

**EXXON VALDEZ OIL SPILL SETTLEMENT
TRUSTEE COUNCIL**

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EXXON VALDEZ OIL SPILL
TRUSTEE COUNCIL
ADMINISTRATIVE RECORD

Trustee Council Teleconference Meeting

VOLUME III
(Continuation of April 28, 1994 teleconference)
(Pages 34 through 55, inclusive)

May 3, 1994
11:00 a.m.

TRUSTEE COUNCIL MEMBERS in attendance:

State of Alaska

MR. CRAIG TILLERY
Alternate for Bruce Botelho,
Attorney General, Alaska
Department of Law

State of Alaska Department
of Environmental Conservation

MR. JOHN SANDOR, Commissioner,
and **MR. MARK BRODERSON**,
Alternate

United States Department
of the Interior

MS. DEBORAH WILLIAMS, Alternate
for **GEORGE FRAMPTON**, Assistant
Secretary

State Department of Fish
and Game

MR. CARL ROSIER
Commissioner

United States Department of
Agriculture - Forest Service

MR. JAMES WOLFE, Alternate for
MR. MIKE BARTON, Regional
Forester

United States Department of
Commerce - NOAA

MR. STEVE PENNOYER
Director, Alaska Region

TRUSTEE COUNCIL STAFF

MR. JIM AYERS	Executive Director, Trustees Council
MS. MOLLY MCCAMMON	Director of Operations
MS. L.J. EVANS	Public Information Officer
MR. ERIC MYERS	Project Coordinator

OTHERS IN ATTENDANCE in Anchorage/via teleconference

MR. DAN SAKURA, Special Assistant to Secretary of U.S. Department
of the Interior
CORDOVA LEGISLATIVE INFORMATION OFFICE
VALDEZ LEGISLATIVE INFORMATION OFFICE
KODIAK LEGISLATIVE INFORMATION OFFICE
MR. RICK STEINER
MR. ART WIENER, Alaska Department of Natural Resources
MR. JAMIE LINXWILER, Guess & Rudd, attorney for Eyak Corporation
and Sherstone Corporation
MR. TOM GERLACH, U.S. Fish & Wildlife Service
MR. JOE PERKINS, Guess & Rudd

1 MR. TILLERY: Yes, we have a copy.

2 MR. PENNOYER: Okay, fine, thank you.

3 MR. AYERS: Eh, Mr. Chairman, per your direction last

4 night, a variety of professional wordsmithers worked over night and

5 early this morning to accommodate the various aspects of the

6 resolution that embody the proposed draft before you for your

7 consideration. Section 1 establishes the specific identification,

8 which we have as approximately two thousand and fifty-two acres,

9 and identified it as a sub-parcel of the Orca Narrows. The Orca

10 Narrows sub-parcel is within the spill area, as identified in

11 Section 2. Section 3, a substantial portion of the Orca Narrows

12 area, including the Orca Narrows sub-parcel, is threatened with

13 imminent clear-cutting logging, and the second part of that

14 paragraph establishes that the majority of the commercial timber in

15 the Orca Narrows area is slated for harvest by clear-cutting over

16 the next two years. Section 4 identifies that the Orca Narrows

17 area does include important habitat for several species of

18 wildlife, including those for which significant injury resulted in

19 the oil spill. Section 5 is the language that identifies the

20 particular related laws and regulations that are identified for the

21 protection of various species and identifies that, in fact,

22 restoration, replacement, enhancement measures, in addition to

23 those, are requisite in order to provide adequate protection.

24 Section 6 identifies that there has been widespread public support

25 for the protection of the Orca Narrows, with emphasis on the

26 specific view-shed portion of that and the habitat areas. Section

1 7 identifies the purchase of the commercial timber rights to the
2 Orca Narrows sub-parcel is an appropriate means of restoration.
3 (Indecipherable) down at the bottom of page 3, again, identifies
4 the legal description of the sub-parcel which is before you today.
5 On page 4, we then begin the subsection of the resolution. (a)
6 identifies that the commercial timber rights are being purchased in
7 perpetuity; (b), that the appraised value will be established by a
8 certified appraiser to be determined and selected by the Trustee
9 Council and, in fact, will be through the Forest Services contract.
10 It also establishes -- establish the appraised value will be
11 determined as of May 1st, 1994. It also provides, per your
12 direction, that we consider the Rainier market cost information
13 prepared in their '94 operations plan on the sub-parcel, and we
14 have been in contact with Rainier. Section (c) -- subsection (c) -
15 - a satisfactory title search and hazardous substance survey will
16 be completed; (d), that there will be compliance with NEPA; (e)
17 that a final purchase agreement will be signed within fifteen days
18 from today. Let me point out -- note, that the Eyak board is
19 anxious to accomplish it as soon as possible and strongly urge that
20 it be accomplished before fifteen days. They are still deeply
21 concerned that they not be left hanging and urged me last night to
22 represent that with regard to this subsection, and I've had a very
23 positive and very supportive response from the Forest Service that
24 they will be working with Eyak to complete that as soon as
25 possible. Section (f), says sellers will be paid fair market
26 value, determined as I mentioned above and subsection (b) that by

1 May -- establish a May 1st value; subsection (g) is the
2 identification of your direction as regards to a moratorium
3 consideration -- no commercial timber harvest shall occur in the
4 subject lands noted in our April 28th -- that is an eight -- two-
5 eight -- 1994 -- as a result of this commitment, and that we will
6 pay to Sherstone Corporation dollars for this particular
7 moratorium, and then there is the provision that establishes that
8 if the fair market value of the commercial timber for one thousand
9 board feet exceeds one hundred and sixty dollars that the Council
10 would only pay -- that which is paid would be reduced by one
11 hundred dollars for each one cent over the one hundred sixty dollar
12 value -- about. The title to the Orca Narrows sub-parcel
13 commercial timber rights shall be conveyed to the United States,
14 subject to the following conditions, on page 5, (h) --there will be
15 no commercial timber harvest on these lands; (i), that once these
16 commercial timber rights have been conveyed that they will remain
17 for that -- the purchase, irrespective of what transpires, and it
18 talks about the title to these commercial rights shall go to the
19 State of Alaska in the event there is a proposal to have them
20 conveyed for other (inaudible). The State of Alaska Department of
21 Law and the United States Department of Justice are requested in
22 the closing -- next to the last paragraph on the bottom of 5, top
23 of 6 -- to immediately, at your request and order and direction
24 last night, to petition the United States District Court to release
25 the trust funds in the amount of two million dollars for the
26 acquisition of said sub-parcel. The last paragraph, at your

1 direction, is the language of the motion made yesterday afternoon,
2 that the Trustee Council stipulate -- sorry -- expresses -- that
3 the Trustee Council views this agreement to purchase as a first
4 step in acquiring the protection for the natural resources that are
5 present on the sellers land, and further appreciates and endorses
6 the view presented in the sellers' letter that they do intend to
7 move quickly on a more comprehensive approach. Accordingly, it
8 identifies that this offer presumes the receipt of a more detailed
9 offer addressing these concerns within the next fifteen days, and
10 I have been assured that that is the case.

11 MR. PENNOYER: Thank you, Mr. Ayers. Can I have a motion
12 and perhaps some discussion?

13 MS. WILLIAMS: Mr. Chairman, I . . .

14 MR. SANDOR: I move acceptance of the -- resolution as
15 opening the door to (inaudible -- poor teleconference quality).

16 MR. PENNOYER: Is there -- second.

17 UNIDENTIFIED VOICE: Second.

18 MR. PENNOYER: Is there discussion or questions?
19 Commissioner Sandor?

20 MR. SANDOR: It's on the table.

21 MR. PENNOYER: Okay. I think that's appropriate at this
22 time.

23 MR. SANDOR: I want to commend the (inaudible -- poor
24 teleconference quality) and others who worked on this through the
25 night --

26 MS. WILLIAMS: Mr. Chairman, we're having difficulty

1 hearing the Commissioner in Anchorage.

2 MR. PENNOYER: How's our speaker phone working? Can you
3 hear Commissioner Sandor?

4 MS. WILLIAMS: Barely.

5 MR. ROSIER: I lost John entirely there, Steve.

6 MR. PENNOYER: Okay, we're move it down and -- no, we
7 won't move it down because it's caught on the table. Why can't we
8 move Commissioner Sandor to the speaker phone.

9 MR. SANDOR: Yeah.

10 MR. PENNOYER: Commissioner?

11 UNIDENTIFIED VOICE: Can you hear it?

12 MR. SANDOR: Yes. I wanted to commend individuals who
13 worked on this resolution. I have just a couple of minor questions
14 and points, and with regard to paragraph one, and I would say --
15 actually hope to strike out "extensive" and after -- so that it
16 would read "We, the undersigned, duly authorized members of the
17 Exxon Valdez Oil Spill Trustee Council, after review and
18 consideration of the views of the public, find as follows." Maybe
19 everybody else had an extensive, but I did not, and I was somewhat
20 embarrassed, you know, by the short amount of time, but the --
21 that's a minor point. But, the question that I had is really on
22 item 7 on page 3: "Purchase of the commercial timber rights for the
23 Orca Narrows sub-parcel is an appropriate means to restore a
24 portion of the injured resources and the services they provide in
25 the spill area." I would like to add another sentence, which would
26 read: "This restoration action will be much more effective if the

1 restoration measures on other portions of sellers' lands, as
2 identified in 4/28/94 Trustee Council letter to the sellers, are
3 also implemented." I just do not believe that, Mr. Chairman, that
4 this protection of this -- package in and of itself literally does
5 much. So, I would formally move that we add that sentence. Again,
6 "this restoration action will be much more effective if the
7 restoration measures on other portions of sellers' lands, as
8 identified in the 4/28/94 Trustee Council's letter to the seller,
9 are also implemented."

10 MR. PENNOYER: Do I have a second for that amendment?

11 MR. ROSIER: I'll second the motion.

12 MR. PENNOYER: Is there further discussion or -- did
13 everybody hear it? I think this sort of reemphasizes what we tried
14 to put in the final paragraph, and I don't -- unless the lawyers
15 see some (extraneous noise) some big change, it reemphasizes our
16 direction in there. Is there any objection to this amendment?
17 (Pause -- no audible response) The -- John, I just want to comment
18 on your -- I don't know if you wanted to change this first
19 paragraph?

20 MR. SANDOR: I was uncomfortable when I read that
21 "extensive review," and I said, how long have I had this, and I
22 know there's been extensive review of the whole issue over time,
23 but it's really been only after (inaudible -- extraneous noise on
24 teleconference) a trustee hasn't really had extensive review, but
25 that was the reaction. If nobody else is troubled with that,
26 forget it.

1 MR. PENNOYER: I guess I wasn't troubled by it because
2 the whole issue has had extensive -- extensive -- we saw extensive
3 (inaudible -- extraneous interference on teleconference), but I
4 haven't actually reviewed each piece of it. Particularly, the
5 appraisal and the concept, I think, has been (inaudible) about as
6 much time as we (inaudible -- extraneous interference on
7 teleconference). Are there other amendments?

8 MR. ROSIER: Steve?

9 MR. PENNOYER: Carl?

10 MR. ROSIER: Mr. Chairman, I'm not sure, and it was not
11 a subject, I guess, that we discussed yesterday on this, but I
12 don't see within this resolution anything pertaining to the
13 continuation of public access to these lands. Was that discussed
14 by the working group at all or . . .?

15 MR. PENNOYER: I have no idea. We're buying commercial
16 timber rights in here, not any other easement concepts, so we
17 haven't dealt with other things, a portion of itself.

18 MR. ROSIER: Is this -- well, I guess my question, Mr.
19 Chairman, is -- is, you know, is this the place? Is this part of
20 the larger agreement or . . .

21 MR. TILLERY: Mr. Chairman?

22 MR. ROSIER: Or how -- how do they deal with this
23 public access question?

24 MR. TILLERY: Mr. Chairman?

25 MR. WOLFE: Mr. Chairman, Carl, you make a good -- I
26 guess, in our haste to move forward on the imminent threat parcel,

1 we had not dealt with the public access at this point in time. I
2 was discussed and our intent that this be a part of the larger --
3 that we eventually -- with Eyak Corporation. I guess, given the
4 lateness of the hour, I would like to propose that we defer public
5 access on this until we get to the more comprehensive.

6 MR. ROSIER: Yeah, we --

7 MR. PENNOYER: Carl? (Pause) Are there other comments
8 on the resolution or on this item?

9 MR. TILLERY: Mr. Chairman? Hello?

10 MR. PENNOYER: Mr. Sandor?

11 MR. SANDOR: I think, as Jim Wolfe pointed out, that
12 Commissioner Rosier's point as well -- if you can sort of reiterate
13 the lack of the extensive review of this proposal. I wonder if we
14 couldn't mention the fact in that paragraph -- it wouldn't hurt, I
15 guess, and what I hear you say, Carl, that we ought to at least
16 have the word "public access" somewhere?

17 MR. ROSIER: In -- in paragraph 4, we talk about, you
18 know, we talk about recreational values and tourism and so forth as
19 part of this area on this, and it seems to me that -- that at least
20 some -- a sentence there that references, you know, the need for
21 maintaining, you know, access perhaps to this -- to this -- to the
22 larger parcel that may be considered down the road, and is -- I
23 think we need to flag it there. I with Pennoyer that -- that we
24 kind of looking at purchasing commercial timber rights here, but --
25 reference it in item 4, but we don't really speak to what rights
26 we're -- we might be retaining there.

1 MR. PENNOYER: Let me ask you a question. In our April
2 28th letter, how did we deal with it?

3 MR. TILLERY: Mr. Chairman?

4 MR. ROSIER: I don't have the April 28th letter in
5 front of me here.

6 MR. PENNOYER: (Aside comments -- simultaneous talking)
7 If it's in the April 28th letter, it could -- saying something like
8 "including issues of public access to purchased lands," eh,
9 highlighted, the -- an expression of your intent.

10 MR. ROSIER: Yeah, that -- that would perhaps work, but
11 I don't remember the wording out of the -- out of the -- we're
12 running down a copy of that letter at the present time. Jim, do
13 you have a copy of it handy there? Can you answer the question
14 that Steve has raised?

15 MR. PENNOYER: He's handed it to me, and I'm trying to
16 find it.

17 MS. WILLIAMS: Mr. Chairman?

18 MR. AYERS: Perhaps, I would suggest that -- eh, I
19 have some information. There was a lengthy (inaudible --
20 teleconference interference) -- with the Eyak president and with
21 the president of Sherstone on Friday at a board meeting of
22 shareholders. They have specific public access language and
23 provision in their comprehensive (inaudible -- teleconference
24 interference) that they're going to provide. (Inaudible --
25 teleconference interference) recommend that we add that -- would
26 either go in -- in paragraph 4 on page 4, page 6, or on both, that

1 simply states that it isn't the intention of the Trustee Council
2 (pause) (telephonic interference).

3 MR. PENNOYER: The April 28th letter does say "the
4 Council requests Eyak (inaudible -- teleconference interference)
5 public access to all lands and plus the fee title interest in the
6 United States" (inaudible -- teleconference interference) in more
7 detail. So, perhaps, we're reference the letter -- will be
8 sufficient (inaudible -- teleconference interference) final to
9 apply that particular issue.

10 UNIDENTIFIED VOICE: Fine.

11 MR. PENNOYER: In essence, take what we had in the April
12 28, 1994, letter and say in our April 28th letter, including the
13 (inaudible -- teleconference interference). Carl, you raised the
14 issue?

15 MR. ROSIER: Yes.

16 MR. PENNOYER: Probably.

17 MR. WOLFE: Mr. Chairman?

18 MR. PENNOYER: Yes.

19 MR. WOLFE: I make a motion we add sentence to
20 reference the access issue per the April 28th memo to emphasize our
21 continuing -- our public access on those areas where we do buy even
22 less than (inaudible -- teleconference interference).

23 MR. ROSIER: Jim, you're breaking up. I got the first
24 part of your motion there on that, but I couldn't hear -- I
25 couldn't hear your . . .

26 MR. WOLFE: I just elaborated on the April 28th memo.

1 MR. ROSIER: I see.

2 MR. TILLERY: Mr. Chairman?

3 MR. PENNOYER: Yes?

4 MR. TILLERY: Oh, okay. Sorry. We've been trying to
5 talk to you for a while. I guess our other speaker is not working.

6 MR. PENNOYER: Should we complete this issue? Do I have
7 a second on the motion?

8 MR. ROSIER: Second the motion.

9 MR. PENNOYER: Further discussion of adding a phrase at
10 the end -- in that last reference to (inaudible -- teleconference
11 interference) letter -- the similar statement as that letter
12 regarding the need for public access on lands (inaudible).

13 UNIDENTIFIED VOICE: I didn't know if Anchorage
14 wanted to talk about that issue or not. If they don't . . .

15 MR. PENNOYER: I'm asking, is there further comment on
16 this issue? Do you wish to comment on this?

17 MR. TILLERY: No.

18 MR. PENNOYER: Dr. Ayers?

19 MR. AYERS: I don't know -- you see, there have been
20 considerable discussions with the corporation about this issue.
21 (Inaudible -- teleconference inference) are going to add in that
22 (inaudible -- interference) paragraph, including the public access,
23 (interference) ask that we consider adding the (interference)
24 regulation by the landowner.

25 MR. PENNOYER: Yes. Mr. Wolfe.

26 MR. WOLFE: The April 28th memo has a statement to

1 that effect, and I would agree that we need to acknowledge the
2 provisions -- right to reasonably regulate their (interference).

3 MR. PENNOYER: Is that acceptable to the second? Carl?

4 MR. ROSIER: Yes, it is.

5 MR. PENNOYER: Further discussion of this one amendment?
6 Is there any (inaudible -- interference) to this one amendment?
7 Anchorage, you said you've been trying to talk for awhile
8 unsuccessfully, do you want to make some other statements now?

9 MR. TILLERY: Mr. Chairman, could you tell me what the
10 amendment is.

11 MR. PENNOYER: Yes, the amendment simply is in the last
12 (inaudible -- interference) of the resolution, where it says, says
13 in the final paragraph of sellers' letter of May 2nd in this
14 regard, prepared to move quickly to the more comprehensive approach
15 outlined in our letter of April 28th -- including the need to
16 address the granting of public access to all lands in which less
17 than fee title interests are acquired by the United States,
18 acknowledging Eyak Corporation's need to reasonably regulate uses
19 on its lands. There's a re-emphasis and/or added this part of --
20 re-emphasis of what Commissioner Sandor further added to the
21 earlier paragraph. It goes into the detailed (interference) and
22 then further emphasizes the need for public access. (Pause)
23 That's not a requirement of this resolution measure. This
24 indicates our interest in receiving a comprehensive package,
25 including to address public access.

26 MR. TILLERY: That's fine.

1 MR. PENNOYER: Craig, you said you were trying to get in
2 on some other items, do you have further amendments to offer?

3 MR. TILLERY: No.

4 MR. PENNOYER: Commissioner Sandor.

5 MR. SANDOR: In that same -- to -- amend the previous
6 sentence in the same section, the last paragraph of the resolution,
7 "the Council appreciates and endorses the views represented -- eh,
8 presented -- in the final paragraph of the sellers' letter of May
9 2nd." Reading that last paragraph, it reads literally that however
10 even if the Council does not accept this proposal and cutting Orca
11 Narrows occurs in 1994, we remain very interested in pursuing the
12 protection of all other Sherstone and Eyak lands on acceptable
13 terms. We wish you to know how much we appreciate your continued
14 interest in this process. As I said yesterday, the State's
15 interest is in, insofar as this acquisition of fee title and other
16 interests focused on the lands identified in -- in the April 28th
17 letter -- we are not, that is, the State is not, interested in
18 acquiring all Eyak lands. I've interpreted this to mean we remain
19 very interested in pursuing the protection of all other Sherstone-
20 Eyak lands on acceptable terms. I just want the record to reflect
21 that my interpretation of this is in the broadest sense to hope
22 that we can convey to -- to the Eyak and Sherstone that the state
23 . . .

24 MR. PENNOYER: It was in this one as well.

25 MR. SANDOR: . . . will supply its supply of timber
26 that would lead to reopening of the Seward mill or these other

1 things, but I want to be up front about the opposition of the
2 Department of Environmental Conservation that we will not support
3 a proposal to acquire moratorium rights on lands other than those
4 in the core -- in the April 28th letter. If there is some problem
5 with that, we ought to really discuss it.

6 MR. PENNOYER: I guess since the April 28th letter was so
7 general, I'm not sure exactly what you mean by that.

8 MR. SANDOR: Well, the April 28th letter says
9 specifically the -- that are interested in the core areas, the
10 biologically sensitive areas plus the Orca Narrows areas, and then
11 we say that there will be no commercial timber harvesting will
12 occur on corporation lands subsequent -- you know, in the memo
13 itself -- I just don't want a misunderstanding that -- that the
14 State of Alaska endorses the banning of timber harvesting on all
15 Eyak lands, and the two things that I cited in my April 29 letter,
16 and I've discussed this with the Office of Chief of Staff, is that
17 the State of Alaska, particularly after criticism of its Seal Bay
18 purchases and Kachemak purchases on the floor of the Alaska
19 Legislature and its insensitivity to the need for timber supply and
20 the need to harvest insect-killed timber and so on and so forth,
21 the State does not want to be associated with the advocacy of a ban
22 on all timber harvesting on Eyak lands.

23 MR. PENNOYER: So, you're disagreeing with the last
24 paragraph on page 2 of our letter then?

25 MR. SANDOR: No, I -- well, I'm just wanting to say
26 that -- if you literally read what's in the last -- the last

1 paragraph of the Johnson-Borer letter, it says "remain very
2 interested in pursuing the protection of all other Sherstone and
3 Eyak lands on acceptable terms." I don't have any problem with
4 that if you interpret it that that protection does not include, you
5 know, purchases of moratoriums on timber harvesting. So, I took it
6 in the broadest sense, but I don't want to -- to leave this fuzzy.

7 MS. WILLIAMS: Mr. Chairman, I think to eliminate Mr.
8 Sandor's concerns, we could cross out the words "and endorses" that
9 would -- if Mr. Sandor believes there's ambiguity in the last
10 paragraph, he may feel uncomfortable in endorsing that ambiguity,
11 and I think the last sentence or the second to the last sentence of
12 our resolution reads fine if we just say "the Council appreciates
13 the view presented in the final paragraph."

14 MR. SANDOR: I would move that. I thank you, Deborah,
15 really for clearing that up.

16 MS. WILLIAMS: Mr. Chairman, I would call for the
17 question.

18 MR. PENNOYER: Are there any further comments on the
19 amendments then, with that one alteration we agreed to? Is there
20 any objection to Commissioner Sandor's suggestion -- I didn't hear
21 it? Okay. Does anybody have further amendments to offer on this
22 resolution? And having called the question, is there any
23 objection to this resolution as amended? (No audible response)
24 The resolution will then be prepared and delivered forthwith to
25 Eyak Corporation within -- when?

26 MR. AYERS: As soon as we can get the redraft of the

1 resolution and get your signatures on it. We will advise them at
2 noon today . . .

3 MR. PENNOYER: Procedurally then . . .

4 MR. AYERS: The resolution . . .

5 MR. PENNOYER: Procedurally then, how do we want to
6 handle the response to that resolution, hold another meeting to
7 respond?

8 MR. AYERS: Mr. Chairman, I would recommend that you
9 recess and be prepared to respond again, but it's my understanding
10 that the signatories to the resolution provide the authority for
11 the United States Forest Service, which is the lead agency, and the
12 cooperating agency, which is the Department of Law, to cut a
13 purchase agreement with the owner, subject to this resolution, and
14 take that purchase agreement and then move forward with the actual
15 appraisal and back to you for the final authorization when all that
16 has been completed.

17 MR. PENNOYER: We would recess until that time then? Is
18 that what you mean?

19 MR. AYERS: I think, Mr. Chairman, that the reason --
20 Mr. Chairman, I would recommend a recess. If I think that we would
21 want to recess until that time, but it also very well may be that
22 the Eyak board will want to communicate with the Council . . .

23 MR. PENNOYER: That's . . .

24 MR. AYERS: . . . sooner than that . . .

25 MR. PENNOYER: . . . what I had in mind, in case there
26 was a further change . . .

1 MR. AYERS: Yes.

2 MR. PENNOYER: . . . that we hadn't anticipated. Okay.
3 Is there further business then for this meeting?

4 MS. WILLIAMS: Mr. Chairman, the only thing I would like
5 to point out is that I will be leaving for Albuquerque tomorrow, as
6 I think I've previously stated, and so I would very much like the
7 opportunity to sign this before I go. Mr. Ayers, do you need me?

8 MR. PENNOYER: Is George going to be available or
9 somebody then if we are left with a phone in Albuquerque . . .

10 MS. WILLIAMS: Yes, we can certainly talk from
11 Albuquerque, and, of course, my office will have the number at
12 which I can be reached. George will also be in Albuquerque, but I
13 was just going to ask Mr. Ayers if he thought the resolution would
14 be ready for signature today?

15 MR. AYERS: Yes, absolutely.

16 MS. WILLIAMS: Very good.

17 UNIDENTIFIED VOICE: The problem is getting it to
18 her.

19 MR. AYERS: Deborah, when -- excuse me, Mr. Chairman?

20 MR. PENNOYER: Yes.

21 MR. AYERS: Deborah, when will you be leaving?

22 MS. WILLIAMS: 9:00 a.m. tomorrow morning.

23 MR. AYERS: Eh . . .

24 MR. BRODERSON: I will be arriving in Anchorage, probably
25 about 8:15, perhaps we could meet at the airport between flights.

26 MS. WILLIAMS: Excellent. Let's plan on -- I'll be --

1 well, we can discuss details but . . .

2 (Simultaneous talking)

3 MR. AYERS: Mr. Chairman, Deborah, what I'd like to do
4 is get maybe you and Mark and Walt Sheridan together. Walt will be
5 up there tonight. We'll just figure out a schedule. We'll call
6 you later, Deborah.

7 MS. WILLIAMS: Very good, thank you.

8 MR. PENNOYER: Is there further business for this
9 meeting?

10 MR. AYERS: One thing, Mr. Chairman -- I know this
11 belabors it in some way -- I do want to thank people that continue
12 to wordsmith these things. This is a very difficult thing, and
13 people that Maria and the Department of Law and Craig and Walt and
14 Mark all do an excellent job, and it's no easy task using the
15 English language to construct an arrangement of this sort.

16 MR. PENNOYER: I don't think you're belaboring it. I
17 think we owe everybody a set of thanks who have worked on this, and
18 hopefully it is coming to the stage that we're actually going to
19 fly with this and . . .

20 MR. ROSIER: A very excellent piece of work in my view.

21 MS. WILLIAMS: Yes, I would like to chime in too. I
22 think the drafters did a splendid job.

23 MR. PENNOYER: Anything further? This meeting will be
24 recessed until it's called again. Thank you. All right?

25 MR. ROSIER: Thank you, Mr. Chairman.

26 (Off Record at 11:45 p.m.) (END OF PROCEEDINGS)

CERTIFICATE

STATE OF ALASKA)
) ss.
THIRD JUDICIAL DISTRICT)

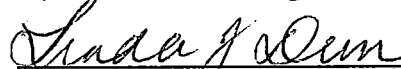
I, Linda J. Durr, a notary public in and for the State of Alaska and a Certified Professional Legal Secretary, do hereby certify:

That the foregoing pages numbered 36 through 54 contain a full, true, and correct transcript of the Exxon Valdez Oil Spill Settlement Trustees Council meeting taken electronically by me on the 3rd day of May, 1994, commencing at the hour of 11:00 a.m. at the Restoration Office, 645 G Street, Anchorage, Alaska;

That the transcript is a true and correct transcript requested to be transcribed and thereafter transcribed by me 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 9th day of May, 1994.



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

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