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PUBLIC ADVISORY
GROUP MTG.

6 JANUARY 1993

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**EXXON VALDEZ OIL SPILL SETTLEMENT
TRUSTEE COUNCIL**

PUBLIC ADVISORY GROUP

RESTORATION OFFICE
Simpson Building
645 G Street
Anchorage, Alaska

January 6 and 7, 1993
9:30 a.m.

RECEIVED
JAN 19 1993
EXXON VALDEZ OIL SPILL
TRUSTEE COUNCIL
ADMINISTRATIVE RECORD

**VOLUME I
January 6, 1993**

PUBLIC ADVISORY GROUP MEMBERS in attendance:

DOUGLAS MUTTER
Designated Federal Officer

Department of the Interior

RUPERT ANDREWS
JAMES CLOUD
DONNA FISCHER
JAMES KING
VERN C. McCORKLE
BRAD PHILLIPS
CHARLES TOTEMOFF
MARY McBURNEY (for GERALD McCUNE)

PAMELA BRODIE
RICHARD ELIASON
JOHN FRENCH
RICHARD KNECHT
JOHN McMULLEN
JOHN STURGEON
LLEWELLYN W. WILLIAMS, JR.

TRUSTEE COUNCIL MEMBERS in attendance:

United States Department
of the Interior

MR. CURTIS McVEE
Special Assistant to the
Secretary

United States Department
of Agriculture, Forest Service

MR. MIKE BARTON
Regional Forester

RESTORATION TEAM in attendance

DAVE GIBBONS	Interim Administrative Director, Trustees Council
PAMELA BERGMANN	Regional Environmental Assistant, United States Department of the Interior
MARK BRODERSEN	Restoration Chief, Alaska Department of Environmental Conservation
JEROME MONTAGUE	Director, Oil Spill Impact Assessment & Restoration Division, Alaska Department of Fish and Game
BYRON MORRIS	Chief, Office of Oil Spill Damage Assessment and Restoration, United States Department of Commerce - NOAA
KEN RICE	Deputy Natural Resource Manager, United States Department of Agriculture - Forest Service
MARTY RUTHERFORD	Assistant Commissioner of EVOS, Alaska Department of Natural Resources

OTHERS IN ATTENDANCE:

DR. ROBERT SPIES
CDR. MCGUIRE, United States Coast Guard
GINA MARTINEZ, United States Department of the Interior
CAROL GORBICS
DR. THOMAS FINK
KEITH GOLTZ, United States Department of the Interior
JERRY RUSHER
CHRIS MOSS
JEFF GUARD (teleconference)
ANN WIELAND
RALPH ELUSKA
CHARLES MCKEE
RICHARD ROLLAND
DR. JOE SULLIVAN
TYLER JONES

P R O C E E D I N G S

(On Record: 9:30 a.m.)

MR. PHILLIPS: Meeting to order please. Uh, it is 9:30 and in an effort to make things run on time, we'd like to get started at the designated time. I would like to have the roll call. You do that please, who does the roll call?

MR. GIBBONS: You do the roll call.

MR. PHILLIPS: Do I have to do that, okay. (Laughter).
Andrews?

MR. ANDREWS: Present.

MR. PHILLIPS: Brodie? Cloud?

MR. CLOUD: Present.

MR. PHILLIPS: Diehl? Eliason?

SEN. ELIASON: Here.

MR. PHILLIPS: Fischer.

DR. FRENCH: Here.

MR. PHILLIPS: Gavora? King?

MR. KING: Here.

MR. PHILLIPS: Is it "Neck?"

MR. KNECHT: "K-nect" (ph)

MR. PHILLIPS: McCorkle?

MR. MCCORKLE: Here.

MR. PHILLIPS: McCune? McMullen?

MR. McMULLEN: Here.

MR. PHILLIPS: Phillips -- Here. Sturgeon? Totemoff?

MR. TOTEMOFF: Here.

1 MR. PHILLIPS: Williams?

2 MR. WILLIAMS: Here.

3 MR. PHILLIPS: Okay, is Cliff Davidson or Jalmar --
4 Jalmar isn't here. One, two, three, four, five, six, seven, eight,
5 nine, ten, eleven, twelve. We just have a quorum. We have twelve
6 members, so, we can proceed. --

7 UNIDENTIFIED VOICE: John Sturgeon?

8 MR. PHILLIPS: Okay. I'll make note of the men's room
9 and the ladies' room, now we've got plenty for a quorum.
10 (Laughter) I wonder if I could just make a couple of comments
11 before we get started. After having about 17 years in the
12 legislative capacity, I found out one thing, if nothing else, and
13 that is that I've never seen, or I've seen very few items that have
14 ever come before a group like this that there's unanimous consent.
15 I bet people will agree upon. Which means that it's awfully
16 important that we have some give and take in order to perform our
17 function and really be helpful to the Trustees in making
18 recommendations. We have an awful lot of stuff to go through, and
19 I'm working by, as mandated by the Robert's Rules of Order, and I'd
20 like to ask everyone if you could, on any of the subjects that we
21 have to discuss, if we could avoid saying the same thing more than
22 once, it will just really cut the time down a lot if we can make
23 points and then come to some kind of conclusion.

24 There is a worksheet in here that we had designed to help
25 you make notes of on the different issues you, I'm sure have it,
26 and this is what it looks like, and if you notice, there's a blank

1 spot on each side of what, each item, so that you can make your own
2 notes on what our, what the gist of our agreements are, or
3 disagreements, whatever the case may be, so that we can use these
4 sheets as reference to make sure that our transmission to the, to
5 the Trustees is made as accurately as possible. I believe there
6 was a concern, I hear there was a concern on someone's part about
7 this thing that we're -- that I propose here that we use to work by
8 and where did it come from, Doug?

9 MR. MUTTER: Fish and Game.

10 MR. PHILLIPS: Fish and Game. Is there anybody here that
11 knows anything about that. If there is -- had a concern about it
12 or had an objection to it, I'd like to hear it now before we get
13 into the meat of things.

14 DR. GIBBONS: I believe I can shed some light on that.

15 MR. PHILLIPS: Okay.

16 DR. GIBBONS: At the RT meeting -- Restoration Team
17 meeting, there were some concern that we were trying to tell the
18 Public Advisory Group how to -- a process to use in evaluating the
19 1992 (inaudible -- coughing) -- went, and there was some concern
20 by several of the members that by putting a list like this
21 together, we're saying that you should go down through project by
22 project, uh, there was some thought by, if you want to approve lots
23 of projects, that's fine to, that was the concern that I understand
24 is about the, is the floor. Do you go through project by project,
25 or are we trying, is somebody trying to say, "this is the process
26 to the use," and we don't want to do that.

1 MR. PHILLIPS: This was suggested as a working tool so
2 that we could make notes and refer back to them, and if the group
3 wants to put more than one item together, they have the right to do
4 that, but somehow we have to be able to go back and refer to them,
5 and at my age, my memory isn't that good, and with all these
6 things, I like to make notes, and you can use it or not use it, but
7 it's just a working tool.

8 DR. GIBBONS: I think there was some misunderstanding who
9 prepared it. You know, if the Public Advisory Group members
10 prepared it, we have no concern with it whatsoever.

11 MR. PHILLIPS: Well, Doug

12 DR. GIBBONS: If it was prepared by the Restoration
13 Team or somebody for you

14 MR. PHILLIPS: No.

15 DR. GIBBONS: Then, we have that.

16 MR. PHILLIPS: It was suggested when Doug and I were
17 talking about an easy way to do this to keep track and that's why
18 it was done this way. It was our own idea. Okay. All of you
19 should have a copy of the summary of the meeting. I just had that
20 here. Do you all have a copy? We're suppose to approve it -- the
21 summary of our last meeting.

22 MR. MUTTER: Right after your forms.

23 MR. PHILLIPS: Oh yeah. Anybody doesn't have a copy of
24 it? And I assume you have had a chance to look through some of
25 it -- is there anyone that has a correction or comment about it?
26 Could I hear a motion to approve the summary?

1 MR. McMULLEN: I move to approve.

2 MR. KING: Seconded

3 MR. PHILLIPS: Moved and seconded. If there is no
4 objection, I ask unanimous consent. No objection. By the way,
5 don't let the people that those dishes are sitting in front of hog
6 it all, because it is for all of you. We have --

7 SEN. ELIASON: Do we have any of those forms you were
8 referring to?

9 DR. GIBBONS: I'm having some made. We've got some more
10 copies.

11 SEN. ELIASON: Have you? Okay.

12 MR. PHILLIPS: You mean on the working form?

13 SEN. ELIASON: Right.

14 MR. PHILLIPS: Mr. McVee, I think at this time, I would
15 like to ask Mr. McVee to, he informed me that he was thinking about
16 taking a vacation and we would like him to talk to us before that
17 time, and I would like to ask you, won't you come up here, where's
18 -- there is a microphone and tell the group what you would like to
19 tell our Trustees.

20 MR. McVEE: Thank you very much Mr. Phillips. I
21 appreciate this. This is, I would guess, my final opportunity to
22 meet with the PAG, and I just wanted to say that the other two
23 meetings that I have sat in on, I've really been impressed with the
24 group, its ability to deal with some of these issues, and the
25 function and the quality of the people really that are involved in
26 the PAG I don't know what that means, but maybe it speaks well of

1 the Trustee Council select --- selection process, but it also says
2 that it's great that people of your caliber in Alaska here have an
3 interest in these kinds of things and in what is going on. I guess
4 I also want to say that I was really looking forward to continuing
5 to work with the group, but on November 3rd, things happened that
6 preclude that from continuing, and so I have filed to retire --
7 retirement papers for June -- or January 21st. Another comment is
8 that the organization of the Trustee's Council operation -- the
9 whole restoration program is one of the most unusual organizations
10 that I have -- ever have experienced in about forty years in
11 government and in a few years outside. A real challenge. I think
12 it can be made to work, and I'm hopeful that it will be made to
13 work because it is an opportunity for state and federal government,
14 in working cooperatively with people that were impacted by the oil
15 spill, to see that the restoration of the oil spill area is
16 accomplished. Paul Gates, the Regional Environmental Officer with
17 the Department of Interior, who has been the alternate for the
18 Department of Interior, will be appointed acting until the new
19 administration does appoint a replacement for me. Some of the
20 things that you are going to deal with today on this '93 program
21 are tough questions and -- questions that -- I'm struggling with in
22 preparation for the Trustee Council meeting on the 19th, and one of
23 them is, you know, absent a restoration plan, how much work --
24 restoration work should we approve, should be approved for this
25 interim period. Assuming the restoration plan gets released
26 sometime in late spring and is finalized during the summer, but

1 really, how much work should we approve before we have that plan
2 done? It is the process of that plan that is important, I think,
3 in that it involves substantial public input, and out of that
4 should come some direction and some balance, and then the question
5 is, how do we know that we have the right priorities in this
6 program before we have that planning process completed. Also, just
7 some numbers that were worked up that, there's about 37.7 million
8 in the '93 program for this seven months -- March through
9 September, plus also, there is an additional commitment within that
10 plan for another 45 million dollars, the out year commitment on
11 those projects. Granted, you know some of those -- could be
12 canceled at some point in time, but there is that additional
13 commitment.

14 The other question of course is, on many of those, there
15 are operation and management costs, and there is a question of how
16 this gets funded. Interior has expressed the review -- the view
17 repeatedly that restoration implement act -- implementation
18 activity should be preceded by this final restoration plan, except
19 where there is action required of an emergency nature, and this
20 follows guidance within the CERCLA legislation and also some other
21 guidance in natural resource damage assessment regulations. If
22 expenditures for non-emergency restoration implementations are made
23 prior to the adoption of a plan, there is a significant risk that
24 money might be spent on projects that would be of lower priority in
25 the final plan, and an ad hoc decision-making process could result
26 in insufficient settlement funds to really take care of the full

1 requirements for restoration.

2 We're concerned about expenditures prior to adoption of
3 a plan would result in a reduction also of the public's right to
4 meaningful participation in the preparation of the restoration
5 plan. We have no problem with the imminent theft -- threat
6 concept, the fact that -- I think -- that has been established,
7 that there is that problem in relation to Kachemak Bay, but --
8 Kachemak Bay lands -- and we need to pay attention and do something
9 there. We will continue to support decision of Trustee Council,
10 such as the Council-proposed '93 work plan, which assures that
11 substantial financial resources are available immediately for
12 projects of an emergency nature.

13 So this is kinda the dilemma we're in, and it is the
14 thing I'm struggling with, and I hope that during the day that the
15 PAG will address some of those problems. Might I say again, that -
16 - I think the PAG is going to be an extremely valuable tool for the
17 Trustee Council, and I'll watch what you do from a different
18 perspective I guess, after January 20th, and I wish you well in
19 your endeavors to help with the restoration program of the oil
20 spill area. Thanks very much.

21 MR. PHILLIPS: Thank you very much. Just prior to --
22 getting into the work plan itself -- I'd like to note at this time
23 that Dr. Spies is in the audience and that I would ask him, just
24 before we start to make some -- whatever appropriate remarks he
25 deems fit to us before we start into the program, but -- in the
26 meantime, we will go on to the agenda.

1 On December 11th, as you know, there was a Trustee Council
2 meeting, which I attended briefly because I had other commitments
3 to, and at this time, I would like to ask Dave Gibbons if he will
4 review that meeting and what transpired there.

5 DR. GIBBONS: I hadn't planned on sending a copy of the
6 transcript to -- the entire PAG, Public Advisory Group. It is
7 located in -- across in the library, if you want to look at it. It
8 is 230 pages long, verbatim transcript of the meeting. There is a
9 summary that I do that is about two and a half pages, and if you
10 would like a copy of that, I could get you a copy of this so you're
11 not packing around all the paper, but if you do want to see the
12 actual transcript, it is available across the hall here. The first
13 resolution the Trustee Council passed was to approve the election
14 of officers from the Public Advisory Group. So they -- jumped
15 ahead on your resolution there, approved that, had Brad make a few
16 statements and introduce the other resolutions. The operating
17 procedures, resolutions no. 1 was tabled until the January 19th
18 meeting. They needed some more time to review actually what the
19 operating procedures were and some changes perhaps that needed to
20 be made in it. They also tabled resolution number 2, to work with
21 the Native landowners and other residents of the oil spill-affected
22 area, until the 19th meeting. So they tabled resolution number 1
23 and number 2. Resolution number 3 to -- was approved to delay the
24 approval of the 1993 work plan until after the January 6th and 7th
25 meeting that we're holding today. So they did approve that one.
26 And then resolution number 4, the officers, they approved. The

1 1993 work plan, they went through projects that needed the -- need
2 the compliance before approval. And there was, I believe, nine of
3 them. They approved two projects for funding. They approved
4 project 93032, which is the Pink and Cold Creek Pink Salmon ladder
5 for \$5,000, to do NEPA, an environmental assessment document. And
6 they approved project 93046, the harbor seal project for \$3,000 to
7 do environmental assessment. And that is all they approved for
8 environmental assessment work at that meeting. The other project
9 they approved, due to the time-critical nature of the project, was
10 project 93045, which is the boat survey for \$262,400. They
11 approved that project. That project needs to get in -- into the
12 field in March, and they just couldn't see how they could delay it
13 any further. So, for your notes, 93045 has been approved by the
14 Trustee Council. They looked at a timeline for the written
15 development of the Restoration Plan and reviewed that. The staff
16 went back, reduced the timeframe a little bit, presented them with
17 another draft, and I can get you a copy of that. The timeline
18 right now has a final restoration plan being approved by 1994. A
19 draft, a draft alternatives package done in March, a draft
20 Restoration Plan and draft environmental impact statement in May,
21 and the final in the fall, and then the necessary time period for
22 waiting on those types of things. They moved that Mr. Barton and
23 Mr. Rosier coordinate the announcement of the administrative
24 director's position. That position has been -- they have worked on
25 it, it has been advertised -- it is being advertised presently. It
26 is advertised both on the state side through the newspapers which

1 closes on the 15th of January. It is advertised on the federal
2 side under the demonstration project -- open to the public also.
3 That closes on the 19th and -- being advertised on the federal side
4 also, that closes on the 21st. So they are all closing mid-January
5 and -- so, we'll see what happens to that. But they did approve
6 that.

7 They did approve the next motion, which I'll read here. "The
8 Trustee Council moves to agree that the acquisition of
9 approximately 7,500 acres of imminently-threatened land in the
10 Kachemak Bay State Park meets our restoration criteria. The
11 Trustee Council approves the expenditure of up to \$75,000 for the
12 completion of NEPA documentation for spending \$7.5 million to
13 acquire approximately 7,500 acres of imminently-threatened lands of
14 Kachemak Bay State Park. The Trustee Council approves the
15 designation of the U.S. Forest Service as a lead agency for
16 ensuring that appropriate NEPA compliance documentation is
17 completed. The Trustee Council requests that the appropriate NEPA
18 compliance be completed as soon as possible so that the Trustee
19 Council may make final action." So they approved NEPA work toward
20 Kachemak Bay State Park.

21 MR. PHILLIPS: Is that a numbered -- in our book?

22 DR. GIBBONS: No, it is not.

23 MR. PHILLIPS: -- part of 64 --

24 DR. GIBBONS: It is part of -- project -- my
25 understanding is, part of the \$20 million fund for acquisition, but
26 it is iden -- it will be identified -- it is identified, excuse me,

1 in the imminent-threat analysis in the project -- I believe, '61 of
2 -- when you get to that, there is twenty-two parcels of imminently
3 threatened land that we're -- that the staff is analyzing right
4 now. Kachemak Bay State Park is one of those. They moved to hold
5 a continuation meeting on January 19th, starting at 8:00 a.m., to
6 deal with the '93 work plan and -- other unfinished business, such
7 as the two resolutions that were tabled. They moved that under the
8 circumstances that if a Trustee Council member or their first
9 alternate is not available, a Trustee Council member can appoint a
10 second alternate. So they created -- some new operating
11 procedures there. They also moved the administrative director
12 draft the milestone meeting schedule for the next Trustee Council
13 meetings for calendar years 1993 and 1994. So, what they are
14 trying to do here is get some regularly scheduled meetings set up
15 for the Trustee Council, perhaps on a quarterly basis, that they
16 could set their schedules up and they know in advance. So that
17 will be presented at the 19th meeting also. And that's the
18 shortened version of a day-long meeting. Pamela?

19 MS. BRODIE: Did they say whether alternates can vote?

20 DR. GIBBONS: Alternates to?

21 MS. BRODIE: To the Public Advisory Group?

22 DR. GIBBONS: That -- that is a recommendation from this
23 group

24 MR. PHILLIPS: We have to ask -- deal with it a little
25 later

26 DR. GIBBONS: ... Yeah, they didn't deal with that.

1 MR. PHILLIPS: What do we have now? What do we have? If
2 you remember, in the last meeting, we appointed three subcommittees
3 to do some work in the interim between the last meeting and this
4 one. And, so I would like at this time to recognize the appointed
5 leaders in those three groups to give us a report on what happened
6 and what, if any conclusions you came to or any other --
7 information. And I -- the first one is the Kodiak work group, John
8 French was the leader. Would you give us a -- briefing on that
9 meeting, John?

10 DR. FRENCH: Yeah. We met yesterday afternoon, and there
11 is a summary of it, meeting here, actually there is two summaries
12 there due to a timeframe. There is one that Doug wrote up, which
13 gives -- all the details in terms of people attending, etc. And
14 more or less, a blow-by-blow approach. I attempted to integrate it
15 into a few more specific items, but -- in, actually I gave away my
16 last copy there -- anyway, there was general support. The Kodiak
17 group is -- at least as we operated this meeting -- is more or less
18 an outgrowth of a primarily, but not exclusively, agency group that
19 Mayor Selby has been using for -- of the last several years -- but
20 particularly since the original request for proposals went out last
21 January, and -- I sent out invitations to several other people in
22 the public to attend. However, the meeting was unfortunately
23 scheduled at the time of a Board of Fish meeting and a NRS (ph)
24 meeting in town, so, anyway, I thought we got reasonably good
25 attendance. But -- this group -- a lot of the ideas discussed were
26 not new to this group, and in general the Kodiak Island Borough

1 resolutions that you received from Doug pretty much reflect the
2 group's reaction to the work plan, and we do -- do, in general,
3 support those resolutions. Specifically in terms of changes to the
4 work plan that were discussed, and more or less, the consensus
5 reached on - or itemized on the second page, I guess it's the third
6 page, of this summary -- the page I wrote -- and there in
7 principle, one-quarter million dollars added to the archaeological
8 restoration, site-specific restoration project. The reason for
9 this being that the project as it currently exists covers pretty
10 much lands that are under the stewardship of one of the lead
11 agencies, and many, many of the very important sites in the Kodiak
12 area are not on those lands. They are on Native corporation lands,
13 and they include some very high quality world-class sites that
14 potentially could, well, many of them were damaged during the
15 clean-up and -- and the survey work, and some of them could be
16 subjected to much greater further damage if action isn't take
17 fairly promptly. There wasn't a lot of discussion on the Fort Rich
18 pipeline. There had been at previous meetings. Generally
19 speaking, the group is not in favor of funding project '26, which
20 is the Fort Rich pipeline, hatchery pipeline. The group was in
21 support of the resolutions for adding \$800,000 for the
22 archaeological museum and cultural center for the Kodiak Area
23 Native Association and adding planning architectural design and
24 engineering monies for the expansion of the Fishery Industrial
25 Technology Center. Also, there has continued to be and there is
26 always a feeling that habitat acquisition is important from the

1 Kodiak perspective also. And, a feeling that imminent threat
2 should not be the only criteria -- that we should be looking at the
3 other aspects -- the land and the importance of it, in addition to
4 just the imminent threat. I think that is part of the process
5 anyway. I don't think that is really change in policy. And also
6 the idea that some types of research studies, scientific studies
7 and monitoring programs that are critical are going to extend
8 beyond the scope of the settlement agreement and the only way to
9 fund those is some kind of endowment. I -- I think that's pretty
10 much the high points of the meeting.

11 MR. PHILLIPS: Any comments on the report? If not, the
12 next one was the Kenai work group, Vern McCorkle, would you?

13 MR. MCCORKLE: Thank you very much. I think, to my
14 understanding, you each have been -- distributed a copy of the
15 meeting which was summarized very hastily by Mr. Mutter. The
16 bottom line of this meeting is that there was no action requested.
17 It was a full meeting, fairly well attended. We noted that there
18 were some absences from groups we thought would be in attendance,
19 primarily the fishing interests couldn't get there that day. But
20 we met from 9:30 in the morning until 5:00 at night and didn't even
21 take a break for lunch. So, we felt that the Kenai folk had a
22 fairly good opportunity to at least have some input to this group
23 through our little work session. There were two items that I think
24 are worthy of being brought to our attention, and that was, as you
25 heard the previous group state, no support for the Fort Richardson
26 pipeline project. There was major perceptions that that group

1 prominently not represented in any planning so far was the species
2 homo sapiens, and -- they are a little bit worried that the people
3 who have suffered sociological and economic mishap as a result of
4 this incident really don't seem to be showing up much in the
5 planning so far. I think that they would like to help us work out
6 greater opportunities to take those activities in account in the
7 1994 program. Also -- they made a recommendation, which I think is
8 worthy of the Advisory Group's consideration later on, and that is
9 that with respect to -- monitoring. In that area there is already
10 a group who has federal direction to do monitoring, and that is the
11 Cook Inlet Regional Citizens' Advisory Council, similar also, in
12 the Prince William Sound. They felt that we might be able to avoid
13 duplication of efforts if we -- communicate back and forth as to
14 what that group is required under federal mandate to do, and what
15 we're trying to do and -- at least philosophically, that sounds
16 like a reasonable request to me. So, I will be addressing that
17 more in our little subgroup meetings and later on when it is
18 appropriate to do so, in this forum. But again, the -- the program
19 which I believe Ms. Brophie (sic) proposed last meeting which was,
20 Brodie, pard me, Brophy, sorry, Brodie, -- of having these little
21 subgroups to make sure that people out of houstings (ph) get a
22 chance to have some input seems to be working because we had three
23 big active meetings and -- the bottom line again, as I conclude is
24 that there was no call for action from our little citizens group in
25 the Kenai area. They looked at everything pretty thoroughly and
26 came up with this long list of concerns, but -- I think they are

1 for a -- of a future time.

2 I would be glad to respond to any questions if there are any.
3 Otherwise, the report stands as submitted.

4 MR. PHILLIPS: Are there any questions? Comments? Yes.

5 DR. FRENCH: Just an additional comment. The question of
6 coordinating work with RCAC did come up with the Kodiak group also,
7 and we definitely felt that it was important to introduce them, not
8 only coordinate within the EVOS project, but coordinate between the
9 EVOS and the RCAC project....

10 MR. McCORKLE: I'm glad that came up. I think it is a
11 good thing for us to review.

12 MR. PHILLIPS: Okay. The next one, if there are no
13 further comments on this report, Donna Fischer is the leader of the
14 Prince William Sound work group, and I'm going to pass -- pass
15 these around. They are the summaries of the meeting. If we could
16 just wait for a second until everybody gets a copy. (Intermittent
17 pause) Does everybody have a copy?

18 MS. FISCHER: Okay. Our group met on our -- held a
19 teleconference on Monday from 10:00 to 3:30 p.m., which of course,
20 is not enough time. I can sympathize with Vern over there. I know
21 it takes a lot longer, and hopefully we'll be meeting again to
22 discuss some of the items and go into more detail. There was more
23 questions than anything that we needed to know. One of them was on
24 93019, about federal attorney's ruling favorably on legality -- we
25 listened to Chuck Totemoff who was in agreement of the proposal for
26 Chugiak (sic) Resource Management Agency. We felt that there was

1 a lacking in overall restoration plan of framework for coordinating
2 projects, that maybe there need to be more there. And we felt that
3 one of the things that we needed to include, more salmon and
4 herring projects, such as coded-wire tagging and sockeye
5 assessment -- that ADF&G were not included in, and felt that they
6 should be.

7 It was brought to our attention by one of the members that was
8 participating that there was still a lot of oil and garbage on the
9 beaches, and that needed to be addressed and wasn't addressed in
10 here. I don't know, maybe from Kodiak and Kenai, do you have that
11 problem down there?

12 MR. MCCORKLE: It was not mentioned at our meeting, was
13 it Pam? I don't think so. There was some other concerns, but not
14 that specifically.

15 MS. FISCHER: Um-hum. And of course, we felt that the
16 administrative costs were quite high, you know, throughout the
17 whole program and felt that there should be some reductions.
18 Otherwise, everything is pretty much in the papers that we handed
19 out that we had a feeling on. We didn't get to touch on all of
20 them. I believe we got down to project 93051, and that was as far
21 as we really -- we did touch on a few others. We tried to touch a
22 little bit on 93064, but by that time we were leaving, and there
23 wasn't enough time to really discuss it thoroughly, so -- about the
24 extent of it.

25 The summary of the Chugiak (sic) Resource Management
26 Agency proposal was basically one of the main topics of our

1 conversations.

2 MR. PHILLIPS: Is that an extra copy? -- one for Kodiak?

3 MS. FISCHER: Oh, yeah, sorry. Make me another, okay,
4 I've got some extra ones coming. -- Can you pass those around?

5 MR. PHILLIPS: Extra copies? Do you have extra copies?

6 MR. McCORKLE: Oh yeah, they were collected by staff.

7 MR. PHILLIPS: Need one here, just one. Are there any
8 comments? Discussion at all on this report?

9 DR. GIBBONS: I've got a quick comment -- project '038 is
10 a shoreline assessment -- of oil being present on the beaches still
11 -- and it's to work with the local residents. So, there is a
12 project in the '93 plan that deals with oil and debris on the
13 beaches and it's project '038.

14 MR. PHILLIPS: That's -- the left goes?

15 MS. FISCHER: Yeah. I have one more comment. There was
16 some of the projects that we did feel could be combined to reduce
17 some of the costs, and we felt that there was probably more
18 projects than what we picked out right away, '05, '06, '07, '08,
19 maybe to some degree, some of them can be split, but they could be
20 combined possibly to reduce costs, '09 and '10 were another one
21 and, of course, we recommended some reduced costs or even in some
22 instance needed a little more fund -- yeah, and combine '43 and
23 '45. We also felt that some of these projects should be contracted
24 out and should be done in local communities. And '02 and '015,
25 '030, and '031 should be combined.

26 MR. PHILLIPS: Are there any other comments or questions

1 about this report? According to my agenda, it's time for lunch,
2 (laughter), but maybe we can proceed. We can start on the work
3 plan after lunch, but if there is no objection, why don't we just
4 continue on and at this time, I would ask Dr. Spies if he would
5 like to make some comments to the group. There are a couple of
6 empty places up there. Paul Gavora won't be here of course, and
7 the other one on the other end of the table there, where -- could -
8 - yeah and there's another one up here to. Whichever, there's a
9 microphone, be sure to get ahold of the microphone there.

10 DR. SPIES: Well, my purpose in being at this meeting is
11 at your request, and I'm certainly happy to be here and answer any
12 questions you have about what I know about the nature of the
13 injuries and recovery and some of the restoration proposals that
14 have been put forth for '93. I prepared a -- my best effort at
15 evaluating the projects, and it's included as an appendix in the
16 '93 work plan available to all of you. So, I've tried to be as
17 objective as possible and sticking to what we know and what seems
18 certain and try to take into account the uncertainties in this
19 whole thing and trying to evaluate where resources are, what was
20 damaged by the spill, and what is recovered, and what we can do to
21 help the species that haven't recovered by this time, and -- so,
22 I'm essentially here to answer any questions -- be of help to you
23 in any way that I can be.

24 MR. PHILLIPS: I suspect there will be some questions.
25 I've -- found out a long time ago, you get a room full of
26 fishermen, and nobody agrees with anybody, and I suspect that's the

1 same way with scientists, so, if there are any questions -- Dr.
2 Spies -- in regard to his presentation which is appendix in this
3 work plan book -- or anything else, this would be an appropriate
4 time to address those.

5 DR. SPIES: You're right. There are a lot of pretentious
6 issues. For instance, on pink salmon, even among the peer
7 reviewers that we have, there are some like I that believe that the
8 information in which to conclude there is a damage to the adult
9 population of pink salmon. There's other people that think perhaps
10 there was. We certainly have a continuing injury with regard to --
11 or it seems to be with regard to the survival of eggs-to-fry stage
12 in oiled streams. The question is whether that's going to be
13 translated to the adult population, and we have -- you know --
14 honest differences of opinion on those sorts of issues. There's
15 certain -- certain -- no lack of uncertainty in this whole process.
16 Almost every resource if you look at -- and we're trying to put
17 together the legal case -- almost every resource you look at, there
18 are major uncertainties about the nature of the damage, and there
19 are still major uncertainties about the speed of recovery.

20 MR. PHILLIPS: As a lay person, I personally enjoyed
21 reading it, your report, because it was very succinct, and whether
22 -- anyone agrees with all the points or not, I'm sure -- was a very
23 concise presentation. Being a lay person, I'll let the experts
24 argue the merits of each individual -- are there any questions?
25 Yes, John.

26 MR. McMULLEN: Dr. Spies, is -- among the working group

1 and with yourself, is there a difference, was there a difference of
2 opinion regarding -- commercial and noncommercial species, you
3 know, such as you -- you pointed to pink salmon immediately and, of
4 course, that species is of great concern, I think, to people in
5 the -- who live and make their living in the impact -- in the area
6 impacted by the oil spill, you know, we see several hundred
7 thousand dollars being proposed to study population dynamics of
8 barnacles in a particular bay in Prince William Sound, and, yet,
9 pink salmon aren't seen -- aren't treated similarly -- in, there
10 was word we received during the whole review process that
11 commercial species were thought to take care of themselves, and
12 therefore, maybe less eligible for restoration funding for
13 projects. Could you -- could you expand upon that or maybe correct
14 my impression of what the people are talking about?

15 DR. SPIES: I certainly haven't heard that expressed in
16 that way. I think people are, if anything, give -- I mean there's
17 a lot of criticism from the other direction, particularly from
18 academics that we're spending too much time on some of the
19 commercial species, for instances, the amount that has been
20 proposed for sockeye salmon in the Kenai River, that's a serious
21 problem. Obviously, they couldn't develop there -- you know, there
22 has been a considerable amount of funding spent over the last
23 couple of years on the pink salmon projects, and I think there's --
24 kinda came to a point where we felt that we did a very reasonable
25 job of looking at the pink salmon. There continues to be a problem
26 with the -- as I said the survival of eggs to the fry stage in

1 oiled streams, and that's being aggressively pursued. The -- very
2 large and ambitious project. There's been kinda fading support for
3 all the components that -- added up to several million dollars a
4 year previously -- during '89 and '90.

5 MR. PHILLIPS: Is that it? Are there any other
6 questions? Yes, Dr. French?

7 DR. FRENCH: Yeah, -- I have two questions really. I'll
8 settle for one of them right now. Many of the choices in terms of
9 restoration, well, in terms of damage assessment projects were
10 based on how much data was there previously. In other words,
11 whether there was a likelihood of being able to assess the
12 resources. It simply -- there wasn't very much. Some species
13 weren't looked at very heavily, there wasn't much, either previous
14 evidence or much background data on what the nature of those
15 species -- do you feel that, really, that those species were not
16 impacted or do you perhaps feel that it might be valuable to look
17 at some of these species more extensively in terms of trying to
18 understand where they fit in to the overall ecosystem and -- the
19 spill areas. How all these species, damaged and undamaged, fit
20 together?

21 DR. SPIES: Well, I think that's an excellent point that
22 John makes, and that was -- that's something that hopefully that
23 under the settlement umbrella, perhaps under the concept of
24 endowment that this sort of thing could be pursued. Obviously we
25 were very much hampered by a lack of information on a lot of issues
26 in the spill area when it came to assessing damages, and one would

1 think that somehow out of the restoration process with the amount
2 of funding that is available, among other things, there will be
3 more funding available to study the natural resource, so we
4 understand them a little better and how they fit into the ecosystem
5 so we can do a better job in responding to emergencies and damages
6 in the future, God help us if there is another spill, and we can
7 also, perhaps, manage some of these resources more wisely and you
8 know

9 MR. PHILLIPS: Do you have a second ...?

10 DR. FRENCH: Oh, yeah. My other question is a little bit
11 unrelated, but with peer review. There's been a lot of questions
12 about peer review, and I recognize during the legal part of the
13 process that it was important to review groups fairly small. A lot
14 of my scientific colleagues anyway have expressed concern. One,
15 that the peer review is not more extensive, and, two, that it is
16 being based on fairly limited proposal descriptions that compared
17 to -- say a major scientific foundation, the amount of material in
18 the proposals as they currently exist is pretty empty, and would it
19 be more effective, at least in terms of review of the scientific
20 proposal, to be requiring a little more detail before they go out
21 to the peer review stage?

22 DR. SPIES: Yeah, that's also another excellent point
23 that John makes. Because of the emergency nature of the spill,
24 things we have to put together very quickly, and it was mainly
25 resource agencies that responded at the time with the personnel
26 they had, and one of the things that was apparent is that there

1 weren't a lot of people in the agencies that had a lot of knowledge
2 of oil toxicology -- and that's certainly understandable because
3 most of them had devoted to study in the population of natural
4 resources and weren't familiar with toxicology of oil and chemistry
5 of oil, and those sort of things. We had to bring in a lot of
6 experts from the Lower 48, and I think now that we're several years
7 past the spill and there is to be scientific component I think,
8 I've been pushing to get these things more out in the open and have
9 more open competition with every scientific body that can do
10 studies, the -- the agencies as well as the universities, or
11 private groups that can contribute and make a worthwhile
12 contribution. I think the open competition with good ideas is
13 something that would really help. We have put an extensive
14 resources into peer review. There has been a lot of money spent.
15 We got some very, very good people. But on the other hand, the
16 process is one that is essentially bureaucratic in nature. I think
17 you will understand that. It operates on time cycles, on short
18 horizons, under a lot of pressure, and oftentimes, we don't have
19 the full details in front of us, and it's difficult to make
20 judgments as to the merit of certain -- we know we do have certain
21 damages, they need to be looked at somehow, and I think that the
22 people have done the best they can. Certainly, the process can
23 improve.

24 DR. FRENCH: I'm not criticizing the existing peer review
25 structure. I'm just, I know from my perspective to try to review
26 the science and work plan here is basically like trying to review

1 a brief proposal for foundation. It gives you an idea whether or
2 not its a good idea, but it doesn't give you an idea on how
3 effectively its being.

4 DR. SPIES: And this is not meant to be -- a something
5 that the peer scientists can look at and accredit a way to evaluate
6

7 DR. FRENCH: Correct me if I'm wrong, but isn't this all
8 that the peer reviewers can basically -- from previous data center?

9 DR. SPIES: There's also a set of proposals that goes out
10 once this is -- once this is done. This is just the adoption of
11 the plan, and once the Trustees accept this plan of funding, and
12 then the proposals have to be sent in and evaluated after that to
13 do the work, and there has to be major decisions made soon as to --
14 who gets to compete, who does the work and that's a -- a decision
15 that the Trustees are going to have to come to.

16 DR. FRENCH: I guess my point for the future is that that
17 seems to be like putting the cart before the horse. You put the
18 real science into the proposals before they're reviewed at the
19 beginning of the peer review process before they go into the work
20 plan, there's a lot less work to do after the work plan is adapt --
21 adopted, also you get a lot better work plan.

22 DR. SPIES: Absolutely. I -- I've been a pretty strong
23 critic of the way the process ran in '93, because essentially what
24 we did is just say, hey everybody, give us your ideas and we got
25 every sort of idea, and we went through these endless meetings of
26 trying to construct criteria, and we had two or three different

1 sets of criteria, and we kinda took whatever fell out of the bottom
2 of these sieves and called it a work plan, and I'm advocating a
3 more pro-active position, where the peer reviewers get together, as
4 they are planning to do next week, and say, okay, what's injured,
5 what hasn't recovered, and what can we do about it, and let's start
6 with at least a skeleton of ideas that -- the heart of what really
7 needs to be done next year and do it that way, then we waste a lot
8 less time in this process hopefully.

9 DR. GIBBONS: That's the proposal, we were starting the
10 '94 next week, and we're not going to the public and say, please
11 give us your restoration ideas. We're going to go to the public
12 with a framework that says this is what we believe, what we know
13 about injury, recovery, and this is where we think action is
14 needed.

15 DR. SPIES: I think to take this a step further, the
16 ideal situation, I don't know if it's possible, but the ideal
17 situation I think would be to describe in some general terms what
18 hasn't recovered, and what needs work on a general terms, and let
19 people respond creatively with proposals to address those concerns,
20 either in terms of study, monitoring, some sort of direct
21 restoration work, and then let the Trustee Council respond to the
22 proposals, and that would encourage, I think, some sort of open
23 competition. But I don't know if we can get there from here.

24 DR. FRENCH: I don't want to tie up too much of the time
25 on scientific discussion, but I think that brings me back to the
26 first question where, you know, is a damaged resource under the

1 NRDA guidelines, the only damage resource we want to look at? Or
2 do we want to broaden the spectrum as to what could be legally
3 defined to something that can be a little bit, but more broadly
4 defined as damaged.

5 DR. SPIES: I think that's a good point, I think this
6 comes back to the point of what the lawyers say is allowable under
7 the terms of the settlement and I'm certainly not an expert in that
8 area, but I know it at least deals with damaged resources, and if
9 there is -- if we can widen an envelope in the future and achieve
10 a little bit more basic understanding of other resources of which
11 we don't have information on damage, perhaps under an endowment
12 concept, I think that would really be a good thing for the state
13 and for the resources in the long run.

14 DR. MONTAGUE: If I could have 30 seconds here, I'd like
15 to address (Simultaneous talking) This is Jerome Montague,
16 I'm on the Restoration Team. Three points. First of all, the way
17 the process was done in '93, two things that have to be kept in
18 mind. The '92 work plan was not approved until June 29th of '92,
19 and the '93 work plan was due August 31st. So there was
20 essentially two months with some lead time to prepare a very
21 important document, and further, it was the first year that the
22 public was allowed to participate. Our decision to go with a
23 document like this, as opposed to simply opening it up for everyone
24 to submit detailed proposals, was to prevent what could have
25 happened. We had 461 page ideas, but if you add 460 detailed
26 proposals of which people may have spent 5 to 10 to \$20,000

1 preparing, and then only select 40 of them, you're going to have a
2 lot of very unhappy people and people treated very unfairly, and
3 that was the reason why we decided to go to, let's have a briefer
4 document that the Trustee Council can use to decide which projects
5 go ahead, and then have detail prepared only on those projects that
6 are going to go ahead, and that was the reason we went that route.

7 DR. FRENCH: I think you'd find, if you went to a format
8 like the foundation uses, or like this last science technology
9 foundation uses, where you have a more extensive pre-proposal
10 that's required. You first of all, get a lot less submissions.
11 Second of all, the ones that are submitted would be a lot better
12 thought out, and the people that are submitting them would be a lot
13 better prepared to execute them and you would be able to evaluate
14 not only the quality of the proposal, but the quality of the
15 probable party executing those proposals

16 DR. SPIES: Well I just would front-end load the process
17 a lot more heavily, so that you basically, have a work plan, once
18 you put together a work plan, don't have a skeleton that has to be
19 flushed out without public input later and with only -- with a very
20 tight focus in terms of peer review. I mean, I -- I appreciate
21 Bob's comments about reviewing the work plan, detailed work plans
22 are put together from this, but the basic focus is already
23 approved. Whoever is doing the project pretty much knows they're
24 going to get the project. It's just a matter of negotiating the
25 details, and that may defeat the whole process of coordination
26 between, say, different monitoring strategies or RCAC, EVOS or

1 whatever. You've got to get this coordination built in up front,
2 because you got to be able to evaluate, you can't evaluate science
3 after the fact, at least you don't get as much value out of it.

4 DR. MONTAGUE: Okay, well we don't want to belabor this
5 too much, but the third point you had is, can we -- look at
6 injuries that weren't absolutely proven beyond a shadow of doubt.
7 I think the main assumption is the '93 work plan or one of the main
8 assumptions was a conservative program that only looked at what
9 absolutely had to be done and saved the larger stuff for next year
10 and that, that wasn't the law, that was just an assumption that was
11 agreed upon, and that assumption can be changed, so, enough on
12 that.

13 MR. PHILLIPS: Yes Pam, did you have a question for Dr.
14 Spies?

15 MS. BRODIE: A couple of questions. First, I was
16 wondering if there is anything that you could recommend that we do
17 to help the people in Scotland with this recent oil spill and
18 perhaps we could recommend to the Trustees that they take some
19 action, or to make you, or some other peer reviewers available to
20 recommend how people could get started on damage assessment and
21 monitoring and restoration planning from the beginning. Ways that
22 maybe you learned from what went wrong here, that it might be done
23 better there.

24 DR. SPIES: Of course. Yeah, they have a whole different
25 institutional setting, but I'm sure some of the same problems we
26 ran into here apply there as well, and certainly, anyway that we

1 can help them in terms of giving them what our experience has been
2 in this process and how it could be better in this case would be
3 useful. So, I don't have any specific ideas -- what? Okay, Byron
4 tells me that we're running back into the symposium anyhow. It may
5 be too busy, we might be too busy to come.

6 MS. BRODIE: The other thing is, will you be here
7 throughout this two-day meeting so that, as we go through project
8 by project, you could tell us a little bit about, you know, remind
9 us of what your recommendation was and why and

10 DR. SPIES: Sure, I'll be available the whole time. I
11 hope that other members of the Restoration Team will be here to --
12 it's a pretty big scope of what's here, and I don't have all the
13 details in my head all the time, and it's been a while since I
14 reviewed it, but I will certainly do my best

15 MS. BRODIE: Because we don't have the peer reviewers'
16 recommendations amongst these papers that we were given, they may
17 be in the library.

18 DR. GIBBONS: You do, you do, in the package, that was
19 handed out, that say, supporting documentation to the '93 package,
20 it has the recommendation for the Restoration Team and the peer
21 reviewers' comments and the whole thing, right here.

22 MR. CLOUD: You didn't read it? (Laughter)

23 MR. PHILLIPS: Dr. Spies, we appreciate your comments and
24 your coming here, and in particular I appreciate the fact that you
25 will be with us because there may be some questions and if you have
26 any comments to make in the discussions that are coming forward,

1 please indicate and be able to participate, because I think what
2 you have to say is valuable.

3 DR. SPIES: Sure. Thank you very much.

4 MR. PHILLIPS: If there isn't any -- if there are no
5 other questions of Dr. Spies -- I would like to proceed to the work
6 plan, and in that regard, when I ask the group if they have any
7 feelings about how we should proceed, it seems logical to me that
8 we start with the first one and head for the last one, combining as
9 we may want to during the process, but if you got anything else
10 that will help expedite and make it work better, please come
11 forward. Yes?

12 MR. ANDREWS: Perhaps, overall tracking in the same
13 direction, I just wonder if there could be a very quick view of the
14 criteria involved here that we should all be looking at, rather
15 than have 15 people with different concepts -- I'm really not clear
16 on what vital criteria we need to look at, the -- sure of -- on
17 each of one of these projects that we look at.

18 MR. PHILLIPS: Doug, could you brief -- could you brief
19 us on what those things are?

20 MR. MUTTER: I think Jerome Montague, he's the chairman
21 of the '93 work plan working group, and he's probably the
22 appropriate expert on that.

23 MR. PHILLIPS: On what the criterion we should be working
24 with in evaluating these projects, that's what you're asking?

25 MR. ANDREWS: A quick example, if there's a loss of
26 services -- you know

1 MR. PHILLIPS: Yes.

2 MR. ANDREWS: Is that a valid critical thing to be
3 looking at, etc. etc. A lot of these projects, I don't see the
4 immediate link to the restoration of a resource, but I know that
5 there is links to other things involved here, and maybe just a
6 quick review so we're all in the same track here..

7 MR. PHILLIPS: Okay, could you

8 DR. GIBBONS: Let me respond to that -- I've prepared a
9 package that tracks the criteria from submission of the project
10 idea through its screening and through the screening of this
11 package and if we can take a small break, or I'll break out of
12 here, I can get copies of that for you so you have that one sheet
13 criteria in front of you that we ran through also -- and so, you
14 know, it's linked to the injury, you know, those types of things.

15 MR. PHILLIPS: If you could get that for us, Dave -- I
16 thought we would take a break in a second or two, but I have two
17 communications here that I've asked the staff to duplicate. One is
18 from the Cook Inlet Seiners Association, the other one is from the
19 Municipality of Anchorage. The one from the Municipality is,
20 regard the '026 and I would appreciate it, before we get to those
21 and also the concerns of the Cook Inlet that everybody has had an
22 opportunity to look at these in some kind of detail because I think
23 they are significant to our discussion. If there isn't any
24 objection, why don't we take a ten minute, yes?

25 MR. KING: I was looking at this work plan budget
26 recommendation -- I plan, that I somehow missed bringing mine. Are

1 we going to plan to vote on each of these? Is this place to vote?

2 MR. PHILLIPS: It would seem to me that we have to make
3 a recommendation to the Trustees or we're not fulfilling our
4 function. They have put off everything at our request so that they
5 could hear from us on our recommendation, and so I think that on
6 this worksheet, it says if we follow it, it will say what the vote
7 is and it will tell -- I see it this way, it's going to be
8 extremely rare that we get unanimous do it or don't do it, but we
9 will have a -- probably a majority and minority report on those
10 where we have differences, and there is a place here on the very
11 end of that to show what the vote is, to give them an idea of how
12 strongly we felt, or how much of a majority there was in it, just
13 to be helpful to them. I think we have to have an answer on each
14 of one of these, or we're not doing what we were appointed to do to
15 help apprise them.

16 MR. KING: Are we going to vote then individually on
17 these sheets? Should we each fill one out, or

18 MR. PHILLIPS: No. We -- we will take a -- I think its
19 quicker if we just take a hand vote, and there's a sheet here where
20 we can record it. It just would take so long for everybody to have
21 to fill out all these and send them in and I've asked Doug also to
22 be conscious of what the sense is of our opinion so that we can
23 have a written recommendation hopefully that we can all agree upon,
24 that that was what our intent was.

25 MR. KING: Then I have another problem with voting

26 MR. PHILLIPS: Sure.

1 MR. KING: on these things, some of them I -- I
2 understand and can see pretty clearly, particularly the fisheries
3 ones, I don't have the background and I see some redundancy, I
4 don't want to be voting against something that I don't understand
5 and I don't want to be voting for something that I don't
6 understand, so I think we should have a abstain, mandatory or

7 MR. PHILLIPS: I understand what you're saying. I think
8 we probably all have the same problem, depending on where we come
9 from, but -- I don't know, I'm use to -- there's no abstaining
10 vote, yeah I see that on the paper, but I'm not use to having an
11 abstaining vote, because it kinda waters down the opinion, and I
12 would think it would be up to the individuals who have knowledge in
13 that particular area to convince or not convince or enlighten or
14 not enlighten the group. If you don't want to vote on it, I can't
15 make you vote, but I think it's more meaningful to them if we vote
16 yes or no. Dick?

17 SEN. ELIASON: I have a couple of questions. One of
18 course, I don't see -- if we're going to review, we have to have a
19 running total on what we're spending I assume, or does that make
20 any difference? Number two, are we prioritizing these projects, so
21 that if we run out of money, those ones

22 MR. PHILLIPS: We give that problem to them. No, I think
23 that essentially -- as I understand it, we're suppose to look at
24 the value of these projects, and, I think that we would be here
25 until next Christmas if we have to go through each budget and say
26 this should be eliminated and that should be

1 SEN. ELIASON: No, I'm looking at the grand total.
2 MR. PHILLIPS: Can't we just tell them to make it fit
3 this? (Laughter) It just seems to me that we're looking at the
4 substance of the project itself. Whether it should be -- I think
5 it's probably the Trustees -- their job to scale them down, or to
6 appropriate the money and we're not going to do that anyway. We're
7 just telling them what we think.

8 SEN. ELIASON: Well, I guess that sort of puts some of us
9 in a position where we might support a certain project, but with
10 that support, we might be eliminating another because we use all
11 the money.

12 MR. PHILLIPS: Yeah, we don't want to do that.

13 SEN. ELIASON: How do we, how do we deal with that.

14 MR. PHILLIPS: Any thoughts on that?

15 MR. MUTTER: Well, I don't believe that there's a ceiling
16 on the amount of money you might propose in the work plan at this
17 point. Dave and -- I mean there's a certain amount of money coming
18 in, but that hasn't been discussed, I don't recall.

19 DR. GIBBONS: Well, the work plan totals, I think,
20 roughly 44 million with all the projects, the ones that were
21 recommended by the Restoration Team and the ones that were not
22 recommended by the Restoration Team. And I think -- probably,
23 perhaps one way to deal with this is to deal with the project as
24 then '93, if you have any additional projects, you need to
25 highlight that as additional expenditures, if that's what you
26 recommend -- additional project. Additional expenditures above

1 this, which has been factored into the money analysis.

2 MR. MUTTER: I don't think its a trade off like the state
3 budget, where you got so much to deal with and if you take from one
4 or if you add to one, you take from another. I don't think that's
5 the, necessarily the way we'd approach it.

6 MR. PHILLIPS: Yes, Dave.

7 SEN. ELIASON: Just one more question then. Are you
8 saying that all these projects fit within the amount of money
9 available, if so, why are we even bothering to vote on them?

10 DR. GIBBONS: These projects fit within -- you know --
11 the payment this year -- the, you know, the terms of the settlement
12 agreement is 150 million, and then there was some subtractions for
13 work reimbursement for Exxon and the 44 million has been added into
14 the budget list in your package here that shows the money coming in
15 and money going out and how much is left over. And what we did is,
16 we totaled the entire package, the 44 million, and put that number
17 in that document. I forget which tab it is, but it's in your book
18 here that lays out the payments and the expenditures. If that
19 explains it.

20 MR. PHILLIPS: Pam first.

21 MS. BRODIE: I think Senator Eliason's point is really,
22 really important. What's happening is, there's a certain amount of
23 money coming in every year for the next ten years. There is enough
24 money coming in this year to more than cover everything here, but
25 we haven't gotten to the restoration plan yet. And already,
26 somewhere between 200 and 300 million has been spent, probably

1 closer to 300 million without starting restoration, so we can
2 recommend funding everything here and the Trustees could do, and
3 that would be \$44 million down with very little restoration. So
4 everything that we spend now means that much less money for when we
5 get to priorities. And I've been involved in this process and I'd
6 like to say that I think the Trustees have been very, very sincere
7 in trying to keep costs down, but it's been extremely difficult for
8 them, as it will be for us, because they face projects one at a
9 time, like this. And every project has some good things about it,
10 and every project has somebody supporting it, and the natural
11 response is to say, well, yes, okay, let's do that. But we're not
12 looking at priorities, and next year or the year after, we'll be
13 able to set the priorities. So, as much as we can save money now,
14 we'll be, the society will be happy for it later.

15 DR. GIBBONS: There is a priority factor built into this
16 though. When you look at the criteria. The first criteria, is
17 time critical. Do we lose something if we don't do it this year.
18 And if that was, if there was thought that there would be nothing
19 lost, it's not in here. The only projects in here are things that
20 need to be done in '93. So there is a prioritization placed on
21 these through the criteria. But it's not prioritized within the
22 projects between the projects themselves. It was prioritized
23 between all the projects submitted and the ones that were time
24 critical.

25 MR. PHILLIPS: Yes, Lew.

26 MR. WILLIAMS: Well, then, I just want to -- you've

1 answered part of my question. What we should look at it now, is
2 anything time critical, and anything else for this year and
3 probably for '94 should be delayed until later, when the
4 restoration plan has approved, is that it?

5 DR. GIBBONS: That's the criteria that that was based on
6 this plan. If it could be delayed a year without any -- without
7 any effect on the resource or anything, it was delayed, it was
8 kicked out of the process.

9 MR. PHILLIPS: Yes.

10 MR. BRODERSON: I'm Mark Broderon from the Restoration
11 Team. One consideration I would like to have you consider when
12 you're going through talking about these projects, more than just
13 a vote, yeah or nay, to the Trustee Council, if you could get down
14 to reasons as to why you yeached or nayed, it would help the Trustee
15 Council immensely in deliberations on these projects. I think it's
16 real important for the Trustee Council to understand what your
17 recommendation -- or where your recommendations came from, to help
18 them back, back their decision.

19 MR. PHILLIPS: That's the reason that the -- that the
20 form here is designed that way. It's not helpful just to have a
21 yeah or nay, and I think if there's a minority and a majority
22 opinion, those will have to be explained as succinctly as possible
23

24 MR. BRODERSON: ... Even if you have a consensus
25 explaining why you have all concerns aside, don't

26 MR. PHILLIPS: Certainly.

1 MR. BRODERSON: why you're doing, why you're
2 recommending, what you're recommending.

3 MR. PHILLIPS: I think the question is still hanging
4 here, that is whether or not -- what our procedure is going to be?
5 Whether or not we're going to deal with the value of the project
6 and whether its important to do it in each case, or whether we are
7 going to take the time and go through the budget that is proposed
8 and try to resolve that. One process is certainly much more
9 lengthy than the other, and it would be advisory because we don't
10 have the final say on the budget, and I think the group has to make
11 the decision on what approach they want to make here. If we want
12 to go through like the finance committee and go through each one
13 and try to make the budgets bigger or smaller or the same, fine.
14 But -- I think we have to determine what our approach is going to
15 be. Are we going to talk about the substance of the programs, or
16 are we going to then add to it, an evaluation of the proposed
17 budget. Yes?

18 MR. McCORKLE: Mr. Chairman, I certainly do understand
19 and appreciate the comments which have proceeded, but I would like
20 to suggest we consider trying to accept the projects first. That
21 may have some weeding out aspect to it. Rather than to become
22 completely focused on budgets, which -- at least I am not prepared
23 to go into in depth, maybe other colleagues in the council are of
24 the -- in the group are, but I would like to at least see what
25 happens if we go through the projects in some order. And vote them
26 up or down, recording the salient comments on either side and also

1 how the vote is. And then, when that's done, go back and say,
2 well, obviously we can't have all these because we've spent too
3 much money. So, now then, of the projects we like, do we want to
4 look at them a little differently, or then, examine the budgets
5 within each of those projects. Maybe that would be a way to move
6 us a little more quickly, so we don't get this, completely stopped
7 on a budget line on some of the projects.

8 MR. PHILLIPS: Yes, Dick?

9 SEN. ELIASON: My understanding is that if we approved
10 all of these projects, we would still be within the funding level.

11 (Unison agreement)

12 So, it's sort of a strange situation, in a way, maybe we
13 need more projects.

14 MR. MCCORKLE: But in the spirit of what Ms. Brodie said,
15 if there's some economizing that can be recognized today to put
16 into projects when the restoration plan is completed, that
17 certainly would be prudent. So it's a mere \$40 to \$50 million here
18 and there out of 900 million, I suppose that ain't much, but if we
19 can, you know, want to do the best work, job, we can do, it might
20 be helpful to the Trustee Council if we can give some direction on
21 funding as well.

22 MR. PHILLIPS: Are there any other comments on how we
23 should proceed on this -- you've heard one suggestion. Yes, Jim?

24 MR. KING: I still have a kinda basic problem -- in our
25 last meeting I asked Mr. Rabinowitch if these projects were going
26 to be correlated with the restoration plan, and he said no, I don't

1 -- maybe that was just a simple answer. Our blue book says that
2 they should be, but in looking at these things -- the time frame is
3 1993, but we're being asked to -- yeah or nay something that's
4 clearly a five year, or maybe even a ten year study, and this is
5 only year one, so, that sort of complicates the process again, are
6 we in fact dealing with things that are more properly in the spirit
7 of the restoration plan which is coming or -- are these really
8 independent projects that we can deal with on their own merits?

9 DR. GIBBONS: Part of, part of the discussion on this by
10 the Restoration Team, and I think you will see it in the evaluation
11 is, if you put it in '93, it does not have to be funded in '94, you
12 will not lose information. I mean you're going to have to fund it
13 to a completion of a final report, because they come out of the
14 field in September. You know, all this field work, they'll come
15 out in September, and they can't possibly write a final report
16 coming out the field in the two weeks. So you'll have to provide
17 some funding for a final report. But you're not losing anything.
18 You know, if you do decide not to fund it completely in '94, you
19 won't lose anything. You'll get information from the funding of
20 this year's project. That was part of the basis, if that makes any
21 sense to you. Some of them show extended out years, but you know.
22 Bob?

23 DR. SPIES: My understanding of the process is that every
24 project should be looked at every year for its merits and it's
25 achieved its objectives or it isn't achieved its objectives, and
26 what we know fresh from that year's study should be factored into

1 whether she's funded to the next year. I mean, it seems like a
2 pretty basic concept

3 DR. GIBBONS: Funding it this year, does not commit it to
4 '94, '95, '96 or '97. I mean it doesn't commit it to any of those.

5 MR. KING: Not like social security.

6 UNIDENTIFIED VOICE: And then some of these studies
7 have been going for a year or so.

8 DR. GIBBONS: Some of them have been going on, but some
9 of them also went on in '89, '90, '91, got canceled in '92, or
10 didn't, you know -- thought it wasn't necessary so, some of them
11 dropped out also, because they were done in the year previously,
12 didn't necessarily decide that it was going to be done the
13 following year.

14 MR. PHILLIPS: Yes?

15 MR. STURGEON: I have a question on the mechanics of the
16 funding in personnel. Let's say it's first brought to cost
17 \$440,000, personal services for Fish & Game. -- Does that mean
18 Fish & Game is going to use that money for existing people?
19 They're going to hire additional state employees? Or is it going
20 to be contractual work? What do they mean as far as personnel?
21 Are we adding a bunch of new state employees to the payroll that
22 later on are going to have to be let go, or are Fish & Game going
23 to contract to do these things with outside people? What are we
24 actually?

25 DR. GIBBONS: I'll let, Jerome, Fish & Game respond to
26 that

1 MR. STURGEON: or just a Fish & Game, DNR, whatever.

2 DR. MONTAGUE: If I can answer that. If the figures are
3 shown under contractual, it means that its going to be contracted
4 out. If its shown under personnel, it will a state employee. And
5 the example you're looking at, its a continuing project.

6 MR. STURGEON: Are the new state employees we're going to
7 be hiring ...?

8 DR. MONTAGUE: Its a continuing project so, it would not
9 be, in that case.

10 MR. PHILLIPS: Yes, Donna.

11 MS. FISCHER: I had a question along those lines too. In
12 some of the cases where it seemed to me like there was to be hired
13 of new employees, as well as contractual, that there was some
14 instance, it seems like there would be new employees. Well, the
15 state is making cutbacks. How can there be new employees? It has
16 to go through the Senate and the House to be confirmed anyway. If
17 this money is in there to have these new employees, how can you be
18 assured that you'd be able to get them?

19 DR. MONTAGUE: Well, with that State Fish & Game example,
20 the oil spill division personnel has declined a great deal every
21 year since, well, '92 to '93, or '91 to '92 to '93. And the
22 proposal that we have of everything in here was funded this year,
23 it would be less people than we currently have this year, so we
24 would be laying off, even of all projects.

25 MS. FISCHER: Where would that money go?

26 MR. WILLIAMS: I think each project will be different and

1 we'll probably get into that as we discuss the projects.

2 MR. PHILLIPS: This is one of the problems getting into
3 details and budget -- if we're going to do that, than we better
4 hunker down here, because we got a long time to go through each one
5 of these projects. I would still like to have a break. If there
6 isn't, you can see what we're facing here. Everybody's got to be
7 on track on how we're going to approach this and I would like to
8 have you give some thought to it, and I'd -- how about a 10 minute
9 break. Ask them to pass these two communications out and back here
10 in 10 minutes.

11 DR. GIBBONS: I've got some additional copies of the form
12 up here, if you need any.

13 (Off Record: 10:55 a.m.)

14 (On Record: 11:15 a.m.)

15 MR. PHILLIPS: Come back to order please. At this time
16 we can proceed with the agenda -- questions that have been raised
17 about how we're going to proceed, I think they're important before
18 we start. So, Jer -- would like to suggest that we adopt Mr.
19 McCorkle's suggestion and deal first with the merits of each of the
20 projects in our book, and I think that if there isn't any objection
21 that the logical thing is to start with the first project and
22 continue on as far as we can on these -- and I don't mean to cut
23 off anybody off at all, if you have something pertinent to say
24 about it, we should do that. I'd like to try, at least
25 experimentally, to find out when we approach each project, whether
26 or not a miracle has happened and we all agree on an approach to

1 the project. If that isn't the case, which I suspect it won't be
2 in most of these projects, then we will proceed to discuss the
3 merits of the project, and I think it is certainly within bounds
4 if -- if we approve or if we approve as an example, a project, and
5 there is a recommendation that the project go out to bid, that that
6 is certainly the type of advice that we should pass on to the
7 Trustees. Yes, Vern?

8 MR. McCORKLE: In going along with the program, I note
9 that in each of the projects, there is a lead agency. Or if not a
10 lead agency, then at least a cooperating agency. Would it be
11 appropriate to ask each of those agencies, as we come to each
12 project, to speak to it on a limited basis from their point of
13 view, perhaps one minute, maybe two minutes and to stand by -- to
14 receive questions if need be, but that might help to get us all
15 focused, at least in one direction again with, that might
16 facilitate discussion as well.

17 MR. PHILLIPS: I think that's an excellent suggestion.
18 Assuming that there are representatives here of the different
19 agencies. If there isn't any objection to that approach, we can do
20 it, and rather than limit it to thirty seconds or a minute, I would
21 ask them to make their comments succinct and brief without cutting
22 out any of the important portions. So, oh yes. We have another
23 celebrity with us today to, another Trustee, Mr. Mike Barton of the
24 U.S. Forest Service. If you would -- there you are, okay. There
25 is Mr. Barton and I assume you're going to monitor what we're doing
26 to you.

1 MR. BARTON: I wouldn't say monitor, but I'm very
2 interested.

3 (Laughter)

4 SEN. ELIASON: Mr. Chairman?

5 MR. PHILLIPS: Yes, Dick?

6 SEN. ELIASON: Just one more idea, think that before we
7 actually take the book, I think it might be of value to go through
8 each project and discuss them, then make our own notes and come
9 back to vote?

10 MR. PHILLIPS: Certainly. I agree with that. And I
11 think the way to resolve these things to -- are in the order that
12 is called by the rules and do it with a motion directed to the
13 Chair, and then we will -- in the final analysis we will deal with
14 it under motion, which of course can be amended, and we'll try to
15 keep the process from being cumbersome, but if there are no
16 objections or suggestions, I would like to have you turn to, yes?

17 DR. GIBBONS: Can I -- before we do that, can I just
18 walk you through the thing I just passed here -- out here, and its
19 entitled Initial Screenings of 1993 projects. And it might give
20 you some feel from where we're coming from and it's three or four
21 page document here, and I'll just briefly go through this to let
22 you know where the criteria, that this plan was based on.

23 MR. PHILLIPS: Very good.

24 DR. GIBBONS: -- Just go through, the first, the first
25 three that you run into, the bottom of page one and top two on page
26 two were the initial screening criteria of the ideas submitted.

1 This is of the 461 ideas. We looked at them using these three
2 criteria. Is there linkage to the resources service injured by the
3 Exxon Valdez and that's from the settlement agreement. If there's
4 no linkage, the funds cannot be spent, you know, for activities
5 that are not linked to the oil spill, so that's criteria number
6 one.

7 Criteria number two, is it technically feasible? Is it
8 possible to do? Basically, very simple question. Is it
9 technically feasible to do?

10 And the third one is, is it consistent with applicable federal
11 and state laws and policy? Are we going against federal law or
12 state law? We just simply can't do that. So the ideas were
13 screened with that in mind and reduced down to about 139, if my
14 memory is correct. We reduced quite a few of them out of there.
15 Then those, the next ones were screened using the next criteria.
16 And the first part were screened on damage assessment ideas. If
17 the idea was a damage assessment study, it was screened under the
18 four criteria under damage assessment. And damage assessment or
19 injury assessment is work that we conducted in '89, '90 and '91.
20 That is determining injury to the resource. And there were some
21 studies that were aimed at determining further injury. Perhaps the
22 injury was not fully known at that time, an example of that would
23 be the sockeye for the Kenai. Full injury is not known, so that
24 was based under a damage assessment idea. And we looked at -- was
25 the project previously funded in the '92 work plan for close out
26 and final report. If it was funded in '92 for a final report and

1 close out, will not be funded in '93. It was, it should be
2 completed and done with.

3 The next criteria, should the idea be funded in '93 work plan
4 for close out? If it was funded in '92 for damages, further work,
5 should we close it out in '93 and that, it was reviewed on that
6 one.

7 The next criteria, is there a substantial amount of new
8 information to demonstrate that the injury resources are not fully
9 known, or there is some new information coming to surface that,
10 certainly need to look at this study further to -- describe the
11 injury. And the last one was damages set for continuation. Are
12 the injuries to the resources and services fully understood. And
13 the sockeye is an example of that. We know that there was injury
14 there, but due to the life cycle of the species, we're not fully,
15 we didn't fully know the injury.

16 And then, there was, the next category was general restoration
17 ideas. People submitted ideas for the restoration of the resources
18 and services and these were looked at under four criteria and
19 that's -- I will say that's the dominance of this book. There's
20 only about one or two damage assessment studies in here. One is
21 sockeye, that's one that comes to mind, I'm not sure if I can come
22 up with another one. GIS, there's some GIS work. (Indiscernible)
23 work. Finishing up the injury assessments.

24 The restoration, which is the bulk of this book, is, was
25 evaluated on the following four criteria: Is there a restoration
26 end point? What we mean here, what is the project aimed at? Is it

1 leading to the restoration of the services or resources? Or is it,
2 you just doing it for the sake of doing it. Needs to come -- the
3 restoration end point includes actions or restore, replace or
4 enhance natural resources, to monitor natural recovery and of all,
5 acquisition of public resources of services. We laid that out.
6 That was one of those, fine, it made it through that screen.

7 The next screen is time critical to the recovery of the
8 injured resource or service. Must be conducted in 1993. When I
9 screened the project result and further injury to a resource or
10 service or would it forego a restoration opportunity. This
11 information is critical to support near term future conditions.
12 That says, if, you can delay it without any harm, delay it, that's
13 what we were doing.

14 Third criteria, opportunity lost if not funded in '93. Is
15 there some way that we could combine work together so we could do
16 it more efficiently in '93. That was what this was aimed at. The
17 intent of this criteria is to identify those project ideas that
18 need to be implemented now or the opportunity would be lost,
19 imminent threat. If you don't implement it in '93, it'll be
20 changed and therefore, the opportunity is lost.

21 The final one involved the long term commitment. Until the
22 restoration plan is completed, annual restoration activities
23 requiring long-term commitments should be limited to those projects
24 that do not irretrievable commitment of funds in future years.
25 That's what we're saying. We're doing it '93, doesn't commit us to
26 do it in '94, '95, '96. So, I just wanted to run through that.

1 That's the criteria that we used. The last page is the form. You
2 can look at that, its just the form that we used to recording -- in
3 a nutshell, that's the criteria that we screened the '93 on.

4 MR. PHILLIPS: Thank you Dave. Yes?

5 MR. McMULLEN: Dave, after the oil spill of '89, I
6 thought it became apparent that there wasn't an adequate resource
7 data base available on which to really assess, you know, changes
8 in -- in populations of whatever organism you wanted to talk about
9 or, quality of the environment in any way. In the, did the
10 assessment team make any determinations about what data base should
11 be put in place, you know, to prepare us for the assessment of the
12 next disturbance or damage that's caused to the environment in the
13 EVOS-impact area and if so, does this list of projects here address
14 the needs of that data base.

15 DR. GIBBONS: It -- it doesn't. This is strictly dealing
16 with the restoration and not dealing with future spills. If you
17 look at the language of the settlement, it says to restore injured
18 resources and services, and it does not deal with future spills.
19 No and that's, that's contingency planning and those types of
20 things. The criminal fine has different language. There's civil
21 payment and a criminal payment. The criminal payment language is
22 different than the civil payment language. The criminal payment
23 language allows for some of that research and those types of
24 things.

25 MR. PHILLIPS: Thank you, Dave. With the concurrence of
26 the group, I would like to modify our agenda today and -- Mr.

1 Totemoff would like to make a presentation on a project that is not
2 included in this book, and I'd like to set at 4:15, time certain
3 this afternoon, he's indicated that 15 minutes is adequate to make
4 the presentation, and if there's no objection, the group, I would
5 like to accord him that courtesy. So at 4:15, if you would be
6 ready with your people, thank you. Okay, we are

7 MR. STURGEON: Mr. Chairman?

8 MR. PHILLIPS: Yes.

9 MR. STURGEON: I kinda feel like we're heading into an
10 abyss. Should we have any discussion of what we want to -- where
11 the group wants to be heading. You know for example, we're
12 supposed to be representing the public and at certainly, at a lot
13 of the public testimony, and for certain kinds of projects, like
14 the habitat acquisition -- I understand like to see some more
15 tangible use of the money like in fish ladders, or fish
16 rehabilitation projects, those kinds of things and a lot of the
17 projects here, the majority of them are study-type projects --
18 study this, study that. Does the group want to have any discussion
19 prior to heading into here that kinda -- where we want to be going,
20 as far as what we think are important projects -- or just jump into
21 it and take it as it goes?

22 MR. PHILLIPS: Well, it's up to the group. If you --
23 sooner or later, we're going to have to go through all these
24 projects and either okay them or not okay or modify them in our
25 judgment, in our recommendations and I know there are some
26 acquisition projects in here. If you've read all the projects

1 there are some there

2 MR. STURGEON: right there's 64, or something, but
3 I'm just saying, whatever would speed the process to have some
4 discussion as to where we think

5 MR. PHILLIPS: I have no objection,

6 MR. STURGEON: We're already at \$300 million according to
7 Ms. Brodie. That gives us \$600 million left. Some of these
8 projects are going to be going to next year and -- so we've got a
9 lot of money we're spending on studies. Is that where, is that
10 where the public wants to be going? Or does the public want to be
11 going into like a rehabilitation of -- fish docks for examples,
12 putting fish ladders, putting in -- in bank stabilization projects,
13 those of kind of projects, or do we want to be spending a lot of
14 money on studies that are going to benefit something later on.

15 MR. PHILLIPS: Yes, Lew?

16 MR. WILLIAMS: Yeah, didn't Dave tell us that the only
17 thing in these '93 program is things that have to be done because
18 of the time crunch, and the type of projects that fish ladders and
19 everything else, those can be established after the restoration
20 plan is approved, because I presume they would be in the
21 restoration plan, the final draft.

22 DR. GIBBONS: I find it a little bit, a little bit more,
23 we had the same concern that you did, John. That we're doing
24 studies and studies and studies. The Restoration Team had this
25 discussion several times. And so we, we recommended some limited
26 implementation work be done this year, and we felt confident would

1 be in the plan. So, if you look in here, you'll see that there's
2 a second growth study, there's a pink Cold Creek fish ladder, some
3 Red Lake sockeye work. So there's a little bit of that limited in
4 there. We -- we thought, you know, the public has told us, exactly
5 what you're telling us. You're studying, you're studying, and we
6 want to also have you do something. And so we try to mix that a
7 little bit in here. So there's a little bit of that in.

8 MR. PHILLIPS: Any other comment, Pam?

9 MS. BRODIE: I really agree with what Mr. Sturgeon has
10 said and, earlier I said there hasn't been any prioritization of
11 these things, and Dave Gibbons said, yes, there has been
12 prioritization, it's critical -- these things that have to be done.
13 I think our difference here is, well these things don't necessary
14 have to be done. If they're going to be done, they have to be done
15 now, and there's nothing in these criteria that Dave just went
16 through that says, let's look at what are the most important ways
17 to spend the money, or what's going to have the lasting benefit to
18 the people of the community. Now, the public comments that we all
19 got, are public comments related to the '93 work plan, but over the
20 whole process, the public comments were very much towards people
21 wanting some things of lasting benefit to their community and the
22 more that money goes into studies, the less money there is for
23 these people that are going to want some kind of long-lasting
24 public benefit, a heritage from this, and that's why I think it's
25 so important to try to pick put out the most important things to
26 support here and not just support everything because, well, we have

1 the money this year to do it, even though it's not the best use of
2 the funds.

3 MR. PHILLIPS: That of course, would happen in this
4 process every time we bring one up, you either support it or you
5 don't and you have your reasons for it. I don't think we can
6 ignore any of them. We either recommend them or we don't recommend
7 them, but we have to start somewhere and -- we can get into all the
8 conversations we want to, but we don't have anything before us
9 right now. John?

10 DR. FRENCH: I'm not opposed to hearing Mr. Totemoff's
11 suggested, but there were two new projects also proposed by the
12 Kodiak Island Borough also supported by the Kodiak working group.
13 Are we going to have an opportunity to discuss those? I don't
14 think neither Mr. Knecht or I came prepared to give presentations,
15 but we probably could give an thumbnail sketch on those two
16 projects.

17 MR. PHILLIPS: Well, I have no objection to that. We
18 should pick a time, I'd like to, if we can, confine it to sometime
19 tomorrow, to give you a chance to put something together and we
20 could get into the evaluation of these projects.

21 DR. FRENCH: In terms of formal presentations, I don't
22 know how much more we could formalize it. I don't think either of
23 us brought any of the backup material with us.

24 MR. PHILLIPS: Well, just let us know how much time you
25 need so we that can cut it out of what we've got here. Because
26 sooner or later we're going to have to evaluate whether we're going

1 to be here Friday.

2 DR. FRENCH: Well, I just, well, in terms of a specific
3 recommendation, I suggest we -- we set aside ten minutes for each
4 of those projects at some point in the agenda before

5 MR. PHILLIPS: How many are there, three?

6 DR. FRENCH: Just the two projects. The expansion of
7 fisheries research effort and the

8 MR. PHILLIPS: Okay, at the noon time, could we look at
9 the agenda and pick out a time and then we can announce it.

10 DR. FRENCH: I just brought it up now because it might be
11 appropriate to discuss all the projects not in the plan at the same
12 time, and therefore, we might want to do it when Mr. Totemoff is
13 doing his project also.

14 MR. PHILLIPS: I have no problem with that. It will hold
15 us back after 4:30, but if nobody objects to that, why don't we
16 just do it at the same time after his then. If you need ten
17 minutes or whatever it is.

18 MR. McMULLEN: Mr. Chairman?

19 MR. PHILLIPS: Yes?

20 MR. McMULLEN: The Prince William Sound working group
21 recommends three projects not in the -- not among the present
22 projects before us. It'll just take a few minutes to discuss
23 those.

24 MR. PHILLIPS: Why don't we put those on there too.
25 Then, this will be after 4:15 this afternoon. And will you be
26 prepared to present them, or somebody, okay. Yes?

1 SEN. ELIASON: I don't know what the procedure has been
2 in the past, but wasn't there a specific deadline, and I feel like
3 we're in a legislative arena where we're, the opportunity to put
4 our projects in and you're sort of opening the door to things that
5 haven't really been discussed by the general public-at-large, that
6 there's been no information put out to the public who have interest
7 at this, and we're dropping them on the table at the last minute,
8 seems to be sort of a short circuiting of the system. I would hope
9 that those proposals would have been -- have had the opportunity to
10 have been reviewed by others besides us sitting here at this table.
11 That's what it's all about. I don't mind hearing the proposals,
12 but I would suggest that maybe we could recommend to the group that
13 they look at them, but I don't know if we want to keep adding to
14 the list, because we have to sit here --we have the opportunity to
15 do this, let's do it. I don't think it's the right procedure.

16 DR. FRENCH: I can only speak to the Kodiak proposals,
17 but I expect this is true for many of the other ones. These were
18 proposals that were submitted in the process initially, and in the
19 case in these two particular proposals, they were dropped out
20 because they were reviewed as not being time-critical. It is the
21 view of the community that they are critical, at least in terms of
22 planning efforts at this point. They are not new to the process
23 though. They have been reviewed by the Restoration Team.

24 MR. McMULLEN: Mr. Chairman, that applies to the three
25 projects that I wanted to briefly discuss also. There has been
26 strong support for these projects outside of the six-person working

1 group and they failed by a vote of, I think, of five to one, to
2 make it up into this booklet here, and I just wanted to have the
3 opportunity to present it, an independent point of view of the
4 fisherman of the impacted area, Prince William Sound particularly,
5 you know, in addition to that that was expressed by the working
6 group.

7 MR. PHILLIPS: We've decided, because I didn't get
8 objection, to put them on at the end of today's meeting. So, why
9 don't we do that, and it's your time. We can stay here as long you
10 want to to do it -- but they're scheduled now for the three
11 different presentations at the -- starting at 4:15 this afternoon.
12 And if there is no objection, I'd like to start on the projects and
13 we could start with 93002. Alaska Department of Fish & Game. I
14 don't know if this is controversial or not. But, who -- who is the
15 spokesman for Fish & Game today?

16 DR. MONTAGUE: If I may, may have, the idea here is the
17 draft Restoration Team member from that agency can explain it.

18 MR. PHILLIPS: Do you want to just briefly comment on
19 '02?

20 DR. MONTAGUE: Okay.

21 MR. PHILLIPS: Would you stand up and speak so everybody
22 can hear.

23 DR. MONTAGUE: Okay.

24 MR. PHILLIPS: Some of us old guys don't hear so well.

25 DR. MONTAGUE: As someone who has been through the
26 process of like this a number of times already, one thing I would

1 like to caution you on, initially, is that these additions, there's
2 approximately 59 projects and at most 10 hours of working time, so
3 you'll be able to devote no more than approximately 8 minutes per
4 project, and although I love to talk about our projects, as I'm
5 sure the other Restoration Team members do, I'm wondering if it's
6 beneficial to you all, or me, or other Restoration Team members to
7 take five of those eight minutes describing the projects. It would
8 be hard to describe it in a much shorter time frame than that, but
9 I'm happy to do so.

10 MR. PHILLIPS: You're not going to get five minutes, I
11 can tell you that.

12 MR. McCORKLE: If he wants to vote on them without
13 hearing from me, we're ready to vote. You have two minutes.

14 MR. PHILLIPS: I -- I, if you can just sketch it and --
15 and you'll get the questions if there here.

16 DR. MONTAGUE: Well the, project number two is the
17 continuation of the injury assessment of the sockeye salmon
18 overescapement problem on Kodiak Island and the Kenai River system.
19 Can you hear me or do I need to go to a microphone?

20 RECORDER: You need to go to the microphone.

21 MR. PHILLIPS: Yeah. They're recording this, so you
22 probably ought to use a mike.

23 DR. MONTAGUE: This project has two major components.
24 One is the limnological work that is taking place in the Inlet
25 river systems to try to assess what is the ecological factor that's
26 causing the very low survival of fry. And the second aspect of the

1 project is to quantitatively enumerate the number of outgoing
2 smolts. In this case, would be for '93 -- would be evaluating the
3 eggs laid in 1991. So this would see -- in '92 -- in '93, it would
4 show the number of smolts that are heading out to sea, and from
5 that we can estimate the adult returns three years later. So, on
6 that, we could estimate the returns in 1996. And the injury to the
7 outgoing smolts in 1992, even at the very best ocean survival is
8 likely to result in a 90 percent reduction in the return of red
9 salmon than was the average case pre-spill. And this affects
10 approximately 10,000 commercial fishermen and associated industries
11 and 50 to 75,000 sport fishermen and in effect, I mean,
12 essentially, prevent -- so they wouldn't -- if it's, if the returns
13 of '95 are as bad as the '92 outgoing smolts indicate, commercial
14 and sport fishing will be closed that year.

15 MR. PHILLIPS: Chair would ask if there's any objection
16 to this particular project? -- Jim?

17 MR. KING: Well, I don't object to the project. I think
18 that studies need to be done. I think Fish & Game does monitor the
19 smolts in a number of areas -- but anyway, if it's sense from this
20 that is a worthwhile expenditure. I have a little problem with the
21 connection with the oil spill. I grew up thinking a major problem
22 with the fishery, was over-fishing, not overescapement. At least -
23 - overescapement is sort of a new concept, and you look at the
24 language in here and its very imprecise about whether this
25 overescapement will result in anything, so the connection is weak
26 there. And you know, escapements for two or three times normal

1 levels, well, what are normal levels? You know, you getting bigger
2 and bigger as you start looking at this thing, and I looked at the
3 references, and I see that one of them goes back to '82, but most
4 of them are references to studies that occurred during the oil
5 spill period, so, as I say, I'm not against this, I'm confused by
6 it with relation to the criteria that we have before us.

7 MR. PHILLIPS: Want to comment?

8 DR. MONTAGUE: Yes. While the general concept that
9 overescapements could be damaging is not very new, I think it's
10 probably twenty to twenty-five years old, sockeyes, but the, the
11 first time that it has been essentially proven in a glacial system
12 was in 1988, and the project -- or the results of those papers --
13 came out in the year of the oil spill. So, so that essentially
14 marked the beginning of our real knowledge that this could happen,
15 and even at that time, to have proven it in one system was
16 certainly not grounds for changing management actions all over the
17 state. And the fact that it apparently happened in the Kenai
18 system is further indicative that these overescapements can be very
19 damaging in glacial systems, and retrospectively, we think this is
20 probably what happened to the sockeye population in Coghill Lake in
21 Prince William Sound, which if indeed it was through
22 overescapement, has essentially all but wiped out that population.
23 So we surely think this couldn't happen on the Kenai, but the
24 injuries and the data are so striking that we're all worried.

25 MR. PHILLIPS: Yes, John?

26 MR. McMULLEN: Mr. Chairman, my only comment is that this

1 issue was presented as a news article in -- feature in the
2 Anchorage Daily News, at which time they referenced the opinion of
3 the Department of Fish & Game and the commercial fishing group in
4 the Cook Inlet as saying that they understood they had a problem, -
5 - in there would be a shortage of fish, but they didn't want to do
6 anything. They wanted just to let the stocks recover naturally, no
7 matter how long it took. That was I think -- that was the exact
8 expression. And there -- and so what I see in this project here,
9 93002 and 92' -- 930015, I think, request for a million and half
10 dollars, you know, for a fisheries project down there after they
11 already determined that they really wouldn't do anything worthwhile
12 in wanting to restore this system other than just naturally over
13 time.

14 MR. PHILLIPS: The Chairman will enter -- entertain a
15 motion to act on this thing.

16 UNIDENTIFIED: Move to adopt.

17 MR. PHILLIPS: Is there a second?

18 DR. FRENCH: Seconded.

19 MR. PHILLIPS: There's a motion to adopt this recom --
20 recommended to the Trustee Council for inclusion in the '93 plan?
21 Is there any further discussion on the motion?

22 SEN. ELIASON: Mr. Chairman.

23 MR. PHILLIPS: Yes, Mr. Eliason?

24 SEN. ELIASON: I think we're in a situation now where if,
25 in fact, we did know there was overescapement and we spent \$800,000
26 determining that, I would much rather use that money to mitigate

1 the damage, rather than assess it and see if it was really the
2 cause of damage now. It's like -- we're talking about -- well,
3 we're doing a lot of study, but what are we doing to do when we
4 find out there is a damage? Is there going be any money left to
5 mitigate that damage? I'd much rather, if there is a positive
6 approach to -- to building that run to do it with this money,
7 rather than determining that something has happened, that's the
8 reason, which most of them suspect is the reason. So, how do we
9 approach those types of things. That's \$700,000, that's a lot of
10 money, would do a lot of rehabilitation work.

11 MR. WILLIAMS: Vote no on the motion.

12 DR. MONTAGUE: Can I address that?

13 MR. PHILLIPS: Yes.

14 DR. MONTAGUE: First of all, if there, or not if, until
15 we know why the fry are not surviving in the lake, even now when
16 there is not an overescapement, now the number of fish returning is
17 normal levels, but the survival, nonetheless, remains incredibly
18 low, and until we know the exact mechanism of that, we really
19 cannot correct the injury. And the second-half of the project,
20 predicting the future return, it's incredibly valuable to know
21 three years in advance that a critical fishery is in trouble, and
22 to not know -- in '9 -- you know if we didn't look in this detail
23 in '92, we would not know until 1996 how bad it was. So if we
24 skipped it in '92, then we would have given up the effort to try to
25 mitigate against one of the worst injuries.

26 SEN. ELIASON: If I may, just one more, I can't believe

1 that the Department of Fish & Game at the present time is not
2 monitoring that system. I can't believe it.

3 DR. MONTAGUE: Okay.

4 SEN. ELIASON: There's got to be something being done
5 there if its in critical shape, whether we use this money or not.

6 DR. MONTAGUE: Okay. Previously our management
7 monitoring of that system was little, if any, when the logical work
8 -- we did have a smolt counting systems in -- adequate for
9 estimates that could be off by 30 and 40 percent with no great
10 particularly bad outfall of it, but when the returns may be so low
11 that that additional five percent might be the only percent that is
12 fishable, that we needed to up our precision dramatically, and to
13 do that required -- tripling our costs of -- of or the quality and
14 the cost of the smolt in a more recent program. So we did have
15 one, nothing like as good as the one we have under this program.

16 MR. PHILLIPS: John?

17 DR. FRENCH: He said most of what I was going to say.
18 Basically, the information is vague. The department is trying to
19 stretch data from a limited number of systems, and in my mind,
20 that's the very reason why this needs to get funded, because we
21 need to understand better, what the real impacts on this type of
22 system are, when these conditions occur.

23 MR. PHILLIPS: Pam.

24 MS. BRODIE: It's very unfortunate Gerry McCune isn't
25 here, but I just wanted to say, I don't know much about this
26 project, but I do know that the commercial fishermen in Cook Inlet,

1 it's a very important project to them.

2 MR. PHILLIPS: Yes, Vern.

3 MR. McCORKLE: I'd like to stress that as well and
4 that's, were borrowing -- our senate president said -- maybe we
5 structure our recommendations, the state, that rather than studying
6 till the end of money, when we can reach reasonable conclusions
7 before the end of the money, that that's a balance that's put over
8 into enhancement of the fishery rather than just more studies of
9 that topic. Maybe we can make those kinds of margin notes on each
10 of these projects that we put on the recommended-for-approval list.

11 MR. PHILLIPS: The motion before the body is to approve
12 project 93002, our recommendation to be included in the '93 plan.
13 Any further discussion? If not, I'd like to ask for a show of
14 hands on those for it. (Hand raised) You want to count them? Did
15 you get them?

16 MR. MUTTER: Not yet.

17 MS. FISCHER: Keep your hands up until he gets --
18 everybody down.

19 MR. PHILLIPS: Alright, those opposed? Raise your hands
20 so he can count them. (Hands raised) Okay, there were four at
21 least opposed, let's count them.

22 MR. MUTTER: Nine for, five against.

23 MR. PHILLIPS: The count is nine to five, so the ayes
24 have it.

25 MR. MUTTER: Mr. Chairman?

26 MR. PHILLIPS: Yes.

1 MR. TOTEMOFF: I have provided the Public Advisory Group
2 with my written comments under the work project that we worked on
3 and a couple of other proposals that came in on November 20th. I
4 have made some copies here, if you

5 MR. PHILLIPS: Yeah, could somebody distribute those --
6 anybody that's gone through all of them and written up comments, we
7 ought to at least have them, for us. If we could move on to 93003.
8 Again, Fish & Game is the designated lead agency. If you could
9 just thumbnail the project.

10 DR. MONTAGUE: The findings in 1991 and '92 have
11 indicated dramatically lower egg and fry survival of oiled areas
12 occurred than unoiled areas, and this project will do two things.
13 Basically one, see if this -- this relationship continues, and
14 normally we would expect an improvement every year. There was some
15 improvement in 1990, and actually it was about the same as '89 and
16 '91, and in '92 it was worse in the oiled areas even than it was in
17 the spill year, and as a result, we think we need to continue to
18 see if this -- this trend continues, and one of the primary
19 hypotheses as to what has happened is that outgoing fish in '89
20 received genetic damage so that when they have come back, they're
21 producing infertile offspring, and that's one of the primary
22 hypotheses as to why even three years after the spill is happening
23 and perhaps even worse than during the spill year. And the second
24 half of the project would actually do experiments to see in a
25 laboratory if this genetic damage does occur with pink salmon, and
26 that essentially sums it up in a brief fashion.

1 MR. PHILLIPS: This time the Chair would entertain a
2 motion so that we could discuss the matter. Yes, sir.

3 MR. McCORKLE: I move to move this project -- 93003 to
4 the recommended-for-approval list.

5 MR. PHILLIPS: Is there a second?

6 SEN. ELIASON: Second.

7 MR. PHILLIPS: Alright. Is there any discussion -- on
8 this project? Vern?

9 MR. McCORKLE: The reason I think I would like to vote in
10 favor of this project is that it does have a control group factored
11 in it. We're going to do some checking of the oil spill -- the
12 oiled eggs and the unoiled eggs, which I think is important, and
13 this is the kind of activity which we really need to have completed
14 in order to tell what's going on in an area which is actually
15 impacted by the oil spill. So I think -- while it's, its a pricey
16 project. It -- it goes to what?

17 MR. PHILLIPS: \$686,000.

18 MR. McCORKLE: Yes, \$600,000 -- I'm have to go on faith
19 that we're going to get what we pay for here. I think the project
20 on its face is worthy.

21 MR. PHILLIPS: Any other comments -- on the thing? If
22 not we'd ask for our -- yes, John?

23 DR. FRENCH: Yeah. The only comment I had is, this this
24 project involves some fairly complicated science. The laboratory
25 exposures to oil are always complicated because there's a -- a
26 dozen or more ways you can expose to oil. The actual methodology

1 used here is very critical, and its not precedented. It's very
2 difficult to evaluate this type of project without that. I think
3 on outset, it's work that's been done with other types of eggs and
4 it does need to be applied to pink salmon, so I think the work does
5 need to be done. I don't know if it needs to be done this
6 particular year.

7 MR. PHILLIPS: Do you think the department is capable of
8 doing the analysis? Can we do -- do they have the equipment to
9 know how the -- or shouldn't I be asking you that question?
10 (Laughter).

11 DR. FRENCH: Strictly speaking from what's in front of
12 me, I can't tell who the contractual work is being done by on that.
13 There are qualified people in those cooperating agencies, yes.

14 MR. PHILLIPS: Any other comments on the -- if not, would
15 ask you to -- ask unanimous consent if there is no objection?
16 (Pause) So be it. Would you record it as unanimous, please.

17 It is time for lunch this time. I would like to call a recess
18 for lunch and be back here at one o'clock. We'll start right off
19 at one o'clock and try to wade through, about half of these this
20 afternoon -- okay?

21 (Off Record: 11:55 a.m.)

22 (On Record: 1:02 p.m.)

23 MR. PHILLIPS: Okay. If we could come to order, please -
24 - I've been requested to have the group resolve a matter, after I
25 get all the food of my front here from lunch -- the question is
26 whether or not we should have a category of abstain in our voting

1 procedure, and I think that's a matter for the group to really --
2 to resolve and, and so I would just ask for any of your comments
3 now about it. I know how Mr. King feels. He expressed it this
4 morning and wonder if anybody else has some feeling on it. I'd
5 like to ultimately to take a vote on whether we're going to have it
6 or not -- does anybody have any thoughts? Yes, Vern.

7 MR. McCORKLE: Mr. Chairman, I was wonder -- if we get to
8 a matter of maybe one or two abstinence on a given issue, it will
9 then have enough votes for a quorum on either side of an issue?

10 MR. PHILLIPS: Well, its my understanding of the rules,
11 once we established a quorum, we have a quorum here, even if half
12 of them are in the men's room or the ladies' room, so that the
13 number of the votes -- you don't have to have a -- a majority of
14 quorum for a vote anyway. As long as whoever is present can vote
15 on it, I don't think that's a problem according to the rules that
16 I understand.

17 MR. McCORKLE: So that the Chair's prepared then to rule
18 in case of a tie?

19 MR. PHILLIPS: Well, certainly -- well, I, normally I
20 vote on all of them, yeah, that used to be my position, but I -- if
21 it's a tie, we just report it that way, I guess. And incidentally,
22 the comments that people make that are of substance, whether they
23 are for or against are being recorded by Doug, and those will be
24 transmitted with our vote. It isn't just a raw vote that we're
25 sending to them. As an example, when Mr. Eliason made his comments
26 about "we'd rather spend more money on the project than studying."

1 Those comments are going, So if you have strong feelings on
2 something, don't hesitate to express them, and we'll see that
3 they're sent on. There was another, yes?

4 MR. STURGEON: I think you should have a absent -- be
5 able to abstain from voting, given a conflict of interest, of
6 these, there's one project in here that I wouldn't feel legitimate
7 or ethical voting on because of -- that's the company I work for.

8 MR. PHILLIPS: That's the standard procedure -- and I
9 absolutely, you just identify it as a conflict of interest, so that
10 anybody looking up the record would know. That's what we've always
11 had to do in a legislative situation too. I agree with you. Any
12 other comments? Yes, John.

13 DR. FRENCH: I think we probably should have a category
14 of abstention. If people feel uncertain enough -- send some type
15 of message to the Trustee Council. I don't feel we should force
16 people to vote on one -- aye or nay on an issue they don't feel
17 they could comfortably vote on.

18 MR. PHILLIPS: Any other comments?

19 MR. McMULLEN: I think that the facts -- that the
20 comments are going to be forwarded to the Trustee Council is -- is
21 I think that's positive. And I was sitting here wondering about
22 the project for which I might not necessarily disagree with the
23 content, but argued with the -- thought maybe the budget was too
24 high. And if I had a choice of saying, well, what do I have to do,
25 vote it up or down, or say, I just don't have any comment on this,
26 after expressing maybe disagreement with the total budget -- I

1 think with the comments that I would probably be then allowed to
2 vote either yes or no.

3 MR. PHILLIPS: I think that's a legitimate comment to
4 make on the position as a whole. Anybody else have any opinions on
5 this. We could just take a vote. Those in favor of having an
6 abstention vote or non-vote, would you please raise your hands?
7 Let's count them. We don't have to record them. One, two, three,
8 four, five, six, seven. There are seven for it. Those opposed?
9 Five. So the abstention -- we have established that we will have
10 abstentions.

11 SEN. ELIASON: Chairman?

12 MR. PHILLIPS: Yes.

13 SEN. ELIASON: In order to determine whether a motion
14 passes or not, how are you going to do that with the abstentions.
15 That's like a no vote? Or is that like a no, I mean N-O, or is it
16 like a

17 MR. PHILLIPS: A non-vote. I would think you just have
18 to count the fors and against. And then tally the abstentions.

19 SEN. ELIASON: Otherwise, if there is three for and two
20 against, and the rest abstained, it was passed?

21 MR. PHILLIPS: Yeah -- well, we, we'd pass the
22 information on to the -- because we're not, what we do isn't like
23 in the legislature where it makes a difference whether its law or
24 not, we're just passing our judgment onto them, and they can take
25 a look at it and say, hey, this wasn't very clear cut.

26 SEN. ELIASON: Okay.

1 MR. PHILLIPS: Okay. If that's alright with everybody,
2 then we'll do that. Would you turn to the next one, which I think
3 is '004 -- you guys have all the projects don't you? If we could
4 have just a thumbnail on this, and then we'll entertain motions.

5 DR. MONTAGUE: As I've indicated for the last project, we
6 are seeing this reduced egg and fry survival in the oiled areas,
7 and this project does a couple of things, and one of them is to
8 enumerate the number of adults returning to the oiled streams and -
9 - we term this escapement -- and the goal of the project is one to
10 see if the returns of these streams are a lot lower than they are
11 in the unoiled areas, but more importantly to be used in
12 restoration to ensure that adequate numbers of fish return to those
13 streams, so the primary result would be that, you know, if a
14 particular stream did not have -- an oiled stream did not have an
15 adequate return, then the fisheries would be moved or seasons
16 closed, areas closed to allow enough wild fish to return to that
17 stream.

18 MR. PHILLIPS: Do you have a general feeling on what
19 streams or what areas the streams would be involved in this?

20 DR. MONTAGUE: It's primarily western Prince William
21 Sound. And, so it has a major in-season management component in
22 that the information we find one day might be used the next day to
23 institute a management action that would further protect these
24 streams. So essentially, what a project like this does is allow
25 recovery and still provide the service and, occasionally, despite
26 some of Bob's comments earlier, it's often mentioned why don't you

1 just close the fishery, they're having trouble. And I guess our
2 goal is to provide the livelihoods, provide the service that these
3 work resources provide while at the same time, allowing recovery
4 and admittedly, we always can simply close seasons, but it is a
5 Game and Fish Board decisions and the information needs to be
6 available for those decisions. One other

7 MR. PHILLIPS: go ahead

8 DR. MONTAGUE: One other aspect of the project is a
9 genetic evaluation which will try to determine if the wild pink
10 salmon are at different stock genetically than the hatchery pink
11 salmon and, further, try to determine if individual oiled streams
12 are different stock than other wild streams, and this would be
13 used, again, for management action to better protect the oiled
14 streams.

15 MR. PHILLIPS: Vern.

16 MR. McCORKLE: Mr. Chairman? Yes, the chief scientist
17 indicates that this is unrelated to recovery of injured resources
18 and, further, that there is no measurable effect coming from data
19 to relate the spill to pink salmon. I wonder if that's an accurate
20 assessment or if there, if you want to speak to that, or anybody
21 else wants to discuss that.

22 DR. MONTAGUE: Should we start in Bob?

23 DR. SPIES: I've been through this quite a bit. As I
24 said earlier today, there's an honest disagreement between --
25 honest disagreement between various reviewers on the subject. It's
26 my view after having reviewed the data, that the study results do

1 not support very strongly at all an impact on the adult pink salmon
2 population, although there is certainly an impact on the eggs and
3 larvae at the current time. That doesn't mean that there isn't an
4 impact. That's just that we haven't measured it, and I've taken
5 the position that if you haven't measured a population impact, why
6 should we be doing restoration I -- I, you know, respect their
7 opinions that differ with that, but that's kinda where I came down
8 on my memo here.

9 MR. PHILLIPS: Yes?

10 MR. ANDREWS: Should I make a move to adopt, and we'll
11 get it on the table?

12 MR. PHILLIPS: That's -- yes. I wish you would, I
13 appreciate it.

14 MR. ANDREWS: I move to adopt.

15 MR. PHILLIPS: Motion to adopt. Is there a second?

16 UNIDENTIFIED: Second.

17 MR. PHILLIPS: Seconded, okay. Okay, the -- it's up for
18 discussion now. Obviously we're going to have discussion. I --
19 did you, Dick, did you have a -- you had your hand up?

20 SEN. ELIASON: No.

21 MR. PHILLIPS: Okay. Alright.

22 MR. McMULLEN: Mr. Chairman, without benefits, I'll, from
23 the previous discussion, that I'm sure Dr. Spies has been involved
24 in, I would like to say that most of the pink salmon spawning area
25 in Prince William Sound, I believe, is intertidal, and this is set
26 to be the environment that is most impacted by the Exxon Valdez oil

1 spill -- I think at this time, when management biologists and
2 research biologists alike look at salmon streams and salmon stock,
3 they don't know how to define a stock in Prince William Sound.
4 They don't know how to define its geographical boundaries, whether
5 they are confined to one stream, or maybe its entire timing segment
6 in the run, coming into the Sound and therefore, how can you
7 protect, maintain or restore fish when you don't even know the
8 interrelationship between fish, you know, in -- in adjacent streams
9 and I think this is part of what this study needs to discover.
10 Thanks.

11 MR. PHILLIPS: Any other comments, Mr. French?

12 DR. FRENCH: Yeah. I don't -- I'm going to vote against
13 this, and that's for two reasons. One, one is that I don't see an
14 urgency in it, although it's probably a decently put-together
15 project. The other is that, frankly, I think one of things that's
16 keeping the fishery together in Prince William Sound is the fact
17 that we don't know the discrete run. I, frankly, from the
18 commercial fishing perspective view -- it's very dangerous to know
19 specifically what the genetic component of each and every single
20 given stream is because then we can start invoking laws to shut
21 down the hatchery fishery or limit it to terminal fishery when it
22 would be better to fish it, as less than a terminal fishery, if we
23 had to protect a few pink salmon returning to stream x, y or z. I
24 think the strength of the -- the pink salmon fishery in Prince
25 William Sound is the hatchery fishery, and I view this project as
26 dangerous to that.

1 MR. PHILLIPS: Any other comments?

2 DR. MONTAGUE: Could I address two points. First of all,
3 on Dr. Spies's description of a lack of a population level injury
4 and, as we said, and Bob has agreed, there is statistically
5 significant injury to egg survival and fry production. Now the
6 assumption that Dr. Spies is making is that despite this lower
7 production of young, the returning adults are not affected because
8 their survival is greatly enhanced over what it would have been had
9 all the fish and all the young fish been produced, and we feel
10 quite comfortable that -- and this is, termed the compensatory
11 effect, meaning that if you have an injury somewhere else, and its
12 made up for in -- in another aspect of the life cycle, and -- the
13 information that we have certainly does not prove that there are
14 compensatory effects, and far more indicate that there aren't --
15 that there isn't the compensation and if you have reduced
16 production, you'll have reduced adults. And then on to your
17 question about the danger to the hatcheries that state policies
18 mandate that we protect the wild streams, and if we don't know that
19 they're separate, we will assume that they need that protection.
20 So in fact, without information, the restrictions are likely to be
21 greater than the other way -- way around.

22 DR. FRENCH: Welcome to the Columbia River.

23 MR. PHILLIPS: Any other comments? Dick.

24 SEN. ELIASON: Jim, I'm going to support this proposal.
25 However, I think that it should be out to contract. I don't think
26 the department should handle also this project. I think some of

1 these should be put out into other areas. I think there's
2 competent people in the university arena which could probably do
3 this.

4 MR. PHILLIPS: Did you get that? Any other comments?
5 Yes, Vern.

6 MR. McCORKLE: I note that over half a million dollars
7 goes to the department's personnel and very little goes out on
8 contract, only 168,000 -- I certainly -- or less than that I should
9 note, 168,000, so I certainly agree in the concept that maybe some
10 review should be given along those lines by the Trustees, but I'm
11 wondering, could you tell me how a project, this project, differs
12 from the previous one, the '03 just ahead of it?

13 DR. MONTAGUE: Okay. The previous project dealt with egg
14 and fry survival and the various experiments in laboratories to try
15 to duplicate what happened in the wild, meaning taking eggs and
16 oiling them in the laboratory and seeing when those oiled eggs grow
17 up to adult fish, are they sterile? And it doesn't have -- an
18 adult enumeration component like this project, nor the same type of
19 genetic stock identity work.

20 MR. PHILLIPS: Yes?

21 MR. McMULLEN: When the Prince William Sound working
22 group met in teleconference for five hours, day before yesterday,
23 we talked about contracting projects, and we agreed with -- in many
24 instances with -- with what Senator Eliason just said about
25 contracting projects out. I did, I do continue to have a problem
26 with contracting projects which relate to species which are

1 intensively managed by any -- any resource management agency. It -
2 - it seems to me that -- the data gained through genetic studies or
3 whatever kinds of studies, should be acquired and understood by
4 those people who are going to be managing those resources and I
5 think in those cases, and I expressed this at the last meeting too,
6 I think in those cases, it's better to -- that the agency, you
7 know, conduct those projects to get maximum benefit, maximum
8 understanding of the resources which they will be managing. Thank
9 you.

10 MR. PHILLIPS: Any other comments on this one? Anybody
11 feel that they're reasoning -- have you expressed it properly
12 because we're going to include these in, in the transmission. The
13 question is whether 93004 should be recommended as a part of the
14 '93 project to the Trustees? Those in favor, please raise your
15 right hand. One, two, three, four, five, six, eight. Just hold
16 them there for a minute until he gets the vote down. All those
17 against, raise your hand please. Alright, the ayes have it. Would
18 you please proceed to 93005?

19 DR. FRENCH: Mr. Chairman?

20 MR. PHILLIPS: Yes?

21 DR. FRENCH: Could you announce the vote please

22 MR. PHILLIPS: Yes. It was to eight to three.

23 DR. FRENCH: Thank you, appreciate that.

24 MR. PHILLIPS: Um hum.

25 SEN. ELIASON: No abstentions?

26 MR. PHILLIPS: Oh I'm sorry about -- these, I screwed up

1 already. Were there any abstentions.

2 MR. MCCORKLE: Yes.

3 MR. PHILLIPS: Okay. We have two. I thought something
4 was wrong here. Alright. We've got you on record now. Okay.

5 The 93005, and the lead agency on that is the Department of
6 Agriculture, Forest Service. Who's the spokesman for the Forest
7 Service?

8 MR. RICE: Mr. Chairman?

9 MR. PHILLIPS: Yes? Do you have a mike there? Yeah, you
10 can come right up here if you want, we know that one works. If you
11 just give us a thumbnail sketch on this. Then we'll discuss it.

12 MR. RICE: Mr. Chairman, 93005 is one of the suite of
13 cultural resource projects '5, '6, '7 and '8. This one is an
14 information and education program which is

15 MR. PHILLIPS: Excuse me, should we, do you think that we
16 should be taking up '5, '6, '7 and '8 together? Or are there
17 significant differences?

18 MR. RICE: Well, they're all, they're all different
19 enough. One is, one is -- a site stewardship program. This one is
20 an education program. One is a site specific restoration, where
21 they would going in and trying to find out what is in some of those
22 sites that have been destroyed --

23 MR. PHILLIPS: Then you think we

24 MR. RICE: In a monitoring. So they could be kept
25 separate, but realize a lot of the people that would be involved in
26 any one of those, would be involved in other ones to a greater or

1 lesser extent in that they are -- while they are very separate,
2 they're also the coordination between the two, and the -- the use
3 of personnel would be, would be very well, closely coordinated.

4 MR. PHILLIPS: There's one suggestion, I think, one group
5 that met over the this past week, the Prince William Sound group
6 suggested that they be combined. Do you have any problem if we do
7 combine them, yes?

8 MR. GIBBONS: Why don't we have the individual, why don't
9 we have the individuals describe '5, describe '6, describe '7,
10 describe '8 and then you can

11 MR. RICE: Okay.

12 MR. PHILLIPS: Why don't you do that?

13 MR. RICE: Okay. 93005 is an education program. It
14 would be designed to develop a series of brochures and educational
15 material. Some of that would be done through contract, some of it
16 would be done in-house by various agency people to go out to
17 communities and provide the information to users in the area to
18 help reduce any on-going disturbance to cultural sites throughout
19 the spill area. Keeping it brief, I'll stop there.

20 MR. PHILLIPS: One question about that? Is there, do one
21 of these things actually identify the cultural sites? Is there
22 going to be a catalog of those?

23 MR. RICE: Well the, the -- where those, the actual
24 location of those sites is proprietary information. In other
25 words, in order to prevent any continued degradation, the agencies
26 would keep the exact locations secret, although its obvious that

1 some people know where they are and are going out there digging
2 them up. If we get into a site-specific restoration project, then
3 obviously that location will be known.

4 MR. PHILLIPS: Yes, Richard?

5 MR. KNECHT: I'm, I'm an archaeologist, and I've been
6 working on Kodiak for the past ten field seasons, and for the past
7 six years have been doing educational and cultural outreach
8 programs in the Kodiak area. And while I really think that we need
9 to see an increase in public educational programs, it seems to me
10 that -- there's a few problems with this in that its -- it doesn't
11 really take advantage of existing programs for years, both Kenai
12 and I know -- in the Chugach region, the Native organizations have
13 provided these services and -- in conjunction, in cooperation with
14 ongoing Park Service projects. You know, with the Park Service
15 archaeology, we think it's a great idea, but it seems to be
16 functioning pretty well with the existing funding. We've got
17 pamphlets and posters in stacks that we can't give away. We're
18 blanketed with them as is. And -- it would be great to have a
19 another 15 or 20 minute video, but I can't see spending \$400,000 on
20 it -- and a, also you know -- that we've already developed a
21 curriculum and have been using it for the last two years in the
22 Kodiak village schools and in Kodiak on cultural heritage and
23 resources, and I don't understand why, if -- if you want to beef
24 that up, that would be great, but why not take advantage of
25 existing resources. So while I think there needs to be some
26 increase in that, I think it's, this is -- budget is a little bit

1 inflated, at least for what I've seen in our area, and I think that
2 people line up from the Chugach Region would agree that they've
3 also seen a lot of this activity and very effectively done through
4 -- North Pacific Rim, the Chugach Native family, and others.

5 MS. FISCHER: Mr. Phillips?

6 MR. PHILLIPS: Yes?

7 MS. FISCHER: I would like to ask you, do you work with
8 other agencies to get some of this information or see what they
9 have to see if it could be correlated more or less, or do you just
10 -- You know I can't understand why the duplication, and then, I
11 agree with budget.

12 MR. RICE: The Forest Service is the lead agency on this
13 project, but it basically, the Forest Service role is basically a
14 coordinating role to make sure the project comes off if it was
15 approved -- if you notice that a lot of the development is actually
16 being done by some of the other agencies that would be involved in
17 this. So there are, all of the agencies in this are pretty much,
18 you might say, co-equals, and it's a matter of making sure that
19 everybody is doing their part, and it's getting done in the time
20 period that needs to be, and that the materials are usable
21 throughout the spill area, area.

22 MR. PHILLIPS: Yes?

23 MR. STURGEON: I'm going to vote against it. I don't
24 think it's a very cost-effective program. I've worked with --
25 having brochures and videos made before, and -- for what they say
26 you're going to get for \$400,000 -- I guess I have a hard time

1 seeing it. The other objection I have is that I agree with
2 everything that Richard said. In addition, I just don't see a lot
3 of involvement from the local Native villages and regional
4 corporations at all in here. It says it will consult with Native
5 organizations. But for something like this, I would see them being
6 much more involved with -- and there's very little capability with
7 such a small amount in contractual services, the majority of monies
8 and personnel services funding existing positions. And so, for
9 that reason -- along with what Richard said, I'm going to vote
10 against it. I think there needs to be more work in this area, but
11 I don't see this as a very worthwhile

12 MR. PHILLIPS: Would somebody make a motion, so we could
13 be talking

14 MR. ANDREWS: I motion to adopt.

15 MS. FISCHER: Second.

16 MR. PHILLIPS: Made and seconded. Okay. Yes.

17 MR. TOTEMOFF: Mr. Chairman, I would be in favor of this
18 project, assuming we could work with the budget totals further to
19 include the Native landowners on a scale better than what is
20 outlined in these projects. It does mention that it requires the
21 lead agency of Forest Service consult with the landowners, but we
22 think that it goes much farther than just to consult. We think
23 that it requires that the affected residents and landowners
24 actually be directly involved with these types of projects.

25 MR. PHILLIPS: Other comments, yes?

26 MR. ANDREWS: I need to get clarified on this. As I

1 understand it now, we're being asked to expend public money on
2 archaeological sites on public lands that are going to be kept
3 secret. I guess my question is, who owns the archaeological sites
4 when they lie on National Forest lands?

5 MR. RICE: Well, the public owns the sites.

6 MR. ANDREWS: Well then, why are we keeping them secret?
7 This is a lot of money for secret sites. (Laughter)

8 MR. RICE: Well, in some

9 MR. ANDREWS: I thought the benefit of this was that
10 people could appreciate them and -- and at least visually utilize
11 them.

12 MR. RICE: Well I think that would, that you know, kept
13 secret, certainly some sites in order to maintain the integrity of
14 the site, in order to make sure that that it could be interpreted
15 or that people could make sure that its still there in the future,
16 the less knowledge about that, the better, and that's codified in
17 law. In other sites, then some kind of an interpretative exhibit
18 or some kind of -- of, you know, telling people what is there so
19 that they can appreciate it and minimize any damage while they are
20 there is also appropriate. That's made on a site-specific basis as
21 the archaeologists look into it. Richard could probably speak to
22 this better than I can, actually.

23 MR. KNECHT: Yeah. You know what with the remote
24 locations of many of the sites, it's real difficult to monitor them
25 so you can take a group of people out, show them a site, then
26 somebody might come back and dig holes in it, looking for artifacts

1 and permanently damages the site. But there are cases, and we do
2 this all the time. Again, you know we, as a matter of fact, on
3 Monday, I'm going down to Old Harbor and take another group on a
4 field trip. We do it routinely. But -- there are sites right next
5 to villages that are well-monitored enough where you can't go out
6 and have interpretive signs, you go out and look at the house that
7 it sits on and there's no shortage of sites, and I guess the object
8 would be to pick one that everybody can enjoy, but that can be
9 monitored safely.

10 MR. PHILLIPS: Yes?

11 MS. BERGMANN: My name is Pamela Bergman, and I'm the
12 Restoration Team member for the Department of Interior. A couple
13 of overall points. One, in terms of archaeological resources, the
14 major impacts from the oil spill are from the actual oiling of the
15 artifacts themselves, which, potentially results in an inability to
16 do any kind of dating of those resources, and so, therefore, you
17 lose any -- some scientific information associated with them. But
18 more importantly, and a largest impact that occurred from the spill
19 was from actual disturbance of the site from clean-up workers in
20 the area and then just the increase in the people's knowledge of
21 the area and going back and looting and vandalizing those sites.
22 So that's something that we feel is something that is an important
23 impact that needs to be addressed. It's a time-critical kind of
24 thing because people who gain the knowledge of where those sites
25 were are probably going to act on that knowledge sooner rather than
26 later. Therefore, you wouldn't put this thing off for ten years

1 down the road because people who are going to act on that knowledge
2 and go out and do, do digging at sites would, you know, probably,
3 have already done that in the -- the summers or years since the
4 spill and -- and those kinds of activities would be on-going. It
5 might be appropriate to go through real quickly, the other four
6 projects

7 MR. PHILLIPS: May I ask, may I just ask

8 MS. BERGMANN: ... because we're kinda mixing.

9 MR. PHILLIPS: one question before you go on. Is
10 this program generic, kinda like, just say no, rather than
11 identifying the site,

12 MS. BERGMANN: Education?

13 MR. PHILLIPS: is this an educational?

14 MS. BERGMANN: This is an education

15 MR. PHILLIPS: Thou shalt not dig up sites?

16 MS. BERGMANN: Right. To let people know the kinds of
17 injuries that occurred to archaeological resources. Most people,
18 as a result of the spill, most people key on impacts to biological
19 resources, the murre, the sea otters, whales or whatever, but the
20 fact is that there were injuries to archaeological resources as
21 well, and we need to let people know that that happened, and let
22 them be aware of the kinds of activities that they should not be
23 doing in order to minimize additional injury to those resources.

24 So basically, yeah, 93005 is a general educational kind
25 of project to accomplish those objectives. 93'

26 MR. PHILLIPS: Wait. Then the motion before us is just

1 simply on 93005, so we'd have to change that if we're going to go
2 on. But first, Vern?

3 MR. McCORKLE: Mr. Chairman? Do we have any idea how
4 many of these lands and archaeological sites that we seek to
5 preserve are in private ownership, and if there is any private
6 ownership, do we have any requirement to be concerned about how
7 this money is spent to either protect or enhance private lands. Is
8 that an issue here at all?

9 MR. PHILLIPS: Would you like to answer that?

10 MS. BERGMANN: My resp -- I can't tell you right now how
11 many of the sites were actually on private lands versus public
12 lands, but certainly people who are looting and vandalizing sites -
13 - typically aren't really concerned with who owns the site. The
14 public education project would benefit all sites in the area,
15 whether or not they're on private lands or public lands. The idea
16 being, if you educate people about the fact that it's wrong and
17 it's illegal on top of that to go out and -- and bother these
18 sites, destroy these sites, we're assuming that that would help
19 protect all the sites in the oil spill area.

20 MR. KNECHT: Mr. Chairman, I would like to, I'm sorry.
21 I -- I would like to add a little bit under -- your question is a
22 good one, and you're right about the educational project, would
23 help all vandalism if, you know -- it could well. But the other
24 projects in here don't address that. They focus on public lands
25 only, and in fact, the vast majority of the sites that were
26 vandalized -- in the Kodiak archipelago, which has the highest

1 identity in the spill area, were on private land, and most
2 archaeological sites on Kodiak were selected as far as ANCSA
3 selection process in the early 70's, and so, in fact, most of the
4 sites are on private land, and they have no protection at all,
5 legally. They're, it's up to the landowner to provide what they
6 can, and we worked -- you know, on Kodiak intensively with Native
7 landowners trying to provide something, but that's a missing piece
8 in here. The only, this year, the only things that are addressed
9 as far as on-the-ground site remediation -- and monitoring, and so
10 on, are ones on Agency land and in Kodiak's case, it's a very small
11 percentage....

12 MR. PHILLIPS: Mr. King?

13 MR. KING: My feeling on this is that the -- this is a
14 very good area, an important area for the restoration plan to deal
15 with, and in reading these four units here, I can't see the
16 compulsion to do them this year. I see certain elements of this
17 that don't seem to be well-coordinated, but the important thing is
18 the elements for this year, the elements that apply to actual
19 protection of the sites. So, I think -- perhaps, '7 and '8 should
20 be combined, and the restoration activity done this year and
21 developing of the educational program might be something that --
22 would be better done over a longer period of time.

23 MR. PHILLIPS: Mr. French?

24 DR. FRENCH: Conceptually, I -- I feel that the
25 educational effort is important, but in terms of cost-effectiveness
26 of this specific project, for the number of dollars that is

1 requested, I really don't feel it represents a good use of other
2 public and private resources that are available. The University of
3 Alaska has some very good programs. Some of the Native
4 corporations have good programs, such as the one Rick works with,
5 and if you read the detailed budget, none of the contractual goes
6 towards any of those (inaudible -- coughing) -- there's a lot of
7 good, both production of educational materials and archaeologically
8 experienced people within various other entities in the state and
9 this pro -- project, as written, doesn't use those.

10 MR. PHILLIPS: Any other comments? Yes.

11 MR. STURGEON: I -- could we amend the budget and make a
12 recommendation like transferring personnel services dollars to
13 contractual services dollars and make recommendations that if this
14 money is going to spent that they use existing programs, existing
15 videos and pamphlets and programs like -- Richard talked about?

16 MR. PHILLIPS: Yeah, we can make any recommendation we
17 want. Absolutely. Lew?

18 MR. WILLIAMS: Yeah. I think this specific one is a
19 little previous. I think we ought to go for -- you know -- fixing
20 the damage first and then the education comes later. Either that,
21 or combine all of these and tell them to make a one overall
22 program. Just the education alone here, looks like a lot of money
23 to spend for what we're getting.

24 MR. PHILLIPS: Dick?

25 SEN. ELIASON: Mr. Chairman, just one comment. I can't
26 believe that someone who is interested in these sites, who'd -- do

1 want these objects and take the time to go out and dig them up,
2 aren't aware of the fact that it is illegal. It seems to me that
3 that's damn illegal, that's why they're doing it that way.

4 UNIDENTIFIED: So this isn't going to help?

5 SEN. ELIASON: It's not going to help to know. They're
6 going to do it, either case. They already know it's illegal.

7 MR. PHILLIPS: Just-say-No. Yes?

8 MR. CLOUD: Are these secret sites available to people
9 under the Freedom of Information Act?

10 MR. RICE: No, they're not. No. They're specific
11 cultural resources; location is specific, specifically exempt from
12 disclosure.

13 MR. PHILLIPS: Yes --

14 DR. GIBBONS: I've gotta make one comment here. There's
15 been a lot of comment on the private, you know, why weren't private
16 sites included in this. That was purposefully excluded from --
17 from this, and I'll explain why. We did, when we did injury to
18 archaeological resources, it was done on public resources only.
19 Since the other ones are third-party litigate claims from the
20 private owners and therefore, cannot be part of the process and so
21 when you look at this, we're dealing with public sites. The third-
22 party owners can claim against Exxon on their own. So that's a
23 separate claim from this, from the settlement. I wanted to make
24 that clear.

25 MR. PHILLIPS: Yes?

26 MS. FISCHER: Yeah, I had one question, Dave, are, even

1 though that there is some of the private claims being filed by
2 Exxon, are they still within the same geographical areas of the
3 ones that we are dealing with and perhaps right next to each other?

4 DR. GIBBONS: Sure -- if Chenega Bay owns some land that
5 has an archaeological site on it that they own, you know, that --
6 it's included with the oil spill area, but it's not included in
7 this, in the comprehensive survey that we did.

8 MR. PHILLIPS: Yes Vern?

9 MR. McCORKLE: I would certainly vote in favor of a
10 motion later, although this is not germane to the point on the
11 table now. But I would vote in favor of -- of a combination of all
12 of these projects so that since they are all on public lands, and
13 since there is a wide range of public programs which could be
14 marshalled in their support, if they had few bucks a pocket,
15 instead of the million-one we're talking about in these four
16 projects, some figure less than that to be effective, I think that
17 would be the recommendation I would like the group to consider
18 passing on to the Trustees.

19 MR. PHILLIPS: Are you suggesting that we should review
20 the other ones before we vote on this?

21 MR. McCORKLE: Yes, sir.

22 MR. PHILLIPS: Is that satisfactory with the group? Any
23 objection to doing that? It would be Yes?

24 MR. TOTEMOFF: Mr. Chairman I would like to make an added
25 comment on these proposals. In light of -- of private land not
26 being included in these projects, I will point out that -- that

1 this process is also required on or adjacent to private lands, that
2 being Native corporation land, and also the residents that live in
3 the -- the impacted area. I'm pertaining to more Native
4 corporation involvement to this and the residents.

5 MS. FISCHER: Mr. Chairman?

6 MR. PHILLIPS: Just a moment, Mr. French is first.

7 DR. FRENCH: Yeah, I had a question for Dave Gibbons on
8 that. With respect to third-party claims and the cultural, the
9 archaeological resources, damage to archaeological resources is
10 really a cultural resource. It's a loss of a service in essence.
11 It's a loss of a spiritual backing for the culture of the region,
12 and that affects all of us, not just the Native peoples. And in
13 that sense -- I guess I'm very concerned about this issue that yes,
14 it may or may not be covered in a third-party case. It certainly
15 was damaged. May be it will be, maybe you're right. But has an
16 actual legal decision made on that? If not, I'd like to encourage
17 one, you to pursue one.

18 MR. PHILLIPS: As I understand it, there's no objection
19 to the group than if we review the next three -- with the object
20 perhaps of combining them. Yes?

21 MR. ANDREWS: Mr. Chairman, you can have a motion to
22 table this and then go on and review the other ones then.

23 MS. FISCHER: Then ask, a point of order if you're not.
24 Because the motion already on the table was '005, so we'd
25 either have to amend that motion or table it and then come back to
26 it.

1 MR. PHILLIPS: That's why I asked if informally, you
2 wanted to listen to the others before we acted on this. You can do
3 it either way you like.

4 MR. ANDREWS: Then I move that we table then.

5 MS. FISCHER: I'll second.

6 MR. PHILLIPS: Okay. The motion to table is not
7 debatable. So, those in favor of tabling the motion, please raise
8 your hand. (Hands raised) Those opposed? Those abstaining?
9 Unanimous.

10 Okay, could we then cover, starting with '6, and then would
11 you like to do that? Okay. And give us a thumbnail, fingerprint
12 of this thing, of what it is.

13 MS. BERGMANN: Project 93006 is a site-specific
14 archaeological restoration project. As we said before, there were
15 a couple different, direct and indirect injuries to archaeological
16 sites as a result of the oil spill. There are 24 known sites that
17 were impacted that are directly linked to the Exxon Valdez oil
18 spill and the purpose of this project is actually to conduct site
19 specific restoration activities at each of those 24 sites, and we
20 have already established that these sites are all on public lands.
21 That the restoration actions that would be conducted would be under
22 the guidance from the Archaeological Resources Protection Act,
23 which is a federal act that outlines the kinds of things that can
24 be done to restore resources. It would include actual physical
25 repair of sites where -- digging occurred, for example, and trying
26 to actually restore those sites. We would also be doing some

1 recovery of scientific information from other sites where that was
2 possible, so that we wouldn't lose all the information from a
3 particular site that had been vandalized. In addition, there would
4 be a few sites where monitoring would occur, which is allowable as
5 a restoration measure under the Archaeological Resources Protection
6 Act. We feel that this is a time-critical project because at sites
7 where there is physical evidence of disturbance, oftentimes you'll
8 find that people will be coming back and doing, and -- doing
9 continued digging and disturbing activities at those sites, so we
10 think that it's important that the evidence of the disturbance at
11 sites be removed as quickly as possible. In addition, there is
12 some cases where the injuries to the site are such that unless
13 there's some repair there, that there will be further erosion of
14 the site and potentially further lost of data.

15 MR. PHILLIPS: Any questions?

16 MR. McCORKLE: I understand that this project triple-zero
17 six, or double-zero six, focuses primarily on Kenai Fjords and
18 Katmai? Does it go beyond the general area? I can't see a
19 reference to it here, but maybe I missed it?

20 MS. BERGMANN: I'm sorry, I can't tell you that exactly.
21 It's wherever those 24 injured sites were. I can't imagine that
22 there aren't some in Prince William Sound as well. Yeah, I'm sure
23 there must be some in Prince William Sound, along the Kenai coast,
24 the Katmai coast, and I would be surprised if there wasn't
25 something in the Kodiak archipelago as well, but I can't tell you
26 that specifically. I could get that information for you but

1 MR. McCORKLE: No that's all right. I just, I was
2 curious.

3 MR. ANDREWS: Mr. Chairman?

4 MR. PHILLIPS: Yes?

5 MR. ANDREWS: I'll move to adopt.

6 MR. PHILLIPS: Are we going to review all of them before
7 we do that?

8 MS. FISCHER: We're going to review them.

9 MR. PHILLIPS: I think we've run into the same

10 MR. ANDREWS: Oh, I thought you were going to take them
11 one by one now?

12 MR. PHILLIPS: Well, we tabled the other one because, it
13 was on the table, and I think if we listen to all of four of them,
14 then we could make the appropriate motions and save some time.
15 Yes, Dick.

16 SEN. ELIASON: Well, I had one question, looking at the
17 bench marks here. Are we talking about getting into a program
18 which we're going to be continuous into to the year 2002, or is
19 this money going to do the total project? If you look at the, on
20 page five, page 51, looks like it goes into 2002. Does that mean
21 we're starting something and we're going to have to keep funding it
22 additionally until all those years, or what are we doing?

23 MS. BERGMANN: The funds for this project would be to
24 restore the 24 known injured sites. Once -- actually -- I think
25 the programs to do all 24 sites would take this year and next year,
26 but, but this is not a program that you need to continue funding

1 every single year. It's one where you would continue to evaluate
2 the activity on an annual basis, and just because you're buying
3 into this program, you're not buying into one that would continue
4 on through the end of the restoration period, through the year
5 2000. There, you could, there are -- but you don't have to. You
6 can evaluate it on an annual basis and see if it makes sense to do
7 that. There are estimates of other -- we know that there are 24
8 known sites that were injured. One of the preeminent
9 archaeologists in the country has come up and worked with the
10 resource folks to try to determine the dollar amounts of the damage
11 associated with those injuries and to also further try to estimate
12 the number of sites that actually were injured by the spill and
13 that ranges up into several hundred sites. So if the Trustee
14 Council wished to continue pursuing the restoration of these sites
15 which we are sure were injured, but we're not exactly sure where,
16 you could in -- in future years, fund -- a project to go ahead and
17 try to identify where those sites are and to do restoration
18 activity there. You could also choose not to do that.

19 MR. PHILLIPS: Vern?

20 MR. McCORKLE: Anybody else, I don't mean to be
21 dominating, but, I guess I need to establish for the record. My
22 understanding is, that anything we vote on with respect to what's
23 being discussed today, does not commit us to follow on funding in
24 '94, and '5, and '6 and 2002 and so on. That's the only basis upon
25 which I can vote because I haven't studied adequately enough to
26 know what should go on in the next 20 years.

1 MR. PHILLIPS: I think we've heard that two or three
2 times, and that was my understanding also.

3 MR. McCORKLE: Good. And secondly, with the greatest
4 respect and admiration for the professionals who are here today,
5 through the Chair, I'd like to request that they really keep their
6 comments quiet, and short -- I mean, the last answer could have
7 been no -- and not to lobby for other things because we'll never
8 get done because they are all very critically important projects,
9 and if we could just state right to the question, that would be
10 very helpful. And I thank you. I really respect your comments
11 and -- I didn't mean to focus on you, but just a general statement.

12 MR. PHILLIPS: I think your comment is well taken,
13 because we do have a tremendous amount ahead of us. Yes, John?

14 DR. FRENCH: Well, I'm still bothered about this public
15 and private sites issues. Because the archaeological record is a
16 record in toto. It's not one of specific boundaries in terms of
17 stewardship-like agencies. Has that question been answered?

18 DR. GIBBONS: Let me respond to that. I was going to
19 respond to that and things got tabled. The settlement was for
20 archaeological injury to public sites. That's what the 900 million
21 settlement was for. Okay. And that's the money that we're dealing
22 with here. I think we'll violate the settlement if we go and start
23 using it on private. So that's the point I was trying to make.
24 The settlement was for injury to public sites.

25 MR. McCORKLE: Well, on follow-on, you did say, did you
26 not, that there is a provision for private sites, it's just the

1 other aspect of the settlement?

2 DR. GIBBONS: There's third party -- private individuals
3 have third -- third-party suits against Exxon and some of these
4 would be damage to archaeological sites, I would assume -- I -- I'm
5 not sure of that.

6 MR. KNECHT: Every -- every user group in the oil spill
7 area has got a third-party suit against Exxon -- fisherman -- lots
8 of people -- yet the fisherman benefit from your programs, and
9 their needs are addressed in these projects. What's the deal with
10 the archaeology and the Native community

11 DR. GIBBONS: Well the target, I mean that's difficult to
12 distinguish. You know, if you create more salmon, sure, commercial
13 fisherman benefit, so does the public, so does the wild fish, I
14 mean, so

15 MR. KNECHT: Well yes, but still

16 DR. GIBBONS: multiple benefits. If you go to a site on
17 private land, that's pretty specific. I mean you're

18 MR. KNECHT: But those sites are -- these, a lot of these
19 salmon enhancement projects, we all know are directly addressed to
20 the fishing community which has all kinds of third-party suits.

21 MR. PHILLIPS: Good point. Go ahead.

22 MR. STURGEON: If you have, if you discover an artifact
23 on private land. Who actually owns that artifact? The private
24 landowner or is that public?

25 MR. KNECHT: Landowner.

26 MR. STURGEON: Landowner. Development?

1 MR. KNECHT: Yeah. As long as its above the high tide.
2 Below high tide, it's the state's.

3 DR. GIBBONS: That's good. The state's below high tide.
4 We looked at some sites. But that's in public ownership. Stops at
5 mean high tide.

6 MR. PHILLIPS: Yes --

7 MR. BRODERSON: Yeah. I'm Mark Broderson. This, one
8 also is covered by a separate memorandum of agreement with the
9 Native landowners which I should mention there that we are
10 constrained from doing work or suing, having sued Exxon or having
11 settled on this, for the archaeological sites and systems, etc.
12 It's not something that is as ambience as the fisherman suits where
13 there were no specific agreements with the different, there lots of
14 different litigants. There actually is a memorandum agreement on
15 the particular issue.

16 MR. PHILLIPS: Yes, Pam?

17 MS. BRODIE: I'm sorry, but I'm lost in terms of these
18 budget pages. There are five charts, pages with charts like this
19 on the budget for this project and I don't know what the difference
20 is between, and it's not just for this project, but throughout the
21 whole budget book.

22 MR. RICE: The first page should be a 2A and a 2B, which
23 is the summation for all the costs for that project and then the
24 ones that start with a three should be those costs for each
25 agency's involvement in that project or subcomponents of the
26 project. So the 2A is the total cost, the 3A is a breakdown by

1 agency and their involvement.

2 MR. PHILLIPS: Could we --

3 MS. BRODIE: Thank you.

4 MR. PHILLIPS: Could you pass on then with a brief
5 description of the 93007 so that we can continue to --

6 MS. RUTHERFORD: Yes, Mr. Chairman. I'm Marty
7 Rutherford. 93007 title is the Archaeological Site Stewardship
8 Program. This project involved the recruitment, the training and
9 coordination of local people, primarily out of the villages who are
10 interested in watching over their nearby archaeological sites.
11 Similar projects to these in the Lower 48 have been very
12 successful, successful in reducing the incidents of vandalism in
13 the archaeological sites.

14 This last year there was a stewardship program. It was sort
15 of a model project that we did in Kodiak and it -- it from all
16 indications it seems it was very similar. This project would
17 continue that and expand it into the entire oil spill area. This
18 project coordinates all the agencies, the landowners, and the
19 villagers into the project, it was endorsed by archaeological peer
20 reviewer. There's one other point about this project I think is
21 somewhat unique. The people who are participating in the project
22 are not paid. They're, they're trained, they are provided the
23 materials to support, but they are basically people who do this on
24 their own. Once that is -- is set up, once these people are
25 established as stewards. They then can look over and watch over
26 both public and private archaeological sites, and I think that that

1 is somewhat helpful and begins to address the need to protect
2 others, I mean, the -- the project itself has to be directed at the
3 public money -- at the public sites. But, but since they are doing
4 it in an unpaid fashion, I mean, they have then the knowledge and
5 capability should they be willing to -- to watch over their own
6 privately owned sites. And oftentimes since it is the villagers,
7 they are very interested in doing that.

8 MR. PHILLIPS: We saw 94,000 here in personnel -- are
9 those the volunteers?

10 MS. RUTHERFORD: No, those are not. Those are the
11 different agency people who are putting together the training
12 materials who are -- actually doing the -- the coordination and the
13 oversight and working with the participants and stewards.

14 MR. PHILLIPS: Could you describe the 46,000 for the
15 contractual, what would that include?

16 MS. RUTHERFORD: The 46,000 I believe and -- and I -- I
17 tried to remember exactly what that was for, but I think that was
18 primarily some -- some boat rentals, I believe. I'm not positive
19 of that, but that's what I recall. Ken do you remember?

20 MR. RICE: I've got it on a form back there, check.

21 MR. PHILLIPS: Vern and then Richard.

22 MR. McCORKLE: I think those are excellent questions to
23 ask particularly with regard to the local contracts because that
24 indicates in the spirit of the Chenega Bay Resolution that some of
25 those dollars will accrue to hometown people. And I see that
26 residents of Kodiak, Homer and Chenega are going to be involved in

1 this, but it is based on programs from Arizona and -- where else?
2 Texas. Could you Marty, give us a little, a minute descriptions of
3 how those programs worked in Texas and

4 MS. RUTHERFORD: As I understand it, they're very
5 similar. I mean they used people who live near -- near the
6 archaeological sites who are interested in preserving them and
7 cutting back on the vandalism and disturbance and basically, after
8 some basic training and what to look for and how to protect it,
9 then they are asked to -- in a normal life work to just pay
10 attention to that and report any activities that are inappropriate.

11 MR. McCORKLE: Is it working?

12 MS. RUTHERFORD: Yes. According the peer reviewers and
13 the reports from the, from the other states, it's working very
14 well.

15 MR. McCORKLE: Thank you.

16 MR. PHILLIPS: Richard?

17 MR. KNECHT: We -- at Kodiak Area Native Association, we
18 tried a similar program, a site stewardship program based on
19 volunteers and the whole point of having volunteers was to save
20 money. In this case, money is getting spent and you have your
21 volunteers, but the problem we had with it was that a lot of people
22 would step forward to volunteer, who are really eager to were in
23 fact, artifact collectors. (Laughter) The only way to sort them
24 out is to know them well enough, and to know them well enough, you
25 almost have to be their neighbor. It was a tricky business. And
26 one bad apple in that project can undue -- undoes everything. It

1 can do a tremendous amount of damage and it's very difficult to
2 alert site stewards to site locations and vulnerability without
3 handing over maps, without alerting them on how to find a site. A
4 lot of sites, that they might not have spotted otherwise, so that's
5 really, that's really a tricky one, and another problem is -- so
6 anyway, in conclusion, the only dependable stewards we found were
7 landowners, were land managers for Native corporations, who are
8 accountable. Who could be trusted with maps, who had something to
9 lose if it didn't go well. Volunteers -- it sounded good at first,
10 but in those remote locations, it seemed to be more risk than it
11 was worth.

12 MR. PHILLIPS: I think those comments are worth passing
13 on with whatever our recommendation is. Okay. Pam, you were next.

14 MS. BRODIE: I've got a couple of fears about them, about
15 this and one of them is what Richard was saying, but the other is -
16 - so suppose this volunteer does check it once a month or a few
17 times a summer and finds that there is continuing vandalism, what
18 can they do about it? You know, in the Lower 48, maybe those are
19 places that people can get to a lot more easily and go there more
20 often and take license numbers of trucks that are lined up there,
21 but what can we do here?

22 MS. RUTHERFORD. Mr. Chairman, may I respond to that?

23 MR. PHILLIPS: Sure.

24 MS. RUTHERFORD: We actually talked about these same
25 points with the peer reviewer pretty extensively and he made the
26 point -- we discussed the fact, you know, so okay they find some

1 people who are vandalizing and what happens, the -- the ability to
2 respond is somewhat limited because of the distances and the
3 remoteness, and he said that what they found in the Lower 48 is
4 that even one arrest, makes a difference. That people actually --
5 when one or two people actually suffer from their actions, then
6 that that makes, that impacts the actions by other potential
7 vandals, and that that has been part of the success of it. But he
8 also talked about the dangers of finding the right stewards, and
9 there was no easy formula for that, just being extremely cautious
10 and sort of learning as you go along.

11 MR. TOTEMOFF: Mr. Chairman? Although I agree with the
12 projects, I think they are very good projects, but I must protest
13 under the way that it's being carried out. I think for four years,
14 we've been pretty much asked to ask a volunteer to respond to the
15 Exxon Valdez Oil Spill and now we're asked, being asked to
16 volunteer to respond to the restoration. I -- I don't think that's
17 fair at all, even though this is public money. We believe we have
18 the right to be involved in these projects in our area. -- As I've
19 said before, I would be in full support of these projects if we can
20 work with the budget allocations. I don't, I think that the era of
21 volunteer responding to the oil spill is over. It -- it hasn't
22 worked in the past, and I don't think it will work on this project.

23 MR. STURGEON: I guess I have the same criticism we have
24 before these projects. Why weren't existing programs used a lot
25 more like you have. Archaeologists that work with various Native
26 corporations. Koniag, Chugach, why aren't those programs use, why

1 -- why we have government people coming in when you can contract
2 and probably be a lot more cost effectively with programs that are
3 in place and that are actually people like Chuck that you can work
4 with.

5 MR. PHILLIPS: Yes, Richard.

6 MR. KNECHT: Quick comment about cost-effectiveness.
7 This is kind a classic case. You know that the U.S. Fish &
8 Wildlife Service site stewardship program -- that's to cover
9 federal land as I understand this is Uganik (ph) Bay, which is a --
10 one bay on Kodiak -- and they've got \$40,000 down for it. Well, if
11 you just went out during the summer months, you could charter a
12 plane three times a week and have somebody fly out there and look
13 at it, have a professional dropped on and spot check it, rather
14 than for that kind of money, rather than -- you know subject it to
15 the kind of risks you would for volunteers.

16 MR. PHILLIPS: Are you in favor of that?

17 MR. KNECHT: If your going to drop that kind of money,
18 you might as well do it right, you know?

19 MR. PHILLIPS: Any further comments on this, before we
20 pass on to '008. Whose handling that? You are? Why don't you
21 give us a thumbprint of this one. This is the last of the ones
22 that would be combined isn't it?

23 MS. BERGMANN: Right. 93008 is archaeological site
24 patrol and monitoring and we really view this as a complimentary
25 project to 93007. And this gets -- also addresses I think the
26 question that Pamela Brodie had in that the purpose of this project

1 is to increase the level of agency participation, law enforcement
2 folks, out in the impacted area, to let the public know that the
3 agencies do care about these sites, and if the folks in the site
4 stewardship program find that there are actual cases of looting
5 going on, they would turn it -- that information over to these
6 folks who would have the correct law enforcement responsibilities
7 to take appropriate action. So, another important point about this
8 is that this is above and beyond the agency budgets that already in
9 place to do this kind of monitoring on agency lands routinely.
10 This would supplement those funds in response to the additional
11 problems that are occurring because of the Exxon Valdez Oil Spill.

12 MR. PHILLIPS: Is there any reason that the people that
13 live in the area could not be deputized to do the same thing? They
14 used to do it in the Old West you know? (Laughter) I'm

15 MS. BERGMANN: I -- I don't know the answer to this?

16 DR. GIBBONS: There's a lot of training that goes into,
17 you know, becoming deputized and being able to arrest somebody and
18 you might spend more money training people to go through law
19 enforcement training for two weeks and all the various things then
20 just having somebody call. I know some of the land management
21 agencies use the state troopers. They've got a problem, they call
22 a state trooper, they fly him out, and they arrest him. You know.
23 So, I mean, there's a lot -- I know, Richard, I saw him looking to,
24 saying, well I'm not sure how that would work, but that's my
25 thoughts on it anyway.

26 MR. PHILLIPS: And you'll be second. Okay.

1 MR. ANDREWS: Is this project realistic -- I listen to a
2 person on the working group from Kodiak yesterday talk about
3 patrolling a 2,000 mile coastline. Is this really, a very
4 realistic project?

5 MS. BERGMANN: A lot of questions have been asked along
6 those lines

7 MR. ANDREWS: That's from San Diego to Seattle by the
8 way.

9 MS. BERGMANN: The peer reviewer, again, of this
10 particular project felt very strongly that, again, you have one
11 instance where you end up having an arrest, and that hits the
12 Anchorage Daily News and the local papers, and that one case can
13 cause a lot of people to deter their activities. Peer reviewers
14 felt very strong -- we acknowledge, it's a very large area. This
15 isn't a very large budget to do the kinds of things that we're
16 talking about. We're at least attempting to show that the agencies
17 care about it, and we want to publicize the fact that the agencies
18 haven't increased presence out there.

19 MR. PHILLIPS: -- what a minute, she was next, then
20 Richard, then Pam.

21 MS. FISCHER: I just basically had a question that Fish
22 & Game, a lot of Fish & Game members actually are state troopers,
23 or recognized as a state trooper. I know in many instances that a
24 Fish & Game official does go out and do arresting services and
25 things like that. So I feel like Chuck was trying to address that
26 in local villages, that some of these people could be trained in

1 that to where they could work the Sound, with the Sound having such
2 a great number of miles in between the areas, it might be more
3 beneficial and cost-effective in the long run. And give them that
4 training and keep it in the villages or keep it on the Native
5 landowners, or the local people that own the land, could wind up
6 saving a great deal of money, but given the proper training and a
7 pay period.

8 MR. PHILLIPS: Richard, then Pam.

9 MR. KNECHT: Yeah. I support this project. For years,
10 the agencies in charge of monitoring these sites have been
11 hopelessly out gunned and -- and it's almost an impossible task and
12 this is -- really a drop in the bucket compared to the miles of
13 coastline and sites there are to protect. I guess what they have
14 to do is target a few key sites. So, it's a real -- if they can
15 get some -- I guess what's really the best thing about this project
16 is that it doesn't create more archaeol (ph) to squishing paper in
17 Anchorage, that's what we don't need more of. We need more of
18 people out there in contact with the sites in the field. So, this
19 -- this is a critical one.

20 MR. PHILLIPS: Pam?

21 MS. BRODIE: I think I would guess that you'd be more
22 luckily to get arrests with a sting operation at the marketing part
23 of it, when people get these artifacts and then want to sell them,
24 and if you want concentrate on that, that you'd be more likely to
25 catch them over trying to patrol thousands of miles of coastal.
26 Has that been looked into at all?

1 MS. BERGMANN: The agencies are certainly looking into
2 those kinds of things and I'm not privy to tho -- in terms of Exxon
3 Valdez, no, that's not something that's been considered. They're
4 looking at the sites that they know that have been injured and
5 they're trying to protect those individual sites. The kinds of
6 things you're talking about would be occurring, but not in the
7 Exxon Valdez arena.

8 MR. PHILLIPS: Did you have one those? And then, Vern?

9 MR. McCORKLE: Thank you Mr. Chairman. I'm really
10 sympathetic to all of these projects from '5 to '9. '6, '7, and '8
11 are restoration, '5 and '9 are information. I have been earning my
12 living in the information arena for many years, and I feel very
13 uneasy about these budgets. We're talking about almost a million
14 two hundred thousand for these projects, and I'm not against
15 spending the money, but I just wonder if it might be, I'd like to
16 ask the chair if he would care to lead discussion as to whether or
17 not we could wrap up all these projects, '5 through '9, express our
18 desire to see them affirmatively taken care of, but that the -- the
19 all the agencies involved come back together, review these
20 projects -- take into account hiring local people where possible,
21 make sure that the contractual -- particularly for '09, \$200,000
22 bucks going to go to Los Angeles for somebody to develop a film or
23 something, should be done in Alaska, all those kinds of things are
24 reviewed, and that we then give the Trustees our (inaudible --
25 coughing)support, for the idea of supporting -- preservation of
26 cultural artifacts and cultural locales. But that we think this

1 may not be quite the right venue package, and that all of them
2 should be reviewed and try to pull them into one project at a
3 lesser sum, taking into account utilization of local help and
4 resources. Would that, could we -- would anyone else like to
5 discuss that, or is just me?

6 MR. KING: If that's a motion, I second it.

7 MR. STURGEON: Second, third it.

8 MR. McCORKLE: Well, so moved, if a motion is in order.

9 MR. PHILLIPS: Certainly a motion is in order. We
10 haven't discussed '9, but -- is this a video?

11 MR. McCORKLE: The man to discuss it is sitting at your
12 right there.

13 MR. PHILLIPS: -- Okay -- we've heard a motion, there is
14 a second?

15 MR. ANDREWS: I'll second it, but I believe the motion is
16 repeated again.

17 MR. PHILLIPS: Yes. Could you abbreviate that please, so
18 we don't

19 MR. McCORKLE: Yes, that the -- Public Advisory Group's
20 recommendation to the Trustee Council, with respect to projects '05
21 through '09, is that they all brought back to the agencies involved
22 and restructured with the emphasis placed on utilization of Alaska
23 and local resources, both with respect to personnel and development
24 of product wherever possible, and secondly, that if possible, the
25 budget be reduced from the amount that it is to a sum, lesser
26 amount, that still allows us to have a positive program.

1 MR. PHILLIPS: You seconded that for purpose of
2 discussion. Okay. Is there any discussion on the motion?
3 Perhaps it would appropriate at this time for a thumbnail sketch on
4 '9 -- because it is included in the motion. Do you want to give us
5 that right now, so you can --.

6 MR. RICE: 93009 is a -- excuse me, is an education
7 project which is designed to provide basically two products.
8 Brochures which could be distributed to, user public's in the oil
9 spill area or short videos which would give the -- if you can call
10 it balance -- a balanced view of what is happening out there.
11 There's been a number of videos that we've seen on TV from Exxon
12 that have presented their side on the public has an image of what's
13 happened out there which may not be accurate. It's based on their
14 perceptions. These -- this information package would help to
15 reduce on-going, any damage that users of the area may contribute
16 to those resources, spell out where we're at now basically with
17 those resources. Here's -- here's what's recovered here, here's
18 what's not recovered, put it at a format that people can understand
19 and can use.

20 MR. PHILLIPS: Yes.

21 MR. TOTEMOFF: Mr. Chairman, just one comment on that, I
22 assume that the motion that is on the floor covers involvement of
23 the villages affected?

24 MR. PHILLIPS: Yes, it was specific in the motion that
25 the resources, both human and product, be utilized all Alaskan.

26 MR. TOTEMOFF: The reason why I mention is because 9309

1 (sic) program is with the emphasis on the communities of a larger
2 municipalities and it has no mention of the smaller communities in
3 the spill impact area.

4 MR. PHILLIPS: I live in a pretty large village, but I
5 think we'd like to be involved in that to.

6 MR. McCORKLE: Mr. Chairman?

7 MR. PHILLIPS: Yes?

8 MR. McCORKLE: My thought along that line was that if all
9 the agencies are working on sort like a magnus program to eliminate
10 duplication and maybe even get more bang to the buck, we certainly
11 are going to utilize the small agencies at the same time, or
12 smaller communities at the same time we may be using a larger one,
13 so it seems to me that it will all come out -- using Alaska
14 resources.

15 MR. PHILLIPS: Yes Lew.

16 MR. WILLIAMS: I think nine actually is a separate issue
17 from the other four, on the other four, what we want to do is tell
18 them to combine it and give priority to restoration and protection
19 first.

20 MR. PHILLIPS: Would you like to make a motion to
21 separate '9 from the ballet? This would be a part of an amendment
22 to the motion?

23 MR. WILLIAM: Yeah, well I would. I'll make a motion to
24 amend it, to drop '9 out and take it up to

25 MS. FISCHER: I'll second that.

26 MR. PHILLIPS: Discussion on it? The motion is to drop

1 '009 out of the main motion. Yes, John?

2 DR. FRENCH: I'm opposed to dropping it out because I
3 think a lot of the same administrative expenses that are used in
4 '005 or going to be incurred in '005, which could be duplicated in
5 '009, and perhaps you could have cost savings by combining. I
6 would hope that the Trustee Council would look -- I hope that the
7 Trustee Council would look at the possibility of combining these
8 all into one lead agency or entities, or the administrative costs
9 could be minimized.

10 MR. McCORKLE: But '9 covers more than archaeological
11 costs.

12 MR. PHILLIPS: Yes Vern?

13 MR. McCORKLE: Mr. Chair, I do respect a colleague from
14 Kodiak and his desire to separate these issues, but there are
15 public information aspects both in '5 and '9, and I see some value
16 to public relations and publicity aspects going or being controlled
17 for '6, '7, and '8. So I would hope that we defeat the motion to
18 amend the main motion.

19 MR. PHILLIPS: Any other comments on the amendment?

20 MR. WILLIAMS: Question.

21 MR. PHILLIPS: The question has been called in the
22 amendment is to delete '009 from the main motion. Those in favor
23 say aye -- raise your hand please. Those opposed?

24 MR. MUTTER: Seven noes; six yeses.

25 MR. PHILLIPS: How about abstentions? Any abstention?
26 Seven noes and six yeses. So the amendment is defeated. Now the

1 main motion ahead of us is to combine '005 through '9, a
2 recommendation to, while you heard it, he's more eloquent than I am
3 and --

4 MR. McCORKLE: I certainly am not.

5 MR. PHILLIPS: ... that's the question I just -- before
6 voting on it, I'd like to comment if I may of a privilege from the
7 Chair. I have a real problem with this straight education program
8 because I've -- I think they're as effective as the drug education
9 programs -- like zero -- and the just-say-no things, and so on, and
10 it seems like a hell of a waste of money to me when we could be
11 doing something positive, the -- the actually patrolling of the
12 sites, the getting involved with the local residents as we've
13 talked about, I think, has real merit, but I have a problem and --
14 I wouldn't vote against the whole thing just because of that, but
15 I'd like to have it known that I think that the particularly the
16 two education projects ought to be dropped completely in my
17 opinion. Yes Lew?

18 MR. WILLIAMS: I agree, what I was going to do was
19 probably try to kill '9 anyway when it came up. I think we ought
20 to amend this motion again, and I'll make another motion to amend
21 it, that priority be given to restoration and protection of the
22 archaeological sites.

23 UNIDENTIFIED: Second the motion.

24 MR. PHILLIPS: You've heard the amendment offered and
25 it's been seconded. Is there any objection to the amendment?
26 Looks like its unanimous, if there isn't than it's incorporated in

1 the main motion, and I would like at this time to call for a vote
2 on the main motion. Those in favor, please raise your right hand.

3 UNIDENTIFIED VOICE: Now what is the main motion.

4 MR. PHILLIPS: That's that beautiful thing that he gave
5 us down there in the corner.

6 MR. MUTTER: Hold your hand up, so I can see.

7 MR. PHILLIPS: Keep your hand up for a minute. Looks
8 like to me, like its unanimous. It is unanimous. Okay, we are now
9 approaching, well we've got a few minutes before break, yes?

10 MR. KNECHT: I'd like to make a real quick comment about
11 the cultural projects you know, I notice that the peer reviewer was
12 referred to, is that Martin McAllister, Don Dumond?

13 MS. BERGMANN: Don DuMond.

14 MR. KNECHT: Yeah, because I notice that Martin
15 McAllister was listed as a peer reviewer, but he's also listed as
16 a contractor in the budget, and I have no doubt that his integrity
17 is 100 percent, but you know, it's awkward.

18 MS. BERGMAN: He, he just to clarify, the Peer reviewer
19 was Don DuMond. McAllister was not a peer reviewer for this.

20 MR. PHILLIPS: Okay, if we can proceed on to '010.

21 MS. FISCHER: 93010 is a reduce disturbance in murre
22 colonies, showing indications of injury from the oil spill. As you
23 may or may not know, there was over 100,000 murrees that were killed
24 by the oil spill. Of all the bird's populations that were
25 impacted, the murrees took the hardest hit from the spill. There
26 is, since the oil spill, in addition, there's been reduced

1 populations overall in murre in a number of colonies and their
2 breeding characteristics have not, are not yet synchronized, and
3 we're having breeding failures at a number of those sites so we
4 have continued problems with recovery in a number of the colonies.
5 It's difficult to have any kinds of restoration options for dealing
6 with this problem. One of the ideas that was put forward was
7 actually more of an educational program to try to reduce
8 disturbance at murre colonies during the breeding seasons when
9 they're particularly vulnerable to be frightened off their nest
10 from loud noises. So this educational program targets tour boat
11 operators, commercial fishermen and fishing charter operations, who
12 may be having activities near some of the colonies where there are
13 still problems. We would be trying to educate them to -- for
14 example, not shoot halibut that they may be catching before they're
15 bringing them on board because that might be frightening the birds
16 off their eggs which makes them vulnerable to predators coming in
17 and -- catching either young or eggs.

18 MR. PHILLIPS: Is that kind of frightening to bring a 200
19 lb. halibut aboard before you shot it? (Laughter) Go ahead Donna.

20 MS. FISCHER: The only other question I had was, I had
21 heard -- over the summer months, where also some of the wilderness
22 trips were doing the same thing and going into other areas and
23 disturbing a lot of them, and they have become more of a nuisance
24 over the last two years than what they had - had been in prior
25 years. Will this also include them?

26 MS. BERGMANN: Yes, if that's the problem that should be

1 modified to include those groups if that contributes a problem.

2 MS. FISCHER: Mountain climbing and they're combing the
3 beaches or the areas where some of the birds are nesting --

4 MR. PHILLIPS: Have we identified these murre colonies so
5 somebody can look at it and say this is what we're talking about.
6 Where is that identified?

7 MS. BERGMANN: They're identified in -- in the, well,
8 this is talking about --

9 UNIDENTIFIED: Page 66.

10 MS. BERGMANN: Yeah. Page 65, Ugashik Island and Puale
11 (ph) Bay, the Barren Islands, the Triplet Islands, the Chiswell
12 Islands.

13 MR. PHILLIPS: I know, but they don't cover them all do
14 they? As an example, here's the Chiswell Islands, which is the
15 object of turbulence every day. Is there a place on the Chiswell
16 Islands or can't you get near them at all -- that's, can we be more
17 specific than this. Afognak is a pretty good size piece of rock
18 too.

19 MS. BERGMANN: I agree with you. Certainly Fish &
20 Wildlife Service knows exactly where those colonies are because
21 they're not the kinds of things that move from year to year, so
22 they

23 MR. PHILLIPS: Can they be made public so people know
24 where they are?

25 MS. BERGMANN: Certainly, certainly.

26 MR. PHILLIPS: Yes Dave.

1 DR. GIBBONS: This was -- this was not recommended by the
2 Restoration Team at this time. If you're looking through your
3 list, you'll find that on the last page of the chart and, and the
4 reason why the Restoration Team didn't recommend it is we didn't
5 have any documentation of this disturbance was going on. We, we
6 felt that we would support the project if there was supporting
7 evidence that disturbance by halibut fishing or whatever was going
8 on, but we didn't have that in hand, and so I know Bob was going to
9 check on that and I'm not sure whatever.

10 DR. SPIES: Do we have a (inaudible) naturally like to
11 hear from anybody here, fishermen for instance, that would,
12 representatives that would have any insight as to -- this is a
13 problem that in perception, at least, and we'd like to see if, if
14 in reality, they really are being scared off the rocks. I mean,
15 people are telling us that, and we get different opinions from
16 different people as to the extent that this is happening -- extent
17 it needs some type of remediation, so -- a couple peer reviewers
18 have had different opinions on this.

19 MR. PHILLIPS: Are murrees more -- subject to being
20 frightened than other birds? The reason I ask, one of our feature
21 things that we show people every day in our operation, is a 5,000
22 bird rookery, and we get right up there, and it doesn't seem to
23 bother them. If they, they'd let us know if it does but I'm going
24 to have to clean the boat out pretty well.

25 DR. GIBBONS: -- particularly the shooting of the halibut
26 gets them up off the nest.

1 MR. PHILLIPS: Okay, there is a classification here, that
2 plus tour boat operation, plus, plus, plus, and I'm just wondering
3 if there is -- if maybe the -- the objection of things could
4 perhaps be defined a little more accurately or a little tighter, so
5 that the -- it's kinda like the federal rule on -- on whether you
6 can get near a whale or any kind of a mammal in the sea. I know if
7 they come toward you, you're automatically guilty. That really
8 leaves -- leaves you in a very vulnerable place if you have an
9 operation out there. Yes?

10 SEN. ELIASON: Speak briefly. The commercial fisherman,
11 I don't think, would be affected by this. Number one, they'd be
12 lucky if they have two twenty-four hour openings, out of 365 days.
13 And number two, I don't know if any commercial fishing operation
14 would shoot 200 pound halibut, they'll come aboard with two or
15 three people pulling him aboard, they're not going to slow down to
16 shoot a fish, so -- you might be talking about sport

17 DR. SPIES: review of that happening, I mean if
18 fishermen are out there a lot I suppose, and do they witness this -
19 -things going on

20 SEN. ELIASON: But they're not charter boats.

21 DR. SPIES: Okay, well they're not commercial halibut
22 fisherman.

23 SEN. ELIASON: Well you could see if they're shooting
24 fish. That's not

25 DR. FRENCH: Hold on, on a good day, the -- there's
26 probably three, four boats at least, practically every summer,

1 every day of the summer when its good weather, near the Triplets
2

3 SEN. ELIASON: But they're not commercial

4 DR. FRENCH: No, they're private, recreational
5 halibut fishermen, but they will be shooting the fish if they catch
6 a big fish, but on the other hand, the people I know that fish out
7 there have never at least reported, that there has been a problem,
8 a perceived problem with the birds getting scared off.

9 MR. PHILLIPS: Vern?

10 MR. McCORKLE: Thank you. I certainly appreciate your
11 comment of wanting to identify -- those -- impacts that are the
12 most serious to murre. My experience, which is only in the
13 Pribiloffs, but there's several hundred thousand murre there, is
14 that certain kinds of -- of active -- noise really frighten them.
15 We call it fright-flights. The boats going by that are quiet,
16 don't bother the murre, and walking along the - if you dare, walk
17 along the beach beneath a murre cliff does not make them fly away.
18 What does make them fly away is the overflight of a plane, a gun
19 shot, or a tourist peaking over the cliff, something very near by.
20 So I'm in favor of this project, and it's only \$50,000 or 56. I
21 think it should be done. But it's important also, that the window
22 of the most serious opportunity for disturbing murre is very
23 narrow. It's while the egg is on the ledge and before the chicks
24 have fledged, that's about three weeks. And after that, that
25 happens essentially in June, does it not, about that time, so after
26 that, the impact is much less. So I think this is a worthy kind of

1 project for those areas mentioned, but I think we can set aside
2 those -- impacts that have been recorded by professionals as to
3 those that most directly affect the murre, and they are
4 essentially the ones I've stated.

5 MR. PHILLIPS: Would it appropriate then to ask then in
6 any action that they take to ask that a definition be given as to
7 time and place and type of activity that would disturb them.
8 Otherwise, you're really out there in the dark.

9 MR. McCORKLE: That would be appropriate.

10 MR. PHILLIPS: Yes, Donna.

11 MS. FISCHER: Yeah, I'm going to go back to what Mr.
12 Gibbons that this was not recommended in the project at the
13 beginning -- or its in here, but they have recommended projects at
14 the beginning of our book, and I'm wondering, and I think we
15 discussed this the other day that why this couldn't have been -- a
16 department job anyway. It should have already, you know, it should
17 be something that should be included in their department budget
18 without being restricted to the oil spill funds. It's something
19 that's been ongoing for years, something they were looking into
20 before the oil spill, and maybe it should go back to that and stay
21 in that area.

22 MR. PHILLIPS: Is there anybody from Fish & Game that
23 would like to comment on that question? I guess we don't have

24 DR. MONTAGUE: The Fish & Wildlife Service project I can
25 comment on it

26 MR. PHILLIPS: Oh, Fish & Wildlife, okay I'm sorry, I

1 misread -- I think then you're next and then -- over on this, did
2 you raise you -- then Pam third.

3 MR. KING: Well, my feeling is that this is, in fact, is
4 as Ms. Fischer says, is an ongoing responsibility of the agency,
5 and that a one-year infusion isn't going to help it, and I'd like
6 to see this sort of thing dealt with in the restoration plan and --
7 in a meaningful way, and more specifically -- I don't think that as
8 a one-year project is critical, or would do a whole lot for the
9 birds.

10 MR. PHILLIPS: Yeah, Jim?

11 MR. CLOUD: I'd like to move that we -- ref -- we table
12 discussion on any of the projects that have been rejected by the
13 Restoration Team until we have finished with all the other projects
14 that are recommended by the Restoration Team.

15 MR. PHILLIPS: You've heard the -- well, we have to
16 define those.

17 MR. CLOUD: Well, they're sitting in the -- they're 010,
18 014, 019, they are listed on page eight.

19 MR. PHILLIPS: You're reading from a different

20 MR. CLOUD: They're listed on page eight of your
21 worksheet that we're working from.

22 MR. PHILLIPS: Yeah, he has that on his worksheet there.

23 MR. WILLIAMS: And I'll second it.

24 MR. PHILLIPS: It's been moved and seconded that we skip,
25 well we can't table a discussion we're not having it, that we -- do
26 not

1 MR. CLOUD: Until consideration of the -- until we're
2 finished with the

3 MR. PHILLIPS: We don't bring those items up until after
4 we have finished the ones that have been -- Is there any, any
5 objection? Yes.

6 DR. MONTAGUE: I just would like to offer -- this
7 microphone -- offer a relevant point. The reason -- well, in
8 short, the Trustee Council did not want you to be tainted
9 necessarily by what anybody else said and that's why all the
10 projects were just listed simply in their order and -- you know
11 that they were noted in their Restoration Team recommendations
12 because we didn't want to withhold any information from you but --
13 I don't know -- Dave you may want to reflect upon that, but it's my
14 impression that that is why the Trustee Council, one, didn't pull
15 them out in the first place because they wanted the public to look
16 them over at the end and if weren't they saying that they favored
17 them or disfavored them.

18 MR. PHILLIPS: I, the Chair -- on the motion, the motion
19 merely says that they will be, that we won't act upon those until
20 after we finish the others. We're not eliminating them, we're just
21 putting them on the end of the line in case we don't make it
22 through the year. Is there any -- any more comments on the motion?

23 MR. McCORKLE: Question?

24 MR. PHILLIPS: The question -- that's pretty unanimous
25 consent if there's no objection? There is no objection, so its
26 unanimous that those listed on page eight here will be put at the

1 end of the agenda. So, we go to what '11? What about, you ready
2 for a break? How about ten minutes and we'll get back and try a
3 little more progress.

4 (Off Record: 2:35 p.m.)

5 (On Record: 2:50 p.m.)

6 MR. PHILLIPS: On project 93011. This is Fish & Game.
7 Do you want to give us a very thin thumbprint of this one. What?

8 UNIDENTIFIED: It's only about 11,000, so let's give it
9 30 seconds.

10 MR. PHILLIPS: Yeah that's right.

11 DR. MONTAGUE: The harlequin duck

12 MR. PHILLIPS: Is this working? Yeah.

13 DR. MONTAGUE: The harlequin duck population in western
14 Prince William Sound has had a reproductive failure every year
15 since the spill. And, somewhat in response to that or in direct
16 response to that, in 1991 and 1992, the hunting season for
17 harlequin ducks was delayed by a month in that -- in the whole
18 Prince William Sound area. And river otters have shown injury in
19 terms of -- primarily in terms of, in the amount of space that --
20 seems to be required to maintain a river otter. In the oiled area,
21 it's approximately twice as large an area as now required for the
22 river otter than in an unoiled area. There's been a fair amount of
23 abandonment of what are called the treen (ph) sites areas that
24 otters routinely used and -- at the moment, the whole impact of
25 hunting and trapping on otters and on harlequin ducks, just hunting
26 -- is not known because they're harvested and both species is

1 believed not to be great, but until we have these specific injuries
2 to deal with, the department did not have any specific localized
3 management for these species, and as you know, you indicated the
4 cost is not very large and it's mainly to see what this harvest is,
5 and is it significant enough that we should have long term
6 management strategies to deal with it.

7 MR. PHILLIPS: Can I have a motion on -- item '011?

8 UNIDENTIFIED: So moved.

9 UNIDENTIFIED: Seconded.

10 MR. PHILLIPS: All right, it's been moved and seconded
11 that this project be approved. Any discussion? M R .

12 TOTEMOFF: I just wanted to say on this, I'm not sure if this is
13 part of the process, but the local advisory groups or the Board of
14 Game, will they be involved?

15 DR. MONTAGUE: They will be involved once this
16 information comes in. They weren't involved in preparing this two-
17 page description. But any change which is brought about, except by
18 emergency order, requires the local and then the state boards to
19 make the change.

20 MR. PHILLIPS: Any further comments. Yes Pam?

21 MS. BRODIE: I'm not convinced that this shouldn't just
22 be absorbed into the regular agency budget, why we need extra money
23 for this? This is up to Fish & Game to set harvest limits on
24 animals and they do that anyway -- have extra money?

25 DR. MONTAGUE: In response to that -- the minus those
26 injuries our of data collection and harvest monitoring after less

1 sufficient the monitor and regulate those populations. With the
2 addition of those injuries, our current effort is not sufficient,
3 we don't think, by this amount.

4 MR. PHILLIPS: Any further comments, questions,
5 objections? If there are none, I would ask unanimous consent for
6 the approval of '011? There is an objection, so we will take a
7 vote. Would those in favor, please raise their right hand, or any
8 hand, I don't care. Keep your hand up for a minute so he can
9 record it, please.

10 MR. MUTTER: John, is your hand up or down?

11 MR. PHILLIPS: Got them all?

12 MR. MUTTER: Okay.

13 MR. PHILLIPS: Those opposed? Three? Anybody
14 abstaining? There's one over here - Mr. Eliason. Okay, it's
15 eight, three and one. So, the motion passes, and we're
16 recommending '011.

17 The next one in line is '012. That's the Department of
18 Fish and Game. So if you would give us a -- a thin one on this,
19 please.

20 DR. MONTAGUE: Okay, the project number 12 and project
21 number 15, although they stand along to some degree, it's best to
22 talk about them both together. What both of these projects
23 generally are going to be dealing with is that the commercial
24 fishing industry in Cook Inlet is what we term a mixed-stock
25 fishery. Meaning in the areas where the fish are caught, you do
26 not know whether they are bound for the Kenai River, the Kasiloff

1 River, Upper Cook Inlet, the Susitna -- and in the event, as we are
2 predicting that the Kenai River has to be entirely protected
3 against the commercial fishery, then essentially that would shut
4 down a good many of the other fisheries in Cook Inlet that are not
5 even injured in any way by the oil spill because -- as I said,
6 where the fishing occurs, you could just as easily be catching
7 unharmed fish, as you could be catching the harmed fish.

8 Currently we have no mechanism of differentiating -- no method
9 of differentiating and actually implementing the results of any
10 differentiation into the harvest. So in 1992, we began a project
11 to, and this particular project, to try to use genetic stock ID and
12 markers to determine whether the fish was a Kenai fish, a Kasiloff
13 fish, and so on, and so forth, and then further, to see if that
14 could be implemented in the field so that in 1993 would be the test
15 year, meaning that we would try to regulate the fishery away from
16 Kenai-bound fish, we would evaluate the success of that and then in
17 1994, which is the year when we expect the extremely low returns,
18 we would have a pool that would allow the service of all the other
19 fisheries to be utilized while protecting the Kenai fishery.

20 MR. PHILLIPS: Would you distinguish, just briefly,
21 between '12 and '15, the difference?

22 DR. MONTAGUE: Okay. '12 is entirely the genetics
23 component, '15 will add to the genetics information, stock identity
24 information that can be determined by the parasites that are on the
25 fish, and that's -- that's new information that are being collected
26 in '15. And project '15 will also add existing information on

1 scale patterns that are somewhat useful in determining stock
2 identification. So our feeling is that all three, the genetics,
3 the scales and the parasite information are necessary to accurately
4 pin-point where the fish are coming from. And then, this project,
5 unlike '12 would actually take that information into the field --
6 and conduct it in a test fashion in 1993 and the last difference
7 in project '15 is -- is that, as I said, it started in 1992, the
8 equipment was purchased to enhance the accuracy and the precision
9 of counting the returning adults. Earlier today, we talked about
10 as project number two that we enhanced the precision of counting
11 the outgoing smolts and -- and what we started in '92 and will be
12 continued '93 is, as I said, the equipment has already been
13 purchased, the greatly increased precision of counting the incoming
14 adults. So between the two, then you know very accurately, if this
15 many smolts go out, this is how many adults you have returned, so
16 in the future, once that's pinpointed, we would not need a very
17 precise -- estimate of the incoming adult, we could simply predict
18 it on the out-going smolts.

19 MR. PHILLIPS: Does the contractual, in '15 represent
20 equipment? What does that contractual ...?

21 DR. MONTAGUE: Well the equipment is covered under the
22 equipment line. This contractual is primarily expertise and
23 analyzing the hydro-acoustic data and -- the project also uses
24 hydro-acoustic sonar, meaning deployed off of a vessel, sends out
25 noises that are echoed back from the fish to the ship, and this
26 will be used as part of the implementation of the new management

1 strategy -- primary contractual.

2 MR. PHILLIPS: Could I have a motion please, if -- if you
3 are interested in combining the two. A motion to the effect that,
4 so we can discuss it.

5 MR. McCORKLE: I'll move that projects '12 and '15 be
6 combined for the purpose of discussion and the -- eventually
7 voting.

8 MS. FISCHER: I'll second.

9 MR. PHILLIPS: Seconded. Okay. Alright, now somebody
10 had their hand up. Yes, Vern, and then --

11 MR. McCORKLE: Sir, the budget for this is over a million
12 dollars, a quarter of which it goes to hiring that boat and that
13 excessive equipment -- expensive equipment -- and it's presumably
14 then -- it's analysis. Can you do all this in the nine months you
15 have left of this project year? That's a lot of work to be done,
16 isn't it?

17 DR. MONTAGUE: Well in answer to your question, as I
18 indicated, this began in the current year, so it would actually be
19 essentially almost two years

20 MR. McCORKLE: Have we spent some of this million dollars
21 already?

22 DR. MONTAGUE: No.

23 MR. McCORKLE: Okay. So, it's -- my question is, with
24 the million bucks you got, what can you do with it in the nine
25 months that you have left?

26 DR. MONTAGUE: Okay. To kinda answer the question in a,

1 in a brief fashion, it is an injury -- you know, in terms of 90
2 percent reduction, the amount of people that it affects in the
3 economy -- I guess it could be debated, but probably the most
4 serious injured. In many ways, there's not a lot that we can do
5 for it and to be able to do anything, it's a big, big step in the
6 right direction. I mean you're talking about potentially
7 preventing the harvest of \$50 million worth of fish, you know, the
8 additional million required here, seems to be in the public
9 interest.

10 MR. McCORKLE: Is that we're talking about is the -- the
11 saving of -- a very large, valuable resource, so -- to leveraging
12 one million against 50, that that ain't bad, if that's what you're
13 telling us.

14 DR. MONTAGUE: And the further thing, the wolf issue
15 currently being debated is a -- a good comparison in that the Kenai
16 River is held in almost religious esteem by a lot of the
17 population. It's production is an absolutely phenomenal generally.
18 It has no artificial enhancement, and the department views that an
19 artificial enhancement effort for the Kenai, however desirable,
20 would have a similar effect, you know, to trying to control wolf
21 population. So we're actually trying to do everything we can to
22 restore this, restore this population using better management as
23 opposed to artificial means. Now if the results from project two
24 show that that's absolutely the only way it's ever going to
25 recover, then we would have that argument to take to the public to
26 see if we could carry it further. But even -- even with that, even

1 if we knew how to restore the population, these two projects are
2 the only way we're going to help the commercial fishery in '94 and
3 '95.

4 MR. PHILLIPS: Donna?

5 MS. FISCHER: Do you already have the equipment on hand?

6 DR. MONTAGUE: Yes.

7 MS. FISCHER: Since you started this -- last year?

8 DR. MONTAGUE: And the cost of purchasing the -- I mean
9 not all the equipment would of -- about \$250,000 of the equipment
10 was new sonar in the Kenai River to count incoming adults and
11 that's already been purchased and isn't in this budget.

12 MS. FISCHER: Okay, but you have 40,000 in one and 81,000
13 in the other, apparently that's no further new equipment that you
14 need to purchase?

15 DR. MONTAGUE: Not that same equipment, but it's, you
16 know, it's like -- computer analysis devices to interpret all the
17 acoustic data, etc.

18 MS. FISCHER: And you don't have that in office already,
19 I mean the computer equipment and stuff like that?

20 DR. MONTAGUE: No. No. The adult counting system that
21 we had in the Kenai River prior to last year was a rudimentary
22 affair.

23 MR. PHILLIPS: John?

24 DR. FRENCH: I realize you have all three tech --
25 technologies for separating stocks, but you could you elaborate a
26 little bit on why you feel the genetic one isn't sufficient. But

1 you need to start -- at the scale end of parasite analyses in
2 addition?

3 DR. MONTAGUE: Well the -- try to cover all three. The
4 scale pattern -- is the simplest and cheapest, and it was tried
5 earlier, I think, and -- in the early 1982

6 DR. FRENCH: Don't both the scale and parasite data
7 really duplicate the genetic data, couldn't we just pay for the
8 one?

9 DR. MONTAGUE: There is, there is definitely duplication.
10 But the genetic data isn't proven to work, so we could find
11 ourselves in '94 with no mechanism if the genetic data doesn't
12 work, and assuming total failure of the genetic approach, the
13 parasite and scale information would allow us to be far ahead of
14 nothing.

15 DR. FRENCH: Well it's working, Prince William Sound it's
16 working.

17 MR. McMULLEN: Mr. Chairman, project '12 dealing with
18 stock, genetic stock identification I think it's very supportable.
19 Anybody who reads a paper understands that the management mess
20 there is in Upper Cook Inlet over the multiple stocks of sockeye
21 that migrate through there and particularly now with the discussion
22 of the Susitna River stocks which are mixed with Kenai stocks and
23 possibly over-harvested, and to add to the problems that they have
24 on the Kenai rivers as a result of the oil spill and other things,
25 so, I think -- you know, this, to maintain a succ -- a fishery in
26 the Upper Cook Inlet area, this is, these are going to have to be

1 addressed. On project '15, there's in-stream work proposed, and
2 there is hydroacoustical work proposed in, in the Inlet itself to
3 assess the number of sockeyes in Upper Cook Inlet through running
4 transects, you know, around the Inlet -- having lived in the
5 Anchorage area and the Kenai area years ago, it seems to me that
6 fishermen were chasing fish up and down the Inlet with the tides
7 and that -- once a fish passed Kaligan, Kaligan Island going north,
8 didn't mean he was going to stay up there, and I would seriously
9 question the value of a project -- you know working in those heavy
10 tides and trying to estimate numbers, numbers of sockeyes in the
11 area, wondering if that has any, how -- how can you draw any kind
12 of results from that would help the management program. Jerome,
13 can you help me with that?

14 DR. MONTAGUE: I can address it somewhat, the primary
15 aspect that that would provide, is you, you got this genetic
16 sampling of -- school of fish. You sample maybe 50 fish out of
17 there, but you don't know the size of the school. So -- say 20
18 percent of this sample is the Kenai River and you want to know if
19 that 20 percent of 100,000 or is that 20 percent of 400 and, and
20 that's the purpose. Now that doesn't entirely address the --having
21 that information today, doesn't relate to tomorrow, but -- but
22 after a season of doing this, you would be able to say, yes, you
23 can. You know, we saw this ratio and this approximate size at this
24 point, and then we saw it again at this point. Now, we may find
25 that you don't find that, and if we don't, we don't. But that's
26 the aim.

1 MR. PHILLIPS: Go ahead, Vern, and then Dick.

2 MR. McCORKLE: Well I'll defer to the Senator. I've had
3 my share.

4 SEN. ELIASON: I -- obviously the Kenai River has been a
5 problem. It's going to continue to be a problem. I'm sure that
6 most of us want to resolve it, which is probably unresolvable.
7 However, what I've heard about genetic is not -- there's both
8 sides --there's two sides of that issue. Some people aren't very
9 supportive of it because they don't think it's -- I think John
10 might have been referring to it to. Maybe it isn't the ultimate
11 way to do things, but what surprises me a little that, you -- you
12 can manage fish stocks genetically in season, which seems to be --
13 I don't know how you're going to do that technically, when the
14 fish are moving in and it's a very complicated process to identify
15 the tags. I do know that -- have a -- a system of hatchery,
16 identifying them by just the temperature of the water. You can do
17 that and see some management, but is it realistic to believe you
18 can manage stocks genetically in season?

19 DR. MONTAGUE: What we're shooting for is a 48-hour turn
20 around on the management decision, based upon the day of the
21 sampling effort and faster would be better but we think it's fast
22 enough, that it would still be very useful.

23 SEN. ELIASON: There's one item, there was some
24 discussion last year, we had a budgeted item in the Department of
25 Fish & Game, I think it was close to a million dollars for a
26 research into genetic markings. Does that fit into this program?

1 Are you aware of that?

2 DR. MONTAGUE: That budget item created the genetics
3 capability in the Department of Fish & Game.

4 SEN. ELIASON: You have that now?

5 DR. MONTAGUE: And these projects will utilize that
6 capability.

7 MR. PHILLIPS: Yes .

8 MR. McCORKLE: Could anybody here tell me what would
9 happen if the Trustee Council does not approve this project. In
10 other words, if it doesn't happen, what will result, or what might
11 result. I realize it's a guess.

12 DR. MONTAGUE: Well, two things. One, we will not have
13 the information and will close the fishery to protect the Kenai
14 River. Two, the legislature or the governor could say, you know,
15 gosh, you know, it's going to be terrible. Should have been done
16 elsewhere, but the state's gotta do it. I guess those are the only
17 two potential outcomes I can see, and with the budgets declining in
18 the projections I've seen, I kinda doubt that that would be the
19 case, but I, you could answer the probability of that easier than
20 I could.

21 MR. PHILLIPS: Jim?

22 MR. KING: Why is it critical to do it in '93?

23 DR. MONTAGUE: The reason it's critical in '93 because we
24 would not want to implement a new management action in '94 that's
25 never been tested. In '93 it will be likely be tested to see if,
26 if we are, if the people are catching fish. You know, if we say,

1 go to this area at this time and you won't catch Kenai fish in '93,
2 then that isn't what happened, then we would, you know, would say
3 that's improper to implement in '94. Or we could say, it worked
4 this well, and if we do this, by '94 it will work right. But we
5 think it would be a very big mistake to implement it in the year
6 when the big catastrophe is supposed to occur.

7 MR. McCORKLE: What could be the negative impact, if any,
8 on the Kenai fishery if this project is adopted and the work is
9 done?

10 DR. MONTAGUE: Could you say that again, I'm sorry?

11 MR. McCORKLE: Okay. If this, if this project is adopted
12 and the work goes forward, as you propose. Is there any chance for
13 a downside effect on the Kenai fishery?

14 DR. MONTAGUE: I guess one downside would be if it didn't
15 work. The other potential downside, let me think if it could be a
16 downside

17 MR. McCORKLE: Well, are we going to load it up with all
18 kinds of fish, like we do at other places this past year and got in
19 all kinds of trouble, because we, some people say that we loaded up
20 certain parts of Cook Inlet and other, other areas with too many
21 fish and we got in trouble for having too many fish, just like we
22 are maybe in trouble with too many wolves.

23 DR. MONTAGUE: Well, our -- our indication is that with
24 no harvest whatsoever, there will not be enough fish coming to the
25 Kenai even to meet our minimums, much less reaching overescapement
26 level as happened in '89.

1 MR. McCORKLE: Well that has nothing to do with the
2 study, that's going to happen anyway.

3 DR. MONTAGUE: I agree, so that, doing the study isn't
4 going -- not doing the study isn't going to allow more fish to
5 come.

6 MR. McCORKLE: That's just what I wanted to hear you say.
7 Thank you.

8 MR. PHILLIPS: Is there any other co -- comments or
9 questions? I would entertain a motion to recommend passage on 12
10 and 15.

11 UNIDENTIFIED: So moved.

12 MR. PHILLIPS: Been moved.

13 UNIDENTIFIED: Doug?

14 UNIDENTIFIED: There's a motion on the floor.

15 MR. PHILLIPS: No. The motion on the floor was to
16 combine them, which we did. Now the motion is to recommend its
17 approval to the Trustees.

18 MS. FISCHER: I'll second it.

19 MR. PHILLIPS: It's been seconded. Now, conversation.

20 DR. FRENCH: I would like to recommend amending that
21 motion to specifically suggest that the Trustee Council look for
22 ways to decrease the budget of these two projects. I agree in
23 principle with the projects, but there's an awful a lot man months
24 in it, and I think there's ways that maybe methodology can be used
25 more efficiently. I think the projects should go forward, but it's
26 just, they're tremendous budgets the way they stand. I think there

1 should be serious, at least serious consideration given to
2 decreasing the budget.

3 MR. PHILLIPS: You've heard the motion, is there a second
4 for amendment?

5 MR. McCORKLE: Seconded.

6 MR. PHILLIPS: Seconded. The question is now on the
7 amendment that the -- the council be asked to take a shot book at
8 the budget for reduction -- in the -- in the budget and still
9 maintain the program. Is that essentially what you're saying?

10 DR. FRENCH: Yes. Look at the budget and the possibility
11 of combining methodologies.

12 MR. PHILLIPS: Right. Is there any, any discussion on
13 the mo -- on the amendment? If not, I would ask unanimous consent,
14 if I don't hear any objection, it's so ordered and the amendment
15 has been adopted.

16 Now the full motion amended is before us, to recommend --
17 favorably on a combination of '012 and '015.

18 MR. ANDREWS: I call for the question.

19 MR. PHILLIPS: The question has been called -- I would
20 ask unanimous consent, if there's no objection, then it's so
21 ordered and the vote is unanimous.

22 Now, we are at '13. What happened to '13 in my book.
23 Somebody tore it out.

24 UNIDENTIFIED: It's at the end

25 MR. PHILLIPS: Okay. Somebody's superstitious. Okay
26 '14.

1 UNIDENTIFIED: Let's try '16.

2 MR. PHILLIPS: Oh, is '14 one of them that we went by.
3 Okay. then, let's try 16, that sounds better. '16 again is the --
4 well, you get all the action don't you?

5 DR. MONTAGUE: Just the first part of the meeting

6 MR. PHILLIPS: Okay. Just give us a thumbprint of this
7 one please and ...

8 DR. MONTAGUE: Okay. This one. The general concept is
9 that -- shell fish, sport and commercial fish were injured,
10 subsistence, sport commercial services were injured. This would
11 provide an artificial chinook and coho run that would generate
12 address, alleviating, mitigating and replacing those generalized
13 injuries -- and -- currently, there, you know, there isn't a run of
14 these species in that area and this would, would raise, hatch eggs
15 in the hatcheries and keep them in net pens until they -- for
16 several weeks so they developed a greater robustness before they
17 were released and have a higher chance of survival.

18 MR. PHILLIPS: What's the name again, that WHN hatchery?
19 WHN.

20 DR. MONTAGUE: Sometime's my mind fails me, I'm sorry.

21 (Simultaneous discussion)

22 MR. PHILLIPS: Where is that?

23 MR. McMULLEN: Pass (inaudible) Esther Island.

24 MR. PHILLIPS: Oh, okay. Yeah. Okay, I know right
25 where it is. Okay, is there a motion to support '016

26 MR. McCORKLE: Move to adopt.

1 MR. PHILLIPS: Yeah, well I have to recommend approval?

2 MR. McCORKLE: I recommend approval.

3 MS. FISCHER: I second it.

4 MR. PHILLIPS: Yes, Jim Cloud was first, and Donna was,
5 seconded it. Now is there any discussion, Donna?

6 MS. FISCHER: Mr. Chair, this is one of the budgets that
7 we felt, in going over this, with the different types of would --
8 different type of activities that would be implemented here that
9 should have been increased a little bit. We feel that the monies
10 in here is not quite enough to work with this budget, and we did
11 feel it should be increased.

12 MR. PHILLIPS: In what area, should the

13 MS. FISCHER: In the contractual.

14 MR. PHILLIPS: To do I think we have to tell what
15 you want to do with the extra money.

16 MS. FISCHER: We felt like it would certainly need --
17 what was it John? Go ahead.

18 MR. McMULLEN: Mr. Chairman?

19 MR. PHILLIPS: Yes.

20 MR. McMULLEN: This, this project entered the mill
21 through the public participation process. The -- through the
22 people of Chenega submitting this and placed in here and the
23 Department of Fish & Game was given the lead. The agency, or the
24 organization that produces the fish, wasn't advised of it, and we
25 asked for \$25,000 in contractual for the production of the fish
26 that are going to be transferred to this release site, and so the

1 increase in the budget we're asking was from 25.9 to the total
2 50.9, \$25,000 for hatchery production, mostly fish food to hold
3 these fish a year at the hatchery and part of the time when we
4 transfer them to the Chenega site.

5 MR. PHILLIPS: Did the hatchery advise you that that the
6 budget you had was inadequate to do what you're asking them to do.
7 Is that?

8 MR. McMULLEN: Yeah. I would, Prince William Sound
9 Aquaculture Corporation.

10 MR. PHILLIPS: Yeah.

11 MR. McMULLEN: Yeah, that is, yeah.

12 MR. PHILLIPS: Okay. Now that we know there -- you're
13 asking for an additional \$25,000 then?

14 MR. McMULLEN: Yes, correct.

15 MR. PHILLIPS: To be added to this budget. Would you, we
16 don't have a motion on the floor do we -- on this one.

17 MS. FISCHER: To adopt.

18 MR. PHILLIPS: To adopt. Do you want to amend the motion
19 to adopt with your specific suggestion of \$25,000 for -- for
20 fishery, or whatever?

21 MR. MUTTER: I move

22 MR. PHILLIPS: Whatever, you, you make the motion. I
23 don't want to make it for you.

24 MR. McMULLEN: I move that we amend the motion to include
25 the increase in budget by \$25,000 in the contractual line.

26 MR. PHILLIPS: Is that enough explanation so Fish & Game

1 would understand what it's, what you're asking them to do

2 MR. McMULLEN: for fish production at the
3 hatchery not now included.

4 MR. PHILLIPS: You got that? Okay, somebody have a
5 question? Yes -- , then Rich.

6 MS. BRODIE: Most of the money is under contractual, 21.5
7 thousand is under the contractual. Is that money going to the
8 hatchery? So is this -- would this be \$46,000 that would go to the
9 hatchery?

10 MR. McMULLEN: 46.5.

11 MS. BRODIE: 46.5?

12 MR. McMULLEN: Contractual is largely for the transport,
13 by, by barge of the fish from the hatchery to the release site --to
14 the rig and release site. All barge work is done by an outfit
15 working out of Whittier, which contracts to the hatchery system,
16 you know, for supplies and transporting fish to the various release
17 sites in the sound. So, this, this project as it stands now, now
18 pays for picking up the fish at the hatchery and taking them to the
19 release site with facilities there paying for -- then release of
20 the fish, you know, at the site. It does not pay for collection of
21 brood stock, egg incubation and rearing, tagging, you know, and
22 part of the time when they're taken aboard a contracted vessel for
23 hauling down to Chenega or else, where ever else they're hauled to.

24 MR. PHILLIPS: What, what would be the long-term impact
25 of this program, or is it just a one year shot?

26 DR. MONTAGUE: I assume that it would be intended to

1 carry on as long as there was a, a loss to those services that I
2 indicated at the beginning of the talk -- I don't believe that it's
3 a, the intent's to just create this run for one year.

4 MR. PHILLIPS: Dr. Spies, I noticed in your comment, you
5 said you have no opinion, could you, tell me why you don't have an
6 opinion? You seem to have an opinion on a lot of things. Just
7 kind of curious and then some.

8 DR. SPIES: Why didn't I have an opinion?

9 MR. PHILLIPS: Yeah.

10 DR. SPIES: Well, it seemed to me this is an area of kind
11 of enhancement activity that was more of a policy decision. These
12 resources are -- I think part of the reason was there, there was a
13 substitution for the subsistence

14 MR. PHILLIPS: I see.

15 DR. SPIES: lifestyle. It wasn't as such, we had an
16 actual population out there that we're trying to assess, whether
17 they recovered or not. And of course, that goes to Jerome's
18 question of how do you tell of how long you need to do this. It's
19 a difficult question.

20 DR. MONTAGUE: But it could be stopped at any time. I
21 mean, it's not a commitment per se.

22 MR. PHILLIPS: Yes. Vern?

23 MR. MCCORKLE: The Senator was ahead of me.

24 MR. PHILLIPS: Oh, yes.

25 SEN. ELIASON: Are we looking at -- what you're doing
26 implanting the fish for return to, into the natural streams? Are

1 we looking at a terminal fishery for these fish, you know, it does
2 make a big difference, if in fact, you're rebuilding streams, I
3 think it's a project probably well-needed, but if you're going to
4 use this artificial means to bring back fish year after year after
5 year, which doesn't deal with the natural stocks, there might be
6 something else.

7 MR. McMULLEN: This pro -- Mr. Chairman, this project
8 would deal with fish for subsistence use or use however they wanted
9 them to at Chenega Village itself. It's a terminal fishery for the
10 people of Chenega

11 MR. PHILLIPS: No -- provision for them to spawn in the
12 streams in that area, so they will perpetuate themselves?

13 DR. MONTAGUE: There is a little stream in that area,
14 that might accommodate a few coho, I don't know, but that would be
15 about it.

16 MR. PHILLIPS: So it is a one-year shot?

17 DR. FRENCH: If you only want the fish to come back once,
18 but if you want it, to continue to provide this fishery, you would
19 have to do it every year you wanted them to.

20 MR. PHILLIPS: Alright. The question was on this program
21 here, for this amount of money. Is it a one-year shot?

22 DR. MONTAGUE: Correct. I'm sorry.

23 MR. PHILLIPS: Okay. Yes John.

24 DR. FRENCH: I mean in essence, yeah. It's a terminal
25 artificial fishery. It's essentially the same as the Mill Bay
26 fishery in Kodiak or the fishing hole fishery in Homer, and I guess

1 the question I want to ask Jerome, is, how are those funded in
2 terms of the department's efforts, are those subsidized by the
3 communities or the fishing -- in many cases, those are caught -- at
4 least partially caught, by commercial fisheries. Is there feedback
5 from the fish tags into the hatchery efforts of those fish come
6 from?

7 DR. MONTAGUE: I guess specifically, I'd probably have
8 to, to give you an accurate answer if I can't at this time, but
9 generally the FRED Division, the fisheries rehabilitation
10 enhancement division that produces hatchery stocks around the state
11 is funded out of general funds.

12 DR. FRENCH: So this would not really be inconsistent
13 with that general approach then?

14 MR. PHILLIPS: Alright, the motion is before us, is to
15 approve this proposal on '016 for an additional -- request for an
16 additional \$25,000 for contractual services. Are there any more
17 comments or questions on it? Yes Jim?

18 MR. CLOUD: If the Department of Fish & Game only put in
19 25.9, why -- why did you miss the boat, or do you think you missed
20 the boat?

21 DR. MONTAGUE: Well, I expected to get that question
22 soon. The Restoration Team process -- there were a lot of
23 deliberations and changes to methods and budgets during that
24 process, and it was during that process that that it was reduced.
25 It was initially higher than this. Higher even than the addition
26 of the \$25,000.

1 MR. CLOUD: So if you made it 50 percent error in this
2 one, can we assume that there are 50 percent errors in other
3 projects?

4 DR. MONTAGUE: I think in reality we would have conducted
5 a project at a smaller scale, than might have been indicated here.

6 MR. PHILLIPS: All right, before us is the motion -- I
7 would ask unanimous consent for approval. If there isn't any
8 objection, it is so ordered, unanimous consent.

9 Now I got a little, '17, is that one of our -- that hasn't
10

11 DR. MONTAGUE: Okay, the thumbprint. There's a
12 considerable concern amongst the

13 MS. BRODIE: Did we vote on that project, I thought we
14 just voted on the amendment?

15 DR. MONTAGUE: I'm sorry.

16 MR. PHILLIPS: We already adopted the amendment.

17 MS. BRODIE: Oh.

18 MR. PHILLIPS: That way, we voted on the total project.
19 Did you want to change anything?

20 MS. BRODIE: Yeah. I'd like to abstain on the nay vote.

21 MR. PHILLIPS: I don't think there's any problem with
22 that if you didn't understand.

23 MS. BRODIE: I'm sorry about that.

24 MR. PHILLIPS: That's all right. One abstention then.

25 DR. MONTAGUE: Okay. '17. This project has two major
26 components. The feeling of the local people is that many of the

1 subsistence resources are not suitable for consumption or at least
2 they are not comfortable enough to consume them, whether they in
3 reality are or not. So one aspect of this project would be
4 exhaustive and definitive testing to answer once and for all
5 whether the shellfish, waterfowl, harbor seals, fish and so on near
6 the subsistence areas are indeed free of hydrocarbons or any other
7 Exxon Valdez-related contaminants. And the second half of the
8 project is to mitigate the injury to subsistence uses by providing
9 funding for sharing of subsistence-taken food resources and by
10 providing funds for travel, out of the oiled areas to unoiled areas
11 to conduct subsistence activities there. So those are the -- you
12 know, the answering once and for all the mitigation components of
13 the two components.

14 MR. PHILLIPS: The Chair, yeah, the Chair would enter,
15 entertain a motion on '017 so we can discuss it.

16 MR. McCORKLE: I move.

17 MR. KNECHT: Second.

18 MR. PHILLIPS: It's been moved and seconded. Okay the
19 motion is before us to approve. Discussion, yes?

20 MR. ANDREWS: You know, I don't have chair -- problem,
21 Mr. Chairman, with mitigation, but we just voted on a mitigation
22 project and somehow it seems to me that we've got two mitigation
23 projects. Are there some way we can put these together -- stocking
24 fish in a dead-end situation is a mitigation set up, and we're
25 doing the same thing here I guess, I don't know. Of course, I
26 don't understand. It's basic that something should have been done

1 in the last four years to do some kind of a survey or study to see
2 if these traditional food resources were safe to eat -- it's a
3 little bit late down the line, I would say, just off hand, but

4 DR. SPIES: There have been several studies on it.

5 MR. ANDREWS: Well, if they've been done, then why do we
6 need another one then?

7 MR. KNECHT: No, nobody believes that

8 DR. MONTAGUE: That, that's part of the problem. It was
9 done, I don't think it was done, perhaps, as specifically and
10 rigorously as proposed here, it was over a much larger area --
11 they're reading at the time was -- I guess some of the -- thumb
12 rules were that if it tasted oily, it wasn't good, if it didn't
13 taste oily it was fine. Recommendations like that came out of
14 there. Generally, it indicated that there was not a problem with -
15 - samples that were tested in most of the areas, certainly many of
16 them were contaminated and, you know, this is arising out of one,
17 the users are apparently are unconvinced by those results and their
18 own personal experience is that, that you know the labs might not
19 see it, but I can sure see it. You know, that's kinda the driving
20 force behind this, and from our own scientific results, we've found
21 extensive areas of mussel beds that indeed are harboring oil under
22 them, and we would suspicion that there would be problems with
23 them. So I guess, it's not entirely just a perception there.
24 There's some hard evidence that maybe there are some problems.

25 MR. PHILLIPS: John?

26 DR. FRENCH: Yeah. I worked with a -- yeah, I worked

1 with a -- I was one of the toxicological experts on the first
2 subsistence study that, I was on the (inaudible -- coughing) panel.
3 I'm not convinced that with the exception of the shellfish, the
4 molluskan shellfish, that more data will really help alleviate the
5 problem. The problems were a perceived risk and regardless of how
6 much more data you get out there, if it's not handled in a
7 significantly different way in terms of how it gets to the users,
8 it's not going to help correct the situation. I'm all in favor of
9 the mitigation part of this and I do agree further testing is
10 needed for molluskan shellfish, but frankly, I think further
11 testing of the other types of organisms is a waste of money. We
12 fairly definitively showed that they weren't contaminated, at least
13 to a level that would make any toxicological sense in terms of risk
14 and, you know, part of the problem was that Exxon money was
15 supporting the study and yes, that was true. Part of the problem
16 was that --, a, let's the whole putting forward of the scratch-and-
17 sniff test, as many people called it, was a real mistake, but I
18 don't think that further testing is really going to alleviate that.
19 So I, I'd like to recommend that this project go forward, but that
20 it go forward with the mitigation part of it in tact, but the
21 further testing part of it, limited in molluskan shellfish.

22 MR. PHILLIPS: Is that -- in the form of an amendment to
23 the motion.

24 DR. FRENCH: I'm going to propose that as an amendment to
25 the motion, yes.

26 MR. PHILLIPS: Is there a second?

1 MS. BRODIE: I'll second it.

2 MR. PHILLIPS: Seconded by Pam. Okay, discussion on the
3 amendment? Yes.

4 MR. TOTEMOFF: Just like to add to the amendment that,
5 part of the problem with all of these subsistence studies that have
6 gone before was that we've had people from -- all the way from
7 Exxon, all the way through the agencies come down, do their
8 studies, come down and talk to the people, extract the information
9 and then come back at the end of the year to give a report that
10 doesn't really make sense to us. I can see something like this
11 working in a different fashion by intimately involving the
12 subsistence users in the project. Now, I heard that there was a
13 perceived risk, just a second ago, about, by subsistence users that
14 there was still danger of contamination. And that's a very real
15 perception out there. Especially in the rural areas that were
16 impacted. Now if we don't have hands-on experience, and from
17 beginning to end in a project like this, we'll walk away with the
18 same perception.

19 MR. PHILLIPS: Yes, Vern, next.

20 MR. MCCORKLE: I'm not sure if I support the amendment
21 just yet or not. But I do want to speak on behalf of trying to
22 find some way to make this work this time. I've read what the chief
23 scientist says and he -- if you read between the lines, I think,
24 don't want to put words in your mouth as words on paper -- suggest
25 that, here-we-go-again kind of thing. So maybe this needs to be
26 reworked in some way, so that local people and subsistence users

1 are involved. Laboratories are set up there. And there is a
2 cooking contest, some barbecues, or whatever that has to be done
3 that is nontraditional with respect to scientific technology, so
4 that we come out at the end of this with people saying "yep, we'll
5 eat it now."

6 I'm very concerned about the shellfish also. There is an
7 enormous industry burgeoning down in the part of the world, of the
8 state, if -- when they get to it, I've written many a grant and
9 tried to foster and encourage that industry and to no avail yet.
10 But, I -- I think that we, maybe \$300,000's too much. But we have
11 to find a way to make sure that not only the subsistence users, but
12 eventually the commercial users of those resources, be they
13 shellfish or fin fish, go out of the state or onto tables without
14 any taint. And this is one of those unfortunately, rather
15 questionable pro -- projects that we really can't say with
16 certainty that this or that may be the case, but I think this is
17 probably the last leaf to turn over to make sure that there is some
18 consideration of the local perceptions, because that's what we're
19 working with here. So, I -- even if we spend a few extra dollars
20 to maybe duplicate some work, that it concerns Dr. French, I really
21 think this project has to go forward on a slightly different
22 footing than proposed, so that it takes into -- it gives great
23 weight to local perceptions and preferences for conducting the
24 research.

25 DR. MONTAGUE: Mr. Chairman?

26 MR. PHILLIPS: Yes.

1 DR. MONTAGUE: Thumbprint sketches leave out a lot of
2 details, and this discussion came up and in fact, that is exactly
3 how this project is designed. As you can see on page 91, under
4 objectives, community representatives will be there along with the
5 scientists to select the site. They will be there to collect and
6 choose the samples, and they will be there to receive the results
7 of the samples. So, I mean that was a major criticism of the early
8 work. We talked about that and, in fact, designed this project to
9 eliminate what was supposed to be the failing of the earlier work,
10 so.

11 MR. McCORKLE: Just a quick follow up, and I read that.
12 But I wanted to make sure that an additional element is, which I
13 think can happen within the premise of the project, that -- that
14 local folks are involved in -- in, in certifying. I think the way
15 to do that is to bring some laboratory work to the field. And
16 then, once that is done, if the lab says this is safe to eat, then
17 I think the local folks in this whole region, there's a large
18 region, say "yep, it tastes good. We're eating it now." Because
19 that's where we have to end up.

20 MR. PHILLIPS: Dave first.

21 DR. GIBBONS: Just want to point out one point. People
22 mention the mitigation part of this and -- if you read the study
23 plan, you see a double asterisk on that. There may be some legal
24 ramifications here that will prevent the funding of transporting
25 people to other locations to share the subsistence resources, so I
26 just wanted to make that point. It's a double asterisk and, excuse

1 me, on page 92, the third paragraph lays that out, so.

2 MR. KNECHT: I -- some of Vern's comments in that I don't
3 think its too much money to spend, and in this case, if there's a
4 little bit of redundancy -- that's not too much, because it's one
5 of the few chances we have to address the human population damages
6 that were done by spill and some of the less tangible damages to
7 life-wise, and this is a biggie. It's not just a shellfish
8 populations or -- or food, but it's a way of life that could easily
9 disappear if it's discontinued for very much longer.

10 MR. PHILLIPS: Mr. King?

11 MR. KING: Well I, I support this, I think its very
12 important

13 MR. PHILLIPS: Now remember, we're talking about the
14 amendment. That's what's before us and his amendment was to
15 eliminate the mitigation portion.

16 DR. FRENCH: To eliminate the non-shellfish -- portion
17

18 MR. PHILLIPS: Yeah. Okay. You can say it better than
19 I do.

20 MR. KING: I'd like to ask, we've got about six other
21 items further down the line that deal with intertidal studies of
22 kind or another, I wonder if they relate to this one in any way?
23 Some of them are shellfish.

24 MR. PHILLIPS: Do you want to answer that?

25 DR. MONTAGUE: I can answer it somewhat.

26 MR. KING: If this is working the numbers, but I thought

1 might be involved were '36, '38, '39, '41, '47 and '53. These are
2 the intertidal studies, of course, seaweed studies, that would
3 relate to the subsistence foods, and you know, maybe the elements
4 in some of those relate to this

5 DR. MONTAGUE: They do relate to it, but I assume your
6 question was really, is there overlap, meaning is there duplication
7 of one aspect and the other. A number of these are NOAA, National
8 Oceanic and Atmospheric Administration projects that my own
9 familiarity with them are that they would not be duplicating
10 anything in this project. Perhaps Dr. Morris, do you agree, or do
11 you think there is overlap between the analyses of these
12 hydrocarbon analyses of these foods and the hydrocarbon analyses in
13 the other projects?

14 DR. MORRIS: At least for the one studies, the mussel
15 beds, mussel samples, so, -- I don't know where the sites for the
16 subsistence study are, to certainly we know where the oil mussel
17 beds are, we wouldn't duplicate (inaudible -- out of range of
18 microphone).

19 MR. PHILLIPS: Dr. Spies, you had a -- a -- your hand
20 raised.

21 DR. SPIES: I was going to say in relation to the
22 gentleman's comment about bringing the laboratories into the field,
23 laboratory analysis of this sort, to be scientifically credible, is
24 very expensive in setting up a lab on site and getting credible
25 scientific information. It would be very, very -- probably in
26 excess of a half million dollars.

1 MR. PHILLIPS: Alright, John.

2 DR. FRENCH: As Vern said, the con -- the key factor here
3 is community confidence. Its putting the budget together in a way
4 that the community and people that uses subsistence resources, the
5 users of subsistence resources are going to trust the data. It's
6 not the data itself. The data itself in the other studies were
7 fine. The words about involving the community. The ones you gave
8 me are essentially the ones that were on the letter of agreement
9 between the University and the Fish & Game for collecting those
10 samples and with Exxon and, and, and Fish & Game for collecting
11 those samples. The words are all very good. But they didn't win
12 the community confidence the first time. I'd be happy to spend
13 twice this money if I thought we could really provide the
14 information that the community, the subsistence users, feel they
15 need, and, but I think that's the real key. We're talking about
16 the same agencies, and I was a party to it, so I'm equally to
17 blame, but we didn't adequately address the need there. It's a
18 real need, I don't question that, and I'd be happy to spend any
19 money that I was confident would really address the need, but, I
20 really question about whether doing more fin fish, more terrestrial
21 mammals is really going to provide any better answer then it was
22 last time unless, there's a dramatic change in the way the data is
23 presented and the way the data is collected. I mean, we often
24 collected samples from subsistence villagers' skits and that didn't
25 seem to help.

26 MR. PHILLIPS: Vern, and then Jim.

1 MR. McCORKLE: Well I appreciate that comment and in my
2 ignorance of knowing about laboratory testing methods in this
3 specific instance, I think we can be creative here and put together
4 a packaging lab, or call it what you will, that allows local people
5 to be in on one end of it, at the, on the local home turf, and then
6 maybe two or three of those, fly to the lab with the samples, and,
7 and participate that way, so there is this buying off of the
8 local -- the local people get a chance to buy off on -- on the
9 technology and I think we can find our way through that.

10 MR. CLOUD: Well I guess I would support this project
11 with a prerequisite that we require, or suggest that the Trustees
12 require that all these communities involved get resolutions of
13 support for whatever details of the project finally come out. And
14 if they don't, then don't fund it.

15 MR. PHILLIPS: We have the amendment before us right now,
16 I'd like to deal with that. Would you restate the amendment John?

17 DR. FRENCH: Well, simply put, the amendment is to delete
18 the testing of the non-shellfish resources from the project.

19 MR. PHILLIPS: You've heard the amendment. Those in
20 favor of the amendment, please raise your hand. (Hands raised)
21 You've got to be for it. (Laughter). Okay, those who are opposed,
22 please raise their hand? (Hands raised)

23 Did you get them?

24 MR. MUTTER: Didn't count them.

25 MR. PHILLIPS: Well it failed, yeah it failed badly as a
26 matter of fact. Anybody want to abstain.

1 MR. McCORKLE: Mr. Chairman, following on a comment that
2 others made, I've, had looked forward to project '36, which again
3 is about the same kind of thing for mussel beds in Prince William.
4 I wonder if our expert there, would like to comment on perhaps the
5 buckling up of those two projects, or maybe they don't fit at all,
6 number '17 and '36. Number '36 is on page 155.

7 DR. MONTAGUE: I have a comment on it. Mr. Chairman.
8 That is, as Dr. Morris has indicated there, there is the potential
9 that one of the oiled mussel bed sites that we're working on in '36
10 would be the same site as the subsistence site and -- and I would
11 certainly hope, and specifically direct investigators to coordinate
12 to prevent that kind of duplication, but aside from that, I don't
13 see any particular, I mean they probably will all be sent to the
14 same laboratory. I don't know if there is any costs savings in
15 saying it's in one project though, or just more samples being sent.

16 MR. McCORKLE: The two projects aggregate \$800,000, and
17 I just wonder if that can't be reduced somewhat as we have -- in
18 the spirit of some of our other proposals, said, here are two
19 projects that if they could be two-blocked together might save a
20 hundred thousand for habitat acquisition or something that we're
21 going to run short of money for later.

22 DR. MONTAGUE: Relative to this project, there's kind of
23 three components, you know, one, answering whether there are any
24 problems, that could be deleted. You could delete the food sharing
25 component. You could delete the travel to unoiled areas
26 component, or you could limit the testing to only one group of

1 organisms. I would say that those would be the way to reduce the
2 cost of this project.

3 DR. MORRIS: Could I add something to that? First of
4 all, I'm ignorant as to whether mussels are used a lot for
5 subsistence in these communities or not. The oiled mussel, mussel
6 bed study itself is really an environmental problem. It's a source
7 of -- continued source of oil in the areas and -- its being studied
8 to relate it to certain species that feed on the mussels
9 themselves. We haven't established the connection between this and
10 the subsistence study yet, if there is, we'll discover it because
11 NOAA is the lead on the mussel bed study, and we're the, analytical
12 agency for the subsistence study.

13 MR. McCORKLE: Well then I will withdraw remarks then.
14 If, if the two studies are quite different and there's been no
15 subsistence leak to '36, then obviously I have leaped to the wrong
16 conclusion.

17 MR. PHILLIPS: All right, before us is a motion to
18 approve '017. Was there a caveat -- was there a caveat that we
19 were supposed to pass on that? I think you had one, Jim.

20 MR. CLOUD: I don't know, does that require an amendment
21 them? I would suggest, if everybody agrees, that we put a caveat
22 that the communities affected by this project show their support
23 through resolutions as a prerequisite to the Trustees going ahead
24 with and approving the project, or they could approve the project
25 subject to getting that sort of show of support by these
26 communities. If they aren't behind it, then they probably aren't

1 going to accept the results of it, and it'll be just wasted money.

2 MR. PHILLIPS: Anybody have any objections to that
3 suggestion? Yes, Donna and then

4 MS. FISCHER: Okay. I believe in our comments in the
5 packets that we had that, I know from Tatitlek, Chenega, and a lot
6 of the areas did support this, am I not right, Chuck?

7 MS. TOTEMOFF: Yes.

8 MS. FISCHER: I mean, there was a lot of letters to back
9 this up.

10 MR. McCORKLE: There are 20 communities involved.

11 MS. FISCHER: Um hum, well there was from other areas to,
12 but I know there was, there were quite a few letters from Chenega
13 and Tatitlek on this.

14 MR. PHILLIPS: But it wouldn't be a big job to, to send
15 a letter to each one of those communities outlined here and ask
16 them to respond. Two out of 20 isn't a big majority.

17 MR. McCORKLE: (Inaudible - not speaking in a mike)

18 MR. PHILLIPS: Did you have a --

19 MR. TOTEMOFF: My concern about that suggestion is that
20 it might take months to get the resolutions back.

21 MR. PHILLIPS: Can we just print them out a paper and
22 have them sign it and send it back, or fax it?

23 MR. TOTEMOFF: I'm sure there is a lot of support for
24 this, but

25 MR. PHILLIPS: Jim?

26 MR. KING: I'm wondering if -- there's been an inquiry in

1 the villages to determine just what species the people are
2 concerned about and that sort of thing, and what they feel is the
3 problem.

4 MR. PHILLIPS: Do you know? If there has been any
5 inquiry in the villages.

6 MR. KING: What species are we talking about here?

7 DR. MONTAGUE: Yes, I'm sorry I didn't get the full gist
8 of your question. Our subsistence division indicates that it's
9 continuing and voluminous. But the local subsistence users have
10 been complaining about this since those results came out.

11 MR. PHILLIPS: Mostly salmon?

12 DR. MONTAGUE: No, I would say, some salmon, but harbor
13 seals comes up a number of times, as do shellfish and sea ducks.

14 DR. FRENCH: In the Kodiak area, it's even included deer
15 and bear and other terrestrial mammals that feed along the beaches.

16 DR. MONTAGUE: Yeah. I don't think that, I mean, we're
17 not proposing that in this.

18 MR. PHILLIPS: Any other comments? We have before us, a
19 motion of approval -- yes, Pam?

20 MS. BRODIE: Could you change this slightly to say that
21 it would require cooperation of the local villages rather than a
22 side resolution, I'm wondering if that, pard me?

23 MR. McCORKLE: Seek cooperation.

24 MR. PHILLIPS: Why don't you ask the, maker of the
25 motion, I think he's the appropriate one to answer your question.

26 MR. CLOUD: Well I just thought a resolution is something

1 that is official enough that -- that the villages would all have to
2 be together on it, to support the project and it already is stated
3 that -- cooperation on it.

4 MR. PHILLIPS: Vern?

5 MR. CLOUD: I'm just a little concerned that we don't
6 spend all this money on it this time, and then next year, we're
7 back for another study the same one because we didn't believe this
8 one and I think with they're involvement, this would assure that
9 they'd been involved in the planning and studying.

10 MR. PHILLIPS: Vern?

11 MR. McCORKLE: I -- I think that's an excellent point and
12 I -- I sort of think it's addressed in the methodology. What I'm -
13 -just a bit edgy about is two factors, is sending to -- rural
14 communities, either the request for our resolution, which is hard
15 to get sometimes -- or here, sign this. That's not really the way
16 we do things and, it's a little bit off-putting and then second,
17 then hooking the success of this up to getting 20 resolutions back,
18 which we might get back by June, depending upon when the next
19 council meeting is. I think that the chairman had an excellent
20 which was to make sure that proper communi -- that we ask, we
21 suggest to the Trustees that adequate communication takes place so
22 that the communities involve understand what we're doing and we
23 seek their input and -- cooperation and assistance at each step of
24 the way, or something of that kind, will probably achieve what
25 everybody thinks we should do.

26 MR. PHILLIPS: At least if we could express our concern

1 that the communities be involved in the acceptance of the project,
2 so we don't waste the money. The motion is before you and are
3 there any further discussions on it? If not, I'd ask for unanimous
4 consent for the approval of '017 with the discussion sent to them
5 that we just recently had, if there's no objection, then it is so
6 order, we have unanimous consent on '017.

7 We have another 20 to 25 minutes before we have to
8 interrupt the thing. Could we go to '018. You're on the frying
9 pan again.

10 DR. MONTAGUE: Dolly Varden and cutthroat trout in the
11 oiled areas experienced a reduced growth, I think on the order of
12 40 to 50 percent between oiled and unoiled and also reduction and
13 survival, I believe survival to the adulthood. As a result of
14 that, a number of areas, or at least one area that had been quite
15 an important sport fishery for Dolly Varden and cutthroat trout had
16 to be closed as a result of the injuries from Exxon Valdez and
17 particularly the cutthroat trout populations -- at the northern
18 limit of their range and require, I guess, careful, careful
19 monitoring of harvesting there, and we feel that what's likely to
20 happen is with the closure of some of these more popular areas that
21 people will then overfish very sensitive areas elsewhere that
22 weren't oiled and could not withstand this fishing effort. And
23 what this project would do, in essence, would be to define those
24 areas and withstand increase fishing pressure and direct the public
25 to those areas and away from areas that we feel would be over
26 fished and again, this ties back to the closure of fisheries in the

1 oil spill area.

2 MR. PHILLIPS: Do I hear a motion to accept or to approve
3 '018?

4 MS. FISCHER: I move to approve.

5 UNIDENTIFIED: I move to adopt.

6 MR. PHILLIPS: There's a move and a second, I believe,
7 here. So the, is there any discussion on the project? Well that's
8 unbelievable. In that event, I would ask for unanimous consent in
9 hearing no objection, it is so ordered. Well there's that miracle
10 I was talking about this morning. (Laughter)

11 So our next one is '019.

12 DR. MONTAGUE: I think you tabled '19, '20 and I think --
13 is '22 the next one?

14 MR. PHILLIPS: '19 was tabled? Okay. And '20. So we go
15 to '22 -- page 107. This is the Department of Interior Fish &
16 Wildlife Service. Who are we going to have comment, or give us a
17 thumbprint on this one? Is there anybody here that can do that?
18 Here's a mike.

19 MS. BERGMANN: 93022 is another project on -- that's,
20 looking at enhancing the productivity of murre which we talked
21 about earlier today. The idea behind this study is actually to
22 use --decoys, dummy eggs, and recordings of murre calls to try to
23 simulate normal breeding behaviors of these colonies where breeding
24 failures have been occurring over the last few years. This is a
25 feasibility study at this point. We would simply be looking at
26 using these techniques -- looking at the feasibility of using these

1 techniques at colonies in the Barren Islands. A part of what we
2 would be doing then would be monitoring the success of this
3 technique.

4 MR. PHILLIPS: Thank you. Yes. I think before we
5 discuss it we should have a motion on the floor.

6 MR. McCORKLE: I move to adopt.

7 MS. FISCHER: Second.

8 MR. PHILLIPS: Move to approve second, alright
9 Donna?

10 MS. FISCHER: Yeah, one of the questions that we had
11 first, of all, we thought it was extremely high, in fact in excess,
12 and wondered if this wouldn't recover naturally over time anyway.

13 MS. BERGMANN: Hopefully, the populations will recover
14 over time, but the estimates are that it may take quite a number of
15 years and -- and I would look to Fish & Wildlife Service, but I
16 think we may, may even be talking about decades in terms of their
17 recovery. As I said earlier, there are not that many things you
18 can do to enhance the recovery of murres, so we're looking at any
19 kind of techniques that may be available to try to speed up that
20 recovery, so that we're not looking at decades down the road.

21 Also, as a point of clarification, I would like to add that
22 the monitoring portion of this project is -- is not only monitoring
23 the success, the feasibility of, of use of -- of decoys and murre
24 sounds, etc. But it's also to look at the recovery of the murre
25 populations in general in the Barren Islands where we are
26 experiencing the most difficulty.

1 MR. PHILLIPS: Would you explain the contractual item of
2 126,000. That's the largest one there, what would that entail?

3 MS. BERGMANN: I did not bring my detailed budget here
4 this morning, but I know that part of the contractual component of
5 this study is for a consultant, to use -- to bring in a consultant
6 to help provide technical expertise in developing the recordings
7 and dummy eggs, etc. Also, it is expensive to do work out in the
8 Barren Islands, and a additional part of those monies would be for
9 aircraft support, helicopter support to conduct the work. Did I
10 miss anything?

11 MR. PHILLIPS: Can I ask a dumb question? Doesn't that
12 upset those birds awful to go up and stick those dummy eggs in
13 there?

14 MS. BERGMANN: That is a real concern of, of Fish &
15 Wildlife Service and it has to be done, well, it has to be done
16 obviously, we talked about the other project where there's a big
17 concern, so this one has to be conducted in such a way that you
18 don't creating more problems by going in and trying to use these
19 techniques than the benefits that you would accrue. So that is a
20 concern.

21 MR. PHILLIPS: John?

22 MR. McMULLEN: I have a question, what benefit is gained
23 by the murres for being monitored?

24 MS. BERGMANN: We're trying to find out when they're, the
25 populations have recovered. Once you have population recovery,
26 then you don't necess -- you don't need to be spending more money

1 to get them to a level where they are considered to be recovered.
2 So they're, it's simply a technique that we're looking at for lots
3 of different kinds of species to find out, are we back to pre-spill
4 conditions yet.

5 MR. PHILLIPS: Yes, Vern. And then did you have your
6 hand up, Pam?

7 MR. McCORKLE: As a friend of the murre and who has
8 studied murre for nine years, I really question this project. I'm
9 not opposed to doing what it takes to be done to re-establish a
10 population, but I have a few baseline questions. First of all, can
11 we learn anything from the murre studies done in other similar
12 areas in the state of Alaska? Second, can we adequately answer the
13 question of, how are we going to assist the -- come-back of the
14 murre population by this study. I propose that we're not going to
15 help it all and that actually we may hurt it a great deal and,
16 third, you don't learn anything about a bird population in one
17 year. We're looking at seven to ten years at a minimum here. So
18 I really question, 120,000 bucks, 126,000 bucks for somebody to
19 come from King's College in Canada to tell us how to do this
20 bizarre.

21 MR. PHILLIPS: Could somebody help her, with that
22 door, before she gives herself a bath with that coffee. Thank you.
23 Excuse me.

24 MR. McCORKLE: I think this one needs to go back to the
25 drawing board, I -- I would like to hear a lot more discussion but
26 I'm not prepared to support it at this time.

1 MR. PHILLIPS: Dr. Spies, I notice that you have a very,
2 very high classification on this one, do you care to comment on it,
3 and then,

4 DR. SPIES: Yeah. I think that Pam Bergmann's comments
5 are very accurate on this one. This is a species that was -- was
6 a arguably the most damaged of any spill. A large portion of the
7 population was affected, it's a very common seabird, and they're
8 extremely vulnerable to oil, as has been shown in other spills, as
9 well as this spill, and it looks like it could be decades before
10 they could recover, and I think you're absolutely right, Vern, that
11 we don't know that this techniques are going to work, but the sense
12 is, that we could try some of these at least and see. Maybe they
13 have a chance of working, learn something more about seabird
14 restorations from this major spill, it's probably worth doing.
15 There's no guarantees and I think we have to be very, very careful
16 about how we approach all these projects, this one in particular,
17 that it could do more, more harm than good by getting out there and
18 there's certainly ways that got to be done by dealing with parts of
19 the colony that are somewhat separated, that minimize the risk and
20 so on and so forth. Some of the reviewers are very strong as
21 others, that might be more conservation-inclined, say, well, why
22 don't we just use the money for habitat acquisition, we're just
23 wasting it, so we get a variety of opinions here. I think it's,
24 you know, given the seriousness of the injury, the -- the length of
25 recovery, its arguably the most, as I said, the most injured
26 species -- we ought to try a few things to see if we can help them.

1 At least learn something from them, experience is a big part here.

2 MR. PHILLIPS: John?

3 DR. FRENCH: Not only is activity associated with this
4 project going to affect the marine mammals in the area, isn't
5 Barren part of the transit exclusion film to protect the marine
6 mammal populations?

7 MS. BERGMANN: You're talking about the monitoring or the
8 actually, the deployment of -- with respect to --

9 DR. FRENCH: -- aircraft traffic you bring into the
10 island area, and it's excluded, if my memory is right, it's
11 excluded from fishing traffic right now.

12 MS. BERGMANN: Well, it's part of the Alaska Maritime
13 National Wildlife Refuge, so obviously, all of, as Bob was saying,
14 all of, no one is interested in conducting any study for any
15 particular species that's going to create problems for another
16 species. So that's obviously something that needs to be taken into
17 account to make sure that doesn't happen. To, if I could respond
18 to a couple of comments, or questions, I'm not sure I remember all
19 three, but the folks that are developing this certainly have talked
20 to people who have experience in working with murres, not only
21 throughout Alaska, but in other places in the world and they've
22 talked about experts about other colonies that have had problems
23 and -- and tried to look at techniques that have been used
24 throughout the world to reestablish murre colonies -- that have --
25 been disseminated for one reason or another -- in terms of
26 monitoring there has been monitoring out of the murre populations,

1 but I can't tell you exactly which years right off the bat, but I'm
2 sure in 1989, 1990 -- 1991 and '2, again, because as Bob said, it's
3 one of the most injured species that we have, and so -- we agree
4 that you don't get much information by doing it only one year.
5 This is, we are, you know, this is a continuation of monitoring
6 that we've had for the previous three years.

7 MR. PHILLIPS: John, first, then you have --

8 DR. FRENCH: Yeah, these, the activity exclusions -- to
9 protect the females, particularly the stellar sea lions are causing
10 a lot of trouble to commercial fisheries and the justification is
11 that the activity in those areas is disturbing the (inaudible) and
12 other known training behaviors of those species and it looks to me
13 like this is a fairly intensive monitoring activity on the Barren
14 Islands. Some activity has been incurred (inaudible), but it would
15 -- this level of activity. Is it really reasonable to be pursuing
16 these others? I mean, the commercial fishery, if it can do
17 anything to avoid the stellars going in danger would like to do so
18 because the management options if they do go endangered are very
19 minimal and -- projects that may or may not result in positive
20 activities in a protected areas -- I don't know, I just have
21 problem with it.

22 MR. ANDREWS: This is an academic question. Is it
23 possible, Dr. Spies to trap murre in some other location of Alaska
24 and transplant them into this area, as an immediate infusion?

25 DR. SPIES: That's been discussed as a possibility --
26 (inaudible -- coughing) of the list of options. We actually had a

1 litigation meeting before the settlement and brought in experts
2 from -- two different places around the United States and from
3 Canada to discuss the restoration options. That one was discussed,
4 it didn't come up high. None of them really got stellar scores
5 because of the, we just don't know what will work. And I can't
6 recall unfortunately, the reasons why the experts didn't think that
7 that particular -- strategy. I know Carol Gorbics may remember,
8 perhaps not.

9 MR. PHILLIPS: Vern.

10 MR. McCORKLE: Thank you. I wanted to comment to the
11 responses, but first of all, a member of the public whose here has
12 handed me a note saying that there is a Steller sea lion refuge on
13 Barrens that prohibits traffic near it. So we may want to put that
14 in as a footnote, to see. Yeah okay. With respect to repopulating
15 the area with murre. In our, in our nine-year long study of murre
16 populations which began before and after the crash of the
17 population on the Pribilofs, we studied this with, with great care
18 and discovered that you cannot transplant murre with success from
19 one point to another, even in the same general area, and I'm sure
20 that documentation is available through the National Fish &
21 Wildlife Service, National Marine Fishery Service and Corps of
22 Engineers, and the City of St. Paul, all of whom put money into
23 these studies, but not anywhere near this amount, and it's very
24 sexy to talk about murre calls and eggs and so forth, but that,
25 really is very, very doubtful as to whether or not that will work.

26 MR. PHILLIPS: Pam?

1 MS. BRODIE: I've talked -- talked to a couple of bird
2 biologists about this who, apparently were on the side that Dr.
3 Spies is talking about that did not agree with the idea. They both
4 thought it was very unlikely to be successful and a waste of money,
5 and I'm going to oppose this.

6 MR. PHILLIPS: Yes, Jim.

7 MR. KING: The Pacific Seabird Group which is the
8 organization that nominated me for this group has written a letter
9 which you have a copy of, I think, you know -- which were all
10 distributed. They don't think this is a realistic project. They
11 say it was used, I think, in the Atlantic to restore puffins on a
12 very limited one small island, they had to shoot gulls and then do
13 this kind of project to get puffins reestablished and there are
14 some places in the South Pacific where its been tried where a
15 species has been completely eliminated, but the position of the
16 Pacific Seabird Group, and I have to speak for them, is that --
17 there are plenty of murre further west, they will recover in due
18 time. The biggest threat to murre nesting however, is still the
19 foxes and the rats that were introduced on some of the other
20 islands and the Fish & Wildlife Service as I understand it, had a
21 \$50,000 budget in the last year to continue to remove foxes and the
22

23 MR. McCORKLE: Don't let that get out! (Laughter)

24 MR. KING: The \$50,000 budget was eliminated for some
25 reason or other --

26 MR. PHILLIPS: Don't want any boycotts that's why.

1 MR. KING: In any event, the position of the Pacific
2 seabird, that was, would have to endorse it, is that kind of money
3 would be way better spent in removing introduced predators from
4 other murre colonies rather than to spend that kind of money on
5 this kind of a study.

6 MR. PHILLIPS: Senator?

7 SEN. ELIASON: Jim, that was my question also. It says
8 there's two things that have to happen. One, if we can induce them
9 to resume nesting AND reduce predation. Now what if we, what if
10 they do nest, but we don't do anything about the other issue, then
11 of course, we might be wasting our money in getting then the nest
12 and in fact be eaten by someone else.

13 MR. PHILLIPS: Spies?

14 DR. SPIES: I'd like to clarify, I'm not a bird
15 biologist, but what I hear from Fish & Wildlife Service is that
16 their -- the predation by the foxes and other mammals on murre
17 colonies is in the colonies out of the spill area and to the west.
18 And well that may --help the overall population in the Gulf of
19 Alaska -- what I've heard is that it will not affect the areas that
20 have been most affected, the colonies that are most damaged by the
21 spill --

22 MR. PHILLIPS: Thank you. Before us is -- did you want
23 to make a comment?

24 MS. BERGMANN: One other comment that I'd like to make is
25 that there really are two distinct parts to this. I don't have a
26 lot of support for the feasibility study, but another part of this

1 which I think is very important is the monitoring portion just to
2 see what's happening again with the murre. So

3 MR. PHILLIPS: How do you monitor? Could you explain how
4 the monitoring is done?

5 MS. BERGMANN: I'd ask the Fish & Wildlife if that's
6 fine. Just really.

7 MR. PHILLIPS: Did I miss something? Oh my goodness.
8 Time-lapse camera. Does anybody have to be there behind the
9 camera?

10 MR. McCORKLE: Got to put film in every so often.

11 MR. PHILLIPS: Yeah, so they're not -- disturbed only
12 when you change film?

13 MS. GORBICS: We don't count from boats as well and take
14 votes from boats. My name is Carol Gorbics and I'm with the Fish
15 & Wildlife Service and we -- go out periodically, waiting for the
16 birds to come on the cliff. This year for instance, we went out
17 several times and they still weren't on the cliffs, so obviously,
18 we just went by on the boats. But once they're there, we try to
19 take still photographs of the sites, and we use those for plot
20 counts back in the office as well as we try to do some of the
21 counting on site. We're replicating techniques we've used over the
22 last decade in various colonies throughout Alaska. We have
23 specific, very rigid protocols for bird counting, and we don't
24 deviate from those so we can compare year to year and colony to
25 colony.

26 MR. PHILLIPS: If we had to separate the activities and -

1 - if the group, if they approved the monitoring, what, how do you
2 split the budget to do that? It's 20, 21,000, I mean 281,000 -- I
3 have a feeling that there is, it's not going to be a big whopping
4 success here on part of it anyway.

5 MS. GORBICS: The monitoring is 177,000 for the --Barrens
6 and the decoys is 103,000.

7 MR. PHILLIPS: Okay. Thank you. Are there any other
8 comments. We have a motion to approve the entire project before
9 us. Is there any, any desire to modify that? Yes.

10 MR. McCORKLE: Mr. Chairman, if we take out the
11 monitoring, just set it aside as it's own project, will it still
12 qualify for a -- a -- money. I'm assuming that we have already
13 established that the impact has been as a result of the oil, so
14 there shouldn't be any problem, but sometimes in separating out an
15 aspect, maybe we set ourselves up to fail. Will it still qualify
16 for a study.

17 MS. BERGMANN: These projects were actually separate for
18 quite a while and they ended up getting collapsed.

19 MR. McCORKLE: Thank you. That takes care of that.

20 MR. PHILLIPS: Yes, James.

21 MR. KING: Is there any reason that this can't be dealt
22 with in the restoration plan? What are we going to lose by waiting
23 a year to have it scrutinized further?

24 MS. BERGMANN. We just get back to the same point that
25 this is one of the most severely injured -- species from the oil
26 spill, and it has not recovered yet, and we think that it's

1 important to see what happening this year to help determine whether
2 or not recovery is taking place.

3 MR. PHILLIPS: Go ahead.

4 MR. STURGEON: If this project is not passed, would Fish
5 & Wildlife Service not go out there at all? Aren't these the kind
6 of things that you would do as a normal course of business and Fish
7 & Wildlife Service, will you go out there at all?

8 MS. BERGMANN: The Fish & Wildlife Service would not be
9 doing -- population counts in the Barren Islands every single year.
10 They have a lot of colonies all over the state and limited amounts
11 of money to this kind of censusing, so they would be going around
12 the state and --

13 MR. STURGEON: You know, by recognizing this one is --
14 most -- damaged, Fish & Wildlife Service wouldn't say, well we
15 better forget about these for awhile and concentrate on this one.
16 Because my question is, why would you do this in a normal, part of
17 your, your business that you're doing the normal part of the work?

18 MS. BERGMANN: The assumption for all of the projects in
19 here is that these are efforts that are above and beyond normal
20 agency management because of the oil spill. Because the oil spill
21 killed so many murres in the Barren Islands, you've got to pay
22 particular attention to them, whereas you wouldn't normally be --
23 you might be serving murres in the Barren Islands once every ten
24 years, or 15 years, but because of the oil spill and the impacts,
25 you need to pay attention to them and that, that's an assumption
26 that we have on all of the projects really in these, in this

1 document.

2 MR. PHILLIPS: Vern?

3 MR. McCORKLE: When the Pacific Seabird Association says
4 that this project might not, should not be a high-ranking, well I
5 have to respect that a great deal. Second, I have not thought
6 about the fact that this should go into the restoration program,
7 and losing one year's data is not going to amount to a hill of
8 beans, unless it happens to be year four in a series or something,
9 but even that's not -- these comments are limited only to murre.
10 So I think maybe this could go -- this big block of money could be
11 used something, some place else, could go in the restoration
12 program.

13 MR. PHILLIPS: Alright. The motion before us is to
14 approve 022. Are you ready for a vote on it? The question has
15 been called. Those who are in favor of recommending this entire
16 project to the Trustees, raise your hand please. I think we have
17 another unanimous vote, unless somebody wants to abstain. It's
18 obvious by that vote that it's unanimous against it. Would you
19 like to send some of the comments that we've heard here today along
20 with the reason for the vote, because that's a pretty dramatic
21 vote.

22 MR. MUTTER: Chairman, I thought I would send a --
23 portion of the transcript along with the vote, that way, they can
24 see the whole discussion.

25 MR. PHILLIPS: All right, if --

26 DR. FRENCH: I just want to add, if it is funded, I

1 disagree with the state that it doesn't have to go undergo NEPA.
2 It's -- it's entering its own side to protect the endangered or
3 nearly endangered and terribly threatened species, that its
4 declined 90 percent in the Gulf of Alaska in the last, in the last
5 ten years, and they -- survive.

6 MR. PHILLIPS: Well that will be on the transcript,
7 because you did cover that pretty well. So '022 has been declined.
8 Yes?

9 MR. KING: I would like the record to show that we hope
10 that this will be dealt with in the restoration plan.

11 MR. PHILLIPS: Fair enough, if you could underline that.
12 What happened to '23, did it drop out of my book? Or is that,

13 MS. FISCHER: Go on to '24.

14 MR. PHILLIPS: '24. It's a quarter after, and I did say
15 a time certain, so if we could put it to bed and start on '24
16 tomorrow, I'd like to give Chuck -- he indicated about ten minutes
17 to do his and then the Kodiak group and then the Valdez group. Who
18 is the third group? Paul.

19 UNIDENTIFIED: Prince William Sound.

20 MR. PHILLIPS: Here you go. Why don't somebody turn up
21 the -- volume, Chuck will tell us what he has to tell us.

22 MR. TOTEMOFF: Okay, I'll just begin. What I've done,
23 has passed out the copy of my presentation. I'll just go ahead and
24 begin since I've only got fifteen minutes. My name is Chuck
25 Totemoff and I serve as CEO of Chenega Corporation. I acknowledge
26 conflicting roles as a member of the PAG representing ANCSA

1 corporation landowners and as representative of five ANCSA
2 corporations seeking to form a joint venture to contract part of
3 the Prince William Sound restoration work. Today, I want to
4 discuss our joint ventures intended positive impact on Prince
5 William Sound Restoration. The Trustees have received a proposal
6 for direct contracting from a joint venture of the village
7 corporations of Chenega, Tatitlek, Port Graham and English Bay.
8 They have also received a proposal from Chugach Alaska Corporation
9 to form the Chugach Resource Management Agency, which intends to
10 inventory contractible resources of manpower, equipment and
11 services in Prince William Sound and to direct agencies to
12 appropriate resources. Since early December, the five corporations
13 have negotiated intensely to meld together the best points of these
14 two previous proposals into a single new joint venture proposal.
15 Let me describe this more efficient service entity which will
16 provide both organized resource inventories and direct contracting
17 on some projects of mutual interest approved by the Trustees
18 Council. Our management planning team currently consists of the
19 following well-qualified individuals. We will expand it with
20 equally well-qualified individuals as CRMA becomes operational.

21 Michael Brown has an M.S. in Meteorology and is a retired
22 Naval commander including service as Commanding Officer of the
23 Arctic Naval Research Laboratory managing field operations program
24 for federal research in -- in northern Alaska. He later retired to
25 become CEO of Piquinik Management Corporation, a joint venture of
26 several North Slope Native corporations of which he has a ten year

1 history of business success in Alaska as a contractor to the
2 federal government. Last year he joined Chugach Alaska Corporation
3 as President. He has been very active in promoting the business
4 aspects of Prince William Sound restoration and has experience in
5 dealing with the Alaska business community. Myself, I again, I
6 currently serve as president of Chenega Corporation. I have held
7 management positions with Chenega Corporation since 1988. I have
8 been on the Chenega Corporation Board of Directors for six and a
9 half years. I have devoted the past four years of my professional
10 life in responding to the oil spill and its devastating aftermath
11 on my community, village corporation and spill impacted areas.
12 Management experiences during the past four years have included
13 managements of sediment gathering programs, monitoring clean-up,
14 archaeological and cultural resource protection, management of
15 Exxon-Chenega Corporation clean-up contracts in excess of one and
16 a half million dollars, state local response programs in excess of
17 a half million dollars, management of meteorological studies
18 involving data gathering, and management of logistics for some of
19 the restoration studies. In addition, Chenega Corporation has also
20 been involved in licensing programs with the Alaska Department of
21 Fish & Game with regard to research stations on Chenega Corporation
22 lands, and I have managed the Chenega Corporation portion of those
23 programs. I have also assisted in the development of numerous
24 suggestions to the Trustees Council for work plans for 1993,
25 including the Chenega, chinook and coho programs, subsistence
26 studies program, spring 1993 assessment programs and other

1 programs. I have considerable experience in dealing and
2 representing communities through the Prince William Sound area.
3 Tyler Jones, who has a Bachelor's in Organizational Management.
4 I'll introduce him. He's sitting in back here -- is a consultant
5 on marine and business management. Formerly, chief of staff to
6 Senator Mike Gravel and Director of the Port of Anchorage. He has
7 a unique Alaskan experience in government transportation and
8 logistical management. Tom Fink, has a Ph.D. in physical and
9 biological chemistry from Yale University -- after university
10 teaching and industrial research, he joined ARCO Alaska 14 years
11 ago as chief environmental officer reporting to the president or
12 vice-president for external affairs which enables him to deal with
13 both the physics of engineering and practical field operations and
14 also technical and regulatory aspects of environmental protection
15 and restoration. For nine years, Dr. Fink had oversight
16 responsibility for all ARCO environmental programs and managed many
17 of those out of the Anchorage head office. He is one of the most
18 experienced senior environmental managers in the state. He will be
19 responsible for advising our venture on all aspects of planning
20 restoration activity and technical environmental quality control of
21 our operations. CRMA's primary advantage to Prince William Sound
22 restoration effort is its intention to capitalize on our personnel
23 and equipment already being close to the sites of much restoration
24 activity enabling us to provide quality services more cost
25 effectively than our competition. We will be able to move
26 equipment and people rapidly from one restoration site to another

1 thus, thus reducing duplication of personnel and equipment and
2 associated environmental and financial impacts. Some other
3 benefits to consider about our joint proposal are, number one,
4 local residents will have the satisfaction of their own
5 participation in restoration since we intend to include in our
6 inventory, everybody in Prince William Sound willing to work who
7 has the equipment or skills. Two, there are possible opportunities
8 for 93-638 contracting. Three, this local participation is
9 envisioned in Chenega Village settlement and in various, various
10 other statutes. Right now CRMA needs a refined scope of work for
11 each of the projects to assemble an inventory of relevant
12 resources. CRMA must continue communication on detailed work
13 scopes with agencies as we develop inventory and they refine work
14 plans. This will yield better work scopes based on the realities
15 on Prince William Sound logistics and a more relevant inventory
16 based on a better understanding of what is needed. CRMA requests
17 that agencies cooperative actively -- to facilitate communication.
18 We envision the CRMA inventory to be continuously updated as far
19 equipment and personnel. By matching the inventory with the
20 requirements of the work scopes CRMA intends to maximize cost
21 effectiveness of inventory effort to searching our appropriate
22 equipment and personnel. We also will be prepared to contract and
23 subcontract directly for individual project arrangements. As
24 necessary, we will identify and retain technical experts to plan
25 and to exercise control over certain contracted functions.

26 In summation, CRMA with government agency cooperation in fully

1 understanding project work scopes, will be prepared to effectively
2 inventory contractible resources and to contract directly to
3 execute certain project functions or even complete projects.

4 MR. PHILLIPS: What -- what action are you asking this
5 group to take?

6 MR. TOTEMOFF: How this presentation works in we think we
7 should. What I think what I'll be asking the Trustee Council on
8 the 9th -- January 19th to approve the CRMA proposal that came in
9 on November 20th and the budget that was attached to it.

10 MR. PHILLIPS: Yes Vern.

11 MR. McCORKLE: Thank you Mr. Chairman. Chuck, I am very,
12 very impressed with your presentation and the crash crew experts
13 you put together to help -- and I'm, I'll hurry home and fish out
14 of that four inch document, your proposal. I haven't read it yet,
15 so, because I just didn't realize it was in there. But could you
16 for the benefit of us and the few minutes that we have left, tell
17 us what it is, just in the very brief sense what that proposal is
18 and what you really want to do. Because it seems like, if it's --
19 can work, is an opportunity to utilize local expertise with the
20 help and the assistance of other experts. So what, what do you
21 want to do. What kinds of things?

22 MR. TOTEMOFF: Well first of all, the CRMA would contact
23 state and federal lead agencies, that's the step number one. And
24 then we would form the CRMA team, that's outlined in the proposal
25 here, which would consist of a project manager, a person
26 specializing in the federal and state procurement and two liaison

1 specialists.

2 MR. McCORKLE: Do you have a paragraph there that sets
3 out sort of a scope of work.

4 MR. TOTEMOFF: Yes. It's in the actual proposal itself.
5 On the last page here.

6 MR. McCORKLE: Uh-huh, back here?

7 MR. TOTEMOFF: Yeah.

8 MR. PHILLIPS: While you're looking for that, could you
9 have your two people stand up so that we were talking about, Mr.
10 Fink and -- Mr. Brown.

11 MR. TOTEMOFF: To my rear here is Thomas Fink.

12 DR. THOMAS FINK: I'm neither the mayor of Anchorage nor
13 am I the farmer by the name of Thomas Fink.

14 (Laughter)

15 MR. PHILLIPS: Is Mr. Brown here?

16 MR. TOTEMOFF: No he's not, he couldn't make it today.

17 MR. PHILLIPS: And this is Tyler over here. Thank you
18 gentleman.

19 MR. TOTEMOFF: I do have a handout that was handed out
20 earlier as a Prince William Sound work group presentation. There's
21 more copies here. I like to refer to it as a bullet list, in a
22 nutshell.

23 MR. McCORKLE: I see the two paragraphs here, maybe this
24 is what I'm looking for -- I remember a lot of bosses I have had,
25 looked at me right in the eye and said you're effective when
26 directive, but defective in the ultimate objective and what's more

1 the ellific (ph) hieroglyphic is to me, much more specific, and so
2 forth. So what do you want to do. You say you're going to form
3 teams and you're going to go the council and you're going, you
4 know, inventory, but what will you do?

5 DR. FINK: Well I would say, that the way I would convey
6 from this a -- moving forward is number one. Different
7 representatives of the CRMA would like to contact the agencies, or
8 other entities that have developed this proposals. Is this coming
9 through the microphone okay? Okay. And try to better understand
10 really, what the work scope is. Because you've got the what and
11 why in the blue books, but not detailed work scopes. If we
12 understand the work scopes better than we're in a position to look
13 at -- our resources of people and equipment and then try to make
14 them available to the agencies either through purely a kind of a
15 liaison activity, which is the original CRMA proposal and since
16 that time of course, the four villages have joined in with that and
17 also, perhaps, direct contracting of various pieces of it. For
18 example, we've done one thing already rather informally like that.
19 We talked with Carol Gorbics a little bit in the Fish & Wildlife
20 Service and found out that there is some monitoring operations
21 that'll be occurring in March. They're all set as far as Boston
22 Whalers to get people in the field, but on the other hand, they
23 need some sort of a large dormitory vessel to put them up. You
24 can't put them on a field camp on a beach in Prince William Sound
25 very handily in March. So Chuck here, the next trip he makes to
26 Chenega is going to look in -- he's got several things in mind,

1 folks that have larger fifty to sixty foot fishing vessels, you
2 know, with a galley and folks and so forth on it that he can put
3 the people up in. That's a fairly simple example.

4 MR. McCORKLE: Thank you. I appreciate the dimis -- the
5 time you give me to fall through on that question and I guess,
6 you'd really like to have a piece of the work -- my questions are
7 all friendly questions, by the way, you'd like to have a piece of
8 work of these projects, is -- is that what you're bottom line is?

9 DR. FINK: At least organize the field logistics so that
10 we don't get into duplication. I'm not, well, the three of the
11 projects I can imagine you'd have field monitoring crews show with
12 their own vessels on board, all three of them let's say, perhaps in
13 the same place on the same day. I think we could come up with some
14 plans to simplify and make that sort of a problem not a deter but
15 being more efficient --

16 MR. McCORKLE: So you would work in a geographical area,
17 or would you go --

18 DR. FINK: Well, the Prince William Sound, the whole
19 area. That's one side of it. Another side of it would be the,
20 the -- projects themselves. We might contract pieces of those. --
21 we've particularly started out looking at the subsistence project,
22 that we, that was approved this morning. And I got interested in
23 this because years ago when I was with ARCO, we executed some
24 projects of a sort of subsistence nature in the Colville River on
25 the North Slope of Alaska using local residents through Nuiqsuit
26 doing most of the field work, gave them one professional fisheries,

1 by -- gave them some very specialized training for what needed to
2 be done, and went on from there. They gathered the data, of course
3 the biologists had to really analyze them.

4 MR. McCORKLE: Thank you very much, I appreciate your
5 explanation.

6 MR. PHILLIPS: I'm a little perplexed on what we in this
7 committee can do with this presentation -- if it is a request for
8 a piece of the action, I think that's a decision, of course, that
9 the Trustees have to make. I don't think that -- I haven't heard
10 any objection in this whole group about giving locals the
11 opportunity to participate to their fullest, but -- I, I really
12 don't know what to do at this point to even answer your
13 presentation. Because we can't, we're not the ones that are going
14 to give out any contracts or anything so, I don't know what you
15 expect in that regard from us. Pam?

16 MS. BRODIE: Perhaps what you're asking for, I'm not
17 sure, perhaps its with certain specific ones of these projects,
18 that a larger part of it should be contractual. Is that correct?

19 MR. TOTEMOFF: I think we recognize that in the 1993 work
20 plan, many of these projects are pretty much set in stone for this
21 year as far as the personnel portion of that, but we would be
22 interested in facilitating the contractual portion on most of these
23 projects.

24 MS. BRODIE: The part that they're planning to do
25 contractually will go out for bid, and you folks would be able to
26 bid on it.

1 MR. PHILLIPS: Yes, Vern. Did you have a comment?

2 MR. McCORKLE: Maybe what we could do to help most
3 facilitate CRMA would be to assist in opening the door, maybe it
4 would be by resolution or communication saying that we are
5 impressed by the local people who are qualified to do the work
6 and -- suggest -- with great urgency, that -- with great weight --
7 that the Trustee Council consider all requests that they get from
8 qualified local people to do certain parts of this 1993 work plan,
9 that they give a great weight to that, and that would then sort of
10 open the door for you, you could sail in on those colors, and then
11 stand on your own credentials to do the parts of the show that
12 you'd like to do.

13 MR. PHILLIPS: Yes

14 MR. CLOUD: Can we do that, Vern, a couple of meetings
15 ago. Wondering if you would

16 MR. PHILLIPS: We have a resolution to that effect that
17 I presented last meeting, almost word for word.

18 MR. McCORKLE: Maybe just sort of re-emphasize, ratify,
19 say again, repeat.

20 MR. PHILLIPS: Yes, Dave.

21 DR. GIBBONS: The Trustee Council read this -- table
22 that, and so there is some consideration on legalities. One thing
23 that the Trustee Council has to operate under is existing federal
24 and state regulations and so that involves RFP, you know, going out
25 for bids, all the rest of this and, and they have to live within
26 that umbrella and I would just make that comment and you'll hear it

1 again.

2 MR. PHILLIPS: Yes, go ahead.

3 MR. STURGEON: It maybe quicker in the longer, Chuck,
4 what might help is that if there was more of the work in the
5 contractual service side of things that would allow your entity to
6 bid on them. Right now there is a lot in personnel services and
7 that the government is more or less doing for themselves. That
8 they're not putting out the contracts. So if we had more out for
9 contract, that would allow your, your group to bid on those, to
10 become involved, and being local, you probably have an edge, I
11 would guess and being a Native corporation.

12 MR. TOTEMOFF: Mr. Chairman, I think -- what we would be
13 asking for at this point in time would probably be an endorsement
14 for the Public Advisory Group and also maybe a recommendation that
15 the agencies, that we be able to contact them freely and to try to
16 develop these work scopes.

17 MR. PHILLIPS: To expedite this, may I suggest that
18 something more of that nature, the thing that you're looking for,
19 be put into writing and we could take it up tomorrow and act upon
20 it. Because it's getting pretty late and I think you're in the
21 best position to write down on the paper what you want, and then we
22 could modify or suggest or do whatever is necessary. We'll take
23 that up at an early time tomorrow, if you can do that.

24 MR. TOTEMOFF: Okay, I can do that.

25 MR. PHILLIPS: Okay. Because you're pretty prolific on
26 writing I found out. If that's all right with the group, then

1 we'll entertain the suggestions, whatever suggestions come out of
2 this tomorrow, and at this time, I'd like to address the group from
3 Kodiak and your presentation.

4 DR. FRENCH: Okay. Kodiak -- sure, yes. The Kodiak
5 Island work group and Kodiak Island Borough and the Restoration
6 Committee, that before that, both put, -- all three put fairly high
7 priority on two projects which were represented in the resolutions
8 that were presented to you earlier, Kodiak Island Borough
9 resolutions 92-51 and 52. These represent the conceptual design --
10 engineering and architectural efforts on two different construction
11 projects. One being the expansion of fisheries research efforts in
12 Kodiak, and the other one being the architect -- architect --
13 archaeological museum and cultural center. I'll address the first
14 one of these and I'll let Rick Knecht address the second one.

15 I do want to -- acknowledge the fact that I am the acting
16 director of the Fishery Industrial Technology Center, and as such,
17 if, if 92-51 comes to a vote, I will not be voting because of that.
18 But in 1982, the State of Alaska formed a Fishery Industrial
19 Technology Center to study the management, conservation,
20 harvesting, and processing of fishery resources of the state. And
21 as such, it's always been envisioned as a multi-agency effort, so
22 this is not just an University of Alaska effort. What we
23 currently have is basically a seafood technology building. To give
24 you kind of a background, I'll pass around this pamphlet, but this
25 is what exists today. This isn't what we're proposing.

26 With respect to the oil spill and oil spill mitigation,

1 enhancement restoration efforts, one of the big problems that faced
2 Kodiak Island when the spill occurred was the lack of facilities to
3 do practically any of the work that was related to those aspect in-
4 house and the future phases of the Fishery Industrial Technology
5 Center, which does include National Marine Fisheries and Fish &
6 Game efforts among other possible agencies, includes studies of
7 both of biological and chemical toxicological efforts, both in
8 terms of potential safety of food resources, whether they be
9 subsistence or commercial food resources, behavior and physiology
10 of fish, fish and fish resources in terms of reaction to oil, oil
11 reaction to gear reaction to practically any external stimulus.
12 There's a number of different way that this center as envisioned
13 would directly relate to settlement related aspects. And it's
14 never been the intent to request full funding for the project from
15 the settlement. As the borough resolution states, there's some
16 federal planning money currently available. There's an
17 authorization for federal lease money for what would be at least
18 half of the facility. What we need at this point is more
19 finalization of the conceptual efforts, realization of what is and
20 what isn't appropriate to the settlement effort, initial
21 architectural and design work on that so we can, one, answer the
22 question, how much of the center really would be appropriate to
23 settlement and how much -- it's, what would be reasonable to come
24 forward with a request for, and the other, is really, how we can
25 most -- optimally utilize the resources of all three of those
26 agencies for the possible addition of ADEC. There's a lot of

1 aspects here. As I said, its a broad-spectrum, fisheries research
2 effort. It's viewed as a critical aspect for the Kodiak community,
3 as is the cultural heritage center that Rick's going to be talking
4 about. I intend tomorrow, if nobody else does, bring forward those
5 two resolutions to the floor for the consideration of this group,
6 although as I said, on that particular one, I will not be voting
7 either way on it because of the conflict of interest. I would be
8 happy to answer any questions at this point. I think I probably --
9 our time is tight enough now. I better stop there and let Rick
10 talk about the heritage center.

11 MR. KNECHT: Thanks. As I said before, Kodiak has by far
12 the highest density in the oil spill area. That's because of its
13 position in the Gulf of Alaska, rich resources and so on. About
14 20,000 Native people live there by the time the Russians arrived in
15 1780's, and they were also the most over run by the outside, first
16 the Russians, then the canneries, then World War II, and so, they
17 suffered a lot of damage to traditional culture and language.
18 People became concerned about that about twenty years ago. This is
19 not a project we dreamed up to spend oil spill money. Twenty years
20 ago, they started planning for a museum. In 1983, we began
21 research out there, and we found a large water-logged site and
22 began to realize how rich the culture really was and also, began to
23 document the erosion and loss due to development and that
24 accelerated the interest in the museum considerably. We also began
25 to involve the Native community directly in the excavations. And
26 what happened there, the youth became involved in their heritage,

1 started learning about it, and then their parents did, and it was
2 quickly seen that surprisingly strong involvement in learning about
3 heritage, arise in self-esteem and corresponding lowering of social
4 problems in the village, and so, lots of side benefits, unexpected
5 side benefits started coming out just from this archaeological
6 work. In 1986, we started, I started full-time with the Native
7 association and their travels to museum, different museums, our
8 committee was told, well, don't wait for your building, go ahead
9 and start your programs, so we did, and we have programs that have
10 been recognized by the Park Service as being one of the leaders in
11 U.S. in tribal preservation, not just archaeology, but in language,
12 oil histories, recapturing lost life-ways, ethnical botany, and so
13 on. We've also accumulated a large collection of documents, more
14 than 100,000 artifacts, probably the best North Pacific collection
15 in the world right now. And we've got a cultural center now in
16 rented space of about 2,000 square feet and -- we're stacked right
17 up to the ceiling. We do an archaeological excavation every
18 summer. This last summer we did six and that, relies on local
19 volunteer labor, as both an educational process and a money-saving
20 thing. This project, what we're asking for at this point, is
21 \$800,000 and you think, well good grief, \$800,000, but we blithely
22 doled out hundreds-of-thousands of dollars to these agencies for
23 one-year projects. This is a permanent addition to the area. And
24 one which will involve education, cultural preservation, as a
25 repository for these artifacts. We will also address some of the
26 less tangible damages that we talked about earlier, to traditional

1 life-ways, to traditional culture, to the social fabric that was
2 damaged by the oil spill, and it's very difficult to address in any
3 other way and we've proven that we can solve some of these
4 problems. It's also important for the non-Native community. We've
5 had this project on, earlier on and it was left off of this blue
6 book as it wasn't viewed as time-critical enough, and we went back,
7 and the community demanded that we put it back on. So we did, and
8 what we'll do for the 800,000, now originally we said look, the
9 best is a five million dollar thing, building, that's the pie in
10 the sky, but this is a very important project, so what we're going
11 to do is do it a phased development. If all we can get is 800,000.
12 That's okay. We'll do it in a 3,000 foot structure, and we'll
13 start with storage and lab space so that vital artifacts and
14 records generated by these studies and generated by other
15 activities in the -- this Kodiak, and in other places of the oil
16 spill area can take place, then we'll add on a gallery, then we'll
17 add our fancy stuff. And so, we'll do first things first. It's
18 time critical because, unlike the other resources, the natural
19 resource damage done by oil spill is horrendous, and we've all
20 mourn that, but ultimately, nature tends to repair itself, that's
21 not so with the sites, that's permanent damages that's forever and
22 that's not just a bunch of stones and bones. This is the only
23 history that we have of a whole people. And it's difficult for us
24 who are non-Natives to imagine not knowing anything about our
25 history or traditions before, say, 1800, but that's what the case
26 is. And the last ten years, we've about doubled the knowledge that

1 we had, and we've just scratched the surface.

2 MR. PHILLIPS: Do I understand that the two resolutions
3 you would like to be able to present before this meeting adjourns
4 possibly tomorrow, is that what I understand?

5 DR. FRENCH: Yes. When we consider other projects that
6 were not recommended for approval by the Restoration Team, we would
7 like to put these two projects forward at that time.

8 MR. PHILLIPS: Is that alright gentlemen, if we hang
9 those on, on the end when we conclude with these. Does it cost
10 \$800 a square foot to build in Kodiak?

11 MR. KNECHT: No, it's about \$250 a square foot.

12 MR. PHILLIPS: You said 1,000 square feet for 800,000.

13 MR. KNECHT: Oh, I'm sorry, 3,000 square feet. And we're
14 not asking for personnel. We're not asking for admin. We'll take
15 every dollar, until -- we've got \$200,000 saved up, starting from
16 village bingo games over the years.

17 MR. PHILLIPS: Did you ever consider a career in sales?
18 (Laughter) Was there, was there another presentation, yes okay.

19 MR. McMULLEN: I'm going to discuss a little background
20 and then briefly discuss three projects which might well have been
21 presented by Jerry McCune, the commercial fishing representative,
22 had he been here, -- I think that the Cordova Fisheries, CDFU, has
23 sent in letters of support for these projects and I think they've
24 been distributed in packets we've had in the past.

25 UNIDENTIFIED: Are these projects included

26 MR. McMULLEN: No, they're not included in this book.

1 No. My background is that I believe the 1993 work plan doesn't
2 adequately address the salmon resources of the region impacted by
3 EVOS. Regional aquacultural associations in Prince William Sound,
4 Cook Inlet, and at Kodiak worked cooperatively with the ADF&G with
5 the salmon enhancement and restoration, regional salmon planning
6 and salmon harvest planning and evaluation of wild stock, hatchery
7 stock, interactions, all this on an on-going basis. Yet,
8 aquaculture's role in the production and preservation of salmon
9 resources in the impacted region have been overlooked by the EVOS
10 restoration project. However, I'm not asking anything for
11 hatcheries or our own organization. This is Department Fish &
12 Game-related projects, which they deem as essential to the
13 continuation and furtherance of the wild stock, enhanced stock,
14 salmon programs, in this case in Prince William Sound. Aquaculture
15 programs which were in place prior to the oil spill have advocated
16 the need to protect and maintain wild stock. The help of all
17 stocks is the topic of continued evaluation and discussion in
18 Prince William Sound, the site of five hatcheries. The EVOS
19 disrupted salmon and herring stocks in the impacted regions in the
20 manner in which I will describe shortly. These species spawn in
21 the inter-tidal locations said to be the most severe, severely
22 oiled environment in this particular spill. This oil, oiling
23 disrupted the wild stock, hatchery stock, management's system which
24 was under development in the sound. Now the relationships between
25 these stocks must be even more carefully evaluated to determine the
26 extent to which wild stocks must be managed and protected.

1 Therefore, I am proposing the inclusion of three fisheries projects
2 to evaluate wild stock, hatchery stock, interactions in the sound
3 and the need for these projects, as expressed by biologists who
4 operated in the sound is stated thusly. This one is for herring.
5 The oil spill coincided with the spring migration of herring to the
6 spawning grounds and adult herring transmitted oiled waters on the
7 way to near-shore staging areas. Significant histopathological
8 damage was measured in adults collected in oiled areas in both '89
9 and '90 confirming exposure of the fish to toxins. Holding at over
10 40 percent of the spawning areas and of migrating adults, cost
11 increase egg mortality. Elevated levels of abnormality and gene
12 breakage in newly hatched larvae and reduced hatcheries -- hatching
13 success of the embryos. Over 90 percent of the rearing and feeding
14 areas of herring were oiled in 1989. Direct mortality was
15 significant on young herring in 1989 and sublethal effects were
16 measured in larvae and adults in '89 and '90. And the study goes
17 on of -- the herring spawning areas which are inter-tidal of both
18 the, both the -- oiled and unoiled areas of the Sound. This work
19 involves stock assessment, examination of spawn deposited in these
20 areas and -- examination of the, in assessment of the health of the
21 herring stocks in general, which may require that fishing
22 activities be -- be changed to protect stocks which were disrupted
23 by the oil spill. For pink salmon in the Sound, it is said that
24 wild pink salmon in oiled portions of the sound have experienced
25 higher egg mortalities, larvae deformities and lower juvenile
26 growth rates than stocks from unoiled streams and hatcheries.

1 There is evidence that they may also have sustained genetic damage
2 which has resulted in reduced egg survival in generations following
3 the spill. Furthermore, studies of recovery of tagged returning
4 adults in streams have indicated that there is, there is mixing of
5 stocks or fish between streams, mixing of hatchery fish with the
6 wild fish in the streams of the Sound and this, whether or not this
7 system, situation has been aggravated by the oil spill, the
8 chemicals in the water which result in the spill itself, in a
9 couple years following the cleaning up of the sound and the
10 chemicals that were swept into the water, whether this is a,
11 whether the rates of strain are seen now is related directly to
12 that and those rates will change, and strains will become
13 pronounced in the coming year, or future years have yet to be, to
14 be determined. The third project deals with stocks other than pink
15 salmon and other than herring, and this is the pink salmon and
16 other salmon project are tag recovery projects. In other words,
17 there's been a, a mass of tag recovery program incurring in Prince
18 William Sound. The hatchery put on the tags. We tag over a
19 million young salmon ourselves and all those tags are at sea from
20 last year's pink salmon releases and from future years, or from
21 past year's sockeye and chum salmon and coho releases. They are
22 all out there, and the recovery program is not, is not funded and -
23 - in one of the salmon which we are most concerned about in the
24 sound and we heard about it today is the Coghill sockeye. This is
25 a salmon which was once in abundance, once supported strong
26 fisheries, both sport fisheries, subsistence and commercial, and

1 now have been depleted almost to extinction in recent years, and
2 the young salmon that came out of Coghill Lake is smolts, a few did
3 come out in the year of the oil spill, came out into oiled waters
4 on the west side of the Sound. The entire fishery management
5 program in the early part of the season, July, in Prince William
6 Sound, salmon fishing program is centered around the Coghill stock,
7 and we need to manage for that stock and to restore it, drives the
8 rest of the fishery activities during the early part of the season
9 and the Department of Fish & Game feel strongly that it must, must
10 understand the interactions in the fisheries of these different
11 stocks of salmon, pinks, sockeyes, chums, at the same time that the
12 sockeyes are coming in, to, to understand how to best manage and
13 protect these stocks in the face of a fairly intensive hatchery
14 program and -- and the request then is for stock assessment and
15 examination of oiled and unoled areas for herring and for tag
16 recovery program on pink salmon and the other species in Prince
17 William Sound to maintain the balance between the hatchery stocks
18 and the wild stocks, you know, with the primary consideration
19 being, protecting maintenance and restoration of the wild stocks.
20 Unfortunately, these are expensive projects. The pink salmon tag
21 recovery program itself, for one year is \$773,000. The other
22 salmon recovery programs for coho, sockeyes and chums, and kings
23 which are produced for the sport fisheries of the Sound is \$249,000
24 for one year, and the herring project for the stock assessment on
25 spawning grounds is \$165,000. It is true that these are ongoing
26 programs to be carried on continuously because the program -- these

1 relationship between wild and hatchery stocks will have to be
2 continuously monitored and evaluated and fishing patterns adjusted
3 or hatch reproduction adjusted to accommodate for the maintenance
4 and preservation of the wild stock. I expect over time, the
5 Department of Fish & Game's emerging policy or at least operating
6 practice of saying user-pays will prevail, and that the aquaculture
7 system, which is the fisherman, will have to pay the bulk of all
8 evaluation for the evaluation projects in the Sound and elsewhere
9 in the state, you know, as a condition of continued operations of
10 the salmon enhancement program. However, following a couple years
11 of really poor pink salmon returns in the sound, at least value-
12 wise, there is no money in Fish & Game budgets and there's no money
13 in our organization to fund this nearly \$1 million worth of
14 projects. We wouldn't, of course, fund the herring project, but
15 these are projects of vital concern to the Department of Fish &
16 Game and to us, because the Department of Fish & Game regulates our
17 activities, and we know that to maintain our activities, we've got
18 to maintain these wild stocks that I described here. So I, I'm
19 going to ask tomorrow that these three projects be included on
20 those that are considered for recommendation.

21 MR. PHILLIPS: Present it to us in a form that we can
22 read and

23 MR. McMULLEN: I have copies of these projects here.

24 MR. PHILLIPS: I mean, yeah but, they're not too thick
25 are they?

26 MR. McMULLEN: No, they're three-pagers. I've got 20

1 copies of each of the three.

2 MR. KEITH GOLTZ: For the record, my name is Keith Goltz.
3 I am an attorney for the Department of the Interior, and I have
4 been told I'm most useful when I'm sitting down and being quiet,
5 but I think I have to inject here a couple of cautions, one is to
6 repeat the caution I gave at the first meeting, and that's if you
7 have a financial interest in a project that's presented here, you
8 excuse yourself, both from the vote and from the deliberations on
9 that project. If you don't do that, you risk conflict with the
10 federal conflict of interest laws. I can't make you do it, but I
11 can recommend strongly that you do do it.

12 MR. PHILLIPS: Thank you very much.

13 DR. FRENCH: Can you define what direct financial
14 interest is?

15 MR. GOLTZ: Well I don't know, but I would suggest that
16 you, you, and you, excuse yourself. (Points to French, McMullen
17 and Totemoff). I think you're all three well within the

18 SEN. ELIASON: I definitely would benefit by employer,
19 and probably indirectly benefit --

20 MR. GOLTZ: Well, there was a case where a university was
21 called to task for having its professors involved on a PAG.

22 SEN. ELIASON: This does not preclude us from questioning
23 him about the particular project does it?

24 MR. GOLTZ: That's where it becomes difficult.

25 SEN. ELIASON: How are we going to know how it functions,
26 without talking about it.

1 MR. GOLTZ: No, other people from the public haven't had
2 this advantage, so I would say that you probably should forego it
3 and get that information some other way. Either in a written
4 proposal or have an alternate here or something, I don't know how
5 far you want to push that line. My recommendation would be that he
6 not -- to answer your question and that you give the information
7 some other way.

8 DR. FRENCH: How does this affect the Trustee Council and
9 Restoration Team. Since they have a direct financial interest in
10 a lot of those projects also.

11 MR. GOLTZ: No, no. My -- well the Trustee Council is
12 governed by another set of laws, the three state members by the
13 state laws and the federal members by conflict requirements that
14 are much more stringent than the ones that I'm setting out here.
15 The same is true of the federal members of the Restoration Team.
16 They have to file yearly conflict of interest statements which go
17 far beyond this.

18 MR. PHILLIPS: You suggested that on one hand, we
19 shouldn't discuss the merits with the individuals who have an
20 interest in it, what about their presentation? As you've heard
21 here today. There's -- tomorrow presenting things to us, should
22 that be done by those persons, or does that get fouled up to? I
23 mean if they present it as resolution.

24 MR. GOLTZ: I don't know where the line is. It's, its
25 not an area that has been fully litigated. What I would suggest is
26 that the presentation itself be allowed. That's why I didn't jump

1 up earlier.

2 MR. PHILLIPS: Okay.

3 MR. GOLTZ: But that you cut it off there, and that the
4 deliberations be carried out without those members present.

5 MR. PHILLIPS: Thank you very much. Yes

6 SEN. ELIASON: To complete, ask Dave a question as to
7 whether or not building a -- building for the University of Alaska,
8 Kodiak, falls within the criteria of the decent monies being spent.
9 Can we do that? in also a museum. Are we on the fringe or are we
10 allowed to do that?

11 DR. GIBBONS: Well that's the link, when we were looking
12 at those things, was the link to the injury. Adding, adding space
13 to the Fisheries Technology Center, what will it be used for in
14 regards to the oil spill. If you're doing fish quality or
15 something for pollock or halibut. There's a lot of questions that
16 need to be asked in link to the proposal to the injured resources
17 and we've fought with a lot of those things ourselves.

18 SEN. ELIASON: Is there linkage or not? I guess that's
19 a simple question.

20 DR. GIBBONS: Pardon?

21 SEN. ELIASON: Is the linkage there, yes or no?

22 DR. GIBBONS: We -- I'd have to go back and look at
23 these. Look what the, I could pull the file out of each one of
24 these.

25 SEN. ELIASON: Would we know tomorrow before we vote on
26 them?

1 DR. GIBBONS: I can pull the file out on them.

2 MR. CLOUD: I believe it would be as well, -- considered
3 time critical.

4 DR. GIBBONS: I know on several of them, and they weren't
5 time critical, on the archaeology and those, but I don't know about
6 these pink and the herring and the

7 DR. FRENCH: Well we're going to have ask that ourselves.
8 Could I request that you pull the one-page descriptions out of the
9 original plan since both those projects were submitted in that
10 form.

11 DR. GIBBONS: If you folks could give me the numbers on
12 those, I -- I'll -- will help me out to pull those out

13 MR. PHILLIPS: Is there, okay if you gentleman would,
14 presentations of any of these tomorrow, I would suggest that you
15 get with Dave to get the one-pagers, it's going to be easier to
16 deal with and then we will gently decide on whether we throw you
17 out the front door or not when its time to talk about them. Yes.

18 MR. GOLTZ: As long as I got the floor, let me bring up
19 two other things. One is on, on this local hire which has come up
20 again and again. From the federal side, there's very little,
21 little that you can do. The contract in laws is a very specialized
22 area. It's rather arcane, but its built on the level playing field
23 concept to avoid giving preferences and you're going directly
24 against the tide with your considerations here. There are a couple
25 of exceptions to that. One is 638, which is mentioned in your
26 presentation.

1 MR. PHILLIPS: What is that?

2 MR. GOLTZ: That's for Natives. There's another
3 exception under ANILCA for visitor facilities, and there's one
4 under SBA for small businesses, but that's about it. The other
5 thing I might, might mention while I'm here. Senator, we have
6 considered some of these projects and have excluded them because we
7 -- the attorneys felt that the connection was not there. These
8 particular projects were not on the list that I saw, but some of
9 the ones that you have in your booklet has been vetoed by the legal
10 people. That veto was ignored, but there was a question that was
11 asked on several of these projects.

12 SEN. ELIASON: Are they identified?

13 DR. GIBBONS: The ones I mentioned earlier about the
14 transporting, that -- that has -- the mariculture and the shellfish
15 hatchery. Will you be here tomorrow?

16 MR. GOLTZ: Yes.

17 MR. PHILLIPS: Chuck?

18 MR. TOTEMOFF: Yeah I've got a question while Keith is
19 sitting here. Concerning 9319, mariculture -- Chugach Region
20 Mariculture Project. It's my understanding that the state
21 attorneys were supposed to have been working on an opinion
22 reversing the federal attorney's earlier opinion that this project
23 is withdrawn within the settlement agreement?

24 MR. GOLTZ: I, I understood that they were too. I don't
25 know that that they've done anything -- I haven't seen it.

26 DR. GIBBONS: My understanding of that they're working on

1 their own opinion and may not reverse that. They're just working
2 on their own opinion. So you're going to have two legal opinions.

3 MR. GOLTZ: Well maybe not, but -- the state and federal
4 perspective is a little different. We try to get together whenever
5 we can, but that that's correct. The legal opinion on these
6 projects is only federal.

7 MR. PHILLIPS: Sure would like to get everybody out of
8 here as quick as we can. Vern, you had a comment?

9 MR. McCORKLE: I'll defer to tomorrow.

10 MR. PHILLIPS: I've had two complaints today about the
11 doughnuts and (simultaneous aside comments) it's becoming an
12 unanimous consent here. I don't know whether I have to hint any
13 more or not, but, that was one of the bene's of this job. So far,
14 we haven't seen any. Is there anything else that is of an
15 emergency nature, or I would like to -- not adjourn, but to recess
16 until 9:00 in the morning. Appreciate it if you would be here
17 ready to go at 9:00, so we can try to get through this. So far
18 we've got a third through it and maybe, we can pull it off or you
19 will have to make your reservations for Friday, because we really
20 want to finish this for those, among other things.

21 Thank you very much and you can leave your materials
22 right here, I understand for tomorrow if you don't want to take
23 them with you.

24 (Off Record: 5:10 p.m., January 6, 1992)