

9.4.3

**EXXON VALDEZ OIL SPILL SETTLEMENT
TRUSTEE COUNCIL**

PUBLIC ADVISORY GROUP

RESTORATION OFFICE
Simpson Building
645 G Street
Anchorage, Alaska

April 16, 1993
10:00 a.m.

PUBLIC ADVISORY GROUP MEMBERS in attendance:

PAMELA BERGMANN substituting for
DOUGLAS MUTTER Department of the Interior
Designated Federal Officer

RUPERT ANDREWS
JAMES CLOUD
DONNA FISCHER
JAMES KING
VERN C. McCORKLE
BRAD PHILLIPS
CHARLES TOTEMOFF
GERALD McCUNE

PAMELA BRODIE
RICHARD ELIASON
JOHN FRENCH
CLIFF DAVIDSON
JOHN McMULLEN
JOHN STURGEON
JOHN DIEHL

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
KEN RICE	Deputy Natural Resource Manager, United States Department of Agriculture - Forest Service

OTHERS IN ATTENDANCE who testified:

VERONICA GILBERT
KATHY ANDERSON
JERRY RUSHER
CHARLES McKEE

P R O C E E D I N G S

(On Record: 10:12 a.m.)

MR. PHILLIPS: If we could come to order please. For your information, Doug Mutter is in acute pain today. He's tried some extreme skiing and at his age it didn't work and so he has a back that doesn't function, so he won't be with us today. He may stop in for a minute on the way to the hospital -- so, Pam Bergmann is going to take his place. Besides she's a lot prettier anyhow. I think we can -- we'll try to function without Doug today. And -- so, if you'll kind of just put up with us a little bit. I'd like to have Pam call the roll to see -- today, whether we have a quorum, hopefully.

MS. BERGMANN: Okay, Rupert Andrews.

MR. ANDREWS: Present.

MS. BERGMANN: Pamela Brodie (no response).

MS. BERGMANN: James Cloud.

MR. CLOUD: Present.

MS. BERGMANN: James Diehl.

MR. DIEHL: Here.

MS. BERGMANN: Richard Eliason.

MR. ELIASON: Here.

MS. BERGMANN: Donna Fischer.

MS. FISCHER: Here.

MS. BERGMANN: John French.

DR. FRENCH: Here.

MS. BERGMANN: Paul Gavora (no response).

1 MS. BERGMANN: James King.
2 MR. KING: Here.
3 MS. BERGMANN: Richard Knecht (no response).
4 MS. BERGMANN: Vern McCorkle.
5 MR. MCCORKLE: Here.
6 MS. BERGMANN: Gerald McCune.
7 MR. MCCUNE: Here.
8 MS. BERGMANN: John McMullen.
9 MR. McMULLEN: Here.
10 MS. BERGMANN: Brad Phillips.
11 MS. BERGMANN: John Sturgeon.
12 MR. STURGEON: Here.
13 MS. BERGMANN: Charles Totemoff.
14 MR. TOTEMOFF: Here.
15 MS. BERGMANN: Llewellyn Williams (no response)
16 MS. BERGMANN: Cliff Davidson.
17 MR. DAVIDSON: Here.
18 MS. BERGMANN: And, James Kerttula.
19 MR. PHILLIPS: He's not here.
20 MS. BERGMANN: What is that -- one -- thirteen.
21 MR. PHILLIPS: What do we have to have for a quorum?
22 DR. GIBBONS: Twelve.
23 MR. PHILLIPS: Twelve. Does anybody have any insight on
24 the ones that are not here of whether or not they will be -- has
25 anybody heard from them?

1 DR. GIBBONS: Pam will be here.

2 MR. PHILLIPS: Pam will be here. Okay. On any of the
3 others, Paul -- or Lew Williams or anybody? Okay. Pam has also
4 some supplementary information she has to have an answer on -- has
5 to do with travel, so I would ask you to clear that up now for
6 everybody.

7 MS. BERGMANN: Alright, yes, Doug was telling me this
8 morning that he was passing the baton to me here, that there are
9 several folks that need to get some expenses into Fish & Wildlife
10 Service. That includes Pamela Brodie, who hasn't quite walked in
11 yet, John French, Paul Gavora, John McMullen and Lew Williams. So,
12 if you would please make sure that you get those expenditures
13 turned in to Fish & Wildlife Service that would be greatly
14 appreciated. As I said, if you have any questions about that call
15 the woman at Fish & Wildlife Service or give Doug Mutter a call
16 next week.

17 MR. PHILLIPS: Dave are you going to do the -- whose
18 going to do the summary of (inaudible -- simultaneous talking).
19 Yes Jim.

20 MR. KING: I brought a guest. Would this be
21 appropriate.

22 MR. PHILLIPS: Oh, it certainly would.

23 MR. KING: This is George Matz, I'm proposing him as
24 the alternate.

25 MR. PHILLIPS: You're alternate.

26 MR. KING: He is a past president of the Anchorage

1 Audubon Society, but has a background in economics and resource
2 planning. So, I think he's going to add a good element, and I'm
3 looking forward to working with him and I hope you --

4 MR. PHILLIPS: Have you -- he has submitted his name to
5 the Trustee Council?

6 MR. KING: Well, I've got the paper work, so he can
7 fill in what he needs to.

8 MR. PHILLIPS: Which reminds me -- has everyone else
9 submitted the detailed information necessary for your alternate? Is
10 there anybody that hasn't?

11 MR. ANDREWS: I've got one, I just haven't submitted it.

12 MS. BERGMANN: Okay, I believe -- what Doug told me this
13 morning was that he had sent out a package to all of you regarding
14 selection of your alternates. Did everyone see that packet of
15 information?

16 MR. PHILLIPS: Yes.

17 MS. BERGMANN: Okay. And he had asked for responses back
18 by April 23rd.

19 MR. PHILLIPS: Which isn't very far. We'd really
20 appreciate it if you can get them in because it's just an
21 administrative thing, but we don't want to be part of a problem
22 holding up things. Yes.

23 MR. McCUNE: Can I get another packet?

24 MS. BERGMANN: Where do you want that sent to -- your
25 regular address?

26 MR. McCUNE: That would be fine.

1 MS. BERGMANN: If I have it here, I'll just do the
2 information.

3 MR. McCUNE: No, just send it Juneau until May 5.

4 MS. BERGMANN: Unless someone happens to have a copy with
5 them today and we can -- we can just get a copy made for you --
6 Rebecca, maybe --.

7 MR. McCORKLE: Mr. Chairman. I just wanted to inquire
8 ...

9 MR. PHILLIPS: Certainly.

10 MR. McCORKLE: With respect to members of the advisory
11 group, is that something we should do or something we must do. I
12 don't know, I haven't read the rules.

13 MR. PHILLIPS: Okay, if you'll remember, we asked the
14 Trustee Council to make a ruling to change our operating procedures
15 to allow us to have alternates that could vote.

16 MR. McCORKLE: Yes.

17 (Pamela Brodie present at 10:22 a.m.)

18 MR. PHILLIPS: In order to make that decision, they asked
19 us to offer our alternates, and, I think it's important that we do
20 so, so that they can -- because they're going to have to approve --
21 and just as -- just as they have approved us as the primary ones.
22 So, we're hopeful that we don't run into a problem that we had last
23 time, not having a quorum. Where if your -- if they were all
24 approved or maybe they've already approved, I don't know -- we'll
25 hear about it this morning when Dave gives the results of the last
26 Trustee meeting, but if you can get them in, then we are never put

1 in a position where we can't conduct business, where we can have
2 somebody that can vote in your behalf. I think all they want to
3 know is if the person is qualified or is as qualified as you are
4 individually to take that position in case you're absent.

5 MR. McCORKLE: My question -- my question went strictly
6 to procedure. If we are required to do that or something we are
7 allowed to. It was strictly an informational question.

8 MR. PHILLIPS: No, I don't -- I don't think we're
9 required, however I think we are required if we're going to get
10 what we ask for and that is an opportunity to have our alternates
11 vote.

12 MR. McCORKLE: I hear you.

13 MR. PHILLIPS: Otherwise, I don't think -- it doesn't
14 matter much. John did you have a question?

15 DR. FRENCH: No, I was just refer to the proposed
16 wording where it says (inaudible).

17 MR. PHILLIPS: Yeah.

18 MS. BERGMANN: Mr. Chair.

19 MR. PHILLIPS: Yes.

20 MS. BERGMANN: Could you please fill George's -- have
21 George spell his last name. George Matz.

22 MR. MATZ: M-A-T-Z.

23 MR. BERGMANN: Okay, thank you.

24 MR. PHILLIPS: Yes, Jim.

25 MR. KING: Can he submit this information that's
26 required directly here or does he have to send it to me ...

1 MR. PHILLIPS: No, no, no, no.

2 MR. KING: ... send it back here.

3 MR. PHILLIPS: As long as -- I think -- who he's going to
4 be the alternate for -- let's not make it any more complicated than
5 necessary. As long as Doug gets it in his office.

6 MR. BERGMANN: If you have it here today, I'll be happy
7 to take it back to him.

8 MR. KING: Well, he hasn't filled it in yet.

9 MR. PHILLIPS: At this point, I'm going to ask Dave
10 Gibbons to give -- give us the summary of the last meeting they --
11 February 10th. They call it an information center because, as you
12 remember, we did not have a quorum, we could not act, and so you're
13 going to comment on that, and at the same time then he's going to
14 also go through this pile that you got this morning -- or, at least
15 I got -- is a summary of the last Trustee Council meeting, so we
16 can see what actions they've taken that affect us. You want to go
17 ahead.

18 DR. GIBBONS: Thank you, Brad. I'm actually going to
19 cover the minutes of two Trustee Council meetings: the March 10th
20 meeting, where they dealt with the operating procedures of the PAG
21 and some other items; and, also, the March 29th meeting, which --
22 they dealt with some other issues. Well, first I'll deal with the
23 March 10th meeting. As you know, from the discussion here just
24 when I walked in that the Trustee Council approved the Charter, the
25 designation of alternates, and did some wording changes on intent
26 to the operating procedures. And, I'm sure you've all got that by

1 now, so I won't go into that anymore. They also moved to have the
2 designated lead federal agency representative -- Doug -- an
3 alternate named for him, and you can see why that was important --
4 in the operating procedures -- required that a designated federal
5 officer be present before a quorum was present. So, they moved on
6 that. The Trustee Council also approved a fact-finding boat trip
7 for the Public Advisory Group for a total of \$2,000 to Prince
8 William Sound, pending legal review. The cost will cover both fuel
9 and travel to Public Advisory Group members. And, I understand
10 that's scheduled for May 24th. They next moved onto the topic of
11 habitat. The Trustee Council approved a motion for selecting
12 option A as an interim method to proceed with discussions of
13 imminently threatened, privately held land. And aim was that
14 representatives from the agencies would do the negotiations with
15 the landowners directly. But then they caveated that -- that said
16 that part of option A -- a coordinating committee that reports
17 directly to the Trustee Council would be formed to coordinate the
18 efforts of the imminently threatened land negotiations with
19 landowners and individual trust agencies. And, before I forget any
20 further, I've got copies of this being made, and I'll pass this out
21 to you, so -- you know -- all of this is on sheet. I just forgot
22 about the March 10th meeting, and I've got copies of the March 29th
23 here, so you will be getting copies. They approved a motion on a
24 two-step process for imminently threatened land -- the top four
25 parcels that ranked the highest presently -- to proceed with
26 negotiations, and those off the top of my head are Seal Bay, the

1 tip of Kenai -- there's some parcels on the Kenai Peninsula -- Fish
2 Bay near Cordova, and Power Creek. Those were the four top
3 imminently threatened parcels, other than Kachemak Bay, and
4 Kachemak had already been -- money set aside for purchasing. Then
5 step two, during the process of discussions with the landowners
6 concerning the remaining fourteen parcels, there's -- nineteen
7 parcels of imminently threatened lands -- Kachemak Bay was the top.
8 We're dealing with the four negotiations and the remaining
9 fourteen, we're trying to -- the Restoration Team and the habitat
10 protection work group is trying to gain additional information on
11 them to see if we are complete with our information on those
12 imminently threatened lands. So that was the second part of it --
13 then if there's new information to re-rank those parcels and
14 determine the status. The Trustee Council -- if any time anybody
15 has any questions just -- you know -- just interrupt me, and I'll
16 try to explain further what they did.

17 MR. CLOUD: What was the second or the fourth parcel
18 again? (Inaudible)

19 DR. GIBBONS: No, there was Seal Bay and there's some
20 isolated parcels on the tip of the Kenai Peninsula. I'm looking
21 around for a map -- I don't -- yea, there's some parcels right down
22 by -- around from Port Graham. They were in your package in last
23 PAG meeting. They were identified -- two or three parcels down
24 there. We call it the Kenai -- tip of the Kenai -- Fish Bay and
25 Power Creek. And those are both by Cordova.

26 MR. PHILLIPS: Yes, John.

1 DR. FRENCH: Was there any discussion about trying to
2 negotiate a moratorium on logging on those -- on any of those
3 parcels?

4 DR. GIBBONS: That's part of the negotiations. If the
5 agencies can work that, that's what the process of imminently
6 threatened is -- it's to try to move quickly on --

7 DR. FRENCH: So, they can do that before settling on a
8 price?

9 DR. GIBBONS: Right. That's an option that's available
10 to the agency. Coming around are the notes that I'm reading from.
11 I'm on page two, the second item under habitat. Any other
12 questions on imminently threatened. As a side note, I'm not sure
13 it's in here or not, the comprehensive program for identifying
14 possible habitat protection, either conservation easements,
15 whatever methods available, they gave us direction to proceed with
16 that also, as quickly as possible. We're sending letters -- we
17 sent letters to everyone of the major landowners in the oil spill-
18 affected area, and what I mean by major, the 160 acres or larger,
19 asking if they would like to participate in the process. And,
20 we're getting those letters back as we speak now. And, we're going
21 to combine that into a complete package of what parcels are there,
22 what -- start doing an evaluation of those parcels, and see where
23 they all fall out. As we keep telling them, there's not enough
24 money to do everything, so somehow we have to prioritize if we're
25 going to go onto that process. So, we're trying to get that
26 information. The Trustee Council approved the DEC -- we gave them

1 some negotiation guidelines -- a draft -- and that's attached to
2 the second to the last page of the package I just passed out --
3 called "Negotiation Acquisition Guidelines." You'll see there are
4 notes on them -- these are notes from John Sandor, Department of
5 Environmental Conservation, with some changes he would like. They
6 approved revisions number 1, 2, 3, 4 and 13, to the Negotiation
7 Acquisition Guidelines with the amendment that they be applicable
8 to any proposed additions or deletions to the identified package on
9 the imminently threatened lands. We have drafted that, they also
10 gave us some direction to -- to determine who's going to do what,
11 when. We've got some additional guidelines that we're going to
12 present to them on May 13th on that topic. May 13th is the next
13 Trustee Council meeting. The Trustee Council recommends that legal
14 review of the negotiation acquisition guideline be conducted, but
15 not at -- delay the habitat protection process. Don't delay the
16 negotiations, but make sure that we're legally -- can do this --
17 and, do that by the March 29th Trustee Council meeting, which they
18 did. The Trustee Council moved that the following agencies contact
19 the owners with respect to -- and these are the four parcels I
20 mentioned -- KAPO1 is the Fish -- Seal Bay, Prince William Sound,
21 04 -- I believe -- 04 and 02 are either Power Creek and Fish Bay,
22 I'm not quite sure of the numbering, and CIK05 is the tip of the
23 Kenai. This coordinating committee that they set up that reports
24 directly to them to review the negotiations guidelines is to be
25 comprised of the Habitat Protection Work Group members. So,
26 there's a group set up already that works with habitat protection

1 procedures, and that is the group that will do the coordinating
2 with the various negotiations taking place by the agencies. They
3 moved that we continue to review the process of the preparation of
4 '92 final reports working with the Chief Scientist. Throughout --
5 a major topic they dealt with is the '93 work plan. They approved
6 NEPA funding for \$10,000 for the project 93016, which is the
7 Chenega, Coho and Chinook project in Prince William Sound. It's in
8 the blue book that you've got. Motion -- on the -- Coghill Lake --
9 93024 -- they approved a project at one ninety-one nine hundred.
10 So, they approved the fertilization project for Coghill Lake. And,
11 a third project that they dealt with is 93030, Red Lake
12 restoration. NEPA compliance is not complete, so they could not
13 act on that. Their requirements are that they have NEPA compliance
14 before they'll act on a project. So they deferred that one to the
15 29th meeting. Next item -- Public Advisory Group -- they approved
16 project 93066, the construction of the archeological museum and
17 culture center in Kodiak for \$1.5 million. DEC is to be the lead
18 agency on that, and NOAA is to be the lead NEPA compliance agency.
19 I understand that an EA needs to be written on that project, and so
20 NOAA will take the lead on that, working with the various
21 components of the Kodiak archeological museum. The Kodiak
22 Fisheries Center was deferred to the next trip to Trustee Council
23 meeting on the 29th. There was an item on the agenda for in-situ
24 burning. This is an Alaska Clean Seas project. They deferred that
25 until the 29th meeting. The recreation proposal -- there was a
26 proposal developed by the -- at the request of the Trustee Council,

1 the Restoration Team developed a proposal on Prince William Sound
2 recreation. They approved it for a total of \$71,000 to proceed as
3 part of the '93 package. The leads on that is the Department of
4 Natural Resources and the Forest Service. The next major item that
5 they dealt with is the Public Advisory Group operating procedures,
6 I've kind of dealt with that already. They've added an intent
7 statement to your operating procedures, and then they approved the
8 work -- the mechanism of the alternates -- and, they added the
9 transcript verbatim for the meeting, so you'll have some feel for
10 what the discussion was on the Public Advisory Group. And, then
11 they approved them. Last item on the agenda was the Pacific Rim
12 Village Coalition. They approved the -- the Restoration Team made
13 the recommendation that the proposal to -- for logistics --
14 coordination by that group be analyzed and possibly included the
15 '94 work plan. And that was the action on that. And, the two
16 items attached are the habitat acquisition and then the intent
17 statement that they added. So, look into that. That was the March
18 10th meeting.

19 MR. PHILLIPS: Yes, Chuck.

20 MR. TOTEMOFF: Mr. Chairman, I have a question on the
21 last item there, number seven. Was that an approved motion on it -
22 - that the RT work with PRVC?

23 DR. GIBBONS: Yes.

24 MR. TOTEMOFF: Okay, and what form does that take.

25 DR. GIBBONS: Well, I've got a letter coming to you, I
26 just put together yesterday identifying all the '93 projects that

1 have vessels, contracts, and you'll be getting that shortly.

2 MR. TOTEMOFF: Alright.

3 MR. PHILLIPS: Excuse me -- on the -- I'm not sure that
4 I got the full intent of this approval of the operating rules.
5 What specifically -- do we get the alternates.

6 DR. GIBBONS: Yes, you get the alternates, and what
7 they stated was that each member here would get the information
8 concerning an alternate to the Trustee Council, they would review
9 those, either make selections off of them, come back to the PAG for
10 additional nominations or get nominations by themselves. Those are
11 the options that they have. They did approve the alternate.

12 MR. PHILLIPS: Okay. Any other things that we'd
13 requested involved in that -- those decisions, it doesn't say on
14 here. It doesn't . . . We've made some other requests, didn't we,
15 in the change of our operating procedures or have those all been
16 ...

17 DR. GIBBONS: As far as I know, the only changes that
18 they made in them was the alternates and the quorum ...

19 MR. PHILLIPS: Quorum?

20 DR. GIBBONS: So the quorum is still twelve.

21 MR. PHILLIPS: It is?

22 DR. GIBBONS: They didn't change that, and they added
23 the intent language.

24 MR. PHILLIPS: Okay, thank you.

25 MS. BERGMANN: Mr. Chair, I don't believe there was an
26 official request to change the quorum, at the meetings ...

1 MR. PHILLIPS: No -- I thing that -- we asked for the
2 alternate instead.

3 MR. BERGMANN: Right.

4 MR. PHILLIPS: ... because I think we changed our own
5 quorum.

6 DR. GIBBONS: The 29th meeting. First item, dealing
7 with the -- there was a hearing March 24th by the Stubbs Committee
8 on Merchant Marine Fisheries, and the actions here were that the
9 statements made by the Trustee Council members, which included John
10 Sandor, Steve Pennoyer, Mike Barton, be included as record of the
11 Trustee Council. So those official statements are -- I'm in the
12 process of getting those. I'm also in the process of getting the
13 transcript of that and will have that here available for the Oil
14 Spill Public Information Center. The next item is the
15 administrative director is to obtain a copy of the transcript of
16 the March 24th committee hearing. After review, recommend to the
17 Trustee Council if any action is needed in response to testimony.
18 There was some concern about some people who made testimony at the
19 meeting that was not quite accurate and I'm supposed to go through
20 the transcript of the meeting, determine if the Trustee Council has
21 to take any action regarding some of that testimony in response to
22 it. So, that was -- that was an action item by the Trustee Council
23 to me. The administrative director and the Restoration Team are
24 requested to draft a proposal for improving communications with the
25 public, and I'll talk about this later on. I've got a draft letter
26 of some options that will go to the Trustee Council on how we can

1 improve communications with the general public and -- like I say,
2 I'll get -- get into that review this afternoon. The Trustee
3 Council endorsed the in-situ burning as a concept, and it hopes
4 that it moves forward as soon as possible, but no funding was
5 authorized. And, I understand that now it will not take place.
6 The necessary permits from Russia -- it was going to take place in
7 Russian waters -- were not obtained -- could not be obtained in
8 time. So that project looks like it will not happen this year --
9 I'm not sure about next year. Item three, the '93 work plan, the
10 Kodiak Fisheries and Technology Center -- Industrial Technology
11 Center was deferred to the '94 work plan, and we'll get to that
12 discussion here later on this afternoon. The Kodiak Archeology
13 Museum and Cultural Center, they moved that before funds were sent
14 onto Kodiak Museum, a detailed study plan and NEPA document be
15 presented to the Trustee Council for approval. Further discussion
16 on general administration costs concerning this project and others
17 will be discussed at that time. NEPA compliance preparation and
18 general administration costs would be covered under the \$125
19 million. So no additional funding on top of the \$125 is
20 authorized. 93030, the Red Lake restoration project. Again, the
21 NEPA documents is not complete, so it was deferred to the May 13th
22 meeting. The -- there's a letter -- I'll get you a copy of the
23 letter, it should be attached to this -- I got the wrong one. I'll
24 dig it out for you this afternoon. It's a Kachemak Bay resolution
25 letter, and they approved the letter, and I'll get you that. The
26 1992 and '93 work plan, each agency is to review the status of the

1 1992 final reports on a case-by-case basis and try to provide a
2 summary of the status of the final report. There's some concern
3 that the final reports were taken so long to come to the public
4 that they're not going to be very useful, so they're trying to ride
5 herd on that, and so are we -- the Restoration Team. The draft
6 final reports should be Chief Scientist for peer review by June
7 15th of this year. If this cannot be accomplished, the Trustee
8 Council must approve date extensions on a case-by-case basis at the
9 May 13th meeting. Additional funds for '93 projects may be
10 withheld by the Trustee Council if '92 projects are not completed -
11 - the final reports are completed in a timely manner. And, so,
12 what they're trying to do is get these '92 reports out before they
13 commit funds to '93. And, that's the intent of that motion. The
14 '93 draft final report are to be due to the Chief Scientist for
15 peer review by April 1st, 1994. And, the reasoning behind this is
16 they're doing field work and come out of the field in September,
17 and then to take the prudent time to write that report and get it
18 into the -- the (inaudible) -- so we're giving them until April 1st
19 to prepare that report -- coming out of the field in September --
20 and it gives them -- you know, five months of six months to do --
21 prepare the final report for peer review and get it out to the
22 public. The Trustee Council will be talking about this too later
23 on today -- adopted a '94 work plan format as a -- we're going to
24 be going to the public with a list of all the ideas that the public
25 has submitted to us, from the restoration plan -- draft restoration
26 plan, '93 projects, public meetings -- we went through seven items

1 and canvassed all the ideas and put them together in spread sheet
2 which you'll be getting -- I think there are some copies -- we'll
3 pass them out now. It's -- comment to the public and seeing which
4 ones do you want to fund in '94? Which ones do you want to fund
5 later, or don't you want to fund them at all? And, we've got a
6 listing of all of this. And some of you, I understand, got this in
7 the mail -- how many of you got this spread sheet on the '94 ideas?

8 MR. ANDREWS: Is this it right here?

9 DR. GIBBONS: That's the spread -- have you got some
10 spread sheets like that with a dark border on top and a list of
11 projects?

12 MR. ELIASON: I got one from Juneau.

13 DR. GIBBONS: Somehow it got out. What got out was a
14 draft document, and what I'm passing out is the final document, and
15 it differs from the draft document. So, if you got that other
16 document, just file it appropriately in the recycle box and use the
17 one that we just passed out.

18 (Inaudible - talking in background)

19 DR. GIBBONS: This will be a topic on the agenda for
20 later on. We'll walk through what this package is. Also, I'm
21 going to pass out now -- this is a-- a dynamic document -- in terms
22 -- it changes weekly. What this is, is a schedule for products
23 that the Restoration Team is preparing for the Trustee Council --
24 hopefully I've got enough of these -- I know I'm loading you down
25 with paper again, but apologize -- I'll wait until everybody gets
26 it and I'll walk -- briefly walk through what I just gave you. As

1 I say, that the document is a dynamic document and like you said
2 changes weekly -- the major heading would be line 1, results of
3 draft Restoration Plan, and then there's a schedule through -- item
4 1 through 29 to complete that job. Item 30, habitat protection
5 evaluation, we're charged with doing that, and there's a timeline
6 and steps that we're going through now on that process. Item 42,
7 which is '93 work plan implementation. That's -- we're into that
8 now, this year and we're starting (inaudible) for information,
9 we'll let you know what we do on there. The '92 work plan final
10 reports schedule on line 47. And, then on line 56 is the '94 work
11 plan development and that's what I passed out the spread sheets for
12 and we'll walk you through the steps on that. But, this is -- the
13 time lines that we're working on to get various components of the -
14 - of our work -- work load done. So, this is an informational
15 item. And, they're stamped draft -- because like you say, they
16 change weekly or monthly, at least with Trustee Council direction.
17 The last item on page 2, the Trustee Council wants to see as -- as
18 early as possible, any documents relating to the draft Restoration
19 Plan in annotated outline, and we're providing that to the Trustee
20 Council. The next action item is, if anything happens concerning
21 the negotiations on imminently threatened lands between April 1st
22 and May 13th, that this is suppose to be transmitted quickly to the
23 Trustee Council for possible action or that on the May 13th meeting
24 we'll have a status report. And, I'll give you a brief status
25 report of where we on that this afternoon. Restoration
26 organization -- the Trustee Council moved that they make changes to

1 the administrative director's job description and have the federal
2 personnel and classification people review those changes and
3 determine if the job description needs to be re-advertised and
4 reclassified. The changes to be made to it are to reflect an
5 executive director rather than an administrative director, with
6 more authority. That's the changes they wanted to make in it. The
7 executive director report -- report directly to Trustee Council and
8 consult with various agencies members, but it would be a --
9 stronger position that had more authority. That -- I can tell you
10 the status of that is it has been rewritten, it has been run
11 through the federal personnel and it does not have to be
12 reclassified. Thank heavens. So, right now they're moving to
13 reduce the number of applicants to -- the most highly qualified --
14 I'm not quite sure when they're going to make a decision on it.
15 It's the executive session item -- it's a personnel action and
16 doesn't have to be done in the public forum. So -- and I'm not
17 included in the discussions, so you'll have to talk to the various
18 Trustee Council members. They're moving to reduce the number of --
19 there's eighty plus applicants -- that's all, that's all I know.

20 MR. PHILLIPS: Vern.

21 MR. McCORKLE: Mr. Chairman, this may not be the right
22 time, but I'd like to go for the record, I want to address this
23 particular item, when it is appropriate on the agenda.

24 MR. PHILLIPS: We'll be approving the agenda as soon as
25 he finishes . . .

26 MR. McCORKLE: Thanks.

1 DR. GIBBONS: Okay, the last item, the Trustee Council
2 moved that the Restoration Team meetings are to be open to the
3 public, however, no advertisement is needed. We'll post these on
4 the window over there when the Restoration Team meetings are to
5 occur, and that there is no public comment period. It's for
6 observation purposes only, and we had a meeting yesterday, and we
7 had some of the public members there -- and I think we bored them
8 pretty quickly. So, but anyway, that's the notes to the 29th
9 meeting and if there are any questions, I would be glad to try to
10 answer them -- what I know anyway.

11 MR. PHILLIPS: Thank you -- If we could back up here on
12 the approval of the agenda -- was there a question. Pam.

13 MS. BRODIE: I have several questions for Dave ...

14 MR. PHILLIPS: On the report?

15 MS. BRODIE: Is there time?

16 MR. PHILLIPS: Okay.

17 MS. BRODIE: The Restoration Team meetings, is there
18 anyway that we can get the agenda for the meetings beforehand, so
19 we'll know which ones we want to attend.

20 DR. GIBBONS: Well, yeah. There was some thought --
21 there was some discussion of sending twenty -- on the two thousand
22 people on the mailing list, and I told them that's twenty-nine
23 cents a person and that's a cost I don't think we should absorb.
24 When we post the notices from now on, I will have an agenda there -
25 - posted at the time with an agenda.

26 MS. BRODIE: How much in advance?

1 DR. GIBBONS: I'm going to try -- I'm going to try to
2 make it several days in advance -- if I, you know -- I tried to
3 shoot for that. Sometimes our meetings coincide, we're not going
4 to have any meeting until May 2nd of the Restoration Team now.
5 We're going right into the public meetings on the brochure, you
6 have copies of, and now those start Monday and run for two weeks.

7 MR. PHILLIPS: May I make a suggestion in that regard.
8 Would it be too expensive to send those to the PAG members instead
9 of the 2,000 people? Because we all represent constituencies, and
10 we can tell our constituents about the meeting. And, if you could
11 send those.

12 DR. GIBBONS: We can do that easily.

13 MR. PHILLIPS: Would that help Pam?

14 MS. BRODIE: I think that would be great and, also, for
15 people who specifically request.

16 DR. GIBBONS: Well, if someone calls me for an agenda,
17 I'll fax it to them.

18 MS. BRODIE: No, I mean that maybe you have just a
19 short mailing list of people who said I want this agenda. I think
20 it would be very few people who actually wanting to follow that.

21 MR. CLOUD: They could send in pre-addressed
22 envelopes.

23 MS. BRODIE: That would be fine.

24 MR. PHILLIPS: I understand they will be accommodated if
25 someone requests it.

26 DR. GIBBONS: Yes.

1 MS. FISHER: Mr. Chair. If they're sent out to the PAG
2 members, then they could get them into PSAs -- you know -- in the
3 paper and on the radio so that they would be publicly announced.

4 DR. GIBBONS: Part of the problem with this is that
5 we're meeting weekly and -- you know -- this is oddity for us not
6 to meet for several weeks because we're -- all of us are being tied
7 up in public meetings, but. . . I can run through a schedule just
8 in early May. We have a meeting on the 3rd of May, a meeting on
9 the 12th of May, we have a meeting on the 14th of May, 17th, 18th
10 and 19th of May, and have a meeting on the 25th of May. That's
11 what's set up right now. So -- and -- so if something happened at
12 the 13th Trustee Council meeting to rearrange that some more for
13 us. So, we're holding, at least weekly meetings. And, to get the
14 mailing out in enough time to get it in the papers is kind of a
15 problem we're trying to deal with.

16 MR. PHILLIPS: Okay, do you have other questions, Pam?

17 MS. BRODIE: Yes. About the boat trip to the Prince
18 William Sound.

19 MR. PHILLIPS: That's a subject he's going to take up
20 separately. Okay. Any others?

21 DR. FRENCH: Mr. Chairman.

22 MR. PHILLIPS: Yes -- just a moment.

23 DR. FRENCH: I would specifically with respect to the
24 peer review process, was there any discussion about broadening the
25 process beyond what the normal Chief Scientist -- the final process
26 -- where we are working with solely a contract team of peer

1 reviewers.

2 DR. GIBBONS: There haven't been -- no discussion as far
3 as I know concerning that. I have some thoughts on that that I'm
4 translating -- relating to the Trustee Council on how we want to
5 deal with that in the future. Do we want to absorb that cost when
6 we could do it through some other mechanisms. They haven't
7 discussed it that I'm aware of.

8 DR. FRENCH: I don't think broadening it necessarily is
9 incurring greater costs. Let me say that up front. There are many
10 agencies that work quite effectively with -- essentially volunteer
11 peer reviewers and get their materials back in a timely manner. I
12 would just simply encourage you once again to discuss it and -- my
13 personal opinion is changing.

14 DR. GIBBONS: My recommendation to them will be to
15 change it, but I'm looking at a timing that's still for the next
16 year -- for the Trustee -- you know -- the actions -- what
17 milestones are going to be added, let's say next fall, when we have
18 a final restoration plan done -- you know -- what changes in the
19 organization need to be made -- you know -- including chief
20 scientists -- you know -- agencies involved, members of the agency,
21 all of these things have to be -- you know -- will be made. So,
22 I've got it on my list.

23 MR. PHILLIPS: Was there a question?

24 MR. McMULLEN: Yes.

25 MR. PHILLIPS: John.

26 MR. McMULLEN: Mr. Chairman. Dave, whether -- I would

1 like to be enlightened on something here. On our agenda today it
2 talks about a restoration plan brochure which will be discussed,
3 and on the timetable you set out for items to be accomplished by
4 the restoration process, the first -- number one -- was develop
5 draft restoration plan. Are we going to see a preliminary draft of
6 that plan at this meeting? Is that the restoration plan brochure?
7 There's no brochure talks about . . .

8 DR. GIBBONS: No. The brochure is the -- is the -- this
9 is the document that's gone to the public within the last week.
10 And this is where we're soliciting comments. But, this -- what
11 we're aware of is -- when the plan comes out and an environmental
12 impact statement comes out in June -- because people are out
13 fishing, they're out recreating, they're busy, and this is the same
14 as getting the initial input -- we are on -- something on the right
15 track, and then coming out in June with the draft plan and draft
16 EIS for further public comments saying here's is the document
17 itself, but this is a broad overview of the alternatives and what
18 we're -- what the Trustee Council and the Restoration Team are
19 thinking now.

20 MR. McMULLEN: Well, where does the -- where does the PAG
21 participation process fit in with this time schedule in here? I
22 don't see us listed any place, on the development of the
23 restoration plan and review of that plan.

24 MR. RICE: Mr. Chairman.

25 MR. PHILLIPS: Yes, sir.

26 MR. RICE: Yes, I'm Ken Rice. I'll take a shot at

1 answering that question. We did not list specific dates for PAG
2 meeting in there. What I would suggest is that you look at the
3 schedule in terms of some of the key dates when the public -- when
4 documents are going out to the public and when Trustee Council
5 meetings are occurring in order to schedule your meetings around
6 that. In other words, if a document is going out to the public,
7 you might want to give yourselves a couple of weeks to be able to
8 review it and get feedback from some of your constituents before
9 you have a meeting. But, we didn't -- for whatever reason put
10 specific PAG meeting dates into this schedule.

11 MR. PHILLIPS: Thank you. Yes.

12 DR. FRENCH: Mr. Chairman. This item is on the
13 proposed agenda later. Could we defer until after we . . .

14 MR. PHILLIPS: Certainly, I think . . .

15 (Inaudible - side discussion between Mr. Phillips and Ms.
16 Bergman.)

17 MR. PHILLIPS: Okay, before we go on, it's been brought
18 to my attention that the question asked and the suggestion made
19 that the restoration meeting agendas be sent to the PAG members.
20 I don't think we concluded that.

21 DR. GIBBONS: I thought we reached the agreement that it
22 would go to the PAG members, but we have some -- some question on
23 should it go to people who write in and what specific --

24 MR. PHILLIPS: Did you also say that anybody else that
25 specifically requested, you would fax that to them?

26 DR. GIBBONS: If I could get it to them. Yes, faxing is

1 the easiest for me. There's a one page form and I just throw it in
2 the fax machine and that would be the easiest for me. And, then
3 you'd get it the same day as it appears.

4 MR. PHILLIPS: Let the minutes reflect that PAG members
5 will automatically get the agendas, and anyone else that
6 specifically requests will receive a fax on what the agendas are.
7 Is that okay? Fine. Are there any further questions of Mr.
8 Gibbons? I'd like to move back then to the approval of the agenda,
9 which we kind of slipped by there. Do I hear ...

10 MR. CLOUD: Move to approve.

11 MR. PHILLIPS: There's a motion on the floor to approve
12 the agenda. Are there any changes suggested by any of the members.
13 I think, Vern, you had a proposed change.

14 MR. McCORKLE: Well, Mr. Chairman, I'm not sure this
15 change -- what I see as I look down the agenda is really no place
16 for the Public Advisory Group members to talk. Topics are set out
17 to discuss, but in some bodies, there is a place on the agenda that
18 says member comments ...

19 MR. PHILLIPS: You are absolutely correct.

20 MR. McCORKLE: But, we don't have time to comment. I
21 don't know if other -- folks agree that we ought to have -- there
22 ought to be some ground rules established, not filibuster time, but
23 if you've got a minute or two, you'd like to say something, there
24 should be a place to do that so the meeting doesn't become and go
25 and nobody gets a chance to say anything.

26 MR. PHILLIPS: I'm going to suggest here -- you're

1 absolutely correct -- every meeting group I've ever been with there
2 is that opportunity. I would like to suggest that before we
3 schedule the next meeting, there would be timely for members to
4 bring any of their comments. So, in case of today, we're talking
5 somewhere in the neighborhood of three o'clock. If we could put it
6 in after the 2:45 item on your agenda. There is another addition
7 there that I'm going to suggest, that Dave Gibbons again would like
8 to review some ideas on improving public participation. I would
9 like to put in that area. It's preliminary, it's not complete, but
10 I think it's important that he do that. And, then also put in
11 there comments of the members before we schedule our next meeting.
12 If there isn't any objection.

13 MS. BERGMANN: Mr. Chair. Would you like to be something
14 that's on every agenda ...

15 MR. PHILLIPS: Absolutely.

16 MS. BERGMANN: ... and how much time would you like to
17 allocate?

18 MR. PHILLIPS: Whatever it takes. I don't think we
19 should limit the comments of the members if they have something
20 important to say, fine. If they want to tell stories that's
21 another thing we can take care on a individual . . .

22 MS. BERGMANN: Forty-five minutes just in general, and
23 then would you prefer that that come at the beginning of the
24 meeting or towards the end of the meeting?

25 MR. PHILLIPS: I say -- think -- toward the end of the
26 meeting, before we schedule our next meeting. That's normally the

1 place that it's -- because there may be comments that are
2 appropriate after our meeting -- agenda has been gone. If there's
3 no objection, we'll do that. Any other suggestions on the agenda
4 today? Yes --?

5 DR. FRENCH: Mr. Chairman, I would like to expand the
6 discussion of the Restoration plan to extend beyond more than just
7 the restoration brochure and include this document and the method
8 by which it was put together.

9 UNIDENTIFIED VOICE: The brochure?

10 MR. PHILLIPS: That is the brochure.

11 DR. FRENCH: Okay. I misunderstood what Dave said. I
12 thought there was something in addition to that.

13 MR. PHILLIPS: If there are no other changes in the
14 agenda --

15 DR. GIBBONS: I would like to suggest a reorganization
16 if I can. Right now, you have the status of the '94 work plan,
17 which is the spreadsheet that I passed out, before the brochure,
18 and I think logically the brochure should come first -- the
19 restoration plan -- to lay the framework for which the '94 work
20 plan will peer under.

21 MR. PHILLIPS: So, we'll put that at eleven o'clock.

22 DR. GIBBONS: Yes.

23 MR. PHILLIPS: We've got to talk fast here. Okay, and
24 that's the brochure.

25 MR. PHILLIPS: Yes. We've got a talk fast here. Okay,
26 and that's the brochure. Any other changes? The motion is before

1 us to approve the agenda. If I hear no objections, it is so
2 ordered. And, we go on to the -- okay we did talk briefly -- did
3 we dispose of the item on final PAG procedures and status of the --

4 MS. BERGMANN: Mr. Chairman. I -- I did just find in
5 Doug's folder here, he did send down a March 25 -- this is what we
6 were talking about before -- a memo from Doug to all of you,
7 talking about nominations for alternate members, that indicated the
8 Trustee Council did approve the appointments of alternates to the
9 PAG as Dave stated in his summary of that meeting. It's important
10 to remember that this requires an amendment to the PAG Charter.
11 Until that Charter amendment has actually been amended, and signed
12 off on, alternates will not have voting rights. Doug went ahead --
13 the Department of the Interior has gone ahead and requested this -
14 - the Department of Interior folks should begin that process. They
15 have the information in Washington, D.C. for it -- processing.
16 Doug didn't have the latest update on it, but we would expect that
17 will not take too much longer to get completed. And, then the only
18 other action item on that is, we discussed a little earlier, is to
19 make sure that you all send in your information for any of your
20 alternates to Doug by the 23rd of April.

21 MR. PHILLIPS: It would seem that we all have to do it or
22 it isn't going to work. If one or two don't do it, then we have an
23 incomplete process. I would like to ask please that you complete
24 that for your alternate and, number two, if you're unable to attend
25 a meeting, would you please, as a courtesy to everybody else,
26 advise Doug or whoever is on board that day that you can't make it

1 and advise whether or not you have advised your alternate to be
2 there. Then we're not wasting time trying to find out where people
3 are and so on. It would just be a courtesy to everybody -- you
4 know -- it will expedite our meetings.

5 MS. BERGMANN: I could say there was a sticky note here
6 that I overlooked for Paul Gavora saying that he would not be here
7 and he says he would be sending an alternate. Is there someone
8 here sitting in for Paul? (No audible response) Okay.

9 MR. PHILLIPS: Okay. Next item.

10 MR. McCORKLE: Mr. Chairman.

11 MR. PHILLIPS: Yes.

12 MR. McCORKLE: With -- germane to this particular item on
13 the agenda, I read in the comment section as set out in a recent
14 mailing -- verbatim section -- pertaining to the Advisory Group --
15 that the last Council, and Council member Barton said we would like
16 to adopt the language as distributed about the intent for the
17 Public Advisory Group, and before that meeting adjourned, the
18 Secretary General -- Attorney General said that I would like to
19 defer -- we defer this until after lunch when we can scrutinize it
20 carefully, which they did. But, I don't -- we did not receive a
21 copy of that, unless that is this document -- is this the one ...?

22 DR. GIBBONS: I can help clear that up. The document is
23 attached to the March 29th minutes? It's the document that is
24 included. And it was the exact document that was presented by Mike
25 Barton.

26 MR. McCORKLE: This is now -- has been adopted?

1 DR. GIBBONS: That's correct.

2 MR. McCORKLE: Thank you, that's answered my question.

3 MR. CLOUD: You have the wrong thing there. It's the

4 March 29th Trustee Council meeting notes that you just passed out

5 or the intent?

6 MR. McCORKLE: What does that say?

7 MR. CLOUD: On the back -- on the very back page -- it

8 has a statement of intent.

9 DR. GIBBONS: Sorry to -- at the very bottom paragraph

10 too, that little scribble says, the last sentence should say

11 advance all expenditures, including, as needed, those arising from

12 the scheduled meetings. It didn't come across on the Xerox very

13 well.

14 MR. PHILLIPS: Any further comments before we go onto the

15 next -- is Marty here?

16 DR. GIBBONS: I'm playing Marty today.

17 MR. PHILLIPS: Oh you are, you're not as good-looking

18 either. Okay, there's one ...

19 DR. GIBBONS: You've lost out. You've went one way, and

20 now you're going back.

21 MR. PHILLIPS: You can't have everything. Status of the

22 imminent threat habitat protection. Go ahead.

23 DR. GIBBONS: I can't really tell you a whole lot. Like

24 I mentioned, we drafted another version of the negotiations and

25 acquisition guidelines are going to the Trustee Council on May

26 13th. That's still in draft form so I -- you know -- can't give

1 that to you. What I understand is going on, on the state side
2 concerning parcels on Seal Bay and on the Kenai, that both parties
3 are interested and there is negotiations going on. I heard a
4 radio -- public radio -- announcement, I think Monday morning,
5 saying 22,000 acres and \$40 million. We did a little checking --
6 that's not -- that's not a settled deal at all. That was some
7 information that got out and is not complete. I really don't know
8 what the prices are. I understand that Charlie Cole to the
9 legislature said 17,000 acres and \$40 million. But, all this is --
10 you know -- is being handled by the various state and federal
11 agencies in their own negotiation process. So, I really don't know
12 what is going on. On the state side, as well as the federal side -
13 - on the federal side I know there's negotiations going on with
14 Eyak Corporation concerning some lands around Power Creek and Eyak
15 Lake, and that there's been several meetings, I understand, at
16 least one, and there's negotiations going on, but there's nothing -
17 as far as I can tell, that's been reached. And, that's basically
18 all I can tell you. I don't know much more than that. I know
19 they're meeting and discussing. The Department of Law is handling
20 it on the state side, and the Forest Service is handling the two
21 parcels around Cordova.

22 MR. PHILLIPS: Any questions? Yes, John.

23 MR. STURGEON: Mr. Chairman. When is the appropriate
24 time to discuss these things, the concept of habitat protection now
25 or later?

26 MR. PHILLIPS: I think it's now, that's the subject

1 matter, yes. If you have something that is appropriate.

2 MR. STURGEON: Just a -- throw a few thoughts here. I
3 think that the government is negotiating at a pretty difficult
4 time. The timber market in Alaska -- in probably six months -- has
5 went through the roof. It's like king salmon would be selling for
6 ten bucks a pound, that's how -- how good -- good the timber market
7 is right now. And I think that -- one disadvantage -- besides that
8 disadvantage -- it's a very good market. Timber markets tend to go
9 -- spike up and down, and I think that a lot of landowners will be
10 concerned about how long it takes the government to go through
11 processes, like looking at it -- what you have here -- requires on
12 the -- two government appraisals and the list of things you have to
13 go through here -- are they really serious about habitat
14 acquisition. You might want to try to find a shortcut version of
15 buying land -- maybe putting -- unheard of in government -- putting
16 down a deposit or something that the landowners can look at,
17 because, otherwise, I think a lot of them are not going to be
18 interested. The other thing which I -- instead of just buying the
19 land back, I think a lot of the imminently threatened lands, at
20 least the ones that we owned, we're not interested in selling them.
21 But, if there's some habitat protection for a particular species is
22 very critical, I see nothing in here where the government would go
23 and work with the private landowner and say okay, here's some areas
24 we've designated as critical habitat for the marbled murrelets,
25 here's some areas for -- for harlequin ducks and bike path or
26 something, and work with the private landowners to designate areas.

1 In other words, actually do some real management, rather than just
2 try to buy the whole thing. You may not get exactly what you
3 want, but certainly you wouldn't be -- you know, if your objective
4 is protect habitat, then there is another way of doing it. I see
5 nothing in any of this documentation where it looks at -- at
6 actually trying to help the private landowners do some real
7 management, and attempt -- if the landowner has to leave some
8 timber -- for maybe habitat enhancement -- we actually do things,
9 and, the government stepping in and assisting in doing some of
10 those things. But, I think a lot of people are going to be
11 disappointed in this habitat acquisition because the timber market
12 is so good and the government takes so long to do things. From a
13 business standpoint, the market is here and it's probably going
14 down in a year or two, when the government is going to take at
15 least that long to get their act together.

16 DR. GIBBONS: Well -- there's more than fee simple in
17 the options that -- I think you've got a copy of the Nature
18 Conservancy book, and there's conservation easements, there's land
19 banks -- you know, ANILCA options, there's a whole range of options
20 that are available, and I think that we even -- at the last meeting
21 we passed out another form of -- you know, short-term -- you know,
22 form of protection that we can move very quickly on. So, all those
23 options are available. It's just the negotiations between the
24 landowner and the agency needs to bring those up and highlight what
25 the landowner is willing to do and what the agency is willing to
26 do. I mean, that's a negotiation process. And, by no means do I

1 think we're locked in -- into the fee simple.

2 (Mr. Phillips leaves the room.)

3 MR. McCORKLE: Madam Chairman -- through you a question
4 to John. John, are you suggesting that the government buy the land
5 now that the price is high.

6 MR. STURGEON: Obviously . . .

7 MR. McCORKLE: What are you saying. I heard the words,
8 I don't understand what you said.

9 MR. STURGEON: What I'm saying is that I think the
10 government has picked an extremely bad time to try to buy habitat
11 with timber on it. Timber prices are going through the roof. What
12 I'm saying is that maybe we should look at several alternatives.
13 One -- if they are really interested in buying habitat, they'd
14 better find a much more expedited way of acquiring that timber
15 land, because in going through the government process and all their
16 appraisals -- I mean -- it just takes forever.

17 MR. McCORKLE: Might the price comes down if it takes two
18 years to negotiate. I mean, I'm not saying that's smart but ...

19 MR. STURGEON: It might, but it . . .

20 MR. McCORKLE: ... I'm trying to follow along.

21 (Inaudible - simultaneous talking)

22 MR. STURGEON: The logic is that if you're a private
23 landowner, why wait for the government to buy your timber when the
24 market is hotter than a firecracker.

25 MR. McCORKLE: Right.

26 MR. STURGEON: So, if the government is real serious

1 about buying timber, they better buy it -- all I'm saying is
2 they're under a great disadvantage because of the market.

3 MR. McCORKLE: I agree.

4 MR. STURGEON: And the second thing I'm saying is that
5 instead of just looking at acquiring habitat in the form of
6 conservation easements or in the form of fee simple purchases, that
7 possibly they could look at working with the landowners and do some
8 very active management like identifying critical habitat.

9 MR. McCORKLE: Something short of purchase?

10 MR. STURGEON: Short of purchase or purchase a small
11 portion or -- or work with some very, very -- use some real
12 management, like maybe instead of planting Sitka spruce back, find
13 another species, or -- just doing something very active management
14 would help reach your accomplishment or your goal of marble marbled
15 murrelet protection or harlequin duck protection. You're saying --
16 from a landowner's perspective the government's got to realize that
17 this is an extremely good market, people know it's probably at its
18 peak and they're working against that. If they want to take two
19 years, it's going to be gone.

20 MR. McCORKLE: What will be gone?

21 MR. STURGEON: The timber we're trying to buy.

22 (Mr. Phillips rejoined the meeting)

23 MR. McCORKLE: Okay. It will be harvested?

24 MR. STURGEON: Most likely, yes. A lot of it.

25 MR. McCORKLE: Thanks.

26 MR. PHILLIPS: Yes, John.

1 DR. FRENCH: Yes, I specifically, with respect to
2 John's comments and with respect to the Seal Bay parcel, I think
3 there's a number of people and organizations -- particularly
4 conservation organizations -- that feel this is a very important,
5 potential acquisition, partly because of its proximity to Shuyak
6 Bay -- Shuyak Island State Park -- and some of the potential of
7 wildlife refuge land. And -- when I -- that's totally the reason
8 I brought up the question earlier about -- about lumber and timber
9 moratorium -- and, you know, as John said, its crazy from a
10 business point of view for a lumber company not to be logging at
11 this time when they can get the most dollars for it, especially
12 when there's no assurance that they -- the acquisition is going to
13 go through. So, I guess from my perspective, and I know that many
14 of the people I've talked to, its worthwhile considering the
15 possibility that we may not be able to use just words to negotiate
16 that -- a long term moratorium on cutting in those areas. We may
17 have to provide monetary incentive to the company either, in terms
18 of some down payment or assurance that some funding -- some
19 compensation will be provided if the deal falls through in the long
20 run. I don't know what flexibility there is in the system, but I
21 don't want to sleight John's company for timbering Seal Bay. I
22 know the business reasons for doing it, but I do think it's worth
23 encouraging the government to find the most reasonable ways to move
24 forward as rapidly as we can on this.

25 MR. PHILLIPS: Any other comments on this subject? Pam.

26 MS. BRODIE: The letter that went out to all of the

1 landowners, have the replies to that -- have they been available to
2 the public?

3 DR. GIBBONS: I'll have to check on that -- probably are
4 available, but I have to check.

5 MS. BRODIE: I would reserve (inaudible - coughing).

6 DR. GIBBONS: We've got -- not by any means a hundred
7 percent return on them, but we're getting returns every day.

8 MS. BRODIE: Do you know what percentage returns?

9 DR. GIBBONS: No, I'd have to check on that. We've got
10 a file there . . .

11 MS. BRODIE: Just a ballpark . . .

12 DR. GIBBONS: Rebecca you? Quarter of returns -- 25
13 percent.

14 MR. TOTEMOFF: Mr. Chairman.

15 MR. PHILLIPS: Yes.

16 MR. TOTEMOFF: What is the current schedule for the rest
17 of the parcels, excluding the four parcels that were classified as
18 imminently threatened?

19 MR. PHILLIPS: Could you turn the volume up?

20 (Simultaneous talking)

21 MR. TOTEMOFF: The question was what's the current status
22 on the rest of the parcels other than the four parcels that were
23 classified as imminently threatened? How are they going to be
24 treated as far as the information that's coming in on them?

25 DR. GIBBONS: Okay, what we did with the remaining
26 fourteen parcels, we sent a letter to the landowner, we also phoned

1 the landowner saying, you know, we'd like to get additional
2 information concerning your parcel and -- concerning -- with the
3 letter we attached all of our information that we had -- frankly of
4 their -- of their lands-- that we've done and said is this
5 accurate. Are we accurate with this information, and we're getting
6 responses back and saying no you didn't consider all legal --
7 whatever it is, and we're compiling that now -- another ranking of
8 those imminently threatened. As far as the -- landowner on the
9 comprehensive process, we're building a base for that to put them
10 all together so you can compare a parcel in Prince William Sound to
11 a parcel in Kodiak or whatever it is. And so you have a
12 comprehensive look at it. You know there's thousands of acres out
13 there, what are the -- what we're trying to get is what are the
14 gems out there that will do us the most good. And that's what
15 we're trying to get at and comparing all of them.

16 MR. TOTEMOFF: I guess the next question is -- what -- do
17 you have a time line?

18 DR. GIBBONS: Yes, it's right here under the -- line 30
19 to line 39 of that handout that I gave you called habitat
20 protection evaluation. It's a comprehensive evaluation -- you
21 know, it was started and supposed to be completed on the 15th of
22 September -- on the comprehensive. The -- then the imminently
23 threatened just depends on when the landowner responds -- you know,
24 for those other fourteen pieces of land. The reason the top five
25 were recommended is that they ranked the highest, and they thought
26 those were the ones worth -- worth trying to deal with at this

1 point in time. Some of the -- some of the imminently -- the other
2 fourteen imminently threatened parcels ranked at zero or one versus
3 thirty. So, it's only logical to deal with the ones -- until you
4 have a comprehensive look at it.

5 MR. PHILLIPS: Thank you.

6 REP. DAVIDSON: I think there's another consideration to
7 keep in mind and, that is, the government -- any appropriations --
8 before approval of appropriations is going to have tough sledding
9 if you're simply trying to pay people not to do something with
10 something that they own, and what's the public benefit and
11 ownership stake will be questionable. So, I think -- you know,
12 keeping in mind John's comments -- it's just -- it's going to be
13 tough to say well we want to pay this money out, but we're really
14 not going to get something for it in the long term. It's tough
15 sledding to convince colleagues that that's a wise policy decision.

16 MR. PHILLIPS: Yes.

17 MR. CLOUD: I think it's important for us to remember
18 that we're not out of it. The purpose of this land -- that habitat
19 -- excuse me -- habitat protection is not to increase the amount of
20 land owned by the public, by the government agencies. It's to
21 enhance the recovery for specific injured species or services and
22 to that -- do you need to own it forever or can you just help it
23 recover -- help those species recover by preserving the habitat
24 until this species simply recovers. Or until the next spill.

25 MR. PHILLIPS: This subject seems to be probably one of
26 the most important as far as the general public is concerned. I

1 think its extremely appropriate that this group come up with a
2 direction they would like to send to the Trustee Council and some
3 suggestions. So I would like to ask the group to, if not this
4 minute, before we finish here, come up with a statement that we can
5 all vote on to send to the Trustee Council on what direction we
6 would like to have them go and be as specific as possible on the
7 different interests. I know it's not non-controversial, but our
8 discussion here today won't have any meaning -- meaning after we
9 leave unless we transmit our feelings directly to the Council. So,
10 with that in mind I would like to ask how you would like to
11 proceed. Do you want to -- to have some time today to formulate
12 something? Do you want to make a motion that we would act on and,
13 hopefully, it would be a comprehensive one? Yes, John.

14 MR. STURGEON: I think it's real important to do that
15 too. (Inaudible - coughing) Maybe as a trial -- something --
16 something that a motion something to the effect that the Trustee
17 Council wants to be effective in preserving and protecting these
18 critical habitat areas, they're going to have to find a different
19 way of going about doing business. I know the government has a lot
20 of restraints and restrictions as far as the procedures they must
21 follow, but -- quite frankly, from a private landowner's
22 perspective, if you wait for all of those to go through and then
23 the train has left the station. Seal Bay is a classic example.
24 Government has had plenty of time -- exactly what's happening at
25 Seal Bay -- they were sent a very detailed, unit-by-unit, foot-by-
26 foot road and a schedule months ago, and they just can't react. I

1 think they're going to have to do something different. I think
2 that we as a Public Advisory Group -- I think that number one we
3 need to encourage them to try to find some -- some short-cut method
4 to come up with -- use negotiations, which may include putting
5 deposits down. In business, you do that.

6 MR. PHILLIPS: May I suggest in way of procedure so that
7 we are comprehensive, thoughtful, and helpful in this thing -- that
8 perhaps a small subgroup of people who have a specific interest in
9 this maybe get together over lunch to try to formulate a motion or
10 a message or something that we can act on. As an example, I would
11 have some input from a commercial tourism standpoint, or you may
12 want to help the marbled murrelets. I would like to help the
13 tourists, if they don't have to go out and look at clear-cuts all
14 of the time either, because that doesn't sell very well. And then
15 somebody else in a different area of expertise may want to add to
16 this thing so that it is comprehensive. So, if there is no
17 objection, I would like to have at least a subgroup start drafting
18 something in the essence that we can refine and perhaps vote on
19 this afternoon. Yes, Pam.

20 MS. BRODIE: Could we have show of hands of people who
21 would want to be in the subgroup.

22 MR. PHILLIPS: Sure.

23 MS. BRODIE: If most people want to be in it then ...

24 (Inaudible - simultaneous talking in background)

25 MR. PHILLIPS: Okay, then maybe -- you know what happened
26 -- no you don't get to be in the subgroup -- you know what happened

1 to the camel when the big committee got together to put this animal
2 together. I would like to kind of avoid that if we can and have
3 some direction and definition on what we're going to say. So we
4 have to start somewhere. Does anybody have a suggestion on ...

5 MR. CLOUD: Why doesn't the Chair draft ...

6 MR. PHILLIPS: No, no, no. No thank you. I'm trying to
7 put a vote together. Pam.

8 MS. BRODIE: Trying to put together what John Sturgeon
9 and John French and is Mr. Davidson have said, maybe we could
10 encourage the Trustees or the negotiators to find ways to offer
11 money for logging moratoria, with the understanding that that money
12 would be used, perhaps for that acquisition -- that is it would
13 agree to -- starting with the moratorium, but if it's a five
14 million dollars, the government would end up buying five million
15 dollars worth.

16 MR. PHILLIPS: What ever the procedure is, what I'm
17 concerned about here is that this group, the PAG, make a
18 recommendation to the Trustee Council on what we'd like to see them
19 do, the urgency of the time, all of that sort of thing, then they
20 have to initiate something that happen. Yes, Rupert and then John.

21 MR. ANDREWS: Mr. Chairman. I think we should have some
22 more information before we can go ahead. For example, one of the
23 burning questions in my mind is when land is acquired from a
24 private ownership, and -- who then become the owner? I can
25 remember when this state had less than five percent in private
26 lands and we were complaining about it. Are we going to buy it and

1 give it back to the government? Or, what are we going to do with
2 it. I don't understand the process.

3 MR. PHILLIPS: Yes.

4 MR. STURGEON: I think that's part of the concern I have.
5 I think there's lots of alternatives that they can -- they can try
6 out. But, I'm not sure they explained to the private landowners --
7 you have -- you can buy conservation easements for a period of
8 time, for twenty years, fifty years. You can buy, like the timber,
9 you can buy one rotation, which is normally like eighty years. You
10 can buy fee simple land, or you can concentrate and just buy the
11 critical habitat, or you can get a conservation for any critical
12 habitat. I think there's lots of alternatives out there. The
13 critical thing is that the process is so slow right now -- and I
14 think the key of any motion -- I think -- that we pass on, I think
15 should include that they are going to have to find a different way
16 of doing things. An expedited way of doing any of those things
17 that are laid out there.

18 DR. GIBBONS: Is that -- is your concern for imminently
19 threatened lands then?

20 MR. STURGEON: I think you're going to find lots more
21 imminently threatened lands with the timber market the way it is.

22 DR. GIBBONS: That's my point too, is we're trying to
23 build a comprehensive base too of all the lands that -- some of
24 them are -- there's no planned activities for. And so -- you know
25 -- what your concern is to move quickly on the imminently
26 threatened lands, build a good base for comparing all the rest of

1 the lands and then moving forward. Is that what I . . .

2 MR. STURGEON: I think so, but I think that -- another
3 point your going to find a lot more imminently threatened land than
4 ...

5 DR. GIBBONS: We're trying to prevent the phone calls
6 from somebody in a phone booth with a chain saw running behind
7 saying, yeah, if you don't buy my land, I'm going to cut it.

8 MR. STURGEON: Yea, but you see the market is working
9 against you.

10 DR. GIBBONS: Yea, I know it is -- we can't control that
11 though -- you know.

12 MR. STURGEON: That's what I'm saying is that -- even if
13 the chain is buzzing, people are going to be -- I mean this is --
14 I can't describe how good of a market this is. I mean, it's just
15 an incredible market.

16 MR. PHILLIPS: I can vouch for that, I had to buy some
17 timber for a dock. Yes.

18 MR. ANDREWS: To follow up on this, I can certainly go
19 along with the concept of leasing or whatever on surface rights,
20 but if we're talking ANCSA land and we've subsurface rights, what
21 good does it do to buy surface rights and then a decade later we
22 got a big mining operation going, maybe strip mining or something.
23 These are the kind of things I wonder about.

24 MR. PHILLIPS: Jim, did you have one? Then Donna.

25 MR. KING: I wanted to ask Dave when this matrix
26 would be available to us because it's going to be hard to take a

1 very broad position on the land until we do have that kind of
2 information compiled -- it's pretty vague.

3 DR. GIBBONS: A matrix of -- we passed it out to the PAG
4 the package called the habitat imminently threatened and it had the
5 process, it had the nineteen imminently threatened parcels with all
6 the ranking on them and the three opportunity lands and . . .

7 MR. KING: That's what you've been talking about.

8 DR. GIBBONS: Yea, we got -- that's been out. We're
9 developing that further as we go along, but -- you know -- that
10 process is out right now.

11 MR. PHILLIPS: Donna.

12 MS. FISCHER: I was just going to suggest that maybe Mr.
13 Davidson, Mr. Sturgeon and Mr. French could get together and -- you
14 know, try to work on this and maybe get some of the answers that
15 are asked here.

16 MR. PHILLIPS: We have to start somewhere and it can be
17 modified, but so far we have some fog here that we can't -- we are
18 not going to look at. Go ahead.

19 SENATOR ELIASON: Mr. Chairman, I think that I share
20 the concerns that Rupe has mentioned -- a number of others that --
21 especially in Southeast Alaska, where the feds own all the land,
22 they can't expand our cities because of national forests, and
23 there's a perception down there, and I think it's true, that the
24 feds and the state own too much land in Alaska. And for us to be
25 buying more land, and there's other options available, I think it
26 seems somewhat ridiculous. I think the options your talking about

1 -- maybe we should put priorities on how we negotiate with the
2 landowners. Maybe they can put a moratorium on them, maybe they
3 can exchange lands which we haven't heard anything about since we
4 mentioned two meetings ago. How about exchanges. Nobody has said
5 anything about that. There's a multitude of options out there. No
6 matter what option you settle on, you still have the problem of the
7 feds or the government process to finalize it. I don't know how
8 you're going to change that, but I think all those options of
9 exchange or moratoriums or whatever is available instead of buying
10 more land and locking it up.

11 MR. PHILLIPS: Thank you --

12 REP. DAVIDSON: Well, we know the most valuable land is
13 the most productive and, of course that's -- you know, we talk most
14 productive or the most viable -- we're trying to talk restoration
15 value or enhancement value because of imminent threat. And, this -
16 - I mean, I would like to see the (inaudible) -- maybe the trade
17 idea is -- is the thing to emphasize because we don't -- we don't
18 need more public ownership of land, but maybe we do need more
19 public protection of those productive areas that are critical
20 habitat that keep the resources enhanced and our ability to restore
21 from that land. That's the direction I'm thinking of. I mean --
22 you know, we have an incredible dilemma here, not to speak of the
23 time problem.

24 MR. PHILLIPS: Pam, did you -- you're next, I think.

25 MS. BRODIE: Yes, I just wanted to remind people that
26 the people of the local communities are going to be very involved

1 with the decision-making of what lands would be acquired, and I
2 think it is extremely unlikely that the Trustees would be moving
3 ahead and buying land to put it into government ownership that was
4 in opposition to the will of the local communities. The fact is,
5 the people of Cordova, for example, have been working very hard to
6 get the areas around town purchased so that they will not be
7 logged. It's not something where this is being imposed upon the
8 people of Cordova.

9 MR. PHILLIPS: Dick.

10 SEN. ELIASON: Mr. Chairman. I'd like to -- I try to
11 think what would happen if we hadn't had this spill and how would
12 we proceed in trying to protect this lands. I think that there
13 would still be a movement out there somehow to protect them. So,
14 here's an opportunity. I know there's some -- you're concern about
15 clear-cuts that we have -- you know -- clear-cuts in Southeastern,
16 and you see them for a few years and they're gone. And, we still
17 have many tourists going in that areas as you have here in this
18 part of Alaska, but nevertheless, I think that -- that we can sort
19 of put ourselves back to before the spill, what were we going to
20 do, were we going to buy these timbers, I don't think so. Were we
21 going to have progress, and were we going to create jobs in this
22 area, I think we were. But, this an opportunity I think that many
23 people see it just of bringing things to a halt, and I don't
24 think the general public of Alaska would approve of that.

25 MS. FISCHER: No.

26 MR. PHILLIPS: Go ahead.

1 MR. McCUNE: Mr. Chairman. I tried to talk to a lot of
2 landowners and get involved in a lot of this. You got to -- the
3 way to look at is -- first of all every land selection that you're
4 looking at is different by the company, or the timber rights, or
5 you can't buy the land, they'll just sell you the timber rights,
6 the trees. Actually, all of that's stuff is going to be solved for
7 you, if the landowner is willing to sell, first of all. If the
8 landowner is willing to sell, their rights or whatever, then we can
9 go in and say what are your options -- what are your options that
10 you would like to see. Everyone of these parcels are different and
11 -- Eyak has some of the land, and some of the others are just the
12 timber rights sold to other companies. That's not for us to decide
13 how it's going to go. First of all, we have to see if they are a
14 willing seller, then they'll tell us what their terms are, and then
15 you can decide whether or not you're going to purchase that parcel
16 of land. To answer Mr. Eliason's question about what were we going
17 to do if we didn't have an oil spill, one of the things we're going
18 to do, and we would like to see is to have a little bigger buffer
19 zone in some areas. As we learned out by the White River in
20 Yakutat, a hundred feet -- a hundred feet doesn't do it in those
21 delta areas, the roots are too shallow, blows all the timber over.
22 So, it didn't do us any good to have a hundred foot buffer zones.
23 So, some areas in Cordova -- and a lot of people were stressed out
24 from Kodiak up and down, we're looking at -- and this is fishermen
25 looking at -- you know -- timber that -- maybe we don't need to buy
26 the whole parcel, maybe we just need to have 400 feet, and that

1 would solve some of the tourist problem also -- you know you don't
2 -- you see this in Oregon a lot -- selective cutting, and it costs
3 the landowner a little bit more, but that could be negotiated in
4 the terms of the thing. So, there's is -- there is various ways to
5 look at it. But first one, you got to know if they're going to
6 sell you anything, then they'll tell you the terms. What they feel
7 -- you know -- because each company is different -- there's timber
8 rights, there's people that own the land and the timber, there's
9 different ways to look at it. So, all we need to know is which
10 direction the PAG wants to go in acquiring habitat. First of all,
11 we have to know which companies are responding, then we can find
12 out what their terms are and where the areas are, then we can
13 respond.

14 MR. PHILLIPS: Jim.

15 MR. KING: Well, I think it would be very difficult for
16 this group to reach a formula approach to this land acquisition.
17 I think that it's very likely, by looking at individual parcels
18 that we can -- at least part of the time -- reach a consensus. So,
19 I think we're probably wasting out time trying to agree on a
20 formula.

21 MR. PHILLIPS: Yes, John -- then Vern. John first and
22 then Vern.

23 MR. STURGEON: I don't look at as trying to find some
24 kind of formula, I think that is a (inaudible) kind of process or
25 policy. I agree with -- with Gerry had to say. I think that the -
26 - the -- I think the landowners are somewhat confused exactly what

1 they are being asked -- in the forms, are you interested in selling
2 your land. That's a lot different than are you interested in
3 preserving critical habitat. Instead of a hundred foot for sixty-
4 six foot buffers on private land, would the government be willing
5 to go out the four hundred feet and pay people for it. Would they
6 be interested in setting aside, you know, critical habitat areas or
7 putting up a screen along critical areas for tourism. That's what
8 I'm saying. I think two policy things I would like to see this
9 body talk about is that if you're going to buy some land or you're
10 going to buy some timber, you're going to buy some conservation
11 easements or whatever you're going to buy, is imminently
12 threatened, the government is going to have to find an expedited
13 way of buying this or it's not going to be there. It's that
14 simple. The process they have here -- you're probably talking
15 about a year and a half, two years, to get it done. The other
16 thing is that, which I don't see in here, which people have been
17 talking about is looking at management alternatives. Is going in
18 there and getting the critical areas, going to the landowner and
19 saying, okay we know that by law -- you know, you only need a
20 sixty-six foot in this area, but it's not -- it's a windy area, we
21 need a larger one, would you work with us as far as expanding these
22 buffers. Here's an area we know marbled murrelets nest in, would
23 you work with us to set these areas aside. That's a management
24 solution. And, I mean, we own timber on Montague Island, Knight
25 Island or Afognak, Kachemak Bay, all over the place, and nobody's
26 asked us about it. And, I think that's something that's missing.

1 So, I think the two things the Trustee Council could do is, number
2 one, you've got to have an expedited process or some process where
3 you plunk some money down to the private landowners and put a
4 deposit -- a non-refundable deposit. I mean, this is business.
5 And the second thing is to look at management alternatives to
6 accomplish the protection of this critical habitat during the
7 healing process of the oil spill. Those are the things -- I don't
8 think we're looking to identify parcels.

9 DR. GIBBONS: What you're telling me in the management
10 actions -- see if I can paraphrase it is, most of the protection
11 mechanism in law, that I'm aware of concerning -- you know, land
12 use, are based on the theory of preventing serious or adverse
13 effects. You know -- you're saying -- you're going to allow some
14 effect, but not serious and adverse. So, I think what you're
15 trying to tell me anyway is that, you want to up that level of
16 protection to say you want very little or no effect on the
17 resources to allow them to recover. And, therefore, instead of
18 having a hundred foot buffer strips on only on anadromous fish
19 streams that are twenty feet wide, you want hundred feet on all
20 anadromous fish streams in that area. So you provide additional
21 protection or wider strips, or whatever it is. Is that what you're
22 ...?

23 MR. STURGEON: No, all I'm saying is instead of just
24 straight acquisition, look at management solutions.

25 DR. GIBBONS: Yeah, but I mean -- having them -- you
26 know -- for that extra -- if you require landowner that's outside

1 the law -- right now the state law is hundred feet on all fish
2 streams over twenty feet. If you say this other fish streams are
3 important too, leave a hundred foot buffer, two hundred foot
4 buffer, on that, it's going to be a cost to the government, not a
5 cost to the private.

6 MR. STURGEON: That's what I'm saying.

7 DR. GIBBONS: That's what I was trying to get . . .

8 MR. STURGEON: Yes. Yes.

9 MR. PHILLIPS: Yes, Jim. Yes, go ahead.

10 MR. DIEHL: Jim Diehl. What happens -- what we're
11 talking about here is -- it seems to be exactly what Babbitt -- it
12 was reported in -- newspaper or on the radio this morning or
13 yesterday or something that he's working with some private
14 landowners to protect that woodpecker. But, it seems to me that
15 our problem is we don't have one endangered species, we have whole
16 environments that -- you know, the Nature Conservancy wanted to put
17 in -- put aside or ecosystems -- based on drainage. And -- you
18 know, what you're talking about, John, is -- has nothing to do with
19 that. And, our whole point thus far is based on those drainages,
20 the nature conservancy of estimates of what land is of value.

21 MR. PHILLIPS: Jim.

22 MR. CLOUD: Well, at the last meeting you presented
23 the habitat -- imminent parcels and stuff -- and we went through
24 the criteria for how they were selected and identified, and the one
25 thing that has bothered me ever since then was that none of the
26 criteria was site-specific. The only thing site-specific was they

1 were identified as going to be logged sometime in the next three
2 years. And, instead of choosing parcels that you wanted to focus
3 on that were, as John said, critical habitat, habitat that really
4 would go the farthest, its protection would go the farthest to
5 enhance the recovery of specifically damaged species. If we focus
6 the habitat protection along those lines rather than just because
7 it's going to be scheduled to be logged, we can get the most bang
8 for our buck, so to speak. And, I -- I think I'm hearing from a
9 lot of us around the table is -- the one goal that we can probably
10 agree on, at least in the majority, is that we do not want to see
11 an increase in government-owned land out there. That we want to
12 minimize that if we can.

13 DR. GIBBONS: Maybe we didn't explain that process very
14 clearly to you, but in -- what the imminently threatened was -- we
15 went to the permitting agencies and said what areas are under
16 permit for activity. And then, we took those areas and ran them
17 through -- you know -- evaluation procedure that has specific
18 resources -- bald eagle nests, anadromous fish streams, marbled
19 murrelets. All the injured species and resources were compared
20 against that parcel and said what is the value of that parcel. And
21 that's how we came up with the ranking and what -- Kachemak Bay a
22 high -- to whatever -- Windy Bay or whatever was low -- with
23 numbers. They were evaluated against specific injured resources.

24 MR. CLOUD: But you didn't evaluate them by whether or
25 not protecting that habitat how much good that would do to the
26 recovery of damaged resources? You just said there's an eagle's

1 nest on this parcel and marbled murrelets might fly by or land
2 there or habitat there, and so, we're going to give it a high
3 ranking. You just counted up the number of species that were
4 there, and you gave it a high ranking. You didn't focus on whether
5 or not that was critical to the recovery of the population that
6 actually uses that parcel.

7 DR. GIBBONS: Well, that's what we're trying to get at
8 in comprehensive data collection process that we're through now.
9 We're trying to find out what data is there, but that's a big job
10 to cover all that land and put it in a database that says, okay, we
11 know where marbled murrelets are -- they require this type of
12 habitat -- where does that occur, and have a polygons across the
13 oil spill that says, yeah, they're highly concentrated here or low
14 here. That's a -- helluva big job. And, we're in the process of
15 doing that -- we're pulling all that information together, but
16 we're a long ways from being . . .

17 MR. CLOUD: So if you go out and spend all of the
18 money and rush into things and go out and spend all the money
19 buying land that just has good timber on it and it's scheduled to
20 be logged, and then you find out, well, geez -- you know -- if we
21 would have bought this parcel or if we would have leased this
22 parcel or if we would have somehow preserved this parcel, we could
23 have enhanced the recover of marbled murrelets ten times what we
24 did.

25 DR. GIBBONS: That's why we're building a comprehensive
26 program. That's why imminently threatened lands we need to do

1 something quickly, but we need to know all possibilities out there
2 and pick out like -- kind of a gem or jewel out there. This is
3 really a critical piece of area, and that's why we're trying to
4 move quickly on the comprehensive and -- that's why we sent the
5 dear landowner letter -- are you willing to deal with us, if so, we
6 need to collect some more information on your property or land.

7 MR. PHILLIPS: Chuck, and then -- here, what I would like
8 to do -- it's now a quarter to twelve and by twelve o'clock I would
9 like to take a quick break for lunch, come back and get back onto
10 this subject. We're not going to resolve it now, we are, of
11 course, a little behind in our -- I think -- it will give you the
12 lunch time to think about what direction this group should take and
13 its advice should -- Go ahead, Chuck.

14 MR. TOTEMOFF: I've several comments on this process. I
15 don't think it's as difficult as everybody is thinking it will
16 back. I think there are avenues to support habitat protection and
17 (inaudible) and also reasonable co-management arrangements which
18 will (inaudible). Now, it's simple and straightforward with the
19 plan we are pursing, and all these other questions just go by the
20 wayside. I don't understand all the confusion. But, I've got
21 another question here. What's the status on the specter of
22 condemnation, if there still is issue.

23 DR. GIBBONS: Condemnation was brought by Attorney
24 General Cole to look at legally, and I don't know the results of
25 that. I know the agencies were supposed to look at the
26 regulations, and this was a specific request -- that Charlie Cole,

1 and I know I didn't -- wasn't received very warmly by some people -
2 - but I don't know where the attorneys are on that. I think it's
3 kind of floated off, but I don't know.

4 MR. PHILLIPS: You want him -- yeah -- John?

5 MR. McMULLEN: Dave, will you refresh me just a moment
6 here. On imminently threatened lands, what -- would you name the
7 threats, please.

8 DR. GIBBONS: It can be logging, mining, any significant
9 develop -- water development -- a dam, hydro power, you know, all
10 those types of activities that would change significantly the
11 structure of the present --.

12 MR. McMULLEN: Basically, human use for consumptive
13 purposes then? That are the priorities of eighty, ninety percent
14 of the funding from the oil spill -- oil spill claim response?

15 DR. GIBBONS: Well, no. Right now those are -- that's
16 how we identified the imminently threatened parcels in 1993 and
17 '94. When we get that comprehensive, even if a piece of property
18 is not imminently threatened and it's very valuable, you know,
19 there may be negotiations to protect that somehow through, you
20 know, management actions, conservation easements, whatever.

21 MR. McMULLEN: Can you tell me how did the Trustee
22 Council come to agreement that human activity on land is, you know,
23 designated a threat?

24 DR. GIBBONS: Through the supplement to the restoration
25 framework that was put out in the spring of '92 for public comment.
26 I can get you -- we call it "the ugly book."

1 MR. McCUNE: Well, I've got to agree with Charles,
2 we're making this a little bit too complicated. First of all, we
3 only have a quarter of the responses, right?

4 DR. GIBBONS: Uhh-huh.

5 MR. McCUNE: If we could just look at the responses of
6 what people are saying about the timber that's available to buy
7 right now and what their options are, then we could come up with a
8 plan to the Trustees and say, look, this is critical, this is this,
9 this is this, and we suggest that you move on this right away -- to
10 look at these options to buy this timber back. If I knew what a
11 quarter of the responses are from the companies right now and what
12 their options are -- if they want to sell the timber rights or --
13 I don't think anybody wants to sell their land -- I never heard of
14 that one yet, but maybe there is somebody that wants to sell some
15 land ...

16 DR. GIBBONS: There are.

17 MR. McCUNE: Okay, well, then we could look at all
18 those options and see where we're at with this thing. I know that
19 in Cordova a lot of people are stressed out over Eyak Lake and
20 Power Creek. They want to hold that in one parcel, not cut. But
21 other people have -- out at Fish Bay or around those areas -- would
22 be satisfied with four hundred buffer zones. You know, and then in
23 Kenai, they've pretty well lined out already what they'd like to
24 see bought from there, and Kodiak is pretty hot on what they'd
25 already like to see done there. So some of this is already
26 groundwork already done, and we could just see what's been

1 submitted, then we could formulate a little plan to what we want to
2 say to the Trustees. I don't think it's that difficult.

3 MR. PHILLIPS: Mr. French.

4 DR. FRENCH: Yes. First of all, I want to go on the
5 record as saying that I agree with Mr. Eliason. I don't, in
6 principle, like to see a lot of land removed from pub -- from
7 private domain but into public domain. However, in addition to the
8 reasons that the Seal Bay and Perenosa Bay parcels, but
9 particularly the Seal Bay parcel, were recognized as being high
10 priority by the habitat acquisition team, I do feel that they have
11 extremely high tourism and recreational potential, and in that
12 sense would be very good additions in a fee simple basis to Shuyak
13 State Park, and the threat to them, particularly the Seal Bay
14 parcel, is extremely imminent. There is ongoing logging going
15 today. I want to make sure that everybody's aware of that. We're
16 not talking about maybe going to be logged. There is an ongoing
17 forest practices process that is being followed and the logging is
18 taking place today, and as I said, I don't sleight the people that
19 own those timber rights for doing so. This is an excellent
20 economic time to be doing that. However, I think we need to
21 realize that that sort of thing is going on, and I don't think it's
22 going on just to try to hold the process hostage, but, you know,
23 there's a very good chance that a highly rated parcel, a
24 potentially very important parcel, is going to be lost. Maybe
25 that's the name of the game. Maybe that's the cost we have to pay
26 for governmental bureaucracy, but I'd like to think there might be

1 some other solution.

2 MR. PHILLIPS: Donna is next, and then I would like to
3 call for a lunch break, if it's all right with the group, and give
4 our thoughts to this and come back and get -- have at it at one
5 o'clock. Go ahead, Donna.

6 MS. FISCHER: I would like to say that I -- I agree with
7 Dick Eliason too, and I think one of the questions that really
8 hasn't been answered -- who would own the land? You know, would it
9 be state? Would it be joint government-state? How is that going
10 to be deciphered?

11 DR. FRENCH: It's the ultimate lock-up.

12 MS. FISCHER: It would be. It would be an ultimate
13 lock-up.

14 MR. PHILLIPS: Thank you. I would -- if there's no
15 serious objection, I'd like to call for a lunch break. Be back
16 here and ready to fight it out at one o'clock. (Simultaneous
17 laughter) And we'll go from there.

18 (Off Record at 11:52 a.m.)

19 (On Record at 1:13 p.m.)

20 MR. PHILLIPS: If we could come to order, please, would
21 appreciate it because it's important that if we're going to finish
22 this week we have -- I assume that the members of the committee
23 have solved the problem over the lunch time, and so we will -- I
24 have one announcement to make. The senate -- State Senate -- has
25 appointed Drue Pearce -- Senator Drue Pearce -- to take Senator
26 Kerttula's place on this committee. So I assume that probably by

1 our next meeting she'll be able to attend, but this just came out
2 recently.

3 If we could get back to the agenda now, the discussion, of
4 course, is about threatened habitat protection. Suggestion has
5 been made that we bring to the attention of the Trustees our
6 concern about the current methods that are being used to acquire or
7 protect habitat inasmuch as the forces, the economic forces, have
8 come into play on the scarcity and the rapidly rising cost of
9 lumber and timber, consequently giving greater value to the lands
10 we're talking about, and I hope you've all had a chance to think
11 about this during the lunch break and would -- the Chair would like
12 to entertain some suggestions on what kind of a message we should
13 send to the committee of Trustees. I'm sure we can't come up with
14 total solutions, but I think it's important that we show them that
15 we recognize the problem and make our recommendations to them. I
16 think this is the most helpful thing we can do. So with that, the
17 Chair opens it for discussion.

18 MR. McCUNE: Mr. Chairman, I'd just like to ask a
19 couple of questions. One, I'd like to see the sheet that was sent
20 out to the various companies with the questions that was on there,
21 and the other one is -- the question I have is -- how long does it
22 take to assess the land -- the standing timber and the lands -- how
23 long does that take?

24 MR. PHILLIPS: Dave, would you like to respond to that?

25 DR. GIBBONS: Are you referring to the "dear landowner
26 letter" or what on the first part of that?

1 MR. McCUNE: The first part, yes.

2 DR. GIBBONS: Okay, that's was passed out at the last

3 Trustee Council meeting. I can get you a copy of that very easily.

4 It's right upstairs.

5 MR. McCUNE: Okay, I'd appreciate that.

6 DR. GIBBONS: The assessment depends on the parcel of

7 land -- how big it is, where the value's on it ...

8 MR. McCUNE: What's the estimate time? Does it take a

9 year? half a year? three months?

10 DR. GIBBONS: To do -- to do an acquisition of the

11 parcel we've got identified, I think the earliest is eighteen

12 months.

13 UNIDENTIFIED VOICE: (Inaudible)

14 DR. GIBBONS: That's right. That's with the assessments

15 required under federal -- federal law -- excuse me, appraisals.

16 MR. McCUNE: Well, there's one problem.

17 MR. PHILLIPS: It's solved already -- they'll be talking

18 about bare land when they get around to it, I'm afraid. Are you

19 going to get a copy of the "dear landowner letter" sometime?

20 DR. GIBBONS: When they begin discussion of the

21 brochure, I'll do that.

22 MR. PHILLIPS: Okay. Real fine. Are there -- yes?

23 MR. STURGEON: I think our recommendation should be, you

24 know -- as I see -- several. Number one is that people talked

25 about trying to focus more on the areas that are really critical.

26 I guess you're in the process of doing that. And I think,

1 secondly, is that you're going to have to find some kind of an
2 expedited process. I know there are a lot of federal rules you
3 have to run through, but in eighteen months, I mean, you're not
4 going to have any choices in eighteen months. I mean, people just
5 aren't going to wait while the government goes through their
6 appraisal process in this timber market, I don't think. The other
7 thing is that you're going to have a lot more lands that you didn't
8 think were threatened are going to be imminently threatened. For
9 example, the prices are good enough now where harvesting methods by
10 helicopter is very feasible. They're doing that in Southeast
11 Alaska. We're going to be doing that in some of our operations,
12 and you wouldn't have thought about doing that six months ago or a
13 year ago, but now it's very economical to do it and that requires
14 very little lead time. I mean, you just -- you know, Forest
15 Practices notifications, and whip them up, and you put them on a
16 barge, and that's the end of it. And so I think that -- that the
17 other two pointed out is that as far as people looking at buying
18 timber, harvesting the timber, I think the prices are up high
19 enough where you can do lots of different things. So I think those
20 things should be in any kind of a motion -- a recommendation that
21 (inaudible -- traffic noise) throw it out for discussion before us.

22 MR. PHILLIPS: Has anyone attempted to draft -- a rough
23 draft -- a motion that we can be dealing with specifically on a
24 recommendation? If not -- yes, Vern?

25 MR. McCORKLE: Mr. Chairman, I would like to ask Mr.
26 Sturgeon a question, if I could, with regard to permitting for

1 timber harvesting, taking into account the Timber Management
2 Practices Act and all the legislation which pertains, how long does
3 it take nowadays to get through all the regulations to allow timber
4 harvesting to begin once a landowner decides they'd like to look
5 for a buyer and then -- and then -- sell it and get it cut down?
6 Is that a few weeks? a few months? or what is it on average?

7 MR. STURGEON: That a "kind of depends"-type answer.
8 Depends is like -- if you like helicopters, for example, where you
9 don't have like a tideland lease or a Corps of Engineer permit to
10 store your logs in the water, the only notice you really have is
11 the Forest Practices notification, which -- really that isn't even
12 permits. The notification -- you have to wait thirty days for your
13 inspection and then go ahead and do it unless they've got some
14 problems with it. And so, you could be -- theoretically, in a
15 matter of a couple of months you could be logging if you want to
16 use something like helicopters or you're near an existing road
17 system. If you have to go through a Corps of Engineer for storing
18 logs in water or a log (inaudible) facility and for a tideland
19 lease through the state, you're probably talking about six, seven
20 months.

21 MR. McCORKLE: Mr. Chairman, the reason for my question
22 is I haven't bought off yet on the idea that because the timber
23 prices have risen as they have, that everybody's going to start
24 cutting trees tomorrow. I stand in the need of education on this,
25 I admit, but I'm not prepared yet to say that we're going to level
26 the landscape in the next three years. I don't not think that's

1 going to happen.

2 MR. McCUNE: Mr. Chairman, there is going to be some
3 cutting going on this summer. It's not -- it's not going to stop.
4 I mean, and we're not going to stop some of it. So, I've got
5 several more questions. I'd like to know about the moratorium
6 language, and I would like to know where are the Trustees with
7 this. Are they just waiting for all the landowners to respond or
8 are they responding to any of these things right now? Or -- where
9 are the Trustees with the whole process of the response from
10 landowners?

11 DR. GIBBONS: Let me make it clear. I said eighteen
12 months, and that's for acquisition. There are shorter methods that
13 you can do, and I wanted to make that on the record -- that you can
14 make deals with landowners in less than eighteen months. So -- but
15 you were talking about -- I was thinking you were talking about fee
16 simple, so that's appraisals and all the rest of the things -- the
17 hoops you have to come through. The Trustee Council told us to
18 analyze the lands, the ones that are imminently threatened, the
19 ones that have permits in hand right now, and we went through and
20 did that. The other lands are -- could be opportunity lands or --
21 it's a comprehensive system -- and there is not, there are not
22 permitted activities on those lands at this time. So what we were
23 trying to do was get a handle on those that are threatened right
24 now to try to get some short-term solution to the problem until we
25 can get the broad picture and really decide -- make trade-offs
26 between -- parcels, rather than have parcels shoved at us and say

1 buy this parcel, without comparing that versus another parcel. So,
2 we are in that process. We have to hear from the people first on
3 who's interested in working with us. We put all that together, we
4 gather all the information we can on that parcel, rank it, and then
5 we have another list. So, that's the process we're in.

6 MR. McCUNE: Can I follow up, Mr. Chairman?

7 MR. PHILLIPS: Yes.

8 MR. McCUNE: Well, so the Trustees are waiting for the
9 evaluation, so then they're going to do this other evaluation -- is
10 what you're telling me?

11 DR. GIBBONS: Well ...

12 MR. McCUNE: Essentially, once you find out what ones
13 are threatened and if they're ...

14 DR. GIBBONS: Well, that's already been done.

15 MR. McCUNE: Okay, that's already been done.

16 DR. GIBBONS: Yeah. And we've identified nineteen
17 parcels through the oil spill area that were threatened, we've
18 ranked those against the injured resources, and we've got a listing
19 of those that were passed out, and the top five were Kachemak Bay,
20 Seal Bay, parcels on the end of Kenai, Fish Bay, and Power Creek.
21 And they selected to work with the top five at this time, and these
22 negotiations ...

23 MR. McCUNE: Are these just single parcels? Are they
24 included -- like in Power Creek, is it just a single parcel or is
25 it the whole up and down the Copper River and the Eyak Lake?

26 DR. GIBBONS: Well, negotiations with the landowners --

1 what I understand -- I'm not privy to those negotiations, but I
2 understand that perhaps they're broadened a little bit, rather than
3 just Power Creek. But it's not broaden to the point where they're
4 going to look at the Copper River.

5 MR. McCUNE: It's the area adjacent to the Eyak Lake,
6 so, I mean, it's --

7 DR. GIBBONS: Well, Power Creek pulls into Eyak Lake, so
8 I'm not sure if they drew around -- a line around the lake -- or
9 not. I'm not privy to that.

10 MR. McCUNE: Okay, so we need -- if we're going to do
11 something to interject here, we need to speed up this system and
12 get the Trustees to move on their negotiations a little faster.
13 Would that be a fair thing to say or --?

14 DR. GIBBONS: Well, they're moving as quick as they can
15 right now. They made the decision to send people out to start the
16 negotiation process with the landowners, see what options they have
17 available, what the landowners want to do, and they thought that
18 the top five were the most critical, and the other fourteen were
19 not that critical at this point in time, but they did direct us to
20 make calls to the other people, the other landowners, and gather
21 any additional information that's available and come back to them
22 perhaps with a re-rating of those other fourteen imminently
23 threatened parcels.

24 MR. PHILLIPS: Do you know whether or not the Trustee
25 Council has considered any other methods outside of acquisition in
26 fee simple?

1 DR. GIBBONS: Sure. Sure. There's a whole list of
2 things -- land banks and easements, and, I mean, all those options
3 are available. They are not zeroed in on fee simple. So if a
4 landowner comes back and says we only want to do, you know,
5 conservation easements with you, that's the options that we start
6 working on.

7 MR. PHILLIPS: Jim?

8 MR. KING: It seems to me that the thing is in motion
9 and that nothing is going to happen until Dave gets these
10 responses, and no matter what we say at this juncture, the Trustees
11 are going to have to wait for that process. I wonder how long
12 that's going to take, Dave?

13 DR. GIBBONS: Well, we're working as we get information
14 in. We're working on it. When the landowner, if the landowner is
15 interested, they'll return the letter and say, yes, we're
16 interested, and pretty soon we've got to assume that, hey, if
17 they're not, if they haven't replied in two months or something,
18 they're not interested, and let's move forward.

19 MR. McCUNE: You've got to use your mike there. She
20 can't hear.

21 DR. GIBBONS: So we're about to the point where it's
22 starting to put together a list of interested landowners and start
23 doing this information collection on those parcels of land.

24 MR. KING: Well, I feel like I could endorse that
25 process. As a PAG member, I think that that's the only way sense
26 is going to come out of this. Trying to take short cuts isn't

1 going to work.

2 MR. PHILLIPS: Dick?

3 SEN. ELIASON: I think that we do have a role to play.
4 We could make recommendations to the negotiating team what our
5 priorities would be relative to whether we want large groups of
6 land or whether we want management, like John suggested, or
7 whatever approaches they might take. I don't think we're at all
8 interested in buying big chunks of land and saying we solved the
9 problem. I think that's pretty well recognized by most of us. So
10 I think we could direct, you know, this is our recommendations on
11 how these -- how you proceed, and these are the types of options we
12 think are probably the most -- best -- to pursue.

13 DR. GIBBONS: Sure, and the Trustee Council would be
14 willing to (inaudible -- simultaneous talking) some management
15 options or ...

16 SEN. ELIASON: Put in that process -- if that's what
17 we're here for.

18 MR. PHILLIPS: Because you've had such training and
19 you're such an expert, would you like to draft a proposal ...

20 SEN. ELIASON: I've had excellent training spending
21 money, I'll tell you that and (simultaneous laughter)...

22 MR. PHILLIPS: We should really have something to chew on
23 here.

24 MR. DIEHL: It seems to me that we need to come up
25 with -- what we're saying -- what I'm hearing here is that there is
26 no way to short-cut this process.

1 DR. GIBBONS: Well -- you mean on the imminently
2 threatened lands or --?

3 MR. DIEHL: Yeah, on the imminently threatened lands.

4 DR. GIBBONS: Well, if the landowner's willing to cut
5 some deals of some kind. You know, I'm not privy to that, but
6 that's a method.

7 MR. DIEHL: Well, we've had word that -- that perhaps,
8 you know, some of these landowners are right now talking to Mr.
9 Cole, and, I mean, this thing is coming to a head, and what I see
10 our job as being is just saying -- as saying -- this thing is
11 happening now, and we'd better do something in a very public way,
12 as a public advisory group, and, you know, otherwise what we're
13 going to have is a year from now or six months from now these
14 imminently threatened lands aren't going to be there, and everybody
15 is going to go what happened.

16 MR. McCORKLE: Mr. Chairman, I'd like to suggest that in
17 addition to what Jim has talked about that if -- if I were invited
18 to make a suggestion to the Council, I would suggest that they take
19 into account all the kinds of management concepts that Sturgeon has
20 talked about. I like particularly things like land banks, trading
21 lands, easements -- all the management options that stop short of
22 returning huge chunks of private land -- privately owned land -- to
23 the public sector to be locked away forever. I'd like the Council
24 to consider foreshortened time, where that's possible to do, so
25 they can prevent the imminent lands from being permanently -- or
26 being immediately harvested. But I wouldn't want to -- to refuse

1 to consider all of these kinds of management concepts that could be
2 very helpful to achieving the goals that we have in mind with
3 restoration. Restoration doesn't have to subscribe to the theory
4 that we must buy lands. We must do other things as well to achieve
5 restoration, and maybe of them are these management techniques.

6 MR. PHILLIPS: Is there any further discussion? Pam.

7 MS. BRODIE: I've been hearing a lot of talk -- say --
8 well, just about everybody seems to agree that we don't want to buy
9 large chunks of land. In fact, there are cases where there's
10 tremendous community support for buying large chunks of land. Seal
11 Bay, for example -- I don't know what people mean by large, but
12 there's a lot of support for the -- to make that watershed a safe
13 part. I don't think that the Public Advisory Group should be
14 trying to stop something that's got a lot of support, makes sense
15 for the environment, makes sense scientifically, because we think,
16 well, there's something wrong with this general concept, when, in
17 fact, it's something that's going to do a lot of good. Another
18 example would be Kenai Fjords National Park, which is very
19 important to the economy of Seward. There's a lot of support for
20 the park in Seward, and the whole coastline of the park is now in
21 private hands. The National Park Service is very anxious to
22 acquire those lands. If the owners appear to be interested in
23 selling them, I don't think the Public Advisory Group should be
24 coming in and saying, no, that's not something that we should be
25 doing. So, I -- I ...

26 MR. PHILLIPS: Jim.

1 MS. BRODIE: ... I oppose such a recommendation.

2 MR. McCORKLE: Well, I think that all of us recognize
3 that certainly there are certain blocks of land that lend
4 themselves to be under someone else's ownership, but there are also
5 other alternatives to do it without reducing the amount of private
6 land that is out there and without increasing the amount of public
7 lands, particularly in the Park Service's case, they have lots of
8 land that they can trade for that land that they would rather have,
9 and with Seal Bay, perhaps -- perhaps that's one that needs to be
10 acquired, maybe it doesn't. Maybe it just needs to be set up on a
11 long-term lease or maybe it can be turned over as an asset of the
12 EVOS trust, but there are plenty of alternatives and still reach a
13 goal or a consensus that we not decrease the amount of private
14 lands that are available.

15 MR. PHILLIPS: Vern.

16 MR. McCORKLE: Thank you. I would like to have a
17 rebuttal to my esteemed colleague from the Sierra Club. I'm
18 certainly not against private landowners who wish to sell their
19 land making an intended decision to do that. That's what our
20 country is about. And where there is overwhelming public support
21 for local acquisition of a piece of land, I think that's what has
22 to be done if there's overwhelming public support for doing that,
23 but in a general policy statement, I favor talking about things
24 like land trusts, land banks, and management concepts, rather than
25 making a policy statement that we will buy every piece of land
26 which may seem to be threatened.

1 MR. PHILLIPS: Yes, Mr. French.

2 DR. FRENCH: As a general policy statement, I don't
3 disagree with that, but I do disagree fairly vehemently that we
4 come forward with it at this time because I think that will delay
5 the urgency of the immediate issue. The item at hand, as far as I
6 am concerned, and the item that's most urgent is, indeed, one
7 parcel, that of Seal Bay, and as Pam said, there is strong support
8 for it and a lot of logical reasons for it being in public domain.
9 And it is -- the landowner is a cash-poor landowner, the landowner
10 is negotiating in what -- by all parties is apparently good faith
11 with the Attorney General, but on the other hand, a landowner that
12 is that cash-poor cannot really afford to ignore good opportunities
13 for income at this time simply because they hope that things will
14 shake out in their favor in three or four years, or ten years, or
15 twenty years, as the Kachemak Bay example is proving, which is the
16 most direct parallel example we have. I think we should be looking
17 for ways to expedite the process, particularly with respect to that
18 particular parcel. That is a threatened parcel today and will
19 continue to be, and by the end of this year it will, if the current
20 trend continues, its advantages -- the advantages of public
21 ownership of that land will be much less than they are today. So
22 I think we should either encourage the Trustees to work in all
23 possible haste toward the acquisition or at least an agreement
24 which will allow a moratorium on logging that parcel to come into
25 place as soon as possible, or you might as well forget about that
26 parcel.

1 MR. PHILLIPS: Yes.

2 MR. STURGEON: Mr. Chairman, I think one of the functions
3 of this group is to pass on to the Trustee Council public opinions
4 -- we all have certain expertise -- and if this letter that David
5 talked about, unless I read it wrong, I filled it out for my
6 company, and we own a good portion of the timber that they're
7 talking about -- Montague Island, Knight Island, a good portion of
8 Afognak Island, Kachemak -- all these places -- and, certainly, my
9 interpretation of that letter is that do we basically want to sell
10 our land or whatever, and I put no. One area, maybe. But I think
11 these management things that we're talking about weren't mentioned.
12 You know, there is some critical habitat in our lands that needs to
13 be protected to help the different species recover from the oil
14 spill. That option was not put on that letter that went out, and
15 our company -- our owners certainly would be willing to look at
16 that, work with the Trustee or the (inaudible) or whatever, to
17 identify those and try to work something out, but it was kind of an
18 all-or-nothing letter, or at least the way I read it.

19 DR. GIBBONS: If -- if I can respond to that -- I'll get
20 a copy of the letter, but I think the letter said fee simple,
21 conservation easement or other options -- are you willing to, you
22 know, to discuss, and that would open the door for your management,
23 and I think -- I'll go and get a copy of the letter, but I think
24 that's what it requests ...

25 MR. STURGEON: All I'm saying is that it certainly wasn't
26 clear to me, as one of the landowners, and it may have been

1 confusing to somebody else, but certainly the options of management
2 -- or management solutions rather than outright sale of areas are
3 more attractive to a lot of landowners. The letter was pretty
4 simple and if you're going for less confusion, I'd pass that on.

5 MR. PHILLIPS: For the reason that we have been unable to
6 brow-beat anybody into making a substantive motion to deal with --
7 may I inquire would it be possible for the staff after listening to
8 these different -- you're smiling -- to put in a synopsis of some
9 kind the concerns that we have, particularly the ones about urgency
10 because of these outside economic factors that are changing things
11 rapidly and the need to consider some of the management plans --
12 how do you feel about being able to catch the sense of what you've
13 been listening to for the last couple of hours to pass on to them.
14 That's not as good as a motion, but I don't want to say we were
15 sitting here drinking tea all day either.

16 MS. BERGMANN: Mr. Chair, I think that we can fairly
17 summarize the different points that have been raised. We will not
18 be able to indicate that the majority of the PAG felt this way or
19 whatever, but I think there certainly are a few themes that have
20 come through here that we put down in summary form and send out as
21 part of the minutes for review.

22 MR. PHILLIPS: How does the committee feel about that
23 approach versus voting on a motion that I can't seem to get on the
24 table today? Are there any objections to it? Let's talk about
25 that. I think that's the least we can do, but I certainly think we
26 have a duty to pass on to them our concerns. Yes?

1 MR. STURGEON: Mr. Chairman, what is the possibility of
2 having a member of the group, maybe yourself as chairman, actually
3 articulate our concerns to the Trustee Council. I wonder, well, it
4 seems a lot of times we put things in writing, they kind of get of
5 lost. If you do it person-to-person, and you're representing the
6 group and ...

7 MR. PHILLIPS: Is this on the 13th, the next meeting?

8 MS. BERGMANN: Uhh-huh.

9 MR. PHILLIPS: I would be glad to do that, however, I
10 would ask for some assistance. I think it might be more effective
11 if two or three other people went along and we had this discussion
12 from the different points of view with them. I'm not sure that I'm
13 capable or would do justice to all the points of view here, and
14 without taking the whole group down there, maybe we could have
15 three or four go down and talk to them when they have their
16 meeting. Now, this is on the 13th of May. Is anybody going to be
17 out of the country then that couldn't go? That'll be right here at
18 this -- won't it?

19 MS. BERGMANN: Uhh-huh.

20 MR. PHILLIPS: What day of the week is that?

21 MS. BERGMANN: Thursday.

22 MR. PHILLIPS: Thursday. Okay. Would any of you be able
23 to accompany me on that? I don't mind doing it but I want to be
24 sure it's articulated, and I would think that, John, with your
25 position you probably ought to be one of them because you really
26 brought this into focus. I think Vern is an extremely articulate

1 person. I think Pam has a different point of view than some of the
2 others here that probably ought to be there, and maybe one other
3 person.

4 DR. FRENCH: I can probably be here.

5 MR. PHILLIPS: I beg -- would you?

6 DR. FRENCH: I think I can be here, yes.

7 MR. PHILLIPS: Okay, well then, if there's no objection,
8 why don't ask I ask the four of you to accompany me at the next PAG
9 (sic) meeting, and we'll -- if they can set a little time aside for
10 us to -- to express to them our concerns, and I think that we have
11 a diverse group here that might be helpful to them. At least they
12 know we're doing -- do we have any problems with that? If not,
13 then I'd like to -- yes, Cliff.

14 REP. DAVIDSON: Thank you, Mr. Chairman. I -- I have no
15 problem with that but there are just a couple of things that I
16 think that we have not explored deeply enough and that's the
17 economic and political aspects of what's imminently threatened. I
18 know, you know, we have some very strong feelings about cut or
19 keep, about lock-up, lock-down or lock-out, and I like what I heard
20 from John in terms of what are the management options because
21 that's what we're trying to do here is we are trying to protect
22 resources, and I don't care who owns the areas that are protecting
23 resources that give plenty to all users, and that's what I think
24 they've tried to do, but there has not been, I think, adequate
25 discussion about how the five got there, and I think there is a lot
26 more political involved than not, and at the same time I think the

1 point that was made, hey, we are the Public Advisory Group and what
2 is the great public out there saying, and have we made our
3 individual efforts to find out? I don't know, but --.

4 MR. PHILLIPS: Yes, Vern, and then James.

5 MR. McCORKLE: With respect to what John French has said
6 regarding Seal Bay, you're also from there. Do you agree that that
7 is a parcel that needs immediate action? I'm willing to submit to
8 what John said because he is another local person who knows what's
9 going on there and his point of view is made very eminently and
10 impassionately, so having another person from Kodiak who could sort
11 of verify that, yeah, we could say go ahead with the acquisition of
12 Seal Bay, I think there are two others around that might agree that
13 that's one way to go if it's imminently threatened, and I think it
14 would be wrong for the Trustee Council to get the idea that the
15 advisory group is unable to come to a decision or to make
16 suggestions and recommendations -- we have made many -- and that's
17 another one that we could do. What would be your view if this
18 group should say, yes, please go ahead with all possible speed to
19 acquire the Seal Bay parcel?

20 REP. DAVIDSON: Well, I think in terms of economics on
21 certain areas, yes. If I think in terms of overwhelming public
22 support, yes. If I think in terms of what's the political score
23 and the balance and how did it get to be such a high priority, then
24 I still have questions. But, yes, it is important for the people
25 in Kodiak who want this, and so I'm not going to sit here and say,
26 no, I'm not voting for Seal Bay, because I would, and I do.

1 MR. McCORKLE: Do I understand then ...

2 REP. DAVIDSON: But I have the same problem as everyone
3 else, you know, there is a tremendous amount of land in public
4 ownership, and -- but I still have to go beyond that and say what
5 land is it that's in private ownership. It's the very important
6 pieces, and the reason they are imminently threatened is because
7 they are so important in the productivity of the resources that we
8 all use.

9 MR. McCORKLE: Is the decision to place Seal Bay on a
10 high priority, is it more economic or political or scientific? I
11 understand that it is more scientific than political, but perhaps
12 I am mistaken.

13 REP. DAVIDSON: I think that I would agree with that.

14 MR. McCORKLE: Thank you -- appreciate that.

15 MR. PHILLIPS: James.

16 MR. KING: I just wanted to say, I like the process
17 outlined by Dr. Gibbons, and that I wonder if it wouldn't be in
18 order for the committee to suggest that the staff take whatever
19 measures possible to speed that up, like perhaps follow-up phone
20 calls to people who have been sent letters and that sort of thing.

21 UNIDENTIFIED VOICE: Excellent, yes.

22 MR. DIEHL: I do have a concern like James over here
23 that people have -- the only example that we have thus far, and
24 that took forever, and if these landowners are looking at the
25 Kachemak Bay sale as being representative of how long it takes to
26 sell land to the state or to whomever, I think that ...

1 MR. PHILLIPS: Economics obviously have that criteria,
2 and I don't think that's the case any more. You can't waste that
3 much time, I don't think.

4 MR. DIEHL: I think we need a strong statement to the
5 Trustee Council that economics have changed and it needs to be --

6 MR. PHILLIPS: I would expect that to happen with this
7 group that I've suggested. We go in and try to represent as many
8 of the important things that have been said here as possible, and
9 I would ask the staff, if nothing else, you know, just an outline
10 with bullets on the subject matters, and I think the five of us
11 together can articulate those -- those concerns to them without
12 taking up their whole week over there, and we're certainly not
13 going to ignore an opinion or a point of view even if some of us
14 disagree with it or don't hold it in the same importance that
15 somebody else does. So I would ask the staff then, instead of
16 having to make the communication if you would just give us this
17 thing, and we should probably meet briefly before that meeting.
18 What time is the meeting? The 13th.

19 DR. GIBBONS: Eight-thirty.

20 MR. PHILLIPS: Eight-thirty. Maybe even the night
21 before. Anybody have to travel for that? You will have to.
22 That's right. Maybe you'd come in the night before.

23 DR. FRENCH: Yes, I could, although you may want to fax
24 around at least a draft statement before we get here.

25 MR. PHILLIPS: I agree, and then if any of you
26 individually have something you really feel strong about that you

1 want articulated at that thing, please give it to us in some kind
2 of a form, and we will try to include everything we can. Yes?

3 MR. McCUNE: Mr. Chairman, I would -- my message would
4 be to the Trustees would be to expedite what they have back from
5 the landowners already and bring it to some kind of conclusion of
6 where it's going so we, as PAG, can address it. That's what I
7 would like to see. I'd like to see where we're at right now, where
8 the negotiations are at, and what methods they're going to use to
9 buy back certain parcels or if they're considering it, and let's
10 move it.

11 MR. PHILLIPS: Okay. If each one of you -- it will
12 really expedite it for us if each one of you could, if you feel
13 strong about something that hasn't been covered here or you think
14 we may miss it, put it on a piece of paper, as brief as you can,
15 and we will try to include it. Yes?

16 MS. BERGMANN: My suggestion procedurally would be that
17 when we send out the summary of this meeting, which I would assume
18 would be toward the end of next week, that we include our bulleted
19 items of all the different conversations that we've heard here
20 today that are pertinent to this topic, and then that should allow
21 you all time to get back to Brad or to Doug if we've missed
22 something in terms of the summary or you've thought of something
23 else in the meantime.

24 MR. PHILLIPS: So be it. That's excellent. Yes, Dave.

25 DR. GIBBONS: Yes. I've been listening and I didn't
26 want to interject while you were talking, but let me give you the

1 sense of where the Trustee Council is now. Is that they have
2 already decided to move as quickly as possible for the four
3 imminently threatened parcels. They have turned it over to the
4 Department of Law on two and the Forest Service on the other two,
5 and they are working as quickly as they can to resolve those. I
6 want to make that clear that the Trustee Council has already made
7 that decision, and they've already made a decision to collect more
8 information on the imminently threatened and to go out with a
9 collection of all of it, so I just wanted to make sure that -- to
10 let you know that they've already made those decisions on those
11 four parcels as rapidly as possibly.

12 MR. PHILLIPS: We can be diplomatic and tell them that we
13 understand that's case and we support it a hundred percent, however
14 this is what we'd like them to do.

15 DR. GIBBONS: I just wanted to make sure that everybody
16 understood.

17 MR. PHILLIPS: Oh, yeah.

18 MS. BERGMANN: Just two other points of clarification,
19 Mr. King was talking about a suggestion of follow-up phone calls,
20 and that actually has occurred with all the people on the
21 imminently threatened list. In addition, the Trustee Council has
22 indicated that they will meet via teleconference whenever it is
23 necessary between their regularly scheduled meetings to take any
24 required actions on the imminently threatened lands. They
25 recognize it -- they may need to do that instead of waiting until
26 a regularly scheduled meeting, and they have agreed to do that.

1 MR. PHILLIPS: Okay. Yes, Vern.

2 MR. McCORKLE: A final point to the administrator -- when
3 you say that the Trustee advisory Council is moving will all
4 possible haste on these parcels, what does that really mean? Is
5 that the eighteen month scenario or a three month scenario, or
6 something in between dependent upon what the landowners might
7 suggest?

8 DR. GIBBONS: It's really a negotiation between the
9 landowners and the agencies and what the landowner is willing to
10 do.

11 MR. McCORKLE: So they are hotly talking -- it's sort of
12 ongoing?

13 DR. GIBBONS: Sure.

14 MR. McCORKLE: Okay, thanks.

15 DR. GIBBONS: There's a member of the -- I don't know if
16 it's hotly talking or not, but what's going on.

17 MS. KATHY ANDERSON (from audience): It's hot on my
18 part but not so hot on theirs. (Laughter)

19 MR. PHILLIPS: I find also that the definition of haste
20 varies a bit between government agencies and private enterprise and
21 other people and so on -- you raise a good one. Alright, I think
22 we have a plan to proceed, so with that I would like to then move
23 on to the next item which is a discussion of the restoration plan
24 brochure, which is this document. If anybody doesn't have it,
25 holler -- they can have it. For anyone in the audience who'd like
26 to look them over, there are plenty of copies, I believe. How do

1 you want to proceed on this?

2 DR. GIBBONS: I'm going to turn that over to Veronica
3 Gilbert, who is ...

4 MR. PHILLIPS: Ken Rice. If you could sit at one of the
5 places with a microphone, please, then we can all see and talk
6 together, but find a place where we can communicate.

7 MR. CLOUD: Brad?

8 MR. PHILLIPS: Yes.

9 MR. CLOUD: Are we skipping the 1994 work plan
10 discussion.

11 MR. PHILLIPS: No. But they've suggested and this
12 morning we changed the agenda to put this because they think this
13 comes first before that, and that will be the subject matter after
14 we talk about the brochure.

15 Okay, why don't you make your presentation and tell us how we
16 attack this one.

17 MR. RICE: I'm Ken Rice with the Restoration Team,
18 and to my right is Veronica Gilbert, who is actually going to be
19 going through the brochure and what we've made available to the
20 public. As you are all very well aware, the settlement was for
21 nine hundred million dollars. We have roughly six hundred and ten
22 to six hundred and thirty million dollars remaining that hasn't
23 already been committed, and it's this amount of money that the
24 restoration plan is looking at in terms of trying to provide some
25 guidance for the kinds of activities that are going to go on over
26 the remainder of the settlement. Basically, up and 'till now the

1 annual work plans that the Trustee Council have come up with could
2 appear to be rather arbitrary or some eclectic assortment of
3 projects. It actually reflected a fairly conservative approach to
4 the restoration activities and the studies that have gone on. The
5 long-range plan will hopefully project a vision for how the area
6 will be restored and the rules for how we're going to conduct that.
7 And there two kinds of advantages that we can see from coming up
8 with this plan. One is that we can get a comprehensive view and an
9 entire picture of the process that's going to go on, rather than
10 just a snapshot in time. As you are aware, in the schedule that we
11 handed out earlier of all the activities shows that the draft
12 restoration plan and the accompanying draft environmental impact
13 statement won't be available until probably late June, the height
14 of the fishing season, a lot of people are out working or not
15 available. We felt it was important to make at least -- give you
16 a pulse check or give you where we're at now with the development
17 of the plan, especially the most important part -- the alternatives
18 -- so that you can have a chance to respond to those over the
19 course of the next several months. You've all received copies of
20 them so I'll let Veronica go over them. Basically what we're going
21 to do as we go through this presentation is describe what was
22 injured by the spill and whether it's recovering, discuss the five
23 major issues that are addressed in the restoration plan
24 alternatives, describe four categories of restoration activities,
25 and you see those on the pie charts that are on the wall, introduce
26 the concept of an endowment and how it's being discussed at this

1 point, and describe and compare the five restoration plan
2 alternatives. We're not dealing with the criminal money at this
3 time; we're only dealing with the money (rearranging microphone),
4 we are only dealing with the money that's identified in the civil
5 settlement, and we not dealing with -- in the presentation going
6 forward here -- with the 1994 work plan. We're going to discuss
7 that at the conclusion of this process. So, with that, I would
8 turn it over to Veronica. If you have questions during her
9 presentation, go ahead and ask. At the end, we'll have time for
10 questions, and she and I will take our best shot at answering
11 those.

12 MS. VERONICA GILBERT: Can you all hear me? Can you
13 pick me up? Okay, good. Most of our presentation today is going
14 to be on pages three and four of your brochure. It's a little
15 disconcerting to give a presentation with everyone reading the
16 newspaper, but actually in this case it's what we'd like you to be
17 doing. On page three, we discussed what was injured by the spill
18 and whether it's recovering. That really is a statement of the
19 problem that this whole plan has to focus on. This is problem. We
20 then turn to the issues that we address. This is the beginning
21 search for a solution that we want to develop in the plan, and then
22 we go on to page four, which is really the centerfold of this
23 brochure, and on page four we do summarize the alternatives, and
24 you have in front of you the pie charts, which are the potential
25 allocations, and they are also reproduced up on the board. We will
26 be referring to a few other pages, but these two are really the

1 critical ones. So, if those are the only two pages you're going to
2 be able to read any time soon, that's what we'd like you to do.
3 The other thing that we're going to be looking during this
4 presentation is the response form, and the response form is on
5 page, let's see, seven and eight. Is that right? Seven and eight
6 -- and it's a single sheet so it can be easily removed. It can
7 also be folded up, like so, folded in half, and sent in to us.
8 This brochure was only released about a week ago, and we've already
9 gotten a couple of dozen responses back in and people seem to be
10 understanding the response form pretty well and picking up on the
11 information that we've presented. Let's start with what was
12 injured by the spill. And on the chart that we have -- it's the
13 large chart just to the left of the agenda and it's also on page
14 three -- we have four columns, and that was our way of categorizing
15 injury. The first column refers to population decline. Are you
16 all there? Page three under -- there's a chart there. And in that
17 column we have ten resources, and these were resources for which
18 we've been able to measure a decline in abundance that will persist
19 for future generations, sometimes for (inaudible -- coughing)
20 sometimes for quite a long time. This is important to understand.
21 I am not a biologist, and it was real difficult for me to
22 appreciate the fact that if something dies, the population doesn't
23 necessarily decline. It was hard for me to figure out -- that
24 didn't make any sense -- but, in fact, what we're looking at are
25 future generations, and that's what we're looking at in that
26 column, and that column for those species is there future

1 generations that we do not expect recover any time soon. We're
2 going to talk about recovery soon. We have five species of birds
3 and two of marine mammals in that group. In addition, we have one
4 species of fish, and that's sockeye salmon. So among the birds, we
5 have the black oystercatcher, common murre, the harlequin duck,
6 marbled murrelet, and pigeon guillemot. There are severely
7 injured, and their future generations we expect are in decline.
8 Harbor seal and sea otter are the two marine mammals on that list,
9 and as I said sockeye salmon is the one species of fish. And on
10 the next column, we have species where there might have been
11 individuals actually killed or there might have been some other
12 kinds of injury, maybe a reduction in their growth and so forth,
13 but for these species we've not been able to measure a decline in
14 their future generations, and that could have happened for a couple
15 of reasons. One might have been that we haven't been able to
16 measure that small a population change. The population may have
17 declined, it's just that we're not able to pick it up. The other -
18 - right, that's right -- and we're going to get to baseline studies
19 in a while. The other reason might be that there was some kind of
20 compensating mechanism that that species has. One thing I'd like
21 to point for that list is that there are four species that have a
22 black diamond behind, and for these species there is considerable
23 disagreement, and the reason there's disagreement -- there's two
24 reasons -- for the three species of fish that have a black diamond
25 attached to them, and that is cutthroat trout, dolly varden, and
26 also pink salmon, there is disagreement as to whether the

1 population actually declined. Some people think it did, some
2 people think it didn't using the same data. Now, for the fourth
3 species, which is killer whale, we know that the population of one
4 pod has declined, but we do not know if that is attributable to the
5 oil spill. That's why there is some disagreement there. The other
6 two columns pertain to other resources that are not biological:
7 air, water, and sediment. Archaeological resources were oiled and
8 sites were exposed to vandalism, and also designated wilderness
9 areas. And the final column are services. The agreement refers to
10 them as services. These are human uses that rely on those
11 resources that have been damaged, and those include commercial
12 fishing, commercial tourism, passive use, recreation, and also
13 subsistence. And this is a really brief summary of injury, and the
14 reason we spend time on this is that this is our problem and we
15 want to focus so that we're training on what our real problem is,
16 and that's it. If you want additional information about the nature
17 of the injury and so forth, you can find that on page six of the
18 brochure where we do go through injury in a little more detail, but
19 we're not going to go through that today in the interests of time.
20 The next section we have is are any of these resources recovering,
21 and so far none of the resources and services that were injured
22 have recovered. So the question is if the Trustees did nothing,
23 what would happen? And for that you have to look at the next chart
24 that I have on the wall, and that is reproduced on page seven of
25 your brochure. It's the back side of the response form. And this
26 chart is really a very useful one. When you look at it, the title

1 is estimated time to -- estimated -- the actual recovery rate.
2 This is the amount of time that it -- that we believe -- it would
3 take for the injured resources or services -- resources -- to
4 recover if the Trustees undertook no restoration actions. And,
5 we'd like to stop here just to say that it's kind of risky for us
6 to do that. There's a lot controversy over putting numbers on
7 these figures. In fact, the -- six of the species we have no
8 information at all, it's just unknown. However, we do have a few
9 figures for some, and there's lot of disagreement about those
10 figures. It's very uncertain, and know that that information will
11 change over time as we have new information in from our monitoring
12 program. However, those estimated rates range from a low of just
13 a couple years for bald eagles -- in fact, we believe they'll
14 recover either this year or the 1995 -- to the common murre, which
15 we believe will take many decades to recover and possibly up to a
16 hundred and twenty years. So that's at the outside. It's a
17 tremendous range. Furthermore, some species, in particular the
18 harbor seals, marbled murrelets, and the pigeon guillemot, were in
19 decline before the spill, and so it's possible that they may never
20 return to pre-spill level, that they will always be at a somewhat
21 lower level. Of course, we don't know that. Recovery estimates
22 for services are not included in that table for couple reasons.
23 One is that -- remember these are the services -- when we use that
24 term these are human uses that rely on the resources that were
25 damaged, so as those resources recover, we would expect that the
26 services would recover, at least in part. However, the other thing

1 that affects services is -- are -- factors like confidence or your
2 perceptive. We just don't have any information about how long it
3 will take for those kinds of things to recover, so we don't have
4 that information. So when you look at the combination of those two
5 items on the chart, what was injured by the species and our
6 projection of the estimated natural recovery rate -- how long it
7 might take for these to recover if the Trustees did nothing -- you
8 have really in a capsule form our summary of what our problem is
9 that this plan has to address. I'd like to stop there and ask you
10 if you have any questions. Yes, ma'am.

11 MS. FISCHER: I've been reading and hearing from the
12 fishermen in the Sound that apparently there -- on the harbor seal
13 and the sea otters are just so plentiful that they're really having
14 some problems with them this year. What is your answer to that?

15 MS. GILBERT: It's hard to say. The -- both of those
16 species as I understand it are -- are still being looked at. We
17 don't have a formal monitoring program, but they are being tagged,
18 and the populations still are in decline overall in the spill area,
19 which does extend to Kodiak and the Aleutian -- eh, the Alaska
20 Peninsula. On an individual case and possibly in an individual
21 area in and individual bay, it's entirely possible. In fact, in
22 that particular bay, you may well have had recovery or you may have
23 found that they were displaced from another area. I really don't
24 know. I'm sure what they're saying is correct, but it's hard to
25 translate that to the population as a whole, which we believe is
26 still depressed.

1 DR. FRENCH: Yes, a couple of comments. First, about
2 your -- you made comments that '93 population will be indicative of
3 the nature of the impact. I'd say your jury just came back in, and
4 it's not favorable.

5 MS. GILBERT: Right.

6 DR. FRENCH: The other is the general perception of the
7 item on page three where it's talking about injuries, the column on
8 services kind of looks like it was added as an afterthought. It
9 may not have been intended to read that way, but that's the way it
10 looks to me and probably was to most readers. My personal feeling
11 is that the damage to services is just as important as the damage
12 to natural resources, but the bulk of the document and the bulk of
13 the discussions that we've had with the Restoration Team about the
14 restoration plan previous to this have all indicated a relative
15 disregard for services, and I think that is a serious oversight.

16 MR. PHILLIPS: Hear, hear.

17 MR. McMULLEN: Mr. Chairman, looking at the resources
18 that were showing population decline or differences of opinion
19 about regarding injury, if restoration projects were approved based
20 on population decline or the Restoration Team's thoughts about
21 injury, why when the species were undecided or there were a lot of
22 differences of opinion, such as in some of, you know, cutthroat
23 trout or pink salmon, why weren't they just given the benefit of
24 the doubt, saying if there is a block of people among these
25 scientists that believe this, let's proceed, instead of saying, no,
26 there's a difference of opinion so let's cut them out. What was

1 the conversation that led to maybe not pursuing restoration
2 projects on resources where the injury was in doubt or undecided
3 or, you know.

4 MS. GILBERT: Ken is the best one to discuss the issue
5 of the '93. We'll discuss this issue for long term later on.

6 MR. RICE: I am? (Laughter) I'm not sure how to
7 answer that for '93, except that the Trustee Council was not
8 necessarily using these particular -- these criteria -- for 1993.
9 They were looking at time-critical, lost opportunity for '93. In
10 terms of the long term, we hadn't made any decisions as to whether
11 those that are in a grey area should receive an emphasis for
12 restoration or not, and so this is what we're coming out to the
13 public for response on.

14 MR. McCUNE: I have a couple of problems. This
15 population decline, you know, you're -- there's a lot of separation
16 on this sea otter and harbor seal population all the way from
17 Kodiak down to Cordova. You're putting us in a real bad position
18 here with the reauthorization of the Marine Mammal Act and
19 everything else that's coming up. If they take this as a gospel
20 right here, off that population decline, which I'm not totally
21 convinced from looking at the numbers and the studies of the sea
22 otters in Prince William Sound are on a decline -- or that the
23 harbor seal -- since I spend, you know, ninety-five percent of my
24 time on the water. You know, there are certain areas that
25 certainly might have some population decline that we're not quite
26 certain of in the western part of the Sound, but as far as the

1 Copper River Flats, I'll tell you, there's lots of harbor seals.
2 That's the same problem that they're having with the Marine Mammal
3 Act is that they can't go around saying Cordova's high in harbor
4 seals, Kodiak's not, Washington isn't. You could get us in a lot
5 of trouble with the way you put this in here. The other part of
6 this is on the human services is the commercial fishing, and then
7 you have down here recreation, including sports fishing, sport
8 hunting, and other recreation use. Well, a lot of the damage
9 that's done -- I really don't point to just the commercial fishing
10 damage -- it's common property fish that belong to all the state
11 residents. You know, they all have an interest in the common
12 property fish damage, not just things going back to commercial
13 fishermen, that includes the subsistence fishermen and everybody in
14 the state -- has some kind of interest in that common property
15 fish. So I -- I really have a problem with this population on this
16 side here, and there might be some qualifiers or something on that.

17 MS. GILBERT: Right. In the draft plan that you're
18 going to see in June, there will be more information than we were
19 able to put in the brochure about geographic areas, where you've
20 got some of these effects. But I will also say, and this is a real
21 problem throughout, and it's affect -- it's a matter that we
22 weren't able to study everything, but that it is kind of spotty
23 what was studied and where it was studied, and we are going to
24 attempt in the draft plan to say more about the area where there
25 might be a greater impact rather than another, but --

26 MR. McCUNE: Well, in the future, you know, since there

1 is uncertainty about pink salmon, there's uncertainty about harbor
2 seals, maybe there should be a sentence down there that says this
3 is not the gospel, because a lot of people will read this, and
4 they're going to look at that and say this is the gospel for Prince
5 William Sound, and we're going to be right in the middle of
6 negotiations on all these reauthorization acts. So, you know, some
7 people are going -- I know that paper's going to come out somewhere
8 and somebody's going to say, look, right here. So --

9 MS. GILBERT: And it's harbor seal in particular that
10 they -- concern for ...

11 MS. FISCHER: And sea otter.

12 MS. GILBERT: And sea otter.

13 MR. McCUNE: I just ...

14 MS. GILBERT: In Prince William Sound?

15 MR. McCUNE: Yeah, and the reason -- well, all the way
16 up and down the coast. I'm just being a little touchy about
17 (inaudible). I know you're trying to identify the population
18 decline for restoration, but also on the other hand there's a lot
19 of uncertainty about a lot of this stuff, so we should have a
20 little something in there also about that, you know.

21 MR. RICE: Yeah -- just a short response, certainly
22 the harbor seals in the Copper River Flats are not considered to be
23 part of the area where we're seeing there's population decline.
24 Pretty much the black line that you see on the map to the left of
25 Ms. Bergmann is the area where we're describing as the spill-
26 affected area and are restricting most of our discussion to that.

1 MR. McCUNE: Right. You have to look at how you're
2 going to describe that decline. You see this is where we get into
3 a big problem with the Marine Mammal Act. Is that population
4 that's in the Copper River also the same seals that you see in the
5 western side of the Sound, or not? Or do you break it down by
6 Copper River and Prince William Sound? You see, this is where it
7 gets really complicated, you know, and I want, you know, just to
8 make sure that we're talking on the same lines here. There's a lot
9 of populations that go from Kodiak to Prince William Sound, that go
10 to the western Sound, that show back up in the Copper River. So,
11 not necessarily that you see today, that the harbor seals might not
12 be there in the western part of the Sound, does that mean there's
13 a decline in the population?

14 MR. RICE: Your point is well taken.

15 MS. GILBERT: Yes.

16 MR. CLOUD: Well, this is supposed to be a draft -- a
17 summary of the ...

18 MS. GILBERT: A summary of the draft.

19 MR. CLOUD: ... of the draft, and yet, you know, it's
20 supposed to be a restoration plan, and the only thing in here on
21 your category for restoration -- general restoration -- it's a mere
22 three or four inches. You've dedicated most of the bulk of this
23 whole plan to habitat protection and acquisition.

24 MS. GILBERT: We'll get into that later. On this page -
25 - you're absolutely right -- on this page, we have a short
26 paragraph just describing the categories, but in fact as we

1 continue, what you see on page nine which is the chart with all the
2 x's, and that's reproduced over here in the corner to the left,
3 also deals with general restoration, and this is more detail on the
4 kinds of general restoration projects that we're dealing with, and
5 there are potential allocations to general restoration as well. I
6 just wanted to point that out because I did focus your attention on
7 pages three and four -- that's the heart of what we're going to
8 talk about -- but we did put much of the detail on these topics
9 later in the brochure. Are there any other questions? Yes.

10 MR. TOTEMOFF: In regards to the subsistence resources,
11 I can assure the PAG that the populations are still in decline or
12 have not recovered yet.

13 MS. GILBERT: The subsistence resources?

14 MR. TOTEMOFF: Right. In addition, since we're talking
15 about injury here, I don't see anything in here about recurring
16 injury. There is -- especially a lot of subsurface oiling out
17 there.

18 MS. GILBERT: Right.

19 MR. TOTEMOFF: And I've had my staff check with the Chief
20 Scientist to verify this through scientific studies, and it is
21 happening in regards to there is a still a recurring injury to the
22 resources out there. So, under general restoration, there should
23 be some discussion as far as decontamination using some sort of --
24 all kind of clean-up technologies. I don't think I'd just limit it
25 to the mussel beds that are currently underway.

26 MS. GILBERT: Okay. And this is clean-up of Exxon

1 Valdez oil, is that right?

2 MR. TOTEMOFF: That's correct.

3 MS. GILBERT: Okay. Correct. Are there any other
4 comments on injuries before we get into the issues.

5 MR. McCUNE: On a lighter note, I just want to say that
6 all in all, besides the criticism ...

7 MS. GILBERT: We love the criticism.

8 MR. McCUNE: ... you did a pretty good job getting
9 something out to the public (inaudible) and they can respond, you
10 know, it's something I wanted to say besides criticism.

11 MS. GILBERT: Appreciate that.

12 MR. McCUNE: It's very good to get the stuff out and to
13 the public like this, and I'd like to see more, more of this, and
14 then we can see if what you're saying too.

15 MS. GILBERT: Much of what of the points you're making
16 we're hoping, when we have a little bit more room than ten pages in
17 a newspaper that designed for the general public, we're hoping to
18 be able to get into more detail like this. In fact, in the work
19 that we did do on the injury summary, it's enormous, and it does
20 address this issue of continuing -- continuing oil I think it's
21 called -- the continuing -- oiling that you were talking about, and
22 that's more detailed, but here we did just pull out the heart of it
23 so we could move ahead with the discussion.

24 (Simultaneous talking)

25 SEN. ELIASON: I've got a question. How wide a
26 circulation?

1 MS. GILBERT: We've produced -- we've printed twenty-
2 eight thousand copies of this. As any of you who've worked with
3 newspapers would know, once you've printed the first one, the next
4 one isn't all that much more, and it was distributed to all the
5 communities. It's available at all the public meetings, and also
6 in some of the smaller communities we did have them as inserts in
7 the newspaper.

8 SEN. ELIASON: You said communities. Which ones are you
9 referring to?

10 MS. GILBERT: All of the communities that we're going to
11 for the public meetings, so that would be Cordova, Valdez,
12 Tatitlek, Chenega, Homer ...

13 SEN. ELIASON: What about those people who are not --
14 wouldn't have the ability to be at those meetings and are
15 interested in this project? How do they know? How will you get
16 their input?

17 MS. GILBERT: Sure. That's a good point. We -- the
18 newspaper -- the newspaper distribution, I think, should help a
19 great deal, even to people who haven't bothered to be on our
20 mailing list. In addition, the Trustees have an enormous list of
21 people who've been casually interested over the years, and we did
22 send this to all of them as well -- so to anyone who does get
23 things regularly, and as I recall we added a lot of other mailing
24 lists.

25 SEN. ELIASON: Are you sending this printout to say, for
26 instance, Ketchikan where they're not going to have a public

1 hearing.

2 MS. GILBERT: My understanding is not to Ketchikan,
3 although there will be one in Juneau, and that was sent to Juneau,
4 just to get more information.

5 UNIDENTIFIED VOICE (from audience): It's sent to
6 people on the mailing lists throughout Alaska and throughout
7 America. Anyone who's on the mailing list. It's sent
8 comprehensively to newspapers and boxholders.

9 MS. GILBERT: Right. So, in Ketchikan, if there were
10 people already on our mailing list or on some mailing list that we
11 use for this, they would get it, but we did not develop a mailing
12 particularly for Ketchikan, but we're open to suggestions.

13 SEN. ELIASON: I guess I'm concerned about the silent
14 majority and what they have received.

15 MS. GILBERT: Sure.

16 SEN. ELIASON: Because there's a lot of people who are
17 interested, who might not be on the mailing list, who haven't
18 participated, but have some strong feelings about some of the
19 issues.

20 MS. GILBERT: Right.

21 SEN. ELIASON: How do they exercise their input into the
22 program without being provided with something they can read, at
23 least.

24 MS. GILBERT: Well, this is one of the key vehicles for
25 them -- we also -- we also have ads in the newspaper, but I would
26 have to say in terms of Ketchikan, the main connection would be

1 people who have expressed interest in being on the mailing list.
2 So if there are any other suggestions that you know, if there are
3 pockets of people or particular groups that have a strong interest
4 that we may not have covered, we're interested in doing that.

5 SEN. ELIASON: I (inaudible) but are you putting ads in
6 the Ketchikan paper at the -- for an example -- saying this is
7 available, write to, to get information.

8 MS. GILBERT: No. No, we haven't.

9 SEN. ELIASON: Why don't we do that. That's not going to
10 be real expensive.

11 MS. GILBERT: That's a good suggestion.

12 SEN. ELIASON: At least we'll have the feeling of people
13 (inaudible).

14 MS. GILBERT: Okay. That's a good idea. So the
15 suggestions were to put an ad in the newspaper and also the
16 legislative affairs offices.

17 SEN. ELIASON: I'm also thinking about Sitka as an
18 example.

19 MS. GILBERT: Okay.

20 SEN. ELIASON: The (inaudible) offices would be an
21 excellent place to have these -- a great place.

22 MS. GILBERT: Excellent, thank you.

23 MS. FISCHER: I would just like to comment. I know in
24 Valdez they were laid out at the post offices as well as every mail
25 box so that people could have them, and then they were in both of
26 our local papers as well as the Anchorage Daily News, so I know in

1 Prince William Sound it did get broad ...

2 MS. GILBERT: That was our focus ...

3 MS. FISCHER: ... distribution.

4 MS. GILBERT: ... but I think we can expand it, and we
5 will, and we'll report to the PAG at your meeting on how we --

6 DR. FRENCH: Well, I have a couple of other comments
7 here. One being specifically with respect to the discussion of
8 endowments. I was disappointed to that endowments didn't receive
9 more discussion in this document in terms of both your natural
10 recovery (inaudible -- paper rustling) recoveries that extend
11 beyond a period of the spill -- with respect to the natural cycles
12 that occur, and much of the lack of data system was the result --
13 results from the lack of good baseline data to start with, and I
14 realize that when you get into talking about much broader scale
15 environmental monitoring, you can potentially get into some legal
16 questions, but I think the need to consider long-term monitoring
17 and research programs is very serious. I think that endowments are
18 the best opportunity to address those. I think that getting into
19 addressing those, you potentially get into addressing five to --
20 whatever it was -- ten percent of the segment for research and
21 monitoring too, and in that sense I'm concerned that the options
22 are limited to that. I'm not saying that we should spend a huge
23 amount of money in that area, but I think that there may be some
24 artificial limitations on that that we -- that aren't really
25 appropriate, especially when we consider the nature of the
26 ecosystems we are dealing with. Much of the natural cycles in the

1 northern Gulf of Alaska are multi-year cycles, running seventeen to
2 twenty-four years, not nine years or eight years or whatever we
3 have left in the settlement.

4 MS. GILBERT: Okay. The point that Mr. French raises we
5 are going to get to in a minute and explore a little bit more
6 thoroughly, and I'll show you that there's a great deal of
7 flexibility, but I do need to walk you through.

8 MR. PHILLIPS: Perhaps you should continue, and then you
9 may answer a lot of questions in your presentation because we are
10 running a bit behind.

11 MS. GILBERT: Right. We need to move ahead. The next
12 topic is to get into how we're developing the plan itself, and
13 there are five policy issues that we've identified, and the purpose
14 of these policies, all of which are discussed on page three, are to
15 help the Trustees focus their restoration action. And the five
16 questions are, first, what injuries should we address? And this
17 gets at the question that Mr. McMullen raised earlier, and the
18 question is should the Trustees address all of the injured
19 resources or should they address all of them except those that were
20 injured but did not show a population decline, basically excluding
21 that middle column? And a couple of reasons I'd like to point out
22 here, if an injury was not serious enough to cause a decline in the
23 population, then perhaps restoration funds should not be spent on
24 it. On the other hand, if something can be addressed -- can be
25 done to address -- those resources but perhaps it should be done
26 before more serious effects show up, and furthermore as we

1 discussed, there's some uncertainty about the injury in that
2 column. That's the first question they need to tell us -- what are
3 you aiming your restoration activities at? The second question has
4 to do with what you do once a resource has recovered, and the
5 question is, should restoration actions cease when an injured
6 resource has recovered or continue to enhance the resource? And if
7 your -- if the goal of restoration is recovery, then perhaps the
8 mission is accomplished once the resource has recovered, and the
9 Trustees should just focus on other unrecovered resources. That
10 would be one decision they could make. And the other would be to
11 continue to focus on these resources once they've recovered in
12 order to improve their condition or, in fact, to offset other
13 disturbances that maybe occurring to them. It's a real fundamental
14 decision they have to make, instead of (inaudible) in effect how
15 they allocate their funds. And the third question, a little bit
16 difficult to get our hands around, but I'm going to do the best job
17 I can, it has to do with the effectiveness of restoration action.
18 As we'd said earlier, if the Trustees do nothing, these resources
19 will recover to a certain extent on their own, so the real reason
20 for doing restoration actions would be if you can show some
21 improvement over what would happen anyway, and so the heart of this
22 question is how much improvement are they going to be demanding in
23 order to say this is a good project, let's fund it. And on the
24 chart here, and you have a copy on page -- whatever it is -- page
25 nine -- we've indicated by means of a black diamond those projects
26 that we believe -- those general restoration projects that we

1 believe would produce substantial improvement in recovery. Why
2 would the Trustees want to go ahead with that kind of a decision?
3 Well, one might be that you actually could make a noticeable
4 difference through funding these projects. On the other hand, if
5 they were to fund any projects or consider at least any projects
6 that has the promise at least of making some improvements, it's
7 possible that the cumulative effect of all of those projects might
8 produce greater improvement overall. These a lot of words in that
9 answer, but it really has to do with what kind of a standard are
10 they going to set for deciding what's a good project. How much
11 improvement are you going to make in recovery. The fourth question
12 has to do with location. It's a real important question, again in
13 terms of the focus. We had discussed earlier what the spill area
14 is, and that's on the map on the wall behind the chairman, there.
15 We've defined the spill area to include the maximum extent of oiled
16 shoreline, and it also includes adjacent land up to the watershed
17 divide and the area of immediate human use by the communities that
18 were affected by the oil spill. So the policy question that's
19 posed here is should restoration actions be limited to the spill
20 area, or should the Trustees consider restoration actions outside
21 of the spill area if they are going to make a difference in
22 recovery. And, of course, by limiting yourself to the spill area,
23 you're about to focus on those populations that were most directly
24 affected -- no question about that. On the other hand, it's
25 possible that you might have far better projects outside of the
26 spill area, and given that they have a serious problem to deal with

1 here, it's real important that a responsible decision on that one
2 and not just a politically astute one. I think we all tend to say,
3 no, keep it, keep it close to us, but they really have to make sure
4 that they've got their rules in order here. The final one is real
5 hard to explain, and we'll do it as briefly as possible, and it
6 does deal directly with the issue you raised, which is that it
7 appears that throughout this whole thing that we have
8 underestimated -- not dealt with thoroughly -- services. Well,
9 this final issue which is opportunities for human use, that is, to
10 what extent should restoration actions create opportunities for
11 human use of the spill area -- does deal directly with services.
12 And there's a little story to how we got to this. It's going to be
13 more important to some of you and in some communities than in
14 others. Early on in this process, we tried to figure out what
15 would be an effective action to take to restore recreation, and we
16 came up with a few ideas -- maybe build a few public use cabins,
17 put in some marine (inaudible) -- and we weren't actually certain
18 is this really effective. Can you say that there's some different
19 recreation users. So we did a small survey. A number of you
20 actually were part of our survey, and the response was incredible.
21 I mean, some people said you have your nerve asking this, and
22 others said, yeah, we've been needing this for a long time, it
23 would actually make the experience better out there, and so it was
24 real clear to us that we weren't going to be able to say this is
25 effective for recreation, and the heart -- what we tried to do was
26 capture the concern people were raising, which is if you do

1 something that's going to create opportunities for human use, do it
2 right, and what we're searching for now, struggling, is how to
3 figure out what that means so that the Trustees have some kind of
4 guidelines. And what we've come up with were four possibilities
5 actually. One is don't do any restoration actions that would
6 create opportunities for human use that would actually maybe
7 attract people to the area. The second would be, fine, do it, but
8 make sure that they are used only to protect existing uses. These
9 might be outhouses in heavily used areas or building trails where
10 there's some damage to wetlands. The third possibilities covered
11 in our alternatives is, fine, do it, and you can increase an
12 existing use, but don't change -- don't change the area, the kind
13 of use in the area. The fourth possibility is to go ahead and do
14 these kinds of things and attract, encourage appropriate new uses
15 to the area. And that's sort of the way we've developed the
16 spectrum, and -- we don't know if it's right -- it's just a way of
17 trying at least to capture some of the concerns that we've
18 identified. The hard one, and I've devoted more words to this, but
19 I've often thought about this, that people talk but ducks don't.
20 You know if you had -- if you asked a harlequin duck what's the
21 best thing I could do to help you recover, you know, they might
22 actually have an opinion on it, but they can't talk. Well, people
23 can talk, and so when it gets to services it's extremely important
24 for us to ask people and really listened to what they've told us,
25 and we have attempted to do this in this policy issue. Do you have
26 any questions on that? The answers to this issue are going to

1 drive a lot of what we do. Also, in the questionnaire, that single
2 sheet that you have, we asked these questions almost verbatim
3 because we've interested in how you may answer these questions and
4 how the people who gets this would answer. What answers would you
5 give to this. I did want to warn you that on this, especially on
6 the location issue, we asked a third question that I've not delved
7 into, and that was, if you think the Trustees should look outside
8 of the affected area for projects if they happen to be good ones --
9 do you think they should look outside of Alaska for it. So that's
10 another question we would like answered. Do you have any questions
11 on these policy issues?

12 MS. BRODIE: This is a general question.

13 MS. GILBERT: Yes.

14 MS. BRODIE: The deadline for comments was -- is --
15 August 6th.

16 MS. GILBERT: August 6th.

17 MS. BRODIE: That is also the deadline for the draft
18 ...

19 MS. GILBERT: Right.

20 MS. BRODIE: ... restoration plan.

21 MS. GILBERT: That's -- we set it up that way.

22 MS. BRODIE: If you receive comments early on this, are
23 they incorporated into the draft restoration plan?

24 MS. GILBERT: They're certainly read. There will
25 probably not be enough time to consider them all fairly enough --
26 and also we're very sensitive to the fact that -- we tell people

1 they have until August 6th to get their comments in, and for many
2 of you working with boards you might actually want to have the time
3 to sit down with your various boards and commissions that you're on
4 or your interest groups to work out a considered response to this
5 or a letter. And we'll real sensitive to making sure that
6 everybody knows that they have a fair shot at this. We're real
7 hesitant to say, oh sure, if you get your comments in by the end of
8 April, yes, we'll jump on it right away, because that's really not
9 the case. However, we definitely will read them before the draft
10 plan comes out. It's under preparation right now, and there's not
11 going to be much of a time between August 6th.

12 MR. CLOUD: When you get your comments out, do you
13 hold them or do you make them available to the public during this
14 period?

15 MS. GILBERT: Um -- we have (inaudible) -- actually if
16 any of you are interested in looking at any of the comments, you're
17 more than welcome. They're in our offices there. But what out
18 intention is is to analyze all of them, all of the comments from
19 the questionnaire or from a letter, as well as minutes of all these
20 meetings. Any of the major comments that people make here and in
21 all of the small meetings that we're having, we'll produce
22 summaries of all of these reports, and we'll send them back to the
23 folks who attended the meetings as well as to the Trustees, and
24 that'll have all of that information.

25 MR. CLOUD: But will you ...

26 MS. GILBERT: But it will be summarized.

1 MR. CLOUD: ... you use that in conjunction with
2 comments that you'll get on the draft restoration plan? For the
3 final restoration plan -- since this information you won't be using
4 for the draft restoration plan?

5 MS. GILBERT: Right. The deadline on this, as well as
6 the deadline on the draft restoration plan and the EIS -- right --
7 the deadline for the comments on all of this is August 6th. The
8 reason we came out with this brochure actually early is because we
9 wanted to use it as a basis of public meetings in communities where
10 most people are going to be gone at the end of this month, and so
11 we knew we had to do public meetings now, but unfortunately we also
12 have an environmental impact statement, and it was physically
13 impossible to produce all of them at once.

14 MR. CLOUD: So you have to have meetings on those
15 later anyhow?

16 MS. GILBERT: There may be meetings on the environmental
17 impact statement during the summer, but most of us realize that
18 that's kind of frivolous effort, but -- mainly because so many
19 people are gone during the summer. So, the deadline on everything
20 is August 6th -- on the draft, everything, including this brochure.
21 If comments are received ahead of time, we'll read them, but
22 there's no assurance that they'll be requested, and in part because
23 nobody's going to -- otherwise we might as well have made the
24 deadline the end of April. We had to make sure everybody feels
25 that they had a fair share -- and that we look at all the comments.
26 Also, after August, we'll have about a three month review period to

1 get comments together, and we're aiming at having a final plan in
2 November.

3 MR. McCORKLE: First of all, I'd like to echo the words
4 that I really like this brochure ...

5 MS. GILBERT: Oh, good.

6 MR. McCORKLE: ... I think it's laid out nice. It looks
7 -- it invites reading. It's sort of uptick and upscale and a --
8 very exciting to read. But I, too, have thought there are parts of
9 the text I might have differing views on -- with -- as to how much
10 they advocate one position or another ...

11 MS. GILBERT: Uhh-huh.

12 MR. McCORKLE: ... But I'm concerned about some of the
13 things that Mr. Cloud has mentioned that they have -- also Mr.
14 McCune -- for example, no doubt when the DEIS comes out and later
15 on the EIS, and finally the restoration plan, all of that's going
16 to be a rippling motion. Each is going to incorporate at least the
17 academic, the scientific study, available before all the
18 refinements that we've discussed ...

19 MS. GILBERT: Right.

20 MR. McCORKLE: ... need to be made to this. For example,
21 ...

22 MS. GILBERT: For the final will be ...

23 MR. McCORKLE: Yes. We didn't discuss the value of
24 trusts, and we haven't talked about the fact that statements made
25 about this species may only apply to a certain area. So my
26 question is if all -- if all that's true and people have responded

1 to this, which is really quite a great presentation, and indeed
2 they are going to be delivered copies at all these public meetings,
3 this is what they're going to respond to ...

4 MS. GILBERT: Okay.

5 MR. McCORKLE: ... and because of the fact that you said
6 they've not been selected to do that this summer, which may or may
7 not be the question, I really worry about the value of the weight
8 given to public input, considering the iterations of the product.
9 So, I would like to suggest that the staff or someone think about
10 that a little bit because I'd hate to have a lot of people make
11 comments on this and then might have changed their view or
12 amplified it more with improved information that comes throughout
13 this process. It might not be -- you might want to do a second
14 version of this and make it -- instead of the orange and black,
15 make it blue and black ...

16 MS. GILBERT: Okay.

17 MR. McCORKLE: ... so that people can respond to
18 different things, and you can have the benefit of our input as it
19 goes along, because I think there will be some improvements that
20 will come along that the public (inaudible -- coughing) I think
21 that will have to be considered, and having an adequate
22 interpretation of what the public process provided. I think it's
23 a very -- a great brochure, and for the initial attempt, I think
24 it's very good.

25 MR. PHILLIPS: Ms. --

26 MS. GILBERT: Yes.

1 MR. PHILLIPS: Have you made the essence of your
2 presentation, or do you have some other ...?

3 MS. GILBERT: No, but if you'd like, we can just move to
4 the alternatives, then we're finished.

5 MR. PHILLIPS: Yeah, okay, then I want to give a break
6 and get -- how long with the balance take, do you think? Give me
7 an estimate.

8 MS. GILBERT: It depends on the discussion. My part may
9 be five minutes, and --

10 MR. PHILLIPS: Okay. Do you want to continue on and
11 finish that -- before we take our break?

12 MS. GILBERT: The next part we're going to talk about
13 are the alternatives really.

14 MR. PHILLIPS: Okay. Then, why don't -- why don't we get
15 into that and then we'll have a break right at -- as soon as you
16 finish and get your questions.

17 MS. GILBERT: We classified restoration actions into
18 four categories, and those are habitat protection and acquisition,
19 general restoration, monitoring and research, and administration
20 and public information. You've had such thorough discussions about
21 habitat protection and acquisition that I really don't need to go
22 into it here. I think the only point I'd like to raise on -- on
23 the categories before we look at the alternatives is that
24 monitoring and research does include four types of monitoring. One
25 is monitoring of research -- have the resources and services
26 recovered. Another is restoration monitoring -- what effect have

1 the restoration actions had on recovery. The third kind is
2 ecosystem monitoring, which is quite integrated, and that asks the
3 question what's the general health of the ecosystem. This includes
4 baseline studies. And the third is -- fourth is restoration
5 research that would look into how to protect and manage and restore
6 the injured resources and services. We don't have all the answers.
7 We may need more research, and so that is one that has four
8 different ways of approaching, and we deal with it differently in
9 the alternatives. We do have -- you know, endowment we address,
10 and endowment is treated -- should be considered (inaudible) --
11 anything you have in the alternatives, you could move through an
12 endowment, which is a savings account. The -- the money from Exxon
13 will be coming in over a ten year period, and one option the
14 Trustees have is either to spend it all within a ten-year period or
15 else establish a savings account. One way of doing a savings
16 account is through an endowment, which will be an interest-bearing
17 account. One example we'd like to give you is that if twenty
18 percent of the remainder of the settlement funds were set aside in
19 an endowment, that could generate enough to fund three to five
20 million dollars of restoration actions -- worth of restoration
21 actions each year, indefinitely. So this could go on past the ten-
22 year period through an endowment, and in the response form we do
23 for your opinions about an endowment, for how much should be set
24 aside if you support one, and also what would they spend it on, and
25 how you would modify this -- your preference on allocation to
26 reflect and endowment. Now, we're going to do the alternatives.

1 MR. ANDREWS: Question.

2 MS. GILBERT: You have a question, yes.

3 MR. ANDREWS: If there's an endowment, who would manage

4 the endowment fund?

5 MS. GILBERT: It depends on how it would be set up. I

6 guess one possibility is just to leave it in the court registry,

7 which is where the money is now, but more than likely we would have

8 a board of trustees that would manage it, trustees that manage.

9 It's more of a -- that would be established through whatever legal

10 vehicle they use to estab -- to set up the endowment.

11 MR. CLOUD: The mental health trustees. (Simultaneous

12 laughter)

13 UNIDENTIFIED VOICE: No. (Simultaneous laughter and

14 talking)

15 MS. GILBERT: So there's no real answer. There's lots

16 of different ways they could do it. They would have some kind of

17 a charter establishing it.

18 MR. ANDREWS: And then supposedly the projects would be

19 ...

20 MS. GILBERT: Oh, there's another way actually which --

21 UNIDENTIFIED VOICE: The university.

22 MS. GILBERT: Apparently, some endowments, you know,

23 there are some small endowments in this state that, as I

24 understand, the Permanent Fund itself handles -- because, you know,

25 you have invest it, and you have to -- they are well-skilled in

26 doing that. So that's another option.

1 MR. PHILLIPS: Go ahead, John.

2 MR. STURGEON: I would like to also say (inaudible --
3 extraneous noise) it's great job of doing this.

4 MS. GILBERT: Thank you.

5 MR. STURGEON: (Inaudible -- extraneous noise) great job.
6 It's real easy reading and informative. One question I have --
7 maybe it's redundant -- here before -- but when I read through the
8 categories of restoration action, I'm trying to figure out for
9 landowners that aren't interested in selling your land, aren't
10 interested in easements, aren't interested in conservation
11 easements or whatever, but still want to be involved in restoration
12 where there's critical habitat and stuff, I've got to find out
13 where in here there is working with private landowners like, maybe,
14 put up a -- a bird house -- like on Afognak, I'm doing -- it's
15 covered with bird houses that the Forest Service put up there like
16 maybe twenty years ago. I don't know if they're harlequin ducks or
17 wood ducks or something, but -- and those kinds of things and
18 helping design cutting units and designing buffers and maybe
19 instead of planting spruce, plant another species that would help
20 the recovery to come back faster, just those ...

21 MS. GILBERT: On private lands.

22 MR. STURGEON: On private lands -- and, you know, the
23 section habitat protection and acquisition for uses on Kachemak,
24 for example, and talks about acquisition and protection ...

25 MS. GILBERT: I have to -- you know -- it would come
26 under habitat protection and acquisition for sure. However, we

1 really haven't delved into that, to my knowledge. Really, under
2 that topic, most of what we look at now is either buying private
3 land or buying partial interest in private lands, conservation
4 easements, or protection on public lands, and to my knowledge we
5 really haven't had much discussion about what kinds of -- more of
6 the collaboration between the private entity and government on
7 private land -- right?

8 MR. STURGEON: As I said before, the focus is to protect
9 -- to help -- a resource recover, and you can do that be designing
10 cutting units differently or putting harlequin duck houses or
11 preserving a piece of habitat or replanting something or -- or
12 making buffers bigger around streams, and those are things that can
13 be done without acquisition.

14 MS. GILBERT: Right.

15 MR. STURGEON: I think that -- at least our company would
16 be a lot more interested in those kinds of ...

17 MS. GILBERT: Those kinds of things.

18 MR. STURGEON: ... things than -- I just -- I read
19 through this whole thing, in fact twice, trying to figure out where
20 that would fit in, and I didn't find it, and I haven't heard many
21 people talking about it, but I think it's -- at least for our
22 company -- it's something that -- if we've got areas that are
23 critical to the recovery, we would like to work the government.

24 MS. GILBERT: That's not (indecipherable) for much. I
25 mean, it may have been discussed but it's not explored a great deal
26 in the ...

1 MR. STURGEON: I'd like to make a suggestion ...

2 MS. GILBERT: ... plan.

3 MR. STURGEON: ... then that maybe put in somewhere in --
4 is the suggestion.

5 MR. McCORKLE: I agree.

6 MR. STURGEON: And the other thing I would suggest -- I
7 thought that, you know, the thing about subsistence, especially
8 what it was really like for the impact that, like the village of
9 Chenega got hit with, I mean, (indecipherable) subsistence, and
10 there's oil all over the place, and, you know, the impact of any
11 (indecipherable) that really got zapped, it's got to be Chenega.
12 The oil went right in there, and those people really are
13 subsistence users who have to use it all the time, and so I think
14 that those are the two comments that I would have on -- as far as
15 habitat protection and restoration actions.

16 MR. RICE: Just to follow up on your comment, it's
17 pretty general what's in the brochure, but if you have an
18 opportunity to go back and look at what we call, quote, the ugly
19 book -- the habitat imminent threat -- or the habitat protection
20 process that everybody here has a copy of, it does discuss some of
21 those concepts that you just brought out.

22 MS. GILBERT: Yes. That would have been useful. Those
23 are good suggestions.

24 MR. PHILLIPS: Cliff.

25 REP. DAVIDSON: On the issue of restoration and ongoing --
26 ongoing efforts at restoration -- we, in one effort through the

1 legislature was trying to establish an endowment for educational
2 grants, and it seems that, you know, ignorance and complacency are
3 two things that prevent ongoing restoration or being informed about
4 how to do -- I think some of it, I think, could even fit in with
5 what John was talking about in terms of having school kids involved
6 in learning, you know, what some of those ecosystem needs are as
7 far as protection, and I was wondering if there's some place we
8 could mention that kind of opportunity or option for people to see
9 if that is something they would be interested in, an endowment for
10 educational purpose, particularly for primary and secondary
11 children.

12 MS. GILBERT: That -- one way I think you could deal
13 with that would be in the question about spending on the response
14 form, we do ask, you know, how -- how you would spend the earnings
15 on the endowment. We do offer one of the categories that we've set
16 up here, but there's also room under comments for you to add
17 others, and adding one for education, I think, would be useful.

18 REP. DAVIDSON: Well, I envisioned something where
19 teachers could tap a fund for -- and you could get a lot of mileage
20 out of something like that.

21 MR. CLOUD: Back to ride a little bit on John's
22 comment, but -- what are we doing along the way of habitat
23 protection on the already-public lands to enhance recoveries? If -
24 - if management practices are something like building bird houses
25 and stuff is helping recovery of species -- you want to do it on
26 private lands, why can't you do it on the vast and much more public

1 lands?

2 MS. GILBERT: That topic is included under habitat
3 protection. In terms of what we're doing now -- you would mean
4 through the '93 work plan, probably, is what you're talking about -
5 - do you know?

6 MR. RICE: Well, I think your question probably goes
7 well beyond what's in the '93 work plan. I think you're looking at
8 what some of the normal agency management would be for area or what
9 they've -- what they're picking up -- and I certainly can't speak
10 for all of the agencies that are -- that are out there -- speaking
11 for the Forest Service, I know that they have at least curtailed
12 any thought of doing any kind of timber management in Prince
13 William Sound since the oil spill. I don't know what additional
14 activities they've done directly related to injured resources.
15 There's certainly -- have proposals -- you know, the planning
16 effort is looking at how they can directly respond to that. Other
17 agencies are taking their own approaches.

18 MR. PHILLIPS: Any other questions?

19 MR. McCUNE: I just want to close and -- is this the
20 letter that went out to the -- well, we'd better redraft another
21 one then. My comments (inaudible) the break.

22 MR. PHILLIPS: If there isn't anything that's urgent
23 right now, I'd like to call for a ten minute and recess and come
24 right back at three o'clock, and have somebody send for Dave
25 Gibbons so that he can be here to make the next presentation.
26 (Laughter)

1 (Off Record at 2:51 p.m.)

2 (On Record at 3:05 p.m.)

3 MR. PHILLIPS: Okay. Before we continue, two things.
4 I've been asked by the people who are trying to capture all of this
5 thing for history and posterity, that we all speak into our
6 microphones, please. This last one, you -- she would like to play
7 the tape back for you -- but I don't think you'd enjoy it that
8 much. It has a car going by with a big boom box, and it has the
9 newspapers rattling, and they're going to spend a little time
10 trying to unscramble that last two hours. So, if you would just
11 talk into your microphones, it would be helpful, and if somebody
12 would tell Chuck to do that when he comes in, it would also be
13 helpful. Number two, if there are members of the public that want
14 to be heard, when we get to that place, I would like to know that,
15 have it -- your name sent to the staff, but would like to please
16 caution you that because we are so far behind today, I would
17 certainly appreciate it if you could hold your comments to the
18 maximum of five minutes unless some of the members here want to
19 really delve into something, because otherwise we're not going to
20 complete our work today. So, the next subject now is the 1994 work
21 plan. You estimate, what, fifteen -- about fifteen minutes to go
22 through that or whatever?

23 MR. RICE: And that's with ten minutes of questions.
24 (Laughter)

25 MR. PHILLIPS: Okay. Why don't we start on the '94 work
26 plan, and we'll go from there.

1 MR. RICE: Okay. I'm going to keep this very brief.
2 You were handed out earlier a letter from the Trustee Council and
3 an attached -- how many pages is it -- about a dozen pages of table
4 of potential projects. At the March 31st (sic) Trustee Council
5 meeting, the Council decide that they wanted to get a handle on
6 what kinds of ideas the public was wishing to support for '94, and
7 -- in other years -- and decided to have us put together all the
8 ideas that we had in front of us, from public comments on the
9 restoration framework through ideas coming from the Chief Scientist
10 and peer reviewers, and there's a list of seven of the places where
11 those ideas came from on the front of the cover letter. So we put,
12 excuse me, the table together, and I think there's somewhat over
13 four hundred ideas in here. I haven't counted them all. But I
14 guess there is a list on the side there, but there's quite a long
15 list of ideas -- two hundred and ninety-seven ideas -- where we're
16 asking you to give us some ideas as to what you think your
17 priorities are for the '94 work plan and for other years, and the
18 table on the right you can check off whether you think the project
19 should be funded in '94, whether you think the project is dog-
20 brained, it should never be funded, or whether you think it should
21 be funded in some other year besides '94. The list is fairly -- I
22 mean, the -- they are just project titles, so we don't have a lot
23 of background information on these, and you're going to have to
24 interpret them and use your own interpretation as to what you think
25 they would lead toward. We tried to provide some information: what
26 we think the estimated cost is. In some cases, these are -- you

1 can call them a scientific wild-ass guess as to what those costs
2 are, and others we have a little better information.

3 MR. PHILLIPS: How many zeroes do you put on these
4 numbers?

5 MR. RICE: Well, each one is a thousand. So at the
6 top one on page one, archaeology, is forty-one thousand.

7 MR. PHILLIPS: Thank you. Three zeroes on everything.

8 MR. RICE: Yeah.

9 MR. CLOUD: (Inaudible -- simultaneous talking) ...
10 just multi-year but no specific duration?

11 MR. RICE: That's correct. We -- in some cases, we
12 didn't have a good handle on how many years that project would be
13 carried out, and rather than spend a great deal of time and effort
14 trying to say, well, is it a three-year project or a two-year
15 project or seven-year project, we put multi-year down there.

16 MR. CLOUD: But we don't have any idea of whether
17 you're talking just the two-year multi-year or a seven-year multi-
18 year or ...

19 MR. RICE: At this point, again, not all the ideas
20 were generated internally. Some of them do come from external
21 sources, and so we don't have a good idea either for some of them.
22 It's a tough one. You -- you -- in your comments, you may want to
23 express that certain projects you don't see going for more than one
24 or two years, and I think those are real valid comments that we
25 would like to get back from you. Let me refer you now to this
26 draft timeline that we handed out earlier and just talk about a

1 couple of key dates. Again, the line fifty-seven, the March 31st
2 meeting, was where the Trustee Council decided to go with this
3 format. It basically gives the public two opportunities to respond
4 to the '94 work plan. The first one is to give us some sensing as
5 to what kinds of projects they would like to see going forward.
6 Once we've, excuse me, once we've reviewed the comments on that at
7 the June 1st Trustee Council meeting, which is the bolded line
8 sixty-seven, the Council will give us further direction on how to
9 develop a draft '94 work plan. We will have that available for
10 public comment in late September. So from September 20th through
11 October 21st, which is line eighty-one, will be the public review
12 period for the draft '94 work plan, and I would anticipate there
13 would be a Public Advisory Group meeting during that time period to
14 formulate your response back to the Trustee Council. And then line
15 eighty-nine, in December, on December 9th the Trustee Council will
16 take all of the comments and recommendations from the Restoration
17 Team, and we're planning to have them take two days to make a
18 decision on the '94 work plan. What you may notice is that by
19 going out with this public list -- with this list for comment --
20 we've delayed the opportunity to implement or have a '94 work plan
21 in place at the start of the federal fiscal year. However, it also
22 makes their decision on the '94 work plan after they've made a
23 decision on the restoration plan. So the '94 work plan will be
24 tiered to the final restoration plan. And with that, I'll see if
25 there's any questions.

26 MR. McCORKLE: Mr. Chairman.

1 MR. PHILLIPS: Yes.

2 MR. McCORKLE: With respect to this check-off, which
3 looks pretty imposing, but good job -- its potential project titles
4 -- I'm concerned that with as little information as we're going to
5 be able to have to -- to reach some prioritization, that this
6 doesn't become then the criteria against which we have to work for
7 the rest of the season. Because, clearly, we may vote for
8 something but -- we don't have the faintest idea of what it really
9 is about. So, I guess, too, my question it is, what are you going
10 to do with this information, and how will it impact what the work
11 products that will follow.

12 MR. RICE: I think that's an excellent question, and
13 I, personally, don't have an good sensing for how much weight the
14 Trustee Council is going to give to this. I think they want it as
15 a sensing for what kinds of things the public is saying they would
16 like to see go forward with. Certainly, this isn't all we're going
17 to have to work with. This is just a first cut. The -- the draft
18 work plan that comes out will have much more specific information,
19 hopefully better information than what was in blue book about what
20 the project would cost, how it would be conducted, what the
21 specific objectives of that project would be, so that you could
22 better evaluate the projects that may fit into the proposal that
23 would be going out for, again, for public review and the final
24 Trustee Council decision.

25 MR. McCORKLE: Thanks.

26 MR. PHILLIPS: Any further questions? Pam and then --.

1 MS. BRODIE: There are nearly three hundred projects.
2 What's the total price if we go ahead with all of this.

3 MR. RICE: I don't think -- did Dave do -- did
4 somebody add that up?

5 DR. GIBBONS: I don't know the total price, but if you
6 look in the cover letter that we have a hundred million to spend in
7 1994 maximum. So that puts the onus on the commenter to prioritize
8 themselves what they want to see done, rather than checking off
9 every one of them.

10 MR. RICE: I do notice that on line one-forty,
11 there's a one billion dollar mark in there. I don't think we add
12 the extra couple of zeroes on that one. (Laughter) So it's a fair
13 amount there, but it far exceeds what we have available for this
14 year.

15 DR. FRENCH: I assume you're aware that -- especially
16 under services -- several of these categ -- these potential
17 projects -- seem to relate to more than one restoration option. Is
18 that important at this point? I assume that they would try to be
19 put under what was needed for major restoration option.

20 MR. RICE: Yeah, I think that's correct. You know,
21 we tried -- obviously, a lot of projects could go into various
22 options -- and we didn't want to duplicate, and we tried to remove
23 duplication whenever possible.

24 DR. FRENCH: It's just -- you're not unaware that there
25 are overlaps in restoration -- don't feel there's any appropriate
26 way to fit them into the mix at this point?

1 MR. RICE: Yeah, I think, yeah, I think it would have
2 made the table very complicated.

3 DR. FRENCH: No, I think you're correct. It reads well
4 the way it is.

5 MR. KING: Just glancing at this, it looks like some
6 of these maybe somewhat overpriced and -- how do you arrive at
7 these -- these are just ideas, so we might comment on the price
8 too?

9 MR. RICE: You are certainly very welcome to comment
10 on the price, and we would -- we would use that in developing our -
11 - our recommendations for what would go out as a draft work plan.
12 In some cases, we had to just basically -- and I was involved in
13 some of it where we sat down and said, okay -- most of the team
14 that worked on this just didn't have a dollar figure, and we said,
15 well, okay, based on some of the other ideas in there that are
16 related, what would the cost for this kind of monitoring plan, for
17 example, cost, and we put a dollar figure in there, and it
18 certainly is and could be construed to be very high, but I -- and
19 again, I wouldn't use these as locked-in dollar figures for any
20 kind of a program that goes out during the second round of review.

21 MR. McCUNE: How -- you didn't break it down to how who
22 submitted what projects, so it's kind of hard to tell, you know,
23 which ones were identified by the Chief Scientist, and which ones
24 had peer review, and which ones didn't, and which ones are -- so
25 (indecipherable) just lumped a bunch of projects in here, and have
26 to go through here and ...

1 MR. RICE: That's correct. The Trustee Council
2 wanted the whole suite of ideas that have been presented to go out,
3 and we didn't have -- didn't feel it was appropriate to say, well,
4 this one came from this place or that place or put any ownership on
5 that idea.

6 MR. McCUNE: It would add a lot of weight to me if it
7 came from the general public or it came from the Chief Scientist or
8 the Restoration Team, or it came from -- you know, that has a lot
9 to do to me, when I'm studying a sheet like this, as to what has
10 priority in what areas, to me. You know, I like to know what the
11 public did say and on what projects they would like to see down
12 over what maybe Bob Spies says should be done. So I think -- you
13 know, that would be very valuable on a chart like this to me,
14 anyway. I don't what everybody else feels about it, but --.

15 MR. McCORKLE: I agree with that. I wonder if -- if
16 maybe an addendum couldn't be found. If these -- if these are
17 projects -- all two hundred and eighty-seven or however many there
18 are -- can be traced back to some source. Maybe that's not
19 possible to do. But probably if we could tell if it came from a
20 public source or the Chief Scientist or whatever, and just send out
21 another list and attach this, and say, number one, so-and-so,
22 number two, such-and-such.

23 DR. GIBBONS: Well, this -- this has been approved by
24 the Trustee Council to go out as-is, so I'm not quite sure how we
25 could go through and mark -- it would be a job to go through and
26 mark which ones came from which, where.

1 MR. RICE: I would want to go back to my staff and
2 say how -- how difficult would that be before I went any further,
3 and based on that see if it could even be done. We've got until
4 basically May 21st to get comments and start reviewing those in
5 order to stay on the timeframe that we've got here, so I -- I think
6 it's an excellent idea, but I think in terms of being able to
7 accomplish that between now and the opportunity for any additional
8 input, it's problematic.

9 MS. BRODIE: I'm sorry if you've said this already, but
10 how widely is this being distributed?

11 MR. RICE: This is going to all of the public
12 meetings that we're holding with the alternative brochure, and it's
13 been -- being -- mailed to nineteen hundred some-odd people that
14 are on our broad distribution mailing list.

15 DR. FRENCH: For once I tend to concur with the Trustee
16 Council. I think a lot of the ideas that were submitted by the
17 public and even by the agencies were not subjected to a broad
18 sweeping public comment at the time they were submitted, and this
19 is really the first opportunity for some of those to be done. So,
20 this is a broad, sweeping set of possibilities, with options for
21 additions, I believe, if I remember the last page, yeah, out to a
22 broad section of the general public, and it's without the filter of
23 the Chief Scientist and the Restoration Team. I think it's a great
24 idea.

25 MR. McCORKLE: I wasn't speaking about filter. In fact,
26 specifically non-filtered, but I think it would -- would be helpful

1 to know where -- if the idea came from the public or from the Chief
2 Scientist or from some other group. Again, I also think this is
3 the kind of thing that next year, it would be so helpful if the
4 Public Advisory Group, who is asked for its opinion, to get a
5 chance to ask to comment about things before they go out, just in
6 case there might have been a germane point. I realize it couldn't
7 happen this year, and so also with this very brilliant brochure
8 we've discussed, I think we could have had some input on that too.
9 I just -- I always feel a little bit, I guess, at sixes and sevens,
10 when the Attorney General says publicly that he doesn't get any
11 input from us, but we're always given this to approve or to take
12 after, you know, it's out. Now, that's not a critical comment;
13 it's just maybe a procedural matter for the future.

14 MR. RICE: The only other thing on this, you'll
15 notice at the very end of it is the summary of injury tables.
16 You've seen the one on resources; I'm not sure that you've seen the
17 one on services. If it's still marked draft, it has not been
18 through a full peer review on that, but we included both tables so
19 that you can, again, refer back to that and help you, give you,
20 some sensing as to what your priorities would be as you look
21 through these tables. Any other questions?

22 MR. McCUNE: Well, it's going to be a little difficult
23 to respond to this, you know, I mean, like Prince William Sound
24 video program. Am I supposed to know what that means? I mean,
25 that's -- you're going to go out and take a bunch of videos, and
26 then that's -- the public can look at that or --?

1 MR. RICE: Well, again, I would look -- the way I
2 would interpret that one would be say some education programs
3 directed at the public so that they could understand what was going
4 on with the oil spill and could have more appreciation for the area
5 and understand it. Now, again that ...

6 MR. McCUNE: I'm right here ...

7 MR. RICE: Yeah.

8 MR. McCUNE: ... and understanding some of this through
9 looking at this (inaudible -- simultaneous talking) of going
10 through this thing here would have a hard time understanding what
11 some of these would mean to their area or what it even means to
12 what the project is, and I know you can't just spell out every
13 little project down here, but this -- this format by May 21st is
14 very -- is an extremely difficult, I find.

15 MR. RICE: Well, that's a comment we'll take back to
16 the Trustee Council certainly.

17 MR. PHILLIPS: Are there any further questions?

18 MR. McMULLEN: Yeah, I have one. I just got to follow up
19 on what Gerry was saying. I would hate to have to review and
20 comment, you know, and pass judgment on this many projects of any
21 type, you know, with no more information than I have here,
22 especially if I was relatively uninformed about the '93 work plan
23 and hadn't seen some of the information that we've -- you know,
24 that we've taken the time to look at as individual Public Advisory
25 Group members. But when you get this information back from people,
26 how much weight are you going to be able to place on their opinions

1 saying, yes, fund this, don't fund that? How is that process going
2 to work? Is there going to be -- are you going to base your
3 opinion just on -- on sheer number of yeses for each -- for
4 individual projects -- or -- or -- how are you going to weight that
5 as compared to, say, what the working group thinks about projects
6 you discuss on an almost daily basis those which they believe have
7 merit and should go forward? Is -- do you anticipate that the
8 public opinion is going to provide, you know, is going to be
9 meaningful in the decision-making of bringing these projects
10 forward to the Trustee Council?

11 MR. RICE: Well, I would -- the Trustee Council is
12 going to look at our summary of responses -- or how we do -- the
13 summary table back to them -- and use that in giving us some
14 direction for developing the '94 work plan. I don't know how much
15 weight or where they're going to put their emphasis on that. None
16 of us -- they did -- they said they want to get some sensing from
17 the public of what's important before they gave us that direction.

18 MR. McCUNE: Okay.

19 DR. GIBBONS: Let's -- to give you a little sideframe on
20 this also. We went into the March 29th meeting with a '94 draft
21 framework that we thought was a logical set of, you know, work to
22 do in '94. They said, no, we want this framework, and we want it
23 out by April 16th. So, that's where we are.

24 MR. PHILLIPS: Gentlemen then -- yeah, Jim.

25 MR. CLOUD: I would just like to say that other than
26 information on each project, I like the idea of grouping it under

1 each resource. And when we were going over the '93 work plan last
2 year, that long slug-out process, I think some of the comments that
3 we came up with at the end of that process was we'd like to have
4 going forward a running tally for each of these resource or
5 services on what has been spent in the past and what is spent, you
6 know, we propose now, so that we kind of had an idea of whether we
7 were spending way too much on the bald eagle or whatever, and that
8 is missing here certainly.

9 MR. PHILLIPS: Questions? Yes.

10 MR. McCORKLE: I hate to take more than my share of time,
11 but I'd like to hitchhike on that idea. I think the Public
12 Advisory Group should also respectfully request that we get some
13 kind of fiscal note on each of these activities that have been
14 implemented since the 1991 and '2 and '3 and '4, so that we can see
15 how much money is going into a specific kind of project. I think
16 would be really helpful to us assessing, I guess, the -- the
17 success of the remediation that's ongoing. So, I think that's a
18 part of the financial information that we ought to have. It
19 doesn't need to be detailed, but if we could know how much money
20 has been spent on each project as it tracks on through, I think
21 that would be a tiny bit of information that we could use.

22 MR. PHILLIPS: Could that suggestion be passed on also...

23 MR. RICE: Certainly.

24 MR. PHILLIPS: ... please. The document itself has
25 dropped immeasurably in my judgment -- in value -- because I don't
26 see anywhere in here there's even the slightest mention of the road

1 to Whittier. (Simultaneous laughter) Is there any more on this
2 subject before we get into -- (laughter) -- yes.

3 SEN. ELIASON: I guess what bothers me a little is that
4 the weight that they're going to put upon the results of this poll,
5 I can see, for example, a well-organized group taking one of these
6 copies and run them off on the Xerox, hand them out by the
7 hundreds, sign their name, send it in. Now, how do we know that
8 it's not happening out there? So, it's sort of ridiculous that ...

9 MS. FISCHER: We don't know.

10 SEN. ELIASON: ... that we approach it this way. It
11 doesn't make a lot of sense. If I were Gerry, I'd go home and get
12 his whole group and (indecipherable) and get this fish in Prince
13 William Sound ...

14 MS. FISCHER: Oh, we will too.

15 SEN. ELIASON: ...it won't cost you much you know.
16 (Simultaneous talking)

17 UNIDENTIFIED VOICE: It's a great gimmick but it does work.

18 MR. PHILLIPS: Yes.

19 DR. FRENCH: This is supposed to be a public process,
20 and that's what every group should be doing. That's why we've only
21 got -- if we're not doing that, and we only get five or ten public
22 comments at most of our public meetings. I mean, that's the
23 problem. We aren't going out and mobilizing the groups that are
24 seriously interested and seriously impacted. I mean, John and
25 Gerry and I were talking about this earlier in terms of lack of
26 comments from -- from commercial fisherman. I don't think that

1 it's that they don't care about the process; they don't think they
2 have an influence on the process, I think is the problem.

3 MR. PHILLIPS: Any further comments?

4 MR. MCCORKLE: In response to that though, John, I have
5 to say I think every person really wants to have public process.
6 What we don't want to have is a jimmied-up public process, where I
7 who have a special project I'd like to do, Xerox it, take it to a
8 whole bunch of buddies, go down to the bar and out to church or
9 wherever, and get them all signed -- that's not public process.
10 And I think it's that kind of thing that we'd like to avoid, and we
11 certainly -- nineteen hundred copies of this went out. Hopefully,
12 there would be nineteen hundred people who would have something to
13 say about that. Hopefully, it would not be a little gaggle of
14 people that run and send us back eighteen hundred of it all saying
15 the same thing.

16 DR. FRENCH: I was told this was the beginning of the
17 process, not the end of the process.

18 (Simultaneous talking)

19 MR. PHILLIPS: We have at least a couple of members that
20 must go to catch airplanes, so they're going to be gone before we
21 drag out of here, I'm afraid. At this point, if I could introduce
22 a short discussion on our trip -- our planned trip -- on the 24th
23 of May.

24 MS. BERGMANN: One question before we go on. Was that an
25 official request to the Trustee Council to have staff provide you
26 with a summary of the expenditures to date on the various projects

1 for each resources and services.

2 MR. PHILLIPS: I believe it was.

3 MS. BERGMANN: Okay. Just wanted to clarify that. Thank
4 you.

5 MR. PHILLIPS: I haven't had an opportunity at this point
6 -- I do have a chart here of some of the areas we're going to visit
7 on the 24th. I'll be working out the details of where we're going
8 and so on at that time. The one thing I do know is that we will be
9 catching -- those of us who are going will be catching the 7:15
10 train out of Portage to get into Whittier. If you miss, you've
11 really missed the boat. (Simultaneous laughter) As soon as we get
12 into Whittier, we get aboard and hope to be out by eight o'clock.
13 We're giving the (indecipherable) the day to come back and catch
14 the six o'clock train out again. Hopefully, we'll have some
15 sandwiches aboard and things like that so you won't starve to
16 death, but the exact itinerary has not been set. I think it would
17 be interesting at this point to know how many of you are planning
18 to go, is the question number one. Could you raise your hands so
19 we can see? (Hands raised)

20 MS. FISCHER: I'll send a paper around.

21 MR. PHILLIPS: Well, I want this all communicated to Doug
22 anyway, soon. And then, if you would, at the same time -- thank
23 you -- if you would at the same time indicate if you're taking
24 somebody with you. I have no objection to it. I don't know what
25 Doug thinks about it, but we can carry three hundred passengers, so
26 -- I don't think we will have that many -- and I guess I'm stuck

1 for the food, so --.

2 MS. BERGMANN: Doug informed me that he has a package
3 that will be going out to all of you real soon, I would assume
4 within the next week, with more detailed information on this.

5 MR. PHILLIPS: Okay. Pray for good weather, and we hope
6 to -- incidentally, how many of you have not been out there? Raise
7 your hand if you've not been out there? I told everybody that
8 nobody's been out there -- so.

9 DR. FRENCH: (Inaudible -- out of microphone range)

10 MR. PHILLIPS: Well, what we're going to do, also, for
11 your information, we're arranging to have two small boats out there
12 to take out with us so that we can go ashore whenever it is
13 desired. I would ask you only one thing, I've just put brand new
14 carpets in that thing yesterday, and we have new upholstery on the
15 seats and a new fresh paint job, don't go slopping around in the
16 oil if you find any and then drag it aboard the vessel, but you
17 should have some walking shoes for the beach if you're going to go,
18 and just remember that that's my life blood that little ...

19 MS. BERGMANN: Boots?

20 MR. PHILLIPS: And boots if you need them -- if you think
21 you them. I doubt if we're going to be tramping around in much
22 oil, but --.

23 MS. BERGMANN: (Inaudible) ... to beaches where you can
24 actually get out and they will be presenting information and
25 showing you documentation, pictures, whatever from 1989 of those
26 areas so that you then have an opportunity to see what it looks

1 like today, and there will be a series of briefings, as I
2 understand ...

3 MR. PHILLIPS: On board.

4 MS. BERGMANN: ... yeah, as you're going out, about the
5 response activities to try to give you more background information
6 on it.

7 MR. PHILLIPS: We have adequate room to have a meeting --
8 were we to have a formal meeting on this or not or is this just an
9 investigative ...?

10 MS. BERGMANN: As I understand it, this is called a fact-
11 finding trip.

12 MR. PHILLIPS: Okay. That's right because ...

13 MS. BERGMANN: And it's not a formal meeting.

14 MR. PHILLIPS: Well, we have -- yeah, we have
15 communication on the vessel, and we have eight television monitors
16 and cameras and stuff so that everybody can see what's happening,
17 and we have wonderful communications.

18 MS. BERGMANN: Just one other point -- Brad, I'm sorry,
19 just one other point, Doug and I didn't talk about this
20 specifically today, but I just asked Dave Gibbons here about it, I
21 believe that when we were discussing the list of people who would
22 be going on the trip, there are a number of Trustee Council members
23 who will be attending, as well as the PAG, some staff people who
24 will be operating the boats and doing the briefings, and then some
25 folks like from the Chugach National Forest, but I believe that the
26 discussions were that -- that since there are oftentimes expenses

1 associated with either a PAG or their alternate coming on these
2 trips, that there would be an opportunity for the PAG member or
3 their alternate to attend and not necessarily both.

4 MR. PHILLIPS: Unless they wanted to pay the ...

5 UNIDENTIFIED VOICE: Their own way.

6 MS. BERGMANN: Unless they wanted to pay their own way.

7 MR. PHILLIPS: It's sixteen bucks on the train, round-
8 trip, so that isn't break any ...

9 MS. BERGMANN: But if they're flying in from Juneau or
10 whatever...

11 MR. PHILLIPS: Okay. Pam first, and then Dick.

12 MS. BRODIE: Two things, will we be visiting any clear-
13 cuts or private lands that are ... (inaudible -- simultaneous
14 talking).

15 MR. PHILLIPS: That was my next -- I don't know that are
16 any in the area that we're going. John could probably tell us
17 better than anything else. We're talking about we'll go down
18 between Kilcross (ph) and Perry (ph) Island, probably by maybe Lone
19 (ph) Island -- Knight Island, we'll probably land in -- I think
20 Herring Bay is one of the places on -- isn't that Eleanor (ph)
21 Island -- in that general area. I don't know if there are any
22 clear-cuts in there at all. I doubt if there are. Do you know,
23 Chuck or ...

24 MR. TOTEMOFF: I don't know of any.

25 MR. PHILLIPS: John? If you could bring information with
26 you because of our conversations today about if you know where the

1 private timber things are and could point them out to the people so
2 they can get a visual of what this thing looks like, I think it
3 might be helpful to them.

4 MR. STURGEON: The cut-over area is more than ten years
5 old, it's really hard to tell it's been cut over.

6 MR. PHILLIPS: Yes. I mean, if you could just point out
7 the privately owned ...

8 UNIDENTIFIED VOICE: Could you say that again (inaudible --
9 out of microphone range)

10 MR. PHILLIPS: ... any of the areas that are up for
11 habitat acquisition would be nice -- besides looking at the beaches
12 -- if we could -- and you're the most knowledgeable one, I think,
13 in the timber field, if you could be prepared to tell us something
14 about those areas. Yes, Dick?

15 SEN. ELIASON: I know they'll be more information later,
16 but I was curious, did you say the train's leaving from Portage?

17 MR. PHILLIPS: Portage at 7:15 in the morning.

18 SEN. ELIASON: How far is that from here?

19 MR. PHILLIPS: That's about forty-some miles. Allow
20 yourself at that time of day no less than an hour to get there.

21 SEN. ELIASON: Do you drive from here or is there a bus
22 going down, is there a train going down?

23 DR. GIBBONS: We're probably going to have some vans
24 leaving from Anchorage to transport people to Portage.

25 MR. PHILLIPS: Or get a-hold of me. I'm driving down,
26 and I'll be glad to take you along. I think if we car-pool it it's

1 probably the best. It takes about an hour to go down, yes.

2 MR. McCUNE: So I can just send my alternate because
3 I'll be probably rocking and rolling on the Copper River Flats.

4 MR. PHILLIPS: Sure, if you'd just advise Doug so we know
5 what we're working with so we don't be looking for people and
6 wondering about them.

7 MR. McCUNE: If I have my alternate ready, they'd just
8 go at Whittier, they don't have to go from Cordova ...

9 MR. PHILLIPS: Oh, no. No.

10 MR. McCUNE: ... just meet in Whittier at a certain
11 time.

12 DR. GIBBONS: If you get to Whittier by seven fifteen on
13 the 24th, you're all set.

14 MR. PHILLIPS: Yeah, we want to leave by eight o'clock,
15 and there's -- you won't miss -- I mean you can't have a problem
16 identifying the vessel when it's there. Yes, Chuck?

17 MR. TOTEMOFF: Mr. Chairman, I've got some additional
18 comments on the beach -- subsurface beach cleanup -- that I was
19 mentioning earlier. Under the 1993 work plan, there is a survey,
20 another assessment to actually see how much oiling is out there,
21 and I understand that's still being put together, but I'm wondering
22 if the PAG should recommend to the Trustee Council now to implement
23 such a program if it's deemed necessary to do that under the
24 survey.

25 MR. PHILLIPS: I'm not sure I understand what you're
26 asking us to do.

1 MR. TOTEMOFF: Well, there's still a lot of subsurface
2 oiling out there.

3 MR. PHILLIPS: Yes.

4 MR. TOTEMOFF: And we know, and its been confirmed by
5 scientific studies, that it's still having an impact on the
6 resources out there, not only subsistence but recreational and
7 possibly commercial fishing as well, but I don't know that for
8 sure, but it -- we should address this year some alternative beach
9 treatment or clean-up.

10 MR. PHILLIPS: Alright. This is an addition to our trip
11 out there?

12 MR. TOTEMOFF: Yes. This --

13 MR. PHILLIPS: Okay. I was trying to conclude the trip
14 thing, if anybody had any questions or anything, and then we can go
15 on to comments of all the members here so that we can get them.
16 Yes, Pam.

17 MS. BRODIE: Can we bring more than one person along as
18 long as they bring their own lunch and pay their own way on this
19 train.

20 MR. PHILLIPS: I'm not sure the lunch thing is critical
21 anyway, if you can stand my cooking, but I would check that with
22 Doug because he will have a roster of the number of people, and
23 it's their sense better than mine on who can come. There's only
24 one thing I would ask you not to do, and that's don't bring any
25 kids. The fare is double for children.

26 (Simultaneous laughter)

1 MS. FISCHER: Scrooge.

2 MR. PHILLIPS: You're right. (Simultaneous laughter) We
3 have two cages and a trolling harness. (Simultaneous laughter)
4 Any other questions on the trip now? We'll get information to you.
5 We'll hope that all of you can come. I personally invited the
6 Trustee Council to come. I hope that they can do it and then you
7 can get to know the guys a little better, and I think it will be a
8 good experience. Bring a wind jacket or a jacket with you for
9 wind. There's no dress-ups on this one, so be comfortable.

10 SEN. ELIASON: Life jackets?

11 MR. PHILLIPS: No, I have life jackets. (Simultaneous
12 laughter) Plenty of that for -- okay.

13 MS. FISCHER: Port-a-pots?

14 MR. PHILLIPS: No, you don't need a port-a-potty either.
15 (Simultaneous laughter) Okay, at this point I'd like to ask for
16 comments, and Chuck led it off for members of the group on anything
17 that you want to discuss. We're going to lose at least two people
18 within the half hour, so let's let everybody that has something to
19 say or wants to say, let's do it now. Did you get the sense of
20 Chuck's comments -- he asked us particularly to pass on to the
21 Trustees a request? If you didn't get it, I'll have him -- I'll
22 ask him to -- will you redo it, Chuck, your request?

23 MR. TOTEMOFF: I'll try it. The Trustees are doing
24 another beach survey again this year, probably one of the last of
25 its kind. My concern is that there is still oil being introduced
26 into the environment and still impacting the resources. Should we

1 implement -- limited scale, if you will -- some type of beach
2 restoration project, cleaning up the oil -- the subsurface oiling
3 ...

4 MR. PHILLIPS: Subsurface oiling?

5 MR. TOTEMOFF: Right.

6 MR. PHILLIPS: Or at least finding out the extent of it.

7 MR. TOTEMOFF: Well, they're going to find out the extent
8 of it, but there's questions if they're going to do anything about
9 it.

10 DR. GIBBONS: That's built into that project. If there
11 is oil found, they you will mobilize and take care of the source.

12 MR. PHILLIPS: Your telephone number.

13 MS. BERGMANN: Yeah, there are two projects funded that
14 address. One is the subsistence project where one of the purposes
15 of that is to have folks from Chenega, Tatitlek, wherever, go out
16 and actually show people areas that they feel are still of concern
17 where there may still be oil present. Then that information gets
18 fed into the other project that will be doing a larger survey of
19 areas where oil is known to still persist in the environment, and
20 once all the assessments have been done, then there is money in
21 that budget to start doing something about the problem areas, but
22 there is an emphasis on places where subsistence harvesting would
23 be taking place where oil is still persisting. So, I'm a little
24 unclear as to what specifically you all would be wanting to be
25 recommending to the Trustee Council in addition to that.

26 MR. TOTEMOFF: I don't think there's adequate money in

1 the subsistence -- I'm sorry, the survey -- I think there's about
2 a half a million dollar budget for that. If there's going to be
3 any clean-up, it's not going to be enough. This is my concern.

4 MS. BERGMANN: So is your recommendation that -- that the
5 budget for that project be increased?

6 MR. TOTEMOFF: It could if it's a real problem out there,
7 and I think it is.

8 MR. PHILLIPS: Yes.

9 MR. McCUNE: I just wanted to find what clean-up means.
10 I want to know what we're going to do.

11 MR. TOTEMOFF: Well, there's a -- right now I know of one
12 demonstration project that Sewell(ph)-Alaska is doing, and they are
13 trying to get the approval of PC (ph), I believe it is, and they
14 have a new technology to remove subsurface oiling. They are trying
15 to get all the permitting done on that this year. I do understand
16 they're doing a demonstration project in Sleepy Bay.

17 DR. GIBBONS: I think what you're referring to though,
18 perhaps, maybe I'm wrong, but we have a proposal on our desk for a
19 clam rehab study where you're going to pump subtidal sediment up
20 into the intertidal sediment to try to substrate for the clams to
21 resettle. We have a pilot project laying on our desk to do that
22 one. I haven't seen the one that you're referring to.

23 MS. BERGMANN: I -- I'm familiar with that. That's
24 Tesoro's PES 51?

25 MR. TOTEMOFF: That's correct.

26 MS. BERGMANN: Yeah. And I've talked to -- I can't

1 remember the fellow at Tesoro -- because they requested through
2 their Alaska regional response team conceptual approval to use that
3 in an Alyeska drill last week, something like that, and we were
4 involved in looking at that as part of that drill, and as part of
5 those discussions they said that they were trying to obtain permits
6 to do an actual field test in Prince William Sound this summer. I
7 don't know that they have received all the permits that would be
8 required to do that. The state has been drafting some protocols to
9 be used to evaluate those kinds of new chemicals that industry,
10 whoever, is coming up with to use on the shorelines for treatment
11 of oil. So, right now, it's kind of -- they've done some testing
12 in other -- in the Lower Forty-eight. They haven't done any field
13 testing here. Hopefully, they could do that this summer, and then
14 the agencies, the permitting agencies, will have to evaluate the
15 results of those tests and see if they are comfortable with using
16 that particular product in a wider -- in a more wide-scale area.
17 There are some concerns about the toxicity associated with some of
18 the chemicals in that product.

19 MR. PHILLIPS: Are there any further comments from
20 members? Anything you want to bring up? Yes.

21 MR. McCORKLE: I defer though to those members who have
22 to leave to catch planes, if there are any here.

23 MR. PHILLIPS: (Inaudible -- simultaneous talking) time.

24 MR. McCORKLE: Some meetings ago, the discussion of the
25 advice -- I guess that's the wrong word -- of information to the
26 advisory council relative to the process for and the names of

1 persons who are being considered for the new executive director
2 would come to us just as a matter of information. I would like to
3 harken back to that time in the past and, I guess, state again that
4 I am, for one, still interested in knowing how that process is
5 going, and I don't know if there were others here who wanted to be
6 advised. It looks like we're fairly down the chute on that
7 project, and I'd like to know how it's going. Second, I would like
8 to know if we could have a copy of the proposed budget for the
9 Advisory Group that was discussed in the meeting minutes, I guess,
10 of March 10.

11 MR. PHILLIPS: Uhh-huh.

12 MR. McCORKLE: It seems to me that we ought to have some
13 idea as to what is being proposed. My feelings are that enough
14 money is being provided for the budget for the PAG to allow us to
15 have meetings. I'm not impressed. I don't think that's enough
16 money. We have six hundred and twenty million plus to spend on a
17 lot of things. I don't see that a reasonable amount of resources
18 are being devoted or dedicated to whatever the work of this group
19 should be. I don't have a program to propose, but it just seems to
20 me that we've heard a couple of suggestions today that the people
21 should maybe go and look at certain things to see what is going on
22 in certain areas. I'm not in favor of seventeen members of the
23 Advisory Council, you know, trooping off to some place, but I
24 certainly wouldn't be opposed to a selection of one or two, three,
25 members of this group going from time to time to certain places and
26 bringing back a report to us. Not the same people all the time,

1 and not anybody that had sharp axes to grind, but I -- I'm very --
2 I look at this map of the area that we're working with, and then to
3 think that we need to be fairly well informed on certain aspects of
4 things that take place in that large area, it makes -- it's an
5 enormous task for those of us who are conscientious to this group
6 to be able to do that, without having some -- some ability to
7 visualize the projects that we're undertaking and those that ought
8 to be considered. So, I just wanted to insert on the record here
9 that I think that we ought to look at that budget and we ought to
10 think, as members of the PAG, whether or not that's a reasonable
11 suggestion or not. It may be that nobody thinks it's a good idea
12 and, of course, I'll go along with what the group says. I believe
13 that we should become more informed on a very limited but
14 reasonable as to the progress that's being made in the various
15 areas. Finally, some subjects that came up at the -- some of the
16 regional meetings that I attended with respect to the 1993 program,
17 there was some thought that we should find a way to provide funds
18 to the regional citizens' advisory councils. Those are groups that
19 are doing a good job of what their mission is, which is to monitor
20 the oil activities inside Prince William Sound and Cook Inlet.
21 With the increased activity that's likely to occur in Cook Inlet
22 with the recent strike and find that some fish in other places, it
23 seems to me that it's reasonable to think of modest contributions
24 to those citizens' groups that are providing a service in an area
25 that monitors activities going on with respect to the oil industry,
26 important as they are to Alaska, but also inside these areas that

1 we're concentrating on. So, I just wanted to put that back into
2 the record, so if anybody agrees that we might want to look at
3 that, that we don't forget about the idea.

4 MR. PHILLIPS: I think it's an excellent idea. Without
5 objection, I would like to ask that Mr. Mutter at our next meeting
6 be prepared to discuss the budget and the items brought up by Vern
7 today so that we have a handle on it and we can -- if we have to
8 make specific requests to the -- to the Council that we can do so.
9 I hate to work on anything in the dark, where you can't see where
10 you're going. I think that's where we are right now. I agree with
11 you on -- on being able to do our job properly, otherwise we're
12 wasting a lot of people's time here. Yes, Chuck.

13 MR. TOTEMOFF: Mr. Chairman, one last comment. This
14 stems from the brochure that we received. It's a nice brochure,
15 I'll admit that, but there's an idea that I've been -- been going
16 around in my head here that I haven't seen surface anywhere, but
17 has anybody ever thought about transplanting resources to affected
18 areas to increase the populations that were damaged? Have we
19 thought about that?

20 DR. GIBBONS: Yup.

21 MR. TOTEMOFF: Okay. Alright, thanks.

22 (Aside simultaneous talking)

23 MR. PHILLIPS: Are there further comments now from
24 members of the PAG? John.

25 DR. FRENCH: Yeah, I'd like to make some general
26 comments about the process because I'm a little bit disturbed about

1 it. We hear a lot about what we are and aren't doing as a public
2 advisory group. One of the things we have requested is the
3 opportunity to screen some of these things before they go to the
4 public. Obviously, we didn't have a whole lot of influence on
5 those. As documents stand, except for the fact that they ignored
6 the few comments we did make at our last meeting, why, they're not
7 bad -- their appearance is attractive, anyway -- but I'm beginning
8 to really wonder what we're doing as a group if the advice we are
9 giving is ignored, and if you put up work schedules that don't
10 include us for the most part in a large number of these categories,
11 and say, oh, we thought it would be appropriate for the PAG to
12 decide where it was appropriate to meet and provide input -- if,
13 indeed, as is clear from these documents, the Restoration Team
14 wants to drive the timeline, maybe it would be at least
15 constructive if they'd suggest places where they felt it would be
16 appropriate for us to be getting in. A number of people have
17 suggested to me, both Trustees and members of this group, that
18 perhaps at some point we really should get together as a public
19 advisory group and discuss where we, as a group, think this process
20 should be going, and a meeting that's not basically driven as
21 responding to Restoration Team documents. And I think it's a good
22 idea; I think it's better done sooner than later, and other than
23 the fact that I think that that's something we should seriously
24 consider, I don't have a specific mechanism in mind at this time.

25 MR. PHILLIPS: Would you suggest maybe perhaps we start
26 off our next meeting with that -- a discussion that?

1 DR. FRENCH: I think it would probably be appropriate
2 if at our next meeting we had at least, oh, at least an hour, maybe
3 an hour and a half, to discuss the general directions we feel this
4 whole process should be going before the '94 work plan gets too far
5 out of hand or caste in concrete, as it were.

6 MR. PHILLIPS: Any thoughts from other members here?
7 Donna.

8 MS. FISCHER: Pretty much going along with the same
9 lines, I agree with Mr. French there, but I also, like on the
10 public meetings, I don't think that PAG members have been included
11 in with that, even though we wouldn't participate, but I think out
12 of courtesy if they're coming into our areas that we should be
13 included. I think that -- you know, that's supposed to be what
14 we're here for -- to be a part of it.

15 DR. GIBBONS: If you're there, we'll introduce you as
16 members of the Public Advisory Group -- you know, at the public
17 meeting.

18 MS. FISCHER: Well, I notice that some of these are in
19 the areas that we do live in, and I just think as a courtesy we
20 should be included.

21 MR. PHILLIPS: Yes, Jim.

22 MR. KING: I just wanted to endorse what John said.
23 I, too, was rather disappointed that we didn't get a chance to look
24 at the brochure before it went public -- after the study and work
25 that a lot of us have done, we were prepared to make some specific
26 suggestions that we didn't have a chance to do.

1 MR. PHILLIPS: If there is no objection then, I would
2 like to -- to direct Mr. Mutter to put as the first major topic on
3 the next meeting when -- we will decide that before we leave here -
4 - at least one hour for discussion on Mr. French's suggestion about
5 where we're going and what we're doing and should we even be here-
6 type discussion -- open and frank and maybe that will give some
7 direction to this. If there's no objection, would you please ask
8 him to do so, and also include this change in the thing by putting
9 members' comments. Are there any further comments now from the
10 members? If not, I would ask Dave Gibbons to give us a briefing so
11 far on what ideas he may have on improving public participation.
12 This may fall right into the same category, I don't know.

13 DR. GIBBONS: Yeah. This is going to be very brief. At
14 the March 29th meeting, in response to the -- some of the public
15 comments at the hearing in Washington, D.C., the Trustee Council
16 ordered -- directed -- me to come up with some ideas to improve the
17 communications with the public, and they mentioned specifically
18 perhaps a quarterly newsletter to say what we're doing. So, some
19 of the things that I'm discussing now, and I still haven't fleshed
20 them fully, is some items here -- I'll just read them. Before
21 Trustee Council meetings, plan informal times so that the public
22 has a chance to visit with the Trustee Council members personally
23 to give ideas they want to express to them directly to them. So
24 that's one problem we had. Take time -- encourage the Trustee
25 Council to visit with communities and people on their ideas on what
26 they see on the oil spill -- personally talk to the interest groups

1 -- the representative groups -- the Public Advisory Group here --
2 to get them more closely involved with the public. One of the
3 things that we've noticed is that we would like to have them fully
4 answer questions at their meetings, through the public comment
5 session. Sometimes the public's question is not answered -- either
6 answer at the meeting or assign somebody to follow up and answer
7 that question that the public has. That might help. Distribute --
8 produce and distribute a periodic newsletter or fact sheet -- where
9 are we in the process; what's happened-type of approach. And
10 finally, schedule a Trustee Council tour of several of the spill-
11 affected communities. So -- not as a Trustee Council meeting, but
12 as an informed session with the public that the public can come and
13 talk to them, and do that in some of the oil spill-affected
14 communities. So that's some of the thoughts that we initially had
15 on trying to improve some communications.

16 MR. PHILLIPS: Excellent. May I just in passing ask that
17 on the trip on the 24th that everybody be given a tag with an
18 explanation of who they are, so that everybody on board knows who
19 they are talking to.

20 MS. FISCHER: They should bring their badges.

21 MR. PHILLIPS: I know but we're talking about the people
22 who don't have badges -- everybody who is going to be a guest or on
23 board have an identification tag that can be read and -- okay.
24 Next meeting -- are we prepared to do that. The 13th, as I
25 understand it, is the next meeting of the Council. Our meeting is
26 -- our trip -- is on the 24th of May. I know we're getting into

1 the season where everybody is pretty busy, but how do you want to
2 handle suggestions for the next meeting? Anybody -- yes, Jim.

3 MR. CLOUD: Since people are going to be already
4 coming to Anchorage for the trip on Monday the 24th, perhaps we
5 should have the meeting the next day.

6 MR. PHILLIPS: On Tuesday the 25th. Does that give us --
7 yeah, that's gives us thirty days notice. Anybody have any
8 objections to that idea? We will have gathered some information
9 certainly and some knowledge the day before, and then we will have
10 a review of what happened at the other meeting of the Council. If
11 there is no objection, then I'll entertain a motion to set a
12 meeting here for the 25th of May.

13 MR. McCORKLE: So moved.

14 MR. ANDREWS: Second.

15 MR. PHILLIPS: Moved and seconded. Is there any
16 objection? If not, it is so ordered, and our next meeting will be
17 -- and announcements will be sent out. The next item is public
18 comment. I asked for people who wanted to comment and nobody sent
19 their names up, however, I would ask -- I know you've been sitting
20 here all day today, so I'm going to ask you to come up here and get
21 near a microphone, identify yourself and your subject, and then --
22 there's one other, is that right? Two -- two others. Okay. I
23 know some of you have spent a lot of time here today. I hope
24 you've learned something, but -- go ahead. Would you identify
25 yourself?

26 MS. KATHY ANDERSON: Yes. I'm Kathy Anderson. I

1 represent the corporation. Where I sat I just wanted to give you
2 my view as sitting out and being part of the public is we wait
3 throughout the entire day, and as you're ready to go out the door
4 we get a chance to say something. I spent three and a half years
5 in this room trying to do what I thought the public wanted. I sat
6 through all the teleconferences, and I recognize only a few of you
7 but yet you represent the public. You know, I came to the last
8 Trustee Council -- they're saying, well, what is the direction from
9 the PAG, and sounded like there was direction. I sat here today
10 again, and I didn't hear any motions made or, you know, anything
11 specific from this group. It was like, oh, this is nice work by
12 the Restoration Team, and we rubber stamp it, and we go home until
13 the next meeting. I guess I want to know what role this group
14 plays because it's a large group to be playing a large role, and it
15 looks like a lot of special interest groups where, you know, I've
16 sat through teleconferences since the beginning, and I've heard the
17 public talk about acquisition. We came in three years ago with our
18 moratorium and said, hey, we'll sit back, bide some time while you
19 guys get your ducks in row, and nothing happened. So, I too got my
20 letter, that little letter that says are you interested. Well,
21 hell, yeah, I'm interested. I spent three years with a moratorium
22 in my hand beating on desks. Well, as all that happened, you know,
23 we pretty much cleaned out a lot of the area, and as John has
24 addressed the price has gone up, and the Restoration Team has come
25 back and said, God, if we'd thought that -- you know our moratorium
26 from the first three years and this year, they probably kissed us

1 and walked away with a check in hand. But it's not coming back
2 that way, and I feel bad because, you know, it was there last year
3 for a very nominal fee, and this year we've had -- we've had also
4 the three years to study how does this operation work. Now I'm
5 wondering and I'm highly concerned that John with Seal Bay maybe
6 talking to the state through Charlie Cole, who seems to be a little
7 more aggressive than the U.S. Forest Service who I get to deal
8 with. I mean, I made a phone call trying to get some -- hey, guys,
9 I'm out here -- you know -- this has been identified by the
10 Restoration Team and by the public as an area that needed to be
11 acquired. It's part of our logging plan this year. So, it's a
12 little late to come this year and say, God, that's the area we
13 wanted, it's the highest priority -- well, they're late again. You
14 know, logging contracts don't get done in one month. You spend a
15 year planning for your prior year's logging operation, and you
16 don't get them year by year. A good logger is not going to come in
17 and say I'll do it this year and mobilize, bring in all the
18 equipment, and then next year if, you -- you know -- the habitat
19 happens, the acquisition, we'd pull it out. It just doesn't work
20 that way. We sign three year contracts because people need to plan
21 for their future. There's mob and de-mob costs, and I'm here to
22 say that I guess I'm disappointed on how we're doing this. What is
23 the state doing in dealing with Seal Bay versus what is the Forest
24 Service doing dealing with me. I mean, I came out with about the
25 most generic MOU just to get them started, that I drafted myself,
26 thinking here's a little bit of language that addresses what I

1 think the public wants. I'm up to here. Not even hello, yeah,
2 nice to visit with you last week. It's two weeks; I call again.
3 It's in some lawyer's office. I think what the Trustee -- because
4 I know them very well after sitting with them for three years --
5 what they want is a little direction from this group, and I don't
6 really think you're giving it. I think they want you to say to
7 them, damn it, get on the ball now -- you know -- require us on
8 Friday the 13th of May to have at least the first sale. You've got
9 the public out there saying what are they spending all their money
10 on? Well, you know, I don't want to go back and say, well, they're
11 spending all their money on seventeen people who are a public
12 advisory group. Where are you guys getting your advice from? Do
13 you go home and talk to your wives? Are you having open meetings?
14 What are we doing? I just hear it and I hate to see this group
15 spend a whole day here, walk out the door, and think, gee, we did
16 a good job. What did you do? You rubber-stamped what the
17 Restoration Team did, and you can see their short-staffed, they
18 work their rear ends off to get something to you, then they throw
19 all this paperwork at the Trustee Council, and they look back and
20 say, well, what's the PAG say, what are their recommendations? I
21 didn't hear any today. What are your recommendations? Are you
22 going home when I'm done to say, gee, we did a good job today?
23 What did you do? You know, I didn't hear one motion -- you know,
24 nothing. Just, I mean, could you holler at them and send one big
25 motion, expedite this -- somehow get it done now. Give them two
26 months. Give them to May 13th or June 1st to acquire the first

1 habitat or to do the first project that people can see. They're
2 sick to death of studies -- we know they need to be done -- but
3 that's all you've -- I've -- heard about. You've not done anything
4 real that's high visibility. You know, you're planning a trip to
5 go around and look at the Sound. Well, let me clue you, it's
6 probably going to be nice, you'll all go look at the Sound, but
7 every one of you have already been there, so why are you wasting
8 that day looking over the Sound. I guess it boggles my mind that,
9 you know, we all become such bureaucrats as we sit down at the
10 table with pen in hand trying to get something done. I've become
11 so vocal that I -- I don't know who to talk to any more. How do we
12 get things accomplish in our area. I looked at the Governor's
13 plan. There was not one dollar for Prince William Sound in the
14 Cordova area. Nothing. I mean, we're building Sea Life museums
15 and roads to Whittier ...

16 MR. PHILLIPS: I don't think that's in anybody's plan --
17 the road to Whittier. I haven't been able to find it.

18 MS. ANDERSON: Well, I found it. It's in Juneau. It's
19 in a bill.

20 MR. PHILLIPS: I've got to get with you after this
21 because I've been trying for twenty years ...

22 MS. ANDERSON: It's -- well, I've got to take an airplane
23 -- although I haven't been home in weeks -- waiting for -- true
24 story -- the Restoration Team to contact me -- here -- I hate this.
25 Let's get moving. I mean, you're all experts in your field, do
26 something with it. You're the voice. They're waiting for you.

1 That Trustee Council is waiting for this Public Advisory Group to
2 say something, and they're going to listen, I know that. The last
3 meeting all I heard was there wasn't a quorum at the meeting before
4 so nothing got done. I mean, they don't want to hear that. I
5 certainly, as part of the public, do not. I do not want to use up
6 someone else's time, and I appreciate having this opportunity.
7 Let's get with it.

8 MR. PHILLIPS: I thought you were here all day, but you
9 may have missed the -- what we decided this morning -- where we are
10 sending a group of five people to talk them to ask them to do
11 exactly what you're talking about -- is to get this thing on the
12 road, get it expedited. We had a long two hour -- two and a half
13 hour -- discussion on that, and our decision was not to send them
14 a motion but to send people over there to talk to them next time.
15 Now you may have missed that, and I think that's positive, and you
16 are witnessing as much frustration in this group on things
17 happening as you will anywhere. Remember, third, that we don't
18 make the decisions. We would love to give advice, but when I get
19 something with four hundred projects on it that I can't even
20 understand because there are three words in them, don't ask me to
21 go in on a substantive recommendation on how many billion dollars
22 in this thing. That's the kind of stuff that's -- clunk -- is on
23 our desk; we're given twenty minutes to come up with a brilliant
24 answer. Now I think that this group is -- you know, we're not
25 dummies, and they're trying harder than you give us credit for to
26 be an advisory group, but we got to have material, and we've got to

1 have time, and they've got to listen to us. Now, we're going to
2 send a group over there at the next time, and believe me, there may
3 be some sparks, I don't know, but we're going to be there. Are
4 there any comments?

5 MS. ANDERSON: Well, thanks, Brad. I appreciate that,
6 and you're right, I might have stepped out when you did that, and
7 I'm pleased to hear it's being done, and I think, you know, they're
8 probably going to get with it. My fear again is, though, what is
9 the state versus what is Forest Service doing, and what are they
10 looking at in appraisals -- how that system is set up. I don't
11 they know, so.

12 MR. PHILLIPS: We haven't been in the loop on that, so I
13 can't answer. Yes, Dick.

14 SEN. ELIASON: I think you're exactly right. You
15 expressed exactly the way most of us feel here that we're not in
16 the loop. We haven't been in the loop since we started. And to
17 find out today that it's going to take eighteen months no matter
18 what we do is very discouraging. By eighteen months from now,
19 forget it. So, how do you get over that curb? I don't know. It
20 seems to me there's got to be a simple way to do it. The money is
21 there, spend it.

22 MS. ANDERSON: I would mention I did get, hopefully, some
23 good news from the Restoration Team because at least when I call
24 over here I get some feedback, and they seem to think we can pull
25 it together with the Forest Service, that we can have it done
26 possibly by the 1st of June, just something in place for protection

1 measures. We brought them a moratorium that they definitely are
2 looking at -- they looked at for three years -- but I really think
3 they're going to try a little harder on this go-round. I hope so,
4 anyway.

5 DR. GIBBONS: Let me respond a little bit there. Our
6 recommendation to -- the Restoration Team recommendation to the
7 Trustee Council was to have a combined, uniform acquisition team to
8 go out and -- and so when somebody talked to Seal Bay and somebody
9 talked to Power Creek it was the same message, and they declined to
10 take that option. They declined to take the individual agency
11 option. So -- I'm just --.

12 MR. McCUNE: I'd just like to say -- thanks, Kathy --
13 I think one thing maybe, Mr. Chairman, we could do is ask at the
14 beginning of the meeting if any public would like to say something.
15 If we're on some time constraint, maybe at noon and at the end. I
16 think Kathy is right, you know, we do get all burned out at the
17 end, and then we say, okay, come up here, and people are leaving
18 the room and everything else. I mean, maybe, you know, some people
19 who want to sit here all day, but they have something to say. I
20 always noticed that at the beginning, we always have the public at
21 the very end. Maybe we could ...

22 MR. PHILLIPS: Would you like to make a motion?

23 MR. McCUNE: I'll make that motion, yeah.

24 MR. PHILLIPS: That we alter the agenda to put the public
25 on the beginning after we've ...

26 MR. McCUNE: I'd like to see -- if there's somebody

1 here in the morning, if they'd just like to say something, then
2 they're going to leave for the rest of the day or something, and
3 after lunch, you know.

4 MR. PHILLIPS: There needs to be a mechanism on the
5 agenda ...

6 MR. McCUNE: Okay ...

7 MR. PHILLIPS: If the motion is to put them up front
8 instead at the end, then we can deal with that.

9 MR. McCUNE: I'll do that.

10 DR. FRENCH: I'd like to move we split the public
11 comment period into two half-hour time blocks: one immediately
12 before our lunch break, and one at the end of the meeting.

13 MR. McCUNE: I'll second that.

14 MR. PHILLIPS: Now, we've got -- alright is that -- is
15 that the motion before us?

16 MR. McCUNE: It's fine with me -- that's what ...

17 MR. PHILLIPS: You heard it, is there any discussion on
18 the motion? If there isn't any discussion, if there's no
19 objection, it is so ordered, the agenda will be modified, starting
20 at the next meeting. Yes.

21 MR. McCUNE: One more little comment is, I read the
22 letter that the Trustees sent out to the landowners and all I see
23 is there's asking them for information. That's all I got out of
24 that letter. I mean, that -- I hope when we go to talk to the
25 Trustees if they really wanted answered what land is available, and
26 if it's available to buy or the timber rights, or to buy it, that

1 letter should be drafted in a little better format than it is now.
2 If you called me up as a private landowner or sent me that letter,
3 just ask me would you please give me some voluntary information
4 about my land, I'd probably throw it in the garbage. I mean, why
5 should I voluntarily give you anything. If you want to buy my land
6 or something, that's a different deal. I mean, that letter is not
7 drafted in the context of trying to acquire timber rights or
8 anything else, and that's all I've seen in there, and I think that
9 letter should be drafted different, and maybe we could take that
10 message along with the group that's going to talk to the Trustees.

11 MR. PHILLIPS: Could we put that as one of the bullets?
12 Yes, did you have something on this subject, Vern, because we have
13 two public --

14 MR. McCORKLE: I wish to respond to some this lady --

15 MR. PHILLIPS: Alright.

16 MR. McCORKLE: First of all, thank you for coming. We
17 appreciate you taking the time to come and sort of help us focus.
18 Sometimes we need to be reminded of that. You said you represented
19 the corporation. I didn't know which one.

20 MS. ANDERSON: Eyak.

21 MR. McCORKLE: Eyak. Okay, thank you. And then one more
22 little thing here from the transcript of the minutes of the March
23 10 meeting of the Trustee Advisory Council, Attorney General Cole
24 says, and I quote, "I think the kind of information we wish to have
25 is of a general nature. We do not wish to have specific comments
26 or narrow projects." So, we are sort of limited by what we can do.

1 We are not asked for -- to do this by the 13th. We're asked for is
2 this too much money? It's that kind of thing. The only reason I
3 bring it up in this context is we may wish to define that some too
4 because if it's true that all we want -- all that we would like to
5 be asked for is general opinions, that's one thing. If we are
6 asked to comment on specific dates or amounts of money, or
7 whatever, then that's another thing, and we might need to have
8 additional clarification on that.

9 MR. PHILLIPS: Thank you. Yes, Cliff.

10 REP. DAVIDSON: I think -- I appreciate --

11 MS. ANDERSON: Kathy.

12 REP. DAVIDSON: Kathy.

13 MR. PHILLIPS: You got a mike there? Can you turn that
14 one on over there?

15 REP. DAVIDSON: Well, I appreciate Kathy's coming forward
16 as well, and it seems to me that in some ways the PAG is an
17 afterthought as far as the entire process. It took us a long time
18 to get going, and I think by design your criticism is accurate, and
19 so -- so I appreciate what you've had to tell us, and I hope that
20 with some effort by the group here we can, in fact, in the future
21 have more impact at an earlier point.

22 MR. PHILLIPS: Alleluia.

23 MS. ANDERSON: Brad, I just wanted to say one thing in
24 response to Cliff. I definitely didn't come here to admonish you
25 for you -- for what you're trying to accomplish. I just don't
26 think anybody has certain lines of responsibility that have ever

1 been laid out on paper so that they kind of ran. I definitely
2 didn't mean to admonish this body. I've enjoyed my day, and I
3 thank you for letting me speak, and I'll get off.

4 MR. PHILLIPS: Sir, do you want to come up? Did you
5 raise your hand. (Simultaneous talking out of range of microphone)
6 You've been here all day too, so -- it might help your circulation
7 to move around a little bit.

8 MR. JERRY RUSHER: Yes. My name is Jerry Rusher, and
9 I'm from Rusher Services, and I'm here today as a citizen and as a
10 company, and I think that there's a project -- I don't know if --
11 I faxed the information, a two-page information -- to all of the
12 Advisory Council members here that I sent to Dave Gibbons, and this
13 is a project that has went through the first series of the
14 Restoration Team and was accepted. The project is in this proposal
15 that you have right now, part of these projects, and I would like
16 to have the opportunity to be part of the party that goes out on
17 the 24th, and I would like to show you some of the things, the
18 damage that was done -- to the shoreline -- and things that still
19 are happening out there.

20 MR. PHILLIPS: I certainly have no objection. That I
21 think -- we have to coordinate in one place. Why don't you get a-
22 hold of Doug, and if you have any problems that -- you know, he
23 could expire with that back problem he's got -- I hope not -- but
24 if he does, then get a-hold of me, and I'll see if I can't talk to
25 him also.

26 MR. RUSHER: As far as the oil on the shoreline, I

1 think a lot of the studies have missed what's happening here. The
2 eagles are eating fish on the shoreline and stuff, there's oil
3 still being released -- I have videos of fry that went by that
4 state marine park on LaTouche Island there swimming through oil,
5 and I'll bring them along the 24th if you want to take a look at
6 them on the way down there.

7 MR. PHILLIPS: Are these recent pictures?

8 MR. RUSHER: They're from '91.

9 MR. PHILLIPS: Bring any that --

10 MR. RUSHER: I have videos of re-oiling and of the
11 salmon going through there and birds feeding on the shoreline.

12 MR. PHILLIPS: Anything that's educational to us, feel
13 free to bring it along. We have a video system, and I -- I don't
14 know what our total program is. Again, Doug Mutter is the person
15 who is coordinating that, so when you get a-hold of him if you'd
16 tell me about it, then I don't see any reason why you can't bring
17 them as far as I'm concerned. Okay, well, any comments from the
18 group on this presentation? I have your letter in my packet, I
19 know.

20 MS. BRODIE: What is the number of the project that's
21 in here?

22 UNIDENTIFIED VOICE: The ID number is -- you want to write
23 it down? It's 92060(remainder of number inaudible -- out of range
24 of microphone).

25 MR. PHILLIPS: What line are you on?

26 MS. BRODIE: What line are you on?

1 (Simultaneous talking out of microphone range)

2 MR. PHILLIPS: You might take a look at somebody's and
3 just let us know the line it's on.

4 MR. McCUNE: Can I ask one question here?

5 MR. PHILLIPS: Certainly.

6 MR. McCUNE: What -- what business are you in?

7 MR. RUSHER: I'm in research, testing and development -
8 - engineering, licensed in the State of Alaska for four years. I
9 came here in (inaudible)-two, done work with water (inaudible --
10 out of microphone range).

11 MR. PHILLIPS: Number sixty-eight on that list, is that
12 it? Would you look at it and see if that's it?

13 UNIDENTIFIED VOICE: The number is ...

14 MR. PHILLIPS: Number sixty-eight. (Simultaneous
15 talking) Yes, we had that presentation a couple of times.

16 Okay, thank you very much, and if you have any problems making
17 connections, let me know.

18 Is there one more? If you want to -- identify yourself and
19 the subject matter.

20 MR. CHARLES McKEE: My name is Charles McKee, and as this
21 is being passed out, I'll say that I concur with John French as to
22 the interests and your authority between this body and the
23 restoration committee, and also I concur with Dave Gibson (sic) in
24 the fact that the suggestion from Washington, D.C., is maybe we
25 should get our individual and one-on-one with some of the people

1 with this agency -- the investigation agency. And maybe you do
2 that and we should talk to maybe Senator Bob Dole and just hand out
3 information I've been giving you on -- I would like to address my
4 focus on Pamela Bergmann because she represents the national
5 government, and what I handed out to you people is -- of course, we
6 all that the Exxon Valdez was a merchant vessel, and I point out
7 the fact that this is the Treasury seal signia (ph) that was
8 bestowed to merchant vessels, and this was in 1884, and then I
9 found a 1940 grade school handbook on United States money -- and
10 its 101, and then go to 102 -- and it explains to you what actual
11 money is, the coinage -- the United States coinage -- and the
12 weight therein and the content of metal, and then we go on to the
13 United States paper money as to the difference between bank notes,
14 and so on. And then the following page is about -- authored by
15 John Coleman (ph), and the title of it is "The Committee of Three
16 Hundred," and I -- I pre-discuss -- copied a few pages said what
17 alluded to Alaska in reference to our coal and the governor back in
18 19 -- and our golden days of oil in 1969, and what they've alluded
19 to. I -- the reason why I even applied that to this information in
20 talking to you people is because I talked to a Navy representative
21 and their registration of installations -- say, like at Adak -- and
22 I have card here -- David Hertz -- Hertzdog (ph) -- thought -- and
23 I told him that Whittier had a high concentration of PCD (ph) when
24 I went down there -- I was employed by a subcontractor to go down
25 there and redo and restore the incinerator for possible
26 incineration of oil spill contaminants, and they -- I finished my

1 work, but they shut the whole project down because they did
2 sampling of the yard in the vicinity of the incinerator and found
3 out that all this stuff -- of course, out of the naval yard and all
4 that and heydays of World War II and prior to that -- so they won't
5 even let you people use incinerator in the process because of that
6 other -- and I talked to them about my right to amplify the
7 original Treasury seal, which is why I gave you people the money
8 thing, and I talked to you people about, well, there's additional
9 money available but we need to go higher authority than even the
10 restoration committee that you people aren't given any authority
11 from -- other than the Federal Reserve note -- and it's putting a
12 burden on them if we ask for any more. Exxon, you know, is hedging
13 on the deal to begin with, and you know, I could go on and on, but
14 then come to find out as I do investigation, I would like myself,
15 like all you other people want to sit there and say this is just a
16 -- an unfortunate -- experience, and now what we're all going to do
17 is restoration, how much money is it going to cost. Well, it's
18 gone -- it's not -- well, actually, there is so much more behind it
19 -- it's -- I'd hate to even allude to it, but the fact is that if
20 you look at it from a Sherlock Holmes axiom, if you go through all
21 the probabilities which are more likely, and you see that they
22 aren't the cause, then the most unlikely left is the actual truth.
23 And the fact is it was intended as done by an organization to bring
24 the economic viability of the state and those communities affected
25 and the nation as a whole to their knees, and that is indeed the
26 case. And I -- I submit other documentation. Dave Gibson (sic)

1 got a copy of it from previous to the Exxon restoration committee,
2 and I asked for support. In fact, on the last letter I am alluding
3 to the fact that I'd like to have in writing to attestify (ph) that
4 I have the right to amplify the Treasury seal of North America,
5 which is what my copyright gives me -- in 1992. And, therefore, it
6 goes to the Office of Framing and Engraving and goes back to the
7 United States currency -- the Legal Tender Issue Act. It's simply
8 a -- something that the last President used was Kennedy, and we can
9 indeed do that because I have the right to amplify the Treasury
10 seal. That means they reprint it on the currency. It's not
11 Federal Reserve; it's not going to hurt our national deficit
12 because it's not -- they can't charge us interest on our own money.

13 MR. PHILLIPS: I don't -- I don't certainly mean to be
14 rude and interrupt, but this is the advisory committee to the oil
15 spill people.

16 MR. McKEE: It's a public advisory committee.

17 MR. PHILLIPS: That's correct -- on the subject of the
18 oil spill and restoration, and I don't -- I'm having a problem
19 tracking on how this -- what you're talking about -- relates to our
20 job here and what we have to do, and I don't want to get into
21 currencies or ...

22 MR. McKEE: You're talking about money and projects
23 and whether you can buy timber so they wouldn't be clear-cut;
24 you're talking about -- you're going over money and projects --
25 money and projects -- for the short time I was here. I was at
26 another meeting, which is why I wasn't here earlier, and they

1 didn't even consider going for refinancing of bonds for the Bradley
2 project down in Homer because of what I testified.

3 MR. McMULLEN: Mr. Chairman?

4 MR. PHILLIPS: Yes, John.

5 MR. McMULLEN: Hasn't this gentleman appeared before us
6 before?

7 MR. PHILLIPS: Yes.

8 MR. McKEE: I certainly have, and I haven't taken a
9 blood oath, but I have the hard evidence to approve that this a
10 satanic cult. I got the thirty -- third degree Scottish Rites
11 Mason Book -- these people are behind the whole process ...

12 MR. McMULLEN: Mr. Chairman?

13 MR. McKEE: Maybe he's involved in the Scottish Rite
14 Masons or the (indecipherable) Right (ph).

15 MR. McMULLEN: Mr. Chairman, we had -- we've had a long
16 day ...

17 MR. McKEE: I understand, and so have I.

18 MR. McMULLEN: ... We've heard this present -- we've
19 entertained your presentations ... (inaudible -- simultaneous
20 talking)

21 MR. McKEE: Well, don't ignore it. Don't ignore it.
22 I already went to ombudsman about this -- the State Ombudsman.

23 MR. PHILLIPS: Yes, Vern.

24 MR. McCORKLE: Mr. Chairman, I would be willing to serve
25 on a subcommittee to hear this further at another time so that the
26 group could proceed, and there are perhaps others that maybe we --

1 we have this topic assigned to a subcommittee, and we could give
2 him further audience, rather than take it at this time.

3 MR. McKEE: I approve of that.

4 MR. PHILLIPS: That's not a bad idea. You could be
5 chairman. (Simultaneous talking) Maybe -- when we --.

6 MR. McCORKLE: Would you join me, Pam?

7 MR. McKEE: Maybe the Red Sea would part again, too.

8 MR. PHILLIPS: Well, I doubt that. I've never had that
9 kind of luck. (Simultaneous laughter). But, Mr. McCorkle (sic),
10 if you want to arrange for a time to be heard, I would like to have
11 it relative to what we're here for.

12 MR. McKEE: All I want to do is to restore the Sound.
13 I was totally devastated myself. I lay my head down on the coffee
14 table at Denny's when I saw it in the newspaper, and I wasn't even
15 involved, economically or there.

16 MR. PHILLIPS: Anyway ...

17 MR. McCORKLE: Mr. Chairman, my offer was simply to give
18 the gentleman the opportunity to make additional verbal testimony.
19 I'd be glad to spend some time with the gentleman.

20 MR. PHILLIPS: Okay. I would ask then that you pick a
21 time and anybody you want to be with you on this.

22 MR. McCORKLE: I'll just -- I'll just listen to his
23 presentation.

24 MR. PHILLIPS: Yeah, if the two of you could arrange a
25 time because -- after the meeting.

26 MR. McCORKLE: Obviously, if you could stay for a few

1 minutes, I'd be glad to hear what you've (inaudible).

2 MR. PHILLIPS: Is there anybody else in the public that
3 has been waiting here to talk to us. If not, we've lost some of
4 our membership for a quorum, and I would entertain a motion to
5 adjourn.

6 SEN. ELIASON: So moved to adjourn.

7 UNIDENTIFIED VOICE: Second.

8 MR. PHILLIPS: Any objection? We are adjourned until the
9 25th.

10 (Off Record at 4:30 p.m.)

11 END OF PROCEEDINGS

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CERTIFICATE

STATE OF ALASKA)
) ss.
THIRD JUDICIAL DISTRICT)

I, Linda J. Durr, a notary public in and for the State of Alaska and a Certified Professional Legal Secretary, do hereby certify:

That the foregoing pages numbered 03 through 176 contain a full, true, and correct transcript of the Exxon Valdez Oil Spill Settlement Trustees Council Public Advisory Group meeting taken electronically by me on the 16th day of April, 1993, commencing at the hour of 10:12 a.m. at the Restoration Office, 645 G Street, Anchorage, Alaska;

That the transcript is a true and correct transcript requested to be transcribed and thereafter transcribed by me to the best of my knowledge and ability from that electronic recording.

That I am not an employee, attorney or party interested in any way in the proceedings.

DATED at Anchorage, Alaska, this 21st day of April, 1993.

Linda J. Durr, PLS
Linda J. Durr, Certified PLS
Notary Public for Alaska
My commission expires: 10/19/93