

TRANSCRIPT  
TRUSTEE COUNCIL  
MEETING  
OCTOBER 27, 1993

**EXXON VALDEZ OIL SPILL SETTLEMENT  
TRUSTEE COUNCIL**

RESTORATION OFFICE  
Simpson Building  
645 G Street  
Anchorage, Alaska

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EXXON VALDEZ OIL SPILL  
TRUSTEE COUNCIL  
ADMINISTRATIVE RECORD

October 27, 1993  
10:00 a.m.

**TRUSTEE COUNCIL MEMBERS in attendance:**

State of Alaska	<b>MR. CHARLES COLE</b> Attorney General
State of Alaska Department of Environmental Conservation	<b>MR. JOHN SANDOR</b> Commissioner
United States Department of the Interior	<b>MR. GEORGE FRAMPTON, JR.</b> Assistant Secretary
State Department of Fish and Game	<b>MR. CHUCK MEACHAM</b> (Alternate for Mr. Carl Rosier, Commissioner)
United States Department of Agriculture - Forest Service	<b>MR. MIKE BARTON</b> Regional Forester
United States Department of Commerce - NOAA	<b>MR. STEVE PENNOYER</b> Director, Alaska Region

**RESTORATION TEAM in attendance**

DAVE GIBBONS	Interim Administrative Director, Trustees Council
PAMELA BERGMANN	Regional Environmental Assistant, United States Department of the Interior
KEN RICE	Deputy Natural Resource Manager, United States Department of Agriculture - Forest Service

**OTHERS who testified**

BOB LOEFFLER  
SANFORD P. RABINOWITCH, National Park Service  
MARLA ADKINS, Cordova  
CHIP THOMA, Juneau

CHARLES McKee, Anchorage  
BILL ROME, Anchorage  
MARK LYMAN, Juneau

P R O C E E D I N G S

(On Record 10:15 a.m.)

MR. FRAMPTON: Fine, we're only missing Commissioner --  
Trustee John Sandor who is not yet here at the National Park  
offices in Anchorage.

REPORTER: I suspect he will be walking in the door any  
moment, sir.

MR. FRAMPTON: Thank you.

MR. COLE: Mr. Rosier, you know, I drove in Anchorage in  
one of those bugs which I rent and ...

....

MR. PENNOYER: You are.

MR. COLE: No, no, no, not I. Why don't you preside.  
You're at the center of power?

MR. PENNOYER: Can I quote you?

MR. COLE: I have a thought on that, but I'm not  
going to mention it. (Pause) Steve, we're here in Anchorage  
awaiting the arrival of Commissioner Sandor. Chuck Meacham, is he  
there in your office?

MR. PENNOYER: Chuck is here because Carl apparently is  
not feeling well.

MR. COLE: Okay. Well, I think we're all set then  
other than John Sandor.

MR. PENNOYER: Oh, I've got Dave Gibbons here too. He  
couldn't get out this morning, Juneau's got fog, and several  
Restoration Team members here as well. So, we're ready to go.

1           MR. FRAMPTON: Charlie, could you patch in to Steve and  
2 Chuck that we are not getting them directly here. We are getting  
3 them by hearing them on your speakerphone there, so they are really  
4 going to have to -- to shout out from Juneau that -- for us to hear  
5 them.

6           MR. COLE: Did you get that Steve?

7           MR. PENNOYER: I can hear George loud and clear so we'll  
8 just -- can you hear me now George?

9           MR. FRAMPTON: Yeah, that's fine. I think it's the  
10 state's chair to -- turn to chair this, is it not?

11          MR. COLE: No, we've decided when you off the line  
12 that the Chair today lies with the root of all wisdom, that is in  
13 Washington, D.C.

14          MR. PENNOYER: Not debating your contacts, that's fine.  
15 Dave Gibbons is here so he may want to start off on the agenda or  
16 maybe you do back there. I don't know.

17          MR. FRAMPTON: Alright, this is -- this is George. Let  
18 me come down the five items before the public comments, that I have  
19 listed on the latest draft agenda and see if that's a satisfactory  
20 agenda. I have, number one, the draft final restoration plan and  
21 if we can approve or come close to approving it today, we also need  
22 to discuss a process for getting it out; second is Kodiak  
23 archeological artifact repository; third is the executive director  
24 selection issue; fourth, a discussion of what format and content  
25 the '94 work plan ought to take, assuming that's going to be  
26 developed for us to discuss at our November 29 meeting; and fifth,

1 a report from Dave on the status of the comprehensive habitat  
2 protection analysis. Is that an agenda that's satisfactory to  
3 everybody? Any additions? Desires?

4 MR. COLE: I -- Mr. Chairman? I have a matter which  
5 I would like...

6 MR. FRAMPTON: Yeah.

7 MR. COLE: I have a matter which I would like to slip  
8 in at some juncture, it's an observation only, and I don't think it  
9 requires itemization on the agenda. So perhaps I can ...

10 MR. FRAMPTON: Alright, any other agenda?

11 MR. PENNOYER: Sounds good here.

12 MR. FRAMPTON: Alright, should we proceed to the first  
13 item then, which is to take up the draft final restoration plan.

14 MR. COLE: I move we send this -- never mind, thank  
15 you.

16 MR. FRAMPTON: (Indiscernible) a point to start from.

17 MR. COLE: I just aborted a take off.

18 MR. LOEFFLER: Mr. Chairman, myself, Bob Loeffler and  
19 Sandy Rabinowitz are here, and we only expect that our part will  
20 take four minutes or so of your time. What we'd like ...

21 MR. FRAMPTON: Okay.

22 MR. LOEFFLER: What we'd like to do is sort of tell you  
23 where we are now, and Sandy will give you sort of a brief  
24 explanation of the plan. So, I'll start with my part which is  
25 where we are now, and I'll begin with where we were then, which is  
26 to say, a month ago you asked us for a draft restoration plan by

1 Halloween. I believe we met that deadline. We've done three  
2 drafts, one on October 4th, 15th and 22nd, and as we got comments  
3 through -- came in yesterday, morning and afternoon, I think there  
4 are probably still some small changes to make, but I believe that  
5 most of them are helpful, and, while I might not call them  
6 editorial, there not ones would -- that seem to me to have  
7 significant agency disagreement. So, I believe that we are -- we  
8 have a restoration plan that has met your -- hopefully met your  
9 expectations, certainly met your page limit, by itself is forty  
10 pages, (indiscernible) somewhat longer, and that's where we are.  
11 Sandy do you want to ...

12 MR. RABINOWITCH: For the sake of those listening, I'll  
13 very quickly touch on what the plan is, it has four chapters. The  
14 first chapter is an introduction, and the key point of that chapter  
15 is to point out that the policies we're making for making decisions  
16 and a description of how the restoration process works, is in that  
17 section. There's concepts of an annual or multi-year work plan,  
18 and there's continued emphasis on public involvement. The second  
19 chapter, the policies. There's nine of them current that would  
20 guide your activities in the future. Those policies are all rooted  
21 in public comments and in the staff, and your response to the  
22 issues, and have been developed realistically over almost a four  
23 year period now, since 1990. The third chapter of categories  
24 restoration. This comes from the framework document in 1992  
25 largely, and those four categories are habitat protection and  
26 acquisition, general restoration projects, monitoring research and

1 public information. The last chapter, the restoration objectives,  
2 is really a single objective, and that's the recovery of the  
3 injured natural resources and services, and that section is  
4 organized along the lines of species in recovery and those that are  
5 not recovering and those that we're unsure whether or not they're  
6 recovering, and there's a strategy in the last time, and there's a  
7 strategy in that section (indiscernible) and for each injured  
8 resource and service, or the restoration of it. I'm going to stop  
9 there.

10 MR. LOEFFLER: Mr. Chairman.

11 MR. FRAMPTON: Yes. Yes, I'd like to kind of switch this  
12 back on your end, so I can see who's talking. We can see who's  
13 talking here. Can we do that? Great, thank you.

14 MR. COLE: I have read substantively each of the  
15 drafts as they have been prepared by Mr. Loeffler -- Loeffler and  
16 Mr. Rabinowitz. I'm -- I'm of the view that with each draft, the  
17 product becomes better, and I would agree with Mr. Loeffler that  
18 another draft would continue to improve the product and therefore,  
19 I join with their thoughts that they be allowed a few more days to  
20 conclude their polishing. And, I so move.

21 MR. FRAMPTON: I'm sorry, who moved -- Charlie?

22 MR. COLE: Yes.

23 MR. PENNOYER: Commissioner Sandor has ...

24 MR. FRAMPTON: Is there a second?

25 MR. COLE: Commissioner Sandor has a thought, I'm  
26 told.



1           MR. SANDOR:     Yeah, Mr. Chairman.     I have not read  
2     substantively each of the three drafts, I only received the third  
3     Sunday and was out in the fields yesterday and the day before.  
4     There's major problems with respect to definitions, and several  
5     policy questions which seem to me are going to require a  
6     discussion.     Specifically, I'm concerned about the subordination,  
7     as I interpret it, in the latest draft of the emphasis on specific  
8     species damage, particularly the restoration of damaged resources  
9     and services.     And, the absence of a discussion with regard to  
10    habitat, particularly the importance of the critical habitat, and  
11    the sensitivity of prioritizing the habitat to be acquired.     The  
12    most disturbing change that was made in the last draft relates to  
13    the emphasis -- apparently the de-emphasis on enhancement  
14    activities and what that means.     Additionally, I'm concerned that  
15    there be in the package definitions that are more definitive than  
16    now exist, particularly on ecosystem, whether its natural ecosystem  
17    or whatever.     Anyway, I could elaborate on each of these -- these  
18    points, but it's going to take more than polishing, at least from  
19    my perspective, to answer some of these concerns.

20           MR. FRAMPTON:   Well, let me pose a question, John.     What  
21    process do you think of suggesting on additional changes or edits  
22    would be appropriate here for you to get your specific concerns on  
23    the table and what kind of time period do you think is involved to  
24    -- to deal with those issues.

25           MR. SANDOR:     Well, Mr. Chairman, what I would like to -  
26    - to do is to have, you know, perhaps as much as -- I'm going to

1 Nome for example Thursday and Friday to meet with North --  
2 Northwest Mayors Association. I've communicated these concerns  
3 that -- such as I've had this morning at a breakfast session with -  
4 - with Mark Brodersen. It's my hope that, you know, we could try  
5 to wind this thing up at our November 30-December 1 meeting, but I  
6 don't want the record to -- to reflect, at least from my  
7 perspective that these changes that have been made are -- you know,  
8 are nearing a conclusion. I see a week to ten days of very heavy  
9 work in definitions and in dealing with these policies, and what I  
10 would like, and I believe that the Public Advisory Group is meeting  
11 awhile this month and what I would like to suggest is that we  
12 transmit to the Public Advisory Group, you know, it really needs  
13 redrafting and have them provide input and to try to present at the  
14 November 30-December 1 meeting essentially the final draft that  
15 could be approved at that time. I'm just saying, Mr. Chairman,  
16 that I think we are -- are rushing too rapidly through this process  
17 in definitions and concerns that I have (indiscernible) and  
18 discussions. I talked a little with Carl Rosier this morning and,  
19 of course, he's in the hospital, and -- and Chuck Meacham is going  
20 to be prepared to work with -- with us, as well as others on his  
21 staff, but specifically, I'm concerned about specific species.  
22 Then finally, I guess, with regard to ecosystems, Mr. Chairman, I  
23 was in the spill area yesterday and actually going over the -- the  
24 bark beetle infestation and damage that's occurred through a  
25 substantial part of the spill area, and one school of thought with  
26 regard to natural ecosystems is that the damage by bark beetles is

1 a natural event and any efforts to try to stem that -- that  
2 epidemic or to -- to actually treat the stands that are -- are  
3 infested and being deemed damaged is opposed to a natural ecosystem  
4 approach. I do not believe that that is a correct position, but  
5 that's a good illustration of -- of why we need to clearly define  
6 what natural ecosystem is, because there are now, just over the  
7 last year, six hundred thousand acres infested, now there's over  
8 nine hundred thousand, and perhaps much more. This is in the  
9 vicinity of the Kachemak Bay State Park, and I spent all day  
10 yesterday, and part of the day before going over prescriptions in  
11 different areas on how to treat the habitats that have been  
12 devastated. And, so, that's just another illustration. So, I'm --  
13 I'm being prepared to work through Mark Brodersen and others of our  
14 staff and through the specialist in the Department of Fish & Game  
15 to (indiscernible) within the next ten days and get them out to the  
16 -- to the public for comment and to the Public Advisory Group for  
17 their comment (indiscernible). I don't want to give my blessing to  
18 this product at this point.

19 MR. MEACHAM: John, this is Chuck Meacham.

20 MR. SANDOR: Yes.

21 MR. MEACHAM: There are items here that are of a pre-  
22 nature that really have to be discussed by the Trustees at this  
23 point, or -- or are the comments you're dealing with mostly  
24 editorial in nature, that the -- the folks who are putting this  
25 thing together can handle on their own.

26 MR. SANDOR: I think the definition, you know, can be

1 agreed to between the agencies and do not seem to need, you know,  
2 the discussion, and that most of these issues can be resolved by  
3 our staff. I do not think we need another Trustee Council meeting  
4 to deal with, you know, with it. We can delegate to the staff and  
5 have it put out in the -- in the draft form.

6 MR. PENNOYER: Mr. Barton, here in (indiscernible) could  
7 have comments.

8 MR. BARTON: Yes, one of the reasons, as I recall, that  
9 we're on the time table we're on is to have a draft final plan, in  
10 order to be able to take action on the '94 work program at our  
11 November 30 meeting. How -- do you think it's possible, John, to  
12 accomplish what you want to accomplish in -- in order to be able to  
13 deal with the '94 work program on November 30?

14 MR. SANDOR: I think so, Mike, that the staff has been  
15 working on this. It (indiscernible) in part it seems to me, Mr.  
16 Chairman and fellow Trustees, that -- to take the time to make  
17 certain that the definitions are understood and that the policy  
18 questions, particularly on enhancement -- was, you know, quite  
19 disappointed that the reference to (indiscernible) for example,  
20 were eliminated and -- and, then the reference that enhancement may  
21 be used to -- that I think is a policy which would be good to hear  
22 from the Public Advisory Group on what they think. But, these --  
23 we don't certainly need another meeting, and I think we can shoot  
24 for our November 30-December 1 date.

25 MR. FRAMPTON: Let me make a suggestion about a possible  
26 amendment or accommodation to Mr. Cole's motion that would take

1 into account Commissioner Sandor's concerns here, in light of our  
2 schedule. Now, I want to -- I think Mike, my understanding is the  
3 same as Mr. Barton says, we were hoping to get closer enough  
4 through this effort, which I think has been really, you know, very  
5 productive effort to get close to the final restoration plan and,  
6 if not at this meeting then -- then another try at the things that  
7 would have to be included or changed to be able to get out on the  
8 street soon a draft final plan which, of course, would be subject  
9 to public comment and probably the federal government at least  
10 would have to do NEPA compliance on that plan, but, if you wanted  
11 to get that on the street as a document that would be guiding us  
12 over the next five weeks in putting together the draft FY '94 work  
13 plan, certainly, it's my hope that we can now have a '94 work plan  
14 in a format that has a rough budget and -- and enough set of  
15 priorities that fits our restoration plan and then we can have that  
16 in advance of the November 30 meeting, so that at the November 30  
17 meeting, we can really get into a intensive discussion and approval  
18 at least of the draft '94 work plan to go out of -- thereafter. To  
19 do that, we'd want to try again, and attempt to me as though, from  
20 what you say, John, you think we could get a -- a -- the  
21 restoration plan here to deal with the concerns you have in the  
22 next ten days. And, if we can do that by agency agreement among us  
23 rather than having another meeting, or even another conference call  
24 on the telephone, although I don't think that should be necessary,  
25 we can resolve these outstanding definitional issues, perhaps in  
26 ten days or so, so we can go ahead and get the -- the draft plan --

1 plan out. In the meantime, the staff could be working away on the  
2 draft '94 work plan. That's my -- that's my idea of how we might  
3 approach this. Mr. Cole?

4 MR. COLE: Mr. Chairman, I would like to say, to  
5 Commissioner Sandor that some of these issues were not necessarily  
6 singularly policy calls, but we were required to work with the  
7 Department of Justice to obtain the legal blessing to some of these  
8 statements in the draft, and to the extent that they were revisions  
9 did not necessarily mean that they were the product of policy  
10 calls, but a number of them were the product of legal calls. You  
11 know, we wrestle with compliance with a consent degree constantly,  
12 and we were tussling with that as we went through this draft, and,  
13 so, I wanted to assure the Commissioner that the final product was  
14 not necessarily what some of us who worked on the document  
15 preferred left to our own views. We will be prepared to review  
16 that with him, but I -- I do think that it's essential that we get  
17 our work done because if we don't we're going to be right back in  
18 that January/February syndrome where we've been the last two years  
19 and having to deal with the proposed work projects before we get  
20 the restoration plan done.

21 MR. FRAMPTON: Any reaction from Juneau?

22 MR. PENNOYER: George, Steve Pennoyer, I have no problem  
23 with going ahead and making some changes between agencies as  
24 indicated. Obviously, if there's significant changes after public  
25 review in November, we may come back and revisit some of it. I had  
26 a couple of other comments, and we have passed that point on where

1 we're going with this. But, for -- for this purpose I have no  
2 problem with proceeding. I agree we should get something out and  
3 be prepared by December 1st to either adopt it.

4 MR. FRAMPTON: Yeah, Mr. Cole.

5 MR. COLE: I think at this juncture it might be well  
6 to discuss whether we are going to send the draft out for public  
7 comment. If we have to send it out to make EIS compliance, are we  
8 going to send it out twice or three times?

9 MR. PENNOYER: Well, Mr. Chairman, I think that gets down  
10 to my second question then. I -- I think in this -- first of all,  
11 let me say I think that the people who worked on this did an  
12 excellent job. I think it's a good product. I think a lot of work  
13 was done in a short time. It synthesized a lot of things we talked  
14 about for awhile and put them down on paper, and I do think it's  
15 important to get something going and out. But, then I had two  
16 questions, and one is sort of a -- a policy question and the other  
17 is a process question, and that, I think -- get us to the point  
18 that Mr. Cole is inquiring about. And the first one, the policy  
19 question, I'm -- since we've mentioned several times here NEPA  
20 compliance, the federal government will be happy to do NEPA  
21 compliance, and I'm not clear where that's going. In the past, the  
22 legal opinions we've had from Justice, and occasionally from other  
23 solicitors and Interior and Agriculture and Commerce, was that the  
24 level of detail we had in the previous draft, which is probably  
25 more than this, was not sufficient to do a programmatic EIS. And,  
26 I'm not clear where -- what the ruling is now on it. I -- I am a

1 fan by way of proceeding with this, and I just want to be sure at  
2 some future time and not -- somebody's not going to come back and  
3 ...

4 MR. FRAMPTON: Well, I can respond to that. The Justice  
5 Department tells us that we here -- we the federal Trustees, is  
6 they do have to do an EIS on this plan, and it should be adequate  
7 to do that, in terms of detail. So, we will have to do that over  
8 the next ninety days or so, and that says we cannot finally adopt  
9 it as final, final until the EIS process is completed. However, I  
10 think that it's certainly our desire to get this document as a  
11 draft final document on the streets, so that it can be, at least be  
12 guidance that we're using for the FY '94 work plan and our, you  
13 know, current valid intentions would be to adopt it as a final  
14 plan, and if we can do that after working out some further details  
15 in the next ten days or so would certainly be our preference to do  
16 that. And, with respect to Mr. Cole's point, I thought we had  
17 agreed that we would -- having had extensive public comment on a  
18 draft before, that this would be our final, we would not put it  
19 through another formal process of public review. Since we're going  
20 to have to do an EIS on it, there will in fact be another  
21 opportunity for public review of this plan in the EIS process  
22 sometime in (indiscernible). And, I would say to do two more  
23 rounds of public review at this point is really, sort of just  
24 loading us down with process, rather than enabling us to get on  
25 with our '94 work.

26 MR. BARTON: Mr. Chairman.



1 MR. FRAMPTON: Mr. Barton.

2 MR. BARTON: In a matter -- agree with that, I think it  
3 would be useful to put the document out, but not for public  
4 comment, otherwise we're going to have a moving target, in terms of  
5 doing the NEPA work. The public would be able to comment on the  
6 plan, if it's a portion of EIS.

7 MR. FRAMPTON: The public will get through the EIS  
8 process a comprehensive chance to respond to this -- to this  
9 document. So, if that's a concern, I think we have a process that  
10 guarantees that.

11 MR. PENNOYER: Thank you, Mr. Chairman, that explains one  
12 item then, and the plan -- the draft would have to be modified then  
13 because on one page it indicates that's what we're going to do.  
14 That's fine. I agree with you, during the EIS process we have to  
15 go out to public review again and I was -- I was concerned with  
16 repetitive reviews. It's just the plan indicated, you know, the  
17 current draft, that's what we were going to do. But -- so, in  
18 effect then, we're not going -- we can satisfy the programmatic EIS  
19 requirements with this draft and future annual work plans, or  
20 species recovery plans, or ecosystem plans, whatever we come up  
21 with won't require programmatic EIS's. Is that generally the  
22 opinion?

23 MR. FRAMPTON: That's correct.

24 MR. COLE: Well, Mr. Chairman.

25 MR. FRAMPTON: Mr. Cole.

26 MR. COLE: In any event we could receive unofficial

1 public comment and, I would say, and would welcome it.

2 MR. FRAMPTON: I would agree with that, and I would just  
3 echo your comment about the enhancement issue and the policy issue.  
4 I -- I think Commissioner Sandor was aware -- maybe aware that we  
5 did receive some rather tight legal advice from the Justice  
6 Department about this matter, and I think we have all tried to work  
7 hard to give ourselves as much flexibility there as is appropriate  
8 and possible, but we're not totally unconstrained on that issue.  
9 So, I think what you see is not necessarily, you know, taking  
10 something back from a previous draft and try to respond to the  
11 legal restraints that we're told we're operating under.

12 MR. MEACHAM: This is Chuck Meacham. What kind of  
13 constraints are you envisioning?

14 MR. COLE: Mr. Chairman.

15 MR. FRAMPTON: Yeah, Mr. Cole.

16 MR. COLE: Well, we have, Mr. Meacham, clear  
17 constraints, or at least constraint, although I'm not always  
18 certain how clear they are, contained in the consent decree entered  
19 by Judge Holland, which limits the use of the funds, and, as I  
20 said, and as you know, we're constantly trying to interpret the  
21 meaning of those constraints imposed by the consent decree, and to  
22 satisfy ourselves that each expenditure is authorized by them.  
23 But, when you come to some of these definitions of enhancement, it  
24 -- they're not spelled out well in the consent decree, they're not  
25 spelled out well in the CFR, and so as we try to put them into use,  
26 we have to be careful and guided in part by the interpretations and

1 judgments of the United States Department of Justice.

2 MR. MEACHAM: Yeah, thank you very much. I was looking  
3 at that consent decree and in reading it, you know, I see their  
4 restoration includes all phases of injury assessment, restoration  
5 replacement and enhancement of natural resources, and so forth, so  
6 I -- I just didn't see it in there. Thank you, though.

7 MR. COLE: Mr. Chairman, let me develop ...

8 MR. FRAMPTON: Mr. Cole.

9 MR. COLE: Let me develop that enhancement a little  
10 bit. I mean, the issue is what resources or services, more  
11 specifically, can one enhance under the terms of that decree? That  
12 is the issue that we are dealing with. Must the -- or how much  
13 relationship must there be to the service which we're seeking to  
14 enhance is related to the spill, and it gets to be a little murky  
15 in that area. And, that's why we were, as I say, wrestling  
16 verbally with the Department of Justice in trying to find  
17 acceptable language, acceptable to the Department of Justice on the  
18 one hand, and acceptable to the State Department of Law on the  
19 other.

20 MR. PENNOYER: Mr. Chairman, I don't ...

21 MR. FRAMPTON: Mr. Pennoyer.

22 MR. PENNOYER: I don't have any problem with proceeding  
23 as -- as stated and I'm ready to go ahead on that basis. We will  
24 get to look at this again in late November, as a basis for doing us  
25 a '94 work plan, and I imagine if there's something, in essence, we  
26 wish to debate at that time we can, because this will remain a

1 draft, although obviously our best shot at this time.

2 MR. FRAMPTON: Mr. Sandor, Commissioner Sandor.

3 MR. SANDOR: Yes, I think this discussion is very  
4 helpful and it's especially good that we're welcoming whatever  
5 comments may come in. I think, particularly, the Public Advisory  
6 Group at its meeting -- there are a number of individuals on the  
7 Public Advisory Group that are scientists, and, I'm concerned,  
8 quite frankly about how you might deal with enhancing, you know,  
9 these individual species, either the species themselves, the  
10 population or their habitat, but the track that we're on, mainly to  
11 put this draft out and still being receptive to -- to comment,  
12 should enable us to by the end of the -- of the month, November 30-  
13 December 1 target date have our most final draft, which as you  
14 point out is going to -- to have to go through the environmental  
15 impact statement process, recycled yet again for the fifth time --  
16 sixth. So, I am, I guess pleased with the resolution that this --  
17 a way to handle these concerns.

18 MR. PENNOYER: Mr. Chairman, can I raise one other point,  
19 I'd like to -- just a brief discussion on before you finalize this  
20 action.

21 MR. FRAMPTON: Yes, Mr. Pennoyer.

22 MR. PENNOYER: The question, that it is, a policy  
23 question. If this is guidance for sort of general overall policy  
24 decisions, it obviously, at this stage and maybe rightly so since  
25 we don't have all the answers, lacks definition on some of the  
26 steps we want to take, and, we originally had an objective session

1 -- section -- there's got to be an appendix that had a little more  
2 detail. It still wasn't much detail, but it told you a little bit  
3 more, the type of things you want to do by each resource. After we  
4 got down to projects, we want to go beyond that. We want to talk  
5 about the type of thing, then we'll have to talk about specifics,  
6 noted to recovery in a particular area and for a particular set of  
7 resources. After we do this, I assume we are going to probably end  
8 up adopting this as our draft overview restoration plan, let's say.  
9 Do we need some conversation, or can we do that in December, of how  
10 we get from here to the projects and annual work plans? If a  
11 discussion of recovery plans by species, we've got ecosystem plans,  
12 then -- a lot of other things out there. We're going to jump from  
13 this to, initially, projects for a '94 work plan, at the December  
14 1st meeting. I don't think we can help that because time has got  
15 us by the throat, and I think this is an excellent start, but, do  
16 we have visions of how we get from the general policy level down to  
17 the specific project level?

18 MR. FRAMPTON: I'd like to suggest that we put that on  
19 the agenda for November 30 because, as you said, we are, I think,  
20 operating under some real time pressures to take our general  
21 guidance here and turn it into at least a draft of a '94 work plan  
22 that we can review at the end of November. And, you know, as that  
23 goes out to public comment, we may want to tinker with it ourselves  
24 before it's finalized. But, I think that's something that perhaps  
25 the staff needs to give some thought to as they put together the  
26 '94 work plan in a different format than fits the restoration plan

1 draft and think about whether the general guidance is really enough  
2 or whether there's intermediate work that needs to be done, either  
3 this winter or future years, to accomplish that task for the ideal  
4 annual work plan.

5 MR. PENNOYER: And, I think I'll wait for any further  
6 discussion after we get to the agenda item on work plan format  
7 concept, so I can see what -- what direction we're going to go. I  
8 don't disagree with you. I don't think we can do it all in the  
9 short term. I just -- there's obviously an intermediate step  
10 there, I think we're going to have to take. Thank you.

11 MR. COLE: Mr. Chairman.

12 MR. FRAMPTON: Mr. Cole, yes.

13 MR. COLE: It occurs to me that we might want to ask  
14 the GAO for its advice on how to proceed at this juncture too,  
15 since they're an expert in this area.

16 MR. PENNOYER: They said they can do that when they come  
17 to the next meeting and respond to your letter.

18 (Laughter)

19 MR. COLE: That's a fine idea. (Indiscernible --  
20 simultaneous talking). That's a fine idea.

21 MR. FRAMPTON: As the Chair -- as the Chair of this  
22 meeting I -- I will undertake to at least mention to Mr. -- the  
23 Comptroller General, Mr. Basher, that skiing promises to be good on  
24 November 30th, if he'd like to come up and spend a half day skiing  
25 with me, perhaps he could come and see the Trustees in action and  
26 form his own personal view of how well we're working this project.

1 MR. COLE: I'll second that motion.

2 (Laughter)

3 MR. FRAMPTON: Mr. Cole, do you want to summarize where  
4 you think we are with the process that we have talked about here.  
5 Or, do you want me to do it.

6 MR. COLE: I would prefer that you do it, Mr.  
7 Frampton, secretary.

8 MR. FRAMPTON: What I think people have said, they're  
9 comfortable with this, that we will work hard in the next ten days  
10 to see if we can resolve through our agency, through the agencies  
11 and departments, the issues that Commissioner Sandor has a problem  
12 with and get a draft final plan on the street. If we could do it  
13 by the end of next week or the following Monday, we will try to do  
14 that, that we will then have a chance to discuss it and make any  
15 final revisions November 30 at our meeting, but in the meantime,  
16 we'll treat this as our guidance, an interim guidance, that we're  
17 using to develop a '94 work plan. We'll be in a position to review  
18 part of the draft '94 work plan on November 30th, at the same time  
19 any final matters that are not finalized with respect to the  
20 restoration plan, and that the restoration plan, there will be a  
21 formal full scale opportunity for public review of that restoration  
22 plan as it goes through the EIS process. Is that a fair summary of  
23 where we are? Commissioner Sandor.

24 MR. SANDOR: That's a -- a good summary and I would  
25 suggest that we designate each of our individual departments,  
26 designate individuals that might want to work on these issues, and

1 Mark Brodersen will be my designation to do the work in my absence.  
2 Then the Public Advisory Group can -- provide them with the  
3 materials and if they want to respond individually or collectively  
4 respond. I think this is a good resolution and the concerns I've  
5 had and I thank you.

6 MR. FRAMPTON: And we should assign one person to be our  
7 -- person to work this out and when we get this out and we can get  
8 it out in ten days, we will send it to the Public Advisory Group  
9 and be in a position to receive any input that they have either at  
10 the November 30 meeting or after that, of course. Mr. Cole, are  
11 you prepared to amend your motion along those lines?

12 MR. COLE: Yes.

13 MR. FRAMPTON: All right, I second the motion.

14 MR. BARTON: Call for the question.

15 MR. FRAMPTON: Mr. Barton. Alright any further  
16 discussions? All in favor say aye.

17 UNIDENTIFIED TRUSTEES' RESPONSE: Aye.

18 MR. FRAMPTON: Opposed? (No response). All right, the  
19 motion carries. Perhaps we could take up now the third item on the  
20 agenda which is the executive director issue. I think that the  
21 record should reflect that since our last public meeting, we have  
22 had an opportunity for many or most of the Trustees, or their  
23 designees, to conduct a number of further interviews with  
24 additional candidates, and we have had, I think, two executive  
25 sessions by telephone in which we have discussed possible  
26 candidates and the process for trying to select a permanent



1 executive director, the last of which was yesterday. And, while  
2 those discussions have helped us, I think, put this issue in a --  
3 hopefully, in a posture for final discussion and decision today.  
4 We have not yet reached -- did not take any action or reach a final  
5 decision in our executive sessions. Mr. Cole.

6 MR. COLE: I move we offer employment as executive  
7 director to Jim Ayers.

8 MR. BARTON: I second that.

9 MR. FRAMPTON: Mr. Barton seconds that motion.  
10 Discussion? Juneau, if there's no further discussion I will call  
11 the question. I think that we have had a chance to consider our  
12 previous discussions and think about this and come to a position on  
13 this (indiscernible), and Mr. Barton seconded the motion. Anyone  
14 else want to speak to the motion? Mr. Sandor.

15 MR. SANDOR: I think the record should reflect, Mr.  
16 Chairman, that the Trustees were very fortunate in having many,  
17 very capable and qualified individuals. I think there were really  
18 a total of well over sixty that were screened and our interviews  
19 under the advise of both federal and state personnel specialists,  
20 a very systematic and fair process was followed. So, I think the  
21 public should be aware and the record should reflect that consensus  
22 reached, and I think we're very fortunate. So, I think all of  
23 those who did apply and (indiscernible) say that to the  
24 individuals. Thank you, Mr. Chairman.

25 MR. PENNOYER: Mr. Chairman, this is Juneau, Pennoyer.  
26 I was thinking that one of the reasons this took so long is because

1 so many qualified people did apply and the interview process just  
2 took an exceptional period of time. I -- I second Commissioner  
3 Sandor's remarks and I'm prepared to proceed.

4 MR. FRAMPTON: Attorney General Cole.

5 MR. COLE: Yeah, thank you. Well, if this motion  
6 passes, I would suggest that we have a state Trustee and a federal  
7 Trustee speak with Mr. Ayers about the terms and conditions of such  
8 employment and authorize those two representatives to reach final  
9 agreement with Mr. Ayers, if they -- in their discretion, are  
10 satisfied with the terms and conditions that they reach. I would  
11 like to say that, with respect to my motion, I think Mr. Ayers has  
12 a good background, (a) in natural resources in this state, (b) that  
13 he does reside in the state of Alaska and has travelled widely, and  
14 therefore, has a personal historical viewpoint of Alaska. And I'm  
15 also of the view, after interviewing Mr. Ayers, that he has good  
16 management experience, and that -- that management experience will  
17 serve this Council well, if we are able to reach acceptable terms  
18 and conditions with him for his employment as executive director.

19 MR. FRAMPTON: Mr. Cole, I concur those thoughts. I  
20 think he has impressed everyone who knows him or has talked to him  
21 about the position and that we're very fortunate to have had quite  
22 a number of well qualified candidates, a really good pool to pick  
23 from, and I think the procedure that you suggest probably makes  
24 sense, and I guess in light of that, unless there's other  
25 discussion, I would call the question. Is there any further  
26 discussion? All right, if not I'll call the question. All those

1 in favor, say aye.

2 UNIDENTIFIED TRUSTEES' RESPONSE: Aye.

3 MR. FRAMPTON: All opposed? (No response). The motion -  
4 - Mr. Cole's motion to offer the position to Mr. Ayers is carried.  
5 Commissioner Sandor?

6 MR. SANDOR: Mr. Chairman, I would like to also, for  
7 the record, and for that -- and move that the Trustee Council  
8 express appreciation to Interim Director Dave Gibbons for his work  
9 these past months, and, his assignment as administrative director  
10 is substantially different, as you know, because of the change in  
11 the jobs from administrative to executive director, but my motion  
12 is to express appreciation to Dave Gibbons for his fine services as  
13 interim director.

14 MR. PENNOYER: I second the motion. But it just -- thank  
15 him, this has been a very difficult period of time, and I think  
16 Dave's done an outstanding job of holding together a formative  
17 process that -- that is just starting to take shape, and for that  
18 reason it was all the more difficult to deal with. I guess a gold  
19 watch isn't going to do it, so, maybe we'll have to ask him what he  
20 needs.

21 MR. FRAMPTON: I think we all know Dave has gotten around  
22 to it for doing a very good job, and a very difficult, as you say,  
23 (indiscernible) situation and getting something going from a  
24 standing start that was brand new and rather unprecedented, and,  
25 especially given all these unruly heifers that he had to deal with  
26 here.

1 MR. COLE: I'm not sure that ...  
2 MR. FRAMPTON: So, I'll ...  
3 MR. COLE: I'm not sure that's a correct analysis.  
4 MR. PENNOYER: Did you wish to designate the federal and  
5 the state official to contact Mr. Ayers at this time.  
6 MR. FRAMPTON: Yes, but first we have to vote on the  
7 motion because General Cole's made it in the form of a motion to  
8 thank our interim director. I ask everyone -- all in favor say  
9 aye.  
10 UNIDENTIFIED TRUSTEES' RESPONSE: Aye.  
11 MR. FRAMPTON: Without opposition, the motion passes.  
12 Mr. Pennoyer.  
13 MR. COLE: Steve, you were recognized by the  
14 Chairman.  
15 MR. PENNOYER: I heard that, it's just that there's two  
16 of here in Juneau at the moment, and Commissioner Rosier, I think -  
17 - might be -- would be interested in being state person. I will do  
18 the federal side of it if you wish.  
19 MR. FRAMPTON: That's satisfactory to me and to Mr. Barton  
20 on the federal side, and the state side -- Mr. Cole?  
21 MR. COLE: I -- I would move that we offer employment  
22 by the Trustee Council as an assistant to Mr. Ayers to Molly  
23 McCammon.  
24 MR. SANDOR: Second that motion.  
25 MR. FRAMPTON: Did Sandor second the motion? Alright,  
26 Charlie or John, do we want to speak to your motion.

1                   MR. COLE:           What?           During the course of the  
2 interviews, one of whom was Ms. McCammon. I was impressed with her  
3 resume and her interview and her experience in the state, and I  
4 concluded, as a result of the interview, that she could be helpful  
5 to Mr. Ayers in the course of his employment as executive director.  
6 She has journalistic background, which I think is important. I  
7 think she has a good sense of the resources in this state, the  
8 natural resources, and -- and I think that her abilities would well  
9 compliment those of Mr. Ayers. You'll recall that -- those of you  
10 who were present during her interview that -- I offered this  
11 thought to her and she said that she would certainly consider such  
12 a position. So, I do -- I think that we would want to coordinate  
13 that -- those discussions with her through Mr. Ayers, but I think  
14 it would be well to do that.

15                   MR. FRAMPTON: Any -- any other discussion?

16                   MR. BARTON: Question.

17                   MR. FRAMPTON: (Indiscernible) Mike Barton called for  
18 question. I think we'll be fortunate if this works out, to have a  
19 team -- such a good team here. I guess the only question that I  
20 would put before a vote on the motion is that, I think it is  
21 important that we do this through Mr. Ayers, should we work out an  
22 arrangement with him, because we don't -- because we want to be a  
23 little bit careful about setting a precedent here of giving him  
24 some discretion and autonomy on hiring. So, subject to the  
25 understanding that this is going to be -- that he is going to be a  
26 part of this should he accept our offer, I would -- I would be

1 prepared to vote for the motion. Is there any other discussion?  
2 All in favor of the motion, say aye.

3 UNIDENTIFIED TRUSTEES' RESPONSE: Aye.

4 MR. FRAMPTON: All opposed? (No response.) Motion  
5 carries. We talked about the draft restoration plan, so maybe we  
6 could move to number four on the agenda and finish up the connected  
7 issue of going forward for our November meeting to put together a  
8 draft '94 work plan and discuss the issue of a format and content  
9 for the draft '94 work plan. Now, is that acceptable to people?

10 MR. COLE: Well, Mr. Chairman.

11 MR. FRAMPTON: Yes, Mr. Cole.

12 MR. COLE: I would move that we defer until the  
13 November 28th meeting, the Kodiak Archeological Artifacts  
14 Repository. I think we need a little more work on that specific  
15 item, and we could accomplish that -- that between now and then.  
16 So, I would so move that we continue that until the next meeting.

17 MR. SANDOR: I second that ...

18 MR. FRAMPTON: Well, in the interest of getting -- in the  
19 interest of getting that issue wrapped up, and also moving through  
20 our agenda, I assume that will be a welcome motion here. Any  
21 objections to that? All right, if I don't hear any, then I guess  
22 I'll entertain the motion. All in favor of rescheduling the Kodiak  
23 Archeological Repository issue to November, say aye.

24 UNIDENTIFIED TRUSTEES' RESPONSE: Aye.

25 MR. FRAMPTON: Opposed? (No response.) The motion  
26 carries, and we are at the '94 work plan. Mr. Pennoyer, do you

1 want to speak to that further?

2 MR. PENNOYER: Well, I don't know what -- Mr. Chairman,  
3 I don't know what you have envisioned in this work plan format in  
4 content, but in terms of this bridge, it seems to me that we do  
5 need to have a rationale for approving specific projects for  
6 specific species in December. And I -- my example is showing we're  
7 going to do some pink salmon work. We have done quite a bit of  
8 pink salmon work in the past, they're part of an ecosystem work  
9 shop that we're going to be conducting, in terms of how they fit  
10 the ecosystem in the Prince William Sound, specifically.  
11 Information will come out of that to enable us to, I think, see how  
12 these things fit in. They probably won't be totally complete by  
13 December 1st. And, my -- my question is how -- and take anything -  
14 - I mean let's go to harbor seals. How do we decide which projects  
15 are the real -- that we -- may be presented or going to be the  
16 appropriate ones to deal with relative to harbor seals. We're  
17 probably not going to have recovery plans or anything that  
18 grandiose by species by December 1st, so I would just think that  
19 the folks preparing the plan are going to have to put projects in  
20 some context for us, without a vote to the draft restoration plan  
21 policy guidance we passed, and also relative to how they think that  
22 specific project fits into the set of things you might do to  
23 recover that injured species. That's the type of question I would  
24 ask, not are we going to tag some number of -- put transmitters on  
25 some number of harbor seals, but how does that fit in with other  
26 actions, that we or the agencies may be taking on harbor seals.

1           MR. FRAMPTON: But I guess I -- my response to that is  
2 that with the outline of, you know, with the draft final  
3 restoration plan out, what we need to do to conform a '94 work plan  
4 for those overall guidelines, is to have a work plan that looks  
5 quite different from, in format, from what we've been doing in the  
6 past that really has a first -- an overall budget that is an  
7 estimated amount of funds that are going to be available, and then  
8 we want to spend for in the last nine months of fiscal '94 as a  
9 target, or at least a range, and then, rather than a sort of  
10 randomly ordered listing of projects, the projects ought to be  
11 broken down according the four components of the restoration plan.  
12 First, habitat protection and acquisitions; second, general  
13 restoration; third, monitoring the research; and fourth,  
14 administration. And, then within each of those categories, and we  
15 ought to have a range or an idea of total budget and a list of the  
16 priorities, perhaps a list of priority projects exceeding the  
17 estimated budget for each of those categories, so that there's an  
18 opportunity for choice. But, you know, a few of the projects that  
19 add up to twice as much as, let's say, as what's in the -- each of  
20 the four pots for '94, so that the, at least, the public can  
21 comment and the Trustees can make decisions from within that  
22 priority list. But, it seems to me that there ought to be in the  
23 draft work plan some kind of a chart that cross-references each of  
24 the projects that are proposed under general restoration or  
25 monitoring research to resources and services injured by the spill.  
26 That alone would at least give us a framework to discuss and to



1 make some choices and to send out to public comments. And, my  
2 suggestion would be that we try a format like this, we can  
3 certainly draw up and circulate to all the Trustees -- a couple of  
4 alternatives -- ways of doing that in the next few days, and we see  
5 whether that would be sufficient to -- to make the kind of bridge  
6 or linkage here that -- that you have in mind. You may deem that  
7 with the science program starting out right now and with a somewhat  
8 limited amount of money for some of these categories that it will  
9 be another year before we can sort of feel a work plan that has a  
10 complete mosaic of priorities. I'm not sure we could aim for that  
11 even if we had the time for '94 anyway. So, that's why my thought  
12 is to do something that doesn't require quite as high -- get it on  
13 the table so we can at least discuss it on November 30th.

14 MR. PENNOYER: I think that's fine in terms of  
15 organization of it, and I agree with you we can't totally invent  
16 the whole automobile here on November 30th. There's going to be  
17 some parts missing and we're going to have to kind of deal with  
18 what we can. I would just hope that since one resource may fall  
19 under several of these categories, somewhere the matrix draws this  
20 thing together and tells me for that particular resource, know that  
21 the injury sustained and the status of recovery, like these, what  
22 all the things proposed in there will do for us, let's see how they  
23 fit together.

24 MR. FRAMPTON: Well, I agree, that would be advisable.  
25 My suggestion is that perhaps we could take the lead with you at  
26 NOAA and Interior and try in the next few days to get out more than

1 one suggested format, and a suggested way to sort of draw this  
2 matrix, at least to the extent it could be done in a few weeks time  
3 and see if we can get some feedback so that we can then give some  
4 general directive to the staff about a format, and that we aim to  
5 get some kind of a draft here put together, even if it has holes  
6 and brackets in it, by about, you know, November 17th or 19th, so  
7 that the Trustees have a time -- chance and other staff to react to  
8 it. One, to get some feedback in before we have a document to look  
9 at on November 30th. Is that -- is that a plausible time frame to  
10 try to one set of views before we get a draft document for the  
11 meeting? Mr. Cole, had his hand up.

12 MR. COLE: Yes, Mr. Chairman, I would say it would be  
13 essential that we have a state representative on that -- on that  
14 committee, so that we have an opportunity to participate in the  
15 formulation of the basic document.

16 MR. FRAMPTON: I agree. I amend my suggestion to make  
17 sure that there's state included. I'm just looking for one or two  
18 people who will get something out to the rest of us on paper, and  
19 if -- since Carl is -- is in the hospital, Charlie would you be  
20 willing to volunteer to coordinate this on the state's side, then  
21 either we will do it on the federal side.

22 MR. COLE: Well, Mr. Chairman, I would volunteer ...

23 MR. FRAMPTON: Mr. Cole.

24 MR. COLE: I would volunteer some of the very capable  
25 people in Commissioner Rosier's department in Fish & Game to  
26 participate there. He has an excellent staff who are very capable

1 of doing that.

2 MR. MEACHAM: This is Chuck Meacham. Thank you,  
3 Charlie, we can do that, or you might want to just have the work  
4 group itself involved too.

5 MR. FRAMPTON: Well, what I'm suggesting is that we just  
6 get something, not that we make any decisions, but we just get  
7 something on paper that people can look at, one page or two page  
8 piece of paper here, and then the work group can look at it and the  
9 Trustees can look at it and we can have a little bit of feedback  
10 about it.

11 MR. MEACHAM: Fish & Game will be happy to involve  
12 ourselves there.

13 MR. PENNOYER: Mike, could you run through the time line  
14 again.

15 MR. FRAMPTON: Well, my thought was, if it were possible  
16 to do it, that there might be some benefit to try to get a draft,  
17 '94 work plan, at least an outview -- an outline if not completely  
18 filled in, but pretty much filled in in time to get some feedback  
19 to the staff prior to the November 30th meeting, other than to get  
20 the draft on November 26th or 27th, to find that we really don't  
21 have time to look at it or talk about it until the meeting itself.  
22 Now, my question is, is that feasible. It seems to me maybe it  
23 should be feasible to do an outline anyway, but ...

24 MR. COLE: I also move ...

25 MR. PENNOYER: George, excuse me, what you're suggesting  
26 is that we have an outline for format in the next day or two and

1 then get something back from the -- and a response to that by,  
2 let's say, mid to two-thirds the way through November, something  
3 like that?

4 MR. FRAMPTON: Yes, that's right. At least a cut of the  
5 project under direct restoration and monitoring the research that  
6 would appear to, you know, be the higher priority project, I mean,  
7 within the rough sketches budgets that are likely to be adopted for  
8 those categories, so that if the, you know, it looks to be  
9 something that's not useful for the meeting discussions, we have a  
10 week or so to try to see if we can't get a second draft  
11 (indiscernible) for, you know, clearer -- clearer basis for  
12 discussion at our meeting.

13 MR. PENNOYER: But the first emphasis is to -- within the  
14 next day or two to get kind of an outline for this -- out to the  
15 people that are going to put it together.

16 MR. FRAMPTON: Yes, that's right. Well, Mr. Cole has  
17 moved that we -- we aim at that rough schedule which is to get an  
18 outline out real quick and get people to agree on it, you know, in  
19 the next week or so, and then aim for some kind of a draft that's  
20 not complete, a semi-complete draft, by two-thirds of the way  
21 through November, so we have more chance to look at it and get some  
22 feedback before November 30th. And, Mike Barton seconded that.  
23 Any -- if we call that a target schedule is there any other  
24 discussion about that? Is that agreeable? Mr. Cole?

25 MR. COLE: Could we make it a point to have included  
26 in that the ecological study project which we have authorized? I

1 think that's important that we not lose sight of that because in  
2 part that ecological study, at least in my view point, is designed  
3 to form, in part, an umbrella over all of these projects.

4 MR. FRAMPTON: I think that's a good idea now. The --  
5 this is the habitat protection analysis, is that what you're  
6 talking about, Charlie?

7 MR. COLE: No, Mr. Chairman.

8 MR. FRAMPTON: I'm sorry.

9 MR. COLE: Our -- our five million dollar ecological,  
10 you know, baseline study, I think, should be included in this  
11 current project that's under discussion now. I would not want to  
12 lose sight of that because I think that forms the essential  
13 ingredient of some of the things you have in mind in the present  
14 discussion.

15 MR. FRAMPTON: Yes, I'm assuming that would be part of  
16 this since we already made that commitment, but were you -- were  
17 you suggesting that, to the extent possible, there be an outline or  
18 a list of priority projects within that study for FY '94, that be  
19 finished by the time we are able to discuss it November 30? If so,  
20 I don't know, I would have to ask Steve and others whether they  
21 think that -- whether that's feasible to do.

22 MR. COLE: Well, that, Mr. Chairman, was my thought.  
23 I would not -- I would like to see that as part of this outline or  
24 schematic that's being done. If -- if the people who were working  
25 on that outline think it should be there. I'm just suggesting that  
26 I would not like us to lose sight of that over-arching project as

1 we address the '94 work plans -- that's plural.

2 MR. PENNOYER: Mr. Chairman, Pennoyer. I think that  
3 referencing that and relating whatever we propose to that is  
4 important. I can't guaranty you that we're going to have it done,  
5 but I can probably guaranty we won't have a completed ecosystem  
6 study by that time. A lot of works been done already, we're having  
7 a work shop on the 18th and 19th of next month, and presumably  
8 we'll have some ideas. I certainly think any project that are  
9 proposed should be proposed in relationship to what might be in an  
10 ecosystem study. So, I guess the answer is, Charlie, yes, I think  
11 we ought to include it. I'm not sure exactly how detailed we're  
12 going to get on part of it.

13 MR. COLE: But, that's just what I had in mind.  
14 Thank you.

15 MR. FRAMPTON: Can we call that skeleton for our effort  
16 rather than an over-arching umbrella?

17 MR. COLE: Whatever the Chairman wishes, thank you.

18 MR. FRAMPTON: All right, well, I'll -- unless there's  
19 further discussion of this motion to adopt this is as our target  
20 procedure for the next five weeks, I will take a vote on the  
21 motion. All those in favor say aye.

22 UNIDENTIFIED TRUSTEES' RESPONSE: Aye.

23 MR. FRAMPTON: All those opposed? (No response.) All  
24 those opposed? (No response.) Motion carries. Well, gentlemen  
25 we're doing pretty well on the agenda here. We're at our last item  
26 on the agenda before the designated public comment period, which is

1 the status of a comprehensive habitat protection analysis, which,  
2 I think, is also due in the fairly near future, and Dave Gibbons is  
3 listed on my agenda as the person to give a status report. Dave,  
4 is that right?

5 DR. GIBBONS: Yes, George. I'm here in Juneau. I'll  
6 give you a brief one and tell you the outline for giving it to the  
7 Trustee Council. Presently, the subgroup is just finishing up a  
8 draft -- rough draft of -- of the document. As we speak, it's  
9 being transmitted to the Habitat Protection Group for review on  
10 Friday. There's two components, there's an executive component --  
11 executive summary component and then a comprehensive analysis  
12 component of all the associated resources. The product itself,  
13 ninety landowners were contacted in the spring of 1993. We've  
14 received a positive response back from thirty-two landowners saying  
15 they are interested and in talking to the Trustee Council. The  
16 habitat subgroup has analyzed eighty-one parcels of land. The  
17 parcel boundaries are based upon an ecological factor and the  
18 ownership factor. An evaluation of these parcels was determined on  
19 -- primarily in two factors. One, was the degree of linkage of  
20 injured resources and services of the specific parcel, and two, the  
21 potential for benefit from the implementation of habitat protection  
22 on that parcel. The parcels right now that we've analyzed, the  
23 eighty-one, are greater than a thousand acres in size. As the  
24 discussions in the past have indicated, five of it determinate on -  
25 - somewhat on the value of the parcel. So, including parcels that  
26 are less than a thousand acres, in this analysis, would -- would

1 buy up those four parcels and put them all down in the -- the low  
2 category. So, the proposal we have going to you presently has  
3 eighty-one parcels of a thousand acres in size, or more, and we  
4 propose to discuss further analysis of small parcels, and their  
5 value as -- as a group. But, that is to -- that work has not been  
6 done presently. There are advantages for these small parcels, in  
7 that they can greatly benefit an individual resource or service,  
8 and they're not in -- in the conglomerate. So, there is value for  
9 these small parcels, we just haven't -- it wouldn't have been -- in  
10 the entire package. It's scheduled to -- the Trustee Council on  
11 November 19th, and we'll give you that executive and large -- each  
12 parcel. So, this will give you approximately ten days to review  
13 this before the November meeting. But, that's the target we're  
14 shooting for, and this will be a status of where we are.

15 MR. FRAMPTON: Thank you. This is George Frampton. Can  
16 -- when we get the -- this evaluation of the eighty-one parcels, if  
17 you haven't already grouped that geographically, can you do that in  
18 the executive summary, or accompanying appendix, so that rather  
19 than eighty-one separate pieces, that we see how the pieces relate  
20 together.

21 DR. GIBBONS: We -- we can group them by any  
22 geographical area that you would like. Right now, we've got them  
23 lumped as an oil spill area because when you are dealing with these  
24 habitat protection, you're dealing on the oil spill basis, but we  
25 could lump them by the three geographic areas, Kodiak, Afognak,  
26 Kenai, and Prince William Sound, if that's what the Trustee Council



1 would like to do.

2 MR. FRAMPTON: Well, I'd like to suggest, I guess, to the  
3 other Trustees that we do get, in addition to individual  
4 evaluations, some way in which they -- they are lumped by general  
5 geographic area and/or to the extent that it's, you know, useful by  
6 order because where we go to explore acquisitions with some of  
7 these owners, we're obviously more likely to do it on an ecosystem  
8 basis, number one, which is what the restoration plan has called  
9 for, you know, in all likelihood, and number two, to some extent by  
10 owner. So, if there are four or five parcels that are in the same  
11 place that are owned by the same landowner, and that is one  
12 ecosystem project, that's one negotiation. We ought to have a  
13 sense of how that cluster might compare total value and total  
14 connection with another cluster. I think that would be a very  
15 useful way to display this -- that's my own view of it. Any other  
16 thoughts about or discussion about that subject or anything else to  
17 do with Dave's report?

18 MR. COLE: Mr. Chairman.

19 MR. FRAMPTON: Mr. Cole.

20 MR. COLE: This is not directly related to Mr.  
21 Gibbons' report, but it's tangentially related, and it thus. I'm  
22 told that the state legislative budget and audit group has some  
23 reservations about the state acquiring title to the forty-two  
24 thousand acres at Seal Bay -- and placing that acreage into a  
25 habitat protection status, you'll recall, that we've decided to  
26 acquire those lands as critical habitat, and what I was inquiring

1 is whether any federal agency, in the event the state legislative  
2 budget and audit committee strongly objects to the state acquiring  
3 those lands in that capacity, would be prepared to accept title to  
4 those lands for that purpose?

5 MR. FRAMPTON: Well, the Fish & Wildlife Service  
6 certainly would have an interest, although we would want to talk to  
7 the state Trustees about ways to do that that would be consistent  
8 with the initial intention to bring this into state ownership. I  
9 don't know whether authorization would be required there by  
10 Congress to expand the borders of the refuge or otherwise to take  
11 an ownership. We would certainly be willing to explore that with  
12 you.

13 MR. COLE: All right. I thank you. We will ...

14 (Indiscernible -- simultaneous talking)

15 MR. COLE: Well, I would say thank you, we'll see  
16 what the legislative budget and audit committee's desires are when  
17 they meet here on November 5, and then perhaps we can discuss that  
18 subject further -- further you -- further with you if that becomes  
19 necessary.

20 MR. FRAMPTON: Thank you. Are the other Trustees  
21 amenable asking that the habitat protection analysis report  
22 aggregate the various parcels in some way by landowner and by  
23 conservation unit? I don't mean in a -- in a substituting for the  
24 rankings and the analysis that's done, but in addition to the  
25 (indiscernible) that way, and, if so, I guess I should ask that  
26 Dave or others who are working on this whether that's a -- whether

1 that poses any insurmountable problems for you folks to do.

2 DR. GIBBONS: Mr. Chair, this is Dave Gibbons. We could  
3 -- we could group them, the scores the way they are, we could group  
4 them by geographic area and by owner. But to lump the scores by  
5 geographic area or owner would take a lot more work because you  
6 just can't add all the scores up, because of the resources and the  
7 ecological units. We could -- we could say, yeah, the group of --  
8 such as the following parcel with the following score. It's not  
9 very easy to do, but to say one landowner has X amount of land and  
10 the score for that land is forty, cannot be done, and that puts --  
11 we've got to back and re-analyze that that information.

12 MR. FRAMPTON: Well, I'm not asking for any kind of  
13 (indiscernible). You got the (indiscernible) aggregation that  
14 gives us fair analysis, high priority land.

15 MR. GIBBONS: Mr. Chair, yeah, that can be done quite  
16 easily.

17 (Laughter)

18 MR. COLE: Mr. Gibbons says that can be done quite  
19 easily.

20 MR. FRAMPTON: Alright, terrific. Mr. Barton has a  
21 comment.

22 MR. BARTON: I was just going to add no objection there  
23 (indiscernible - out of range of microphone).

24 DR. GIBBONS: Mr. Chair.

25 MR. FRAMPTON: Yes ...

26 DR. GIBBONS: Mr. Chair, this is Dave Gibbons again. To

1 group by geographic area, I have assumed would be the Kodiak-  
2 Afognak area, the Kenai Peninsula-Cook Inlet area and then Prince  
3 William Sound. Is that acceptable?

4 MR. FRAMPTON: Roughly, or some pieces of that. Whatever  
5 is easy to do, but roughly those areas. Question? All right, well  
6 is there any further discussion on Dave Gibbons' report? If not,  
7 I think we're at the end of the agenda of five items that I  
8 originally outlined, and we would be ready to take a break and then  
9 commence the public comment period a little bit later at the CACI  
10 offices downtown. Mr. Barton wants to make sure that he has a  
11 chance to talk to Ken Rice.

12 MR. BARTON: Ken, if I can call you at CACI before one.

13 MR. RICE: Okay.

14 MR. PENNOYER: Mr. Chairman.

15 MR. FRAMPTON: Are there any other items, agenda items  
16 who are points for discussion. Mr. Cole.

17 MR. COLE: Maybe the public generally would like a  
18 report on the status of any negotiations with Eyak. Would anyone  
19 be in a position or think we should supply such a report at this  
20 time, assuming there's anything to report.

21 MR. BARTON: Mr. Chairman.

22 MR. FRAMPTON: Mr. Barton.

23 MR. BARTON: At this point in time, there hasn't been  
24 any further contact with Eyak, as you know. We've been working  
25 within the Council members to come to a common set of objectives  
26 and negotiating strategies. There has been no contact with Eyak at

1 this time. As far as I know Eyak has not contacted any Council  
2 members.

3 MR. COLE: And -- and -- what -- what are the  
4 objectives of the common set of objectives?

5 MR. BARTON: I don't have them with me.

6 MR. COLE: Well, I mean -- it's sort of my  
7 understanding that we're trying to develop an approach taken by the  
8 Trustee Council on what lands and what interests in what lands that  
9 we would like to acquire, and on what terms and conditions, and so  
10 that all of the state and federal agencies are in agreement as to  
11 what our negotiation objectives are. Does that sort of generally  
12 describe it?

13 MR. BARTON: That's correct. (Indiscernible - out of  
14 range of microphone).

15 MR. FRAMPTON: Would it be productive to have a short  
16 executive session at our November 30 meeting and discuss any  
17 ongoing negotiations?

18 MR. COLE: I would think so.

19 MR. FRAMPTON: What do other people think about that?

20 MR. BARTON: Good idea.

21 MR. FRAMPTON: Okay, let's plan to do that, then and ask  
22 -- ask the Forest Service to be prepared prior to that time to  
23 circulate the papers to the Trustees in preparation for such an  
24 executive session.

25 MR. BARTON: It's very possible we're working out the  
26 final language right now.

1           MR. FRAMPTON: Alright. Any other items of business  
2 before we adjourn or take a break and -- and re -- resume for  
3 public comment. Now the public comment period is -- begins at  
4 5:00, is that right?

5           MR. COLE: Well, it begins in one hour and nineteen  
6 minutes.

7           MR. FRAMPTON: That's one o'clock Anchorage time. I'm  
8 sorry. One o'clock Anchorage time. Is that right?

9           MR. COLE: Yes, sir.

10          MR. FRAMPTON: All right. Any other agenda before we  
11 take a break? All right, we'll resume in an hour and twenty  
12 minutes, and thank you very much.

13          (Off Record - 11:40 a.m.)

14          (On Record - 1:11 p.m.)

15          BRIDGE OPERATOR: This is the bridge operator. We do  
16 have Seward, Cordova, Juneau Legislative Information Office, Mr.  
17 Pennoyer in Juneau, and the Trustee Council in Anchorage on line at  
18 this time.

19          (Chaired by Mr. Sandor)

20          MR. SANDOR: Is anybody there?

21          STAFF: Yes sir, we are, Mr. Sandor, if you'd go  
22 ahead.

23          MR. SANDOR: Yes, good afternoon, this is John Sandor  
24 at the Oil Spill Information Center in Anchorage with a  
25 continuation of our October 27 Exxon Valdez Oil Spill Settlement  
26 Trustee Council, teleconference. The morning session was chaired

1 by Assistant Secretary George Frampton, Jr., and at that point in  
2 time, the (indiscernible) Washington, D.C. group teleconferenced  
3 and that group I understand is not here, but we do have Trustee  
4 Steve Pennoyer, I guess, in Juneau, and is Dave Gibbons with you,  
5 Steve?

6 MR. PENNOYER: Yes, John, that's correct. Dave is here  
7 and prepared to give a brief summary of the morning's discussions,  
8 if you want.

9 MR. SANDOR: Why don't we begin that right now. Dave,  
10 can you do that now, please.

11 DR. GIBBONS: Sure, John. The first item discussed by  
12 the Trustee Council was the development of a restoration plan. The  
13 Trustee Council passed the following motion. The Restoration  
14 Planning Group is to refine the draft restoration plan within the  
15 next ten days and use this draft as interim guidance for the  
16 development of a 1994 work plan to be discussed at the November  
17 30th Trustee Council meeting. Formal review of the restoration  
18 plan is to be made during the formal EIS process. The next item  
19 discussed by the Trustee Council was the selection of executive  
20 director. They passed the following motion. They are to offer the  
21 executive director position to Jim Ayers. Details will be worked  
22 out by Carl Rosier and Steve Pennoyer, who will talk with Mr. Ayers  
23 about the terms and conditions of employment. The next motion  
24 passed was to express appreciation to Dave Gibbons for his role as  
25 administrative director for the past approximately two years. The  
26 final motion passed concerning an executive director was that

1 another excellent candidate named Molly McCammon is being  
2 considered for the position of assistant executive director. The  
3 third item discussed by the Trustee Counsel was the 1994 work plan,  
4 and they passed the following motion: that the Department of  
5 Interior, NOAA and the Department of Fish & Game are to develop an  
6 outline for the 1994 work plan within the next several days and  
7 transmit this to staff after review for development of a draft '94  
8 work plan by November 21st to be discussed at the November 30th-  
9 December 1st Trustee Council meeting. And, specifically, this plan  
10 should include an ecosystem study. The next action taken was, they  
11 passed the following motion to defer action on the Kodiak  
12 Archeological Artifact Repository until the November 30th Trustee  
13 Council meeting. The next topic discussed by the Trustee Council  
14 was the habitat protection status. The Trustee Council requested  
15 that groupings by geographic area, Kodiak-Afognak, the Kenai  
16 Peninsula-Cook Inlet area and the Prince William Sound area. The  
17 parcel analysis be grouped by those three areas and also the parcel  
18 analysis of eighty-one parcels be grouped by owner. And the final  
19 topic discussed was the -- further Eyak negotiation, and they  
20 passed the following action, to hold an executive session on  
21 November 30th to discuss further Eyak negotiation. And that was  
22 the actions for the morning session.

23 MR. SANDOR: Thank you very much Dave Gibbons. Are  
24 there any additions that anyone, either in Juneau, Steve Pennoyer,  
25 or anyone here that would like to add to that listing? A very good  
26 summary, David, and we appreciate -- appreciate that summary. I



1 understand not all the communities on line. Can you identify which  
2 communities are on line, or shall we go round the horn? Chenega  
3 Bay, is anybody representing Chenega Bay? (No response) Cordova,  
4 is there anyone representing or wanting to speak at Cordova?

5 MARLA ADKINS: We're on line, it's Marla Adkins,  
6 moderating (indiscernible).

7 MR. COLE: Now, who was that please?

8 MR. SANDOR: Marla Adkins, and Marla ...

9 MR. COLE: Thank you.

10 MS. ADKINS: That's Roger -- I know there's a couple of  
11 people who want to speak, but they haven't showed up yet, over.

12 MR. SANDOR: Okay, and you're not one, you're just  
13 moderating this, right? Thank you. Fairbanks, is there anyone on  
14 line in Fairbanks? (No response). Is there anyone on the line in  
15 Juneau?

16 UNIDENTIFIED VOICE: Yes, Mr. Thoma's here to testify and  
17 we have two observers.

18 MR. SANDOR: Great. Well, why don't we go ahead with  
19 one of the individuals in Juneau to testify.

20 MR. CHIP THOMA: Thank you, Mr. Sandor, I'll make my  
21 comments brief. I have just a couple of very short questions. One  
22 of the things discussed today was the legislative budget and audit  
23 committee as to negotiations on Afognak. Is there any resolution  
24 with the Trustees on how you're going to approach the legislative  
25 budget and audit committee as far as putting that under state  
26 ownership?

1           MR. SANDOR:     That issue came up this morning with  
2 regard to Seal Bay, and the discussion was raised because there was  
3 an indication that the legislative and budget audit and budget  
4 committee were wanting to consider that. And, at the Trustee  
5 Council meeting this morning, Secretary Frampton indicated that, if  
6 in fact there was some problem with the state acquiring that --  
7 those lands at Seal Bay and that an analysis would be made about  
8 the possibility of the refuge being expanded. Is there anything  
9 more to add on that, anyone?

10           MR. COLE:       Well, Mr. Chairman.

11           MR. SANDOR:     Yes.

12           MR. COLE:       I think that one or more representatives  
13 of the Trustee Council will be present at the legislative budget  
14 and audit committee meeting, which I understand to be in Palmer on  
15 November 5th, and make a presentation, an explanation, at that  
16 time.

17           MR. SANDOR:     Okay.

18           MR. THOMA:      Thank you, Mr. Cole. One quick question,  
19 have you set the dates now for the Trustee meeting? Are we looking  
20 at November 30th and then December 1st.

21           MR. SANDOR:     November 30 and December 1 are the dates.  
22 And, the location of that, Dave Gibbons, can you give us -- I  
23 believe it's Anchorage, but is that correct?

24           DR. GIBBONS:     That's correct.

25           MR. SANDOR:     Commencing at 9:00, 8:30 or when on  
26 November 30?

1 DR. GIBBONS: I believe 9:00 on November 30th.

2 MR. SANDOR: And then a public comment period again  
3 planned for 4:00 o'clock on November 30?

4 DR. GIBBONS: Yes, that's correct. It's to begin at  
5 4:00 o'clock and run until 6:00 o'clock on November 30th.

6 MR. SANDOR: And, it's my also -- it's my understanding  
7 also that we are teleconferencing all of the sessions, but we're  
8 having the public comment periods just for the specified time, is  
9 that correct?

10 DR. GIBBONS: That's also correct.

11 MR. SANDOR: Okay. Any further questions from Juneau?

12 MR. THOMA: My last question is have you set the  
13 Public Advisory committee meeting, schedule for that?

14 DR. GIBBONS: Mr. Chair.

15 MR. SANDOR: Yes.

16 DR. GIBBONS: Dave Gibbons. The Public Advisory Group  
17 meeting is set for November 9th and, I believe, also the 10th.

18 MR. SANDOR: The Public Advisory Group meets November  
19 9 and 10, and where?

20 DR. GIBBONS: In Anchorage at the Simpson Building, 645  
21 G Street.

22 MR. SANDOR: November 9 and 10.

23 MR. THOMA: Very good. I've just got a couple of  
24 minutes of comments on three areas. I'm very gratified that the  
25 Trustee Council has moved to change the management. I think a  
26 curtain will lift on the process and I hope it will improve the

1 public process that has gone on so far. I do hope that at some  
2 point that the GAO has recommended that agency audits are conducted  
3 to see where the money has gone and what kind of employees are not  
4 only staff, but are working for both the agencies and the Trustee  
5 Council. I think that agency audit thing is something that's going  
6 to have to be done, and I hope that that proceeds. I would also  
7 recommend that in the consideration of the eighty-one parcels that  
8 you're considering, that consideration be given for Cape Suckling.  
9 The University of Alaska presently owns that, however, it is an  
10 integral part of the Prince William Sound ecosystem and, as Prince  
11 William Sound is obviously a killing zone, I think that it's --  
12 it's important that we look at Cape Suckling as an important area  
13 that's going to give refuge to migratory bird species. And, as  
14 I've recommended before, I think we ought to look at Prince William  
15 Sound as a biological study area. My last comment, this is in  
16 reference to a very, very disheartening and depressing show that  
17 was on Public Broadcast System last night on Frontline, having to  
18 do with the Rocky Flat Nuclear Arsenal. I took note with great  
19 interest that during the period 1989 to '92 the Department of  
20 Justice was involved in negotiations to plea bargain the -- the  
21 problems there with Rockwell Corporation. They, in fact, over  
22 turned the recommendations of the federal Grand Jury that had  
23 convened. Mr. Thornberg let those individuals off the hook, the  
24 representatives, the management of Rockwell. It happen at the  
25 exact time that the plea bargaining was going on in the Exxon  
26 trustees. I had always hoped, of course, that Mr. Raul and Mr.

1 Iarossi would have been indicted for these crimes, but as I think  
2 the show pointed out last night, there was a very, very active  
3 group of people in the former environmental division of Justice who  
4 were much more so into plea bargaining than they were into  
5 rectifying. So that will end my comments from Juneau.

6 MR. SANDOR: Thank you, Mr. Thoma, and any others to  
7 testify from Juneau?

8 MR. PENNOYER: That's all Mr. Chairman.

9 MR. SANDOR: Thank you. And, moving on to Homer,  
10 anyone to testify in Homer? (No response) No one at Homer.  
11 Anyone at Kenai Peninsula, Soldotna? (No response) Anyone to  
12 testify in Kenai Peninsula, Soldotna? (No response) And, at  
13 Kodiak, anyone to testify at Kodiak? (No response) And, at  
14 Seward, anyone to testify at Seward? (Indiscernible response)

15 UNIDENTIFIED VOICE: Hi.

16 MR. SANDOR: I hear a voice, can you speak up, identify  
17 yourself and spell your name please in Seward. Apparently, I was  
18 hearing something.

19 UNIDENTIFIED VOICE: Can you hear me now?

20 MR. SANDOR: Oh yes, Seward.

21 UNIDENTIFIED VOICE: Sorry, we had some technical  
22 difficulties here.

23 MR. SANDOR: Yes, can you identify yourself, or spell  
24 your name, please for the recorder and please testify.

25 RESPONSE FROM SEWARD: Yes, for the record my name is  
26 Dr. A. J. Paul, P-A-U-L, initials, A-J. I'm a faculty member with

1 the University of Alaska, Fairbanks. I'd like to ask that the  
2 Trustees consider when formulating the 1994 work plan that the  
3 Alaska Sealife Center be considered for inclusion. It was in the  
4 original draft plan, and I have several reasons why I think it's a  
5 program that should be continued -- continued in the final version.  
6 First of all, I believe it will benefit the marine resources that  
7 were injured by the spill, it'll certainly promote interest and  
8 knowledge in the marine and coastal resources affected by the spill  
9 through its public education program, it'll encourage tourism and  
10 therefore compensate Alaska for the damage to tourism from the  
11 spill, and I think it'll bring lasting benefits from the  
12 restoration fund to benefit our area. I also hope you realize that  
13 the project is supported by the University of Alaska, Fairbanks,  
14 the University of Alaska, Anchorage, and we -- we support it  
15 because it's going to create a research program, it will be funded  
16 primarily through the public fees and the entries of public  
17 education programs. The project is also supported by the City of  
18 Seward, which has donated two million dollars worth of property to  
19 the project. We have recommendations from the Kenai Peninsula  
20 Borough, the Governor's Office, and most of the marine mammals,  
21 biologist, specialists at North Pacific University. Alaska Sealife  
22 Center is Seward's only project before the Trustees and we've heard  
23 some comments that they feel that the twenty-five million dollars  
24 we're requesting is a relatively large amount of money. But, when  
25 this is compared to what other communities are asking for habitat  
26 acquisition, it's relatively quite small. I'd also like to point

1 out to the Trustees in their review of the 1994 work plan by Dr.  
2 Robert Spies, your own chief scientist, he identified the Alaska  
3 Sealife Center as one of the best projects in the 1994 work plan.  
4 Thank you very much.

5 MR. SANDOR: Thank you, are there any questions of Dr.  
6 A.J. Paul? There being none in Anchorage, and apparently none in  
7 Juneau, is there anyone else to testify at Seward?

8 UNIDENTIFIED VOICE: No, there's no further people  
9 here.

10 MR. SANDOR: Thank you very much. We'll be going to  
11 Tatitlek, is there anyone on line that wishes to testify at  
12 Tatitlek? (No response.) No one on line at Tatitlek, how about  
13 Valdez? Anyone on line that wishes to testify at Valdez? (No  
14 response) Then let's move on to Whittier, anyone on line wishing  
15 to testify at Whittier? (No response) Then, we come to the  
16 Municipality of Anchorage, and we have -- anyone in Anchorage  
17 wishing to testify? Mr. McKee would you step forward and have a  
18 chair and spell your name, please and give us your testimony.

19 MR. McKEE: Thank you, my name is Charles McKee, and  
20 the spelling of the last name is M-C-K-E-E, and this is what my  
21 sovereign Lord has to say, is the fact that Prince William Sound is  
22 not man-made. In fact, organically evolving ecosystem and we are  
23 also. I know we want to -- or some of us want to ignore the fact  
24 that the Constitution of the United States of America is an organic  
25 act, thereby maintaining my plea of getting away from OPEC (ph)  
26 dollars, go back to legal tender issue, and eventually back to a

1 substantial based currency which is gold or silver, or the  
2 combination thereof. And, I'm not referring to, in reference to  
3 OPEC, I'm not referring to oil cartel, in the Middle East, but I'm  
4 referring to a banking cartel that is happily and willingly  
5 offering businesses to establish themselves in foreign  
6 jurisdictions, of our jurisdiction in the United States of America,  
7 and thereby loaning money to them, utilizing the Federal Reserve  
8 Note which is the OPEC currency that we're playing with today to  
9 try to mitigate this organic depilation. I been having a great  
10 deal of difficulty ever since I'd started testifying here and  
11 listening to the -- the other hearings pertaining to the Exxon  
12 disaster chaired by Walter Parker. And, earlier this month, I'd  
13 filed an indictment charges going back to the Magna Carta aspect  
14 with respect to the people in charge of this program.

15 MR. COLE: Excuse me, which program are you referring  
16 to? Have we been indicted ourselves?

17 MR. McKEE: Not the directors, but the organization,  
18 not the Trustees, but the organization that's here, overseeing the  
19 program, and -- the restoration group, the planning group. And, it  
20 was kind of a -- I'm having difficulties, seeing it was  
21 circumstantial evidence that I was being subjected to and I thought  
22 I'd file that, and the 18th of this month I had a U.S. -- U.S.  
23 deputy marshall accost me. I was on a holiday, and accost me, and  
24 threatened to kill me. He tried to get me to swing at him. I  
25 didn't see his badge until after his vest moved away from his shirt  
26 and there was a small little gold badge, a U.S. deputy marshall,



1 and if I'd a hit him I wouldn't been able to appear here, for one  
2 thing.

3 MR. SANDOR: Mr. McKee, we're delighted your here.  
4 Could you confine your testimony to the issue of the Exxon Valdez.

5 MR. McKEE: Well, you see this whole thing was -- the  
6 decision and equity court of law was rendered by U.S. District  
7 judge and the deputy marshall -- marshall -- United States  
8 marshall, are the law enforcement agency that pertains to judge's  
9 decisions to enforce their decisions if there's not a compliance.  
10 And, so here we sit in a debate here as to how to restore Prince  
11 William Sound, and this is a decision rendered by judge, U.S.  
12 District Court judge, equity law, and I've been denouncing the  
13 Federal Reserve, OPEC money, and the amount set aside for this and  
14 basically showing the fallacy of the rendering, and it thereby  
15 makes the jurisdiction of the equity court and the banking  
16 community, OPEC money, illegal. And, I've been exposing this, and,  
17 so there is definitely an active part in trying to prevent my -- my  
18 ability to prevail and bring about more monetary money, organic act  
19 money to play in, resolving the damage done to this ecosystem,  
20 organically -- organic as it is, which is also the decision  
21 rendered by the court. So, I'm not acting against the court's  
22 decision, I'm simply pointing out that the money rendered -- again,  
23 OPEC banking money, insurance banking money is not the proper  
24 vehicle because it -- they've gone, they've actually bent  
25 themselves over backwards to ignore the organic act, and -- their  
26 own organic properties that they themselves are.

1           MR. SANDOR:     Mr. McKee, your point is made.   You've  
2 talked for five minutes, we'll give you one more minute, and we'll  
3 be pleased to accept any written documents that you have.

4           MR. McKEE:     And I have that available.   I have here  
5 the Exxon Valdez oil spill science study and it lists all these  
6 libraries on this sheet of paper, and, so, this -- I made out a  
7 redemption coupon citing the debt of the city -- of the  
8 Municipality of Anchorage, asking for the sum printed here, and  
9 using the Bank of America as a vehicle for the transfer from the  
10 Treasury to yours truly, Charles V. McKee, for the purpose of  
11 resolving municipal debt, i.e. the libraries.   Library -- there's  
12 libraries within every municipality, and so on, and I was looking  
13 at resolving the debt burden, thereby maintaining the library  
14 structure that you people are utilizing, and I have this redemption  
15 -- copy of the redemption coupon, and the loan structure.   And,  
16 I've asked them, and I'll ask you people for a financial workshop  
17 to coincide with your workshop planned later on this November, when  
18 is it, November the 30th.

19          MR. SANDOR:     There's several activities, but Dr.  
20 Gibbons, the interim administrative director, will note your  
21 request and consider that.   Please do submit these materials.   I'll  
22 convey to Dr. Gibbons and the staff.

23          MR. McKEE:     And for the record, I'll go an and finally  
24 make the statement -- invest in my copyright jurisdiction as a  
25 jurist consultant to the lawful money.   Please seek copyright  
26 545416.

1 MR. SANDOR: Thank you, Mr. McKee. Any questions?  
2 Anyone else to testify in Anchorage at this time? Would you step  
3 forward and spell your name for the record so that our recorder can  
4 ...

5 MR. BILL ROME: Okay, my name is Bill Rome, the last  
6 name is spelled R-O-M-E. I came down here not intending to  
7 testify, but seeing that there's not too many people here. I'm a -  
8 - been a recreational boat user out of Whittier now since 1986, and  
9 while I was sitting here this morning I was -- first time I was  
10 able to read the summary of public comment on alternatives. And,  
11 I was reading in here, and I noticed one thing that really caught  
12 my attention, and that was one of the comments that said to spend  
13 the Exxon Valdez settlement money to restore lost tourism. Since  
14 the -- since the Exxon spill, I've seen nothing but tourism  
15 skyrocket over in the Sound, especially in Whittier. So, I hope  
16 that is -- there -- tourism industry is not claiming to be an  
17 injured party. They seem to have profited from the spill.  
18 Something else that you should consider also is the plan for  
19 increased access to western Prince William Sound. I'm sure you're  
20 all aware of that. I know just from the increased tourism, the  
21 cruise -- not only the large cruise ships from the Lower Forty-  
22 eight coming up here, but also the increased local cruise ships,  
23 the new larger Exxon -- Klondike Express, the Mystic Seas, the  
24 Glacier Seas and the Glacier Queen, just over in the western Prince  
25 William Sound. I -- as a recreational boat owner I've noticed a  
26 definite impact on the -- on the wildlife, just -- just from the

1 physical disturbance of the increased traffic in the areas where  
2 these people operate. You add that in with the prospect of opening  
3 the floodgates to even more human impact with the increased access  
4 or better access to Whittier, I think this is something that you  
5 should focus your responsibility on as what impact will this new  
6 increased use have on the people that were really injured in the  
7 Exxon Valdez oil spill and I was very heartened to see this logo on  
8 the Exxon Valdez Oil Trustee Council that has this logo here.  
9 These are the true victims of the Exxon Valdez oil spill, the  
10 birds, the fish, I'd like to see the shrimp and crabs on there too,  
11 and the marine mammals. We're all aware, we really don't know  
12 what's going to happen in the Sound. It's going to take many years  
13 for us to find out. But in your decisions, especially if --  
14 increase access is available through Whittier, there's definitely  
15 going to be a human impact on these creatures, and any decision  
16 that you could make to help mitigate that impact, I think should be  
17 foremost in your minds and the decisions that you make. I'm  
18 definitely against these funds being used for resorts, boat  
19 harbors, or this type of a thing. I'm not opposed to that, but I  
20 think the funds from this settlement should not be used for that  
21 type of activity. And, I appreciate the opportunity to speak with  
22 you.

23 MR. SANDOR: Thank you for your testimony. Are there  
24 any questions of Mr. Bill Rome? Attorney General Cole?

25 MR. COLE: I have two questions. One, you made  
26 reference to a plan to increase the access to western Prince

1 William Sound. I'm not sure I'm aware of any such plan. Could you  
2 tell us what it is? I mean is it ...

3 MR. ROME: The Whittier access project, they just had  
4 a meeting out in Russian Jack Springs. That's -- right now their  
5 down to three alternatives, a no-build alternative, a increased  
6 enhanced rail service for, you know, the road to Whittier -- that  
7 sort of thing.

8 MR. COLE: I now understand, thank you. That's  
9 number one, number two, when you said you have been seeing adverse  
10 impact upon the resources there in recent years. Would you mind  
11 telling us just where our planning -- what resources do you feel  
12 have sustained adverse impact as a result.

13 MR. ROME: Decrease sightings in seal otters -- sea  
14 otters, especially up Port Wells, Berry Arm, Point Packinham (ph)-  
15 College Fjord area, marked decrease in whale sightings in the Port  
16 Wells -- Port Wells area, (indiscernible) Passage area, up around  
17 Unaquick (ph). That's basically it.

18 MR. COLE: Thank you.

19 MR. SANDOR: Any other questions of Mr. Rome? Thank  
20 you very much. Let's move back onto the teleconference network,  
21 and we'll repeat some of the sites that were not on just to make  
22 sure they haven't activated, Chenega Bay, no one is there, we  
23 understand? How about Cordova, anyone ...

24 MS. ADKINS: Yes, Cordova here, I'd like to testify.

25 MR. SANDOR: Yes, can you identify yourself, spell your  
26 name, and -- for the record, and give your testimony, please, from

1 Cordova.

2 MS. ADKINS: This is Marla Adkins, Cordova, A-D-K-I-N-  
3 S. Are you copying, over?

4 MR. SANDOR: Yes, Marla Adkins, you're coming in loud  
5 and clear and we're looking forward to your testimony.

6 MS. MARLA ADKINS: Yes, I'm a thirty-five year resident  
7 of Alaska. I'd like to make a statement here, then -- would also  
8 like to ask for the information that I requested of this Council at  
9 the August and September meetings, which I have not received yet.  
10 The 1920's -- the 1960's we had the corporate rape of America  
11 environment. In the 1960's to the 1980's, we've had the  
12 environmental rib (?) lockup. There seems to be no balance. I  
13 plead to this Council and I plead to Congress to find a responsible  
14 balance. It seems like we allow ourselves to bend to political  
15 pressures from either side of the coin. Then, we came into the  
16 spill in 1989. We have the damaged Prince William Sound  
17 extensively, to its fisheries and to its wildlife. As most of you  
18 know, you know, within the last, not in California, not in  
19 Washington, D.C. I mean, do you know that I have lived in Alaska  
20 and on Prince William -- in Knight Island of Prince William Sound  
21 for twenty-some years. I have seen the wildlife here, I know our  
22 fisheries is a mess. Yet nothing has been done. The Council is  
23 running on and the expenditures continue to go, and we're still in  
24 sort of a gridlock there. Once again, we're being pressured to  
25 spend the monies for anything and everything, including massive  
26 land acquisitions throughout the state. I'm concerned also about

1 federal control of this panel, and projects such as massive timber  
2 and land acquisition. I'm totally supportive of responsible land  
3 acquisition, buffer zones, but again I do not want to see more  
4 gridlock. I would like to see the toll versus misuse of the funds  
5 for anything and everything that somebody has their hand out for.  
6 I am still beating the bush and beating you guys over the head for  
7 fisheries restoration. I'm really concerned about it. Wildlife  
8 restoration. One of the things we talk about is spending these  
9 funds for tourism. Well, if we open up our infrastructure in  
10 Alaska, which completing the Copper River Highway, responsively  
11 again, assuring that there is monies there for fish and game future  
12 management. This would take off some of the pressure of needing  
13 the money for tourism and we could do it ourselves. I guess I have  
14 to wind up by saying one more time, monies need to be spent in the  
15 fisheries restoration area where it was damaged to the wildlife.  
16 I've seen it in my own place, my own lodge, what has happened. We  
17 are not well yet. Thank you.

18 MR. SANDOR: Thank you, Ms. Adkins. Any questions or  
19 comments? Attorney General Cole.

20 MR. COLE: Ms. Adkins, with respect to fisheries  
21 restoration, what specific project would you recommend to us that  
22 we adopt?

23 MS. ADKINS: Well, of course, I've addressed this  
24 before, and I don't want to go over it again here, I could talk to  
25 the Council one on one. I -- I believe that CDFU has addressed  
26 some, and I'm in complete agreement with most of theirs. We've

1 talked about the herring, we've talked about the long-term affect  
2 of the salmon. I, for instance, this year went to my freezer in  
3 the middle of winter to take out salmon that I caught last year in  
4 this area, and they have lesions on them. We -- we haven't done  
5 enough work in our -- when the streams were not -- the streams were  
6 not important to loss, Charlie, no one can tell me, including our  
7 experts from the University of Alaska, or anyone, when I ask  
8 questions, they don't have one out of six answers. When I ask  
9 them, what have you done about seeing that the -- I can't think of  
10 the name of it -- I've lost it -- the micro -- life that feeds the  
11 fish, the feed, is that back up to standard. He can't give me any  
12 answers. We haven't done any research in this area yet. If we  
13 have, I haven't seen the results. We've got to see what the spill  
14 did to the, of course, the feed line overall, which how it affects  
15 the hatchery fish, as well as the wild stocks. We still have oil  
16 out there in the Sound, what is it doing to our kelp? Things like  
17 this. I'm not an expert, Charlie, I just know that there's things  
18 that should be done that's not being done. Okay, over.

19 MR. COLE: All right, thank you.

20 MR. SANDOR: Any other questions of Ms. Adkins? Did  
21 you have any other questions, Ms. Adkins? You asked about a date  
22 in November, and I think what you're asking about was the audit  
23 date and our reference was to the legislative and budget audit  
24 meeting which is regularly conducted by the Alaska State (tape  
25 malfunction) ... Dr. Gibbons, do you know if that is correct?

26 DR. GIBBONS: Yes, Mr. Chair, I believe it's in Palmer,



1 isn't it?

2 MR. SANDOR: Palmer? Okay, I stand corrected. It's  
3 November 5 in Palmer. I trust that answers that question. Is  
4 there anyone else at Cordova, Ms. Adkins, that wish to testify?

5 MS. ADKINS: No, my people still aren't here. Maybe  
6 you can come back to us, but ...

7 MR. SANDOR: Okay.

8 MS. ADKINS: ... and one question, did you say the  
9 state was overseeing that audit and budget or is that the federal  
10 government? Who requested that? Over.

11 MR. SANDOR: Let's see, the legislative and budget  
12 audit committee is an arm of the Alaska State Legislature, and they  
13 schedule their sessions and it is, I can assure, an independent,  
14 state body. Anything else, Ms. Adkins?

15 MS. ADKINS: No. I guess that's it. Thank you for  
16 your time. I'll write you a letter on the rest of it.

17 MR. SANDOR: Thank you. I believe we closed out at  
18 Juneau.

19 UNIDENTIFIED VOICE: Mr. Sandor?

20 MR. SANDOR: Yes.

21 UNIDENTIFIED VOICE: We have two more people that  
22 just joined us here in Juneau.

23 MR. SANDOR: Fine. We'd be pleased to hear from them  
24 if they could identify themselves, spell their names so the  
25 recorder can document it correctly, and since we are running short  
26 of time, can we confine testimony if possible to three minutes.

1           MR. MARK LYMAN:       You got it. My name is Mark Lyman,  
2 spelled L-Y-M-A-N. I'm a Prince William Sound drift gill-netter.

3           MR. SANDOR:       Please proceed.

4           MR. LYMAN:       I guess if we do nothing else, I think  
5 maybe if we spend a hundred dollars and wrote out all the things we  
6 did wrong, so that next time when this comes up we can at least be  
7 pointed in right direction.

8           MR. SANDOR:       Thank you. Any further comment?

9           MR. LYMAN:       I don't think so.

10          MR. SANDOR:       Thank you. Would the other individual  
11 identify themselves.

12          MR. GARY WHITE:     Yes, Gary White, Prince William Sound  
13 gill-netter.

14          MR. SANDOR:       Please proceed, Mr. White.

15          MR. WHITE:       Yes. If the fish hatcheries of Prince  
16 William Sound which are going broke because of Exxon go out of  
17 business, then restoration of Prince William Sound is like of an  
18 academic point, isn't it? If you guys really want to do some  
19 serious restoration out there, give them the money. That is the  
20 greatest amount of research being done in Alaska at this time and  
21 in Prince William Sound; that is the greatest amount of restoration  
22 being done in Prince William Sound. They are the only people so  
23 far who are doing much of anything to improve Prince William Sound,  
24 and are unfortunately making very poor decisions due to the fact  
25 that they're going broke because of Exxon.

26          MR. SANDOR:       Any further comment, or is there any

1 questions that Mr. White -- thank you for your comment. Any  
2 further testimony from Juneau?

3 UNIDENTIFIED VOICE: That's all, Mr. Sandor.

4 MR. SANDOR: Thank you. And we move to Homer. There  
5 was no one answering at our last query, is there anyone in Homer?  
6 (No response.) Anyone at Kenai? (No response) Kenai-Soldotna?  
7 (No response) No one there. Anyone at Kodiak? (No response.)  
8 Anyone at Seward?

9 UNIDENTIFIED VOICE: We're still listening, but no  
10 further testimony here.

11 MR. SANDOR: Thank you very much. And no one to  
12 testify at Seward. Anyone at Tatitlek? (No response.) And moving  
13 on to Valdez. (No response.) No one at Valdez. Anyone at  
14 Whittier? (No response.) No one at Whittier. Is there anyone on  
15 the teleconference line outside of Anchorage that I have missed or  
16 that has entered the picture since I last took this poll? There  
17 being none, we'll see if there's anyone locally to testify in  
18 Anchorage. No one on the sign-up sheet. Is anyone wishing to  
19 testify who has entered the room? There being no one at Anchorage  
20 to testify, no one on the teleconference line, if there is no  
21 objection we shall conclude this October 27th meeting of the  
22 Trustee Council, with great appreciation to you, Dr. Gibbons, for  
23 your work all these many months and years, and we will look forward  
24 to the next Trustee Council meeting which is scheduled for November  
25 30-December 1 in Anchorage. Thank you very much.

26 (Off Record: 1:51 p.m.) END OF PROCEEDINGS

CERTIFICATE

STATE OF ALASKA                    )  
  ) ss.  
THIRD JUDICIAL DISTRICT        )

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

That the foregoing pages numbered 03 through 66 contain a full, true, and correct transcript of the Exxon Valdez Oil Spill Settlement Trustees Council meeting taken electronically by Ladonna Lindley of LTD Court Reporters on the 27th day of October, 1993, commencing at the hour of 10:05 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 my knowledge and ability from that electronic recording.

That I am not an employee, attorney or party interested in any way in the proceedings.

DATED at Anchorage, Alaska, this 1st day of November, 1993.

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

