

9.2.8

EXXON VALDEZ OIL SPILL SETTLEMENT
TRUSTEE COUNCIL

RESTORATION OFFICE
645 G Street
Anchorage, Alaska
June 29, 1992
8:00 a.m.

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EXXON VALDEZ OIL SPILL
TRUSTEE COUNCIL
ADMINISTRATIVE RECORD

TRUSTEE COUNCIL MEMBERS:

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MR. CHARLES COLE
Attorney General

State of Alaska Department
of Environmental
Conservation

MR. JOHN SANDOR
Commissioner

Alaska Department of
Fish and Game

MR. CARL ROSIER
Commissioner

USDA Forest Service

MR. JIM WOLFE

National Oceanic and
Atmospheric Administration

MR. DON COLLINSWORTH
Deputy Regional Director
National Marine Fisheries
Service

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. McVEE: I would like to call this meeting
3 of the Exxon Valdez Oil Spill Settlement Trustee Council to
4 order. And here today on the Trustee Council is Carl Rosier,
5 Commissioner of Fish and Game; Jim Wolfe, representing the
6 Regional Forester, Mike Barton; John Sandor, Commissioner of
7 the Department of Natural Resources; Attorney General Charlie
8 Cole; and representing Steve Pennoyer, Don Collinsworth, NOAA.
9 I'm Curt McVee with the Secretary's Office, Department of
10 Interior, and I've been drafted today to chair the meeting.

11 We rotate that chairmanship around. I guess I'll have
12 to admit it probably was about my turn, so -- Carl and I have
13 cut a deal. He'll do it next week. I'll get that on record
14 early. Or next -- the next meeting.

15 In response to -- to comment and -- public comment and
16 request, I think it was at the last meeting, we have scheduled
17 a public comment period starting at the beginning of the
18 meeting today, and maybe just before I do that, I'll ask
19 Dr. Gibbons if he has any announcements that we should make at
20 this time? Do you have anything?

21 DR. GIBBONS: Nothing at this time. Just that,
22 you know, the -- the public session at the beginning of the
23 meeting is -- was the -- from the request of the public to
24 provide input before we get to the agenda items as -- as we
25 move through the -- through the agenda. So if -- if the public

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1 has any comments on the agenda items, just -- you know, for --
2 for consideration, this would be the time to make those and
3 then again afterwards, the from five to seven teleconferencing.

4 MR. McVEE: Yes, this -- this early public
5 comment period is not teleconferenced, so it would be just for
6 those that are -- that are present here in Anchorage. Is there
7 anyone that wishes -- wishes to make comment on the agenda
8 items at this time? Yes?

9 MS. McGEE: This is not an agenda item, just an
10 item of -- of note for all of you.

11 My name is Mary McGee, otherwise known as Mo, and I
12 have been the director of the Oil Spill Public Information
13 Center, and most recently the project manager here in the
14 building for both the library and the support staff for the
15 agencies.

16 As of Wednesday I will be leaving this job and moving
17 over as the director of Anchorage Municipal Libraries, so being
18 an information provider for the City, I'll keep track of all of
19 what you're all doing.

20 But at this point I want to introduce my successor in
21 the library, Kerry Holba, and Ron Beuyer will be doing the
22 project manager for the building. Ron? Thank you both.

23 And I just wanted to thank you all for your support
24 for the library and the project here; show you in case you
25 haven't had as chance to see what the science studies look

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1 like. This is a sample, very nicely done by the State through
2 the offices of Preston, Thorgrimson. They're color-coded as to
3 the studies. The blue happens to be -- be marine mammals. And
4 each one is color-coded depending on the type of studies.
5 Inside are tabs for the dates and the study plans, interim
6 studies and the final report.

7 And for those of you that have not had a chance to see
8 them, I invite you over at your break or the lunch time over to
9 the library to have a chance to see those.

10 At one of the early meetings in discussing the budget,
11 Mr. Cole was very interested in the student packets and the
12 information packets given to teachers. This is a sample of a
13 student package. It's sent out to students that request
14 information about the spill.

15 This is a sample of the packet that goes out to
16 teachers. It has curriculum packets for units K through 12 as
17 well as information for them. These will also be over in the
18 library available for you all to have a chance to look at.

19 MR. COLE: About how many of each have been
20 sent?

21 MS. MCGEE: Altogether?

22 MR. COLE: Yes.

23 MS. MCGEE: May I refer this question to Kerry?

24 MR. COLE: Sure.

25 MS. HOLBA: Many, many. Some -- our largest

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1 group of patrons, if we were going to group patrons, probably
2 are students and teachers, librarians, students from elementary
3 school all the way through graduate school.

4 MR. COLE: And a couple more questions. Well,
5 about -- I mean, "many, many," is that 50 or 1,000 or more?

6 MS. HOLBA: We've probably sent about, oh, I
7 would say 20 to 30 a month.

8 MR. COLE: So in a year you've sent around 250?

9 MS. HOLBA: Uh-huh. Now, this -- this varies
10 according to the time of year, of course.

11 MR. COLE: Of course.

12 MS. HOLBA: We don't -- according to the school
13 year.

14 MR. COLE: And -- and most have been from the
15 students or the teachers, and what is the geographic
16 distribution? Have -- have those ben generally throughout the
17 United States?

18 MS. HOLBA: Throughout the United States and
19 Alaska -- including Alaska. We have -- we work closely with
20 the -- the teachers in Alaska especially in Anchorage working
21 on curriculum (indiscernible) teaching (indiscernible).

22 MR. COLE: Thank you.

23 MS. McGEE: You might be interested, it was the
24 Gruening School in Eagle River?

25 MS. HOLBA: Gruening.

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1 MS. MCGEE: Gruening Junior High did a
2 coordinated curriculum unit in which they used math, science,
3 social studies, and they had a mock -- mock trial that the
4 students put together. This was last year. And it was so
5 successful in the school that the teachers came back again this
6 year to pull together more materials and do the same kind of
7 units, so they're using it in a variety of ways to support
8 their curriculum.

9 MR. COLE: Thank you.

10 MS. MCGEE: Thank you very much and the best of
11 luck to all of you.

12 MR. McVEE: Good luck to you, Mary, on your
13 new -- new job. That's a real challenge.

14 MS. MCGEE: Thank you.

15 MR. COLE: Mr. Chairman?

16 MR. McVEE: Yes, Mr. Cole?

17 MR. COLE: When -- you know, you -- you
18 remarked about public comment on the agenda, but should --
19 would it be all right if we expanded that public comment on any
20 subject having to do with the -- you know, with this Trustee
21 Council? I mean, it's -- you know, we can sort of open it up
22 for whatever is coming?

23 MR. McVEE: Yeah, that's fine. Any -- I'll
24 call again then for public comment and expand it beyond the
25 agenda? Is there any- -- anyone who wishes to make public

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1 comment?

2 MR. COLE: Senator, tell us

3 SENATOR STURGULEWSKI: I'll be back

4 MR. COLE: what you have in mind?

5 SENATOR STURGULEWSKI: I'll be back at 5:00
6 o'clock, okay? I just want to kind of case the place.

7 MR. McVEE: That figures. Okay.

8 I guess we have no one at this time. We will have the
9 5:00 o'clock till 7:00 o'clock public comment period then this
10 afternoon.

11 With that then I'd like to start down through the
12 agenda. Is there -- Do Council members have any changes or --
13 or -- that they want to make in the agenda, or additions to the
14 agenda at this time? One that I would like to suggest is that
15 we move the financial operating procedures up to item four,
16 ahead of the '93 work plan since those procedures do dictate
17 some of the -- sequence of some of the schedules within the
18 '93 work plan. Is that -- is that acceptable to everyone?

19 MR. SANDOR: Would you repeat that?

20 MR. McVEE: The -- the financial operating
21 procedures

22 MR. COLE: Number nine.

23 MR. SANDOR: Number -- number nine would
24 go

25 MR. McVEE: Which is now item nine, I'd

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1 MR. SANDOR: Okay.

2 MR. McVEE: like to move up just to
3 follow item three, make it item four. If that is acceptable
4 to

5 MR. WOLFE: Okay.

6 MR. McVEE: the Counsel?

7 MR. COLE: Mr. Chairman?

8 MR. McVEE: Yes.

9 MR. COLE: I -- I would like to thank the
10 staff, and compliment the staff for the fine series of
11 notebooks given to us earlier for this past week in prepar- --
12 so we could utilize them to prepare for this meeting. It's
13 exactly what I had in mind. I think it's very well done.

14 And secondly, if we could plan on lunch at -- a lunch
15 break at 12:00 to 1:15, I'd like to do that, if that's
16 agreeable to everyone.

17 MR. McVEE: It's fine with the Chairman. If
18 it's acceptable to everyone else, we will break at 12:00
19 o'clock until 1:15.

20 Any other comments from Council members before we go on
21 into the?

22 The first item on the agenda is the status of the
23 public participation working group, and one of the big
24 notebooks that Attorney General Cole refers to has been put
25 together by that -- that group, and to make that presentation

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1 is Marty Rutherford. Marty?

2 MS. RUTHERFORD: Good morning, Mr. Chair. Just
3 to quickly reiterate what was in the memo that was attached to
4 the booklet, there are three tables. The first is an
5 alphabetical listing and in that is an indication of their
6 address, of each nominee's address, of their principal
7 interests, affiliations, who they were nominated or endorsed
8 by, and whether or not their information was complete. At one
9 point in time the chart indicated that several were incomplete,
10 but we were able to get all -- everyone's packet of
11 information, so they are now all complete.

12 I do want -- on this chart there's a couple of things
13 I'd like to not. We drew from this chart the information for
14 the following two tables, that was the listing of all principal
15 interests and the communities.

16 I think it's important to note here that some people
17 listed more than one community as their address. We simply
18 took the one that they listed first. So, for instance, if
19 Brad Phillips had listed Anchorage and then Valdez, we took
20 Anchorage, so he's -- he's reflected in the Anchorage community
21 chart, so there may be people who actually consider themselves
22 citizens of both communities.

23 The other thing that I wanted to point out to you is
24 when someone indicated that they were affiliated with or
25 endorsed by a particular group, but there was no letter

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1 substantiating that, we did take their word for it and
2 reflected that in this alphabetical table.

3 And finally, in some of the letters that came in, it
4 was a little unclear as to what principal interests nominees
5 wanted to be associated with, so I did call every single one of
6 them, and what is reflected on this table is exactly what they
7 told me in person, except for Mr. Knecht out of Kodiak. And
8 that is the only person I did not talk to. Other than that, it
9 is an accurate reflection of their -- what they feel they
10 should be associated with.

11 At the April 27th Trustee Council meeting you had asked
12 that as part of our nomination process -- as part of our
13 nomination process, we query the public as to whether or not
14 they felt that there should be designated seats on the public
15 advisory group, and if so, how many seats per principal
16 interest. We did ask that -- for that information, and we did
17 get responses back. I think we got eight responses in all.

18 The public -- seven -- seven of them said that the
19 public advisory group should have designated seats. One said
20 -- made the statement that just a broad spectrum of interests
21 should be reflected as part of the -- of the public advisory
22 group. And finally one of them said that municipal government
23 should not be considered a principal interest, that they should
24 be a partner in your deliberations.

25 We did not receive any comments on how many seats per

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1 specific principal interest.

2 Again, each of the tables has a number next to it, and
3 that number is associated with the number of the nominee with -
4 - where you will find all the information that we received on
5 that particular nominee.

6 I think that's all I have to -- oh, one other thing.
7 The public only received the alphabetical chart, so that is all
8 that the public has in hand, although that is by far and away
9 the most comprehensive table.

10 MR. McVEE: Okay.

11 MS. RUTHERFORD: I'm available for questions if
12 you have them.

13 MR. McVEE: Does the Council have any questions
14 at this time?

15 MR. SANDOR: Mr. Chairman, I just -- I guess I
16 have a comment. This comprehensive package is just really
17 remarkable. A tremendous amount of work both in the format
18 and content, but I guess I'd just make the observation,
19 Mr. Chairman, although, you know, hundreds did not indicate an
20 interest, somewhat over 30, I thought the -- the -- that the --
21 that the range of interest was broad. I thought the -- the
22 tremendous level of interest represented by very qualified
23 people, and I think the numbers of -- what impressed me perhaps
24 most of all was the extent of the endorsements of -- which
25 broadened even the focus of attention on this.

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1 Marty, is this -- how do you feel about this total
2 package of -- of nominees? Do you feel we have met the
3 objective of breadth and -- and depth, or are you disappointed
4 that there aren't more or -- any observations?

5 MS. RUTHERFORD: I was also impressed with the
6 -- with the endorsements and the affiliations. I thought it
7 was very broad.

8 I was -- I was surprised that there were not more,
9 frankly. I did expect upwards -- closer to 100, so when there
10 were only 31, I was -- I was somewhat surprised, but I thought
11 the quality of -- of the nominees was very good also.

12 MR. COLE: Mr. Chairman?

13 MR. McVEE: Yes?

14 MR. COLE: I like Ms. Rutherford am a little
15 disappointed that we did not get more nominees. I mean, if you
16 review these documents presented to us and see the interest
17 which so many people have in the work of this Council, I mean
18 ranging from "don't buy habitat" to "buy more habitat," from
19 "don't have so many studies" to "more studies," et cetera, et
20 cetera, then I'm surprised that we didn't have more people come
21 forward and offer to help us and advise us in making what they
22 view as the proper decisions. It's a little disappointing to
23 me.

24 MR. McVEE: Yes, I -- I was expecting that we'd
25 get quite a few more also. I found quite use the -- the break

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1 -- the analysis by principal interest and by community, and --
2 and I guess -- I think it was important to look at the
3 participation by community as we go through the selection
4 process so that we can get a good representation, and it seems
5 like that -- that although in many cases we haven't got a lot
6 of people, that, you know, -- that we have got -- we have got
7 a couple choices at least.

8 MR. SANDOR: I -- Mr. Chairman?

9 MR. McVEE: Yes, Mr. Sandor?

10 MR. SANDOR: A reason why I brought up this --
11 this matter of the number of candidates, I want to put to rest
12 unless -- or I guess the decision of the group that the -- that
13 the nominees is more than adequate to -- to continue the -- the
14 selection process as opposed to re-opening it to expand the
15 number. Is the disappoint of -- of anyone on the Council such
16 that, you know, they -- they believe we can't go forward with
17 these selections? Marty, would you have any recommendation in
18 that regard?

19 MS. RUTHERFORD: Mr. Chair, we have not gotten
20 any indication that people missed the timeline. We -- if they
21 had have, if we'd gotten that, I would have asked for their
22 information and -- and included it as a supplementary and told
23 you they'd missed it, but we have not gotten an indication that
24 anyone missed it, or that there was -- if we went back out for
25 an advertisement that there would be any number in addition to

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1 this, so I'm not -- we might, if we -- if you wanted to pursue
2 a larger number, we'd probably have to figure out another way
3 to -- to try to garner that interest.

4 MR. McVEE: Any comments by Council members?
5 One of the jobs we have later on today is an executive session
6 where we would sort through this list category by category,
7 name by name I guess. We'll have to decide how we're going to
8 do that, and I think at that time as we do -- go through that,
9 we will be able to -- to specifically identify whether we have
10 adequate representation or good candidates all the way through,
11 but just in -- in looking at this over the weekend, it looked
12 to me like that -- that we've got some, you know, some pretty
13 good choices, that we have some good candidates to look at as
14 -- as we get into that executive session. Other comments
15 by?

16 I tried to call the Secretary's office, of Interior,
17 this morning to see what -- if there's anything new on the
18 status of the -- the P.A.G. charter and I wasn't able to make
19 contact with the person. The charter was filed with -- with
20 G.S.A., and I guess I could assume that since I haven't heard
21 anything back in the last week that G.S.A. does not have a
22 problem with it hopefully, and that they had given me a time
23 line earlier of about two weeks before G.S.A. would act, so I
24 don't think there's anything there that precludes us from
25 moving ahead with -- with the selection and nomination process.

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1 Is there anything else on the public participation
2 working group, Marty?

3 MS. RUTHERFORD: Just -- just an update on the
4 -- on the operating procedures. We have reworked them and
5 they're in -- will be ready to go out to -- to you for
6 information probably in the next week. We won't ask you to act
7 on them, however, given your direction last meeting where you
8 indicated that you -- once they were -- were reworked that you
9 wanted the -- the sitting public advisory group to take a look
10 at them before they came back to you for approval.

11 MR. McVEE: Very good.

12 MS. RUTHERFORD: Thank you.

13 MR. McVEE: Anything else? Thank you very
14 much, Marty, for your information for

15 Moving on to the third item on the agenda is the 1992
16 draft work plan. I guess Byron Morris has that item?

17 MR. MORRIS: Yes. Is this on?

18 You received last week a package with the draft of the
19 comments and the responses. There is the revised version that
20 I guess is not quite ready yet. It should be a little bit
21 later this morning. We're -- we're a little bit ahead of time
22 here, on -- on the Council meeting. But we don't expect there
23 to be any substantive changes. We had an editor look at this
24 package for -- just to improve the -- the writing of it.

25 Let me just refresh your memories on the process that

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1 we went through. We released the restoration framework
2 document and the 1992 work plan, the two green books, for
3 public review approximately March 26th with -- with comments
4 due back on the 4th of June. We accepted comments that were
5 postmarked on the 4th of June through the 8th of June and then
6 convened a group to go over all the comments received, identify
7 and code them as to whether they were on the 1992 or on the
8 restoration framework document, or on something else such as
9 public participation.

10 This group worked very hard for a period of
11 approximately a week to get us a package on the -- the
12 Restoration Team a package on the 17th of June to -- to then
13 further review and -- and put into final form so we could get
14 it to you last week. That's what you have before you.

15 Ninety-eight individuals or organizations commented on
16 the '92 work plan, 67 by mail and 31 at public meetings that
17 were held during the May scoping process. Approximately 85% of
18 these comments were from Alaskans and 15% came from outside
19 Alaska.

20 The comments that we received from the public were --
21 were very consistent with the previous public testimonies that
22 we -- we had gathered and ranged across the wide spectrum of
23 issues that we have been dealing with. There were differing
24 views presented on almost every issue, and this reinforces our
25 belief of the necessity of continuing dialogue with the public

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1 on -- on these many issues.

2 In the package that you have before you, the comments
3 are organized into three groups. At the front is a summary of
4 the comments and towards the end of the document are the
5 specific comments that we gleaned from the letters arranged by
6 topic and -- and which identify the individual commenters by a
7 code number. And the three sections are programmatic issues,
8 the injury assessment studies and the restoration projects.

9 The programmatic issues were not directed at specific
10 projects in the 1992 work plan, but relate to the approach to
11 restoration that the Trustee Council has taken, and suggests
12 changes or modifications of the process. Some of the issues of
13 concern in this regard included more immediate restoration
14 activities, attention to National Park lands, and suggestions
15 on how the restoration money should best be spent.

16 Comments on the injury assessment aspect addressed the
17 damage assessment close-out, and the damage assessment
18 continuation studies. Again, there were divergent views
19 expressed on whether they were needed or should be
20 discontinued. Only a few mentioned specific projects by name.
21 Certain commenters requested better injury information. Others
22 felt that injury to services -- services was felt by some
23 commentat- -- commenters to be a missing component of the study
24 plan. Since, of course, these comments were made, the -- the
25 study information has been released to the public as in the

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1 OSPIC library.

2 Restoration issues received the bulk of the comments.
3 Many commenters suggested additional projects for consideration
4 in 1992. These suggestions ranged from additional projects on
5 specific noncommercial species, additional or modified projects
6 on commercial species, inclusion of pollution prevention and
7 clean-up projects, suggestions on archaeological projects, the
8 need for subsistence studies, and the need for long-term
9 monitoring of the ecosystem. Almost half the comments
10 received, 46 of 98, addressed land acquisition. The majority
11 of these, 32 in number, felt that land or habitat acquisition
12 including timber was the best use of restoration funds.

13 The document in your hands summarizes and responds to
14 the comments received. A number of public comments -- a
15 summary of the public comments is presented for each of the
16 three main issues identified, and specific comments and their
17 responses follow the summaries and are organized into issue-
18 specific subcategories. As I said before, at the end of the
19 document is an -- is an appendix which keys the comments to the
20 party which provided them.

21 The item in your package is a decision document
22 prepared by us for the Trustee Council to approve or modify the
23 1992 work plan as a result of their review of the public
24 comments.

25 The restoration team makes a recommendation to the

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1 Trustee Council on the final approval of the 1992 work plan,
2 and based on the fact it was -- there was very little public
3 comment regarding the specific projects contained in the 1992
4 work plan, we recommend that you approve the 1992 work plan
5 without modification or deletion of any projects.

6 We have gone two steps further with -- with these
7 comments. One is to defer -- or to refer the suggestions for
8 new projects to the 1993 work plan working group for
9 consideration for the 1993 work plan, and to refer the land
10 acquisition comments to the habitat protection working group
11 for their further -- further consideration as they develop the
12 process.

13 We have no further recommendations to make. We
14 provided this information to you hopefully at an early date so
15 you'll have a chance to review it, and comment on anything
16 specifically in it that the Trustee Council should wish to.

17 Thank you.

18 MR. McVEE: Are there any questions for
19 Mr. Morris from the Council?

20 MR. SANDOR: Mr. Chairman, it might be
21 beneficial to -- to just refresh everyone's memory on the --
22 the time spans of -- the work plan runs through -- had been
23 running from March to March, and we're switching to a fiscal
24 year. There's two fiscal years, a federal -- federal fiscal
25 year and a state fiscal year, and, of course, our budgets are

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1 associated with that. Would you want to -- to confirm, I guess
2 the -- the chronological time period that the 1992 work plan
3 literally covers first of all?

4 MR. MORRIS: I can -- I can do it in a -- in a
5 brief summary. The 1992 work plan includes studies that were
6 budgeted to continue through to March 1st of 1993. The --in
7 developing the 1993 work plan which will go out for public
8 review hopefully about October of this year, it will include
9 elements of the 1992 work plan that -- that would continue to
10 March, plus it would -- would include anything new that might
11 begin anywhere from potentially October, but there's a public
12 review period involved in there before we go to the final
13 budget approval, through the following -- to the following
14 October of '93, so that there's -- there will be new projects
15 proposed that can be considered this summer, plus the
16 remainder of the projects that -- are on-going right now.

17 MR. COLE: Mr. Chairman?

18 MR. McVEE: Yes, Mr. Cole?

19 MR. COLE: I'm now really confused. Would you
20 mind trying to simplify that

21 MR. MORRIS: Okay. I thought I did.

22 MR. COLE: once more?

23 MR. MORRIS: I'll go back one step. The 1992
24 projects

25 MR. COLE: Work plan.

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1 MR. MORRIS: were -- work plan projects
2 were from -- approved from March of 1992 to March 1st of 1993.
3 That's how their budgets were developed. We've gone onto the
4 fiscal year and are developing a 1993 work plan.

5 MR. COLE: And what is the fiscal year these
6 days?

7 MR. MORRIS: It's from October 1 to September
8 30th. October 1, 1992, to September 30th, 1993. That's fiscal
9 year 1993. And perhaps I'd -- I'd refer to Jerome Montague
10 who's developing the 1993 plan to maybe further clarify how --
11 how the overlap fits.

12 MR. McVEE: Yes.

13 DR. MONTAGUE: Mr. Chair?

14 MR. McVEE: Jerome?

15 DR. MONTAGUE: The -- as Byron said, the -- the
16 '92 work plan covers the 12-month period, March 1st, '92, to
17 February 28th, '93. The '93 work plan covers October 1st, '92,
18 to September 30th, '93.

19 I -- I think one point of confusion might have been
20 that in September we will be petitioning the Court for the
21 remaining five months of '92 plus the 12 months of '93. The
22 five months of '92 will not be part of the '93 work plan.

23 MR. COLE: See why I'm confused?

24 MR. MORRIS: Okay. Okay.

25 MR. McVEE: We're going to -- we're going to

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1 get to more detail on the '93 schedule here pretty soon I
2 guess.

3 Basically what we have before us today to approve is
4 the project plan, the -- the work plan for '92 which would
5 carry us through September of this year, 1992. And that would
6 be the project component. The -- the general administration
7 component is -- is still undergoing public review at this
8 time, I believe. I don't remember what the closing date for
9 that public review is. It's in the near future. So this is
10 the project component, the project work that's on-going for the
11 remaining of -- of this fiscal year, through September.

12 MR. COLLINSWORTH: Mr. Chairman?

13 MR. McVEE: Yes, Mr. Collinsworth?

14 MR. COLLINSWORTH: I would move the team's
15 recommendation.

16 MR. McVEE: Is there a second?

17 MR. SANDOR: Second.

18 MR. COLE: Restate the recommendation?

19 MR. McVEE: The recommendation is that the --
20 that the R.T. recommendation was to approve the '92 work plan,
21 and -- and that the comments that were -- were received on the
22 '93 work plan would be provided to the -- to the work group
23 that's working on that as well as comments provided on land
24 acquisition that would be forwarded to the habitat protection/
25 land acquisition work group. Is that correctly stated,

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1 Mr. Morris?

2 MR. MORRIS: Yes, it was.

3 MR. McVEE: So this is the project component of
4 the '92 work plan.

5 MR. ROSIER: Well, I

6 MR. McVEE: Yes, Mr. Cole? Or Mr. Rosier?

7 MR. ROSIER: Mr. Chairman, if I might, I need a
8 little clarification myself here. I thought I heard two
9 different things here now. I thought that Mr. Montague
10 indicated that we were talking about a '92 work plan that ran
11 from March through February 28th of '93, and I thought that I
12 heard you say that we're approving only the work plan through
13 September of '92. Am I confused in terms of what we're doing
14 here?

15 MR. McVEE: What was the R.T. recommendation,
16 Mr. Morris?

17 MR. MORRIS: That -- well, it's a budget
18 matter. The recommendation is propose the work plan through
19 the period through February of '93.

20 MR. McVEE: Okay. Then -- okay. The Chair
21 stands corrected.

22 MR. ROSIER: Okay.

23 MR. McVEE: Thank you, Carl.

24 MR. COLE: Well, Mr. Chairman?

25 MR. McVEE: Yes, Mr. Cole?

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1 MR. COLE: I think I -- I'm now additionally
2 concerned -- or confused I guess is the better term. Is the
3 motion to approve the 1992 work plan as developed? Is that the
4 motion?

5 MR. McVEE: Yes.

6 MR. COLE: And that there are no changes or
7 recommendations that we should consider in amending that work
8 plan based upon public comment? Just so I understand what
9 we're voting on?

10 MR. MORRIS: That's correct.

11 MR. COLE: And -- and then may I ask you a
12 question, Mr. Chairman?

13 MR. McVEE: Yes, Mr. Cole.

14 MR. COLE: I know we have a lot of comment here
15 on the '92 work plan which I've -- it has been summarized,
16 commented upon.

17 MR. MORRIS: The 1992 work plan.

18 MR. COLE: Yes. '92 work plan. And are -- are
19 you saying that the Restoration Team's recommendations are that
20 there were no changes or amendments or modifications which have
21 been suggested that we should even talk about here today before
22 we vote on this motion? That's what I'm trying to get clear.

23 MR. MORRIS: Yeah. Okay. The projects
24 described in the green book that went out for public review,
25 there -- there are no specific comments on those projects that

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1 -- that would suggest that -- that we should modify the
2 existing projects. Okay. There were

3 MR. COLE: Or -- or even consider discussing?
4 Because I'm not arguing with you. I'm just -- I want to make
5 sure precisely what the Restoration Team's recommendations are.

6 MR. MORRIS: No, not in any specific way.

7 MR. COLE: Okay.

8 MR. MORRIS: They're -- they're more general
9 comments such as "we should do less of this or more of that,"
10 but nothing specifically regarding those projects.

11 The -- the bulk of the comments we received was other
12 things -- additional things -- studies that we should be doing,
13 projects that we should be doing. We -- be- -- because the
14 '93 work plan is -- plan is in the process of being developed
15 as -- as we sit, we -- we felt it best that these suggestions
16 be forwarded to the '93 working group for their consideration
17 as new projects that could begin as early as October of this
18 year.

19 MR. COLE: Mr. Chairman?

20 MR. McVEE: Yes, Mr. Cole.

21 MR. COLE: Here's the thing that's troubling
22 me: I mean, we have this proposed '92 work plan. We send it
23 out for public comments, which -- and we 'ceive -- we receive,
24 I don't know, what, 100, 200 comments, and when we get all done
25 with this exercise which has been very expensive I think and

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1 carefully done, and there's not one project that even merits
2 review by the Trustee Council? That's a little surprising to
3 me, but if -- if that's really the way it is, I mean, I'm
4 prepared to accept it, but it does surprise, and it might even
5 shock me, you know, so -- that's my only observation.

6 Let me just say this: And so therefore I wonder
7 whether the Restoration Team has given the weight to these
8 published comments that perhaps at least I would like to have
9 seen them have given? It's a little tough.

10 MR. McVEE: Is there any response from the
11 R.T.? Yes, Mr. Rice?

12 MR. RICE: Mr. Chairman, as we went through the
13 response to comments, many of the comments were of a fairly
14 general nature, and we -- we reviewed the '92 work plan. What
15 I think we're trying to suggest is that based on the comments,
16 the projects that are going -- that we've proposed for going
17 forward, and -- and most of them are actually in the field now,
18 continue as they were proposed, without change. What we
19 weren't able to resolve were those questions that deal with
20 additional projects or additional activities that should go
21 forward with this -- this year, and we weren't able to come to
22 grips with this based on where we're at with the fiscal year,
23 or where we're at with the -- with the field season now, and
24 basically move it to the Trustee Council to give us some
25 direction as to whether we should add some additional projects

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1 into the work plan.

2 MR. COLE: One final comment.

3 MR. McVEE: Yes, Mr. Cole?

4 MR. COLE: See, that's where we were --
5 remember, when we were back in March discussing this, we were
6 sort of trapped.

7 MR. McVEE: Yes.

8 MR. COLE: I think we discussed that, and it's
9 hard to get out from under the '92 work plan based upon public
10 comment giving -- it's -- it's a little out of synch this year
11 I guess, but that's my last comment. Thanks.

12 MR. McVEE: Yes, Mr. Sandor?

13 MR. SANDOR: At the risk of confusing this
14 further, the Oct- -- the 1993 work plan which commences in
15 October, obviously is in the mid year of '9- -- the '92 work
16 plan, but is it -- is it not the intent of the Council and the
17 Restoration Team and the planners that these comments that
18 we've received on the '92 work plan actually be a basis for the
19 development of the '93 work plan which commences in October?
20 Is that -- is that the pay-off of this tremendous amount of
21 public comment that we got, and -- and is that where this is to
22 be used?

23 MR. MORRIS: There's -- there's -- I think
24 that's -- that's basically correct. There's one other step
25 that's involved in the '93 that wasn't involved in the '92, and

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1 that was requests to the public for ideas on projects that
2 should be conducted in '93, so we an additional set of comments
3 on work that the public feels should be done.

4 MR. McVEE: Mr. Sandor?

5 MR. SANDOR: But there's no intent to modify
6 any of the work plans or activities through March 1 of 1993 of
7 the studies that are now in place? Or is there?

8 MR. MORRIS: No, there's not.

9 DR. MONTAGUE: Mr. Chairman?

10 MR. McVEE: Mr. Montague?

11 DR. MONTAGUE: Based on the public comment we
12 haven't suggested any changes to the '92 work plan, but based
13 upon new findings, there are two projects that changes are
14 recommended for, and if I could bring those to your attention?

15 One of the projects, fish/shellfish 27, the project
16 that was determining the cause and mechanism for the low
17 production of sockeye salmon in the Kenai River System is
18 requesting the purchase of an optical scanner and -- and some
19 personnel costs to operate it for \$47,000.00. And what this is
20 for is that as you all may remember, the -- the '91 smolt
21 production was very low, and the '92 smolt production,
22 although it's a little prelimin- -- preliminary, seems even
23 lower than last year, and the primary hypothesis as to what is
24 happening is that Skilak Lake is the main production area for
25 -- for young sockeyes in the Kenai system, and apparently the

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1 over-escapement so reduced the zooplankton that the fish feed
2 upon, that now the tidal (ph) plankton that the zooplankton fed
3 upon is hugely abundant. In fact, so abundant that the
4 zooplankton can feed near the surface where it's light for only
5 a very few hours of the day, and that's the only place where
6 the sockeyes have a chance to eat them, and then the
7 zooplankton drop below the lighted zone and cannot be fed upon,
8 and that -- that's the reason why they need this optical
9 scanner.

10 And the second project that -- was R-60C, it was the
11 project to determine why the egg mortality in pink salmon is so
12 much higher even two and three years after the spill. And
13 early on during -- in the draft plan, we had used 150,000 as
14 the figure for which this project could be conducted with, but
15 it was -- the project hadn't been developed, and after working
16 with the peer reviewers and the chief scientist and other
17 experts in the field, the project has been recommended as -- as
18 253,000 and not 150,000.

19 So those -- those are two project changes we're
20 recommending.

21 MR. McVEE: Yes, Mr. Rosier?

22 MR. ROSIER: Mr. Chairman, what -- what's the
23 cost of each of those? The -- what's the change that you
24 recommend?

25 DR. MONTAGUE: Okay. The change for fish/

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1 shellfish 27 is an additional 47,000, and the change for R-60C
2 is an additional 103,000. And the -- if there's any further
3 technical questions, I think the chief scientist could address
4 those.

5 One last comment, since we had just gone to the Court,
6 if the Counsel approves this recommendation, we wouldn't
7 recommend going to the Court again for this change. It's
8 simply reprogramming expenses from other projects to take --
9 carry this from now until the end of September, and then ask
10 for the difference in the last five months of the budget.

11 MR. McVEE: Dr. Gibbons?

12 DR. GIBBONS: Mr. -- Mr. Chairman, it's my
13 understanding, and you can correct me if I'm wrong. This was
14 not received in public comment. This was received by the
15 agency people doing the work. Is that correct?

16 DR. MONTAGUE: Yes, I thought I said that, but
17 I probably didn't articulate it well.

18 MR. McVEE: Mr. Cole?

19 MR. COLE: Mr. Chairman, getting back to the
20 process again, and I can see where a lot of the people who
21 devoted time and effort and study into reviewing the '92 work
22 plan and made comments might well feel like, to put it in the
23 vernacular, they've sort of been had, you know. They do this,
24 these make these recommendations and then, you know, nothing
25 really goes beyond the Restoration Team to the Trustee Counsel,

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1 and, you know, it's a little troubling that we want public
2 participation and advice and counsel and then people do that,
3 then they, you know, can well feel that we -- we didn't
4 consider them, and it's a little troubling. Then we ask them
5 to go back and do the same thing for the '93 work plan, and
6 they'll say, "well, you know, I mean, what the hell, I mean, I
7 didn't get any place when I did it in '92. I mean, I'm wasting
8 my time. Those people are not solicitous (ph) of our views,"
9 and -- and that's troubling, and I -- I would like to assure
10 the people who took the time to make these comments that --
11 that I'm sure I and the other members of the Council read these
12 things, and indeed reflect upon them and consider them as we
13 make the decisions as the days and weeks and months pass. They
14 have not been ignored, certainly. I'm -- I'm confident of
15 that, but I think they should know that.

16 MR. MORRIS: Mr. Chairman?

17 MR. McVEE: Yes, Mr. Morris?

18 MR. MORRIS: Well, I -- I really don't think
19 it's as bad at this point as Mr. Cole is describing, and I'll
20 try and explain why. This process happened very quickly.
21 between the 8th of June and now we were able to put the
22 comments together and provide a recommendation to you on the
23 existing package. We tried to get it to the Council in
24 sufficient time that -- that they could review it, and if there
25 were comments from the public that they felt needed acting

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1 upon, they could certainly charge the Restoration Team to then
2 take action on them.

3 If we were to take action on these comments in terms of
4 developing in them -- them into proposals for funding, we'd be
5 essentially the process that we chose to do with them by
6 deferring them to the -- the '93 work group. It's -- it's the
7 same type of effort. It took weeks of review, peer review, to
8 develop the package -- months actually to develop the original
9 package to begin with, and we would anticipate that any new
10 ideas would require an equal amount of time, and -- and the
11 process is essentially -- it is being done with these new
12 suggestions right now.

13 It's -- we didn't have the --the time or the
14 opportunity to carry them any further than to make sure you
15 were aware of the -- the public's suggestions for new comments
16 (sic) and

17 MR. COLE: Well, Mr. Chairman, I -- I want to
18 say I think the Restoration Team did an outstanding job in
19 putting it together in a limited time. I'm not critical of
20 them. I'm somewhat, if anything, critical of the Trustee
21 Council's process, you know, but maybe it's inevitable that
22 this year that that would happen.

23 MR. McVEE: I guess it seems to me like that --
24 that, and -- and this is inherent in the motion we have before
25 us at the present time that if we carry forward, you know,

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1 those comments that are -- that are particularly pertinent to
2 the development of the '93 program, and also those comments
3 that are pertinent to the habitat protection and land
4 acquisition programs, that if we -- if we go back and look at
5 these comments, they're as part of the record as we proceed
6 with the -- this restoration, that we -- we have a valuable
7 tool here in the -- in the public comments that was submitted.

8 I guess I might just mention at this point, we have a
9 motion I guess on the -- on the floor, but I'd mention at this
10 point that -- that there was a correction on a response, maybe
11 a little bit of confusion, just straighten that out. It's on
12 page 23 of the response we're talking about the subsistence
13 studies, that there is a subsistence proposal as I understand
14 it for '93, and -- and also that we were moving forward, the
15 federal government was moving forward with the subsistence
16 study required under the Chenega Bay settlement. That is -- is
17 scheduled not under the -- under the '92 budget, or the oil
18 spill budget, it is -- is scheduled for work in '92. It may
19 go over into -- past the first of October, but there -- this
20 wording appears to be referring to one subsistence study, and I
21 think there's two now. A new proposal that was submitted for '93.

22 MR. WOLFE: Mr. Chairman?

23 MR. McVEE: Yes, Mr. Wolfe?

24 MR. WOLFE: Could I ask a question as to how
25 we're proposing to respond to the people that were commenting

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1 on the '92 plan? Will there be a response to the commenters as
2 a part of the public record? And maybe that will answer some
3 of Mr. Cole's questions.

4 But -- also one other point is the majority of the
5 work in our '92 work plan is injury assessment or damage
6 assessment work, the majority of the comments that I reviewed
7 were on the need for additional restoration activities or
8 moving ahead with restoration activities, so -- so the
9 preponderance of questions were to do more things in the
10 restoration end of it and not very much on what we put the
11 most effort on, that's wrapping up the injury assessment work
12 this year.

13 So -- so I can understand why there wouldn't be that
14 much, but -- comment on -- our response to the comments on the
15 injury work, but I do believe the public deserves some kind of
16 a response in a timely manner as to how we're going to handle
17 their comments or how we dealt with them or dissent with them.

18 DR. GIBBONS: Mr. Chairman?

19 MR. McVEE: Dr. Gibbons.

20 DR. GIBBONS: Yeah. If I may respond to that,
21 the specific response to the '92 comments are -- are found in
22 -- in the package before you, and under the specific section of
23 injury assessment. The specific letters are -- are found
24 across the hall here in -- in the library. If --if people
25 would like to cross reference the -- the comment, the number

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1 and -- with the response in the document.

2 I -- I would like to -- to add a little emphasis here
3 that maybe there's a misunderstanding, that the 1993 draft plan
4 is due to the Trustee Council on August 31st, and I think that
5 Dr. Morris mentioned this, that we incorporated all these new
6 projects and proposals into that, and that's about as quick as
7 we can get -- get those up and going, and when we come out the
8 '93, the '93 plan will run, like we mentioned before, October
9 1st to September 30th, and be a '93 plan, but there will be a
10 portion in the budget, there will be a five-month portion for
11 the '92 to -- to carry this -- this through and done.

12 So that's -- that's the plan. But the response to
13 comments are found in the document in front of you.

14 MR. COLE: Mr. Chairman?

15 MR. McVEE: Yes, Mr. Cole.

16 MR. COLE: That raises this other. Are we
17 making any acknowledgement to these people who furnish
18 comments? Are we giving them a copy of this written response
19 here?

20 DR. GIBBONS: Those are found out in the front,
21 and they're also being faxed to the teleconferencing sites,
22 yes.

23 MR. McVEE: Well, I think the question
24 was

25 MS. RUTHERFORD: But are we sending them to

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1 DR. GIBBONS: No. No, are we sending them
2 specifically to them? We

3 MR. COLE: Yeah.

4 DR. GIBBONS: we hadn't planned on it,
5 but if the Trustee Council would like us to do that, we -- we
6 can surely do that.

7 MR. COLE: Maybe we could discuss that a little
8 bit. I would like to present for discussion the thought that
9 we at least send out to each person who commented or furnished
10 us with views a copy of this response that's prepared. At --
11 at least in the specific area in which a comment was made, that
12 we give them the response of the Restoration Team.

13 DR. GIBBONS: Mr. Chair?

14 MR. McVEE: Dr. Gibbons?

15 DR. GIBBONS: I -- if I may add, I think
16 perhaps the whole package might -- might be good, too. It's
17 -- it's not that thick of a package and it might be informative
18 to them.

19 MR. McVEE: So that -- that will be sent out
20 then is what?

21 MR. MORRIS: Plus -- plus we propose to -- to
22 provide it to each of the libraries and -- and facilities that
23 keeps all of these documents we -- we produce for other public
24 access.

25 MR. McVEE: Okay. We still have the motion on

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1 the floor. We have I guess a recommendation from Mr. Montague,
2 Fish and Game on -- on two budget increase items.

3 MR. COLLINSWORTH: I have a question.

4 MR. McVEE: Yes?

5 MR. COLLINSWORTH: The -- Mr. Montague's
6 identified two projects. Now, were those projects a part of
7 the Restoration Team's recommendations -- recommendation on the
8 '92 work plan or is this something outside of the
9 recommendation of the work -- or of the Team, and did the Team
10 consider these projects?

11 MR. McVEE: Mr. Montague?

12 DR. MONTAGUE: It was brought up with the
13 Restoration Team, and it was decided to just bring it up here
14 at the Council meeting.

15 DR. GIBBONS: Mr. Chair?

16 MR. McVEE: Yes, Mr. Gibbons?

17 DR. GIBBONS: I don't recall that. I -- I was
18 going to make a point that I -- I had been approached by
19 Dr. Spies this morning on -- on these two items, that to my
20 understanding the Restoration Team has not discussed this.

21 MR. MORRIS: Mr. Chairman? Yes, there's
22 confusion. The rec- -- there was no recommendation from the
23 Restoration Team on these -- on these two projects. Our
24 recommendation was on the work plan as a whole. I -- I think
25 Mr. -- Dr. Montague was -- it was Fish and Game's

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1 recommendation, their agency, to -- to modify these projects is
2 what he intended to mean.

3 MR. ROSIER: Yeah, I

4 MR. McVEE: Mr. Rosier?

5 MR. ROSIER: Mr. Chairman, could we hear from
6 Dr. Spies on this? His name keeps getting involved in the
7 discussion here on this. I'd kind of like to hear from
8 Dr. Spies here if -- with the Chair's concurrence?

9 MR. McVEE: That will be fine. Dr. Spies?

10 DR. SPIES: Yeah, the -- the two projects that
11 are being referred to as R-60C, which is the study of eggs and
12 fry of pink salmon in Prince William Sound, and as you're aware
13 there's been an increase in the mortality of eggs since the
14 spill on both oiled and unoled stream since -- and there was
15 -- I had recommended an increase in the budget during the --
16 during the mid year planning to cover some experiments, and
17 we've been discussing these experiments with Fish and Game off
18 and on through the spring. We've finally come to a plan of
19 what needs to be done, and it comes to -- I think there was
20 150,000 recommended or 60C and the -- the scope of the
21 experiments is another 100,000 beyond that, and it has my
22 recommendation personally, but, of course, we want to go
23 through the Restoration Team. I had -- just had a brief chance
24 to talk to Dave Gibbons this morning about this matter, so the
25 Trustee Council may wish to perhaps consider it later, but

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1 there is this -- this timeliness about that particular project
2 in that the experiments that need to be done to try to get to
3 the bottom of what's causing these egg mortality increases in
4 Prince William Sound should be carried out this summer. It's a
5 combination of a laboratory exposure experiment and some in-
6 stream and between stream crosses to try to get at the source
7 of this mortality. It's one of the few projects where I'd
8 recommend that we actually go out in the field, so I -- I think
9 it's important that we somehow tackle this problem as soon as
10 possible.

11 The second -- so that's a total request of 253 over the
12 original of 150.

13 The -- the second project is a request I had from Dana
14 Schmidt, Alaska Department of Fish and Game relative to the
15 sockeye salmon smolt question in the -- in the Kenai River
16 drainage. They -- they expect to see by this time of the year
17 about something like eight to 10 million fish that -- smolts
18 that have escaped from that system. Last year there was about
19 three million by this time, which -- which represented a pretty
20 severe potential problem with that -- with those stocks. This
21 year there is I think -- it's about a tenth of that now, so
22 it's a pretty serious developing problem, and it was a request
23 for a piece of instrument and some laboratory technician time
24 to -- this is a tobalplankton (ph) recorder for Skilak Lake to
25 look at the -- to try to get at the bottom of what's going on

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1 with those very poor survival of smolt in the last couple of
2 years in that system. And the total request is for \$47,000.00.

3 MR. COLE: I move, Mr. Chairman, that the
4 Trustee Council authorize these project expenditures
5 immediately.

6 MR. SANDOR: That's an amendment to the motion.
7 I second it.

8 MR. McVEE: Amendment to the -- to the motion,
9 to the original motion? Very well.

10 Further discussion or questions for Dr. Spies? I guess
11 one question I might have is will the optical scanner, is that
12 something that can be acquired fast enough or quick enough so
13 that it will -- it will be of utility for this -- this field
14 work this year?

15 DR. SPIES: I've talked to Joe Sullivan about
16 this at Fish and Game, and I think it can be. It's -- I think
17 the -- it's a \$35,000.00 piece of instrumentation.

18 MR. COLE: Can we rent one rather than buy?

19 DR. SPIES: I don't know.

20 MR. COLE: Shouldn't we look into that?

21 MR. McVEE: Rental -- rental possibility? Any
22 other questions for Dr. Spies? Than you very much.

23 Is there further discussion on the motion, which now
24 will include the -- well, we'll -- I guess we'll vote on -- or
25 take action on the amendment first that will increase the --

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1 the budget for those two projects. Further discussion on that
2 amendment? Is there any objection?

3 MR. WOLFE: Mr. Chairman?

4 MR. McVEE: Excuse me. Yeah.

5 MR. WOLFE: I -- I guess we've -- we've relied
6 on the Restoration Team to give us their recommendations on all
7 the projects that we've approved to date. We've also relied on
8 Dr. Spies' recommendation. We have Dr. Spies, we do not have
9 any recommendation from the restoration team. I guess my
10 preference would be that we -- we have some way to -- to obtain
11 that consensus from the Restoration Team for this project also,
12 or these two projects before we vote.

13 DR. MONTAGUE: Mr. Chairman?

14 MR. McVEE: Yes, Dr. Montague?

15 DR. MONTAGUE: May I address that, and also
16 address Dr. Gibbons?

17 As far as the discussion with the Restoration Team, it
18 was an agenda item, and it was brought up that we had project
19 changes based upon chief scientist and peer review comment, but
20 the projects themselves were not discussed, and the guidance I
21 had was that all we were dealing with now was '92 public
22 comments and if you have these kind of comments, bring them up
23 at the Council, so there wasn't any effort on my part to not
24 bring it up to the Restoration Team.

25 MR. McVEE: Yes. Mr. Cole?

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1 MR. COLE: Well, Mr. Chairman, look, if we -- I
2 mean, this is one of these emergency type situations I think
3 Mr. Rosier would agree I hope where the necessity given the --
4 the season, where we must act quickly. If we refer this back
5 to the Restoration Team, you know, then they have to act and --
6 and I'm sure they'll act expeditiously, but then we have to
7 have another meeting of this group. I mean, you know, let's
8 just get it done and get on with it if -- if it's essential as
9 it appears to be. Vital.

10 MR. McVEE: Mr. Rosier?

11 MR. ROSIER: Thank you, Mr. Chairman. And I
12 would -- I would agree. I think that these are two really key
13 areas that -- that we really need to field a program this year
14 on.

15 The pink salmon issue in Prince William Sound is -- is
16 one that we've all received the information on on the high
17 mortalities associated with those systems that -- that were
18 oiled on this. We're faced with a management scenario there in
19 the Sound this year in which we've got again a very low return
20 of a natural run fish which is the wild stocks associated with
21 the -- with a number of those oiled systems, and a very high
22 hatchery return coming back. The wild stocks under -- under
23 state policy most recently annunciated by the Legislature has a
24 priority in terms of the management program for the Prince
25 William Sound, so really need to have an understanding of what

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1 we're doing in terms of -- of basically letting those wild
2 stocks in fact drive that management program within Prince
3 William Sound, and I really feel that it's essential in both
4 cases here.

5 I think you've heard me talk about the Kenai and the --
6 the problems that we were looking at in -- in '94, and -- and
7 now it looks like probably '95 and -- and beyond in terms of
8 --of the rebuilding of those stocks. So I -- I consider these
9 to be really prime, very priority type projects here and -- and
10 I would certainly hope to -- to have the support of the Counsel
11 in moving ahead on these.

12 MR. WOLFE: Mr. -- Mr. Chairman?

13 MR. McVEE: Mr. Wolfe?

14 MR. WOLFE: I guess maybe Dr. Montague or
15 Dr. Spies could elaborate on what new findings we've -- we've
16 came up with this summer, this field season already that we
17 didn't know al- -- in the past that required that we modify
18 these projects or add these two new project. I -- I just
19 didn't hear that, so

20 MR. McVEE: Dr. Montague?

21 DR. MONTAGUE: Mr. Chairman, on the sockeye
22 problem, what I brought up was the finding that -- the
23 hypothesis that the investigator was able to come up with based
24 on this season's findings, and that's that the zooplankton were
25 only feeding in the lighted area of water for about one-third

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1 of the day, and -- and then out of -- down in the darkness
2 outside of sockeye feeding for two-thirds of the day. And the
3 investigator would like to test this hypothesis as to whether
4 that is indeed the cause of the fact that the sockeyes aren't recovering.

5 And then in the case of the -- the pink salmon project,
6 the money that was set aside for that was based simply on
7 developing an experiment that would test or -- or try to
8 investigate why the egg mortality is so high this long after
9 the spill, and the exact mechanism of that project and the
10 procedures and methods of that project weren't determined when
11 we came up with that budget and when -- when it was determined
12 with the combination of the peer reviewers and the chief
13 scientist and the investigator, this is what they were all able
14 to agree upon as the best project to do that.

15 MR. McVEE: Further discussion?
16 Mr. Collinsworth?

17 MR. COLLINSWORTH: The results of the Prince
18 William Sound pink egg survival study, what is the -- what is
19 the intended use of the -- of the results of the study?

20 MR. McVEE: Dr. Montague?

21 DR. MONTAGUE: Mr. Chairman, first of all to
22 identify that indeed this is an oil spill problem and not --
23 not some other reason for it. We cannot think of any other
24 possible reason that it could be, but to have mortality higher
25 two -- you know, two years after the spill than one year after

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1 the spill is alarming, and -- and that's the -- the main
2 purpose would be to see if it linked to the spill, and also --
3 for instance, if one of the hypothesis is correct, that there's
4 been genetic damage, then that could require extra effort on
5 the part of the Department for management of these.

6 MR. McVEE: Any further discussion?

7 MR. WOLFE: Mr. Chairman?

8 MR. McVEE: Yes, Mr. Wolfe?

9 MR. WOLFE: If -- if we're going to move ahead
10 with these projects, then I would suggest that we have some
11 work plans developed at some point here that reflect what's
12 being proposed and get some documentation down for the record.
13 At this point we appear to have none, so

14 MR. McVEE: That's true. Mr. Montague, can one
15 be developed?

16 DR. MONTAGUE: Yes, Mr. Chairman, we can have
17 those ready in two weeks.

18 MR. McVEE: Ready to consider the amendment?
19 The amendment would add to the budget for shellfish --
20 shellfish number 27, \$47,000.00 and add to the '92 budget for
21 R-60C an additional \$103,000.00. Does anyone object to the
22 amendment? The amendment is carried.

23 The motion then is to -- the R.T. recommendation to
24 approve the '92 work plan, March '92 through February '93, with
25 the -- with the comments, public comments that were made going

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1 forward to the -- the appropriate work groups for consideration
2 in their -- their activities. Any objection to the motion?
3 Motion carried.

4 I guess just a couple comments that -- that, you know,
5 timely public involvement had been very crucial to -- to our
6 operation. It is required by the Court. I guess that it's
7 important that we -- that we really emphasize the con- --
8 continue -- and continue the flow of information to the public
9 that -- that to a large extent, you know, good recommendations
10 and ideas will depend upon the information that we provide to
11 the public to -- for them to consider as they make their
12 recommendations.

13 Is there anything else on the '92 work plan? This is
14 the project component.

15 I guess as a question, when does the public comment
16 period close on the -- on the general administration component
17 of the '92 work plan?

18 DR. GIBBONS: That's later on on the -- the
19 agenda. I'll talk

20 MR. McVEE: Okay.

21 DR. GIBBONS: about it, item number
22 eight,

23 MR. McVEE: Number eight.

24 DR. GIBBONS: the teleconference on the
25 final budget.

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1 MR. McVEE: Okay. Okay. Then keeping with the
2 amendment that -- the change we've made to the agenda items, we
3 would be taking up next the financial operating procedures.
4 Do we want to break before we go into

5 MS. RUTHERFORD: Yeah.

6 MR. McVEE: into that item?

7 DR. GIBBONS: We need five minutes.

8 MR. McVEE: Okay. A five-minute break.

9 (Off record)

10 (On record)

11 MR. McVEE: If we'll all sit to continue with
12 the agenda for the Trustee Council meeting? The next item was
13 -- which we moved forward was the financial operating
14 procedures. We wanted to discuss those before we talked about
15 the development of the '93 work plan since some of those
16 procedures are significant in terms of -- of that -- that '93
17 process.

18 So I guess we have -- have Dave Gentry who is chairing
19 that financial committee with us today. Are you prepared to
20 start this discussion, Mr. Gentry?

21 MR. GENTRY: Yes, Mr. Chairman. Is this -- is
22 the microphone on?

23 Thank you, Mr. Chairman. For the record again, my name
24 is David Gentry. I'm with the State Office of Management and
25 Budget.

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1 At the last Trustee Council meeting on May 20th, these
2 financial operating procedures were reviewed. There were a
3 number of -- of issues that were raised and the Trustee Council
4 asked the Finance Committee to make changes as directed by the
5 Trustee Council at that time.

6 What I'd like to do is start off with my presentation
7 here by going through those changes, naming them and -- and
8 pointing out where we made those changes again so that -- that
9 you can -- can verify that your -- your wishes were fulfilled
10 there, and identify a couple of other changes that were made,
11 which I believe are -- are not substantial, but I want to bring
12 to your attention.

13 First, on page one, -- well, the issue was that the
14 financial operating procedures should not supercede existing
15 agency procedures, and that change was inserted in the second
16 paragraph on page one, the sentence in that paragraph beginning
17 "in addition to these procedures, activities carried out" and
18 so on, "will be conducted in accordance with existing agency
19 operating procedures." And we intend that to be a strong
20 statement, and that -- and that that I believe was the -- the
21 wish of -- of the Trustee Council's last meeting.

22 The second issue explaining the basis for the
23 development of the general administration rates, and this is on
24 page three. You may recall a discussion about the 15% and 7%
25 and so on. On page three, the first and second full

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1 paragraphs, this is after sub- -- sub-item two, again we tried
2 to identify what -- what was included within general
3 administrative expenses and -- and very generally the
4 derivation of those percentage ranges.

5 The third issue, please stop me if -- if you'd like
6 more time in -- in reading these -- these through. The third
7 item, the issue related to flexibility agencies had in moving
8 money between projects up to a certain limit, can be found on
9 page four, at the bottom of the page, sub-item (a), and we have
10 the -- the limits of 25,000 or up to 10% of the funding for a
11 project, whichever is less. And page four at the very bottom
12 of the page, sub-item (a). Originally it was written that such
13 changes would be submitted to the administrative director
14 before an agency could -- could effectively spend altered (ph)
15 funds within this cap, and at the last Trustee Council meeting,
16 the -- the Trustee Council directed that agencies had that
17 discretion without going to the administrative director. And
18 the language in that section reflects that policy decision.

19 The fourth policy item issue can be found on page six.
20 It relates to reporting to the Trustee Council not only on
21 expenditure information that may have occurred in the past, but
22 accomplishment information, whether goals and objectives were
23 in fact achieved. On page six the second full paragraph from
24 the bottom, the paragraph being "The Administrative Director,
25 with the assistance of the Restoration Team and the Finance

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1 Committee, will submit an annual accomplishment and expenditure
2 report."

3 The fifth issue -- again, please stop me if -- if you
4 want more time. The fifth issue related to audits, on page
5 seven you'll see that there's a one-paragraph section dealing
6 with audits. There was a discussion as to insuring that
7 independents audits were carried out. The language was changed
8 to not only emphasize normal audit procedures that are in place
9 within the federal government and state government, but also
10 that audits by private organizations can be carried out if the
11 need is -- is determined to be there. Between those two
12 facts, those two options of normal audit procedures or an
13 external auditor, we believe that an independent -- independent
14 audit will be accomplished.

15 The next issue, also on page seven, management of
16 equipment. As you may recall there was lengthy discussion as
17 to ownership and ability to move between agencies equipment
18 purchased with money from settlement lawsuit associated with
19 the Exxon Valdez spill. The direction given by the Trustee
20 Council at the last meeting was we can't work out in the near
21 term the -- the detailed legal basis for this (ph) procedures,
22 we wanted, and speaking from the Trustee Council, "We wanted a
23 statement of principal, short and sweet, and an indication that
24 the legal arrangements would be worked -- worked out later."
25 Legal principals.

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1 MR. COLE: Mr. Gentry, what does that first
2 sentence mean in that paragraph? I -- as I read it, if
3 everything -- anything that cost more than \$500.00 will be used
4 for purposes directed by the Trustee Council. It looks as
5 though if it cost less than \$500.00, it doesn't have to be used
6 for purposes directed by the Trustee Council. That's what it
7 says.

8 MR. GENTRY: With the exception of -- of the
9 sensitive items, which would include things like firearms,
10 that's the clearest example -- and cameras, that -- that come
11 to mind.

12 There's always a level of detail where -- where the
13 accounting becomes onerous as to be not worth it, so this is --
14 this is -- this cut-off is normal for both state and -- and
15 federal agencies.

16 MR. McVEE: Mr. Gentry,

17 MR. COLE: I just have trouble. It says
18 "Generally all equipment purchased at a cost of \$500.00 or
19 more, other than sensitive items, will be used for purposes
20 directed by the Trustee Council." I mean, that to me means
21 that if it's less than \$500.00, it doesn't have to be used for
22 purposes directed by the Trustee Council. Is that what you
23 mean?

24 MR. GENTRY: Our intent was this, whether we're
25 stating it or not, our intent is this, that we don't want to

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1 account for and keep track of things like supplies,
2 consumables, small items which even if they're not consumed are
3 so difficult and -- or expensive to keep track of that it's not
4 worth it. And

5 MR. COLE: Well,

6 MR. GENTRY: And for -- for what it's worth,
7 and I -- I don't mean this to be an overriding principal here,
8 for what it's worth, this is normal in -- in terms of standard
9 operating procedures for state agencies and federal agencies.

10 MR. McVEE: Yes. Mr. Gentry, is the -- is that
11 sentence, is it more an issue of accounting for equipment
12 versus use of equipment? And maybe the language could be
13 modified to reflect that it's an issue -- a question of
14 accounting for items, \$500.00 or more.

15 MR. GENTRY: If -- it it's clear that -- that
16 something was bought with Trustee Council money, the general
17 principal that -- that we had -- we intend is that that
18 equipment would be pur- -- would be used for purposes of the
19 Trustee Council. If something was less than \$500.00, there was
20 not a tag put on it. Everyone, however, knew that it was
21 purchased with Trustee Council money. There would be the
22 imperative on that agency to use it for Trustee Council
23 purposes.

24 So picking up on your point, Mr. McVee, yes, it's -- it
25 is an issue of accounting versus the -- the general principal

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1 of -- of does the Trustee Council control this

2 MR. McVEE: Uh-huh.

3 MR. GENTRY: this equipment and these
4 assets.

5 MR. McVEE: Yes, Mr. Sandor?

6 MR. SANDOR: But is it not true that any -- any
7 property purchased for Trustee Council use must be used -- used
8 explicitly for -- for the purposes authorized by the Trustee
9 Council regardless of value? And that simply this \$500.00
10 limitation and sensitive limitation, the accountability
11 process, whether it's tagged, but it's not suggestive of --
12 and maybe this requires an addition of a paragraph, but
13 certainly no items less than \$500.00 would purchased --
14 purchased out of Trustee funds unless it's to the Trustee
15 Council activity or -- or approved project, is that not true?

16 MR. GENTRY: Mr.

17 MR. McVEE: Yes?

18 MR. GENTRY: Mr. Chairman, I, I think speaking
19 for the finance committee, would not have a problem including
20 an additional sentence indicating that again the spirit of --
21 of this is that all purchases, all assets not already consumed,
22 purchased with Trustee Council money would be used for Trustee
23 Council purposes.

24 MR. COLE: That sentence has to come out,
25 that's the problem, not put in more sentences. That sentence

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1 has to be revised, because it implies that if anything is
2 purchased for less than \$500.00 in Trustee funds, you can use
3 it for any purpose you want. That's not what we mean.

4 MR. GENTRY: Mr. Chairman, that's not what I
5 meant either. I meant everything, that the

6 MR. COLLINSWORTH: Mr. Chairman?

7 MR. McVEE: Yes, Mr. Collinsworth?

8 MR. COLLINSWORTH: We've spent a lot of time on
9 this, and I don't think there's any disagreement. In the first
10 paragraph, take off "generally" and just say "All equipment
11 purchased by Exxon Valdez settlement funds shall be used for
12 purposes directed by the Trustee Council," take your -- the
13 portion that deals with the sensitive items and the \$500.00 or
14 more, put it down in the second paragraph, where it says "The
15 exec- -- the Administrative Director shall report," and then
16 put your phrase in there about sensitive equipment and \$500.00
17 and that should take care of it.

18 MR. McVEE: It looks like a good suggestion to
19 me.

20 MR. GENTRY: And -- and I -- that's fine. Yes,
21 I -- I believe that finance committee would have no -- no
22 difficulty with that whatsoever.

23 MR. McVEE: Okay.

24 MR. GENTRY: The -- the last issue begins at
25 the bottom of page seven, the finance committee charter. The

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1 Trustee Council directed that the finance committee define
2 itself, and the language extending on page eight is intended to
3 do that.

4 MR. McVEE: Mr. Sandor?

5 MR. SANDOR: This is a question with respect to
6 this charter and the finance committee operations. It appears
7 just in review of this whole section that the -- it appears to
8 be establishing another permanent group that's going to be
9 reporting directly to the Trustee Council.

10 It was my understanding that -- was that we were to
11 utilize specialists like yourself, or professionals like
12 yourself from different departments on an ad hoc basis sort of
13 in an advisory capacity. Are we institutionalizing another
14 bureaucratic group that -- that -- you know, we talked about
15 before that we should steer against?

16 MR. GENTRY: Well, let me -- Mr. Chairman?

17 MR. McVEE: Yes, Mr. Gentry.

18 MR. GENTRY: Let me respond by saying how I
19 view the finance committee working. On an on-going basis there
20 will be issues relating to costs and procedures in preparing
21 budgets that you will receive every year that members of the
22 finance committee expertise in. These -- some of these are
23 laid out on -- on page eight. These individual, members of the
24 finance committee, would be people whose jobs lie elsewhere.
25 They would be seconded if you will on an ad hoc basis, on a

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1 temporary basis, to carry out these duties. The time devoted
2 by these members of the finance committee would be small, would
3 be not much time at all on an annual basis. So I view the
4 finance committee, yes, as a standing committee, but whose
5 members meet relatively infrequently for short meetings for a
6 narrow purpose for which they have expertise.

7 MR. McVEE: Yes, Mr. Rosier? Mr. Sandor?

8 MR. SANDOR: Mr. Chairman, I think I'd like to
9 see that articulated, as being more visible in that -- in that
10 regard. I may be paranoid, but I see another flower blooming,
11 or beginning to bud.

12 MR. COLE: Mr. Chairman?

13 MR. McVEE: Yes, Mr. Cole?

14 MR. COLE: I'd like to follow up if you don't
15 mind my colleague's comments about institutionalizing another
16 group. I -- I start with the language in the last sentence on
17 the bottom of page three, which reads, "The standards and
18 format for justifying a project are the responsibility of the
19 Restoration Team working in conjunction with the finance
20 committee." It's not my idea that the finance committee should
21 be working with the Restoration Team in connection with the
22 formulation of standards justifying a project. That's number
23 one I'd like to leave in suspense for a moment.

24 Then skipping to this -- on page four, to the second
25 full paragraph which reads as follows: "The finance committee

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1 in conjunction with the Restoration Team will review projects
2 proposed for funding." That strikes me as an elevation of the
3 finance committee functions beyond certainly what I had in
4 mind. I don't know about my colleagues, but I leave item two
5 in suspense.

6 The next paragraph -- well, you could throw in that
7 second sentence there on the second paragraph, "The finance
8 committee will submit comments to the Restoration Team and the
9 Trustee Council."

10 But then item three is the first sentence in the third
11 full paragraph on page four, "In a public meeting, the Trustee
12 Council will consider projects proposed for funding by the
13 Restoration Team, and reviewed by the finance committee." I
14 wasn't of the view that the finance committee would be
15 reviewing proposed projects for funding, so that's item number
16 three.

17 Again, troubling is the last sentence in that
18 paragraph, "Budgets approved by the Trustee Council will be
19 subject to appropriate state and federal notification, review
20 and approval procedures." I -- I would want to make sure who
21 -- who has to approve beyond the Trustee Council these
22 projects. That's troubling, at least as I read the decree
23 entered by Judge Holland.

24 Then down on page five, the bottom paragraph which
25 follows along the "transfer of Exxon settlement funds from the

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1 Court Registry," this sentence is troubling: "Upon completion
2 of public notification and public review and comment on the
3 annual budget, federal agencies will forward the approved
4 budget to the Federal Office of Management and Budget. Upon
5 notification of Federal Executive Branch approval," Trustee
6 Council will request the release of funds from Judge Holland.
7 I mean, are we subject in the views of our fellow federal
8 agencies here that our projects and our budget must approved by
9 the Executive Branch of the Federal Government? I mean, I -- I
10 think, you know, we're looking at some very fundamental issues
11 here. So I think we should reach an understanding as to
12 whether we're just a cog in some federal bureaucratic process
13 or whether we are an independent trustees charged by law and
14 the order of the federal court with the restoration of Prince
15 William Sound caused by the Exxon Valdez oil spill.

16 And by -- whose -- whose language is this and what's
17 the idea behind it I guess is the question?

18 MR. McVEE: I need to comment upon the, I guess
19 the last paragraph you referred to, Mr. Cole, and in that the
20 -- the federal component of the budget, we will be required, we
21 are required on the federal side, and that is still continuing
22 somewhat as a discussion among the federal members, but that to
23 -- to submit that to the Office of Management and Budget.
24 Office of Management and Budget says that they want to retain
25 some oversight I guess or control as this may be over the

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1 federal budget component.

2 Their interests have been expressed as -- as concern
3 about the -- the number of employees, the full-time equivalents
4 that would be added to the federal -- federal staffs as a
5 result of this program, and -- and one other thing I can't
6 remember now, but -- so that I think what we -- what has been
7 -- what the financial management team, the financial committee
8 has tried to build into this language is some recognition of
9 that requirement.

10 The federal Executive Branch approval would be for the
11 federal component of the budget as I understand it would be --
12 would be the action.

13 I guess, you know, I'm concerned -- equally concerned
14 that this, you know, could cause some delay in moving a joint
15 budget forward. Hopefully that would not be the case, that we
16 would have sufficient lead time as we're -- as we're dealing
17 with -- with budget, so that at the appropriate point in time
18 that -- that we could send it forward to OMB and meet schedules
19 for the -- for the filing with the Court to -- to release the
20 funds, but we've got a fairly strong mandate to -- to do that,
21 and we just -- I think the working out of the process and some
22 language so we can do it in a timely manner, not delay.

23 MR. COLE: Mr. Chairman, it's not the time that
24 -- that troubles me. It's this language says "Upon completion
25 of the budget, federal agencies will approve -- will forward

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1 the approved budget." That's the entire budget, okay? The
2 entire budget. That's the money used for administration,
3 that's the money that goes to the state projects, to the
4 federal OMB, and the "Upon notification of Federal Executive
5 Branch approval," then, you know, we can go ahead. And
6 personally, I'm unwilling to surrender that -- I guess the
7 better word is abdicate our responsibilities under the federal
8 court decree to the Federal Executive Branch. I didn't see
9 anything in the federal decree that says that the federal OMB
10 shall have the final responsibility over the budget, the
11 projects which the Trustee Counsel has concluded after public
12 review, after scientific advice and -- and a lot of work, it
13 goes back to Washington, D.C., and they make the decision of
14 what needs to be done, with what our budget ought to be. And
15 I can't -- I just can't accept that. I'm sorry.

16 MR. McVEE: I think the -- I guess my feeling
17 is that the -- you know, that some change in language in this
18 paragraph indicating they're talking about the federal
19 component of the budget, and -- maybe we'd clarify that -- that
20 concern.

21 Mr. Sandor?

22 MR. SANDOR: Well, I, of course, share Attorney
23 General Cole's grave concern about this issue. I wonder if the
24 genesis for the so-called OMB federal over-sight or involvement
25 might be accommodated in the way that the state deals with

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1 this. Mr. Gentry is our state OMB representative in the early
2 stages of this process, and our office, or the state Office of
3 Management and Budget, OMB, you know, has an opportunity to --
4 to see what's happening, but no final budget of the Trustee
5 Council is referred to the State OMB for approval or -- is the
6 -- is possible that -- that the concerns of the federal OMB
7 might be accommodated by simply communicating with some liaison
8 with the OMB at the very early process in the same sense that
9 Mr. Gentry's involved, and -- and that communication takes
10 place then at the time -- when we -- the Trustee Council, the
11 Restoration Team and Trustee Council approves the final budget,
12 that it is final without approval and without reference to the
13 federal and state OMB. If -- if you add yet another process in
14 this, that go through this review and approval process after
15 the final review of the Trustee Council, it is not the Trustee
16 Council action. Perhaps the concerns of federal OMB or whoever
17 could be accommodated in the way in which the state is handling
18 its OMB communications. Would that -- has that been explored?

19 MR. McVEE: I'm not sure that's specifically,
20 you know, has been explored, although I know that OMB has been
21 fairly adamant in the -- in the discussions with -- that
22 they've had with -- with our budget offices about their
23 involvement. I think by -- by giving them, you know, advance
24 copies of -- this type thing, we could -- we could speed up
25 that process.

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1 Another element that's involved in this, of course, and
2 maybe it's one -- it is one that makes OMB particular --
3 federal OMB office particular sense of this is the federal
4 requirement that the federal budget has to go -- has to go to
5 Congress, not for approval, but there's notification to
6 Congress within a 30-day period, so that -- that enters into
7 the picture, and I'm sure is one thing that sensitizes the --
8 you know, the -- federal OMB, because we have to deal on the
9 federal side with Congress as it relates to the federal budget,
10 so there's a waiting period in there for us before we can spend
11 money.

12 MR. COLE: Mr. Chairman, I think that is
13 understandable I think to me, and I think I speak generally on
14 behalf I hope of my federal state trustees. We understand that
15 the federal Office of Management and Budget needs to be
16 notified, and be kept abreast of these expenditures, as indeed
17 we provided by statute with respect to funds going to state
18 agencies.

19 But the issue is whether federal agencies has the right
20 to disapprove projects which the Trustee Council has concluded
21 are vital to the restoration of the damaged resources in the
22 oil spill affected area, and that is a decision committed by
23 law to our judgment, and I think that we must insist on it.
24 And if the federal OMB does not want some of these projects
25 deemed essential by the Trustee Council to be performed by

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1 federal agencies, that's fine. But -- we can then perhaps have
2 the right to assign the performance of those projects to state
3 agencies. But we simply must not surrender our Trustee
4 fiduciary responsibilities in that fashion, and I think that's
5 where we need to re-examine or perhaps initially examine what
6 the federal OMB has in mind in that regard.

7 MR. MORRIS: Mr. Chairman?

8 MR. McVEE: Yes, Mr. Morris?

9 MR. MORRIS: Can we partially mitigate for Mr.
10 Cole's concern by altering the procedure in terms of the steps
11 and then have the "upon public review and notification and
12 comment" that the Trust- -- and approval by the Trustee
13 Council, that the solicitation through Department of Law and
14 Justice to the Court for release of the funds be made at that
15 time, and have the funds released into the NRDA and our fund
16 and then the federal agencies to the extent that there's an
17 obligation to work through OMB do that -- do it at that time,
18 and it may certainly speed up the process a bit in terms of
19 putting the funds into the account and then may help to isolate
20 the federal requirement over onto the federal side and we -- we
21 would not be engaged in the expenditure of any funds, simply
22 the -- the movement of the funds from one account into our
23 expenditure account that is managed through the Department of
24 Interior.

25 MR. McVEE: Yes, I -- I think that's -- that

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1 has been brought up and as I understood it, and I don't know
2 what NOAA or Agriculture, what their feedback has been, but
3 that was not, at least from Interior comment, was not
4 acceptable with -- with OMB to enter it at that stage.

5 I guess, you know, the other comment is that -- is that
6 the State representatives of the Trustee Council enjoy also the
7 fact that they are the Trustees, the designated Trustees, while
8 we on the federal side do not, you know -- do -- do not enjoy
9 that full privilege. We represent our respective trustees.
10 And I know in the case of Interior that -- that the federal
11 trustee has kind of similar interests I guess I might say as to
12 whether OMB -- that -- that he wants to see at least the
13 Interior budget before it's -- it's finally approved.

14 MR. COLLINSWORTH: Well, I guess it's my
15 understanding that there has been a delegation made in -- in
16 Agriculture and Commerce to allow the Trustee Council members
17 to -- to make those decisions.

18 Do we have anything in writing from OMB that -- how --
19 how do we know that OMB's position on this is that we -- we
20 must follow this process as opposed to an alternative one?

21 MR. McVEE: I guess we don't have anything in
22 writing that I'm aware of, but there have been a series of
23 meetings. I think the first one was -- was last -- last
24 December last time, and I know that both NOAA and the Forest
25 Service representatives were -- were present at that -- that

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1 meeting where OMB expressed their interest in -- as respects to
2 the budget. And I know there have been some follow-up
3 meetings, and it sounds to me like there's probably need for
4 some more at this stage.

5 MR. COLLINSWORTH: Well, I -- I would agree. I
6 think often the -- the response that you get from a federal
7 agency or from OMB or from a state agency is partially
8 dependent on how you pose the question, and if the question was
9 posed to OMB in a certain way, they would obviously say, sure,
10 that they wanted to participate in the process. I don't know
11 if they were queried about other alternatives that would be
12 acceptable, so I think we do need to -- to find out if the
13 alternative I proposed earlier would be acceptable. I don't
14 know whether that would help to address your concern, Mr.
15 Cole, or not. Or whether you would find that kind of a process
16 acceptable from the state perspective.

17 MR. COLE: I'll take that as a question. I
18 think we really need to communicate with the federal OMB, and
19 receive something from them in writing as to what their
20 position is in this area. I mean, for example, suppose, you
21 know, we based upon the decisions we took today that we need to
22 spend another \$103,000.00 on escapement that we're talking
23 about, the study, and the federal OMB says, "Well, we won't
24 approve that." What are we supposed to do? Okay? You know, I
25 -- I just don't think it will work the way even Congress had in

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1 mind, but certainly Judge Holland had in mind when he signed
2 the decree, but if that's to be the case, those decisions that
3 those of state (ph) have ceased (ph) and not OMB.

4 MR. WOLFE: Probably -- Mr. Chairman?

5 MR. McVEE: Mr. Wolfe.

6 MR. McVEE: Probably the biggest fact that
7 we're faced with on the federal side, Mr. Cole, is that we do
8 have in the statute that we must go through and get the
9 approval of Congress before we can take money out of our
10 suspense account that we put the fund in when we remove them --
11 or get them from the Court Registry. And this process as
12 proposed here may be premature to when we have to go to OMB,
13 but before we go to Congress, we always have to go through OMB,
14 and so by statute we must go through OMB, and how we do it, as
15 you point out, is -- is the approach that we need to work out.
16 We need more time to work that out to make it less onerous from
17 your view anyway.

18 MR. COLE: Excuse me, it's not just less
19 onerous. You know, it -- it goes to the heart of who makes the
20 decisions with respect to the expenditure of these funds. Who
21 makes those decisions, whether it's OMB, it's the federal
22 government, Congress, or this Trustee Council. And I think
23 it's essential, it's -- and it's required by federal court
24 order, which is binding upon the United States of America,
25 which is one of the parties, that -- that it's this Trustee

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1 Council that makes those decisions and is charged with the
2 legal responsibility for the expenditure of those funds
3 consistent with the decree to restore the resources. That's
4 the issue, not time or anything else.

5 MR. McVEE: Mr. Sandor, did you?

6 MR. SANDOR: Well, I was going to ask the
7 question, there's an actual statute that says any court ordered
8 action that results in awarding of monies by statute it be
9 approved by the Office of Management and Budget? That it in
10 fact be approved? Mr. Cole -- and I might -- you know, I'm --
11 Mr. Cole, I'd -- I'd really be interested in the statute that
12 would actually require that. Certainly federally appropriated
13 funds, and I feel that whole process is well understood, but I
14 do -- am a little bit surprised that there is -- if the statute
15 actually extends that far, that -- that court orders and
16 judicially awarded monies and et cetera from this process then
17 finally has to go through that hurdle. I think that just adds
18 -- adds to the argument that we need something in writing that
19 actually proves that -- that would in effect scope that out.

20 But I think there's something more that perhaps is
21 fundamentally involved, and that is the reference to what is
22 delegated by the Trustees themselves in view of both the state
23 and federal governments, and the process where a person can be
24 delegated to act on -- on the basis of trust- -- you know, as a
25 Trustee, whether or not the Trustee is sitting here or not, so

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1 that maybe you'll have to clarify as well.

2 But in- -- insofar as this issue on the table, with
3 respect to -- to that, that, you know, is not acceptable from
4 the state perspective and we need -- additionally we need
5 modification I think in -- in the charter of this -- this
6 finance committee. So as presently written, this -- it would
7 not be possible to approve this financial operating procedures
8 without those two (ph).

9 Can this be deferred for another meeting? Until our
10 next meeting? The -- the nod is affirmative?

11 MR. GENTRY: Yes, it is.

12 MR. SANDOR: Well, Mr. Chairman, I would move
13 that we -- that we table this -- this financial operating
14 procedures and that we seek answers to these issues that have
15 been raised, mainly what authority has been delegated, and --
16 and specifically this involvement of federal OMB, concerns of
17 how they -- alternative ways and to seek from the proper
18 offices the -- you know, our concerns about these, and the
19 appropriate citations. Anyway, I move the tabling of this --
20 this issue until the next time the Council meets.

21 MR. ROSIER: Second.

22 MR. McVEE: Motion made to table action on the
23 federal -- or financial operating procedures until the next
24 meeting. As I recall, that there's no discussion on motions
25 to table, so

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1 MR. COLE: Are they subject to motions to
2 amend?

3 MR. McVEE: I -- I think they can be set apart.
4 I don't recall that part of my

5 MR. COLE: I don't either, but here's one
6 thing. Is -- did you have in mind Mr. Sandor that we ask the
7 -- those involved in the preparation of this to review the
8 extent of the authority, I mean, in the areas we've talked
9 about here this morning? Not just to defer it, but to advise
10 us in connection with the expressions you made?

11 MR. SANDOR: Yes, Mr. Cole. My hope would be
12 that at the next Trustee Council we'll have a clean package and
13 Trustee chart- -- or the finance committee charter will
14 clarified, the federal OMB would say, "hey, all we want to know
15 is what's happening occasionally, and your other processes (ph)
16 have been delegated completely to Alaskans management of this
17 activity in Alaska. And that we want to be -- certainly do not
18 want to meddle in Alaskan affairs." That would be my prayer.

19 MR. COLE: I think you put it quite well.

20 MR. McVEE: Understand, Mr. Cole's comment,
21 too, was to look at the role of the financial management
22 committee.

23 MR. COLE: Yes. Yes.

24 MR. McVEE: Their whole function. Is there any
25 opposition to the motion? The motion passed. The financial

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1 operating procedures tabled.

2 DR. GIBBONS: Mr. Chairman?

3 MR. McVEE: Yes?

4 DR. GIBBONS: I -- I've got one topic to bring
5 up in relation to the financial operating procedures. At the
6 last Trustee Council meeting, the Trustee -- the Trustee
7 Council approved an administrative budget pending review by the
8 public. And I held that administrative budget until the middle
9 of June waiting for a financial operating procedures to go out
10 with it, so the public could see how the administrative budget
11 was developed. Like I said, I held it until the middle of
12 June. I've sent it out to 14 locat- -- the teleconferencing
13 sites, libraries and other interested areas across the state
14 with -- with a note saying "the financial operating procedures
15 will soon arrive for -- for your use in analyzing how the
16 administrative budget was developed."

17 I guess my comment is are we going to accept the
18 comments on the financial -- financial oper- -- I mean,
19 administrative director's and those types of budgets without
20 the financial operating procedures going out so they can use --
21 see how they -- they were developed? It's a concern of mine.

22 MR. McVEE: I guess my feeling is that --
23 Dr. Gibbons, that -- that since this has been tabled, that, you
24 know, that we should accept comments on that administrative
25 budget and respond to them, and that we should go ahead and

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1 deal with or finalize that component of the budget as quickly
2 as possible. While that may be less than fully satisfactory,
3 the public will not have seen the financial operating
4 procedures, I don't think we should hold up that budget
5 component while we're continuing to work on -- on financial
6 operating procedures. Any other comment?

7 MR. SANDOR: I agree.

8 DR. GIBBONS: Yeah. The -- the basis for how
9 they were determined have not -- will -- will not change, but I
10 just wanted to make that clarification.

11 Another point I'd like to make is I think the
12 Restoration Team should work closely with the financial
13 committee before the next draft comes back to the -- to the
14 Trustee Council.

15 MR. McVEE: We're ready to proceed with the
16 next agenda item? The next agenda item is proposed process for
17 developing the '93 work plan. I believe Dr. Montague has the
18 lead on that one.

19 DR. MONTAGUE: Thank you, Mr. Chair. I'd just
20 like to bring your attention to go into that relatively short
21 section of your notebook. The first thing in there is about a
22 page or so of draft assumptions behind the op- -- the way we're
23 going to operate to prepare this '93 plan. And one of the
24 objectives of -- of putting these assumptions here was as one
25 of three points between now and the -- developing the -- the

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1 final draft of the '93 plan, that we can get input from the
2 Trustee Council on such things as categories and scope and size
3 of the program.

4 And because the schedule's really tight to have the '93
5 work plan completely drafted by the end of August, these three
6 periods today, July 20th and August 25th, when we get input
7 from the Council, will be extremely important in seeing that --
8 that we stay within schedule and have a draft plan that's
9 basically acceptable to the Council by the end of August.

10 So on the 20th of July, the -- the items that will come
11 up is a teleconference where the Council would be able to
12 discuss all the project ideas that we currently have, and
13 then on the 25th of August would be the time that the Council
14 reviews a predraft of the draft '92 -- or '93 plan.

15 And in these assumptions, I'd like to just highlight a
16 couple of -- a couple of the ideas presented here. One, we're
17 going under the assumption that we would enter into the federal
18 fiscal year with this work plan and that at least the federal
19 offices of man- -- Office of Management and Budget needed a
20 budget 30 days prior to the beginning of the federal fiscal
21 year. And along with that we decided that to have a budget, we
22 needed a draft plan, so that assumption is what's driving this
23 schedule, that we need a draft plan before we can develop the
24 budget, and that that has to be done 30 days prior to October 1st.

25 Another point is that we would anticipate that the work

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1 plan would cover almost all of the -- or all the major
2 restoration areas, and damage assessment as well.

3 You know, I -- I won't go over the specifics because
4 I'm sure you've read this, but one point I think it's necessary
5 to bring up, that we may need to ask specific guidance from you
6 all on, is that on the last sentence under restoration habitat
7 protection and acquisition. I'll just read it. "Although
8 there is much -- although there is much public support for
9 acquisition projects, we are proposing a pragmatic approach to
10 fully develop the process in '93, but not acquire any habitats
11 except those facing imminent threat." Okay. Certainly any
12 guidance from the Council that's different than that would have
13 a large effect on the 1993 work plan.

14 If there's no other questions on the assumptions, you
15 know, this isn't a document that needs approval. It's only for
16 your information, and either now or at any time we would
17 appreciate whether these assumptions seem appropriate to you
18 all.

19 MR. McVEE: Any comments on the assumptions?
20 Yes, Mr. Sandor?

21 MR. SANDOR: Well, I guess two points, or
22 questions of Dr. Montague. With regard to the assumptions,
23 I'm assuming that the process is going to take the public
24 comments that were received in the 1992 -- the comments to the
25 1992 work plan and the restoration frame work and in affect

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1 apply them where appropriate with respect to the 1993 work
2 plan?

3 DR. MONTAGUE: Mr. Chairman, relative to that,
4 indeed '92 project ideas and comments that are applicable have
5 been passed on to the '93 work group. You know, we weren't
6 really prepared today to talk about the -- the nature of the
7 ideas and comments on '93, but for the most part all '92
8 project ideas that we had from the public were also resubmitted
9 as a new '93 project, so as far as project ideas, they have
10 been covered in that way.

11 And so far we've -- well, I mean the time period has
12 passed, so we have received about 500 ideas and comments for
13 '93. Approximately 50 of these were comments and 450 were
14 projects which if added all up would amount to several billion
15 dollars. So we do need to pare down.

16 MR. SANDOR: The second question relates to the
17 restoration or habitat protection and/or acquisition, and the
18 Trustee Council has discussed at substantial length and there
19 has been, as you have pointed out, a great deal of public
20 comment on habitat -- habitat protection and/or acquisition.
21 And I guess I'm a little concerned about the literal wording of
22 that sentence you -- you read. And -- well, I guess the
23 question is The Nature Conservancy's paper on habitat and the
24 efforts to identify what is critical habitat. Can you
25 elaborate on the status of that so that we know where the

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1 Restoration Team on -- on identifying, you know, what is
2 critical habitat?

3 DR. MONTAGUE: Mr. Chairman, I could, but I
4 think Marty Rutherford would probably describe it a little
5 better.

6 MS. RUTHERFORD: Do you want to take?

7 DR. GIBBONS: Do you want me to? Mr.
8 Chairman, I'll -- I'll try to -- try to take that one.

9 The -- the habitat protection working group has been --
10 has been working very hard from the direction of the last
11 Trustee Council meeting. We're about -- about finalized on a
12 public package. We're shooting for mid July. We've got a
13 meeting early next week to hopefully finalize the package to go
14 to the public. In that package there will be an imminent
15 threat. There will also be an identification of critical
16 habitats, the procedures to do that. And -- and also the third
17 set of threshold criteria based on contingent valuation were
18 developed. So we have three sets of criteria, we have an
19 imminent threat process, we have a long-term habitat protection
20 process, and this is like I said all going -- hopefully going
21 to the public in mid July for comment.

22 MS. RUTHERFORD: Mr. Chair?

23 MR. McVEE: Yes, Marty?

24 MS. RUTHERFORD: Just -- just the only other
25 thing I would add is that -- is we -- the habitat protection

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1 committee is meeting next week also to talk about the ideas for
2 '93 work plan that are -- that have come in. And I think it's
3 very possible that as part of that meeting we will identify
4 projects that will allow us to develop valuation comparison
5 valuations on habitat so that we can address specific
6 suggestions that are coming in. So that is going to be part I
7 think of what we do regarding the '93 work plan, because at
8 this point in time, we don't have enough information to say
9 that one particular habitat is better than another, and so that
10 is very likely to be a part of our '93 response if you will.

11 MR. SANDOR: Well, you know, I guess given that
12 situation that the process is underway and at least this member
13 of the Trustee Council would really prefer a rewording of that
14 -- this -- this last -- that last sentence of that paragraph
15 titled restoration habitat protection and/or acquisition to
16 read something like perhaps we can take the two sentences and
17 "The Trustee Council recognizes there is much public support
18 for habitat acquisition projects, period. We are proposing a
19 scientific approach to fully develop the process in 1993 and --
20 and will move to acquire or protect the imminent -- any crucial
21 or any critical habitat in 1993."

22 I'm -- what I'm wanting to suggest is that we should
23 turn the -- part of those -- of that sentence to -- to go on to
24 say the Trustee Council recognizes the -- the importance of
25 acquisition and protection -- or actually I should say rather

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1 than we are proposing, that we are -- the Restoration Team is
2 involved in -- in -- Restoration Team (ph) is going to be
3 developing a scientific approach to identify threatened and
4 critical habitat and that we will if critical habitat is
5 identified, harlequin duck -- as to harlequin duck nesting
6 sites, or whatever else, and that we will move to acquire those
7 in the fiscal year 1983. Let's -- let's switch that around.
8 Or at least that's my suggestion, Mr. Chairman.

9 MR. McVEE: Okay. Do any of the Council
10 members have any problem with Mr. Sandor's suggestion? Concur
11 with that? Okay. Marty, you've got some new language there.

12 MS. RUTHERFORD: Okay. Thank you.

13 MR. McVEE: I guess it's -- you know, that --
14 that we need to -- we need to get the work group's process out,
15 you know, as soon as possible to get the public comment back on
16 that process. That's critical to accomplishing I think what
17 Mr. Sandor is -- is recommending or suggesting with his
18 language change, and -- so we can -- can proceed with that
19 process.

20 MS. RUTHERFORD: Mr. Chair, if all goes well,
21 we should have it out by the middle to end of next week.

22 MR. McVEE: I guess the other element, you
23 know, in the '93 program is that we will not have a
24 restoration plan until late next spring or early next summer so
25 that we're still functioning without the advantage of that

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1 long-term guidance for the program. It's almost in an interim
2 context that we're continuing to function, so in my mind that's
3 significant in the way we design the -- the '93 program.

4 Yes, Mr. Rosier?

5 MR. ROSIER: Thank you, Mr. Chairman.

6 I'm not sure whether this is the appropriate place to
7 interject this thought, but it seems to me that one of the
8 areas that we have talked about as a Council has been the
9 creation of an endowment, and this has been something that's
10 underlied a number of discussions here, but we've never really
11 brought that particular issue to the forefront, and it seems to
12 me that in '93, I don't know whether we should call it a
13 project or what, but it would seem to me that we should be
14 moving ahead with at least consideration of that -- of that
15 particular issue as part of the '93 budgeting process on this.
16 It seems to me that we need to be making some decisions, one, I
17 guess whether we're going to have an endowment, but, two, when
18 we begin to identify the expenditures that we may want to --
19 want to make for the '93 work plan on this, certainly our
20 commitments to an endowment program would be an integral part
21 of that decision. It would seem -- this is one of the few
22 items that we have not had a working group on, and it seems to
23 me it's something that we need to begin to give a little more
24 specific attention to.

25 MR. McVEE: Yes, Mr. Sandor?

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1 MR. SANDOR: Well, I concur with Carl Rosier on
2 that point, but there was a -- the Restoration Team was
3 directed to look into this -- this matter of an endowment.
4 Where does that stand, Dr. Gibbons?

5 DR. GIBBONS: I know in the 1993 work plan
6 we've -- we've broken out a whole section on endowments, and
7 we've got some suggestions from the public and we've also
8 taken the one submitted by yourself, Mr. -- Mr. Sandor, and
9 also by Mr. Rosier, and put those in there as -- as a mechanism
10 for -- for the '93 plan, so they will be discussed in the '93
11 plan.

12 We haven't done much on those before as -- as directed
13 by the Trustee Council. We just -- we haven't -- haven't done
14 much.

15 MR. SANDOR: Mr. Chairman?

16 MR. McVEE: Mr. Sandor?

17 MR. SANDOR: I think the Trustee Council, at
18 least the state Trustees, received a letter from Senator Arliss
19 Sturgulewski urging establishment of an endowment, and I think
20 some paper associated with that. Is that also before the --
21 this same group, Dr. Gibbons?

22 DR. GIBBONS: Yes, it is. Senator Sturgulewski
23 did -- did submit it in two areas in the framework and also in
24 the 1993.

25 One other point I'd like to add is in -- in the

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1 restoration framework, as a restoration option there's an
2 endowment in there as one option for -- for restoration, so
3 we're -- we're doing some work in that activ- -- in -- in that
4 area, but we're -- we're trying to get those together now.

5 MR. SANDOR: Mr. Chairman, finally as -- as
6 Carl Rosier suggested, can we add a sixth item in there on it?
7 I guess that's what you're suggesting, Carl?

8 MR. ROSIER: Yes, that's correct.

9 MR. SANDOR: On discussion of that.

10 MR. McVEE: Is that acceptable to the other
11 Council members? Organizationally I guess at this point in
12 time that -- that the evaluation of the concept of putting
13 together a package relative to endowment should be with the
14 R.T. Yes, Marty?

15 MS. RUTHERFORD: Could -- could I ask for you
16 folks to give us any indication as do you want to consider an
17 endowment as part of the work plan, or do you want to consider
18 it as sort of separate from the work plan? Do you want to con-
19 -- I mean, 'cause basically then it would be considered almost
20 like a project, which is how we've approached all the
21 budgeting. I -- I guess that's something I'd throw out. You
22 really don't have to respond now. Maybe you want to think
23 about it and get back to us later, but it is something that is
24 some- -- that is -- a few of us have discussed as to whether or
25 not it should be considered as part of a work plan.

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1 MR. McVEE: I guess -- I guess my feeling was
2 -- on it, and maybe this results for discussion here by the
3 Council members, but is that, you know, is it should be part
4 of the '93 program or -- or submitted with the '93 program. I
5 guess an endowment as I see it would -- would be more than just
6 a one-year project. It would -- could be -- probably would be
7 a continuing effort, but that -- and -- and maybe
8 organizationally is that, you know, we need to put some type of
9 an ad-hoc group together I guess. We look for guidance -- or I
10 would look for guidance from the R.T. as to determine how, you
11 know, that could be done, to look at the whole area of
12 endowment upon the -- the submissions that we have before us.

13 Yes, Mr. Sandor?

14 MR. SANDOR: Yeah. And then I believe that
15 this is part of a foundation on which the work plan, you know,
16 is constructed and developed, and -- in other words, talking
17 in terms of short term, I regard ten years as short-term, and
18 then for long-term, and so we -- particularly on easements,
19 purchase of an easement for habitat protection where certain
20 owners do not want to, you know, dispose of their land and --
21 and want future owners to, you know, have a voice in what
22 happens to that land, or reconsider the circumstances. So
23 that gives more flexibility. So I see it as -- just as a part
24 of the foundation.

25 MR. BRODERSON: Mr. Chairman?

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1 MR. McVEE: Yes, Mark?

2 MR. BRODERSON: I'd -- I'd like to reiterate
3 what Mr. Sandor is saying there. I -- I think to have
4 endowment put in as part of the '93 work plan really does --
5 excuse me -- does not give it the due that it deserves, that --
6 that we really need to look upon this as developing part of the
7 process here. It needs to be pulled out of the '93 work plan,
8 looked at for the long term, how do we accomplish this? This
9 is really a method of -- of how do we do our financing as
10 opposed to what do we do. It -- it deserves much more
11 consideration than it would get as just a project within the
12 '93 work plan.

13 DR. MONTAGUE: Mr. Chairman?

14 MR. McVEE: Yes, Mr. Montague?

15 DR. MONTAGUE: To further clarify, at the
16 moment we have six categories for the '92 work plan, one of
17 which is technical support, and that is where endowments are at
18 this stage, and technical support being the -- that will be the
19 mechanism by which future projects are funded. And so we -- so
20 it, I don't know if subsumed is the right word, but it's simply
21 part of the work plan at the moment. And not to bog it down in
22 specifics, but not that you've brought it up, the -- the two, I
23 guess, nagging questions relative to the -- the ideas for
24 endowments that have come in, is that the director -- direction
25 of how the money's used in most of the projects is not the

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1 Trustee Council. Sometimes it's one or two members of the
2 Council, but generally it's outside the Council. And certainly
3 we need guidance from you all relative to that.

4 Two, many of the objectives are to do -- to fund
5 projects that aren't very clearly related to the Exxon Valdez
6 oil spill.

7 MR. McVEE: Can -- can we move on? I guess
8 that -- I guess I would feel like that we have provided
9 guidance at this point to the R.T. and indicated our interest
10 in having them pursue the -- the concept, the idea of -- of
11 the endowments -- of an endowment based upon the proposals that
12 have been submitted, and that at -- at some time in the future
13 then we would act probably in -- in my mind, in conjunction
14 with the '93 work plan, whether it's part of that or some
15 separate entity, I -- I guess I don't -- I don't know at this
16 time, but at least we trust the R.T. to come back with analysis
17 of that whole area of concern, of interest.

18 Mr. Rosier?

19 MR. ROSIER: Yeah. Mr. Chairman, I'd like to
20 have some sense from the -- from the R.T. group as to the time
21 frame that they feel that they need to develop at least options
22 for us on this. I'd like to get this thing a little bit more
23 specific in terms of, you know, the time frames that we're
24 talking about rather than just sometime in the future. I for
25 one would like to see, you know, what -- what's the time frame

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1 that we're -- we can reasonably have something in hand that we
2 can -- we can relate to the '93 budgets that we're going to be
3 considering on this, and -- and how we're in fact going to move
4 ahead on that? Could we get some sense from the R.T. group on
5 that?

6 DR. MONTAGUE: Mr. Chairman?

7 MR. McVEE: Dr. Montague?

8 DR. MONTAGUE: As long as it is in the '93 work
9 plan, your endowment projects would be in the draft by the 25th
10 of August. If it's not in the '93 work plan, I can't address
11 it.

12 MR. McVEE: It seems to me that there's
13 certainly some advantage of having this handled in conjunction
14 with the '93 work plan, because then, you know, in terms of
15 public review, the public will see this as part of the total
16 package.

17 Any other comments?

18 MR. COLLINSWORTH: Well, Mr. Chairman,

19 MR. McVEE: Yeah, Mr. Collinsworth?

20 MR. COLLINSWORTH: I -- I don't care
21 whether it's part of the work plan or a separate project, as
22 long as it -- it gets some focused attention, and -- and a
23 variety of options are prepared, or options are prepared. As
24 Dr. Montague pointed out, suggestions for this kind of fund
25 have varied considerably in terms of the intended use, and

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1 there are a lot of different ideas on -- on how that money
2 would be used out of the fund. And I'm very interested in
3 that.

4 I'm not -- I'm not wildly enthusiastic about some of
5 the proposals that I have seen. I think that if there are
6 monies that remain available to us to capitalize a fund down
7 the road a few years, that's perhaps the appropriate time to do
8 it, and perhaps not as -- as in the near term.

9 I mean, I -- I think one of the things that we do need
10 to get moving on, and we've heard it loud and clear from our
11 public for -- for the last couple of years is a very strong
12 interest in the Trustee Council acquiring land use
13 discretionary authorities, and while it didn't say ownership of
14 lands, but at least the -- the authority to determine how lands
15 would be used, and the -- these acquisitions of this land
16 management authority would serve as part of the restoration,
17 as -- as compensation, and providing a like-value services,
18 and I think that we have not moved as rapidly as we should in
19 -- in dealing with the -- the land use issues.

20 If we're going to take '93 to -- to work it out and
21 then finally get started in '94 or '95, we're getting pretty
22 far down the line in terms of the years between the actual --
23 the -- the oil spill and the -- and the damages and the injury
24 that was suffered, and when we start to move forward with a
25 restoration plan.

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1 So acquisition of equivalent value services is
2 certainly provided for and contemplated under the law, and --
3 and I think many of our constituents would like to see the --
4 the Trustees acquire land use management by lease or by
5 ownership or by other kinds of contractual arrangements so that
6 we can start to look at important habitats for restoration
7 purposes as well as -- as the aesthetics of protecting
8 viewsheds and other natural -- the natural ecology of Prince
9 William Sound and I think we -- we may well lose opportunities
10 to do that unless we -- we move.

11 I know that the attitude on the part of this Trustee
12 Council has vacillated partially as a result of membership, and
13 partially as a result of just changing attitudes and
14 philosophy, but while there seemed to be once a lot of support
15 for the concept of land management acquisition, there seems to
16 be less now or -- and that -- that may vary again, but we
17 certainly do need to work out our procedures for making a
18 determination on how we will make judgments with regard to
19 alternative projects to acquire land use management, and we
20 should do it as quickly in '93 or in the '93 work plan as
21 possible.

22 MR. COLE: Mr. Chairman?

23 MR. McVEE: Yes, Mr. Cole?

24 MR. COLE: I take direct issue with your
25 statement that we vacillated. I've been here at every meeting.

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1 MR. COLLINSWORTH: Well, I -- I said

2 MR. COLE: Excuse me. Well, hold on. Hold on.

3 Please don't interrupt me. I mean I've been here at every
4 meeting, you know, starting in December, in early December, and
5 essentially except in emergencies when I have to step out for a
6 few moments, I've been here every minute, you know, I don't
7 think there's any -- been any vacillation among this group
8 whatsoever with respect to the acquisition of land and habitat.

9 MR. COLLINSWORTH: Well, I

10 MR. COLE: Hold on, I'm not finished. Thanks.
11 I didn't interrupt you.

12 And -- but when you say that we've vacillated, I mean,
13 I -- I want to make the record clear that I don't think we've
14 vacillated, number one.

15 Number two is I think we've proceeded expeditiously,
16 but not carelessly, and we're dealing as Trustees with vast
17 sums of money. We have to make very critical decisions in the
18 acquisition of habitat, what acqui- -- habitat is acquired,
19 what damage has been done to the various resources, and make
20 rational decisions, not based upon someone who says, "Well, you
21 know, if you don't buy this today, we're going to log it, so
22 you've got to go buy it."

23 And -- and I speak strongly in defense of what this
24 Trustee Council has done, and I think we should pursue a steady
25 course, and I hope we do. The same course we've been on.

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1 MR. COLLINSWORTH: Well, may I respond? Just
2 briefly. I don't wish to get into a debate.

3 I do recall some earlier discussions of the new state
4 members on this Trustee Council that seemed to be rather in
5 support of acquisition of -- of lands, it seemed to me it was
6 the Governor who had indicated some strong interest.

7 But what I intended to say, and I conditioned my
8 remarks by saying as the membership has changed, because the
9 membership on this Council has changed with the exception of
10 -- I guess of one person, Mr. Pennoyer, all of the members have
11 changed since the oil spill and the Trustee Council was
12 initially started. And there was consideration of the -- the
13 Trustee Council that was operated starting in 1989 may not be
14 operating under the same format as this group, but it was a
15 trustee council and it did operate, and some of the attitudes
16 there with regard to land acquisition were different I think
17 than the present Council, and those things evolve.

18 MR. COLE: Let me respond to that. I mean,
19 this is important, and I don't mean to quibble, but this
20 Trustee Council membership has not changed. Whatever ad hoc
21 body was operating following the spill is one thing, and -- and
22 they were focusing on damage assessment and -- and the
23 preparation for civil litigation, and once the settlement was
24 realized and approved and by judicial degree this group was
25 form- -- formulated, the management -- the membership has not

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1 changed. And -- and I don't think any views, the Governor's
2 views have not changed. My views have not changed, and I don't
3 think the views of any -- any member of this Council has
4 changed since in early December following Judge Holland's
5 approval of the settlement have -- has changed whatsoever.

6 So -- I realize we've been subject to -- to some
7 criticism, should have moved faster, but I think we've
8 proceeded very prudently. So, anyway, thank you.

9 MR. McVEE: Yeah, let's -- let's move on then.
10 Jerome?

11 DR. MONTAGUE: Mr. Chair, if there's no further
12 comments on the assumptions, I'll move on to the schedule. The
13 -- the schedule through July 1st has already been approved back
14 in April, so it's the remainder of the year that is up for your
15 all's approval now. And I won't go through it item by item,
16 but I would like to point out a couple of things.

17 First of all, there's two page fours, and one, I
18 believe the first one, has us requesting the Court the full 12
19 months of money along with the -- the draft budget, draft -- or
20 the budget based on the draft plan, the first of September and
21 receiving monies the first of October. And the second -- the
22 second page requests the money in December and receives it in
23 January. And certainly we do need some direction on that.

24 And the -- the issue in front of you is that not until
25 1994 will a final work plan be done by the end of August. So

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1 this year, with -- with the first page four, we would be
2 requesting money from the Court based upon the draft work plan.
3 If we use the second page, it would be based upon the final
4 work plan. But using the second page would require two -- two
5 budgets and two submissions to the Court.

6 MR. McVEE: Dr. Montague, is -- the first
7 alternative then would be a request to the court prior to the
8 time that we had received public comment on the '93 budget?

9 DR. MONTAGUE: That is correct. And going the
10 -- the second route would be receiving three months early on,
11 you know, again without public comment and then the rest in --
12 in December.

13 MR. McVEE: Or we -- or we have another option
14 there. We get -- we will have received comment on the full
15 five-month budget so to speak, the -- the remainder of the oil
16 year, the old oil year budget that we could ask the Court for
17 -- for since that has been through the entire process, we
18 could ask the Court for -- for those funds.

19 DR. MONTAGUE: Mr. Chairman, I just assumed
20 that that being not part of the '93 program, that that was just
21 going to be dealt with anyway and wasn't up for discussion
22 relative to '93. I presume that we -- no matter what we
23 choose, we're going to go with September to get the remainder
24 of '92 program.

25 And then I would like to go over the time period

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1 between now and the end of August, as that -- it is
2 exceptionally tight, and also to try to give you some feel of
3 how we're handling the 1993 ideas.

4 And as you may remember, in order to not have people
5 present a lot of -- or use a lot of time making detailed
6 proposals, we requested simply one-page ideas for '93. And as
7 I had mentioned, we received about 450 of these, and we've
8 just recently put them into the six categories which you'll --
9 you'll see later on here, and also provide what we've termed
10 the -- the critical factors.

11 And if you'll turn to page six where you see the
12 critical factors, these are -- presumably if they received a no
13 in any one of these categories, they wouldn't be considered
14 further, and these are linkage to the Exxon Valdez spill,
15 technical feasibility and legality. And we had about 50 of
16 these ideas that have been discarded based upon these critical
17 factors.

18 And just so there's no uncertainty, on the linkage to
19 Exxon Valdez oil spill, there were several ideas for projects
20 that would made the state or make the governments better able
21 to respond to future spills, but they had no relation Exxon
22 Valdez and these have been removed, so, you know, if you're not
23 in agreement with that, we'd like to -- like to know about it.

24 Okay. And then now that these ideas have been -- and
25 also about 50 and presumably some more were essentially the

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1 same project submitted several times, so these have been
2 combined, and we anticipate probably about 300 ideas counting
3 all the combinations. And these will be sent out to the six
4 agencies and to habitat working group for the habitat related
5 projects to develop what we're terming the brief project
6 descriptions, the format of which is near the end of your -- of
7 the packet here.

8 And based upon those three-page descriptions with a
9 two-page detailed budget, there will a meeting the 22nd through
10 the 27th of July to rank all of the projects, and your -- and
11 that is still looking at the critical factors. After that is
12 five pages of project evaluation factors for the five
13 categories of damage assessment, restoration manipulation and
14 enhancement, management actions, monitoring and technical
15 support. Now, habitat does not have evaluation factors
16 presented here, because they're being referred to the habitat
17 group with their own procedures.

18 And during this meeting on the 22nd to the 27th, there
19 will be six ranking committees based upon these six categories,
20 and they will be applying these factors with their best
21 professional judgment and ranking them in terms of high, medium
22 or low, and filling in the comment line as to why they got such
23 and such rank.

24 And then after that, on the 28th and 29th, the
25 Restoration Team will take these six -- six lists of ideas that

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1 have their ranking internally to their own category and re-rank
2 them across the six categories.

3 And then the 1993 work plan work group will put
4 together a working draft of the plan and will have one more
5 chance to look at it, and then it will be, not finalized, but
6 become the draft plan that's presented to the Council on the
7 18th of August and would be discussed during a Council meeting
8 on the 25th of August.

9 The only step I haven't mentioned yet is that in the
10 next few days we will put together a table showing how many
11 projects we've received in each category and their cost and --
12 and a few other things. And on the 20th of July we would --
13 have scheduled a teleconference and would be interested at that
14 point based upon what, you know, what you see in the table in
15 terms of the ideas in front of you, what type of a '93 program
16 you might wish so that between the 20th of August and -- or the
17 20th of July and 18th of August we can put together a draft
18 plan that's pretty close to what you all might want, because
19 the last time to change the plan before we present our budgets
20 to the OMB's would be between the 25th and the 31st of August.

21 And I think that about covers the whole packet except
22 that we do need -- there's a couple of pages in here where we
23 need Trustee Council approval, and one of them is on this
24 schedule, and I'll just point out the other area where we need
25 approval. The second place we need is on the project selection

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1 process, and I believe that's -- that's the only other place we
2 need to have some specific Council approval.

3 With that I'm open for questions.

4 MR. McVEE: Okay. Any questions? I guess I
5 have one comment on this -- the same issue of the involvement
6 of the Federal Office of Management and Budget. You know, that
7 will have to be resolved, and I guess we've -- we've tabled
8 that, so as it is reflected in this schedule, it may -- may
9 change based upon that -- resolution of that issue.

10 I guess I -- I have some great problems with -- with
11 going for, you know, budgets in the future without full --
12 completing the full public comment and review process. I
13 thought this year was -- was an emergency, we had an exigency
14 that we had to take care of, and that hopefully we'd not have
15 to face that in the future. So it seems to me like the
16 schedule should be built so that we can get full comment and
17 review.

18 Maybe one other comment, from the August 25th Trustee
19 Council approve draft '93, and -- and maybe the time is -- the
20 time -- the length of time in there was because of the
21 involvement of Offices of Management and Budget, but if -- if
22 that involvement occurred some other time, it would seem like
23 then the release of that public com- -- release of that
24 information for public comment on the first of October is a --
25 is a fairly -- you know, is a long span of time to -- to do

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1 just the final -- prepare the final information for public
2 comment.

3 DR. MONTAGUE: Mr. Chairman, perhaps Dave could
4 respond to that. I -- I think, you know, it's usually on the
5 order of about three weeks between, you know, sending it to the
6 printers and actually having it ready to mail out, so you're
7 right, we could save a week in there, but I don't think we
8 could save much more.

9 DR. GIBBONS: That's correct. We've been
10 allowing two weeks, but then you allow a little bit of mail-out
11 time, too.

12 MR. McVEE: Okay. Comments on the schedule?

13 DR. MONTAGUE: Mr. Chair, just so that I'm
14 clear, irregardless (sic) of what's decided with the Federal
15 Office of Management and Budget, is it or is it not the
16 Council's intention that we begin the '93 program on the
17 federal fiscal year? So that's not an item for discussion, may
18 we assume that?

19 MR. McVEE: Yeah, from -- from at least
20 Interior, I'll let the other federal members speak from their
21 perspective, but is that we should proceed, you know, with a
22 schedule, and we've -- we've got to figure out or find out how
23 Office of Management and Budget will fit into that schedule.
24 There's no use rehashing I guess that prior discussion, but we
25 need to proceed with the schedule. I think the '93 schedule,

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1 you know, has to be -- has to be as streamlined as possible in
2 order to get through the -- the necessary steps, and

3 DR. MONTAGUE: Okay. So, Mr. Chair, so that
4 the only part of the schedule then that's really uncertain is
5 when funds are requested from the Court and received from the
6 Court, and that we should go on with this schedule with those
7 things left blank?

8 MR. McVEE: I guess that would be my feeling,
9 or at least indicate that that's tentative based upon -- on the
10 prior discussion, yeah.

11 Comments? Yes, Mr. Sandor?

12 MR. SANDOR: I agree with that conclusion.

13 It occurs to me, reflecting on and agreeing with the
14 Chair's remarks about the absence of a public -- an opportunity
15 for public review, should we not in these target dates identify
16 -- we say, you know, different groups are going to review this
17 and review that. Why don't we institutionalize having this
18 public advisory group, you know, formally review these things?
19 In other words, where you say you're going to go before this
20 and this, that we incorporate using some of those target dates
21 for formal, you know, review like that might be helpful. Is
22 that a problem?

23 DR. MONTAGUE: Mr. Chair, it's not a problem
24 after August 25th which I believe, or sometime around the end
25 of August is their first meeting.

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1 MR. SANDOR: Oh, that's their first meeting,
2 August of?

3 DR. MONTAGUE: I -- I believe so. So indeed on
4 page 13 it would be easy to insert the public advisory group's
5 role after that period.

6 MR. McVEE: Is -- I guess it's -- it occurs to
7 me the public advisory group is somewhat -- somewhat contingent
8 upon how fast we act upon this package of nominations, and --
9 and proceed with the formal appointment process. But I think
10 that was what I recall on an earlier schedule is the latter
11 part of August would be their first meeting.

12 MR. WOLFE: Mr. -- Mr. Chairman?

13 MR. McVEE: Yes, Mr. Wolfe?

14 MR. WOLFE: I'm -- I'm still wrestling with how
15 we're going to continue to operate in a '92 work plan and then
16 have a '93 work plan if we're going to go to fis- -- federal
17 fiscal years. I wonder if that's going to create a lot of
18 confusion for us as well as for our public at this point, if we
19 have two sets of work plans to deal with in one fiscal year?
20 It would be for me. I would ask that maybe there's some way we
21 could integrate the balance of the '92 into a '93 program of
22 work or something like that? But if we aren't careful, we're
23 going to have a lot of confusion here.

24 MR. McVEE: Yes, Dr. Gibbons?

25 DR. GIBBONS: Mr. Chairman, yeah, our -- our

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1 ideas on that would -- would be to on the budget for the 1993
2 work plan, to have the remaining five months of the 1992 work
3 plan included in that, but have the '93 work plan stand alone
4 in there, you know, 'cause the '92 has been reviewed by the
5 public already. And so just have that budget numbers in there,
6 and -- and work it that way.

7 One -- one thing I -- I might suggest that might --
8 might help with -- with the schedule here is that perhaps the
9 Trustee Council approve this in concept. It seems like we need
10 to -- to add the public advisory group in this, and those types
11 of activities, but that the Trustee Council approve this -- the
12 time -- the timeline in concept for meeting some -- some
13 deadlines, and -- and we have an OMB change and some of those
14 things.

15 MR. McVEE: Dr. Gibbons, if -- if we proceed in
16 -- as you have suggested, and that makes some -- some sense to
17 me in that -- that the -- the final '93 program include that
18 component of the '92 I guess which you might say which carried
19 forward for the -- for the five months, but it seems like if
20 it's handled in that way -- that way, then what we could do is
21 proceed as soon as we have completed the public comment period
22 on the administrative portion of the '92 program and -- and
23 then following -- and --and the five-month overlaps, we could
24 proceed to -- to request the balance of those funds from the
25 Court, and there- -- and then handle the -- the '93 program as

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1 an entity, you know, with -- with time for public review and
2 involvement of the P.A.G. and -- and all of that, that we have
3 bought ourselves some time, and we've got some funds to cover
4 the -- the continuing carry-over, you might say, into that --
5 into that five-month program.

6 DR. MONTAGUE: Mr. Chairman, that is -- the
7 point -- point there, I just want to make sure I understand and
8 maybe some of the other people, so what you're proposing is
9 that there would not be any new 1993 projects until January
10 1st as opposed to October 1st, so we just ask -- in September
11 we ask for the remaining five months of '92, and don't ask for
12 anything for '93 until we have the final work plan in January?

13 MR. McVEE: That's -- that's the suggestion,
14 until we've completed public review process and whatever else
15 is necessary to have everything done in a -- in a timely
16 context. And it -- I guess I'm wondering if that is any kind
17 of a major problem since we're -- we're talking about, you
18 know, the fall/ early winter months. We aren't talking about
19 field activities. So I wonder if that's -- that's any -- will
20 be any great problem. It -- it isn't I guess, dependent upon
21 how we design the '93 program. If we design it so that's going
22 to be the effective date for receipt of funds, then it would
23 seem likely it would not be a problem.

24 DR. MONTAGUE: Mr. Chairman, in many cases I
25 think that indeed is true. I think there probably are cases

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1 that would have begun on October 1st, some -- some analysis
2 projects and potentially land acquisition isn't -- doesn't have
3 any seasonal constraint to it, but, you know, a nine-month '93
4 work plan is certainly an option. We just need to -- people
5 are developing their budgets here, or will be beginning the 5th
6 of July so -- or 6th of July, so we need to resolve it and get
7 them guidance.

8 MR. McVEE: Comment from the other -- other
9 council members?

10 MR. WOLFE: Mr. Chairman?

11 MR. McVEE: Yes, Mr. Wolfe?

12 MR. WOLFE: I guess I -- I wasn't following
13 exactly what you were saying about a nine-month work plan. If
14 we have a work plan for '93, it should be a work plan for '93,
15 whatever period of time that covers, and that to me is October
16 1 through September 30th. So I'm -- I'm -- did I hear you say
17 something about a nine-month plan?

18 MR. McVEE: No, Jerome said that.

19 MR. WOLFE: I thought maybe I

20 MR. McVEE: Okay. But, no, I -- I think it is
21 a full -- a full 12-month program, but there would not be funds
22 available for implementation of the projects until after money
23 would be received from Court under this schedule in January.
24 Whether that could be, you know, could be accelerated, I don't
25 know. I think it would be pretty difficult, but -- but it

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1 would be no -- we'd not be able to initiate a '93 program or
2 '93 project until after the funds were received. Of course,
3 you would still be operating on -- on the remainder, the carry-
4 over of the '92 five-month funds, the continuation of those
5 projects.

6 MR. WOLFE: Okay.

7 MR. McVEE: Further comments on -- on schedule?
8 Yes?

9 MR. WOLFE: Mr. Chairman, I guess in -- in
10 concept, in response to Dr. Gibbons, what I hear us saying here
11 is at least through the August, late August time frame, that we
12 agree at least with that portion of -- of the work plan at this
13 point in time, with this schedule for the work plan. Is that
14 what -- what I'm hearing, with the addition of some reference
15 to or involvement with the public advisory group?

16 MR. McVEE: Is that a motion?

17 MR. WOLFE: Maybe I should have made that in
18 the form of a motion, but we're lacking one of our members
19 here.

20 MR. McVEE: Okay. Let's -- let's discuss for a
21 little longer.

22 Jerome, you had a?

23 DR. MONTAGUE: Mr. Chair, I think that it
24 wasn't just the schedule through August, it's the entire
25 schedule. The only part I think that there isn't agreement on

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1 is when we begin the projects and when we'd request money from
2 the Court. Mr. Chair, the -- the way we're currently planning
3 on informing the -- those that are going to be writing their
4 budgets is that if it's a continuation of a '92 project, that
5 it only cover the period March '93 through September '93, and
6 if it's a new project, you know, to begin whenever it needs to
7 begin, but no earlier certainly than October 1st, so there
8 probably would not be a lot of projects with October 1st start
9 up, but there would be some.

10 MR. McVEE: One option we have I guess, you
11 know, here looking at the schedule is to -- is to -- to follow
12 Dr. Gibbons' suggestion, you know, approve it in concept so
13 that it would be something that the staff would have to work on
14 with -- with refinement, which would include involvement of the
15 P.A.G., resolving this -- our -- our issue concerning Office of
16 Management and Budget, and I guess -- and I don't see why we
17 can't -- we couldn't resolve today the issue of when the
18 actual, you know, when we're -- when we're going to actually
19 you might say initiate '93 projects. Are we going to work
20 under the emergency exigency type of approach or -- for -- for
21 '93, or whether we want to -- we want to wait until we have the
22 money in the account on the formal public review process until,
23 you know, we actually initiate '93 projects. New projects I --
24 I guess I would say. There will be those '92 projects.

25 The other option that we have I think is that, you

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1 know, is like maybe we dealt with, although maybe not quite the
2 same thing, we dealt with the -- the two requests today for --
3 for amendments to projects based upon changes and -- and the
4 need for -- for more equipment, information.

5 MR. WOLFE: Mr. Chairman?

6 MR. McVEE: Yes?

7 MR. WOLFE: I would hope that the way that we
8 dealt with the two projects today wouldn't be the norm that
9 we'd deal with those kinds of projects in the future, that we'd
10 have more -- more information prior to making the decision and
11 have the involvement of the Restoration Team.

12 MR. McVEE: Good point. Yes.

13 I guess maybe one point while we -- before we're ready
14 for a motion, is that -- is that, Jerome, on -- on the --
15 although we're dealing with the schedule at this point in time,
16 and I think after that we want to go onto the project
17 evaluation factors that -- under project evaluation factors,
18 critical factors, consistent that we -- consistency with
19 applicable federal or state law, I assume that would be a
20 review by our respective legal counsels that would -- that
21 would do that review? It seems like that would be appropriate.

22 DR. MONTAGUE: Mr. Chairman, we -- that wasn't
23 what we have done, but we will give those projects to the
24 appropriate legal people to look over what we've done.

25 MR. McVEE: Are we ready for a motion on the

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1 schedule then? It seemed like

2 MR. WOLFE: I started one.

3 MR. McVEE: All right. Do you want to try
4 again, Mr. Wolfe?

5 MR. WOLFE: Well, I can try again, and I would
6 make a motion that we accept in concept the -- the full
7 schedule that the Restoration Team has proposed, with the
8 exception that we add in involvement of the public advisory
9 group as soon as they are formed and -- and available to
10 participate, and that we clarify -- will have to clarify the
11 involvement scheduled for OMB and when we go to the Court
12 Registry.

13 MR. SANDOR: Second.

14 MR. McVEE: Okay. The motion. Further
15 discussion? Any opposition to the motion? Hearing none, the
16 motion passed.

17 DR. MONTAGUE: Mr. Chairman?

18 MR. McVEE: Yes?

19 DR. MONTAGUE: Simply as a housekeeping matter,
20 and indeed we can delay when we decide upon, you know, when we
21 request money from the Court, but we do need to -- there will
22 be approximately 250 people potentially preparing budgets and
23 I'd hate to tell them it begins one time, and they -- and then
24 have -- find out later it begins another time. So I kind of
25 need to give guidance to those that are going to be writing

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1 their budgets, whether it begins October 1st or January 1st or
2 encourage that they have it begin January 1st and raise any
3 October 1st funds as a special issue. Some kind of guidance in
4 that regard?

5 MR. McVEE: Well, let's have further discussion
6 on that. I think that's a fair request. Mr. Cole may have
7 missed part of this conversation concerning request of '93,
8 fiscal year '93 funds from the Court. Two options are, you
9 know, an emergency, you might say, request, I would call it
10 emergency request that would be in -- in late September, for --
11 '93 projects, and that would be prior to the time there'd been
12 pub- -- when we have done public review on the '93 program and
13 projects. The other alternative is to make that request to the
14 Court in December or for -- or January for funds in January
15 which would mean the initiation of '93 projects, funds
16 available for initiation of '93 projects would not be
17 available until January. And that were the -- were the option
18 that we -- was chosen. Is there further discussion we could
19 have on that or guidance we could give the R.T.?

20 I guess as far the Interior position, we should not go
21 to the Court again until, you know, with the program until we
22 have had public review, complete public review of all
23 components.

24 MR. SANDOR: And when would that be?

25 MR. McVEE: Under this schedule that would be

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1 -- receive money -- receipt of the funds would be in January.
2 The request, I don't know, would be

3 DR. MONTAGUE: Mr. Chairman, the request is
4 December 1st.

5 MR. McVEE: December 1st, yeah. And then if
6 the Court were to react like it did recently, which was a very
7 short turn around, it was approximately a week as I recall, it
8 could be before mid or around mid December.

9 MR. SANDOR: It seems like to me that that's a
10 reasonable position, Mr. Chairman, that we wait for that public
11 comment. And we're saying, what, Oct- -- in other words, we're
12 saying October 1 and January 1, is that the alternatives? And
13 January 1 we have -- we have the public comments?

14 MR. McVEE: We'll have had full public comment
15 on the '93 program.

16 MR. SANDOR: Well, I can share your position
17 to, yes (ph), January 1.

18 MR. McVEE: Yes.

19 MR. SANDOR: Well, I would concur with that.

20 MR. WOLFE: I guess -- Mr. Chairman?

21 MR. McVEE: Yes, Mr. Wolfe?

22 MR. WOLFE: I think our position that we can
23 instruct the folks to prepare project proposals that they
24 should be based on the -- on not receiving funds or start
25 funding the projects until January or whenever we get the funds

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1 from Court also.

2 If there is a special need for some project that's
3 unforeseen at this point in time, that -- that they would bring
4 that to the Restoration Team and the Administrative Director
5 for consideration and elevating it to the Trustee Council.
6 That -- that would be my suggestion.

7 MR. McVEE: Mr. Rosier?

8 MR. ROSIER: Thank you, Mr. Chairman.

9 Yeah, I would certainly agree with that -- that amount
10 of flexibility in -- in the procedure here on this. It's hard
11 to tell exactly what's -- what's going to be before us, but I
12 can certainly see the potential for need -- potential need for
13 perhaps something in that first -- first quarter of fiscal '9-
14 -- '93.

15 MR. McVEE: Mr. Sandor?

16 MR. SANDOR: Mr. Chairman, the 1992 work plan
17 we approved and the budgets associated with it run to March 1,
18 1993, right?

19 MR. McVEE: Yes.

20 MR. SANDOR: So that's -- we're talking about
21 maybe new proposals, or as today, these additions that we
22 approved.

23 MR. McVEE: Yes, that's correct. Yes,
24 Mr. Collinsworth?

25 MR. COLLINSWORTH: Well, basically we're trying

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1 to -- we're trying to get off of the old oil spill year and get
2 onto the federal fiscal year, and I think that we should treat
3 the '92 projects as we would a state or a -- or a federal
4 budget, that this is multiple year money, it's continuation
5 funding, so that as we start in FY '93, we're still continuing
6 to use FY '92 funds, and that the projects, the FY '93 budget
7 will take into account the continuing funding of the '92 work
8 plan projects, just as carry-over money, and then -- but -- but
9 any augmentation or changes in those projects or new projects
10 would be FY '93 funds, but the projects wouldn't start until
11 approximately January 1, so

12 MR. McVEE: That's the way I understand it,
13 that those are what we're talking about.

14 DR. MONTAGUE: Thank you for your guidance.

15 MR. McVEE: Is there -- is there further
16 discussion on the other component, the other pieces within the
17 -- in the book here, project evaluation factors and selection
18 factors?

19 I guess on those factors, Dr. Montague, have those --
20 have the R.T. -- have they been discussed in depth with the
21 R.T., the evaluation and selection factors?

22 DR. MONTAGUE: Mr. Chairman, the packet was
23 presented to the R.T. and approved.

24 MR. McVEE: Well, then the -- the other -- the
25 other piece of it is the format for project descriptions.

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1 DR. MONTAGUE: Mr. Chairman, I -- it might be
2 useful to -- to highlight something about this,

3 MR. McVEE: Please go ahead.

4 DR. MONTAGUE: that these three-page tax
5 (ph) descriptions and the page or two pages of budget is what
6 we anticipate making up the 1993 work plan, so the work plan
7 should be smaller. I mean, you know, '92 work plan had some
8 projects 35 pages in the work plan, but this is to be a lot
9 more concise summary in '93.

10 MR. McVEE: Is this -- Mr. Montague, you -- you
11 did explain I guess that there was some conflict in dates I
12 noticed between the schedule and the '93 project selection
13 process, there were some differing dates there on

14 DR. MONTAGUE: I'm sorry if there are, but the
15 -- the two-page schedule at the beginning is the one that will
16 be the one that

17 MR. McVEE: Is the one that drives the process.
18 Okay.

19 Is there any further comments or discussion on '93
20 program? Mr. Rosier?

21 MR. ROSIER: A question. In regards to the --
22 to the '93 program, I understand based on the preliminaries
23 that we're looking at, we're looking at a fairly sizeable
24 program, something in the magnitude of I guess it's estimated
25 to exceed the -- the -- twice the amount of the -- the

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1 settlement funds here on this.

2 You may recall we had quite a time with this in terms
3 of finalizing some budgets here this year, that there were
4 differing -- differing views amongst the Trustee Council as to
5 the level of budgeting. Do we intend to give any -- I think
6 it would be beneficial if we gave some -- some guidance to the
7 R.T. in terms of -- of some level of funding that they -- they
8 ought to be perhaps looking at here for this -- for this next
9 round.

10 MR. McVEE: Do you have -- do you have
11 something in mind, some approach in mind that -- I guess the
12 reason I ask the question, Mr. Rosier, is that we have -- we've
13 had -- asked the public for comment and we have not sorted that
14 -- that entire package yet at this time. I don't know whether
15 we can provide R.T. some -- the R.T. some guidance at this
16 point prior to the time they sort that package. Maybe after
17 they come forward with the preliminary sort that would give us
18 some analysis of what -- what has been submitted, maybe that
19 would a time where we could -- we could accomplish that.

20 I think that's -- that's appropriate, because along
21 these lines, I guess I've had a little bit of concern since it
22 took several meetings and I guess maybe one more before we
23 finalize the '92 program. We're still looking at the -- the
24 administrative support, and yet in our schedule, we're
25 scheduled to deal with the '93 in one meeting, and I'm just --

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1 I'm worried a little bit if we'll accomplish that. And

2 MR. ROSIER: That's kind of my concern,
3 too,

4 MR. McVEE: Yeah.

5 MR. ROSIER: Mr. Chairman.

6 MR. McVEE: And if we can -- and I think, Carl,
7 yeah, your suggestion I think was getting at something that --
8 that would help resolve that or help speed it.

9 Yes, Mr. Sandor?

10 MR. SANDOR: Well, that's a good question,
11 however, I made an assumption that we would have learned from
12 this process and that we -- one of the principal delays in the
13 '92 was the -- the review by the scientist, Dr. Spies and that
14 all will have been done before we go to that meeting? That --
15 or is that assumption false?

16 MR. McVEE: Dr. Montague?

17 DR. MONTAGUE: Mr. Chairman, the chief
18 scientist and the peer reviewers will be involved during that
19 July 22nd to 27th ranking process.

20 MR. SANDOR: Is that going to allow enough time
21 for scrutiny? It took more time than that it seemed to me to
22 -- to adjust the proposal in the '92 program proposals from
23 what was finally developed.

24 DR. MONTAGUE: Mr. Chairman, the schedule
25 indeed is extremely tight, and more time would be desirable,

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1 but we see no way to be able to do that and still, you know,
2 meet our 30-days before October 1 deadline.

3 MR. SANDOR: That's a cloud on the horizon. If
4 that be the case, -- I don't know, maybe it would be
5 appropriate to -- I hate putting Dr. Spies on the spot, but
6 how much time does it take to -- you know, that seems like
7 that's a small amount of time to review, and we're dealing with
8 so many more projects. We won't have the -- you won't have a
9 lot of the feedback from the '92 projects. Maybe -- maybe
10 that's an impossible task for the scientific evaluation. How
11 many days?

12 DR. MONTAGUE: One week.

13 MR. SANDOR: My gosh.

14 MR. ROSIER: Gee.

15 MR. SANDOR: Is that realistic, Dr. Spies?

16 MR. McVEE: Dr. Spies?

17 DR. SPIES: I just learned of this process on
18 Friday, and I'm still trying formulate my thoughts about it. I
19 -- I do have some concerns of that -- that is a very short
20 time. I have yet to contact any peer reviewers I have that can
21 come up here for that week, and I've -- I've got some other
22 concerns as well.

23 DR. MONTAGUE: Mr. Chairman?

24 MR. McVEE: Yes?

25 DR. MONTAGUE: I would like to point out that

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1 there is a lot more time, more involvement scheduled for review
2 of specific detailed project descriptions. As I mentioned,
3 these brief project descriptions of which there are three pages
4 now, after October 1 we anticipate two things potentially
5 happening. One, a request for proposals is prepared, of which
6 the peer review group would be involved in developing that
7 request for proposals, and would also be on the selection
8 committee to chose amongst several proposals. And in those
9 cases where the project is being done by the agency, the
10 detailed project description would be reviewed by the chief
11 scientist and the peer reviewers, but that -- those are
12 refinements, not decisions on whether a project goes ahead or
13 not.

14 DR. SPIES: One of the concerns that I have is
15 that we -- I made recommendations to the Trustee Council last
16 year, and the sense of those was

17 COURT REPORTER: Excuse me, Dr. Spies?

18 DR. SPIES: let's just do the things that
19 we need to do to monitor critical populations. This year

20 MR. McVEE: Our Recorder isn't picking you
21 up,

22 DR. SPIES: Okay.

23 MR. McVEE: Dr. Spies.

24 DR. SPIES: And -- and that -- that we need
25 to

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1 MR. McVEE: It doesn't take long.

2 DR. SPIES: I feel so naked when I stand in
3 front of this microphone.

4 But I think we need to develop a rational process for
5 monitoring those populations that are still -- apparently still
6 affected by the spill, have not recovered, and we really
7 haven't done too much this year so far to get down that road,
8 to identify a rational monitoring process that goes beyond
9 several years and we can talk -- the -- the question always
10 comes up, which species should we be monitoring every year, and
11 can we skip a year and so on and so forth, and that process,
12 those decisions have not been made yet, and I get a little bit
13 worried that it's not progressing, so those are just some of my
14 concerns. I realize that we're all facing a lot of work in a
15 very short period of time.

16 MR. McVEE: Yes, Mr. Cole?

17 MR. COLE: Mr. Chairman. Dr. Spies, do you
18 have any recommendations to us about the process we should
19 adopt for the 1993 work plan or whatever you want to call it?

20 DR. SPIES: I -- as I said, I'm still
21 formulating my thoughts, but I would like to be able to -- to
22 get some more time for review and -- and I haven't been through
23 all the steps yet, I'm just kind of reacting to them right now.

24 MR. COLE: Mr. Chairman?

25 MR. McVEE: Yes, Mr. Cole?

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1 MR. COLE: I think that it's very important
2 that Dr. Spies and his peer review group, if that's what you'd
3 probably call it, be active -- you might say active
4 participants in the formulation of this plan, because I for one
5 would like to see an element of independent counsel and
6 advice, and I thought that Dr. Spies and group's comments were
7 very helpful in our formulation of the 1992 work plan, so I
8 think we should get them in the process ear- -- as soon as
9 possible.

10 MR. McVEE: Well, one of the things, then Carl,
11 one of the things I understand is the R.T. is going to be
12 meeting tomorrow and that I guess the other question was that
13 -- if Dr. Spies was going to have some time to input into that
14 meeting? I don't know if you

15 DR. SPIES: Yeah, we'd already made plans
16 with

17 MR. McVEE: had plans to do that?

18 DR. SPIES: I'd talked to Dave about this point
19 and we -- we'd agreed to -- to meet together tomorrow.

20 MR. McVEE: It seems like that would be useful.
21 Yes, Mr. Rosier?

22 MR. ROSIER: I'm trying to understand the --
23 the process here a little bit, but I -- I tend to agree with
24 Attorney General Cole in terms of outside review, especially in
25 view of the fact that the -- that this year you're taking on

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1 the additional -- the additional work associated with, quote,
2 public type proposals on this. In the past we've had the
3 agency people there that could interact with you. It seems to
4 me that -- that in terms of -- of the process, somehow or other
5 we really need to have some public involvement there, somebody
6 -- the -- the P.I.'s of -- for potential public proposals that
7 would interact with the scientific group or something here it
8 would seem to me, and I'm not sure that our process
9 accommodates that kind of involvement at the present time.

10 DR. SPIES: Yeah. I would -- I'd like to see
11 that we don't develop a perception that the -- the agencies
12 are

13 MR. ROSIER: Absolutely.

14 DR. SPIES: are designing the programs
15 into budgets to -- to fit what they can do and -- and the
16 restoration program, that we have wide participation from
17 anybody that's qualified to do this sort of work and --
18 and

19 MR. ROSIER: Absolutely.

20 DR. SPIES: I don't know exactly how that
21 can be done, but I would like to see it addressed.

22 MR. McVEE: Well, that's -- that's part of the
23 problem, you know, that we kind of alluded to earlier, is that
24 without the over-all restoration plan, that we're -- we're in
25 this mode that -- where -- where we're -- we intend to look at

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1 specifics and maybe not look at the over-all issues as -- as
2 broadly as we should. It seems to me like that's what
3 Dr. Spies' involvement that -- and his suggestion, the comments
4 on monitoring are -- are very appropriate.

5 MR. SANDOR: Can we formally agree, certainly
6 I'd like the record to reflect exactly what has just been said.
7 Is there any objection to that?

8 MR. COLE: That -- all this is on the record.

9 MR. SANDOR: Well, I mean -- I'd -- I'd like a
10 complete agreement on that. I don't want to have, you know,
11 arrive at the time this and take -- you know, only got seven
12 days, and that's not enough time, and I think that's why Carl
13 brought that up,

14 MR. ROSIER: That's correct.

15 MR. SANDOR: Mr. Cole, how can we assure
16 that? I just think we've got to take the additional time to
17 be

18 MR. COLE: Mr. Chairman?

19 MR. McVEE: Yes?

20 MR. COLE: I would just say let's go back and
21 see where, you know, sort of where we -- we have a segment of
22 the Alaska population who thinks that -- or may think that this
23 is just agencies of the state and federal government with their
24 own agenda driving the selection of these projects, and that
25 may or may not be a legitimate perception, but, you know, I'm

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1 called upon to justify my votes and decisions often against all
2 sorts of criticisms I might add, but I -- I feel very
3 comfortable in saying, look, we have Dr. Spies and this
4 independent organization and peer reviewers to whom we can turn
5 and help us make the final call and seek independent advice,
6 and I think that's essential in this process, that -- that
7 they, you know, have an involvement from the early stages up to
8 the final decision making, and I think it's Trustees, and I'm
9 looking at sort of the legal aspects, that -- that we ought
10 well to be able to turn to independent advice to avoid
11 perceptions of conflict of interest which are making the -- the
12 decisions for us. And that's why I think it's very important.
13 Plus they give us good, sound advice.

14 DR. MONTAGUE: Mr. Chairman, could I offer a
15 suggestion that may help out?

16 First of all, getting back to assumption number one
17 that -- that a draft plan was necessary to prepare a budget and
18 a budget was necessary by September 1st, you know, again
19 assuming that that is the case, then currently, the current
20 schedule only has the chief scientist and peer reviewers
21 involved during the 22nd through the 27th of July. The
22 Restoration Team is going to have two more meetings after that
23 before the draft is developed, and I think we could formalize
24 the chief scientist and peer reviewers' role during those two
25 Restoration Team meetings. So that would offer a fair

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1 increase.

2 And a second point, since most projects are -- won't
3 begin until January 1st, that the -- there's a fair amount of
4 time for the chief scientist and the peer reviewers to change
5 the draft into the final work plan upon December 1st.

6 MR. McVEE: Yes, I -- I think those are good
7 suggestions. I don't hear -- I don't hear any disagreement
8 among the Trustee Council, and my suggestion would be that
9 based upon the discussion, unless you want to provide more
10 formal direction to the R.T., is that -- is that the R.T. is
11 meeting -- at its meeting tomorrow with Dr. Spies work this out
12 within the schedule. That will give both the R.T., you know,
13 time to think this through as well as Dr. Spies an opportunity
14 to look at -- at this in a little more depth and what kind of a
15 commitment that he's making, and then -- and provide us with --
16 with an updated schedule if that seems realistic. I think your
17 guidance has been pretty clear without -- without formal
18 action, as someone did (indiscernible). All right.

19 Any other discussion on the -- the '93 work plan? If
20 there is not any further discussion on that -- that item, we
21 will recess until 1:15. And back here at 1:15 then.

22 (Off record)

23 (On record)

24 MR. McVEE: We'll reconvene the meeting of the
25 Trustee Council and proceed on with the agenda items. It's

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1 shown as agenda item five, status of the habitat protection
2 working group. Dave, you're going to lead that discussion?

3 DR. GIBBONS: Yes. It's -- it's a brief
4 discussion. It was just more of an informational item to let
5 you know that we've -- we've -- like I said earlier, we
6 finalized the -- we've got a draft final version of the habitat
7 protection process. The habitat working group is going to meet
8 on the seventh to consider that -- the eighth, excuse me, to
9 consider that, and then as quickly as possible after that to go
10 for a 30-day public comment period on the habitat protection
11 process. But that's -- basically I wanted to -- to let you
12 know that we're moving on that and the package is near
13 completion.

14 MR. McVEE: Okay. There's no action that we
15 need to take at this time then, Dr. Gibbons?

16 DR. GIBBONS: No, not that I know of. It was
17 clear at the last Trustee Council meeting that the Trustee
18 Council said to add a third threshold criteria dealing with
19 contingent valuation, and then go forward for public comment on
20 it, so we're -- we're in a process of proceeding as quickly as
21 we can on that.

22 MR. McVEE: Yes, Mr. Sandor?

23 MR. SANDOR: Dr. Gibbons, we had some work
24 advice from The Nature Conservancy. What role are they
25 playing, and what advice are they -- is that organization

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1 giving you -- has -- have been giving?

2 DR. GIBBONS: We've worked with The Nature
3 Conservancy some, primarily lately on the threshold of imminent
4 threat process, but that's -- we've worked with them, got --
5 gotten their ideas and tried to include them where we -- where
6 we thought that it was -- it was appropriate.

7 MR. SANDOR: Thank you.

8 MR. COLE: Mr. Chairman?

9 MR. McVEE: Yes, Mr. Cole?

10 MR. COLE: Well, maybe I've been remiss, I
11 probably have, but -- but do we have any documentation on the
12 work so far of this subcommittee?

13 DR. GIBBONS: Yeah, at the last Trustee Council
14 meeting there was a package provided that had flow charts and
15 detailed explanations of the steps that the process goes
16 through, and two threshold criteria. I think it was your
17 suggestion, Mr. Cole, to develop a third one. We've done that
18 and then it was -- the direction I understand from the Trustee
19 Council was to then go forward to the public and get public
20 comment on that, but it would be basically the package that was
21 presented at the last Trustee Council plus a third threshold
22 criteria and organized into something that the public can
23 understand, rather than a series of flow charts and -- and
24 explanations.

25 MR. COLE: Well, my thought which I've been

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1 mulling over as I think about these things is that I would like
2 this group to consider the -- the formulation or the -- of a
3 group which, while I've been criticized for it in the past and
4 probably will be in the future some more, of what I call the
5 grand plan for the acquisition of habitat in Prince William
6 Sound. And my thought is that we should get someone on board
7 quickly who has the experience in the form of land planning,
8 land valuation and development, together with a multi-
9 disciplined group to look at the entire -- not just the Sound,
10 but the entire spill-affected area, from a long-range point of
11 view, and to start now developing that project, and so that
12 maybe by January we can have the broad outlines of what that
13 group would propose for us, although my friend,
14 Mr. Collinsworth, thinks and maybe properly so that we have
15 been slow, I don't think we've been slow as I said. But I -- I
16 think we should get onto this and -- and -- immediately and not
17 wait for some public comment and things like that, because then
18 -- then, you know, one might say, well, it's too late to do
19 this in '93, you know, and it's not part of the '93 plan, so
20 we'd better start thinking about it in '94, and we could sort
21 of, in my view, this idea of establishing priorities for the
22 acquisition of habitat, we could start formulating plans to
23 talk with contiguous land owners and maybe putting together
24 joint agreements. You know, it doesn't do us any good to buy
25 plot A which is about to be logged if we at the same time don't

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1 reach an agreement with the adjoining contiguous land owner and
2 say, well, 'cause you're not going to move -- log the area next
3 to it to next year, and -- 'cause then I can see a whole series
4 of -- of, you know, well, we'll just have to keep buying lands
5 like dominoes, or it's all going to be logged, so we need to
6 start thinking about it, and like the Forest Service -- where's
7 Mr. Barton? Oh, he's not here today. You know, there's no use
8 buying this land here and then the Forest Service say, "well,
9 you know, we want to do a little clear cutting over there,
10 'cause it's getting --" Mr. Sandor, he's -- he and I talked
11 about clear cutting before, so I don't want to start a full
12 (ph) loons (ph).

13 But, you know, I mean, we have to do this, and we just
14 can't do it by saying, "Well, let's get this tract, and then
15 we'd better hurry over here. They're going to log this tract"
16 and so forth, and we'll just be jerked around for the next ten
17 years. So we have to, you know, get this, what I call a
18 crystallized, long-range plan that -- anyway, that's enough.

19 MR. McVEE: Any comment from --? Yes, Marty?

20 MS. RUTHERFORD: Mr. Chair, I think those are
21 valuable comments and I think they reinforce some things that
22 the habitat protections working group has been discussing. In
23 fact on the eighth, next -- a week from Wednesday, we're going
24 to be talking about precisely that, and hopefully have some
25 recommendations to you folks on how we can best get a handle on

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1 baseline information so that we -- it won't be '94 before we
2 can take any habitat protection action. If you will allow that
3 time, we should hopefully shortly thereafter have available for
4 you sort of an approach if you will.

5 MR. COLE: May I follow up on that first,
6 Mr. Sandor, before?

7 You -- but -- but you see, as we do this, I think we
8 need people who have experience and -- and are, you know, with
9 skills and abilities in this area, not -- because I don't think
10 the Restoration Team necessarily, you know, they've a lot of
11 valuable skills and everything, but I mean we need somebody to
12 tell us how you organize and put together this whole thing,
13 because I keep -- that I visualize somehow out there, but I
14 have a little trouble articulating.

15 MR. McVEE: Mr. Sandor?

16 MR. SANDOR: Well, my recollection was that The
17 Nature Conservancy did a paper or a book on this very issue to
18 the Trustee Council, I guess through the Forest Service which
19 had some type of study arranged that -- and that provided a
20 basis or a background, or, you know, a foundation for further
21 work. It seems to me with that background plus the fact that
22 The Nature Conservancy, you know, around the United States has
23 done similar studies of -- of opportunities for habitat
24 acquisition, protection of some sensitive areas, has a
25 tremendous amount of expertise, you know, that could do that,

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1 and -- and I guess I had thought we in fact even authorized a
2 more formal arrangement of some type to -- to in effect, you
3 know, get this process moving, in fact even using The Nature
4 Conservancy under contract or -- or something. Is -- is my
5 memory completely collapsing?

6 DR. GIBBONS: Mr. Chair?

7 MR. McVEE: Yes, Dr. Gibbons?

8 DR. GIBBONS: If I -- if I may respond to
9 that, The Nature Conservancy did us an options document that
10 provided that various options for -- for habitat protection
11 through conservation easements, through direct acquisition, and
12 that -- that provides a basis for giving us bunch of options.
13 They'd worked on us (sic) through the imminent threat process.

14 What I heard Mr. Cole saying was something perhaps a
15 little different than that, and that is provide the bigger
16 picture of how these options and the other things fit together
17 in a plan, so if we got a parcel of -- of land in -- Kodiak,
18 and a parcel in Prince William Sound, how do they -- how do
19 they fit towards the restoration? May- -- maybe I'm wrong,
20 but that's what I was -- I was reading into those -- those
21 comments.

22 MS. RUTHERFORD: And I think how they compare
23 in value.

24 MR. McVEE: As I understand, one of the next
25 things that will happen will be, you know, by the -- the

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1 habitat protection/land acquisition, whether that work group or
2 some other reformed work group would be to -- to identify the
3 habitats that are critical, that are essential to -- to
4 facilitate the recovery of some of the damaged -- damaged
5 species and services.

6 DR. GIBBONS: Yes, Mr. Chairman, our -- our
7 concept of the habitat protection working group was to
8 initially have a group made up of some Restoration Team members
9 and some other members, some -- we have some expertise from the
10 various agencies on this group, to provide the process, and
11 then bring in the technical experts, the -- the appraisers, the
12 -- the land planners, those types of folks and to -- to do the
13 detail work. That was -- that was our thoughts on -- on the
14 working group, but

15 MR. McVEE: I guess what I'm hearing here is
16 that, you know, from -- from Council members is that maybe we
17 need to get on with reforming that work group, whether as part
18 of the old, you know, -- the old work group that's finalizing
19 the documents going out or whether it's an entirely new one, I
20 don't know, but

21 Yes, Marty?

22 MS. RUTHERFORD: Mr. Chair, I think that's
23 exactly right. Maybe I didn't say it clearly enough. What we
24 -- what we -- we recognize is we have to figure out a way to
25 get a handle on the -- the grand plan, and on the 8th that's

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1 one of the things we're going to discuss is how we do that, and
2 hopefully we'll come back to you with a couple of options,
3 maybe even only one, a recommended approach, and I -- it is my
4 opinion that The Nature Conservancy could well play a role in
5 that, trying to get a handle on the implementations.

6 MR. McVEE: Yes, Mr. Sandor?

7 MR. SANDOR: Well, as I recall when -- in our
8 discussion of 1993 work plan, we have agreed to reword that
9 section that -- that the Trustee Council recognizes there is
10 public support for habitat acquisition projects. Trustee
11 Council is analyzing opportunities to acquire the critical
12 habitat through fee title or easements or other processes, and
13 that process of actually acquiring these critical habitats will
14 be undertaken in 1993, and I guess I'm understanding that --
15 that you're confirming that. Have you or do you need or can we
16 reaffirm the authority that you have to go -- that is, the
17 Restoration Team, to -- to go to external groups such as The
18 Nature Conservancy or other organi- -- other individuals to get
19 what we're talking about?

20 MS. RUTHERFORD: I don't think we feel that we
21 need reaffirmation of the authority. I think that if one of
22 our options involves money, we would feel like we would have to
23 come back to you for that authority.

24 MR. SANDOR: Well, you can't get anything for
25 -- except a free lunch for -- we need (indiscernible,

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1 laughter), but -- but I guess -- I guess I'm a little bit
2 skeptical that we have the ability just within the agencies,
3 and that I -- I would feel that we ought to look at the
4 opportunity to get a group like The Nature Conservancy or
5 someone from outside government to -- that has experience in
6 this area to provide some guidance, and I guess that would
7 require funding, is this what you're saying?

8 MS. RUTHERFORD: Yes. And up until -- up until
9 now we have not felt like we were in a position to try to
10 suggest any options to you for -- for this next step. We are
11 -- we now feel like we're about there, but we -- we need to get
12 a handle on what we think the money is that would be involved
13 before we can suggest that to you. Maybe by your next meeting
14 which is I think hopefully scheduled August 3rd by
15 teleconference, maybe we can have something to you at that
16 point.

17 MR. SANDOR: That will be great. You know, the
18 days are shorter, and

19 MR. COLE: They sure are.

20 MR. SANDOR: but the -- and -- and 1993
21 is not far behind,

22 MR. COLE: Summer's almost over.

23 MR. SANDOR: so, yeah, let's do that.

24 MR. COLE: Mr. Chairman?

25 MR. McVEE: Yes, Mr. Cole?

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1 MR. COLE: I'd -- I'd like to follow up a
2 little bit in this area, but maybe -- maybe some people in the
3 Department of Natural Resources, maybe some people in the
4 Department of the Interior or Agriculture, you know, work with
5 these lands and forests throughout the country, in planning and
6 so forth. Maybe that ability's there to -- to find what we
7 need, to give us some help, and I think the -- you know, as
8 they say, probably we should reach out and see what's really
9 there. We could even go to Washington, D.C. and see if they
10 have some people back there who have some -- who could give us
11 some help. But for example, I thought, you know, we -- we get
12 these proposals to buy this tract and so forth, and I've sort
13 of thought, well, listen, we could go to these people and say,
14 "Well, we'll make you a deal, we'll divide this checkerboard
15 into 160-acre tracts, and we'll buy every other tract, and you
16 keep yours, and then we will have, you know, a series of -- of
17 covenants running with the land, or agreements of that nature,
18 and so then we'll preserve this whole area, and you want to
19 preserve it, you know, et cetera, et cetera, we'll make you a
20 nice deal, you know, we'll preserve half, you preserve your
21 half." I mean, I -- I'd like to see that sort of creativity,
22 you know, at least thought about, and things like that. I
23 mean, we -- we should, you know, think -- there are people out
24 there who must do this for a living who could really give us
25 some guidance and help and tell us how to do these things as we

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1 struggle with this. Maybe you

2 MR. COLLINSWORTH: Well, I was going to say, I
3 hope there's not a lot of people that do this for a living.

4 (Laughter)

5 MR. COLLINSWORTH: At least for a living
6 anyway.

7 No, I -- I agree with -- with Mr. Cole. I -- you know,
8 but if -- this -- this is not -- this can -- can be as complex
9 and bureaucratic as we want to make it. You know, there are
10 some -- some physical resources that exist and some biological
11 resources that exist in Prince William Sound, and those are --
12 lend themselves to -- to be inventoried, and mapped, and
13 classified. And I don't know whether we have done it yet or
14 not, but certainly the skills reside within both state and
15 federal agencies who do that kind of work. The Forest Service
16 is quite skilled at -- at looking at large land bodies and
17 classifying the land bodies, identifying the land uses or the
18 land types, vegetary -- vegetative types, resource use types,
19 human use types, viewsheds, and other thing things, and it
20 seems basically what we need to do is to get into, you know,
21 and -- and map Sound, inventory the Sound. I mean, maybe it's
22 already been done, but you -- you inventory and map the Sound,
23 and then you identify those kinds of -- of resources, the --
24 the habitats that are supportive of fish and wildlife, the --
25 the land that is supportive of various kinds of recreational

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1 activities, the land that's supportive of various kinds of
2 economic enterprise, the lands that -- that are perhaps lend to
3 the -- kind of the aesthetics and the ecology of the Sound, the
4 -- the viewshed so to speak. And once you do these mappings
5 and develop these overlays, then -- then you -- then you can
6 start looking at what your options are for -- perhaps for
7 acquisition.

8 At the same time that you map it, you also map the
9 ownership, whether it's private or public or, you know, various
10 kinds of corporate ownerships, and then -- then you -- then
11 once you have that information before you, you can start
12 talking about the relative value of viewsheds, or raparians
13 (ph) zones or deer habitat or bear habitat, tideland
14 sanctuaries or marsh lands for various kinds of birds, and --
15 and then you can -- once you make those kind of evaluations
16 can move forward in the -- in kind of the land acquisition mode
17 or -- or at least land use acquisition.

18 And -- and then you -- then you see if you can find,
19 you know, willing sellers and willing buyers, or willing land
20 managers to be able to agree to put the land to certain kinds
21 of uses over a period of time. I don't think it has to be -- I
22 don't think it has to be hugely bureaucratic to -- to get the
23 job done.

24 By the way, I always -- don't always agree with the
25 Forest Service on what they do with the information after

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1 they've got it, but they do a very good job of collecting it.

2 MR. SANDOR: You and (indiscernible, laughter)

3 MR. McVEE: Other comments? Yes, Mr. Rosier?

4 MR. ROSIER: Just -- just a short comment to
5 enter on this. I notice that my colleague from NOAA has -- has
6 consistently referred to Prince William Sound when he's been
7 referring to land damage or land sales here, and I would hope
8 that we do have something that extended beyond Prince William
9 Sound in terms of the options that we're dealing here on this.
10 I think there's an oil spill area that we've tried to deal with
11 on that, so I think it's important that we keep that concept in
12 mind.

13 MR. COLE: You have in mind Afognak or
14 something like that?

15 MR. ROSIER: A possibility.

16 MR. BRODERSON: Cape Suckling?

17 MR. ROSIER: No.

18 MR. COLE: Well, so anyway, -- Mr. Chairman?

19 MR. McVEE: Mr. Cole?

20 MR. COLE: Well, if a motion is order -- in an
21 order, I will make, as my good friend Mike Stepovich used to
22 say, a motion along those lines, and that we should get on with
23 this now and not wait until we have all of the damage
24 assessment materials, because if we wait until we get all the
25 damage assessment and the studies done, and then start this,

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1 then we're going to be lagging six months to a year behind. I
2 think we should get this mapping and taking the inventory
3 Mr. Collinsworth suggested, and get this group going and do
4 that so we can plug it all together soon.

5 MR. SANDOR: Second that motion along those
6 lines.

7 MR. McVEE: Mr. Wolfe?

8 MR. WOLFE: Mr. Chairman, I -- I'm not
9 altogether clear on -- on all the projects that we approved or
10 didn't approve this year, but we had a lot of proposals to do
11 some habitat relationship studies so that we could move ahead
12 with this project, or this effort, and as I recall, we -- we
13 eliminated most of those projects and so to -- to accomplish
14 what Attorney General Cole proposes would, if I recall right,
15 would require a significant increase in the amount of habitat
16 data that we're gathering out there this summer. Maybe
17 Dr. Gibbons can correct me or Marty can correct me on that.

18 MS. RUTHERFORD: Mr. Chair, yes, we did -- we
19 did turn them down, they're not in the -- they're not in --
20 they're not in the current work plan.

21 I would beg the Trustee Council's not passing a motion
22 until August 3rd, like we -- allow us this -- this last little
23 bit of time to give you some options on different approaches
24 and what the -- what you give up for each of them, what you
25 gain for each of them, and hopefully by the 3rd we'll have

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1 something that you'll -- that you can react to, and it -- not
2 just "along those lines".

3 MR. WOLFE: Mr. -- Mr. Chairman?

4 MR. McVEE: Mr. Wolfe?

5 MR. WOLFE: Another point is I think Attorney
6 General Cole made a point earlier is we had a brief verbal
7 status, but nothing substantive that we could look at and re-
8 -- and see where we are and where we're going with this whole
9 habitat protection issue, and I think maybe at our next Trustee
10 Council meeting it would be appropriate to have some kind of a
11 paper that maybe laid out that third alternative approach as
12 well as kind of where we're at at this point in time.

13 MR. COLE: Well, Mr. Chairman, I -- I have the
14 sense that we should get on with it, and that there's no reason
15 for delay. I mean, -- 'cause I think eventually that's where
16 we're going to wind up being anyway, and -- and, you know, we
17 should get on with it now, and I think as Mr. Collinsworth
18 said, that probably this should have been done two or three
19 years ago, but, you know, it's timely now, and, sure, we turned
20 some down, but those were sort of discrete type studies or
21 projects, and we're now talking about not discrete studies of
22 particular areas of habitat, but a broad plan, you know, an
23 over-all plan.

24 And I -- and, Mr. Rosier, I thought I said, you know,
25 at least in my self-defense, the oil spill affected areas, I

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1 didn't limit it to Prince William Sound, you know, but,
2 anyway, I have in mind that it should be all of the spill
3 affected area, take this inventory like Commissioner
4 Collinsworth said.

5 MR. McVEE: Okay. I guess maybe let me try to
6 paraphrase this -- what I understand the motion is, that -- in
7 its broadest context, is that we instruct the R.T. to proceed
8 with the -- with implementing a habitat land acquisition plan,
9 you know, the early phases of this might be the -- starting to
10 collect all the data in -- in one place of damaged -- of the
11 damaged species -- the habitats that are utilized by damaged
12 species or services, and -- and also land status, so that we
13 start the process of developing the -- the over-all program.

14 We -- we will have, and -- and I think that the -- the
15 work group has done a remarkable job on the -- the process and
16 procedures, so it seems like this, you know, is the next phase.
17 That's what the public will be reviewing, so it seems like the
18 -- the next phase is to start to do those things which will
19 allow us to implement those procedures, and as I understand it,
20 that's what Mr. Cole has asked the R.T. to do basically.

21 MR. COLE: Well, when -- when I really have
22 some fuzzy thinking, I just say "along those lines," but I
23 really think that Commissioner Collinsworth expression of what
24 he thought should be done provides very good guidance, if his
25 remarks could be transcribed and -- and presented to the

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1 Restoration Team, I think they would have a good starting point
2 or guidance of what the motion contemplates.

3 MR. McVEE: Okay. Very good. Yes, Mr. Rice?

4 MR. RICE: Mr. Rice, just a point of
5 clarification, it's been pointed out that we did have some
6 suite of projects that were -- at least went through some
7 review. Some of those were directed or -- or could -- were
8 directed towards giving us a lot of the information that --
9 that Mr. Collinsworth had pointed out that we need. I think
10 what we'd envision was waiting until the '93 budget in order to
11 resurface some of those and -- and put them into more focused a
12 package.

13 However, we could at Trustee -- Trustee Council
14 direction go back and -- and work on those as part of the
15 package that Marty is pulling together and come back to the
16 Trustee Council with some projects that would be out of phase
17 with '93. There's no -- no reason why a lot of that work can't
18 be started before this coming October if funds are available.

19 MR. COLLINSWORTH: Mr. Chairman?

20 MR. McVEE: Yes, Mr. Collinsworth?

21 MR. COLLINSWORTH: Well, there may be -- there
22 may be a need to finance and fiscally support some new
23 projects, but it is my sense that just a whole lot of this
24 information already exists probably to enough detail to allow
25 us -- probably in enough detail to allow us to plan at the

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1 level that we're talking about. All of the streams in Prince
2 William Sound are in the anadromous stream catalog that have
3 salmon in them.

4 I'm -- that should -- you know, dollars to donuts that
5 -- that if we -- if you went to the Department of Fish and Game
6 that they could provide you the information about recreational
7 species of fishes, where they -- you know, they're -- where
8 they're fished and where they -- the fish originate if they're
9 fresh water, or -- or locations where they're fished if they're
10 marine species. And they can tell you where the bear habitat
11 is, the deer habitat. I would -- I'll bet the Fish and
12 Wildlife Service can map the -- the areas important for marine
13 birds and ducks and predators, eagles, perigrins and I -- I
14 think a lot of that in- -- I mean, I think essentially all of
15 the information that you would need to do this mapping probably
16 is information that already exists, and to -- I don't think we
17 need to finance and go out and start to -- to do a lot of new
18 habitat studies. The -- I think the information is there
19 and -- and, you know, we don't need to -- to re-invent it.

20 And we also should keep track of the degree to which --
21 you know, how much detail is -- is necessary. Do you need to
22 know down to the last acre that a deer in Prince William Sound
23 had ever put their footy-print in, then you're probably going
24 to have to spend quite a bit more money, but generally you know
25 the habitat types and the area that support deer in Prince

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1 William Sound and in the other areas, just as an example of
2 species. So I don't think you need to get down to -- to, you
3 know, very minute detail, but the data probably already exists.
4 I think it does.

5 MR. McVEE: Any further -- yes, Dr. Gibbons?

6 DR. GIBBONS: Mr. Chairman? Yeah, I -- what --
7 what I'm hearing is when we come back up to the August 3rd
8 Trustee Council meeting, we're going to have a grand plan
9 outline for you and what I propose to do is to -- to tell you
10 what kind of data is available what -- where holes exist in
11 that data that we feel that we -- we need, so -- and in that
12 grand plan it should have the -- the framework for that, also
13 the information -- the ideas of information that we have and
14 information that we need, so for the August 3rd meeting, that
15 -- that's what I envision coming back to you with.

16 MR. WOLFE: Mr. Chair?

17 MR. McVEE: Mr. Wolfe?

18 MR. WOLFE: I guess maybe I'm getting confused
19 here, because I thought we had agreed, and -- and I thought
20 that Attorney General Cole had just affirmed that we wanted to
21 integrate the land acquisition process into the over-all
22 restoration planning effort that we're working on right at this
23 point in time. I -- to come up with a grand scheme for land
24 acquisition outside of that process at this point seems to
25 frustrate our attempts, our efforts to bring this whole

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1 restoration effort together in -- in one -- one document.

2 Charlie, is that what you intended? Are do you just want to
3 know what we're doing and that we are going ahead in a timely
4 manner?

5 MR. COLE: Well, I -- I think as Commissioner
6 Collinsworth says that we should start collecting all of this
7 data which exists. There must be aerial photographs out there
8 of all this so we know where everything is, start putting it
9 together, and then as -- once we find out where all this
10 habitat is, where the ducks are, where the bears are and all,
11 et cetera, et cetera, then as we get more data, then we can
12 start putting priorities on we should buy this tract and --
13 because it has the highest priority, you know, but I -- I think
14 that it's -- it's best that we start integrating all this
15 material now. Isn't that what you had in mind?

16 MR. COLLINSWORTH: Yeah.

17 MR. COLE: I think (ph) so.

18 MR. COLLINSWORTH: Okay.

19 MR. McVEE: Isn't -- isn't that also essential
20 when the timing is right in terms of the restoration plan
21 that's the same data to a large extent that will be critical to
22 the restoration so we have to -- we'll -- we'll have to have
23 that same information as part of that process.

24 Is there further discussion? Any opposition to the
25 motion to provide direction to the R.T. as per

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1 Mr. Collinsworth's statement? Okay. Motion passed.

2 MR. COLE: Can I bring up another subject?

3 MR. McVEE: Yes, you may, Mr. Cole.

4 MR. COLE: Are we all satisfied that we do not
5 want to take a look at acquiring some options on some of this
6 threatened land? Have we exhausted that? I'm not just sure
7 where we are. What happened to that thought? Did -- did we
8 regard it as a waste of money or where are we on that?

9 MR. McVEE: Staff have any comment on that?

10 DR. GIBBONS: Mr. Chair, as far as I know,
11 where we were on that is that was part of a package that was
12 presented at the last Trustee Council meeting, and that was
13 going out for public comment and like I mentioned earlier,
14 that's -- that's as quick as we -- we can get it out is maybe
15 mid July. That's part of that package, and -- and it was my
16 understanding that the Trustee Council was waiting for -- for
17 public comment on that before they -- they moved ahead, but
18 that -- that was my understanding.

19 MR. McVEE: That process did have procedures
20 for -- for lands or resources which were under imminent threat?

21 DR. GIBBONS: That's correct.

22 MR. COLE: Well, let me just say I don't know
23 of there's anyone else, any other Trustee, but, you know, I'm
24 not sure we can wait for decisions for public comment in
25 exigent circumstances, but if none exist, fine, but if -- if

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1 circumstances exist where immediate action one way or the other
2 is required by the board, I mean, I just think we ought to do
3 it, and, you know, -- I mean, I don't think we wait for public
4 comment, you know. The scene of the crime, you know, you
5 can't wait for the judge to get there.

6 MR. McVEE: Further questions? Yes, Mr.
7 Sandor?

8 MR. SANDOR: Well, a follow-up question. Do we
9 then have the authority or -- let me say this, at the next
10 Trustee Council meeting, August 3rd or whenever, certainly the
11 staff, the Restoration Team has I guess adequate direction that
12 they would in fact be able to present an option package, is
13 that true?

14 MS. RUTHERFORD: Mr. Chair?

15 MR. McVEE: Marty?

16 MS. RUTHERFORD: Again, just to clarify, this
17 option package would simply be different ways to get the
18 information to you. I mean, it could be hire a staff person to
19 gather all the available information into a massive, you know,
20 plan. It could be hire TNC to impose (ph) their process that
21 they've been using throughout the United States, or throughout
22 the country -- actually throughout the whole continent, to
23 identify critical habitat. It could be new contract to get
24 some additional information where there -- where we know we
25 don't have something. It could be a whole series of these

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1 things. That's what we mean -- what I meant by make -- make
2 options available to you. Is that what you referring to?

3 MR. SANDOR: No, I was really going a step
4 further by saying that, you know, is it conceivable that we
5 would have a proposal to -- to take, you know, an option on
6 some critical habitats that have already been identified?

7 MS. RUTHERFORD: We -- oh, I don't think we had
8 perceived being able to do that by August 3rd. There is, like
9 you -- like Dave had indicated, there is an immediate crit- --
10 imminent threat process in that package you received at the
11 last meeting. I suppose it is not beyond the realm of
12 possibility that in some way we could ask the public to com- --
13 let us know where they think there is imminent threat and then
14 we could run that through the process and -- not by August 3rd,
15 and come back to you with action items. But, I mean, right now
16 we are not doing that. We would need your direction to start
17 that.

18 MR. SANDOR: It would be my hope that, as one
19 member of the Council, that -- that we would be able to be in a
20 position of -- if critical habitat has been identified and --
21 and -- which I think it has, or at least been alleged, if it
22 can be verified to be such, that we be able to -- to act on it
23 August -- you know, this -- this -- certainly this summer, this
24 fall at the latest. We -- these things have been

25 MS. RUTHERFORD: Right.

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1 MR. SANDOR: before us now for, you know,
2 seven, eight months. I don't know, is that unreasonable from
3 the standpoint of -- of action?

4 MR. COLE: I'm not the world's reason- -- most
5 reasonable man, so don't ask me.

6 MR. SANDOR: Well, let's try it for God's
7 sakes.

8 MR. COLE: I -- I just think, you know, as
9 Commissioner Sandor says, you know, the days are getting
10 shorter. I mean, you know, and this season is over really in
11 many ways. We wait, you know, until August -- August 3rd or
12 something, I mean, this season is over. I mean, we're talking
13 about next year as of August 3rd, because the snow is, you
14 know, and -- and the storms are out there certainly by, you
15 know, September 15th. That's gone, and the season's over in,
16 what is that, a few days. And I just think we have to move
17 faster, and make more decisions, get on with it. You know,
18 we're just getting stifled I think in -- you know, in process.

19 MR. SANDOR: We become bureaucratic.

20 MR. McVEE: I guess -- guess my question is --
21 is there some way that we can -- the R.T. or the land
22 acquisition work group could go back through the various
23 proposals, you know, and sort through them, you know, with
24 --with the knowledge within the -- within the various agencies
25 and -- and identify any areas that are under immediate threat,

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1 you know, with- -- within a short period of time here before
2 August or before September or whatever? Is there some way we
3 could -- we could do that?

4 I guess looking for a source of information we could
5 utilize to -- to arrive at, you know, arrive at a definition of
6 the -- of the problem?

7 MR. COLE: Mr. Chairman?

8 MR. McVEE: Yes?

9 MR. COLE: I just want to have another -- I
10 mean, the public has told us, not that I necessarily agree with
11 all, you know, the views, but they want habitat acquisition.
12 We've seen that. I mean, we've had public comment on
13 that,

14 MR. McVEE: Yes.

15 MR. COLE: you know, galore, and I don't
16 think, you know, if we want to accept that public comment, you
17 know, it's right for us to accept it now without seeking more
18 public comment, because we've had a surfeit of public comment
19 on that subject, and, you know, I think we should get about to
20 acting upon it rather than say, "Well, we should wait and have
21 more public comment." I mean, we've had it.

22 MS. RUTHERFORD: Mr. Chair?

23 MR. McVEE: Yes, Marty?

24 MS. RUTHERFORD: I'm going to go out on a limb,
25 because I've not run this past, obviously, the habitat

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1 protection or the Restoration Team, but I don't think it's --
2 it is impossible for the restoration team to identify the ideas
3 that came in as part of the '93 work plan that were for
4 specific habitat protection, and arrange with the -- the TNC to
5 do immediate threat analysis, and have available within fairly
6 short order a package of action for you.

7 MR. McVEE: I guess (ph)

8 MR. COLE: Who TNC you're referring to?

9 MS. RUTHERFORD: Oh, I'm sorry,

10 MR. SANDOR: The Nature Conservancy.

11 MS. RUTHERFORD: The Nature Conservancy.

12 They do have, you know, a lot of experience in this. I'm --
13 I'm hesitant to say that the Restoration Team could, you know,
14 itself pull that off in that -- in -- in short order, but I'm
15 sure we could get it done, and one option would be The Nature
16 Conservancy.

17 MR. McVEE: Well, that seems like a very
18 positive approach. Yes, Mr. Sandor?

19 MR. SANDOR: Yes, I think that is. There are
20 habitats already identified as critical. I don't think there's
21 any question at all that nesting -- harlequin duck, those
22 nesting sites, you know, are surely critical, that those have
23 been identified, and I guess within a four (ph). My gosh, if
24 they're -- if those are -- those simply ought to be protected.
25 I don't -- I mean, you know, if they're under some kind of a

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1 threat, those and related habitat should be -- should be
2 protected, and -- anyway -- but with the assurance that -- that
3 there's going to be something presented on August 3 or whenever
4 our next Trustee Council meeting is, that's great.

5 DR. GIBBONS: Mr. -- Mr. Chairman,

6 MR. McVEE: Yes?

7 DR. GIBBONS: I -- I think we can give
8 you something, but -- but my concern is the level of detail and
9 so I -- I'm less confident than Marty is on this, but until we
10 start dealing with this level of detail, rather than say
11 harlequin ducks nest on Knight Island or something like that,
12 we -- we need some more defined, you know, links between
13 injured resources and -- and their habitat, so I'm -- I'm
14 leaving it open. Hopefully we've got it and we can -- we can
15 give it to you, but I'm -- I'm somewhat concerned of linking
16 some of those.

17 MR. COLE: Let me address that if you would,
18 Mr. Chairman, please?

19 MR. McVEE: Mr. Cole?

20 MR. COLE: It's -- it's not that we're saying
21 that -- to acquire this particular habitat now, because I agree
22 strongly that we have to have the requisite, you know, legal-
23 slash-virgal (ph) factual link. But I'm -- I'm saying we
24 should be, as Commissioner Collinsworth says, acquiring this
25 information, putting it together so when we find, you know,

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1 the link, I mean, we don't have to wait months again to get
2 back and plug that link into where this habitat is. That's
3 what I'm getting at. I don't know if -- Commissioner Rosier,
4 do you agree with?

5 MR. McVEE: Mr. Rosier?

6 MR. ROSIER: Well, I'm getting two signals here
7 on this, and I, you know, I'm going to kind of come to the
8 defense of the staff a little bit here, because I hear
9 certainly kind of talking a little bit about the -- the need to
10 begin to bring the information together, and I don't disagree
11 with that, but on the other hand I hear, you know, Commissioner
12 Sandor talking about having a process in place to in fact buy
13 or make commitments to buy right away, and -- and certainly I
14 think both things are necessary at least in my view in -- in
15 terms of responding to the -- to the public and the -- the
16 information that they've been supplying us right from the very
17 first meeting here in Anchorage. But which -- you know, I'm
18 not convinced that we can do both. I don't know, maybe we can
19 hear from the staff in this regard between now and August, but
20 as I heard John, he wants to be in a position to move ahead in
21 terms of -- of actually acquiring land or access to land by
22 August on this.

23 MR. McVEE: Yes, Mr. Sandor?

24 MR. SANDOR: Well, yeah, to clarify, a number
25 of critical habitats, you know, or the -- the description of

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1 saying nesting areas of harlequin ducks as a for instance, and
2 so -- and -- and at least four of such sites have been
3 identified, and -- and in one or two instances it's been
4 alleged at least that part of the lands that in fact have been
5 suggested for acquisition include such habitats. If -- if
6 those lands are subject to, you know, to modification or those
7 habitats are threatened, then that shouldn't take a great deal
8 of -- of study to determine whether that's the case or not. We
9 ought to at the very least buy -- or get an option and -- at
10 least to make a commitment and to make a financial commitment
11 to do the necessary work to, you know, define the specific
12 boundaries, and I guess that's exactly what I thought the
13 folks at The Nature Conservancy was suggesting was that. In
14 fact they had a proposal, you know, for Chugach land if that
15 was -- that was modified or I guess the background of it
16 changed though. It wasn't, you know, an open issue. But we
17 should be prepared to make a financial commitment, whatever, as
18 we did this morning on this study. There's no reason why we
19 can't make that kind of a financial commitment. We shouldn't
20 do it blindly, but at least the option could be purchased, you
21 know, if there was still some uncertainty. This -- it has to
22 be done scientifically certainly, and -- a sound -- sound
23 decision, but I'm -- I'm just concerned that this will pass
24 into the fall and into the next, '93.

25 MR. McVEE: Yeah, winter and it snowballs

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1 into

2 MR. SANDOR: Yeah.

3 MR. COLE: Well, you could buy land in the
4 winter.

5 MR. SANDOR: That's true.

6 MR. McVEE: It may be hard to appraise,
7 that's

8 MR. COLE: Yeah, it might be hard to survey.

9 MR. McVEE: I guess we -- we don't have any
10 formal action I guess before us at this time, but we've --
11 we've given guidance to the -- to the R.T. on this.

12 Marty, was there any questions you have to

13 MS. RUTHERFORD: No, I

14 MR. McVEE: get clarification on that
15 guidance.

16 MS. RUTHERFORD: Mr. Chair, I think it's very
17 clear what you're looking for, and we'll move with all haste as
18 much as we can. I -- I think we can come up with the options
19 for the base line information and I think we can give you --
20 tell you how quickly we could do threat analysis on '93 ideas
21 by August 3rd. That's my opinion.

22 MR. McVEE: Very good. Shall we move on to the
23 next item on the agenda? Item six on the agenda is the status
24 of the symposium. Mr. Morris, you have a report?

25 MR. MORRIS: Yes, I do, Mr. Chairman, you

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1 should have a copy of the OSPIS (ph) symposium progress report
2 in your package, or it was -- actually it was handed out this
3 morning. You should have also received a copy by fax last
4 week. This should be a duplicate of -- of that earlier copy.

5 I'm also passing out some background information
6 materials.

7 At the April 27th Trustee Council meeting you gave us
8 approval to organize an oil spill symposium and proceedings and
9 approved the amount of \$25,000.00 for this effort. The Trustee
10 Council also instructed the Restoration team to come back with
11 greater detail and organization, cost estimates, and a timeline
12 for the symposium. You also instructed the Restoration Team to
13 include non-natural resource damage assessment sponsored
14 science in the symposium, and to seek a contractor or co-
15 sponsor as a partner for organizing the symposium, and Alaska
16 Sea Grant was a specific suggestion that was given at the last
17 council meeting.

18 The Restoration Team is pleased to report that
19 substantial progress has been made on all these items. We have
20 organized a symposium planning committee made up of
21 representatives from the Trustee agencies that operates
22 voluntarily to organize this symposium. We have met several
23 times and we'll continue to meet in the future. The next
24 meeting is scheduled for Wednesday.

25 It's been proposed that we establish an editorial

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1 committee which would be a subset of the symposium planning
2 committee to deal with review of submissions of papers for the
3 symposiums, the abstracts that would be developed with the
4 presentations at the symposium, and consequently to deal with
5 the review of the actual manuscripts that would go into the
6 proceedings.

7 We feel that this task -- this task is composed of --
8 includes two scientists and will include some peer reviewers.
9 We feel that this task is within the -- the present scope of
10 both the chief scientist's duties and those of peer review, and
11 through Dr. Spies I was able to obtain an estimate of the --
12 the cost of these duties for the sypos- -- symposium planning,
13 and -- and it would be about \$3,600.00 for the chief scientist
14 and four to \$5,000.00 for peer reviewers' time. We -- we're
15 not asking for this additional money, we feel it's already in
16 the present budgets.

17 MR. COLE: I'm sorry, how much was that?

18 MR. MORRIS: Three and a half thousand dollars
19 for the chief scientist's time and four to 5,000 for one to two
20 peer reviewers.

21 We have found a potential co-sponsor, organizer for
22 this symposium. Alaska Sea Grant has expressed genuine
23 interest in serving as the co-sponsor of the symposium, and as
24 a co-sponsor they would assume some portion of the costs of
25 organizing the symposium. And in return they would become a

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1 member of the financial -- not financial, symposium planning
2 committee, so they may sure that they're in tune with -- with
3 the steps that are being taken for the organization.

4 I have in your -- in the progress report here a brief
5 description of who Alaska Sea Grant is. I won't go into
6 detail. Basically they're the marine counterpart of land grant
7 colleges. They were authorized by Congress in 1966, and Alaska
8 Sea Grant was -- was initiated in 1970.

9 The -- the portion of Alaska Sea Grant that will help
10 us organize the symposium is the public information services
11 project which is located in Fairbanks at the School of
12 Fisheries and Ocean Science at the University of Alaska.

13 We feel that the expertise of Alaska Sea Grant is
14 ideally suited to co- -- co-sponsorship and organization of the
15 symposium. They've had plenty of experience in similar types
16 of endeavors in the past.

17 They're willing to assume some of the costs. For
18 example, they're salaries would be donated, their labor to --
19 to the organization would be donated to the symposium.

20 We intend to open the symposium to all science that was
21 conducted on the spill, not only the natural resources damage
22 assessment studies conducted by us, but to scientific studies
23 conducted during the response phase, and the in- -- and any
24 independent studies that may have been conducted outside the --
25 the actual federal -- federal/state partnership in -- in the

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1 oil spill itself.

2 We have a budget estimate for the cost of actually
3 achieving the symposium. The total cost is -- is
4 approximately \$34,000.00. In some respects we feel this may
5 be high. We intend to produce an abstract book which would be
6 available at the time of the conference. Depending on the size
7 of the book, and the -- and the print shop that is contracted
8 to produce it, we feel that the estimated cost here is
9 probably on the high end and -- and could reduced
10 substantially.

11 We have been estimating that the attendance at the
12 symposium would be approximately 1,000 people, and given this,
13 with the modest registration fee for a four-day meeting of
14 \$35.00, we could entirely cover the costs of putting on the
15 symposium. We could reduce these costs further by -- by not
16 claiming first of all Sea Grant's labor as part of the project,
17 we -- we could support the program of the -- of the convention
18 center to reduce costs. This is all possibilities that are
19 still open to us.

20 And the costs that we have not included include travel,
21 we think this would be very minimum for a very few selected
22 parties, and refreshments, which we are proposing at this point
23 to seek a goodwill donor to provide to the conference.

24 The symposium is on a tight time frame. We're -- we're
25 planning on organizing further steps in the symposium

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1 independent of a process which will be working towards
2 developing the proceedings. They are parallel processes
3 though, and the timing of -- of one will be coordinated with
4 -- with the timing of the other, so that by the time the
5 symposium is held, the manuscripts that will go into the
6 proceedings will also be available.

7 You have before you a tentative schedule as best we can
8 outline it now, starting with defining the scope of the
9 symposium. By that I mean approximately how many papers do we
10 think we can accept within a four-day meeting at -- at X-number
11 of minutes or portions of an hour per paper, identifying
12 potential speakers, sending out invitations, sending out
13 announcements, getting registration brochures put together and
14 returned all -- all in a time frame that would allow us to have
15 the symposium on the 2nd to 5th of February here in Anchorage
16 at the Egan Convention Center.

17 If you have any questions on what I presented, I'd be
18 happy to try and answer questions.

19 MR. McVEE: I've got -- I have one question.
20 That -- is the propos- -- the proposal is to publish
21 abstracts, extended abstracts before the symposium?

22 MR. MORRIS: Yes, so they would be available --
23 probably not to be mailed out, but to be there for people to
24 pick up when they came to the symposium itself, yes.

25 MR. McVEE: So that -- I notice that then

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1 there'll be technical review of abstracts -- oh, maybe I'm
2 misreading this, following the symposium -- symposium, will
3 arrange peer review of the papers.

4 MR. MORRIS: The papers that go into the
5 proceedings that will follow the symposium, yes.

6 MR. McVEE: I see. And you would not have the
7 peer review until after -- after the symposium?

8 MR. MORRIS: There would -- there would be a
9 much lower level of peer review of the abstracts to make sure
10 that they -- they are technically accurate when they're printed
11 and distributed at the symposium, but it's a lot less effort,
12 because it's a much smaller volume of pages we're dealing with.
13 And Dr. Spies suggests 40 to 50 hours of peer review time would
14 be sufficient for that.

15 MR. McVEE: Does the -- the budget include
16 publication of the proceedings?

17 MR. MORRIS: No. We -- we can at that time.
18 We're still defining the -- the scope of the symposium. Will
19 we include in the proceedings only those papers that are
20 presented verbally at the symposium or will we include papers
21 that would be in addition to those that have verbal
22 presentations. That's not defined yet.

23 MR. McVEE: Do Counsel have other questions or
24 comments?

25 MR. COLE: Mr. Chairman?

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1 MR. McVEE: Yes, Mr. Cole.

2 MR. COLE: Is any action called for by the
3 Counsel today on this subject?

4 MR. McVEE: Is -- is there any action that's
5 recommended by?

6 MR. MORRIS: No, we're not -- unless you --
7 we're telling you how we're planning on proceeding, and if you
8 have any action that you would like us rethink or revise, we --
9 we'd entertain those suggestions, but we hope we're following
10 your direction and -- and this is just an update on where we are.

11 MR. COLE: What about the 34,000? We've
12 allocated, what, 25? You -- are you looking at more?

13 MR. MORRIS: No. No, we -- yes, you've
14 allocated 25. We feel that the -- that it's -- to a large
15 extent we feel the registration fees will -- will cover the
16 cost of the symposium, and hopefully there will be a portion --
17 at least a portion, a large portion of the 25,000 yet available
18 for proceedings. That's -- that's our intention and plans.
19 If -- if you wish to provide more, we could certainly

20 MR. COLE: I move we approve the direction that
21 the symposium group is taking.

22 MR. ROSIER: Second.

23 MR. McVEE: Further discussion? I guess my
24 only concern was if we're not publishing proceedings, why are
25 we doing peer review that is after the -- after the fact, after

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1 the symposium? If you could explain the rationale there, it
2 might help me.

3 MR. MORRIS: We are publishing proceedings.
4 This will be -- The symposium's next February we're planning
5 on. The manuscripts for the proceedings we'll want due by the
6 time of the symposium. The review of these manuscripts to go
7 into the proceedings will follow the symposium. The -- we have
8 -- we -- I could -- we haven't got a complete package and
9 proposal for the proceedings yet, but just -- just for the
10 symposium.

11 MR. McVEE: Further discussion? The motion is
12 made to accept the report and the schedule. Any opposition?
13 The motion is carried.

14 The next item on the agenda was item seven, EIS options
15 for the draft restoration plan. Ken Rice, you have a report on
16 this?

17 MR. RICE: Mr. Chairman, at the, I think it was
18 the February Trustee Council meeting, you directed that the
19 restoration plan comply with the requirements of the National
20 Environmental Policy Act. The Restoration Team -- Team has
21 been concerned for some time that the restoration planning work
22 group that's putting together the restoration plan under the
23 -- under the time constraints that -- that we've imposed would
24 not be able to complete an EIS, and we looked several options
25 for completing an EIS. The options that we eliminated were

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1 those that required a major time commitment on the part of the
2 restoration planning work group. And you have before you three
3 options that are there for your consideration.

4 One is to go out with a competitive contract which has
5 some advantages and disadvantages. One of the major
6 disadvantages is it would take us about 120 days to get to an
7 RFP and -- and up to signing the contract, an estimated of
8 between three and \$400,000.00.

9 The other options that we have, one we had some
10 discussions with Walcoff and Associates who have been under
11 contract with the Justice Department, and they do have expertise
12 to be able to do an EIS. They say that they would be able to
13 do it within the time commitments that we have put forward.
14 We'd originally looked at using some of the money the federal
15 agencies had in some of the existing contracts with the Justice
16 Department for doing the economic studies. It's my
17 understanding that the agencies that control that money don't
18 want to free that up for other purposes. They -- they need it
19 for -- they need to get it back. However, you did approve some
20 money to the environmental compliance working group that would
21 certainly carry us through the end of this fiscal year, if you
22 took this approach, that is to work with the Justice Department
23 and work with Walcoff and Associates to contract the completion
24 of the EIS.

25 The third approach that we have before us is to use

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1 local -- hopefully local agency expertise, but it may require
2 detailing some people in from outside of Alaska or -- or from
3 at least outside of Anchorage, up to work on it. And what we
4 envision is a three or four-person team. It could be a multi-
5 agency team or it could be people from one agency that would
6 work on analyzing the impacts of the restoration plan and
7 writing the EIS. The cost for that is what you see in front of
8 your. It's a bit different than what the Walcoff contract
9 comes in at. I think realistically the difference is not all
10 that great. The -- the one that would involve agency people
11 doesn't include cost for -- for bringing anybody in from
12 outside of Anchorage, in other words, any -- any travel or per
13 diem for bringing in any experts if that became a necessity.
14 If we had a multi-agency team housing or -- or at least
15 providing office space, maybe -- may be a problem, not an
16 insurmountable one, but if we had to find or rent space for
17 that team for the ten-month period or whatever it takes to get
18 the EIS done, that's a cost that hasn't been included in there.
19 So as you go into providing us some direction on a course of
20 action to get this EIS done, I wouldn't use the difference
21 between the Walcoff estimate for completion and the -- the
22 figures that we've provided here.

23 Basically what the Restoration Team is after is some
24 direction on -- on what course of action or what -- which ones
25 of these we should pursue to get -- to get the environmental

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1 impact statement completed. We were -- we were divided between
2 -- within the Restoration Team as to whether the Walcoff
3 contract was a better option to go than using agency people,
4 and -- and so we come to you with either options two or three,
5 but we -- we don't feel that going for a competitive contract
6 at this time is going to get us a contract or in enough time to
7 be able to get the draft out in -- in time to -- to be -- to
8 meet the time frames for our restoration plan.

9 Questions?

10 MR. McVEE: One -- one question I guess, is the
11 -- is the Walcoff contract, DOJ contract -- you know,
12 procurement or contracting people, either state or federal,
13 looked at this to know whether it can be expanded or enlarged
14 to include this? You know, is it flexible enough or?

15 MR. RICE: I'm

16 MS. PULITZER: I think we think it wouldn't be
17 outside the scope of the contract. Do you want me?

18 MR. McVEE: Yes. Yes, please.

19 MS. PULITZER: Yeah, I'm Lisa Pulitzer from --
20 from Justice, and I don't think we think it's outside the scope
21 of the contract. The contract was most specifically for expert
22 work surrounding the Exxon Valdez oil spill, and I think that
23 it was written in a broad enough way to be not a scope problem.
24 If, you know, if that vehicle is the vehicle you -- you'd like
25 to pursue. Okay.

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1 MR. McVEE: Thanks, Lisa. Yes, Mr. Sandor?

2 MR. SANDOR: What time span is -- is covered by
3 this EIS?

4 MR. RICE: Basically I looked at the time span
5 for completing the draft and final restoration plan which the
6 draft is out, what, in early February, the final is out at the
7 end of May. So it would be starting almost immediately and --
8 and going through the end of May.

9 MR. SANDOR: Covering restoration activities
10 for what period of time?

11 MR. RICE: I'm not sure I quite understand your
12 -- your question, but the restoration plan is basically for the
13 life of the -- of the -- the funds that we'd be receiving, so
14 it would be roughly ten years.

15 MR. SANDOR: Yeah, well, that's the point that
16 I wanted to -- to make that this is a one-time EIS commitment
17 of 300,000 or whatever it is, it's a one-time commitment,
18 that's the intention?

19 MR. RICE: That's correct. If we -- if we do
20 an adequate enough evaluation, then any subsequent projects
21 that are developed as part of annual work plans, may require
22 some site specific analysis, but hopefully would not require an
23 EIS. They could be done tiering (ph) to the restoration plan
24 EIS.

25 MR. SANDOR: Okay. Thank you.

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1 MR. COLLINSWORTH: Mr. Chairman?

2 MR. McVEE: Yes, Mr. Collinsworth?

3 MR. COLLINSWORTH: Are we going to have -- are
4 we really going to have enough information available in the
5 draft restoration plan to do an EIS at this point? I mean, we
6 -- we have to, as you know, in -- a NEPA document requires that
7 there be enough information available in the proposed federal
8 action and the alternatives to allow the decision makers and
9 the public, the public an opportunity to comment specifically
10 and the decision makers to use the information in making their
11 decisions, and if -- if we're just talking about kind of some
12 generic activities in the restoration plan for the -- the ten-
13 year or decade life of the plan, then I'm not sure that there's
14 enough information to initiate an EIS.

15 And I do think that you're going to have to use step
16 down or tiered EIS's if -- as you get more specificity into
17 specific projects. If you identify, for example, fish
18 ladders, well, a fish ladder is a mitigation or a restoration
19 measure or a compensation measure. A fish ladder in one place
20 is not a fish ladder in another place. It depends on the
21 species, the location, the ecology, and it's a lot of --
22 they're very -- very different projects so if you just put in
23 fish ladders in a -- in a generalized restoration plan, you're
24 not going to satisfy at least in my opinion the requirements of
25 -- of NEPA when you get to specific projects.

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1 MR. McVEE: I guess is there a response to
2 that, and then Mr. Cole?

3 MR. RICE: Yeah, I think you made an excellent
4 point. Depending on the level of specificity that the Trustee
5 Council wants in the restoration plan will help determine what
6 level of analysis that -- that can be accomplished. If the
7 restoration plan provides enough direction that -- that at
8 least a general course for the amount of different restoration
9 options that might go forward over the course of the year, then
10 you'll make some cumulative effects analysis based on that as
11 to approximately how many fish passes, for example, might be
12 built. No, you wouldn't be able to analyze the specific site,
13 but you could at least make some projections as to what the
14 changes that would occur within the oil spill area are. Then
15 you would have to do your more -- more systematic analyses on a
16 case-by-case basis.

17 MR. COLLINSWORTH: Mr. Chairman, I -- just to
18 -- just following up. I'm -- I'm just concerned that when --
19 if -- I think NEPA is a very interesting piece of legislation.
20 It's -- and it's a good -- it's a good piece of work in a lot
21 of respects, and it does provide I think a systematic way of
22 evaluating the potential impacts or the effects on the
23 environment, you know, the biological, physical, natural
24 environment as well as the human environment by engaging
25 certain kinds of projects. And -- but you have to have enough

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1 detail in order to make evaluations, because a key part of NEPA
2 is the comparison of one alternative -- I mean one means of
3 achieving your objective against another means of achieving
4 that same objective, and unless you have the viable
5 alternatives specified well enough, it doesn't really produce a
6 meaningful document, and I don't think we'd want to spend three
7 or \$400,000.00, you know, as -- as we start -- you know, we --
8 we can certainly start the NEPA process early enough in the
9 planning because that's -- that's one of the accepted concepts
10 is that NEPA goes along with the other planning, but we don't
11 want to get -- you know, we don't want to lead ourselves to
12 believe that when -- when we complete a NEPA document, unless
13 we have enough detail, that that's going to carry us for ten
14 years. So I mean, we've got to have enough detail in the
15 restoration plan to be able to do a NEPA

16 MR. RICE: One -- one of the -- as you pointed
17 out, one of the critical points that we're going to have in the
18 restoration plan is -- is what those alternatives look like,
19 and the restoration team was -- had some time set up tomorrow
20 to sit down with the restoration plan work group and start
21 providing some direction on that. The Trustee Council has a
22 role to play in that as well, so that we develop clear
23 alternatives that are different enough that provide some --
24 some range in which you can make a clear choice and -- and just
25 be able to display the differences. It's going to be a tough

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1 one, and it's going to take some real effort both on the
2 Trustee Counsel and on the -- on the planning work group.

3 MR. McVEE: Mr. Cole?

4 MR. COLE: I -- I like Commissioner
5 Collinsworth was concerned about the answer that Commissioner
6 Sandor received to his question as to the period covered by
7 this EIS. It's -- I find it hard to imagine that one EIS will
8 get us through ten years, because I don't think that we can
9 come up with a restoration plan, you know, this year or next
10 which will point us in all the directions and provide all the
11 solutions and the alternatives that are going to -- the choices
12 we'll be faced with in the future years. And I -- I suspect
13 we're almost going to have to have this EIS supplemented or
14 amended every year as we make specific decisions. And I'm also
15 a little troubled about this not being done before, you know,
16 next May, or the end of May, because we should be well along
17 with the '93 plan by that time. We -- don't we have to have
18 this done before then? I mean, I don't

19 MR. RICE: Let me respond just to both of your
20 points. The Council on Environmental Quality requires that if
21 an EIS is more than five years old, you go back and take a
22 look, so you're -- you're right. While we would estimate the
23 effects for ten years, we are going to have to go back and look
24 at it. If it's between three and five years old, if the plan
25 -- if the EIS is between three and five years old, you might

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1 want to make a judgment call as to whether you need to go back
2 and re-analyze what went into the EIS and what's out there in
3 your environment. But if it's more than five years old, you
4 really do have to by -- by Council on Environmental Quality
5 regulations do that.

6 In answer to your second question, the -- the time
7 frame that -- that I was looking at follows the schedule that
8 the Trustee Council approved, I think it was at the April 27th
9 Trustee Council meeting where the time frame was spelled out.
10 It was an expanded time frame from what I think you had
11 originally anticipated, but it an attempt to be a little more
12 realistic than -- and grasp what we -- we think we can
13 accomplish.

14 MR. McVEE: It's my understanding, and maybe
15 it's -- it's easier to describe, you know, the life of an EIS
16 in a given number of years, but relate it to the restoration
17 plan. The restoration plan as I visualize it at least, is a
18 general programmatic statement that evaluates or -- or
19 describes options that are available and provides guidance to
20 the Trustee Council, and that -- that as it gets amended, and
21 I'm sure that it will have to be as we move forward, I don't
22 know whether on an annual basis or whatever, but as need
23 arises, then it would seem like we'd have to address the -- the
24 EIS or the NEPA requirements at that point. And maybe it
25 requires a supplement, maybe it could be handled differently,

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1 but as far as I guess the '93 projects, I think we would deal
2 with those since they will be approved, will occur, initiation
3 of -- of them will occur before this EIS, and we'll have to
4 deal with them pretty much like we dealt with the '92, and that
5 is through the -- through environmental assessment process
6 unless there's some major kind of activities proposed, and --
7 and I don't know what we would find when we get into land, you
8 know, acquisition, but major activities might -- you know,
9 might require an EIS, individual projects. But we seem to have
10 done well this year with working the environmental assessment
11 process for those that required it.

12 Yes, Mr. Sandor?

13 MR. SANDOR: Well, the question on the time
14 span was just to I guess make certain or to try to get some
15 agreement or understanding that whatever contract was made,
16 agreement either with Walcoff through Department of Justice or
17 the agencies that we would be looking at the total period of
18 time and the -- the ten-year period and perhaps the -- I think
19 as both Attorney General Cole and Don Collinsworth points out,
20 it probably isn't realistic to expect that we would have
21 adequate information to cover the whole -- the -- the
22 restoration activities for the whole ten-year period.

23 On the other hand, the process should be set up so that
24 either through addendums to the plan or environmental
25 assessments that the -- at least the ten-year period is covered

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1 and that -- and I understood, Ken, that's what you're saying
2 this -- this was. The worst case scenario would be that this
3 would lay out 300,000 for '93 and then find out they had to lay
4 out another 300,000 in '95 and '97, and that's what I was
5 worried about.

6 MR. RICE: Yeah. Hopefully we wouldn't have to
7 -- to do it every two years, but what we're looking at is
8 getting an EIS that's compatible with the restoration plan
9 and -- and that we deal with an analysis to the level of detail
10 that's provided in the restoration plan and -- and the detail
11 that's provided in there and, of course, a direction to go in.
12 And it would be a one-shot deal

13 However, we would have to go back and -- and look every
14 -- every few years at least at the adequacy of that analysis.
15 It may require for a couple of years just a fairly quick look
16 to see if the -- the situation has changed. As time goes on,
17 it may require a more detailed look.

18 MR. McVEE: Yes, Mr. Sandor?

19 MR. SANDOR: Just a question, do you need a
20 decision today on whether to go to the Walcoff group or
21 the

22 MR. RICE: We need a sensing from the Trustee
23 Council as to whether they -- they would like us to pursue both
24 of them and see which one we can bring to resolution the
25 quickest and the cheapest and -- and to provide us the best

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1 product, or whether they have a feeling for one over the other.

2 MR. SANDOR: I move the former.

3 MR. COLE: Perhaps you would explain what that
4 is?

5 MR. SANDOR: Pursue them both to

6 MR. COLE: Along those lines.

7 MR. SANDOR: Along those lines. That is to
8 say, Ken, I -- I heard you say that if it was possible, to
9 pursue both options, look to get this long-range period and --
10 and ways of accommodating and the most cost effective and --
11 and to get the best product. And so you don't really need a
12 decision today on -- on one or the other?

13 MR. RICE: Yes and no. It would be -- it would
14 be nice if we -- if we could say, "yeah, we're going to focus
15 in on this." The problem is we don't have all of the
16 information back from the agencies, for example, as to whether
17 enough people are available to do this for us, and -- and we --
18 we would need to do some additional work with Justice
19 Department and Walcoff to make sure that any funds that needed
20 to be made available to be done within the -- within the monies
21 that we have available to do that. Additional money would have
22 to be -- have to come out of the '93 budget I suspect to cover
23 the cost for a Walcoff contract, and -- and they would have to
24 be comfortable that -- with that. So there's still some
25 unresolved issues out there with both of these options.

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1 MR. McVEE: Mr. Wolfe?

2 MR. WOLFE: I'll follow up on the same thing.
3 What time frame would it take to implement something under
4 Walcoff's contract? Has Justice given you a date or a time
5 frame on that?

6 MR. RICE: I don't have an answer to that.
7 Perhaps Lisa can help with that?

8 MS. PULITZER: I think at -- at Ken's request
9 Walcoff prepared a rough proposal which is how you got the cost
10 figure. The process with the contract as it exists now would
11 be that should be modified however the Trustee Council and the
12 Restoration Team feel is appropriate. Then that would go back
13 out to Walcoff and they would make sure that their pricing
14 didn't in any way change. Then if that was all agreed to,
15 then really it would be a matter of acquiring the funding and
16 getting a task order issued by having a contracting officer,
17 you know, sign the requisite forms. So that's a relatively
18 straight forward process that can move fairly quickly, you
19 know, if that's the route that you want to pursue.

20 MR. McVEE: Well, the Walcoff contract's with
21 DOJ, so would it still continue to be a DOJ contract?

22 MS. PULITZER: Yeah, unless -- you know, unless
23 there would be a agency that could meet with us and talk about
24 some possibility of doing a hand-off, but it is right now a
25 Justice contract. It hasn't required the level of over-sight

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1 that the CACI contract has, so I -- I don't know that there
2 would be a problem with continuing it. I don't know that
3 Justice would come back and say, "We feel there ought to be a
4 handling charge." I don't think that there would be, you know,
5 any -- any great addition of any kind from that.

6 MR. WOLFE: Yeah. Before Lisa leaves, do the
7 people that Walcoff have on board have experience in writing
8 NEPA documents for this type of a -- well, for any projects?

9 MS. PULITZER: I -- I believe so. Sharon?

10 MR. RICE: Yeah. Sharon Saari put in a
11 proposal and she would probably be one of the leads on this.
12 She has about 15 EIS under her belt, which is a heck of a lot
13 more than I have.

14 MS. PULITZER: Yeah, but I mean she's -- she's
15 here actually if you'd like to, you know, to talk with her.
16 Anything else?

17 MR. SANDOR: Well, a question. It boils down
18 to which is going to give us the -- excuse me, the -- the
19 quality product in a -- in a cost-effective way. Was the
20 Restoration Team prepared to answer that question or give some
21 suggestion of which?

22 MR. RICE: Well, we had a bit of discussion at
23 it last -- late last week, and basically we were kind of split.
24 There are -- there are advantages to going with a contractor.
25 You can hold their feet to the fire. It's -- so we feel that

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1 we would be able to get a good product from it. They're out of
2 state, there's some coordination problem with being that far
3 away, not insurmountable with our electronic age, but certainly
4 there are some -- some problems with that.

5 If we had a team here, we could work a little more
6 closely with them.

7 Cost-wise, I'm not sure there's a tremendous
8 difference, although it appears that there's a little bit of a
9 difference there. In terms of whether the product would be any
10 better under one or the other, I -- I would hope that there --
11 there wouldn't be a tremendous difference in that product.

12 MR. SANDOR: Mr. Chairman, a third of a million
13 dollars is a lot of money. Why don't we take five minutes or
14 so to have an explanation such as you offered? Somebody is
15 here that?

16 MS. PULITZER: Of -- of what it -- what it is?
17 Sharon, do you want to come and answer questions or describe
18 the process?

19 MS. SAARI: What we've proposed is a generic
20 environmental impact statement similar to a programmatic
21 environmental impact statement which would cover the
22 restoration plan. I agree with Ken that it should be looked
23 at within five years to see if it's still adequate. If one of
24 the proposals for restoration was a significant change that
25 would affect the environment, say you wanted to channelize a

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1 river to introduce fish into an island, a major action like
2 that would require either a supplemental EIS or an
3 environmental assessment to look at it.

4 I would be the lead on this project. I have 20 -- 20
5 years of experience in environmental impact statements. I've
6 written a book called "Environmental Impact Statement Data
7 Book". I've worked on EIS's in Alaska, and we have some
8 experts that are left-over experts from our previous life doing
9 NRDA work that we would also transfer and use in this project.
10 We have somebody proposed to do socio-economics who has
11 expertise working with natives and someone on our team that
12 came from the U.S. Fish and Wildlife Service who also has
13 experience with the Fish and Wildlife Service, and we're
14 prepared to start tomorrow on this, if that's what you want.

15 MR. McVEE: I have a few questions.

16 MR. SANDOR: Mr. Chairman?

17 MR. McVEE: Go ahead.

18 MR. SANDOR: I was just going to say I -- I
19 would move that we move forward on this, you know, exploring
20 the possibility of, you know, developing a more complete plan
21 on doing this thing, giving the Restoration Team the authority
22 to work out the hand-off option that -- with that experience
23 and background, I -- I think we -- we would have assurance that
24 the product is going to be of a quality type.

25 MS. SAARI: We have done contract mods and --

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1 and done that agency -- inter-agency agreements. We've done
2 that in less than a week. We have a lot of experience in the
3 past several years in doing this with this project, so the
4 contractual problems would not be significant.

5 MR. McVEE: And you -- you have pretty an
6 inter-disciplinary type group

7 MS. SAARI: Yes.

8 MR. McVEE: or basis for it at
9 least

10 MS. SAARI: Yes.

11 MR. McVEE: that's available to you now?

12 MS. SAARI: Yes, sir. And have -- and we've
13 submitted the resumes and -- and Ken has them if you want to
14 see them.

15 MR. COLLINSWORTH: Mr. Chairman?

16 MR. McVEE: A question?

17 MR. COLLINSWORTH: Before you leave, how do
18 you, in -- in initiating your EIS, identifying very clearly
19 what the -- the federal or what -- what the objective is and
20 what the federal proposed action and what the alternatives are,
21 is -- is a key element.

22 MS. SAARI: That -- and that key is in the
23 restoration plan. We can't go beyond describing what the
24 alternatives are than what the restoration team will do in
25 their restoration plan, so as they've organized their

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1 alternatives, which may fall into management actions,
2 acquisition actions, the various actions that -- that they
3 outline in the restoration plan are the same alternatives that
4 we would use in the environmental impact statement, and it
5 would be just a parallel sister document that goes in -- as Ken
6 said, in the same level of detail. We would not go into more
7 detail than they have.

8 MR. COLLINSWORTH: So

9 MS. SAARI: We -- we wouldn't

10 MR. COLLINSWORTH: I'm -- what I was

11 MS. SAARI: re-invent options.

12 MR. COLLINSWORTH: really testing the
13 water for is to identify how this Trustee Council would
14 participate in -- in making sure that we have concurrence on
15 what the objective -- the objective is or objectives are, and
16 what the feasible approved (ph) alternatives are. And so it
17 would be the -- the -- that we receive in terms of the planning
18 document from the plan team. So when we approve that, then we
19 prescribe what will be analyzed?

20 MS. SAARI: And we can also provide you with
21 copies as we go along. As we propose to do the work, the first
22 thing we would do is an outline. So when we submitted that to
23 the restoration team, you all would also get the outline. As
24 we revise the outline because of public comments or public
25 input for including more options, you would get a copy of that.

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1 As we wrote the initial chapters to describe Prince William
2 Sound, for example, before and after the spill, you could get
3 vir- -- you know, as we provide those review chapters and
4 review outlines and things to the Restoration Team, you could
5 get the same copies at the same time, so you don't have to wait
6 until the end, to public review until you would have some
7 review capabilities yourself. But I

8 MR. McVEE: Mr. Rice?

9 MR. RICE: Just to expand on that just a little
10 bit, there are some -- some really critical junctures where the
11 Trustee Council needs to be involved. Early on as you identify
12 the issues that need to be addressed in the environmental
13 impact statement, if you misidentify, leave some out or -- or
14 gloss over some or -- or whatever, then you can end up with
15 some real headaches down the road, so it's going to be
16 important that the Trustee Council take a look at those and
17 say, yes, this is -- this is what needs to be analyzed, and
18 then as you get into the alternatives, before you get too far
19 with the alternatives, the Trustee Council says, "yes, this is
20 a reasonable range of alternatives, and it will provide us a
21 wide enough differences between those alternatives that we can
22 adequately make a decision, and -- and you'll be able to
23 adequately display the differences in those alternatives." So
24 those are at least just two of the fairly early on critical
25 junctures where you can be involved.

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1 MR. McVEE: Mr. Cole, and then -- Mr. Cole?

2 MR. COLE: Are we far enough along in the
3 restoration plan to be able to initiate work on the EIS?

4 MR. McVEE: Mr. Rice?

5 MR. RICE: I think we're pretty close on that.
6 We've got some working drafts of the -- of options that the
7 restoration plan work group is -- is putting together. The
8 Restoration Team hasn't had a chance to review those, but
9 they're -- they're making their way through the process. As
10 those get finalized and the Restoration (sic) starts sitting
11 down in the next week or so to start working on alternatives,
12 then, you know, we're -- that starts getting involved is where
13 the EIS team, whether it's Walcoff or an agency team needs to
14 start being able to pull that together, start looking at the
15 public comments that have come in and say here are the issues
16 that need to be analyzed as they relate to the restoration
17 plan, so I don't think we're too early to pull somebody in
18 like -- like Sharon

19 MS. SAARI: As we've done

20 MR. RICE: into this process.

21 MS. SAARI: on programmatic EIS's where
22 they didn't have a clue where the program was going when they
23 started the EIS. And this is at least a lot further than a
24 clue, so

25 MR. COLE: That may be where we are.

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1 MS. SAARI: Oh, you have

2 MR. McVEE: Mr. Collinsworth?

3 MR. COLLINSWORTH: Yes. With regard -- one of
4 the key elements of NEPA is early on in the process in
5 developing an EIS is scoping. How -- what vehicle are we going
6 to use for scoping?

7 MS. SAARI: The Restoration Team wrote in their
8 framework plan, I don't know if you've read that or not, but
9 they assumed that the public review of the restoration
10 framework plan would provide most of what was needed for
11 scoping. Now, I have not gone through all of the comments, as
12 they have just been collected during this month, but I still
13 think that we could have a scoping meeting, inviting the
14 agencies here in Anchorage, and if any of the public wanted to
15 come, to add additional -- additional issues, that we could
16 still have a scoping meeting in addition to what we've done
17 under the framework plan as long as it wasn't, you know, a big
18 all-out public hearing, kind of expensive thing, by just
19 inviting the agencies to address the issues and make that
20 public -- open to the public. That plus the public comments
21 from the framework plan, we should have the issues identified.

22 MR. McVEE: I think that one advantage in that
23 last winter when we started talking about the restoration plan
24 that we did approach it, you know, approached -- approached it
25 at least considering the -- the comment process would be an

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1 environmental impact statement, and so there's been quite a
2 little bit of information, public information at least obtained
3 from the scoping process and so on, as well as we have the
4 draft or the restoration document that's -- that's presently
5 out, and that is better than most scoping documents that I have
6 seen on the EIS.

7 Any other questions? Thank you very much.

8 MS. SAARI: Thank you.

9 MR. McVEE: It's useful.

10 We have a motion that's on the floor. You know, I
11 can't remember what it was now, but just

12 MR. COLE: Along those lines.

13 MR. McVEE: Shall we try again?

14 MR. COLE: Along the lines of an EIS.

15 MR. McVEE: Along the lines of an EIS.

16 MR. SANDOR: Mr. Chairman, I had moved that we
17 -- we proceed forward with the EIS process and that we move to
18 engage Walcoff through the Department of Justice, but that the
19 Restoration Team be certain that these questions that were
20 discussed here today be answered and -- before the thing is
21 finalized, but the -- the motion is to move forward with Walcoff.

22 MR. McVEE: Is there a second?

23 MR. COLE: Would you restate that?

24 MR. SANDOR: Along those lines.

25 MR. McVEE: Along those lines. Is there a

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1 second to that motion?

2 MR. WOLFE: I'll second.

3 MR. McVEE: Is there further discussion of the
4 motion? Any opposition to the motion? The motion passed.

5 It's close to a break time here, but we have item
6 eight, if we could finish that, I think in very quick order
7 before we take the break, then we -- we have a logical break
8 before we go into the next item.

9 DR. GIBBONS: Yes, Mr. Chair, that -- that was
10 aimed at trying to set up a teleconference for the approval of
11 a final '92 budget, including the -- the office of
12 administrative director and the Restoration Team. But after
13 hearing the -- what's going to be looked at in the habitat
14 protection arena and those -- those other activities for -- for
15 that date, I'd -- I'd like to propose that the next Trustee
16 Council face-to-face meeting be on August 3rd and we deal with
17 the final administrative budget and the habitat protection
18 grand plan or, you know, the options. Or -- or perhaps a
19 little later than that if the Trustee Council would like.

20 MS. RUTHERFORD: But not before.

21 DR. GIBBONS: But not -- yeah, not -- not
22 before. The -- the budget package was -- was shipped out mid
23 June, we're giving the public ade- -- we feel adequate time to
24 comment on the administrative budget portion of it, and then
25 analyze their comments and get back to you.

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1 MR. McVEE: August 3rd's on Monday.

2 MR. COLE: I think Commissioner Sandor has a
3 point of order.

4 MR. SANDOR: No. August 3 is Monday?

5 MR. McVEE: Mr. Sandor?

6 MR. SANDOR: Well, are you sure you're going to
7 be able to have the

8 MS. RUTHERFORD: A little extra time would not
9 hurt.

10 DR. GIBBONS: That's -- that's correct. The
11 15th or a month later even.

12 MR. SANDOR: No, I was thinking August 10 or --
13 or 11 or something, the following week, but, yeah, third is --
14 if that's what the Restoration Team recommends, that's fine.

15 MS. RUTHERFORD: The 10th? The 10th is fine.

16 MR. COLE: No, it's bad for me. Thanks.

17 MR. McVEE: I'm hearing a week later from some
18 of the members here, so -- yes. Any other comments on that?

19 MR. SANDOR: The 10th is bad for you?

20 MR. COLE: The 10th is bad for me.

21 MR. SANDOR: The 10th is bad, okay.

22 MR. McVEE: The tenth is bad for Mr. Cole.
23 Just that date that week or?

24 MR. COLE: The third is fine. No, I -- I --
25 sometime out in there I know I'm

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1 MR. McVEE: Can you look?

2 MR. COLE: supposed to be some place
3 other than here then.

4 MR. McVEE: You don't have to tell us where.

5 MR. COLE: Well, I don't know. I think it's
6 the Conference of Western Attorney Generals some place.

7 MR. McVEE: Oh, okay.

8 MR. COLE: Yes. But I don't know the exact
9 dates.

10 DR. GIBBONS: Mr. -- Mr. Chair, maybe I can
11 poll the Trustee Council at a later date, get their calendars
12 and try to establish a date?

13 MR. McVEE: Sounds good to me. All right.

14 MR. COLE: Well, let me ask this, do we have
15 any decisions that we have to make timely here?

16 MR. McVEE: I think we -- maybe we should
17 finish up the '92 budget which would be the -- the
18 administrative component budget so that we can then schedule a
19 request to the Court for the -- for the remainder of the -- of
20 the budget on in for -- into the next -- next year. It seemed
21 like that maybe is the most critical thing.

22 MR. SANDOR: Do we even need a meeting, a
23 formal meeting to do that? Can

24 MR. COLE: Yeah, can -- can we do that by
25 telephone or

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1 MR. SANDOR: Yes.

2 MR. COLE: teleconference is what we're
3 thinking.

4 MR. SANDOR: Yeah.

5 DR. GIBBONS: The -- the administrative budget
6 portion of that, I think we can. But the habitat protection I
7 think we need to -- we're going to -- it sounds like you -- you
8 want some detail and we're going to -- we're going to need to
9 get into it.

10 MR. COLE: With belaboring this, it -- it seems
11 to me that we can do -- we don't have to do them both at the
12 same time. We can get the budget done by teleconferencing.
13 If you need more time on the habitat, you know, plan and
14 inventory and those things, we could push that back two weeks
15 or something like that.

16 DR. GIBBONS: Okay. That -- that's fine.

17 MR. McVEE: Okay. We'll work on that basis
18 then. Let's recess for ten minutes and then we'll come back to
19 this location.

20 (Off record)

21 (On record)

22 MR. McVEE: Trustee Council members are all
23 present. We'd like to continue with consideration of the
24 agenda items for this meeting.

25 The next item on the agenda was Trustee Council

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1 executive session. Before we go into that executive session, I
2 felt like it was worthwhile to -- to discuss among ourselves
3 here at public session kind of the process of what we're going
4 to -- going through to select representatives for the public
5 advisory group, and we have a slate of some 31 nominations I
6 believe it is now, and nominations in every category, and
7 nominations from -- from many of the communities all over the -
8 - basically I think all of the communities, so we have
9 opportunity for wide representation in terms of the categories
10 of interest as -- as well as wide representation in terms of
11 the -- of the geographic areas.

12 What I would propose to do, and have some discussion
13 among the members of the Trustee Council, is that we go into
14 executive session and since we will be discussing, you know,
15 I'd say personnel papers and actions and -- and qualifications,
16 that we go into executive session to do that, and then come
17 back into a public session, hopefully, you know, later on this
18 afternoon and -- and discuss and make the final -- the -- the
19 final cut at the recommendations for the P.A.G.

20 And I'm somewhat sensitive to, and I think we have to
21 be, to being sensitive to the -- to the Open Meetings Act of
22 the State, and -- and public -- public interest in this -- in
23 this subject, which has been expressed many, many times at --
24 at our meeting in the past, and I guess at this point, I'd like
25 to have any comments from the Trustee Council members on that

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1 kind of an approach to the -- the process of selecting P.A.G.
2 members.

3 MR. WOLFE: It sounds good.

4 MR. McVEE: Sounds good?

5 MR. COLLINSWORTH: I move something along those
6 lines.

7 MR. McVEE: Something along those lines. With
8 that I guess then we'll adjourn. Is the upstairs meeting room
9 available to us? And we'll adjourn to executive session. I
10 shouldn't say adjourn, recess into executive session.

11 MR. COLE: Well, before we do that.

12 MR. McVEE: Yes, Mr. Cole?

13 MR. COLE: Let me see if I understand this
14 correctly. Well, to help me understand it correctly, would you
15 tell me once again what the plan is?

16 MR. McVEE: The idea I presented was one of --
17 of being able to go into executive session and look in detail
18 at the qualifications of the various nominees and coming out of
19 that session with a slate of acceptable candidates which then
20 we can act upon in -- in public session and make the final
21 selection.

22 MR. COLE: And will we do that by category?

23 MR. McVEE: Yes, by category. It's my thought
24 that

25 MR. COLE: Could we have public comment on

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1 that? I mean, I'm -- I'm really in -- you know, I'm having a
2 lot of trouble making up my mind whether that's the right thing
3 to do. Look, I mean, you know, I think we -- well, that's --
4 comply with the Open Meetings Act, can we do that? Probably.
5 Should we do it? I mean, I just wonder if that's what we ought
6 to do.

7 MR. McVEE: I'd certainly be open to having
8 comment on it. Mr. Sandor, did you have some comment?

9 MR. SANDOR: Well, I was mostly wanting to
10 query about the process of -- it is the intention of -- of
11 doing this today if possible, right?

12 MR. McVEE: Yes.

13 MR. SANDOR: Well, there are several ways that
14 one could -- could do this. We could have this executive
15 session, lay out the -- the names that -- but then I had -- had
16 thought that from that executive session actually have --
17 public comment period is already in place from five to seven,
18 even to utilize that public comment period for, you know,
19 whatever comments plus this and then have the final executive
20 session at seven to eight or whatever

21 MR. COLE: No. No. No. I mean, maybe
22 tomorrow, maybe next week, but, you know, 12 hours of this at
23 one time is enough. I mean,

24 MR. SANDOR: Okay. But I mean if you really
25 want public comment, you've got a period five to seven, we

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1 could fax them the -- to everybody on teleconference the
2 product of the executive meeting, then you'd have comments from
3 everybody.

4 MR. COLE: Well, I'm -- I'm not objecting to
5 public comment. I mean, that's what I'm asking for. The

6 MR. SANDOR: Well, that's an option.

7 MR. COLE: The problem is -- is I just --
8 after we get the public comment, I mean, frankly like I say,
9 you -- you know, you and I started at seven on this this
10 morning. That's essentially 12 straight hours, and I think
11 being fair to people, and being fair to the process, I mean, I
12 don't want to do this when I'm so tired and beat up that, you
13 know, I can't really think as clearly as I'd like to.

14 But I would like to get public comment, and I am
15 concerned about, you know, adjourning to the back room and
16 saying, "Well, now we'll just come up with the list of the good
17 old boys, you know, and then we'll come out and go through,
18 you know, and go through the motions and won't everything be
19 lovely." And you know we'll get intense criticism for that,
20 and -- and -- so that's where I think we should have public
21 comment just hopefully maybe to give us guidance and support
22 for the process we adopt, but, you know, that's what I find
23 troubling.

24 MR. McVEE: Is there anyone in the audience,
25 just raise hands I guess, who would want to make comment on

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1 this process or procedures for selecting or identifying the
2 P.A.G. members?

3 MR. COLE: May I say, here's the problem, you
4 know, I -- I know what people are going to say, you know, you -
5 - you can see it coming, can't you? They'll say, "look, they
6 weeded out the people who didn't agree with their views, and
7 they didn't put them on, I mean, you know, because they know
8 that you -- you won't be as malleable and agree with just what
9 goes on, with what -- what John Sandor wants to do." And --
10 and so -- and -- and, you know, I -- I think we -- this is a
11 very important decision, because we all know how important this
12 Public Advisory Group is and what strong support there is for
13 it. So, how we proceed here at this juncture is critical, and
14 I'd like to hear public views on this before, about the process
15 and how we do it. I like Ms. Brody, I mean I don't mind saying
16 look, I mean I know she'll be a thorn in our side, we can throw
17 her off right now. But if we're going to throw her off, we
18 should throw her off right here in public, not in the back
19 room, you know. So, you get what I'm thinking about.

20 MR. McVEE: Is -- are there any people in the
21 audience who wish to comment on this process and procedure?
22 With your indulgence then, I would like to have them follow-
23 through (ph), we have one hand raised is all I can see.

24 MS. BRODY: Thank you, Mr. Chairman. I guess
25 you all know, I'm Pamela Brody from the Sierra Club. And I'd

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1 like to say that although, I think this is similar to a
2 personnel matter, it is different. These Public Advisory Group
3 members will be representing the public, and I do believe that
4 it should be open to the public, the process of choosing the
5 people. And even though it might hurt my feelings, I guess I
6 just will have to take it, and so, I would recommend an open
7 process.

8 MR. COLE: And then, can I ask a question?

9 MS. BRODY: Um-hum.

10 MR. COLE: Do you think we -- you know, some of
11 these people we may find unacceptable for reasons, you know,
12 unrelated to their direct service on -- or qualifications to
13 serve as a Public Advisory member. And I mean we're concerned
14 about, in essence, some form of rights to privacy of these
15 candidates. And so we said, you know, what I heard about, you
16 know, Joe Blow, you know, what he was involved in 15 years ago,
17 let me tell you. I mean, you know, that's what's, see,
18 troubling the Trustees; how far can we go to express these
19 views because it's not maybe pleasant to be hurt in public.
20 And we're trying to protect the privacy of these applicants on
21 the one hand, and on the other hand, the attention (ph) is
22 created, we must conduct this business as much as possible in
23 public. And then, you know, not an easy call.

24 So, that's why I, personally, would like some help.
25 Maybe we need some experts here in ethics and things like that

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1 to counsel. Thank you.

2 MS. BRODY: Just in response to that, there is
3 the problem when discussions go on behind closed doors that
4 people can have information that isn't accurate, too, and that
5 things that are said and are not public, then the person
6 doesn't have any chance to respond.

7 MR. COLE: In some ways, they're not going to
8 have any -- much of a chance to respond after we make the
9 decision and go on, if he's stricken from the list. And you
10 know, he doesn't -- he or she may not have the same forum we do
11 to respond, and it's a little unfair. So, what I'm saying is
12 when we say that we may have some reservations about doing this
13 in public, we're trying to protect the individual's personal
14 right of privacy and reputation, things like that. So, I mean
15 it's not an easy call.

16 MS. BRODY: I agree.

17 MR. McVEE: Mr. Sandor.

18 MR. SANDOR: Ms. Brody, do you think insofar as
19 having the public discussion and participation that we should
20 do this in this group, in this setting, or include the
21 teleconference, 5:00 to 7:00 or what would

22 MR. COLLINSWORTH: Mr. Chairman.

23 MR. McVEE: Yes.

24 MR. COLLINSWORTH: It's unclear to me what
25 we're trying to solicit here in terms of input that will aid us

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1 in the decision-making process. I mean what are we going to
2 ask in the public hearing, if somebody wants to provide
3 testimony in support of some particular candidate or in
4 opposition of some particular nominee, what the makeup should
5 be? What are we trying to solicit from the public?

6 MR. COLE: I can answer that. We're trying to
7 solicit from the public, right at this moment, should we go
8 into Executive Session and make some decisions about members
9 who constitute this Advisory Group or shall we just do the
10 whole thing right in public and use our best discretion about
11 protecting people's right of privacy.

12 MR. COLLINSWORTH: Yeah. I heard
13 (indiscernible - interrupted)

14 MR. COLE: That's what I'm seeing guidance on.

15 MR. COLLINSWORTH: taking about the
16 teleconference between 5:00 and 7:00 this evening, and as you
17 know, we have a special purpose, I guess, inquiry of our public
18 here regarding process, but I thought there was some talk about
19 the public comment between 5:00 and 7:00 of what we were
20 soliciting on that.

21 MR. SANDOR: Well, I guess the reason I raise
22 that question, Don, is the agenda as published, you know, it
23 didn't provide for that kind of a thing. And I'm just trying
24 to deal with the most practical, best way to -- in effect, to
25 assure that all those interests, you know, can have the optimum

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1 or maximum benefit of the information that's developed. It was
2 my understanding that the proposal was such that we would,
3 essentially, go through -- essentially, an analysis of all the
4 candidates and weed out these right of privacy things and come
5 back with a listing of multiple names that are being considered
6 in each category, and then publicly select from that listing
7 and could do that here before the public comment period 5:00 to
8 7:00 or after. And (indiscernible) raise the question, you
9 know, what it is we're going to do, it could be done, you know,
10 a number of different ways.

11 I, as I said earlier today, was very impressed with the
12 group and all other -- only 31 that actually applied that I
13 found in each category, at least, three very qualified people,
14 any one of whom would be, you know, simply from my perspective
15 would be very find. And so, I don't think there's a shortage
16 of candidates, but I'm just trying to suggest we be responsive
17 to give them maximum, you know, public exposure to what it is
18 we're doing. And so

19 MR. COLLINSWORTH: Mr. Chairman.

20 MR. McVEE: Yes, Mr. Collinsworth.

21 MR. COLLINSWORTH: I am familiar with one other
22 process that solicits a lot of public interest and a lot of
23 participation, and that is the -- how the North Pacific Fishery
24 Management Council operates under the provisions of the
25 Magnuson (ph) Act, and it has a scientific review body, a

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1 scientific and statistical committee as well as an advisory
2 panel. And there's 21 or 22 members of the advisory panel that
3 play an important role in the proceedings of the Council and
4 serve for one-year terms, and go- -- and they have a nominating
5 process that's quite similar to what we've engaged here. And
6 the Council goes through an initial selection of the list of
7 folks in Executive Session, and has done that since the first
8 Council -- or the first advisory committee was appointed about
9 in 1970- -- late '77, early '78, and has participation with
10 both state and federal members on the committee. And it seems
11 to have worked satisfactorily protecting -- having the Council
12 take formal approval action in public session, but dealing with
13 some of those fairly delicate personal issues, the right of
14 privacy type issues that Mr. Cole mentioned, that is done in
15 Executive Session. And I think that's a model that we should
16 follow here.

17 MR. McVEE: I guess since we asked for public
18 comment, I should find out if there is any more -- if there's
19 anyone else that wishes to comment.

20 MS. RODERMAN: I'm Lisa Roderman (ph), I'm from
21 Cordova. Just -- I think your point about other advisory
22 councils is well-taken, but this is a public advisory council,
23 and it is to represent the public. The advisory council on
24 Fisheries matters, for instance, that you referred to, you
25 know, you might ask other scientists what they think of these

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1 scientists and to provide input. You know, in thinking about
2 it, I guess I would have to support Pam's suggestion that since
3 simply because whoever you choose does represent all of us,
4 that all of us should know why you chose those people or did
5 not choose them.

6 The other alternative might be to keep a record of what
7 you say in there, and then if someone wants to know why they
8 weren't chosen, they have access to that record.

9 MR. McVEE: Is there other public comment on
10 this issue? No other comment at this time.

11 MR. COLLINSWORTH: Mr. Chairman,
12 notwithstanding the testimony we've just heard, I believe the
13 process that I outlined, at least having an Executive Session
14 and taking a look to see if there are any reasons why we
15 believe that any of these individuals that have been nominated
16 do not satisfy the minimum qualifications or the qualifications
17 that personal -- you know, requirements, if that could be done
18 in Executive Session, then we could complete the process in
19 open forum.

20 MR. McVEE: Is that the motion?

21 MR. COLE: Well, I have another idea,
22 Mr. Chairman.

23 MR. McVEE: I haven't got a second to the
24 motion, so go ahead, Mr. Cole.

25 MR. COLE: Well, I was thinking maybe we could

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1 have -- this is just a wild thought -- but one person or so or
2 someone to, essentially, be a witness to the fact there wasn't
3 any skulduggery going on there in the Executive Session, you
4 know, so that somebody could say yes, they really did focus on
5 the issues, and they didn't go in the back room and agree upon
6 the final, you know, selection. We can do that, too, to sort
7 of have -- and swear them to secrecy, so to speak, except on
8 that issue, you know, that they did do the right thing back
9 there. And that way it would be a form of public, you know,
10 involvement in the process, and not entirely in secret or
11 Executive Session, but give the public some assurance that we
12 were, you know, being responsible. If we could find somebody
13 who could agree with that.

14 Anyway, that's just another thought that occurs to me.

15 MR. McVEE: Mr. Collinsworth, did you want to
16 divert (ph) your statement to an admission (ph) or what, do I
17 have a motion here? Because we need to get something on the
18 table so we can take an action here.

19 MR. COLLINSWORTH: I move that we adjourn to
20 Executive Session and review the applications and the
21 qualifications of the individuals. If individuals are
22 identified by -- or if there are nominees that identified by
23 the Council Members as not being suitable for appointment, that
24 we could take care of it at that time. Those that we believe
25 meet the qualifications, bring that group back and proceed in

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1 public forum.

2 Either that or -- well, I could make that as the
3 motion, but since we -- our rules of procedure are somewhat
4 lax, you might want to appoint a nominating committee or a
5 subcommittee, because somebody's going to have to take now
6 and -- you know, we've got to array (ph) these folks into the
7 appropriate category, make sure that the categories are
8 satisfactory; and the Staff has done some of that for us. And
9 then, we're going to have to -- when we have multiple
10 candidates for a given discipline or interest, we're going to
11 have to decide, you know, how we are going to select that among
12 the qualified individuals.

13 Several of these people I know only by resume and
14 recommendations, I don't know them personally. Maybe other
15 members do and can provide some insights on how to proceed.

16 MR. SANDOR: Mr. Chairman.

17 MR. McVEE: Mr. Sandor.

18 MR. SANDOR: My thought is that whatever the
19 process is, it ought to be open from the standpoint of what is
20 done. I think, perhaps, everybody approaches a little bit
21 differently. I went through the list Saturday and Sunday -- a
22 few Sunday morning, and I identified at least three individuals
23 in each category, any one of which would be, you know, I
24 thought terrific. And I thought, you know, that when we got
25 together, either in Executive Session or open session, that I

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1 was certainly prepared to identify these individuals. I
2 thought there might be a consensus, and it turns out that these
3 people, 31, really have excellent -- you know, there's --
4 seemingly, we wanted -- we thought -- we might've been
5 disappointed 'case we didn't have a hundred, I'm thankful we
6 didn't have a hundred, because the 31 there, the qualifications
7 are really great.

8 So, in the Executive Session, I will display these
9 three in each category, in open session I'd display these three
10 categories. It doesn't make any difference to me.

11 MR. COLE: Mr. Chairman.

12 MR. McVEE: Mr. Cole.

13 MR. COLE: Speaking to Mr. Collinsworth's
14 motion, it seems to me that we, as part of that motion, should
15 have a limitation on those -- the reasons for someone not
16 making the cut. You know, it should be reasons -- by reasons
17 of something other than I just don't particularly like this
18 person or, you know, this person is said to be disruptive, so
19 in the Executive Session we scratch them off the list. And you
20 see, that doesn't satisfy the public process as far as I'm
21 concerned.

22 I think that in Executive Session for people -- reasons
23 for people not making the cut should be some -- specified here,
24 you see, because other than -- well, whatever, just because
25 somebody doesn't like them. Say, Ms. Brody has commented upon

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1 my views here a number of times, so I go to the back room and
2 say well, strike her off the list, you know. I mean you see,
3 that's the way of avoiding the public process, and that's what
4 I am concerned about.

5 MR. COLLINSWORTH: Mr. Chairman. I don't want
6 to avoid the public process. I would like to engage some
7 process today, however. You know, I mean

8 MR. COLE: We've struggled through these things
9 and usually get the right answer, eventually.

10 MR. COLLINSWORTH: Well, I mean if we want to
11 make it a participatory type of situation, let's have -- let's
12 pass out a paper and everybody write down 15 names, and we'll
13 add them up and whoever gets the most votes gets on the panel.

14 MR. McVEE: Mr. Sandor.

15 MR. SANDOR: Well, the other way, the way I
16 approached this thing was to --

17 MR. COLLINSWORTH: I mean pass it out to
18 everybody.

19 MR. SANDOR: to -- in identifying these
20 top three was credentials, both with respect to, you know, from
21 the standpoint of science or knowledge and then from the
22 standpoint of their involvement in the categories, either
23 professional societies or organizations. And there are no
24 shortage of qualified people. I don't think we need to look so
25 much at the negatives as to identify the positives of these

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1 people, and that's what I would urge the individuals to do is
2 to identify these positives. And

3 MR. COLE: Well, then you wouldn't go into
4 Executive Session.

5 MR. SANDOR: We don't have to. I said that I'm
6 -- what I move to present in Executive Session is the same
7 thing that I would permit (ph) here. There's just no shortage
8 of qualified people.

9 MR. COLE: Well, can we talk about something
10 else? How are we going to select these people when we're no
11 longer in Executive Session, if we ever go to Executive
12 Session? That's another, we haven't faced that terrible
13 problem yet.

14 MR. SANDOR: Do you mean (ph) by consensus or
15 numerical ranking as he suggests?

16 MR. McVEE: Maybe could we talk about -- I
17 guess if we're not going to do it, if we're not going to
18 function as a review panel in Executive Session, may we talk
19 about how we would do that (ph) in a public session?

20 MR. COLE: That's as big a problem.

21 MR. McVEE: And one of the possibilities that
22 Staff suggested is that -- brought a note to me here, is that
23 we could each identify -- you know, as categories, we could
24 identify on a written ballot the acceptable candidates, and
25 then take that list and discuss it and make the selections. Is

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1 there a problem with that approach or should we just start down
2 the list?

3 MR. SANDOR: Well, who -- whatever -- I don't
4 what Staff person suggested that, but could you run that by
5 again? In other words, we each

6 MR. McVEE: We'd each identify a candidate or
7 candidates in a category that are acceptable, and then discuss
8 and make a selection from that list. Does that work?

9 MR. COLE: Do we need to decide this today?

10 MR. McVEE: Dr. Gibbons told me earlier that we
11 needed to -- if we're going to keep on our schedule to get a
12 P.A.G. appointed so it could act on the '93 budget in a timely
13 manner, that we needed to decide this.

14 MR. COLE: I move we continue this until the
15 next meeting and get this straightened out how we're going --
16 whether we're going to have an Executive Session on these
17 issues, and then, if we no longer have an Executive Session,
18 how we are going to select the members, whether it's by -- you
19 know, the basic rule has been unanimity, does that rule still
20 apply or are we going to change the rules or what?

21 I mean I think for the first time we're addressing this
22 hard issue, so I, therefore, move to pass it for

23 MR. COLLINSWORTH: Second.

24 MR. McVEE: There's a motion to table. Also,
25 one comment, I guess, that might be worthwhile to pass on is

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1 that, you know, we could handle this, the discussion, in an
2 open session, when we reach any point where privacy matters,
3 confidential issues needed to be discussed, adjourn at that
4 point. We have, I guess, a motion to table till our next
5 meeting; is that essentially what -- Mr. Cole, what your motion
6 was (ph)?

7 MR. COLE: I just want to say, one might -- we
8 all might be better prepared, too, at the next meeting.

9 MR. SANDOR: The motion to table,
10 Mr. Parliamentarian, whoever you are, ordinarily is not
11 really

12 MR. McVEE: It's not open for discussion
13 normally under

14 MR. SANDOR: Yeah. It's open (ph) to
15 discussion but

16 MR. McVEE: If you want to discuss
17 (indiscernible - interrupted)

18 MR. SANDOR: But can I

19 MR. COLE: Go ahead.

20 MR. SANDOR: make a comment about it?

21 MR. COLE: I suspend the rules.

22 MR. SANDOR: I think we're putting this off.
23 Why don't we simply go ahead. My gosh, this Public Advisory
24 Group, we need to get on with it.

25 MR. COLE: What's the downside, then?

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1 MR. SANDOR: Well, the downside is no (ph)
2 worse that can happen in this thing is just to -- if we -- each
3 one of us, in open session, simply identified two, three, four
4 people, or whatever number, and say, you know -- and see what
5 happens going through the six members, there may well be a
6 consensus, and then go through each category and pick one, you
7 know, by vote. And I would suspend the consensus rule and
8 maybe even go by a majority vote of the Trustee Council in each
9 category.

10 MR. COLE: Well, let me bring up something else
11 since we've suspended the rules. You know, we have two pinch
12 hitters today here, you know, and --

13 MR. SANDOR: Who?

14 MR. COLE: and in deference to
15 Mr. Collinsworth and Mr. Wolfe, and you know, that's one-third
16 of the group that's not here. And their -- you know, maybe
17 they have some views on these that we would want, they would
18 want to be expressed among the group. I don't know how
19 Mr. Collinsworth feels about that but

20 MR. COLLINSWORTH: I'd love to postpone it and
21 let the boss take care of it.

22 MR. SANDOR: Well, that's a point I overlooked,
23 I guess, frankly, and that's the only (indiscernible -
24 simultaneous speech)

25 MR. COLE: Or you think it's the only argument

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1 and that it's (ph) worthwhile.

2 MR. COLLINSWORTH: On the other hand, I've --
3 (indiscernible) complete competence to make the selection if
4 you would (ph) like to go forward.

5 MR. McVEE: Well, we have a motion to table.
6 Is there any opposition to that motion to table to a future
7 meeting?

8 There is opposition, is that

9 MR. COLE: Wow.

10 MR. SANDOR: I think we're really making a
11 mistake not doing anything, and you know, that if only to get
12 together in Executive Session to get our act together. I think
13 it's a disgrace to come here and deal with this subject which
14 is on the agenda and then not do something. And we've got a
15 whole hour before the public comment period. Why don't we go
16 into Executive Session to think about the process and then
17 (indiscernible - interrupted)

18 MR. COLE: No. No. That is -- I would totally
19 object to that.

20 MR. SANDOR: Well, just to lay out -- or
21 publicly reach a conclusion, but when we go to the four winds
22 and wait till August 3 or August 10, you know, we lose another
23 month

24 MR. COLE: But why do we need -- I'm trying to
25 address this rationally for a change. Why -- if we -- what

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1 would the -- if we don't get the Advisory Council today, how is
2 the process be disadvantaged if we do it next time rather than
3 today?

4 MR. McVEE: My comment upon that would be that
5 after we make a recommendation, then there's the group -- or
6 make a selection, then there's the appointment process to go
7 through, so it just delays that appointment process. However,
8 you know, I don't think that's going to take a great deal of
9 time but it's -- a delay is a delay, whatever it amounts to.
10 And notification and the scheduling of the first meeting, I
11 think there has to be a 30 day notice on a meeting --

12 MR. COLLINSWORTH: Fifteen.

13 MR. McVEE: 15 days notice on a meeting.

14 MS. SLAETER: (Indiscernible - away from a
15 microphone) -- Federal Register.

16 MR. McVEE: Pardon?

17 MS. SLAETER: The notice is published in the
18 Federal Register of our meetings, dates and which takes another
19 period of time.

20 MR. McVEE: It takes some time, so it just
21 delays. One suggestion, you know, possibly as far as the
22 process, would be that -- is that we -- each member identify,
23 you know, their candidate or candidates acceptable on a list
24 and we exchange that information. And we maybe have that
25 available for our teleconference and go through the process.

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1 The problem with that is in the public "forum."

2 John.

3 MR. SANDOR: Well, I was going to move that
4 we

5 MR. COLE: There's a motion on the

6 MR. SANDOR: I'm sorry.

7 MR. COLE: There's a motion pending isn't
8 there?

9 MR. McVEE: Well, the motion failed, basically,
10 John

11 MR. COLE: Because he objected?

12 MR. SANDOR: And I'll never hear the end of it.
13 Well, I was -- I move that we table this final selection with
14 the understanding that for our next meeting, each of the
15 Trustees identify at least three people or up to three people
16 in each category, and that list then be developed in advance of
17 the meeting and be available to the public. And for action,
18 then, in other words, what would be available at August 3 or
19 whenever the meeting is and, in fact, what the composite list
20 of people that is acceptable.

21 MR. COLE: Can we talk about that a little?

22 MR. SANDOR: Sure.

23 MR. COLE: Well, would we -- would you have in
24 mind that we would get that list to the Executive Director say
25 in two weeks?

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1 MR. SANDOR: Yeah.

2 MR. COLE: And then, that would just be each
3 member acting independently and not in any -- you know, in
4 league with any other member, we would just each nominate three
5 people. And then, how -- what would we do when we came back on
6 the 3rd?

7 MR. SANDOR: Then, the Trustees would have a
8 compounded list of everyone, and as a matter of public
9 disclosure, as far as that's concerned, for the public record,
10 the individual Trustees -- you know, that -- those lists could
11 be the backup. But what we want along this path (ph) would be
12 the composite list of the total group (ph).

13 MR. COLE: Well, that's right. But then do we
14 have unanimous or do we take a vote on these eligiblees? You
15 know, I think we should decide that sort of now, too, since you
16 want to do something today.

17 MR. SANDOR: Okay. I'd say that we attempt to
18 get consensus, but if we fail, rather than delay the decision
19 to yet another meeting, that we go by majority vote.

20 MR. McVEE: Is there a second to the motion?

21 MR. ROSIER: I second it.

22 MR. McVEE: I guess the only problem with that
23 is in terms of timing that -- you know, with this scenario,
24 that we will -- probably could not schedule a P.A.G. meeting
25 until sometime in September, maybe mid-September; it depends on

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1 how fast things move.

2 The motion is to table action today, and that each
3 Trustee Council Member will provide a listing of three in each
4 category or up to three?

5 MR. SANDOR: Up to three.

6 MR. McVEE: Up to three in each category from
7 the nomination list, and that we attempt to resolve this --
8 make those selections by consensus at our next meeting, that
9 that'll (ph) leave the option open for us to perform jury
10 votes (ph).

11 Discussion on the motion? Staff?

12 MR. MONTAGUE: Mr. Chairman.

13 MR. McVEE: Montague.

14 MR. MONTAGUE: I just want to bring up a point.
15 A few of the categories only had three people in them, and I'm
16 wondering if on these three names if they should be ranked in
17 terms of first, second and third priority or not by ballot
18 (ph).

19 MR. SANDOR: No. No, not at this time.

20 MR. COLE: It's up to three, too.

21 MR. COLLINSWORTH: Yeah.

22 MR. SANDOR: Up to three.

23 MR. COLLINSWORTH: Mr. Chairman. As I
24 understood it, it was up to three; it could be one for each
25 category or up to three for each category.

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1 MR. McVEE: Yeah. I tried to put words into
2 John's mouth there.

3 MR. COLE: No, he doesn't need help.

4 MR. McVEE: It didn't work. Is there
5 agreement? Any objection to that motion? Okay. The motion
6 passed.

7 MS. RUTHERFORD: Mr. Chair.

8 MR. McVEE: Yes, Marty.

9 MS. RUTHERFORD: Could I ask for a point of
10 clarification. When we will make public the information, the
11 lists of the three, do you want the Trustee Council's name for
12 that -- for each list attached to it and made public, too, or
13 do you just want a cumulative list made public without any
14 indication of which Trustee Council suggested those names?

15 MR. McVEE: Opinion

16 MR. SANDOR: Mr. Chairman, my opinion would be
17 that what would be published would be a composite listing, but
18 if anyone wanted to look (ph) at the backup information, that
19 that be accessible to them but not formally published.

20 MS. RUTHERFORD: Thank you.

21 MR. McVEE: The other item that we had
22 scheduled for Trustee Council Executive Session was working
23 group memberships, and this is a matter of Privacy Act concern.
24 And I guess maybe before we retire or recess for the Executive
25 Session on the working groups, is there any other matter at

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1 this time that we need to bring up?

2 Dave, do you have any -- does Staff have any comments?

3 MR. SANDOR: No other -- Mr. Chairman. No
4 other subject, but we have -- we're going to do two things, are
5 we going to have a teleconference on the budget first and then
6 a meeting, or what was our decision on the next meeting and
7 teleconference or what -- or in-person or what?

8 DR. GIBBONS: The next meeting, I understand,
9 would have now three items on it; administrative budget, the
10 financial operating procedures and the P.A.G. selection.

11 MR. SANDOR: Okay. So, we're going to do all
12 three at a regular meeting?

13 MR. McVEE: At an August meeting.

14 MR. SANDOR: August. Is the date set?

15 DR. GIBBONS: August 3rd.

16 MR. SANDOR: Okay.

17 MR. COLLINSWORTH: Is that for a teleconference?

18 MR. SANDOR: No. That's what I was asking, and
19 I heard

20 MR. COLE: No, because -- excuse me. I thought
21 we said we could do the budget by teleconference, and then at
22 sometime later than August 3,

23 DR. GIBBONS: Yeah.

24 MR. COLE: maybe the 20- -- 25th or
25 something like that, we can then have this meeting to give the

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1 Habitat Team a little more time to make -- to get a
2 product (ph).

3 DR. GIBBONS: Yes. What -- that was the
4 decision. The August 25th meeting has got two agenda items on
5 it, it's got the habitat protection and it also has the 1993
6 work plan. And so that -- if you want to put the P.A.G.
7 selection -- Public Advisory Group selection off till the 25th,
8 I would prefer to deal with it on the 3rd, if we can, to get
9 that process going. But maybe defer the financial operating
10 procedures, but

11 MR. COLE: Well, let me make another -- since
12 there is some idea of some urgency in the Public Advisory
13 Group, could we have a meeting sometime in late July? I mean,
14 you know, move it forward rather than some of this -- a little
15 bit, we'd get the budget done in advance, we could get

16 MR. SANDOR: Yeah.

17 MR. COLE: the Public Advisory Group
18 done.

19 MR. WOLFE: And defer the habitat?

20 MR. SANDOR: Yeah.

21 MR. COLE: And then defer -- yeah, defer the
22 habitat. Yeah.

23 MR. WOLFE: We really do need to move that
24 back (ph).

25 DR. GIBBONS: So -- excuse me. The suggestion

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1 would be to have a face-to-face Trustee Council meeting at the
2 end of July to deal with the Public Advisory Group members,
3 then have a teleconference on August 3 to deal with
4 administrative budget

5 MR. COLE: No.

6 MR. SANDOR: No.

7 DR. GIBBONS: and then have another face-
8 to-face meeting on the 25th to deal with the '93 and habitat
9 protection?

10 MR. COLE: No. Do the administrative budget,
11 if we can, at the meeting in July.

12 DR. GIBBONS: Well, I really can't -- at this
13 time, I don't know how many comments we're going to get. We
14 were trying to give ourselves about a week to get comments and
15 redo the administrative budget, if possible, or respond to the
16 comments. That was our -- that's my only concern.

17 MR. COLE: Let's do the administrative budget,
18 if need be, by telephone.

19 MR. McVEE: Can we wrap up -- I guess the
20 suggestion is can we do the administrative budget by
21 teleconference in early August, go ahead with the -- you know,
22 a meeting in July for completing the P.A.G.

23 MR. COLE: Or any other business for next
24 year's program (ph).

25 MR. ROSIER: I'm on business in the last half

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1 of July.

2 MR. McVEE: You're out of touch?

3 MR. ROSIER: Yeah. I'm in the field the last
4 two weeks of July.

5 MR. MONTAGUE: Mr. Chairman.

6 MR. McVEE: Yes, Jerome.

7 MR. MONTAGUE: I think we may have forgotten
8 about the July 20th teleconference, or it could be a face-to-
9 face meeting, to look at the very early burden of just titles
10 of the '93 work plan. So -- and because of the review process
11 being the 22nd to the 27th, there is no room to delay that. I
12 would wonder if the Council and Dave would consider that face-
13 to-face meeting on the 20th or thereabouts.

14 MR. COLE: Great.

15 DR. GIBBONS: We could deal with the Public
16 Advisory Group nomination process at that time.

17 UNIDENTIFIED VOICE: On the 20th.

18 MR. McVEE: On the 20th. How does that work
19 out on the calendars?

20 MR. COLE: Well, could we take a look at where
21 we are in our various other duties and notify the
22 Administrative Director if the 20th is acceptable or whatever?

23 MR. McVEE: Let's do that. Look at our
24 calendars and see if that's possible. We may have to poll us
25 (indiscernible). Any other matters before we recess to

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1 Executive Session?

2 MR. COLE: May I be

3 MR. COLLINSWORTH: Yeah. I have a question.

4 Why are we recessing to Executive Session?

5 MR. McVEE: There is a discussion on work group
6 membership.

7 MR. SANDOR: The work group membership.

8 MR. McVEE: Yes, that's on the agenda.

9 MR. SANDOR: We're not going to be talking
10 about P.A.G.s?

11 MR. McVEE: No. No. Just work group
12 membership.

13 MR. COLE: May I be excused from the work group
14 membership meeting? I'll give you my proxy, you and
15 Commissioner Rosier, but you have to exercise it jointly.

16 MR. SANDOR: With a consensus, you mean (ph).

17 MR. COLE: No, unanimity. Then, I'll be back
18 at 5:00, there's some things that

19 MR. McVEE: Let's adjourn. I guess the
20 upstairs conference room is available. We'll be back at
21 5:00 o'clock or shortly before for the teleconference.

22 (Off record)

23 (On record)

24 MR. McVEE: reconvene for the
25 teleconference session of the public -- to take public

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1 testimony or public comment of this meeting of the Trustee
2 Council. I might just check right now and try to do a roll
3 call of who we might have on-line, and then immediately
4 following that, I will have Dr. Gibbons do a summary of today's
5 activities of the Trustee Council.

6 Do we have anyone from Chenega? Chenega Bay, is anyone
7 on-line?

8 CONFERENCE OPERATOR: The only sites on-line
9 are Juneau and Kodiak.

10 MR. McVEE: Pardon?

11 UNIDENTIFIED VOICE: The only sites on-line
12 right now are Juneau and Kodiak.

13 MR. McVEE: Juneau and Kodiak are on-line.
14 Let's then proceed to with the -- Dr. Gibbons' summary, then
15 following that, we'll do a round-robin of all of the sites and
16 take public comment. Dr. Gibbons.

17 DR. GIBBONS: Yeah. Okay. I'm going to follow
18 the format of the agenda. And the first action item taken by
19 the Trustee Council was concerning the 1992 Work Plan. The
20 Trustee Council moved to accept the 1992 Work Plan as
21 developed, with the addition of \$47,000.00 to the fish --
22 Shellfish Project Number 27, the sockeye salmon project, and
23 103,000 for R60-C, the pink salmon project. Fish & Game will
24 revise the detailed study plans concerning these two projects
25 and have those ready -- will have those prepared by -- in

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1 several weeks, I think the term was.

2 We will -- the Trustee Council also approved forwarding
3 all specific new projects to the 1993 Work Plan for analysis
4 and inclusion in that plan, and the habitat protection
5 proposals to the Habitat Protection Working Group synthesis
6 (ph) and development.

7 The final 1992 Work Plan, in response to public
8 comments, will be sent to all commentors, and that is final
9 now, the copy's out here and will be sent to the
10 teleconferencing sites also.

11 The second agenda item, the financial operating
12 procedures. The Trustee Council tabled the financial operating
13 procedures until August 3rd Trustee Council teleconference.
14 The Financial Committee is to review the standard authorities
15 by agencies and suggest the change that's identified in the
16 procedures by the Trustee Council.

17 The third item, the 1993 Work Plan. The Trustee
18 Council moved to approve the 1993 schedule in concept,
19 including changes involving the Public Advisory Group, O&B and
20 others for inclusion.

21 The Trustee Council proposed to request funding from
22 the Court for the 1993 projects in December, with a
23 consideration of others needing emergency funding before that
24 time.

25 The remaining five months of the 1992 budget will be

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1 requested from the Court to enable obtaining funds prior to the
2 start of the 1993 fiscal year on October 1.

3 More involvement, as suggested by the Trustee Council,
4 is needed by the chief scientist, peer reviewers and Public
5 Advisory Group in the 1993 proposed schedule. The Restoration
6 Team is to meet with the chief scientist tomorrow to facilitate
7 this increased involvement.

8 Fourth item, habitat protection. For the August 25th
9 Trustee Council meeting, the Restoration Team is develop an
10 outline for the overall habitat protection plan, including
11 level of detail, options for accomplishment, identification of
12 critical habitats for imminent threat. The Trustee Council
13 wants an integrated package to start moving forward in this
14 area.

15 Item Number 5, the symposium. The Trustee Council
16 approves of the direction that the Restoration Team has
17 presented in the information document in the package.

18 Item Number 6, EIS options. The Trustee Council has
19 recommended to proceed with the Walkoff contract, Option Number
20 2, for the development of a draft EIS restoration plan.

21 Item Number 7, Public Advisory Group. The Trustee
22 Council tabled the final selection of the Public Advisory Group
23 members with the understanding that each Trustee Council member
24 will independently nominate up to three members in each
25 category by the next Trustee Council meeting, which would be

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1 July 20th. The composite list at the Trustee Council meeting
2 will then be used for the selection of the members.

3 The last item, the Trust- -- the next Trustee Council
4 meetings: July 20th is the next scheduled Trustee Council
5 meeting, the agenda items will be an overview of the 1993 Work
6 Plan and the Public Advisory Group process and selection.
7 There is a teleconference -- Trustee Council teleconference
8 scheduled for August 3rd on the administrative budget. And
9 August 25th is another Trustee Council meeting to discuss the
10 draft 1993 Work Plan and the habitat protection long-term
11 process. These dates are suggested dates at this time, I need
12 to check with the lat date with the Trustee Council and on the
13 August 3rd to see if those are firm dates.

14 MR. McVEE: Thank you, Dave. I guess at this
15 point, we'll start taking comment from the public. And have we
16 still just got two?

17 (Side conversations)

18 MR. McVEE: Okay. Who do we have on-line? Do
19 we have anybody from Chenega Bay on-line? Cordova, anyone from
20 Cordova on-line? Fairbanks? Fairbanks Information Office, are
21 you on-line? Juneau, are you still on-line?

22 JUNEAU: Juneau is on-line, however there is
23 nobody here, so I'm probably going to be hanging up until we do
24 get some -- if and when we get some participants.

25 MR. McVEE: Okay. Homer, Teleconference

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1 Center? Homer, on-line?

2 HOMER: Yes, Homer's on-line and Nancy Lord is
3 here but she just wishes to listen.

4 MR. McVEE: Okay. Kenai, is Kenai on-line?
5 How about Kodiak, Kodiak Information Office?

6 KODIAK: Kodiak is on-line, although we just
7 have observers here, no one to testify.

8 MR. McVEE: Okay. Seward, is Seward on-line?
9 Tatitlek, is there anyone from Tatitlek on-line? Valdez
10 Information Office, are you on-line? Valdez? Whittier, is
11 there anyone at Whittier?

12 Okay. At this point then, I'd ask if there's anyone
13 from the Anchorage audience who wants to testify at this point?
14 Yes. John, Arliss, Senator

15 SENATOR STURGULEWSKI: Yeah, (indiscernible -
16 away from microphone).

17 MR. SIBERT: My name is John Sibert (ph), I'm
18 the Executive Director of the Alaska Science & Technology
19 Foundation, and I wanted to speak just a minute to the proposal
20 that Arliss Sturgulewski had put to this body regarding the
21 establishment of Exxon Valdez Marine Sciences Endowment.

22 There are two reasons, I think, that something like
23 this is important and would be very useful, whether it was done
24 in FY '93 or at some later point in time. And I think one of
25 them has been brought home to me by the kinds of proposals I

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1 see all the time; we get a couple hundred proposals a year in
2 all sorts of areas, including, as you can well imagine, right
3 after the Spill, an awful lot of things on how you're going to
4 clean up that Oil Spill, what you're going to do about it, how
5 we're going to prevent it, all of those sorts of things.

6 One of the concerns I have from various meetings I've
7 been to is that the focus, in many cases, has been on the -- I
8 guess what one might call the sexier aspects of that Spill in
9 terms of the, you know, sea otters, murrelets, et cetera, and
10 very little, or at least a reduced amount of effort in areas
11 related to the bottom of the food chain, bitoplanktons (ph),
12 zoe plankton (ph), a lot of things that are related to long-
13 term problems that we do not understand with regard to oil
14 spills. If you look at the Amoco Cadiz and the problems that
15 have -- in fact, the studies that are still ongoing there in
16 the marshes along the French coast. They're still learning
17 about the problems from oil -- crude oil and biota,
18 particularly, the bottom end of the food chain, as I said.

19 And I think these are important, because if you wipe
20 out that or have an affect on that, you're certainly going to
21 affect the top end of the food chain later. So, I think it's
22 important that we have some long-term commitment to these kinds
23 of studies. These are not the kinds of things you're going to
24 see a change in a year or two years but much longer term

25 And the second point I'd like to make since the Science

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1 & Technology Foundation was set up with an endowment, and we
2 use the earnings from that endowment to fund research and
3 development projects, that the system works pretty well. We've
4 been in existence, in terms of actual operations, for about
5 three years. It allows one to take a longer term view, there
6 are less -- let's say less subject to some of the vagaries of
7 the changes in the way the wind's blowing when it comes to
8 dealing with those longer-term research projects. The -- and
9 what it does do is provide some continuity. It allows one to
10 establish a good, sound RFP project -- process which can carry
11 forward year to year. It allows, as I said, the time to
12 thoughtfully evaluate proposals, peer reviewed projects and
13 things of that sort, and do it in a very consistent manner.

14 So, I would strongly support, if it's possible for this
15 group to do that, the establishment of an endowment for the
16 longer-term evaluation of the affects of the Oil Spill in
17 Prince William Sound. I'll be glad to -- in fact, at any other
18 time or at any time, I would be glad to talk to any members of
19 the Commission about how the Science & Technology Foundation
20 was set up, and how we are dealing with these kinds of issues,
21 if you would so wish.

22 MR. McVEE: Yes, Mr. Sandor.

23 MR. SANDOR: You say you have as many as 200
24 proposals that come before the Alaska Science & Technology
25 Foundation a year?

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1 MR. SIBERT: Yeah. Last year, it was about
2 200.

3 MR. SANDOR: Very briefly, how do you go
4 through those and pick out the priorities and what -- and the
5 way in which that's relevant for us?

6 MR. SIBERT: We lay out a number of criteria
7 that are critical in order for someone to be funded. At least
8 one member of your Commission, in fact, two -- is Mike Barton
9 still involved with -- Mike is the technical area (ph) review
10 chairman for forest products for our -- for the Science &
11 Technology Foundation and Kurt has reviewed proposals for us
12 before. And that what we do is a two-stage process; there's a
13 pre-proposal which is fairly short. I've looked at a thousand
14 of those in three years. And they -- we evaluate those based
15 upon the criteria that are established, those criteria being --
16 what's appropriate, of course, for the Science & Technology
17 Foundation is a focus on economic development more than on the
18 kinds of knowledge that we're dealing with here, and give some
19 feedback to the potential proposer as to whether or not that
20 proposal is appropriate and what might be done to fix it. And
21 then, get the proposals in, each one is peer reviewed by three
22 to five peer reviewers, and finally evaluated by the Board of
23 Directors three times a year.

24 That's one way to do it. I also serve as a Board of
25 Governors member of the National Coastal Research & Resources

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1 Institute, which is a Congressional and Federal committee, to
2 do research related to economic development in coastal areas.
3 And they use a somewhat similar process, but they use a
4 separate board of advisors that does the first screening, and
5 then the Board of Governors makes the final decision. There
6 are mechanisms to do that, I think, that make it not too
7 onerous, though my staff might disagree with that.

8 MR. McVEE: Yes. John, one question, I guess,
9 is on your peer review process, you have, I guess, a roster of
10 names for various categories of projects that may come to you,
11 and then those are utilized over and over again as peer review?

12 MR. SIBERT: Right. But we have a lot of them.
13 The peer review list, at the current time, has 570 people on it
14 from all over the country. And we try not to over-use anybody.
15 We use, as I said, technical area review chairman for various
16 areas to help assign peer reviewers, the people who are
17 knowledgeable in the field; as I said, Mike Barton is forestry
18 for us and so on. Sam Dunaway (ph) is mining. So, we have
19 that process built in. It's take a while to build up a good
20 list of peer reviewers, but once you've done that, it helps a
21 lot. They are voluntary peer reviewers and very happy to serve
22 as voluntary peer reviewers, from my observation. They're
23 interested in what's happening because they have knowledge in
24 the field, and it's one way for them to keep current. Also,
25 peer reviewers can write proposals as well.

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1 MR. McVEE: Um-hum. Further questions? Yes,
2 Mr. Sandor.

3 MR. SANDOR: Well, just an observation, I think
4 we ought to take John's offer of providing some assistance and
5 guidance to us in not only developing the proposal or
6 evaluating proposals for an endowment but for a proposal for a
7 way in which we review projects and screen them. It seems if
8 like you've been in business for three years, that you can
9 provide some help to us.

10 MR. SIBERT: My beard turned completely white
11 in that period, you understand.

12 MR. McVEE: You've done well. Any other
13 questions for John here? Thank you very much.

14 MR. SIBERT: Thanks.

15 MR. McVEE: Senator. I feel kind of awkward
16 sitting at this side of the table from you.

17 SENATOR STURGULEWSKI: Yeah. It's about time
18 you got even with me. This is not user friendly, by the way.
19 What you need is a table and for us to be sitting down at

20 MR. McVEE: Yes.

21 SENATOR STURGULEWSKI: the level of you.
22 However, this is one opportunity I have to speak down to you,
23 so I will. But I do thank you for giving me just a few
24 minutes. I know that you've got a long way to go before you
25 make the decisions for 1993. But as you also know, I've had an

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1 opportunity to talk to a number of you, I'm very interested in
2 seeing a science foundation established, and I'd like to just
3 give you a very little bit of background. But I'm very
4 interested in the founding and the action of the Arctic
5 Research Commission.

6 And he's not on now, but was a wonderful scientist by
7 the name of John Steele from Wood's Hole. And we were out
8 Unalaska one time, I have family there, and it was pouring rain
9 and we were walking in the rain, and John was telling me about
10 this little grain of whatever starting it's way from iceland
11 and taking a thousand years to come all the way around and be
12 part of the upwelling that goes into the incredibly rich Bering
13 Sea. And I think Alaska learned in spades how the tides work
14 as a result of the Exxon Valdez.

15 In 1988, Paul Fooz (ph), who was then the Mayor of
16 Unalaska, and I appeared before the Arctic Research Commission.
17 And as a result of our appearance before them, they adopted,
18 and it then became a part of the Interagency Arctic Research
19 Policy Committee, which is NFC is the National Science
20 Foundation's interagency group, a study on the research to
21 understand the Arctic Ocean, the Bering and Marginal Seas, the
22 sea ice, the seabed, and on and on. But it -- they're actually
23 focusing now research dollars into the Bering Sea, and both the
24 water itself and oceanography and so on.

25 I have been a member and advisor for some years now to

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1 the International North Pacific Fisheries Commission, which has
2 Don and Carl and others will know, is going to be superseded by
3 -- or is being superseded by a new agency which will include,
4 now, Russia and Japan, Canada and the United States, and it's
5 just underway. But I've been interested in what I've been
6 hearing over a series of years about research, about what we
7 know and what we don't know. There are some tremendous gaps
8 out there, and those gaps have led, I think, to over-fishing on
9 the Bogoslof, we've seen that closed now in terms of bottom
10 fishing. Nobody, I'm sure, of the scientists in the room can
11 tell us why the crab went away, why we're seeing very small
12 species, there's a very complex interrelationship.

13 I think you had a situation this morning where certain
14 things are happening, and so you're going to toss some dollars,
15 and you don't really know why those are happening, you think
16 there may or there may not be an interrelationship to the Exxon
17 Valdez. So, it seems to me there's a tremendous need for
18 additional information.

19 As a result of a meeting that the advisors held in
20 Japan in Tokyo last year, Senators Zharoff, Cotten and myself
21 make a request to our Senate Research Agency to take a look at
22 the various agencies that were doing research. And I believe I
23 have made that available -- I'm sure I've made it available to
24 the Staff. But it talks about all of the different agencies
25 from the regulatory agencies, such as the Pacific Halibut

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1 Commission to NOAA to the University of Alaska to et cetera, et
2 cetera; the major players that are out there. Very complex
3 interrelationship. Most of them, as you well know, starved for
4 dollars. But I've seen us in the Legislature, more when the
5 money first came, doing lots and lots of short-term things.
6 And I think that that is one of the dangers that we face as we
7 look toward restoration and restoration projects is knowing
8 enough, getting enough snapshots so that we have a good basis
9 on which to make the decisions that you have coming. And it
10 was with this in mind that I have pursued the idea of
11 establishing a foundation.

12 I've talked to some of you and there seems to be some
13 concern as to whether it fits directly. I think that it does
14 in spades in terms of you have to know what's happening out
15 there in order to make the kind of judgments as to restoration
16 and to their value.

17 And so I would just encourage you as Trustees, I
18 realize this is a premature presentation, but I would encourage
19 you to really get involved. Where do you want to go with this?
20 Where do you want to end up? And I'm talking about the whole
21 restoration effort. You've got a lot of money, maybe \$700
22 million, and what is the goal?

23 It seems to me that if we can advance our knowledge and
24 -- and understanding of the interrelationship of the -- of our
25 oceans and our seas and our currents, that it does a lot for us

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1 in this particular endeavor, but, of course, it's valuable
2 information if -- if anything happens in the future. And I
3 know that makes -- that part of it makes the farthest reach,
4 but what a wonderful thing if we could not only help in the
5 wise restoration, but have the information we need so that we
6 can continue to manage our resources.

7 So at this point I -- I hope you take up John's offer.
8 He's done a marvelous job of bringing a peer or scientific
9 review to -- to issues. I didn't call and ask him to be here
10 today, but I'm delighted he is, because we go the -- the same
11 way on a lot of these -- these various areas, and so just with
12 that I'll look forward to working with you and hope you'll
13 seriously consider the proposal.

14 Thank you.

15 MR. McVEE: Thank you.

16 SENATOR STURGULEWSKI: Thank you.

17 MR. McVEE: Are there any questions for the
18 Senator?

19 SENATOR STURGULEWSKI: Thank you.

20 MR. McVEE: Thank you, Senator.

21 Since we did not have anyone identified available for
22 public comment in the other localities, I will again ask if
23 there's anyone else from Anchorage, and then -- yes, come
24 forward?

25 MAYOR SELBY: Good afternoon, Mr. Chairman and

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1 members of the Trustees. I'm Jerome Selby, Mayor of the Kodiak
2 Island Borough. I appreciate your giving us an opportunity
3 today.

4 I wanted to primarily today call your attention to this
5 particular document which I know each of you have a copy of,
6 because I mailed it to you at the same time we submitted it to
7 the staff, and just talk briefly to that document. I guess
8 we're a little amazed that there's 450 projects, because
9 there's a total of 36 projects in this document.

10 This document is a ten-year plan, it's not a one-year
11 plan. It's a ten-year plan. The sum of the request over that
12 ten-year time period is something a little less than
13 \$280 million total, including \$95 million into an endowment of
14 the 280 million. We are requesting for 1993 a modest
15 \$5 million to put in the endowment as -- more or less as a seed
16 money. Our request for 1993 for these projects is \$22.9
17 million, which again we -- we felt was somewhat modest going
18 in.

19 The way that the projects break out, just for a little
20 information and -- and based on some of the -- the discussion
21 you folks had earlier here today, for acquisition, we've got
22 about \$134 million in there, or roughly 45 to 47% of the total.
23 For the endowment, it runs 95 million, roughly 30-32%, and then
24 for other restoration type projects, we've got approximately
25 50 million or 20 to 25%.

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1 Now, we anticipate that the endowment figure that we
2 have in here is high. I mean, we -- we don't make any bones
3 about that, but what we do anticipate is that that gives us
4 some room for that endowment figure to shrink a little bit if
5 over the ten years, and we anticipate there will be some
6 additional projects that are identified that -- that we don't
7 know of today, we haven't thought of yet, based on other
8 information that will come in. During the time period, we're -
9 - we feel confident that there will be some other good projects
10 identified, and that you could take that money then out of the
11 95 million and still have a hefty endowment fund if you've
12 followed a similar format for the other two subareas of the
13 spill area.

14 I'd like to speak to just a couple of them in
15 particular that maybe you don't -- one of the acquisitions, of
16 course, is the Afognak acquisition. What we've done with that
17 is that I think you folks are aware that there's studies
18 underway this summer by both Fish and Wildlife and the
19 Department of Fish and Game of Afognak, of the Afognak lands.
20 And so what we did is we simply proposed in there to start a
21 year from now with a \$4 million, if you will earnest money or -
22 - depending on if you buy an option or -- or -- it gives you
23 some options there. And then spread the actual acquisition
24 over the remaining time period that funds would become
25 available. And so that's the approach we used on most of the

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1 acquisitions.

2 We have kind of a potpourri of acquisitions. This weir
3 sites, for example, for the Department of Fish and Game, those
4 are all real well defined. Virtually all of them are currently
5 under lease, and we're proposing to begin that acquisition this
6 -- in 1993. So in this case we feel that the acquisition is
7 very clearly defined. What's -- what is needed to be acquired,
8 and we have a ballpark of a figure and are proposing to move
9 ahead with those.

10 Similarly with the bear refuge in-holdings, we're
11 proposing to move ahead with that in 1993, but allocate some
12 amount of funds, and it's \$5 million per year for the remainder
13 of the time period here, but again that's a fairly well defined
14 in-holding acquisition program.

15 So we've kind of got a range of -- of acquisitions in
16 there.

17 There's a couple of projects within the restoration
18 projects that we'd like to particularly draw your attention to,
19 because they kind of don't fit with some of the conversation
20 that we've heard espoused by the -- the Council before. That's
21 the expansion of the Fisheries Industrial Technology Center in
22 Kodiak, and we're requesting seven and a half million dollars
23 for that, three and a half million in 1993, three and a half in
24 1994, and a half a million in 1995.

25 We feel that that's a really critical project and one

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1 that deserves a lot of attention from you folks, because it
2 basically is what we consider to be a win-win-win situation.
3 We win three times over as -- as a state to fund that
4 particular construction. First of all we win because it allows
5 a lot of the analysis that's going to be done by some of the
6 other studies that are being funded from these projects to be
7 done right here in Alaska as opposed to shipping them to
8 laboratories outside the State of Alaska. And so we consider
9 that a win if we can support the studies in-state at a facility
10 in -- in the State of Alaska.

11 Now, it's win for the University and the Fish -- the
12 Fish Tech Center itself, because it allows them to move ahead
13 with programming that they need anyway. So in order to do the
14 research that we need to have done, on our fisheries research,
15 on our fisheries in the State of Alaska, we need this
16 capability.

17 And the third win that we look at is the fact that one
18 of the biggest drawbacks we had during the Exxon Valdez spill
19 is that we had no capability laboratory-wise in the State of
20 Alaska to support and analyze, particularly where we got
21 frustrated was to determine whether subsistence clam and fish
22 were safe to eat or not. And we pursued that throughout the
23 summer of 1989. We ended up spending from the Kodiak Island
24 Borough \$1 million trying to get that answer. Do you know when
25 we got the answer? We got the answer in November of 1989.

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1 Now the folks that were trying to get their subsistence fish in
2 during the summer of 1989 really didn't benefit at all from
3 that. And the reason it took so long is that all of the
4 samples we took starting in April, they came to Anchorage
5 first, but then the Anchorage labs were so plugged that they
6 had to go to -- I think part of it was done in Denver,
7 Colorado, and part of it was done in Texas, and I'm not sure
8 where the third place was, but by the time we got the -- the
9 data back, it was November.

10 Meanwhile, what folks had to go on was the
11 recommendation from -- I think it was from NOAA, not to pick on
12 anybody in particular, but they were kind of the lead agency on
13 the subsistence, the rule of thumb for the folks in the
14 villages was, if you open a clam and it smells like oil, don't
15 eat it. You know, that's -- that just didn't make it as far as
16 those people were considered -- concerned, particularly the
17 subsistence folks.

18 And so we desperately need to have the capability to do
19 some of this analysis in the State of Alaska. Hopefully we'll
20 never have another situation like this to deal with, but if we
21 do, we definitely need to have, and we would have that
22 capability sitting here in this facility.

23 The other one then also -- similar is the
24 archaeological museum for the Kodiak Area Native Association.
25 I understand that you folks weren't too excited about bricks

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1 and mortar, but we would encourage you to look at this one
2 very closely as part of the over-all archaeological results of
3 the spill.

4 Now, what -- what we all know is, is there were a
5 number of excellent sites mapped during the Exxon Valdez spill.
6 What we know since then is that some of those have already been
7 pretty much cleaned out, because some of those maps got into
8 private hands somehow, who knows how.

9 What we're concerned about is being able to go out and
10 actually do some digs and preserve some of those artifacts
11 permanently in a good facility here in Alaska. Again, the
12 other option is to dig them and send them -- send them to the
13 Smithsonian I guess back in Washington, D.C. That doesn't do
14 much for the people in Alaska.

15 In addition, just recently within the last few weeks,
16 the archaeological folks at KANA have discovered what may be
17 one of the most significant finds in the -- in the North
18 American continent, and Jim Carmichael can probably tell you
19 more about this than I can, but my understanding is -- is that
20 on the north side of Afognak Island, in a dig they've
21 discovered an area where because of a change in water tables,
22 the artifacts have been preserved in the absence of oxygen, and
23 so they have some premier materials that they're digging up
24 that have not deteriorated at all for several hundred years,
25 and it's ranked -- it was immediately ranked as maybe being one

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1 of the top four archeological sites in North America.

2 Now, where are we going to take those artifacts?

3 Again, we could leave them there, in which case they'll
4 disappear, or we can bring them out and have a place to put
5 them. And that's why we feel it's real important to have a
6 place to put them here in Alaska, and close to the people whose
7 culture they represent. And these also are the people in our
8 view that really got significantly hindered, damaged by the
9 spill itself, hence we feel it's -- it makes sense from a
10 restoration perspective to provide a place to put these and
11 give these folks some pride in their culture and a place to
12 keep these things on Kodiak Island.

13 So again we know the -- you folks have said they don't
14 maybe quite fit as well as they should, but we feel they fit
15 real well, and they fit very strongly within the -- the
16 archaeological preservation aspect of the -- of the framework
17 document.

18 Now, the Exxon Valdez Restoration Committee in Kodiak
19 is made up of folks from Federal Parks, Federal Fish and
20 Wildlife, State Fish and Game, State DEC, the Kodiak Island
21 Borough, Kodiak Area Native Association. Basically what we did
22 is we took the Shoreline Clean-up Committee, and we've expanded
23 it some since then, but we took the -- these folks are the
24 folks who spent the most part of two years on the shore during
25 the oil spill in the field and know where the impacts are, and

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1 as a result of that, these are the projects that those folks
2 have come up with, and we've expanded that -- we've had as high
3 as 25 or 30 people at some of the meetings that we've had
4 putting this document together, and so we'd like to recommend
5 it to you for careful consideration for -- for funding in the
6 Kodiak area.

7 The -- the one concern I have as far as the briefness
8 of the descriptions is that I'm a little concerned that they're
9 too brief and maybe the full impact or importance of some of
10 the projects may not come across in a page and a half of
11 documents. So I'd sure hope that you and your staff will get
12 back to us if you want more backup, and virtually all of these
13 projects, we've got quite a bit more backup and thought that's
14 gone into them, so that is available.

15 And as a final thought, I did comment during the -- the
16 review of the framework document itself, and -- and something
17 that we still think is a little bit light, and that we'd like
18 to see the -- the Trustees consider a little more in the
19 future, is we'd still like you to consider the resource, the
20 restoration of the people resource, the impact to the people
21 themselves that were involved in the spill. We saw it on a
22 daily basis throughout 1989, and -- and we'd like you to see --
23 maybe put something in the framework document itself for some
24 guidelines along -- along that line, so

25 If there's any questions, I'd be glad to answer them.

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1 MR. McVEE: Are there any questions? I guess I
2 might ask staff a question. Is this document -- do you have
3 this with the -- with the '93 submissions, Dr. Montague?

4 DR. MONTAGUE: Mr. Chairman, yes.

5 MAYOR SELBY: Thank you.

6 MR. SANDOR: Well, I

7 MR. McVEE: Mr. Sandor?

8 MR. SANDOR: Mr. Mayor, you make reference in -
9 -in here to -- well, one of the options, the five million set
10 aside for an endowment fund, and then you -- you point out in
11 that same paragraph, or the group points out in that same
12 paragraph the spill-wide an endowment might be an option to
13 that, and -- but that's the first question with respect to --
14 to the concept of endowment spill-wide, I presume -- or the way
15 I interpret this paragraph that you would endorse either.

16 MAYOR SELBY: That

17 MR. SANDOR: Would you talk to that, what
18 your concept is?

19 MAYOR SELBY: That's correct, Mr. Sandor, we
20 don't -- we aren't preconceived. We just -- basically what you
21 see here is that we support the -- the development of an
22 endowment program to continue this availability of some funding
23 on a -- on a long-term basis. We're not hung up about whether
24 it should be a spill-wide endowment or if -- if no one else --
25 if the other two subareas don't support endowments, or you

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1 folks aren't getting that kind of information from them, then
2 we'd be willing to do an endowment and management it with the
3 Kodiak Island Borough, but that's -- we're not stating a strong
4 preference for one or the other. We're just saying that we
5 think there should be an endowment, and we want to work with
6 you folks in -- in the development of the endowment and how it
7 might be structured so that things are -- are covered for the
8 future for some of these critical areas that I think most of us
9 share a concern about, and so that's where we are with it.

10 We haven't really thought through how the thing ought
11 to get structured. You know, maybe a piece of it broken off
12 for Senator Sturgulewski's idea is -- is a good way to go. You
13 know, maybe there ought to be an endowment with three or four
14 different categories within it or -- or something like that.
15 But -- and I know you folks are starting to wrestle with that
16 and -- and we're not here to try to suggest to you that we've
17 thought through all that and have all the answers for you by
18 any stretch.

19 MR. SANDOR: I guess the second question, your
20 proposals in effect as I understand them run around 30 million
21 per year for the next nine years, is that about right?

22 MAYOR SELBY: That's correct. The first year
23 is a little lighter as I've mentioned. It's 22.9, and that's
24 because we knew you folks had some other financial obligations
25 the first year here, particularly in 1993 that had to be taken

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1 care of, so we've come in intentionally light in '93. But then
2 '94 through the -- through the rest of the years, we targeted
3 to try to hit right around 30 million.

4 MR. SANDOR: And that roughly is equivalent to
5 about a third of the monies available?

6 MAYOR SELBY: Yeah, roughly. We've -- we left
7 what we felt was funding for administration and whatnot and --
8 and we're not necessarily totally locked in on a regional one-
9 third, one-third, one-third. We feel that we got a little bit
10 more than one-third of the impact quite frankly out of the
11 whole -- whole thing, but we don't want to turn it into a
12 regional strife type of situation, but we thought that made
13 some amount of sense for us to target going in roughly one-
14 third, one -- for each of the subareas just as something for us
15 to work against in terms of putting together a ten-year plan.

16 MR. SANDOR: Well, Mr. Chairman, this is really
17 an impressive package of proposals, and surely will be helpful
18 for the restoration -- for the '93/94 planning effort.

19 Priorities aren't always identified in there though?

20 MAYOR SELBY: We intentionally avoided
21 priorities in order to keep the whole group working together.
22 We didn't want to get into an internal cat fight, and so we
23 didn't -- intentionally avoided trying to prioritize. We did
24 target that we would not exceed the 30 million, and -- and
25 fortunately it turned out. Now, you know, I want to give

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1 credit to a lot of folks that worked real hard on putting this
2 together. We kind of did the typing and -- and whatnot, but
3 actually staff and several of you sitting here at this table
4 are the ones that did a lot of the work on putting this
5 information together, and had I -- they've done an excellent
6 job. The people have worked real hard. Thank you.

7 MR. McVEE: Yes, Mr. Cole?

8 MR. COLE: Just thinking about this 300 million
9 roughly, 270, whatever, first you have to take out 900 million,
10 75, 80 million for reimbursement of state expenses, we have at
11 least 60 for -- plus for federal expenses, that's 150. We have
12 administrative expenses and expenses this year of I think 20 at
13 least. And I can easily see 200 million sort of evaporate if
14 you will fairly quickly. And that leaves 700. Take your 300
15 out of there, that's 400 left, you know, so you might want to
16 do a little homespun math and take a hard look at your
17 proposals, because I think it's going to be very hard to give
18 Kodiak 300 million out of seventy- -- 700 or less that will be
19 available. I mean, you know, just thinking realistically.

20 And then we get proposals for the acquisition of
21 habitat, you know. I can see two or 300 million there going
22 faster than you can blink an eye. So I tell people generally,
23 you know, we have to take a hard look at these expenditures and
24 where we're going to put the bucks, for what it's worth.
25 That's simple math.

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1 MAYOR SELBY: Yeah, we've -- now the
2 acquisitions in the Kodiak area, of course are included in
3 here. So

4 MR. COLE: They are? How about Afognak?

5 MAYOR SELBY: That's in here.

6 MR. COLE: You -- Afognak's in your plan.

7 MAYOR SELBY: That's in here, yeah. So I -- I
8 know what you're saying, and -- and obviously there has to be a
9 balance that's struck there, and we're willing to work with the
10 Council on -- on coming up with that. We're not saying that
11 we're adamant that it's 300 million to Kodiak Island by any
12 stretch of the imagination.

13 MR. COLE: Let me just mention another problem
14 that we can think about in connection with this endowment. I
15 mean, suppose we set up the endowment and -- and times change
16 and we retire and all those good things, and then another, you
17 know, some -- the Trustee Council changes. Somebody says,
18 "Well, we don't like this endowment," and they terminate it.
19 Are we thinking about that possibility, Commissioner?

20 MR. SANDOR: Yes.

21 MR. COLE: I mean, that's -- it's a little
22 troubling,

23 MR. SANDOR: Yeah.

24 MR. COLE: you know. We say, well, let's
25 just take this 100 million or so and put it into an endowment,

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1 be very prudent, and then here comes a new group, different
2 composition, which surely will happen, and say "We don't like
3 this endowment," and, poof, they all take it out like the
4 Alaska Legislature did to 411 and 50 million's gone before you
5 bat an eye. And that's the thing that troubles me, John,
6 about this endowment. I think we have to think very hard.

7 And then as we think about that, well, what right do we
8 have to set up an endowment and, you know, essentially lock in
9 money, you know, from a future Trustee Council -- Trustee
10 members. It's -- it's a little troubling. So you might give
11 some thought to that.

12 MR. McVEE: Dr. Montague?

13 DR. MONTAGUE: Mr. Chairman, I do have a
14 question for Mayor Selby. You had mentioned the desire to work
15 with us on further development of these ideas. Currently our
16 mode of operation is that the agency that, you know, one of the
17 six lead agencies would turn each of these one-pagers into the
18 brief project description. Our intent was to not have the
19 public work too much on an idea that may never be funded, but I
20 guess the question is would the Borough be interested in --
21 and/or willing to turn these one-page ideas into the project
22 descriptions or would you prefer that we do it?

23 MAYOR SELBY: We'd be glad to do it, because
24 I'm -- we're not going to do it. We're going to go back to
25 each agency that submitted each of the projects and have them

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1 complete it. Like I say, most of them do already have a fair
2 amount of backup on most of these projects already, so it would
3 not be that hard of a problem from our perspective, because
4 we're going to spread the load across probably ten or 12 other
5 agencies. We have some from the Borough itself, obviously, but
6 it would -- it kind of spreads the workload out. We could
7 certainly do that if that's beneficial.

8 DR. MONTAGUE: Thank you.

9 MR. McVEE: Yes, Mr. Wolfe?

10 MAYOR SELBY: Mayor Selby, just one other
11 question is you folks have quite a bit of land acquisition
12 proposed as part of your project. Did you use any kind of a
13 screening process? We're -- we're wrestling with how we're
14 going to deal with the land acquisition proposals, and maybe
15 your -- your Borough has come up with some ideas that we could
16 use if you have a screening established.

17 MAYOR SELBY: Well, the only screening we
18 really provided, Mr. Wolfe was that we had the framework
19 document itself, and suggested to folks that if the project
20 that they were proposing didn't clearly fit in the framework
21 document, don't bother to submit it, you know. I mean, the --
22 the committee could say no if it's something that actually
23 didn't fit. I was real pleased with the response we got from
24 that, because we didn't have to turn down any. Every project
25 that was submitted is in here. From our perspective, they all

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1 do fit in the framework document, and so these are areas that
2 are, you know, high priority, I think primo habitat as far as
3 the acquisition is concerned.

4 Some of the information that's already coming in from
5 the north Afognak study that's being conducted right now
6 indicates that North Afognak might be even better habitat and
7 more critical habitat than we had thought it was. The marbled
8 murrelet nesting areas apparently are much higher than they
9 thought they were going in there, for example, and there's
10 other bits of information that I'm getting back from the folks
11 doing the study, so we feel that the ones that we've identified
12 and -- and we've not locked in, that's an important point, on
13 exactly what on north Afognak would be included in the actual
14 acquisition.

15 Basically what we've done is we've notified the owners
16 that we want to start a negotiation process, but until we got
17 the information from those studies this summer, we really
18 weren't in a process -- in a position to -- to move ahead with
19 that. And so that's why that number, while it's a little bit
20 soft, at least it's provided for in our ten-year plan so that
21 once the final determination of what the habitat area is that
22 we really need, we could move ahead with the negotiation and
23 the -- and the funding would be -- would be forthcoming.

24 MR. WOLFE: Thank you.

25 MR. McVEE: Other questions? I guess not.

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1 MAYOR SELBY: Thank you.

2 MR. McVEE: Thank you very much, Mayor Selby.
3 Rick Steiner?

4 MR. STEINER: I almost forgot what I was going
5 to say. That was quite -- quite a discourse there.

6 I'm Rick Steiner from Cordova, and first of all I think
7 Mr. Selby's ideas deserve some merit. I -- it opens up a whole
8 new can of worms though having regional management in -- in
9 this sort of context I think, so it's something you're going to
10 have to wrestle with a little bit.

11 Mainly what I wanted to do, I just have a couple of
12 quick comments, but I wanted to thank the Council for some
13 positive movement on the habitat acquisition issue. I know
14 you've been creeping along in that direction, but I'd
15 specifically like to thank Don Collinsworth, Charlie Cole and
16 John Sandor for the leadership they've shown today in pushing
17 this issue along. It means a lot to hundreds of people in the
18 region. Thanks a lot.

19 I think the critical thing that I think Attorney
20 General Cole alluded to in this discussion today is interim
21 protection. It's been talked about for over two years, and we
22 have none in place, and I don't mean to be critical, it's just
23 we need to move on it if we're going to do it.

24 One of the primary examples of why we probably should
25 have had this two years ago is Patton Bay which there's a road

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1 right now, about a third of it has been built on Montague
2 Island I just heard today, and the other 20 miles will be built
3 in the next month and a half. That -- the Patton Bay timber,
4 which will probably start being cut in late summer, probably I
5 think would -- would have fallen out in any system of criteria
6 for acquisition of equivalent resources or of habitat for
7 species injured by the spill. It's very close to where most of
8 the oil exited the Sound, and that's -- that's an opportunity
9 we have lost, period.

10 And not to focus on the negative and looking backwards,
11 I think if we look forward, the question is how many more of
12 those are we prepared to lose, which is why I think the urgency
13 in this issue is paramount. So thanks again.

14 The -- the next question is, how much money's in the
15 bank right now? You've about 18 million or so that has not
16 been appropriated, is that?

17 DR. GIBBONS: Seventeen.

18 MR. STEINER: Seventeen. It would be nice at
19 your next meeting to keep that -- to keep that money on the
20 table, or at least be very, very aware that it's there, and be
21 prepared, if -- if you're ready institutionally, to provide
22 some of that in -- by way of moratorium, offers, option offers
23 to timber owners, resource owners that are prepared to work
24 with you. There are a number in the region that are.

25 The endowment idea, very quickly, I do like

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1 Senator Sturgulewski's idea of a research endowment. A number
2 of people have mentioned that before. I think it might be a
3 way of organizing the research in -- in a fairly logical manner
4 and provide long-term research for this -- for this Restoration
5 Team.

6 The idea though of taking all the money and putting it
7 into an endowment I think is a little premature at this stage.
8 I think Mr. Collinsworth mentioned it earlier today. Instead
9 of figuring out a financial plan, -- correct me if I'm
10 paraphrasing you incorrectly. Instead of figuring out a
11 financial plan and then tailoring a restoration program to fit
12 that -- that's sort of the -- the tail wagging the dog. What
13 we need to do is figure out what we're going to do and then
14 figure out how to finance it.

15 So I think at this stage -- and plus there's only been
16 a couple of people really that have ever even mentioned putting
17 the entire pot of money that comes in over ten years in an
18 endowment. There's been a lot of testimony against it. So I
19 think we need to be careful about that.

20 The next thing I'd like to mention very quickly in
21 context of what Mayor Selby said was it's important in this
22 whole process to keep our eyes on the prize, and that's
23 borrowing from the civil rights movement. There's going to be
24 a lot of proposals before you. You've already seen a lot. A
25 Seward storm sewer, separate -- oil and grease separators and

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1 facilities here and there to do various different things, but
2 as Charlie Cole has mentioned, we're bound by the court
3 settlement. This is a natural resource damage settlement. And
4 as the Justice Department stated in pleading before Judge
5 Holland, this is largely an environmental crime, and it should
6 be treated as an environmental crime, natural resource-wise.
7 So, please, let's all keep our eyes on -- on the prize, which I
8 think in this case is -- is the full recovery of the damaged
9 environment.

10 Next, I've got a question for the three federal
11 Trustees, and that is what plans have been made for the -- or
12 the Trustee Council members, excuse me, for the federal
13 \$50 million? Has -- has there been -- I'm sure that -- sure
14 there's been discussion as to what to do with that money, and
15 I'm just kind of curious for those of us here, what those plans
16 are?

17 MR. McVEE: I can respond to that. There have
18 been no commitment for the \$50 million that -- restitution
19 funds, what you're referring to, that -- So currently there's
20 no plan basically for the expenditure of that money. We've
21 talked some about -- among ourselves about an agreement as to -
22 - as to how a process could be set up to expend it, but we have
23 not reached conclusions on that, so we're still in discussion
24 mode.

25 MR. STEINER: Okay. Yeah. What -- what we had

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1 heard, what I had been told by one of the federal agency people
2 is that they've -- that the three federal trustee agencies had
3 essentially agreed to divide the pot 17 million each, and that
4 projects that are in the field this summer, that they expect --
5 that you expect to repay out of that federal 50 million without
6 having gone through the process of public review, so I just
7 wanted to correct that. Thanks.

8 MR. McVEE: Yeah. That -- that's not quite
9 correct.

10 MR. STEINER: Okay.

11 MR. McVEE: We haven't gone through that

12 MR. STEINER: Good. I'm glad to hear that.

13 The other thing that one of the federal agencies
14 mentioned to me that was partic- -- was probably the most
15 disturbing of all is that they've already decided that
16 acquisition is not -- is not within their ball game here,
17 period. End of report. And that, besides seeming extremely
18 arrogant to me, goes against the entire public process that I
19 think this Trustees Council wants to engender. I could name
20 the agency, but I don't think it's worth putting them on the
21 spot right now. By and large it might be all the federal
22 agencies, but I think with the leadership we've seen this
23 afternoon, I hope that policy will be thought through very
24 carefully and people will be a little more open minded.
25 So

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1 Two more things very quickly. The -- these documents
2 that are being passed out in the Oil Spill Public Information
3 Center Library here are a little bit disturbing to a number of
4 people. They are Exxon publications and that in and of itself
5 is fine, if we want to be doing that, but they should be
6 clearly labeled as paid for by the Exxon Corporation I think.
7 They espouse "sea otters are fine in Prince William Sound,"
8 "bald eagles are fine in Prince William Sound," "Prince William
9 Sound is blue". These were all paid for by Exxon. And the
10 other one, I wanted to get another copy of it, but its title
11 is, "It's time to drill Alaska's Refuge".

12 Now, my question is now regardless of which side of the
13 Arctic Refuge issue you're on, is that something we want to be
14 passing out in the Oil Spill Public Information Center Library?
15 So I would ask -- I mean, we might as well be publish- -- or
16 passing out National Inquirer and Hustler Magazine if we're
17 going to be passing out things like this.

18 So I'd ask that if we are going to continue doing this,
19 that we have equal space for "No drilling in the Arctic
20 Refuge," things like that. That's all.

21 One last quick thing, and that is I'll reiterate my, or
22 a number of people's invitation for the Trustees Council as a
23 body to visit the region. There is simply no replacing it.
24 Getting on the ground and wearing hip boots and getting in the
25 water and seeing the place, talking to the timber owners,

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1 talking to the fishermen, and I hope you don't interpret the
2 lack of participation today -- at today's meeting as a lack of
3 interest, because salmon don't wait for meetings.

4 So that's all I have. If there's any questions?

5 MR. McVEE: Any questions?

6 MR. STEINER: Thanks.

7 MR. McVEE: Thank you. Thank you.

8 MS. ROTTERMAN: I'm Lisa Rotterman. I spoke
9 with you a little bit earlier. I'm an independent research
10 scientist and I'm also a citizen of Cordova, and I speak to you
11 today in both capacities representing myself as an independent
12 research scientist and as a citizen.

13 Just -- first to give you a little bit of background
14 about me so that you can interpret some of my remarks
15 accordingly, I've been studying sea otters in Prince William
16 Sound since 1984 on a continuous basis, and I was also one of
17 the principal investigators on damage assessment studies of sea
18 otters. I was a principal investigator on the weanling study
19 which I think you've all heard quite a bit about in terms of
20 the increased mortality that was observed among sea otter
21 weanlings, and also on the sea otter blood chemistry and
22 hematology studies.

23 There's three points that I'd like to discuss today,
24 three issues I'd like to bring up, and I'll keep referring to
25 my notes so I can stick to the topic, and also not forget some

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1 things.

2 The first issue, which is unrelated to the other two is
3 the issue of habitat acquisition. I'd just like to go on
4 record publicly since I had not done so before, that I support
5 acquisition of timber rights within Prince William Sound. I
6 think scientifically it seems obvious to most of us that have
7 been working on damage assessment and restoration that there's
8 not a heck of a lot you can do to help restore Prince William
9 Sound except to prevent further damage, and with the scheduled
10 clear-cutting of most of the timber rights -- timber in Prince
11 William Sound, that's certainly damage that will occur if
12 something isn't done.

13 I also as did Rick, I'd like to thank the Trustee
14 Council today for their positive movement towards temporary
15 protection of timber rights, and I particularly liked the
16 comments about, you know, how much detail do we need to have
17 temporary, to identify habitats that require temporary
18 protection. And, you know, I don't think we want to wait until
19 everything is mapped and computerized and everything. That
20 you'll probably want to justify permanent acquisition of timber
21 rights.

22 But something I would suggest that you consider is
23 having The Nature Conservancy convene a one-day workshop to
24 which are invited members of the fishing industry and the
25 scientific community and some of the other interest groups, or

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1 just the scientific community if you'd rather keep this totally
2 on a scientific basis, individuals who have been doing studies
3 in Prince William for, set some arbitrary limit, say two years.

4 And I think that you would find that, you know, put people's
5 noses to the grind stone, make them identify the critical
6 habitats for their species on a map and justify why they're
7 doing so and identify the types of data that they have that
8 might be useful in the future to justify those temporary
9 acquisitions, possibly as permanent.

10 The other two issues that I'd like to bring up are
11 related, and they have to do with opening up the process of
12 funding of scientific projects and then also the related issues
13 of problems with scientific ethics and conflict of interest
14 that have been discussed just a little bit before. And they're
15 related to opening up the process.

16 I -- I would urge the Trustees to consider
17 establishment of an independent research fund, the funds of
18 which -- or an endowment fund somewhere -- I would say seven to
19 12 million is -- a year is certainly enough. And with the
20 dispensation of the funds being by an independent, a totally
21 independent scientific body, so that the issue of conflict of
22 interest is totally avoided. You could even think about
23 something like giving the money to NSF to establish a Prince
24 William Sound damage assessment and restoration fund just like
25 there is specific money in -- in NSF for Arctic research.

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1 There could be specific money within NSF for oil spill research
2 and restoration funds.

3 If you do this, then one thing you will avoid is --
4 well, you'll -- you'll get several benefits. I believe you
5 will get proposals from people all over the world. This would
6 be very healthy competition, and I think would result in over-
7 all better quality research and certainly more efficient use of
8 research dollars, because private -- well, I just think if
9 there's that kind of competition, you'll find people are more
10 efficient in the way they spend the money.

11 And I would suggest that both public and private
12 scientists should have to compete in a very open fashion to
13 this fund so that there's not a separate agency pot and
14 separate pot for independent scientists.

15 And part of the reason I think -- I think this would be
16 desirable under any circumstances, but I think it's also
17 necessary due to problems with conflict of interest and
18 scientific ethics. And just to give you a little bit of
19 background, and I won't belabor this, but to give you an
20 example of the sorts of problems that independent scientists
21 such as myself have encountered, I'll just give you a little
22 bit of background.

23 Well, I have been studying sea otters for a long period
24 of time in Prince William Sound and was in the, you know,
25 middle of a monitoring otters that were instrumented as part of

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1 the Exxon Valdez oil spill, and in 1990 I was asked
2 specifically by agency personnel to provide ideas for
3 restoration proposals with the agreement, which is a typical
4 scientific -- you know, which is coincident with what's
5 considered good scientific ethics that if I wrote these
6 proposals, that if the proposals were funded, that the -- we
7 would be the people that did the work. And I wrote these
8 proposals in 1990 and they were well received by the
9 Restoration Planning Team, but they decided not to fund them
10 for that season.

11 Then again in 1991 I also submitted proposals for
12 restoration and continued damage assessment to the Restoration
13 Planning Team and -- and so everyone had access to that first
14 group of proposals, I would like to make that clear. And in
15 1991 was told that basically the decision had been made that if
16 the agency personnel did not want to administer a contract,
17 that no such proposals were going to be considered, which I was
18 I thought unwise, because I think open competition is good, but
19 basically I wouldn't be worried about it, because I think
20 private funding would be available. Except that then what
21 happened was agency personnel incorporated the research task
22 that we had outlined and designed into their own set of
23 proposals and recommended that they be funded to do so, to do
24 these tasks.

25 And so basically you have a case a case of an

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1 independent scientist who was forced to compete with -- with
2 themselves in a sense, and I thought it raised some interesting
3 scientific ethics questions, and also questions of conflict of
4 interest in terms of people who were going to be taking, you
5 know, taking advantage of a nine-year data base that other
6 people had developed and even in fact taking over an on-going
7 study, about the last third of a study which had involved a
8 tremendous amount of research on other scientists' part. And
9 this is not the sort of thing that in the open scientific world
10 ever occurs. Well, yeah, I shouldn't say it never occurs. It
11 occurs occasionally, but it is not something that is generally
12 considered acceptable.

13 And so I would ask -- would like to know if the
14 Trustees have a process for addressing these kinds of problems,
15 whether or not any guidelines have been given to the
16 Restoration Planning Team with respect to issues of this matter
17 -- or -- or these -- these kinds of issues rather. Let's see,
18 whether you believe there -- if there's not, if the answer to
19 that is no, do you believe that there should be some sort of a
20 process. And what I would recommend as a totally independent
21 body, basically sort of an ombudsman type of a function to
22 resolve guidelines of scientific ethics and -- and conflict of
23 interest if this occurs.

24 And then I think he's not here, but I would -- would
25 like you to specifically ask at your next meeting for Dr. Spies

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1 to comment publicly on the process of opening this whole
2 scientific -- opening funding for scientific research entirely
3 to agency and nonagency people and ask him whether or not this
4 issue of -- of scientific ethics and intellectual property is
5 one that he views as serious.

6 Part of the problem is -- is that if -- if you don't
7 deal with this issue, you won't get proposals from the private
8 sector, because they will be -- people will be afraid to, you
9 know, go to a lot of trouble to submit ideas that, you know,
10 then might end up being in someone else's research proposal,
11 and so it's very serious in terms of stifling intellectual
12 discourse and -- and intellectual inquiry.

13 And so if -- if possible, if at least a couple
14 different trustees could address these -- these issues, both in
15 terms of establishment of a research -- independent research
16 fund, which I think would go a long ways towards alleviating
17 some of these problems, and then also the -- what your process
18 is and what your concerns might be about these ethical and
19 conflict of interest issues.

20 Thanks.

21 MR. McVEE: Comments or questions?

22 MR. SANDOR: Well,

23 MR. McVEE: Mr. Sandor?

24 MS. ROTTERMAN: Oh, sorry.

25 MR. SANDOR: Well, that concept of -- of

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1 opening up the process and then having the independent research
2 fund, how many private researchers or research groups are out
3 there? You know, is this

4 MS. ROTTERMAN: There's thousands of
5 independent researchers. One of the -- one of the

6 MR. SANDOR: I mean

7 MS. ROTTERMAN: reasons I've heard

8 MS. ROTTERMAN: insofar as focused on the
9 oil spill area? The whole

10 MS. ROTTERMAN: Well, there aren't very many
11 that have been involved thus far, although the questions that I
12 -- or the problems that I've raised -- at least I've been
13 contacted by several other independent entities that have been
14 having some of these same -- same problems, ethics problems.
15 So there aren't very many independent scientists that have
16 been doing damage assessment research, just those few that, you
17 know, for one reason or another were considered to have an
18 expertise that was not within the agencies at the time of the
19 spill. But there are, of course, a considerable number of
20 scientists that have expertise related to disciplines where
21 they could make a great contribution towards understanding
22 restoration or continued damage assessment, and there are other
23 researchers that have prior to the oil spill done research in
24 Prince William Sound, a very large number actually, in -- you
25 know, in a whole host of disciplines.

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1 I think that -- that a criticism I've heard of this
2 from certain -- certain agency personnel is that they don't
3 think it would be fair, because, you know, somebody might come
4 in with a lower overhead and, you know, more impressive
5 credentials or something like that, but I think that the
6 projects that really should go on, and -- and where someone has
7 done really excellent science and they have a lot of good
8 baseline, dependent (ph) -- regardless of whether, you know,
9 they -- they have a Ph.D. or they don't, or what university
10 they're associated with, I think those would stand out
11 regardless, and that they shouldn't be afraid of the
12 competition, because this is settlement money that should be
13 used to, you know, now just to fund agency people, but to
14 achieve the best understanding of how to restore Prince William
15 Sound and what the damages were.

16 MR. SANDOR: I -- I don't have any questions,
17 but I -- I'd be interested in Dr. Spies observation on the
18 independent research fund and opening up this process. Thank
19 you.

20 MR. McVEE: I guess that's all. Thank you.

21 MR. COLLINSWORTH: Mr. Chairman?

22 MR. McVEE: Yes, Mr. Collinsworth?

23 MR. COLLINSWORTH: I'm not sure whether we're
24 getting ready to lose Mr. Cole or not. He's folded his books
25 and looks like he was going to sneak off into the night.

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1 But

2 MR. COLE: Back to Juneau. Down to Juneau.

3 SENATOR STURGULEWSKI: Apparently it's 88, you
4 better not go home. 88.

5 MR. COLLINSWORTH: That's too warm. Anyway,
6 Mr. Chairman, if we might interrupt -- if we might interrupt
7 just for a moment the -- the public hearing, before Mr. Cole
8 leaves or anyone else leaves, one of the previous agenda items
9 that we dealt with this morning in terms of the FY '92 work
10 plan, subsequent to our vote this morning I've looked at some
11 additional review materials that were provided by staff. Now,
12 we approved rather quickly the \$47,000.00 for the -- the reader
13 for the Kenai project and \$103,000.00 for genetic experiments
14 and -- on pink salmon in -- in Prince William Sound. The --
15 the briefing document that I read subsequent indicates that
16 this project, the total cost of this project may be as much as
17 a million dollars, and that it -- the \$103,000.00 project we
18 initiated -- the \$103,000.00 project we initiated this morning,
19 that that project may ultimately cost upwards of million
20 dollars to complete the experiment, multiple year, and the --
21 the staff advice that -- that I have is that you'd better be
22 willing to make the commitment for the project over the long
23 term, or you shouldn't initiate it, because once you initiate
24 it, once you start it, you'd better be willing to -- to carry
25 it through.

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1 I have no problem I guess in -- in doing that, but that
2 was -- it was something that I didn't have in hand this morning
3 when we -- when we made that decision that -- that this is a
4 multi-year project, the \$103,000.00 is just kind of the first
5 increment, and we may be looking at ten times that much by the
6 time we conclude.

7 Now, maybe -- maybe my information is wrong, but I just
8 wanted to make sure that the Council understood that we were
9 kicking off a multi-year project here that may cost up to a
10 million dollars.

11 MR. COLE: Commissioner Rosier?

12 MR. McVEE: Mr. Rosier?

13 MR. COLE: Is there anything to that?

14 MR. ROSIER: I'll have to fall back on my
15 technical person here on this.

16 DR. MONTAGUE: Mr. Chairman, I -- I don't know
17 if Bob is here, but my memory of it, what Don is describing is
18 somewhat true.

19 MR. McVEE: Somewhat true?

20 DR. MONTAGUE: Well, let me -- there's two
21 components to the project: one, the field component, and one
22 the laboratory component. The field component stands alone
23 each year and at the end of one year, you certainly have a
24 final product that's useful, and it could go on for more years.
25 The laboratory phase of the project indeed would require a

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1 certain amount of funding. You know, if both components went
2 to the full five years I think it is, it would be a million
3 dollars, but the -- the one that stands alone every year may
4 well not go that far, and the reason it wasn't brought up I
5 guess is that as in the '92 program, all the other projects,
6 they were just to be viewed as -- on an annual basis. And
7 the 1992 work plan does not in any project commit to anything
8 beyond '92. To commit beyond '92 now would be different from
9 the sixty-odd other projects in there.

10 MR. COLLINSWORTH: Well, Mr. -- Mr. Chairman, I
11 -- I didn't

12 MR. McVEE: Mr. Collinsworth?

13 MR. COLLINSWORTH: bring that up to --
14 necessarily to argue against it, but if we make some additional
15 investment, we've -- I -- I just didn't want us to be surprised
16 when the '93 work plan came back in and we saw another
17 increment in the '94 plan and the '95 plan, because this
18 extends out into that kind of a time period.

19 MR. McVEE: Yes, I understand that, you know, -
20 - or realize that there are probably other '92 projects that
21 fall within this same -- have this same relationship that we
22 will see follow-on budgets. There was a number of close-out,
23 but there are -- there are some newer projects that, you know,
24 that funding for '93 has not been approved as has not been
25 approved for this project and would be a subject that would be

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1 taken up in the future. But this isn't the only project that
2 has that characteristic I don't believe in the '92 program.

3 Yes, Mr. Sandor?

4 MR. SANDOR: Well, Mr. Chairman, that does
5 illustrate the flaw though I guess in the fact that that was
6 directly placed before us without going to the Restoration
7 Team, and we're not saying, are we, or are we, that -- is
8 there any pay-off to the 140,000 that -- that -- 150,000 I
9 guess, that that -- you know, by itself, or are we really --
10 had we essentially embarked on a million dollar yellow brick
11 road?

12 DR. MONTAGUE: Mr. Chairman, relative to 47,000
13 of that for the optical scanner, that -- indeed that -- you
14 know, that doesn't -- isn't committing to anything in the
15 future.

16 As I mentioned for the -- the pink salmon project,
17 approximately half of it is stand alone each year and would not
18 suffer unduly if it wasn't funded the next year. The lab
19 component indeed

20 MR. SANDOR: Yeah.

21 DR. MONTAGUE: to be most successful, has
22 to go the full five years.

23 MR. McVEE: I think we -- we should proceed
24 with public comment. If we need to revisit this, maybe -- but
25 we only have another 45 minutes until we're

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1 MS. ROTTERMAN: Mr. Chairman, if I may, I
2 just -- I -- I had asked if a couple of the Trustees could
3 clarify just for the record and then we -- we got off on a
4 question, whether or not there had been guidelines given to the
5 Restoration Planning Team with respect to specific ways or
6 specific guidelines on avoiding conflict of interest in
7 scientific ethics matters, and whether there was a process for
8 resolution of disputes, and if -- again specifically if -- if
9 two of the Trustees could comment if the answer is -- to those
10 questions are no, whether you foresee -- whether -- whether you
11 believe that having such guidelines and having a way to -- to
12 remedy such disputes desirable.

13 MR. McVEE: Does anyone want to comment on
14 that? Yes, Jerome?

15 DR. MONTAGUE: Mr. Chairman, at least relative
16 to the '93 plan, I think I can explain a few things that may
17 help answer your question.

18 First of all, to avoid some of the -- the ethics
19 problem you're talking about, that is, receiving proprietary
20 information and then taking it for -- giving it to somebody
21 else or whatever, to get around that, our guidance to the
22 public and the agencies for '93 was that if you submit a one-
23 page idea, you give up all your control over that idea. So --
24 And that was stamped right on the front of the form. So any
25 '93 ideas that came in, whoever came up with the idea should be

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1 well aware that they have not particular use of that idea, you
2 know, specific to them.

3 And then relative to, you know, contracting out, we do
4 anticipate that each agency would make a very strong effort to
5 contract out. And that process would be to -- from this brief
6 project description a detailed request for proposals would be
7 developed and competitively procured, so that for some
8 presumably significant number of the '93 projects, they will be
9 competitively procured through an RFP process.

10 MS. ROTTERMAN: Well, if -- if -- possibly if
11 you could address this, Jerome, then, since there was -- you
12 know, there's definitely not that kind of an agreement for '91
13 and '9- -- 1990/91 proposals or -- well, they were for '92, but
14 ones submitted in '90 and '91, how would the Trustee Council or
15 the Restoration Working Group advise one to go about trying to
16 address a conflict such as I've described?

17 DR. MONTAGUE: Mr. Chairman, my, I guess,
18 familiarity is with the -- the '93 program. I haven't given
19 any thought to the particular specific problem that's arisen
20 on '91 and '92 work plans. Perhaps Dave or Byron could

21 MR. McVEE: Dr. Gibbons?

22 DR. GIBBONS: Mr. Chairman, yes, as -- as
23 regards to the 19- -- 1990 and '91 activities, they were still
24 under litigation sensitivity, and the -- the studies of that
25 time were agency supported, and Lisa's study was a sea otter

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1 study, and I don't know the specifics of that, but I know she
2 submitted one in 1990. The -- the Restoration Team at that
3 time, or the Management Team it was -- as it was called,
4 decided not to fund it. It was resubmitted in '91 like she
5 said. There was some discussions with one of the federal
6 agencies on -- on the process for what she submitted and what
7 they submitted to be funded in '91. I don't know the details
8 of that, but those were -- like I say, they're litigation -- it
9 wasn't an open process like we have now. I don't know how she
10 can go -- I don't know what we can do to go back and see what -
11 - what to do on the '90 and '91. I -- I think we --
12 personally I think we -- to move ahead with '93 would be --
13 would be the best, but that's just my gut feeling. I don't
14 know how to move back and try to correct a situation that we
15 had in 1990 and 1991.

16 MS. ROTTERMAN: Well, just real quickly, the
17 reason it's of concern is an activity that was proposed, even
18 though Dr. Spies had recommended, you know, that it not be
19 funded by the Trustees and so it wasn't, but one of the
20 activities proposed in our 1991 proposals is going to be
21 initiated by agency personnel in September, and so there is
22 still -- while it's not really just an abstract issue, it's an
23 issue that is rather timely this summer. So if there -- I
24 mean, if there was some sort of a process in terms of an
25 independent board that could look at this issue.

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1 MR. McVEE: Any other comment by the Council
2 members? Yes, Mr. Rosier?

3 MR. ROSIER: Mr. Chairman, if I might, Lisa
4 really raises a good point, and this was part of the -- part of
5 what I was -- I was referencing this morning in the discussion,
6 when we had Dr. Spies up here in terms of who we would in fact
7 proceed with -- with the public proposal in conjunction with --
8 with the agency proposals. And I think that we are supposed to
9 hear back from him on this particular subject. I think that
10 was -- that was the word. But that was certainly my concern at
11 the time that I raised that with Dr. Spies this morning.

12 MR. McVEE: I guess my reaction is that -- is
13 that Lisa's flagged an issue that -- that we need to give some
14 attention since we are soliciting proposals from the public,
15 and -- you know, and hopefully that will increase. So we need
16 to give that area, that concern some attention. I don't know
17 how we deal with those public proposals. Having been for a
18 short -- for a period of time in the private consulting
19 business, I realize that you put a lot of work into project
20 proposals, and sometimes you just give them away and somebody
21 else picks them up, and that it all is -- it doesn't set very
22 well, so I think this is an area that does need some thought
23 and discussion. Yes.

24 So to continue with public comment, Pam?

25 MS. BRODY: Thank you. I'm Pamela Brody with

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1 the Sierra Club, and I'd like to make comments or ask questions
2 on five different issues. I'll try to be brief.

3 First the question of choosing the public advisory
4 group, which you gentlemen were discussing earlier about the --
5 whether or not you needed an executive session, and it occurred
6 to me after I spoke then that the problem might be solved by
7 your power of veto, that is, any particular trustee can prevent
8 any particular person from getting on this committee, and you
9 don't have to give any justification for your reasons, and
10 perhaps that should be something you might want to add to your
11 process. It's not only a majority vote, but also the -- the
12 veto power, and then you might not need this executive session.

13 And that leads me to my second point, and I hope this
14 will not seem presumptuous for me to suggest something about --
15 about your process, but I think that it sometimes takes a long
16 time for people to decide how to decide something. It's not
17 necessarily an obvious thing, and -- and the public advisory
18 group was just one example of how you can -- people can talk
19 for an hour or more, to figure out how best to decide something
20 and -- and I thought that you might in the future when --
21 direct your staff that when they bring something to you that
22 needs to be decided that they might also give options or
23 recommendations about a procedure for making the decision,
24 which you don't have to accept, but it might streamline things.

25 Thirdly, the -- the question of the EIS, and maybe I

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1 have a misunderstanding here. I had thought that the
2 restoration plan was going to be an environment impact
3 statement, and then today as I understood it, there was an
4 allocation for a separate environmental impact statement which
5 seemed to me to be a similar parallel thing, and -- and I
6 didn't understand why the environ- -- the -- the restoration
7 plan couldn't be an environmental impact statement? That
8 seemed more -- more efficient.

9 MR. McVEE: Yes, Mr. Rice, do you want to
10 respond to that?

11 MR. RICE: Yeah, Pam, I think the -- the
12 thinking that went into trying to separate the two was that
13 there really -- the plan is designed to spell out what you're
14 going to be doing. The EIS has a different -- not -- I won't
15 say audience, but a different -- it's got a different purpose,
16 and it's a disclosure document. It's going to say, "if you
17 decide to do something, here's the effects of what you're going
18 to do," so it's to inform and -- and consider. And to try and
19 meld in a plan that gives direction as to what -- to where the
20 restoration should be going, as well as disclose it all in one
21 document could get confus- -- confusing to present as well as
22 to understand. So if we take the plan, certain components of
23 it are going to go right into the EIS and are going to look
24 exactly the same, but basically what's your intent is -- is a
25 little bit different in each one and it's better to separate

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1 them out.

2 MS. BRODY: Thank you for the explanation.

3 My fourth point, and I -- I wish that Attorney General
4 Cole were here, because he did touch on this point, but I think
5 that the public would be very interested to know how much money
6 has been spent so far and how it has been spent, and I -- I
7 believe it's somewhere between 200 million and \$300 million
8 that has been spent or committed so far, but I don't know how
9 much it is, and -- and I'd like to see that if that's
10 available, if that can be released, telling how much -- what --
11 what the bottom is -- line is, but also how much has gone to
12 each agency and for what.

13 I would -- the reason I -- I have this spread in my
14 mind between two and 300 million is that some months ago
15 Commissioner Sandor submitted an idea for an endowment in which
16 almost all the money would go into an endowment, and on that
17 document it said that the State would need to be reimbursed
18 \$115 million, and the federal government \$100 million, and then
19 I add to those the \$50 million to Exxon and the approximately
20 20 million that's been -- been allocated for this year's
21 budget, and I come up with close to 300 million, but maybe
22 there's some double counting in there, so I -- I had question,
23 is -- is that available at this point?

24 MR. McVEE: Yeah, maybe a brief comment, and,
25 you know, I guess what's been spent, and it isn't spent yet I

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1 guess, but what it amounts to, there's been over -- Just
2 slightly over 12 million that's been -- been approved by the
3 Court, so there's 12 million that's been fully committed
4 towards the -- the '92 program, projects in the '92 program.
5 And then in addition to that was the amount, and I don't
6 remember the exact figure, that was -- that was withdrawn from
7 the joint account, or -- or -- I guess for

8 DR. GIBBONS: 54 million.

9 MR. McVEE: 54 million for reimbursements.

10 MS. BRODY: I -- I guess I wasn't making myself
11 clear. I didn't mean just the money that's been spent, but
12 that's been committed also, because the agencies were spending
13 money with the understanding that they would be reimbursed, and
14 there was language in the settlement for up to I think
15 67 million and 75 million to go to paying back that, but then
16 the -- the document from Commissioner Sandor had larger numbers
17 than that.

18 MR. McVEE: Yeah, I think there's -- there's
19 still some reimbursement required, but I -- to my knowledge I
20 don't think anyone has the absolute number on that. There's
21 still some auditing to do. I think it was mentioned earlier
22 what the -- the upper level of that would be, but I know that
23 discussions on the federal side, that that -- that those
24 numbers aren't completely firm at this time.

25 Maybe -- maybe Dr. Gibbons can -- can add to that.

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1 DR. GIBBONS: Pam, I think what you're
2 referring to is that under the settlement agreement, the State
3 was allowed 75 million reimbursement charges previous, the
4 federal government was 67 million, totalling 142 million. The
5 payment for 1992, there's an allocation of about 50 million for
6 clean-up response activities from -- for '91 and '92, making it
7 192,000 (sic). Right now the Trustee Council has approved an
8 addition to -- that -- that 54 million is part of that. It's
9 part of that 142 million. Okay. In addition that, the Trustee
10 Council has approved slightly over \$12 million from the Court,
11 gotten from the Court, you know, and so that -- that's the
12 expenditures that I'm aware of to date. There's some things
13 yet to be determined on reimbursements, but that -- that's the
14 numbers we have to date.

15 MR. WOLFE: Mr. Chairman?

16 MS. BRODY: Is -- is there anything available
17 to the public that -- that is more specific about how much went
18 to which agencies and for what?

19 MR. McVEE: Mr. Wolfe?

20 MR. WOLFE: Yeah, I -- I guess to partially
21 answer her question, is I don't think there's any publication
22 out at this point in time. The numbers are available. At the
23 end of this fiscal year, our financial procedures are set up to
24 include an accounting process, or going back and accounting for
25 all the dollars. So on an annual basis there be an

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1 accomplishment report. So given -- give us time, and there
2 will be reports coming out annually on the status of
3 restoration, which should include the fiscal end of it.

4 MS. BRODY: So that would be the end of
5 September?

6 MR. WOLFE: It will probably be a time --
7 period of time after that before the final report is out, Pam.

8 MS. BRODY: Okay. Thank you.

9 And my final point is, of course, my favorite issue,
10 habitat acquisition, and I was pleased, very happy today to
11 hear what some commission -- some Trustee Council members were
12 saying about the need to move ahead with this, and I was --
13 particularly would like to agree with what Commissioner
14 Collinsworth said about that the data that we need does exist
15 for -- for the most part. We don't need to gather a lot of new
16 data. The agencies do have the data we need.

17 And I'd like to go beyond that and say I feel quite
18 sure that in every area the land managers for that area could
19 right now tell you some areas of very critical habitat that --
20 that they would very much like to acquire, and that while it
21 might take a long time to study, to -- to put a whole priority
22 for their area, for everything possible, that you don't need to
23 do that before you can buy the cream. And so I would really
24 like the -- to encourage the Trustees to allocate a certain
25 amount of money for each area and -- and direct the agencies to

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1 go ahead and specify certain areas which very clearly are
2 critical habitat and then they can come back and tell you and
3 then you -- if you like what you hear, you can tell them to go
4 ahead and start negotiating for those areas, and that this
5 would show a commitment to the corporations that own these
6 lands and timber rights that -- that this is really going to
7 happen.

8 I would also like to echo what Rick Steiner said about
9 the need for interim protection.

10 Thank you very much.

11 MR. McVEE: Thank you, Pam. The Nature
12 Conservancy?

13 MS. RUDDY: Thank you, Mr. Chairman. I'm Susan
14 Ruddy, I'm director of The Nature Conservancy of Alaska, and I
15 want to take just a minute of your time to join the chorus of
16 all those who have commended you today for your discussion
17 about habitat protection needs.

18 I want to suggest also that I agree with what you had
19 to say about it being critical that you be better prepared to
20 address these needs in a timely manner. For that reason we
21 look forward to seeing the information that's being provided to
22 you by the habitat subgroup and to working with you and with
23 them in whatever way best serves you and the process in the
24 future.

25 Thanks very much.

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1 MR. McVEE: Thank you. Are there any
2 questions? Thank you. Yes?

3 MR. McKEY: My name is Charles McKey, and first
4 of all I want to indicate that I want to preserve the 1892
5 mining law for myself as a real person, not a legal fiction, in
6 other words corporations. And I want to take and bring back
7 the habitat through access of mining, to restore the pristine
8 environment, primarily under the water.

9 But first let me go and say what my difficulty is in so
10 doing. First of all I have here a Barry Goldwater campaign
11 booklet and his adversary, or say he who was running against
12 Lyndon Johnson. And he was -- he aimed at getting communism
13 out, and he went on to say that it primarily is centered in
14 centralized government in Washington, D.C.

15 That's why I focus my effort on the United States
16 Treasury seal on the money, and that we're working with a very
17 expensive money, which is federal reserve corporate note. It's
18 very expensive, it -- it is a direct impact on the degradation
19 of our environment, because we have to cut corners in
20 environmental safeguards, because, well, we have to pay the
21 interest on the money loaned to the -- the company in question.
22 If it's -- regardless of what it is. So I -- I focus on that.

23 And, of course, we can look back on Kennedy's
24 Administration, and I'm reading from a book written to him, "A
25 Limited War and American Defense Policy," and he had to

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1 actually go to Congress and request \$100 million, and we know
2 that he was instrumental in causing the United States paper, or
3 greenback currency to be printed '63 to -- to '66, which I
4 wrote about in that letter to Mr. Dellums (ph) in Congress that
5 you all have a copy of.

6 Now, the problem is -- is this is their strategy,
7 maneuver warfare. And what happens is, and I'm reading from
8 John C. Roberts editorial, April the 28th, 1992, Anchorage
9 Times, and he says, "The focus is a shattered (ph) enemy is
10 moral and physical -- physically by avoiding his strengths,
11 exploiting his vulnerabilities, and by striking him in a way
12 that -- which will hurt him most."

13 And that's what I'm -- I've seen that it's -- when
14 you're trying to access the currency to pay for the
15 restoration, they maneuver so much, they're not a sitting
16 target. In fact they're paradoxal, they have many different
17 heads and so they don't -- they're not in one spot and they --
18 and they diversify.

19 And so I -- I refer to this article by Dick Randolph,
20 June the 9th, 1992, Tuesday, Anchorage Daily News. In short he
21 talks about constitutional convention, need to fix the errors
22 in the past. And what -- basically it says here, in short,
23 much of what is now our state, Alaska, Constitution was written
24 in New York City by a bunch of eastern political scientists,
25 lawyers and practitioners of government. There is your

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1 maneuverability. Right there.

2 And then another individual, Fritz Pettyjohn wrote
3 another article in reference to it, June 21, 1992, Sunday,
4 Anchorage Daily News.

5 It's in short, shoplifting. That's all it is. And so
6 what we need to do, rather than -- rather than a convention --
7 a constitutional convention, what we need to do is simply adopt
8 the California constitution. Just -- I mean, we're so used to
9 plagiarizing one another, that all we have to do is scratch
10 their name off of it, and put our name on it, because Alaska
11 was primarily populated by mining indus- -- interests as well
12 as the fishing industry, but we, of -- of course, gave that to
13 other interests.

14 But I have right here a 1915 issue by the Legislature
15 of California, and so in lieu of the other proposals, I'd like
16 to go where there's about -- and I've had the other people
17 telling me that you used to have deep sea diving companies that
18 would go down and extract sunken ships. You know, the salvage
19 operations, and they said to me that there's about 4 million
20 gallons of crude sitting at the bottom of Prince William Sound,
21 not to mention what's under the subsurface on the beaches.
22 They actually -- the crude actually picked up the -- the
23 sediment coming off the glaciers and have filtered around in
24 the water there waiting for the plankton to blow in and use
25 that as a food source. But in other words, that's how the oil

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1 got -- lost its buoyancy and started settling.

2 So -- another thing that I'd like to point out is a
3 little bit of information, the Financial Times, June 4th, 1992,
4 Thursday, it's a European business newspaper, indicated Lloyd's
5 of London lost about \$3.6 billion in 196- -- or 1989, and, boy,
6 that's a coincidence, you know, because we had had an oil spill
7 about that year also in pristine Prince William Sound, and so
8 they had to pay off a lot of agents, but we never got any of
9 their money, not that amount anyway. They're trying to buy us
10 off with 900 million of Federal Reserve corporate notes.

11 And then all this thing is -- it's based on a tontine
12 princ- -- blue book plan, and it's nothing but a con game, and
13 it's very maneuverable. And I have an article out of a 1906
14 book describing the tontine principle, i.e. the blue book plan,
15 and how they overpay the agents to sell policies and they
16 overpay them through commissions, and it doesn't get to the
17 consumer. And so it -- it primarily discusses life insurance
18 policy, but it went on into everything else, every policy sold.
19 Every risk. And so I'll leave this with you and hope you refer
20 to this.

21 Again I'll submit the January 1992 article -- letter
22 that I wrote, the 14th to Richard Dellums, and I -- in addition
23 I added a page out of -- on the back, the last page, I added a
24 page out of a book written by Buckmeister Fuller, and he was
25 referring to J.P. Morgan and how they wanted to -- and how they

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1 proposed and has controlled the economy through maintaining
2 control over energy production, primarily electricity, and, of
3 course, we use a lot of fossil fuel for that.

4 So as I say, they made it difficult for us to recall
5 any officials within the current corporate state constitution,
6 so I suggest that we go for the -- adopt -- simply adopt the
7 constitution of California. And by the way I submitted this to
8 the Presidential Candidate Jerry Brown, faxed it to him Friday.
9 He was campaigning on saving America, collecting \$100.00 bills
10 for doing same, to campaign -- to fund his campaign, and
11 Federal Reserve corporate notes by the way, and he wasn't even
12 aware of the Treasury seal. But I suggested he submit this to
13 Congress, this letter, and to make sure he gets it to the Clerk
14 of Court, because that impacts our resources up here. And he
15 was the Governor of the State of California prior to his
16 campaigning and candidacy for the President of the United
17 States. Democrat I might add. And so

18 MR. McVEE: Can you leave those things with us.
19 We need to kind of move on. I've

20 MR. McKEY: Yeah. Just

21 MR. McVEE: got to canvas the

22 MR. McKEY: one more thing

23 MR. McVEE: Okay.

24 MR. McKEY: is the reason why I indicated
25 -- I made reference to public libraries is we have a

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1 continuation from the Lower 48, a continuation, seeing as how
2 we border with Canada on one instance, we are associated with
3 the Northwest Library Association, and so therefore we do have
4 a continuation through -- down Canada and to the Lower 48,
5 because of that.

6 Thank you.

7 MR. McVEE: Thank you. The gentleman in back
8 was next.

9 MR. TOTEMOFF: Thank you, Mr. Chairman. My
10 name is Chuck Totemoff, President and CEO for Chenega Corp.
11 I'll be brief.

12 Just a point of clarification. Chenega Corp turned in
13 some restoration projects some weeks ago and I was just
14 wondering if they're under '92 or '93 considerations? I've got
15 some copies here.

16 DR. MONTAGUE: Mr. Chairman?

17 MR. McVEE: Yes, Jerome?

18 DR. MONTAGUE: I don't know if we have all
19 them, but we certainly have Chenega proposals for '93 and,
20 Byron, were there any in '92?

21 MR. TOTEMOFF: I can leave these copies here.

22 MR. McVEE: Yes, if you would leave those
23 copies, then we can be sure that

24 MR. TOTEMOFF: All right.

25 MR. McVEE: we have a full submission.

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1 MR. TOTEMOFF: That's all I had, Mr. Chairman.

2 MR. McVEE: Thank you very much. Is there any
3 more comment from Anchorage before I canvas the teleconference
4 sites?

5 We had had three teleconference sites on line. Juneau?
6 Is there anyone in Juneau that would want to make comments at
7 this time? They may have left us.

8 Homer? Does anyone in Homer have comments at this
9 time?

10 HOMER: There are no comments from Homer, thank
11 you.

12 MR. McVEE: Thank you, Homer.

13 Kodiak Legislative Information Office, any- -- anyone
14 who wanted to make comments from Kodiak?

15 KODIAK: No comments from Kodiak, thank you.

16 MR. McVEE: Thank you.

17 Were there any of the other sites that came on line
18 later on, do you know? Or should I just canvas?

19 MS. EVANS: Canvas.

20 MR. McVEE: I'll canvas them. Chenega Bay?
21 Anyone from Chenega Bay on line?

22 Cordova? Anyone from Cordova?

23 Fairbanks? Did Fairbanks come on line?

24 Kenai Peninsula Information Office?

25 Is Seward on line? Anyone from Seward want to make

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1 comment?

2 SEWARD: Mr. Chairman, thank you very much.
3 Our people have drifted in and out. We're listening intently,
4 but we have no comments at this time, thank you.

5 MR. McVEE: Thank you, Seward.

6 Tatitlik? Is there anyone from Tatitlik, the IRA
7 Council Office?

8 Valdez? Is Valdez on line at the present time?

9 VALDEZ: Valdez is on line and we have no
10 comments at this time.

11 MR. McVEE: Thank you, Valdez.

12 Whittier? Is there anyone from Whittier?

13 I believe we've -- we've completed the -- the list
14 of -- of teleconference sites plus no more -- no one else here
15 from Anchorage.

16 Do we need to -- do we need to adjourn the meeting,
17 or -- or will we stay -- your next meeting will be on the

18 DR. GIBBONS: 20th.

19 MR. McVEE: 20th, and that will be a
20 face to face meeting with notice and -- notice will go out on
21 that?

22 Do Trustee Council members have any -- any comments or
23 additional items they want to?

24 MR. SANDOR: Just to thank, Mr. Chairman, staff
25 for doing an excellent job of preparing and getting the

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1 materials out in advance. That was great.

2 MR. McVEE: That was very -- very helpful.

3 MR. BRODERSON: Mr. Chairman, we might want
4 to

5 MR. McVEE: Yes, Mark?

6 MR. BRODERSON: just recess, because of
7 difficulty of noticing the meeting by the 20th to make
8 ourselves level. We'll notice it, but to make ourselves legal,
9 we might want to just recess until the 20th.

10 MR. SANDOR: So move.

11 MR. McVEE: Is there any -- do -- do you have
12 any further comment? At that point then, we'll -- we'll
13 recess this meeting until -- until July 20th. And we'll --
14 you will get a notice out also for that date?

15 MR. BRODERSON: Yes, we'll -- we'll advertise
16 it, but to make sure we stay within the letter of the law, we
17 should just recess.

18 MR. McVEE: We are recessed.

19 (END OF PROCEEDINGS)

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