration projects based on it, and
15 they won't have it, it's just another piece of it that's going
16 to have to catch up with itself. I don't think we can avoid
17 that.

18 MR. SENNER: And Mr. Chairman, even this schedule
19 assumes that things are going to work pretty well like
20 clockwork.

21 MR. SANDOR: Any other questions or comments? This
22 will, I take it, require a supplemental budget to cover this
23 additional timeline?

24 MR. SENNER: Well, it's something you're going to have
25 to discuss further. Certainly, one of the possibilities is

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1 that if by the end of December you feel that the substance of
2 the document is in-hand and the Restoration Team, the RT, can
3 handle any necessary revisions to make it public, then there is
4 still -- there would be no reason to extend the life of the
5 Restoration Planning Work Group. That's a possibility, and I
6 think it's probably a judgment you can make a little ways down
7 the road.

8 MR. BARTON: But in fact, the Environmental Compliance
9 Work Group would have to be continued.

10 MR. SENNER: Yes.

11 MR. McVEE: Mr. Chairman.

12 MR. SANDOR: Yes, Mr. McVee.

13 MR. McVEE: Back further in the notebook there's a
14 listing of Restoration Team Working Group, and I notice we have
15 seven people, a couple of those are part-time, five months
16 each, and then a support staff of six, which is some part-time.
17 I guess the question is is that enough to get the job done or
18 could we assign additional people to it and accelerate the
19 process?

20 MR. SENNER: In my judgment, the Restoration Planning
21 Work Group is not yet firing on all cylinders. We don't have
22 all those positions filled to pick out one but not pick on one,
23 DEC's position is unfilled at this point, so we don't have the
24 benefit of that. You know, I won't start making more detailed
25 comments with respect to anything else, but that's just an

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1 obvious hole right there. I believe we only have four, does
2 it say six support staff, 'cause I'm only aware of four, and
3 we've got three of those four functioning right now.

4 MS. RUTHERFORD: Mr. Chair.

5 MR. SANDOR: Yes.

6 MS. RUTHERFORD: The reason that it looks like six
7 instead of four is that some of them are divided into like one
8 takes three months, one takes seven months.

9 MR. SENNER: Okay.

10 MS. RUTHERFORD: But there's an FTE of 10 months to
11 four.

12 MR. SENNER: Okay.

13 MR. SANDOR: Okay.

14 MR. SENNER: I think that that level of staff is not --
15 is probably sufficient if we can get it all up and running the
16 way it should be.

17 MR. SANDOR: If there's no further comments or
18 questions, the Chair would entertain a motion to approve the
19 proposed timeline for completion of the Restoration Plan and
20 Environmental Impact Statement. Is there a motion to that
21 effect?

22 MR. PENNOYER: So moved.

23 MR. SANDOR: Pennoyer moved.

24 MR. BARTON: Second.

25 MR. SANDOR: Barton seconds. Any discussion? Any

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1 objections to the motion? The timelines of completion of the
2 Restoration Plan and Environmental Impact Statement has been
3 approved.

4 MR. PENNOYER: Mr. Chairman.

5 MR. SANDOR: Yes, Mr. Pennoyer.

6 MR. PENNOYER: I would like to point out that the head
7 of the Restoration Work Group is wearing a tie that seems to
8 indicate he fully supports the reinitiation of NOAA's killer
9 whale study in Prince William Sound.

10 MR. SENNER: Do I have to comment?

11 (Off record comments)

12 MR. SANDOR: Let's move on to Item Number 5, the
13 financial process. Pamela Bergmann and Dr. Gibbons.

14 MS. BERGMANN: Okay. Mr. Chair.

15 (Off record comments)

16 MS. BERGMANN: Okay. Can you hear me now? How about
17 now?

18 DR. GIBBONS: Yeah.

19 MS. BERGMANN: All right. We presented the Trustee
20 Council with a preliminary draft financial

21 MR. SANDOR: Can you hear?

22 UNIDENTIFIED VOICE: No.

23 MS. BERGMANN: Can you hear this now? It was working a
24 minute ago. Can you hear it now?

25 MR. SANDOR: No.

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1 MS. BERGMANN: It died.

2 MR. SANDOR: Once again, the financial process.

3 MS. BERGMANN: I'll try again here. The Restoration
4 Team presented a preliminary draft financial operating
5 procedures

6 (Off record comments)

7 MS. BERGMANN: Let me try one more time, now is this?

8 UNIDENTIFIED VOICE: Pretty good.

9 MS. BERGMANN: Okay. The Restoration Team presented
10 the Trustee Council with preliminary draft financial operating
11 procedures at the last meeting. In the meantime, the Financial
12 Working Group and the Restoration Team have been continuing to
13 work on particular pieces of that document. At this point, the
14 RT is not prepared to present a finalized document for your
15 approval at this particular meeting. We still have several
16 issues that have been rather contentious, and we would
17 basically like to present them for your consideration and
18 guidance at this meeting. If we can receive guidance from you
19 at this meeting, then we can go back and finalize the financial
20 operating procedures and bring them back to you at the next
21 meeting for your approval.

22 What I'd like to do first is just go through what those
23 issues are so that you'll have a general feeling for what they
24 are, and then walk back through them one by one, if that is
25 fine with the Trustee Council. Okay.

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1 MR. SANDOR: Why don't you proceed.

2 MS. BERGMANN: One of the issues that we need some
3 assistance on is does the Trustee Council want budgets for each
4 working group. The second one is whether the Trustee Council
5 wants budgets for the Restoration Team members to include the
6 costs for office rent, phones, faxes, utilities, supplies and
7 equipment, and those sorts of materials and equipment. The
8 next one that is in order to carry out Trustee
9 responsibilities, does the Trustee Council want each agency to
10 be provided with one Restoration Team member, one professional
11 support staff, which would be a full-time equivalent person for
12 each Restoration Team member, and during the Restoration Plan
13 development one Restoration Planning Working Group member. And
14 the last item is basically who the financial advisers should
15 report to, the Restoration Team or the Trustee Council.

16 So, those are -- that's basically the outline of the
17 issues, and what I'd like to do now is just go back and take
18 them one by one.

19 MR. SANDOR: Please proceed.

20 MS. BERGMANN: Okay. The first question is if the
21 Trustee Council wants budgets for each working group. And we
22 actually have prepared those for you, and we'll be providing
23 those -- Dave, I guess, will be providing those to you at a
24 later point in time. But if you look at the financial
25 operating procedures, which are in your packet, if you look at

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1 the top of Page 2, the version that we currently have indicates
2 that the budget for the RT and standing working groups would be
3 presented to you, but we would not be providing you a budget
4 for each working group. So, we would simply like to know if
5 your wishes would be to have those budgets for working groups,
6 and if so, then we will change the information in that first
7 paragraph to reflect that.

8 MR. PENNOYER: Mr. Chairman.

9 MR. SANDOR: Mr. Pennoyer.

10 MR. PENNOYER: Is there some policy or practical reason
11 you see that you would not provide us with the budgets for the
12 working groups?

13 MS. BERGMANN: It's simply

14 MR. PENNOYER: Why would it not be just a further
15 breakdown of the work you're doing that is something you have
16 to do anyway.

17 MS. BERGMANN: That was simply something that the group
18 wrestled with for quite some time, and there were some
19 differences of opinion. So, we would simply want to come back
20 and ask for your guidance on that. I might also point out the
21 financial operating procedures that you have in front of you
22 contains some strike outs and highlighting that are points
23 where the Restoration Team is offering some different wording
24 from what the Financial Group had been considering at some of
25 their meetings. And as I said before, on the first paragraph

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1 on the top of Page 2, depending on the advice that we receive
2 -- the guidance from the Trustee Council, we would go back and
3 work -- rework this particular paragraph to reflect your
4 guidance.

5 MR. PENNOYER: Mr. Chairman.

6 MR. SANDOR: Mr. Pennoyer.

7 MR. PENNOYER: Perhaps, a question in general on the
8 process and where we are. I notice, as you pointed out, that
9 there are both strike outs and shaded areas on this draft. I
10 think there have been a couple of previous drafts that have
11 somewhat conflicting strikings and shadings, either by
12 yourselves or by the Financial Management Group. And I don't
13 know how this compares with what the Financial Management Group
14 recommended at this stage; I'm not sure what the original draft
15 looked like or what changes have been made. But can you
16 describe the process you went through with the Financial
17 Management Group and where that left off? I have the
18 impression that some commitments were made in the preliminary
19 fashion OMB (ph) on such things that the procedures led to
20 overhead estimates and things like that. I don't think -- I
21 think there's just preliminary presentations, but I don't know
22 where we are in the process. Financial Management Group's
23 going to meet again next week as I understand it.

24 MS. BERGMANN: Thursday.

25 MR. PENNOYER: Or this week. Later this week?

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1 MS. BERGMANN: Right. This coming Thursday. It's
2 simply my understanding, and this is before I was the Chair of
3 this working group, so I would defer to Dave if my
4 understanding is incorrect, that there were some preliminary
5 discussions with OMB, I'm not sure during what time period, but
6 simply to kind of grease the skids to make sure that what was
7 being prepared would not cause any particular problem in
8 getting them to okay the operating procedures. It's my
9 understanding that was not considered a formal review. The
10 working group then came -- had a draft that I presented to the
11 Restoration Team at our meeting on the week of the 15th, 16th
12 and 17th -- or we had a meeting during the 15th, 16th and 17th.
13 The version that was presented and agreed upon by the Financial
14 Working Group was presented to the RT, the RT then made some
15 revisions on that draft, and I guess we do have copies of what
16 was presented to the -- it does get confusing, but we do have
17 copies of what was presented to the Financial Working Group.

18 This really represents kind of the second revised
19 draft, it has some additional changes that have not been voted
20 upon by the RT, so this one is a little bit of a mixed bag.
21 There are some places in here where it shows shading and
22 deletions that the RT agrees with, the Financial Working Group
23 agrees with, but there's also some other areas where there is
24 not necessarily agreement or, as I said, there were some
25 changes made late last week that the RT actually didn't even

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1 vote on. So, we -- it seemed to us that the simplest way to
2 proceed was to ask for some policy direction from the Trustee
3 Council on several of the issues. And once we receive that
4 guidance, then we can go back and make the appropriate changes
5 in the text.

6 MR. PENNOYER: Mr. Chairman.

7 MR. SANDOR: Mr. Pennoyer.

8 MR. PENNOYER: One additional question. The Financial
9 Management Group or working group, or whatever you're calling
10 them, hasn't had the opportunity to comment back on this or you
11 have no comments from them on your current draft?

12 MS. BERGMANN: The current draft actually came out on
13 late Friday, and it was not faxed. Some members did but it
14 wasn't faxed out to everybody late Friday.

15 MR. PENNOYER: Mr. Chairman, one final -- then as part
16 of your process you go back and check with the Financial
17 Working Group, you'll be working with them this week on this as
18 well?

19 MS. BERGMANN: Well, I think it's getting a little
20 confusing, so that's why we're asking for some guidance.

21 MR. PENNOYER: Okay.

22 MS. BERGMANN: And my feeling is that once we
23 understand the guidance from the Trustee Council, then this is
24 going to sort out and we can go back and reflect your wishes in
25 the document.

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1 MR. SANDOR: At the agreement of the Trustees, can we
2 deal with these four questions that have been raised or is
3 there an alternative thing that you'd like?

4 MR. BARTON: Why don't we deal with them one at a time.

5 MR. SANDOR: Let's deal with, first, does the Trustee
6 Council want a budget for each working group, is that the first
7 question?

8 MS. BERGMANN: Right.

9 MR. SANDOR: Is there a motion to that effect?

10 MR. BARTON: I move that we get budgets for each
11 working group.

12 MR. ROSIER: Second.

13 MR. SANDOR: Moved by Barton and seconded by Rosier
14 that the Trustee Council direct that budgets be developed for
15 each working group. Is there any objection? It's so approved.

16 MS. RUTHERFORD: Mr. Chair. Could -- I think there are
17 a couple of these issues that maybe some of the RT would like
18 to comment upon. I know that Dave, I think you wanted comment
19 on this one.

20 MR. SANDOR: Well, the motion's already past, so we can
21 reconsider I guess. I would suggest though that on these
22 subsequent items if there's a case to be made and a
23 recommendation to be made to the Trustee Council for the yea or
24 nay, pro or con, maybe that would be the time to present it.

25 Dr. Gibbons.

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1 DR. GIBBONS: Yes. A quick comment. I passed out two
2 pages, it's out back on the table. The first page is called
3 Working Group Budget, personnel and travel, and the second page
4 is called Working Group Budget Summary, and this replaces the
5 section in your document. What the second sheet does is
6 summarize by agency the total of all the working groups costs
7 by line, by personnel -- by line item. The previous page, what
8 it does is it displays personnel costs and travel costs for
9 each one of the working groups, and it has a total down there.
10 The concern that we have -- that the Restoration Team has is
11 splitting the "Category 300, 400 and 500"; for example, 500
12 there's \$21,000.00, if we spread it, you know, by agency,
13 first, NOAA has \$5,000.00 of it, for example, then we spread
14 that over nine working groups. I mean it gets to a point here
15 where you've really got a lot of detail. So, what we've got
16 here is an explanation of the working group budgets where the
17 majority of the costs can be split easily in personnel costs
18 and travels, and the other ones are on Page 2. So, we do have
19 a breakdown by working groups but not complete. So, the
20 question I have is is this sufficient to the Trustee Council or
21 do they want us to go back and split the 300, 400's, the
22 equipment, that type of stuff out?

23 MR. SANDOR: I guess the question that the action that
24 the Trustee Council took was (1) to require budgets for each
25 working group, and you're not suggesting some modification of

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1 that or are you?

2 MS. BERGMANN: Mr. Chairman.

3 MR. SANDOR: Yes.

4 MS. BERGMANN: I think the clarification is in actually
5 how the budget is presented. If we want to be consistent with
6 the budget format that we're using in Appendix H in your
7 package, which is a quarterly report form, and also, if we want
8 to be consistent with the format that we presented budgets in
9 our 1992 Work Plan, then what we would need to do is include
10 several additional categories -- the breakout for several
11 additional categories which would be contracts, commodities and
12 equipment. Right now, the working group budgets are only
13 broken down with respect to personnel and travel, contracts,
14 commodities and equipment are lumped together.

15 So, it's sim- -- the question is how would you like to
16 see those budgets broken out?

17 MR. McVEE: Mr. Chairman.

18 MR. SANDOR: Mr. McVee.

19 MR. McVEE: Yes. I notice in some instances, just
20 under contractual, we're looking at dollar figures of 70,000 or
21 80,000. I guess, you know, for just supplies it amounts to
22 small amounts of funds, maybe it's not significant but we're
23 getting up to where we're looking at the contractual amount a
24 hundred thousand dollars here in one case, it seems like it
25 would be of some significance.

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1 MR. BARTON: Mr. Chairman.

2 MR. SANDOR: Yes, Mr. Barton.

3 MR. BARTON: I think we're getting bogged down in an
4 awful lot of detail here that we don't need to get bogged down
5 in. I would urge the Restoration Team to develop work group
6 budgets to the extent possible, and those items that are not
7 attributable to specific work groups, just divide it by 9 or 10
8 or whatever it is and plug it in. I think we're beating a
9 horse here we don't need to beat.

10 MR. McVEE: I agree.

11 MR. SANDOR: I'm opposed to cruelty to animals and we
12 will clarify the motion that was passed with that qualification
13 and do the best we can, is that understood? Let's move to the
14 second question.

15 DR. GIBBONS: I would like to add we can identify some
16 of these, like the contractual which was identified for a
17 hundred thousand dollars, that's the one contract for the NEPA.

18 MR. BARTON: Yeah. But I mean

19 DR. GIBBONS: We can identify that contract.

20 MR. BARTON: where you can do it, do it, and
21 where you can't, divide it by 9 and get on with it.

22 MS. BERGMANN: Okay. The second item relates to Page 2
23 of the draft financial operating procedures, and it's the large
24 paragraph -- it's contained in the large paragraph that's
25 shaded on that page, and really, the issue is whether or not

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1 the Trustee Council wants budgets for the Restoration Team
2 members to include costs for their office rent, phones, faxes,
3 utilities, supplies, equipment and equipment maintenance. And
4 if you look at the Restoration Team budget that's provided in
5 your package, you will get an idea of what those numbers are.
6 I guess that was a separate handout, Dave?

7 DR. GIBBONS: Mr. Chairman. That's a separate handout,
8 it's Page 2, the first page would have Budget Summary 1992, the
9 second page is the Restoration Team Budget for Fiscal Year '92.

10 MR. McVEE: Could I get

11 MS. BERGMANN: So, if you look down at the bottom of
12 that

13 MR. BARTON: Well, wait till we find it.

14 MS. BERGMANN: Yeah. The second page of this, right.
15 The table that at the top says Restoration Team Budget FY '92.

16 MR. COLE: Hold on. So, there's two handouts.

17 MR. SANDOR: Does everyone have the Restoration Team
18 budget for fiscal year '92.

19 MR. COLE: Okay.

20 MR. SANDOR: The question then

21 MR. COLE: Excuse me, Mr. Chairman.

22 MR. SANDOR: Yes.

23 MR. COLE: Could we have her repeat that now that all
24 of us down here have this document?

25 MS. BERGMANN: Okay. If you look at the second to the

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1 last line, right above total where it says additional
2 requirements, that includes costs of some of the items that I
3 was just referring to for RT members.

4 MR. SANDOR: That's represented in the shaded

5 MS. BERGMANN: Yes.

6 MR. SANDOR: paragraph on Page 2?

7 MS. BERGMANN: On Page 2.

8 MR. SANDOR: One might -- well, I guess the Chair would
9 defer to other members of the

10 MR. COLE: I suggest

11 MR. SANDOR: Trustee Council to ask whatever
12 questions. Any questions on this? Yes, Mr. Cole.

13 MR. COLE: I so move.

14 MR. SANDOR: It's been done before.

15 MR. COLE: I move that we require the detail of the
16 overhead.

17 MR. SANDOR: Okay.

18 MR. COLE: And if there's a second, I would like to
19 make comments

20 MR. SANDOR: It's been moved

21 MR. PENNOYER: Second.

22 MR. SANDOR: that detail be required, is there a
23 second?

24 MR. PENNOYER: Second.

25 MR. SANDOR: Seconded by Pennoyer.

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1 MR. COLE: I would like to say that, you know, you
2 notice that the Department of Law has not one penny in this
3 budget for overhead, for telephones, for office rent, for
4 travel, for attorneys who support this Trustee Council. And we
5 did that deliberately because we thought that those costs were
6 something that -- and equipment maintenance, too, by the way --
7 that it was something that the Department of Law could
8 contribute to this restoration effort. Maybe it's a small
9 commitment, but nevertheless, it was our view that we should
10 try to absorb that type of costs within our budget even though
11 the Legislature cut some \$800,000.00 out of our budget for
12 prosecutors, and another 10 million out of the budget to go
13 after the hairy chested (ph) producers. But nonetheless, we
14 still stand willing to make that commitment to the process.
15 And frankly, you know, it saddens me, if that's the word, to
16 see that the agencies are seeking here, apparently, to recover
17 those type of costs from this process. And I would urge them
18 to support my motion, and then if they do, to reflect upon
19 whether they want to make a similar commitment as the
20 Department of Law has to the process. Thank you.

21 MR. PENNOYER: Mr. Chairman.

22 MR. SANDOR: Mr. Pennoyer, did you second that motion?

23 MR. PENNOYER: I seconded the motion to get the detail,
24 I didn't know I was seconding a motion to get rid of the costs.
25 I guess I think there's a sort of philosophical question here.

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1 I'm not against any of these charges, if they're legitimate
2 charges, and we know what they are, and we consciously vote to
3 include. I believe agencies are funded to do a lot of
4 different jobs, and most of them are not funded to do this job,
5 and I don't know that I should, again, take legitimate charges
6 out of ground fish or shellfish management or something else.
7 So, I'm not against having the charges in there, but we have a
8 number of different types of "overhead" we've approved here; we
9 have overheard for working groups that we have to do the job.
10 We've separated those, and those are now just charges, not
11 general administration, they're just programmatic charges and
12 we approve them (ph). We have Restoration Team members and
13 their travel costs and direct costs while they're working on
14 this project. And I noticed we have about the same amount of
15 "overhead" in the upper category that we now have under
16 something called additional requirements. And I'm wondering
17 what this paragraph in here means; I don't see percentages of
18 allowed overhead or types of expenditures or that type of
19 thing, and it seems to be dramatically different from one
20 agency to another. I don't know if there's any consistency
21 here or what the approach means or how you arrive at what
22 "additional requirements" we may vote to allow.

23 I don't have much problem with people coming in and
24 making a case for a specific need. But this paragraph sort of
25 implies it's just going to happen, and I don't know how you

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1 separate that from other overhead requirements. By adding this
2 paragraph, what did you add to all the other administrative and
3 overhead calculations that are possible under the Framework?

4 MS. BERGMANN: Mr. Chairman. Just

5 MR. SANDOR: Yes.

6 MS. BERGMANN: one clarification I'd like to
7 make, and then I'll Dave address the other part of the comment.
8 But in the additional requirement columns that you see on the
9 Restoration Team budget, the kinds of expenses that we were
10 talking about are not in there for all of the agencies; for
11 example, the Department of Interior, the \$4,109.00 does not
12 include office rent, phones, lights, et cetera, et cetera. So,
13 as these numbers are currently presented, it's not consistent.

14 MR. PENNOYER: Mr. Chairman. I guess that's sort of
15 what bothers me. I'm not sure what -- I'm not sure it's not
16 required by one group more than it's required for another for
17 some reason. But you at least need to know what the charges
18 are, you need to come in and consciously decide on them, then
19 you need to see how they fit into your overall overhead
20 calculations that you've done. You've sort of added a category
21 here to a lot of different categories of overhead than you've
22 had in the past, but I'm not clear what we've done here or why
23 those numbers are as they are.

24 MR. SANDOR: Marty.

25 MS. RUTHERFORD: Mr. Chair. Maybe I could just take a

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1 stab at this. Basically, the financial procedures -- that
2 paragraph that we're referring to is an attempt to try to allow
3 us to come to you with some detail, four agencies that do have
4 special needs. Like, for instance, DNR currently has on staff
5 a man who is providing computer support upstairs to all the
6 support, the working groups and to the whole restoration
7 process. And there is -- he really isn't required. I didn't
8 want to load up the working groups trying to get 12 months of
9 his time. Now, in reality, he's needed, he's working 12 months
10 on this process only. He's not really DNR's, he's not somebody
11 I need, but he is somebody that the process needs. Now, in an
12 effort to try to not load up the working groups, I tried to
13 honestly reflect, and it came out that that was nine months of
14 him required by the working groups; the other three months
15 tends to be more generic things, and it's a reflection of that
16 three months that he's in DNR additional requirements for
17 51,000.

18 That paragraph would allow us to come to you with the
19 specifics and say this is above and beyond the working groups,
20 this is support to the process and to maybe the Restoration
21 Team. It's just a facilitation paragraph, it doesn't imply
22 that you wouldn't have the chance or the opportunity to say yea
23 or nay.

24 MR. McVEE: Mr. Chairman.

25 MR. SANDOR: Mr. McVee.

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1 MR. McVEE: As I understood the product that was put
2 together by the Financial Management Group, they tried to come
3 to grips with this but in a little different way, and maybe the
4 recommendation is a problem, I don't know, but they used a 5
5 percent of the project costs be added for general
6 administration costs, then 45 -- or \$45,000.00. And maybe
7 there's some way to approach it that way, some kind of guidance
8 that could be developed that we could adopt.

9 MS. RUTHERFORD: Mr. Chair.

10 MR. SANDOR: Yes, ma'am.

11 MS. RUTHERFORD: Could I try to react to that, too.
12 Just to share information, the 5 percent on the projects, the
13 agencies did take, all of them. Agencies that have a lot of
14 projects, their five percent equates to a lot of money; those
15 agencies who don't many projects, it doesn't equate to much
16 money at all, and that's where the 45,000 got plugged in as a
17 minimum. The 5 percent that was assigned to the working
18 groups, nobody has taken, nobody, it's reflected in that
19 administration line under Restoration Team budget, and nobody's
20 taken money associated with it. I don't now if that's helpful
21 but

22 MR. SANDOR: Any other questions or comments? Yes,
23 Jerome.

24 DR. MONTAGUE: Mr. Chairman, I know Marty has just
25 misstated, I'm sure she knew it, but the project isn't 5

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1 percent, it's 15 for Line 100

2 MS. RUTHERFORD: Oh, I'm sorry, yes, I mean 15%.

3 DR. MONTAGUE: and 7 for Line 300.

4 MR. SANDOR: Any other questions or comments?

5 MR. BRODERSON: Mr. Chairman.

6 MR. SANDOR: Yes.

7 MR. BRODERSON: I was hoping to avoid getting into a
8 lot of wrangle here, but I see there's some confusion still
9 over what the 15 and 7 percent on the project general
10 administration is for. It turns out that general
11 administration for the Federal government means a very specific
12 set of things, whereas the State side, we don't have that. And
13 so, in an attempt to get away from that in these procedures,
14 we've gone to administration services or let's say
15 administrative support, I believe, rather than general
16 administration. The 15 and the 7 percent is for the kinds of
17 things that a division of administration would provide to an
18 agency, such things as a personnel officer, a supply officer,
19 fiscal accounting, et cetera, that was not intended to be rent,
20 telephones, anything like that. Those agencies that have a lot
21 of projects end up with a substantial amount of money from
22 this; the agencies that have few projects do not have too much
23 in the way of funding here, and that's where the \$45,000.00
24 came from, it's strictly for administrative services as
25 proposed in the oper- -- in the financial procedures here.

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1 Another cost that the agencies have to bear is this
2 cost of supporting an office for the Restoration Team members.
3 The Restoration Team members are not housed in this building,
4 it's back in the agencies; the agencies have those costs,
5 somehow or another, we need to fund those. Either you take
6 them out of other projects that are operating or else you take
7 them out of the settlement.

8 There's also a separate issue, which has been kind of
9 somewhat melded into this one, of an agency's ability to
10 participate in the process. If you have a lot of projects,
11 from those projects you are able to fund a fair number of
12 people to handle those projects; around the edges, you can use
13 those people on a catch as catch can basis, when necessary, to
14 do work for you. If you have very few projects, you do not
15 have these people that you can basically get extra work out of
16 them to help out on specific topics.

17 The agency that falls into that category the most is
18 DEC, that's why I'm sitting here talking to you on that. We
19 have the first number of projects of any other agency. It's
20 also one of the reasons that you see under additional
21 requirements DEC's number is one of the highest. If you look
22 at the total budget figures for each agency, you'll see that
23 they're the lowest. This, in part, is because some of the
24 agencies discovered that they were able to fund some other
25 things out of their 15 and 7 percents from projects to cover

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1 some of their other costs. To their credit, they then did not
2 come back in and take this same amount twice under additional
3 requirements; we didn't have that luxury, we don't have a whole
4 lot of projects in which to fund those additional services.

5 What this paragraph was intended to do was basically to
6 actively participate at efficient level an agency needs one
7 Restoration Team member plus one additional full-time
8 equivalent to support that Restoration Team member to do their
9 work, and during the time of the Restoration Plan development,
10 it should be one Restoration Plan member for that. What is
11 hoped here is that the one additional professional, full-time
12 equivalent would, in large part, be taken up in working on the
13 working groups. There is no means to make the Restoration Team
14 member efficient and be able to participate in all these
15 activities without there being this additional support to the
16 Restoration Team member. It's not an attempt to sit here and
17 say every single agency, we're now going to automatically get
18 another member, it just says that there will be a minimum of
19 three at this point. And as it turns out, DEC, once again, is
20 that one that falls into this category.

21 So, it's an attempt to make all of the players on, more
22 or less, an equal footing. There just is not enough staff,
23 with very few projects, for some of the agencies to come in and
24 fully participate in the development of the plan and getting
25 all of the administrative work done without this somewhat

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1 additional staff. I might add, on DEC's budget, we have pages
2 and pages and pages of backup as to how we got to these
3 numbers; I feel very comfortable about trying to support it, I
4 could do so now, I don't want to use up the Trustee Council's
5 time to do, but the documentation is there for anybody who
6 actually wants to look at it?

7 MR. SANDOR: Any questions? Yes, Mike Barton.

8 MR. BARTON: I didn't understand the comment that the
9 additional full-time equivalent support to the Restoration Team
10 would be involved in the working groups, is that what I
11 understood you

12 MR. BRODERSON: Were appropriate. We're trying to get
13 away from a concept of agencies feel they had to load up the
14 working groups to get people both funded and also to give full
15 participation in the process.

16 MR. BARTON: I think that's a commendable goal. I
17 don't think we ought to be funding people, I think we ought to
18 be funding work.

19 MR. BRODERSON: Well, that's what we're trying to get
20 across. Because some of this work, as Marty was pointing out,
21 that is generic to the process, and you can't really identify
22 it as specific to a work group; it's much more to make the
23 Restoration Team member able to function in an efficient
24 manner. Now, DEC, this year, as one example, we did not take
25 in the full 12 months, we requested nine months of fundings,

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1 it's all specifically identified with work groups. But still
2 it's easy enough to imagine the case arising where we would
3 have wanted to request this additional three months time, as
4 Marty was talking about and the gentleman that's working for
5 her, where it's generic support to the Restoration Team to make
6 the Restoration Team function smoothly.

7 MR. SANDOR: Mr. Pennoyer.

8 MR. PENNOYER: Mark, I think I pretty fully agree with
9 the concept, if we have the detail. I have a couple of
10 questions about what's included; for example, under your office
11 -- under your paragraph that you've included, you have and
12 during Restoration Plan development, one Restoration Planning
13 Working Group member, now that's not over under this working
14 group budget concept?

15 MR. BRODERSON: That is not showing up in the
16 Restoration Team budget, nor does it show up in the other page
17 that you had on the working groups. The Restoration Planning
18 Working Group member was one the Trustee Council approved, 10,
19 12, 5, 6 -- about two meetings ago, so we just left that one
20 off to the side.

21 MR. PENNOYER: And it doesn't appear in any of these
22 budgets?

23 MR. BRODERSON: It doesn't appear in any of those
24 budgets.

25 MR. PENNOYER: So, what we've got in front of us is

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1 non-previously approved funding?

2 MR. BRODERSON: Except where starred. On the
3 Restoration Team budget there's a Line 100 and Line 200 that's
4 starred, that's the Restoration Team member and travel, as you
5 previously approved.

6 MR. PENNOYER: Restoration Team member, but what about
7 the Restoration Planning Working Group?

8 MR. BRODERSON: Then, that's not on either of these
9 budget forms.

10 MS. RUTHERFORD: Because it was previously approved in
11 some of the administra- --

12 MR. PENNOYER: It doesn't appear in the total amount
13 that's in the total budget we've got either, the 18 million?

14 MR. BRODERSON: It does appear in 18 million, yes,
15 because it is an approved number.

16 MR. PENNOYER: Well, when we get to that part, perhaps,
17 you can point out to me which things appear in which places
18 because I'm

19 DR. GIBBONS: Mr. Chairman.

20 MR. SANDOR: Yes, Mr. Gibbons -- or Dr. Gibbons.

21 DR. GIBBONS: The reason for it not appearing here is
22 the support for the Restoration Planning Work Group is covered
23 under the Office of the Administrative Director, and it's not
24 being reflected any further funding at all. This just -- this
25 is the last piece of the budget that needs Trustee Council

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1 approval, and then we've got a package that the Trustee
2 Council's approved everything or

3 MR. PENNOYER: Okay.

4 MR. COLE: Mr. Chairman.

5 MR. SANDOR: Mr. Cole.

6 MR. COLE: I move that we defer this -- these issues
7 until the next meeting, and that we have the Administrative
8 Director and the Staff prepare position papers on these
9 subjects. I'm, frankly, hopelessly confused, and I think we
10 need the time this afternoon for some more substantive issues.

11 MR. SANDOR: Mr. Cole's motion is to table this until
12 the next meeting, at which time it will be a presentation, a
13 paper, clarifying and justifying these decisions. Is there a
14 second to that motion? The Chair will second the motion. Mr.
15 Barton.

16 MR. BARTON: I'm concerned that if we table this what
17 we're doing to the ultimate financing of the projects and
18 getting the work done; you know, there's a process by which, at
19 least, the Federal side has to notify OMB, and notify the
20 Congress. We've got the Judge to be concerned about and
21 getting the money from the Court Registry. I would expect that
22 they would like to see the financial procedures by which the
23 money is going to be managed before they give us any blessing
24 or at least express non-objection. I am concerned if we table
25 this that we're going to end up at the end of the fiscal year

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1 and have the projects completed and still not have any money to
2 pay for them.

3 MR. SANDOR: Mr. Pennoyer.

4 MR. PENNOYER: Mr. Chairman. I have somewhat the same
5 concern. I'm not sure whether final approval of these is
6 required to go forward with the budget, and we haven't heard
7 any discussion of that yet. I would prefer deferring the
8 tabling motion until we hear a presentation of the budget and
9 where it has to go and what has to go with it. And I probably
10 would want to add to that motion that we have the Financial
11 Management Group, who is meeting this week anyhow, meet with
12 the Team and get some type of combined presentation to maybe be
13 decided by teleconference over the next week or two, if it's
14 required, on these issues. But I haven't heard enough yet to
15 decide whether the approval of these four items -- when
16 Ms. Bergmann started out, she said she didn't want to complete
17 this process anyway, they're going to bring something back to
18 us anyhow, and I haven't heard any discussion on how that
19 relates to the budget to going forward to the court and asking
20 for money to go into OMB or whatever. So, I think I'd prefer
21 to defer that motion until we hear that explanation.

22 MR. McVEE: Mr. Chairman.

23 MR. SANDOR: Mr. McVee.

24 MR. McVEE: Yes. I think we need some more help with
25 the numbers that we've got before us, because obviously, that

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1 we haven't all applied the same criteria in arriving at these
2 numbers. In fact, I can see where maybe it was based upon that
3 criteria or are not understanding what we (ph) submit but those
4 salaries for Restoration Team budget, we haven't got enough
5 money for our member there. You know, I think we should go
6 look at these numbers again and look at the criteria used to
7 develop those, and then also, the input from the Finance
8 Committee, which will be meeting later on this week. But it
9 would seem like if those two elements were completed that we
10 could move to achieve closure, which could happen within the
11 next week or so.

12 MR. SANDOR: Mr. Rosier, did you have a comment or a
13 question?

14 MR. ROSIER: If I understood Dave correctly, these
15 numbers are in the total budget package which we would, in
16 fact, deal with later on. So, if we table at the present time
17 until the next meeting, it appears to me that we've got a
18 problem with the budget going forward here at this time. I
19 think I would agree with Mr. Pennoyer there, I'd like to hear a
20 little bit more description of the total dollars forward on the
21 budget prior to the time that we, in fact, proceed with the
22 motion.

23 MR. SANDOR: Any other comments or questions? Let the
24 Chair say that the reason he seconded the motion is because I
25 do not understand, in other words, the allocation of the

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1 additional funds as outlined under the Alaska Department of
2 Environmental Conservation, but specifically why 79,000 out of
3 99,500 for contractual should be allocated to ADEC; similarly,
4 22,000 out of 30,000 for supplies, et cetera, et cetera. And,
5 although, I heard Mr. Broderson's explanation of the 127,300 as
6 additional assistance, it seems to me that what we've done, if
7 we approve this, is essentially added another member to the
8 Restoration Team for the support group, which we decided
9 specifically not to do.

10 So, I -- the Chair has problems and would not, in fact,
11 be able to approve the budget allocations as outlined simply
12 because the Chair doesn't understand it. Mr. Cole.

13 MR. COLE: I join with the Chairman. I don't see how
14 it would be fruitful for us to continue discussion of the
15 budget when we don't understand this very integral part of the
16 budget. So, I mean what do we gain by continuing the
17 discussion on the budget? But if that's the sense of the
18 group, I'm prepared to do it; but when we get to the end of
19 that discussion, I don't know where we're going to be.

20 MR. BARTON: Mr. Chairman.

21 MR. SANDOR: Mr. Barton.

22 MR. BARTON: I can understand the frustration of
23 members who don't understand the budget, I don't either. What
24 I ask is that we move quickly to gain that understanding and
25 take the action that we need to take.

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1 MR. COLE: Mr. Chairman.

2 MR. BARTON: You know, we've been fooling with this
3 budget since January.

4 MR. COLE: Mr. Chairman. Why don't we have a special
5 telephonic session to deal with the budget as soon as these
6 teams can give us some good guidance and straighten out these
7 problems which I sense we're all having.

8 MR. SANDOR: The motion on the floor was to table this
9 to the next meeting, which it's been amended and agreed to by
10 the second, that this could be in the form of a teleconference
11 because we simply do not have the information available nor has
12 the Financial Team reviewed this package. Is there any further
13 discussion on this motion to table? Yes, Mr. Pennoyer.

14 MR. PENNOYER: Mr. Chairman. I think I could vote for
15 that in concept, but they asked us four policy questions, I'd
16 like to at least deal with the last one about the financial
17 advisers and who they report to, and who they are and what type
18 of charter they have before we go on with -- before we just
19 drop the topic entirely. So, I would vote for the motion to
20 table the detail of the budget until the next meeting, but I
21 would hope we could finish out the discussion, at least
22 briefly, of what these policy items are that they wanted to
23 deal with.

24 MR. SANDOR: Yes, we would do that.

25 MR. PENNOYER: Okay.

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1 MR. SANDOR: Any objection to the motion to table this
2 approval of the budget till the next teleconference or meeting,
3 at which time the presentation would be made? Mr. Barton.

4 MR. BARTON: No objection, but I think it's important
5 that the Restoration Team understands what it is we want in
6 order to be able to do whatever it is we're going to do on the
7 telephone.

8 MR. COLE: Mr. Chairman.

9 MR. SANDOR: Mr. Cole.

10 MR. COLE: I think we need some materials in advance
11 that we can study and prepare for the teleconference, because
12 if we don't, we'll be just as confused then as we are now; I
13 mean at least I think I am now. And so, if we had some
14 materials to study in advance and get a sense of what the
15 issues are and what the recommendations of every disparate
16 group are, then I think we could have a good meeting on this
17 issue and do it quickly.

18 MR. SANDOR: Any further comments or questions? Is
19 there any objection on the motion to table until the next
20 teleconference or regular meeting, until the information's
21 available? The motion to table is adopted. We will then go on
22 to answer the remaining questions that Pamela Bergmann was
23 deciding -- or Dr. Gibbons?

24 DR. GIBBONS: Excuse me, Mr. Chair. I've got a
25 question. We can provide you the detail of the numbers

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1 presented here, is that what the Trustee Council is requesting?

2 MR. SANDOR: No. From the standpoint of the Chair, the
3 Chair is concerned with the allocations of the items enumerated
4 on the Restoration Team budget under ADEC, and specifically,
5 for the -- essentially, what I understand to be the approval of
6 additional positions, which that 127,000 is marked.

7 MR. PENNOYER: Mr. Chairman.

8 MR. SANDOR: So, it's not just the figures. Yes, Mr.
9 Pennoyer.

10 MR. PENNOYER: I think that line, though, is the one
11 that most people keyed in on. I think we ought to also better
12 understand the relationship between the strike out of working
13 group budgets, Restoration Team budgets, previously approved
14 working group budgets and so forth, and you've got it spread
15 over several tables here, if you could sort of bring it back to
16 even was previously approved, we're still going to go out and
17 ask the court for the money, so we're going to ask for it
18 again. And if you present all of it in a more cohesive fashion
19 with starred or noted items where previous approval had
20 occurred, and I think that would help, too. So, it's sort of
21 an explanation of where the whole thing fits together as well
22 as the specific line.

23 MR. McVEE: Mr. Chairman.

24 MR. SANDOR: Yes, Mr. McVee.

25 MR. McVEE: It seems to me like there also should be an

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1 opportunity for the Restoration Team budgets to be adjusted; I
2 guess either way, up or down. I know that we have the one
3 error in Interior budget that I can spot from here.

4 MR. SANDOR: Yeah. Okay. Any questions on what was
5 tabled? Then, maybe we can proceed.

6 MR. BARTON: Mr. Chairman.

7 MR. SANDOR: Yes.

8 MR. BARTON: I have one more question.

9 MR. SANDOR: Yes.

10 MR. BARTON: What was tabled?

11 MR. SANDOR: What was tabled was (indiscernible -
12 interrupted)

13 MR. BARTON: Let me ask my question. When will we --
14 the approved financial operating procedures, was that part of
15 the tabling process and we'll do that telephonically or is that
16 another subject?

17 MR. SANDOR: It's my understanding that if that which
18 we table is an essential item to that, that is also tabled, and
19 that's my understanding. We cannot approve the total budget
20 until we have this issue resolved, is that correct?

21 MR. BARTON: I understand that, but my question relates
22 to the document, the financial operating procedures by which we
23 are going to operate. Is that to be the subject of the
24 telephone teleconference as well?

25 MR. SANDOR: That was not a part of the motion.

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1 MR. COLE: Mr. Chairman.

2 MR. SANDOR: Yes.

3 MR. COLE: Well, my view is, for what it's worth, that
4 we need to defer that also because of here this big, shaded
5 paragraph on Page 2 entitled Calculation of Restoration Team
6 Support Costs, obviously, is a very important part of this
7 whole subject. So, I think of necessity we must defer that.

8 MR. BARTON: And I agree that it needs to be deferred.
9 My real question is when is it going to be dealt with, is it
10 going to be dealt with as part of the teleconference when we
11 deal with the budget or is it going to be dealt with at the
12 next meeting?

13 MS. BERGMANN: Mr. Chair.

14 MR. SANDOR: Yes.

15 MS. BERGMANN: It would seem to me that one of the
16 difficulties in bringing this forward for approval today is
17 that we're still missing some of the appendices so that the
18 document is complete. So, in the meantime, we also need to be
19 preparing and finalizing those appendices. And it seems that
20 we need to provide you with the information that you're
21 requesting for your teleconference, based on that meeting and
22 the decisions there, then we can, I would hope very quickly,
23 itemize the operating procedures. It may be that we could have
24 two different drafts prepared for you so that you could --
25 depending on, you know, how your decision -- or which way your

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1 decisions go, so that we could then hopefully get approval on
2 the financial procedures at the same time, but that would be
3 optimistic.

4 MR. PENNOYER: Mr. Chairman.

5 MR. SANDOR: Mr. Pennoyer.

6 MR. PENNOYER: I think what I'd like to have is
7 whatever is required to send this forward to get budget
8 approval through the State and Federal system and funding
9 approval through the court. If that requires to have the
10 operating procedures with it, then we ought to try and have
11 that, as much as possible, at the same time. And I realize
12 there's some blank chapters there, and you may not be able to
13 do some; if you can't do them period, for one reason or
14 another, then that's just something we'll have to live with.
15 But I think I'd like to hear -- see as much as possible this
16 finalized, recognizing based on the numbers you present, we may
17 want to make changes in it. But present it as much as possible
18 so we can finalize it, if we can, at that teleconference. Get
19 this whole thing done, as Mr. Barton said, that we've been
20 looking at since January, out the door, get the court started
21 on the funding, get the OMB going, send whatever we've got to
22 send to Congress and so on.

23 MR. COLE: And the Legislature.

24 MR. McVEE: Mr. Chairman.

25 MR. SANDOR: Yes, Mr. McVee.

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1 MR. McVEE: I would agree that it seems that if we're
2 going to talk about, you know, staffing within the financial
3 procedures that we need to deal with those at the time we deal
4 with the budget, or even in advance of the time that we deal
5 with the budget. So, it seems like we should take up both
6 issues at the same meeting.

7 MR. COLE: Mr. Chairman.

8 MR. SANDOR: Yes, Mr. Cole.

9 MR. COLE: That leads to the question, when do you
10 think this material can be available so we could study it and
11 then have a day or two before the meeting, telephonic meeting?

12 MR. SANDOR: The question on the floor is when will
13 this material be available so we may have time to study it for
14 a day or two and schedule a teleconference or additional
15 meeting?

16 MS. BERGMANN: I would assume, given the schedule of
17 public meetings that we're all going to be involved in and the
18 other time commitments, that probably mid-May at the earliest.

19 MR. SANDOR: Mid-May at the earliest.

20 MR. PENNOYER: Mid-May's okay with me.

21 MS. BERGMANN: We will be meeting -- the group will be
22 meeting on Thursday, and we'll try to iron out as many things
23 as we can at that point in time.

24 MR. SANDOR: In summary, we've tabled not only this
25 budget issue but also the related financial operating procedure

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1 questions that relate to -- as much of this as possible will be
2 dealt with at that time, is that agreed to? Okay. Can we then
3 go on with the, what, remaining two or three items?

4 MS. BERGMANN: Actually, we've now deferred Numbers 2
5 and 3.

6 MR. SANDOR: Okay.

7 MS. BERGMANN: Which are contained in the highlighted
8 paragraph on Page 2. The last item, really, is who the
9 financial advisers report to.

10 MR. PENNOYER: Mr. Chairman.

11 MR. SANDOR: Mr. Pennoyer.

12 MR. PENNOYER: I guess I have a question about the
13 financial adviser you just mentioned is. I see no charter. I
14 know that when we started this process, we had kind of a
15 bifurcated system of one kind of budget assistant people to
16 work with the RT in developing budget documents, we had another
17 function which was sort of an audit function that would take
18 audit reports coming back in from the various agencies, it was
19 sort of an overview of State and Federal audit function that
20 was a little beyond just putting together some numbers and
21 figuring out what personnel costs were and that type of thing.
22 And what you've got now, I think, is sort of mix and match it.
23 You've got a group that's advising you on budgets and also
24 advising you on budget procedures and policy and that type of
25 thing. And, I'm not sure when that group goes away and another

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1 group comes on, I can't see where it fits in the diagram here
2 because I don't know what it is.

3 MS. BERGMANN: Okay. Currently, we have a Financial
4 Working Group that's structured like other working groups that
5 reports to the Restoration Team. And, the idea was that that
6 working group would be providing general policies and
7 procedures, that then another group, another entity, which we
8 named the Financial Committee, it doesn't really matter what
9 the name of that group would actually be, but once the policies
10 and procedures are set in place, then they would actually be
11 watchdogging some of the specifics for the 1993 Work Plan and
12 some of the work in the future. And that the Financial Working
13 Group would actually (indiscernible)

14 MR. PENNOYER: Mr. Chairman. I guess my feeling was
15 the Financial Working Group, in terms of advising us on
16 financial procedures, maybe ought to report to us; in terms of
17 helping you with the budget, it would help you with the budget.
18 The Audit Group, I think, should report to the Trustee Council.
19 So, it's some of each, and I don't know how to, at this stage,
20 separate it, because the current group is advising you on
21 legitimate financial procedures including, for example, the
22 Federal procedures and dealing with OMB. And I don't know that
23 -- I think you're all working very hard and doing a very good
24 job, but I don't know, by not hearing them -- that's why I
25 asked for comparative documents; what did you change in terms

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1 of their recommendation. Because if it's a recommendation on
2 procedures and how the Federal procedures or State procedures
3 should be meshed (ph) into this process, then really, they
4 ought to be telling us directly. So, I don't think it's an
5 easy answer, I guess is what I'm saying.

6 MS. BERGMANN: That's right, it's difficult, because
7 you know, the way the working groups are set up is they are
8 reporting to the Restoration Team, and if the Restoration Team
9 wants to go along with the recommendations of the working group
10 or if they want to make changes to that, then they do that and
11 report that to the Trustee Council. And I think as you
12 accurately characterized, we're looking a little bit here at
13 apples and oranges, so it becomes more difficult.

14 MR. BARTON: Mr. Chairman.

15 MR. SANDOR: Mr. Barton.

16 MR. BARTON: Yeah. It seems to me that we're all best
17 served by having the most independent view of the financial
18 procedures and the budget process and the audit process as
19 possible. I would prefer to see the Financial Management Group
20 reporting to the Trustee Council rather than the Restoration
21 Team, and I think that will ease the Restoration Team's
22 burdens, frankly. But that would be my druthers (ph).

23 MR. SANDOR: Is that a motion?

24 MR. BARTON: I so move.

25 MR. SANDOR: It has been moved that the Financial

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1 Management Group report to the Trustee Council.

2 MR. BARTON: Yes.

3 MR. PENNOYER: Mr. Chairman.

4 MR. SANDOR: Is there a second?

5 MR. PENNOYER: I'll second that and ask for a friendly
6 (ph) amendment.

7 MR. SANDOR: Okay.

8 MR. PENNOYER: You have them reporting to us, are you
9 assuming they won't talk to the Restoration Team or work with
10 them or through them? I don't think that is going to work, if
11 that's the case.

12 MR. BARTON: I would expect that not to happen. If it
13 did happen, then there's something wrong with this whole
14 process. I mean we've all got to be talking to one another,
15 you know. I can think that the Financial Group has some
16 special expertise in financial management which, perhaps, the
17 Restoration Team does not have; on the other hand, whatever the
18 Financial Group comes up with has got to be workable in terms
19 of what we're working on, so I would expect a dialogue back and
20 forth between those two groups, just as there is, I hope, in
21 the course of most of the work that we're doing.

22 MR. PENNOYER: Thank you. I just wanted that for the
23 record.

24 MR. BARTON: Okay.

25 MR. SANDOR: It's moved and seconded that the Financial

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1 Management Group

2 MS. RUTHERFORD: Mr. Chair.

3 MR. SANDOR: while working on the day-to-day
4 basis or as necessary with the Restoration Team will really
5 answer to the Trustee Council. Yes, Marty Rutherford.

6 MS. RUTHERFORD: A question of clarification. Are we
7 talking about the Financial Committee or the Financial Working
8 Group? Because there are two distinct entities again, as Mr.
9 Pennoyer indicated.

10 MR. PENNOYER: Mr. Chairman.

11 MR. SANDOR: Yes.

12 MR. PENNOYER: I think to some degree you're splitting
13 hairs, though, because I think some elements of what the
14 Financial Working Group is doing now in setting up audits and
15 processes and so forth, the procedures of how we're going to
16 deal with finance, would be a Finance Committee's job at some
17 point. So, I think they're doing some of each, and I would
18 hope that they would be working with and through the
19 Restoration Team on natural budget development. But if they
20 have concerns about procedures, processes and the way things
21 are presented for our various requirements, that they would
22 tell us what those are. So, I think the Financial Working
23 Group does have some elements of the Financial Committee,
24 Marty, and I'm not sure you can just simply say now the
25 Financial Working Group has to report through the Restoration

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1 Team to talk to us.

2 MR. COLE: Mr. Chairman.

3 MR. SANDOR: Yes, Mr. Cole.

4 MR. COLE: Could we have a list of the members on each
5 of these various teams and set of groups.

6 DR. GIBBONS: It's in the package.

7 MR. COLE: I haven't seen it. And looking at Exhibit G
8 simply gives me a headache. I was wondering if we could have a
9 simpler schematic, it seems a little complex.

10 MR. McVEE: Mr. Chairman.

11 MR. SANDOR: Yes, Mr. McVee.

12 MR. McVEE: I guess if we're going to have the
13 Financial Group, you know, kind of have a double area to
14 Trustee Council and to the RT, the Restoration Team, one
15 suggestion might be to not call it a work group anymore, give
16 it a different -- give it a name, call it committee. In our
17 original organizational proposal, we had called it a Financial
18 Oversight Group, I'm not locked in on that.

19 MR. SANDOR: The maker of the motion and the second
20 agree that new terms, something like Financial Committee or
21 Financial Oversight Group, and this is what's intended.

22 MR. PENNOYER: Mr. Chairman. I think we ought to avoid
23 the acronym of FOG, though.

24 MR. McVEE: Very appropriate.

25 MR. SANDOR: Any other discussion of this motion? The

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1 motion on the table is to have the Financial Working Group or
2 Committee, although it works with the Restoration Team, to be
3 responsible to the Trustee Council. Any objection to that?
4 This motion is passed. Any other items in this financial
5 process agenda item?

6 MS. BERGMANN: No. But I would like, Mr. Chair, a
7 clarification on that. So, there is no longer a Financial
8 Working Group reporting directly to the RT, that function is
9 now moved up to the Financial Committee who reports to the
10 Trustee Council, and they are still developing the kinds of
11 things that we've been working on?

12 MR. SANDOR: As a day-to-day, week-to-week working
13 relationship directly between the Financial Management Group
14 with the Restoration Team, but its ultimate responsibility is
15 to the Trustee Council as its oversight as it originally -- or
16 as considered in one of the earlier proposals.

17 MS. BERGMANN: So, the

18 MR. SANDOR: Is that your motion?

19 MR. PENNOYER: Mr. Chairman. I think that's the
20 intent. I think it's clear, though, that the Restoration Team
21 should expect the Trustee Council to make sure we don't have an
22 independent group that is simply not communicating; we're going
23 to have to make very sure that communication on a day-to-day
24 basis in a reasonable fashion does occur. And that's going to,
25 obviously, whenever we set up different groups that aren't

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1 responsible to each other to work together, they're dependent
2 on a lot of both of those. Mr. Barton said goodwill (ph) but
3 also in terms of monitoring of how the process is working.

4 MR. SANDOR: Is there any further questions of Pamela?

5 MS. BERGMANN: So, I'm assuming then that the current
6 members of the Financial Working Group then become the new
7 Financial Committee, and it would seem appropriate that they
8 would then appoint a Chair among themselves for that group, and
9 then perhaps, there would be an RT member that would be a
10 liaison or

11 MR. PENNOYER: Mr. Chairman. I think maybe at the next
12 conference, along with those procedures, we need a charter for
13 that group and some operating procedures for it. And I think
14 we would expect, since it has to be a practical operation, for
15 the RT and the Financial Group to communicate on how that might
16 work.

17 MR. SANDOR: Can we agree then the third item on the
18 agenda is for the teleconference is, in fact, this charter and
19 operating process and procedures? Does that conclude Item 5
20 on the agenda?

21 MS. BERGMANN: The first part, my part.

22 MR. SANDOR: The first part.

23 MS. BERGMANN: That was the easy part.

24 MR. SANDOR: Okay. Let's continue then, Pamela. Let's
25 do this,

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1 MR. PENNOYER: Do you want to take a break,
2 Mr. Chairman?

3 MR. SANDOR: how much time will this take,
4 because we

5 MS. BERGMANN: Actually, Dave is presenting the rest of
6 Part 5.

7 MR. SANDOR: Okay. Do we want to break for 10 minutes?

8 MR. BARTON: I do.

9 MR. PENNOYER: I think we do need a break.

10 MR. SANDOR: Maybe we can break and then we'll
11 reconvene at a quarter to

12 MR. COLE: Mr. Chairman.

13 MR. SANDOR: 4:00. Yes.

14 MR. COLE: I would like to say that I think these
15 habitat issues are extremely important, that we address them
16 today. And if we're going to have to shut this meeting down at
17 4:30

18 MR. SANDOR: Can we defer the balance of this financial
19 item for that same teleconference; in other words, cover the
20 total financial process at that one time?

21 MR. COLE: Maybe -- excuse me, Mr. Chairman. Maybe
22 other members of the Council do not agree with me on that
23 issue, so therefore, you know, I seek their thoughts.

24 MR. SANDOR: Well, yeah, and that was part of the
25 question. And then I was going to ask Dr. Gibbons, can the

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1 Habitat Protection Working Group item, Item 6, be covered from
2 3:45 to 4:30?

3 DR. GIBBONS: I think I can just run down through the
4 items under the financial process and just get a yes/no from
5 the Trustee Council and we can get it done in about two or
6 three minutes, and then take a break and start right in with
7 habitat protection.

8 MR. SANDOR: Okay. The clock is running.

9 DR. GIBBONS: My two minutes, okay. The second item
10 called Peer Review on the agenda, under financial process, I
11 would like to defer that until the teleconference and include
12 that in an overall budget package that has all the groups for
13 the budget. I plan to have a detailed budget that has -- I'll
14 try to keep it simple, but it isn't very simple. And we'll
15 have that, we'd like -- i'd like to include the peer review in
16 that package.

17 MR. SANDOR: Unless there's objection, this will be
18 deferred. Continue.

19 DR. GIBBONS: The third item, Presentation of working
20 groups, we've already dealt with that. At the teleconference,
21 we need to deal with the issue of a two-month extension or an
22 extension to the existing approved budget for the 1992
23 activities. At present, we have an approved budget that runs
24 March 1st through the end of May, a three-month budget.
25 Through the timeline presented to you for dealing with the '92,

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1 the earliest we'll be able to get to a final '92 is the end of
2 June; therefore, we need an authorization for some money
3 between the end of May and whenever we get a final '92.

4 MR. SANDOR: Can you do that at the teleconference?

5 DR. GIBBONS: Yes. I propose to have that there. I
6 need to know if you want a two-month budget or a four-month
7 budget that runs us to the end of the Federal fiscal year or
8 what's the pleasure of the Trustee Council?

9 MR. SANDOR: The longer the better, I would suspect.

10 MR. BARTON: I'd suggest -- I'd move that we extend the
11 budget to the end of the Federal fiscal year.

12 MR. SANDOR: Is there a second to that motion?

13 MR. PENNOYER: Second.

14 MR. SANDOR: It's been moved and seconded that the
15 budget be extended to the end of the Federal fiscal year, which
16 is September 30. Any objection? So approved.

17 DR. GIBBONS: And the last item that's in your book
18 also is called a Budget Summary by Agency. This is the total
19 budget. I need to have you take a quick look at it, if you
20 like the format of it, we'll have this on the teleconference
21 also; it's complete, it's prepared by agency, and then the
22 following pages give the details of the project budgets, the
23 budgets associated with the Administrative Director, budgets
24 associated with the Restoration Team and budgets associated
25 with the working groups both for planning working groups and

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1 the other working groups. And so, I will defer this to --
2 also, to the teleconference.

3 MR. SANDOR: Okay. Does that complete the item on
4 financial process? (Indiscernible) recess until 10 minutes to
5 4:00.

6 (Off record)

7 (On record)

8 MR. SANDOR: May I have your attention, please. We
9 want to reconvene the Exxon Valdez Oil Spill Settlement Trustee
10 Council meeting with Item 6 on the agenda. Item 6 is Habitat
11 Protection Working Group report, Dr. Gibbons and Art Weiner.
12 Dr. Gibbons.

13 MR. GIBBONS: Yes. I'll start the process. I would
14 like to make a couple of opening comments and then I'll turn
15 the presentation over to Art.

16 The first comment I have is some materials on the
17 outside table, there's one sheet out there that's called
18 Potential Restoration Option that's identified by the Citizen's
19 proposal for 10-year expenditure of civil settlement; this is
20 not a Trustee Council document. I don't know who put this out
21 there, but I just thought I'd let people know about this out
22 there.

23 At the March 9th Trustee Council teleconference, you
24 charged the Restoration Team to develop a draft goal statement,
25 process and criteria for potential habitat protection. The

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1 Habitat Protection Working Group has made good progress towards
2 this, and we have a presentation for you today. The
3 Restoration Team would like to include the material -- some of
4 the material we have today, or all of it, at the decision of
5 the Trustee Council, to be included in the Draft Restoration
6 Plan that has been discussed earlier. We would recommend that
7 the Restoration options, including habitat protection,
8 acquisition, whatever, be included in that document.

9 So what the presentation is today is Art's going to
10 walk us through, I believe, the goal statement, walk us through
11 a detailed process with narratives on an acquisition, and then
12 we have some sets of threshold criteria in dealing with project
13 evaluations. So, Art.

14 MR. WEINER: Thank you, Dave, members of the Council.
15 The Habitat Protection Working Group produced the documents
16 that you have in your package that include a number of
17 narratives, several flow charts and a set -- or actually two
18 sets of threshold criteria. What I'd like to do is, as quickly
19 as I can, walk you through these documents, and I'd certainly
20 entertain questions as we move through it because it is a
21 rather complex process rather than wait to the end of the
22 presentation, so feel free.

23 What we've done initially is to try and present
24 diagrammatically the relationships between the various elements
25 in the process. The starting point, of course, is the goal

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1 statement; you'll find the goal statement on Page 1 of the
2 narrative under the introduction. The goal statement was put
3 together by the working group, and we tried, as succinctly as
4 possible, to define where we're going with the process.

5 The Habit- --

6 MR. PENNOYER: Mr. Chairman. Where is the goal
7 statement? It's not at the front of my package.

8 MR. SANDOR: After the blue sheet -- or the second blue
9 sheet, under that heading.

10 MR. WEINER: It should be after the first diagram or
11 the second diagram, depending on how you structured your book.

12 MR. SANDOR: The heading Habitat Protection and
13 Acquisition Process.

14 MR. PENNOYER: Introduction?

15 MR. WEINER: Introduction, first paragraph of the
16 Introduction, Page 1.

17 MR. PENNOYER: Thank you.

18 MR. WEINER: The habitat protection and acquisition
19 process is composed of the evaluation process, the imminent
20 threat process, the Federal acquisition process and,
21 ultimately, a State acquisition process which is being
22 developed right now. And what we've created here is,
23 essentially, a field guide to the flow charts, because there's
24 so many flow charts you needed a master diagram to give you an
25 idea of how the flow charts relate to one another.

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1 What the process is it attempts to answer what we
2 believe is the goals set forth by the settlement in terms of
3 restoration. We are attempting to not only adhere to the
4 settlement, but also, as the general restoration of strategy
5 does, to make habitat protection and acquisition an integral
6 part of the big picture. It doesn't stand by itself in a
7 vacuum, it does not stand alone.

8 And one of the reasons we've included Figures 6 and 7
9 in the package is to make it -- or attempt to make it clear to
10 you all how either with the hierarchal approach to restoration
11 or the concurrent approach to restoration, you'll find habitat
12 protection is one of a number of different strategies. And
13 what I would like to describe to you is the habitat protection
14 acquisition element of the Restoration Plan. So, again,
15 habitat protection and acquisition is only one of a number of
16 different strategies. And these two diagrams come directly
17 from the Framework document. If Mr. Cole thought the other
18 flow diagram gave him a headache, this one should certainly
19 give him a cerebral hemorrhage.

20 MR. COLE: This gives me migraine.

21 MR. WEINER: Yeah. This is the evaluation process.
22 This is what we consider to be the main way in which we will
23 deal with injured resources and services, that habitat
24 protection and acquisition is going to be considered as a
25 restoration strategy. The imminent threat process I'll discuss

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1 a little bit later, and it also plugs into this. The
2 acquisition process, as I referred to earlier, is found in
3 Box 21. You have to get through at least to 16 or to 16
4 before you can get into Box 21. So, this is the main strand of
5 the process right here in this Figure 1.

6 The top portion of the diagram, Figures 1, 2 and 3, are
7 the elements that come directly out of Figure 6 and 7; that's
8 common to all of the processes. It comes directly out of the
9 Framework document, there's nothing new here, basically.

10 The shaded diagrams all indicate what we feel are very
11 clear decision points that are to be made by the Trustee
12 Council. As you go through the flow chart, you'll see that
13 there is direct linkage to injury. Unless you can tie a
14 proposal to injury, either injured resource or an injured
15 service, the process doesn't go forward.

16 Box 4 is an important box. Box 4 is where Staff will
17 characterize the habitat types that we believe are important to
18 restoration of the resources or the services. It's a generic
19 step, we will determine from the literature, from the NRDA
20 studies, from the summary of injuries statement what we believe
21 are the habitat types that are important to the restoration of
22 either the services or the resource. This is not a site
23 specific category, it's a generic category; repairing of
24 habitats, spawning habitat, nesting habitat, things of this
25 nature.

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1 Then, we move down through the process, once we've
2 identified the generic habitat types, and then eventually, we
3 will solicit nominations from landowners from the public and
4 the agencies for proposals for lands that contain those
5 particular habitat types. Obviously, there's other steps off
6 to the side, but I won't go into them. Each of these steps is
7 described in the narrative, and they're numbered in the same
8 manner as the numbers in the boxes on the flow charts. So,
9 when you read the narrative, the best thing to do is keep the
10 flow chart at hand.

11 A key step here is Number 11, we want to be very clear
12 to the public that this is not a condemnation process, that the
13 nominations that we're soliciting are key to a willing owner.
14 There's nothing about condemnation even implicit in this
15 process.

16 Step 12 is a major filtering step, this is where the
17 threshold criteria will be applied to the proposals. The
18 reason we're using threshold criteria is to hopefully very
19 easily and quickly eliminate those proposals that are obviously
20 inappropriate to the process. And we'll have further
21 discussion, I hope, on the threshold criteria.

22 Those proposals that pass through this filter of
23 threshold criteria will ultimately become candidate lands.
24 When a proposal becomes a candidate land, we do a detailed
25 evaluation. And one of the reasons why we're applying

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1 threshold criteria at Step 12 is so that we don't spend a lot
2 of energy and money doing detailed evaluations on proposals
3 that are obviously inappropriate or unreasonable. And that's
4 why Step 12 is very, very important, it will hopefully save us
5 a great deal of money.

6 As part of the detailed evaluation, we have to
7 determine whether or not there's enough information at hand to
8 do a proper evaluation of the proposal. In many cases, I
9 believe and I think the rest of the Team that put this together
10 believes, we're going to have to go out for more information.
11 A great deal of information on the habitats will probably need
12 to come in before we can make a reasonable decision as to
13 whether or not to exercise one of the protection tools. Those
14 proposals that make it through the detailed evaluation will
15 then be ranked, and the ranking will then be applied to the
16 next step wherein we will apply the appropriate protection
17 tools, whether they're direct acquisition of title or any of
18 the lesser tools, to the particular proposal. The proposals or
19 the ranked land at this particular point in time will then
20 either have a non-acquisition tool, an acquisition tool or a
21 mix of tools applied to the particular ranked lands. Once the
22 land is acquired, then it will be incorporated into the
23 appropriate type of public management that the Trustee Council
24 feels is appropriate for that particular parcel.

25 This is the main process, and we call it the evaluation

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1 process. An adjunct that we found to be necessary to the
2 process is the imminent threat process. A key portion of this
3 is to determine whether or not you really have an imminent
4 threat. This is an accelerated process, it differs from the
5 evaluation process in that the lands that we're going to review
6 have not been solicited by the Trustee Council; these are
7 proposals that are coming in unsolicited from the public. And
8 we have to make a determination whether or not these proposals
9 should be addressed and evaluated. And what we need to do here
10 is to do -- this is a very different step from the other
11 process, is a threat analysis on the proposal. I'm trying to
12 point out the major differences between the processes.

13 The threat analysis, hopefully, will tell us whether or
14 not there's a real imminent threat that the particular parcel
15 of land is going to be subjected to. If a person calls us up
16 and we hear a chain saw in the background on the phone, that
17 doesn't make it an imminent threat, we have to determine
18 whether or not that's a real threat. So, we have asked the
19 Nature Conservancy to help up with this, they have supplied us
20 a draft threat analysis process and we're reviewing that at
21 this particular point in time. Hopefully, we're going to be
22 able to determine from the threat analysis whether or not we do
23 have a real imminent threat; if not, the proposal will be
24 dropped, if so, then we will identify the preferred short-term
25 protection options. We use this kind of language to indicate

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1 that we're trying to buy time here. We're going to exercise
2 those short-term protection options that allow us to go out and
3 do a detailed evaluation on a parcel of land before the
4 imminent threat is realized and we're foreclosed from
5 exercising the ultimate restoration option that we deem is
6 necessary.

7 As you can see, once the short-term protection tool is
8 implemented, it gives us time to run the proposal through the
9 other process, the evaluation process. And this process then
10 hooks into the evaluation process I showed you on the earlier
11 flow diagram. That, in a nutshell, is the way the process is
12 designed to work.

13 The element that is undecided upon right now is Element
14 Number 12. And in your package are two sets of threshold
15 criteria that are somewhat different, Sets A and Set B. And we
16 would certainly like to propose those to you for your review.
17 I don't have the package in front of me, so I can't tell you
18 exactly where Dave has got

19 MS. RUTHERFORD: Right at the end.

20 DR. GIBBONS: Right at the end.

21 MR. WEINER: Right at the end. But you'll notice that
22 in both processes, the evaluation process and the imminent
23 threat process, threshold criteria are very prominent, very
24 important. If we choose to go forward without threshold
25 criteria, I might say, we might spend a heck of a lot of money

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1 doing detailed analyses on proposals that should have been
2 rejected right early on in the process. And that's why we feel
3 that a decision from the Council on threshold criteria is quite
4 important to us.

5 That's it for me.

6 MR. SANDOR: Is there any question before we deal
7 with -- I guess on the presentation before we deal with the
8 action items needed?

9 MR. McVEE: Mr. Chairman.

10 MR. SANDOR: Yes, Mr. McVee.

11 MR. McVEE: It's not a question on the presentation but
12 I guess I had one thought in looking at the goal statement, the
13 evaluation process. But it seemed like that it might be
14 worthwhile to consider doing a paragraph in that opening
15 section that would link this effort back to the MOA and the
16 court decree. Because here, all we're linking it to is the
17 March 1, 1991 Federal Register publication, which was prior --
18 would have been prior to the MOA and the decree. I think I'd
19 suggest that some wording, some language in there, a brief as
20 possible, might be useful.

21 MR. SANDOR: Do you agree?

22 MR. WEINER: Absolutely.

23 MR. SANDOR: Any other questions or comments on the
24 goal statement or the process or both?

25 MR. COLE: Yes, Mr.

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1 MR. SANDOR: Mr. Cole.

2 MR. COLE: I'm looking now so that I -- just to make
3 sure I'm looking at the right piece of paper, it's entitled
4 Habitat Protection and Acquisition Process, I. Evaluation
5 Process and II Imminent Threat Protection Process; is that the
6 organic document?

7 MR. SANDOR: That's the

8 MR. COLE: Okay.

9 MR. SANDOR: Yeah.

10 MR. COLE: Well, if you read the second paragraph,
11 Habitat Protection and Acquisition is one of the potential, so
12 forth, the second sentence says: This alternative includes
13 changes in management practices on public or private lands and
14 creation of protected areas on existing public lands in order
15 to prevent further damage to resources injured by the Exxon
16 Valdez Oil Spill. I'm troubled about the language "in order to
17 prevent further damage to the resources"; that seems too narrow
18 to me. Am I off base or am I not? I mean here's the thought I
19 have is that I mean we're seeking to restore damaged resources
20 as well, and I think that concept should be in there
21 prominently; I mean first, not to prevent further damage but to
22 restore damage which has already occurred is the central thesis
23 of what I think we ought to or should be doing here.

24 MR. SANDOR: So that the Chair understands then, you
25 suggesting adding a clause with respect and to restore

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1 resources damaged?

2 MR. COLE: Well

3 MR. SANDOR: Dr. Gibbons or Montague, did you want to
4 comment?

5 DR. MONTAGUE: Mr. Chairman. I think the primary logic
6 behind habitat acquisition would be if there isn't going to be
7 any damage to the wildlife -- or fish and wildlife in that
8 habitat, then you don't need to buy it, that whatever value
9 that habitat is providing for the wildlife to help it restore
10 is going to be there. So, if you -- there isn't an assumption,
11 whether it's correct or not is up the Council. But if there
12 isn't an assumption that alteration of that habitat is going to
13 be damaging, then it has no applicability to restoration.

14 MR. McVEE: Mr. Chairman.

15 MR. WEINER: Mr. Chairman, I beg to differ with that.

16 MR. SANDOR: Please do.

17 MR. WEINER: The concept of acquisition of equivalent
18 resources as carefully spelled out in the settlement, I think,
19 that argue very clearly against that philosophy. My
20 interpretation, I think, is shared by a number of people, that
21 if we are to pursue a strategy of acquisition of equivalent
22 resources that we don't necessarily have to acquire those
23 resources that have been damaged, per se; they have to be
24 either structural or function equivalents to those resources
25 that were damages. Unless I'm misreading the intent in the

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1 letter of the settlement; it's somewhat presumptuous of me to
2 even try in front of Mr. Cole, but that's the way I certainly
3 interpret the settlement.

4 MR. SANDOR: Any other comments? Yes, Dr. Montague.

5 DR. MONTAGUE: Mr. Chairman. My response was just to
6 restoration not to acquisition of equivalent resources. I was
7 making a distinction.

8 MR. SANDOR: Mr. Barton.

9 MR. BARTON: Well, I wonder if Mr. Cole's comment
10 doesn't go to what's the priority issue. Is the priority issue
11 the restoration of damaged resources versus protection from
12 further damage. It seems to me our first obligation is to
13 restore damaged resources first and then talk about possible
14 further protection from further damage. I mean it seems to me
15 the emphasis is on the wrong syllable.

16 MR. COLE: That's what I think but I may be confused.

17 MR. WEINER: Well, I would argue that if we're faced
18 with the resources on an equivalent resource basis that are
19 potentially threatened, and we believe that they, in fact, may
20 be justifiably acquired or protected, we could be doing that --
21 thinking about that at the same time we're doing direct
22 restoration.

23 MR. BARTON: You're starting down the road one step,
24 though, before we get to consideration of the acquisition of
25 equivalent resources, isn't our obligation to the restoration

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1 of damaged resources, if it's possible?

2 MR. WEINER: I think we need to be doing both at the
3 same time, that's why we're dealing with a hierarchial analysis
4 or a concurrent analysis. My preference to be

5 MR. BARTON: Well, that's the basic question, and
6 that's another question we're going to need to address.

7 MR. COLE: Well, Mr.

8 MR. WEINER: Well, I think it's very germane here if I
9 may

10 MR. BARTON: Oh, I agree with you.

11 MR. COLE: Mr. Chairman.

12 MR. SANDOR: Mr. Cole.

13 MR. COLE: See, my view is not that it's one or the
14 other, I think we're dealing with both. But I mean I think we
15 can put in order to prevent further damage, but I haven't
16 thought it through well, but it seems to me that we might want
17 to acquire habitat to enable damaged or injured resource to
18 restore -- be restored. That's the central, primary focus of
19 the entire effort. So, that's why I thought we should put in
20 there in order, you know, to further the restoration process
21 and too -- whatever, you know, add some other appropriate
22 language. But I think we must have to further the restoration
23 process, that's why we would want to acquire this habitat,
24 principally.

25 MR. SANDOR: Is there any objection from the Trustee

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1 Council members of the addition of to restore as well as to
2 prevent?

3 MR. PENNOYER: Mr. Chairman.

4 MR. SANDOR: Yes.

5 MR. PENNOYER: Would it clarify that sentence if you
6 added services in so it isn't just

7 MR. COLE: Sure.

8 MR. PENNOYER: Mr. Montague's idea of, in fact,
9 the habitat's already not being hurt, so therefore you're not
10 going to have further damage, and if it's not hurt then you're
11 restoring as much as possible damaged resources, but services,
12 restoring services may require some other acquisition. If we
13 add the thought of services in, would that take care of
14 the

15 MR. COLE: I think we should restore and enhance
16 resources and services. We should get all the concepts in
17 there that are spelled out expressly in the Settlement
18 Agreement and the Consent Decree.

19 MR. SANDOR: Just a reiteration of what we've talked
20 before. Dr. Gibbons, can we add the language to include all of
21 those activities?

22 DR. GIBBONS: Yes.

23 MR. SANDOR: Okay. Any other comments on the goal
24 statement and process itself before moving into the criteria?

25 MR. BRODERSON: Yeah, Mr. Chairman.

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1 MR. SANDOR: Yes.

2 MR. BRODERSON: One little comment to Mr. Cole's
3 statement there. I think we agreed with each other on that
4 wholeheartedly, we may just be trying to say something
5 different, which I haven't said anything yet, so you don't know
6 what I think on that. But the actual acquisition or protection
7 of habitat does not restore a resource or a service, per se.
8 It's making sure or helping to ensure that the resource then
9 has time to restore itself. I think that's what Mr. Cole was
10 saying but I'm not quite sure, and I really was hoping for
11 clarification on that to see if we were in agreement on this
12 concept, that we have negatively said something in this process
13 that perhaps we need to say positively. But what it is is that
14 habitat protection allows the resource and/or service to
15 restore itself; the acquisition of the habitat does not restore
16 that resource or service.

17 MR. COLE: Well, let me say, Mr. Broderon, I agree
18 with Mr. Broderon, he's used a little more precise expression
19 of the concept that I had in mind.

20 MR. BRODERSON: You flatter me.

21 MR. SANDOR: Mr. Pennoyer, did you have a comment or
22 Barton?

23 MR. PENNOYER: This is a philosophical discussion, put
24 the words in, let's go on from there.

25 MR. SANDOR: Mr. Barton.

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1 MR. BARTON: In the opening statement on this subject,
2 Dr. Gibbons made reference to incorporating this into a Draft
3 Restoration Plan, could you elaborate on that and are we on a
4 wild goose chase here or an unnecessary goose chase, not wild
5 but unnecessary?

6 DR. GIBBONS: Yeah. Our intent is -- excuse me. Our
7 intent is to get this into the public arena to see what the
8 public thinks about. Right now in the Framework we've got the
9 two flow charts, Figures 6 and 7, that shows a hierarchial
10 process and the concurrent process. We would like to go to the
11 public with this process, too, to see the thoughts on the
12 public on the process we have outlined here and for dealing
13 with some of these issues. Rather than trying to get into a
14 nitty-gritty of the wording here, we would like to include
15 this, recommend to include this as a section in the Draft
16 Restoration Plan for public comment.

17 MR. SANDOR: Unless there's objection, you are
18 authorized to do so. Is there any further discussion on the
19 goal statement or the process before we get to the specific
20 action items that you propose? Let's move, then, onto -- and
21 is there a recommendation from the Restoration Team as to what
22 action then -- action reviewed (ph) or what's your motion?

23 DR. GIBBONS: Our recommendation was to move the goal
24 statement and the detailed process with narratives into the
25 Draft Restoration Plan. That was it.

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1 MR. SANDOR: Is there a motion to that effect?

2 MR. BARTON: So moved.

3 MR. SANDOR: Is there a second?

4 MR. McVEE: Second.

5 MR. SANDOR: Seconded by McVee, motion by Barton. Any
6 objection?

7 MR. COLE: Well, Mr. Chairman,

8 MR. SANDOR: Comments? Okay.

9 MR. COLE: I had thought that I'd like to hold
10 for a little while on that subject until after we've discussed
11 these -- this criteria a little farther today, if that's our
12 intent.

13 MR. SANDOR: Any objection to the maker of the motion
14 or the second that we defer until we get to the criteria? Can
15 we have a recommendation in the criteria, what action are you
16 proposing from the Trustee Council on the criteria? Dr.
17 Gibbons.

18 DR. GIBBONS: Yes. The request to the Trustee Council
19 was that we have two optional sets of threshold criteria, and
20 they do various -- they do different components. And we have
21 outlined the acquisition process threshold criteria, this is
22 Box 12 on the flow chart there Art's got up. And the Habitat
23 Protection Working Group's been wrestling with two sets of
24 criteria; Option A and Option B. And we brought it to the
25 Trustee Council for informational purposes at this time and to

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1 get feedback on it.

2 MR. SANDOR: Dr. Gibbons, this (indiscernible) -- sure
3 we've got -- these are the last five pages in this segment in
4 our book?

5 DR. GIBBONS: That's correct.

6 MR. SANDOR: The last five pages of the book, which
7 begins with Discussion in Set A and Set B of the proposed
8 threshold criteria. Was there a recommendation on the part of
9 Restoration?

10 DR. GIBBONS: Well, we propose these two different sets
11 to the Trustee Council, and if the Trustee Council wants to
12 discuss it now and give us feedback on it, that's the Trustee
13 Council -- that's why we have them here, to get feedback from
14 the Trustee Council on these two sets. If the Trustee Council
15 would like us to move it into the Draft Restoration Plan, also;
16 it's just they're here for the Trustee Council to read and be
17 informed about.

18 MR. SANDOR: Question of clarification. Then, the
19 Restoration Team is making no recommendation; is not
20 recommending that both be submitted to the public, just that
21 the Trustee Council review it?

22 DR. GIBBONS: Yes. The Restoration Team has not
23 reached closure on which set of these, or if two sets should go
24 to the public.

25 MR. SANDOR: I see. Okay. Mr. Pennoyer.

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1 MR. PENNOYER: Mr. Chairman. Further clarification,
2 Mr. Gibbons. I don't mind (ph) sending both out for people to
3 comment on, but I'm not sure they're the same thing; it looks
4 like, again, you've got some apples and oranges. A has willing
5 seller and that's over in your flow diagram above the threshold
6 criteria, you never even get to threshold criteria if there's
7 not a willing owner/seller. So, I don't know if that's a
8 threshold criteria or just a previous part of the diagram. And
9 then, one set of criteria seems to deal with immediacy, and the
10 other set seems to deal with the more considered part of the
11 process. So, are they really two different sets of criteria or
12 are they sort of mixed and matched the same way of looking
13 at

14 MR. SANDOR: Can you respond, Dr.

15 MR. PENNOYER: different areas of immediacy.

16 MR. SANDOR: Can you respond?

17 DR. GIBBONS: Yeah. I can help to clarify. Both sets
18 contain the willing seller. We wanted to make sure that -- it
19 was Item Number 7 on the second discusses that also. We wanted
20 to make it clear to the public that this is not a condemnation
21 process. We know it comes in the flow chart, above that it's
22 there, we just wanted to emphasize that again, that this is a
23 willing owner process.

24 The other part of the criteria is the discussion the
25 Restoration Team's been having, what the threshold criteria are

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1 intended to do in the process. Some members envision that the
2 threshold criteria should pass a red face test and leave the
3 detailed evaluation criteria to Box 14, while others believe
4 that the threshold criteria should be a little bit more
5 stringent and screen more out up on top before you get to
6 Box 14. So, there's various options here.

7 MR. PENNOYER: Mr. Chairman.

8 MR. SANDOR: Yes, Mr. Pennoyer.

9 MR. PENNOYER: Well, I think the reemphasis is a good
10 idea, and I don't have a problem with it; I didn't notice it on
11 Number 7 on the second one, to tell you the truth I didn't get
12 that far, so I apologize. But for example, Item Number 2 on
13 Set A is the seller acknowledges that governments can only
14 purchase the parcel or property rights at fair market value, is
15 that in both of them? That's certainly true of either set
16 isn't it?

17 UNIDENTIFIED VOICE: B(6).

18 DR. GIBBONS: Yeah, that -- that item is -- is
19 discussed in both. In -- in set A it specifically references
20 fair market value. Excuse me. In -- in the set B, item six
21 talks about cost effective to the restoration alternative. So
22 it's a little bit different terminology, but -- but the idea is
23 there in both of them.

24 MR. BARTON: Well, but in fact the -- the governments
25 have to pay fair market value in -- in either event.

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1 DR. GIBBONS: That's correct.

2 MR. COLE: Mr. Chairman?

3 MR. SANDOR: Yes, Mr. Cole?

4 MR. COLE: To -- to help us follow these and evaluate
5 these, set A and set B, could we have in -- just sort of a
6 similar or the same requirements matched, like if you have a
7 willing seller in A, number one, then we could have a willing
8 seller in B, number one, so, you know, you could just sort of
9 look across and you wouldn't have to put these in the mind and
10 try to match them up? It would be a lot easier if we could do
11 that, and I think it would be easier for the public to be able
12 to follow this. It's sort of a chess game trying to figure
13 them out.

14 MR. SANDOR: Dr. Gibbons?

15 DR. GIBBONS: Yeah, if -- if you walk -- if you go back
16 to page one in this document, right there it displays the
17 overlap of the two sets of criteria. The willing seller is
18 required, there must be a linkage to injured resources or
19 services, and, three, that the acquisition should provide some
20 benefit or protection beyond. The cost element, the next
21 discussion is in -- in both sets also.

22 And so we -- we tried to do some of this, and then we
23 get to set B, and it incorporates the following four additional
24 concepts that's discussed here, and then on page two we get to
25 some issues that we -- that we -- that the restoration team saw

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1 between the -- the two sets, and so we try to -- we tried to
2 talk about the issues involved with -- with the -- with the
3 threshold criteria.

4 MR. COLE: Mr. Chairman?

5 MR. SANDOR: Yes, Mr. Cole?

6 MR. COLE: It's getting late. We only have another
7 perhaps six minutes, and I would like to express some thoughts
8 I have on this subject.

9 I am concerned that we may be taking too narrow an
10 approach in our basic statement of the goals of habitat, or of
11 the goals of the acquisition process, and we have if you read
12 these materials some very stringent -- I would say very
13 stringent, certainly stringent in my view, requirements for the
14 relationship between the restoration process and -- and the
15 acquisition. And those are set forth in say paragraph one of
16 the evaluation process on page three, if you would look at that
17 definition of injury. And

18 MR. BARTON: Mr. Cole, where are you?

19 MR. COLE: Well, I'm on page three of -- of

20 MR. PENNOYER: Of habitat protection

21 MR. COLE: habitat protection and

22 MR. PENNOYER: and acquisition process.

23 MR. COLE: acquisition process. It -- let me go
24 right to what I -- I -- the thought I wanted to express.

25 As we've discussed before, the settlement process with

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1 Exxon under the Department of Interior guidelines involved a
2 major damage which was approved under the regulations dealing
3 with contingent evaluations. And I wonder if by limiting our
4 acquisition process to the criteria which we have set before us
5 we are not failing to recognize the contingent value
6 preservation which was a material part of the settlement. I
7 would like to see the Council and the Restoration Team give
8 some thought to that.

9 MR. SANDOR: Any other comments by Council members on
10 that point? Any further questions on this -- these criteria?
11 Any preference on how this is to be presented to the public?
12 Mr. Pennoyer?

13 MR. PENNOYER: Mr. Cole did make the point that on the
14 criteria we should try and make A and B a little bit more
15 concurrent so you can follow from one to the other and clearly
16 see the differences. They are pointed out in that sort of
17 diagrammatic discussion on the first part of the package, but
18 you probably ought to incorporate in the actual presentation of
19 those criteria the similarities and -- and -- so as you read
20 down, it's the same, the same, the same, and then all of a
21 sudden it shifts into different -- where the differences occur.

22 MR. SANDOR: Can you do that?

23 DR. GIBBONS: (Nods affirmative)

24 MR. SANDOR: Can we also have consultation with
25 counsel, the A.G.'s office, with respect to the -- making this

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1 as broad as -- as the settlement language dictates so it isn't
2 more restrictive? And so I suggest -- I guess there would be
3 some possible modification of wording that -- to accommodate
4 the points that Mr. Cole made.

5 MS. RUTHERFORD: Mr. Chair, I think -- I believe that
6 does get a little to the heart of -- of the difference between
7 set A and set B, and perhaps it would be useful for us to hear
8 any further discussion you -- you'd like to

9 MR. SANDOR: We are now encroaching on 4:30 and the
10 preparation time for the public comment period. I suspect the
11 preparation team can do it in 25 as opposed to 30 minutes,
12 but -- Yes, Mr. Cole?

13 MR. COLE: Mr. Chairman, I don't want members -- my
14 designee on the Restoration Team to be afield on this. It's
15 not the heart of the difference between A and B. It's also
16 should we put in C? "C". So, you know,

17 MR. SANDOR: That there may be a C alternative as well.
18 I sense that the Trustee Council would want perhaps
19 alternatives A, B, and perhaps a C to go forward to -- to the
20 public then, is -- is that the sense of the Trustee Council?
21 Mr. Pennoyer?

22 MR. PENNOYER: Mr. Chairman, I think the sense is
23 that -- to have both a narrow and a broad construction, and
24 make sure you cover the difference between the two. The
25 strictly (ph) definition of the injured resource, the broader

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1 definition of the contingent valuation service approach. Is
2 that what you're basically?

3 MR. COLE: Yes, sir.

4 MR. PENNOYER: So there's an A, B, and C, or an A and
5 B with different elements, however you present it, just as long
6 as you cover the gamut so you go from the strict construction
7 of an injured resource and it's got to be proven to be injured
8 to the broader construction of a contingent valuation service.

9 MS. RUTHERFORD: And is this something you would like
10 brought back to the next -- at the next meeting?

11 MR. COLE: I -- my view is, Mr. Chairman, that it
12 could go out to the public for comment like

13 MS. RUTHERFORD: As part of the

14 MR. COLE: with these. Yes.

15 MS. RUTHERFORD: As part of the framework?

16 MR. COLE: Yeah.

17 MR. SANDOR: Any objection with the clarification?

18 MS. RUTHERFORD: Or as part of -- just a -- sorry, not
19 part of the framework.

20 MR. SANDOR: Mr. Barton?

21 MR. BARTON: Well, that was my question, as part of the
22 framework?

23 DR. GIBBONS: Mr. Chairman?

24 MS. RUTHERFORD: As another mail out?

25 MR. SANDOR: Mr. Gibbons? Or Dr. Gibbons, do you

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1 understand what the Trustee Council is stating here?

2 DR. GIBBONS: I'm not -- I'm not quite sure. I've
3 heard framework, another mailing and draft restoration plan.
4 The recommendation was to include the process in the draft
5 restoration plan. Is that the recommendation of the Trustee
6 Council, rather than the -- you know, the framework's already
7 out, and so we'd have to either supplement the framework or put
8 it in the draft restoration plan, and the restoration team
9 would suggest that it be included in the draft restoration
10 plan.

11 MR. SANDOR: Can this be

12 MR. PENNOYER: Mr. Chairman, again, timewise, when is
13 the draft restoration plan going out? There's some question on
14 the habitat acquisition being a rather focused point of comment
15 we had from the public, and if we hold the process up for eight
16 months or something while we go -- deal with the -- with the
17 restoration plan, we may be doing ourselves a disservice.

18 DR. GIBBONS: Yeah, the -- the timeline identified
19 was -- was early January or late December.

20 MR. PENNOYER: Is there -- is there a problem with
21 sending these out as you've drafted them now for comment?

22 MR. SANDOR: But reworded to

23 MR. PENNOYER: But reworded.

24 MR. McVEE: Mr. Chairman?

25 MR. SANDOR: Yes?

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1 MR. McVEE: I think by it going out separately that the
2 -- the public doesn't see all of the restoration options that
3 are available. I think that -- that it would be difficult for
4 us to act upon public comments without having the comments upon
5 the total restoration plan.

6 MR. PENNOYER: Mr. Chairman, I think you're correct,
7 but how does that deal with the imminent threat concept? I
8 mean, we may not act on these separate from the total
9 restoration plan, but at least in terms of that level of the
10 criteria, it gives us something to look at the projects that
11 come in in the interim. I don't know. It's -- I guess I'm
12 not adamant on it one way or another, but it has certainly been
13 a very -- an area of considerable public concern, including
14 imminent threat, and if we don't send it out until January then
15 -- if we know where it is, are we just doing a disservice by
16 sending it -- are -- are we sending out notification to the
17 public we're going to consider this totally separately by
18 sending it out. Is that what you're saying, Mr. McVee? It's
19 probably not a good idea to send it out because it sends a
20 message that we're going to consider it out of step with the
21 rest of the restoration?

22 MR. McVEE: Out of context with the rest of the
23 restoration decisions.

24 MR. SANDOR: Mr. Rice, do you have a suggestion?

25 MR. RICE: Mr. Chairman, I would suggest that if we

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1 wait until the restoration plan is developed to present this,
2 that one -- one alt- -- one way of doing that would be present
3 it as different alternatives. In other words that we're going
4 to have a plan, and we have alternative approaches to
5 implementing the plan. And presenting this information in --
6 in that way would allow us to evaluate the consequences of
7 them.

8 MR. SANDOR: Any other opinions of -- of the --of
9 Council members? Mr. Barton?

10 MR. BARTON: I had a question. I understood A and I
11 understood B. What's C?

12 MR. PENNOYER: It's not necessarily a C, but the idea
13 was that you

14 MR. SANDOR: Mr. Cole, what might a C alternative be?

15 MR. COLE: C envisions the acquisition of -- of
16 resources in Prince William Sound measured or considered in
17 light of the elements of the damages which made up this
18 settlement with Exxon, i.e.,

19 MR. SANDOR: Does that

20 MR. COLE: i.e., a measure of -- of contingent
21 valuation, which is right in the -- the regulations as -- as a
22 permissible measure of damages for -- for environmental spills
23 of this nature. That's the concept.

24 MR. SANDOR: So we have agreement already, Dr. Gibbons,
25 that you have at least two, possibly three alternatives. The

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1 question is whether -- is when this ought to go out to the
2 public. The Chair believes that -- that some reflection on the
3 public testimony that we've received, almost the overwhelming
4 comments have related to this very subject. Certainly a high
5 proportion of comments have related to this subject, and I
6 think you ought to try to get it out as -- in really a timely
7 way. What is -- would be time- -- a timely way, Dr. Gibbons,
8 to get this out?

9 DR. GIBBONS: The only -- the only timely way would be
10 to supplement the -- the framework document.

11 MR. SANDOR: What's the wish of the Council on this?
12 Do we want to have a supplement or do we want to put this out
13 with the rest?

14 MR. BARTON: When are the comments due back?

15 DR. GIBBONS: The comments on the framework are due
16 back June 4th.

17 MR. SANDOR: The Chair would entertain a motion to
18 resolve this or maybe prepare it for public hearing.

19 MR. PENNOYER: Mr. Chairman, the only disservice in
20 sending it out for comment is that people might get the idea
21 that we're not going to consider how this stacks up against
22 other restoration options, and I think by and large we are.
23 We're probably not going to take it out of context entirely.
24 But if there is an imminent threat characteristic that somebody
25 can prove to us, then we may want the option of looking at that

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1 imminent threat, and sort of keeping your option open if there
2 is -- I -- I -- I don't know if there is imminent threat first
3 of all. It's been relayed to us there is, but I have no proof
4 resource by resource, a piece of land and a piece of -- by
5 piece of land, but if in fact somebody did present us with an
6 imminent threat, then we'd probably want the option of being
7 able to, if we felt like it, acting on it. And without these
8 criteria, you'd be acting very much in the blind, so I'm -- I
9 guess I'm not against sending it out and getting comment and
10 then making our decision at that point how we use it relative
11 to all the other options in front of us.

12 MR. SANDOR: Is there a motion that anyone -- any
13 Council member would wish to make.

14 MR. COLE: So move.

15 MR. PENNOYER: Move we send it out -- second, that we
16 send it out with the plan.

17 MR. SANDOR: It's been moved and seconded that we send
18 this out as described. Is there any discussion of this? Any
19 objection? Okay. We will move -- send it out now.

20 Any further action item on this before we -- any
21 further -- any further discussion or action on this item,
22 Dr. Gibbons, that's needed?

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

24 MR. SANDOR: Was -- was there any other action item
25 that must be dealt with at this meeting? Or can the remaining

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1 items be covered as discussion following the teleconference or
2 handled -- handled otherwise?

3 DR. GIBBONS: I -- I think the -- the rest of them can
4 wait. We have an executive session listed here, but we can --
5 we can do that at a later time.

6 The only question would -- would be is we will have to
7 set up a date for the teleconference and I'm not quite sure how
8 we can do that yet without getting some feel of where we come
9 to closure with the financial group here on Thursday.

10 But also to keep your calendars open for June 29th or
11 30th which is the end of that -- the 1992 process where we'll
12 be coming back to you with -- with a hopefully final 1992 work
13 plan. So we envision a meeting then.

14 MR. SANDOR: This then concludes the action items that
15 the Restoration Team has proposed for action by the Trustee
16 Council. Any

17 MR. McVEE: Mr. Chairman?

18 MR. SANDOR: Yes, Mr. McVee?

19 MR. McVEE: I'm almost hoarse I guess, but I guess I'd
20 like to recognize the work that the habitat protection and
21 acquisition folks have done to put together this package. It
22 resents -- represents an excellent piece of staff work, and I
23 really appreciate -- appreciate the thought that has gone into
24 this.

25 MR. COLE: Mr. Chairman, may I make a request? I -- if

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1 possible, I would like to see the Department of Natural
2 Resources, presumably they have this capability, but furnish us
3 with -- with, you know, a big map showing the land ownership
4 pretty much in detail in all these oil spill affected areas, so
5 as we evaluate this habitat acquisition process, focus on a map
6 and look at the land holdings there.

7 MR. SANDOR: Ms. Rutherford, do?

8 MS. RUTHERFORD: Mr. Chair, we have that. It would
9 have to be a series of maps and it could include land
10 ownership. The only thing it won't have on it is habitat
11 types, I mean, but it would still have oil spill impact areas.

12 MR. PENNOYER: Mr. Chairman,

13 MR. COLE: Just something we can look at.

14 MR. SANDOR: Mr. Pennoyer?

15 MR. PENNOYER: I'd like to second what Mr. McVee said,
16 and I'd like to add that in the motion to send this out as part
17 of the framework, I heard no complaint upon the Restoration
18 Team that was an impossible work order. Certainly if that was
19 something you could not get done for some reason and it needed
20 to be delayed, then we -- I would accept that.

21 MR. ROSIER: We can get it done.

22 MR. PENNOYER: Than you.

23 MR. SANDOR: Any other comments before we close --
24 recess for -- for the public hearing? This -- the Council
25 meeting is recessed until five or shortly thereafter for the

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1 public hearing.

2 (Off record)

3 (On record)

4 MR. SANDOR: The Exxon Valdez Spill Settlement Trustee
5 Council is reconvening for public testimony by teleconference
6 and in person in Anchorage. We will begin by having Dr.
7 Gibbons summarize briefly the relevant points that were covered
8 at today's meeting. Dr. Gibbons?

9 DR. GIBBONS: Yes, I -- I hope all of the packages -- I
10 hope all of the packages have arrived at the -- the
11 teleconferencing sites. It was a -- it was a large package and
12 we ended up mailing some of them rather than faxing them to the
13 -- to the locations.

14 The Trustee Council -- I will briefly summarize the
15 actions in regards to the -- the items on the agenda for today.
16 The first action item was a motion was passed to add the
17 category of public at large to the list of 12 principal --
18 principal interests. The -- the Trustee Council requested that
19 the -- that the Restoration Team ask for public comment on the
20 number of seats and the categories at the up-coming public
21 scoping sessions, and that has to -- to do with the -- with the
22 selection process.

23 The charter of the public advisory group, clause 6(b)
24 on page four was changed. The -- the two words "make
25 appointments to," or "make appointments by the Secretary of

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1 Interior" were changed to read "The Secretary -- Secretary of
2 Interior will appoint those selected by the Trustees." And the
3 charter was approved with that change.

4 Under the nomination process, we added some
5 information to it. Other -- in particular another item was --
6 was added to the -- to the list of information to be supplied,
7 including other pertinent information is encouraged, and also a
8 thought on why should you be a member of the public advisory
9 group. We wanted -- the Trustee Council wanted to get a feel
10 for the public and why they thought that they should be on the
11 public advisory group.

12 The meeting schedule for -- for public meetings was
13 accepted as proposed.

14 The -- item number two, the draft position description
15 for the administrative director, modifications were made to --
16 to the job -- to the position description, and the decision was
17 to have the adminis- -- interim administrative director make
18 those changes, and have a classifier look at the job
19 description to -- to evaluate the -- the duties and the level
20 of -- of the position and move forward for advertisement.

21 Item number three, release of Exxon Valdez oil spill
22 injury assessment information. Mr. Cole made the -- the
23 statement that there is no longer a confidentiality regarding
24 the Exxon Valdez oil spill information, and that information --
25 that the Restoration Team expedite the release in an orderly

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1 form for this information. The Restoration Team is to come
2 back to the Restoration -- to the Trustee Council at the next
3 meeting and lay out a plan for the release of the information
4 which will encompass all types of -- of information release,
5 including a symposium.

6 The Restoration -- the Trustee Council also requested
7 of the Restoration Team that we supplement the 1992 work plan
8 with a budget summary sheet identifying all budgets for the --
9 to be expended for 1992, all funds to be expended for 1992.

10 We would also like to have at the evaluation process of
11 the 1992 and status of the 1992 projects along with the
12 recommendations of the -- the Restoration Team for the work in
13 '92.

14 The next item on the agenda was the 1992 draft work
15 plan, the Trustee Council accepted a 1992 work plan public
16 comment review schedule as -- as proposed with -- with the
17 status of -- of the project.

18 The 1993 work plan schedule, the Trustee Council
19 approved the schedule as proposed, but would like the Trust- --
20 the Restoration Team to come back to the Trustee Council at the
21 next meeting with additions to it, completing the -- the 1993
22 plan, and -- and to -- to emphasize the fact that the principal
23 investigators should move information along from the 1992
24 studies as quickly as possible so they can be used in the 1993
25 process.

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1 The Trustee Council approved the form enclosed in the
2 -- in the package to solicit ideas from the public with some
3 additional word relating to the requirements of the fed- -- the
4 settlement in the federal court.

5 The last item under item number four, the timeline for
6 the -- for the draft restoration plan was approved as proposed.

7 The -- item number five, the financial process, the
8 Trustee Council tabled the decision on the financial process,
9 to be considered as a package for teleconference in mid May.
10 The -- the package would include the operating procedures, a
11 detailed budget including the entire 1992 plan, and a charter
12 and operating procedures for the financial -- financial
13 committee or -- or working group.

14 The item number six, the habitat protection working
15 group, the Trustee Council approved to move the process
16 identified in -- in the document for public review by
17 supplementing the restoration framework. And this will be done
18 as -- as quickly as possible.

19 The Trustee Council also recommended -- recommended to
20 the Restoration Team that another set of threshold criteria --
21 criteria be prepared using contingent -- contingent evaluation
22 as a basis for threshold criteria, so there will be three sets
23 of criteria in the document supplement to the restoration
24 framework.

25 The next face-to-face Trustee Council meeting will be

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1 either June 29th or 30th with a location yet to be determined,
2 and the teleconference will be in mid May. We'll -- we'll try
3 to get the -- the date of that teleconference out as quickly as
4 possible.

5 Mr. Chairman, that's all I have.

6 MR. SANDOR: Thank you, Dr. Gibbons.

7 We have as I understand it on line Juneau and
8 Fairbanks.

9 UNIDENTIFIED: And Kodiak.

10 MR. SANDOR: And?

11 UNIDENTIFIED: Kodiak.

12 MR. SANDOR: And Kodiak. And we understand that Juneau
13 has a time restraint with respect to -- to use of the
14 teleconference facilities and has limited testimony to give, so
15 we'll begin with -- with Juneau, and I would point out to the -
16 - those on teleconference that the -- all the members of the
17 Trustee Council are -- are present.

18 Can we begin then therefore with -- with Juneau, and if
19 those who wish to testify, please state their name and
20 affiliation if any, and present the testimony. Can you hear us
21 in Juneau?

22 MR. TOMA: Yes, Anchorage, I can hear you. Can you
23 hear me there?

24 MR. SANDOR: Yes, we can. Please proceed.

25 MR. TOMA: Okay. My name is Chip Toma (ph). I'm --

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1 I'm testifying as an individual here today in Juneau, and I
2 certainly appreciate the opportunity to do so.

3 I received my packet of the response or the restoration
4 framework last week. I'd certainly like to compliment the
5 staff on a very well-presented set of documents. I think it's
6 very clear, it's concise. I -- I compliment then to the
7 highest degree. I think we could have had a few more maps in
8 there perhaps relating to different sections and showing people
9 areas that we're talking about, and I think that's something
10 that will certainly come and

11 I'd like to give about two minutes of public comment
12 regarding the -- the restoration and -- and the -- and the
13 Trustee Council.

14 First of all to the issue of endowment, I'll just speak
15 to that right off the top. I -- I don't support the idea of
16 putting the monies that we're getting from the settlement into
17 an endowment. I consider this to be the pay-out on the
18 endowment that's transpiring now, and Exxon actually holds the
19 endowment principal, the one billion, and I think that the
20 first three or 400 million that come from the settlement should
21 be spent and -- and should be put out and -- and if we decide
22 that another five or 600 million should go into the endowment
23 in 1995 or six, I think we certainly have that opportunity to
24 do so.

25 It's obvious from the document and from reports that

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1 have been done recently that more -- that more extensive damage
2 to wildlife and fisheries than was ever admitted has occurred,
3 and it's really likely that -- that the total contingent
4 valuation or the actual damages could range up into the
5 billions. Perhaps three billion is not an unlikely figure for
6 the -- the damage that actually occurred. This new -- this new
7 information on -- on herring stocks is not at all good, and I
8 think it -- I think it foretells a lot of problems that we're
9 going to have with both herring, salmon and other species
10 throughout the spill-affected area, especially perhaps with
11 Prince William Sound and with some of the bird species there.

12 I personally feel, having attended the majority of your
13 meetings and -- and, of course, having attended I think all the
14 meetings here in Juneau last year regarding the settlement,
15 that the Trustee function must perform and allocate monies
16 toward minimal restoration, actual restoration projects, and
17 maximum monies expended toward habitat purchases.

18 And I think that it's real important that this
19 opportunity that we have with agreements between federal and
20 state agencies go forward. And it's always concerned me,
21 living here in Southeast, knowing the history, for instance, of
22 the federal agencies here in Southeast, how there has been a
23 continual warning (ph), discussion, and -- and sometimes battle
24 between the federal agencies to come up with good habitat
25 decisions, not only in the Tongass, in the Chugach, in other

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1 parts of Alaska. I think the, call it somewhat the animosity
2 that's been generated over the years between the U.S. Fish and
3 Wildlife Agency and the U.S. Forest Service towards the use of
4 wildlife in the Tongass, should be a departure point that we
5 should try to see that these agencies get along to a much
6 better degree than they have in the past, and I hope that the
7 interest of wildlife conservation and protection and
8 preservation in many cases do prevail.

9 I think it's important, and I -- I'd like to make one
10 point. I've seen a lot of publicity just recently on sport
11 fish areas in Prince William Sound put out not only by our own
12 Fish and Game, but by other entities. I think it's real
13 important that these areas that have not been affected by the
14 spill in Prince William Sound not be over -- over-fished this
15 summer as far as sport fish. There's still going to be a lot
16 of people up there. I think it's vital if we -- where we found
17 out that there's -- there's a lot more extensive damage that we
18 not over-harvest some of these areas that are in good shape
19 while these others, you know, slowly recover.

20 I personally think the settlement was made too hastily
21 without the acknowledge of this damage, and we basically let
22 Exxon off the hook, and I -- I especially feel strongly, of
23 course, on these -- on the felony charges, the crew standard
24 charges that were made, and that we could have prevailed on
25 getting some maritime standards for the manning of these ships

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1 and seeing that safety goes forward.

2 Just one note, my last 30 seconds here, excuse me. In
3 volume one of the restoration framework, chapter seven, the
4 scope of potential restoration alternatives. I certainly
5 support the majority of the alternatives that are listed under
6 the management of human re- -- the management of human uses,
7 section B, and also the major- -- all the provisions that are
8 put in the section D, the habitat and the acquiesce- --
9 acquisition of equivalent resources, and I -- I think that a
10 lot of these are just excellent suggestions.

11 I -- I do reiterate that I think the only actual
12 expenditure for restoration that's of any value, I think I said
13 this in December, is the sowing of beach grass, and I think
14 that we can put a couple of million bucks into this, five
15 million, whatever it's going to take, to hit these areas that
16 really should be reseeded. I think that's the extent of what
17 we should be doing. I don't agree that we should be doing any
18 manipulation of resources, and I think that we should let these
19 streams, these animal resources and whatever recover at their
20 own rate. We've -- we've spent so much time blasting these
21 beaches with hot water that we drove that oil down to the
22 substrata and the years and years and years we're going to have
23 a leaching of that oil is -- is going to create further
24 problems that we're just going to have to -- to monitor, and I
25 hope that we don't spend a whole lot of money even doing that.

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1 I hope we can go back in three or four years and see what the
2 damage was.

3 I strongly recommend that we spend the up-front money,
4 the first three or 400 million of this money coming from this
5 settlement till the year '96 on habitat acquisition. I think
6 it's vital that the federal agencies get together and work on
7 these problems. I hope that Fish and Wildlife -- U.S. Fish and
8 Wildlife and NOAA and the Department of Fish and Game for the
9 State take the lead in this in -- in getting across to the
10 other agency heads how important it is that this area not only
11 recover, but be protected, preserved, and that these fly ways
12 and -- and vital habitat areas in the Gulf of Alaska be
13 protected from now on.

14 And that's the end of my testimony, Mr. Chairman, and
15 there's one other person in Juneau that wants to testify.

16 MR. SANDOR: Thank you. Is there any questions from
17 any of the Council members? There are none. Let's have the --
18 the second person in Juneau then testify, please?

19 MS. McBRIDE: Yes, thank you, Mr. Chairman. I'm Diane
20 McBride from Homer. Mine is very brief.

21 I -- I simply want to state my on-going appreciation
22 and concern that we continue public comment, and I thank you
23 for this.

24 I'd like to see the Open Meetings Acts -- Act
25 applicable to all meetings involving Trustees, and would like

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1 to be assured that the Open Meeting Act could be applicable
2 here. And we'll -- and perhaps you can give me information on
3 that.

4 And also a question I have, if the State Ethics
5 Statutes will be followed by the advisory group? I, of course,
6 understand all state officials need to follow those, but what
7 about other advisory group meetings? Will they be following
8 State Ethics Statutes?

9 And that's my comments. Thank you.

10 MR. SANDOR: Thank you for your testimony. As a point
11 of record, it should be noted that all of our meetings except
12 for executive sessions, which we deal with personnel and -- and
13 specific matters that's not covered in the Open Meetings Act,
14 are in fact held in accord with that act. Is that not right,
15 Dr. Gibbons?

16 DR. GIBBONS: That's correct.

17 MR. SANDOR: And are there any other comments or
18 response to the -- the testimony that was given in Juneau? We
19 thank you for your testimony. Is there anyone at Juneau before
20 you sign off there?

21 MS. McBRIDE: There are no others to testify in Juneau,
22 but my second question was about the State Ethics Statutes
23 being followed by the advisory group. Can you inform me on
24 that?

25 MR. SANDOR: The state ethics on advisory group?

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1 You're talking about the advisory group to be formed, is that
2 your question?

3 MS. McBRIDE: Yes, that's correct.

4 MR. SANDOR: Yeah. Can -- I was not here at the
5 discussion of that this morning. Marty Rutherford, do you want
6 to respond to -- to that question?

7 MS. RUTHERFORD: Yes. Actually the public advisory
8 group was -- public participation working group was talking
9 about that early this week, and I think that we -- we got the
10 forms from the Governor's Office, the ethics forms that were
11 used, and I -- at first review it did not look like that they
12 would be appropriate for a FACA created group, so at this point
13 in time, no, we are not thinking of -- of requiring that the
14 state ethics releases be part and parcel of this.

15 MR. COLE: Mr. Chairman?

16 MR. SANDOR: Yes, Mr. Cole?

17 MR. COLE: I would -- I would suggest that we obtain a
18 commitment

19 JUNEAU: This is Juneau, and the last two speakers have
20 been pretty well illegible, although we did understand the "no"
21 from the female speaker.

22 MR. SANDOR: That was Marty Rutherford who -- who

23 MR. COLE: What does one speak into?

24 MR. SANDOR: on the Restoration Team that
25 summarized the action that was taken by the Restoration Team to

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1 date on this issue. Attorney General Cole will now speak.

2 MR. COLE: I would suggest that each person appointed
3 to the advisory group make a written amendment that they will
4 abide by the State Ethics Laws as a condition to their
5 appointment. That should take care of that. Certainly if they
6 don't, they will be evicted.

7 MR. SANDOR: Does the Trustee Council -- did you hear
8 that response in Juneau? Is Juneau still on line? Hopefully
9 that answered the question. If they come back on line then --
10 then -- well, that can be repeated.

11 MS. RUTHERFORD: Mr. Chair?

12 MR. SANDOR: Is anyone at Juneau on line yet? I guess
13 that ends that.

14 Marty Rutherford, do you have a statement?

15 MS. RUTHERFORD: Is it the wishes of the Trustee
16 Council to include that as part of the operating procedures for
17 the public advisory group?

18 MR. SANDOR: That was the advice of Mr. Cole. Is that
19 in the form of a motion? And is it seconded by anyone?

20 MR. PENNOYER: Mr. Chairman, I don't know that it's not
21 a good idea, but I'm not sure what the State Ethics Law, how it
22 reads. I'm a little awash right at the moment to say whether
23 it ought to apply or not.

24 MS. RUTHERFORD: Maybe I could help

25 MR. SANDOR: The Chair will second the motion for

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1 purposes of getting it on the table.

2 Yes, Ms. Rutherford?

3 MS. RUTHERFORD: I -- we could provide you an analysis
4 and -- and see what the impacts are and provide that when we
5 provide the operating procedures, and if it doesn't look like
6 it's a problem, we'll also have included it in the operating
7 procedures. Is that to be?

8 MR. SANDOR: Yeah. And this can be dealt with at the
9 teleconference?

10 MS. RUTHERFORD: Yes, it can be added to the agenda,
11 and I think that's something that Mr. Gibbons was going to
12 discuss whether this was -- that was going to be a continuation
13 of this meeting or a new agenda?

14 MR. COLE: Mr. Chairman?

15 MR. SANDOR: Yes?

16 MR. COLE: Well, how about the federal ethics law?

17 MR. PENNOYER: Let's

18 MR. COLE: I mean, you know, use that one.

19 MR. BARTON: Yeah.

20 MR. COLE: If Mr. Pennoyer would prefer that?

21 MR. SANDOR: Yeah. Mr. Barton?

22 MR. BARTON: I'm -- I'm not sure who prefers what, but
23 I do think that needs to be looked at, since it is a committee
24 being formed under the Federal Advisory Committee Act, that the
25 federal ethics law may come into play. So I'd suggest the RT

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1 talk to the attorneys and find out if there isn't some
2 connection there.

3 MR. COLE: We could have them comply with both, too.

4 MR. BARTON: That's -- that's very possible.

5 MR. SANDOR: Okay. It

6 MR. BARTON: Or we can construct our own.

7 MR. COLE: Yes.

8 MR. SANDOR: Well, that will be analyzed and covered at
9 the teleconference in mid May.

10 Juneau has signed off. We have three communities,
11 Fairbanks, Anchorage and Kodiak, and we'll rotate and begin
12 with Fairbanks. Is there anyone on line in Fairbanks that
13 wishes to speak? Would you please identify your name and --
14 and affiliation if any and make your statement?

15 FAIRBANKS: This is (indiscernible, feedback) MR.

16 SANDOR: Can -- can you -- there was some feedback
17 unfortunately. Can you restate your name, please?

18 FAIRBANKS: This is Christy, the moderator here in
19 Fairbanks, and we only have one observer tonight.

20 MR. SANDOR: Thank you very much. No statements from
21 Fairbanks.

22 Let's move on to Anchorage here, and, Nancy?

23 MS. LESCO: Mr. Chairman and Councilmen, my name is
24 Nancy Lesco. Am I speaking loud enough? Thank you.

25 I have just a few comments. I -- it's been very

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1 interesting listening to you today, and -- and I think you for
2 having the commit- -- these meetings open. I -- I think as a
3 member of these audience one can learn a lot just by watching
4 and listening.

5 One problem that's disturbed me in the past and it --
6 it bothered me again today is that throughout the day you're
7 making decisions on important issues in which there might have
8 been appropriate -- it might have been appropriate to ask for
9 some comments from the public. And I realize that could slow
10 things down a lot, and that you try to identify, particularly
11 Mr. Cole, points at which he thought there would be input from
12 the -- the public that might be useful. Perhaps you could
13 establish a mechanism such as passing written questions or --
14 or comments to you during the course of your day-long meetings.

15 Sometimes I had the feeling that -- that there were
16 people here who could perhaps have -- have thrown some light on
17 some -- some questions or -- or maybe posed particular pitfalls
18 that you might want to have avoided.

19 Mr. Cole did ask for comments this evening on the seats
20 on the public advisory committee. The criteria for selecting
21 those seats is going to be very important for those of us who
22 are considering either applying ourselves or recommending
23 somebody from an organization. The -- as it is now, I -- I
24 really don't feel that you are giving the public sufficient
25 information. The number of areas, I think there's a lack of

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1 information for somebody to decide whether or not to put their
2 name in, or whether for an organization to decide who they
3 would select to suggest to you.

4 One is this question of multiple. People who can --
5 the ability to have a back- -- a person who has a background in
6 a multiple number of your special interest categories could
7 either be a liability or an asset. I would hope that you would
8 consider people with backgrounds in, for example, a science
9 degree for somebody from the University who was a kayaker in
10 Prince William Sound and whose specialty was timber management.
11 That person would fall into three of your special interest
12 groups, but I'm not sure that the recreation people would
13 necessarily feel that that repre- -- person represented
14 recreation, or somebody in -- in the forestry industry might
15 feel that he didn't represent forestry and be very hesitant to
16 put forward people who had multiple backgrounds if -- if they
17 felt you were then going to eliminate anybody from those other
18 fields.

19 I can for myself think that I -- I would -- could be
20 put underneath an environmentalist, a conservationist, a
21 recreation or a tourism person. And if my name was put in and
22 you then decided I represented all four of those groups, that
23 would be very unfair, and I think this would be true for a
24 number of other people.

25 However, it could also be an asset. This is a very

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1 wide geographical area, and a person from Kodiak who
2 represented commercial fishing interests and -- and recreation
3 interests and hunting interests would be a major positive along
4 with somebody else from the Prince William Sound area or Cook
5 Inlet.

6 So I hope you'll think more about that, because those
7 decisions need to be told us in -- in advance, because I would
8 -- would not put my name in if it was somehow seen that I or --
9 or anybody else represented four different groups.

10 The nomination process. You don't ask for
11 recommendations. You ask for people to give a statement of why
12 they would want to be on there, but I should think that
13 recommendations might be also a useful tool for help you make a
14 decision so that you had maybe better background on the type of
15 expertise somebody has. I -- there are some people who are
16 very well known, but there are also people who are much quieter
17 and are not well known who might be even better people on this
18 committee, but you might not have adequate information to make
19 that decision. So I would -- I would suggest that you ask for
20 or have some mechanism for obtaining recommendations.

21 And you might also want to consider how well these
22 people work with other people in a group situation.

23 I also think you ought to consider, and I didn't see
24 anything in there, on the expectations of this person. Before
25 somebody would want to be on this committee, I think they need

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1 to know what are the times on their -- the time demands going
2 to be on them, what's the financial contribution that they're
3 going to have to make? There's per diem and travel provided
4 for, but there's a lot -- reading all these documents and being
5 well informed and playing a constructive role is going to
6 require many hours as you all personally have discovered I'm
7 sure in the last two years, three years. You're asking a
8 member of the public to do that. Some places maybe have this
9 provided as job time, but for others this will be time away
10 from their jobs, time not meant (ph) earning income. It's
11 really -- it can be quite a financial sacrifice. Or for an
12 organization.

13 And so I think one needs to know whether this is a
14 once a year meeting or once a week meeting so that those types
15 of decisions can be made in -- in proposing people for these
16 memberships -- members on this committee.

17 I think also there needs to be a little more
18 clarification whether you are looking for people who are
19 resource people capable of providing additional information
20 from special interest groups, or communicators between
21 yourselves and special interest groups, or are you looking for
22 people who are evaluators? Are you looking for all three? Is
23 one of the criteria that these people put out a newsletter?
24 Would their special interest groups? It's -- it's very vague
25 at this point, and I think some of those things need to be

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1 clarified before these mem- -- you select members, or before
2 you ask groups or individuals to name possible members to you.

3 I also was concerned about the budget. There's -- I've
4 mentioned the time commitment, but I -- I think that there
5 needs to be some consideration given to remuneration for costs
6 to the members for, for example, telephone calls between
7 themselves and the public. It can be quite expensive.

8 I -- I did have the honor of serving on the Governor's
9 Forest Practices Act Steering Committee, and although our way
10 was paid to Juneau, there was a major breakdown in
11 communication because of the cost involved between members
12 representing various different groups on there, and I would
13 hate to see that repeated in this situation.

14 Communication is expensive and it's extremely
15 important, particularly in this oil spill area where we go from
16 Prince William Sound to Kodiak. It's a very long ways, and
17 most of us have never met each other, and I think it's very
18 important that there be some type of -- of funding and budget
19 for that.

20 I did like the idea of symposiums. I hope that you
21 will -- will proceed with the symposium and with the putting
22 out of a book. I hope that that book or report of papers from
23 the symposium will look at potential audiences. There are a
24 number of different audiences that symposium and the paper
25 product from the symposium can -- can address, and I won't take

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1 any more time, but I have listed about eight of them on my
2 notes, and I think in setting it up, it's important.

3 I certainly, having served on the inter-agency
4 shoreline clean-up committee in Prince William Sound from the
5 fourth or fifth day of the spill, wish desperately that
6 something was available to us, and I would hope that that would
7 be one of the goals of this symposium is that there is a
8 compact place where people, hopefully not in Alaska, will be
9 able to go in the event of another cold water oil spill and
10 get some pretty good thumbnail sketch in as great of detail as
11 possible of what to expect and what the problems are and what
12 the pros and cons are. That was -- that was just anecdotal at
13 best during the early days of the spill, and it doesn't need
14 to be that any -- way any more.

15 That's all. Thank you.

16 MR. SANDOR: Thank you. Are there any questions or
17 comments by any of the members of the Trustee Council? Thank
18 you very much.

19 We'll move on to Kodiak. Is there anyone at Kodiak
20 that wishes to testify? Kodiak, are you on line?

21 MR. PATRICK: Yes. My name is Craig Patrick. Can
22 you hear me okay?

23 MR. SANDOR: You're coming in loud and clear. Please
24 proceed.

25 MR. PATRICK: My name is Craig Patrick and I serve as

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1 the conservation chair for Kodiak Audubon. I'll keep my
2 comments relatively brief.

3 In volume one of the restoration framework, scope of
4 potential restoration alternatives, I'd just like to call your
5 attention to a couple of flow charts in there that describe the
6 hierarchy of decision making. And I much prefer figure seven,
7 which keeps all the alternatives on equal footing, habitat
8 acquisition along with several other things such as
9 management of human uses or manipulation of resources.

10 The other flow chart, figure six, would use habitat
11 acquisition only as a last resort, and I'm really uncomfortable
12 with that, because of the philosophical opposition that some of
13 the Trustees' employers show during their working hours. The
14 Governor or federal people's overseers, seem to have a
15 philosophical opposition to habitat acquisition. And it makes
16 a lot of people uncomfortable feeling that those interests may
17 not very -- be very well represented in this process.

18 And in order to alleviate some of that uneasy feeling,
19 I would suggest that damage assessment be made very early and
20 that when you can have a finding that a resource or a certain
21 area has been injured, that there should be immediate work to
22 assess and proceed along acquiring other habitat as a
23 mitigation for that as opposed to saying, well, let's study the
24 situation and come back next year and maybe the natural
25 processes would have helped us out to some point. I think that

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1 you can go on and on in that course for quite some time and do
2 nothing but generate paperwork.

3 And I favor very substantive purchases with this money,
4 habitat acquisition, study and assessment of archaeological
5 resources and enhancement of wild fishery stocks should be at
6 the top of the list.

7 And those are the only comments I had. Thank you.

8 MR. SANDOR: Thank you. Are there any questions or
9 comments from members of the Council? There are none.

10 Let's return to Anchorage. Yes?

11 VALDEZ: This is Valdez, which is on line, just to let
12 you know.

13 MR. SANDOR: Okay. Well, we'll do Valdez next then.
14 Thank you.

15 SEWARD: Yeah, Seward's on line also.

16 MR. SANDOR: Okay.

17 KODIAK: And Kodiak does have more testimony.

18 MR. McKEE: My name is Charles McKee, and first of all
19 I'd like to bring to your attention that out of all land mass
20 on the global map, the State of Alaska is the only one referred
21 to as a state. All others are countries, regardless of how
22 small they are.

23 So in lieu of that, I might bring to your attention
24 that seeing as how we are an appendage to the country of North
25 America, United States of Alaska, that rather than purchase --

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1 focus only on purchasing habitat, maybe we should purchase
2 America, the merchant ship America. The official number is
3 239738, radio call letters WEDI, being sold on auction. Seeing
4 as how a merchant vessel of that size could be used to assist
5 in the restoration by having on site capability for crews to be
6 bivouacked and seeing as how a documented vessel with such a
7 name would increase our -- not so much dependance, but
8 appendage of the country that gave us the constitution that we
9 enjoy today, the Constitution of the State of Alaska.

10 I want to bring to your attention section one of the
11 State of Alaska Constitution, inherent rights, section two,
12 source of government of the State Constitution of Alaska, and
13 -- but I really want to talk about is the fact that I had
14 brought the attention of Honorable Judge Holland that -- in my
15 letter of dissent on the settlement was because the money
16 was so low, the settlement issue. I pointed out that a
17 \$3.5 billion should be considered.

18 And also Exxon Valdez oil spill settlement peer review
19 of the financial process attesting to the lack thereof by me,
20 Charles E. McKee, 4/27/1992, i.e., raw material cartels, please
21 see line 13 on this letter. It's a brief synopsis of our
22 problem in our local, state and national and global situation.

23 And another testimony previously by me was in reference
24 to the difference between United States currency and the
25 Federal Reserve corporate note, franchise note. And I have

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1 here a seal, the current seal used by the United States
2 Treasury on the Federal Reserve note. It's not our seal. They
3 started changing it as far as I can determine in 1958. And
4 the original seal, which is based on the Bible, which is where
5 the Founding Fathers got the seal, it's grounded in the Bible.
6 The Bible is a legal document and one submitted as a diary.

7 And here it is. The seal was actually generated before
8 the Article of Confederation. United States currency has a
9 seal on it, the original seal, whether it be the printing of
10 the 1923 series for four years, the '53 series for four years,
11 or the '63 series to 1966, except for the \$100.00 bill which I
12 indicated here that Johnson changed, stripping it down.

13 Shall I say rape? Exxon Valdez was raped, spilled oil
14 so that the --the Valdez -- the Exxon -- Prince William Sound
15 was raped. I'm using that word, because we hear it so common
16 day anyhow.

17 The United States seal was raped. They had usurped
18 their authority, so it's actually -- what it represents is a
19 notary seal, so when you do reconsider, and I'm demanding that,
20 the settlement and the money, you focused on United States
21 currency in settlement, not Federal Reserve corporate note,
22 because I want the original seal on that currency. Not new
23 currency, the old currency.

24 MR. SANDOR: Mr. McKee, excuse me for interrupting, but
25 please try to summarize in perhaps three more minutes and then

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1 we can incorporate -- give us whatever documents you -- you
2 wish. Okay.

3 MR. McKEE: I have this -- well, I will supply with
4 you.

5 So I'm speaking for everybody here, because everybody
6 -- I do believe there's no green cards in this -- present here
7 -- citizens of the United States, and it's to their best
8 interests that we bring back into circulation at least
9 greenback, United States note with original seal on it.

10 And on the final page I have here the math which I sent
11 in for copyright. It has the math for Big Bang, it's not a
12 theory any more, they've proved it. I submitted this to the
13 Assembly, Anchorage Assembly, a little over a year ago, and the
14 seal goes right there below it. And so I submitted this and I
15 received a date as of today on a copyright of this, so it
16 encompasses unity, and in -- the seal a lover's knot, or seal
17 of infinity, so unity equals unity. And so I'm -- I'm
18 encompassing the fact that they can't separate me and the math
19 from the seal, and the seal from the American people.

20 MR. SANDOR: Thank you, Mr. McKee. I apologize for my
21 throat, but I guess I've been talking too much today. Give it
22 to the director.

23 Can we move on to Valdez, please? Anyone at Valdez?

24 MR. MCCOLLUM: Yes, I'm ready. Can you hear me, you're
25 kind of broken on there?

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1 MR. SANDOR: Loud and clear. Please proceed.

2 MR. MCCOLLUM: Yes. Hello, my name Paul McCollum. I'm
3 the executive director for Valdez Fisheries Development
4 Association. I just have some real brief comments, and I
5 appreciate the opportunity to speak today.

6 On the definitions listed in item one of the documents
7 that were prepared here, under aquaculture I would like to see
8 Valdez Fisheries Development Association included in the
9 organizations mentioned. Just -- we're a private nonprofit
10 aquaculture corporation licensed in the State and -- and we're
11 certainly in the spill area, so we'd appreciate inclusion in
12 that.

13 And also I had a -- I noticed that Cook Inlet
14 Aquaculture Association seems to be listed twice. It says
15 there's a Cook Inlet Aquaculture Corporation and to my
16 knowledge there's just -- there's a regional association with
17 -- which is Cook Inlet Aquaculture. I'm not sure which one of
18 the two they are, but I think there's just one.

19 And then just finally I just had a question on the --
20 the schedules of the expenditures, the -- it's under a title of
21 working groups budget summary, 3/1/92 to 2/28/93, and I just
22 was wondering if I could get clarification on the Department of
23 Environmental Conservation -- Conservation. They -- it seems
24 to have disproportionately high value for support to
25 Restoration Team member for working groups, which is broken

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1 down. It seems the bulk of which is in contractual on the --
2 on the following page, line item 300, and I just wondered what
3 that was?

4 MR. SANDOR: Yeah. Have you finished your statement?
5 We'll then respond to that specific question.

6 MR. MCCOLLUM: Yes, I have. That's all -- that's all
7 I had. Thank you.

8 MR. SANDOR: Yeah, we raised that same question, sir,
9 at -- at our discussion, and in fact this whole item has been
10 deferred for coverage at our teleconference meeting to be held
11 in -- in mid May. But -- but both with respect to the items
12 that you -- you had made reference to and others associated
13 with it. We need clarification of that, so that is to be
14 dealt with at our next teleconference meeting.

15 It's my understanding that insofar as the -- the
16 contractual item, that this represents the work that's being
17 done not only for the DEC's representative to the Trustee -- to
18 the Restoration Team, but for others as well, but I may be
19 wrong. That's to be clarified.

20 Any further statement from -- from you, and then we'll
21 move on to Seward.

22 MR. MCCOLLUM: Well, thank you. Thank you very much.

23 MR. SANDOR: Thank you. Seward is next on line.

24 SEWARD: Thank you, Mr. Chairman, we're -- we're
25 listening intently. We have no comments at this time. Thank

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1 you very much.

2 MR. SANDOR: Thank you. At Kodiak, is there anyone who
3 wishes to testify at Kodiak?

4 MR. DONOHUE: Yes. Good afternoon. My name is Mark
5 Donohue. I'm with the Kodiak Area Native Association.

6 And I'd like to address a point made by I think it was
7 Chip Toma about putting any more money into research and
8 habitat restoration, but only into compensation. We have --
9 those of us who are not in state agencies have a hard time
10 coming up with meaningful proposals, especially when the damage
11 assessment work is not available to all of us, if it's
12 completed. We think, for instance, that herring damage is
13 probably become -- going to become very evident this year, and
14 we also have some big questions about our razor clam
15 populations on the Olympic (ph) Peninsula. I know that this
16 hasn't been brought before you. We want to make our proposals
17 as scientifically sound as possible.

18 But I think maybe we would caution about moving all of
19 the funding into just habitat compensation and getting away
20 from what has really been directly damaged by the oil spill.

21 Thank you.

22 MR. SANDOR: Thank you. Are there any questions or
23 comments from any members of the Council or Restoration Team?
24 Thank you.

25 As I understand it, someone is back on line in Juneau?

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1 JUNEAU: Juneau is on line with several observers, Mr.
2 Chair. No one to testify at this time.

3 MR. SANDOR: Thank you.

4 Fairbanks, still observer status?

5 FAIRBANKS: Yes, we're fine here, and we only have one
6 observer.

7 MR. SANDOR: Thank you.

8 No one at Chenega Bay? No one at Cordova? No one at
9 Homer? No one at Kenai Peninsula?

10 Back to Anchorage. Yes?

11 MR. WALKER: Thank you, Mr. Chairman. My name is Bill
12 Walker. I -- I'm here somewhat on behalf of the City of
13 Valdez today, but I also would like to make a couple of
14 comments to follow up on what Nancy had to say.

15 I serve on the RCAC Council for the last several years.
16 I see you struggling with a lot of areas that we have struggled
17 with in the past and still struggle. One procedure which we
18 have adopted is to allow public comment at the very beginning
19 of our meetings, that which is pertinent to the agenda items so
20 we can have the public input prior to our deliberation on the
21 agenda items. Public comment that is not germane to the agenda
22 is usually held for later in the meeting, so that perhaps is a
23 -- as a suggestion.

24 I thank you for the -- for your enactment or adopting
25 the Open Meetings Act as a -- as a guideline. I was at the

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1 meeting when you did that. That was a very strenuous position
2 to take and I -- I'm pleased you did.

3 My comments today are specific to -- specific to the
4 definition of -- of the advisory group. I'm -- my concern is
5 under local government, it look -- appears there will be one --
6 one representative for all the local governments, and I -- I'm
7 not sure that that is -- is a very workable representation of
8 local governments. Each repre- -- each local government
9 certainly was affected differently. Certainly some
10 similarities in the oil spill, but affected differently. The
11 impact of your deliberations and expenditures will also affect
12 each community differently.

13 OPA 90, Oil -- Oil Pollution Act of 1990, dealt with
14 this by listing specific organizations that would sit on the
15 RCAC Council or on the Cook Inlet Council, and then let the
16 specific communities that it was felt would -- would be
17 appropriate to be -- to have representation at the table.

18 In my time on RCAC, I think it has been very helpful to
19 hear represen- -- representation from around a varied -- varied
20 group of communities rather than just one voice. I don't know
21 how -- I honestly don't know how it would have worked with just
22 one voice representing the communities, because it's -- it
23 would be -- it would be very difficult.

24 RCAC has -- and I'm not necessarily using them as an
25 example, but there are some similarities. RCAC has presently

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1 17 members. We're presently looking at adding two and possibly
2 three more: the communities of Tatitlek and Chenega. As the
3 numbers grow, the ability to get a quorum together increases --
4 I mean, the difficulty increases, so I -- that -- that is a
5 concern about getting a larger group. I guess our concern was
6 that we didn't want to leave someone out that had a legitimate
7 reason to be -- to be involved.

8 I was very interested in Mr. Cole's discussion about
9 adding three specific seats for the -- the public at large. I
10 think that's -- that's admirable, but I would -- I would like
11 to see that -- that there would be something done for the
12 specific communities. And I would again direct your attention
13 to the communities listed in OPA 90 for the -- for the advisory
14 group.

15 My last comment is just a procedural comment as far as
16 if you're going to -- I think it's good that you talked about a
17 procedure how to control the advisory group as far as
18 eliminating them. It's sometimes easier to create a process of
19 how to weed out those that don't participate before you select
20 them, because once you've selected them and then they do
21 participate and they don't, it becomes difficult to create that
22 process. It's -- it -- because personalities are involved, so
23 I think you're on the right track. Just create a procedure
24 before you select the group. And again, what's worked for us
25 is -- is we selected the organization that would represent the

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1 interest and then that organization selected the individual,
2 so

3 Thank you for your time.

4 MR. SANDOR: Thank you. Are there any questions or
5 comments from any of the Council members. We appreciate that.

6 Let's continue with Seward. Anyone at Seward?

7 MR. GATES: Mr. Chairman, this is Vern Gates (ph) at
8 the City of Seward, and we wholeheartedly agree with
9 Mr. Walker's comments. The community representation on the
10 proposed listing really should be more broad in our opinion.
11 We hope that the communities and the representation that the
12 city councils have in the spill-affected area will be
13 considered when your -- when you're making up the final
14 advisory team.

15 With that, sir, we -- we pass the -- we pass the mike
16 on.

17 MR. SANDOR: Any questions or comments of?

18 Moving on, excuse me,

19 MR. COLE: Mr. Chairman?

20 MR. SANDOR: Yes, Mr. Cole?

21 MR. COLE: I just want to say that the night before
22 Judge Holland was to pass upon whether he approved the
23 settlement, I valiantly solicited support from these
24 communities for the settlement, and I couldn't get one
25 community to support this settlement. Not one was willing to

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1 step forward and say "We support this settlement, Your Honor."

2 MR. SANDOR: Any other comments or questions?

3 My understand no -- understanding, no one is at
4 Tatitlek? Moving on to Valdez? Anyone at Valdez?

5 VALDEZ: Valdez has no comment at this time.

6 MR. SANDOR: Thank you. And I understand Whittier is
7 not on line unless they've come on the line. Okay.

8 Moving back to Anchorage then? Yes?

9 MR. PHIPS: Thank you, Mr. Chair. For the record, my
10 name is Allen Phips, and I'm speaking today on behalf of the
11 Alaska Center for the Environment. We have two major issues to
12 bring before the Trustee Council today.

13 First, we're concerned about language in the Federal
14 Register notice dated April 10th regarding the intent to
15 prepare an environmental impact statement for the development
16 of a restoration plan. In the summary of that section, it
17 states the restoration activities, quote, "will be conducted
18 within the area affected by the Exxon Valdez oil spill."

19 We're concerned that this is an attempt to limit the
20 scope of the restoration process. The term "area affected by
21 the oil spill" is not in the spill settlement documenta- --
22 document that we could find, and if we are going to begin to
23 use that term, we need to define it so that people understand
24 that that could include acquisition of equivalent resources or
25 services outside the, quote/unquote, "affected area".

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1 So again we think that either a definition needs to be
2 put in or that language needs to be changed so that it reflects
3 what the spill settlement says.

4 Our second major point is to take exception with
5 testimony that was given by Attorney General Cole before the
6 House Resources Committee in the Alaska Legislature last
7 Thursday, April 23rd. That testimony was among other things in
8 regard to House Bill 411, which would invest most of the
9 State's criminal restitution money in immediate acquisition of
10 habitat. Now, while that bill is not the direct concern of the
11 Trustee Council, it is germane to the over-all discussion of
12 habitat acquisition.

13 Alaska Center for the Environment was disappointed not
14 only by the misrepresentation of the spill settlement to that
15 body by Mr. Cole, but also by his incorrect statements
16 regarding the ecological, cultural, and economic importance of
17 Cape Suckling and other areas to the recovery process.

18 Since Mr. Cole opposes the will of the people as
19 expressed in House Bill 411, we want to address his comments,
20 because we believe it's important for people sitting in the
21 room this evening and all along the teleconference network to
22 know what Mr. Cole has said about the public's vision for
23 habitat acquisition.

24 Most people know that House Bill 411 was developed by
25 members of the State Legislature in close cooperation with

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1 groups and individuals from the spill-impacted region and
2 elsewhere throughout Alaska. It includes among other things
3 money for acquisition of timber rights at Cape Suckling, which
4 would then allow for inclusion of that area in the Yakataga
5 State Game Refuge.

6 Mr. Cole's comments in opposition to habitat
7 acquisition at Cape Suckling included that it is beyond the
8 spill-impacted area, that there is, quote, "no connection to
9 the spill," and that, quote, "if Cape Suckling is an equivalent
10 resource, then Yosemite is an equivalent resource," close
11 quote. This would be a laughable statement if it didn't come
12 from the Attorney General and a member of the Trustee Council.

13 I regret having to take time to refute such a
14 statement, but this issue is too important to let it go
15 unchallenged. Mr. Cole has no basis for these statements other
16 than the Hickel Administration's grasping at straws to try and
17 derail House Bill 411.

18 Certainly Mr. Cole can't be basing his opposition to
19 Cape Suckling in terms of science. According to the Prince
20 William Sound Science Center, Copper River Delta Institute and
21 Conservation International in their Prince William Sound,
22 Copper River, Gulf of Alaska ecosystem overview document,
23 released in 1991 and endorsed by Governor Hickel, Cape Suckling
24 is a part of the Greater Prince William Sound ecosystem. The
25 document shows Western Cape Suckling as being in the, quote,

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1 "critical marine environment of Prince William Sound." It
2 also shows salmon spawning streams and a portion of the
3 temperate rain forest of Cape Suckling in the Greater Prince
4 William Sound ecosystem. Moreover, it shows the area
5 immediately adjacent to Cape Suckling as being a major
6 subsistence use area.

7 There's also the U.S. Fish and Wildlife Service study
8 done as part of the Exxon Valdez oil spill bald eagle damage
9 assessment project, which reveals that the late salmon runs of
10 the Cape Suckling area are used by as many as 1,000 juvenile
11 bald eagles which nest in Prince William Sound. Quoting from
12 the study, "the most important fall and early winter feeding
13 areas we located were the Copper River Delta and the Cape
14 Suckling area."

15 We don't believe that Mr. Cole can be basing his
16 opposition to habitat acquisition under 411 on an objective
17 reading of the settlement either. There is nothing in the
18 spill settlement documents which would preclude the acquisition
19 of Cape Suckling or other areas included in House Bill 411, yet
20 Mr. Cole said he felt that most -- that's a quote, "most of
21 House Bill 411 does not fall under the settlement definition of
22 restoration."

23 Since most of House Bill 411 provides for habitat
24 acquisition within the, quote, "spill impacted region," if
25 Mr. Cole's statement is true, then the habitat acquisition

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1 process being discussed and established by the Trustee Council
2 is little more than a charade. Habitat acquisition as proposed
3 in House Bill 411 in fact is well within the terms of the
4 settlement, and what we heard from Mr. Cole was little more
5 than political posturing.

6 The Alaskans who have come forward time and time again
7 to express their support for habitat acquisition immediately
8 are the same people who are most impacted by the spill. These
9 are the people who responded in numerous heroic ways to help
10 attempt to clean up the Nation's worst oil spill. These are
11 the people whose subsistence opportunities were lost, whose
12 business income was seriously eroded, and whose bank accounts
13 have never recovered. These are the people who have fished,
14 hunted, subsisted and otherwise depended on the coastal forest
15 and marine ecosystem for years, and who hope to continue to do
16 so. These are also the people who know which areas are most
17 important and which areas are most threatened.

18 Mr. Cole has talked about developing a grand plan, but
19 House Bill 411 is a grand plan providing much needed
20 restoration activities for individual communities. To buy the
21 in-holdings in Kachemak Bay State Park, for instance, would be
22 the grandest of grand events for people in Homer and South
23 Central Alaska. The Community of Cordova wants and needs to
24 protect the Eyak River drainage for countless future
25 generations. Kodiak has united behind the idea of protecting

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1 two important drainage on Afognak Island. What else could be a
2 grander plan for the first 5% of the spill money than to join
3 hands across the gulf and help each other begin the restoration
4 process?

5 Thank you, Mr. Chairman.

6 MR. SANDOR: Thank you, Mr. Phips. Are there any
7 comments or questions by members of the Trustee Council or the
8 Restoration Team?

9 MR. COLE: Yes, Mr. Chairman. I would like to say,
10 Mr. Phips, I re-affirm here at this moment everything I said at
11 that meeting last Friday, just so that the record's clear and
12 there's no misunderstanding about it. And I'm not going to
13 retract one word I said. Okay?

14 MR. PHIPS: Okay. Just for the

15 MR. COLE: I hope you understand that. And I -- I'd
16 also like to tell you if you think you've furthered the
17 environmental movement by your remarks here this afternoon,
18 savaging me in the fashion that you've elected to do, I think
19 it's been a terrible mistake. Okay?

20 MR. PHIPS: Mr. Chairman, just for the record, I was
21 referring to Thursday's comments. I didn't hear Friday's
22 comments.

23 MR. COLE: You can put "Thursday's" in there.

24 MR. PHIPS: And I -- I regret that Mr. Cole has taken
25 offense, but many of us were offended by his comments on

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1 Thursday. Thank you.

2 MR. SANDOR: Thank you for your statement.

3 Moving on to the teleconference line, I believe that
4 everyone who wishes to testify has done so unless someone has
5 joined the group. Well, let's rerun it.

6 Fairbanks? Anyone at Fairbanks to -- to testify?

7 FAIRBANKS: We have no participants to testify.

8 MR. SANDOR: And Juneau still observers only? Is
9 Juneau still on line or -- or closed?

10 JUNEAU: We're on line and there's no one to speak.

11 MR. SANDOR: Thank you.

12 Kodiak? Anyone but observers?

13 KODIAK: No further testimony in Kodiak.

14 MR. SANDOR: And Seward?

15 SEWARD: Yes, sir, Seward is on line and listening.

16 Thank you.

17 MR. SANDOR: And Valdez?

18 VALDEZ: Valdez is on line.

19 MR. SANDOR: And no one to testify.

20 This leaves Anchorage, and we have one more. Two more.
21 Go ahead.

22 MR. PARKER: My name is Jeff Parker, and I'm speaking
23 representing the Alaska Sport Fishing Association and Trout
24 Unlimited.

25 I'm -- I'm a latecomer today -- to today's meeting, but

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1 I have a vague understanding that the Trustees have adopted an
2 alternative -- also an alter- -- an alternative C or a set --
3 potential set C of criteria for purposes of land acquisition.
4 And my understanding is that that third alternative set seems
5 to focus on contingent services measured by contingent
6 valuation. Assuming my understanding is correct, I think that
7 would -- is a fruitful avenue to pursue.

8 Along that line, I have a couple of suggestions. One
9 of the issues that I think faces the Trustee Council and the
10 public in any -- in establishing any criteria for land
11 acquisition, particularly if it is focused on the expenditures
12 of money that for the most part were probably achieved due to
13 what the state and federal government could do -- or could
14 potentially show with a contingent valuation study of non-use
15 or what are often called passive use, or what are alternatively
16 called existence or option values, those were the reputed
17 several billion dollar figures that were at times put in the
18 press, the question that emerges I believe from that likely or
19 probable source of the money as a settlement weapon in
20 negotiating with Exxon is -- or one question that emerges is do
21 you acquire lands for purposes of restoring a passive or
22 non-use -- a passive use, a non-use or an existence or option
23 value for scenic type qualities, or do you achieve -- to you
24 acquire them for wildlife sorts of qualities. That question is
25 relevant both in areas adjacent to where oil went, what we call

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1 the area affected by the spill, and it's relevant to areas
2 outside of -- of where floating oil went. It might be outside
3 of the area affected by the spill.

4 A question of whether or not you focus on -- on
5 acquiring for say a scenic value service or a fish and wildlife
6 value service. And -- and I'm focusing on services, because
7 it's passive, idiose (ph) or non-use or existence or option
8 that we're talking about. That question might be resolved by
9 looking at what the survey instrument was that the state's
10 experts used to -- excuse me -- used to try and achieve or to
11 measure those losses of values. I believe that that was most
12 likely a fish and wildlife based instrument. If that's the
13 case, then it may sen- -- then there is a better argument for
14 buying lands that have, or acquiring lands or conserving lands,
15 that have high non-use or passive use or existence or option
16 values for fish and wildlife, particularly probably charismatic
17 fish and wildlife, that may mean, for example, brown bear or
18 caribou, et cetera, and many high quality fishery values than
19 it does to buy something that has scenic values, a scenic
20 service, and I hope you understand the distinction I'm trying
21 to make here.

22 I believe, for example, if -- if the survey instrument
23 focused on scenic values, that is, what we were measuring was
24 the respondent's sense of loss, for oil on the water, oil on
25 beaches, those are scenic -- frequently scenic services, and

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1 that may make sense more to just buy blanket trees.

2 If, however, the respondent is responding to dead
3 animals, marine, birds, otters, then it makes more sense to be
4 buying habitat. And that may be outside of the spill area. My
5 personal druthers is buying habitat, but what I'm trying to
6 raise here is, the -- and I as probably several of you know,
7 I'm skeptical of blanket purchases of large -- large scale
8 purchases of trees in Prince William Sound. I am in favor, or
9 my clients are in favor of acquisitions of habitat in Prince
10 William Sound, in Southeast, for examples, those areas where
11 forestry practices may be a threat to habitat values, and that
12 probably means coastal -- that probably means, excuse me,
13 riparian zones where the Forest Practices Act is inadequate,
14 or coastal strips that may be important for both scenic and
15 wildlife values, but it probably doesn't mean large scale
16 purchase -- blanket purchases of trees, because for the most
17 part uplands of Prince William Sound are not prime habitat.
18 It's a marine ecosystem, and its values are for the most part
19 there.

20 However, if we're -- if -- if that survey instrument
21 was focusing on fish and wildlife mortality as -- as what was
22 being meas- -- when it was measuring the person's sense of loss
23 of passive use, non-use, existence or option value, then it
24 makes great sense to go over and look at where other habitats
25 are that have a commensurate or an equal service, an equal

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1 passive use, an equal existence value, and from the purposes of
2 the people who I work for, many -- many such habitats may in
3 fact be not where floating oil went, but in the Bristol Bay
4 drainages, for example, where you have high brown bear values,
5 high caribou values, highest fishery values in salmon heads
6 (ph), highest trout values, high raptor and bald eagle and
7 moose values, incredible services in the form of recreation.
8 Bristol Bay drainages being the most -- the -- the most -- the
9 heaviest use area for dispersed wilderness recreation, high job
10 production and commerce values, and I'll detail those to you in
11 a paper to you later that I've tried -- been -- meant to send
12 to you. And where you could frankly achieve a great bang for
13 the buck, probably one of the simplest acquisitions to acquire.

14 What that -- what that type of thing does is it focuses
15 on southern coastal drainages as I think most of you have known
16 that I have been trying to focus you on in the past.

17 For criteria, if there -- since I haven't seen Attorney
18 General Cole's, I believe it's his, alternative C, if there --
19 and I'll close with these remarks -- if there is a fleshing out
20 that is needed for that alternative, I would suggest a three-
21 part set of criteria: That the lands be valuable for fish,
22 wildlife -- fish or wildlife habitat, or for service -- you
23 know, for fish and wildlife or service purposes, and that they
24 face some clearly identifiable near or long-term risk, and that
25 they -- the acquisition of them bear some relationship either

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1 in terms of resources in the habitats or in terms of the
2 services to the injuries occasioned by the spill. In other
3 words, high value for habitat or services that face some
4 clearly identifiable near or long-term risk, and that it bears
5 some relationship to the injuries occasioned by the spill,
6 whether to habitats or resources or services.

7 Thank you.

8 MR. SANDOR: Thank you. Are there any comments or
9 questions? Thank you very much.

10 And I think you're the last person. Go ahead.

11 MR. McCUTCHEON: For the record my name is Jerry
12 McCutcheon.

13 Mr. Chairman, you won't have to worry about buying the
14 America. It isn't called the America, it's the S.S. United
15 States, and it's already sold for a couple of million dollars.
16 It will take a couple of hundred million to restore it, and
17 it's going to go into the tourist trade. So you're saved.

18 Mr. Cole, I would have added to your first amendment on
19 page four after Mr. -- the Secretary of Interior, "and the
20 Governor of the State of Alaska". And I think that applies to
21 other things. This is 50/50. I don't know what the hell we're
22 going onto a federal fiscal year for. Let's go on both years.
23 And we ought to go it all the way.

24 Taking six to 18 months for the previous year's work to
25 get it in form so it may be used for the following year's

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1 planning is just a big much. And it's the action of the
2 federal bureaucracy, and I guess there's not much there. But I
3 think if you cut their funding off along about Thanksgiving,
4 you'd be surprised how quick you'll get your reports out, and
5 you ought to have them by the first of the year.

6 Next, I guess I've -- I've watched -- what I've
7 witnessed today is I've seen the loss of control, and I've
8 probably already expressed that. And I see a further --
9 further the loss -- loss of control off to the federalities,
10 and I see a loss off control into the black hole of the
11 bureaucracy, and I would like to see that come back to some
12 kind of realistic thing.

13 I'm afraid that we're going to see that the weight of
14 the paperwork involved in getting the restoration done -- and I
15 don't like the word "restoration," "clean-up" is better 'cause
16 it's truthful -- is going to equal the amount of work we're
17 going to do, and then it might get done.

18 As far as public input would go, I think somebody else
19 addressed it, but I've got it down here and I'll address it.
20 If you will provide the public say a week in advance prior to
21 your meeting so that you have the opportunity to see the
22 material, the public has the same opportunity, then after you
23 get through with your first orders of business, you can put
24 that on the agenda and have the public hearing first, and they
25 can shoot their mouths off, tell you what they think about what

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1 it is you're going to do, and if you want to have a second one
2 and clean-up one after the meeting is done, that's up to you,
3 but I would get it. That way you'll get -- the public can't
4 say they didn't have input.

5 Speaking of public input, I don't know that those
6 committees that you're going to get involved in and appointing
7 from the public is really worth while. I've been on one of
8 those things, and I don't think so. It came down and we just
9 wasted a whole bunch of money. It happened to be Jay Hammond's
10 money at that particular time, the State of Alaska. But I
11 don't see -- if they've got a public input period of time, and
12 if they want to do it, do it and get on with it. Get out to it
13 and get going. I hate to see the bureaucracy continue to build
14 and finding a further and further excuse to build.

15 You can restore an old car, a boat, a building, an
16 airplane, but labelling the work that you're about to do or
17 supposed to do as restoration is a lie. You're not going to
18 replant sea grasses. You're not going to breed the birds.
19 You're not going to replace the mollusks. You're not going to
20 do anything but clean it up, if that. Now somebody mentioned
21 something, oh, they're going to have it (ph) growing sea
22 grasses. Well, I think one of the things you ought to have is
23 somebody who can think ahead and see how much these things
24 cost, and I think -- I can't think of a nuttier idea unless
25 it's taking an oiled bird and trying to clean it up. It just

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1 isn't worth the money. There comes some time that you've just
2 got to cut her off. It's called triage in people.

3 It also adds -- when you call it restoration rather
4 than calling it cleaning up, it adds to confusion. If you'll
5 remember, the last half hour you spent trying to waltz around
6 that word. The last half hour today, that's where you spent
7 your time in your -- in your meeting. And so the sooner you
8 get on and get rid of the word restoration, that you're not
9 going to do, the quicker you can get down to things and go
10 about the business of saying, well, you don't have to say it
11 like -- well, if you're trying to buy habitat, well, just go
12 say we've got to buy habitat, because we screwed it up. It
13 isn't going to be restored. Nature will get around to it some
14 day. It might be ten years and it might be 20 years, and it
15 might be 30 years, but to make up for this, we're going to go
16 buy a piece of ground somewhere and do it, and this gentleman
17 before me got into a great deal of detail about it, and I won't
18 cover it again other than to say, Mr. Cole, I share your
19 opinion on 411.

20 And furthermore, if you people are going to entertain
21 buying Kachemak Bay, I hope that you will put up enough money.
22 And first I hope that you will go to DNR and get yourself a
23 little spruce beetle map -- spruce beetle map and take a look
24 at it. A couple of dry years in a row and that's going down
25 the tubes. So if you're not going to put up the money, enough

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1 money to helicopter selectively log that thing and keep it
2 cleaned up, in a few years you're going to have an eye sore,
3 and I think you need to take a look at those kind of things.
4 When you buy something, now what's the consequences of us
5 having bought this? Are -- is there going to be money there in
6 the future to take care of this thing?

7 Symposium, I'd like to address that thing. I don't
8 know where the two Ph.D.s were coming from, but most of the
9 material collected from the spill is not suitable to a
10 symposium. I can only relate to professional symposium of the
11 Society of Petroleum Engineers where papers are submitted for
12 a peer review committee prior to being accepted, and then
13 they're selected after they get through with that. And they're
14 corrected and they're published, and they're put out well in
15 advance and you can buy a paper or the collection of papers,
16 and the collection of papers is only about the cost of ten of
17 the papers. And when you get there, you have ten rooms and
18 there's ten conferences going on at one time.

19 That's not what's contemplated here. And looking from
20 the material you've got in there, there's just no way you can
21 do it. And besides, you couldn't get a peer review on it. And
22 further you have another peer, and call it an ad hoc peer
23 review if you want to, all these people who got your paper, and
24 they're out to nail you, and so you're going to have to stand
25 that little test, too, and that's -- that's not what I see

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1 coming out of this.

2 I think that you could probably handle your
3 distribution by the public by printing two sets each on
4 document paper. Document paper, not plain paper. Document
5 paper. And in -- and those sets, give one to the State
6 Archives, one to the federal archives. Two sets -- I mean the
7 -- these two sets to the federal archives, two sets to the
8 State Archives, two sets to Alaska Resources Library, two sets
9 to the State -- State Library in Juneau, two sets to the
10 library -- Loussac Library, two sets to the Fairbanks Library.
11 And then after that, I think that maybe you ought to entertain
12 the possibility of putting it on -- oh, gosh, what's the name
13 of that machine that you've got? I've forgotten it. Anyway,
14 it's

15 MR. PENNOYER: Microfiche.

16 MR. McCUTCHEON: Microfiche. You put it on microfiche.
17 And we're rapidly coming into the world of diskettes and you
18 can put the whole works on a diskette, and I would make those
19 distributions for the rest of the libraries in the State of
20 Alaska and such other people who want -- who then would want to
21 buy them as that might be.

22 With that, gentlemen, have a good day.

23 MR. SANDOR: Thank you for your comments. Are there
24 any questions or comments on the testimony?

25 Any last -- or any other persons -- oh, I see two more.

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1 Sorry, I didn't realize we had additional testimony here.

2 Please proceed.

3 MS. BRODY: Thank you, Mr. Chairman. I'm Pamela Brody,
4 representing the Sierra Club.

5 First I'd like to say we're very happy that the -- the
6 scientific damage assessment studies will now be released to
7 the public. Equally important is the release of the economic
8 damage assessments, and I understand that that decision is
9 still to be made. This is not just an academic matter of
10 curiosity. I believe that the economic data will be relevant
11 to deciding what sort of restoration we should pursue,
12 particularly with the contingent valuation option, which we
13 support. I think that the -- the economic damage assessment
14 will be relevant to that.

15 Next I'd like to say with the -- the -- a couple of the
16 flow charts that were in the documents released today, there
17 were two different approaches to deciding what restoration
18 options would be followed: a hierarchical approach and a
19 concurrent approach. And in the hierarchical approach, habitat
20 acquisition was put at the bottom as the option of last resort,
21 and I don't think that there's any justification for why this
22 particular form of restoration should be considered the option
23 of last resort. I think it should be considered equally with
24 other options as it was in I think it was segment six. That
25 is, the concurrent approach is more appropriate.

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1 My third point is one in which I agreed with Attorney
2 General Cole, though possibly for different reasons, and that
3 is that the document said that -- it spoke of restoration to
4 prespill conditions as being the goal, and I don't think that
5 restoration of wildlife populations to prespill conditions
6 should be the only goal or the only measure of success. If we
7 can prevent further damages to this area, which is a big "if,"
8 but if we can, then perhaps the populations will eventually be
9 restored, but by the time that happens we may be all or -- all
10 old -- be old or dead.

11 And Alaskans and the people of America have suffered a
12 loss from the oil spill. It was certainly an extremely
13 emotional event and people felt it very closely, not only
14 people in Alaska, but people throughout the country and even
15 throughout the world. I -- I was coordinating volunteer
16 activities, and so I'm -- I'm very aware of -- of the passion
17 that people had about it.

18 Now, restoring populations eventually to original state
19 leaves out the fact that -- that people suffered a loss that is
20 to some degree retrievable. If I may use an analogy, it is
21 like, God forbid, you get hit by a truck, and you spend say a
22 year in the hospital and then you move to a -- to a wheelchair
23 and then a walker and then a cane and eventually maybe ten
24 years later you're restored to your -- your pre-accident
25 condition, but you've still lost those ten years of being okay,

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1 and you can't ever get that back, so if you sue the person who
2 hit you, you want compensation, money that you can use for
3 something else to make up for it, and -- and I believe that the
4 people who have suffered from this oil spill should get
5 something that makes things even better than the status quo in
6 terms of the -- the recreation opportunities and our pristine
7 wilderness and our well-being, and so I think that protection
8 of areas that are not protected now is the kind of thing that
9 compensates people for the loss that we have had.

10 And my last point is really just a very minor one, but
11 that is, there are some public meetings coming up that were
12 announced today, meeting in the spill-affected communities
13 starting as early as a week from today, and I realize it's too
14 late to change that now, but I would hope in the future that
15 when public meetings are announced that there is more public
16 notification than that. The people of Homer will find out in
17 their Homer News on Thursday about a meeting on Monday, and it
18 -- it's something that is helpful if the public has more
19 notification than that. Thank you.

20 MR. SANDOR: Thank you, Ms. Brody. Are there any
21 comments of the Trustee Council members? Yes, Mr. Pennoyer?

22 MR. PENNOYER: Mr. Chairman, I'd like to ask
23 Mr. Gibbons, is it true that there's only a week's notice of
24 these meetings or have you put out some preliminary
25 notifications already?

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1 DR. GIBBONS: I -- I think there's preliminary notice
2 out already for those meetings. Marty may have a better handle
3 on that, but I think -- I think there has been notice sent out.

4 MS. RUTHERFORD: I don't see L.J. Evans here, but I
5 believe we had -- we had attempted to get those draft notices
6 out last week. I could go check. I'm sure she's upstairs.

7 MR. PENNOYER: That's all right. Thank you.

8 MR. SANDOR: Okay. You had additional statement?

9 MS. BRODY: I did ask L.J. about that, and -- and she
10 said that -- that the -- the City of Homer was notified
11 earlier, but it won't get out into the newspaper, the Homer
12 News, until this coming issue on Thursday. Thank you.

13 MR. SANDOR: Any other testimony in Anchorage? Yes?

14 MS. MILLER: Hello, I'm Pat Miller representing the
15 Wilderness Society, and I will make my comments brief.

16 I primarily want to discuss the role of the NEPA
17 process in this exercise that we're going onto, and as NEPA
18 says, ultimately, of course, it is not better documents, but
19 better decisions that count. And we're in a kind strange
20 situation with NEPA in that there are many decisions that your
21 body made that will be made -- that are made prior to the
22 completion of the NEPA documents.

23 And my concern is pertaining to the importance of the
24 scoping process that the public is involved in right now, and
25 the importance that the Federal Register notice placed on the

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1 scoping process. And my concern that because the public at
2 this date does not have the results of the scientific studies
3 about the damage and we're being asked to provide the issues
4 that we think are important for a document that as the Federal
5 Regis- -- Register Notice states is for the next ten years of
6 restoration, the restoration process. I think it would be fair
7 to expect that the Trustees may need to supplement their
8 document at a later date once we have the full damage
9 information. As one of the earlier speakers mentioned, the
10 extent of damage to herring or some information that we don't
11 know at this date may affect how we believe the funds should
12 be spent.

13 And that's not to say that my organization -- my
14 organization still supports habitat acquisition as the priority
15 based on information we have to this date.

16 Another thing that NEPA says is agencies shall not
17 commit actions that will prejudice the consideration of
18 alternatives, and the Trustee Council has already decided to
19 expend funds for restoration management activities, and if you
20 look at this in a gross sense, three times the amount of money
21 is proposed for this budget cycle to be spent on management
22 actions as opposed to habitat acquisition, and to me that looks
23 like an action that could prejudice the future options. And I
24 think those kinds of concerns to be made real clear as we go
25 through both the restoration planning and the concurrent EIS

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1 process. Otherwise it's kind of preparing the EIS is a
2 fruitless exercise and we want better decisions, not just to
3 fulfill the appearances of the federal statute.

4 And, finally, I was a little con- -- confused today in
5 the agenda item on the financial management and submission of
6 the request from the Trustee Council to get money from the
7 court, if that request is envisioned to be made prior to the
8 receipt of public comments on the work plans. If that's indeed
9 the case, I'm not going to bother to comment on the work plans,
10 because the action will have been taken, and it's a fruitless
11 exercise.

12 So I -- could I ask a question about the budget
13 planning for this year and if that decision will be made prior
14 to receipt of public comment?

15 MR. SANDOR: Dr. Gibbons, do you want to respond to
16 that, please?

17 DR. GIBBONS: Yeah. The request -- the request is from
18 the court to move the money from the court into an interest
19 bearing account on the federal side, called the NERDA-R
20 account, and an interest bearing account on the gen- --on the
21 state side in the general fund. And then -- the -- the request
22 is to move it out of the court and into these other interest
23 bearing accounts and then, you know, proceed from there.

24 MS. MILLER: Okay.

25 DR. GIBBONS: It's not -- it's not to, you know,

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1 before the -- the plan.

2 MS. MILLER: Okay. But my understanding is the amount
3 that is being requested for the court to move is the amount
4 that is listed under the current budget for which damage
5 assessment close-out projects, the various restoration
6 management projects and all those things that the Trustee
7 Council's approved. Is that correct?

8 DR. GIBBONS: That's correct, but the authorization, if
9 -- if the plan shows that the public does not want one study
10 and the Trustee Council goes along with that, that money can --
11 it is not expended. It's sitting there gaining interest. It
12 can be moved back in. And that's what a lot of the things,
13 the left over fund from any proposed activities of 1992 will
14 not go into the general -- you know, will not go into the
15 agencies' budgets. It will be accounted for, so

16 MS. MILLER: Right. But the court's decision to move
17 the money is over at the point that they turn it over to the
18 governments, correct?

19 DR. GIBBONS: For that year.

20 MS. MILLER: Okay. Thank you.

21 MR. SANDOR: Thank you for your statement. Any other
22 comments or questions on that presentation?

23 For those on line, we have -- I think we have one or
24 two more in Anchorage, and then we'll poll the -- the -- those
25 on teleconference, but I think we have our last statement in

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1 Anchorage.

2 MR. WARREN: I'm Dan Warren with Prince William Sound
3 Aquaculture, and thank you for the opportunity. I just have
4 three short points.

5 First, we'd like again to stress the importance of
6 private nonprofit aquaculture representation on the Council's
7 public advisory, and feel that private nonprofit aquaculture
8 should be involved in the management and funding decision, and
9 do represent a wide spectrum of salmon users.

10 We'd also suggest finding a possible way of setting
11 aside an endowment possibly just for salmon work, including
12 biological cooperative work with agencies, rehabilitation
13 projects, sport fish development and even marketing research.
14 We feel there was an economic impact in salmon markets.

15 Point three, to continue with responsible enhancement
16 of salmon resources for existing and future enhancement and
17 restoration work, we need to stress developing a data base for
18 wild and hatchery stock interaction at both juvenile and adult
19 -- for both -- both juvenile and adult salmon. And this type
20 of research actually supports longer-term regional resource
21 restoration projects such as tagging or the seafost (ph) work
22 going on.

23 Definitely the effected communities dependent on the
24 salmon industry benefit from the -- the type of data that
25 provides very -- the fisheries managers precise information and

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1 management. There's a definite economic connection there.

2 Also many of the salmon data base projects have been
3 rejected by the working group and the council. And I just want
4 to stress that these aren't just science projects. They're
5 definite support for long-term economic and resource
6 restoration, and it's very critical that this type of work is
7 longitudinal over a period of time, so rejecting a project year
8 by year based on preliminary findings, there may not be
9 anything astounding to year by year findings, but they are the
10 data base that's needed for this future type of restoration
11 work.

12 Thank you.

13 MR. SANDOR: Thank you for your statement. Any
14 comments or questions? After we poll the folks on
15 teleconference, we'll set the teleconference date for
16 continuation of this meeting. Polling the -- the units we
17 believe are still on line: Fairbanks? Any statements there?
18 Juneau?

19 JUNEAU: No at this time, Mr. Chair, Thank you.

20 MR. SANDOR: Kodiak?

21 MR. PATRICK: I'd like to give one more comment,
22 please?

23 MR. SANDOR: Please proceed.

24 MR. PATRICK: Mr. Cole, this is Greg Patrick of Kodiak
25 Audubon again. I just want to ask you personally, are you

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1 going to be able to remain objective on this habitat
2 acquisition issue? I'm not certain with your comments earlier
3 if you are. Okay?

4 MR. SANDOR: Is that your statement? Mr. Cole?

5 MR. COLE: No, he asked me a question. And the answer
6 is of course.

7 MR. SANDOR: Any other comments from Kodiak?

8 MR. PATRICK: Mr. Cole, that makes my evening.

9 MR. SANDOR: Any other comments from Kodiak?

10 KODIAK: No, thank you.

11 MR. SANDOR: Okay. Seward?

12 SEWARD: Mr. Chairman, thanks very much. I might have
13 missed it in this agenda packet, but could somebody just
14 briefly tell me if criteria have been established for
15 non-habitat acquisition projects that may meet restoration
16 objectives? Have -- have there been criteria established for
17 projects, sir?

18 MR. SANDOR: Dr. Gibbons?

19 DR. GIBBONS: Yes, we dealt with that. We have
20 criteria for restoration projects that had been passed out at
21 the February 5th and 6th Trustee Council meeting, and will be
22 included in a draft restoration plan.

23 SEWARD: Thank you very much.

24 MR. SANDOR: Anything -- any other comments from
25 Seward? Valdez? Have I overlooked any communities on line?

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1 Any last testimony from Anchorage?

2 MR. McCUTCHEON: If there's nobody else? Earlier in
3 the day you addressed having money managers, and I was rather
4 curious about that. My first response to it, well, why are
5 you hiring separate money managers? Why don't you just go
6 over to the Permanent Fund and say, "Hey, take care of this for
7 me." And then now I think it was Mr. Gibbons who stated that
8 there are going to be two separate pools of money, one federal,
9 one state. Is that correct?

10 MR. COLE: Let -- may I respond? I was a little
11 shocked to learn that this money may be going into the general
12 fund of the State of Alaska. It gives me the willies, because
13 only the Legislature gets it out of the general fund.

14 MR. McCUTCHEON: That's right.

15 MR. COLE: And I think that, you know, we should -- I
16 would -- well, anyway, I don't want to say anything else.

17 MR. SANDOR: Dr. Gibbons?

18 MS. RUTHERFORD: The Office of Management and Budget
19 advises us it would go into a special account within the
20 general, a separate

21 MR. McCUTCHEON: There is no such thing.

22 MS. RUTHERFORD: Well, it's -- for purposes of -- of
23 tracking as a

24 MR. McCUTCHEON: There's two pools of money in the
25 State of Alaska. That which is in the Permanent Fund and that

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1 which belongs to the general treasury, and that's all there is.

2 MR. SANDOR: It's obvious this is going to have to have
3 additional research.

4 MR. McCUTCHEON: All right. Anyway, if we're going to
5 have two separate pools of money, I would like to suggest that
6 the State pack up its marbles and its money and go its separate
7 way and say "Good-bye, federalities," and I don't care what you
8 federal people do. And we can set up some kind of a permanent
9 fund or restoration fund if you want to call it that. I'd call
10 it a clean-up fund, or something to do with Prince William
11 Sound. You can dedicate or non-dedicate the money to it as it
12 be, and we can go our separate ways and cut a lot of
13 bureaucracy out and I'm sure the State can take its portion of
14 the money and wind up spending it alone wiser than the -- than
15 you jointly are going to wind up doing over the next ten years.

16 Thank you.

17 MR. SANDOR: Thank you. Any other comments? If there
18 be none, the public comment period is closed, and we will now
19 set the date for the continuation of this meeting in
20 teleconference form. In polling the members of the Trustee --
21 in polling of

22 (Feedback)

23 MS. EVANS: Why did they leave?

24 (Laughter)

25 MR. SANDOR: Polling the members of the -- the Trustee

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1 Council, I find Carl Rosier is occupied the fif- -- well,
2 travelling the 11th to the 15th, and suggested May 18. Is May
3 18 an objectionable date to any member of the Council?

4 MR. BARTON: It's not possible for me.

5 MR. SANDOR: Not possible? So that's a bad date.

6 Well, let's do this: Councilmember Rosier is on travel status
7 all week, and how long would we expect this teleconference
8 meeting to last and -- and in what -- and on what -- what time
9 might it be? Afternoon?

10 DR. GIBBONS: Hopefully it will -- it will be an
11 afternoon session, it will be streamlined budget package, move
12 right through that and -- and be done with it.

13 MR. BRODERSON: I'd recommend two days.

14 (Laughter)

15 MR. SANDOR: Sounds of skepticism perhaps.
16 Dr. Montague?

17 DR. MONTAGUE: Yes. Yes, Mr. Chairman. Wouldn't we
18 need to also present the remainder of the '93 work plan
19 schedule at that?

20 MR. SANDOR: Well, our intent was to -- to cover those
21 items deferred as -- as well as the -- its relationship to such
22 items I think that you're referring to. Dr. Gibbons, do you
23 want outline the agenda that's intended for?

24 DR. GIBBONS: My -- the two agenda items that I have,
25 and I'd like to keep it short, would -- one would be the

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1 financial operating procedures and the budget to go along with
2 that, and the other items would be -- the other item would be
3 the operating procedures for the public advisory group so they
4 can have meaningful comment on that. And that was the two
5 agenda items I thought were -- were slated for the
6 teleconference.

7 MR. SANDOR: Okay. Looking at Councilmember Rosier's
8 note, he says alternate the week of May 18 -- Mike Barton, are
9 you also travelling all week on that week or is that any day?
10 The 19th? The 20th?

11 MR. BARTON: No, I'll be gone the entire week of the
12 18th.

13 MR. SANDOR: I suggest that we schedule something the
14 week of 11 to 15 and -- and get an alternate perhaps for
15 Rosier, or to try to have him tie in on teleconference while in
16 travel status. What we're trying to do is set a date so that
17 the public here and any remaining on line would know when the
18 meeting is going to continue. May the 14th is not possible for
19 one of the others, but how about the -- is there a preference
20 for the Restoration Team, for you, Dr. Gibbons, or the staff on
21 -- on the 13th or the 15th or the 12th?

22 DR. GIBBONS: Maybe I can ask the -- the chair of
23 that -- that working -- that working group on finance if -- if
24 she feels that that's enough time to get it done?

25 MS. BERGMANN: Mr. Chair, I'm concerned that that's too

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1 early. Two of the R- -- well, my -- I'm going to be on travel
2 the entire week of May 3rd, and, Dave, you're on travel that
3 week as well?

4 MR. SANDOR: How about the 15th?

5 MR. COLE: Mr. Chairman?

6 MR. SANDOR: Yes?

7 MR. COLE: Can't we do this at -- say at 7:00 o'clock
8 at night? Every- -- everyone in the world is near a telephone
9 at 7:00 o'clock at night unless you're in an airplane. I mean,
10 I just think we ought to just get a date in the evening and
11 just say that's it and everybody find a telephone and be done
12 with it. This is pretty important.

13 MR. SANDOR: Is the 15th too soon a date for?

14 MS. BERGMANN: That was my concern, that that's just
15 not going to allow us enough time to get the materials
16 together. I think early the following week would be a more
17 reasonable time period.

18 MR. SANDOR: Yeah, we have -- how about you? Are you
19 accessible by teleconference, Mike, the week of the 18th?

20 MR. BARTON: Perhaps on the 20th. In the evening
21 you're talking about, not during the day.

22 MS. RUTHERFORD: Mr. Chair, let me -- I want to point
23 out that right now tentatively Anchorage is scheduled for the
24 scoping meetings on the 20th. May I ask L.J. if that

25 MR. SANDOR: Yes.

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1 MS. RUTHERFORD: could be changed?

2 MS. EVANS: Would be very possible.

3 MS. RUTHERFORD: All right. Then that could be
4 changed.

5 MR. SANDOR: So then propose May 20 at -- in the
6 evening at seven Alaska time? Or do you want it earlier?
7 Seven? Six?

8 MR. PENNOYER: Try to make a little earlier so we don't
9 cut ourselves off at the end.

10 MR. SANDOR: Yeah. Six p.m. on May the 20th. Is that
11 --? Okay. We'll have a continuation of this meeting May the
12 20, 6:00 p.m. Teleconference to be arranged by staff.

13 Any final comments or conclusions to -- to make?

14 One expression I guess for the next regular conference
15 meeting, a number of folks had suggested public information
16 comments first. Is there any expression or thought on the
17 Council members of whether we want to -- to introduce that into
18 the agenda? Regular agendas? Any thoughts?

19 MR. BARTON: For subsequent meetings?

20 MR. SANDOR: Yes, subsequent meetings?

21 MR. BARTON: I think it would be a good idea.

22 MR. SANDOR: Is there any objection to having a public
23 comment period beginning in advance of the

24 MS. RUTHERFORD: Mr. Chair?

25 MR. SANDOR: regular agenda items? Yes?

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1 MS. RUTHERFORD: I -- I just -- L.J. indicates that
2 that might be very difficult to do with the Legislative
3 Information Office system splitting the teleconference at the
4 beginning and end. Maybe is -- do

5 MR. SANDOR: Let's -- let's research that then and --
6 and report that at the teleconference meeting itself, shall we?

7 MS. RUTHERFORD: Okay.

8 MR. SANDOR: Okay. Any last items?

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

10 MR. SANDOR: Yes?

11 MR. COLE: I would say let's think about the whole
12 process of

13 MR. SANDOR: Okay.

14 MR. COLE: comments in the morning, or, you know,
15 at the beginning rather than the evening.

16 MR. SANDOR: Thank you very much. This session will be
17 concluded tonight and recessed and -- and extended to a
18 teleconference on the 20th of May, 6:00 p.m. Thank you. Good
19 night.

20 (Off record)

21 (END OF PROCEEDINGS)

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THAT the foregoing pages numbered 02 through 259 contain a full, true and correct Transcript of the Exxon Valdez Oil Spill Settlement Trustee Council meeting taken electronically by Meredith L. Downing on the 27th day of April, 1992, beginning at the hour of 10:00 o'clock a.m. at the offices of the Oil Spill Public Information Center, 645 G Street, Anchorage, Alaska;

THAT the transcript is a true and correct transcript requested to be transcribed and thereafter transcribed by Meredith L. Downing and myself to the best of our knowledge and ability;

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

DATED at Anchorage, Alaska, this 30th day of April, 1992.

Karen E. Squires

Notary Public in and for Alaska
My Commission Expires: 3/29/94

S E A L

