

9.4.6

**EXXON VALDEZ OIL SPILL SETTLEMENT  
TRUSTEE COUNCIL**

**PUBLIC ADVISORY GROUP**

RESTORATION OFFICE  
Simpson Building  
645 G Street  
Anchorage, Alaska

November 23, 1993  
9:00 a.m.

**RECEIVED**  
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EXXON VALDEZ OIL SPILL  
TRUSTEE COUNCIL  
ADMINISTRATIVE RECORD

**PUBLIC ADVISORY GROUP MEMBERS in attendance:**

DOUGLAS MUTTER                      Department of the Interior  
Designated Federal Officer

RUPERT ANDREWS	PAMELA BRODIE
DONNA FISCHER	JOHN FRENCH
JAMES KING	JOHN McMULLEN
VERN C. McCORKLE	JAMES DIEHL
BRAD PHILLIPS	CHARLES TOTEMOFF
KIM ERICKSON (alternate for SEN. DRUE PEARCE)	
MARY McBURNEY (alternate for GERALD McCUNE)	
DOLLY REFT (alternate for RICHARD KNECHT)	
KIM BENTON (alternate for JOHN STURGEON)	
SHARON GAGNON (alternate for LEWELLYN WILLIAMS)	

**RESTORATION TEAM in attendance**

JIM AYERS	Executive Director, Trustees Council
DAVE GIBBONS	Interim Administrative Director, Trustees Council

**OTHERS IN ATTENDANCE who testified:**

BOB LOEFFLER  
SANDY RABINOWITCH, National Parks Service  
DARRYL SCHAEFERMEYER, Alaska Sea Life Center  
DR. MICHAEL CASTELLINI, Alaska Sea Life Center  
DR. JOYCE MURPHY, Alaska Sea Life Center  
DAN HULL, Prince William Sound Aquaculture Corporation  
KAREN KROON  
CHARLES MCKEE

P R O C E E D I N G S

(On record at 9:00 a.m.)

MR. PHILLIPS: We don't have a quorum yet. We're two shy of a quorum, but we're going to proceed anyway and so we get this going, and then we'll have (inaudible). So if we could come to order, could we take roll? (Inaudible)

UNIDENTIFIED VOICE: Go ahead.

MR. PHILLIPS: I would ask everybody, please pay attention to your microphones so that we will be able to capture all of these pearls of wisdom that we have for you today. So speak into your microphone if you don't have a lapel. (Inaudible) Anyway, while they're fiddling with the P.A. system, why don't we take the roll?

MR. MUTTER: Rupert Andrews?

MR. ANDREWS: Here.

MR. MUTTER: Pamela Brodie?

(NO RESPONSE)

MR. MUTTER: James Cloud?

(No audible response)

MR. MUTTER: James Diehl?

MR. DIEHL: Here.

MR. MUTTER: Richard Eliason?

(No response)

MR. MUTTER: Donna Fischer?

(No response)

MR. MUTTER: John French?

1 DR. FRENCH: Here.  
2 MR. MUTTER: Paul Gavora?  
3 (No response)  
4 MR. MUTTER: James King?  
5 MR. KING: Here.  
6 MR. MUTTER: Rick Knecht?  
7 (No response)  
8 MR. MUTTER: He's always here.  
9 MR. PHILLIPS: He's always here (inaudible)  
10 MR. MUTTER: Vern McCorkle?  
11 (Present but no audible response)  
12 MR. MUTTER: Gerald McCune?  
13 MS. MCBURNEY: Mary McBurney is sitting in for him.  
14 MR. MUTTER: John McMullen?  
15 MR. McMULLEN: Here.  
16 MR. MUTTER: Brad Phillips?  
17 MR. PHILLIPS: Here.  
18 MR. MUTTER: John Sturgeon?  
19 MR. MUTTER: Kim Benton for John Sturgeon.  
20 MR. MUTTER: Charles Totemoff?  
21 MR. TOTEMOFF: Here.  
22 MR. MUTTER: And Lew Williams?  
23 (No response)  
24 MR. PHILLIPS: We've had notification that Lew will not  
25 be here. Sharon Gagnon is his alternate, but I don't know whether  
26 -- I haven't heard whether she will be here or not. Paul Gavora

1 has left the committee, and Don McCumbie has taken his place. He  
2 was the alternate for Paul and I don't see -- or haven't heard from  
3 him whether he's here or not. Mary McBurney, of course, is  
4 Gerald's alternate, and Rick Knecht -- Dolly Reft is going to be  
5 representing that subsistence people today. Did we hear anything  
6 at all from Eliason? Do we know whether he's coming or not? He's  
7 not. Who else? Have we heard from anybody else?

8 MR. ERICKSON: (Inaudible) Ken Erickson.

9 MR. PHILLIPS: I beg your pardon?

10 MR. ERICKSON: Ken Erickson from Senator Pearce's office.

11 MR. PHILLIPS: Oh, well, why don't you sit up there?  
12 That will give us one more, won't it? (Inaudible) Okay. You're  
13 not as pretty as she is, but, you know -- (laughter). Is there  
14 anyone else down here representing anybody? I guess this is what  
15 happens in the wintertime, but the next -- the first item of  
16 business is the approval of the summary of the July 15-16th  
17 meeting. Is there anybody here that was there then -- there at  
18 that meeting and could move for the approval of the --

19 MR. ANDREWS: Move to adopt.

20 MR. PHILLIPS: The motion to adopt has been made. Is  
21 there a second?

22 DR. FRENCH: Second.

23 MR. PHILLIPS: Second down here, John French.

24 MR. PHILLIPS: Any discussion on the minutes, any  
25 corrections, additions, comments? If not, it's been adopted  
26 unanimously. We have a report from Dave Gibbons, who I hate to see

1 leave us, but he tells me today is his last day, and whatever kind  
2 of ceremony there's got to be on this one, you'll tell us, but do  
3 you want to give us your report, and don't hand me all that paper,  
4 please. I have enough.

5 DR. GIBBONS: (Inaudible)

6 MR. PHILLIPS: Yeah.

7 DR. GIBBONS: So, instead of me reading all these notes,  
8 I've got copies of my notes from the Trustee Council meeting, and  
9 I'll just pass them out and you guys can read them as you wish or  
10 do whatever, instead of me reading all this stuff. And there's  
11 minutes from the August 6 to 9th meeting. Here's minutes from the  
12 August 23rd meeting. Here's minutes from the September 16th and  
13 17th Trustee Council meeting. And here's the minutes from the  
14 October 27th. If anybody's got any questions while you're reading  
15 them, just let me know and I'll try to explain them, but we met  
16 quite extensively, as you can see, and there's a meeting coming up  
17 on the 30th of this month and the 1st of December. There's a two-  
18 day meeting coming up and they're going to deal with the habitat  
19 evaluation process, the comprehensive process, a draft final  
20 restoration plan, any comments on that, a draft '94 work plan, and  
21 then an ecosystem study. So they've got quite a busy schedule for  
22 two days from the 1st.

23 UNIDENTIFIED VOICE: Is there an extra copy of the  
24 August 6th and 9th minutes?

25 UNIDENTIFIED VOICE: Yes, those are (inaudible).

26 (Pam Brodie joins the meeting)

1 MR. PHILLIPS: All right, we have a quorum, so we can do  
2 anything we want. Do you have any announcements to make?

3 DR. GIBBONS: Um, I was looking for Jim, I don't see him  
4 here. Jim Ayers is the new executive director. He was named at  
5 the October 27th Trustee Council meeting. There's a transition  
6 period. He's director of the Alaska Marine Highway System. He's  
7 trying to start today or yesterday in this job, and there's -- like  
8 I said, there was a transition period. I will probably be around  
9 for another week or two or sometime anyway to try to transition Jim  
10 into what this -- but other than that, that's about all I have to  
11 say. The group's been good to work with here, I'll say that, you  
12 know, and you guys have your hands full with the Trustee Council.  
13 That's enough.

14 (Laughter)

15 MR. PHILLIPS: Will you introduce Jim to the Council?

16 DR. GIBBONS: Sure, I'll do that. I will say that Bob  
17 Loeffler and Sandy Rabinowitch, co-chairs of the Restoration  
18 Planning Work Group, are here for the rest -- if there's any  
19 questions on the restoration plan.

20 MR. PHILLIPS: If you all remember, a few months ago we  
21 did form a subgroup to study the matter of endowments, and John  
22 French is the person who chaired that group, and I would ask at  
23 this time that John, if you'd like to give us your report. You all  
24 have this on your desk, I think, the formal report, but perhaps we  
25 haven't had a chance to really read it. Maybe you could brief us,  
26 John, on what you did and what your conclusions are.

1 DR. FRENCH: The only time the subgroup actually  
2 formally met was yesterday afternoon when we met for four hours.  
3 The group mostly worked on a basis of proposals that were put  
4 together by various ad hoc groups, and what you have in front of  
5 you is the one that received the most discussion yesterday. This  
6 has the more contentious parts of it removed and some sections in  
7 italics added as explanatory items with respect to specific  
8 elements of the proposal. The other major proposal that received  
9 a fair amount of distribution, at least, and a fair amount of  
10 public support from comments that were received in terms of written  
11 comments, was one for university chairs, and as Jim King pointed  
12 out many times during the discussion yesterday, this, as written up  
13 here, is not necessarily exclusive of that. But in general, I  
14 think we followed a few basic principles, one being that we did  
15 think it was important that there be an endowment to support  
16 restoration and monitoring activities, those activities allowable  
17 by the Consent Decree beyond the year 2001, primarily because of  
18 the large degree of inter-annual and inter-decadal variation in  
19 these ocean systems, and the fact that, well, you're looking at the  
20 herring returns and the pink salmon returns and some of the other  
21 things happening in Prince William Sound. It's very clear, we only  
22 have a marginal grasp on the ecosystem at this point, and to be  
23 able to really resolve this, and looking back through the  
24 restoration documents, if you look at the Section II under  
25 relationship to damaged resources and services, many, many of the  
26 recognized injured resources have restoration times projected to be



1 well in excess of ten years. The predominant ocean cycles range  
2 from 18.6 years to 14 years. They're much longer than the duration  
3 of the settlement its -- or at least the payments from Exxon on  
4 itself -- and this ranges -- runs the whole gamut of injured  
5 resources and services. It's not -- at least most of the  
6 discussion in the subgroup did not focus on a single, individual,  
7 injured resources and services. The largest number of people that  
8 participated in the process were primarily interested in commercial  
9 fisheries, but the discussions did not really focus on that. With  
10 respect to amounts of money that should be set aside, that was a  
11 fairly contentious issue. There was a general feeling that there  
12 should be enough to be able to do something meaningful with. The  
13 numbers that are listed in -- I believe it's Section III, lists  
14 \$30,000,000 a year. We voted six to one, as a subgroup yesterday,  
15 to put this forward to the whole PAG as a discussion item. There  
16 was also, though, a lot of discussion about whether or not there  
17 was a need for a permanent endowment or whether limitations were  
18 reasonable, and I think the overall consensus of the group was that  
19 we should look -- at least look seriously at some limitations, and  
20 if there are limitations in duration, it may be reasonable to cut  
21 back the amount of dollars going into such an endowment. Finally,  
22 with respect to -- there's some more -- I'm missing from my last  
23 page. Can I borrow yours? With respect to the organization and  
24 the process for managing an endowment, we initially started out  
25 with a straw man that had put forward by a number of groups, but  
26 primarily by a few of us for the University of Alaska. Generally,

1 we could not reach any agreement on a specific structure, so -- but  
2 we did come forward with some specific recommendations that we feel  
3 are important, that I've broken down into three major points there  
4 under five, Organization and Process. The first one being, in  
5 terms of management, clearly there's obligatory roles for the  
6 Trustees that have been defined by the consent decree. I'm not  
7 sure if the lawyers really agree on what that nature of involvement  
8 is or not, but the final decision is up to the Trustees, and so  
9 when they -- and the endowment should recognize that required  
10 relationship. Second of all, the process should be developed in  
11 such a way as to minimize the development of new bureaucracy. We  
12 shouldn't simply try to duplicate a lot of the existing system and  
13 create more of -- more committees that we don't necessarily --  
14 well, that would cost more money to operate. There was, however,  
15 a feeling that there should be regional groups that I've listed in  
16 here as regional, marine research groups, that are actually  
17 empowered to help develop the planning and definition of the  
18 project to be funded by the endowment. I think there's a general  
19 feeling that we'd like to see that to be true for the overall  
20 restoration plan too, but that wasn't really the subject being  
21 discussed. But certainly with respect to endowments, and endowment  
22 interest, why, there was a feeling that there needs to be an  
23 empowerment of more regional groups and more regional input. Then,  
24 finally, with respect to restoration planning, there was no  
25 argument that the concept of an ecosystem approach should be  
26 applied to the restoration planning here also.

1 (Vern McCorkle joins the meeting)

2 DR. FRENCH: There was a general feeling that the plan  
3 should be a rolling plan. It should be updated on a fairly regular  
4 basis, say, two years. It should be forward looking, on the order  
5 of, say, five to ten years, but it should be updated regularly to  
6 keep it current. And it should also be looking closely to, and  
7 getting input from, the individual, industries and so forth in the  
8 affected areas, and they should reflect sound resource management  
9 and scientific principles. In terms of project review, there was  
10 a consensus that there should be an open peer review process.  
11 There's a lot of discontent with the chief scientist process and a  
12 general feeling that that should be abandoned. There's a view that  
13 there should be, at least, two important steps in any review  
14 process, one looking at local needs and the relationship to the  
15 restoration plan, the other looking at the quality of the science.  
16 So, in terms of an outlying document, we generally agreed to put  
17 forward the first four sections of the -- as edited last night,  
18 hopefully consistent with the committee recommendations yesterday.  
19 And the general statement that occurs in Roman V. at the end, in  
20 terms of objectives to be achieved with the management of the  
21 endowment, but that -- well, some people on the subgroup did not  
22 feel it was even the role of what the advisory group should be  
23 attempting, to define an actual structure to meet those objectives.  
24 So, what stands before you is the recommendation of the committee.

25 MR. PHILLIPS: At this time, I'd like to open discussion  
26 on the subject of endowments, to try to determine among the group

1 here what we should do with this report and, if anything, our  
2 recommendation to the Trustees. May I ask just one question? On  
3 your second page, under D, sub 2, you used the term passive, which  
4 either I don't understand it, or it doesn't -- I don't look at  
5 passive the same way you do, or I don't understand the use of it.  
6 Would you explain?

7 DR. FRENCH: I believe I took that term from one of the  
8 old restoration planning documents. It's my interpretation of the  
9 word passive in that sense, that it's non-extractive use, that  
10 you're not -- unlike commercial fishing, subsistence, recreational  
11 sports fishing, et cetera, where you're actually removing something  
12 from the environment, tourism and other sorts of recreational use  
13 that appreciate the esthetics of the region and require restoration  
14 of the esthetics of the region don't have any destructive  
15 influence, or don't retard restoration in those senses.

16 MR. PHILLIPS: That definition really fits. Any  
17 discussion now on the report? Any concerns? Yes?

18 MS. BENTON: Yes, I have a question. I know there is  
19 some discussion of whether this fits under the terms of the  
20 settlement or not, and we were going to ask for some ruling from  
21 the Department of Justice. I didn't know if that had come back and  
22 I missed it, or if someone else --

23 MR. PHILLIPS: On whether --

24 MS. BENTON: The endowment concept --

25 MR. PHILLIPS: -- the endowment was even legally  
26 possible?

1 MS. BENTON: Right. I don't know if --

2 MR. PHILLIPS: Do you know?

3 DR. FRENCH: There was a lot of initial discussion  
4 about that. Dave, I'm sure, has some items he'd like to add. I  
5 think it's the feeling of the committee that if we feel it's a  
6 valuable activity to do, if we feel it necessary that there be  
7 restoration and monitoring beyond the actual payments, that we make  
8 a recommendation that it be so. One of the possible ways of doing  
9 this that was reported to us yesterday is that, in a sense, the  
10 payments go into the court, and the court itself serves as the bank  
11 account. It may not do so very willingly, but there's no legal  
12 requirement that anybody was aware of yesterday, at least, that  
13 requires that the monies actually be expended prior to the -- well,  
14 by the year that the payments actually end, so that the activities  
15 could be drawn out. In other words, there could be a de facto  
16 endowment even if there wasn't a true endowment in that sense. I  
17 think Dave has some feedback on some other legal opinions.

18 MR. PHILLIPS: Dave?

19 DR. GIBBONS: Well, my recommendation to the group  
20 yesterday was to proceed, ignoring the legal aspects of it, because  
21 it's trying to be sorted out now. I've got -- I cannot get a final  
22 copy of a letter. I've got a draft here I can't release, it's from  
23 the Justice Department saying their interpretation of a draft bill  
24 by Senator Murkowski about the legality of endowments, and my  
25 recommendation was, let them sort that out, you guys make your  
26 recommendation as an endowment, and let the lawyers sort the rest

1 of it out. That was basically my recommendation. They're still  
2 trying to sort it out, but, you know, like I told the group, right  
3 now, the way the interpretation is, you can create an endowment,  
4 but any interest off that endowment goes to the Treasury, so you  
5 really don't --

6 MR. PHILLIPS: (Inaudible)

7 DR. GIBBONS: Federal Treasury, it goes into the big pot  
8 in the sky. It doesn't go towards -- it isn't earmarked towards  
9 restoration funds. It goes into the general treasury to pay for  
10 all kinds of things. That's the interpretation right now by the  
11 Justice Department.

12 MR. McMULLEN: Dave, is that providing that the money  
13 stays where it is?

14 DR. GIBBONS: No, that's if you create a special  
15 endowment. If it stays where it is, it's dedicated towards Exxon  
16 restoration, and Congress doesn't have anything to say about it.

17 MR. PHILLIPS: Is there language somewhere that says what  
18 you just said, or --

19 DR. GIBBONS: Well, like you see, I've got a draft. I'm  
20 sorry I can't give it to you, but it says --

21 MR. PHILLIPS: Well, that's all right.

22 DR. GIBBONS: -- but I can read what they --

23 MR. PHILLIPS: I'm concerned why that would be federal  
24 treasury rather than state treasury. Here's where the damage was  
25 done.

26 DR. GIBBONS: Well, it's a federal-state settlement.

1 MR. PHILLIPS: I understand that, but the feds are  
2 getting all the money.

3 DR. GIBBONS: Well, that's under federal law. That's  
4 what it says.

5 MR. PHILLIPS: That's why I'm asking.

6 DR. GIBBONS: Yeah. It just says -- yeah, it goes into  
7 the general treasury fund because it's in the federal law --

8 MR. PHILLIPS: Yeah.

9 DR. GIBBONS: -- covering that. I'm trying to get a  
10 final, and I apologize for reading something that I can't give it  
11 to you, but it's -- the attorneys -- it's stamped FOYA (ph), safe,  
12 and attorney work client product, and --

13 MR. PHILLIPS: Double secret.

14 DR. GIBBONS: Double, yeah, top secret stamp on the back  
15 side of it.

16 MR. PHILLIPS: All right. Is there further discussion on  
17 this? What do we want to do with it? Yes?

18 MR. DIEHL: My concern is that this endowment will  
19 cost a chunk of money, and I've also gotten in the mail this Sea  
20 Life Center thing from Seward, and we also have to consider Mr.  
21 King's proposal for endowment of chairs, and it seems like they  
22 each concern large chunks of money, and I'm just wondering how  
23 people feel. Are they competing against each other or what? How  
24 do the numbers crunch with this going on? Of course, I'd like to  
25 support the Sea Life Center in Seward, and I think University  
26 chair's idea is a great idea because it will bring money into the

1 state from other places other than from the Exxon Valdez oil spill  
2 in years to come, supposedly, and the Sea Life Center will bring  
3 tourism money in and supposedly some research money from other  
4 places, perhaps bring other scientists up from other organizations  
5 that want to study the Alaskan environment, and, you know, to pick  
6 one over the other right now, you know, is real difficult, and I  
7 was just wondering if there's money for them all or what, or have  
8 you guys looked at that?

9 MR. PHILLIPS: In regard to that, I neglected to tell  
10 you, we've put on the agenda, and it may or may not be on your  
11 copy, that we are going to hear from the Alaska Sea Life Center  
12 people at sometime between 11:00 and 12:00 today. That's one of  
13 the decisions we have to make on support or nonsupport, and there  
14 may be some other things before the day's over, so if you want to  
15 wait until the end of the session to even deal with a  
16 recommendation on this, I think it would be in order. If that's  
17 what you want to do, then somebody will have to express that so we  
18 have it in our record what we're going to do. Pam?

19 MS. BRODIE: Well, I move that we put off discussion of  
20 the endowment proposals until later in the day.

21 MR. PHILLIPS: Is there a second?

22 MS. MCBURNEY: (Inaudible second)

23 MR. PHILLIPS: All right. Is there any discussion?

24 MR. ANDREWS: It seems to me we're looking at two  
25 different issues. One field, I look at it as a very large aquarium  
26 set up, and the other as a research center out at the University of



1 Alaska, so I think they're different proposals and should be  
2 treated that way.

3 MR. PHILLIPS: Yes, John?

4 DR. FRENCH: Yes, I'd to respond directly to Jim's  
5 comment with respect to the committee deliberations. One of the  
6 reasons there was as little agreement over the organization and  
7 process as there was was that there are different ideas as to what  
8 an endowment should be used for. This report, as it's put  
9 together, doesn't -- at least it's my feeling, as the chair, that  
10 it does not exclude approaches such as the one that Jim King has  
11 been promoting. It does not exclude other types of approaches. It  
12 mostly deals with the need for activities beyond the year 2001 and  
13 with some of the principles used in addressing the use of those  
14 funds. Yes, it deals with a fairly large chunk of money. We may  
15 or may not want to reduce that amount of money, depending on what  
16 we feel needs to be done with it, but overall, the need to reach  
17 beyond the year 2001, when you have an ecosystem that has inherent  
18 cycles that are on the order of a decade and a half, for the most  
19 part, is very, very great. The ability to deal with restoration  
20 and monitoring from a body -- from a basis of knowledge in a system  
21 where you only have very, very preliminary -- superficial data on  
22 many species, and most of the cyclical data that's there is on  
23 major commercial species, which are not the ones that most of the  
24 marine mammals, sea birds, and probably not the juvenile herring  
25 and pink salmon are really relying on. To not try to address those  
26 issues is really trying to put us in a situation of dealing with

1 the status quo, throwing money at projects, hoping they will have  
2 the right result, but not really knowing because we really aren't  
3 dealing from a body, a basis of knowledge now. And I think that  
4 some approach of this sort is critical to do that, and this was not  
5 intended to exclude the way it's written, any of the other  
6 endowment approaches. This was intended to provide an umbrella  
7 that could -- those could be fitted in underneath if there was a  
8 feeling that that was desirable that they be so. And this is just  
9 supposed to establish the direction, not the detail. We couldn't  
10 reach a consensus of the committee on the detail.

11 MR. PHILLIPS: If we could interrupt the discussion for  
12 a moment, I believe Dave has an introduction to make.

13 DR. GIBBONS: Yes, I'd like to introduce Jim Ayers, the  
14 new executive director, and I just hope you give him as much  
15 support as you've given me. So, that's simple, there's no big  
16 ceremony.

17 MR. AYERS: That will come later. I apologize for  
18 being late, and I was on a call -- I got called just when you  
19 started your meeting. Some of you I know, and some of you I don't  
20 know (inaudible).

21 MR. PHILLIPS: (Inaudible)

22 MR. AYERS: We can introduce ourselves at the breaks.

23 MR. PHILLIPS: Well, it's nice to have you with us.

24 MR. AYERS: Thanks.

25 MR. PHILLIPS: It's always nice to have transition, and  
26 he said he was going to hang around until you're right on stream,

1 so that will be helpful for us. Okay. The motion has been to  
2 postpone this until later in the session. Jim?

3 MR. KING: I wanted to make a comment about the  
4 information we got yesterday. The Cordova people are really  
5 putting a major planning effort into what they feel should be done  
6 in the Prince William Sound area. We haven't got all the pieces of  
7 the restoration plan in front of us yet, particularly the NEPA  
8 requirements, which would include a system of alternatives. So,  
9 there's a lot of things yet to come in to us, and they're coming  
10 in, like this nice report on the Sea Life Center. So, I voted for  
11 this document that our subcommittee turned out yesterday, but I  
12 feel that it's really preliminary to make any decisions much beyond  
13 that at this point, but we just haven't got all the cards on the  
14 table yet. I do feel this is, I'll have to say, rather  
15 conservative. I have the feeling that we're going to find, as we  
16 move down the line, that we really don't have as much money as we  
17 think we do with regard to all the proposals that we're going to  
18 deal with. So one of the things I've tried to look at is how do we  
19 build a system that grows rather than one that self destructs, and  
20 this is one aspect of the University endowed chairs, and I would  
21 hope that one of the major competitors for the money, I don't like  
22 to use the word competitor, but one of the alternatives is going to  
23 be land acquisitions, and I would hope that we can also encourage  
24 other sources of funding for land acquisition as time goes by. So  
25 . . .

26 MR. PHILLIPS: Is there any further discussion on the

1 motion? The motion is to postpone consideration of the endowment  
2 idea until later. If there isn't any further discussion, then I'll  
3 ask (inaudible). John?

4 MR. McMULLEN: Can we set a time for bringing that back  
5 into discussion here so we can --

6 MR. PHILLIPS: Certainly.

7 MR. McMULLEN: -- know what we're dealing with today?

8 MR. PHILLIPS: Let's look on the -- around 3:00 o'clock,  
9 I would think, would be an appropriate time. By that time, we will  
10 have considered some of the other alternatives. If that's all  
11 right with -- yes, John?

12 DR. FRENCH: If we're discussing the overall agenda,  
13 I'd like to ask a question and try to make a point. It's my  
14 understanding that overall we're not discussing the FY94 work plan  
15 here. It's my understanding that many people were led to believe  
16 that. I feel it's fairly inappropriate that at this point we  
17 provided a forum for the Alaska Sea Life Center simply because they  
18 were aggressive enough to pursue it. I think there's an awful lot  
19 of money being spent trying to attract money on their part. I'm  
20 not real comfortable with stimulating this process. I would be  
21 just as comfortable if we asked the Alaska Sea Life Center people  
22 to come back when we, indeed, do have the total FY94 work plan on  
23 the agenda.

24 MR. PHILLIPS: The motion before us, though, is to put  
25 off consideration until 3:00 o'clock on --

26 UNIDENTIFIED VOICE: It's my motion to amend that.

1 MR. PHILLIPS: Yes.

2 UNIDENTIFIED VOICE: (Inaudible)

3 MR. ANDREWS: Would the motion take both of them  
4 together, or consider them together?

5 MR. PHILLIPS: No, the motion was to put off the subject  
6 of endowments, and it was suggested 3:00 o'clock over here, and  
7 that's the matter before us at this time.

8 MS. BENTON: If you bring it back up at 3:00, I guess  
9 I've got some questions for the subgroup. What are you looking for  
10 from us today? A vote of -- you know, an agreement on the  
11 endowment concept, do we agree with the way it's written, or what  
12 are we looking to contend up with?

13 MR. PHILLIPS: The motion is to put off further  
14 discussion --

15 MS. BENTON: Well, all right.

16 MR. PHILLIPS: -- of the thing, and I don't think there  
17 were any qualifications put on it. It's to put off further  
18 discussion of the issue until 3:00 o'clock this afternoon, and if  
19 there's any discussion on the motion, I'd entertain it at this  
20 point. Otherwise, I'm going to ask for a vote. Is there any  
21 objection to putting it off until 3:00 o'clock? If not, it's so  
22 ordered, unanimous, and the next item is old business, and I note  
23 that there are about five points of old business that was postponed  
24 from July 16th, and I'd like to just pass these out and let's take  
25 a quick look at them. Yes, Doug?

26 MR. MUTTER: While we're on the subject of old

1 business, I'd just like to say I have some end of the fiscal year  
2 travel items that are outstanding, so I'm going to try to get with  
3 everybody who travels here today and see if we can take care of  
4 that. I'll let you know.

5 MR. PHILLIPS: Does everybody have their copy? Okay,  
6 these are items that were held over from the 16th of July meeting.  
7 What do you want to do with these now?

8 MR. MUTTER: That's up to you.

9 MR. PHILLIPS: Thanks.

10 MR. MUTTER: (Inaudible side comment)

11 MR. PHILLIPS: Yes.

12 MR. MUTTER: (Inaudible side comment)

13 MR. PHILLIPS: Oh, you did include it?

14 MR. MUTTER: (Inaudible side comment)

15 MR. PHILLIPS: Okay. Apparently, these items were  
16 submitted already to the Trustees as postponed items, for their  
17 information, and these were -- our discussion was to try to set  
18 forth the policy for work plans, and we have never made a formal --  
19 I have to ask what the desire of the group is to do with these, and  
20 they're before you now, so if you want to take a minute and review  
21 them and recollect our discussions, then I would like to ask for  
22 some suggested action on it.

23 MR. ANDREWS: Mr. Chairman?

24 MR. PHILLIPS: Yes?

25 MR. ANDREWS: Do you need a motion to bring these back  
26 up on the table?

1 MR. PHILLIPS: No, not necessarily. They were just  
2 postponed, and they're under old business, and I just brought them  
3 up under old business. There wasn't a motion to table them, so you  
4 don't have to bring them back on the table. They're before you  
5 now. We can either formalize these recommendations to the  
6 Trustees, or we can bury them, or take them apart, or change them,  
7 anything that -- yes, anything that you want to do.

8 MS. MCBURNEY: (Inaudible) these principles, and then  
9 (inaudible) to consider the outlined draft restoration plan. I'm  
10 kind of curious, would our intent to be try to dovetail these into  
11 the policies as drafted in the restoration plan? Would that be the  
12 appropriate place for them?

13 MR. PHILLIPS: I think this is a matter of -- we're  
14 suggesting this as a matter of policy to the Trustees, to adopt or  
15 seriously consider --

16 MR. MUTTER: That would work.

17 MR. PHILLIPS: That would work?

18 MR. MUTTER: That would work.

19 MR. PHILLIPS: Okay. Our expert here says it would work.  
20 Yes, Pam?

21 MS. BRODIE: I'm a little confused. I thought these  
22 were for the annual work -- related to annual work --

23 MR. PHILLIPS: They are.

24 MS. MCBURNEY: But the restoration plan is going to have  
25 to drive the work plan. So that is my question, as to where would  
26 be the most appropriate place to have them included or worked into

1 the policies in the restoration plan, or whether they should be  
2 somehow independent and be the road map for the annual plan? But,  
3 personally, I think I like the idea of putting them into the  
4 restoration plan just to flesh out some of those policy areas.

5 MR. PHILLIPS: I wonder if you could bring your  
6 microphone a little closer when you do talk, because it's hard to  
7 --

8 MS. MCBURNEY: Okay.

9 MR. PHILLIPS: -- pick it up. Let's be conscious of  
10 speaking into the microphones so they can adequately record it and  
11 the rest of us can hear. Is there further discussion? Are there  
12 any motions? What do you want to do with these suggested  
13 principles?

14 MR. McMULLEN: Mr. Chairman?

15 MR. PHILLIPS: Yes.

16 MR. McMULLEN: I was still trying to refresh myself as to  
17 where we were, how we came up with these statements here, and what  
18 are -- what are (inaudible) discussion was -- I was trying to  
19 remember whose --

20 MR. PHILLIPS: We had quite a long discussion on  
21 developing these things, if I remember correctly, and there was --  
22 it wasn't World War III, but it was getting close, and we did come  
23 up with these, generally agreed upon and then postponed, for action  
24 to make recommendations to the Trustees on policies to be followed  
25 when administering the restoration plan and the work plans. I  
26 remember that we had a long discussion to develop these things, and



1 there were a lot of changes made and so on to make the language  
2 acceptable to most of the group.

3 MR. McMULLEN: Mr. Chairman, I have to pick on small  
4 points, but these are some principles to be followed in evaluating  
5 work plans, I believe, while others, I suppose are going to be  
6 developed by the Trustee Council when they look at the revised work  
7 -- the revised restoration plan and the weekly work plans as  
8 submitted to them and determine how they fit together. So, I think  
9 this is -- I think we said at the time that these are some  
10 principles that should be followed but not, you know, reset.

11 MR. PHILLIPS: Yes, I agree with you. As an example,  
12 number 4, there was quite a bit of discussion there about a concern  
13 that all of these plans would be going into departments of  
14 governments and financing their particular budgets and so on, and  
15 there was a very strong feeling that other people ought to be  
16 involved in these projects that are outside of government, and so,  
17 as a result of that, this language was put forth, and I think each  
18 one of these subjects has the same kind of scrutiny, and the idea  
19 is that, regardless of what you do, we would like to have you  
20 consider these five things as being important principles for  
21 evaluation of the work plans. Not -- this isn't the tablet, you  
22 know, it's not in stone or anything, and so I think the question  
23 here is, do we want to modify these, do we want to send them on to  
24 the Trustees as our recommendation? Chuck?

25 MR. TOTEMOFF: Mr. Chairman, recognizing that not all of  
26 these points in the restoration plan (inaudible).

1 MR. DIEHL: I second the motion.

2 MR. PHILLIPS: The motion has been made and seconded that  
3 these principles, as outlined on the sheet before you, be sent to  
4 the Trustees as a recommendation from the PAG on -- for evaluation  
5 of work plans. There is a motion and a second. Is there any  
6 discussion on this?

7 MR. ANDREWS: Mr. Chairman?

8 MR. PHILLIPS: Yes.

9 MR. ANDREWS: That would be my understanding, that these  
10 are principles that we are asking the board of Trustees to adopt?

11 MR. PHILLIPS: That's correct. We are endorsing these  
12 and asking them to adopt them in their evaluation of what to do on  
13 the work plan. Yes, Jim?

14 MR. AYERS: I just wanted to ask a question of  
15 clarification on item number 5. The plan should use local  
16 individuals and Alaska organizations where cost effective, and I'm  
17 assuming that that means both in the development of the work plan  
18 and in the project specifically, or does it mean only in the  
19 project specifically and the implementation of a plan?

20 MR. PHILLIPS: Jim, did you want to speak to that?

21 MR. DIEHL: I've got a whole -- I have a whole little  
22 thing here that brings up this -- that talks to this point on one  
23 of the projects. I don't know if I want to read it now.

24 MR. AYERS: But are you talking about in actually  
25 writing of the work plan? You know, there's the various work  
26 groups, et cetera. Are you talking about --

1           MR. DIEHL:       I would say -- I wasn't here at the July  
2       -- at this meeting, I had to go to New York, but I would say, yeah,  
3       the local individuals and organizations, or research organizations  
4       and nonprofits should have a chance to put -- to write RFPs and be  
5       judged on their proposals.

6           MR. PHILLIPS:   And contracts.

7           MR. AYERS:       Mr. Chairman?

8           MR. DIEHL:       And carry out projects, yes.

9           MR. PHILLIPS:   Okay.

10          MR. AYERS:       And carry out projects.

11          MR. DIEHL:       Yeah, consideration of all of these other  
12       units except -- besides government agencies.

13          MR. AYERS:       I understand now.

14          MR. PHILLIPS:   Are there any further questions on the  
15       motion? The motion before you is to adopt these five principles  
16       and forward them to the Trustee Council for their consideration and  
17       hopefully their adoption. Yes, go ahead.

18          MS. MCBURNEY:    I'd like to add what might be a little  
19       bit of an amendment and perhaps include in that recommendation that  
20       these policies be considered for inclusion in the policies of the  
21       restoration plan. Some of our principles already are there, as  
22       with the independent scientific peer review. I think that's the  
23       appropriate place for us to place these so that they're at least  
24       institutionalized somewhere, rather than just a piece of paper the  
25       Trustees get to look at and do with as it will.

26          MR. MCCORKLE:    Mr. Chairman?

1 MR. PHILLIPS: Yes.

2 MR. McCORKLE: Further to that point, I note that this  
3 paper, under the date of July 16th, refers to work plans. The  
4 discussion that took place that day also was careful to note that,  
5 in addition to the work plans, that some of that work be conducted  
6 by local organizations of people who are qualified, and I note that  
7 that doesn't appear, and with a very close reading of Chapter 2 on  
8 policies here, I see that that doesn't appear there. Items 1  
9 through 4 variously do, but perhaps if we're going to adopt this as  
10 a preliminary statement of principles, we might want to expand its  
11 title somewhat to go beyond the work plan and carrying out of the  
12 work as was mentioned here. I wrote that in on item 4, but the  
13 title refers only to work plans. So maybe we want to revise the  
14 title to work plans and work so that we don't lose sight of the  
15 fact that we're trying to find ways to employ local institutions  
16 and individuals when qualified.

17 MR. PHILLIPS: An excellent suggestion.

18 MR. McCORKLE: A friendly amendment would be useful.

19 MR. PHILLIPS: Could you come up with the proper wording,  
20 or do you --

21 MR. MUTTER: How about if we add evaluation of work  
22 plans and their implementation?

23 MR. McCORKLE: Well, no, that's just too -- that would be  
24 duplication, evaluation of work plans and implementation or  
25 something like that.

26 MR. PHILLIPS: Would you read it the way it would be,

1 Doug?

2 MR. MUTTER: Statement of principles for evaluation of  
3 EVOS work plans and their implementation? How's that, Vern?

4 MR. PHILLIPS: And for their --

5 MR. McCORKLE: Yeah, I think that's "and for" because we  
6 don't just want to evaluate the implementation. We want to  
7 evaluate the work plans, and where it's possible, to have that work  
8 conducted locally, for that to take place, and I think we just need  
9 a very simple annotation there, you know. I think maybe Jim's idea  
10 to change the word "for" is a good one.

11 MR. PHILLIPS: Would you like to make that into a motion?

12 MR. McCORKLE: I would -- do we have a motion on the  
13 floor?

14 MR. PHILLIPS: Yes, there is.

15 MR. McCORKLE: So, I will make that as a --

16 MR. PHILLIPS: An amendment. And do I have a second to  
17 the amendment?

18 MR. McMULLEN: Yes.

19 MR. PHILLIPS: All right, John McMullen. Is there any  
20 discussion on the amendment? If not, I'd ask unanimous consent,  
21 and if there's no objection, it is so ordered, and so the title has  
22 been amended. Is there further discussion on the main motion? The  
23 motion is to adopt these principles and send them to the Trustees  
24 and ask for their adoption, consideration and adoption. Is there  
25 any discussion on the main motion? If not, I would ask again for  
26 unanimous consent, and if there is no objection, it's so ordered,

1 and we have adopted these five principles and they will be  
2 forwarded formally to the Trustees. Because I will be unable to be  
3 here during -- at the Trustees' meeting, I'm going to have ask  
4 someone to make the presentation on our meeting here, and I would  
5 like to have whoever that person is to be ready to discuss these  
6 items, so be thinking about it, and if I have any volunteers on  
7 somebody that wants to make a presentation on -- what is it, the  
8 30th?

9 MR. MUTTER: Correct.

10 MR. PHILLIPS: On the 30th, I'd appreciate that.  
11 Otherwise, I will ask somebody to do it. Yes, John?

12 DR. FRENCH: Mr. Chairman, I expect to be here. I'd be  
13 willing to do so.

14 MR. PHILLIPS: All right, fine. I would appreciate it if  
15 you would, because you could -- if you can articulate those for  
16 them, it would be helpful. Okay. Now, I think it's probably a  
17 proper time, Jim, to entertain your concern. He's asked to be put  
18 on the agenda on a specific concern about the question that Jim  
19 Ayers brought up a few minutes ago, so without -- yes?

20 MR. TOTEMOFF: Before we do that, I have one additional  
21 concern here about the process. At 11:00 o'clock I think we  
22 preliminarily decided to add the Seward Sea Life Center?

23 MR. PHILLIPS: Correct.

24 MR. TOTEMOFF: I don't think that was part of the motion  
25 as adopting the formal agenda. I have the same sentiments as John  
26 French over that language, and I mentioned a few minutes ago about

1 selecting and picking out a 94 work project -- 94 work plan. I'm  
2 not sure how to resolve this, but it doesn't seem fair to me.

3 MR. PHILLIPS: Well, we have had contact with two or  
4 three -- well, three different people who have asked to be heard  
5 before our meeting, and I've asked Doug to put them on there  
6 because I've always felt that you should listen and make up your  
7 mind on things after you've heard the information. I have no  
8 objection to listening to somebody because we are the Public  
9 Advisory Group, and we're supposed to listen to the public on  
10 things, and whether I agree or disagree with what they're going to  
11 present is not important. It's important that we listen to it if  
12 we have to sign it.

13 MR. McMULLEN: Mr. Chairman?

14 MR. PHILLIPS: Yes?

15 MR. McMULLEN: Are you anticipating asking us to take  
16 action on a recommendation following that presentation, or is this  
17 informational only?

18 MR. PHILLIPS: This is information, and if the group  
19 wants to take action on it, they can. If they don't, they don't.  
20 This is up to the group. I'm not dictating anything. Yes?

21 MS. BENTON: I guess my question is with the process,  
22 and I agree that people should be able to come to the Public  
23 Advisory Group and do presentations, but then that should be made  
24 available, and publicly made available to all people so that they  
25 all have an equal opportunity for all projects, and I don't know if  
26 that's necessarily the way that it's going down. So, I'm concerned

1 about the process here. So that it looks like we're selecting --  
2 we're picking special projects to listen to, and I know that that  
3 isn't the intention, but that's the way it can be interpreted.

4 MR. PHILLIPS: We didn't pick anything.

5 MS. BENTON: Right.

6 MR. PHILLIPS: We responded to a request to be heard.  
7 Remember the man with the staff that came into our meetings and --

8 MS. BENTON: Right.

9 MR. PHILLIPS: We listened to him because he's part of  
10 the public, whether you agree or not, and all I'm doing is  
11 responding as chairman when they call me and say can I be heard  
12 before your group, and I say, I have no objection if the group  
13 ought to listen to the public. And that's how they got on here.  
14 They weren't selected at all. Yes, and then John.

15 MS. MCBURNEY: I would just like to ditto what's been  
16 said regarding the propriety of having the Seward Sea Life Center  
17 give a full presentation. On the other hand, since they have  
18 approached us and have been put on the agenda, so to speak, I would  
19 suggest that we limit their presentation to a half hour.

20 MR. PHILLIPS: They have asked for fifteen minutes.

21 MS. MCBURNEY: That's even better, because we really need  
22 to spend a lot of time on our recommendations on the draft  
23 restoration plan, and I think that's where our priority should be  
24 today.

25 MR. PHILLIPS: The reason we set a time is, they have to  
26 travel from Seward, and so we've set a time so they wouldn't have



1 to just hang around all day, and that's why we put them on there.  
2 We could put them off another day and let them wait, but it was  
3 just a consideration of travel and darkness and so on, that they  
4 got put on at that time. First of all -- John?

5 DR. FRENCH: Yeah. I think the whole issue, especially  
6 with the new federal Trustees, of construction projects, is a very  
7 serious issue, and I think its worthy of our discussion here.  
8 However, I think that, in fairness to all FY94 work projects, we  
9 should agree ahead of time to defer all official PAG  
10 recommendations on FY94 work plans -- work projects until meetings  
11 where we're officially considering that issue. I'd like to make  
12 that a formal motion.

13 MR. PHILLIPS: You've heard the motion. Is there a  
14 second?

15 MS. BENTON: Second.

16 MR. PHILLIPS: The motion has been made and seconded that  
17 we -- although we may hear details on projects, that we postpone  
18 all formal consideration and recommendations until we are facing  
19 the 1994 work plan. Is there any discussion on the motion? Yes,  
20 James?

21 MR. KING: Yes. At 4:00 o'clock we have a public  
22 comments period, and it looks like to me that you have done is just  
23 rescheduled some of the public comments, and so I don't see a  
24 problem with that myself.

25 MR. PHILLIPS: It was really just to accommodate them  
26 because of the travel hazards they have driving in the dark and

1 getting up here at a time -- it doesn't matter to me, personally.  
2 Is there any other discussion on the motion? If not, I'd ask for  
3 unanimous consent, and if there is no objection, it's so ordered,  
4 and we will advise anybody that comes before us that we're  
5 reserving judgment on any project until we're faced with the 1994  
6 plan. Yes, Doug?

7 MR. MUTTER: Mr. Chairman, I just have a question of  
8 either Dave or Jim. When would they expect that the PAG would get  
9 the 1994 work plan so that we could schedule a formal review  
10 meeting?

11 MR. GIBBONS: It depends on what the Trustee Council  
12 does on the 30th and the 1st of December. I can't tell you anything  
13 more than that. We're shooting to get it -- if they take some  
14 action on those two days on that and tell us to go for public  
15 comment, we're shooting for publication, going to the printer the  
16 early part of December, and then, you know, it could be a thirty  
17 day or forty-five day review period, whatever they decide on that,  
18 but it all hinges on what action they take on the 30th or 1st on  
19 the '94 work plan.

20 MR. MUTTER: So, the earliest the PAG would probably  
21 want to meet to discuss it would be after the first of the year, in  
22 January.

23 MR. GIBBONS: Yeah, it's Christmas time. If we get it  
24 to the printer, and we get shipped out, I would hope that they  
25 would go for forty-five days because you're over the Christmas  
26 holidays and that, and that's what I would hope. That would be my

1 recommendation to the Trustee Council, would be forty-five days.  
2 So mid-January or -- okay?

3 MR. PHILLIPS: It is now a couple of minutes after 10:00.  
4 I notice we are forty-five minutes ahead of our schedule. I'd like  
5 to call for just a brief recess until 10:15, and we'll get then  
6 into the recommendations into the draft restoration. No, wait a  
7 minute. No, we were going to -- we're going to hear you, weren't  
8 we?

9 MR. DIEHL: Let's do this first.

10 MR. PHILLIPS: Okay, I'm sorry. At my age, you forget  
11 sometimes. Go ahead.

12 MR. DIEHL: All right. Due to my involvement in whale  
13 strains in Turnagain Arm, and the networking I have done on account  
14 of that involvement, it has come to my attention that the marine  
15 mammal lab in Seattle substantially changed the RFP for the Trustee  
16 Council killer whale project in Prince William Sound from 1991 to  
17 1993. These changes effectively take the analysis of the project  
18 away from the local expertise, who has historically done that  
19 analysis and whose research since 1984 is substantially responsible  
20 for giving us the only complete baseline data for the single  
21 species in pre-oil spill Prince William Sound. As a result of  
22 these changes in the RFP, the local expertise, who both lives and  
23 works in the spill-affected area, is seeking funding elsewhere to  
24 carry out his research. Bob Spies, the Trustee Council chief  
25 scientist, has assured me of the competence of the local expertise  
26 and has, in fact, recommended him in his search for alternative

1 funding. At this time, Earth Watch, private foundations, and  
2 individual contributions have promised 90 per cent of the needed  
3 funds. This effectively puts a private, Alaskan nonprofit in  
4 direct competition with a federal agency and brings up the  
5 additional onus of two projects doing substantially the same work  
6 on the same AB and AT pods in Prince William Sound. The only but  
7 very important difference being that the project, as set forth by  
8 the Alaskan expertise, will employ state-of-the-art techniques for  
9 gathering data on orcas. These techniques have the potential  
10 capability of finally answering some of the key questions  
11 concerning the AB and AT pods and the Exxon Valdez oil spill. The  
12 local expertise has spent considerable time, money and effort into  
13 learning these cutting edge procedures introduced to the world by  
14 British Columbian orca specialists who are argumentatively considered  
15 the most knowledgeable researchers on orcas in the world. The  
16 Marine Mammal Protection Act specifically frowns on duplication of  
17 research because of the additional harassments of marine mammals  
18 that that duplication of research requirements. In light of all  
19 this, I am asking the PAG to carefully review the rewriting of the  
20 RFP, that is from 1991 to 1993, there was no field work done in  
21 1992, and then to ask the marine mammal lab in Seattle why these  
22 changes were made. Additionally, I would like to ask the marine  
23 mammal lab why their research should take precedence over the  
24 research of the Alaskan expertise? That's it.

25 MR. PHILLIPS: Could you enlighten us on who puts out  
26 that RFP, what agency?

1           MR. DIEHL:       It goes through National Marine Fisheries  
2 Services in Auke Bay, and then it goes to the -- well, I'm -- the  
3 RFP was changed at the National Marine Mammal Lab in Seattle, which  
4 is a NOAA research center.

5           MR. PHILLIPS:   Is that a federal agency or --

6           MR. DIEHL:       It's a NOAA research center, and under  
7 them is -- under NOAA is the National Marine Fisheries Service.

8           MR. PHILLIPS:   Can we do anything to affect that, with  
9 the PAG, through the Trustees? Is there anything that -- if we, as  
10 an example, said, we agree with you and something ought to be done  
11 about it, and we ask the Trustees to do something about it, could  
12 they effect the change?

13          MR. DIEHL:       Well, they could -- they could stop the  
14 competition with the local expertise by dumping the project.

15          MR. PHILLIPS:   Is this financed by the oil spill money?

16          MR. DIEHL:       Yes, yes.

17          MR. PHILLIPS:   Okay.

18          MR. DIEHL:       That's what I'm talk -- I'm talking about  
19 the 1994 -- the 1993 work plan. It was carried out this year, and  
20 it had two bidders, and when the local expertise realized that this  
21 wasn't really a research project, but rather a field technician  
22 job, you know, with a boat and a camera, and no analysis  
23 whatsoever, which he had historically done, he didn't want to bid  
24 on it. Okay? But then he was approached by the Cordova Science  
25 Center and asked to be their field technician for this project,  
26 because the Cordova Science Center at least wanted to keep the

1 money in Prince William Sound, and he said, yes, I will act as your  
2 technician and help you with the field work, I will get the field  
3 work done for you, and they bid on the contract, and the contract  
4 was let to somebody in northern California.

5 MR. PHILLIPS: Could you be specific on what you want our  
6 group to do?

7 MR. DIEHL: To ask the marine mammal lab why these  
8 changes have taken place. Well, see, I just brought up a question.  
9 That's what I couldn't really think of, is what specifically we  
10 should do about this.

11 MR. PHILLIPS: My question is whether we have to go  
12 through the Trustees to get some action. Our asking them, they  
13 don't even have to answer our letter.

14 MR. DIEHL: See, the 1994 work plan is not before us  
15 now. I don't even know if this is going to be in there, in the '94  
16 work plan, but it's my opinion it should not be in there if it's  
17 competing against local expertise.

18 MR. MUTTER: Mr. Chairman, I might suggest that, since  
19 the PAG many times has recommended the use, in fact, today, the  
20 increased use of local Alaskan participation in these projects,  
21 maybe the best way to handle this is to pass Jim's statement on to  
22 the Trustee Council, saying we've passed this recommendation on  
23 before, here's a specific concern we have, can you take a look at  
24 it?

25 MR. PHILLIPS: We could include with that the -- your  
26 evidence that the RFPs have been changed. You have those, I

1 assume?

2 MR. DIEHL: I have the RFPs right here, yeah.

3 MR. PHILLIPS: Yes, John?

4 MR. McMULLEN: Mr. Chairman, I'm just concerned that  
5 we're talking here about the '93 work plan. That is something  
6 that, I assume, has already been done. The '94 work plan hasn't  
7 even been considered, and a lot of projects which have been  
8 floating along being funded, it sounds like, you know, a lot, or  
9 some, may not be funded once they're mashed up against the revised  
10 restoration plan which, you know, changes a lot of people's  
11 original --

12 MR. DIEHL: I realize this is a little bit premature  
13 to bring this up, but as far as I know, it is -- is Byron Morris  
14 here? As far as I know from talking to Auke Bay, it's still on  
15 their draft for projects to be presented, to have this killer whale  
16 project, substantially the same as in 1993, put forward.

17 MR. PHILLIPS: For '94?

18 MR. DIEHL: Yeah, for '94.

19 MR. PHILLIPS: Yes, Dave?

20 DR. GIBBONS: One approach I might suggest to the Public  
21 Advisory Group, and it's been mentioned here, is you might want to  
22 table this discussion until the '94 plan comes in front of you to  
23 see if it's even there. If it is there, then you can --

24 MR. DIEHL: I'm bringing this up as a point of  
25 information in the hopes that it won't be there when the time  
26 comes.

1 DR. GIBBONS: Yeah, I don't know what the Trustee  
2 Council is going to do on the 30th and the 1st. They may pull  
3 whales out of there.

4 MR. DIEHL: I have no recommendation for the Trustee  
5 Council except -- on this, except to consider that this is what  
6 happened in '93. I'm not aware that they are aware of the changes  
7 in this RFP.

8 MR. PHILLIPS: Okay, what does the group want to do?  
9 Yes, Vern?

10 MR. MCCORKLE: Mr. Chairman, I think the information that  
11 Jim has brought is very important, particularly in light of the  
12 fact that we have just taken action to foster and encourage use of  
13 the local resources when -- if prudent and qualified, and I'd like  
14 to ask if there's some way that the staff could be reminded, or  
15 flagged, to bring this up when the '94 work plan does come up, so  
16 we can, (a) see if it's there, (b) see if it's --

17 MR. PHILLIPS: There's a mechanical way to do that. If  
18 you wanted to move to table the discussion to a time certain, being  
19 the time that the '94 plan comes up, automatically it has to come  
20 before us at that time.

21 MR. MCCORKLE: I'd suggest that, Jim, you make that  
22 motion to table it.

23 MR. DIEHL: All right. I move that we table this  
24 until then. I'm continuing -- I'm going to -- myself, though,  
25 probably write up just those two questions that I had here and  
26 present them to the marine mammal lab.



1 MR. PHILLIPS: Fine.

2 MR. McCORKLE: I'll second your motion.

3 MR. PHILLIPS: Okay. There's no discussion on the move  
4 to table. Is there any objection to the move to table? If not,  
5 it's so ordered, unanimous consent. Now, I'd like to ask for about  
6 a five minute recess and then we'll get into the --

7 (Off record at 10:18 a.m.)

8 (On Record at 10:25 a.m.)

9 MR. PHILLIPS: Will you come to order, please, so that we  
10 may can finish our business? (Pause) Please, if we could come to  
11 order? Could everybody please take their seats and let's get this  
12 thing underway so we won't have to be here all night. We're going  
13 to take up the draft restoration plan that you all have copies of,  
14 and to expedite our time, I'd like to ask Sandy and Bob to brief  
15 us, which may save some time. Bob, if we could find a microphone  
16 for you, I think there's one over here, and if you guys could both  
17 come up, you might want to -- the two of you. They're going to  
18 brief us a little bit and may save us a little time instead of  
19 reading the whole thing.

20 MR. LOEFFLER: Thank you, Mr. Chairman. I think --

21 MR. PHILLIPS: Do you want to use your microphone there?

22 MR. LOEFFLER: I'm not quite sure how to do it.

23 MR. PHILLIPS: You'll get your heartbeat that way.

24 MR. LOEFFLER: If this works, if this is what you're  
25 asking, Sandy and myself would like to spend just five to seven  
26 minutes to sort of give you a philosophy --

1 MR. PHILLIPS: Do it.

2 MR. LOEFFLER: -- and background, okay? Let me begin by  
3 introducing myself for those of you who don't know me. My name is  
4 Bob Loeffler. This is Sandy Rabinowitch. I'm the state co-chair,  
5 and Sandy is the federal co-chair of the group that was to write  
6 the restoration plan. What I'd like to do is take just a few  
7 minutes to go through the philosophy, sort of, that's embodied in  
8 this -- the draft restoration plan, and then the schedule, what  
9 will happen to it from here on out. Following that, Sandy will  
10 walk you through the chapters very briefly. I expect our whole  
11 presentation will take five to seven minutes, and feel free to  
12 interrupt with questions. So let me begin, and I'd like to begin  
13 with sort of the philosophy of this. When I was first hired, which  
14 was about a year ago, what I think the staff expected was a  
15 restoration plan that was a detailed road map that said what money  
16 was going to be spent, on what issue, for what purpose and what  
17 tasks, what research should we do, the kind of planner's dream, or  
18 planner's nightmare, a detailed description of everything that  
19 would happen with this money. You may have noticed that that's not  
20 what this is, and -- well, for certain, there were some people who  
21 expected that in latter years we would be less detailed, but there  
22 was a philosophy that the decisions would be made now. As we got  
23 on with this, the Trustees clearly felt that that was not possible  
24 to do, that, in fact, restoration needs were changing, what they  
25 felt, what people felt needed to be done changed dramatically. For  
26 example, with the herring runs from last year in Prince William

1 Sound or the pink salmon run, we've seen the wishes of communities  
2 start to coalesce, but not completely, on what's needed. In  
3 addition, our ability to purchase land, we're still feeling some of  
4 those things out. So, this plan, quite consciously, does not adopt  
5 the philosophy of the comprehensive, detailed, grand plan. Rather,  
6 it's a series of policies, guidelines, objectives, restoration  
7 strategies, to be flexibly interpreted by the Trustees if they  
8 respond to the changing restoration needs. You can call it  
9 different things, a framework, a general constitution, but in any  
10 case, it's a general policy plan and does not make those kind of  
11 detailed allocations. In fact, it's only -- the plan portion of  
12 this, without appendices, is only thirty-nine pages, and we  
13 designed it to be sort of quite readable and usable, as opposed to  
14 some of the horrendous documents that, at least, I've been familiar  
15 with in the past. So, that's sort of the philosophy that the  
16 Trustees who adopted the policy flexible plan to be interpreted  
17 annually through the work plans. What I'd like to go over now is  
18 the schedule, sort of what happens now. Apparently, my  
19 understanding is that an environmental impact statement is required  
20 on this plan. It's a federal requirement through the National  
21 Environmental Policy Act. That is currently -- they're just sort  
22 of starting to gear up to write it. I'm hoping that a draft EIS is  
23 available before fishing season. So, this will require official  
24 pruning, but this will require public review at that time. We're  
25 then not scheduling -- while this will be available for the public,  
26 we'll probably publish some amount of them, we're not scheduling an

1 official, please get your comments in by "X" and such time, because  
2 that will happen during the EIS process. So, this will be an  
3 interim product to guide to '94 work plan, and then the EIS process  
4 will take it to a final plan. So, that's our philosophy and  
5 schedule. Sandy will go through the chapters, just sort of briefly  
6 walk you through what's in it.

7 MR. RABINOWITCH: For those who don't know me, my name  
8 is Sandy Rabinowitch. I work with the National Park Service. I  
9 made the mistake, almost four years ago, to volunteer for this job,  
10 and hopefully we're nearing the end of this plan, especially as my  
11 little three-year-old would like me to be done with this plan.  
12 I'll be equally brief as Bob and zip through the plan so quick that  
13 you really won't be able to turn the pages, but we can go back as  
14 you like with questions that you might have. The first chapter of  
15 the plan is a pretty standard kind of thing. It explains the  
16 purpose, background, in this case the settlements, the civil  
17 criminal settlements, and then as Bob explained, what we've titled  
18 the next step, kind of where do we go from here. The purpose of  
19 the plan, again, as Bob said, is a long-term guidance. It is  
20 policies for making decisions, rather than the details of those  
21 decisions, and it describes how those activities will be  
22 implemented. The second chapter, in fact, are nine policies that  
23 we think are responsive to the public's feedback from the  
24 alternatives that were published last spring, and then the comment  
25 period ran all the way through summer until August. They're nine  
26 policies, each of them, as I say, addressing issues that were

1 raised by the public. Some of them started out in the draft of  
2 alternatives. Some of them, the public had a lot, you know, had a  
3 lot to say about, and I believe a few of them were actually brought  
4 up by the public and we included those in those nine. The third  
5 chapter is categories of restoration. It's sort of an  
6 organizational tool. We have four categories. You know, there's  
7 no right or wrong answer to things like this. There could be five  
8 categories or ten categories. We decided, for a variety of  
9 reasons, that four seem to make sense. They are general  
10 restoration, habitat protection and acquisition, monitoring  
11 research, and public information and administration. I don't think  
12 there's any surprises to anybody about that. As best we can tell,  
13 all the kinds of projects that we've seen in the past that we can  
14 anticipate in the future, seem like they'll fall into those. You  
15 know, if they don't, a couple of years down the road,  
16 recommendation could be made to add another category if need be.  
17 Each of those sections, each of those four sections then describes  
18 how, within them, some decisions would be made, because we see  
19 there being differences because the kind of work being carried is  
20 simply different and, therefore, you need a little -- you might  
21 need a little different approach. We think that that's the case.  
22 So, that's what written about, and then, on a couple of those  
23 categories we, in fact, again have additional policies about how to  
24 approach those categories. I won't go into that. You can -- you  
25 know, you can read it, and I'm sure if you have questions, you'll  
26 let us know. And whether that's today or, you know, tomorrow or

1 the next day, feel free to, I'd say, pick up the phone and give us  
2 a call. If you've got a question, we're happy to talk. The fourth  
3 and last chapter really works off a very simple and obvious sort of  
4 goal statement, and that goal statement is the gulf's restoration  
5 of the injured natural resources and services, and the objectives,  
6 which is the title of the fourth chapter, is an expression of how  
7 to carry out that goal. It's organized along two tracks. The  
8 first broad tracks are one for natural resources and one for  
9 services, and then a kind of underlying track of organization, and  
10 it applies particularly to the natural resources, are three  
11 categories, those resources that are recovering, those resources  
12 that are not recovering, and those resources that we don't know if  
13 they're recovering or not. And then the last point on the fourth  
14 chapter is that we envision this chapter as being the beginning of  
15 a bridge to the work plans. There is a debate about whether this  
16 enough of a bridge, you know, is it long enough, is it strong  
17 enough? The debate will occur. You all, I'm sure, might have some  
18 opinions about that, but at least we think this a beginning, to  
19 bridge to the work plans. So that's something that I would  
20 encourage you to think about. I'd certainly offer you a  
21 suggestion. The appendices, which in total are longer than the  
22 plan, actually only one of them is really very long but combined  
23 they're longer than the plan, they're four of them. (A) is  
24 information about the allocation of funds, sort of more historical  
25 in nature, tells you about the incoming payments also in the future  
26 years. Appendix B is really the meaty one. It's the injury and

1 recovery section. You've seen material from this before, I  
2 believe, maybe even twice, I honestly can't remember, but this is  
3 sort of the most updated version. You will, probably, at the end  
4 of that appendices notice a bunch of tables, you have to turn the  
5 book sideways. Those are updated, sort of as fresh as we can make  
6 them. I don't believe that there are any real significant changes  
7 when you've seen the last, but there are some, you know, some  
8 changes, some fine tuning as new information keeps rolling in, and  
9 hopefully that information would be maintained in future years as  
10 injury information, recovery status and knowledge of those changes,  
11 hopefully these tables can simply be updated and everybody can keep  
12 track. And then, the last two appendices, very quickly, (C) is  
13 simply a list of areas recommended for habitat protection by the  
14 public, it's a one-pager, and (D) is a two-page list simply of the  
15 planning publications that the planning group has done since 1990  
16 that led to this plan. I think a lot of people don't realize,  
17 perhaps, how many other documents have been produced trying to get  
18 here. This is simply a list of those, for better or worse. I'm  
19 done. It's your turn.

20 MR. PHILLIPS: Sandy, I wonder, just to get the  
21 discussion started, is there any effort, or will there be any  
22 effort made in studying here to be able to determine what factors  
23 there are that have nothing to do with the oil spill but that are  
24 extraneous and outside of the oil spill and affect the populations.  
25 As an example, changes in temperature of the water, normal cycles  
26 on the marine mammals and animals and birds that could not, under

1 most circumstances, be blamed on the oil spill, because we have  
2 seen some changes, and I'm not sure if they have anything to do  
3 with the oil spill at all, and we have a tendency to blame  
4 everything on the oil spill, and that isn't helpful in terms of  
5 recovery. So, is there anything being done at all about this  
6 distinguishing?

7 MR. RABINOWITCH: I'm not sure if I have a perfect  
8 answer. Maybe Bob and I both will take a try here. My response  
9 would be that I believe the settlement directs the Trustees to  
10 spend the funds on restoration of the injured resources and  
11 services resulting from damage from the oil spill. So, to the  
12 extent that the Trustees can keep focused on that, and they have  
13 information enough that they can keep focused, I believe that's  
14 what they're supposed to do. But on the other hand, I believe that  
15 if one was trying to sort out that kind of question with a  
16 particular species, or a group of species, that what you would do  
17 is, you would attempt to work within the monitoring and research  
18 category of activity.

19 MR. PHILLIPS: I just wondered if any effort was made to  
20 -- before the scientific people, to advise the Trustees on what is  
21 really a true result of the oil spill and what may not be, so that  
22 those expenditures are made in the category they're supposed to be  
23 made in.

24 MR. LOEFFLER: Yes (inaudible) to that effect. In  
25 addition, clearly people care whether they -- clearly people care  
26 whether the injury was oil spill or not. If it's not an oil spill



1 injury, or the extent a portion of it is not an oil spill injury,  
2 the settlement disallows funds to be spent on it. However, to use  
3 an example of pink salmon or herring, it's important to understand  
4 the background and natural fluctuations, and the sort of predator-  
5 prey, and other only partially oil spill-related things should be  
6 able to restore those species. So, some research to that extent is  
7 certainly possible.

8 MR. PHILLIPS: Yes, you've hit the question.

9 MR. LOEFFLER: Okay.

10 MR. PHILLIPS: Are there any questions? Yes, Doug?

11 MR. MUTTER: Bob, what action do you expect the  
12 Trustees to take at their meeting next week on the restoration  
13 plan, the draft?

14 MR. LOEFFLER: I expect them to adopt it as an interim  
15 draft for the '94 work plan, pending public review, and for future  
16 years, pending public review, during the EIS process.

17 MS. MCBURNEY: I have a question about a comment that was  
18 made under Chapter 3 on page 17, which is just that -- the last  
19 sentence in the second paragraph of the introduction, where it  
20 says, "when making annual funding decisions, the Trustee Council  
21 will use the public comments received on the restoration  
22 alternatives as well as comments that may be received in the  
23 future." And I was curious, has the Trustee Council adopted that  
24 as a policy for making a funding decision?

25 MR. LOEFFLER: I'm not sure I understand your question,  
26 so let me answer it --

1 MS. MCBURNEY: Okay.

2 MR. LOEFFLER: -- and then you can tell me if I answered  
3 the right one. What the Trustees -- I think one of the most  
4 valuable things we did was the public commentary for the summer, to  
5 get 2,000 people to give very detailed comments on the direction of  
6 the restoration program, I think, was incredibly valuable, and I  
7 think that the Trustees recognize that it's so, and they'll take  
8 that into account when making their decisions, both the past public  
9 involvement and any future comments that comes from the public or  
10 yourselves. And I think the Trustees intend to do that, to take it  
11 into account, whether they adopt it as sort of -- I don't think it  
12 can be adopted as an exact direction, a road map. Does that answer  
13 your question, Mary?

14 MS. MCBURNEY: It does, sort of, because the impression  
15 that I got from that statement was that that document would be used  
16 as --

17 MR. LOEFFLER: I think if you take it into account, and  
18 read, I don't think it becomes a constitution, so to speak. Does  
19 that --

20 MS. MCBURNEY: Yeah.

21 MR. LOEFFLER: Okay.

22 MS. MCBURNEY: Public opinion is going to be evolving.

23 MR. LOEFFLER: Yes.

24 MS. MCBURNEY: I was a bit concerned that we were going  
25 to be frozen in time.

26 MR. LOEFFLER: No, no, I don't think so.

1 MR. PHILLIPS: Before we continue, isn't there a  
2 clipboard here with a paper on it for the public to sign up, and if  
3 so, where is it? Has everybody out there signed? Be sure that it  
4 circulates and that everybody gets their name on it. I'd  
5 appreciate it very much. Okay. Before us is the restoration plan.  
6 I'd suggest, as we have questions of these two gentlemen, because  
7 they're going to have to be involved in the teleconference here --

8 MR. LOEFFLER: Sandy has apparently been scheduled for a  
9 teleconference. I'm happy just to sit for your discussion and  
10 further questions.

11 MR. PHILLIPS: All right. Does anybody have -- yes,  
12 Chuck?

13 MR. TOTEMOFF: Mr. Chairman, I got the restoration plan  
14 a few days ago and I've had a chance to at least read it. I have  
15 several questions, there are possibly some concerns with. Maybe  
16 throughout the day most of them will be answered, but my first one  
17 here, the first question starts off on Chapter 2.

18 MR. PHILLIPS: What page?

19 MR. TOTEMOFF: On page eleven, policies number three.

20 MR. LOEFFLER: Um-hmm.

21 MR. McMULLEN: I sort of highlighted here where it says  
22 on the second sentence there, and the rest of the paragraph there,  
23 about restoration activities outside the spill area. Something I  
24 commented on earlier at PAG meetings, that I was not in favor of --  
25 of these sorts of activities happening. According to this plan,  
26 this allows this to happen.

1 MR. LOEFFLER: I think that it allows activities to occur  
2 outside the spill area under a very limited set of circumstances.

3 MR. TOTEMOFF: If that's the case, wasn't there some --  
4 habitat protection, for example, just for example, wasn't there  
5 some -- in that scenario, wasn't there money set aside in the -- I  
6 don't recall what settlement, but there was some money set aside  
7 for a wetlands conservation fund. Can't those monies be used for  
8 that?

9 MR. LOEFFLER: I don't know, but I don't -- at the  
10 moment, I don't ex -- I don't know of any proposals for using  
11 habitat protection funds outside the spill area.

12 MS. BRODIE: I believe that the wetlands fund was for  
13 land outside of Alaska.

14 MR. TOTEMOFF: Okay. The reason why I had this concern  
15 is that, you know, someone, if they have enough sense to, can take  
16 one paragraph out of here and divert a large amount of money away  
17 from the spill area.

18 MR. LOEFFLER: I don't expect that to happen. It's  
19 clearly the philosophy of the Trustees that the vast majority be  
20 spent in the spill area. In addition, given the demands for  
21 habitat acquisition within the spill area, it would surprise me a  
22 lot if funds were spent outside. So while I think this provides  
23 some circumstances, I think those circumstances are very limited,  
24 and I certainly don't expect --

25 MR. TOTEMOFF: It further states --

26 MR. LOEFFLER: -- habitat protection to occur outside the

1 spill area.

2 MR. TOTEMOFF: It further states elsewhere in the plan  
3 that there's enough need in the spill area to use the remaining  
4 settlement monies.

5 MR. LOEFFLER: That's correct.

6 MR. TOTEMOFF: So, I think that it needs to be mentioned,  
7 and my concern still stands on that issue.

8 MR. LOEFFLER: Okay.

9 MR. PHILLIPS: Do you have any further -- any other  
10 questions?

11 MR. TOTEMOFF: Yes, there's some other things that I've  
12 outlined in here, but I'll just wait and see if they're covered  
13 later.

14 MR. PHILLIPS: Is there anyone else in the group that has  
15 questions? Yes?

16 DR. FRENCH: Yes. Well, I'm not sure if this really  
17 relates to the specifics in the restoration plan, I didn't see it  
18 specifically included or excluded, but there have been discussions  
19 of a number of projects related to developing necessary  
20 infrastructures and construction projects with respect to needs for  
21 restoration projects, the shellfish hatchery being one of those,  
22 the Sea Life Center being another, the Archeological Artifact  
23 Repository being a third, and the Fishery Technology Center  
24 expansion being a fourth. Is there any -- has there been any  
25 discussion with respect to the development of this as to where  
26 those sorts of things fit in, or whether they don't fit in?

1 MR. LOEFFLER: Sure. Now, whether those are appropriate  
2 or not, it will be a Trustee Council decision through the annual  
3 funding, but none of those are excluded by this plan, that -- I  
4 guess that's probably the feds, and I think the advocates of each  
5 of those, at least through the agencies, have looked to ensure that  
6 they feel it's possible to fund them under this plan.

7 MR. PHILLIPS: Yes?

8 MS. BENTON: I have this question, if I can? On page  
9 -- the habitat acquisition issue, on page 9, and then again on  
10 pages 20 and 21, I just had a question for you, if you could give  
11 me an idea of where the background data and information came to  
12 make statements like protecting and acquiring land will minimize  
13 further injury to resources and services, and that's on page 9, and  
14 then the follow-up one that I had was on page 20, that research  
15 development such as harvesting timber may harm habitat that  
16 supports resources or services. I'm interested in where that data  
17 exists that would support those things.

18 MR. LOEFFLER: The first one, that protecting and  
19 acquiring land will minimize, that's sort of its purpose, that the  
20 purpose for habitat protection is, indeed, to minimize an intrusion  
21 into natural recovery or to protect or replace its species. So,  
22 for example, if the species relied on some critical habitat that  
23 was still these subdivisions could affect, to purchase the habitat  
24 is a way of maintaining that habitat for the species. The same is  
25 true with development may sometimes harm -- harm habitat, meaning,  
26 if the habitat relies on -- there's a lot of protection for an

1 individual species, but certainly some development activities can  
2 reduce the value of the habitat for some species.

3 MS. BENTON: I guess that the question I have is, as --  
4 I don't -- development or, you know, village subdivision is  
5 certainly not my area of expertise --

6 MR. LOEFFLER: Right.

7 MS. BENTON: -- but as far as harvesting timber goes,  
8 and those are the examples that are given here, further down the  
9 page, the example that's given, "for example, protecting salmon  
10 spawning streams will benefit not only the salmon, but also  
11 commercial, subsistence and recreational fishermen." As an  
12 industry, it's our belief, and if there's data that wouldn't  
13 support that, I'd certainly be interested to know where it is, that  
14 there are protection mechanisms both on private and public land  
15 that when we harvest timber we are protecting salmon streams. But  
16 if -- the premise here, and what my concern is, is that, the way  
17 that I read it is, the only way to accomplish that goal is through  
18 habitat acquisition. And to make statements like that without  
19 giving me some specific examples of where you can tell me that  
20 habitat acquisition is the only way or the primary way to  
21 accomplish that goal concerns me a lot, and concerns our industry  
22 a lot.

23 MR. LOEFFLER: We certainly didn't intend to -- there are  
24 a lot of protections involved in harvesting timber: the Forest  
25 Practices Act, Title 16, a whole variety of others that apply in  
26 public and private land. It was certainly not our intention to say

1 that habitat protection -- that timber harvest -- that the current  
2 regulations are either perfect or imperfect. And, in fact, I  
3 believe that the comprehensive process is not focusing on imminent  
4 threats at the moment. I think, rather, they're just saying that  
5 if you find valuable habitat, and you can ensure it's protected  
6 from whatever occurs, that protects -- if it's fish streams, it  
7 protects both the fish and the services that rely on it, but there  
8 certainly was not an intention to focus out -- to focus on timber  
9 harvesting.

10 MS. BENTON: If it's there before, it's my  
11 understanding that this will go to the Trustee Council, and the  
12 question that was asked to you earlier is that they will use this  
13 to devise their '94 plans, and it will go out to public review.

14 MR. LOEFFLER: Um-hmm.

15 MS. BENTON: Will there be -- would there be an  
16 opportunity to work with the committee, or whoever comes up with  
17 the final draft on language that's maybe more accurate?

18 MR. LOEFFLER: Absolutely.

19 MS. BENTON: Okay.

20 MR. PHILLIPS: Yes, Vern?

21 MR. McCORKLE: Mr. Chairman, then, I take it that today  
22 we're really just sort of doing some exploratory surgery here, and  
23 that there will be opportunities to come back and change the  
24 language in this, or are we trying to send forth some ideas about  
25 language that we think should be changed in this very document  
26 before it's adopted? What are we trying to do?



1           MR. LOEFFLER: I think it's up to you. I think that you  
2 could give recommendations to be incorporated before it goes out  
3 for public review or recommendations that is incorporated for the  
4 final, and I believe that you can either do that by going through  
5 the Trustees or, if you have some you'd like to give me personally,  
6 I'm happy to take it.

7           MR. PHILLIPS: It seems to me it's incumbent on us to  
8 communicate directly with the Trustees. They're the ones that are  
9 going to make the final decision, and why should we go out into  
10 another area and do it? We can do that, and I think it's perfectly  
11 proper, if any of you want to suggest in our recommendations,  
12 changes of language or concerns, that's up to us to do, and I think  
13 it's our responsibility to do. Doug?

14          MR. MUTTER: Yeah. At least one, if not several of the  
15 Trustees, wanted to hear the views of the PAG at their meeting next  
16 week, and what they thought, so now is an opportunity to comment.  
17 You get another opportunity when it goes out with the draft EIS  
18 through a formal review process, but Trustee Council did want to  
19 hear PAG's views next week.

20          MR. PHILLIPS: It would seem to me that the two  
21 suggestions, we've only had two so far that have come up, are  
22 proper, before we finish here today, to move to advise the  
23 Trustees, in whatever language you want, and I would suggest that  
24 those of you who have concerns draft some language specific that we  
25 can deal with before the day is over to send to them. And so let's  
26 entertain any concerns that people have on this entire document and

1 come to those points, and then we will decide collectively which  
2 ones we want to send on to the Trustees, and I think it's our duty  
3 and our responsibility to do so. Yes?

4 MS. MCBURNEY: I'd like just some clarification on the  
5 intent of policy 7, which basically states, the restoration  
6 projects --

7 MR. PHILLIPS: What page are you on?

8 MS. MCBURNEY: I'm sorry, I'm on page 11, which just  
9 outlines the general policies, and I'm addressing number 7, which  
10 states the "Restoration projects will be subject to independent  
11 scientific review before Trustee Council approval," and I have two  
12 questions: one being, is the intent of this to replace the existing  
13 system with -- of the chief scientist and, I guess you could say  
14 his hired peer reviewers, with a true, independent scientific  
15 review system, and if so, how would we propose to do that?

16 MR. LOEFFLER: Mary, I think this neither endorses nor  
17 criticizes the current peer review system, that is, it just says  
18 that what we would like to accomplish is an independent assessment  
19 of scientific judgments so that people don't feel the agencies are  
20 doing biased judgments. How that's accomplished, I think the  
21 Trustees can deal with in a variety of ways. It doesn't set out a  
22 program to do that. Have I confused -- I'm getting that kind of,  
23 like, hmmm.

24 MS. BRODIE: No, it's just that the word "independent,"  
25 really means to me truly independent, the way that you would put  
26 scientific proposals out for a true peer review, which is generally

1 unpaid and those services being provided as part of what scientists  
2 normally do.

3 MR. LOEFFLER: It strikes me that part of what you're  
4 saying is that there's a better way to accomplish this than we've  
5 currently engineered, and if so, I (indiscernible).

6 MS. MCBURNEY: And I would like to make this as a  
7 recommendation that we consider.

8 MR. PHILLIPS: Could you do as I've asked the others to  
9 do, have some language that will be specific to this, and let's  
10 then, before we finish here, take that item up and everybody vote  
11 on it. I think that's the most orderly way to do it, and that's  
12 something specific to talk about. Yes.

13 MR. LOEFFLER: I might just add another thing, is that in  
14 the sense of this being a sort of a guiding document, reflectively  
15 interpreted, I can imagine a variety of peer review systems that  
16 would be appropriate, and in fact some -- it may change as time  
17 goes on and we find problems. So, this just is an example of sort  
18 of the philosophy of the document.

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

20 MR. KING: I just have a question, but I'm impressed  
21 with the quality of this draft, and also of the report on the  
22 public comments that we got this summer.

23 MR. LOEFFLER: Thank you.

24 MR. KING: And you've digested an enormous amount of  
25 material. However, neither of these meet the environmental impact  
26 criteria of having a discussion of alternatives, and also a direct

1 answer to comments presented, and I was wondering, will that be a  
2 part of the document that you're going to -- the draft you're going  
3 to present us?

4 MR. LOEFFLER: The -- I'm not sure what's in the EIS. I  
5 think that we did an extensive alternative process, that is, what  
6 we did this summer with twenty-two public meetings, forty thousand  
7 comments of -- copies of the brochure being distributed, I think  
8 was quite effective in presenting alternatives. To the extent that  
9 there is any deficiency in that process, I expect the EIS would  
10 have to make it up, but I'm not sure what's going to be in it at  
11 the moment, but I expect that it will be complete.

12 MR. KING: Well, the normal EIS process has a no-  
13 action alternative to a --

14 MR. LOEFFLER: We had a no-action alternative --

15 MR. KING: Yeah.

16 MR. LOEFFLER: -- in the brochure, and then we had -- and  
17 most of these policies, in fact, respond to either questions in the  
18 brochure or to comments that came up by the public through that  
19 process. So, I think that you can find a lot of -- I think that,  
20 for the most part, that this summer's process provides the  
21 alternatives.

22 MR. KING: Well, it does, but it doesn't address the  
23 amount of money available to the, you know, intended things that  
24 could happen under the alternatives.

25 MR. LOEFFLER: It doesn't provide a road map, and neither  
26 does the plan. I think it's more in the policy plan, sort of a

1    stew of documents, and I guess that I expect the EIS to be  
2    consistent with that. I mean, I -- there's a variety of folks that  
3    will be looking at the EIS and I expect that any deficiencies will  
4    be made up when that draft comes out. I kind of think I evaded  
5    your question a little bit, but it wasn't intentional. That's all  
6    I know.

7            MR. KING:        Well, for instance, I could see you  
8    considering -- you've got the categories of restoration, you've got  
9    so much money on the table, how you distribute the money between  
10   the categories of restoration might be considered alternatives.

11           MR. LOEFFLER:   That's exactly what the brochure did this  
12   summer.

13           MR. KING:        Yeah.

14           MR. LOEFFLER:   So, I think that's part of the  
15   alternatives.

16           MR. KING:        And you think that's probably as far as  
17   you will go on that?

18           MR. LOEFFLER:   I expect, but I feel a little  
19   uncomfortable promising that things will be in a document that  
20   isn't written yet. So, in part, I think we'll see.

21           (Mr. Andrews temporarily sits as chair)

22           MR. ANDREWS:    Any other questions?

23           MR. McCORKLE:   Yes. I'd like to call the group's  
24   attention to page 16, item number 9, which is entitled, "Government  
25   agencies will be funded only for restoration work that they do not  
26   normally conduct." And the next -- the policy seems to argue with

1 itself in the last two sentences of the paragraph listed there.  
2 Particularly, it says, "An agency may be funded to accomplish a  
3 restoration task if the work is beyond that usually conducted by  
4 the agency." It contradicts the title. It goes on to say, for  
5 example, "A task may be beyond the usual level of agency activities  
6 because it is not within the agency's legislative authorities, or  
7 because historic budget levels have not allowed the agency to  
8 accomplish it." I underscore that last clause particularly.

9 (Mr. Phillips resumes the chair)

10 MR. MCCORKLE: I think that we should delete those last  
11 two sentences from this policy, and I'll tell you why. I think  
12 that we must be very careful not to create super-agencies which go  
13 beyond the intent or the supervision of the legislature or the  
14 document that brought them to life. This is a very dangerous  
15 concept, and it takes the work of the agencies beyond the  
16 governments which supervise them and allows them to go off into all  
17 kinds of things that they were not funded to do in the past. And  
18 maybe they weren't funded to do them in the past because they may  
19 not have been necessary. I do not bring that up as a challenge,  
20 but I simply say that to allow government agencies to go beyond the  
21 concept of what their governmental authorities have said they  
22 should do removes them from the public process, the oversight of  
23 that work. So, I would propose that we delete the last two  
24 sentences from this item number 9 on page 16.

25 MR. PHILLIPS: Would you prepare that in the way of a  
26 motion?

1 MR. McCORKLE: I move that we delete those two sentences.  
2 MR. ANDREWS: I second it.  
3 MR. McCORKLE: Or is it not in order at this time?  
4 MR. PHILLIPS: I just want to -- at the end we would like  
5 to go through each one of these in order.  
6 MR. McCORKLE: I withdraw. Thank you.  
7 MR. PHILLIPS: Does anyone else now have comments on what  
8 they've seen in the restoration plan that concerns you? Yes?  
9 MS. BENTON: I have a question on the very last  
10 Appendix C, on the -- C-1, the second to the last page. The areas  
11 that are listed as recommended by the public for purchase or  
12 protection. My question is whether or not it would be beneficial  
13 -- I recognize some of these areas as areas that the landowner or  
14 timber owner have specifically stated are not for sale, that before  
15 this goes out for public review, that those be noted or removed.  
16 That would be, I guess, my question then.  
17 MR. LOEFFLER: My only hesitation in that is that I've  
18 seen that for a lot of these -- I don't know if they're -- if they  
19 are for sale or not, and I would not want to convey that we've done  
20 that in a comprehensive way. So, if I knew -- I'm hesitant to do  
21 something and not do it comprehensively.  
22 MS. BENTON: Okay.  
23 MR. LOEFFLER: So, what I certainly -- adding that some  
24 of these may not be for sale, that kind of sentence, seems like we  
25 ought to.  
26 MS. BENTON: Because my problem is, it's a perception

1 problem, and this has gone way back, I'll use Montague Island as a  
2 specific example, that was brought up that it isn't for sale, and  
3 if it keeps being listed and going out for public review, then the  
4 perception is that, boy, that area is an important area, and that's  
5 still out there, is troublesome in my mind.

6 MR. LOEFFLER: I think that the way to accomplish your  
7 suggestion is that maybe if you would just suggest adding  
8 language --

9 MS. BENTON: Okay.

10 MR. LOEFFLER: -- noting that some of these areas are not  
11 for sale.

12 MS. BENTON: Thanks.

13 MR. PHILLIPS: Vern?

14 MR. McCORKLE: One more -- I'll defer to Pam. I've  
15 already had a chance.

16 MS. BRODIE: Go ahead.

17 MR. McCORKLE: Okay. It's on page 25, under the title of  
18 Public Information and Administration, and the last sentence reads,  
19 "The Public Information and Administration category includes these  
20 and other day-to-day public information functions such as  
21 responding to public inquiries." Well, that's good and proper, but  
22 I'd like to make sure that we call attention also to the public  
23 input part of public information, and I'd like to, when the time is  
24 right, to add that we insert at the end of that, "and seeking local  
25 opinion and advice," so that, as an example of the kinds of public  
26 information that we seek, it's not just responding to public



1 inquiries, it's also seeking local opinion and advice. We talked  
2 about that a lot yesterday and a lot in July. We don't want to  
3 rule out the possibility that we should be finding the proper  
4 mechanisms to get local input, and as a footnote to that, which I  
5 won't make part of the motion, but public process must also include  
6 monitoring, and if it's staff and bureaucrats are the only ones who  
7 have access to what information is received, then I think that the  
8 public process is really shunt to the side. So, we need to include  
9 that as an example so that we be sure that it gets done.

10 MR. PHILLIPS: Would you prepare the language then?

11 MR. McCORKLE: Yes, I'll prepare.

12 MR. PHILLIPS: Thanks. Pam, you're next.

13 MS. BRODIE: Two things: one, page 14, under number 5,  
14 the middle of the paragraph that -- the first paragraph. It says,  
15 "It could directly restore a resource, provide an alternative  
16 resource, or restore access or people's use of the resource." And  
17 I wonder about that restoring access, in what cases did the oil  
18 spill damage access, that it would be necessary --

19 MR. LOEFFLER: For example, that people -- there are  
20 places that people no longer go because they're oiled, that has  
21 affected the way people use an area, and providing new access --  
22 providing access to replacement areas, whether that is purchasing  
23 habitat, purchasing easements to let people get to streams that  
24 they'd fish, that they didn't fish before because they couldn't get  
25 there, or whether it's public use cabins or mooring buoys, they  
26 provide alternative places that people go because places were --

1 they don't go.

2 MS. BRODIE: I see, so you need access to a new place  
3 to go, you don't need restoring access.

4 MR. LOEFFLER: The only place that I --

5 MS. BRODIE: Because access wasn't damaged.

6 MR. LOEFFLER: No, access wasn't usually damaged. I  
7 mean, there are minor exceptions being the Green Island Cabin, or  
8 possibly Flemming Strip, but those are relatively minor.

9 MR. PHILLIPS: Would the road to Whittier be in this  
10 category?

11 MR. LOEFFLER: No.

12 (Laughter)

13 MS. BRODIE: I have --

14 MR. LOEFFLER: I'm sorry. I didn't mean to be --

15 MR. PHILLIPS: I've heard this before.

16 (Laughter)

17 MR. LOEFFLER: I didn't want to answer all the questions  
18 about it.

19 MR. PHILLIPS: You said access. I couldn't think of a  
20 better access.

21 MS. BRODIE: I can't find the page now, I'm sorry, but  
22 -- oh, here it is, page 6.

23 MR. LOEFFLER: (Inaudible).

24 MS. BRODIE: Excuse me. Go ahead.

25 MR. LOEFFLER: No, I was going to say, if you said the  
26 sentence, I'll find the page.

1 MS. BRODIE: Page 6, there are references to the  
2 reimbursements to state and federal government, past reimbursements  
3 amounting to a hundred thirty-nine point one million dollars,  
4 future commitments between forty to seventy million dollars. I  
5 have never seen any information released to the public about how  
6 this money was spent.

7 MR. McCORKLE: And we don't want to, Pam.

8 (Laughter)

9 MR. LOEFFLER: There was -- Pam, there was some, a little  
10 bit released in the supplement to the restoration plan, that  
11 document that didn't get much exposure, that was released in July,  
12 it did have -- it did break down those categories for the state  
13 expenditures and the damage assessment litigation and another  
14 category that escapes me at the moment, but that's as far as it  
15 went. I don't think that necessarily meets the detail that you're  
16 asking for.

17 MS. BRODIE: Okay. I'd like to take a look at that  
18 today if -- but -- and just flag this for future discussion. This  
19 is an area that I think the public needs more information.

20 MR. PHILLIPS: Would you, again (inaudible).

21 MS. BRODIE: Yes.

22 MR. LOEFFLER: There was only one copy of that other  
23 document. That's probably why you didn't see it.

24 MR. PHILLIPS: Is there any further comment or concerns  
25 on the restoration plan? Yes, Chuck?

26 MR. TOTEMOFF: Mr. Chairman, some clarification on page

1 24, Other Monitoring and Research Policies, the third one down, the  
2 last sentence. Can one of you guys tell me what that means? What  
3 does it mean to seek local advice and integrate it into the annual  
4 and long-term decisions?

5 MR. LOEFFLER: I think it means that you can't decide  
6 what to do for monitoring and research without the help and  
7 knowledge of the people who live in the area.

8 MR. McMULLEN: I mean, how can that mechanically take  
9 place?

10 MR. LOEFFLER: I can think of a variety of ways to  
11 mechanically take place. For example, what you were discussing  
12 earlier with the recommendations by the endowment subgroup, with  
13 regional groups, will be fully consistent with this, but I can  
14 imagine a variety of other ways as well, and I think it's -- I  
15 mean, I don't think it specifies a particular method.

16 MR. McCORKLE: I'd like to -- I'm glad that clause is  
17 there, however, because it does support what Mr. Totemoff has been  
18 lobbying for for these six months and more, and it's also why I  
19 would like to have it re-included. On the very next page it talks  
20 about public administration.

21 MR. PHILLIPS: Page what?

22 MR. LOEFFLER: Twenty-five.

23 MR. McCORKLE: It's on page 25, which is just the very  
24 next one where Chuck was talking about. That's the one I'll, you  
25 know, make a motion on later on to reinsert that.

26 MR. PHILLIPS: Yes.

1 MS. BENTON: I have a question back on habitat  
2 protection and acquisition on pages 20 and 21, the very last  
3 paragraph where it says that "The Trustee Council may conduct  
4 studies to determine if changes to public land and water management  
5 would help restore injured resources and services. If appropriate,  
6 changes will be recommended to state and federal management  
7 agencies. Recommendations for special designations, such as parks,  
8 critical habitats, or recreation areas, may be made to the Alaska  
9 legislature or the U.S. Congress." I just wanted to make sure I  
10 was reading that paragraph correctly, and the way that I am  
11 interpreting it is that Trustee Council funds may be used to drive  
12 federal management policies on public lands.

13 MR. LOEFFLER: No, they may be used to make studies, but  
14 -- like, for example, what the Forest Service does is -- the Forest  
15 Service is constitutionally -- or it's statutorily a Forest Service  
16 decision. What's done on -- by the Division of Parks is  
17 statutorily delegated to the Division of Parks. We may provide  
18 some information and analysis that would be useful to them and can  
19 make recommendations, but the ultimate decision is made by whoever  
20 the statute says has to make it.

21 MR. PHILLIPS: Vern?

22 MR. McCORKLE: Mr. Chair, I was concerned about that  
23 phrase too. I didn't highlight it because I -- my concern is that  
24 it does give rather carte blanche to the Trustees to do as they  
25 jolly well see fit in that area, but I think they have that power  
26 anyway. What made me not object to that is that there is the stop

1 gap measure here of the -- it will have to be -- whatever they  
2 approve will have to be adopted by the legislature and the  
3 congress, and there is a chance for the public process to have a  
4 last minute input there if they've felt that we've gone astray.

5 MR. PHILLIPS: Sandy?

6 MR. RABINOWITCH: I see this as simply being a  
7 statement that recognizes that the Trustee Council may want to look  
8 into what are perceived to be problems on any number of public  
9 lands, whether they're state or federal, not unlike, if I were rich  
10 enough, and I wanted to do a study on some state or federal lands,  
11 I could probably go do it, and then provide that study to the  
12 government and make my recommendation, and it would be up to the  
13 agency whether -- you know, whether they want to listen to me or  
14 not. In a way, the Trustee Council here wouldn't be any different.

15 MR. McCORKLE: I agree with that, but by calling it out  
16 and stating it, it does lend to an enabling feature.

17 MR. PHILLIPS: (Inaudible)

18 MS. BENTON: Ultimately, would this be -- the study  
19 that you're talking about, be limited to lands that are within the  
20 spill-affected area, or that lands that deal with affected species  
21 or services, or is this like forever in Alaska, or what?

22 MR. LOEFFLER: Well, yeah, I was just saying -- I would  
23 think that these studies specific to land would go through the  
24 policy we discussed before, but I can't really imagine outside the  
25 spill area.

26 MR. RABINOWITCH: I was going to say, this to me has

1 always met within that prescribed line on the map that  
2 (indiscernible).

3 MR. PHILLIPS: Wasn't the wording on the -- the first  
4 sentence on page 21 where it says, "would help restore injured  
5 resources and services" sort of indicate that it was designed for  
6 the spill area?

7 MS. BENTON: We can do it later today when we deal with  
8 language.

9 MR. PHILLIPS: All right. Are there -- yes?

10 MS. MCBURNEY: I'm just curious, when the comprehensive  
11 habitat protection and acquisition process document is going to be  
12 ready and out?

13 MR. LOEFFLER: I think that it will be --

14 MS. MCBURNEY: On page 23 it says late November, and it's  
15 late November.

16 MR. LOEFFLER: I think it will be presented to the  
17 Trustees at that council -- at the November 30th meeting, and then  
18 it will be published soon after that.

19 MS. MCBURNEY: Now, is it the intent that the PAG will  
20 also comment on that as well?

21 MR. LOEFFLER: I have no idea.

22 UNIDENTIFIED VOICE: (Inaudible)

23 MR. LOEFFLER: I'm sorry. The question was whether the  
24 PAG will comment on the comprehensive habitat analysis.

25 MR. PHILLIPS: It's up to the PAG. If you bring up the  
26 subject, we can comment on it. James?

1           MR. KING:           On page 21, it states, "In order to make  
2 the best use of restoration funds, purchases will in most cases not  
3 exceed fair market value." I wonder if that doesn't open the door  
4 for every willing seller to say, in my case we need to exceed the  
5 fair market value. That's a question. Why would that be in there?

6           MR. LOEFFLER: I think it's just -- I'll go for it. You  
7 can correct me if I'm wrong. I believe that it's -- that we don't  
8 expect them to exceed fair market value, but it's certainly  
9 possible that if there was a very critical piece we could -- that  
10 is, if the public value was just beyond fair market value, it would  
11 be possible to exceed the fair market value. I don't expect it to  
12 happen.

13           UNIDENTIFIED VOICE:       There aren't any fair market  
14 values for it.

15           MR. PHILLIPS: Yes, Donna?

16           MS. FISCHER: Yeah, when -- I know that there were  
17 letters sent out, or you know, an information sheet or something to  
18 the different landowners within the Sound, the affected spill area.  
19 How many of those did you ever get back? I know there was some  
20 confusion, it wasn't written right, a lot of them didn't go out,  
21 and there was some confusion, and then it was redone. How many  
22 went out and how many came back?

23           MR. LOEFFLER: I don't know the answer, but we can find  
24 that for you.

25           MS. FISCHER: There was some controversy over that at  
26 our last meeting, about how that was handled.



1 MR. PHILLIPS: You're talking about the letters that  
2 requested whether the land --

3 MS. FISCHER: If they wanted to sell the land or not,  
4 you know.

5 MR. PHILLIPS: Which group was that, the habitat  
6 protection group?

7 MR. LOEFFLER: Yeah.

8 MR. PHILLIPS: Well, why don't we try to get an answer --

9 MS. FISCHER: I think it would be -- yeah.

10 MR. PHILLIPS: -- if we could (inaudible).

11 MR. LOEFFLER: Doug, do you want to take care of that, or

12 --

13 MR. MUTTER: (Inaudible)

14 MR. LOEFFLER: Okay, good.

15 MR. MUTTER: And the comprehensive habitat process,  
16 I'll follow up on that.

17 MR. PHILLIPS: Are there any further questions? Yes?

18 MR. McMULLEN: One statement on page 4 where it discusses  
19 the memorandum agreement, it says that "Restoration funds must be  
20 used '...for the purposes of restoring, replacing, enhancing, or  
21 acquiring the equivalent of **natural resources** injured as a result  
22 of the Oil Spill and the reduced or lost **services** provided by such  
23 resources...' I never understood exactly what that meant. I've  
24 tried to understand by following the actions of the Trustee  
25 Council, and I've had a very difficult time doing that. In putting  
26 this plan together, was there any instructions, or does this plan

1 in any way restrict the access -- access -- but do the Trustees  
2 have anything that they might want to do but -- but would this  
3 restrict them from doing anything? In other words, can they do  
4 exactly what they wish? This plan lays down, you know, the basis  
5 of what was trying to be done here, but how does this fit the  
6 Trustees as determining -- you know, helping them determine what  
7 they can and can't do?

8 MR. LOEFFLER: With respect to services, which I think is  
9 your question, there's been a variety of legal arguments about how  
10 you can do services and how you can restore services, and from, I  
11 guess the inside, that it's sort of often taken that the form of an  
12 almost Talmudic argument in detail and annoyance. I think that as  
13 close -- as much detail as we can provide on that is in policy 5 on  
14 page 14 and 15. And so if I'm -- Mr. McMullen, if I'm answering a  
15 question which is different than what you asked, please stop me,  
16 but I think that we tried to attack this question a little bit and  
17 where -- and we got some of the lawyers involved, and where they  
18 came down to was that in order to restore a service, recreation,  
19 tourism, commercial fishing, that the actions had to have some  
20 relationship to the resource, that is, you couldn't do -- if  
21 tourism was injured, as we know it was, we probably couldn't do a  
22 general marketing study. What we had to do had to have some  
23 relationship to the resources that support recreation and tourism  
24 that were injured. The second is, we should help the same user  
25 groups that were injured, and third, the separate policy be  
26 compatible with the character and public uses. So, by focusing on

1 restoring the resource, in part by focusing -- I'm sorry, restoring  
2 the service by restoring the resource is the primary way to do it,  
3 and I apologize if that has a slightly twisted logic to it. I just  
4 think it's the best we could do. It's the way the Clean Water Act  
5 reads.

6 DR. FRENCH: I'd like to follow up on that briefly. Is  
7 increasing the value of pink salmon resource, for example,  
8 contributing to restoration of the service, in other words,  
9 increasing the monetary value it would give the pink salmon?

10 MR. LOEFFLER: Yeah.

11 DR. FRENCH: So, in that sense --

12 MR. LOEFFLER: I can't imagine a debate about it.

13 DR. FRENCH: If it was public monies, why the million  
14 dollars the PWSAC was spending on increasing markets for pink  
15 salmon would be appropriate?

16 MR. LOEFFLER: It's on the edge.

17 MR. RABINOWITCH: On that one, where I would aim is  
18 back to the first bullet under number 5. That's the question to be  
19 answered, but your question there, is there a sufficient  
20 relationship, ultimately the answer will be made by the Trustee  
21 Council when they, you know (inaudible) is it, or is it not,  
22 sufficiently related?

23 MR. LOEFFLER: But that's where they'd have the debate.

24 DR. FRENCH: Yeah, but what I'm arguing is that  
25 potentially you could get tighter relationships to the service that  
26 were not directly tied to the recovery of the resource per se.

1 That's the point I'm trying --

2 MR. LOEFFLER: I think through the Clean Water Act, that  
3 part of the argument is that the Clean Water Act requires a  
4 relationship to the resource, and that the settlement is done  
5 pursuant to the Clean Water Act, the activities are done under the  
6 settlement must bear a relationship to the resource. That's how  
7 you restore the service. Now, the extent and the strength of that  
8 has not been determined by law and for -- by case law or by the  
9 Trustees, and I suspect they will feel their way through this  
10 process in the coming years. So, that's where we are.

11 MR. McMULLEN: Mr. Chairman, I just had a follow-up  
12 question (inaudible -- out of range of microphone). When I -- I  
13 haven't had much time to look through this, I marked it up at first  
14 and then went back and said these are just picky little things, you  
15 know, that I'm trying to look at the bigger picture of the routine  
16 and the plan here, but I have the sense -- looking through this, I  
17 had developed the opinion that the plan discussed what might be  
18 done rather than what we recommend to do or what we should do. Do  
19 you see this process of us looking at this, and the public looking  
20 at it, working to tighten up final language to more of a -- what  
21 would be nice to do to more -- do you see the Trustees moving in  
22 that direction, saying here's what we should do or would do in  
23 these situations?

24 MR. LOEFFLER: Okay, maybe we should both answer this,  
25 but I see this as more of a policy plan, and what we should do will  
26 be the flexible interpretation done in each work plan. So, I think

1 that -- I think that's probably the work plan process you're  
2 looking at, and I think what our view of what we should do would  
3 not surprise me if that changes some in response to the strength of  
4 pink salmon runs, what we learn about from the ecosystem analysis,  
5 and that year by year, what we should do, I suspect, may change.  
6 So, this is just more of a broader series of policies within the  
7 treatment.

8 MR. PHILLIPS: Sandy?

9 MR. RABINOWITCH: Yeah, I would agree. I think that if  
10 you spent a lot of time trying to really tighten this up, frankly,  
11 I think you'll find yourself back in all the arguments that -- some  
12 of which we've been through once or multiple times where, frankly,  
13 it becomes almost impossible to get everybody involved to agree on.  
14 There will become too many winners and losers early on here, and I  
15 think the opportunity to be flexible is what the Trustees are  
16 after, and to hear the arguments in a timely fashion and make their  
17 decision for a given year until formed.

18 MR. PHILLIPS: What information -- I just don't have it.  
19 For the information of the group, we've been waiting on the  
20 presentation of the Sea Life Center until Jim Ayers gets back. He  
21 specifically requested that he be here to hear it, and he's on a  
22 conference call with Washington right now, and as soon as he comes  
23 back then we will allocate the fifteen minute presentation. That's  
24 why it hasn't come up before. All right, anyone else? Now, Pam,  
25 you had a question or concern?

26 MS. BRODIE: Some people have asked whether certain

1 specific projects would be allowed under this plan, and the way  
2 that you gentlemen have interpreted it is that it's pretty liberal,  
3 it sounds like, in what is allowed, and I wondered if you might  
4 tell us some things that have this proposal that would not be  
5 allowed under this plan, and specifically whether the Seward --  
6 proposed Seward Sea Life Center, funding for that, if you believe  
7 that that would be allowed under this plan?

8 MR. LOEFFLER: I think that -- oh, I don't think that the  
9 plan prohibits the Seward Sea Life Center in any way. I think it  
10 has an important role in supporting the research and monitoring.  
11 Whether the Trustees would like to fund the Sea Life Center is a  
12 separate question, and it may be that they do or they don't, and I  
13 have no perception into that.

14 MR. PHILLIPS: (Inaudible)

15 MS. BRODIE: (Inaudible) The other part of my question  
16 was what, if anything, what sort of projects which have been  
17 proposed would not be allowed under the plan?

18 MR. LOEFFLER: I hesitate to answer that, and -- here --  
19 and I'll tell you why, and that's that I think the different  
20 Trustees have somewhat different ideas about how far you can go,  
21 and I'm not sure that where that line is has received trustee  
22 consensus, and I think that they will work through that. So, I  
23 hesitate to try to define because I would be speaking for people  
24 that haven't yet done that. I could probably give one or two  
25 examples, but they're sort of far afield, and the best would be for  
26 out-of-spill-area restoration, for example, people have recommended

1 reducing predators on islands far out in the Aleutians where the  
2 birds don't migrate to the spill area. That would clearly be not  
3 allowed. People have suggested occasionally some sort of general  
4 public education campaigns that are kind of unrelated to  
5 restoration. That might not be allowed. But that's as far as I  
6 know.

7 MR. RABINOWITCH: But the same, the same bird project  
8 that Bob mentioned, if those birds did migrate into the Sound and  
9 were known to be injured, then you might get that project.

10 MR. LOEFFLER: Yeah.

11 MR. RABINOWITCH: So, that's why there's a lot of  
12 careful looking at the proposals.

13 MS. BRODIE: So, the plan doesn't say what the Trustees  
14 will do, and it says very little about what they won't do. Is that  
15 an accurate statement?

16 MR. LOEFFLER: It provides a set of policies and  
17 guidelines. It provides a set of directions, but it doesn't  
18 provide hard boundaries.

19 MR. PHILLIPS: Donna, and then Vern.

20 MS. FISCHER: No, that's all right.

21 MR. PHILLIPS: All right. Vern?

22 MR. McCORKLE: In regard to the bird study we just heard  
23 you speak of, I couldn't see, by reading the language in this  
24 policy book, that we could study those birds outside the spill area  
25 if it had a direct relationship to a species that was affected  
26 inside the spill area and it was necessary to create some control

1 mechanism.

2 MR. LOEFFLER: Sure. That's right.

3 MR. McCORKLE: And I certainly agree with Pamela's  
4 statement that this document -- it gives the Trustees the ability  
5 to do -- to execute their office as they see fit.

6 MR. PHILLIPS: Are there any further concerns about any  
7 portion of the proposed plan? I would hope that after lunch  
8 sometime, before we conclude this, that those who have expressed a  
9 concern over certain language would try to put it in words so that  
10 we can handle them one thing at a time and make our recommendations  
11 to the Trustees. Doug?

12 MR. MUTTER: I had a question of Bob and Sandy. Are  
13 there any particular pieces of this plan that you think are more  
14 important for us to deal with before the meeting on the 30th, like  
15 policies, or is there anything in particular?

16 MR. LOEFFLER: My comment would be that I'm sure there's  
17 very much, in number one, there's a first chapter and introduction.  
18 It's largely -- we're trying to sort of set the stage for the plan  
19 and the background. So, if you'll agree that that's what it does,  
20 you might not spend too much time on that, but Chapters 2, 3 and 4  
21 is sort of what is needed.

22 MR. PHILLIPS: Are there any further questions or  
23 discussion on this? If not, I'd like to call a five minute recess  
24 and hope that Mr. Ayers will be back by that time, and we'd like to  
25 have them make their presentation before the lunchtime, and they've  
26 asked for fifteen minutes so we still have time. Yes?



1 MR. LOEFFLER: I was just going to say that I appreciate  
2 the opportunity to make our presentation, and we look forward to  
3 receiving any suggestions that you have. So -- and I will be -- we  
4 will be in the background for this afternoon's discussion.

5 MR. PHILLIPS: We appreciate that. All right. Yes,  
6 Vern?

7 MR. McCORKLE: Mr. Chairman, maybe a message could be  
8 communicated to Mr. Ayers that the entire Public Advisory Group  
9 awaits him?

10 MR. PHILLIPS: Okay. All right, he's going to -- let's  
11 get this thing underway no later than a quarter to twelve so we can  
12 get out of here for your lunch plans. So we'll be in recess until  
13 then.

14 (Off record at 11:37 a.m.)

15 (On record at 11:44 a.m.)

16 MR. PHILLIPS: We'll try to get everybody out of here for  
17 lunchtime as we can, so if could -- everybody come back. (Pause)  
18 Before we start, you all have a handout laid on your desk. Mr.  
19 Ayers is back, so we're going to start in a moment here. I'd like  
20 to ask, though, before we go for lunch, if those persons who have  
21 any suggestions at all in this draft plan, on language changes, try  
22 to do them over the lunchtime if you can. We'll get them  
23 reprinted, and then we'll just quick throw them one after the  
24 other, handle each one individually, and try to resolve all of  
25 those after lunch in our session for continued consideration. So,  
26 at this time, if we could listen to the presentation of the Alaska

1 Sea Life Center. Mr. Schaefermeyer, if you would introduce your  
2 people, please, and then we'll go from there.

3 MR. SCHAEFERMEYER: Thank you, Mr. Chairman. I  
4 appreciate this opportunity that's been afforded for us to spend a  
5 few minutes today to present some information on the Alaska Sea  
6 Life Center. My name is Darryl Schaefermeyer. I'm the project  
7 administrator. I'm employed by the Seward Association for the  
8 Advancement of Marine Science, which is the organization that is  
9 developing the facility. I am also a member of the board of  
10 directors of the Seward Association for the Advancement of Marine  
11 Science. We appreciate the brevity of time today, that we would  
12 like to break for lunch, so I will just simply introduce the two  
13 individuals that are with us today that are part of our scientific  
14 advisory group. The first is Dr. Mike Castellini. He's an  
15 associate professor of the School of Fisheries and Ocean Sciences  
16 at the University of Alaska Fairbanks. He will spend about half  
17 the time addressing part of the information that we have to  
18 provide. Also with us today is Dr. Joyce Murphy, who is a doctor  
19 of veterinary medicine and has a veterinary clinic here in  
20 Anchorage and holds one of the few permits for holding and  
21 retaining and rehabilitating stranded and distressed marine mammals  
22 in Alaska. With further ado then, without further ado, I will turn  
23 the microphone over to Dr. Castellini, and he will provide his  
24 comments today.

25 DR. CASTELLINI: Here we go, can you hear me on that  
26 one?

1 MR. PHILLIPS: (Inaudible)

2 DR. CASTELLINI: As I was introduced, my name is Dr.  
3 Castellini. I work at the University of Alaska in Fairbanks. I'm  
4 a specialist in the field of marine mammals and I've been working  
5 with those species for, coming up about twenty years now, on a  
6 whole variety of different issues usually involving an adaptation  
7 to the environment and environmental stresses that the animals go  
8 through, whether that be periods of food problems or dealing with  
9 extreme cold or whatever. In 1976, for example, I was involved in  
10 a theoretical study at the Scrips Institute of Oceanography on what  
11 happen if sea otters ever got involved in an oil spill, and we  
12 worked on heat flow problems through the pelt and things along  
13 those lines. So, it's sort of a long-standing history of working  
14 with marine mammals. And what I wanted to do today on these four  
15 major points as I talk about the Sea Life Center here for just a  
16 few moments is sort of answer some of the questions that  
17 continually come up about the proposed center and the role the  
18 scientists would have in that center, and then deal with how that,  
19 in our opinion, is relevant to the issues we're discussing here  
20 today. The first one and -- of importance that I want to talk  
21 about is whether or not there are other facilities such as this in  
22 North America. I have worked at every marine mammal facility in  
23 North America, and I know all those people quite well. There is no  
24 other facility proposed or existing that would do this kind of  
25 work. There are theme parks that have animals that we can  
26 occasionally work with. There are rehabilitation centers that we

1 occasionally work with. There are scientific centers that we  
2 occasionally work, but there are none that combine all three of  
3 those together. I can discuss that with any of you and separately  
4 if you want to talk about individual circumstances, but it just  
5 simply doesn't exist with the types of facilities that these  
6 proposed -- the type of support and the ability to work with all of  
7 the species that we have around in this particular region of  
8 Alaskan waters. And that deals also with the location, the quality  
9 and the quantity of water that's available to us at that particular  
10 site, and the ability to put the facility there is quite good also.

11 For instance, in California, one of the locations we've worked at,  
12 all the water had to go through masses of sand filtering first in  
13 an effort to even make it habitable for the animals that have to be  
14 in captivity, something that we don't have to go through at this  
15 location. And the depth of the program, the sensitivity of it, and  
16 the magnitude of it, there's just simply no other place like this.  
17 Secondly, and it's also brought up over and over and over again  
18 that we are proposing to build a whale jail, somewhere where we can  
19 just keep animals for show, and Shamu goes to college, or Shamu  
20 goes to Barrow or something. It's not going to happen. There are  
21 no whale shows planned. The only whales that will ever be there,  
22 if any are caught accidentally, in terms of a stranding or something  
23 along those lines, we have the ability to hold small cetaceans,  
24 perhaps up to six or seven feet long, no large animals. It is not  
25 something where people can come and watch sea lions balance balls  
26 on their nose. It's not going to happen. It's a research,

1 rehabilitation, education program, a heavy commitment from the  
2 University in terms of potential faculty, graduate students, I  
3 would probably move about half my lab that's now in Fairbanks down  
4 there to be there full-time. And an important point to realize  
5 about this is people want to know, well, then, why have sort of a  
6 public end to it at all. If you've seen the economic profile of  
7 this, the public end of it helps to support the research end of it  
8 in terms of providing the day-to-day costs of keeping this  
9 operation going, and that also is unique at other facilities from  
10 around the country. That combination of events is quite rare.  
11 It's scientifically sound. It's already been recommended by the  
12 scientific council, with Dr. Spies, and supported by marine  
13 scientists worldwide. I was at the international marine mammal  
14 meetings just a few days ago in Galveston, Texas, people  
15 everywhere, from Australia to the British Antarctic survey.  
16 Everybody's ready for this thing to be built. They're lined up  
17 waiting to come here and work. We just have to put it in the  
18 ground and get it going. People want to do a lot of work here, and  
19 this will provide them the opportunity to work with cold water  
20 species in the north that we just can't do anywhere else. And  
21 lastly, just for the last minute, then, the idea that it's critical  
22 to the restoration and education of the issues we're discussing  
23 here today. This is obviously, clearly, a massively marine-  
24 oriented program. We're looking here -- I mean, you were all here  
25 four or five years ago when this event was occurring, and  
26 everything you saw on TV had so much of a marine component to it,

1 and the public opinion and where the issues we're concerned with,  
2 this one clearly focuses on this marine, whether from the  
3 intertidal range out to animals that are clearly moving through the  
4 marine environment, and provides us the basis for future  
5 operations. If, and/or when more activity like this occurs, and we  
6 have to work with animals in terms of a rehabilitation effort, and  
7 this is sort of a set-up for Dr. Murphy to continue at this point,  
8 we have facilities up and running and ready to go. The people that  
9 ran the facilities here, Dr. Davis and Dr. Williams, I've known  
10 them and worked with them for years, and believe me, they lost a  
11 lot of hair and gained some gray hair on that in trying to set it  
12 up from scratch, and the opportunity to have this up and ready to  
13 go is critical to it. And I think it's also important to consider  
14 that it provides the public evidence of a commitment to the marine  
15 species problem, that we know if there's going to be another oil  
16 spill, or in terms of restoring any of the problems that existed  
17 with this one, that there's still a lot of public attitude and  
18 comments on both sides of the fence out there on whether or not we  
19 should have done anything with the sea otters or not. But it's  
20 clearly not going to go away. It's not an issue that's going to go  
21 away by itself, and by putting this facility together, and by  
22 linking it with the University and the academic end, from that  
23 point of view for the research, on a worldwide basis on the  
24 research from that end, will lend credence to the idea that the  
25 state is committed to the idea of working with marine species under  
26 any further, sort of practical conditions that might come up. So,

1 just those few minutes that I had to give you that presentation, I  
2 guess you can -- I can sum it up by saying that from the academic  
3 point of view, we're very much interested in this. The research  
4 capabilities of this would be unparalleled, a world-class level in  
5 the types of facilities that we've been designing right from ground  
6 level and the types of tanks, the types of labs, the types of  
7 facilities that we've been designing right from ground level, and  
8 the types of tanks, the types of labs, the types of facilities that  
9 we have to work at the research end of it to provide the public  
10 education, to provide the link to the scientific ends of it, and  
11 also to work and collaborate with the rehabilitation effort should  
12 any future problems come along those lines, and just on the day-to-  
13 day basis of animals that are stranded on a routine basis. So, I'm  
14 going to turn it over to Dr. Murphy now, at this point.

15 MR. PHILLIPS: (Inaudible)

16 DR. MURPHY: Thank you very much, for allowing us to  
17 speak to you. I can echo one hundred per cent everything that Dr.  
18 Castellini just told you and completely support what he says. From  
19 the scientific standpoint, there absolutely is no other facility  
20 like this. This is not -- if he and I have anything to say about  
21 this, and we do, since we are the ones, I think, controlling the  
22 marine portion of it, this will not be a theme park. I can echo  
23 that one hundred per cent. My role specifically has been as  
24 rehabilitation. There are no other facilities in our state like  
25 this at all, that don't even come close. I do hold the permit to  
26 do the rehabilitation for the pinnipeds as well as for walrus, and

1 some for otters. We have a lot of volunteers that, during the oil  
2 spill, for lack of nothing else that they could do, came together  
3 on their own effort and did a creditable job under the  
4 circumstances, but it was finally the professionals that got  
5 together and were able to pull two of the facilities together, the  
6 one in Valdez and the one in Seward. Had we had a facility with a  
7 trained team and a program already set up in place with  
8 professionals that knew what they were doing and could get the job  
9 done, we would have been much more efficient in getting more of the  
10 marine mammals and more of the recovery back. You would have  
11 gotten a bigger bang for your buck. In my facility, we did all the  
12 pinnipeds. We did it on our time, our own money, our own volunteer  
13 effort, and we were very successful. The twenty-seven animals that  
14 were sent to us, we recovered every one of them, and they were  
15 rehabilitated and released. My focus for this facility is pretty  
16 simple. Following the Marine Mammal Act and the Stranding Act,  
17 there have been two conventions that have been held with that. The  
18 first one is in 1977, and the latest one was in 1988. There is a  
19 federal law with National Marine Fisheries Service that all  
20 strandings of marine mammals will be dealt with. They will try to  
21 be helped and rehabilitated and released to the best of the  
22 ability. So, there is a federal law on the books that says this  
23 must be done, so when you hear someone say, well, we're not going  
24 to rehabilitate or work with pinnipeds, or any of these other types  
25 of marine mammals, there are federal regulations on the books that  
26 do require that that be done, and a stranding is classified as



1 anything that takes them out of their normal environmental window.  
2 So, that can be anything such as a stranding on a beach or a man-  
3 made disaster such as an oil spill. We know that it's not question  
4 of if there will be an oil spill, it's when. We've had numerous  
5 oil spills since the biggie. We know that it's going to continue.  
6 I get called routinely in my practice about giving some help to a  
7 stranded marine mammal of some sort. Some we can do, some we  
8 can't. Some we know we can help, some we know we can't because we  
9 don't have a proper facility for it. I can tell you that there are  
10 rehabilitators around the world, the National Association of  
11 Aquatic Marine Mammals convention was just held this summer down by  
12 Vancouver, and I must have had three hundred people come up to me  
13 and ask when the facility would be open, they wanted to be able to  
14 participate with research and education, and the ability to share  
15 resources so that we could all work better. These marine mammals  
16 are extremely important to our environment, and I think we must do  
17 a better job of working with them. You might ask, well, who cares,  
18 so what if a seal dies, you know, big deal, there's a thousand more  
19 out there. Well, the way I fell about that is (a), number one,  
20 most of these marine mammals are stranded or injured, not from a  
21 natural disaster, but from some manmade cause. So, I therefore  
22 feel we do have an ethical reason to respond to this. Number two,  
23 because the majority of our earth is made up of water, these  
24 animals provide an important part to our ecosystem and we must take  
25 care of them, and particularly in our state, they provide a great  
26 deal to our environment, to our livelihood, to our subsistence, and

1 to our ability to maintain the kind of environment and ecosystem up  
2 here that we want. This is a first-class facility. The reason  
3 that it should be put in Seward is because I -- from my own  
4 perspective, I've been trying to get this off the ground for, like,  
5 fifteen years, some sort of rehabilitation facility. I have looked  
6 at every site. The first thing you want for rehabilitation is  
7 clean, accessible water and a good food source. Seward is the  
8 place that has that. It makes the most sense. It can be done in  
9 the most economical manner. Besides that, a very important reason  
10 is because it is associated already with the University, the  
11 Institute of Marine Science. We do have the vessel there, the  
12 research vessel. It makes a whole deal of sense to put it there.  
13 But from rehabilitation standpoint, these animals will be replaced  
14 back into their natural environment as quickly as possible. There  
15 will be none held if they can be released. That will be an  
16 absolute priority, I think, for all of us working there. The  
17 research is important. I believe, though, that the public  
18 education is important because, just like I find now when I have an  
19 injured animal in my clinic, oftentimes I will have citizens and  
20 students come through and want to talk to me about it. The more  
21 that we can educate folks to the importance of these marine mammals  
22 and in taking care of their environment, we will prevent more of  
23 these kinds of injuries to our environment. And so, I believe the  
24 public education part of it is not only important for what Mike has  
25 talked about as far as maintaining the facility, but in order to  
26 educate people about how important they are to our environment.

1 MR. PHILLIPS: Are there any questions from the PAG  
2 members? Pam first, and then Donna.

3 MS. BRODIE: I have several questions, but I'd like to  
4 focus on some animal rehabilitation.

5 DR. MURPHY: Um-hmm.

6 MS. BRODIE: Dr. Murphy, I work with the Sierra Club,  
7 and during the oil spill I did volunteer in Valdez at both the bird  
8 and otter centers, and I then spent the summer coordinating  
9 volunteer efforts, and I will tell you that I am very disillusioned  
10 with animal rehabilitation, the effectiveness of it. Certainly, it  
11 is extremely popular. The public demands it. We were inundated by  
12 hundreds and hundreds of people who wanted to travel across the  
13 country, sometimes from other countries, to do it, but it is, for  
14 one thing, extremely expensive, that particular effort spent eighty  
15 thousand dollars per sea otter. It's estimated that half that --  
16 per sea otter released. It's estimated that at least half of the  
17 sea otters released died the first winter. There is a lot of  
18 scientific evidence that the ones who survived introduced disease  
19 back into the wild population, and the scientists that I've talked  
20 to who were involved in it are -- seem to think that it may well  
21 have done more harm than good. I have also heard that people, at  
22 least some of the people involved in it believe that mobile  
23 centers, if it's going to be done at all, mobile centers are a  
24 better way to go. In Alaska, where we have so much coastline,  
25 where an oil spill could happen anywhere, it might happen up on the  
26 North Slope, I mean off of the North Slope, in the Bering Sea or

1 the Chukchi Sea. So, that's all kind of a lecture rather than a  
2 question, but the question is, with the professional staff,  
3 wouldn't it be even more expensive, and can you say how it would be  
4 more effective, how it would avoid the problems we have, and how it  
5 compares with mobile units.

6 DR. MURPHY: First of all, I can answer your question  
7 and your concern in your lecture to me. I certainly don't disagree  
8 with anything you said, and I believe I brought that up just a few  
9 minutes ago. The reason that you spent \$80,000 trying to clean a  
10 sea otter was because we didn't start a formal process of bringing  
11 the professionals together for at least a month after the oil spill  
12 had occurred. Had you had a plan in place, with professionals  
13 already knowing what the contingency plan would have been, you  
14 could prevented a whole lot of that problem. The majority of those  
15 animals did not need to be brought in anywhere, but by that time  
16 you had so much public hype, you had to do something. But, number  
17 two, the professionals were around, but obviously there was so much  
18 mass confusion at that time, it wasn't until the professionals  
19 finally said we're just going to do something. But you could avoid  
20 a lot of that if you would have professional staff and a plan  
21 already made up. You're not going to be just paying professionals  
22 to be sitting around this institution waiting for a drunk sailor to  
23 hit a rock again. These professionals are already going to be on  
24 board, vis-à-vis, doing the research with the Institute of Marine  
25 Science, are already in the state working working on other  
26 projects. They will be involved in the marine institute by being

1 involved in other phases of Marine Mammal Institute research. They  
2 will have a plan, though, if the facility is there, so that you  
3 know that you have the core institute there with the trained  
4 professionals and volunteers that have already gone through an  
5 education program on what to do, it will not take you more than  
6 twenty-four hours to mobilize an emergency response plan. I agree  
7 with you very much on the mobile part. We do that all the time.  
8 That's called beach site visits. They are only fifty per cent  
9 successful, though, because if the wind is howling and it's minus  
10 thirty and the sleet's blowing in your face, and you're trying to  
11 draw blood out of a C-5 or L-5 area, believe me, it's not much fun.  
12 And so if you're trying to do much in the way of really true  
13 rehabilitation or research, that is not the way to do it. You can  
14 set up mobile spots when you have some sort of an oil spill, and  
15 like I said, we've had lots of oil spills that have occurred since  
16 the biggie, and I have been asked a lot, as I know Mike has, as I  
17 know other of the professionals have, Tom Williams gets called all  
18 the time on the sea otters. Yes, if we could have, again, the core  
19 central area, then we can go around to various parts of the state  
20 and provide the education and the training to have people mobilized  
21 in those areas. You certainly don't want to haul in a fur seal, if  
22 you can help it, from St. Paul or St. George to Seward unless  
23 there's a reason to do that. If we could have a facility and  
24 trained volunteers that we know can go there to take care of it,  
25 that's a much better way to do it. But you don't have any way to  
26 do that right now. And I think that we have an ethical

1 responsibility to do it. There's a federal law that says we shall  
2 do it, and I think we have research ability to learn something from  
3 it to help us manage our resources better.

4 MR. PHILLIPS: Donna?

5 MS. FISCHER: Okay, I have two questions. One of them,  
6 I'm concerned about, do you have to go through a long permitting  
7 process, and can some of these permits take years to obtain?

8 DR. CASTELLINI: Do you want to go?

9 DR. MURPHY: Please go, and then I'll answer.

10 DR. CASTELLINI: There are a variety of permits you  
11 have to be concerned with. I've lived with the Marine Mammal  
12 Protection Act now since its inception, and it is up under  
13 authorization right now, in fact, the meetings we were at in Texas  
14 last week, we dealt specifically with that. They provided -- they  
15 are providing the data now to show the average time it takes to get  
16 a permit to do an -- I'll speak exclusively of the research end of  
17 it, I've not filed a rehab permit before. Right now, it currently  
18 takes us eight months to get a permit from the time we turn it in  
19 and they turn it around in Washington, D.C., and get it back out.  
20 They are promising us six months at this point, but it's in that  
21 ballpark, let's put it that way.

22 MS. FISCHER: And the rehab permit?

23 DR. CASTELLINI: I can't speak to that.

24 DR. MURPHY: Rehab permits are much different. You  
25 have to, of course, be qualified. You have to show that you have  
26 experience, you have to go through a lot of hoops, but can -- you

1 can usually get those within sixty to ninety days max to obtain  
2 those. And as Dr. Castellini has said, they are just now in the  
3 process of reworking those, and in fact, when Congress comes back  
4 in January from their vacation, they'll be dealing with new  
5 versions from National Marine Fisheries for all of these permits,  
6 and they're going through a public testimony period right now as to  
7 how they intend to make them much more readable and much more  
8 accessible to those qualified individuals.

9 MS. FISCHER: Okay. My second question is: what about  
10 the federal and state regulation requirement that -- requiring  
11 SERVS to provide a rehabilitation center in Prince William Sound,  
12 not in the Seward area or, you know, over in that area, in Prince  
13 William Sound where the tankers are going out. They have to  
14 provide one and have the facility up and running by mid-1994, I  
15 believe, and they're running on a short time table.

16 DR. MURPHY: I can't address that. That has to come  
17 from your own Trustee Council, except to say that when a group of  
18 us have looked at whether or not to put it down there versus into  
19 somewhere like Whittier or Seward, the decision by the  
20 professionals who deal with this is that Seward is a much better  
21 location, again, because of water quality, accessibility, food  
22 source, the ability to get in and out of there. We learned a lot  
23 about that during the oil spill. The accessibility of Valdez is  
24 not always the best as far as transporting material or even working  
25 in the area. And so it was decided, I think, again, because of its  
26 location with, again, the University, its Institute of Marine

1 Science, you know, just a whole lot of infrastructure already  
2 there, that it makes a lot more sense to put it there. I don't  
3 think any of us disagree that it would be nice to be at something  
4 right in the middle of the natural aquarium, which is what I call  
5 Prince William Sound, that means essentially what it is. It would  
6 be nice if you had some facility right there in the middle of it  
7 all, but I have looked, and I think a lot of the other  
8 professionals have looked there, and it's just not going to make  
9 the best economic sense to do that.

10 MR. PHILLIPS: Not that I have Whittier in mind, but just

11 --

12 (Laughter)

13 DR. MURPHY: I would rather it to be Whittier. When I  
14 was looking at, and this is on my own, for the rehab facility, and  
15 talking with folks, Whittier was less than responsive to something  
16 like that over there, and again, I think, because it was isolated  
17 away from the University, that makes a big difference. You already  
18 have a real core base of research scientists and the infrastructure  
19 that's there, it really does add -- enhance a lot to what you're  
20 trying to accomplish with the research and rehabilitation.

21 MS. FISCHER: I have one more question.

22 MR. PHILLIPS: All right, Donna.

23 MS. FISCHER: You were working on this program long  
24 before the spill, in fact, several years prior to the spill.

25 DR. MURPHY: Um-hmm. That's right.

26 MS. FISCHER: So how -- and you're not basically in the



1 damaged area, so how can you justify funding out of the oil spill  
2 funds for this project?

3 DR. MURPHY: Well, I'll answer it and, hopefully, Dr.  
4 Castellini will have some answers to that also. Because we have  
5 seen a decline in the number of the species that I deal with on  
6 rehabilitation, and at least one of them, the harbor seal, is not  
7 coming back. We don't know whether it all has to do with the oil  
8 spill or not. We do know that the harbor seal was badly damaged  
9 and badly oiled during the oil spill. Even on those that we did  
10 the beach sites to, and visits, most of those pups were oil spilled  
11 and contaminated well into June when we finally lost track of them  
12 as they moved off the rookery. So, we know that there has been a  
13 lot of damage to those species. The same thing, of course, with  
14 the sea otters. And even though I have been doing a lot of work  
15 with rehabilitation prior to the oil spill, I have also done a lot  
16 of work with rehabilitation after the oil spill, associated with  
17 other oil spills around the state. And, again, I can only answer  
18 that and to say that I think that the money that has come out of  
19 this damage from the major oil spill affects a lot of the marine  
20 species that we are concerned about that are in decline. Whether  
21 it comes from the oil spill or not, this is an excellent  
22 opportunity for us to learn valid research about how we can best  
23 enhance our resources and protect these valuable marine creatures.

24 MR. PHILLIPS: Go ahead.

25 DR. CASTELLINI: I'll just give you one -- just one  
26 example from the research end of it. I noticed today in the draft

1 restoration plan, which is the first time I've seen it, that they  
2 were giving the example of the river otter problem, and they were  
3 talking about a variety of blood indices, for example, that  
4 indicated the animals have come under stress, and the one that they  
5 referred to there was a -- it's a stress protein, it's called  
6 haftaglobin (ph), and I know the people who have been working in  
7 that project quite closely, and since the time that paper was  
8 published, we've now started looking at that chemical in the  
9 stellar sea lions, which is probably going to be one of the next  
10 animals that will be listed as endangered, and we are now showing  
11 massively high levels of haftaglobin in the Gulf of Alaska stellar  
12 sea lions compared to, for instance, animals off the British  
13 Columbia coast, and there's a lot of genetics work that's going on  
14 there now too, trying to find out if these animals are the same  
15 group, if they move back and forth, a whole variety of things. So,  
16 from the research end of it, all I can say from that point of view  
17 is we know -- we have known for years, we have the theoretical  
18 basis for what's going to happen if and when a lot of these species  
19 could get in contact with oil. And we always came about it from  
20 the temperature point of view, like I said, you know, fifteen,  
21 twenty years ago, we were concerned about heat flow through the  
22 pelt. The massive tissue damage from inhaling the heavy organics  
23 caught us totally off guard on that one, and the animals that died  
24 from that (indiscernible) we did not anticipate that. If you want  
25 to look at it towards the future, or in terms of helping understand  
26 what's existing out there right now, I mean, it's the human

1 interaction and consequences that we're going to have to deal with  
2 from the research half of it all, so --

3 DR. MURPHY: We're finding the same things on the  
4 harbor seals and the sea lions that we're dealing with here coming  
5 -- a lot of the rookeries coming out of the Sound. The same  
6 chemical that Dr. Castellini is talking about, the haftaglobin, as  
7 well as some of the other things we're finding in the liver tissue  
8 that are predominantly coming from the environment. So --

9 MR. PHILLIPS: Dr. Murphy, don't feel too bad about not  
10 getting a response from Whittier. Try to build a road in there  
11 sometime and you'll understand it. (Laughter)

12 DR. MURPHY: It's not meant to be.

13 MR. PHILLIPS: I understand what you're talking about.  
14 I'd like to ask the group, it is now almost a quarter after twelve,  
15 our options are, we continue and finish this now and then take our  
16 lunch hour later, or take the lunch hour now and continue with this  
17 afterwards. I hate to cut anybody off. What is the consensus?

18 UNIDENTIFIED VOICE: Let's continue.

19 MR. PHILLIPS: Continue? Okay, then, Chuck, you're next,  
20 and then and then John and then Pam.

21 MR. TOTEMOFF: Mr. Chairman, I've got a couple of  
22 questions. I'm not sure if they're comments or statements or  
23 questions, but I'll go ahead. Several months ago at a PWSCORS  
24 meeting, Dr. Spies was on by teleconference, telling our group that  
25 the Sea Life Center was going to be of economic benefit to the City  
26 of Seward and the groups involved, and he based this on some of the

1 reasons why this fits as a restoration project, and we were kind of  
2 taken aback by that, and we didn't quite understand why he said  
3 that, or was basing the scientific opinion on that, but, anyway,  
4 that's what he said. The second thing was, I'm not exactly sure,  
5 maybe someone can clarify it for me, but this project is -- sounds  
6 to me like that we're preparing for another oil spill. Are the  
7 EVOS funds -- are we allowed to spend monies on those kinds of  
8 projects amelioration or prevention of future oil spills? It's  
9 just a question.

10 MR. SCHAEFERMEYER: I believe that one of the focuses of  
11 the settlement funds are to look to being better prepared in the  
12 future in dealing with resources that will be damaged and have been  
13 damaged as a result of the spill that occurred in 1989. Part of  
14 the need that is there is to have the science understand, one, how  
15 do we restore the animals that have been damaged and lost, in some  
16 cases, and being able, then, to utilize that information. It won't  
17 be lost knowledge, it will be knowledge that then will be available  
18 for the next spill, whether it will be a localized spill in a  
19 harbor or a massive spill such as that that occurred in Prince  
20 William Sound. We know that other spills will occur, and in order  
21 to be able to not only restore the spill that we've experienced, we  
22 need to be thinking in a proactive way about how we have the data  
23 base and the knowledge and the information that will allow us to  
24 respond to the spill. We were -- for example, Mr. Chairman, we  
25 were very fortunate in having a data base developed by the  
26 University of Alaska with respect to the currents in Prince William

1 Sound, to be able to predict where the oil would go. I can recall  
2 meeting with NOAA within the first three days of the spill, who  
3 assured the residents of Seward that we would get less than fifty  
4 barrels of oil in Resurrection Bay. They were flat wrong. Two  
5 days later, Dr. Royer came to Seward and said, you're going to get  
6 a lot of oil, and he was right. We got a lot of oil. We got oil  
7 on our beaches. We got them in the rookeries. We had to put up  
8 massive dikes to prevent our fishery resources from being affected.  
9 So, I think that that's the resource that needs to be looked at,  
10 future resources as well as the existing rehabilitation.

11 MR. PHILLIPS: John?

12 DR. FRENCH: Well, yeah, I'd like to address this to  
13 Darryl. I'm a little concerned about number 2 on Mike's  
14 presentation here. Could you tell the PAG when the Sea Life Center  
15 was originally envisioned, and whether the mission of the Sea Life  
16 Center has changed since it was originally envisioned, and a third  
17 part of that question, what the expected funding source of the Sea  
18 Life Center was when it was originally envisioned?

19 MR. SCHAEFERMEYER: The Alaska Sea Life Center was  
20 envisioned partly in response to what occurred in the spill,  
21 there's no question about that, but it was also a project that had  
22 been envisioned and discussed, in fact, for many years, with  
23 respect to the University of Alaska and their program to expand  
24 their laboratory facility and be able to do more research and a  
25 broader spectrum of the ecosystem. Clearly, the oil spill was a  
26 catalyst that drove home and emphasized, in our view, the need for

1 this type of facility. So that clearly provided some of the  
2 direction and impetus to go forward. I don't believe that the  
3 mission of the Sea Life Center has changed in the view of those of  
4 us who, I guess, could be considered the founders, and certainly  
5 Dr. Murphy and Dr. Castellini were in that group, of needing a  
6 facility that will provide a research and a rehabilitation platform  
7 that just simply does not exist. The public education component  
8 has always been a component of that as well. So, it really hasn't  
9 changed, John, in that respect.

10 DR. FRENCH: Well, what's been presented today, I  
11 think, is very well and good. I'm very pleased to see it. What  
12 troubles me, though, is that over three years ago I saw a  
13 presentation on the same entity that focused on the tourism and the  
14 marine mammal jail -- whale jail, if you want to put it that way,  
15 viewing areas of the center, and, you know, in that sense, if we're  
16 going to push to have oil spill dollars spent on the center, I hope  
17 we can see -- we probably can in the planning process somewhere,  
18 assurance that the bulk of the money is, indeed, going to be spent  
19 on those items that are specifically related to the consent decree  
20 and the restoration and monitoring necessary for the oil spill  
21 recovery.

22 MR. PHILLIPS: Yes, Vern?

23 MR. McCORKLE: Thank you.

24 MR. PHILLIPS: Unless they want to -- do you want to make  
25 a comment on that?

26 MR. SCHAEFERMEYER: No. I agree with Mr. French. I

1 think that we clearly are focusing, and our desires as the  
2 founders, the originators and developers of this facility, is that  
3 it be principally and foremost a research and rehabilitation  
4 facility. We recognize, though, the need of the economic  
5 component, and that is a mechanism to make it self-supporting and  
6 self-funded, at least in the operational sense, so that's where the  
7 public education component has come in, and we think that's a  
8 necessary attribute, to inform the public about these animals.

9 MR. PHILLIPS: It certainly is a unique attribute, that  
10 something can support itself. Vern?

11 MR. McCORKLE: Thanks, Mr. Chairman. I worry, when we  
12 start looking backward too much, as to how an entity or an  
13 organization began, because that doesn't allow us to change to meet  
14 the needs and times. Certainly, the spill money can be used only  
15 in certain ways. It cannot be used to build buildings except in  
16 certain examples that are called for here in the document, but what  
17 I'm hoping we can focus on, and there isn't time to do that today,  
18 but as we go forward, on the monitoring and research aspects of the  
19 project, that is something that we would need to look at because in  
20 keeping with the spirit of trying to do local research or work  
21 where there are people qualified and able to do that work, I think  
22 the center could qualify in that respect, and we would come out of  
23 this on the long run if we can support a local institution just as  
24 we are in Kodiak and other places, in doing some of these same  
25 kinds of things and the proposals for the University which we're  
26 hearing. So, I just want to call into focus our goal of supporting

1 local institutions and people where their assistance can fit into  
2 the requirements of the consent document.

3 MR. PHILLIPS: Are there any further questions of the  
4 doctors? Yes, Pam?

5 MS. BRODIE: I have two questions. First, I've seen  
6 some large, very appealing ads for the Sea Life Center in the  
7 Anchorage Daily News, and I'm wondering, it's my understanding that  
8 the center has received twelve and a half million dollars of public  
9 funds that came from the fifty million dollar criminal settlement,  
10 and you're now seeking, I think, forty-five million dollars of  
11 public funds from the Trustee Council . . .

12 MR. SCHAEFERMEYER: Maybe I can just correct that. We're  
13 seeking twenty-five million from oil spill settlement funds.

14 MS. BRODIE: Total?

15 MR. SCHAEFERMEYER: No, twelve and a half million from  
16 the criminal fine that was made available to the state, that's  
17 already been appropriated, and then twenty-five million from the  
18 Trustee Council. The remaining funds we propose to generate from  
19 private foundations and donations.

20 MS. BRODIE: Okay, thank you for correcting me. So,  
21 that would be a total of thirty-seven and a half million dollars.  
22 And I'd like to know what your public relations budget has been and  
23 whether that money is coming from this public money that you've --  
24 or how much of it is coming from the public money you've received.

25 MR. SCHAEFERMEYER: The fund raising efforts and the  
26 public relations efforts were envision -- were funded from a



1 separate grant made available to us. It was a legislative  
2 discretionary grant, it provided some discretionary funds from our  
3 area representatives in Juneau and the legislature that allowed us  
4 to provide for some of our fund raising and public education  
5 efforts. That is the source of the funding for our public  
6 relations effort.

7 MS. BRODIE: So, you're saying, it's public money but  
8 it was not part of the fifty million dollar criminal fine?

9 MR. SCHAEFERMEYER: It was not part of the criminal fine,  
10 no. It's direct -- other general fund proceeds that were  
11 appropriated for the purpose of this project.

12 MS. BRODIE: How much did the legislature appropriate?

13 MR. SCHAEFERMEYER: One hundred thousand.

14 MS. BRODIE: And my other question is about the  
15 economics of this facility. I've been to the center in Monterrey,  
16 California, which is a wonderful place, I really loved it there.  
17 I understand it was built completely with private funds. I don't  
18 know if it's self-supporting now. I know it gets a lot of -- a lot  
19 of people do come there, there were long lines, but California has  
20 more than thirty million people, almost all of whom live near the  
21 coast, and it has a lot of visitors, and I'm a little troubled to  
22 hear you talk about a facility which seems to be even more  
23 ambitious than any existing facilities in a place with a very tiny  
24 population, much smaller amount of people who could come to it. I  
25 have not read the study by the Alaska -- by AIEDA, the Alaska  
26 Industrial Economic Development Authority about this but I -- about

1 the Seward Sea Life Center, but I understand that their conclusion  
2 was that the center would be self-supporting only under the most  
3 optimistic projections of tourist visitorship. And I wonder what  
4 if things don't work out the way we would all hope so, what happens  
5 to the facility and the research?

6 MR. SCHAEFERMEYER: First, Pam, I think you  
7 mischaracterized the AIEDA report in saying that it utilized the  
8 most optimistic scenario. It did not. It evaluated several  
9 scenarios and concluded that the moderate scenario that our own  
10 economic and marketing study utilized as the probable case was  
11 valid and that with the forecast of visitor attraction and draw  
12 that this facility can, and we believe quite competently will  
13 acquire, will allow it to be more than self-sustaining and self-  
14 supporting. So I think you need to -- I think you need to look at  
15 the CFM, the AIEDA report because they did not use the highest,  
16 most optimistic scenario as the one that they suggested would have  
17 to be met in order for the facility to be self-supporting.

18 DR. MURPHY: Let me, if I may, answer your first part.  
19 The facility, of course, was built with Packard money totally and  
20 so it had the luxury of that wonderful rich family, but Julie  
21 Packard who is a friend of mine and I communicate with her fairly  
22 regularly, they are now very self-sustaining and, in fact, have far  
23 outgrown that facility and did within their first year for two  
24 reasons. Number one, the -- not only the number of tourists that  
25 come through there but their education program, but the schools  
26 just in their own immediate area. They are totally overwhelmed

1 with the visitors that are there, but the scientists are anxious to  
2 come in there because they also have a very unique situation there.  
3 They have a grand canyon right outside in their bay that their  
4 underwater roving vehicles are in much demand and so they have a  
5 lot of scientists who are signed up on board to try and get there  
6 to work with that facility and so they're much like what we would  
7 have here in the Northern Pacific waters and in our Arctic waters.  
8 We have scientists that want to come here to study certain things.  
9 That's the same thing they have down there. So they have a lot of  
10 research money coming in; they have a lot of grant money coming in;  
11 they have a lot of private money coming in and they would tell you  
12 right now that if they could expand that, they would have built it  
13 in a different place and they now are expanding out. Most of their  
14 scientists are totally in a different facility. They take their  
15 underwater roving vehicles from a totally different facility. And  
16 so there's much correlation between them and yes, they are in a  
17 much bigger area and yes, California gets a lot more tourists, but  
18 I think I will speak directly to at least the rehabilitation and  
19 part of the research and Dr. Castellini can speak to more also, the  
20 research funds. Again, because we know that there are valid  
21 scientific research efforts that want to be done in our waters, the  
22 Institute of Marine Science has a very good creditable background.  
23 It's not like they're a fly-by-night organization that just formed  
24 in 1992. They have been around a long time with great folks who  
25 have been on staff. Dr. Ellsner is probably a role model for  
26 hundreds of us research scientists and I can tell you that because

1 of the reputation that this Institute of Marine Science has, you  
2 will that same reputation with this marine mammal institute. And  
3 it's going to be well received by a lot of folks and I personally  
4 believe that within a year or two, we're going to be in the same  
5 boat that the marine mammal -- California Marine Mammal Institute  
6 is or Monterey is. They're too small and they're desperate to  
7 find new facilities for scientists that want to come in and work.

8 DR. CASTELLINI: Even with the facilities that do  
9 exist there at Monterey and at -- just on the other side of the bay  
10 there at the Long Marine Lab and then at the Moss Landing Marine  
11 Lab which is sort of at the head of the bay. I'll give you a  
12 perfect example of a situation we were recently faced with. One of  
13 the issues that's involved and maybe not necessarily directly  
14 related to the oil spill is the concept of the stellar sea lion  
15 becoming endangered and how much food do they eat and things along  
16 those lines. And one of the very basic questions you have is how  
17 much does one (indiscernible) move them around. There's been, you  
18 know, proposals of say take some down to California with them but  
19 you have to deal a lot with different water quality, different  
20 water temperatures. A whole lot of issues -- stress. A whole  
21 variety of things along those lines and the facilities -- like I  
22 said, I've been to a lot of different facilities all over the  
23 country. Each of them has their own sort of unique capabilities.  
24 Monterey is certainly excellent and it is a wonderful place for  
25 some of the work they do but -- and this facility that we're  
26 proposing would be a world class operation also.

1           MR. PHILLIPS: As chairman, I know I shouldn't be  
2     commenting on these things but the dynamics of the visitor is  
3     misunderstood tremendously in the state of Alaska in terms of  
4     impact and how many there are. Recently you read, if you read the  
5     Daily News, an article that indicated there were 183,000 people  
6     went to Seward this year that registered, seeing the Kenai Fjords  
7     National Park. That doesn't include the ones that didn't register.  
8     We know that there is one million -- close to one million visitors  
9     that come to Alaska in the summertime of which three quarters of  
10    them visit Southcentral Alaska. Then that doesn't even talk about  
11    the visiting friends and relatives that also are great tourists and  
12    so that the numbers to support something like this are much greater  
13    than the general public realizes. Yes, Jim, your...

14           MR. DIEHL: Yeah, I've heard everything about the  
15    research aspects and about the rehabilitation aspects but my  
16    question would just go how are you going to attract tourists to pay  
17    \$11.00 each to go into -- what kind of exhibits are you going to  
18    have if there's not a marine park with...

19           MR. PHILLIPS: They pay more than that to go to Whittier  
20    and there's nothing there.

21           MR. SCHAEFERMEYER: There will be a very impressive  
22    public display/education component to this facility that will -- it  
23    will be very attractive, very desirable, very sought after. It's  
24    being designed by probably the leading -- the world's leading  
25    designers of public aquarium displays, Cambridge Seven Associates.  
26    And I think probably the best thing that I could do is have you

1 either examine some photographs of some of the work that they have  
2 done, some of the other facilities. Or invite you, if you have an  
3 opportunity, to visit Tennessee or Boston or Baltimore or Osaka and  
4 view some of the facilities that they have done. They are very  
5 beautiful, have a great deal of attractiveness. They become  
6 destinations for people visiting those communities and this will be  
7 similarly so simply because the uniqueness of not only allowing the  
8 public to view some of the research and rehabilitation activities  
9 which oftentimes the public do not get to see, but also seeing  
10 animals that many, even if they take a cruise out of the Kenai  
11 Fjords, are only going to get to see from afar and many people  
12 simply can't afford to pay for those cruises. So it's going to  
13 reach a lot more people.

14 MR. DIEHL: So, you will have a fish aquarium?

15 MR. SCHAEFERMEYER: Yes.

16 MR. DIEHL: Fish exhibits and...

17 MR. SCHAEFERMEYER: Yes. Crabs and fish as well as the  
18 mammals.

19 DR. MURPHY: Which if you've been to the marine  
20 building down there now at the Institute of Marine Science, they  
21 have it in a much smaller, miniature scale already set up in the  
22 summer time.

23 MR. DIEHL: I have been down there.

24 DR. MURPHY: So, we're just talking about expanding  
25 that.

26 DR. CASTELLINI: I'll speak to that one, too. At the

1 Long Marine Laboratory there at U.C. Santa Cruz, we literally -- I  
2 worked there for about five years and there are -- what you would  
3 call public display is probably a poor term for it. I mean the  
4 place is built for research. And literally on certain days, you  
5 could almost not even get to the facilities to do your work because  
6 of tourists and the kids and the school buses and the people. And  
7 they're just looking at a round tank with animals swimming in it.  
8 I mean, you know, there's the chance to see somebody out there,  
9 weighing a seal pup or something, and they love it. So, I think if  
10 you combine that with something that's, you know, artfully done and  
11 then I think it's -- I think it will work.

12 MR. PHILLIPS: I'm going to ask that -- I'm going to call  
13 on Vern here for his comments but it is now twenty minutes to 1:00,  
14 and I think that we probably ought to take our break pretty quick.  
15 I'd like to thank the doctors and the group for coming to educate  
16 us and advise them that the committee voted this morning not to  
17 approve or disapprove any of the projects that we are being  
18 presented with until we're given the 1994 plan. We have nothing on  
19 which to base a judgment or to weigh anything so we are taking your  
20 presentation into consideration and will be dealt with at the time  
21 we deal with the 1994 plan and we have not received it yet, so  
22 Vern, whatever your...

23 MR. McCORKLE: Thank you. A point that I offer in great  
24 support of the project which I am is that we really have a problem  
25 here. And number one, there are a lot of folks here and around  
26 that really don't want to see very more tourists come to Alaska.

1 So when you talk to us, you may not want to focus too much on  
2 tourism. And second, we are prohibited from talking about anything  
3 except monitoring research and those kinds of things, so when we  
4 talk about facilities for tourism and bringing people to Seward and  
5 so forth to support this project which I think is a wonderful idea.  
6 I'm in favor of these kinds of things but in this context, we're  
7 really limited from that. So when you come back at Work Plan '94  
8 time, you might want to keep those points in mind because we can  
9 only comment on the scientific aspects of monitoring research and  
10 sometimes, restoration.

11 MR. PHILLIPS: Final comment from Jim Ayers and we're  
12 going to take a break.

13 MR. AYERS: Yeah, I think that it's clear -- well,  
14 it's clear that I'm a newcomer to the ball game here so let me not  
15 weigh in too early and get myself in trouble. On the other hand,  
16 I think that the comments are pretty clear. If you are talking  
17 about a marine science institute that is relevant to the ocean and  
18 marine science as it relates to restoration or in the future  
19 prevention or a better understanding of how we might deal with some  
20 of the marine animals, then that's something that is a viable  
21 consideration, I think, for the Trustees. If, on the other hand,  
22 you're describing a recreational visitor institute as the major  
23 focus and a by-product of that is an association with the  
24 university, I think you have a serious problem, and so I think you  
25 need to be very clear about what you have said to me which is  
26 you're talking about a marine sci -- as a matter of fact, I think



1 I'll ask the question. Are you talking about a marine science  
2 institute or not?

3 MR. SCHAEFERMEYER: Yes, very definitely. It will have  
4 a public education component, which we feel is not only applicable  
5 and appropriate, given the need to educate the public, but also it  
6 has an economic justification in that it will allow us to support  
7 the facility that will provide for the research and rehabilitation.  
8 The emphasis is, research and rehabilitation. That's the point.

9 MR. KING: That's it, and what's the goal of the  
10 Marine Science Institute?

11 MR. SCHAEFERMEYER: To foster a more complete  
12 understanding of our marine ecosystem, particularly as it relates  
13 to marine mammals and seabirds, as stated in our mission statement.  
14 I don't know if you have a -- one of our blue packets, Jim, but I  
15 will get you one.

16 UNIDENTIFIED VOICE: (Indiscernible)

17 MR. KING: I think we need to clarify that in your  
18 project description.

19 MR. PHILLIPS: At this time, I think we should break for  
20 lunch. I'd like to ask you all to be back by 2:00 o'clock. That  
21 will give us an hour and twenty minutes.

22 (Off record at 12:40 p.m.)

23 (On record at 2:02 p.m.)

24 MR. PHILLIPS: I've asked Sandy or Bob to come up and sit  
25 at the table, in case we've got further questions and need  
26 interpretations or anything else, so . . . Have we got sound in

1 this thing? All right. Okay. I think the best way to proceed  
2 here is to ask those of you who have word changes or additions,  
3 corrections or anything, to -- we'll take them one at a time and  
4 then vote on them, and these will be -- those ones that come up  
5 will be transmitted to the Trustees in their meeting on the 30th.  
6 So, I see Vern McCorkle has -- I know he has some changes. If you  
7 would -- if all of you would just say the page, the paragraph  
8 number, and possibly the line, so that we can quickly zero in on  
9 it, it will be very helpful. Do you want to start, Vern, with  
10 yours?

11 MR. McCORKLE: Sure. I'm looking at page 16, which is  
12 item 9, "Government agencies will be funded only for restoration  
13 work that they do not normally conduct," and I'm moving that the  
14 last two complete sentences be deleted.

15 MR. PHILLIPS: Starting with -- ?

16 MR. McCORKLE: Starting with the words, "An agency may be  
17 funded to accomplish a restoration task if the work is beyond that  
18 usually conducted by the agency," and then the sentence which  
19 follows that. I'd be glad to address that more particularly before  
20 we vote.

21 MR. PHILLIPS: Are there any questions from the group on  
22 that amendment, or comments?

23 MR. ANDREWS: I'll second it.

24 MR. PHILLIPS: All right, yeah. The motion is seconded,  
25 thank you.

26 MR. McCORKLE: Mr. Chairman, by removing those two

1 sentences, it does not take away from the Trustees, their ability  
2 to assign topics or activities beyond the legislative intent of  
3 agencies, but what it does is, it requires that that have a public  
4 process, so that if there is agreement that "X" department should  
5 do more than its legislative intent allows, that that at least is  
6 open to public process.

7 MR. PHILLIPS: May I inquire at this time, as a matter of  
8 procedure and for clarification to the Trustees, Doug, can you put  
9 words of explanation on these things if they require it, or should  
10 you want the author to write out a treatise on why -- just taking  
11 it out of there, the first question they're going to ask is why,  
12 and I think we have to tell them.

13 MR. MUTTER: I'll take notes.

14 MR. PHILLIPS: Is that all right with everybody?

15 UNIDENTIFIED VOICE: Certainly.

16 MR. PHILLIPS: Doug will synopsis --

17 MR. McCORKLE: Mr. French will be there and he, I'm  
18 sure, will do a good job on that.

19 DR. FRENCH: Probably after awhile.

20 MR. McCORKLE: But we ought to have it recorded. We  
21 ought to have it on something so that when we come back here in a  
22 month or two, we'll know what we did and why.

23 MR. PHILLIPS: Okay. The question before us is the  
24 deletion of the last two sentences, page 9, I mean page 16, item 9,  
25 the last two sentences. Are there further discussion on it? Is  
26 there any objection? If not -- oh, Pam?

1 MS. BRODIE: I'm not sure that it's a problem, and I  
2 wondered if Sandy and Bob could explain what these two sentences  
3 say and whether they think that what Vern is proposing will be a  
4 problem.

5 MR. RABINOWITCH: I think that the first -- yeah, the  
6 first sentence, it's my recollection of why (inaudible), how good  
7 my memory and Bob's are, maybe we'll disagree, I don't know. That  
8 one was primarily there because there's been some concern that  
9 agencies have funded to do things that they would normally be doing  
10 in the past, okay? So, we thought it made sense to try to clarify  
11 some intent. And the second sentence, frankly, I've got to look  
12 somewhere -- the second sentence, I think, really worked on the  
13 same point, in that sometimes agencies have undertaken activities  
14 in the past because their budgetary levels have been -- usually  
15 feel higher, and as cutbacks have occurred at both state and  
16 federal levels, and as cutbacks have occurred at both state and  
17 federal levels, although they have the authority and, perhaps,  
18 responsibility to do things, their budget hasn't allowed them to,  
19 so trying to talk about their historic level of activity and such  
20 has been a way to try to understand -- try to understand that, and  
21 put some sideboards on it. Whether it does or not --

22 MS. BRODIE: My interpretation of the two sentences  
23 puts more constraints on funding through agencies, and I think that  
24 Vern interpretation is that it gives more ability to fund the  
25 agencies. Is that correct?

26 MR. McCORKLE: Well, we respectfully disagree with your

1 view.

2 MS. BRODIE: Okay, then I'm not understanding this.

3 MR. McCORKLE: Well, Mr. Chairman, the sentence -- the  
4 next to the last sentence says clearly, "An agency may be funded to  
5 accomplish a restoration task if the work is beyond that usually  
6 conducted by the agency." Now, if that's adopted as a portion of  
7 the restoration plan, then it's rather a fait accompli and the  
8 Trustee Council may feel like they are not require to bring this up  
9 one more time, when we want to ask agency "X" to do more than its  
10 legislative intent allows them to do. All I want to do is see that  
11 if the Trustee Council wishes to have an agency do, or go beyond  
12 the limits of its legislative power, that that have a proper public  
13 airing through this body or some other function. That's what I  
14 really want to guard against.

15 MR. LOEFFLER: Um -- I'm sorry.

16 MR. PHILLIPS: Go ahead.

17 MR. LOEFFLER: Mr. Chairman, this maybe clarifying. That  
18 was -- we certainly had no intention of granting agencies  
19 authorities which they were not granted by the legislature or by  
20 congress, and one way to accomplish your task may be just to  
21 eliminate all reference to agency authority, that the Trustee  
22 Council so limit -- that wherever it says consider agency  
23 authorities an historic level, just eliminate any reference to  
24 agency authority, because that -- we really did not mean to do  
25 that.

26 MR. McCORKLE: Mr. Chairman, I don't think it's improper

1 for the Trustees to consider legislative authorities, in fact, I  
2 think it's probably the right thing to do, so all I, again, argue  
3 for is just the simple deletion of those last two sentences, which  
4 doesn't restrict anything, but it sort of diminishes the  
5 possibility of going far beyond what an agency is legislatively  
6 authorized to do without public process.

7 MR. PHILLIPS: Further comment, questions? The question  
8 is whether the amendment will be adopted which deletes the last two  
9 sentences on page 16, item 9. If there is no objection, then I  
10 would say it's unanimous and we can go on to the next item. Vern?

11 MR. McCORKLE: Yes, sir. My final point would be on page  
12 25, the Public Information and Administration section, go to the  
13 last sentence in the first paragraph. That sentence ends, "...such  
14 as responding to public inquiries." I would like to change the  
15 period to a comma and add the following words, "and seeking local  
16 opinions and advice." So, we would add, "...such as responding to  
17 public inquiries, and seeking local opinions and advice." We would  
18 be adding to the clause -- to the paragraph, "and seeking local  
19 opinions and advice." And I move that that amendment be made.

20 MR. PHILLIPS: Is there a second?

21 MR. ANDREWS: Second.

22 MR. PHILLIPS: Second. Any discussion -- maker of the  
23 motion to this?

24 MR. McCORKLE: The only purpose is to draw attention to  
25 the fact that we, again, want to have local opinions and advice as  
26 part of the public information and administration portion.

1 MR. PHILLIPS: Is there any further discussion on the  
2 motion? The motion before us is to add the language you just  
3 heard, page 25, top paragraph, last sentence. If there is no  
4 objection, it's so ordered, and it's unanimous consent. Doug has  
5 made his notes here on the explanation. Okay. Is that all you  
6 have, Vern?

7 MR. MCCORKLE: Yes, sir.

8 MR. PHILLIPS: Do you want to start over here, Chuck,  
9 with yours, your items, and we'll just go around the table?

10 MR. TOTEMOFF: Okay. I'm not exactly sure how to address  
11 the -- I'm on page 11.

12 MR. PHILLIPS: Page 11.

13 MR. TOTEMOFF: Chapter 2, Policies. I have a feeling  
14 that it will probably have to remain in there, but --

15 MR. PHILLIPS: Which item was it?

16 MR. TOTEMOFF: Number 3, again.

17 MR. PHILLIPS: All right.

18 MR. TOTEMOFF: This language will probably have to remain  
19 in there, but isn't there some sort of language that we can send  
20 on, stressing the importance of the spill area and its restoration  
21 needs?

22 (Pause)

23 MR. PHILLIPS: Somebody is going to have to come up with  
24 some language if we're going to act on it.

25 MR. RABINOWITCH: Mr. Chair?

26 MR. PHILLIPS: Yes.

1 MR. RABINOWITCH: I know all of you haven't had a lot  
2 of time to read this. If I could get you to turn to page 13, and  
3 in the middle of the page you see number 3, go down two paragraphs,  
4 the one that begins "There is enough..." and I simply ask this  
5 question, is that the kind of language that you're interested in,  
6 and if so, is this the right language, and is there enough of it?  
7 But, you know, I don't know if you've all had time to really comb  
8 through this, so I just point that out.

9 MR. TOTEMOFF: I think it's the right kind of language,  
10 but it seems like we're still leaving the door open in the  
11 following sentences.

12 MR. McCORKLE: Mr. Chair, could I ask the --

13 MR. PHILLIPS: Sure.

14 MR. McCORKLE: -- the prospective motion-maker a  
15 question? What's your problem with it? If you could help me  
16 understand what your concerns are?

17 MR. TOTEMOFF: My whole problem with this process  
18 continues to be that there are real and continuing injuries to  
19 resources and services out there, but for some reason the processes  
20 have not been working from the groups that I'm familiar with, and  
21 I don't know why that's so. And now we've got some movements, I  
22 think, to shift a lot of the monies straight out of the spill-  
23 impacted area. Whether that's for the benefit of the restoration  
24 process or whether it's legal or not for the intended purpose is  
25 another question, but I think the focus still needs to be on the  
26 direct injuries to resources and services, and I think this kind of



1 leaves the door open to some other things, but it's just a concern.  
2 I'm not quite sure how to address that restoration plan.

3 MR. McCORKLE: Mr. Chairman, again, maybe I can ask this  
4 of Messrs. Loeffler or Rabinowitch, but doesn't this court decree  
5 allow for, in very limited circumstances -- it seems to me, I just  
6 can't find it, I didn't highlight it, for activity or work to be  
7 done outside the spill area?

8 MR. LOEFFLER: The court decree doesn't reference the  
9 spill area. It allows, only with unanimous consent and a number of  
10 other things, to spent outside of Alaska.

11 MR. McCORKLE: Okay.

12 MR. LOEFFLER: But the spill area is not referenced.

13 MR. McCORKLE: Yeah, I -- I --

14 MR. LOEFFLER: I'm not aware at the moment of any plan to  
15 spend any project or significant money outside the spill area.

16 MR. McCORKLE: Mr. Chairman?

17 MR. PHILLIPS: Yes?

18 MR. McCORKLE: How about on that number 3, Chuck, if you  
19 -- after the "however," you put only limited restoration  
20 activities, to put an emphasis that that's going to be a very  
21 limited kind of an activity, if it said, "However, only limited  
22 restoration activities outside the spill area but within Alaska"?  
23 Would that help provide the emphasis you're looking for?

24 MR. TOTEMOFF: Yes.

25 MR. DIEHL: How about putting primarily for most --  
26 primarily restoration activities will occur within the spill area?

1       However, you know, or exceptions, these are the two exceptions.

2               MR. PHILLIPS:   What's your answer?

3               MR. DIEHL:       Primarily, restoration activities will  
4       occur within the spill area.   However, restoration activities  
5       outside the spill area, but within Alaska, et cetera, et cetera,  
6       and then it gives the two --

7               MR. PHILLIPS:   It's also been suggested that after the  
8       word "however" the words "only limited" be inserted, to further  
9       tighten it.   Does that help your dilemma?

10              MR. TOTEMOFF:   Yes.

11              MR. PHILLIPS:   Is that a yes?

12              MR. TOTEMOFF:   Yes.

13              MR. PHILLIPS:   Okay.   Then let's read it the way -- why  
14       don't you do that, Jim, why don't you read it the way --

15              MR. DIEHL:       Well, I had, "Primarily restoration  
16       activities will occur within the spill area, however" -- what was  
17       your part?

18              MR. PHILLIPS:   "Only limited" goes in however, after  
19       "however."

20              MR. DIEHL:       "However,   only   limited   restoration  
21       activities outside the spill area, but within Alaska, may be  
22       considered under the following conditions."

23              MR. PHILLIPS:   You've taken off the word "most" and put  
24       the word "primarily."

25              MR. DIEHL:       Yes.

26              MR. PHILLIPS:   Okay, does everybody understand that word

1 change? Is there any -- yes?

2 MS. GAGNON: I would suggest you take out the word  
3 "however" (inaudible -- out of microphone range).

4 MR. PHILLIPS: Okay. The suggestion is to also remove  
5 the word "however."

6 UNIDENTIFIED VOICE: A capital "O" on only?

7 MR. DIEHL: Yes.

8 MR. PHILLIPS: Right. I hope you guys don't mind the --  
9 you know, pride in authorship, that we're altering.

10 UNIDENTIFIED VOICE: Oh, no, no (inaudible).

11 MR. PHILLIPS: Okay. Is there anything further on the  
12 motion? Do we have a second for that motion? Chuck, you're going  
13 to move it, right?

14 MR. TOTEMOFF: I'll move it.

15 MS. FISCHER: I'll second it.

16 MR. PHILLIPS: All right, seconded by Donna. Is there  
17 any further discussion on it? If there isn't --oh, Pam?

18 MS. BRODIE: I think that the existing language is, in  
19 fact, pretty restrictive, but there are some circumstances where  
20 migratory populations which go through the spill zone and were  
21 injured in the spill zone do go to other parts of the coastal area  
22 to nest, for example. It think there may be good reason to do some  
23 restoration activities outside the spill area.

24 MR. PHILLIPS: Don't you think that the language --

25 MS. BRODIE: I'm comfortable with the language as  
26 written.

1 MR. PHILLIPS: Yeah.

2 MS. BRODIE: Without a change.

3 MR. PHILLIPS: Do you not think that the language after  
4 the change would allow that?

5 MS. BRODIE: Yeah, but I just prefer -- I mean, I don't  
6 think it's a big deal, but I prefer it the existing language.

7 MR. DIEHL: Mr. Chairman?

8 MR. PHILLIPS: Yes?

9 MR. DIEHL: "Most" implies only more than fifty per  
10 cent. It could imply fifty-one per cent of the activities will  
11 occur within the spill area. Okay? That's what most means.

12 MR. MCCORKLE: Primarily means what?

13 MR. DIEHL: Primarily is a lot stronger -- is  
14 stronger, but it's not as specific, okay? It means that it's going  
15 to be a lot more than fifty -- you know, greater than fifty-one per  
16 cent. I mean, primarily, primarily means, you know, first choice,  
17 and this other thing is a second choice activity. Okay?

18 MR. PHILLIPS: Is there further discussion?

19 MR. DIEHL: Prime means first.

20 MR. PHILLIPS: James?

21 MR. KING: Well, I don't have a problem with the  
22 language either way, but I think it is important to remember that  
23 there was a lot of comment in favor of taking care of some problems  
24 for birds just beyond the oil spill limits.

25 MR. PHILLIPS: Any further comments on the motion?  
26 You've heard the motion, the changes. Do you want to read it,

1 Doug, just to make sure?

2 MR. MUTTER: "Primarily, restoration activities will  
3 occur within the spill area. Only limited restoration activities  
4 outside the spill area, but within Alaska, may be considered under  
5 the following conditions."

6 UNIDENTIFIED VOICE: Call for the question.

7 MR. PHILLIPS: The question is, should the motion pass?  
8 If there is no objection -- if there is, I need to hear it. There  
9 is one objection, so I'm going to call for a vote. Those in favor  
10 of the motion, please raise your right hand. (Hands raised) Okay,  
11 those opposed. (Brodie and King opposed.) There are two, if  
12 you'll -- we're recording those for and against. Remember, Vern  
13 has two votes. He's privileged.

14 MR. MUTTER: I'm just counting the no votes.

15 MR. PHILLIPS: Okay, do you have any more, Chuck?

16 MR. TOTEMOFF: I'll defer subsistence further to the lady  
17 from Kodiak down there.

18 MR. PHILLIPS: Under subsistence?

19 MR. TOTEMOFF: Yes.

20 MR. PHILLIPS: Okay, I think you just got a zinger.

21 (Laughter)

22 MR. PHILLIPS: If you'd like to think about that while we  
23 go on to a couple more, you may do so. If you want to take up the  
24 thing now, you can.

25 MS. REFT: No, actually, I'm not sure how this would  
26 work out. I'm not sure how I'd form this in a -- I could use some

1 help from everybody else, but it was just a question that I had  
2 brought up in regards to purchasing.

3 MR. PHILLIPS: Have you got the page and the paragraph,  
4 please?

5 MS. REFT: Page -- in reference to Appendix C.

6 MR. PHILLIPS: On what page?

7 MS. REFT: C-1.

8 MR. PHILLIPS: C-1, okay. Now, what does it concern?

9 MS. REFT: These areas being recommended by the  
10 public for purchase or protection, my consideration and question  
11 was in regards to any subsistence activities or fishing activities  
12 in these areas. If lands or areas are going to be purchased, are  
13 these activities going to be considered or secured in some way so  
14 our -- for instance, you have some critical areas for consideration  
15 here that I know of, Sturgeon River, Kodiak Island, the whole  
16 Kodiak area here. Some of these are highly dependent on for a  
17 subsistence lifestyle as well as fishing activities. If these  
18 areas were to be purchased in any amount, would there be some  
19 security for those subsistence users, or would they be alienated  
20 from subsisting in those areas once purchased?

21 MR. LOEFFLER: Ma'am, the objectives are figured out area  
22 by area, if and when any of these are purchased. However,  
23 typically, subsistence is one of the things we're trying to  
24 protect, so it would be unlikely that they would prevent people  
25 from using it for subsistence, and, in fact, that would be one of  
26 the things that would, like, be trying to restore, typically,

1 through purchases.

2 MR. PHILLIPS: Kimberly?

3 MS. BENTON: Just maybe by way of example, in the  
4 Kachemak Bay acquisition, the Seldovia Natives who live in that  
5 area were concerned about a possible loss of subsistence use, and  
6 they have been working with the agencies and there's been no loss  
7 of use, and they've been allowed to continue using those lands in  
8 subsistence ways that they have in the past.

9 MS. REFT: So there's no interruption?

10 MS. BENTON: No, huh-uh.

11 MR. PHILLIPS: You should remember that this list is a  
12 result of the public input on the -- on that bulletin that was put  
13 out this summer, and these have been recommended by the replies  
14 that have come in. They are not suggested by the Trustees or  
15 anybody else that they all be adopted en masse. These are just  
16 places that have been recommended for consideration by the general  
17 public. Yes?

18 MR. ANDREWS: Mr. Chairman, I (inaudible) but when I  
19 went through this, I saw Tongass National Forest.

20 MR. PHILLIPS: Yes, that's kind of --

21 MR. ANDREWS: That's a long ways outside of the spill  
22 area that they're talking about.

23 MR. PHILLIPS: Probably the letter --

24 MR. LOEFFLER: We were recording comments received from  
25 the public without judgment or justification.

26 MR. ANDREWS: Again, I would (inaudible) national parks,

1 how much more can you protect a national park?

2 MR. PHILLIPS: Yes, without tanks. Well, I guess the  
3 question is whether you want to give an indication to them about  
4 the questions you'd have if they adopt any of these. That's the  
5 only way I would see that it is pertinent to what this list means,  
6 is that you would say, in your consideration of any these, take  
7 this and this and this into consideration which, as I interpret  
8 what you say, they wouldn't and need to be anyway before any of  
9 them are selected for acquisition.

10 MS. REFT: So, any of the selections would be  
11 reflective -- would reflect the policies and procedures in regards  
12 to the priorities set for subsistence and --

13 MR. PHILLIPS: Exactly. This is just a recorded list.  
14 Yes?

15 DR. FRENCH: Yes. On the same list, I have a concern,  
16 and it's not really a proposed change, but that some of those items  
17 listed, such as Tongass National Forest, Kodiak Island, Afognak  
18 Island, Kenai Peninsula, are such large areas that it's meaningless  
19 to have them listed, and not a useful exercise to the public to  
20 have them listed at all, and I realize you were faithfully  
21 recording what people listed, but I'm not sure that -- in that  
22 sense, that that appendix is serving a useful purpose at all.

23 MR. PHILLIPS: Vern?

24 MR. McCORKLE: Well, I sure have to support my view. It  
25 would be helpful if, in the future, as we faithfully record, we  
26 also take pain and care to say we had one such request, and there



1 may be somebody -- some other person who makes a presentation, who  
2 represents a constituency of two hundred. So, I think that some of  
3 that kind of thing, I think, should be included in the future.  
4 And, second, with regard to subsistence, and whether or not the  
5 purchase of private land which goes under the domain of a public  
6 body or entity, can in the future guarantee subsistence, I'm not  
7 prepared to say because I observe that what's happening in  
8 subsistence in Alaska now is very controversial and contrary, and  
9 I'm not sure what the policies of the federal or state departments  
10 that would come to control that acquired habitat would be twenty,  
11 thirty, forty, fifty years out. So, you can certainly go into it  
12 with the best of intentions, but I'm not sure that we should even  
13 be discussing guaranteed subsistence a generation or two ahead.

14 MR. PHILLIPS: Sandy?

15 MR. RABINOWITSH: Actually, when I raised my hand, I  
16 thought that Bob was looking something up about the numbers that  
17 you were commenting on, but --

18 MR. PHILLIPS: Okay, there was somebody else over here  
19 with a question. Was it you, Dave? Did you have a question?  
20 Well, we don't have a motion before us. Yes.

21 MR. MUTTER: While we're on Appendix C, I think Kim had  
22 a suggestion earlier about it. We might as well take Appendix C.

23 MS. BENTON: The motion is to add to the bottom of the  
24 page the following language: "State and federal governments will  
25 purchase land on the basis of a willing seller and a willing buyer.  
26 The above list of areas were recommended by the public. Some of

1 the areas listed may not be available for purchase or protection."  
2 MR. PHILLIPS: Okay, did everybody hear the language  
3 proposed? Is there -- are you moving that?  
4 MS. BENTON: Yes.  
5 MR. PHILLIPS: Is there a second?  
6 MR. ANDREWS: I second it.  
7 MR. PHILLIPS: Second over here. Is there any discussion  
8 now? I think it's pretty self-explanatory, unless you want to talk  
9 about it again.  
10 MR. MUTTER: Could I hear it again?  
11 MR. PHILLIPS: Yeah, do you want to -- he's trying to  
12 write it here and he didn't quite make it.  
13 MS. BENTON: Oh, okay. "State and federal governments  
14 will purchase lands on the basis of a willing seller and a willing  
15 buyer."  
16 MR. PHILLIPS: Hold it. (Pause) Okay.  
17 MS. BENTON: "The above list of areas (pause) were  
18 recommended by the public. (Pause) Some of the areas listed may  
19 not be available (pause) for purchase or protection."  
20 MR. PHILLIPS: You've got it? Okay, you've heard the  
21 motion that's been seconded. It's before you. Is there any  
22 further comment on it? If not, I'm going to ask for unanimous  
23 consent, and if there's no objection, it's so ordered. Do you have  
24 another one? Okay, let's continue with her and then we'll get back  
25 to you.  
26 MS. BENTON: On page 9 (pause), the fourth paragraph,

1 second sentence, I would propose to add the following language,  
2 "on existing public land within the spill-affected area."

3 MR. LOEFFLER: For clarity, we've just been calling it  
4 the spill area.

5 MS. BENTON: Oh, sorry, okay. "[O]n existing public  
6 land within the spill area."

7 MR. PHILLIPS: Okay. You've heard the language. I  
8 assume it has been moved by the maker.

9 MS. FISCHER: I second it.

10 MR. PHILLIPS: And it's been seconded by Donna. Okay,  
11 any discussion on the motion? If there is no discussion, then I'll  
12 ask for unanimous consent. If there's no objection, it's so  
13 ordered. Do you have -- yes, Doug?

14 MR. KING: Just a question. Where does that fit in  
15 exactly?

16 MS. BENTON: On the second sentence, on existing public  
17 land, right after the comma, within the spill --

18 MR. MUTTER: I've got it.

19 MR. PHILLIPS: You've got it? Okay, do you have another?  
20 Shoot.

21 MS. BENTON: Okay, it's the same page, third sentence.

22 MR. PHILLIPS: On the same paragraph?

23 MS. BENTON: Yes, the next sentence. I would propose  
24 to strike after "will" and add the language, "allow continuing  
25 resource and service recovery." So the third sentence would read,  
26 "Protecting and acquiring land will allow continuing resource and

1 service recovery."

2 MR. PHILLIPS: And then strike the rest of it?

3 MS. BENTON: Yes.

4 MR. PHILLIPS: Oh, you didn't say that.

5 MS. BENTON: Yes.

6 MR. PHILLIPS: Okay, you want to strike everything after  
7 "will" and add those. So, would you read the sentence as it will  
8 read?

9 MS. BENTON: "Protecting and acquiring land will allow  
10 continuing resource and service recovery."

11 MR. PHILLIPS: Are you moving that?

12 MS. BENTON: So moved, yes.

13 MR. PHILLIPS: All right, is there a second?

14 MR. TOTEMOFF: I second it.

15 MR. PHILLIPS: There's your second, and I heard it but I  
16 don't know who it is. Oh, it's Chuck? All right. Discussion? Do  
17 you want to explain it?

18 MS. BENTON: The reason that I'm moving to strike that  
19 language is that it is the position of the timber industry and the  
20 people who work in that field that there aren't injuries to  
21 resources and services, and so although protecting and acquiring  
22 habitat might allow the services and resources to recover, not  
23 acquiring or protecting habitat won't result in further injury, and  
24 that's the way that I'm reading this, and that's why I move to have  
25 it struck.

26 MR. PHILLIPS: All right. Yes, Mr. French.

1 DR. FRENCH: I appreciate the sensitivities of the  
2 timber industry. However, I think there are other industries that  
3 might be excluded from acquired land that cannot make the same  
4 claim, such as mining and some sorts of public and recreational  
5 use, and this sentence as it was worded doesn't specifically, at  
6 least in my mind, target the forest products industry, but it does  
7 target some of those other industries, and I would prefer to see  
8 that phrase left in.

9 MR. PHILLIPS: Could I ask, particularly in recreation,  
10 how could -- could you give me an explanation of when you're  
11 talking about damage, it could be on recreation?

12 DR. FRENCH: Well, some multiple use recreational uses  
13 limit the wilderness value of lands, for example, if they're  
14 developed. But that doesn't necessarily decrease their total value  
15 to the industry or to the people, but it may decrease their ability  
16 to protect the habitat. For example, putting in campgrounds  
17 affects the wilderness value of land, and affects the wildlife  
18 habitat value of the land.

19 MR. PHILLIPS: Are you talking about camper parks and  
20 things like that?

21 DR. FRENCH: Take your pick. I don't think you can  
22 argue that the Yosemite Valley is still a wilderness area, or that  
23 it supports the same habitat.

24 MR. PHILLIPS: There's a slight difference between a  
25 couple of roads down there. Things change.

26 DR. FRENCH: I'm giving an extreme example.

1 MR. PHILLIPS: Yes, Pam?

2 MS. BRODIE: I think that the entire justification for  
3 habitat acquisition and protection is based on the fact that  
4 development can damage existing resources, and even to say, well,  
5 it's changing the habitat, change means it's going to be damaging  
6 to some of the resources. It may be beneficial for some other  
7 reason. Certainly, human development helps certain species, rats,  
8 for example, but some species are going to be injured. And I think  
9 that a change like this is unnecessary and it's -- I think it's  
10 unnecessary, I think it's harmful, and I don't think the wording,  
11 as written, as John French said, that this wording is any attack on  
12 any particular thing. I think it's very reasonable, as is.

13 MR. PHILLIPS: Vern.

14 MR. McCORKLE: Could we have a restatement of what the  
15 proposer is proposing? (inaudible)

16 MR. PHILLIPS: Would you read that last sentence as it  
17 would read under your amendment, please?

18 MS. BENTON: "Protecting and acquiring land will allow  
19 continuing resource and service recovery."

20 MR. PHILLIPS: Period.

21 MS. BENTON: Period.

22 MR. PHILLIPS: And the rest of the sentence is gone. In  
23 regard to your comments, Pam, I have to ask whoever wrote this if  
24 they can -- it says "minimize further injury." How do we know that  
25 there's been injury in the first place? Further injury means that  
26 it's getting worse. It has been injured and it's getting worse.

1 MS. BRODIE: We're talking about resources that were  
2 injured in the oil spill being further injured. Marbled murrelets,  
3 for example, are a resource that was injured in the oil spill, a  
4 resource that depends on old growth timber.

5 MR. PHILLIPS: This sentence doesn't say that. It says,  
6 "Protecting and acquiring land will minimize further injury to  
7 resources and service and will allow recover to continue  
8 unimpeded." But just acquisition of land doesn't necessarily mean  
9 that there is injury, does it?

10 MS. BRODIE: I don't think that this sentence says  
11 that.

12 MR. PHILLIPS: They've acquired land to keep people from  
13 cutting the trees, not that it was injured in the oil spill, but  
14 just to stop the lumbering. So, it just seems to me that this  
15 sentence says that it has been injured and it will be further  
16 injured.

17 MR. DIEHL: No. All the acquisitions up to this point  
18 have been not to stop the timber industry but to protect the  
19 animals that live in that timber for -- whose same species was  
20 injured in the oil spill. That's the Nature Conservancy -- that's  
21 why they handled the problems and all the different species that  
22 were injured, and that's how the lands were rated, in the Nature  
23 Conservancy movement.

24 MR. PHILLIPS: You mean all that land in Kachemak Bay was  
25 acquired for the reason that there were species injured and that's  
26 for their recovery?

1           MR. DIEHL:       That -- the Nature Conservancy report was  
2 written to justify the purchase of the land in that way, you know,  
3 for protection, and then the lands were rated. You remember the  
4 way -- I left it in my car.

5           MR. PHILLIPS: No, I --

6           MR. McMULLEN: Mr. Chairman?

7           MR. PHILLIPS: Yes.

8           MR. McMULLEN: That may be the case if we were talking  
9 about critical habitat, but that's been a difference of opinion  
10 among this group for some time. The wholesale purchase of land  
11 versus the critical habitat, the purchase of critical habitats.  
12 Although -- if critical habitats were identified as that -- this is  
13 extremely important, you know, a nesting area, whatever, for a  
14 particular species, that's fine, but I -- this is a much more  
15 general statement than that. This infers that the land itself, for  
16 its own value, by whatever criteria people judge value, is, you  
17 know, to be protected for itself here. Therefore, I like your  
18 suggestion.

19          MR. PHILLIPS: Okay, John, then Vern, and I think James  
20 had his --

21          DR. FRENCH:    Yeah, I'd like to propose a possible  
22 substitute amendment, and that is to strike the first word, "will,"  
23 so that it would read, "Protecting and acquire" -- and substitute  
24 the word "may" so that it would read "Protecting and acquiring land  
25 may minimize further injures to resources and services," and  
26 continue from there.



1 MR. PHILLIPS: (Inaudible)

2 DR. FRENCH: No, I'd just -- I'd rather have it be

3 hypothetical.

4 MR. PHILLIPS: Okay, just as a suggestion, because that

5 is really not compatible with the motion that's before us --

6 DR. FRENCH: No, it's not, but it has to go in as a

7 substitute because if the one that's before us happens, why that --

8 MR. PHILLIPS: Correct, substitute that, right.

9 DR. FRENCH: -- that's impossible to do.

10 MR. PHILLIPS: It's not an amendment.

11 DR. FRENCH: Right. It's a substitute for the current

12 one.

13 MR. PHILLIPS: And I think we should ask the maker of the

14 motion whether she wants to proceed with her motion or whether she

15 wants to accept it with the substitute.

16 MS. BENTON: I think that the substitute is fine. I

17 guess what I'm trying to get away from is -- and I understand what

18 you're saying, John, if there are other uses, but up until now, and

19 you know, Pam, that these were the reasons that these were

20 acquired, but up until now, the lands that have been acquired were

21 acquired because they were imminently threatened by timber harvest

22 activities. That's the reason. So, if I read this, timber harvest

23 activities, that's my principle to prove and that's why I read it

24 that way. "May" softens it quite a bit to will, and what I'm

25 trying to get away from is that you have to protect or acquire

26 habitat in order to protect it, in order to stop injury from timber

1 harvesting, and that's what I'm trying to get away from, so I will  
2 accept the substitute.

3 MR. PHILLIPS: You would accept the substitute?

4 MS. BENTON: Yeah.

5 MR. PHILLIPS: How about the second?

6 MR. TOTEMOFF: Yes.

7 MR. PHILLIPS: All right. The substitute has been  
8 accepted, so the motion before us now is to exchange the word "may"  
9 for the word "will." It will read, "lands may minimize further  
10 injury," instead of "will." Is there any discussion on that  
11 substitute motion? If not, I'm going to ask for unanimous consent,  
12 and if there is no objection, it's so ordered. Do you have another  
13 one, Kimberly?

14 MS. BENTON: Yes, I do.

15 MR. PHILLIPS: Okay.

16 MS. BENTON: On page 20. Oh, that would not be a  
17 popular motion, but on page 20, the second paragraph, I would move  
18 to change the word in the first sentence from "may harm" to "may  
19 change habitat."

20 MR. PHILLIPS: Do we have a second to the motion?

21 MS. FISCHER: I'll second it.

22 MR. PHILLIPS: Second by Donna. Okay, then it would  
23 read, "Resource development such as harvesting timber or building  
24 subdivisions may change habitat that supports resources or its  
25 services." It's been moved and seconded. Is there any discussion  
26 on the motion? Yes, Pam?

1 MS. BRODIE: Again, I think the point is that the  
2 resource development may harm habitat of damaged resources, they  
3 harm damaged resources and services, and that that is a fact, and  
4 that that is the reason for habitat protection. So, I would offer  
5 an amendment to say -- let me think about this a second (pause),  
6 that it would say "may harm habitat that supports resources and  
7 services damaged in the oil spill."

8 MR. PHILLIPS: You've heard the motion. Is there a  
9 second to the amendment?

10 MS. MCBURNEY: Second.

11 MR. PHILLIPS: Second.

12 MR. LOEFFLER: That's actually consistent with the  
13 language that's used throughout. We -- damage has a legal -- if we  
14 could just change the damaged to injured.

15 MS. BRODIE: Fine, injured.

16 MR. PHILLIPS: Translated into the word "money."

17 MS. BRODIE: Oh, okay.

18 MR. PHILLIPS: Would you read the sentence as it would be  
19 with your amendment?

20 MS. BRODIE: "Resource development such as harvesting  
21 timber or building subdivisions may harm habitat that supports  
22 resources or services injured in the oil spill."

23 MR. PHILLIPS: You've been a lot of help, and I  
24 appreciate it. Okay, is there a discussion on the proposed  
25 amendment? Yes, Kimberly?

26 MS. BENTON: I guess I would say that there is

1 agreement that resource development, such as harvesting timber, or  
2 mining, or building subdivisions, changes the existing habitat. I  
3 question whether or not this document is the forum to argue whether  
4 it harms that habitat or enhances that habitat, what it does to the  
5 habitat. It does change it, but harm habitat, to come out and say  
6 that it harms habitat in this document really troubles me, bothers  
7 me, because I don't think that there is a general consensus that it  
8 harms habitat. I think that there could be a general consensus  
9 that it changes habitat, and that was the reason for my motion.

10 MR. PHILLIPS: Is there any further discussion on the  
11 amendment to the motion? Yes, James?

12 MR. KING: I was just thinking that the way the word  
13 "may" affects that, and it may -- it doesn't say so, but it may  
14 enhance habitat, so I understand the concern, but I'm not sure that  
15 it's an insurmountable problem stated the way it is.

16 MR. DIEHL: Without a doubt it changes the habitat.  
17 If you harvest timber there, without a doubt the habitat changes,  
18 if anything would whatsoever, and if you build a subdivision,  
19 without a doubt the habitat is changed. But the question is  
20 whether it harms it or not. So, it may or may not harm it. The  
21 word "may" means it can go either way.

22 MS. BENTON: I think the argument over -- this is an  
23 argument that has existed forever and probably always will, and  
24 whether it harms, to what degree of harm, what harms, what doesn't  
25 harm, and I understand that it -- the "may" part of it, but I still  
26 think that the word "harm" doesn't belong in this paragraph in this

1 document. I think "change" belongs here, rather than "harm."

2 MR. DIEHL: Well, then you don't need my word "may."

3 MR. PHILLIPS: It may or may not.

4 MR. DIEHL: It changes habitat.

5 MR. PHILLIPS: Yes, Vern? We're talking to the amendment  
6 now.

7 MR. McCORKLE: I wonder if any of the makers of the  
8 amendments would accept a change in the word "harm" to maybe  
9 "impact," which is less editorial and seems to not put so much  
10 judgmentalism in it. Certainly, it impacts. I was going to vote  
11 with Pam on this until you brought up the point that maybe that  
12 kind of judgment doesn't belong in this place in this document, so  
13 I have to support that idea, but I do support also the fact that we  
14 need to recognize that these kinds of changes, and I think, just on  
15 their face, subdivisions, it probably doesn't do us any help by  
16 having it in there, but --

17 MR. PHILLIPS: Right.

18 MR. McCORKLE: -- it certainly does impact, and whether  
19 it's a good impact or a bad impact, I think can be -- can stand on  
20 its own face with the individual case. So, maybe the makers would  
21 consider that as an option and leaving everything else as it is.

22 MR. PHILLIPS: It's up to the makers of the motion. Why  
23 would anybody put subdivisions in in the middle of Prince William  
24 Sound anyway? I just -- it kind of escapes me a little bit.  
25 (Laughter) Timber harvesting, I understand, but subdivisions? I  
26 doubt it.

1 UNIDENTIFIED VOICE: I was wondering why that was  
2 singled out. I --

3 MR. PHILLIPS: Yeah, that's kind of editorializing a  
4 little bit.

5 MS. FISCHER: (Inaudible) going with the cabins that are  
6 being planned for the Sound, that's what it's going for.

7 MR. PHILLIPS: That isn't a subdivision.

8 MS. FISCHER: But it will be, eventually. We will see  
9 it.

10 MR. PHILLIPS: You mean a single cabin?

11 MS. FISCHER: Will start it, Brad. Trust me, it does.  
12 It always has. You get one cabin, you're going to have four.

13 MR. PHILLIPS: Not necessarily.

14 MS. FISCHER: (Inaudible)

15 MR. PHILLIPS: I mean, it could happen, but they're  
16 talking about subdivisions and all its concepts.

17 MR. McCORKLE: Come on, let's make it "impact."

18 MR. PHILLIPS: Okay, what are we going to do, gentlemen,  
19 ladies, and -- it's been suggested that the word "impact" may be  
20 substituted. I haven't heard anything from either of the makers of  
21 the motion so I'm going to call for a vote on the amendment if  
22 there isn't any further discussion. So, right now, is Pam's  
23 amendment to leave the word "harm" in and add to it, at the end of  
24 the sentence, "in the oil spill" --

25 MS. BRODIE: I could live with "impact" in the spirit  
26 of compromise.

1 MS. BENTON: "Harm" and "impact," unfortunately, in the  
2 discussions that we have, are synonymous a lot of times and not  
3 much different, so unfortunately I'm going to stick with "change."

4 UNIDENTIFIED VOICE: (Inaudible)

5 MS. BENTON: Well, but they're used in our discussions,  
6 harm habitat, impact habitat, in discussions that -- in discussions  
7 in industry I go through, are used interchangeably sometimes, so --

8 DR. FRENCH: How about "altered?"

9 MS. BENTON: Yeah, I just -- will leave it "change."

10 MR. PHILLIPS: "Altered," are you suggesting?

11 DR. FRENCH: Jim, how about altered?

12 MR. DIEHL: That would work.

13 MS. BENTON: That's fine.

14 UNIDENTIFIED VOICE: In place of harmed?

15 MS. BENTON: Yes, that's fine. If somebody says they  
16 want to change, then "alter" is fine.

17 MR. PHILLIPS: Okay, we're still speaking to Pam's  
18 amendment, and it does not include that word unless she wants to  
19 include it.

20 MS. BRODIE: I would stick with "impact" rather than  
21 "alter."

22 MR. PHILLIPS: Well --

23 MS. BENTON: I would go with alter.

24 MR. PHILLIPS: Okay. Do you want to change your motion,  
25 then, to have the word "impact" instead of harm?

26 MS. BRODIE: Yes.

1 MR. PHILLIPS: And how about your second?

2 MR. McCORKLE: I'll second it.

3 MR. PHILLIPS: Okay. The question is, on Pam's

4 amendment, so it would read "may impact habitat that supports

5 resources or service in the oil spill area," is that it? Injured

6 in the oil spill, or injured in the oil spill area. Okay, the --

7 I'll ask for unanimous consent.

8 MS. BENTON: (Inaudible)

9 MR. PHILLIPS: Then object. Use the proper procedures to

10 object. All right, then we'll ask for a vote on the amendment.

11 Those in favor, raise your right hand. (Pause -- hands raised.)

12 All right, those opposed, raise your right hand. (Pause -- hands

13 raised.) Eight, that's right. So, the amendment fails. Now,

14 before us is the original amendment. Are you substituting the word

15 altered?

16 MS. BRODIE: Yes.

17 MR. PHILLIPS: All right, the word "alter" instead of

18 "change." And you'll second? I assume you'll second over here?

19 Oh, Chuck, you accept that?

20 MR. TOTEMOFF: Yes.

21 MR. PHILLIPS: Okay, the question is before us, and I

22 again will ask for unanimous consent. There is an objection, so

23 those in favor of the amendment, please raise your right hand. For

24 the word "alter." (Pause -- hands raised.) There's eleven. Those

25 opposed? (Pause -- hands raised.) Three, yeah. Twelve to three.

26 Okay, do you have any further?



1 MS. BENTON: I'm sorry, I do. The next sentence, we  
2 did it earlier on page 10, but protecting and acquiring land,  
3 change "will" to "may" minimize.

4 MR. PHILLIPS: Okay, do you move that?

5 MS. BENTON: I move that we change "will" to "may."

6 DR. FRENCH: Second.

7 MR. PHILLIPS: Second by John French. Okay, is there any  
8 discussion? If not, I would ask for unanimous consent and hearing  
9 no objection, so ordered. Do you have any further, Kimberly?

10 MS. BENTON: Yes, I do. On the seventh paragraph down  
11 that begins "habitat protection acquisition," I would move to  
12 strike the last sentence. For example --

13 MR. PHILLIPS: All right, do you have a second? Is there  
14 a second to the motion? For a matter of discussion, I will second  
15 it so we can discuss it. Now, it's open for discussion. Do you  
16 want to explain it?

17 MS. BENTON: The reason that I moved to have that  
18 struck was -- is because protecting salmon spawning streams is an  
19 existing protection mechanism for timber harvesting. Sorry, I  
20 don't know about mining, I believe also, but that's a protection  
21 mechanism that's already in place, and so to use that as an example  
22 when you talk about habitat protection and acquisition, that's an  
23 example that exists now.

24 MR. PHILLIPS: Yes?

25 MS. MCBURNEY: I would just like to state that at least  
26 acquiring habitat that would protect salmon streams would -- and I

1 don't mean this to be inflammatory, but would provide a higher  
2 degree of protection for salmon spawning streams than is currently  
3 provided under the Forest Practices Act and other regulatory acts  
4 that govern forest practices.

5 MR. PHILLIPS: Any further discussion? Yes?

6 MR. ANDREWS: I'm confused when you make that statement.  
7 For twenty-five years, the last twenty-five years, the Sierra Club  
8 has been pursuing the Forest Service for poor management practices,  
9 and yet the Forest Service may wind up as the manager of these  
10 acquired lands. What's the greater protection today?

11 (Laughter)

12 MS. MCBURNEY: In the best of all possible worlds, we  
13 would certainly hope that there would be some directive from the  
14 public as well as to how they would like to see those lands  
15 protected, and that if we are, indeed, going to be protecting  
16 damaged resources and services, that -- for example, the Chugach  
17 Forest, in a lot of respects, is not primarily managed for timber  
18 harvest, but it tends to be -- well, it is managed more for other  
19 uses.

20 MR. PHILLIPS: Recreation.

21 MS. MCBURNEY: Recreation, in particular, and logically  
22 those sorts of areas within the Chugach Forest system within Prince  
23 William Sound, they would be managed consistently with that.

24 MR. PHILLIPS: Pam?

25 MS. BRODIE: Yeah, it answered a real -- you make an  
26 excellent point, it's true, of -- but two things. First, bear in

1 mind that the Forest Service is not the only agency involved, and  
2 in fact, it's probably -- the Forest Service may not acquire any of  
3 the land. There are usually going to be other agencies or else --  
4 there will be conservation and good management agreements in Prince  
5 William Sound. So, we're talking about --

6 MR. ANDREWS: In the case of management agencies,  
7 they're adjacent to most of the land.

8 MS. BRODIE: They're in Prince William Sound --

9 MR. ANDREWS: Right.

10 MS. BRODIE: Not in the other places, and even in  
11 Prince William Sound, the landowners, in fact, have said they don't  
12 want to sell their land, they want conservation easements or  
13 management agreements. But look at the sentence itself, for  
14 example, "protecting salmon spawning streams will benefit not only  
15 the salmon, but also commercial, subsistence, and recreational  
16 fishermen." I don't know how anybody could disagree with this  
17 sentence. "Protecting salmon spawning streams will benefit salmon  
18 and it will benefit commercial, subsistence, and recreational  
19 fishermen." That just seems to me pretty clear, on the face of it.  
20 I don't know what's wrong with this sentence.

21 MS. BENTON: I don't mind the sentence as a sentence.  
22 If you stick that alone on a white piece of paper and put it in  
23 front of me, I would agree with you, but what bothers me is that is  
24 in the context here of habitat protection and acquisition, and I  
25 think that it doesn't necessarily add any value, and what it does  
26 is open a window to say that through habitat protection and

1 acquisition, we'll protect salmon spawning streams, and a question  
2 that maybe that isn't happening now, and it is. So, that's why  
3 this wouldn't bother me all by itself on a white piece of paper,  
4 because it is happening.

5 MR. PHILLIPS: Yes?

6 MS. GAGNON: Mr. Chairman, is it understood that the  
7 streams are injured? Should that word be included, or is that  
8 understood?

9 MR. PHILLIPS: I don't understand it, in reading it, that  
10 the streams are injured.

11 MR. McMULLEN: Mr. Chairman, may I --

12 MR. PHILLIPS: Yes.

13 MR. McMULLEN: Could I suggest a word change on that last  
14 sentence, the two words, "will benefit?" Drop the "will" and say  
15 "benefits." Existing, not "will." In other words, for example,  
16 "protecting salmon spawning streams benefits not only the salmon,  
17 but also commercial, subsistence, and recreational fishing."

18 MR. PHILLIPS: Do you accept that?

19 MS. BENTON: Yes, yes.

20 MR. McMULLEN: The word "will," and add an "s" to  
21 "benefit." Make it present tense rather than future.

22 MR. PHILLIPS: Okay, do you accept that, I assume?

23 MS. BENTON: Yes, I do.

24 MR. PHILLIPS: And the second excepts it. All right, do  
25 you all understand the amendment now before you? Instead of  
26 eliminating the entire sentence, you eliminate the word "will" and

1 put an "s" on the end of the word "benefit." Is there any  
2 discussion on the motion? If not, I would ask for unanimous  
3 consent, and hearing no objection, it's so ordered. Do you have  
4 further --

5 MS. BENTON: This is my very last one. It's again the  
6 same thing that we did on page 10. The very last sentence on page  
7 20, I would move to add after "The Trustee Council may conduct  
8 studies 'within the spill area.'"

9 MR. PHILLIPS: Okay, is there a second?

10 MS. FISCHER: Second.

11 MR. PHILLIPS: Second by Donna. Is there a need for a  
12 discussion on this? If not, I would ask for unanimous consent, and  
13 hearing no objection, it's so ordered. And you're finished with  
14 yours, and Chuck has another one here, and we're going to go on  
15 around the table, so all of you be prepared.

16 MR. TOTEMOFF: Mr. Chairman, on page 21, "Habitat and  
17 Acquisition Protection Policies," I'd like to add another paragraph  
18 to that.

19 MR. PHILLIPS: Add a paragraph at the end?

20 MR. TOTEMOFF: Yeah.

21 MR. PHILLIPS: Do you have it written?

22 MR. TOTEMOFF: Yeah. It says, "Subsistence users will  
23 not be displaced through acquisition or protection of lands and/or  
24 changing management practices."

25 MR. MUTTER: I didn't hear that, Mr. Chair.

26 MR. PHILLIPS: Subsistence -- yeah, go ahead, Chuck, do

1 it again.

2 MR. TOTEMOFF: "Subsistence users will not be displaced  
3 through acquisition or protection of lands and/or changing  
4 management practices."

5 MR. PHILLIPS: May I suggest that the use of the word  
6 "will" sounds like legislative language, and perhaps you should put  
7 "should not," because just by putting the amendment in there isn't  
8 going to make it so. It's just a suggestion. You can put any  
9 words in there you want to, but --

10 MR. MUTTER: Would you read it one more time, Chuck?

11 MR. TOTEMOFF: Okay, with the suggested change,  
12 "Subsistence users should not be displaced through acquisition or  
13 protection of lands and/or changing management practices."

14 MR. PHILLIPS: Yes, Pam?

15 MS. BRODIE: The only place that I'm aware of where  
16 this might -- there might be a conflict, is Kenai Fjords National  
17 Park, and I would like to hear from Sandy about whether this is --  
18 would this possibly be a problem with Kenai Fjords National Park  
19 before we vote on it. Could we hold onto this until Sandy comes  
20 back?

21 MR. PHILLIPS: No, he's got to -- he had to go to a  
22 meeting, so I don't expect him back for awhile, if at all. Could  
23 you explain your concern about Kenai Fjords National Park and how  
24 it relates to this?

25 MS. BRODIE: I don't know the issue as well as I  
26 should, but one of the areas that's possible for acquisition, and

1 which is listed in the back of this is -- it says Kenai Fjords  
2 National Park, it refers to in-holdings held by English Bay  
3 Corporation and Port Graham in Kenai Fjords National Park, and my  
4 understanding is that these areas have not been used by the people  
5 of those villages for subsistence. They are not traditional  
6 subsistence areas, and that the Park has not had subsistence use so  
7 far, and that if it is acquired and, therefore, made a part of the  
8 national park, that the National Park Service may not want that to  
9 be holding subsistence, but I'm not sure of that.

10 MR. PHILLIPS: Perhaps Doug could read the language and  
11 see how it affects what you're talking about?

12 MR. MUTTER: Right now, it says, "Subsistence users  
13 should --

14 MR. PHILLIPS: Users.

15 MR. MUTTER: "[U]sers should not be displaced through  
16 acquisition or protection of lands and/or changing management  
17 practices . . ."

18 MR. PHILLIPS: That indicates that those would be people  
19 who are now using, isn't that correct?

20 MR. MUTTER: Yes.

21 MR. PHILLIPS: And if they are not using, then it doesn't  
22 apply to them, I would think. Yes, Rupert?

23 MR. ANDREWS: I would make an amendment that you change  
24 "subsistence users" to "subsistence use."

25 MS. FISCHER: I'll second that.

26 MR. PHILLIPS: Then how does it read? I think it changes

1 the meaning.

2 MR. MUTTER: Subsistence use should not be displaced  
3 through acquisitions or protection of lands under a change.

4 MR. PHILLIPS: Okay, that's --

5 MR. LOEFFLER: One minor change, we're just not -- we're  
6 not using and/or in this document.

7 MR. PHILLIPS: Excuse me, what?

8 MR. MUTTER: Got it.

9 MR. LOEFFLER: And/or.

10 MR. PHILLIPS: Oh.

11 UNIDENTIFIED VOICE: Subsistence use.

12 MR. PHILLIPS: Okay, is there any question about the  
13 amendment with that change? Do you accept the change in word,  
14 Chuck?

15 MR. TOTEMOFF: Yes.

16 MR. PHILLIPS: It's your motion. Okay, and --

17 MR. MUTTER: Do we have a second?

18 MR. PHILLIPS: Well, the same person that seconded the  
19 motion seconded the change, so --

20 MR. MUTTER: Who seconded the motion?

21 MR. PHILLIPS: Donna. Okay, is there any further  
22 discussion on this? If not, I would ask for unanimous consent, and  
23 hearing no objection, it's so ordered. Do you have any more,  
24 Chuck?

25 MR. TOTEMOFF: No.

26 MR. PHILLIPS: Okay, I'm coming around this way. John do



1 you have anything at all?

2 MR. McMULLEN: I just have two words that I'd like to  
3 have considered. One on page 11, going back and re-addressing that  
4 statement we already looked at, number 3, not the statement itself  
5 but the second bullet under -- and the word -- one word being -- we  
6 were talking about restoration activities could occur outside the  
7 spill areas, that those might be acceptable, and I think that the  
8 word in the second bullet, the word "important," might be changed  
9 to "essential." I think if you're just saying that research is  
10 important to what may be going on in the spill -- to understanding  
11 what's going on in the spill area, may focus more on this Trustee  
12 Council as a money source, where if you say research is essential  
13 to an understanding --

14 MR. PHILLIPS: Do you move the amendment? Before we have  
15 the general discussion, you've got to have an amendment before it.  
16 Do you move the amendment? Do you move --

17 MR. McMULLEN: Yes, I move.

18 MR. PHILLIPS: Okay, is there a second?

19 MR. McCORKLE: I second it.

20 MR. PHILLIPS: Second by Vern. Okay, go ahead.

21 MR. McMULLEN: I think it -- by saying that -- let's see,  
22 "when the information acquired from research and monitoring  
23 activities outside the spill area will be essential for restoration  
24 or understanding..." I think that focuses on the need for research  
25 rather than the opportunity for money. I ask that that be  
26 accepted.

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

2 MS. BRODIE: I understand your concerns, John, and  
3 agree with the concerns, but I think I would oppose this word  
4 change because I think the word "essential" is a very high standard  
5 to meet, and it could always be argued that something is not  
6 essential and therefore would not be allowed. So I would prefer  
7 staying with the word --

8 MR. McMULLEN: Would you have a word other than  
9 "important," because "important" also can mean anything to anybody.  
10 Vital? How about "vital?"

11 MR. McCORKLE: That's even worse than it sounds.

12 MR. PHILLIPS: Yeah, good going. Yes, John?

13 DR. FRENCH: Yes, I'd like to ask Bob for a  
14 clarification of the spill area. If we were -- we've been talking,  
15 at least in the endowment subcommittee, a lot about oceanographic  
16 parameters. How much of the Gulf of Alaska would count as inside  
17 or outside of the spill area? If you were fifty miles outside of  
18 Kodiak, is that still within the spill area?

19 MR. LOEFFLER: The spill area is aligned on the map that  
20 -- I'll show you.

21 DR. FRENCH: Right, okay. So, in that case, I would  
22 like to at least, as a matter of information, state that most of  
23 the Alaska gyre, particularly the northward flowing branch of it  
24 that feeds into Prince William Sound, is on the edge of and outside  
25 of that actual spill area, and we may not want to tightly limit the  
26 types of oceanographic research that might be needed to understand

1 some of the dynamic processes feeding the area.

2 MR. McMULLEN: Are you trying to say that if I were, what  
3 is it, Yogi Bear, and standing on the shore of -- on the other side  
4 of Montague Island, I might see déjà vu all over again in a couple  
5 of years? (Laughter) There would be little tar balls that would  
6 come around the Gulf?

7 MR. PHILLIPS: Yes, James?

8 MR. KING: Would the word "significant" be better  
9 than "important"?

10 MR. PHILLIPS: The question is, would the word  
11 "significant" be an acceptable --

12 MR. McMULLEN: I think it's more acceptable than  
13 important, if that would be -- yes.

14 MR. PHILLIPS: It's up to you.

15 MR. McMULLEN: Yes.

16 MR. PHILLIPS: All right, and your second. Okay, the --  
17 and the word being presented right now is "the area will be  
18 significant for restoration." Is there any discussion on that? If  
19 there is no discussion, I would ask for unanimous consent, and if  
20 there is no objection, it's so ordered. Do you have anything  
21 further?

22 MR. McMULLEN: One other word on page 28, "Restoration  
23 Strategy."

24 MR. PHILLIPS: Whereabouts on 28?

25 MR. McMULLEN: Down in the paragraph there below the  
26 three bullets where it starts with, "However, if a resource is not

1 expected to recover fully ..."

2 MR. PHILLIPS: Okay.

3 MR. McMULLEN: I would like to change the last word in  
4 that sentence from "consider" to "appropriate," if that's the  
5 correct word to use in that case. In other words, it says, "if a  
6 resource is not expected to recover fully on its own or if waiting  
7 for natural recovery will cause long-term harm to a community or  
8 service, alternate means of restoration would be appropriate,"  
9 rather than considered. Considered is a little too iffy for me.

10 MR. PHILLIPS: Appropriate.

11 MR. McMULLEN: I move that we accept that word.

12 MR. TOTEMOFF: Second.

13 MR. PHILLIPS: Moved and seconded. Is there any  
14 discussion on the motion? The motion is to change the word  
15 "considered" to the word "appropriate." If there is no -- oh, Jim?

16 MR. DIEHL: Doesn't something have to be considered  
17 before it's deemed appropriate?

18 MR. PHILLIPS: Theoretically, I guess.

19 MR. DIEHL: It would be appropriate. It doesn't call  
20 upon anything to be done.

21 MR. PHILLIPS: Well, what --

22 MR. DIEHL: See, considering is you're doing  
23 something, you're considering something, and it changes the meaning  
24 of this sentence completely because it just makes it a factual  
25 statement.

26 MR. McMULLEN: What about "should be undertaken" rather

1 than would be considered or would be appropriate?

2 MR. DIEHL: "Should be undertaken" would be fine.  
3 "Should be undertaken" wouldn't change it. It would imply an  
4 action.

5 MR. McMULLEN: That's right. That's the meaning I'm  
6 trying to convey.

7 MR. PHILLIPS: Okay. Do we have any objection to the  
8 change? So, it would read, then, "alternate means of restoration  
9 will be undertaken," is that correct?

10 MR. McMULLEN: Yes.

11 MR. PHILLIPS: Okay. Yes, Pam?

12 MS. BRODIE: I'm concerned that there may not be  
13 alternate means of restoration that -- although it might be a good  
14 idea, there isn't necessarily something that the Trustees can do or  
15 that is -- where it will do more good than harm and not be way  
16 overpriced.

17 MR. PHILLIPS: Yes, Vern?

18 MR. McCORKLE: Mr. Chairman, there are no alternate  
19 means, nothing is done because there is nothing to be done.

20 MS. BRODIE: Well, for example, there is the question  
21 of how clean is clean. There is still oil in Prince William Sound,  
22 and there is likely to be some further clean-up in Prince William  
23 Sound, but we don't clean up every bit of oil that's there because  
24 it gets to the point where further clean-up is not worth the cost.  
25 The money can be better spent in other ways, and people can argue  
26 about where that point is, but getting the last drop of oil is not

1 worth doing, and that's what I'm concerned, that this change might  
2 say they have to go get the last drop of oil, no matter what the  
3 cost.

4 MR. McMULLEN: Well, I think this addresses the long-term  
5 harm to communities and services, and I'm assuming that that would  
6 have to be shown and agreed upon, but to say that after that, that  
7 you then should only consider taking action on that rather than  
8 saying it would be appropriate, you use appropriate to take action  
9 on that. And I think your -- I think it's, as Vern says, because,  
10 you know, if there are alternatives, I think, I'd assume, you know,  
11 alternate actions. If there are none, we wouldn't take any.

12 MR. PHILLIPS: Vern?

13 MR. McCORKLE: And also, Mr. Chairman, we're talking here  
14 about a resource which is not expected to recover, so a weak  
15 sentence doesn't do very good if there are alternatives. So, what  
16 this change does -- it says that the alternatives, if there are  
17 any, should be undertaken where a resource is not expected to  
18 recover. So, I'm comfortable with that in that specific context.

19 MR. PHILLIPS: Is there any further discussion? If not,  
20 I'm going to ask for a unanimous consent to the adoption of the  
21 amendment, and if there is no objection -- there is an objection.  
22 Those in favor of the amendment, please signify by raising your  
23 hand. (Pause -- hands raised.) Those opposed. (Pause -- hands  
24 raised.) Okay, you got that? All right, do you have any further?

25 MR. McMULLEN: That's all.

26 MR. PHILLIPS: Vern, do you have any further?

1 MR. McCORKLE: No.

2 MR. PHILLIPS: Do you have some?

3 MS. MCBURNEY: Yes, I do.

4 MR. PHILLIPS: Okay.

5 MS. MCBURNEY: My first being on page 11, and all that's

6 in 7. I would like to make a motion to add a couple of words,

7 "Restoration projects will be subject to independent, open,

8 uncompensated scientific review."

9 MR. PHILLIPS: Open and uncompensated.

10 MS. MCBURNEY: Open and uncompensated.

11 MR. PHILLIPS: After the word "independent."

12 MS. MCBURNEY: Yes. I'm contemplating, if there would --

13 Vern just asked a question about what if you can't find somebody to

14 do it uncompensated. But if it's a true, open, scientific review

15 process, you find people that, as a normal part of what they do as

16 scientists is to peer review projects within their special

17 scientific area, and this isn't to preclude that you couldn't -- it

18 provides travel services or something to attend a conference,

19 that's not my intent. The intent would be to prevent contracting

20 with peer reviewers, because if you contract with a peer reviewer,

21 you don't get a peer reviewer, you get contract scientist who will

22 give you an opinion and a spin on your science, and it's not going

23 to be unbiased, and it's not going to be objective.

24 MR. PHILLIPS: Kind of like an appointed attorney

25 general, right? (Laughter) Anyway, the words do say, "will be

26 subject to." It doesn't make it mandatory. So, it does say

1 "subject to" so there -- if you can't find an independent,  
2 uncompensated person, you haven't blown anybody's brains out  
3 because it just says subject to and it doesn't have to have them.

4 MR. McCORKLE: I wasn't going to point that out.

5 MR. PHILLIPS: Okay, I'm sorry. I should keep my  
6 comments to myself.

7 MR. MUTTER: Was that a second?

8 DR. FRENCH: I'll second it, but I would suggest that  
9 it be open, independent, uncompensated, I'm not sure which order  
10 Mary had the words in.

11 MS. MCBURNEY: Well, let's see. Actually, open,  
12 independent and uncompensated reads better.

13 MR. PHILLIPS: Okay, so put the open before the  
14 independent. Okay. Any further discussion on the proposed  
15 amendment? If not, I'm going to ask for unanimous consent. If  
16 there's no objection, it's so ordered. Do you have another one?

17 MS. MCBURNEY: Yes, I do, just one final thing.  
18 Referring to page 12, under -- let's see, that would be the one,  
19 two, three, fourth paragraph, where it reads "Monitoring and  
20 research activities..." Since this first policy clearly states  
21 that the restoration program will take the ecosystem approach. I'd  
22 like to suggest the following language, right after that first  
23 sentence which reads "Monitoring and research activities include an  
24 ecosystem monitoring and research program." I suggest just kind of  
25 tweaking the following sentence by saying, "The ecosystem  
26 monitoring and research program," as opposed to the "ecological



1 monitoring and research program" to reinforce the idea that we are  
2 taking an ecosystem approach here. "The ecosystem monitoring and  
3 research program will provide an understanding of the physical and  
4 biological interactions which affect an injured resource or service  
5 to facilitate more effective restoration and management." The  
6 items that are pulled out here, as far as food source and habitat  
7 requirements and other ecosystem relationships, those are some very  
8 small components of what would go into an ecosystem approach plan,  
9 and -- but the larger picture is going to be composed of physical  
10 and biological interactions, and that really gives you the full  
11 picture, which would take in those considerations he's mentioned  
12 earlier about climate, for example. Those would be the physical  
13 sorts of interactions as well as the biological or the individual  
14 organisms.

15 MR. PHILLIPS: Do you have any comments on that?

16 MR. LOEFFLER: It seems quite better. The next line  
17 (inaudible).

18 MR. MUTTER: Can you read it again, please?

19 MS. MCBURNEY: Sure, okay.

20 MR. PHILLIPS: Do it slow enough so that he can write it  
21 down, because we have to --

22 MS. MCBURNEY: Okay. My motion is to change the language  
23 so that it reads, "The ecosystem monitoring and research program  
24 (pause) will provide an understanding (pause) of the physical and  
25 biological interactions (pause) which affect an injured resource or  
26 service --"

1 MR. PHILLIPS: Hold it. Okay.

2 MS. MCBURNEY: "-- to facilitate more effective  
3 restoration and management."

4 MR. PHILLIPS: Okay, it's been moved. Did we get a  
5 second?

6 MR. MCCORKLE: I second it.

7 MR. PHILLIPS: Okay, second by Vern. Is there any  
8 discussion, any further discussion? If not, I'm going to ask for  
9 a unanimous consent on the adoption of the motion, and hearing no  
10 objection, it's so ordered. Did you get it all, Doug? Okay. Are  
11 you finished, then, with yours? Next. You have nothing? Do you  
12 have anything James? Around here, how about you, John?

13 DR. FRENCH: I just had one. Again, it relates to the  
14 policies. On number 8 in page 11, and again on page 15, where it's  
15 talking about meaningful public participation and restoration  
16 decisions, I would like to propose an amendment to modify that to  
17 read, "meaningful public participation in and review of restoration  
18 decisions." In other words, the insertion of the comma, and review  
19 of, comma.

20 MR. PHILLIPS: He said they don't put "ands" in this  
21 document.

22 MR. LOEFFLER: No, no, no, no.

23 MR. PHILLIPS: Oh, sorry. Would you read it, how it  
24 would read with your amendment?

25 DR. FRENCH: "Meaningful public participation in and  
26 review of restoration decisions will be actively solicited."

1 MR. PHILLIPS: Do you move the amendment?

2 DR. FRENCH: I move that it be accepted.

3 MS. FISCHER: I second it.

4 MR. PHILLIPS: It's seconded by Donna.

5 DR. FRENCH: Okay. The reason I'm proposing that is to

6 provide a little bit stronger statement in terms of active

7 participation, active involvement from public entities. Hopefully,

8 the rest is self-explanatory.

9 MR. PHILLIPS: Is there any further discussion? This

10 would apply equally to number 8 on page 15. It would be an

11 identical amendment. Is there any further discussion? If not, I'm

12 going to ask the unanimous consent, and hearing no objection, it's

13 so ordered. Do you have anything further, John?

14 DR. FRENCH: Nothing else.

15 MR. PHILLIPS: Jim, do you have anything?

16 MR. DIEHL: No.

17 MR. PHILLIPS: Anybody else on this side? Yes?

18 MR. ANDREWS: Page 29.

19 MR. PHILLIPS: Page 29.

20 MR. ANDREWS: I have a problem with -- I know there's

21 sockeye salmon being listed as species not recovering, and Jim, I'm

22 looking at a GAO report that doesn't concur with this. So, it

23 maybe too early to list Kenai sockeye salmon. I understand that

24 the return this year is -- ended up being a half a million fish,

25 and there were two previous years of overescapement. The oil spill

26 only contributed one of three years of overescapement.

1           MR. LOEFFLER: The situation of the Kenai River oil spill  
2 -- or the Kenai River sockeye salmon is explained further in the  
3 appendix, but basically, it's that we expect future years to be  
4 down from this year's return because of the small overescapement,  
5 because of declining spawners. So that our current expectation of  
6 the '94 will be less than the returns from this year and '95 will  
7 be less, and that's why it's not recovering. Eventually, of  
8 course, if left to its own, it would eventually recover fully. I  
9 don't know how long that would take, but it's currently not  
10 recovering because we expect the next couple of years to be less  
11 than it is this year.

12           MR. PHILLIPS: Should you put the word "currently," then,  
13 after the term "resources" on the heading, the head where it says  
14 "Resources Not Recovering?" That indicates that it isn't  
15 recovering, period, and you just said that it currently is not  
16 because the time has not passed. Perhaps a modification --

17           MR. LOEFFLER: I think -- I guess I think that thought is  
18 in there, certainly. The next sentence talks about the fact that  
19 all this is expected to change as we learn more and more about  
20 recovery, and the individual species write-ups, I think, sort of  
21 are consistent with what I said. I think it makes it clear.

22           MR. McMULLEN: Although I'm not prepared to offer or  
23 support a change, I concur with the group on this particular  
24 subject here. Fish and Game has upgraded their forecast for next  
25 year, and they say, hey, it's not as bad as we thought it was. So,  
26 I would say that they're looking at an upturn here, you know,

1 beyond that which they formally advertise, and -- but I think it's  
2 stated here, I think that will probably be handled within the  
3 program somewhere.

4 MR. PHILLIPS: So, is it your desire to remove that one  
5 or suggest the removal by --

6 MR. ANDREWS: It's my motion to remove that simply  
7 because I don't think it's a correct statement.

8 MR. PHILLIPS: It's been moved to remove the category of  
9 sockeye salmon in the Kenai River. Is there a second to the  
10 motion?

11 MR. McMULLEN: I'll second it.

12 MR. PHILLIPS: The second is from John. Okay,  
13 discussion, is there any further discussion about it? Pam?

14 MS. BRODIE: I think that we should defer to the  
15 scientists on this one. If they say it should be included at this  
16 time, I go along with that.

17 MR. LOEFFLER: One thing that perhaps I can do is ask  
18 them to and look at it quickly and write up a current forecast.

19 MR. PHILLIPS: Yeah, because you don't know which  
20 scientists, but --

21 MR. LOEFFLER: (Indiscernible - simultaneous talking) it  
22 may be the -- sort of the sched -- inadvertent scheduling that  
23 we've got is old. I think we should have them look at it again.  
24 That may or may not solve the problem.

25 MR. ANDREWS: Well, we still have this GAO report that  
26 I was referring to, and these are impartial auditors, they're not

1 biologists, and they seem to take a very dim view of this approach,  
2 but I'll go along with that.

3 MR. PHILLIPS: Are you withdrawing your motion?

4 MR. ANDREWS: Yeah, I'll withdraw it, but I think I'm  
5 still right.

6 MR. PHILLIPS: Well, don't be intimidated. Yes, Vern?

7 MR. MCCORKLE: Why don't you consider putting in to the  
8 record that between now and the time this is passed on to the  
9 Trustees, if new evidence indicates that some species may or may  
10 not -- should or should not be on this list, if staff undertakes to  
11 make that correction, that way, if it shows that you're correct,  
12 then the sockeye salmon would go off.

13 MR. PHILLIPS: Is that okay?

14 MR. ANDREWS: Okay.

15 MR. PHILLIPS: Is that all right with you?

16 MR. ANDREWS: Sure.

17 UNIDENTIFIED VOICE: That's correct.

18 MR. PHILLIPS: Okay.

19 MR. McMULLEN: So, we're just asking for a review of the  
20 current situation to see if it warrants staying on there?

21 MR. ANDREWS: That's right.

22 MR. PHILLIPS: So, I assume the motion has been withdrawn  
23 in favor of asking the staff to recheck again to make sure that the  
24 forecasts are reflected properly in here. Yes, Chuck?

25 MR. TOTEMOFF: (Inaudible)

26 MR. PHILLIPS: Could you use the microphone?

1 MR. TOTEMOFF: I've got one other concern that I failed  
2 to mention earlier, under Appendix B.

3 MR. PHILLIPS: Page 2?

4 MR. TOTEMOFF: Page B-10.

5 MR. PHILLIPS: Page 10?

6 MR. TOTEMOFF: Yeah, under Appendix B.

7 MR. PHILLIPS: Yeah, I don't have anything on page 10.

8 MR. TOTEMOFF: It's B-10.

9 MR. PHILLIPS: B-10.

10 MR. TOTEMOFF: Appendix B. It's referring to the Sitka  
11 black-tailed deer.

12 MR. TOTEMOFF: In all of these injury statements here, it  
13 says that the Sitka black-tailed deer sustained no injuries because  
14 of -- as a result of the Exxon Valdez oil spill.

15 MR. PHILLIPS: I can't hear you.

16 MR. TOTEMOFF: The deer population is what I'm talking  
17 about, in Prince William Sound. During the last several years,  
18 I've been getting reports that the deer populations have been going  
19 down drastically, and the only paragraph they allude to here is  
20 that they attribute it to the 1989 reduction to a winter kill, but  
21 the subsequent years, there's no explanation for the decline in the  
22 population. I'm wondering if the scientists would take care and  
23 look at this species.

24 MR. PHILLIPS: What do you want to do? Do you want to  
25 add to, amend, what?

26 MR. TOTEMOFF: I'd like for them to put it back on the

1 endangered species list.

2 MR. LOEFFLER: Mr. Totemoff, right now, the way our  
3 scientists interpret the studies is that they don't find oil spill  
4 injury. It strikes me that one of the things that you may be  
5 looking at is requesting that they either do more work or look at  
6 the data again.

7 MR. TOTEMOFF: Can I make a request?

8 MR. LOEFFLER: Okay.

9 MR. TOTEMOFF: Try and ask them to find out what's going  
10 on with the deer population because it's gone down drastically,  
11 especially in our area.

12 MR. PHILLIPS: How do we get this done? I hear what  
13 you're saying, but it -- you haven't made a motion.

14 MR. TOTEMOFF: I'll put it in the form of a motion that  
15 we request the Trustee Council take a look at the Sitka black-  
16 tailed deer in Prince William Sound and to determine -- ascertain  
17 what the reasons for the population decline is.

18 MS. FISCHER: I'll second it.

19 MR. PHILLIPS: A suggestion, Chuck, it might speed things  
20 up if we were to ask the staff, is that possible for us to do that?  
21 Then they could have a report to the Trustee Council rather than  
22 waiting for the Trustee Council to say, now, go study it. What do  
23 you think?

24 MR. LOEFFLER: Well, I'm not sure whether you're asking  
25 us to look at the existing data. That, the staff can do, but it's  
26 not immediately clear that we're going to change anything. It



1 seems to me that what you're asking for is more work, and more work  
2 does require action by the Trustee Council --

3 MR. PHILLIPS: Sure, that's correct.

4 MR. LOEFFLER: -- and perhaps funding, and if that's what  
5 you're asking for, it seems --

6 MR. PHILLIPS: Okay, you've heard the motion, there's a  
7 second. Is there discussion? Yes, Kimberly?

8 MS. BENTON: Could we maybe -- I know we had another  
9 little reminder list -- that when we go over the 1994 work plan to  
10 flag this to bring it up, and maybe this could be something that  
11 you could propose to have added to the 1994 work plan as a project?

12 MR. PHILLIPS: Can you put a ring around that so it pops  
13 up for us?

14 MS. BENTON: Because I understand what you're saying,  
15 if it's new work it would of have -- it would have to go to the  
16 work plan.

17 MR. TOTEMOFF: I think that's fine.

18 MR. MUTTER: I think at this point it's also legitimate  
19 to put these items forward next week. It doesn't hurt anything.

20 MR. PHILLIPS: That's right, but we also want to be able  
21 to revisit it when we get the work plan, to look at it, as I  
22 understand the suggestion. Pam?

23 MS. BRODIE: I'm concerned that this may not meet  
24 Chuck's objection because if the restoration plan is saying the  
25 deer were not injured, and then a work plan project comes up to  
26 study Sitka black-tailed deer, I'm afraid that the Trustees would

1 say, sorry, that's not compatible with the restoration plan.

2 MR. LOEFFLER: I don't know. It strikes me that our  
3 understanding of injury should be fluid and should respond to  
4 things that real people see out in the world and things that --  
5 now, I'm not saying that I think they are injured or not, but I  
6 think it may very much mean that our statement of injury needs to  
7 be updated every year, and as we learn more. And I think the  
8 ecological investigations will provide more. So, I don't -- I  
9 think the fact that someone says -- real people notice that  
10 something's wrong, we should -- we're not satisfied with the  
11 science, it's totally consistent with the restoration plan.

12 MS. BRODIE: Is there anything in how this is written  
13 that --

14 MR. LOEFFLER: I think everywhere we refer to on the  
15 injured species list, or everywhere where we refer to things that  
16 are recovering now, we always say, this is expected to change as we  
17 learn more in the future, and I think we could try to be sensitive  
18 to that.

19 MR. PHILLIPS: Vern?

20 MR. McCORKLE: And I think also this is another instance  
21 of where it doesn't hurt to at least put in the record that it's  
22 come to the attention of us that a local concern was expressed.  
23 Whether anything was done about it or not is really not germane  
24 because we can bring it back again and again, particularly with the  
25 flag that Doug is going to put on it, but I think we should take  
26 note of the fact that there is local evidence that suggests a

1 contrary opinion here.

2 MR. PHILLIPS: Is there any further discussion on the  
3 motion? Pam?

4 MS. BRODIE: Sorry, no.

5 MR. PHILLIPS: No, okay. If there is no further  
6 discussion on the motion, the motion is to request study on the  
7 Sitka black-tailed deer in Prince William Sound, further  
8 investigation to see what's happening out there. If there's no  
9 discussion, then I will ask for unanimous consent, and hearing no  
10 objection, it's so ordered. All right. Anybody else have any  
11 potential changes? Yes, Pam?

12 MS. BRODIE: This isn't actually suggesting a change in  
13 the restoration plan, but it refers to something in the restoration  
14 plan. I move that the Public Advisory Group request the trustee --  
15 request that the Trustee Council release detailed information to  
16 justify past reimbursements and any future reimbursement requests  
17 of funds to state and federal agencies.

18 MR. PHILLIPS: Well, there's a solid amendment, it's  
19 noncontroversial. Is there a second to it?

20 MS. MCBURNEY: I second it.

21 MR. PHILLIPS: All right, second over here. Is there any  
22 discussion on the motion?

23 MS. BRODIE: I'd just like to say a little to explain  
24 it. Just -- the reimbursements, what has been done so far is  
25 almost a hundred and forty million. What is expected in the future  
26 is another forty to seventy million, so we're talking a hundred and

1 eighty to two hundred and ten million dollars approximately. This  
2 is at least twenty per cent of the nine hundred million dollars.  
3 There has been very little information about how this money was  
4 spent by the agencies, and I'd like to see an accounting for it, as  
5 to what was and will be reimbursed to each agency with explanations  
6 of how, when, and for what purpose it was spent.

7 MR. PHILLIPS: I think you'll get unanimous consent on  
8 that one. Excellent motion. Is there any further discussion on  
9 the motion? Yes, Doug?

10 MR. MUTTER: Would you read that again, Pam?

11 MS. BRODIE: I move that the Public Advisory Group  
12 request that the Trustee Council release detailed information to  
13 justify past reimbursements and any future reimbursement requests  
14 of funds to state and federal agencies.

15 MR. PHILLIPS: Did you get it? Okay, further discussion?  
16 If there is no discussion, I would ask unanimous consent, and if I  
17 hear no objection, it's so ordered. Okay. Yes, Jim?

18 MR. AYERS: Mr. Chairman, I'd just -- would like to  
19 apologize for how much we've been in and out of here.

20 MR. PHILLIPS: No problem.

21 MR. AYERS: We've been trying to get the '94  
22 restoration plan out, as well as a couple of other things, and  
23 there's been a teleconference going on with the various Trustees,  
24 trying to talk about what it is that we're trying to get out. And  
25 I apologize because I think that what you're doing is critical to  
26 the future of what we're going to do with regard to restoration,

1 and I particularly appreciate being included in the last motion.

2 MR. PHILLIPS: Yeah, well, we understand what you're  
3 trying to do, and there isn't anybody that wants to see those plans  
4 any more than we do, so I don't think there's any problem, but I  
5 appreciate your comment.

6 MR. AYERS: And I will be around for awhile, and I  
7 will be available, and this is my -- officially my first day at  
8 work here, and I want you to know that I'll be available to talk  
9 with people on an individual basis. There are phone numbers where  
10 I can be reached upstairs, both here and in Juneau, and I will be  
11 going to Cordova December 4th, I think, for the ecosystem workshop  
12 program, and I intend to be in Kodiak and a couple of the other  
13 areas. I've talked to Chuck quite a bit when we visited in  
14 Chenega, at that time I was in my other job and in anticipation of  
15 this effort. So, I just wanted you to know, I didn't want to take  
16 up your time. I apologize for having to run in and out today, but  
17 I will make myself available to you and will pay close attention to  
18 motions like (inaudible).

19 MR. PHILLIPS: Thank you. I would ask for the permission  
20 of the group, we have one party that I know of that wants to make  
21 a presentation and was scheduled between 3:50 and 4:00, and that's  
22 the Prince William Sound recreation project, and I would ask, if  
23 you have no objection, could we take it up now? Are there any  
24 other people here that want to be heard before the afternoon is  
25 over? Yeah, thanks a bunch. Yes, have you let anybody know?

26 MR. HALL: I did sign up on the sheet there, yes.

1 MR. PHILLIPS: And what is your name?

2 MR. HALL: Dan Hull. I'm the chairman of PSWAC and  
3 representing the Prince William Sound Fisheries Ecosystem Research  
4 Planning Group.

5 MR. PHILLIPS: Did you hear that? Okay. Yes?

6 DR. FRENCH: Yes, Mr. Chairman, we had rescheduled  
7 consideration of the endowment issue for 3:00 o'clock. I would  
8 like clarification for where that stands on the agenda at this  
9 time.

10 MR. PHILLIPS: Well, we're going to take it, and we can  
11 take it now or whatever you want to do. Are you ready to -- are we  
12 ready to act on it, or not act on it, or do whatever we're going to  
13 do?

14 DR. FRENCH: I would like to act on it at this point,  
15 and I would like to initiate that discussion by moving the  
16 acceptance of the committee report as an official PAG position, to  
17 put it on the floor for discussion.

18 MR. PHILLIPS: All right. Do I have a second to the  
19 motion?

20 MS. FISCHER: I'll second it.

21 MR. PHILLIPS: By Donna. Okay, the matter is before us,  
22 and we'll take up the other item as soon as we finish with this  
23 one, if that's all right. Okay, it's open for discussion. Would  
24 you want to discuss it at all, John?

25 DR. FRENCH: Well, I think I discussed it at fair  
26 length when I made the committee report in the first place. I just

1 want to emphasize a couple of things, that with respect to  
2 implementation of a lot of what's in the research -- the  
3 restoration plan that we've just been discussing, there are many  
4 items there that easily will involve time frames greater than two  
5 thousand and one, and I'm prepared, if people wish, the committees  
6 had -- got some of the data I had on ocean cycles, but I'm prepared  
7 to provide it to the rest of the committee if necessary. I think  
8 the language is couched in fairly general terms in most places. I  
9 think that, for discussion, we may want to concentrate on paragraph  
10 III, that seems to be the most contentious one, that's the dollar  
11 value one, but I would like to see some formal action taken today.

12 MR. PHILLIPS: Is there any further discussion? Chuck?

13 MR. TOTEMOFF: As I understand it, the motion is to adopt  
14 this --

15 MR. PHILLIPS: As our official position, yes.

16 MR. TOTEMOFF: I've got a couple of questions. These --  
17 under number III, establishing the endowments, is that still the  
18 endowed chairs concept?

19 MR. PHILLIPS: Did you hear the question, John?

20 DR. FRENCH: It's my understanding of the language  
21 that's in this document at this point, that the specific  
22 functioning of the endowment is not being covered by this. We are  
23 providing an umbrella, a PAG position on an umbrella that we think  
24 there are going to be needs to be covered beyond the scope of the  
25 actual payments, in other words, beyond the year two thousand and  
26 one, and that those types of activities relate to the restoration

1 plan and to the items as spelled under paragraph 2 in the proposal.  
2 It neither includes nor excludes any specific type of endowment,  
3 but we viewed it as a single endowment proposal that would not be  
4 superseded by other ones such as the endowed chairs. In other  
5 words, the endowed chairs could be worked under it. Other types of  
6 activities could be worked in under it. The lead sentence, as it  
7 says, purposes of restoration, enhancement, and replacement. It's  
8 fairly broad. It basically, at this point, encompasses all  
9 activities acceptable for the consent decree, with fairly little  
10 focus except that it recognizes the need for activities beyond  
11 2001.

12 MR. TOTEMOFF: I guess that the other comment that I have  
13 is that this work product here appears to be -- to take everything  
14 under its wings, you know, as far as work projects and activities.  
15 That's pretty much the whole ball game, isn't it?

16 DR. FRENCH: The way this endowment proposal was  
17 written, under paragraph III, it would actually involve some  
18 expenditure of funds prior to 2001. In other words, it would allow  
19 a mechanism for most of the restoration and monitoring activities  
20 to be taken in under the endowment umbrella, as it were. It  
21 doesn't require that, but it would certainly allow that to be done,  
22 which would allow the other portions of the settlement funds to be  
23 earmarked for other purposes such as habitat protection or  
24 whatever, sea life centers, take your pick, whatever the other  
25 expenditures were. The authors of this document, including myself,  
26 viewed it as a way of essentially providing a long-term focus, a



1 hopefully thirty to forty year focus, on what's needed for  
2 restoration and monitoring, and truly understanding how the  
3 ecosystem is interacting so we can use the dollars most efficiently  
4 in terms of minimizing damage to the species and the ecosystem, but  
5 also helping and use the restoration activities as efficiently as  
6 possible.

7 MR. TOTEMOFF: Yeah. I'm not opposed to that approach at  
8 all, but I'm just wondering if -- with the limited amount of monies  
9 left, you know, this leaves enough money for habitat protection and  
10 endowments and some administration and some public information. I  
11 don't think it leaves anything else.

12 DR. FRENCH: Well, I guess, at this point, we have an  
13 amendment on the floor, I mean, we have a proposal on the floor.  
14 We need additional amendments to it, if that's what we need.

15 MR. McMULLEN: Mr. Chairman, I think I'd to know what  
16 Chuck has in mind (inaudible).

17 MR. TOTEMOFF: Well, I'm talking about the general  
18 restoration category, you know. There's three big areas here, and  
19 this area here, this is the research and monitoring part, and it  
20 proposes to take two hundred plus million dollars out of the pot.

21 DR. FRENCH: The words there, restoration and  
22 monitoring, they're not research. As a matter of fact, there's  
23 very few times the word research is used in the whole document.

24 MR. PHILLIPS: Any further discussion? Yes?

25 (Aside mutterings)

26 MR. McMULLEN: I was just explaining to Chuck that -- in

1 reinforcing the statement, that this proposal does cover  
2 restoration, enhancement and replacement of resources just as  
3 listed in the consent decree.

4 MR. PHILLIPS: Yes, Kimberly?

5 MS. BENTON: John, I guess I'd like to see this added  
6 as an amendment if this going to be forwarded to the Trustees, I  
7 just don't know how to do it, and I asked the question earlier, and  
8 I know Dave said to just go ahead and act like, you know, don't  
9 worry about the legal end of it. I am concerned about the legal  
10 end of it, and one of the reasons is, when the attorneys get a hold  
11 of it without a time line, they can just go and go and go. We can  
12 do a tremendous amount of work on an endowment idea and then have  
13 them come back and say that it isn't legal. Could we have some  
14 sort of time frame to this, you know, legal time frame, if it is  
15 going to be forwarded to the Trustee Council, if that's the Public  
16 Advisory Group's opinion, that we would like to have the DOJ's  
17 opinion within our next meeting, which is January, or what do you  
18 think?

19 DR. FRENCH: I think that's it. I think that would be  
20 very appropriate. I know that Dave has the DOJ opinion, that he  
21 has instructions from DOJ not to release to us.

22 MS. BENTON: Exactly, exactly. So, I guess I would  
23 propose an amendment for a time frame.

24 MR. PHILLIPS: Well, do you want to put that in the form  
25 of a motion so that we can get some -- do something with it?  
26 Somebody?

1 MS. BENTON: I would move to add language instructing  
2 the Trustee Council to instruct their legal counsel to give the  
3 Public Advisory Group the legal opinion on the -- whether  
4 endowments are allowable --

5 MR. PHILLIPS: Do you mind --

6 MS. BENTON: -- under the terms of the settlement.

7 MR. PHILLIPS: Do you mind changing that one term,  
8 "instructing the Trustee Council," to the term "requesting?"

9 MS. BENTON: Asking, or requesting, yes.

10 MR. PHILLIPS: You'll probably get a better answer. You  
11 heard the motion. Is there a second?

12 MR. McCORKLE: Second.

13 MR. PHILLIPS: Second by Vern. Discussion? If there is  
14 no discussion, then I would ask for unanimous consent. Hearing no  
15 objection, it's so ordered. Okay. Any -- Pam?

16 MS. BRODIE: I'd like to discuss the dollar amount in  
17 this endowment, section III, and I agree with Chuck that this is a  
18 very large sum. We have eight more payments from Exxon, but we  
19 have -- but the Trustees have not spent most of the September '93  
20 payments, so there are really nine chunks of seven million dollars  
21 each. So, this would be thirty million a year, nine times is two  
22 hundred and seventy million dollars, which is forty-three and a  
23 half per cent of what's left. This is more than any public comment  
24 would support of an endowment. It is beyond the high end of the  
25 public comment, that public comment that talks about endowments at  
26 all. If you add on the cost of administration, which, according to

1 the brochure would be six to seven per cent, that's about another  
2 forty million dollars. That would take it up to three hundred and  
3 ten million dollars, which is half of the money. So, fifty per  
4 cent of the money would be locked up and not available for general  
5 restoration or other purposes until two thousand and two, a long  
6 time after the oil spill.

7 MR. PHILLIPS: Would you like to make a motion so we'll  
8 have something to consider?

9 MS. BRODIE: Well, I would -- I will move that we  
10 delete the references to the amount of money to be included in the  
11 endowments.

12 MR. PHILLIPS: Is there a second to the motion?

13 MS. MCBURNEY: (Inaudible)

14 MS. BRODIE: Yes.

15 MR. PHILLIPS: Is there a second?

16 MS. MCBURNEY: I second it.

17 MR. PHILLIPS: Seconded by Mary. Okay, discussion? Any  
18 further discussion? Pam?

19 MS. BRODIE: Yeah. We had a lot of discussion  
20 yesterday about the need for -- whether this needs to be funded in  
21 perpetuity at an even level, and a lot of the people in the group,  
22 in fact, thought that it did not need to be funded at some given  
23 level in perpetuity because this is, after all, for restoration of  
24 the Exxon Valdez oil spill and, as time goes by, there will be less  
25 and less need to study and restore the Exxon Valdez oil spill. And  
26 yet, the amount that goes into the endowment was predicated upon

1 the need to inflation-proof that amount. And I was doing just some  
2 rough figuring last night, and I think that we could -- that, for  
3 example, a hundred million dollar endowment would, in fact, fund  
4 the kind of research that people are actually looking for, of the  
5 people who support this. This particular proposal, thirty million  
6 dollars a year, calls for seven million dollars each year and then  
7 twenty-three million dollars into the pot, which you'd end up with  
8 a hundred and eighty-four million, I would think, actually more  
9 than that. At the end, which then could fund, perhaps, seven  
10 million dollars a year to inflation-proof, but if we don't  
11 inflation-proof it, you don't need half that much because you could  
12 have a hundred million dollars and still be spending seven million  
13 a year in perpetuity, but the value of that seven million would be  
14 going down, but that's okay. Or you could specify it some, but the  
15 rough figuring I was doing would indicate that if you make it even  
16 slightly larger than the interest, it would wind down in about  
17 twenty-five years. So, I would kind of like to leave that open, as  
18 to whether it would be running down, or spending slightly more than  
19 running it down, and leave that open to future discussions so that  
20 at this point to remove these numbers.

21 MR. PHILLIPS: If you remove the numbers, essentially,  
22 will it remove the paragraph? I think the whole paragraph is  
23 wrapped around the numbers.

24 MS. BRODIE: Well, you're right, yes, so I would --

25 MR. PHILLIPS: So --

26 MS. BRODIE: I should say my motion then to remove the

1 section.

2 MR. PHILLIPS: All right. Is that all right with the  
3 second? Mary?

4 MS. MCBURNEY: (No audible response)

5 MS. BRODIE: I also think that it's -- excuse me, I --  
6 that we would be more consistent with the draft restoration plan  
7 because the draft restoration plan has not specified any numbers.  
8 The Trustees specifically chose to do it that way because -- they  
9 specifically chose to reject the numbers in the brochure, to leave  
10 numbers out, and I think we would be better, to be consistent with  
11 the restoration plan, to leave the numbers more until the future,  
12 until more is known.

13 MR. PHILLIPS: The motion before us is to delete number  
14 III, roman numeral III, and I'm going to make an assumption, which  
15 I shouldn't do, is that there would be simple language substituted  
16 and say that we wish then to establish an endowment program,  
17 period, and --

18 MS. BRODIE: Well, I think that's what the rest of this  
19 --

20 MR. PHILLIPS: Okay. You've heard the -- yes, James?

21 MR. KING: I guess I'd speak to leaving the dollar  
22 amounts in, not so much because I believe they're unchallengeable,  
23 or even correct, but we're entering into a discussion, period, now,  
24 and putting the -- and a public comment period and putting the  
25 restoration plan together. So, for purposes of discussion, I think  
26 it's not inappropriate to have a dollar amount.

1 MR. PHILLIPS: Vern, and then Mary.

2 MR. McCORKLE: Mr. Chairman, as much as I value the  
3 opinions and leadership of my esteemed colleague, I simply cannot  
4 vote in favor of the motion which would eliminate paragraph III.  
5 I think it could be open to discussion as to whether or not dollars  
6 change, or whatever, but I call to your attention page 24 from the  
7 draft restoration where it talks about long-term monitoring and  
8 research, recovering monitoring and ecological monitoring, and it  
9 says that long-term research cannot be accomplished without long-  
10 term funding. The Trustee Council will provide funding to continue  
11 monitoring and research activities after the last Exxon Valdez --  
12 the last Exxon payment is made in 2001. So, clearly, there is  
13 agreement that long-term funding is a desirable -- pardon me, long-  
14 term research is desirable beyond the year 2001. So, I have to  
15 speak in favor of defeating the motion because I don't want us to  
16 weaken the prospects of having an endowment by not creating a  
17 suggestion that it be established. Further, I do want to suggest  
18 that inclusion of the dollar amount gives some indication as to the  
19 weight of the importance we give this. We were pretty much  
20 unanimous on the concept of an endowment when we last met, and I  
21 don't want to lose sight of that. I do agree that Pam's research  
22 is something we should consider because we were, at that time,  
23 thinking about a perpetual endowment that did not turn out to be in  
24 our final vote that we took last time, so perpetuity is not --  
25 should not be an element. And secondly, if we fail to indicate  
26 that we want to have a rather significant amount of money pledged

1 to this, we can very well end up with just sort of a kiss-off, and  
2 giving us a few bucks and go on and play with your endowment.  
3 That's not really not at all what we're talking about, and I -- so  
4 I hope that, while we might defeat this amendment to eliminate  
5 paragraph III, that we'll then come back and revisit, whether or  
6 not those dollars are proper. We are supposed to have some  
7 intelligence from top-side. Did that come in yet?

8 DR. FRENCH: Bob Loeffler (inaudible) I think he can  
9 provide some insight.

10 MR. McCORKLE: Well, anyway, I'm certainly willing to  
11 reconsider the dollar figure, but I'm not willing to vote -- to  
12 eliminate paragraph III.

13 MR. PHILLIPS: Yes, Mary?

14 MS. MCBURNEY: My comments are fairly consistent with  
15 what Vern just stated. As the second on this motion, I don't agree  
16 with removing the numbers, but I would like some recognition that  
17 there are other ways that we could go about establishing a long-  
18 term funding source, which is really the issue here, not the issue  
19 of an endowment per se, but of a long-term funding source. And I  
20 personally feel much more comfortable with establishing a long-term  
21 funding source that does have a sense that within thirty, forty  
22 years or so, and one that may not necessarily need the added  
23 expense of inflation-proofing, and I would like to see, perhaps,  
24 that added into the existing paragraph III as another alternative,  
25 just to get people thinking of other long-term funding mechanisms,  
26 besides being so invested in this idea of an endowment, which I



1 think brings up some pretty specific ideas in people's minds as to  
2 who that would be structured, you know, a permanent piggy-bank,  
3 essentially. But I think that just the numbers that Pam threw out  
4 there just a moment ago are pretty indicative that there are other  
5 ways of going about this, and that it can be done, probably more  
6 cost-effectively, getting more bang for our buck.

7 MR. PHILLIPS: Any further discussion on the amendment?  
8 Yes, Chuck?

9 MR. TOTEMOFF: Regarding the amendment itself, about  
10 taking out the dollar amounts --

11 MR. PHILLIPS: This is to take out the entire paragraph  
12 III.

13 MR. TOTEMOFF: Yeah, I guess my concern is, I'm having a  
14 hard time trying to connect with this whole idea in here, and how  
15 the injured parties that depended on the resources and services are  
16 going to be a part of this. You know, I've got a feeling that this  
17 is just going to be another outside bureaucracy that's going to be  
18 totally alien to us, and for some reason I'm not getting that  
19 comfort level. You know, I think I've said before that endowments  
20 do have a place in restoration, but I don't know if this is it.  
21 Nobody has ever approached me and told me what wonderful things  
22 this will do for the restoration of Prince William Sound and other  
23 areas. Maybe if I can get a response to that?

24 DR. FRENCH: (Inaudible) discussion?

25 MR. PHILLIPS: Yes, John, and then Jim.

26 DR. FRENCH: Yeah, Chuck, I appreciate a lot of your

1 concerns, and in many senses I'm afraid some of this may be either  
2 re-inventing or revisiting some of the bureaucracy. I hope not.  
3 Part of the reason the last page is on there, the part that's in  
4 italics, is because the original proposal I brought to the  
5 committee out of one bureaucracy, indeed would have created a third  
6 bureaucracy. There's a real strong feeling among the committee --  
7 subcommittee members that we don't want to create another  
8 bureaucracy, and that we do want to increase the level of local  
9 control, and I hope that, at least, can strike a common chord with  
10 you, that we feel that it's important that there be a greater  
11 degree of local involvement in those -- determination of the  
12 projects. Now, you know, it's listed in there as marine research  
13 boards, that's perhaps a misnomer, but in the sense that we need  
14 local organizations that are assisting in the determination of the  
15 projects and prioritization of the projects, hopefully we have  
16 something in common on that ground.

17 MR. TOTEMOFF: (Inaudible) strike regional marine  
18 researchers, or add to it?

19 DR. FRENCH: I think we have another amendment on the  
20 floor, but I'd be happy to change the wording of that one, yeah.

21 MR. PHILLIPS: The amendment before us that we're talking  
22 on is Pam's amendment to eliminate section III, which deals with  
23 the amounts of money. Is there any further discussion? I'll ask  
24 Jim, and then Pam.

25 MR. DIEHL: I would kind of go along with Pam on  
26 eliminating the dollar amounts for the endowment, and here's why.

1 It seems like this is kind of an exciting time to be around in  
2 Prince William Sound and in Alaska. It seems like people are  
3 trying to gain access to a real research network up here, and any  
4 real research network, as in the Lower 48, there are funding  
5 sources. And I think it's wrong for us to depend on an endowment  
6 as our funding source far into the future for studies in Prince  
7 William Sound, simply because it will -- it may bring in a whole  
8 bunch of people who are just looking for that funding source to do  
9 their research, and it will not necessarily bring in the best  
10 scientists who can, indeed, get funding for their work because of  
11 their reputations from other sources. So, the way I would look at  
12 an endowment would be, you know, you -- we may have a matching --  
13 it could be in terms of a matching endowment where we could only --  
14 we could necessarily need to put aside only half the money we're  
15 thinking of and then have the researchers obtain the rest of the  
16 money from different sources, like the local expertise in Homer's  
17 (ph) of gaining his funding this year through Earth Watch and other  
18 foundations. And I really think that establishing a great research  
19 foundation up here in Alaska is a way of gaining poor science up  
20 here in Alaska, because there's not that kind of competition that  
21 will mean people are out there looking for funds and gaining them  
22 through proposals to other foundations. They'll all be looking  
23 towards this one endowment, and we'll have our scientists but they  
24 won't be -- there won't be as much diversity in the entire process,  
25 and it won't be a very well-networked process either.

26 MR. PHILLIPS: Pam is next, and then John. I'd like to

1 remind all of you, we are passing the time when we announced that  
2 we'd have public comment, so I'd really like to push this along if  
3 we can. Pam, you're next.

4 MS. BRODIE: The purposes of the endowment are the same  
5 as the purposes of the settlement, and then, in section III it says  
6 that seven million dollars would be used in each of the eight years  
7 with the remaining being put in a restricted account. As written,  
8 it seems to me that this is saying that only seven million dollars  
9 will be spent for the purposes of the settlement. So, it not only  
10 is locking up, basically, half the money, but it isn't even clear  
11 that the rest of the money could be spent the way it is now worded  
12 in section III.

13 MR. PHILLIPS: The question before us is the amendment,  
14 Pam's amendment to eliminate section III. Is there any discussion  
15 on that amendment? If not, I'm going to ask for a vote. Those in  
16 favor of the amendment, please signify by raising your hand.  
17 (Hands raised) Got them? Those opposed. (Hands raised) Okay,  
18 those -- the amendment fails, and now before us is the original  
19 motion that adopts this document as our position -- as the PAG's  
20 position on the matter, the question of endowments. Chuck? No,  
21 this young lady has been noisy today, I'm going to let her talk one  
22 more time. Go ahead.

23 MS. GAGNON: Thank you, Sharon Gagnon. I was at your  
24 last PAG meeting and listened to the public testimony. I was very  
25 impressed by Dave Rose's comments, and of course he speaks with a  
26 great deal of knowledge and authority, and I think we all respect

1 his opinions. He thought everything should be put into an  
2 endowment, if you recall, and I don't think that that is what we  
3 want to do, but I think it does illustrate the fact that we're  
4 confusing here the purpose of an endowment with its uses, and I  
5 think part of the purpose is to avoid a wasteful use of the money  
6 that has come this way, and also I think, to speak to Jim's concern  
7 over here, the trendy uses of that money. The idea of careful  
8 funding over a long period of time of a number of different  
9 applications, not only research but a number of applications, I  
10 think gives the public and the rest of the people involved in the  
11 spill restoration a certain comfort level that this money is  
12 somehow not going to disappear, that it can be followed, and the  
13 uses of it can be monitored, and that it will continue to provide  
14 some benefit to everyone on a number of different levels instead of  
15 simply disappearing. And I think we need to look at it both those  
16 ways in terms of not only uses but in why do we want to do an  
17 endowment at all.

18 MR. PHILLIPS: Vern?

19 MR. McCORKLE: Thank you, Mr. Chairman. I want to thank  
20 those of you who voted to keep the concept of an endowment in the  
21 proposal. Hopefully, we can refine that in such a way that it will  
22 meet the approval of everyone here. First of all, it's the purest  
23 conjecture that we will require less or more study out in the  
24 future. The restoration document speaks to the fact that we're  
25 going to have to have research beyond the year 2001, I don't hear  
26 anybody refuting that, and this is one way that allows us to do

1 that. We are not talking about in perpetuity any longer. That was  
2 dismissed at our last meeting. Neither are we talking about  
3 inflation-proofing. What we are talking about is to save a few  
4 dollars to do exactly what Sharon Gagnon has suggested we might  
5 want to do. We are not creating a foundation, Jim. We are not  
6 creating an institution or a body of anybody. We're creating a  
7 pool of money that Trustees can spend in accordance with the  
8 dictates of the consent document. So, we're not going to have any  
9 bad scientists, and so what if they come here to do their own  
10 research, it would be because we invited them to come and do our  
11 research that they have to be doing. So, there won't be resident  
12 populations moving here to suck up the endowment. And I think that  
13 trendy uses are a point, I just heard that mentioned, but it does  
14 sort of strike a chord with me because I want to make sure that we  
15 don't just piddle the money away in trendy uses. And I really  
16 believe that research and the restoration and the work contemplated  
17 by the court decree is not going to be done in the next seven or  
18 eight or nine years, and I would very much like us to see that we  
19 consider at least two species cycles, that's eighteen point six  
20 years, according to some scientists. Maybe you would go with a  
21 lesser number of years, but certainly we need to provide a way to  
22 make sure that when we have completed these studies and done all  
23 the restoration that we can and acquired all the land that's  
24 necessary, that we have accomplished a good bit of work. That  
25 requires, I think, a reasonable way to extend the work beyond the  
26 year 2001, and to do that by a vehicle such as an endowment or some

1 other kind of source or mechanism is what I can support.

2 MR. PHILLIPS: The question before us is whether or not  
3 the group will pass the motion to accept this document as our  
4 position on the matter of endowments. Is there any further  
5 discussion? Yes, Vern?

6 MR. McCORKLE: I hate to be repetitious, but do we not  
7 want to address the dollar figure? Are we willing to accept the  
8 thirty million? I understood, and thought, that there would be  
9 people who would like to revisit that before we put this motion  
10 through and perhaps make an amendment, and I would support the  
11 amendment for a lesser figure if you figure that's what we'd like  
12 to do.

13 MR. PHILLIPS: So far there's no amendment before us, so  
14 I have to call the question. If there's no further discussion --  
15 yes?

16 MS. MCBURNEY: I'll take a shot at it.

17 MR. PHILLIPS: All right.

18 MS. MCBURNEY: Okay. I would move that there would be a  
19 statement in paragraph III that would request that a different --  
20 different approaches to a long-term funding mechanism be examined  
21 such as endowing a fund for thirty million dollars a year over  
22 eight years or, say, taking another approach where it would not be  
23 inflation-proofed, based on a hundred billion dollars a year -- or  
24 a hundred million dollar fund that would then basically sink over  
25 the course of thirty to forty years and whatever pay-out schedule  
26 that might produce.

1           MR. McCORKLE: As artfully as that was -- I can second  
2 that motion.

3           MR. PHILLIPS: It's been moved and seconded, and I'm not  
4 sure of the exact wording, and Doug will have to tell me whether  
5 he's captured the idea.

6           MR. MUTTER: Since Vern liked it, I'd like him to  
7 repeat it for me.

8           (Laughter)

9           MR. McCORKLE: Oh, no. I think the essence of what we  
10 want to vote on is that, and the concept of an endowment or another  
11 similar kind of vehicle is what we're proposing, and that a figure  
12 in the neighborhood of a hundred million dollars be set to that  
13 use.

14          MR. MUTTER: So, the basic amendment is the hundred  
15 million dollars?

16          MR. McCORKLE: Yes. We've changed the thirty million a  
17 year to the total of a hundred million. Where it's talking about  
18 a hundred eighty-four down there, strike the ideas of perpetuity  
19 and inflation-proofing, and that way, if the money were to be meted  
20 out in equal amounts over the next seven or eight years, that's a  
21 simple matter of mathematics.

22          MR. PHILLIPS: Okay. I've heard it moved and seconded.  
23 I think we get the essence of it. Doesn't that require rewriting  
24 number III, really?

25          MR. McCORKLE: Yes.

26          MR. PHILLIPS: And taking those numbers that are in there



1 out of there, which is what we tried to do before.

2 DR. FRENCH: For clarification, would you continue to  
3 include some expenditures from the fund during the next eight  
4 years, or not?

5 MR. McCORKLE: Yes.

6 DR. FRENCH: Okay. A seven million target?

7 MR. McCORKLE: Yes.

8 MR. PHILLIPS: Chuck?

9 MR. TOTEMOFF: Mr. Chairman, we could add some further  
10 language to the number V, Organization and Process (A). This  
11 process should include regional and marine research groups and  
12 communities.

13 MR. PHILLIPS: Where are you attaching this?

14 MR. TOTEMOFF: On number V.

15 MR. PHILLIPS: Yeah, but we have a motion before us on  
16 number III that we have to dispose of first. That's before us, is  
17 the modifying roman numeral III, and that's the matter before us  
18 right now. Yes? No, I'm sorry, Sharon is first, and then John.

19 MS. GAGNON: I would like to speak in keeping roman  
20 numeral III as it is, for this reason -- for these reasons. I  
21 think, when you say that we are in favor of establishing an  
22 endowment or some other mechanism, either we're for an endowment or  
23 we're not, and I thought that the purpose of the endowment  
24 subcommittee was to create the -- a plan for the purpose of this  
25 discussion, in which we pursued the endowment idea. So, I would  
26 prefer leaving it that there will be an endowment established. And

1 so far as the dollar amount is concerned, I think there are two  
2 ways we could do that. We could leave it is as it is, which I  
3 prefer because it's a serious request. It indicates that this  
4 board is interested in protecting the monies, to see that it's used  
5 properly, to not let it disappear, and we that we think that this  
6 is the amount that it would take to do that seriously. So, I would  
7 be -- that would be my first choice. If, however, the dollar  
8 amount can be lessened because it will not be inflation-proofed or  
9 placed in perpetuity, then I'd present it very clearly in terms of  
10 alternatives that the endowment would be established by one of the  
11 following methods: one, the one that's here; two, the idea that it  
12 would be this amount for -- and then that it would sunset at some  
13 point, or if -- and then if there's a third alternative like that,  
14 to indicate that this is a serious group of people who have thought  
15 about this and really stand behind it.

16 MR. PHILLIPS: Is there -- yes, John.

17 DR. FRENCH: My concern was primarily that I still  
18 don't understand the amendment, as to the exact wording. It does  
19 have the -- he understands that why -- I guess if it passes, that's  
20 fine, I can work it out with him, but if I'm going to have to  
21 present it, it's going to be difficult if I can't understand it.

22 MR. MUTTER: Well, here's what I understand, if I may,  
23 that we would replace paragraph III and say that basically we  
24 request that different approaches to funding an endowment to make  
25 it a total of a hundred million dollars be undertaken. That's my  
26 understanding of the amendment.

1 MR. PHILLIPS: Does that go with the makers of the  
2 amendment and the second?

3 MS. MCBURNEY: That's a component. I'm not totally  
4 dismissing the thirty million dollar a year scenario either, I'm  
5 just introducing another possible scenario so that it doesn't look  
6 like we're investing in just this one particular approach, but  
7 rather that we're open to other means of establishing a long-term  
8 funding mechanism. Let's add --

9 MR. PHILLIPS: That's what Sharon said.

10 MS. MCBURNEY: Exactly. You know, Sharon, I think,  
11 articulated it much better than I did. Thank you.

12 MR. MUTTER: So, it's to leave the current paragraph in  
13 and put a big or there, and say, or a hundred million dollars,  
14 right?

15 MS. MCBURNEY: Such as, you know.

16 MR. MUTTER: Such as, okay.

17 MS. MCBURNEY: It's kind of -- leave it open. Exactly.

18 MR. MCCORKLE: I could go with that too. What I wanted  
19 to have more discussion on, Mr. Chairman, rather than just throwing  
20 it all out, I think there's far too much work and study that's gone  
21 into this, and it's far too serious a proposal to simply dismiss it  
22 because we don't accept thirty million. Maybe we'd accept twenty-  
23 eight, and now it's something less, but I appreciate your further  
24 discussion and, yes, alternative means would certainly be  
25 acceptable. I like the idea of retaining the idea of endowment.  
26 I apologize for not being able to go along with the alternate

1 funding because I don't know what that would be, but if we retain  
2 the idea of the endowments and be willing to either go with it as  
3 presented here, or in an alternative involvement, which would be to  
4 what Sharon has suggested.

5 MR. PHILLIPS: Is there further discussion on the motion,  
6 that I think we understand? It's -- as I understand it, it's  
7 number III as presented, add one alternative in number II in the  
8 amount of a hundred million dollars, as another suggested  
9 alternative. Is that correct or not? Yes?

10 MR. McMULLEN: Mr. Chairman, I don't think we should set  
11 up limits, a high limit, you know, an upper limit and a lower limit  
12 on this. I think we ought to decide upon a number and stick with  
13 it, and I also agree that we should stick with the concept of an  
14 endowment, period, and not some other form of funding, and to make  
15 our statement rather clear, I believe that Sharon says that -- you  
16 know, you've got to make your -- you've got to make your statement  
17 and take your position, and certainly we don't -- I think ten  
18 million a year, trying to work with that and then put money away  
19 for the future is too darn little when you're getting, you know,  
20 seventy million dollars a year from -- in payments on this. And so  
21 I would think that, you know, we ought to be talking about some  
22 figure that is not outrageous but, you know, that will cover the  
23 type of program that we envision over the, what, twenty-five or so  
24 year period that we're talking about doing this. So, I would think  
25 that we should ask for at least twenty million dollars a year.

26 MR. PHILLIPS: That's a third alternative, perhaps. I

1 think the problem we have here is defining what the motion is  
2 before us specifically so we can intelligently vote on it, and I,  
3 for one, can't even tell you what the motion is, and I'm supposed  
4 to be able to do that. So, if somebody can --

5 MR. ANDREWS: I think it calls for a question.

6 MR. PHILLIPS: Yeah, well, I --

7 (Laughter)

8 MR. MUTTER: Well, let me see if I understand the  
9 motion this time around. Okay. Under paragraph III, we want to  
10 say that we want to establish an endowment, for example, by one of  
11 the following methods, which one is the paragraph that exists  
12 there, the other one is to set aside a hundred million dollars with  
13 some sense (indiscernible) on it, as two possible ways to do that.

14 MS. MCBURNEY: (Inaudible -- out of microphone range)

15 MR. MUTTER: Or some other way . . .

16 MS. MCBURNEY: Right.

17 MR. MUTTER: . . . to be determined.

18 MR. PHILLIPS: Okay, is there anybody that doesn't  
19 understand? Okay, the question before us is the motion which  
20 endorses the idea of establishing an endowment with two specific  
21 alternatives and an indefinite number of other options, the first  
22 being the -- as it's outlined in number III, and the second one  
23 being the appropriation of a hundred million dollars to be used as  
24 an endowment figure. If that is what the meaning of this motion  
25 is, then I'm going to call for the question. All those -- well,  
26 I'll ask for unanimous consent first.

1 UNIDENTIFIED VOICE: No.

2 MR. PHILLIPS: If there -- all right, there's been an  
3 objection so I will have to ask for -- those who are in favor of  
4 the motion as amended here, indicate by saying -- raise your hands,  
5 please. (Hands raised) One, two, three, four, five, six, seven --  
6 seven. He's got eight. Well, that does it. Those opposed?  
7 (Hands raised) Six, eight, six. (Motion, as amended, carried 8 in  
8 favor, 6 opposed.) Okay, I didn't think we'd do it, but we got  
9 through that one. Now, I think it's over time for public comment.  
10 We'll -- we have the --

11 UNIDENTIFIED VOICE: The main motion was accepted.

12 MR. PHILLIPS: Okay, all right, you're absolutely  
13 correct. I had just made the assumption that he had amended.  
14 Okay, the --

15 MR. TOTEMOFF: Mr. Chairman, I've got another amendment  
16 to make.

17 MR. PHILLIPS: A proposed amendment? Would you read it,  
18 please?

19 MR. TOTEMOFF: I'll move that the -- under roman numeral  
20 V, Organization and Process (A), the third sentence after marine  
21 research groups, should be amended to include local communities, so  
22 the process should include regional marine research groups and  
23 local communities empowered to develop regional restoration plans  
24 and help evaluate specific research projects.

25 MR. PHILLIPS: So what you're inserting is after the word  
26 "group," and community groups?

1 MR. TOTEMOFF: I should say, and those communities  
2 affected by the Exxon Valdez oil spill.

3 MR. PHILLIPS: Okay, but your first addition here, after  
4 the word "group," you're inserting what words?

5 MR. TOTEMOFF: "And local communities."

6 MR. PHILLIPS: And local communities. And then you're  
7 going to add on to the end of the sentence what words?

8 MR. TOTEMOFF: Still affected by the Exxon Valdez oil  
9 spill.

10 MR. PHILLIPS: Did everybody hear that?

11 UNIDENTIFIED VOICE: No.

12 MR. PHILLIPS: He is on the third page number V, which is  
13 V, I think, and (A), the last sentence in (A), starting with the  
14 process. No, I'm sorry. Yeah, the process, the second "the  
15 process," the last sentence after -- it starts over on the margin  
16 on the left. The process should include regional and so forth.

17 MR. MUTTER: Mr. Chairman?

18 MR. PHILLIPS: Yes?

19 MR. MUTTER: I think he meant to amend it to say, "the  
20 process should include regional marine research groups and local  
21 communities affected by the Exxon Valdez oil spill."

22 MR. PHILLIPS: Is that right?

23 MR. TOTEMOFF: That's right.

24 MR. PHILLIPS: Okay. Is there anybody that didn't get  
25 that? Okay, you've moved it. Is there a second to the motion?

26 DR. FRENCH: I second it. It's consistent with the

1 committee's intent.

2 MR. PHILLIPS: Okay, it's been seconded by John. Is  
3 there any further discussion on it? Is there any discussion at  
4 all? Pam?

5 MS. BRODIE: (Inaudible -- out of microphone range)

6 MR. PHILLIPS: Doug?

7 MR. MUTTER: "The process should include regional  
8 marine research groups and local communities affected by the Exxon  
9 Valdez Oil Spill, empowered to develop regional restoration plans  
10 and help evaluate specific research projects."

11 MR. PHILLIPS: The motion before us is to adopt the  
12 amendment, the proposed amendment, and it has been seconded. Is  
13 there any discussion? If not, I'm going to ask for unanimous  
14 consent. Hearing no objection, it's so ordered. Now, the question  
15 before us is the adoption of the original motion to accept this  
16 paper, as amended, as our position on the subject of endowments.  
17 I'm going to ask for unanimous consent. There is an objection, so  
18 is there any further discussion then? If not, I would ask for  
19 those who approve the original motion as amended, please indicate  
20 by raising your hand. (Hands raised) Those opposed? (Hands raised  
21 -- Diehl and Brodie opposed) Okay. Are we through with this  
22 course in killing a snake at sundown? Anyway, Karen, would you  
23 come up? I'm going to ask the next (inaudible) Karen Kroon, she  
24 was scheduled first, but -- yes. Would you sit here and use that,  
25 and I'll be right (inaudible).

26 MS. KROON: My name is Karen Kroon, it's K-A-R-E-N



1 K-R-O-O-N, and I'm with the Prince William Sound Tourism Coalition.  
2 I don't know if I have enough copies of that or not. I made  
3 fifteen copies. What it is, I just wanted to make this group aware  
4 of a proposal that we worked through the recreation and restoration  
5 planning project a couple of weeks ago, I guess it was a couple of  
6 weeks ago, for a recreation education information center, or a  
7 visitor's center, that we are working on at the Portage train  
8 station. The visitor's center itself was an idea, as a resolution  
9 on the table two years ago, at our Prince William Sound tourism  
10 coalition annual meeting, noting that there is a definite need for  
11 a place where people can come and get information on Prince William  
12 Sound, the status of the Sound after the oil spill, activities that  
13 are available there, letting people know the current health of the  
14 Sound. It's amazing, the number of people that came through that  
15 center this year and did not know that fishing might be safe in the  
16 Sound after the oil spill or that there are current activities  
17 happening there after the spill in the Sound. So, last year the  
18 visitor's center became a reality, and we had it there at the  
19 Portage train station. It was only open for about six or seven  
20 weeks after everything was said and done, and it was run through  
21 the Prince William Sound Tourism Coalition. We hired three  
22 employees from Whittier to come out and work at the center, and it  
23 was really a positive success. There was a lot of information that  
24 was disseminated through the center. We disseminated information  
25 from the U.S. Forest Service, from our members, and it was really  
26 good. And what we're seeking to do is to find a program or a plan

1 to allow the center to be self-sustaining, and basically what we  
2 are asking -- well, I'll back up a little bit. At this point, the  
3 visitor's center is established at the Portage railroad station in  
4 a building that is currently -- that was built and developed by one  
5 of our member tour companies, which is Major Marine Tours. We rent  
6 a section of the building, a small section of the building, and  
7 Major Marine has a section of the building, and the railroad --  
8 it's the plan that the railroad would be in a section of the  
9 building selling tickets. What we'd like to do is to seek funding,  
10 to be able to purchase the building, that would allow us to be able  
11 to operate on a sustainable income for the future. We'd like to  
12 either purchase the building at an approved rate of appraisal, and  
13 if that's not possible, we would like to see another building built  
14 that would be our building to be able to utilize for the  
15 dissemination of the information there at the Portage train  
16 station. So, this handout just gives you some background as far as  
17 the Prince William Sound Tourism Coalition. It was established in  
18 1985 and became incorporated in 1987, so we have been there, you  
19 know, well before the oil spill occurred and became very active in  
20 marketing and letting people know that the entire Sound was not  
21 destroyed by the oil spill and that people could actually go there  
22 and have a good experience after the spill. And so, I think the  
23 Coalition sees itself as a source to be able to provide information  
24 to the public on Prince William Sound, and there really is no other  
25 project like this that I see, and we asked for public comment for  
26 the recreation and restoration project, our visitor's center was

1 ranked fourth out of thirty projects so it had a real high approval  
2 rating there. So, I'd ask that you just kind of look through this  
3 handout that I've given you, and if there's any questions, I'd just  
4 would like to ask for your support on the project.

5 MR. PHILLIPS: Yes, Kimberly?

6 MS. BENTON: Is this project currently -- is it a  
7 proposed project to be included in the 1994 work plan?

8 MS. KROON: Yes.

9 MS. BENTON: Is that the way you've done it?

10 MS. KROON: Yes.

11 MS. BENTON: Okay, so it should come before us again  
12 maybe (inaudible)?

13 MS. KROON: I'm not sure exactly what the procedure  
14 is. We've been working with the recreation and restoration  
15 planning project and developed a proposal that will hopefully be  
16 considered by the Trustee Council, and I don't know if that would  
17 be --

18 MR. PHILLIPS: The work group on recreation held the  
19 hearings and rated all these projects, and they did rate this  
20 particular project as number four out of thirty, and it will be  
21 presented as representing recreation, and I think the request here  
22 is to get support of the PAG on this in our presentation to the  
23 Trustees.

24 MS. KROON: Right.

25 MR. PHILLIPS: Donna first, and then Kim.

26 MS. FISCHER: Okay. This is going to sound like sour

1 grapes because I'm from Valdez.

2 MS. KROON: Uh-huh.

3 MR. PHILLIPS: Don't say that (inaudible).

4 MS. FISCHER: And we've been on this plan for many --  
5 for a long, long time. It really surprises me that yours made it  
6 as far as it did, you know, because I know it was sent in even  
7 after the plan that Valdez submitted, long after the plan that  
8 Valdez submitted, and --

9 MS. KROON: Which plan is that? I'm sorry, I don't  
10 know.

11 MS. FISCHER: The same thing that you're proposing, the  
12 exact same thing, nothing any different. In fact, we tried to get  
13 the recreation and restoration, or the Prince William Sound  
14 Recreation Committee to help support us, and they wouldn't do it.  
15 You know, I think you've got a good plan here, but one of the  
16 things that's always bothered me is that Valdez is always going to  
17 carry the brunt of the oil spill, due to the fact that we are  
18 Valdez and we're named -- the ship is named after Valdez, and we  
19 seem to get an awful lot of the visitors there that want to know  
20 about the oil spill. We had intended, or had submitted for an  
21 educational -- not so much a visitor's center but an up-link, to be  
22 able link around the world, to be able to educate people on the  
23 Sound, on what is in the Sound, what could happen in the Sound.  
24 So, I'm really surprised that yours made it as far as it did, when  
25 apparently the Valdez --

26 MS. KROON: Well, this is not -- yeah.

1 MS. FISCHER: -- recreation educational center couldn't  
2 even make it in there. I couldn't support it.

3 MR. PHILLIPS: That isn't her fault.

4 MS. FISCHER: No, I know it's not, but I want you to  
5 know I couldn't support that.

6 MR. PHILLIPS: Are you kidding? If it doesn't go to  
7 Valdez, you can't support it?

8 MS. FISCHER: That's right.

9 MR. PHILLIPS: Well.

10 MS. KROON: Well, we see the center as a center to all  
11 the communities in Prince William Sound, and a lot of our Valdez  
12 members are very excited about the visitor's center itself, and not  
13 at all to detract from, you know, any of the communities in the  
14 Sound.

15 MS. FISCHER: Well, we have proposed the same thing,  
16 except that we have proposed an up-link in Whittier, Cordova,  
17 Valdez, Chenega. Chuck has been involved with this to some degree  
18 with Tom.

19 MR. PHILLIPS: What do you mean by an up-link?

20 MS. FISCHER: An up-link would mean a satellite up-link  
21 done through the University that would educate people around the  
22 Sound, around the world. The up-link will go all the way to  
23 California, or it will go to Europe, to be able to educate people  
24 on the Sound, which I think is a better way of reaching a greater  
25 number of people to let them know that fishing is good, to let them  
26 know that the Sound has pretty much healed, and to let them know

1 that they can come to Alaska and see the Sound immediately.

2 MS. KROON: Right, which is what we're trying to do.

3 MS. FISCHER: But the educational up-link would have had  
4 a better way of reaching more people around the world than from  
5 what -- you know, this could do -- I mean, we had this proposal on  
6 the table, what, Chuck, about two years ago, something like that,  
7 and gradually worked it out, and we thought we had made it through.

8 MR. PHILLIPS: This is for people who are driving in  
9 their automobiles and --

10 MS. FISCHER: They can drive to Valdez.

11 MR. PHILLIPS: Oh, good. Well, we'll tell them that too.  
12 But to answer questions to people who are on the road, not people  
13 who are in California or in Ethiopia, but people who are on the  
14 road at Portage and want to know some information is merely an  
15 information center.

16 MS. FISCHER: Well, this would do the same thing. It  
17 would have, you know, an information center inside as well as an  
18 educational center to where there could be science symposiums as  
19 well as information.

20 MS. KROON: Well, one of the reasons, if I can speak  
21 just real quickly, one of the reasons that the site at Portage was  
22 selected is because it's such a high visitor area, it's such a high  
23 traffic area, kind of a gateway, if you will, into the Sound, as is  
24 Valdez, but with it being closer to the main population center,  
25 it's a real accessible place for it to be, and that's the reason  
26 that it was chosen.

1 MR. PHILLIPS: Yes, Donna?

2 MS. FISCHER: Pam had her hand up, I think, first.

3 MR. PHILLIPS: Okay. John, and then Pam.

4 MR. McMULLEN: Your building that you're housed in there  
5 is at Portage, on the highway itself?

6 MS. KROON: Right. It's at the Portage train station  
7 right along the highway.

8 MR. McMULLEN: Yeah. Do you get -- do you have an  
9 attractant there that pulls people off the highway, people who  
10 might otherwise go down to the Kenai Peninsula --

11 MS. KROON: Yeah, exactly.

12 MR. McMULLEN: -- and may be directed into the Sound  
13 through conversation with you?

14 MS. BENTON: There's a mocha cart (inaudible).  
15 (Laughter)

16 MS. KROON: Definitely. There's a big sign, Prince  
17 William Sound Information Center, and all summer, every day, we had  
18 people that came in there on their way down to Kenai that were  
19 routed into the Sound rather than down to Kenai.

20 MR. McMULLEN: In other words, yeah, the people that you  
21 talk to haven't all pre-decided to go to the --

22 MS. KROON: No.

23 MR. McMULLEN: -- go into Whittier and then take a trip  
24 on the Sound or whatever, and so --

25 MS. KROON: No, no way.

26 MR. McMULLEN: You actually not only get people who have

1 gotten to the end of the road, but people who might otherwise go a  
2 different direction --

3 MS. KROON: That's right.

4 MR. McMULLEN: -- if you weren't there directing them.  
5 I think it's a small, cost-effective project, and I think if you're  
6 number four on the recreational list, you're probably in pretty  
7 good shape. As you know, though, we're not making any  
8 recommendation on '94 work plans today.

9 MS. KROON: Okay.

10 MR. McMULLEN: We'll do that at a later time, and thank  
11 you very much for your presentation.

12 MR. PHILLIPS: Pam?

13 MS. KROON: Thanks, John.

14 MS. BRODIE: Two things. Doug, could you distribute to  
15 us the ranking of the recreation projects?

16 MS. KROON: I have a copy of it, if you'd like.

17 MS. BRODIE: Okay. At least (inaudible). And the  
18 second thing is, Karen, this -- have you gone to the state  
19 division, I can't remember the name of it, the state division that  
20 promotes tourism, gone to them for funding?

21 MS. KROON: Well, I've looked for funding at the ATMC  
22 Board and through the Division of Tourism, and they're -- and  
23 through ABA, and there really are no grants, no funding sources  
24 available. Things that used to -- I was excited, thinking that  
25 possibly that was the source, but even the grants that used to help  
26 the regional organizations and things like brochure production are



1 gone, so I have not been able to find any funding sources although  
2 we've looked.

3 MS. BRODIE: Is there any kind of Prince William Sound-  
4 wide chamber of commerce?

5 MR. PHILLIPS: That's what they are.

6 MS. KROON: That's basically what we are. We're --  
7 that's basically what we are.

8 MS. BENTON: But this --

9 MR. PHILLIPS: Just a second. Yes, go ahead, Kimberly,  
10 and then Donna.

11 MS. BENTON: One of the basic reasons I've been here,  
12 and this last summer I've brought family, and I think the facility  
13 is wonderful, and I'd like to see it continue, is because of the  
14 funding level. I mean, putting it into perspective, another  
15 project that ranks quite high, that ranked ten out of the group  
16 with the brochure production, and just the production of the  
17 brochure was over a hundred thousand dollars, and so for sixty  
18 thousand dollars to have a permanent facility that's self-funding  
19 after the initial cost is wonderful, and I wish you all the best of  
20 luck.

21 MS. KROON: Well, thanks, and it -- it really is going  
22 to be self-funding and at a low cost, and when you think of the  
23 damage that was done to the visitor industry because of the spill,  
24 I think it's one of the best ways that the Exxon Valdez Trustees  
25 could show that they, you know, support that restoration.

26 MR. PHILLIPS: Yes, Donna?

1 MS. FISCHER: Yeah. You know, I know your project, you  
2 know, will support the Sound, but we got together and Whittier  
3 refused to come in to the organization, you know, to PWSCORS, when  
4 we were working on this area on, you know, a visitor's center, and  
5 everybody in the Sound, Chenega, Tatitlek, Cordova, was involved  
6 with PWSCORS in promoting something like this for Prince William  
7 Sound. We all came together as a group and looked at ideas that we  
8 could go for in supporting different entities, you know, throughout  
9 the Sound, and I just, you know, I mean I like your project, I  
10 think it is good, I think you could probably pull some people into  
11 the Sound. I just know I'm going to talk to our VCB. We just  
12 funded them to the tune of quite a bit of money and that's going to  
13 come up again, I'll tell you.

14 MS. KROON: Well, I really don't see the two projects  
15 as competing, but rather could really work effectively together.

16 MS. FISCHER: Work together, yeah, but I'm just  
17 surprised, with what we could have offered and what was being  
18 offered through the University system, and Tom then brought it --  
19 I think brought it before this body once before, before the  
20 Trustees, and it couldn't get anywhere.

21 MR. PHILLIPS: Donna, remember that she doesn't represent  
22 Whittier, either. She represents --

23 MS. FISCHER: I know, Portage.

24 MR. PHILLIPS: No, she represents the Prince William  
25 Sound Coalition, which involves Cordova, Valdez, Whittier, and  
26 anybody interested in having businesses or living in the Prince

1 William Sound. She is completely not in anybody's camp over there.

2 MS. FISCHER: Right.

3 MR. PHILLIPS: Is there any further question? Karen,  
4 well, we sure appreciate your coming, and this will be put in with  
5 the other projects that we're considering for when we get the 1994  
6 plan, and we appreciate your participation.

7 MS. KROON: Okay. Well, thanks a lot everyone, and  
8 we're busy today, but I appreciate it.

9 MR. PHILLIPS: Okay. There were some -- there -- Dan,  
10 would you come up here where there is a microphone, please, and we  
11 can hear you and -- if you'd identify yourself and your subject  
12 matter, for the record, and use this microphone here, please. You  
13 can hold it or fasten it, it doesn't matter.

14 MR. HULL: Thank you, Mr. Chairman. My name is Dan  
15 Hull, and I'm a salmon gillnetter in Prince William Sound. I have  
16 a Masters of Marine Affairs degree from the University of  
17 Washington School of Marine Affairs. I'm the chairman of Prince  
18 William Sound Aquaculture, but today I'm here to represent the  
19 Prince William Sound Fisheries Ecosystem Research Planning Group,  
20 which asked me to make some comments to you here. In September of  
21 this year, the EVOS Trustee Council approved funding for a  
22 fisheries research planning process for Prince William Sound that  
23 was initiated by a coalition of user groups, managers and  
24 scientists in the Prince William Sound region. This coalition came  
25 together essentially as the result of the 1993 herring and pink  
26 salmon run failures, the recent economic distress that Prince

1 William Sound has suffered, and the belief that the EVOS Trustee  
2 Council process had not adequately addressed the marine research  
3 problems in Prince William Sound. The coalition formally  
4 established the Prince William Sound Fisheries Ecosystem Research  
5 Planning Group, and I'll just call it the Planning Group because  
6 that's quite a mouthful. The Planning Group's mission statement,  
7 adopted October 13th, is to develop, advocate, and communicate the  
8 most effective ecosystem research plan for Prince William Sound to  
9 the EVOS Trustee Council. The Planning Group includes the science  
10 committee, whose role is to draft the science plan, addressing the  
11 primary question, whether the natural and manmade interacting  
12 physical and biological components of the Prince William Sound  
13 ecosystem that limit fisheries production. In addition, the full  
14 Planning Group provides input to the draft science plan and  
15 develops and maintains support for the planning process. On  
16 November 24th, the Planning Group will complete a draft science  
17 plan which describes the method for identifying marine research  
18 needs from an ecosystem approach. This draft plan will be sent to  
19 the EVOS Trustee Council, which funded the project, and a group of  
20 scientific peer reviewers who will critique the plan at a December  
21 4th through 6th workshop in Cordova. And as the draft science plan  
22 approaches completion, it's time to consider what steps to take  
23 next, such as how the plan, if accepted, might be implemented and  
24 funded, and to consider how to carry the efforts of the Prince  
25 William Sound Planning Group into the future, to discuss lessons  
26 learned from this experience of the coalition, and to consider

1 application of the planning process to other regions of the oil  
2 spill impacted area, and to consider how it fits into the evolving  
3 Trustee Council structure and process. So, the Prince William  
4 Sound Planning Group discussed these issues, and upon review of the  
5 Public Advisory Group subcommittee's draft proposal for an  
6 endowment has formed some general recommendations to the Public  
7 Advisory Group, and I think many of them, I spoke to the  
8 subcommittee yesterday, and many of those were incorporated into  
9 the document which was passed here earlier. The first  
10 recommendation is the Prince William Sound Planning Group supports  
11 an ecosystem approach to defining research and restoration needs in  
12 the oil spill impacted area. Such an approach should address  
13 resource management needs, combining applied and pure science to  
14 identify gaps in our knowledge of the ecosystem which limit our  
15 ability to manage and utilize the marine resources of the spill-  
16 impacted area in both consumptive and nonconsumptive ways. The  
17 Planning Group also believes that the development of an ecosystem  
18 research plan is not a one-time event but an ongoing process, and  
19 that, as research methods and technologies evolve, and new research  
20 needs and directions are identified, so will the ecosystem research  
21 plan. The second recommendation is that the Planning Group  
22 supports the bio-regional approach to determining research,  
23 restoration and management needs of the spill-impacted area as  
24 exemplified by the Prince William Sound coalition of user groups,  
25 scientists and managers. It is rarely acknowledged that the social  
26 stress and disruption caused by the oil spill has been as

1 significant as the biological stress and disruption to the  
2 environment. The bio-regional approach to research and restoration  
3 provides us with an opportunity to constructively and cooperatively  
4 overcome these social disruptions and divisions. Consequently, the  
5 Prince William Sound Planning Group is very adamant about  
6 maintaining the geographical definition of its bio-region. It's  
7 appropriate for the EVOS Trustee Council to consider the formation  
8 of similar research and restoration planning groups in Cook Inlet  
9 and Kodiak, the other regions impacted by the oil spill. The  
10 common denominator the region's spill-impacted area is the economic  
11 dependence on marine resources. The history of the communities  
12 within these regions is linked very closely and solidly with the  
13 use of marine resources, and just as the science plan is an ongoing  
14 process, these planning groups should exist not only beyond the  
15 development of the science plans, but beyond the EVOS memorandum of  
16 agreement between the State of Alaska and the federal government.  
17 The third recommendation is that the Prince William Sound Planning  
18 Group supports the concept of long-term funding for fisheries and  
19 other marine research and restoration in the spill-impacted area  
20 that extends beyond the duration of this memorandum of agreement.  
21 There is significant scientific evidence suggesting that major  
22 changes in the abundance and composition of fish species in the  
23 north Gulf of Alaska and Prince William Sound are related to  
24 changes in marine temperatures which are associated with an  
25 eighteen point six year lunar cycle and to separate natural  
26 fluctuations in the environment from anthropogenic impacts, it is

1 necessary not only to take an ecosystem approach to research and  
2 restoration, but to conduct research and monitoring over an  
3 extended period of time. And the final recommendation is that the  
4 Prince William Sound Planning Group recommends that prior to final  
5 approval of the FY94 work plan, that the EVOS Trustee Council  
6 review the science plan that's being developed in Prince William  
7 Sound for possible use in determining FY94 research needs. And  
8 that's the comment from our group.

9 MR. PHILLIPS: You're quite welcome. You didn't ask for  
10 any money. (Laughter) Well, we appreciate your patience in  
11 hanging around here today. Are there questions? John?

12 MR. McMULLEN: Just a question to Dan. In listing the  
13 groups who are involved this plan, isn't there also representatives  
14 of Prince William Sound communities organized to restore the Sound?

15 MR. HULL: That's correct, yeah.

16 MR. McMULLEN: That's they're representing -- what  
17 capacity does he represent PWSCORS? Is he -- is he --

18 MR. HULL: Are you talking about Dr. Charles Parker?

19 MR. McMULLEN: Yeah.

20 MR. HULL: His -- currently, his main function is to  
21 -- as a liaison for informational purposes and tasks, what the  
22 products being developed in Cordova with the research planning to  
23 the other members of the Prince William Sound region that can't  
24 attend the weekly meetings, so --

25 MR. McMULLEN: I asked that because I wanted Chuck to  
26 know that, just in case he didn't, but that group and his community

1 involvement is included in the process.

2 MR. TOTEMOFF: Yeah. Thanks, John. I knew that.

3 MR. McMULLEN: Okay. Well, you know, we want to do that.

4 MR. PHILLIPS: Thank you very much for your patience  
5 today. Sometimes we can't plan the exact times. The next -- is  
6 there anyone else that's signed from the public to make a  
7 presentation today?

8 MR. McKEE: I didn't get a chance to sign up.

9 MR. PHILLIPS: All right. Did you want to make a  
10 presentation?

11 MR. McKEE: Yes, I did.

12 MR. PHILLIPS: What's the subject matter, please?

13 MR. McKEE: My testimony to the trustee's bill.

14 MR. PHILLIPS: Yeah. What's the subject matter?

15 MR. McKEE: It's what I would testify. I want to  
16 submit it.

17 MR. PHILLIPS: Okay. Would somebody like to be the  
18 recipient here of the --

19 MR. McKEE: I want to briefly give you a foundation as  
20 to why I've submitted this -- why I'm submitting it. My name is  
21 Charles McKee, for the record, and I had testified at the Exxon Oil  
22 Spill Trustee Commission meeting and -- let me find it here.  
23 (Pause) I left it over on the chair. (Pause)

24 MS. FISCHER: Do we still have a quorum?

25 MR. PHILLIPS: Oh, that's right. What does that do to  
26 our quorum? One, two, three, four, five, six, seven, eight, nine,



1 ten, eleven, twelve. We still have a quorum.

2 UNIDENTIFIED VOICE: (Inaudible)

3 MR. McKEE: It will be very short. This is the  
4 October 27th meeting that I attended, and I'm going to submit to  
5 you my testimony as to what was recorded, and the reason why I made  
6 this statement in this particular meeting was, I'd went fishing the  
7 20 -- September the 29th, 1993, I filed an indictment, a  
8 commencement of indictment and information action -- of action,  
9 Volume 1, C-1147, and 69, it's actually a law of -- elapsical (ph)  
10 law, and against the restoration team, and I cited that the common  
11 law cases and federal law, the Fourteenth Amendment, and the laws  
12 pertaining to the Fourteenth Amendment case law in regards to that,  
13 and my, of course, copyright, valid copyright approval, and then  
14 the 18th of October, I was accosted by a deputy marshall and I have  
15 a Congressional Act of May 18, 1934, as to what will happen if you  
16 assault a federal officer, and I will give those to you.

17 MR. PHILLIPS: What does that have to do with the --

18 MR. McKEE: That's -- as I'll explain in this  
19 testimony of the 17th. Now, I'd also like to leave with you -- you  
20 see, I've been talking about the monetary damage to Prince William  
21 Sound, the recovery, and you've all heard it before. Again, here's  
22 another copy of my copyright, it gives me the foundation, and so  
23 when you -- as I'll briefly explain, when you prove a judge wrong,  
24 they do acquire an attitude problem, and if they think that you're  
25 trying to breach the judge's decision, then they send out a  
26 marshall to make you comply with the judge's decision. This is a

1 federal judge, equity judge, in equity court of law, so that's why  
2 I'm bringing this to your attention. And within there, I'm asking  
3 for the restoration team, asking for the trustee commission to  
4 consider my request, and I've found court law --

5 MR. PHILLIPS: What is your request? I don't understand  
6 that.

7 MR. McKEE: Well, my request is to look at my monetary  
8 request, for ignoring the federal reserve money that you have been  
9 debating over.

10 MR. PHILLIPS: Yeah, we haven't talked about the federal  
11 reserve.

12 MR. McKEE: I know, but you see, if you don't -- if  
13 you don't recognize my stand, then I will also indict you.

14 MR. PHILLIPS: That's fine.

15 MR. McKEE: The thing is, you see, the judge is not  
16 above the law, and he --

17 MR. PHILLIPS: The point is that this committee has been  
18 given a job to deal with the oil spill and our recommendations to  
19 the Trustees. It has nothing to do with your trials, or it has  
20 nothing to do with the federal reserve.

21 MR. McKEE: No, I want you to consider my  
22 recommendation to the Trustees. I've already brought it to them,  
23 now I want you to be party to this recommendation. I want you to  
24 consider the facts of law, my copyright jurisdiction, and I want  
25 you to consider the difference between the Federal Reserve money  
26 and the United States money, and --

1 MR. PHILLIPS: Would you give your material to Doug?  
2 There's no way that tonight we're going to read all of that.

3 MR. MCKEE: I didn't plan on you reading it, but I  
4 understand that what your calling comes from, and I've already  
5 looked into it, you see, so I --

6 MR. PHILLIPS: Well, that's great.

7 MR. MCKEE: Well, you see, so don't try to undermine  
8 my testimony. I have the freedom of speech, and if I want to --  
9 pertains to this restoration, then I should have the right to do  
10 so.

11 MR. PHILLIPS: As chairman of this committee, I'm going  
12 to ask you to leave your material here with Doug, and it will be  
13 evaluated, and we must get on with the business before this group.  
14 Okay, the next order of business. Yes. We have an election of  
15 officers scheduled for the next meeting. Do you have a suggestion  
16 on the next meeting, before Donna leaves?

17 MR. MUTTER: Yeah, I'd just suggest the meeting, that  
18 I get with Jim Ayers and see what the schedule is for the 1994 work  
19 plan and then we'll get back together and determine the meeting.  
20 I imagine it will be after the first of the year though.

21 MR. PHILLIPS: Would you give us as much notice as  
22 possible before -- because some of us have to travel, and it's  
23 expensive to have to leave Africa and come up here for our meeting.

24 (Laughter)

25 MR. MUTTER: I will. Okay, and Mr. Chairman?

26 MR. PHILLIPS: Yes?

1 MR. MUTTER: If I might, on the election of the  
2 officers, just by way of background, the operating procedures of  
3 the PAG within -- the charter sets up the PAG and the members on a  
4 two-year cycle. We've gone through one year of that cycle. We  
5 also set up procedures that allowed for the election of the chair  
6 and the vice chair, the chair being Brad Phillips, the vice chair,  
7 Donna Fischer, on one-year cycles, and they can be re-elected for  
8 subsequent terms.

9 MR. PHILLIPS: You're campaigning now?

10 (Laughter)

11 MR. MUTTER: No, I'm just explaining the --

12 MR. PHILLIPS: I think it's only proper to leave room for  
13 the election because we did do it for one year, and so I would  
14 think that it would be proper now. Are those the only two officers  
15 involved in the election?

16 UNIDENTIFIED VOICE: (Inaudible)

17 MR. PHILLIPS: If -- I think I'd entertain nominations  
18 now for the office of president of the -- or chairman of the group.  
19 Vern?

20 MR. McCORKLE: Mr. Chairman, I move that the Public  
21 Advisory Group cast a unanimous ballot for the present slate of  
22 officers.

23 MR. KING: Second.

24 MS. FISCHER: Wait a minute.

25 MR. PHILLIPS: Well, we'd ask for unanimous consent, and  
26 there's a procedure here, and it's been seconded, and so the

1 question, and there is an objection, or at least a "wait a minute,"  
2 so would you like to discuss it, Donna? No, seriously, you had a  
3 question at this time to discuss?

4 MS. FISCHER: (Inaudible)

5 MR. PHILLIPS: He said -- the motion was to re-elect the  
6 same officers for the next year, for the balance of next year. Do  
7 you object? Are you sure? Okay. Okay, you've heard the unanimous  
8 consent. Are there any objections? I hate to be in this position.  
9 Well, if there are no objections, I guess I'll have to say that  
10 it's so ordered.

11 (Applause)

12 MR. PHILLIPS: Okay, the next meeting we will hear about,  
13 and with PAG member comments, are there things that we have left  
14 undone today? Yes, James?

15 MR. KING: I'd like to move that the committee direct  
16 a letter of thanks to Dave Gibbons for the outstanding help that he  
17 gave our committee in getting established.

18 MR. PHILLIPS: I would ask unanimous consent for that  
19 motion, and give him our kudos. I think he's done an outstanding  
20 job. If there's no objection, it's so ordered. Yes, Kimberly?

21 MS. BENTON: I have a question, if I can, and I don't  
22 know, I guess I can put it in the form of a motion, but I wanted to  
23 do it right after Pam had asked the Trustee Council to give us more  
24 information on where the money went, but I'd like to ask if the  
25 Trustee Council could give the PAG reports on the status?  
26 Otherwise, I know one project, a specific example, but it happens

1 to other projects that I -- the Trustee Council approved the Kodiak  
2 Archeological Repository six to zero. It still hasn't been funded,  
3 which is pushing the project into 1995. When I try to ask for  
4 information, just because I'm interested in it, I'm told that I  
5 can't get any information. And so I don't know -- that's one  
6 project that -- and there's probably others, it's just one that I  
7 was personally interested in that I tried to follow up on, but my  
8 assumption was that after the Trustee Council approved a project,  
9 it was done, and that's obviously not it when the attorneys get  
10 involved, and so I don't know if there's some way that we can get  
11 communication or not.

12 MR. PHILLIPS: You've sure got to watch those attorneys.  
13 Do you want to make a motion, and a request to them?

14 MS. BENTON: I guess I'd like to request that if  
15 there's a project that's been approved, that's delayed, that we get  
16 some sort of written status report from the Trustee Council.

17 MR. PHILLIPS: Is there any objection to this request?

18 MS. BENTON: Vern had just asked for projects in  
19 general, you know, a status report on projects in general. That  
20 would be nice too, but --

21 MR. PHILLIPS: I assume somebody keeps a status report on  
22 projects?

23 MS. FISCHER: I would like to -- I second that. That  
24 goes right along with what Pam asked too.

25 MR. PHILLIPS: Okay. Is there any further discussion on  
26 it? I assume you moved, and we have a second -- we have it

1 seconded before we have the motion. If there's no objection, then  
2 I -- it's so ordered, and if you would write a very diplomatic  
3 note, and John, can you express this in diplomacy and ask them if  
4 we can please somehow get a --

5 DR. FRENCH: (Inaudible) project, I'm not sure how  
6 diplomatic I'll be but, yes, I'll --

7 (Laughter)

8 MS. FISCHER: Any projects, John, yeah.

9 MR. PHILLIPS: All right, fine.

10 DR. FRENCH: That particular project cost them about  
11 twenty per cent of the money as an additional cost they didn't  
12 anticipate because of the delay.

13 MR. PHILLIPS: Well, see what you can do to kind of get  
14 us a status report. I think that will help a lot in our enthusiasm  
15 for continuing, too. Are there any other PAG member comments?  
16 Yes, Vern?

17 MR. McCORKLE: Well, very briefly, I'd like to really  
18 give my thanks and congratulations to the group for studying so  
19 hard the draft restoration plan and making the many comments that  
20 they did with just a few days to research and review. I think we  
21 can be proud of the work that we're passing on as suggestions and  
22 recommendations to the Trustees, and I just thought I should make  
23 note of that, because we did a very good job in saying as much as  
24 we did with just a few days.

25 MR. PHILLIPS: Any other comments? Yes, John?

26 MR. McMULLEN: I just want to ask Doug if all those

1 individual comments on the plan, will they be in the minutes of  
2 this meeting, come back to us? I didn't get write them all in my  
3 version of the plan.

4 MR. MUTTER: What we do is create a verbatim transcript  
5 of the meeting, every meeting that the PAG has. If you want to get  
6 a copy of that, we can do that. We normally don't make a copy and  
7 distribute it to everybody because it's quite thick, but it's in  
8 the library there if you want it.

9 MR. PHILLIPS: You said verbatim? Maybe I'd better watch  
10 how I (indiscernible). James, did you have something? Oh, you  
11 were just scratching? Yes, Donna.

12 MS. FISCHER: Yes, I wanted to thank the committee, too,  
13 that worked on the endowment. You know, I know that was a hard  
14 subject to really work on, and I know there was going to be some  
15 controversy no matter which way we went, but I think they did do a  
16 good job and tried to come to a good solution, and I appreciate  
17 that.

18 MR. PHILLIPS: I think most of us do. Thank you for your  
19 comments. Anything else? I would entertain a motion to adjourn.

20 MS. FISCHER: So moved.

21 MR. PHILLIPS: Second. If there's no objection, it's so  
22 ordered and we are adjourned.

23 (Off record at 5:10 p.m., November 23, 1993)

24 END OF PROCEEDINGS

25 ///

26 ///



CERTIFICATE

STATE OF ALASKA                    )  
  ) ss.  
THIRD JUDICIAL DISTRICT        )

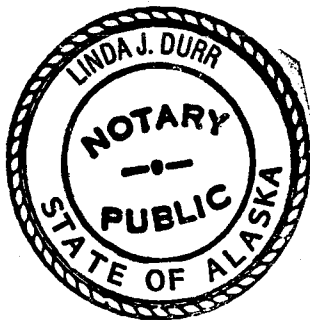
I, Linda J. Durr, a notary public in and for the State of Alaska and a Certified Professional Legal Secretary, do hereby certify:

That the foregoing pages numbered 02 through 223 contain a full, true, and correct transcript of the Exxon Valdez Oil Spill Settlement Trustees Council Public Advisory Group meeting taken electronically by Ladonna Lindley on November 23, 1993, commencing at the hour of 9:00 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, Ladonna Lindley, and Angela Hecker to the best of our 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 29th day of November, 1993.



*Linda J. Durr*  
\_\_\_\_\_  
Linda J. Durr, Certified PLS  
Notary Public for Alaska  
My commission expires: 10/19/97