

9.4.8

**EXXON VALDEZ OIL SPILL SETTLEMENT  
TRUSTEE COUNCIL**

RESTORATION OFFICE  
Simpson Building  
645 G Street  
Anchorage, Alaska

## PUBLIC ADVISORY GROUP

RECEIVED  
JUL 22 1994

June 28, 1994  
9:30 a.m.

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

**PUBLIC ADVISORY GROUP MEMBERS in attendance:**

DOUGLAS MUTTER  
Designated Federal Officer

Department of the Interior

**DONNA FISCHER**

BRAD PHILLIPS

PAMELA BRODIE

JAMES CLOUD

LEWELLYN WILLIAMS

JAMES KING (individually, and as alternate for RUPERT ANDREWS)

VERN McCORKLE (individually, and as alternate for RICHARD ELIASON)

BRENDA NORCROSS (alternate for DR. JOHN FRENCH)

MARY McBURNEY (alternate for GERALD McCUNE)

KIM BENTON (alternate for JOHN STURGEON)

GAIL EVANOFF (alternate for CHARLES TOTEMOFF)

DAN HULL (sitting in for JOHN McMULLEN)

REP. CLIFF DAVIDSON (p.m. session only)

**TRUSTEES COUNCIL REPRESENTATIVES**

JIM AYERS

Executive Director, EVOS Trustees Council

**MOLLY McCAMMON** Deputy Director, EVOS Trustees Council

**OTHERS IN ATTENDANCE who testified:**

THEA THOMAS

DONNA PLATT

LUKE BORER

RICK STEINER

SANDY RABINOWITCH, National Parks Service

ALEX SWIDERSKI, Alaska Department of Law

P R O C E E D I N G S

(On Record 9:37 a.m.)

MR. PHILLIPS: How's that? We getting anything? Are we on live and living color? Okay. What is this? These are the minutes, the summary. Okay, if we could start by taking the roll to see whether we have a quorum. Doug.

MR. MUTTER: Rupert Andrews? (No response) Does he have an alternate here?

UNIDENTIFIED VOICE: Asked to serve as alternate for Rupe Andrews.

MR. MUTTER: Pamela Brodie?

MR. CLOUD: She's getting coffee.

MR. MUTTER: Okay. Jim Cloud?

MR. CLOUD: Here.

MR. MUTTER: James -- Jim Diehl? (No response) He has an alternate? Richard Eliason?

MR. McCORKLE: Vern McCorkle is proxy for Richard Eliason, and therefore he is present.

MR. MUTTER: Donna Fischer?

MS. FISCHER: Here.

MR. MUTTER: John French?

MS. NORCROSS: Brenda Norcross for John French.

MR. MUTTER: Jim King?

MR. KING: Here.

MR. MUTTER: Rick Knecht? (No response) Vern McCorkle?

1 MR. McCORKLE: Here.

2 MR. MUTTER: Gerald McCune?

3 MS. McBURNEY: Mary McBurney for Gerald McCune.

4 MR. MUTTER: John McMullen? (No response) Brad  
5 Phillips?

6 MR. PHILLIPS: Here.

7 MR. MUTTER: John Sturgeon?

8 MS. BENTON: Kim Benton for John Sturgeon.

9 MR. MUTTER: Charles Totemoff?

10 MS. BRODIE: Gail Evanoff is supposed to be here today  
11 for him.

12 UNKNOWN: Yeah there -- Gail and Chuck are right  
13 there.

14 MR. MUTTER: Lew Williams?

15 MR. WILLIAMS: Here.

16 MR. MUTTER: We have a quorum, I guess.

17 MR. PHILLIPS: Yeah, we have a -- the quorum includes  
18 proxies, right?

19 MR. MUTTER: Correct.

20 MR. PHILLIPS: The next item is to approve the minutes of  
21 our last meeting. I think they were just put in front of you. I  
22 don't have time to read them right now.

23 MR. MUTTER: There is one change on them, we show Jim  
24 Cloud as present.

25 MR. PHILLIPS: Anybody want to make a motion on the  
26 minutes?

1 MS. FISCHER: No, not until we read them.

2 MR. PHILLIPS: Would you like to take a few minutes and  
3 read them?

4 MS. FISCHER: Please.

5 MR. PHILLIPS: Okay, just don't anybody disappear. Let's  
6 read the minutes and act upon them.

7 MR. CLOUD: (indiscernible)

8 MS. FISCHER: Second.

9 MR. PHILLIPS: There's been a motion and a second to  
10 approve the minutes of the January 11th and 12th meeting. Is there  
11 any discussion? Any changes? Any objections? If not, it will be  
12 adopted. You all have agendas and I assume you've had a few  
13 minutes to go over them. And, I'd like to depart a little bit from  
14 the agenda, at this point, for some discussion for the members of  
15 the PAG and others of interest. I guess, the easiest way to  
16 describe what I'd like to take place here is, in regard to the PAG  
17 is, why are we here, where are we, and where are we going? I have  
18 a -- as time goes on I get a little disturbed about participation  
19 because I don't feel that it's been very meaningful. If any of you  
20 have been to the opera, you'll know that it's a grand scene, and it  
21 takes an awful lot of scenery, and there's a part of the opera  
22 called a supernumerary. They're the human beings in costumes  
23 carrying spears that make up this dramatic thing that you see when  
24 you're viewing the opera. I feel like a supernumerary in our -- my  
25 position on the PAG, not just my position here, but the PAG itself,  
26 and I feel that we may be filling a part of the scenery, but I

1 don't think it's been very meaningful so far, and I'd like to have  
2 some discussion on what members of the PAG feel. I've heard some  
3 discussions, but I don't want to speak for anybody.

4 MR. WILLIAMS: Well, my feeling is that I think they go  
5 ahead and do things, and then they give it to us and it's already  
6 a published fact. I just feel that we're just wasting our time.

7 MR. PHILLIPS: I have a little bit of that feeling, and  
8 at my age I don't have an awful lot of time to waste, and I'm a  
9 busy person. I serve on seven boards including this one, plus run  
10 a business, and some other things and I really -- I don't feel like  
11 I'm contributing anything, frankly. That the -- I think we've been  
12 bypassed. I hear -- I read in the paper about public input  
13 directly to the -- to the Trustees, which is fine. But, then I  
14 have to ask myself why are we sitting here? Why are we doing this?  
15 Why are we spending the money on travel and time and so on? It's  
16 a genuine feeling or I wouldn't say anything about us. It's been  
17 working on me for awhile, and I expect to do something -- whatever  
18 I do, that it makes a contribution. I don't like to be scenery, I  
19 like to solve problems and put input. I spent seventeen years in  
20 the legislative capacity and I've spent an awful lot of time  
21 working in the community, and most every experience I've had has  
22 been fulfilling because I felt like we're doing something, and I  
23 have to be very candid with you, I don't think we're doing a bloody  
24 thing here, but fulfilling whatever the law says we have to be  
25 sitting here. And, from a very business and personal standpoint,  
26 I think we -- the tourism industry has been ignored completely.

1 There were four small projects offered, and all of them hit with a  
2 meat ax and killed, and -- as though tourism is not important. I  
3 happen to hold a different view than that, and so I'm just  
4 wondering why am I here? I don't know if anybody else wants to say  
5 anything, but if you do, now is your time, and if you don't, I have  
6 a solution.

7 MS. FISCHER: I've been hearing some of the same things,  
8 Mr. Phillips. I've heard that there's like new agencies coming in  
9 and getting recognition right away. There's new projects out there  
10 instead of trying to work and finish up some of the projects that  
11 are out there, there's new ones being recognized, and even  
12 statements made like, well, if we feel there's a problem maybe we  
13 can be a part of this scenario -- you know, and new people being  
14 invited into the -- to the process, and the PAG Group pretty much  
15 left out of it. I've even heard some remarks from the Trustees, as  
16 far as that goes, that they're wondering where -- where's the role  
17 or why is the role of the PAG Group seems to be forgotten, and the  
18 Trustees have commented on this, and I think Mr. Ayers even  
19 acknowledged this in April at the -- at the meeting, that you had  
20 left them out of the process and you were -- the Trustees, I think,  
21 had asked you where is the PAG Group in this situation, and you had  
22 to go back and review and see where you could fit them in, and I  
23 think it is sad. I thought we were mandated by law to be here, but  
24 yet we don't have a voice, and if we're representing the people of  
25 the state, where is our voice, and I think you hit it on the head -  
26 - that we're window dressing. We're actually being banished by --

1 I don't know, a new commission or something, and used solely for  
2 window dressing because we're mandated by law to be here.

3 MR. McCORKLE: Mr. Chairman.

4 MR. PHILLIPS: Yes, Vern.

5 MR. McCORKLE: I'd be glad to speak on this point as  
6 well. I happen to believe in the idea of the Public Advisory  
7 Group, and I had to apply and meet criteria and qualifications to  
8 be accepted, so it wasn't just that I was invited to -- and was  
9 appointed. So, being on this Group means a lot to me. I also  
10 leave the meetings and time passes a feeling of rather emptiness  
11 that we probably have not created as much of an excitement and  
12 participated to the degree that we should, or could have. I think  
13 there's some problems with that. We're coming on our second year  
14 anniversary and many of us are up for reappointment or throwing  
15 out, and I suppose maybe after my comments I'll be one of those  
16 that will likely be thrown out, but I sincerely feel that we have  
17 been at this long enough, a couple years, and we're going to be at  
18 it a whole lot longer, but it's probably time to seek our direction  
19 now and find out what we really can accomplish or to call it a day  
20 and say it was another advisory group and so be it. In my many  
21 years of public policy, like yours, I've had to deal with advisory  
22 groups. Advisory groups are not a lot fun. A lot of times they're  
23 in the way and they don't really -- they always want to have power  
24 that they don't have -- and we're clearly told what our power is --  
25 none -- and that was enunciated by Charlie Cole when we first  
26 started. We're invited to speak, but we may not be heard. We also



1 are supposed to be part of the process, but it didn't say what we  
2 were to do. We were created, and I always look at that as an  
3 opportunity, to well -- since there isn't specifically things that  
4 we are supposed to do, maybe we can come up with our own agenda and  
5 become a more important part of the process. I'm still hoping that  
6 we may do that. I really feel that we're a paper tiger, maybe a  
7 paper amoeba, because we're a cell that's created, but we don't --  
8 and we belong to a whole, but we don't do much, just there. Maybe  
9 scenery or spear carrier is another way to look at this. But, I  
10 hope that the PAG process doesn't atrophy and wither away. I see -  
11 - we met recently in January, and some of us attended the April  
12 meeting. In the last couple of weeks this lovely stack of  
13 documentation has arrived. I haven't gotten through enough of  
14 that. I worry about what our role should be. I sometime feel like  
15 -- like the engine of a -- of a locomotive, they just keep  
16 shoveling the fuel to us that we have to burn up, and, we're all  
17 busy reading the data and don't have time to sit back and look at  
18 the broad picture of things. And, so while I have this desire to  
19 make the group work, I think we really haven't achieved that in the  
20 past and I hope we can find a way to do that in the future, because  
21 I think it's critical that all of these groups represented here  
22 have input. It happens that I represent the general public with  
23 four others, and we're a real minority in the group. So, we have  
24 to fight real hard to make sure that the people, in general, have  
25 an impact, or at least a voice, or a comment on the actions that we  
26 put forward. We long ago decided that we did not need to act with

1 unanimity on this board, and I think we got that way because we  
2 couldn't agree on anything. There's too many of us, and that was  
3 a very clever way to set up a group if it wasn't going to have any  
4 teeth, because we've got all kinds of disparate organizations here  
5 who fight for an individual agenda. Maybe what we need to look for  
6 is an overall general picture of things, so that we can find ground  
7 that we agree on, and we do have ground on which we agree, but  
8 we're not together very much. And, that leads me to the final  
9 point I'll make on this, because I don't want to hog all the time,  
10 but I've spoke many times and on record here as saying, I'm really  
11 upset with the pittance of budget that is allowed this group to do  
12 its work. We've finally shook the tree and out fell a couple of  
13 dollars so we could take a little trip and go look at some of the  
14 impacted areas, and you'd think that -- that we had received, you  
15 know, a grant from on high to do that. And, we're working with  
16 billions, pardon me, millions of dollars here. And, to deny this  
17 group reasonable funds so its members can travel and its leaders  
18 and participants can go and see and do and learn to be a part, so  
19 that we can have meaningful impact, is something I have never  
20 accepted, and I reject at this moment. I do not like the measly  
21 budget leavings that we get to do our work. I don't know who we  
22 report to, I think we report to the Trustees. I don't think we  
23 report to anybody else, and I would like to have in the budget some  
24 amount of money that allows a staff person to work for this -- not  
25 for, wrong word, to allow a staff person to be accessible to  
26 members of this work, to assist us in digesting here seven or eight

1 inches of material we've received the last two or three weeks, and  
2 to help us be a better Public Advisory Group. We should be a  
3 leading advisory group. We're not advising on somebody that  
4 hopes to have a thousand dollar annual budget. Our advice should  
5 be very, very weighty, should be given great weight by the Trustees  
6 when they listen to us, and everybody else they must listen to.  
7 So, my final point is, I hope that when we renew ourselves this  
8 fall, I guess most of us will go off the board or some may be  
9 invited to come back on again in October, that we'll also consider  
10 the method -- the means it takes to do our method, and I think we  
11 that we must not let this group go by the boards and we need to  
12 meet more often, and we need to be properly financed and staffed to  
13 do that. Thank you very much, Mr. Chairman.

14 MR. PHILLIPS: Pam and then (indiscernible). Go ahead,  
15 Pam.

16 MS. BRODIE: I can certainly understand the frustration  
17 that a lot of people are expressing. I think we ought to question  
18 why if we are marginal, why, and what can be done about it, and I  
19 think Mr. McCorkle gave some ideas about that. I have some  
20 different ones. First of all, as has been said we're -- we're not  
21 only a large group, we're a very diverse group, and I think that we  
22 have put a lot of energy into trying to reach consensus about  
23 things, and when we do I think the Trustees do go along with our  
24 consensus, but the consensus is so general as to have very little  
25 meaning. I think that perhaps trying to reach consensus among this  
26 group is not a good use of our time. I have always perceived my

1 position here as representing an interest group, as it says on the  
2 little green sheet on my seat, and I take it very seriously that I  
3 am supposed to communicate with other members of my interest group  
4 which I spend a lot of my time doing to be an environmental  
5 spokesperson. And, I perceived that the Trustees want a certain  
6 convenience of having one person do that, sort of checking with the  
7 interest group and presenting an interest group position. The  
8 importance is not so much that I agree with other members here as  
9 that I can funnel that message to the Trustees. I have sometimes  
10 been surprised that I -- I don't think that other members  
11 necessarily see their position that way, because some people seem  
12 to think they are here to represent their own point of view. And,  
13 without checking around with their other interest group, as far as  
14 I can tell, maybe I'm wrong on this, I wouldn't necessarily know,  
15 but it -- but it sometimes looks like the person is not checking  
16 around with -- and -- and trying to represent their interest group.  
17 And so, when that happens I think we marginalize ourselves, we make  
18 ourselves less credible with the Trustees, if we don't do that. We  
19 are not necessary to funnel public opinion to the Trustees, and  
20 that has marginalized us, but perhaps for good reason. The public  
21 is able to communicate directly with the Trustees. There is  
22 nothing stopping people from doing that, and people, with their  
23 limited amount of time, naturally talk directly to the Trust rather  
24 than through us, that's only rational behavior. So, we have to  
25 find some other reason that we are going to be useful. And, I  
26 think by trying to represent our interest group, this is the way to

1 do that. I find as a Public Advisory Group member I am able to get  
2 materials from staff people here in a way that's easier than if I  
3 weren't a Public Advisory Group member. It has a certain advantage  
4 to the group to have one representative. So, I think that -- I  
5 guess, I come to this group with different perceptions and am  
6 therefore less frustrated by it.

7 MR. PHILLIPS: James.

8 MR. KING: I share the concerns mentioned by the  
9 Chairman, and the group members here. If I were looking ahead, I  
10 feel like I've put an awful lot of effort into reading several feet  
11 of material, or skimming it, and now for another thirty days we're  
12 in this comment period for the EIS, and as I understand it looking  
13 through these things, the draft restoration plan, and the two are  
14 linked, and I hope Jim Ayers is going to go into this later as to  
15 how they relate, but anything that we present now as comments to  
16 the EIS, as I understand it, will be a part of the final EIS. So,  
17 there is now a time for us as individuals, as representatives of  
18 interest groups, or whatever, to have our say, or by the PAG as a  
19 group, and get it inserted in writing in part of these documents.  
20 And so, in spite of the frustrations, I see some opportunity for us  
21 to do some worthwhile things here in the next month and perhaps in  
22 the next several months. If our terms expire in October, I think  
23 we will have -- or at least had the opportunity to do something  
24 positive even though perhaps any one of us might have arranged  
25 things slightly differently.

26 MR. PHILLIPS: Lew.

1 MR. WILLIAMS: Brad, just briefly, here's one of our  
2 problems. We received this, this week, in the last couple of days.  
3 I assume most of these projects are, you know, going to be  
4 approved. I don't know if we're going to have enough time to go  
5 over them, but there is, I spotted one in here that's kind of a  
6 state policy issue, and that is where they want to buy back fishing  
7 permits in Prince William Sound. Now, is the state going to do  
8 this wherever there are fisheries that are hurting, and if they  
9 are, if they buy back say eleven million dollars worth of permits  
10 in Prince William Sound, is Fish and Game going to reduce the  
11 fishing effort by that much because the aim should be to bring back  
12 the fish, not just to make a fisherman financially better off,  
13 because they're doing that in court in another suit. So, there's  
14 a lot of questions about something like that, but we're getting it,  
15 you know, two days before the meeting to discuss it, and are we  
16 going to have enough time here to make a recommendation on anything  
17 that's that type of, kind of a policy issue?

18 MR. PHILLIPS: Anyone else? I'm sorry there aren't more  
19 members from the PAG here, because I wouldn't expect that the  
20 alternate would want to say very much and -- instead of the member,  
21 but, yeah, Jim.

22 MR. CLOUD: I suspect some of our frustration comes  
23 from some of the management plan materials that have been  
24 disseminated this spring that seem to exclude what -- they don't  
25 seem to exclude, they just flat out exclude reference to the Public  
26 Advisory Group. I'm referring to this draft of April 9 or May

1 19th, science and planning and management organizational diagram.  
2 And, the only -- the only organization chart that does reference us  
3 is this one, it was part of an earlier, I think this was at the  
4 last Trustee meeting, is that when, Molly, this information was  
5 given out? So some of you may have it, some of you may not, that  
6 shows us to be the same status as the special assistant to the  
7 executive director with dotted lines around us. So, perhaps this  
8 is a good time to ask Jim, where you think that the Public Advisory  
9 Group ought to fit into the scheme of things.

10 MR. AYERS: Well, there are three things that, I guess  
11 that I'd like to say, one of them is that there have been a variety  
12 of those charts. As a matter of fact, Eric if you'll pull the one  
13 most recent version of that chart out, the one that says management  
14 and science planning organizational diagram. And, what we talked  
15 about when that draft was on there before Jim -- and I'm not going  
16 -- I don't want to get into a presentation and avoid the real  
17 questions here, but if you'll note that it's clearly the discussion  
18 and the evolution has been such that this is where I think that it  
19 needs to go, that you are seen as a primary player on a  
20 commensurate level with the scientists and the Executive Director  
21 in your input, so that you're having input to me and to the Trustee  
22 Council. Let me -- let me say that, and we'll come back to this  
23 chart in a minute, I was talking with Phil last night, he's a  
24 visitor from the Department of Energy, I guess, we were talking  
25 about this very issue. Now, he's here visiting because they're  
26 struggling with what is the meaningful role of the PAG in the

1 issues of environmental problems. How do you really have a PAG  
2 that's meaningful, and one of the things that I was saying to him  
3 is, you know, from the outside before I was ever here, and I've now  
4 been here six months, my view was one of the problems was that you  
5 just noted. It's not clear what your role is. No one said, well,  
6 we'd like for you to cast ballots so we can have a measure of the  
7 score, and so what we'd like for you to do is cast ballots. No one  
8 said we don't know about this casting ballot business, but you are  
9 a collection of the interest of the public that we're very  
10 concerned about, and not only that you're recognized for being  
11 people who can think about problems and solutions. And, we want  
12 you to be a deliberative body. We know that by the very nature of  
13 the interest groups, you may not be able to come together and cast  
14 a unanimous ballot. I mean, the Trustees, there's only six of them  
15 and they struggle with that very concept. Alaskans struggle with  
16 the very concept of unanimity. I guess what I'm saying is, is that  
17 I understand, and my view has been that is the problem. No one  
18 said to you, here's what we'd like for you to do, here's what we  
19 need you to do. My view is -- and this is what I said at the  
20 Council meeting, and this meeting is an example of that -- my view  
21 is that we need you to be a deliberative body. You have the  
22 ability to, not only represent your interest groups, but to think  
23 about the nature of the problem. And the Council wants to hear  
24 your opinions, you're selected, I suspect, and I don't know this  
25 because I didn't participate in that, not just to represent your  
26 interest groups, but to represent your view as an Alaskan about how



1 to deal with the problem. No one knows, obviously, and I don't --  
2 we could get the scientists all to come in and -- no one knows what  
3 the hell to do about eleven million gallons of oil on the water,  
4 and we all know that now, and we don't know what to do to fix it  
5 because it's very hard to determine exactly what the problem is.  
6 The scientists are all over the courtroom arguing about is there a  
7 smoking gun over lesions on the herring or whatever else it is. We  
8 need you to be involved in the process. The Trustee Council has  
9 not, to date, been able to establish how to have that happen. My --  
10 -- my view is that you need to have these kind of meetings where you  
11 actually have the time and the ability to deliberate. Based on  
12 what you said, you want to be informed, you want to be involved,  
13 you want to be supported, and if you're going to get six zillion  
14 pieces of paper, you've got to have somebody to turn to to sort out  
15 what some of those issues are in there. What does it mean? What  
16 is this? And, right now we don't have -- you're exactly right, we  
17 don't have a budget that staffs a person for this. Molly was just  
18 talking about that. This group needs to have somebody they can  
19 turn to on a regular basis. If -- this is a substantive issue,  
20 this public involvement obviously, and the court recognized it and  
21 required it. And, if you're going to be involved as a deliberative  
22 body as opposed to just some -- come here and cast a ballot, then  
23 you've got to have some support. You need to be heard and I'm  
24 willing to take the beating because I think it's appropriate and I  
25 think you'll have to do it more frequently and maybe on an  
26 individual basis, but, one of the things -- one of the things I

1 wanted to point out, we scheduled this meeting -- this particular  
2 meeting has been scheduled, and we've made everything else kind of  
3 topsy turvy, including how to get this paper out to you, so you got  
4 the paper the same time I got the paper, which was one of the  
5 issues that you'd brought up -- that people had talked to me about  
6 before. You didn't want to see it after I saw it, you wanted to  
7 see it. Some people wanted to see what was going on. This  
8 information that you have today, you got, like, the second week in  
9 January to talk about for the 31st, as you recall. You had it,  
10 like, for five days to get to the 31st meeting. We got this  
11 information to you last week and wanted you to come together and  
12 have this kind of conversation. What the heck are we all about?  
13 You have two months to have this information, and you're going to  
14 get another opportunity because we're going to meet between the  
15 10th and the 15th of July and we'll ask you to send a couple of  
16 representatives like we have been doing in all of our other science  
17 planning meetings, we'll ask you to send a couple of people to that  
18 meeting, because we're going to have an internal discussion with  
19 the scientists, and you ought to have representatives there and  
20 hear what the scientists and kind of what that yucky sausage-making  
21 business is all about that goes on up there for three or four days.  
22 And, then you'll have another meeting on August 2 to actually get  
23 together again after you have had two months of looking at this and  
24 -- and you should have staffers. I mean, the question like what  
25 are we -- what is the policy, is it legal? You ought to know that.  
26 Whether it has to do with hatchery issue or whether it has to do

1 with this question of can we buy out permits. And, I guess in many  
2 ways I'm supporting your comments. You need to be and you want to  
3 be informed, involved, supported, heard and you want to be  
4 responded to, and I understand that. And, that's the reason we're  
5 trying to get ahead of the game, so to speak, in terms of not  
6 putting the pressure on you six months into the fiscal year to talk  
7 about what's going on in that fiscal year. So, we're trying to get  
8 the information to you, and then, I guess, my -- my view of it is,  
9 is that you're a deliberative body. You need to have these kinds  
10 of conversations, and we need to be able to have the open  
11 conversations, and you are going to disagree, I think Pam is right,  
12 there's going to be disagreements. And, best I can tell in my  
13 twenty years, Alaskans generally are going to do that, particularly  
14 over issues like this one or some of the issues that will be faced.  
15 But, we want -- we want to know what you think about the issue,  
16 because no one knows what the answer is, and I don't believe right  
17 now there is a right and wrong answer. I mean, the attorneys in  
18 some ways have the best of all worlds because they get to be the  
19 umpires, so to speak. They get to say, no I don't like that as a  
20 ball, or, yeah, that's a strike. So, in response to that Jim, I  
21 guess what I'd like to say is that, that's what I was hoping to do  
22 at today's meeting is get you up to date on what we're doing. I'd  
23 like for you know everything that I understand, I'm not sure that  
24 I know very many things about this, and some of the things that I  
25 understand I can talk about. My view is, is that I see you  
26 involved as we've been trying to do, not just at this kind of box

1 level that's commensurate to the Executive Director and scientists  
2 for the Science Review Board. My view is that you've got to be  
3 involved in the planning and discussions with the work groups about  
4 what's going on with marine mammals. There's got to be some people  
5 involved in our discussion when we go through this work session  
6 with the scientists on the 10th through the 15th, and we need to  
7 have another meeting before the Trustee Council meeting after  
8 you've had some time to look at the material, after you've heard  
9 some of the discussion with the scientists, and after you've seen  
10 recommendations, to have another shot at.

11 MR. PHILLIPS: Lew.

12 MR. WILLIAMS: Just a quick question in clarification,  
13 Jim, instead of like last year where we reviewed this and had to  
14 give them in an answer in two days, this we can review and we don't  
15 need an answer until August.

16 MR. AYERS: That's correct.

17 MR. WILLIAMS: Okay, that's better.

18 MR. AYERS: That's what I understood you were telling  
19 me to do back in April, and that's what we've been trying to do.

20 MR. KING: Quick question, for Jim. Before I -- you  
21 know, when I was first appointed, it was my understanding that we  
22 represented -- the members of the PAG -- different interests  
23 groups, and that it was entirely appropriate for us to send  
24 comments directly to the Trustee Council, and that we didn't have  
25 to reach a consensus among ourselves, that they wanted to know the  
26 opinion of myself as a conservationist, and I've taken the position

1 that the money is a resource that needs to be conserved as well as  
2 the other resources that we talk about. But, is that correct that,  
3 if we send a letter through this office addressed to the Trustee  
4 Council, that that goes to them in their packet or does it become  
5 part of a synthesis?

6 MR. AYERS: If you write a letter to the Trustee  
7 Council, it goes in a packet that goes directly to them. Matter of  
8 fact, I am -- at this last meeting we were actually handing them  
9 out at the meeting. There were two or three letters that had come  
10 in that -- there was one from Jerome Selby and there was one from  
11 somebody else that we were actually handing them out at the  
12 meeting. When you sent letters, they go out to the Trustee  
13 Council, as does the transcripts when they've asked for them, I  
14 mean specific comments about -- that a member has made.

15 MR. KING: Well, I see that as a real opportunity for  
16 us. I'm more inclined to, you know, learn things at these meetings  
17 that we've had, and then after I think about it for a few days,  
18 perhaps sit down and -- and write something up. Rather than making  
19 a lot of off-the-cuff speeches that may or may not address the  
20 pertinent subject. I think we ...

21 MR. PHILLIPS: My comprehension of where we going when  
22 this first started and when I was appointed, it was my  
23 understanding -- it was a lot closer to what Jim has said than what  
24 Pam has said. It seems to me if we are merely here to represent  
25 our own small or narrow interest group, and many of them are in  
26 terms of looking at the total picture, then we can do that without

1 having meetings like this. I've found that the best overall good  
2 for the state of Alaska has been in a time period when legislators  
3 would say -- would sit down and say what's -- what do we have to do  
4 for the state of Alaska, not what do we have to do for my district  
5 so I can get elected again. And that -- we have lost a lot of that  
6 in the last several years in the state of Alaska and I'd hate to  
7 see that approach taken here. Otherwise, why are we here? We can  
8 all write letters that represent our interest groups, opinion on  
9 any subject. When you say Public Advisory Group, and our agenda  
10 always calls for listening to the public, I've been under the  
11 misapprehension, I guess, that we are supposed to listen to the  
12 public and pass on what our total judgment is to the Trustees. If  
13 that isn't the case, then why are we wasting a lot of time  
14 listening to the public? Why don't we just tell what our interest  
15 group's thing is and send the letters and not waste our time with  
16 the meetings? Because that can be done without a meeting, and  
17 we're not going to change anybody's mind on what our particular  
18 interest groups' opinion is on any subject. I was hopeful that  
19 this group could and would be listened to and could be a part of  
20 the deliberative process. I really thought so. That's where, I  
21 think, you get a better sense of accomplishing something, and I  
22 hate to see these parochial things get into so that, then we are --  
23 are not compatible at all. It's bad enough to have a state the  
24 size we've got and have all the regional problems and myths and  
25 everything else go on. That's always been a historic thing in  
26 Alaska -- worse now than I've ever seen it in the forty-seven --

1 forty-eight years I've been here. I would hope that we could do  
2 something overall, and I think the procedure which Doug has  
3 admonished us about from the very beginning is that there's going  
4 to be no unanimity here in votes. Let us describe to them how many  
5 feel this way, how many feel that way, so that all attitudes are  
6 represented in our report to the Trustees, and I believe that's the  
7 way it's been written -- or I have been reading the wrong  
8 documents. And, I think that's the kind of information they  
9 probably want is what is -- a consensus is interesting but it isn't  
10 definitive of anything. And, in order to make intelligent overall  
11 decisions, you've got to see how all these different groups feel  
12 about it, and then you have -- somebody has -- ultimately has the  
13 job of weighing these and making a final decision. I just -- I  
14 don't know why I have this thing in my mind, but I just -- am part  
15 of the scenery, and I don't respond very well to that. I don't  
16 function very well, I think. I've got too many things I'm trying  
17 to accomplish anyway without spending my time doing that. Yes,  
18 Jim.

19 MR. CLOUD: Will this work like that? Over the past  
20 year we've -- our -- our review, or I guess our meetings have  
21 focused almost entirely on that year's work plan, going through  
22 that year's work plan with a couple soul-searching meetings thrown  
23 in, but where we've been entirely, in my opinion, cut out of the  
24 process is on habitat acquisition. That is just handled by the  
25 staff and the Trustees. Even though, the -- in -- in one of the  
26 first meetings when we went through the '83, I think, work plan

1 where there was twenty million dollars, the largest sum set aside  
2 as a project, that was sort of the principal to be put aside for  
3 future habitat acquisition, this group approved that on a vote with  
4 several comments, and not just from me, but from others around the  
5 group, that we wanted to have a say in the particular parcels that  
6 were going to be reviewed or -- or purchased, and that never  
7 happened. I don't even think we got an acknowledgement on that.  
8 But, it -- since the draft of EIS focuses -- for the restoration  
9 plan -- focuses on an alternative that nearly half of the remaining  
10 monies are to be used for habitat acquisition and land purchases,  
11 I think that it is -- is certainly is a material item, and the  
12 Public Advisory Group ought to have a weigh-in, a say, at least the  
13 members ought to have a say other than individually writing  
14 letters. I -- you know, I agree with Jim that this is a -- these  
15 meetings can be very informative just by having a frank discussion  
16 about -- about some of the issues that we -- we all face on behalf  
17 of our particular special interest groups and for those of us that  
18 represent the public-at-large, just bringing in other views that  
19 perhaps aren't represented by the special interest groups. So, I  
20 better close with a question, Jim, are we going to have a say in  
21 habitat acquisition expenditures?

22 MR. AYERS: One of the things before you today, on the  
23 agenda, is a discussion of the two significant policies that are  
24 now facing the Trustee Council with regard to habitat acquisition,  
25 public access and less-than-fee-simple acquisitions. Those  
26 discussions -- those -- those items are on your agenda today and



1 they're the most substantive policy questions facing habitat  
2 acquisition, so I assume the answer is yes.

3 MR. CLOUD: But other than general policies, if we are  
4 asked to comment on specific expenditures for specific projects,  
5 why then aren't we asked to weigh in with our comments on specific  
6 land purchases?

7 MR. AYERS: Well, I -- I mean if you'd like a briefing  
8 I'd be glad to put together a briefing on the parcel and the  
9 negotiations, but the negotiation determination has not been based  
10 on -- the identification of the parcels has to do with their  
11 critical habitat nature and if you'd like to go through those. I  
12 mean, I'm not sure what you'd like to do, but I -- we certainly put  
13 together a briefing on what the habitat parcels and that  
14 comprehensive habitat analysis and the parcel-by-parcel  
15 description.

16 MR. PHILLIPS: Pam.

17 (Aside comments)

18 MS. FISCHER: I don't know, I'm kind of wondering Jim if  
19 your question was really answered. I think it was kind of skirted  
20 around. Are we going to be -- what I understood was, are we going  
21 to be consulted when habitat land, you know, is going to be  
22 purchased? Are we going to have input into that and if we voice an  
23 objection, is that objection going to be carried forth. And, I  
24 think, you know, this is some of the questions that we've had  
25 prior, not that it will be brought to us and told what it would be,  
26 but will our voice be out there? If we or some particular member

1 of this group has a problem with some of the land maybe that  
2 shouldn't be purchased, will our voice be heard there? You know,  
3 and -- and I think that's -- that wasn't really quite answered. I  
4 think that's what Jim was asking.

5 MR. AYERS: Well, I think if -- I'd be glad to go back  
6 through the habitat steps. If you have an opinion that you don't  
7 think that land is -- for some reason you don't like the idea of  
8 protecting that habitat area for whatever reason, I -- the answer  
9 is yeah, I'm sure you can comment if you'd like to. Does that  
10 answer your question, Donna, is that more direct?

11 MS. FISCHER: And, one other thing too, I think -- a  
12 little lack of communication here, you know, it consists of a thick  
13 pile that we thought perhaps we should go through it, and some --  
14 some of the people said they skimmed, and I think had we realized  
15 we didn't have to have these until August we wouldn't have been  
16 packing them and I think the communication should be open, you  
17 know, don't bring this to the meeting. There heavy to put in a  
18 suitcase and have to lug it around the airport and lug them back  
19 and forth, and I think before we get to the meetings some of this  
20 stuff could have saved us some time packing it back and forth --  
21 a lot of the books.

22 MR. AYERS: My understanding was that you wanted to  
23 talk about the projects before you got to the situation of  
24 reviewing the projects, which is why we sent it out to you. You  
25 wanted it -- you wanted it when I got it was what the quote was  
26 back in, whenever it was, when we went through it in January, when

1 I was on a teleconference and then in April people talked about,  
2 look we'd like to have -- whatever you've got we'd like to have at  
3 the same time, we'd like to talk about it and know how the process  
4 is going to work. So, that's the reason we did it this way. Maybe  
5 what we could have done is not send it to you, have you come to  
6 this meeting, I mean -- it sounds like that's what you would have  
7 preferred is that you'd like to have come to the meeting and gotten  
8 the packet as opposed to getting it before this meeting. Which  
9 ever way you want it.

10 MR. PHILLIPS: I like the way you did it.

11 MS. FISCHER: Yeah. I liked the way you did it, but if  
12 it would have just had a cover letter. You don't need to bring  
13 this to the -- to the meeting, you know, until August or something  
14 like that.

15 MR. AYERS: But some people wanted to talk about some  
16 of the projects today, so I'm not sure I could have said don't  
17 bring it to the meeting.

18 MS. FISCHER: Well, it could have listed them maybe, you  
19 know, I don't know, I mean, it could have been for their own  
20 judgment.

21 MR. AYERS: Okay.

22 MR. PHILLIPS: Mary because she hasn't said anything, and  
23 then Pam, and then Lew Williams.

24 MS. MCBURNEY: Part of the confusion, it seems to me  
25 (indiscernible - out of range of microphone) I know that when I  
26 received this packet, just by going on the way that we've conducted

1 past activities, what we've usually done is received a packet of  
2 material and then we were expected to sit down in a meeting and  
3 make our deliberative decisions. And, so coming to this meeting  
4 today, I fully expected to do that. I -- I do find it refreshing  
5 though to find out that, know that what we really sound as though  
6 we should be doing is having a workshop meeting today, going  
7 through this, becoming familiar with it, and then following up with  
8 additional meetings with staff, with the agencies, and so that when  
9 the time comes when the work plan is ready to be approved, that we  
10 will be up to speed. Which brings me to a question I have, which  
11 is I know that one of your objectives has been to put into place a  
12 management-by-objective spring work for the entire restoration  
13 process and for all of the administrative detail underneath that.  
14 And, I would like to know if there is a list of objectives and  
15 benchmarks for us, as a PAG, and how we're going to fit into that  
16 MBO framework?

17 MR. AYERS: We've -- we've talked about -- there's a  
18 public participation, do you know where that is, Molly? The back  
19 portion that has to do with administration and management and  
20 public participation?

21 ERIC: I think I know what you're referring to  
22 and it's not ...

23 MR. AYERS: It's not in the framework -- it's not in  
24 the examples -- we brought out some examples today. I think what  
25 we need to do is take a look at that. The Trustee Council has the  
26 restoration plan out for review. One of the things that happened

1 during the discussion when I first came on at the end of November,  
2 people have talked at this meeting about, well, the restoration  
3 plan means lots of different things. We'd like to see some  
4 structure to it. We got into a whole discussion about there needs  
5 to be objectives, the public needs, and there were members of the  
6 Public Advisory Group that said there needs to be -- need to  
7 understand what this means. What is it -- how often are these  
8 agencies going to do this and how often do they need to do it? We  
9 did, in fact, put that in -- began to work on that and put it into  
10 a structure that says this is way this is going to function.  
11 Here's the objective, here are the strategies that relate to that.  
12 We have not done that with the management aspect except in a draft  
13 format, and we really need to sit down and talk about that. We  
14 need your guidance on that. The idea of staffing, the idea of  
15 support, the idea of involvement at the various levels, we don't --  
16 we don't have an understanding of what you want to do. I have an  
17 understanding, as I explained earlier about what I'd like for you  
18 to do, which is be involved at those various levels, because I  
19 think if you're not involved at those various levels, you're going  
20 to see it as somebody doing things that you're not aware of until  
21 you get to a meeting and there will be all the stuff presented to  
22 you. So, the answer is, we don't have those laid out like that,  
23 but we would like to have you help us to do that ...

24 MR. PHILLIPS: Pam.

25 MR. AYERS: ... for the PAG, including staffing. I  
26 mean, there's a whole budget issue that out -- before us now based

1 on some earlier comments.

2 MS. BRODIE: Both Jim Ayers and Brad Phillips were  
3 saying we're a deliberative body, we're not just here to represent  
4 our interest group, and I think that's very true. I did not mean  
5 to imply that we were not supposed to deliberate things. But, I  
6 think it would be useful for people here to try to imagine  
7 themselves in the position of being a Trustee Council member. As  
8 a Trustee Council member, you would receive thousands of public  
9 comments, you would hear hundreds of people testifying. You would  
10 find, for example, that thousands of people are commenting in favor  
11 of some amount of money going to habitat acquisition, you would  
12 find hundreds of people supporting buying the Eyak conservation  
13 rights around Cordova, then, on the other hand, you'd have a Public  
14 Advisory Group, which they might vote ten to five in opposition to  
15 this acquisition. So, you look at those two things, and you weigh  
16 them, and you make a decision, and if they go with what they're  
17 hearing from the general public, rather than from the Public  
18 Advisory Group, does that mean that the Public Advisory Group is  
19 worthless and useless? Well, that's up to us to decide. I would  
20 say what -- what is our -- why should they be listening to us? Is  
21 it just the vote that they should look at? If I were on the  
22 Trustee Council I would be looking at more than the vote. I'd look  
23 at the vote and I'd say, well, why are people voting this way?  
24 What do they have to say? We've chosen them because they're  
25 suppose to be putting a lot of thought into it. Let's look at the  
26 arguments that they've made and the transcript. Let's see how many

1 other people they represent, and that's why I am encouraging people  
2 to communicate with their own interest group because I just think  
3 if you don't do it, you are marginalizing yourself. You are having  
4 less influence than if you do do it. That's my point. You are  
5 going to be more credible to the Trustees if you are communicating  
6 with more people, if you are getting a sense of what your  
7 community, however that is defined, what your community thinks,  
8 then you make yourselves more credible to the Trustees.

9 MR. PHILLIPS: Lew.

10 MR. WILLIAMS: I would like to point out we did have one  
11 success in the last year, is we recommended some of this money be  
12 put aside and not all blown in the first eight years, and I see now  
13 we have -- it isn't as big as some of us would like, but the  
14 concept is -- it's been adopted, that some of this money can be set  
15 aside and the interest used to carry studies beyond the length of  
16 Exxon's payments. And, I think a lot of policy like that is what  
17 we should be doing. We can review these things too, but as I  
18 remember last year, we wrote up for goals, that is priorities, that  
19 we thought the Council should follow and the scientists. Now,  
20 whether the scientists got the word on it and paid any attention to  
21 it before they gave us this, I don't know. I feel a lot of the  
22 things here is adopting policy that we think should be taken care  
23 of. Now, that brings up again in here, there's something for the  
24 state -- using some of this money to buy up limited entry permits,  
25 and I'm not going to go either way, I think there's too many  
26 fishermen too, but there's a lot more to it than that, because this

1 can affect public policy throughout the state. There's other  
2 fishing areas. There's other concepts. In other words, are the  
3 other seventy-five percent that don't get bought out going to be  
4 able to catch more fish, or is the Fish and Game going to cut down  
5 on the -- you know, the amount of fishing effort. There's a lot  
6 more than some of this, and it's policy really, a lot of it, and  
7 it's the same thing on land acquisition. When I first saw the  
8 proposal -- what one proposal they were going to take almost --  
9 well, they were going to take over five hundred million out of the  
10 six hundred million left and acquire land, and I think everybody  
11 here, the majority here, opposed that because there's other uses  
12 for that. There's other reasons. Just because I'm a public member  
13 and known to be a co-developer on occasions, doesn't mean I'm  
14 opposed to any land acquisition. But, I think that there should be  
15 some criteria for land acquisition that are a little tighter than  
16 they've got now, and then we ask one scientist here on the science  
17 team, well have you ever thought of land trades, and he's from the  
18 Park Service and you know his answer, absolutely no, that's it.  
19 Well, I think that's the wrong answer from this group. We should  
20 have them look at everything, land trades, just buying up, say a  
21 couple of years, something. There's other answers other than  
22 blowing the dough on land which is the effect I -- the impression  
23 I've got from the staff so far, that that's what they would rather  
24 do. Of course, that's easy, you buy the land, then the question  
25 comes up who is going to administer it. I still don't like this  
26 idea of giving it to the Nature Conservancy. That's just putting



1 a middle man in there to get another chunk of the dough. If you're  
2 going to buy the land give it to the BLM or to the State Division  
3 of Lands until they can -- the Council can determine who should  
4 have the land. That's the easiest way to do it. But, there's a  
5 lot of these policy things like that that I think this group should  
6 be able to comment on and should have it called to their attention.  
7 Maybe we need an executive director to go through this and compare  
8 it to what we adopted as a single page last year about this time,  
9 to see if it follows what we believe should probably be the policy  
10 on this.

11 MR. PHILLIPS: I'm going to try to get some people who  
12 haven't talked here, Kim.

13 MS. BENTON: I'm sitting here trying to identify my  
14 source of frustration, and there are times I think that this Public  
15 Advisory Group works very, very well. There was a time at the  
16 beginning of this Public Advisory Group that I felt that our  
17 comments were given directly to the Trustee Council without any  
18 filtration. Part of my feeling of frustration, whether it's real  
19 or not, is the perception that when we give comments they're  
20 filtered through staff and then delivered to Trustee Council, and  
21 that's a little bit like playing telephone at camp. Where  
22 sometimes the information that I see that's given to the Trustee  
23 Council is really close to the message that we delivered, but maybe  
24 not exactly the way that our message should be delivered. Another  
25 area that I have concerned with, and Pam brought it out, is how  
26 should the Trustee Council balance the Public Advisory Group

1 comments versus thousands of public comments. I think part of that  
2 is because the Public Advisory Group was formed as a balance  
3 because of all of the different interest groups, and if you were to  
4 take a thousand comments that were given on a specific issue, I  
5 doubt very much that you'd find the kind of balance that you do in  
6 this room and the kind of -- all the interests that are  
7 represented, and so maybe we should be given a little more  
8 consideration than we are because of all the interests that we  
9 bring forward. That's why, in my opinion, we were formed. I know  
10 John Sturgeon, I hate to speak for him unless he tells me what to  
11 say, and he's extremely frustrated with the process also, about  
12 where we fit in and how we fit in. I just echo a lot of things  
13 that have already been said.

14 MR. PHILLIPS: I agree with you, there are several of the  
15 members that are frustrated enough that they didn't think it was  
16 important to come today because I've called almost all -- almost  
17 everybody, not everybody because I couldn't connect with everybody,  
18 and there's several that thought it wasn't worth the effort to come  
19 here, there's something else more important to do. I don't know  
20 whether it's golf or fishing or whatever it is. Just out of  
21 curiosity is there a member of the press in the audience today.  
22 That will give you an indication of how important the general  
23 public feels about the PAG, I think. They don't even cover our  
24 meetings anymore since the beginning. Donna, you had -- you wanted  
25 to make ...

26 MS. FISCHER: No, that's all right. Kim pretty much

1 covered what comment I had.

2 MR. PHILLIPS: Jim, did you have a comment?

3 MR. CLOUD: No.

4 MR. PHILLIPS: Well, where do we go from here? Jim.

5 MR. CLOUD: I just have one (indiscernible -- out of  
6 range of microphone) Have to get used to this microphones. My  
7 impression as to the preliminary review draft is that this is --  
8 this is an uncut accumulation. Is that right?

9 McCAMMON: Yes.

10 MR. CLOUD: Absolutely uncut yet, and the next step is  
11 that Jim and his science group, or whatever you call it, are going  
12 to meet and go through and compare it with their objectives and I  
13 don't know if you're going to compare it with our objectives that  
14 Lew is referring to -- but it might not be a -- it probably would  
15 be a good time if you're to rank it as to objectives to do this, do  
16 the same thing and save a lot of extra work. But then, I talked to  
17 Jim just prior to the meeting, and he said that they will update us  
18 throughout the summer as to the status of some of these, so if this  
19 gets whittled down by two-thirds, we won't be out chasing rainbows  
20 all summer long, trying to find out information about projects that  
21 we either support or don't support if it's not going to make the  
22 cut. That's just my impression. If I'm wrong ...

23 MR. PHILLIPS: Okay.

24 MR. KING: Lew mentioned some alternatives, and that  
25 brings up a concern of mine that I thought an EIS was going to  
26 present us and the public with all the alternatives that the public

1 has come up and the staff and the PAG in how to handle this money,  
2 and so at least that somewhere we would have a full range of the  
3 alternatives that are possible, and that there would be a decision-  
4 making document like this, and that's what I thought an EIS was.  
5 And, we have this draft EIS and the alternatives, as Lew mentioned,  
6 are, just a few that were selected by staff, I guess, or by the  
7 Trustee Council, and so, there is a number of the questions that  
8 we're hearing from the public and that are coming up that are not  
9 in the planning documents that I can see. So, that's  
10 (indiscernible).

11 MR. PHILLIPS: Now -- Jim a question. Donna mentioned  
12 that it would be nice if the SAG members could sit in on some of  
13 your meetings with PAG and some other things, is that possible or  
14 is that a problem?

15 MR. AYERS: I think that's what I said awhile ago.  
16 That is definitely one of the things we're going to talk about  
17 today. There are those meetings. Donna, as a matter of fact, has  
18 been sitting on some of those meetings in the past, and at the  
19 appointment of the Chair, and the answer is yes, and that's what I  
20 said awhile ago, yes, we will continue to do that and we started  
21 doing it, I guess, four months ago. We've had three of those  
22 meetings with scientists, there have been representatives of the  
23 PAG and I'll ask the Chair to appoint a couple of people to  
24 continue to do that.

25 MR. PHILLIPS: Vern.

26 MR. McCORKLE: I'll just make a really brief comment

1 because I don't want to repeat other things that have already been  
2 said, with the exception of two points, and that is, I think, Pam's  
3 point about not marginalizing our impact is very important. It's  
4 important for us to realize that we don't come here just to  
5 represent a personal point of view, but because we've been in touch  
6 with groups of others who we represent, and I think the Trustees  
7 have the right to expect that from us. And, a point that Lew has  
8 mentioned that, as a matter of fact, a year ago when we adopted our  
9 -- our recommendation, we called it the Williams' protocol in  
10 remembrance of what he has just enunciated.

11 MR. WILLIAMS: So I get blamed.

12 MR. MCCORKLE: No, you get the credit. And that is that  
13 we -- we should see ourselves as a group who makes recommendations  
14 or thoughts on broad policy levels, and we can't do that if we  
15 don't meet. We haven't met since January, and I know we hate to  
16 meet and everybody else is busy, and belongs to everything, but  
17 this is an important group to me. I don't belong to some other  
18 groups I could because I want to come to this one. So, if -- I try  
19 to be prepared and -- and talk about things that would be helpful  
20 to be reported directly through to the Trustees. We already agreed  
21 that we will not agree on everything, and that may not even be the  
22 right way to go, but we certainly shouldn't shrink back from giving  
23 ideas on policy. Broad policies, such as Lew mentioned in his  
24 remarks a moment ago, are kinds of things that we've already  
25 discussed, and I hope we don't lose sight of, and I appreciate the  
26 opportunity that we've had this meeting, and thank the Chairman for

1 putting this on the agenda, and for the staff and others, I guess,  
2 giving us leave to take this hour or so to do this. I think it's  
3 important. I do close with the comments that I'm in favor of more  
4 frequent not less frequent meetings, if we're going to have any  
5 kind of meaningful voice on policy proposals at all.

6 MR. PHILLIPS: Yes, Donna.

7 MS. FISCHER: I agree with Vern on that. I think that  
8 we do need to be on a more regular basis instead of, you know,  
9 maybe just a couple of times a year, because I think this group can  
10 be important. I think that it's important for -- and I think Mr.  
11 Ayers coming on fairly new, you know, is trying to find out where  
12 his, maybe happy medium is too to try to -- it's hard to try to  
13 please everybody, and I understand that. I think a lot of us, at  
14 the beginning of this, did reach out to our prospective people that  
15 we represent. I know occasionally I've had some public hearings in  
16 my community. Even Doug has sat in on one of them when we had  
17 teleconferences. But I think that's a two way street. I think the  
18 -- the public or local government that I represent out there also  
19 know that I'm there to represent them, and if they have a concern  
20 they need to contact me too, because I do think we do get busy. I  
21 think that it's not that we shed our duties or our  
22 responsibilities, but I think, you know, we need to be contacted  
23 too. We can continue to contact them and they can say, no,  
24 everything is fine, I, you know, don't have anything to take to the  
25 meeting, or I don't have anything to give you, and -- and basically  
26 that's all we can do. Now, some groups are a little bit stronger

1 than others and some speak out a little more than others. So, I  
2 think basically what I've seen from all of the people here, they  
3 have represented the people that they are here to represent. I  
4 think they've done a good job of it. And, of course, we all do  
5 bring to some degree our personal views. I think we are important.  
6 I think we can carry on to be important, and I think it is going to  
7 be important to meet more than just a couple times a year.

8 MR. PHILLIPS: May I ask if there's anybody in the  
9 audience from the public that has scheduled and wants to be heard  
10 on this morning session. It's on our agenda at 11:30, but ...

11 MR. AYERS: There are a couple people that are -- that  
12 I know of (indiscernible -- equipment noise) for the express  
13 purpose of talking under public comments which is scheduled for  
14 11:30. If -- if we're going to get to the issue of the policy  
15 questions on habitat acquisition, which is what we brought forth --  
16 one of the issues we're bringing forward today to talk to you  
17 about.

18 MR. PHILLIPS: Because of the -- it has been advertised,  
19 I would like to go -- do you know how many?

20 MR. AYERS: I don't know. I think there's -- why  
21 don't check. But, you know what we could do is I -- one of the  
22 things that we wanted to do today is have this discussion, and --  
23 and the other thing is give you the information about what we know,  
24 particularly about the EIS and restoration plan, and what is going  
25 on today. I mean, the structure that we've been working with the  
26 science group about a structure that shows how we're going to

1 implement restoration is what I wanted to cover. And, I could  
2 cover that and then you'd -- could still get into public comment,  
3 and then we could come back this afternoon if that's your desire  
4 and deal with some of the policy issues that we'd like to have you  
5 discuss. I don't know what ...

6 MR. PHILLIPS: I'd like to make a suggestion. At this  
7 point, we've been here now almost two hours, and probably  
8 appropriate to take a brief break. I have an emergency situation,  
9 I have to attend to and would turn the gavel over to Donna, and be  
10 sure that we cover the public thing at 11:30, and probably be back  
11 here at 1:15 if that's the time you're going to come back into  
12 session. And, if there's no objection to that, then let's call a  
13 brief recess, and continue on -- would you like to make your  
14 comments before we do this?

15 MS. NORCROSS: I have one brief comment. Since I haven't  
16 been to (indiscernible) is there a way I can get a copy of this  
17 list of four goals and priorities that you're talking about.  
18 Because as a scientist, I'd really like to see what came out of it,  
19 and as an alternate of the PAG, maybe I've received it, but it  
20 didn't strike me very much if I did.

21 MR. CLOUD: That's a lot, we did a lot of work on  
22 this.

23 MS. NORCROSS: No, I mean that it didn't just show up  
24 like that so I'd notice it, which means that -- and as a scientist  
25 I haven't seen it on the other end.

26 MR. WILLIAMS: Well, we've sent it -- what we're supposed



1 to have sent it to the Trustees.

2 MR. PHILLIPS: Scientists don't always listen to us we've  
3 noticed.

4 MS. NORCROSS: That's true.

5 MR. PHILLIPS: Anyway, you can talk to Doug about this.  
6 He may have something in his back pocket that he can hand to you,  
7 I don't know. But, I'd like to call a recess for ten minutes, come  
8 back at 11:00, schedule 11:30 for the public thing, and then I'll  
9 see you all at 1:15.

10 (Off Record 10:50 a.m.)

11 (On Record 11:00 a.m.) (Phillips absent; Fischer serves as  
12 interim chair.)

13 MS. FISCHER: Okay, I'd like to call this meeting back  
14 to order please. Will everybody take their seat? (Pause) As soon  
15 as Mr. Ayers gets back in here we'll let him take up a little of  
16 his report. Jim -- start it with you.

17 MR. AYERS: Let me -- let me say a couple of things  
18 and I will say them again when Brad comes back perhaps, or maybe  
19 I'll save it until Pam Brodie comes in.

20 MS. FISCHER: Will somebody please ask Pam to ...

21 MR. AYERS: Mary McBurney is also out there, I guess.

22 MS. FISCHER: Yes, Vern.

23 MR. McCORKLE: Since we're trying to state or get back on  
24 the agenda, which calls for public comments at 11:30 and it's now  
25 ten past eleven, and we have this much anticipated report from the  
26 executive director, I -- to squeeze that in in twenty minutes,

1 maybe it would be better to consider going directly to public  
2 comments now, and then when -- when Mr. Ayers begins he can  
3 straight shot through to the end or something.

4 MS. FISCHER: We could possibly to do, but I think if  
5 we're -- how do you feel about that Jim, it might be better, then  
6 Brad would be back at that time. But, on the other hand should we  
7 jump up on the public comment? It's not scheduled until 11:30 in  
8 case somebody plans to be here at 11:30.

9 MR. AYERS: Actually, there are a couple of people  
10 that I think would prefer that, and I don't know -- Donna Nadell is  
11 here from Cordova, and I know she wanted to speak. I don't know if  
12 Rick Steiner, who mentioned that he may want to speak, whose just  
13 coming through the door, just arrived.

14 MR. MUTTER: I think we need to make sure we wait for  
15 11:30.

16 MS. FISCHER: Stay on the schedule.

17 MR. AYERS: Let me mention a couple of things. One,  
18 I don't know -- we will work -- we mentioned this to Brad, and I  
19 talked earlier, we'd like to work with Brad and whoever else he has  
20 -- he appoints to work with us to develop a budget. We need to sit  
21 down. We're in the process of developing a budget right now. It  
22 would be very helpful to have somebody sit down and actually  
23 develop some specific objectives that you see of the PAG, with  
24 regard to the -- our general goal of -- of public participation,  
25 and with that identify staff support, involvement as necessary and  
26 participation in activities. So, I'll work that out with Brad when

1 he comes back. Let me say one other thing though, and I'm not  
2 going to -- I think I will wait until this afternoon rather than  
3 trying to get those up there, and I'll have a brief report. I'll  
4 condense it over the noon hour. I hesitate, but -- it's the ill-  
5 advised activity to kind of launch into this, I guess, but I think  
6 that there is value in consensus, and I think it is extremely  
7 difficult. I think that consensus by this group, because you have  
8 such varied interests, carries a lot of weight, and I think it's  
9 very, very difficult to actually work through some of these very  
10 complex questions to get to consensus. On the -- and this is  
11 simply my personal view. The Trustee Council has not discussed  
12 this as a -- as a body. But, I think that the issue of being a  
13 member of the PAG, but reserving the privileges of a special member  
14 of the public, affords you something that is beyond, probably,  
15 fair. In my view, just my personal view. To be -- to have a  
16 special privilege and to say that my comments are more valuable  
17 than other members of the public because I belong to -- to a group,  
18 but -- but I can't reach consensus in that group because other  
19 people have -- have special interests that are different than mine,  
20 and I want to reserve the privilege of my own observations without  
21 -- without engaging in the difficulty of trying to reach consensus,  
22 I think dilutes the power or the influence that you could have.  
23 So, I just -- I just want to say that I know there -- that it's  
24 very difficult. Some of you, and I've worked on some of these  
25 issues, and it's very difficult to get consensus, because  
26 environmental issues today are -- are very complex, economic issues

1 are very complex, but when you put them together, you know, it's a  
2 quagmire, and of course it's a struggle. And, of course, the ideal  
3 thing is to hold back and retain your own respective position.  
4 But, I think the Trustee Council wants to have the discussion, and  
5 that's why you're a varied group. And, I think that if you could  
6 reach consensus, I know that I frankly don't believe that I own any  
7 special powers to know the right answer. Some people like habitat  
8 acquisition, think it's the right thing to do, spend all the money  
9 on it. Some people think you shouldn't do any habitat acquisition,  
10 why lock up the land. Habitat protection is a significant part of  
11 the recommendation of scientists, about how to restore, maintain a  
12 long-term restoration. That discussion of whether it should be  
13 ninety percent or ten percent or how the habit -- is how the  
14 Trustee Council has got to, what they call, the balanced  
15 approached. It's not all of the money going. It's not, on the  
16 other hand saying we don't believe in habitat protection. It's --  
17 it's a balanced approach which I'll talk about this afternoon.  
18 But, I think that the different issues that are facing the Trustee  
19 Council, you can have a lot of influence on. I know you can  
20 influence me, through the deliberative process, particularly if you  
21 can say, here's what we think, is within reason of consensus. This  
22 is a general consensus area that we think is within a prudent  
23 approach to this. And, in some cases it may be only guidelines --  
24 here are some basic interests. That may be as far -- we believe in  
25 these many points about this issue. We don't agree in the final  
26 outcome, but we do agree that these ought to be some basic tenets

1 of whatever the project is, or whatever the issue is. And, I -- I  
2 will help do that. We will -- we will -- I will go to the Trustee  
3 Council and ask for funds to have you have a staff person, to have  
4 you be available for meetings. We've been doing that, we've been  
5 trying to -- we brought Gail and Donna and other people, and Pam,  
6 other people in to meetings with the scientists to discuss some of  
7 the more substantive issues that are facing us. We'll continue to  
8 do that. If you decide you want to have a facilitator and a  
9 workshop over a specific issue, you know, I'll be glad to take that  
10 forward to -- to the Trustee Council. But, I just wanted to point  
11 out that my view is, that -- that you need to actually assume some  
12 responsibilities for being a deliberative body as opposed to  
13 setting back and ...

14 MR. WILLIAMS: Donna, Doug passed out these sheets from  
15 last year, and this is a consensus as I remember everybody on the  
16 group here agreed, even Jim and Pam, because we have in there ...

17 MR. CLOUD: Wait a second (laughter).

18 MR. WILLIAMS: Well, I -- me too, me and Jim. But,  
19 anyhow, on habitat, we wanted habitat critical to the restore --  
20 critical to resources injured, and then acquisition or conservation  
21 easements, leases. There's one thing right up in the first  
22 paragraph though, the preference should be given to projects within  
23 the spill area or outside the spill area within the state of  
24 Alaska, but I notice in one of the alternatives, I think  
25 alternative five in the EIS, said they'll go outside the state, and  
26 I don't know -- we discussed that, I don't think we agreed to that.

1 Not that they -- the Trustees have to go by everything we agreed  
2 to, but this is a consensus statement that pretty well lines up  
3 what we as a group here, this is what we agreed should be the  
4 direction, the approach to restoration.

5 MR. AYERS: This is very helpful and -- Molly and I  
6 were just talking -- we actually will make sure that this goes in  
7 the July 11 packet. I -- I've heard reference to this before, but  
8 I've not seen it in our packet, and will make sure that this goes  
9 in the packet, and I think it's very helpful. Let me say one other  
10 thing, that is that somebody had commented that there was some  
11 distortion or background noise or even changes to PAG positions,  
12 and let me say that one of the things that I made sure we did last  
13 time, and I definitely will do it each Trustee Council meeting is,  
14 I fully intend that these kind of consensus positions will be  
15 transmitted as-is to the Trustee Council. A consensus document  
16 will not be synthesized, they will be transmitted at -- as-is, and  
17 that we will always ask that the Chairperson or representative of  
18 the Chair be the person that presents the PAG's position on various  
19 issues. So, I just want to mention that.

20 MS. FISCHER: I want to follow up on that. I remember  
21 when that was -- that remark was made too, and I remember one time  
22 Charlie Cole, when he was still with the state, made a remark that,  
23 I listened to all the tapes of the PAG group, I listen to what they  
24 say, so I don't think it was distorted by the time they got it or  
25 it was revised or -- or anything because I think they're given --  
26 weren't they all given copies of the meetings? And, I think they

1 had been from the very beginning because -- this was before you  
2 even came on Jim.

3 MR. AYERS: There was a question of whether they had  
4 been or not, was one of the things we talked about.

5 MS. FISCHER: They'd been altered, yeah.

6 MR. AYERS: So, we gave them transcripts  
7 (indiscernible - out of range of microphone).

8 MS. FISCHER: And, I meant to follow up on that because  
9 I remembered Charlie making that remark one time, and I remember a  
10 couple of times during the Trustee meetings he even made the remark  
11 that, I wish the PAG would speak out more because we'd listen to  
12 the tapes. So, okay, Jim you had -- Marty -- or, Mary, I'm sorry.

13 MS. MCBURNEY: That's all right, thank you. This  
14 consensus document is one that was -- it took us quite awhile to  
15 come up with, and there was a great deal of discussion regarding a  
16 number of detailed points before we finally got to this point.  
17 And, now if you take a look at the date, we're getting very close  
18 to a year as to when we made up this consensus document, and to  
19 date we have not developed another one. This has been our -- our  
20 one and only. And, I would like to put forth a suggestion that as  
21 a group that we adopt a policy of developing consensus documents  
22 and consensus decisions as a deliberative body. Following up on  
23 Vern's suggestions of having more -- a greater budget to work with  
24 which would allow us more time to be able to take the time to  
25 discuss substantive issues and to be able to examine them in  
26 detail, and to discuss varying points of view, we could have the

1 time to reach consensus, and also with more budget support we would  
2 be able to have the tools as well, whether it be staff support,  
3 whether it be -- whatever information needs we might have. And, I  
4 would like to put forth the suggestion that we adopt a policy that  
5 our decision-making process will be by consensus, and that we come  
6 up with more documents like this to present to the Trustees that  
7 basically voice a synthesis of what the Public Advisory Group feels  
8 on given issues. If we spit one of these things out once a year  
9 they tend to get lost in the shuffle of paper and whatever.  
10 Obviously, that's what happened with this one. But, I think that  
11 the Trustee Council became used to the idea that they could look to  
12 us for consensus documents that were going to give them an idea of  
13 what the various groups and interest groups were thinking about on  
14 a particular issue, that that would be much more helpful to them.  
15 Plus, it gives us something that we can keep going back to and  
16 saying, hey, but wait a minute, this is what we really think. And,  
17 I'd like to hear some more discussion about that.

18 MS. FISCHER: Doug would like to answer that.

19 MR. MUTTER: There have been other consensus documents.  
20 For example, on endowments, I just passed out one of them since  
21 then. So, there have been others.

22 MS. MCBURNEY: I stand corrected.

23 MS. FISCHER: Jim.

24 MR. CLOUD: Well, I think that we have reached  
25 consensus on a lot of different points, even then some of the  
26 projects. But, I -- we are a very diverse group and I don't think



1 that -- I think that it would be unrealistic and probably a lot of  
2 wasted time to try to reach consensus on everything. And, in fact,  
3 our diverse view points are valuable to the Trustees, like we  
4 talked about earlier. But, it would be nice to -- I don't -- I  
5 don't think we should waste -- or, I shouldn't say waste, Mary, but  
6 spend an inordinate amount of time on issues where it doesn't look  
7 like we can get an consensus viewpoint. And, in fact, if we reach  
8 consensus on everything, it's compromising all the way along, and  
9 the -- the end result probably would be less valuable than ongoing  
10 frank discussions and different viewpoints. The Trustees are going  
11 to do that -- with that information what they're going to do with  
12 the information, just like they have in the past. One -- one of  
13 the frustrating things is on the few points -- well, on this  
14 particular point, we didn't hear back anything from the Trustees on  
15 this at all. We did know on the endowment or whatever we called  
16 it, I guess legally we had to call it something else, but we -- you  
17 know, that -- that did get heard and -- and I think that it had  
18 some input.

19 MS. MCBURNEY: We can point to that as success, but  
20 without consensus we already have a system where all these diverse  
21 groups of people can get together, they can sit in during the  
22 public comment period during a -- during the Trustee Council  
23 meeting, and do essentially what we do here, which is, you know,  
24 variously speaking as individuals without any real synthesis of  
25 ideas, and, you know, that's it. Why does the PAG even exist then,  
26 if all we're going to do is just recreate a glorified public

1 comment period. I think this is the appropriate forum where we  
2 really hash out the substantive issues and we come up with  
3 consensus. We don't really ever come out of here with a product,  
4 except for the times when we make our recommendations on a work  
5 plan and when we occasionally spit out perhaps a paper.

6 MR. CLOUD: But -- but that's what we spent all our  
7 time on is the work plans. If you look back over our past  
8 meetings, we've spent most of our time going -- slogging through  
9 these work plans, and hopefully we'll -- we'll have a different  
10 procedure -- we'll still slug through the work plans, and our --  
11 our voting record, I think, is valuable to the Trustees, it ought  
12 to be. I mean, if they're willing to listen to anybody, they ought  
13 to look at the voting record as an idea of what -- what people  
14 think. And, those projects where -- where we have arrived at  
15 consensus, or your consensus, I think are very valuable.

16 MS. MCBURNEY: But we have still been talking about what  
17 our role is going to be, and in order for us to define that role,  
18 I -- I feel strongly that we need -- as a body, need to start  
19 developing our own sense of identity, and have a set of policies,  
20 and objectives so that we know what our products are going to be as  
21 we go through the process along with the administration, along with  
22 the scientists as well. We -- we've already made our point. We're  
23 sick and tired of being kind of being an appendix in this whole  
24 process, and now we need to start thinking about how we can be  
25 meaningful, how we can really be participating and putting in our  
26 two cents worth and making it worth something.

1 MS. FISCHER: I'm going to interject here, Jim said that  
2 this is something that's going to come up during the public comment  
3 period, so maybe we can get some ideas there, and then come back --  
4 revisit that after lunch. Okay, maybe there will be some answers  
5 come out of that. Vern, you had a comment?

6 MR. McCORKLE: I'll just defer that if it's going to come  
7 up after lunch, and we can then move to some other speakers who  
8 haven't had a chance.

9 MS. FISCHER: Okay, I think it's getting close to the  
10 time that -- Pam.

11 MS. BRODIE: I'd just like to say briefly, although I  
12 don't remember whether the Trustees have specifically responded to  
13 the Williams protocol, but in fact what they do is completely  
14 consistent with it. They are not doing something in opposition to  
15 that.

16 MS. FISCHER: Any other comments? Is there a microphone  
17 to where they can come to? Is there, okay. Okay. And we'll get  
18 ready to go into the public comment. Is there a list of names from  
19 the public comment? Do we have a ...

20 MR. McCORKLE: Madam Chairman.

21 MS. FISCHER: Yes, Vern.

22 MR. McCORKLE: I would suggest and I don't know if you  
23 used to do this or not, but I think we had in the past a -- a form,  
24 or a piece of paper that says speakers who wish to appear, sign, so  
25 that ...

26 MS. FISCHER: They're getting that now.

1 MR. McCORKLE: Good. So that the Executive Director and  
2 the Chair have some idea as to topic and the people knew that they  
3 were going to get on. We knew whether or not we could hear  
4 individuals for twenty minutes (indiscernible). You might want to  
5 do that again.

6 MS. FISCHER: Okay, we have ...

7 MR. CLOUD: Have Charles McKee's name printed on the  
8 top.

9 MS. FISCHER: We'll give him specifically to you, Jim.  
10 Okay. We have one yes, we have C. Thomas -- George Bess, is he  
11 going to speak? Has he left? Okay. That this mean they don't  
12 want to talk (indiscernible). Okay. Gail, did you have something  
13 that you wanted to say or speak of?

14 MS. EVANOFF: No, I didn't. I guess I missed the sign  
15 up sheet ...

16 MS. FISCHER: Okay, you thought you were signing in  
17 there, okay. Jamie?

18 MS. FISCHER: Okay, now who are they, are they on here,  
19 okay. Sure. Thea Thomas, please would you come up to the  
20 microphone? And, would you say your name and maybe the correct  
21 spelling so that the recorder can get it, okay?

22 MS. THOMAS: My name is Thea Thomas and it's spelled  
23 T-H-E-A T-H-O-M-A-S. I'm a resident of Cordova and I'm a salmon  
24 and herring fisherman in Prince William Sound. I was asked to come  
25 here today by Cordova District Fisherman United and the fishermen  
26 that they represent in Prince William Sound. After the latest pink

1 salmon and herring failures in '93 and '94, the fishermen of Prince  
2 William Sound are fighting for survival. The financial situation  
3 for many is very grim. I'm here to speak in support of continued  
4 funding for the Sound Ecosystem Assessment Plan, Project 95320. We  
5 feel it is critically important to understand at an ecosystem level  
6 what went wrong with Prince William Sound. It is important to  
7 continue this project in order to understand what is necessary to  
8 put into effect appropriate recovery strategies for pink salmon and  
9 herring, which are two of the most important commercially --  
10 commercial and ecological species injured by EVOS. The SEA plan  
11 involves local agencies and organizations and their projects have  
12 made a strong effort to involve local residents by chartering boats  
13 and hiring people. Recently, the SEA plan scientific committee met  
14 with Jim Ayers and have revised the budget to a level that they  
15 feel -- or that they hope is sustainable. We feel it's very  
16 important that this project be continued for years, for the  
17 information that is gathered to be meaningful. That's -- that's  
18 what I'd like to say about the SEA plan. And, also I was asked to  
19 bring a petition, which is signed by two hundred Area E permit  
20 holders, and this is in support of Project 95003, which is the buy-  
21 back, the permit buy-back program, and I realize this is pretty  
22 controversial, but they asked me to bring this to you, so that's  
23 here. Thank you, and I can answer any questions, if there are any.

24 MS. FISCHER: Thank you, are there any questions? Jim.

25 MR. AYERS: Okay, we didn't get a chance to talk about  
26 that too much. There's one thing that I did want to clarify and

1 that is that with all of the PAG members and you that, all of the  
2 projects have been sent -- you were not the only ones to receive  
3 the bundle -- but they have been sent to the various attorneys that  
4 are involved in the Trustee Council, Exxon Valdez oil spill effort,  
5 and we've asked them to comment. And, I point that out in this  
6 particular -- in light of your particular comments. I notice there  
7 has been considerable discussion about whether that sort of action  
8 would be considered consistent with the court degree, and I'm --  
9 I'm sure that we'll hear some more about that. The other thing is  
10 that it wasn't clear to me, what -- what is the restoration that  
11 happens under that project?

12 MS. THOMAS: Well, commercial fishing has been listed  
13 as an injured service, and they feel that by removing some of the  
14 effort, this -- the project speaks of buying back approximately  
15 twenty-five percent of the permits. So, you would reduce -- reduce  
16 that commercial fishing effort by approximately twenty-five  
17 percent.

18 MR. AYERS: It would be a commence ...

19 MS. THOMAS: And, if the management strategy remained  
20 the same, in terms of the amount of fishing time, you would allow -  
21 - hopefully that would give the resource a little bit better, or  
22 more -- it would allow it to recover a little bit more, because  
23 you're essentially removing twenty-five percent of the effort.

24 MR. AYERS: Would Fish and Game have a commensurate  
25 reduction in the take?

26 MS. THOMAS: I would think that the management strategy

1 would remain the same. You wouldn't allow them -- oh, I see what  
2 you're saying.

3 MR. AYERS: I just ...

4 MS. THOMAS: Right, I don't know. I don't know if  
5 that's really been addressed.

6 MR. AYERS: Yeah, okay, I was just curious, because I  
7 -- I did read the project briefly, but it raises, as Lew Williams  
8 pointed out, it raises some interesting questions. I don't have an  
9 opinion about the project, I just had some questions.

10 MS. THOMAS: I don't know. Thank you.

11 MS. FISCHER: Thank you, Thea. Donna Platt. (Pause)  
12 Would you please give your correct name and spelling for the  
13 recorder to make sure they get it.

14 MS. DONNA PLATT: Donna Platt, P-L-A-T-T, and I'm with  
15 the Eyak Corporation, I'm the president. What I would like to  
16 address is the policy that the Trustees are making. And, I just  
17 briefly looked over it and it's been a concern of the Native people  
18 in the Cordova area, that the Trustees aren't remembering, or we  
19 would like them to remember, that the land transactions are with  
20 Native corporations, and to have an effective public policy you  
21 must recognize that these are Native lands and Native issues of  
22 Native people involved. To not recognize this is making policy in  
23 a vacuum. Some of the Native issues are control of the private  
24 lands by Natives, respecting the Native relations with the land  
25 which has lasted for hundreds of years. We have just gotten our  
26 land back through ANCSA. We want to be good stewards of our land,

1 but we also want control of our land. On the three hundred foot  
2 buffer in the policy, I noticed, away from salt water, historically  
3 the Prince William Sound Natives have made their homes as close to  
4 the water as possible because their main food source has come from  
5 the waterways. I would hope that the Council when deciding these  
6 policies would look at the issues of the Native people and take  
7 that into consideration. I urge the Council to remain flexible.  
8 Each Native corporation will be different in their needs, and  
9 because there is no right answer for the Council on these issues,  
10 there are some corporations that do want to sell fee simple. Eyak  
11 Corporation does not want to sell the land, we want to retain the  
12 right of our land. I think that it -- the public access issue has  
13 nothing to do with protecting the habitat, and so that needs to be  
14 addressed in a different light too. If there are any other  
15 questions, you have?

16 MS. FISCHER: Oh, I'm sorry, Kim.

17 MS. BENTON: Donna, what I'm hear you saying is that  
18 you'd like to see a better input, or existing, or some input in  
19 developing policies for non-fee simple acquisition -- non-fee  
20 simple alternatives, and I would ask a question to Jim, if I can,  
21 are there any plans to do that with timber owners, Native owners,  
22 in developing non-fee simple acquisition policies, or is it going  
23 to be a policy that's set by the Trustee Council, and then  
24 afterward the timber owners or the Native land owners will have to  
25 take-it-or-leave-it kind of a thing?

26 MR. AYERS: Madam Chair, the -- Kim, the draft of a



1 policy is in front of you today and we've passed it out, and so the  
2 answer is, we're trying to involve people through this process.  
3 For example, you represent forest products and we're interested in  
4 your view of this draft policy. We actually talked with Donna,  
5 Luke and some others, and I know Chuck couldn't be here today, but  
6 we -- we want to get the discussion going. We want comments like  
7 that. It is -- it's a very difficult issue and the Trustee Council  
8 is very interested in having, particularly the various interest  
9 groups look at the policy and comment on it. What we're trying to  
10 do is -- is get to some policy issues that the Trustee Council can  
11 then deal with, because it's not -- it's not a very easy issue to  
12 deal with. And so, we're trying to involve the public and the  
13 various interest groups through this process. We'll redraft that,  
14 based on the comments we get, and actually pull out and identify  
15 the various differences and report that back to the Trustee Council  
16 on July 11th.

17 MS. BENTON: In terms of time lines, do you see that  
18 after the July 11th meeting some sort of policy will be in place,  
19 or is that still going to be just a discussion phase.

20 MR. AYERS: My view -- I can't speak for the Trustee  
21 Council on this issue. The Trustee Council has asked the PAG and -  
22 - and staff to work on looking at the policy and identifying the  
23 issues and bring back some recommendations -- identification of  
24 what the issues are and bring back some recommendations. And I --  
25 whether or not the Council will make a final decision at the July  
26 11th meeting, I don't know. They certainly intend to take it up

1 and it's scheduled to be discussed at the July 11th meeting.

2 MS. FISCHER: Vern.

3 MR. McCORKLE: Madam Chairman, to Ms. Platt, thank you  
4 very much for your testimony. In the Williams protocol, we address  
5 those subjects. In number two, we want to talk about doing things  
6 that enhance and bring into the decision-making process those folks  
7 who have cultural interests, and in number three, we discuss the  
8 need to look at a variety of land management techniques, which sort  
9 of speak to some of those things that you have in mind. It would  
10 be helpful for me to understand better what you think we, the  
11 Public Advisory Group or the Trustees, might do to meet your needs  
12 more. You said you would like to have more input. How do you feel  
13 that could be better achieved?

14 MS. PLATT: Well, most of the land that was oiled is  
15 Native land, there's Chenega, Tatitlek and the Eyak Corporation,  
16 and it was our lands that was damaged. I feel that we should, as  
17 private landowners, have a say in exactly what policies are wanting  
18 to be made on our land, and I think a better way for the Trustees  
19 to know and this public forum is to have a Native input. I've  
20 noticed that there is one Native corporation leader on this -- on  
21 the public forum council here, and it -- I think that that's an  
22 injustice to the Native people because you are looking at our  
23 Native lands. I mean, these have been lands that the Council wants  
24 to purchase, they want to buy the trees for habitat protection, and  
25 we agree with all that, but we do agree that we need to be able to  
26 sit in on any of the policies that are made, instead of coming back

1 to us after the fact.

2 MS. FISCHER: Yes, Vern.

3 MR. McCORKLE: ... Paula for comment. We -- we certainly  
4 agree with that point as well. You are, however, very well  
5 represented by Chuck Totemoff. It's too bad he couldn't be here  
6 today, but he's always here and he's -- usually -- and he's always  
7 talking about those viewpoints, and you have a further stronger  
8 representative in John Sturgeon because he works on most of the  
9 lands which are -- Native-owned lands -- with respect to timber  
10 concerns. So, there are some voices for you here, but we're  
11 certainly glad to have yours, and I think if we can find a way to -  
12 - to make sure that the landowners got a chance to have a more  
13 input on what policy is determined for their lands, that's the kind  
14 of thing that -- that's the kind of policy that the Public Advisory  
15 Group might want to endorse. Thank you.

16 MS. FISCHER: Any other comments? Thank you.

17 MS. PLATT: Thank you.

18 MS. FISCHER: Luke Borer. Okay, and if you'll spell  
19 your name for the recorder.

20 MR. LUKE BORER: My names Luke Borer, I'm with  
21 Sherstone, the timber-owning company around Cordova. I'm here as  
22 president of Sherstone and I'm also going to throw some Eyak issues  
23 too, because we are a wholly owned subsidiary. I'm here to  
24 comment primarily on the commercial timber rights only portion of  
25 your policy here, because that is what we're selling and that's  
26 what we have discussed and negotiated with the working group at the

1 Trustee Council. But, what everybody understands right now is that  
2 the land that we are currently discussing is currently developable.  
3 We, both the Council, Eyak and Sherstone, would like to see that  
4 land protected. The proposed policy that you have here would allow  
5 the Council to call a highly restrictive conservation easement, the  
6 purchase of commercial timber rights. We don't agree. If the  
7 formula is displayed graphically, the shareholders of Eyak  
8 Corporation would be limited to only thirteen homesites per  
9 frontage mile along the coastline. As Donna said before, we are a  
10 coastal people and we build right at the water. You're the buyer  
11 and we're the seller. We suggest that solid policies will only  
12 serve to back the parties into a corner. You're not allowing the  
13 negotiators to be flexible when they're trying to work out these  
14 deals, which is in the best interest of both parties. We see the  
15 current situation as one of if -- if we the Trustee Council can't  
16 have absolute protection, then there shouldn't be any protection at  
17 all? We don't agree. We can meet in the middle of the road  
18 somewhere. Isn't some protection better than none at all? We've  
19 gone so far as to go beyond your policy with places like the core  
20 where we want to see it protected in perpetuity. We're talking  
21 about fee simple in that area. This is the land closest to our  
22 hearts, but we want to see it absolutely protected from us as well  
23 as from you. We have the Sheep Bay area, which is very high on  
24 your list of priorities. We sat there and we've lined out  
25 different ways that we could protect that. We've limited  
26 development in the negotiations to an extreme amount, far beyond

1 what we would like, but far less than what the Council would like.  
2 We met in the middle of the road, we came up with something good.  
3 Now we're coming up with a policy that talks about all the other  
4 lands that the Council wants to talk about. And when we've talked  
5 about this, what's the reality. And, the reality is, there isn't  
6 enough money on this earth to develop all that land, at least in my  
7 life time, and -- purchase of commercial timber rights is something  
8 that will allow you a great amount of protection. And in going  
9 through the points on the last page of this proposed policy,  
10 incidental timber removal will be limited to no more than five  
11 percent of the basal area of the parcel. The parcel that they're  
12 talking about in talking to the working group is, for example, the  
13 Gravina tract. The Gravina tract, it's thirty-four hundred acres.  
14 According to this, we would be allowed a total of one hundred  
15 seventy acres of development out of that per perpetuity. I am  
16 scared that my great-great-grandkids are going to come out there in  
17 a hundred years and say, you dirty rotten son-of-a-gun, how could  
18 you do that to us. I can't think a hundred years ahead. The  
19 second one, incidental timber removal of up to twenty-five percent  
20 of the basal area of any part not exceeding 100 acres in size, of  
21 the parcel to be developed would be allowed as long as no more than  
22 five percent of the basal area of the entire parcel is removed. I  
23 got to get my calculator out to do that one. But, someone would  
24 have to cruise every single development. We'd have to go through  
25 on any kind of development for perpetuity, we'd have to go through  
26 sixteen thousand hoops to build a homesite, to do anything on the

1 land. The next one says the size and juxtaposition of discrete  
2 blocks of timber harvested incidental to the fee owner's exercise  
3 of retained rights would also be limited. And, it gets down, it  
4 says discrete blocks are areas where more than seventy-five percent  
5 of the basal area is removed. The size of such discrete blocks  
6 would be limited to no more than one, five acre block per one  
7 sixteenth section. The blocks could not be contiguous. You've  
8 limited the shareholders who want to build their homes on the  
9 coastline to the point where they can't build next to each other as  
10 families. And, the Native people are a family people, they're a  
11 very close-knit group. The next one, incidental timber removal, if  
12 any, should be conducted so that there would be no disproportionate  
13 number of larger trees removed. Somebody define that one to me.  
14 What's a larger tree. If you're saying that this block has trees  
15 that are all four inches and there is three six inch trees in  
16 there, what happens? We don't know. You're going to end up with  
17 a policy statement here that is not an easy thing to administer;  
18 it's not an easy thing to negotiate through. And, the last one, no  
19 timber removal would be permitted within 300 feet of anadromous  
20 streams, streams that support nesting of injured species, mean high  
21 water of salt water bodies, or fish-bearing fresh water body  
22 shorelines, except as may be specifically agreed upon after  
23 consideration of the restoration impact of the proposed removal.  
24 That would require negotiations every single time we want to do a  
25 development anywhere near the water. You're making the cost of  
26 doing business just unfathomable at this point in time. We have a

1 suggestion, that the Council does a lot of studies, well, you're  
2 asking us right now in these negotiations to predict the future.  
3 We can't do that. It's our land. The shareholders have chosen who  
4 will have children who will have children. We are the ones that  
5 will get crucified as the Indians who sold Manhattan for beads over  
6 what happens today. Why don't you study and predict the future.  
7 Let us know what is reality. Let's study and find out if the  
8 comment by Mr. Frampton of a Wal-Mart in Sheep Bay is a reality.  
9 And, let's get those ideas out of our head from a study that's done  
10 to find out is there, in reality, going to be any development out  
11 there that's going to impact the injured species, at least in a  
12 fifty year period and a seventy-five year period. Let's look at  
13 it. Thank you.

14 MS. FISCHER: Any questions? Any comments? Mr. Ayers.

15 MR. AYERS: Yes, thank you. The draft on -- on page  
16 two under the comments -- related to the comments of Luke Borer, I  
17 wanted to point out a couple of things. One, in the third  
18 paragraph under acquisition of commercial timber rights, the  
19 opening sentence talks about where it is not possible to identify  
20 all the development to be permitted, acquired habitat may be  
21 protected by setting limits on the removal of trees incidental to  
22 development. And, I point that out because what I think, you know,  
23 the -- the critical feature is that we want to recognize the  
24 importance of the land and the fish and the wildlife to the culture  
25 and -- and to the people themselves. And, at the same time, we  
26 want to provide for habitat protection for the injured resources.

1 And, the question is how do to do that in a manner that allows you  
2 to continue to have the critical important relationship that you  
3 have, yet at the same time affords the protection, particularly in  
4 those instances where we're acquiring and spending millions of  
5 dollars to buy, let's say, the timber rights, and then trying to  
6 clarify what will be permitted there then. How do we afford -- how  
7 do we afford you to continue to have all those opportunities and at  
8 the same time have the protection. And, that's -- I mean, that is  
9 -- you've hit the crux of the issue here, and if you had  
10 suggestions beyond that, I think we'd be very interested in hearing  
11 how to go about that.

12 MR. BORER: Well, one concern that I have in answering  
13 it, Jim, is you go through this, yes it's a draft, but when people  
14 read documents they key on certain things, and when you have five  
15 items listed at the back, it's my feeling in the dealings with the  
16 Council, there's going to be certain people who key on just those  
17 five items. A general statement here in acquisition of timber  
18 rights, is not -- it should be number one on the list or number six  
19 on the list, as opposed to in the preamble or in -- in the start of  
20 it. Because this is stuff that is usually considered to be the  
21 pretty stuff, just to get everybody into it. The five items in the  
22 back is usually what somebody sits there and says, okay, this is  
23 what the rules are.

24 MR. AYERS: Let's take them off.

25 MR. BORER: Thank you.

26 MR. AYERS: And now, why don't you pull those off, now



1 do you have suggestions about -- in your view, is there a way -- I  
2 guess you're suggesting on -- that it's -- and I think that's what  
3 this says, that it would be reviewed on a case-by-case basis.  
4 Right?

5 MR. BORER: It would have to be, in my opinion.  
6 You'll have to understand this is -- this is new to us, as we had  
7 hints this was coming down, that this is news to us. So, we're  
8 sitting here trying to analyze something right now after we've been  
9 through months of sitting back at the table again with the Council,  
10 and we're trying to see if this means we're going backwards again,  
11 or we're going forwards, and we want to try and work together and  
12 work this thing out. What we're trying to do is talk with the  
13 Public Advisory Group here, try to go forward, show you that we are  
14 trying to be reasonable about this, but we can't predict a hundred  
15 years out. And, I think that if you commission a study like I  
16 suggested, they won't be able to either. And so, is anybody going  
17 to get their guarantees? I don't know. But, we're going to have  
18 to go over this and submit a written comment to it, so that we can  
19 come up with something that may be workable. I just -- policies  
20 scare me when you're in negotiations about something as vast as  
21 Eyak lands are, and you have to think of everything that might  
22 happen. If you have some policy laid in stone, you're not going to  
23 be able to flex. Somebody, somewhere is going to be sitting in the  
24 sidelines not wanting the deal to go through, and they're going to  
25 say here's the policy, it's yours, you have to follow it, and that  
26 worries me.

1           MR. AYERS:       The sentence on the preceding page, the  
2 last sentence on page two, unfortunately it's on page two and many  
3 of those items on page three. The sentence on page two at the  
4 bottom says, here's an example of what might be used in a -- on a  
5 case-by-case basis. You might use these as examples of some of the  
6 criteria for timber harvest. And, maybe that's -- maybe that's  
7 really the issue is there can be a general policy that identifies  
8 the importance and then it's going to take the case-by-case policy,  
9 or taking that general policy, but having a case-by-case discussion  
10 on what can happen on that parcel that doesn't have significant  
11 impacts on the habitat protection that we're actually trying to  
12 provide for. And, that is what the acquisition is about.

13           MR. BORER:       Okay. The one last thing on that is, and  
14 you are not purchasing commercial timber rights. What you are  
15 purchasing is trees to leave them standing. You are purchasing a  
16 conservation easement at that point in time when you start limiting  
17 the development other than commercial timber harvest.

18           MR. AYERS:       And, I think that, you know, we -- we've  
19 talked about, I think except for the PAG, for members who are just  
20 coming into this issue, that really is part of the discussion. You  
21 know, we're in -- we're trying to say, how do we call this a  
22 commercial timber harvest, or commercial timber acquisition and not  
23 call it a conservation easement because we don't want to go over  
24 that. You don't have to go over that far to protect injured  
25 resources. On the other hand, it's important that we know that  
26 this acquisition of commercial timber is sufficient to protect the

1 injured resources. Now -- we're trying to have that discussion  
2 without using term -- specific terminology is the difficulty. The  
3 challenge is how to -- how do you define on a case-by-case basis  
4 what it is that we're acquiring, and that we're getting the habitat  
5 protection we want without getting into either too much or too  
6 little. And, I would welcome -- I sure -- I would welcome your  
7 comments, you know, if you'd like to talk some more about it. I  
8 don't know. The comments I guess, should be submitted as soon as  
9 possible. We are going to take it up with the Council on the 11th.  
10 We're going to try and get something out to the Council by Friday,  
11 at least, based on the conversation and trying to point out what  
12 the significant issues are, whether we can get a redraft. There  
13 are also the public access questions, that hopefully we'll get a  
14 chance to discuss this afternoon, and Donna Platt, president of  
15 Eyak talked about that a little bit. But, those are also things  
16 that we want the PAG to discuss a little bit this afternoon. If  
17 you can get us your comments.

18 MR. BORER: You're killing my charter season  
19 (Laughter).

20 MS. FISCHER: Have you typed up your comments that you  
21 had here today, or ...

22 MR. BORER: No, I've been writing in there. I saw  
23 this first time at 11:00 this morning, or 10:00 o'clock this  
24 morning.

25 MR. AYERS: Actually, if you'd note, I don't know if  
26 this is the one, that's about when we finished.

1 MS. FISCHER: Any other public comments, or any other  
2 questions to Luke? Is this to Luke or to another?

3 MR. STEINER: I just wanted to offer a quick  
4 comment.

5 MS. FISCHER: Okay, go ahead Rick. Okay, will you come  
6 up to the mike, please. Luke, thank you.

7 MR. STEINER: Yeah, Rick Steiner from Cordova. I just  
8 basically wanted to underscore what both Eyak and Sherstone have  
9 offered the Public Advisory Group this morning, and I hope that the  
10 Advisory Group could recommend to the Trustee Council to retain as  
11 much flexibility in these negotiations for habitat protection as  
12 possible. Policies scare me as they do Luke, particularly out of  
13 the Trustee Council like we've seen in the past. But, I think that  
14 as an objective, as a goal to achieve, to try to achieve something  
15 like the list here, that might be fine, but a cast in concrete  
16 policy is going to kill several of these deals, I fear. And, it  
17 was never the intention of the people in the oil spill region five  
18 years ago when this idea was conceived by consensus that we get to  
19 such detail. It is nice to see some of the flesh being hung on the  
20 bones of this thing, but I think it would be best to retain  
21 flexibility in both the public access issue and in the specific  
22 details of what timber can be harvested and what covenants are  
23 being put on the lands. If there is to be a recommendation  
24 specifically from the Group to the Council, I hope that it's --  
25 that there be no cast-in-concrete policy. One last thing, the  
26 Trustees Council position on this should probably be, you get what

1 you pay for and you pay for what you get. If a corporation is  
2 willing to sell public access guaranty in perpetuity, then  
3 obviously the governments will have to pay for that. If they're  
4 not, then we get, you know, we pay for what we get. We the people  
5 -- so, I -- it's not a problem, I don't think, having complete  
6 flexibility here, if you have a threshold below which you say  
7 there's no deal, I think as Luke was pointing out, then, you know,  
8 you're throwing the baby with the bath water. So, that's all I  
9 have to say. Thanks.

10 MS. FISCHER: Thank you, Rick. Are there any other  
11 public comments? Okay. Mr. Ayers did you have any other comments?  
12 You know, we could go ahead and break for lunch and be back here at  
13 1:15.

14 MR. AYERS: At your pleasure, Madam Chair.

15 MR. FISCHER: Okay, why don't we break for lunch and  
16 then return back here at 1:15.

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

18 (On Record 1:15 p.m.) (Phillips is present and resumes  
19 chairmanship of meeting.)

20 MR. PHILLIPS: Did we lose some people over lunch here?  
21 (Aside comments) Okay, we're going to get started and if I were  
22 in the broadcast business, I'd say it's air time, but I am not, and  
23 so we are going to say it, in the PAG, it's "Ayers" time. So, Jim  
24 is -- so, Jim is going to give his presentation, and let me tell  
25 you before we get into it what I'd like to accomplish, if we  
26 possible can, and that is to complete our work today. If it's not

1 possible, you'll go over until tomorrow, certainly. And, those of  
2 you, if we finish it today, there are several possibilities, I  
3 understand the fishing is good up on the -- the Twenty-six Glacier  
4 thing operates every day and you'll be my guests. Okay, Jim, would  
5 you want to take off from here and talk fast.

6 MR. AYERS: Let me also say that I have a meeting at  
7 4:00 and I think that we can accomplish most of what we need to do,  
8 with the understanding that we're going to be working on some  
9 recommendations with regard to -- have some help, maybe through a  
10 committee process there, and I'll get that to you. Eric, I don't  
11 know which you have, about the comprehensive balance approach one,  
12 if you would put that one up first. The -- the Trustee Council and  
13 the Public Advisory Group have made comments pretty consistently  
14 that, and I think this is -- I was reading, now it's escaped me,  
15 but the Williams protocol, and I think that the consensus has been  
16 that we ought to have an understanding of where we're going, some  
17 basic guiding principles, that it ought to be comprehensive but  
18 balanced. There's some people want to spend nine hundred million  
19 dollars on land acquisition. There are other people who don't  
20 necessarily want to spend any money on land acquisition. There are  
21 some people, and actually there have been proposals to take the  
22 money and set up an endowment, period, and have programs only on  
23 the earnings. There have been other, certainly, reasonable  
24 proposals with regard to endowing chairs at the university, much  
25 like chairs at other universities are endowed, and simply take the  
26 money, actually one of the former governors had proposed that

1 perhaps that was the thing to do, and perhaps had that been settled  
2 under their watch, that might have happened. What we have -- what  
3 we have developed is based on your comments, the public's comments  
4 and the restoration plan into a format that is a comprehensive  
5 balanced approach. There's a mission statement which you've seen  
6 and talked about. Actually, there have been some -- some -- there  
7 were minor changes to that before it's adopted by the Council.  
8 There are guiding principles. There is the ecosystem description,  
9 and one of the things that's come about through the evolutionary  
10 processes interjecting the term "ecosystem." We all now hear that  
11 term frequently in a variety of areas, and so, the ecosystem  
12 description -- you'll note -- it's pretty funny, one of the -- it's  
13 not that funny -- can you pull -- people, including some  
14 scientists, I mean, I spent four hours one evening just talking to  
15 scientists about what -- what exactly is an ecosystem, and which  
16 ecosystem or what ecosystem are we talking about here, or  
17 ecosystems. It's funny that the one thing that we have not  
18 actually got in hard copy is an ecosystem description, but we are  
19 working on it. We now have -- we're using the university  
20 professors to assist us in that effort to describe this elaborate  
21 ecosystem of the spill area. The objectives and strategies are  
22 things that people have talked about. What goals, objectives and  
23 strategies, what is it that we're really doing. And, that all  
24 coming out of the restoration plan. The management and science  
25 planning is an organizational structure, it's the one Jim Cloud was  
26 talking about earlier that has gone through several evolutionary

1 processes to show how people are involved in all aspects of the  
2 restoration effort. And, the adapted management process is, which  
3 is what -- we'll talk about in just a minute, is -- the discussion  
4 that's going on, that continues to come up about -- as we learn new  
5 information, how are we making changes. Because, every year we  
6 have people out doing research and monitoring. The herring example  
7 in Prince William Sound is a good one. No one could have predicted  
8 -- we didn't predict, although some people certainly said there's  
9 some serious problems here, but Prince William Sound herring do  
10 have a serious problem, and we made some major adjustments this  
11 year based on -- on local and scientific input, and we moved a lot  
12 of money from some projects into the -- that weren't -- funds that  
13 were available. Projects that had not gotten under way for one  
14 reason or another, and we moved funds into a project. That is an  
15 example of adaptive management. But, actually having a planned  
16 adaptive management process that includes the PAG and the  
17 scientists talking about what do we know this year. How is that  
18 system doing? How did we do with our objective, and actually  
19 having those objectives, and you all being able to kind of talk  
20 about that. A deliberative process. Geez, we got this problem,  
21 how are we going to address that? And, then having that  
22 involvement of the PAG, the scientists, discuss what's happening  
23 and where we need to go next, in adaptive management process.  
24 Eric, let's go to the structure and, then I'll stop there and --  
25 (Pause) -- in the -- among your tons of paper is what I hope you  
26 would at least consider as a reflection of what we've heard you



1 saying about you need to have some real goals and objectives.  
2 There needs to be a clear mission statement and goals and  
3 objectives with strategies pulled out. Some members of the PAG  
4 have been attending workshops, representing the PAG, with the  
5 scientists talking about what are some real things that we can pull  
6 out as an implementation structure. Okay. So, if you'll put up  
7 the -- I think this organizational structure -- then I'll stop,  
8 Jim -- but I think this organizational structure, which I can tell  
9 you is far different than the ones that I dreamed up, or I think  
10 any individual dreamed up, is a result of a lot of input from  
11 scientists, from local participants, as well as PAG comments and  
12 representatives, about how we -- we ought to be structured. That  
13 we ought to be looking at the pelagic system and the upland system  
14 and the nearshore system. We need to realize that human beings are  
15 a part of all this. There shouldn't be individual unique projects  
16 just out there on their own where everybody just comes together  
17 each year and fights for one project and we say yea or nay, and  
18 well, that projects going okay. We need to know what is happening  
19 with fish and the things -- the things, the various aspects of this  
20 system that are related to fish. And, what are happening to birds  
21 in general? Is -- are there similarities? And, are the projects  
22 working together? The same is true with mammals and near shore  
23 organisms and archeology. Let me say -- one of the things that  
24 we've also established is that there will be public members  
25 involved in each of these groups and in this coordinating  
26 committee, and the coordinating committee, which also is described

1 there, includes having PAG members on the coordinating committee.  
2 One of the things you'll be asking me to do is to nominate people  
3 to -- two people to serve on the coordinating committee, with  
4 representatives, the scientists of each of these groups. The idea  
5 is to have people who are actually working in the fields, first of  
6 all involved in the situation where they're working together, not  
7 just independently working on a project, but they're working  
8 together to look at the systemic problem, and then pulling them  
9 together to see if, what is the inner relationship between what's  
10 going on with the birds and the fish, mammals and what's going on  
11 nearshore. So, it's an ecosystem discussion. The Science Review  
12 Board would be a group, a small group of core, reviewer scientists,  
13 people like George Rose, Phil Mundie, Pete Peterson from North  
14 Carolina, involved with the coordinating committee and sitting down  
15 and actually talking about what -- how are things going, what is  
16 happening with this ecosystem, how are things going and where do we  
17 think the problems are -- are they occurring in the pelagic system  
18 out in the ocean, or is it nearshore system, and are we -- what are  
19 we finding out about mammals? Why aren't harbor seals recovering,  
20 and how are the things that we're learning about the fish and the  
21 birds related? The -- the PAG will be involved, as I said, I guess  
22 -- I just mentioned, I think, that this is something that I heard  
23 from you and I -- I think you can't sit here, or here, twice a year  
24 and call it involvement. I think that you have to -- you have to  
25 be down here, wherever this is, upstairs or out over in Cordova,  
26 and participate in that discussion. And, one of the things that

1 Gail and Martha really pointed out is that there's a lot of local  
2 knowledge about what's going on with the fish and birds and  
3 mammals. They've been living with them and living on -- in a  
4 symbiotic relationship for thousands of years, and certainly are  
5 now -- and what -- as goes -- these animals, so goes the people,  
6 and vice-versa. And, so we have local people and PAG members  
7 involved at every aspect. The PAG, and I guess this is the other  
8 point I wanted to make, the PAG has, I think, an opportunity, some  
9 rights, but also some obligation, to help represent -- I don't want  
10 to use the word consensus because then we'll get into that  
11 consensus debate again -- but to represent more than just  
12 individual perspectives. What we're hoping to do is to have strong  
13 position and strong support so that no one gets to sit on the  
14 outside (indiscernible) and no one gets left out. People all have  
15 got to get a chance to play in what's going on, and anybody that  
16 gets stuck over here, where they be, you know, want -- are left  
17 out. And, the price you pay for leaving somebody out is they get  
18 to throw grenades at you. So, what we -- what we tried to do is  
19 take everyone's input, and certainly, Jim, other members of the PAG  
20 have pointed out as you have, geez, what's this little dotted line,  
21 you know, who are we and what we'd like is special assistance, and  
22 my view is that you have -- you are the same level of synthesizing  
23 the information and participating in the discussions as the Chief  
24 Scientist, Science Review Board and the Executive Director with the  
25 -- with the restoration work plan. I think that that's how the  
26 Trustee Council ultimately sees it. I think what this -- what

1 we're hoping to do is pull it together in that way. Hopefully,  
2 we'll be together because we will have all come up with the same  
3 general understanding, while lots of different discussions and  
4 debates, and when we get here, we'll probably even have a  
5 discussion debate about how much money we ought to spend on the  
6 thing or how much money there ought to be. But, the general  
7 concept is that we'll be -- we'll be moving through the process  
8 together, and so we won't have one is stuck out over here where  
9 everybody else is over here working on things, then they mail you  
10 something and say, okay, what do you say. That's, I guess, that  
11 information in a very capsulized version, and I'll stop there for  
12 a minute. Answer questions ...

13 MR. PHILLIPS: Anyone have questions of Jim on this so  
14 far? Yes, Pam.

15 MS. BRODIE: I'm sorry, Jim, you might have said this,  
16 and I maybe didn't get it, but what it -- who is the coordinating  
17 committee? This is two Public Advisory Group members and  
18 scientists?

19 MR. AYERS: Well, the concept is and we have not  
20 gotten to the point where we're actually -- I don't know -- I don't  
21 have that list in some either -- but there would be representatives  
22 of each of those groups. The point is that fish people and bird  
23 people and mammal people and nearshore and archeology people would  
24 send representatives from their group about what they've learned,  
25 and there would be members of the public, the PAG, and our Chief  
26 Scientist with some Science Review Board members would be a part of

1 this group to have a discussion about what are the different  
2 perspectives of what we now know and where we think we ought to go.  
3 So, that coordinating committee is a term that we've used to have  
4 an integration of the discussion of the information that we've  
5 learned. So, the fish people actually are sitting and talking with  
6 bird people, and bird people are talking with the mammal people,  
7 and they are sharing the information about what they've learned,  
8 because in some cases then they're looking at the ecosystem, and  
9 their members of public are the PAG, participating in that  
10 discussion, so you know how we got to it -- some of those things  
11 that are in that proposal when they get there.

12 MR. PHILLIPS: What size committee are you anticipating?  
13 You must have something in your mind.

14 MR. AYERS: I think we've talked -- Molly has just  
15 pointed out -- eight, we've talked about eight to ten. There's a  
16 whole lot of research done by a guy named Paul Marrow, and once you  
17 -- actually twelve -- once you go over twelve, I don't want to say  
18 this necessarily, but once you go over twelve there's a lot of  
19 research. Under eight gets you into a very restricted, unless it's  
20 only for technical purposes, over twelve is problem, we've got  
21 eight to ten. So, we're proposing that there would be five from  
22 the groups, there would be two at large, and -- public at large --  
23 and two from the PAG, which, I guess, is nine. So, some place --  
24 eight to ten, is what we're thinking.

25 MR. PHILLIPS: Further questions? I guess everybody got  
26 ...

1                   MR. AYERS:       With that said, let me leap right to the  
2 chart that Jim Cloud likes the best. At least it was the example  
3 Jim used this morning and -- the adaptive management cycle. Now  
4 this is a different adaptive management cycle than the one that Jim  
5 had, but it is in your packet today, and this is a continuing  
6 evolution, but basically the whole concept behind adaptive  
7 management cycle is that it's not linear. You don't head down a  
8 path and never check in to see how you're doing. That we would  
9 actually have an adaptive management cycle that says this  
10 coordinating committee and the PAG and the scientists would sit  
11 down and talk about what did we learn this year, and what do we  
12 need to change, and what things should we address that are major  
13 gaps by either research or information gathering. We developed  
14 initial strategy for ecosystem approach, which is what we're doing  
15 now, so this is developed project ideas, which is what we did this  
16 year, although we're not quite on a time line yet, we're getting  
17 closer to make it -- so -- by October 1st. This year it will be  
18 November 1st, but we have to catch up that thirty days. We're six  
19 months sooner than we were last year, but we're still thirty days  
20 just because of the process. We've selected those who get the  
21 draft annual work plan with a work force and a Science Review Board  
22 input, which is going to happen this year the 11th through the 15th  
23 of July, and 14th of July. Let me also say that what you have now  
24 is a draft of the draft, which is what you have indicated that you  
25 wanted. This is just the beginning. This is actually -- we got  
26 those ideas and you now have them. We haven't even sit down to

1 talk about them, and that's what we're going to do on the 11th  
2 through the 15th, or the 14th. Then it will come back to the PAG  
3 for review, the draft annual work plan. And, that should probably  
4 say draft annual work plan as developed. And, you would have a  
5 chance to look at that. You would make comments then, and that  
6 meeting is going to happen on August 2. You make comments to the  
7 Trustee Council. The Council, as they did last time, may take out  
8 a couple of projects or even add something. The Council would  
9 release it to the public review for public review of the draft and  
10 annual work plan. I don't know, do you -- this says all of that  
11 information or comments on our draft restoration plan would come  
12 back in. It may be that you would want to review it again, and I  
13 don't know that. The Executive Director considers public comments  
14 and makes recommendations to the Council at that point, which on  
15 our schedule today, I guess, happens in October. Is that right?

16 MS.McCAMMON: October 31st.

17 MR. AYERS: So, we'll be putting -- we'll put it out  
18 in mid-August right after you've reviewed and the Trustee Council  
19 releases it, then we'll get public comments back and we'll take it  
20 to the Council, but it may be that right in there, I'd give the  
21 answers and the public comments as well, and I -- may need to talk  
22 about that. The Council then would review that, including your  
23 comments and the public comments on your comments and the Chief  
24 Scientist comments and my comments. The Council in October this  
25 year, September next year, will review it and make a final  
26 determination on actual funding. Then, people would start to put

1 together the project descriptions, detailed project descriptions  
2 for the project, or if -- if the proposal was going to release to  
3 an RFP, we'd send out the RFP, but in the event we'd tell the  
4 scientists, okay, put the details on these projects, the Council's  
5 willing to fund them. Then those proposals of those detailed  
6 projects descriptions get reviewed by the scientists to make sure  
7 that they're consistent with what we said they were going to do.  
8 They implement the project. They produce an interim report. We'll  
9 take those interim reports and we'll actually conduct an annual  
10 workshop and forum. And, that's another point. That goes back to  
11 that -- the whole idea that people then would be involved in what  
12 did we learn this year? What are the status of the injured  
13 resources? How's everything doing? What's it look like? And,  
14 again, this is another place where -- maybe we -- I mean we could  
15 identify the PAG specifically. The Science Review Board and the  
16 coordinating committee would take that result -- take all those  
17 results, and actually then have a session of synthesizing, is the  
18 word we've been using. They actually would sit down and talk about  
19 where are the gaps, what do we need to do next? What are we  
20 missing? Gee, there still continues to be a problem with harbor  
21 seals, we looked at everything else, we've got to more, I don't  
22 know, diet, tracking in the pelagic system. I don't know what it  
23 would mean. Again, you would have representatives on this  
24 coordinating committee, and may -- and right in here is something  
25 we haven't -- I mean, this is the point where we clearly need to  
26 have a newsletter, continue our newsletter, maybe even expand that



1 in a way, that has good communication going on about what is  
2 happening. It's like the publication we did this year on the  
3 status, the '95 status. We would do that out of this annual  
4 workshop. There would be this synthesizing, and then a review and  
5 revise the strategy, and then we'd start over. Yes, sir.

6 MR. CLOUD: Right now, recognizing this is a changing  
7 cycle, you have us basically just reviewing any draft annual work  
8 plan, and not really even approving it at that point, and I'm not  
9 so sure that we'd be comfortable doing (indiscernible -  
10 simultaneous talking).

11 MR. AYERS: What words would you like in there?

12 MR. CLOUD: At that point, we don't have the benefit  
13 of the scientists' comments of review.

14 MR. AYERS: Yes, you will. Draft annual work plan  
15 would work towards and SRB, Science Review Board input. When you  
16 meet on August 2 ...

17 MR. CLOUD: You're going to make the first cut, then.  
18 Basically, you're going to have that group's recommendations for  
19 the draft work plan come back to us in August, right?

20 MR. AYERS: Yes.

21 MR. CLOUD: But, then the Trustees just reviews and  
22 releases the draft?

23 MR. AYERS: That's right. But they have an obligation  
24 ... go ahead.

25 MR. CLOUD: When the Executive Director considers  
26 comments and recommends to the Council now, is the science -- last

1 year, that's when Dr. Spies gave his report. Right?

2 MR. AYERS: Well, this all was jumbled into one deal  
3 last year. He's going to ...

4 MR. CLOUD: His going to give his report  
5 (indiscernible - simultaneous talking). Oh, okay.

6 MR. AYERS: That's right. He's meeting with groups --  
7 he got this package the same time you did. He now is distributing  
8 these and talking to scientists about these.

9 MR. CLOUD: So, we could do a voting record here?

10 MR. AYERS: You can, yes. And, that's why I say, you  
11 mean here?

12 MR. CLOUD: Yes.

13 MR. AYERS: On August 2nd, before August 2nd you will  
14 have, but I don't know how much -- between the 11th and the 14th,  
15 then we're going to put that into ...

16 MS. McCAMMON: Short ...

17 MR. CLOUD: Well, but we have the projects now.

18 MR. AYERS: Yes.

19 MR. CLOUD: And, as long as you can keep us updated on  
20 what your work this summer, that stack will reduce to where ...

21 MR. AYERS: Probably -- the problem is going to be  
22 that end of July time period, getting that summary ...

23 MS. McCAMMON: This summary you should have to review.

24 MR. AYERS: The chart, the matrix, the spreadsheet  
25 that showed the project, project number, what -- we can actually  
26 show an example, but it ends up being the recommendation to the

1 Trustee Council. You would actually get to see the Chief  
2 Scientist's comments at that point, and I -- I've decided, we were  
3 talking about this, whether the Executive Director -- what I want  
4 to make a recommendation before, and you tell me which way you'd  
5 like to have it, whether I want to make a recommendation before it  
6 comes to you so you get to see the whole shebang or whether you  
7 would like to see it with the Chief Scientist, and I would wait,  
8 and we would add your comments in our matrix or our spreadsheet,  
9 and then I would make a recommendation to the Council.

10 MR. CLOUD: Well, you make the recommendation ahead of  
11 giving our input, then it really feels like your just ignoring us.

12 MR. AYERS: I appreciate that observation, Mr. Cloud.  
13 There are others actually at the last meeting who said, well, we  
14 want to know what you think of this, you're leaving us in the  
15 blind, and I don't care if it goes through.

16 MR. CLOUD: Well, we were blind last year because of -  
17 - for several reasons, one was Dr. Spies didn't show up for the  
18 meeting, we needed him to tell us what the scientists -- was input  
19 was. But, we're going to have that, and we're even going to have  
20 the thought process of the rest of the group, including you.

21 MR. AYERS: Yes.

22 MR. CLOUD: Even before you make the final  
23 recommendation.

24 MR. AYERS: Yes.

25 MR. CLOUD: So, it sounds like there will be a chance  
26 for us ...

1 MR. AYERS: Yes, I think so.

2 MR. PHILLIPS: Yeah, Lew.

3 MR. WILLIAMS: Yeah, I just -- I would suggest since we  
4 don't have an Executive Director or somebody (indiscernible) I  
5 understand you are Executive Director for the Trustee Council, we  
6 don't have our own staff reviewing this, so we've got to do more.  
7 So, I'd suggest that just before the Executive Director considers  
8 comments and after public review, that this group meet again, the  
9 Public Advisory Group, find out what the public didn't like about  
10 what maybe we recommended, and then we'd sit down with you and  
11 discuss some of these disagreements, then when you make your  
12 Executive Director comments, chances are we've all agreed with  
13 everybody. Or, at least we would have -- so put another -- I would  
14 suggest just putting another circle there between public review and  
15 Executive Director, and have another PAG meeting. It doesn't have  
16 to last, you know, two days.

17 MS. MCCAMMON: When we go through the time line for that  
18 FY '95 work plan, that extra PAG meeting is already on that  
19 schedule at about that time, late September, early October.

20 MR. WILLIAMS: Oh, it is. Molly, then that gives us a  
21 little more input. In other words, after you guys are through with  
22 it, the public and the science, then we come back and then it goes  
23 after we talk to you again, then it goes to the Trustee Council.

24 MR. AYERS: I put a stand right in here, I don't know  
25 whether you want a meeting or not. Molly has built it in. Let --  
26 let me clarify one thing that I think is important. It's my

1 understanding that the PAG at one time had discussed having a  
2 staff, or a staff person. It's my understanding the Trustee  
3 Council specifically rejected that concept, both for financial  
4 reasons and other reasons. I think that part of the issue is there  
5 is an Executive Director and a staff all come to work for the  
6 Trustee Council, and there was a concern about -- one of the  
7 concerns that I heard was about bifurcation, you know beginning to  
8 have two different bodies and two different staffs, it ended up.  
9 That is different than I think what I heard you ask for this  
10 morning, which is somebody to provide you with staff resource  
11 capability to keep you up to speed on what's going on. Help make  
12 arrangements, do some tracking of specific opinions and -- and I  
13 think, you know, that's an issue that would have to go back to the  
14 Council, but I think it's within the Executive Director's work  
15 force, but that's the way I would recommend that to the Council.

16 MR. WILLIAMS: But if we had this extra meeting, so we  
17 have another look at what's been done, as far as I'm concerned,  
18 that takes care of it for me, I don't know about the other Council  
19 members.

20 MR. AYERS: Do we have an overhead of the meeting  
21 schedule, or the time line.

22 MS. MCCAMMON: We have the time line.

23 MR. CLOUD: Before you leave that, I have more  
24 question, and that is we don't seem to get here, none of what comes  
25 out of these studies or projects. So, shouldn't we be in here --  
26 you mentioned that (indiscernible - simultaneous talking) we should

1 be in here somewhere between produced interim reports and review  
2 and revise strategies, we should be participating in that. How  
3 else can we make intelligent decisions and next year work plan.

4 MR. AYERS: Well, you're talking -- you definitely  
5 would be involved in this aspect, conducting an annual work shop  
6 and forum in this aspect. Is that what you're talking about?

7 MR. CLOUD: Right.

8 MR. AYERS: (Indiscernible - simultaneous talking)

9 MR. CLOUD: So, we get the benefit of whatever is  
10 produced.

11 MR. AYERS: This item, a final report takes us off on  
12 kind of a long trail that -- that is with frequent swamps. The  
13 issue of (indiscernible) reports is an issue of science review of  
14 reports produced based on research by field staff, you know,  
15 project investigators, agencies. Many of the reports have never  
16 been brought into a final acceptance by the science communities,  
17 the Chief Scientist and peer reviewers, and there's a lot of  
18 different reasons for that, that we don't need to go into, but has  
19 to do with -- with better management, has to do with clarifying  
20 where -- how differences of opinion among the scientists will be  
21 resolved on the final reports. This final report is -- is an  
22 important issue that we need to deal with from a management point  
23 of view, or June 1 of the information. And, would you get off,  
24 please just bog down if you will, this is something I will be glad  
25 to talk to you about (indiscernible - simultaneous talking).

1 MR. CLOUD: But you're giving us the information, it  
2 might be helpful for you to tell us which is not good science and  
3 which is good science (indiscernible - simultaneous talking).

4 MR. AYERS: That's right -- that's right. And, that's  
5 what you'll hear at this annual workshop about what's working and  
6 what isn't working. Is that project that said they were going to  
7 do this, exactly accomplish that? And, that's what we hope to have  
8 at this annual workshop. What's working and what isn't. And, what  
9 are the status of resources, and that's another critical feature.  
10 It would be -- in fact I would be -- I would like to get some of  
11 these final reports.

12 MR. CLOUD: Maybe after (indiscernible) we can.

13 MR. AYERS: Yeah, I don't know if that's been  
14 (indiscernible) or not.

15 MR. AYERS: Okay, anything else on this.

16 MR. KING: Yes.

17 MR. AYERS: Yes, sir.

18 MR. KING: Our terms all expire in October, and  
19 you're scheduling a PAG meeting in October to get our final review  
20 and will that be us or new members?

21 MR. AYERS: My -- I don't know how better to say this  
22 and this may be brought with perilous welcome. Let me say that  
23 it's my view that based on everything I've experienced so far, I  
24 suspect that it will be well into the next year before a selection  
25 of a new group or a final decision on selections would be made. I  
26 anticipate this group of people going all the way through the cycle

1 through October, based on everything I've seen and know today, I  
2 can't imagine decisions would be made. It would mean there would  
3 be a major change some place (indiscernible).

4 MR. PHILLIPS: It took eight months last time.

5 MR. AYERS: And, I think that people take it  
6 seriously. I mean, I think it's going to take some time, and we're  
7 just now getting them in, and I think that's the right time. I  
8 think there's going to be some deliberations. I'm supposed to make  
9 recommendations -- recommendations go to the Council and then they  
10 go to the Secretary back in Washington, D.C., and so, I'm  
11 anticipating that that decision will not be made until well into  
12 the next year.

13 MS. FISCHER: Jim.

14 MR. AYERS: Yes.

15 MS. FISCHER: On the recommendations for the PAG members  
16 that are going to, you know, if they want to stay on, are you going  
17 to try to retain those people? Because I think when Vern mentioned  
18 this morning, that we went through a lot of hoops, you know, to get  
19 on this committee. We went through a lot of applications, a lot of  
20 recommendations and a lot of references to get on this committee.  
21 Are you going to try . . . (minor tape malfunction) I think I'm  
22 supposed to be not biased at this point and I haven't even seen  
23 this. I don't even know (indiscernible). I mean, I don't even  
24 know if the application go -- I'm not -- I don't think I'm supposed  
25 to have anything yet.

26 MS. FISCHER: Okay.



1           MR. AYERS:       I would like to talk to you afterwards,  
2 but I don't think I'm supposed to have an opinion at this point,  
3 and until Doug tells me he's got applications and how I'm supposed  
4 to review them, I'm uncomfortable, we're kind of getting into that.

5           MS. FISCHER:    Okay.

6           MR. AYERS:       I also need to talk to the Council about  
7 how they want to handle it. The only reason I say that if somebody  
8 faxed me a fifteen page document this week that was about FACA  
9 (ph), and told me if I hadn't read that not to be talking about  
10 committees and that had to do with scientists (indiscernible -  
11 laughter) not the PAG.

12          MS. FISCHER:    I know we don't.

13          MR. AYERS:       Did you want to say something about this,  
14 or did you want to (indiscernible - aside comments - out of range  
15 of microphone). I'm going to just go right to the -- to the issue  
16 of the draft EIS and the restoration plan. The -- now -- the  
17 restoration plan, you've all seen copies of, it's been around, it's  
18 out for public review right now. The implementation structure that  
19 I just described is -- is simply an implementation of that  
20 restoration plan based on the comments that we've received from you  
21 and others. The EIS is the document, the official document, to  
22 comply with NEPA, as you all know, and the EIS is a way of  
23 describing various options. And, Jim pointed out this morning,  
24 well, yeah, but there were some other options that they could have  
25 identified, and that's what the public meetings are all about, is  
26 what -- what combination of these things would you like to see

1 differently. One of the other things Jim pointed out is that  
2 option five actually talks about the reserve that you have  
3 supported, that is built into, we calling it the preferred option?

4 MS. McCAMMON: The proposed action.

5 MR. AYERS: The proposed action is option 5 with a  
6 reserve of a hundred to a hundred and thirty million dollars. Some  
7 one had asked earlier couldn't we lay that out so people could see  
8 over a ten year time period how does all that work out. Could we  
9 see, kind of, what all is included in that. I'll try and put that  
10 together for you, and get that back out to you. I need to take it  
11 to the Trustee Council and make sure I'm checking in, but the EIS  
12 is an attempt to take a look at the various options and what impact  
13 they may have on the environment and then have the public comment  
14 about those options, and that is essentially where we are today.  
15 Do you want to talk about how that's going and about the dates,  
16 yeah, the process and that?

17 MS. McCAMMON: Okay. Everyone should have received  
18 copies of the draft restoration plan and the complete draft of the  
19 Environmental Impact Statement. The DEIS was released for public  
20 review on June 17th. The public comment period goes until August  
21 1st. We received some comments back from folks already objecting  
22 to the fact that the comment period is right in the middle of the  
23 summer, right in the middle of fishing season and other summer time  
24 activities. And, I guess our only way of justifying the comment  
25 period at this time is the fact that the basis (indiscernible).  
26 The basis for the public comments or for the draft restoration plan

1 came from a very extensive public outreach program last year, where  
2 the Trustee Council went to every community within the spill  
3 region, received over four thousand comments back and put together  
4 the draft restoration plan. The Trustees have told us and the  
5 attorneys have told us that for the Trustees to take action on the  
6 work plan for FY '95 that they need this documents in place with an  
7 environmental impact statement process completed. When you start  
8 looking at the time line of when that has to be done to get into FY  
9 '95, and you start back tracking for all of the various reviews, we  
10 ended up with a public comment period right in the middle of the  
11 summer. We did schedule seven -- six public meetings and we've  
12 added an addition seventh public meeting. The first one was here  
13 in Anchorage last night; Seward is on Wednesday; Homer is on Friday  
14 and Kodiak, July 5th; Cordova, July 7th; Southeast, July 19th, and  
15 we added an additional meeting on July 20th in Anchorage that will  
16 be teleconferenced to every site within the spill region, plus  
17 Juneau and Fairbanks. The idea of these meetings is primarily to -  
18 - to meet with people, to answer questions, to take comments if  
19 they want to give comment at that time, to go through the  
20 documents, provide some kind of insight, these are fairly lengthy  
21 thick documents. We'll have three or four people at each of these  
22 meetings to help people go through them and kind of hit the high  
23 points. So, the end of the public comment period is August 1st.  
24 At that time, all of the public comments are compiled. The  
25 Trustees will review those and chose a final alternative for the  
26 EIS. This could be exactly the same as the proposed action which

1 is alternative five; it could be some modification based on public  
2 comments, but that decision will be made in around mid-August. At  
3 that time the final EIS gets drafted. The final restoration plan  
4 gets drafted. The final EIS goes out to the public around  
5 September 28th, there's a thirty day appeal period, and then the  
6 record of decision gets signed at the end of October. So, that by  
7 the end of October, October 28th, October 31st, we'll have our  
8 record of decision on the final Environmental Impact Statement for  
9 the restoration plan and I'll have a final restoration plan in  
10 place. And, these documents provide the guiding framework for  
11 restoration activities for the future. One of the things that we  
12 as staff people have been working with the scientists and with  
13 various members of the public over the past few months in these  
14 series of workshops, is looking at the final -- at the draft  
15 restoration plan and trying to see -- there's been a lot of new  
16 information that's been generated since that draft plan was  
17 prepared last fall. We're trying to see how we can incorporate  
18 those into the final restoration plan, how we might revise some of  
19 the strategies, some of the objectives, based on the public input  
20 that we received in some of these workshops, as part of this  
21 adaptive management process. So, that effort, in terms of putting  
22 together the final plan will be done in August. So, if anyone had  
23 any questions on that process?

24 MR. CLOUD: Are you going to get us a -- a written  
25 time line on that?

26 MS. McCAMMON: Yes, as a matter of fact, I have it

1 upstairs. I can just bring it down for you and get you a copy of  
2 that. Jim.

3 MR. KING: As you know, I've been concerned but -- of  
4 how limited it seems -- the alternatives have gotten, and  
5 particularly looking at the newspaper brochure where the public was  
6 asked to comment on endowments and two-thirds of them did,  
7 according to the report we got later, and then we get the draft  
8 restoration plan and there's no mention of endowments. And, more  
9 specifically, for instance, Arlyss Sturgelewski, that group,  
10 presented a really detailed plan for an endowed program, and there  
11 were others. We had a little committee of PAG people that worked  
12 on that and I just -- it concerns me that that disappeared. The  
13 word endowment does not appear in the restoration plan, and I'm  
14 beginning to wonder, well, how many other things have -- and I was  
15 watching that, but how many other things have disappeared. I  
16 really think that the -- personally, I'd like to see what two-  
17 thirds of the respondents had to say about endowments. And, to me  
18 this is part of the evaluation process. As I would like to see  
19 more comments on the -- for instance, land acquisition or other  
20 things that have been coming down the line. And I'm -- I guess I  
21 would say I feel like I'm not properly informed by the draft  
22 restoration plan to look at all the alternatives and -- and make up  
23 my mind about how to balance them.

24 MR. AYERS: Molly is going to point out a couple of  
25 specific things in the -- in the plan itself. And, I think the  
26 point is well taken. Let me say that I don't think things have

1 dropped out. Let's talk about the endowment specifically, because  
2 I know that's your major concern. The endowment is discussed as a  
3 reserve because we wanted to get it up and established, which the  
4 Trustee Council did, and out to the public view. At the same time,  
5 the attorneys have advised us that endowment would mean either an  
6 Act of Congress or taking -- going back to the court, and it -- I  
7 don't know what the possibilities are in either of those cases. On  
8 the other hand, everyone has supported the concept of having a  
9 reserve available which is in the plan. The idea, and I think it's  
10 a good one, John -- Jim, is that -- that the newspaper and those  
11 things were not official in the sense of complying with NEPA, and  
12 that's the reason that we are doing this process now. Now is the  
13 time for -- if you have a particular aspect of this that you want  
14 to see expanded, now is the time. And, we certainly will do that  
15 with the reserve. I've heard you say that before, and I think, you  
16 know, that comment, you said you were going to give that to us in  
17 writing. But, I think that -- that the newspaper was a  
18 solicitation of comments, but did not for the purposes of EIS. I  
19 don't know, I guess we could go find out from Maury (ph) or  
20 somebody whether you can go back and pick up previous comments and  
21 utilize those to insert those in the EIS process subsequently, but  
22 that is what this forty-five days is all about, and that's the  
23 reason we're out there doing public solicitation is to try and get  
24 those thoughts in now, and include those -- we'll include those in  
25 the final EIS.

26 MR. KING: Just a few sentences, you -- you just gave

1 us -- clarify some things that aren't clarified in the ...

2 MR. AYERS: Yes, yes, and there are a lot of being --  
3 there are a lot of things happening at the same time we were trying  
4 to get this written. As a matter of fact, things changed. What I  
5 think we would have said at the time that this was written is that  
6 we thought, and the Trustee Council thought they were going to be  
7 able to establish a reserve and we were negotiating with the state  
8 of Alaska about how to invest that reserve. Subsequently, we found  
9 out from the Department of Justice, Office of Legal Counsel, that  
10 although their environmental section of the Department of Justice  
11 had seemed to accept -- and other federal attorneys had seemed to  
12 accept the concept of a reserve and it being invested through the  
13 state of Alaska investment program. That the Office of Legal  
14 Counsel somehow is -- also inside the Department of Justice that  
15 gets to review the reviewers, decided they didn't like that idea  
16 and they didn't think it was consistent without an Act of Congress.  
17 What we would have put in there is different than what we know  
18 today. What we now know today is that we can, the Trustee Council  
19 can certainly chose not to spend money and can advise the court  
20 registry to invest that money in longer term instruments, which is  
21 what we're working on. (Indiscernible - simultaneous talking)  
22 probably clarify that (indiscernible).

23 MR. KING: I guess you touched on my area of concern.  
24 The public takes the time to, in some cases, carefully prepare  
25 something for consideration and some attorney throws it out. Even  
26 though the attorney's opinion is -- you know, it's the court that

1 makes the decision, isn't that correct? Not the -- not the  
2 solicitors. So, if the court were to see that the public had an  
3 interest that maybe is different than the attorneys or solicitors,  
4 the court can react to that. And, the PAG, in fact, has asked for  
5 a determination on this subject of endowments that has never been  
6 addressed, but I see the whole -- the whole arena of this thing  
7 needing some clarification and that the public really has asked for  
8 that by their response to the initial brochure. But, one other  
9 question, are you saying that the people that responded to the  
10 brochure, if they want their comments considered in the EIS would  
11 have to re-present them. Is that correct?

12 MR. AYERS: What I said is I don't know. I don't know  
13 if you can go back and pick up the comments on that newspaper flyer  
14 solicitation that went out. I don't see any of the federal  
15 attorneys here. I don't know if any of the state -- usually the  
16 state attorneys don't like to comment on federal law.

17 MR. KING: Unless their in court.

18 MR. AYERS: Do you want -- does anybody want to  
19 comment on -- I will find out and will let you know. Anymore  
20 comment on that, Sandy?

21 SANDY RABINOWITCH: My only comment is that --

22 MR. AYERS: Sandy Rabinowitch with the Department of  
23 Interior.

24 MR. RABINOWITCH: My only comment, I believe some of  
25 those documents -- I missed a little bit of what you were saying,  
26 I just came back in the room, but those were, I believe, part of



1 the scoping process, and if they were, then they -- then they  
2 rationally are part of the whole record used to develop the plan,  
3 the draft plan that you're all familiar with, and the draft EIS  
4 that you've all just gotten. So, an attorney I'm not, but I have  
5 dealt with EIS's before and I certainly see that as part of the  
6 record.

7 MR. PHILLIPS: Jim, I have to -- to take a look back in  
8 1960, you just gave the same first speech I ever gave in the  
9 senate, or that we had a lot of attorneys in there and they were  
10 always advising us on what's constitutional and what isn't. And,  
11 I said the same thing, why don't we pass the laws and let the court  
12 determine whether it's constitutional or not, because I'm not sure  
13 that all of their opinions were exactly, you know, without  
14 prejudice of some kind, and I agree with you. I think that this  
15 thing on the endowment in particular should stand on its own feet  
16 and not let somebody because they don't want it make the judgment.  
17 Yes.

18 MS. McCAMMON: Mr. Chairman, I just wanted to add, Jim,  
19 that the comments from the brochure, as Sandy said, were all used  
20 as part of the scoping document which lead to the draft EIS. The  
21 public comment period that we're underway now, will be in addition  
22 to that record, so it's kind of a cumulative layer of public  
23 comment that's used throughout the process.

24 MR. KING: So, the fact the people spoke rather in  
25 detail about endowments, even though they are not mentioned in the  
26 draft. That word doesn't appear in the draft.

1 MS. McCAMMON: Endowment does not appear in the draft,  
2 and I wasn't around when the draft was prepared, but it's my  
3 understanding that what you see on page twenty-two of the draft  
4 restoration plan which talks about long term monitoring and  
5 research, and the need for long term research after the year 2001  
6 was their way of addressing that concept. Since that time, the  
7 Trustees did take formal action in January to make the first  
8 payment into a reserve account and I think things have progressed  
9 further than when this document was first drafted.

10 MR. KING: But still it's not -- the brochure used  
11 the word endowment and people commented on that concept, and it's  
12 not clear, I mean, you can explain it in just two or three  
13 sentences, that I understand, but it's not clear from the document  
14 that the restoration reserve is what evolved from people's comment  
15 on endowments.

16 MR. PHILLIPS: They really aren't the same concepts --  
17 completely different. If you don't believe it you should fight for  
18 your section of the bad tax before the city council sometime. That  
19 reserve, they cut that pie up frequently. Where an endowment says  
20 what those funds are going to be used for, and so I think there's  
21 a hell of difference between a reserve account and an endowment  
22 concept, and I think that really ought to be dealt with. We ought  
23 to be told directly what's going to happen on endowment because  
24 that took an awful lot of our time discussing. I mean, if you want  
25 to be in one that really went around and around, that's one of  
26 them, and we've never heard any feedback. And, pardon me, but I'm

1 not going to accept those words on page twenty-two as the answer.  
2 I think we ought to have a direct answer and deal with -- don't be  
3 afraid of the word because you won't get indited for using it.

4 MR. FISCHER: We did a resolution (indiscernible -  
5 simultaneous talking).

6 MR. PHILLIPS: Yeah, there was a resolution on, except  
7 two of the Trustee Council on the endowment idea.

8 MR. FISCHER: We did a resolution on it, and it was  
9 taken from the comments.

10 MR. KING: That is one of our things in the Williams  
11 white paper there.

12 MS. FISCHER: Protocol.

13 MR. AYERS: We will make an attempt, Mr. Chairman, and  
14 we will actually solicit a response from the Department of Justice  
15 about endowment. I don't know that we've ever received anything,  
16 have we?

17 (Response indiscernible - out of range of microphone).

18 MR. AYERS: Do you know -- does any -- do you know if  
19 we ever heard anything official or in writing from ...

20 MR. SWIDERSKI: Not that I know.

21 MR. KING: But the opinion we need is from the court.

22 MR. AYERS: Well ...

23 MR. CLOUD: Maybe we need to sue.

24 MR. PHILLIPS: Well, I think it's a legitimate request  
25 and by year, and it's been for us, pretty close to a year when we  
26 first started on this. I think that we -- we're about due for an

1 answer. If I had an attorney that took that long to give me an  
2 opinion, I'd fire him. I'd like to call for a recess if you don't  
3 mind for about ...

4 MS. FISCHER: Five minutes.

5 MR. PHILLIPS: Is that all it takes you, five minutes?  
6 It's now -- right at 2:30 let's come back and be ready to go again.  
7 Thank you.

8 (Off Record 2:15 p.m.)

9 (On Record 2:30 p.m.)

10 MR. PHILLIPS: We come back to -- in session, please.

11 MR. AYERS: Mr. Chairman, there was only one other  
12 item -- item before we leave EIS, and Eric was just putting that  
13 one up on the chart, and that -- that is this is in the EIS, is a  
14 page, and as Jim pointed out, you know, it's only in column five  
15 where you see the restoration reserve established. Someone else  
16 had asked, and I will try and put together, well, how does this  
17 look over ten year plan, how can you do -- what does this look like  
18 over ten years in a financial plan of all of these things, annual  
19 work plan, etc., how does it look on a year-to-year basis? And at  
20 your request, I'll put that together and try to get that out to the  
21 Trustee Council for their consideration, also. I think that is  
22 what you need in order to see where the funds are actually going.  
23 Get that to the Trustee Council before the next meeting. The other  
24 thing is that Molly's going to talk about the '94 work plan time  
25 line that you wanted to see, and then we'll -- then we'll -- the  
26 only other two items, and I have a suggestion on the public access

1 and the public use issue. We can deal with that when we get to it.  
2 But, I am assuming that we are not going to go through project by  
3 project on the '94 work plan, but rather do the process the way we  
4 talked about. Is that everyone else's understanding?

5 MR. PHILLIPS: I for one am not ready to discuss it  
6 project by project.

7 MR. AYERS: Well, somebody just asked me that  
8 question, but I thought, and I thought we'd crossed over that  
9 bridge.

10 MR. PHILLIPS: Yeah, yeah.

11 MR. AYERS: Okay, Molly let's do the time line, then  
12 we'll go right into the other two items which is the Institute of  
13 Marine Science and the issue of less than fee simple acquisitions.

14 MS. McCAMMON: Okay. Mr. Chairman, up on the board here  
15 is our draft '95 time line, and each week it's modified somewhat  
16 just based on some new deadline that we add to it. But, we started  
17 out with the -- the invitation to submit '95 restoration projects,  
18 and this was a -- the gray booklet, the very dreary gray booklet  
19 that was sent out to an extensive mailing list, and was also  
20 advertised for a period of May 15th to June 15th. We received back  
21 a total of one hundred and fifty-five projects proposed --  
22 proposals as a result of that invitation. The request totals  
23 sixty-seven million dollars. Of those requests, at the beginning  
24 of this giant packet that you were sent last week, a thousand pages  
25 worth of project proposals, at the very front of it is a cover memo  
26 which kind of goes through, walks you through all of the various

1 project proposals. There's a table of contents at the beginning,  
2 and we did some preliminary organization of the proposals that came  
3 in. We divided them up in terms of which ones were general  
4 restoration projects and what specific resources or services those  
5 identified, which ones were monitoring, which ones were general  
6 research, which ones were, I think the various habitat protection  
7 and administration and public information. So, we started kind of  
8 organizing and dividing them up just to help facilitate the review  
9 process. Of this total, of the general restoration projects,  
10 totalled about twenty-two million dollars, about half of that was  
11 attributable to the eleven million dollar permit buy-back proposal.  
12 The monitoring of proposals, the total of twenty-eight proposed  
13 projects for a total of six point nine million, of the research  
14 projects, sixty-eight proposed projects, and I'm not sure we have  
15 the total on those. We started doing a preliminary -- a  
16 preliminary organization so you can kind of go through those and  
17 see which proposals might be competing with other proposals and how  
18 they fit in the grand scheme of things. In terms of the review  
19 process that's going on now, when these came in last week, all  
20 staff did here was organize these. We didn't toss any out. You  
21 are seeing everything that we received in this office. Since that  
22 time, we've probably received about five other proposals that have  
23 kind of come in, and we'll be getting those out to you as soon as  
24 possible for your review also. We sent these out, not only to the  
25 Public Advisory Group, they were sent to the state and federal  
26 attorneys, they were sent to all of the agency liaisons who do

1 support work for the Trustee Council, the mailing list was about  
2 fifty people for review. We sent them to the Chief Scientist, and  
3 also to this technical review group of five people, who are going  
4 to be reviewing all of these proposals in the next two weeks. So,  
5 you got them as soon as everyone else did, and actually you've  
6 probably read more of them than I have at this point. Those went  
7 out last Thursday. During the next two weeks the attorneys, the  
8 staff, the scientist all reviewing them, looking at legal issues,  
9 technical and scientific issues, other policy considerations, those  
10 kinds of things. At this point, you have them before you, if you  
11 have any questions, we can try to answer them, but basically you  
12 are at the ground level here. On July 11th the Trustee Council  
13 will be meeting in Anchorage to discuss a number of issues and to  
14 be kind of briefed at the level that you're being briefed now, on  
15 the number of proposals that have been submitted. That night we're  
16 also having the first annual oil spill picnic here in Anchorage.  
17 The Trustee Council is invited and all of you are invited and will  
18 be receiving invitations by the end of this week. So, we hope  
19 you'll have the opportunity to join us that night also.

20 MR. PHILLIPS: What are you serving?

21 MS. McCAMMON: It won't be farm salmon, I can guaranty  
22 you that. It's at Valley of the Moon Park, which is a few blocks  
23 from here and I believe it's 5:00 to 8:30, so it'll be following  
24 the Trustee Council meeting on the 11th. July 12th and 13th, the  
25 Chief Scientist, what we're calling interim science review board,  
26 technical review committee, ad hoc corp reviewers, what have you,

1 the Executive Director, the agency liaisons and the five  
2 coordinating committee leaders from those five different work  
3 groups will be meeting here to start putting together the first  
4 cut, we're calling it the preliminary draft work plan. So, it's  
5 the very first cut at that point. We expect that through the  
6 review there will be -- some of the reviewers will say, well, you  
7 totally blew it and there's a real major gap here, we need a  
8 project proposal to -- to feel this gap, some projects might need  
9 to be revised, modified, combined or whatever. We'll be doing that  
10 the last two weeks of July. We anticipate a Public Advisory Group  
11 meeting on August 2nd. At that time -- it's our goal to get to you  
12 by July 27th a spreadsheet which details the first cut. The  
13 preliminary draft work plan, which proposed projects are in, which  
14 new ones might be proposed, which combinations might be in there,  
15 and you will have the results of this technical review committee  
16 and the Chief Scientist and the Executive Director's preliminary  
17 recommendations and the staff preliminary recommendations. We will  
18 try to get that to you by July 27th for approximately August 2nd  
19 meeting. And, I know this is horrible timing. In an ideal world,  
20 we'd get it to you two weeks in advance and you'd really have a  
21 chance to look at it. This is kind of what we're stuck with  
22 because basically this year we're doing two work plans in one year,  
23 and it's a real crunch. The Trustee Council will be meeting on  
24 August 8th to take our preliminary draft, your comments, any  
25 modifications that are made and to bless, or revise, or hopefully,  
26 put a stamp of approval on going out to the public with this



1 preliminary draft. It will take us about two weeks then to  
2 actually finalize the draft and get it to the printer. The goal  
3 on, and I think this is on the next page, is to get the draft work  
4 plan in the public's hands by September 5th, then follows a thirty  
5 day comment period by the general public. Either during that time  
6 or following the public comment period, and I think this would be  
7 at your discretion, the Public Advisory Group would have another  
8 chance to comment on the draft work plan before the Executive  
9 Director prepares the final recommendations in response to that  
10 public comment on October 19th and 20th. The Trustees then would  
11 take action and approve the final work plan on October 31st, which  
12 would be at the same time the final restoration plan and the record  
13 of decision on the final EIS are all done. So, there's a lot kind  
14 of all heading down towards that date. Just to show you that we  
15 hope there is light at the end of the tunnel, we do have a FY '96  
16 draft time line already in preparation, and our goal with this  
17 draft time line is to start work in mid-January with our week long  
18 principal investigator work shop where we review the results of the  
19 '94 field season, modify the '95 work plan as needed and start  
20 developing '96 priorities. So, the invitation to submit projects  
21 would be in the spring, much of the review would be in the spring,  
22 with the goal of having Trustee action actually before the fiscal  
23 year actually begins, So, that is our goal for next year. And,  
24 we'll see where we are next year at this point, but we're putting  
25 that on the table just so we can be reminded of that.

26 MR. AYERS: Couldn't we take our lead from the

1 legislature that we shouldn't be in a hurry though.

2 MS. McCAMMON: Well, one of the things that we do have  
3 and you can take a look at it on your way out tonight or at any  
4 point or during a break, we do have a time line of all the major,  
5 kind of initiatives, that are underway right now. Where we expect  
6 everything to be at different times and I'm very deadline oriented,  
7 so the deadlines are always there on the wall facing us, and  
8 there's always one everyday, it seems like. But, that's -- that's  
9 basically an overview of the '95 work plan process and what we're  
10 looking at for next year, and I'd be happy to answer any questions.  
11 We do have staff people here if at some point at the end you have  
12 specific questions on specific projects. Although a lot of these,  
13 even though they might say Fish and Game lead agency, a lot of them  
14 were submitted through Fish and Game, not by Fish and Game, so they  
15 might be university projects, they might be Science Center  
16 projects, they could be somebody else's. So, a lot of these, even  
17 the agencies aren't really familiar with yet. We'll be intimately  
18 familiar with them, hopefully in two weeks. So, I'd be happy to  
19 answer any questions.

20 MR. PHILLIPS: Yes, Lew.

21 MR. WILLIAMS: Yeah, in '96 again I see it goes straight  
22 from public comment to the Executive Director recommendation.  
23 Shouldn't we have another PAG meeting in there like we have in the  
24 '95 plan?

25 MS. McCAMMON: Mr. Chairman, I would be happy to put that  
26 in. When we say public comment, we included the PAG as a matter of

1 course, but we'll go through it and make sure that the PAG is  
2 specifically identified in all of the same locations that we have  
3 them identified for '95.

4 MR. PHILLIPS: Any questions? Okay, next subject.

5 MR. AYERS: Mr. Chairman, maybe the thing to do is  
6 dispense with the discussion of public access for public use and  
7 the earlier discussion that we got into during the public comment  
8 period. The discussion -- draft that was circulated to you, the  
9 discussion draft prepared by Trustee Council staff for review by  
10 the PAG. Is the document that we discussed, or actually the issues  
11 were raised during the public comment period by Donna Platt,  
12 president of Eyak and Luke Borer, president of Sherstone, the other  
13 issue with that, however, is the policy issue around public access  
14 for public use, in particular in those less than fee simple  
15 acquisitions. There are a list of questions that seem to frame the  
16 issue around public access for public use. We don't have a draft  
17 policy, but was looking for your input, and I guess I would say  
18 that, as Molly points out, there are any number of issues that come  
19 before us and changes are made almost on a daily basis. And,  
20 perhaps the thing to do is -- is to ask that you identify a small  
21 committee of people to work with us and that we not rush through  
22 trying to get to a decision since it's obvious that people were  
23 very personally and emotionally involved and concerned about this  
24 issue, and that we have a committee work with the Department of Law  
25 and the Department of Agriculture -- Forest Service and put  
26 together our best effort in a draft statement that then would come

1 back to you, perhaps at your August 2nd meeting, which means it  
2 wouldn't get back to the Trustee Council by August 8th, but it  
3 would give us some more time to gather input and perhaps do a  
4 better job with your input.

5 MR. PHILLIPS: This is the habitat acquisition?

6 MR. AYERS: Yes.

7 MR. PHILLIPS: It's been suggested that we have perhaps  
8 appointment of three members of this -- first thing I'd like to do  
9 is ask those of you who are interested in getting involved in some  
10 subcommittee work on this question. Okay. We can't -- of course,  
11 we can't have everybody, but I think it has to be balanced, and I  
12 guess the -- the interest generally speaking are the owners of  
13 property out there, the -- which would include both the Native  
14 landowners and the people who have also own land for commercial  
15 purposes, then there would be the, I guess, the environmental  
16 groups have an interest. Do you have an interest? Just checking,  
17 Pam. (Laughter) Didn't want to leave you out. And then, the  
18 public generally, the group that represents the public at large,  
19 would you feel any heartburn if we have four people instead of  
20 three that could work with you?

21 MR. AYERS: Not as long as they can reach consensus on  
22 ...

23 MR. PHILLIPS: Well, I'm not sure that -- that anybody  
24 here could reach consensus.

25 MR. AYERS: Yes, I'm sorry, yes, that would be fine.

26 MR. PHILLIPS: The main thing is to have most of the

1 interests represented here and, so I would like to suggest this --  
2 these four people -- is Chuck going to be around or is he going to  
3 be fishing all summer?

4 MS. EVANOFF: He'll be around.

5 MR. PHILLIPS: Okay, yes.

6 MS. BENTON: (Indiscernible) I meet this afternoon  
7 during the lunch break, I talked with Chuck and he'll be very  
8 interested in working, you know, both Gail and Chuck, whoever will  
9 be available to work on this group. So, he would like to, you  
10 know.

11 MR. PHILLIPS: I'd like to suggest appoint him, and I'd  
12 also -- suppose John Sturgeon is the one to appoint in terms of the  
13 forest products or the ownership. You probably will do the work,  
14 but officially ...

15 MS. BENTON: We'll call it him.

16 MR. PHILLIPS: Yes, and then -- I don't -- is there  
17 anybody here interested in -- oh, Pam. I think Pam is probably one  
18 of them if you -- to be on there, and then I'd like to suggest also  
19 from the public group, let's see how many do we have here today?  
20 Two. Yeah, Jim, would you work on this, Jim?

21 MR. CLOUD: Sure.

22 MR. PHILLIPS: So those four. If there are no objection,  
23 those are the four I'd like to appoint, and if you'd work very  
24 closely with them, so you can come back with a succinct report to  
25 us at our next meeting, so that we can make some recommendations  
26 for the Trustees, it would be very helpful. This is a lot easier

1 than getting everybody to -- on it. So, is there any ...

2 MR. CLOUD: As long as it's less than twelve, didn't  
3 you say Jim?

4 MR. AYERS: Twelve positions, yeah.

5 MR. PHILLIPS: Okay, this is, you know, this is a hot  
6 number and so I think we ought to have all sides represented.

7 MR. AYERS: So, you have four people?

8 MR. PHILLIPS: Four, and they would be Chuck, and John  
9 Sturgeon, Pam and Jim Cloud.

10 MR. AYERS: Okay, yeah, and I -- it actually, I assume  
11 will be Alex Swiderski from the Department of Law and Walt Sheridan  
12 from the Forest Service that would actually then work with the  
13 small group to see if we could to some general consensus on an  
14 issue.

15 MR. PHILLIPS: Can you all make contacts, the proper  
16 contacts with whoever you're suppose to working with, so ...

17 MR. AYERS: Yes, I think we have their phone numbers  
18 and then we'll just -- we'll get somebody to work with Walt and  
19 Alex to put together a contact to set up the meeting.

20 MR. PHILLIPS: Yeah, work with the staff and be sure you  
21 make the meetings, and come back with something. Yes, Donna.

22 MS. FISCHER: I was just going to suggest to Mr. Ayers  
23 that maybe they, you know, appoint somebody to be their contact  
24 person so that they could call him too, Jim, or unless they call  
25 you or what. You know what I mean, so they know when they leave  
26 here who they need to be in touch with.

1 MR. PHILLIPS: In the staff?

2 MS. FISCHER: Yeah.

3 MR. AYERS: Yes, I'm sure that it very well may be  
4 Rebecca, as a matter of fact, but Walt Sheridan and Alex Swiderski  
5 will make sure that you get the contact. They own the  
6 responsibility to contact you and set up the meeting. So,  
7 basically at this point, your only responsibility will be to take  
8 the phone call.

9 MR. PHILLIPS: Yes, James.

10 MR. KING: Just one comment. I know Jim wants a  
11 consensus, but a minority report and sometimes a dissent are a part  
12 of supreme court actions and are often considered useless, or  
13 useful.

14 MR. CLOUD: Depending upon your point of view.

15 MR. KING: In any event, I certainly agree, it's nice  
16 that we can have a consensus, but the players that are in the  
17 minority have played and I think they're review is more valuable  
18 than just another member of the public because they were there  
19 during the debate and worked on it. I would hope that we do get  
20 minority or dissenting opinions from the committee.

21 MR. PHILLIPS: James, I expect that these four will sit  
22 down and get the work done and then come back and give us a  
23 comprehensive report and that we will make the decisions among our  
24 group on what recommendations we want to give to them. If it's  
25 seventeen recommendations, we can do that do. But it -- this just  
26 speeds up the process and makes it more comfortable. I think with

1 the group that we're talking about here there's isn't going to be  
2 anything left in the corner, that all stuff will come before us.  
3 Yes, next subject.

4 MR. AYERS: Mr. Chairman, the next item I would  
5 suggest is there are two issues that are again issues that are part  
6 of the restoration effort, they are the Institute of Marine  
7 Science, which is represented by Kim Sundberg and party, and maybe  
8 the next thing to do is to actually have a brief presentation on  
9 the Institute of Marine Science. It has a -- the second issue  
10 there is that it has a separate EIS under NEPA prior to its  
11 approval by the Council, and it is out for public review right now,  
12 and we've asked Kim Sundberg to make a presentation regarding the  
13 Institute of Marine Science in Seward.

14 MR. PHILLIPS: How long do you anticipate that, just for  
15 planning purposes?

16 MR. AYERS: Ten minutes.

17 MR. PHILLIPS: Ten minutes. If there's no objection,  
18 then let's -- let's do that right at this time. If you want to  
19 come up, there's -- there's a microphone over here you could use on  
20 the end of that table. If you'd pull the microphone so that it can  
21 be recorded properly. If you'd just for the record, you'd identify  
22 yourself so that they can pick it when they're transcribing.

23 MR. SUNDBERG: Mr. Chairman, my name is Kim Sundberg, I'm  
24 a habitat biologist with the Alaska Department of Fish and Game,  
25 and I've been cast as a project coordinator for the improvements to  
26 the Institute of Marine Science in Seward. This project is number



1 94199 in the '94 work plan. The purpose of this project is to  
2 provide a facility to address gaps in the available infrastructure  
3 for carrying out research and monitoring projects for long term in  
4 the EVOS area. And, this project was originally brought to the  
5 Trustee Council as the Alaska Sea Life Center. It's gone through  
6 a considerable evolution since that point. It was presented to the  
7 Trustee Council on January 31st as improvements to the Institute of  
8 Marine Science in Seward. It's still -- that project is still  
9 being called that. It does include a public visitation, education  
10 component, but that is being dealt with outside of the Trustee  
11 Council process, through the Seward Association for Advancement of  
12 Marine Science and through a private funding effort that they have  
13 going which I'll describe briefly. I've brought some other  
14 technical resources with me, but in the interest of time, I think  
15 I'll just give the presentation and if anybody has any specific  
16 questions. We have project architect -- Tom Livingston, Darryl  
17 Schaefermeyer with SAAMS, Lee Selkregg with HERI (ph), which is  
18 project manager, and Maria Simms with Dames & Moore who wrote the  
19 EIS. On January 31st of this year, the Trustee Council approved  
20 financial support for the improvements to the Institute of Marine  
21 Science at Seward and directed the Executive Director to do  
22 accomplish four tasks. One of them was to secure NEPA compliance;  
23 number two was to consult with the appropriate entities, including  
24 the University of Alaska, the City of Seward, the Seward  
25 Association for Advancement of Marine Science, otherwise known as  
26 SAAMS, and the appropriate Trustee agencies to review the

1 assumptions related to the improvements and the capital and  
2 operating budgets; three, to develop an integrated funding approach  
3 which assures that the use of trust funds are appropriate and  
4 legally permissible under the terms of the memorandum agreement and  
5 consent decree; and, four to prepare a recommendation for the  
6 appropriate level funding for consideration by the Trustee Council,  
7 that's legally permissible. I'd just like to briefly go through  
8 and hit the highlights on -- on those four tasks, that's what I've  
9 been involved with, and the project team has been involved with.  
10 Number one, with respect to NEPA compliance, we're going through an  
11 EIS process. The draft Environmental Impact Statement was released  
12 to the public on June 24th and its going to go in a public review  
13 period until August 8th. That's this document. You may have  
14 received copies of this already. There are additional copies out  
15 on the foyer on the table. We're going to have public hearings on  
16 this draft Environmental Impact Statement in Seward on July 26th  
17 and in Anchorage on July 28th. We're planning to publish the final  
18 Environmental Impact Statement on September 23rd of this year, and  
19 that would lead to scheduled record of decision on October 28th.  
20 With respect to consultation with all the entities and reviewing  
21 the assumptions for the project, we've developed an organization  
22 that involves, which is shown here. The City of Seward is a  
23 recipient of a grant from the legislature that was part of the  
24 state criminal settlement. They were authorized by the Department  
25 of Administration to spend four million dollars for planning and  
26 design for this project. They in turn have transferred a portion

1 of the money to SAAMS who is contracting with all the technical  
2 resources, the architects, engineers, etc., to bring the project  
3 forward. As a parallel route, the Trustee Council has assigned  
4 ADF&G as the lead agency, I'm the project coordinator for the  
5 Trustee Council and assigned the Department of Interior as the lead  
6 for the Environmental Impact Statement. We feed into this at this  
7 level. Additionally, there's been two work groups that have been  
8 formed to sort of drive the program, to basically evolve this  
9 project and get it back to what the needs of the research  
10 rehabilitation component and the education component are. There  
11 are work groups that have been formed that have met regularly and  
12 they have produced a document called a design program work book  
13 which is being used to actually develop what the facility is about  
14 and the cost estimates. That -- the scientific work group is made  
15 up of representatives of Fish and Game, the University of Alaska,  
16 of the Natural Biological Survey, the National Marine Fisheries  
17 Service, and others to -- and have met on a regular basis to  
18 produce the program work book and to feed up into the architects  
19 who are to design the project. I'd like to mention that the  
20 University of Alaska has been a major supporter of this project,  
21 and they are represented on the scientific work group and would be  
22 one of the tenants at the building as far as having a research  
23 presence there. Currently the approach would be to have endowed  
24 chairs for the university that would be endowed by a private  
25 donation effort, and that that would provide faculty presence at  
26 the building, and in addition to providing support for research

1 assistance and students. There would also be Trustee agencies,  
2 such as Fish and Game, other agencies doing work out of this  
3 facility, and it would also be open to other groups, like private  
4 or non-profit foundations to use the facilities. But, primary  
5 focus of this facility is on marine mammals and marine birds. It's  
6 being designed to provide facilities that don't exist anywhere else  
7 in Alaska such as research tanks, wet labs, facilities that can do  
8 types of research on -- on marine mammals and birds, such as  
9 physiological experiments, telemetry experiments, feeding --  
10 ecology feeding behavior, energy, energetics. Some of the things  
11 that were mentioned earlier this morning and some of the questions  
12 that the scientists have about why some of these populations are  
13 not recovering after the oil spill and this facility would provide  
14 a center for doing certain types of research that can't be done in  
15 Alaska right now. In addition, the facility would also provide  
16 some rehabilitation capabilities for animals that would be brought  
17 in, as a matter of course, that are sick or injured. But,  
18 primarily the focus would be not just on having a rehab center, but  
19 trying to find out why these animals are sick, developing data  
20 bases on diseases, particular problems that are affecting marine  
21 mammals in the state and birds, and looking at research that isn't  
22 being done right now because of the lack of facilities. With  
23 respect to the integrated funding approach, we're basically looking  
24 at four types of funding for this project. As I mentioned  
25 previously, the state has already allocated twelve and a half  
26 million of state criminal settlement funds for the project. That's

1 what's being used primarily right now to bring the project forward  
2 from a design standpoint. There is a private funding goal of ten  
3 million dollars SAAMS has contracted with a national  
4 philanthropical fund-raising group to actually produce a plan for  
5 how much funds would be available to the project, and they expect  
6 to have this plan completed by mid-August with a target number that  
7 would be based on actual interviews with people. We're also  
8 looking at some joint funds from the Trustee Council, right now.  
9 In January 31st there was a request of approximately twenty-four  
10 point nine eight million dollars. There's also -- this number is  
11 being refined currently, and there's also potential for federal  
12 criminal settlement funds for this project. All four of these  
13 funding approaches are being looked at, and that will be put  
14 together in the funding request -- the final funding request that  
15 would go to the Trustee Council. I'd like to just touch very  
16 briefly on the conceptual design of the project and where we're at  
17 right now. As I mentioned, our groups have been meeting and we  
18 have completed a conceptual design. The facility -- it would be  
19 located on city owned land at -- adjacent to the existing Institute  
20 of Marine Science, which is here on the waterfront in Seward. This  
21 is city owned land and the city has pledged this land to this  
22 facility. The main building footprint would be in this area.  
23 We're envisioning a two-story L-shape laboratory structure over  
24 here that would have capabilities for studies on marine birds,  
25 marine mammals and fish genetics. Also, there would be additional  
26 wet lab facilities for other types of work on fishing and birdoritz

1 (ph). There would be large tanks over here with naturalistic  
2 habitat. It would be the main holding areas for the mammals and  
3 birds that would be being used in this facility, and there would  
4 also be research occurring in those habitat areas. Additionally,  
5 from the public standpoint, there would be a parking lot over in  
6 this area. The public would be using this portion of the facility,  
7 but the central nucleus theme of the public visitation education  
8 here would be interpreting what types of research are going on in  
9 this facility. It would not be simply just to come and display  
10 animals or have it just simply as a sort of a Sea World-type  
11 facility. It would be more akin to what's being done at say the  
12 Oregon Coast Aquarium or the Monterey Aquarium where they're  
13 actually interpreting what's going on out in the environment, and  
14 explain to people what the research projects are going and how  
15 those are addressing problems with the animals in the area. I  
16 think I'll stop right at that point. I just briefly mention that  
17 we have a project schedule and we're currently scheduled to open  
18 the facility in June of 1997, if we stay on schedule. Right now  
19 we're in this EIS process stage over here. We're expecting that  
20 the Trustee Council will make a funding decision on this later on  
21 this summer or early fall. And, we would anticipate under this  
22 schedule of actually starting to do some of the site work this  
23 winter, if the funding is completed and put together.

24 MR. PHILLIPS: Did I understand your presentation that  
25 the total amount of funds are thirty-seven and a half million. Is  
26 that an increase from the last time we talked about this here?

1           MR. SUNDBERG: No, in terms of the overall costs of the  
2 facility is slightly less than what we talked about before. The  
3 current facility project right now with existing estimates, about  
4 thirty-five million for the research component of the building, the  
5 research and rehabilitation component. So, overall the cost of the  
6 building and facility, if you added in ten million dollars for the  
7 public side would be about forty-five million. I think the  
8 previous project was about forty-seven point five million. Now,  
9 there's also -- we were also asked to look into vessel and research  
10 submersible for the building -- for the facility. The current  
11 estimate for that is three million dollars, about two million four  
12 hundred thousand to purchase a research vessel and have it capable  
13 of doing research in the North Gulf, and about six hundred thousand  
14 for a research submersible.

15           MR. PHILLIPS: How big a vessel is that?

16           MR. SUNDBERG: That would be in a range of one hundred  
17 and twenty to hundred and fifty feet long and essentially what we  
18 had in mind was buying a oil rig mud boat and converting it over to  
19 be a research vessel and a submersible tender.

20           MR. PHILLIPS: How much is this -- how big is this  
21 submersible?

22           MR. SUNDBERG: It would be a two person submersible.  
23 It's about approximately twelve - fifteen feet long. Pilot and a  
24 scientist.

25           MR. PHILLIPS: Good luck.

26           MR. SUNDBERG: Well, it's a ...

1           MR. WILLIAMS: May I ask, did the National Science  
2 Foundation give up on their North Pacific research ship?

3           MR. SUNDBERG: Well, they're -- they're still working on  
4 that and still have plans although they don't have all the funding  
5 together to construct the ice -- you're talking about the ice-  
6 breaking oceanographic vessel.

7           MR. WILLIAMS: It's stationed at somewhere, Seward or  
8 Kodiak or ...

9           MR. SUNDBERG: Right, and their plans are still to  
10 station it at a dock near the railroad facility in Seward.

11          MR. WILLIAMS: That would help you, wouldn't it, so you  
12 wouldn't have to have a separate ship?

13          MR. SUNDBERG: Well, actually it might help because right  
14 now the Alpha Helix, which is the NSF boat in Alaska is detailed  
15 for most of its year outside of the EVOS area, it goes into the  
16 Bering Sea. And, the idea is that it -- ice-breaking vessel is  
17 available, then that would free up the Alpha Helix or another  
18 vessel to replace -- the Alpha Helix is getting rather old, to work  
19 in the gulf coast and be more -- more accessible. But, there are  
20 no plans right now, at the present time about when this vessel is  
21 going to be available.

22          MR. PHILLIPS: Are there any other questions? Yes, Pam.

23          MS. BRODIE: The chart you showed us said twenty --  
24 basically twenty-five million for this fiscal year, but it didn't  
25 say anything about future fiscal years, and I'm wondering about  
26 operating costs, and other capital costs, especially if you -- if



1 the Institute is not able to get the ten million from other  
2 sources. What -- what sort of funding is -- are the Trustees or  
3 the legislature going to be looking at in the future.

4 MR. SUNDBERG: Well, we're looking at various different  
5 scenarios for operating costs and, in fact, we're taking -- there's  
6 been two economic studies done on this project already. We're  
7 doing a third just to recheck the numbers based on '94 data on  
8 visitation in Seward. The fact that the project has evolved to be  
9 more a research institute rather than simply a public facility, so  
10 we're taking a look at those numbers, but right now, I guess I  
11 could tell you that the numbers look real good in terms of very low  
12 operating expenses in terms of having to feed the building outside  
13 of -- to make up for any deficiencies that would not come in as  
14 revenue sources, dedicated revenue from visitation, memberships and  
15 other sources that would be available to the project.  
16 Approximately three million dollars a year of revenue is project to  
17 go into the building. Actually, three point eight million to  
18 offset about three point seven million dollars of operating costs  
19 of the facility. So, actually, the numbers show a slight surplus  
20 of revenue each year. And, that's based on a very modest amount of  
21 research being -- actually having to be paid for out of the  
22 facility, something like three or four hundred thousand dollars a  
23 year worth of research. So, right now, I mean, the numbers look  
24 good. We're re-looking at them again and we're very sensitive to  
25 that whole issue.

26 MS. BRODIE: Is that information in this draft EIS.

1 MR. SUNDBERG: Yeah, there is some cost projections in  
2 the EIS that are based on existing studies, and again we're  
3 revisiting those numbers and would have that together in the new  
4 revised project description.

5 MR. PHILLIPS: Are there any further questions? Yes.  
6 Don.

7 MR. HULL: (Indiscernible - out of range of  
8 microphone) couple of -- the design program -- work would prevail  
9 (indiscernible) for review at all, or is that information part of  
10 the EIS?

11 MR. SUNDBERG: The information went into the conceptual  
12 plans that are in the EIS. The design program workbook is an  
13 evolving book. If you would like to get a copy of it, we'll get  
14 you a copy of it. It's going to go through another draft iteration  
15 here in the next two weeks based on the last -- we had a work group  
16 meeting about two weeks ago and so they're incorporating all the  
17 comments into that. But, sure if you want to get a copy, you can  
18 have one.

19 MR. HULL: Okay. And the other question was  
20 regarded, kind of related to Pam's, construction was about twenty-  
21 five million, I guess just a point of clarification, would that  
22 come out of looking at alternatives on spending, would that come  
23 out of monitoring and research, general restoration? Can you say?

24 MR. AYERS: Actually there are three questions there.  
25 One is how did they get to that number, and one of the things that  
26 we've talked about is before the 11th we're going to have a little

1 more refinement in the proposal, including the numbers and what do  
2 those numbers mean. How did we come up with those numbers? And,  
3 what -- what are aspects of the Institute of Marine Science that  
4 are related specifically to research for the purposes of the civil  
5 trust fund, and then what are those aspects of the Institute of  
6 Marine Science that are related to other oil spill funds, and then  
7 what are those aspects of this project that are unrelated to the  
8 Exxon Valdez oil spill and had to do with the other goals that they  
9 had mentioned which were -- are public education, for example, and  
10 -- and observation platforms, that type. The answer to your  
11 questions specifically is that the twenty-five million dollars  
12 needs to be sorted out about where did that -- how is that number  
13 broken out and what are the aspects of this -- what are the three  
14 different aspects of this.

15 MR. HULL: I guess the point of my question being  
16 obviously that takes -- depending on where it comes out, if  
17 alternative two is chosen, the majority of it comes out as  
18 monitoring and research, there's not much left for monitoring and  
19 research after it goes into this project.

20 MR. AYERS: I think that's the reason someone earlier  
21 had suggested that we take a ten year look at how everything we're  
22 talking about looks. Now, what does it look like in a ten year  
23 financial flow or financial plan. How does it look? Where's the  
24 money going into research and monitoring? How much is going into  
25 the Institute of Marine Science? How do you get to, hopefully a  
26 hundred and fifty million dollar reserve, endowment, that satisfies

1 the various interests. I mean, that's the reason -- that's the  
2 reason we've talked about it being a comprehensive balance  
3 approach. And, I think -- I think you have to -- we need to see  
4 how it all goes together and I said that I will work on that, and  
5 I will, and by the time you meet on August 2nd I will have that  
6 together. So, that you can see how much is going into these  
7 various ...

8 MR. PHILLIPS: Yes.

9 MS. NORCROSS: Jim, this might be an awkward question  
10 coming from me, but is it possible, oh, I'm sorry. This might seem  
11 an awkward question coming from me since I'm at the Institute of  
12 Marine Science, except that the one thing that -- when John French  
13 called me and asked me to come to this meeting, he specifically  
14 said that the Seward Center wasn't a university project and not to  
15 bear the university name because, and I said say what? He said  
16 make that clear, and I said all right. Because of what the  
17 response -- because of the question that Pam asked, because of the  
18 university having -- because of the institute having the  
19 responsibility for the upkeep, which there's no money in the budget  
20 for.

21 MR. SUNDBERG: Okay, let me try to clarify that.

22 MS. NORCROSS: I left my phone notes from John on that,  
23 but he was adamant about (indiscernible - out of range of  
24 microphone).

25 MR. SUNDBERG: Well, the university wouldn't actually own  
26 this project under the current operating assumptions. The project

1 -- the building would actually be owned by a non-profit  
2 organization as other institutes have been structured in the Lower  
3 Forty-Eight, and the reason for that is that there's numerous  
4 reasons, but there's some advantages to doing that from a cost --  
5 keeping costs down, not having -- having flexibility in operations,  
6 etc. There would be a countability from a board to make sure that  
7 the non-profit was operating per the objectives. But, the  
8 university, I mean, we have a letter from the president of the  
9 university, President Komisar, who is very supportive of the  
10 project. Vera -- Dean Vera Alexander with the School of Fisheries  
11 & Oceans has been very supportive. Don Shell is a director of IMS,  
12 has been very supportive. There are a number of University of  
13 Alaska, School of Fisheries and Ocean and Institute of Marine  
14 Science people have been working with us on the project. And, I  
15 think they understand that -- that we're not implying that this  
16 would be a university-operated or owned building, but they would  
17 have a presence in this building, and they see that as being a  
18 plus, in terms of having the facilities, but not the burden of  
19 having to sort of manage them and operate them.

20 MR. PHILLIPS: If there are no more questions, I'd like  
21 to press on. If there are, let's do it -- we're fast running out  
22 of day. What's your next subject?

23 MR. AYERS: Mr. Chairman, unless there are other items  
24 that -- I -- you would like us to respond to.

25 MR. PHILLIPS: I have two suggestions, I'd like to have -  
26 - because of the urgency in time and everything, I'd like to

1 appoint a subcommittee to work with you on the budget for the PAG  
2 and leading this charge will be Vern McCorkle, and then Mary  
3 McBurney I'd like to have you also, you've expressed the interest  
4 in that to try to come up with a logical approach to the budget for  
5 the PAG here so that we can meet some of the concerns that people  
6 had this morning, and I think the other thing that really is major  
7 for us is the work plan. If we could have a subcommittee that  
8 could work on that in the interim. I think it will take a lot of  
9 pain and time out of our -- out of our time here, and I would like  
10 to know there, who would be interested in working on the work plan  
11 subcommittee, to work with the group.

12 MR. KING: What would be the time frame.

13 MR. PHILLIPS: Oh, from now on, full time, until ... I  
14 don't know ... Jim really has ...

15 MR. AYERS: Until hell freezes over, we'll be ...

16 MR. PHILLIPS: I think Jim has to answer the question,  
17 you can see where he's going.

18 MR. AYERS: That's a question I can't answer. There  
19 is no answer -- time frame ...

20 MR. KING: Well, what I'm asking is if this is  
21 something that has to be done immediately. My summer is kind of  
22 getting tied up. If it's something that goes on beyond the fall,  
23 that would work out.

24 MR. PHILLIPS: I understand that one. Would you like to  
25 be on it, because the work plan is going to go on, it's going to be  
26 presented and there's going to be some decisions made, so it should

1       happen ASAP.   Yes.

2               MS. McCAMMON:   Mr. Chairman, we would like participation  
3       of the PAG at that July 12th and 13th meeting, so, if that would be  
4       a possibility, I think.

5               MR. PHILLIPS:   Well, Donna is one that's expressed an  
6       interest, is there anybody else?

7               MS. NORCROSS:   John French ...

8               MR. PHILLIPS:   John French.   Why doesn't that surprise  
9       me.   Yes.

10              MS. EVANOFF:    I'd like to participate as well.

11              MR. PHILLIPS:   Work plan, yes, Pam.

12              MS. BRODIE:     Is this subcommittee for a budget for the  
13       Public Advisory Group?

14              MR. PHILLIPS:   You're talking about the last one.  I'm --  
15       I am now on the work plan, the proposed work plan.  We've already -  
16       - yeah, it's for PAG, that's our interest in being involved on the  
17       budget transaction, and these two are going to try to get some ...

18              MS. BRODIE:     Would this be -- be the Public Advisory  
19       Group people on that committee, that was up on the chart, is this  
20       what you're talking about now?

21              MR. PHILLIPS:   I don't care how you stuff it in there, as  
22       long as we get the work done.

23              MR. AYERS:       That -- that is a different issue.  We're  
24       talking now about simply being involved with the -- with the work  
25       group, which is scientists and restoration work force and going  
26       through project by project in a discussion.  And, that simply has

1 to do with the Executive Director's review, so to speak, about  
2 having a number of people involved in that Executive Director's  
3 review. The coordinating committee is a much deeper science issue  
4 and synthesis process. This is strictly the '95 work plan, how are  
5 we going to go through these projects and who's going to be in the  
6 room when we're going through them.

7 MR. PHILLIPS: And, we expect a feedback from that  
8 committee to give us some direction when it's done.

9 MR. AYERS: So, you will know kind of what the  
10 thinking was, and I referred to the sausage (indiscernible -  
11 simultaneous talking).

12 MR. PHILLIPS: We could save a lot of time and zero in on  
13 the important stuff when we come up. So the three that have  
14 expressed interested, one by proxy, is John French, and Donna and -  
15 - I'm sorry I don't have my glasses on, but I can't see that far --  
16 Gail, those three. Is there anybody else that would like -- this  
17 is a major contribution if we can come up with anything at all to  
18 assist on -- this group deliberate on the work plan and our  
19 recommendations. Why don't we start with those three. Would you  
20 advise them who they -- who their contacts will be on the work plan  
21 so they know, and then if somebody else, and somebody else that  
22 isn't here has an interest in doing it, have them get a hold of me,  
23 I'll be in San Diego tomorrow night, and (Laughter) -- no -- call  
24 me and I'd be glad to consider that -- another appointment to that  
25 committee. That gives us three, and we expect a brilliant,  
26 absolutely brilliant presentation from you when you come back,



1 broad, over the whole spectrum, not just what your own interests  
2 are. Okay, next -- next subject. Where are we? Oh, yes, I'd love  
3 to turn the pages. Okay. Yeah, PAG membership is the next  
4 subject, it's over on the second page and I'd last ask Doug to  
5 elaborate on that.

6 MR. MUTTER: Okay, I think you all received a copy of  
7 the four-page process for appointment for '94 to '96 PAG members  
8 with the agenda to the meeting, and there are some extra copies, I  
9 think, back at the table, and if you'll recall the PAG membership  
10 serves as a two year term, and we don't have a staggered term so  
11 the whole group is on the same schedule, and that time period runs  
12 out October 22. So, if you're interested in serving on the next  
13 two years with the PAG you need to get something in writing to Jim  
14 Ayers' office to that intent. And, basically we're falling the  
15 same procedure that was followed with the original appointment of  
16 you. Information on conflict of interest, resume, background, why  
17 you should represent certain interests, and that's the kind of  
18 information that needs to be submitted if you want -- since you've  
19 submitted it before, I think you should in you memo just provide an  
20 update to that information. That needs to get in by August 1st to  
21 the office here.

22 MR. PHILLIPS: Because they do on file the information  
23 that they've already gone through, so you can refer to that and  
24 then anything addition.

25 MR. MUTTER: Correct.

26 MR. PHILLIPS: Are there any questions?

1 MR. CLOUD: (Indiscernible - out of range of  
2 microphone)

3 MS. FISCHER: Don't you remember your lies? (Laughter)  
4 I'm just kidding, Jim.

5 MR. CLOUD: I could use up dating. It's in the bottom  
6 of all these pages, stacks and stacks I have.

7 MR. MUTTER: I can do that. Actually, you're suppose  
8 to send it this way.

9 MR. PHILLIPS: The next subject on here is schedule of  
10 the next meeting, and hasn't that already been determined -- our  
11 next meeting?

12 MS. McCAMMON: Mr. Chairman, we'd recommend either August  
13 1st or August 2nd depending -- I've been told you prefer Tuesdays  
14 as opposed to Mondays for meetings, so if it was a Tuesday, it  
15 would be August 2nd.

16 MR. PHILLIPS: Speaking for just one member, I have a  
17 board meeting in Seattle on the 1st, I can't be here on the first,  
18 but that will probably please all of you because you'll get through  
19 quicker. But, does anybody want to make a motion on our next  
20 meeting.

21 MR. CLOUD: You can be here on the second, can't you?

22 MR. PHILLIPS: Yes, I'll hurry back.

23 MS. FISCHER: I move that we have our meeting on August  
24 2nd.

25 MR. PHILLIPS: August 2nd. You've heard the motion, is  
26 there a second?

1 MR. CLOUD: Second.

2 MR. PHILLIPS: Is there an objection? Is there any  
3 discussion? If not, it is so ordered and it will be the 2nd of  
4 August. What time in the day will that be? Same thing 9:30?

5 MR. AYERS: Mr. Chairman, I suspect that it will take  
6 a full day at least, and let me -- let me also point out now that  
7 I will not be here, I will be available by teleconference that day,  
8 but you'll -- you'll have our comments. You will have definitely  
9 my comments and you will have had people involved in the review of  
10 these projects so you'll know how we got to the thinking. Remember  
11 again, this is two steps ahead of where we were before. This is  
12 simply reviewing the draft of the projects that are going out for  
13 review, and you will have the Chief Scientist's comments by then.

14 MR. PHILLIPS: Will you have somebody in your staff that  
15 we can ask?

16 MR. AYERS: Absolutely.

17 MS. FISCHER: I wanted to ask, do you think it will take  
18 more than one day, Mr. Ayers? Do you think we should plan maybe  
19 for two days, and then if we get finish we could leave. I think it  
20 might be wiser, don't you?

21 MR. AYERS: The way that question was asked why ...  
22 I don't know if there is a way to answer that and not get -- I  
23 think you need -- I think that you -- I need to say -- I think you  
24 need to plan for two days, with the obvious understanding, we're  
25 under the gun because what we want to do is make sure we get  
26 through it and get it to the Council on the 8th, including your

1 comments. But, I think, hopefully we'll have spent so much  
2 deliberative time on this that it will -- but you should plan for  
3 two days, and hope again that we get through.

4 MS. FISCHER: Okay.

5 MR. PHILLIPS: I'll bring the fast gavel and we'll get  
6 through it.

7 MR. AYERS: The gavel will be ...

8 MR. PHILLIPS: Yes, Doug.

9 MR. MUTTER: Do we want to schedule the following  
10 meeting in October at this time so everyone can get that on their  
11 calendar. Is that possible to do?

12 MR. AYERS: Depends on the time -- we have to go back  
13 to time line and the actual comments back in and that was where you  
14 wanted to have the comments on the comments.

15 MR. MUTTER: October 19th.

16 MR. AYERS: It would have to be the 2nd.

17 MS. McCAMMON: After -- after October 6th.

18 MR. MUTTER: Not after September 6th before ...

19 MS. McCAMMON: ... the comment period.

20 MR. PHILLIPS: While we're deliberating, are there any  
21 PAG member comments at this point that we haven't already vented  
22 today? Yes, Vern.

23 MR. McCORKLE: Very briefly, I refer back to the agenda  
24 on page one, bullet under 9:40 a.m. which says restoration reserve.  
25 I know we did have a conversation on that this morning, but I'm not  
26 sure where we came down on it. We referred to some language that

1 was rather slippery on page twenty-two of the draft restoration  
2 plan, and we understand why we can't necessarily be talking about  
3 an endowment. But, I'm concerned that we someday or another go  
4 back on record as to what this group wants to do with that money,  
5 and that is to lock it up for awhile to be used for the purposes of  
6 the court settlement and the decree, but not to be simply a reserve  
7 which becomes a sugar bowl, and let anybody who runs a hundred  
8 thousand bucks short can go get some. So, I -- I hope that can  
9 come back up on our agenda in the future. I don't want to delay  
10 by going over it today, but I don't think we feel -- I don't feel  
11 comfortable that the Williams doctrine is very -- on solid ground  
12 here.

13 MR. PHILLIPS: I'd like to recommend that that item be  
14 put on our agenda for the next meeting. It is important enough,  
15 and as time goes by it will disappear. Let's talk about it in the  
16 next one. If you can get us anything in terms of legal comment,  
17 for whatever it's worth, on what you can do, that will be helpful  
18 in our deliberations, also.

19 MR. WILLIAMS: I would suggest guidelines for how it is  
20 to be administered.

21 MR. PHILLIPS: Yes, exactly.

22 MR. AYERS: Mr. Chairman, Mr. McCorkle. I did  
23 understand that, and one of the things I was mentioning to Lew  
24 Williams was that we are in the process of developing the criteria  
25 of both in terms of the investment and what the funds would be used  
26 for as a draft at the Council's direction. That includes talking

1 to the people at the court registry, and also the State Department  
2 of Revenue about investments, investment policies. And, we will  
3 bring that back to you at the August 2nd meeting.

4 MR. WILLIAMS: Thank you very much.

5 MR. PHILLIPS: Have you come to a conclusion on a October  
6 date that would be -- work into the scheme of things.

7 MR. AYERS: We were just talking about that and it  
8 looks around the 10th to the 15th, 10th to the 12th would be ideal  
9 because then if there is things -- there will be a lot of things  
10 going on, we don't know which additional things will be hitting the  
11 fan at that point, but someplace between the 10th and the 15th.

12 MR. PHILLIPS: Is there election day on one of those  
13 days?

14 MR. AYERS: Municipal or local election?

15 MR. PHILLIPS: Okay, what day of the week, the 10th to  
16 the 15th what days of the week.

17 MR. AYERS: I don't have a calendar.

18 MR. MUTTER: The 10th is a Monday.

19 MR. AYERS: So, October 11th would be a Tuesday.

20 MR. PHILLIPS: Why don't we shoot for the 11th unless  
21 there is an objection, and then we can take up that subject in --  
22 on our next meeting if there is a conflict that anybody has. So,  
23 if you'll shot for the 11th, and 11th and 12th it would be. We'll  
24 go from there. Is there any further comments?

25 MR. AYERS: Mr. Chairman, just one, and this is  
26 succinct, and actually Molly had mentioned this earlier, and it's

1 an excellent recommendation. The William's protocol, the approach  
2 to restoration that has the general consensus, has not been  
3 included as an official comment under the EIS, and perhaps that's  
4 something that the PAG may want to do because then it will be  
5 embodied formally in the record, and will cause then a response to  
6 happen to this document. So, you may want to ...

7 MR. PHILLIPS: Will you be sure we have copies of that  
8 framed or unframed, it doesn't matter at our next meeting. Okay,  
9 that's fine. Any other comments. I would give the privilege to  
10 the man from Cordova to move that we adjourn because he's got an  
11 airplane to catch in about seven minutes. Dan, do you want to ...

12 MR. HULL: (Indiscernible - out of range of  
13 microphone).

14 MR. PHILLIPS: All right, move that we adjourn, is there  
15 any objection? If not, we'll see you -- the first of July.

16 (Off Record 3:33 p.m.)

17 END OF PROCEEDINGS

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CERTIFICATE

STATE OF ALASKA                    )  
  ) ss.  
THIRD JUDICIAL DISTRICT        )

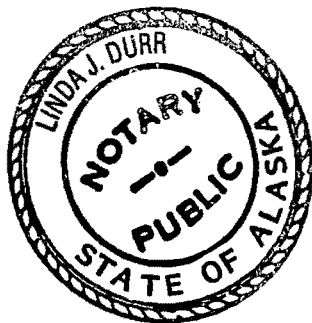
I, Linda J. Durr, a notary public in and for the State of Alaska and a Certified Professional Legal Secretary, do hereby certify:

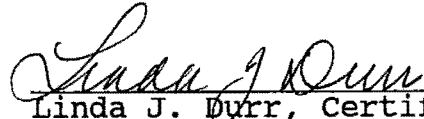
That the foregoing pages numbered 02 through 134 contain a full, true, and correct transcript of the Exxon Valdez Oil Spill Settlement Trustees Council Public Advisory Group meeting taken electronically by Ladonna Lindley on the 28th day of June, 1994, commencing at the hour of 9:30 a.m. at the Restoration Office, 645 G Street, Anchorage, Alaska;

That the transcript is a true and correct transcript requested to be transcribed and thereafter transcribed by me and Sandra Yates 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 5th day of July, 1994.



  
\_\_\_\_\_  
Linda J. Durr, Certified PLS  
Notary Public for Alaska  
My commission expires: 10/19/97