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# EXXON VALDEZ OIL SPILL TRUSTEE COUNCIL

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TRUSTEE COUNCIL MEETING VALDEZ OIL SPILL  
Tuesday, October 15, 1996  
2:00 o'clock p.m. TRUSTEE COUNCIL  
ADMINISTRATIVE RECORD

Fourth Floor Conference Room  
654 G Street  
Anchorage, Alaska

## TRUSTEE COUNCIL MEMBERS PRESENT:

U.S. DEPARTMENT OF AGRICULTURE - U.S. FOREST SERVICE	MR. JIM WOLFE (Chair) for MR. Phil Janik Regional Forester
STATE OF ALASKA - DEPARTMENT OF LAW:	MR. ALEX SWIDERSKI for Attorney General Bruce Botelho
STATE OF ALASKA - DEPARTMENT OF FISH AND GAME:	MR. ROB BOSWORTH for Commissioner Frank Rue
U.S. DEPARTMENT OF INTERIOR:	MS. DEBORAH WILLIAMS Special Assistant to the Assistant Secretary
U.S. DEPARTMENT OF COMMERCE - NMFS:	MR. BILL HINES for Mr. Steve Pennoyer Director, Alaska Region
STATE OF ALASKA - DEPARTMENT OF ENVIRONMENTAL CONSERVATION:	MS. MICHELE BROWN Commissioner

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1 **TRUSTEE COUNCIL STAFF PRESENT:**

2 MS. MOLLY McCAMMON

Executive Director  
EVOS Trustee Council

3 MR. ERIC MYERS  
4

Director of Operations  
EVOS Trustee Council

5 MS. TRACI CRAMER  
6 (Telephonically from Juneau)

Director of Administration  
EVOS Trustee Council

7 MS. REBECCA WILLIAMS

Executive Secretary  
EVOS Trustee Council

8 MS. SANDRA SCHUBERT

EVOS Staff

9 MR. BUD RICE

National Park Service

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P R O C E E D I N G S

1  
2 Tape 1 of 1

3 (On record)

4 CHAIRMAN WOLFE: Here for the Trustee Council  
5 we have Michele Martin (sic), (telephone cuts out) of the  
6 Environmental Conservation, we have Bill Hines National Marine  
7 Fishery, myself for the Forest Service, Deborah Williams we  
8 have on line for Department of Interior, do we not Deborah?

9 MS. D. WILLIAMS: That's correct, Jim.

10 CHAIRMAN WOLFE: Okay. And Alex Swiderski for  
11 Department of Law is also on line?

12 MS. D. WILLIAMS: That's correct.

13 MR. SWIDERSKI: That's correct.

14 CHAIRMAN WOLFE: Okay. I guess we'll call it  
15 order and, Molly, I guess, at this point maybe run briefly  
16 through the agenda and then -- maybe I should ask if there are  
17 any changes to the agenda that we'd like to make at this point  
18 in time? And what I'm hearing, Molly, is we can go ahead and  
19 add public hearing then immediately following the -- oh, okay,  
20 I see it now.

21 MS. McCAMMON: We should have public comment  
22 listed on the agenda.

23 CHAIRMAN WOLFE: Yeah. All right. Is  
24 everybody okay with the agenda then?

25 MS. D. WILLIAMS: I move to approve the agenda.

1 MR. SWIDERSKI: Second.

2 CHAIRMAN WOLFE: We have a second, so it's  
3 approved. Second was by Michele. All right. Well, the  
4 meeting notes from the August 29th meeting, has everyone had a  
5 chance to read through those and anybody have any comments or a  
6 motion?

7 MS. McCAMMON: I think we have to wait until we  
8 have a full quorum for that, Jim.

9 CHAIRMAN WOLFE: Okay. Let's come back to  
10 that. I would go into the -- Molly, let's go into the  
11 financial report then, if we could.

12 MS. McCAMMON: Well, for the financial report  
13 I'll just note that in the Council packet there is a statement  
14 as of August 31st with the balance in the liquidity account and  
15 also the balance in the restoration reserve. And if anyone has  
16 questions on those be sure to give me a call. And this was  
17 prior to the payment on September 1st from EXXON.

18 And then that goes to the next item on the agenda for  
19 public comment.

20 CHAIRMAN WOLFE: Okay. I guess we're ready for  
21 public comment. Who do we have on line? We have Homer, is  
22 that.....

23 MS. McCAMMON: We have Cordova and Seward.

24 MS. D. WILLIAMS: And Pam Brodie's on line,  
25 too.

1 MS. McCAMMON: And Pam Brodie in Homer.

2 CHAIRMAN WOLFE: Okay. So we got those three  
3 and is there any other area offices? Anchorage? Okay. We  
4 don't have any public here so why don't we start with Homer.  
5 Homer, who do we have on line there, Pam?

6 MS. BRODIE: She didn't wish to testify.

7 CHAIRMAN WOLFE: Okay. Very good. Is there  
8 anyone else?

9 (No audible response)

10 CHAIRMAN WOLFE: Okay. How about Cordova,  
11 anyone on line in Cordova that would like to testify?

12 MS. BIRD: This is Nancy Bird from the Prince  
13 William Sound Science Center. I just wanted to thank you for  
14 putting our item on your agenda and let you know that I'm here  
15 if you have any questions. Thank you very much.

16 CHAIRMAN WOLFE: Anyone else in Cordova that  
17 would like to testify or give comment?

18 MS. BIRD: No, there's no one else.

19 CHAIRMAN WOLFE: Someone on line at Seward that  
20 would like to testify?

21 UNIDENTIFIED VOICE: Yes, we do, a Mr. Mark  
22 Luttrell.

23 CHAIRMAN WOLFE: Mark Matrell (sic).

24 MR. LUTTRELL: Luttrell with an L.

25 CHAIRMAN WOLFE: Would you spell it, please?

1 MR. LUTTRELL: Yeah, sure. It's  
2 L-u-t-t-r-e-l-l.

3 CHAIRMAN WOLFE: Okay. Mark, go ahead.

4 MR. LUTTRELL: I just wanted to offer some  
5 support for a parcel in the Small Parcel program, it's KEN  
6 1015/Lowell Point and I would urge the Trustee Council to  
7 continue their good efforts on this. From what I know it's  
8 delayed just because of some disagreement on appraised value,  
9 but I would just urge you not to give up, it's very valuable to  
10 locals and folks from Eagle River, school groups, teachers. It  
11 would be very valuable to the state park, it would provide an  
12 access point to their Tontina and Kings Head Trails, also some  
13 place for interpretive information. And it would give a lot of  
14 class to that area, so a lot of people here support it and I  
15 hope you will to.

16 That's all I have.

17 CHAIRMAN WOLFE: Okay. Very good.

18 MS. McCAMMON: Mr. Chairman.

19 CHAIRMAN WOLFE: Yes.

20 MS. McCAMMON: This is Molly McCammon. For  
21 Mr. Luttrell's information, just to let him know, the state has  
22 reached agreement on that parcel. We had it originally listed  
23 as an item needing action by the Council, but the Council has  
24 already approved going forward with this parcel. An agreement  
25 has been reached, the next step in this process is to take it



1 to legislative Budget and Audit Committee for their  
2 authorization on November 7th. So at this point, from the  
3 Council's perspective, the project is a go.

4 MR. LUTTRELL: All right. I'm very happy to  
5 hear that, I'm very glad that my testimony is moot then.

6 MS. McCAMMON: Persuasive.

7 CHAIRMAN WOLFE: All right. Thank you very  
8 much. Do we have anyone else at Seward that would like to  
9 testify?

10 UNIDENTIFIED VOICE: No, not at this time.

11 CHAIRMAN WOLFE: Okay. Before we go to  
12 Anchorage, we now have Rob Bosworth (telephone cuts out) here  
13 (telephone cuts out) around the table with us at this point, so  
14 we do have a full quorum at this point. Rob, I believe you're  
15 at the table?

16 MR. BOSWORTH: In for.....

17 CHAIRMAN WOLFE: Frank.

18 MR. BOSWORTH: Yeah.

19 CHAIRMAN WOLFE: Okay. All right. Anyone in  
20 Anchorage that would like to testify?

21 MS. OBERMEYER: Mr. Groh, are you going to  
22 testify? No, sir. Theresa Obermeyer, Mr. Wolfe.....

23 CHAIRMAN WOLFE: There's no one there.....

24 MS. McCAMMON: Yes, we do have Theresa  
25 Obermeyer who would like to testify. We need to press that

1 button.

2 MS. OBERMEYER: It's Mr. Wolfe and he is  
3 representing Bruce Botelho?

4 MS. McCAMMON: He's representing Phil Janik  
5 with the Forest Service.

6 MS. OBERMEYER: Okay. How are you, sir?

7 CHAIRMAN WOLFE: (Telephone cuts out) thank  
8 you.

9 MS. OBERMEYER: I just am so pleased to see  
10 both of the Mr. Grohs in the audience. Mr. Groh, Senior and  
11 Mr. Groh, Junior. And, of course, I don't know, Mr. Wolfe, if  
12 you have seen the documents that I have given the Trustee  
13 Council about Ted Stevens' law license. Of course, I am very  
14 humble to announce that I am the Democratic nominee to the U.S.  
15 Senate. I could never have imagined and I don't want to take  
16 much of your time, but I want to say very clearly I have never  
17 chosen any of this, but finally when you know and you are  
18 positive, as I have been over a period of many years, you must  
19 go forward. And so, you know, I must say I envy you with your  
20 reasonable lives. I don't happen to have one, but I'm very  
21 challenged and, of course, I want to give for distribution what  
22 -- documents that I have written recently.

23 One is to the Democratic Senatorial Campaign Committee  
24 because all I've gotten in the state is Tony Knowles walking  
25 right by me and Fran Ulmer walking right by me when I've

1 actually been at parties with them. Not even tokenism. I  
2 mean, couldn't they at least say congratulations. You know,  
3 aren't we decent, aren't we even decent? No, we're not even  
4 decent, we're gross, but guess what, I'm going to have Tony  
5 Knowles' endorsement very soon now, that I'm sure of because  
6 I've gotten help from the National Democratic Senatorial  
7 Campaign Committee. And, of course, when I read a week ago  
8 yesterday, this was on October 7th, that two independent  
9 candidates have each gotten 27,000, I mean, those aren't small  
10 potatoes, from the Alaska Democratic Party and I haven't even  
11 gotten tokenism. I'm waiting for my check.

12 Now, of course, the other thing I wrote is titled "Is  
13 This a Dictatorship Under Senator Ted Stevens?", because the  
14 other thing I haven't gotten is even equal time at the Alaska  
15 Federation of Natives Convention that's going on Thursday,  
16 Friday and Saturday over here at the Egan Center. And, of  
17 course, I didn't mean to talk too long but, Mr. Wolfe, let me  
18 check, are you based in Juneau?

19 CHAIRMAN WOLFE: Yes, ma'am.

20 MS. OBERMEYER: I'm pretty sure I going to  
21 Juneau, and I don't have the exact date but I've been invited  
22 to go on a ferry, I think it's a week from this Saturday, and  
23 -- no, no, excuse me, it's this coming Saturday and I have to  
24 make plans. Do you think I should come, Mr. Wolfe?

25 CHAIRMAN WOLFE: Well, the weather doesn't look

1 too good right now, so.....

2 MS. OBERMEYER: Well, I'm still going to be  
3 there and it's at a shopping mall, the Nugget Mall, I'm pretty  
4 sure I'm going to be sitting there at my table on Saturday, I  
5 really haven't made my reservations yet. But did you have a  
6 question, sir?

7 CHAIRMAN WOLFE: I don't have any questions  
8 myself. Does any other members have a question?

9 MS. OBERMEYER: And let me make sure.  
10 Mr. Wolfe, you are an assistant attorney general?

11 CHAIRMAN WOLFE: I beg your pardon?

12 MS. OBERMEYER: Are you an assist -- no, wait a  
13 minute, you -- where are you out of, are you out of Juneau for  
14 the U.S. Department of Agriculture?

15 CHAIRMAN WOLFE: Yes, the Forest Service, yes,  
16 ma'am.

17 MS. OBERMEYER: Well, you know, just to  
18 mention, sir, and always politely, why is Senator Murkowski  
19 advocating about issues about Ketchikan Pulp Mill when he grew  
20 up in Ketchikan, he's owned a bank there. And let me ask you,  
21 Mr. Wolfe, can we ask him if he's making money off airing  
22 issues about Ketchikan Pulp Mill or are we not -- are we too  
23 intimidated by the U.S. Senator that works for us?

24 CHAIRMAN WOLFE: Well, I have no idea, but if  
25 you're finished with your comments, we'll.....

1 MS. OBERMEYER: I really am not. May I answer?  
2 You know, because my belief is -- and let me make sure that you  
3 were part of the group that wrote this management plan for the  
4 Tongass. Am I correct on that?

5 CHAIRMAN WOLFE: You may be correct but this  
6 has nothing to do with the oil spill. Did you have some  
7 comments for us on the oil spill?

8 MS. OBERMEYER: Sir, I believe this is public  
9 comment and I believe you work -- you work for Phil Janik?

10 CHAIRMAN WOLFE: Yes, ma'am, I do.

11 MS. OBERMEYER: Well, you know, not to belabor  
12 the point but I'm offended. I am offended by a congressional  
13 delegation that there is no independence of thought in -- and  
14 look at what has happened when I have asked Senator Murkowski  
15 and Congressman Young and, you know, of course I knew why Ted  
16 Stevens was prosecuting me. I asked these other members of the  
17 congressional delegation to simply get a fiscal note on how  
18 much this has cost in our tax money, I've never gotten an  
19 answer. Then I see Senator Murkowski airing issues about  
20 Ketchikan Pulp Mill, that to me is a conflict of interest.

21 CHAIRMAN WOLFE: Ms. Obermeyer, we try to limit  
22 comments to three minutes and.....

23 MS. OBERMEYER: Yes, why don't I conclude now.  
24 And I'm so glad that I've been able to have a chance to meet  
25 you over the public address system, although I don't think

1 we've met, have we, Mr. Wolfe?

2 CHAIRMAN WOLFE: No, ma'am.

3 MS. OBERMEYER: Well, I'm sorry for that and  
4 maybe you'll be at the Nugget Mall on Saturday when I arrive.  
5 Nice talking to you, sir.

6 CHAIRMAN WOLFE: Thank you. Is there anyone  
7 else in Anchorage that would like to have comment, Molly?

8 MS. McCAMMON: No, there's not, Mr. Wolfe.

9 MR. SWIDERSKI: No, I think there is actually,

10 MS. McCAMMON: Excuse me, what?

11 MR. SWIDERSKI: Mr. Oberts.

12 CHAIRMAN WOLFE: Thank you.

13 MR. OBERTS: I'm Neil Oberts from.....

14 MS. McCAMMON: Mr. Oberts, could you go to that  
15 microphone down there, please?

16 MR. OBERTS: Okay. All right.

17 MS. McCAMMON: Thank you.

18 CHAIRMAN WOLFE: Will you spell your last name?

19 MR. OBERTS: Yeah. Right here?

20 MS. McCAMMON: Yes, please. He's coming to the  
21 mic right now.

22 MR. OBERTS: Oberts, O-b-e-r-t-s, just like  
23 Roberts without the R.

24 CHAIRMAN WOLFE: Okay. Very good.

25 MR. OBERTS: Well, the reason I came down here

1 I thought that we were going to have the whole group of people  
2 here 'cause I brought various plats and that to be able to show  
3 what I was trying to talk about and to provide some information  
4 that you'll be able to visualize rather than just try and hear  
5 something over the -- well, whatever, whatever type of -- other  
6 than by voice. I've had a small stroke and my -- in the last  
7 coup -- year and a half, so that I have a little stroke -- I  
8 have a little trouble speaking sometime, most of the time I do  
9 all right.

10 But, anyway, I brought a whole series of things here  
11 that I probably should talk -- leave it with somebody here  
12 rather than to try to explain it all over the telephone, I mean  
13 over the -- well, it's the telephone call it -- yeah, it is the  
14 telephone, isn't it. Well, anyway, I have them here that I  
15 would like to present some of the material that I have, I have  
16 three parcels along the Kenai River that are highly important  
17 to me as well as to a lot of other people that have anything to  
18 do with the Kenai River at all, and that is that we are all  
19 trying to control and to provide a type of -- place in the  
20 Kenai River in an area that we can look to the future here that  
21 will remain with us in its present form.

22 This is what part of my information I have here today  
23 is the fact that I have a picture -- I have an aerial photo  
24 that was made in 1975 that shows the Kenai River prior to all  
25 of the damage that's been taking place and the area that I'm

1 concerned with, of course, is the Lower Kenai River from Big  
2 Eddy going on down to -- well, down to the river mouth. And  
3 it's completely different than what it -- the past is  
4 completely different than what it is today, and I tried to do  
5 the best I can to prepare the river for the -- for at least  
6 some help into the future.

7 I have some maga -- some pictures -- not pictures, some  
8 newspaper articles here that I happen to instigate here to try  
9 to protect the Kenai River. Now this is in 1983 and I have a  
10 whole series of them here plus pictures of myself showing --  
11 and some of the other people that were highly involved at that  
12 point in time to saving the river. Well, we've been trying to  
13 save it for years, at least a few of us that are left here,  
14 particularly since we are concerned about the lower river. And  
15 the articles that are in here are still -- they still say the  
16 same thing, we got to protect the river, well, it's 1983.  
17 What is it, it's how many years has it been now? Quite a few  
18 years and we're still looking at the very same things over and  
19 over and over.

20 Well, I'm at the point now where I want to sell the two  
21 parcels of property I have, Big Eddy and Honeymoon Cove for  
22 sure, the other parcel isn't all that important because I have  
23 pictures here to show that the lower area, that of the three  
24 parcels that are in -- that are being concerned with is that  
25 that it is not in that bad of shape as far as being in the



1 damage case. Honeymoon Cove is terrible, it's all tore up,  
2 you'll have to look at the appraisal's pictures -- set the  
3 appraisal up, the pictures, the pictures here to see just how  
4 bad it really is. And I would prefer to see you and others  
5 like this to really take a good serious look at looking at the  
6 three -- the two parcels in particular I have to say because  
7 it's going to be important to the future of the Kenai River  
8 that we have some real good concern with the future -- with it.

9 Well, anyway, the -- before I go any further what I  
10 really wanted to come up with is the fact that the -- that I  
11 pretty well have to make up my mind here, am I going to go  
12 ahead with the appraisal or not. I know that it's way -- well,  
13 I guess really, I should wait and maybe talk to someone else  
14 here a little more about it so that we can get into it. At  
15 least I've hit the main items that all of the information I  
16 have here is over a long period of time. That I'm at a point  
17 now where my -- everything's gone haywire the last few years  
18 for me, my wife's passed away, everything else has happened, so  
19 that I've got to do something here to hopefully do more than  
20 what's in these newspaper articles here trying to tell the  
21 general public, God damn, it's time to save this river over  
22 here and do it in the proper manner. I got all kinds of  
23 excellent ideas that were made in '83, they're all the same,  
24 they're still here and one thing about it I would prefer to see  
25 the property sold to you, but I also have other articles with

1 me here that show there have been a lot of other people that  
2 were interested in the purchase of it, primarily for a resort  
3 type facility.

4 And anyway, I'll let you folks go and hopefully I can  
5 get together with -- what's your name again? I can't think of  
6 it.

7 MR. SWIDERSKI: Alex Swiderski.

8 MR. OBERTS: Alex. Get with Alex again because  
9 I've bent his ear several times around here, but now I got some  
10 facts and -- I have facts here, I have facts that tell me  
11 what's been happening and that's -- so I'll get together with  
12 Alex over here and bend his ear some more and then he can pass  
13 it back on to you, basically what my ideas are here. And a lot  
14 of information I didn't have before when I spoke to him.

15 But that's about it then. I got it all with me, you're  
16 going to have to look at it.

17 CHAIRMAN WOLFE: Okay. Thank you, Mr. Oberts.  
18 I certainly (telephone cuts out) there's a need for those  
19 parcels and so you've given the information to the right person  
20 and maybe if they can get with you and then report back to us  
21 later. We appreciate it.

22 MR. SWIDERSKI: Mr. Chairman, this is Alex  
23 Swiderski and I just personally wanted to thank Mr. Oberts for  
24 coming today and I would be very eager to have further  
25 discussions with you and to look through these materials with

1 you.

2 CHAIRMAN WOLFE: Very good. Okay. Any other  
3 commenters in Anchorage? Okay.

4 MS. McCAMMON: No other public comments here.

5 CHAIRMAN WOLFE: Pardon, Molly.

6 MS. McCAMMON: There's no other public comment  
7 here.

8 CHAIRMAN WOLFE: Okay. I'll go back and check  
9 one more time then on the other sites. Homer, are there any  
10 one new there that would like to give public comment?

11 (No audible response)

12 CHAIRMAN WOLFE: Okay. Cordova, anyone new  
13 there that would like a chance for public comment?

14 MS. BIRD: No, there's no one else.

15 CHAIRMAN WOLFE: Okay. Then Seward, anyone  
16 like to make public comment before we close down public comment  
17 period?

18 UNIDENTIFIED VOICE: No. No, thank you.

19 CHAIRMAN WOLFE: Okay. Very good, I guess that  
20 should conclude then our public comment period. And we can go  
21 back now to the item dealing with the August 29 meeting notes.  
22 Can we have a motion on approval of the meeting notes for the  
23 August 29th Trustee Council meeting?

24 MS. D. WILLIAMS: So moved, Mr. Chairman.

25 CHAIRMAN WOLFE: And second. Second by

1 Brown, and so be it it's approved.

2 Moving on, we're now ready to go into executive session  
3 (telephone cuts out) ready to have discussions on habitat  
4 protection and then we will come back out and talk about small  
5 parcel habitat acquisition efforts. So can I have a motion to  
6 adjourn to executive session -- or how do we move to executive  
7 session?

8 MR. SWIDERSKI: Mr. Chairman, this is Alex  
9 Swiderski, maybe before we move to adjourn Molly McCammon can  
10 give some indication of how long we'll be in executive session  
11 because there are quite a few public members here in Anchorage.

12 MS. McCAMMON: Ah.....

13 MR. SWIDERSKI: Half an hour?

14 MS. McCAMMON: Half an hour, just an estimate.

15 CHAIRMAN WOLFE: Half hour, 45 minutes is  
16 probably about the most time that we can take at this point, so  
17 -- very good, okay.

18 MS. D. WILLIAMS: Mr. Chairman, I move that the  
19 Trustee Council go into executive session for purposes of  
20 discussing habitat acquisition and protection.

21 CHAIRMAN WOLFE: Okay. Anybody second?

22 (Unidentified second)

23 CHAIRMAN WOLFE: Okay. So it's moved and  
24 seconded and will then (telephone cut out) to executive  
25 session, so we need to.....

1 MS. McCAMMON: We need to hang up.

2 CHAIRMAN WOLFE: .....hang up all the phones  
3 and redo this phone call; is that right?

4 MS. McCAMMON: An operator will call you.

5 CHAIRMAN WOLFE: Okay. Very good.

6 (Off record - 2:32 p.m.)

7 (On record - 3:35 p.m.)

8 CHAIRMAN WOLFE: Okay. Barry and Ted.

9 UNIDENTIFIED VOICE: Yes.

10 CHAIRMAN WOLFE: How about Homer, are you on  
11 line?

12 MS. McCAMMON: They probably aren't so just go  
13 ahead, Jim.

14 CHAIRMAN WOLFE: Okay. All right. Well, we're  
15 back in session. We have an update. Molly, do you want to  
16 kind of give a run down of what transpired in that executive  
17 session or do you want me to kind of give a brief update?

18 MS. McCAMMON: I can do it, Mr. Chairman. The  
19 Council in executive session basically discussed some current  
20 issues regarding a number of the large parcel acquisitions that  
21 we're currently negotiating on, including Afognak, Tatitlek and  
22 Chenega.

23 CHAIRMAN WOLFE: And Eyak.

24 MS. McCAMMON: And Eyak.

25 CHAIRMAN WOLFE: Okay. All right.

1 MR. SWIDERSKI: We also discussed small  
2 parcels.

3 MS. McCAMMON: And we also discussed several  
4 small parcels also.

5 CHAIRMAN WOLFE: All right. I guess, anyone  
6 else like to add anything about the discussion? Okay. All  
7 right. We'll let's move on to the agenda item dealing with  
8 Habitat Acquisitions, Small Parcels. Molly, you want to kick  
9 us off on that.

10 MS. McCAMMON: Mr. Chairman, I think what we'll  
11 use is that spreadsheet that I sent around and use that as the  
12 working document. What you have before you is a recommendation  
13 to take action today on six parcels that have been appraised  
14 and those appraisals reviewed and approved by both the state  
15 and federal review appraisers. And so the recommendation is to  
16 seek the Council to authorize the appropriate agencies to go  
17 forward and make offers on these parcels.

18 These parcels include KEN 1049, the Mansholt parcel.  
19 This is a parcel of 1.64 acres on the Kenai River immediately  
20 adjacent to the Kobylarz parcel and to Mr. Oberts' parcel at  
21 Big Eddy. This is a parcel that's currently listed with a  
22 realtor, it's on the market now. It has not been in the small  
23 parcel system before this but the state is asking that this  
24 action be taken on this today because it is viewed as a lost  
25 opportunity if the Council does not take action. It would

1 greatly enhance the benefits of the Kobylarz parcel and if we  
2 are successful with Mr. Oberts in the future it would also have  
3 -- greatly extend protection on that area of the river.

4         The next section is the parcel for authorization to  
5 purchase would be KAP 103, the Kahutak parcel on Sitkalidak  
6 Strait; KAP 98, the Pestrikoff parcel on Sitkalidak Strait; KAP  
7 132, the Peterson parcel on Sitkalidak Strait; KAP 101, the  
8 Haakanson parcel on Sitkalidak Strait; and then KAP 131, the  
9 Matfay parcel on Kiliuda Bay. And I'm sure I butchered all of  
10 those names, so whoever I did please forgive me.

11         These parcels are all inholdings within the former Old  
12 Harbor Native Corporation lands that were recently purchased by  
13 the Trustee Council. They each provide key marine access to  
14 the surrounding lands that are now part of the Kodiak National  
15 Wildlife Refuge. The shorelines and near shore waters in the  
16 area are used for subsistence purposes primarily by the  
17 residents of Old Harbor. They harvest salmon, water fowl,  
18 shellfish, deer, berries and others on these lands. They're  
19 also cultural resource sites that probably exist on all of  
20 these properties, especially near the access beaches.

21         Kiliuda Bay, in particular, has notable wilderness  
22 qualities and the parcels are in their natural condition  
23 without permanent buildings or continuous human habitation.  
24 The harlequin ducks known to molt along the shoreline, the  
25 intertidal shoreline, of each of these parcels supports Pacific

1 herring spawning. There is also spawning pink salmon on these  
2 parcels.

3 And the recommendation is to go forward with the  
4 acquisition of these -- of the five Kodiak parcels and the one  
5 parcel on the Kenai.

6 In addition, there are four parcels that are before the  
7 Council today for proposed designation as parcels meriting  
8 special concern. This would enable the agencies to go forward  
9 with appraisals that would then be reviewed by the state and  
10 federal review appraisers. These four parcels were all rated  
11 low through the small parcel rating process, however, they each  
12 have some unique outstanding value that merits their going  
13 forward for action today.

14 The two parcels in Uyak Bay in particular are in highly  
15 desirable anchorages, they're heavily used by recreational  
16 users and by subsistence users in the area. They would both --  
17 they have both been approved -- appraised by the BIA and it is  
18 expected that they would be put out to BIA auction. It's  
19 anticipated that they would go very quickly on that market and  
20 for that reason Fish and Wildlife Service is requesting  
21 permission to go forward so they can acquire those two parcels.

22 The two parcels on the Kenai River are part of a  
23 Salamatof Corporation subdivision. This subdivision has a  
24 public access easement alongside the Kenai River, it gets heavy  
25 use during the sockeye season in July, such heavy use that is



1 resulted in extreme trampling of the bank. About the only way  
2 to control the damage to the bank right now is to close it to  
3 bank fishing or to public use during the sockeye season. Fish  
4 and Wildlife Service is proposing to acquire these two parcels  
5 to restore the banks on these two parcels, to provide public  
6 access there, to have boardwalks with controlled fishing access  
7 in that area. And in this way it would make it easier to close  
8 the other areas off to stream bank fishing and to concentrate  
9 public use on these two parcels.

10 Fish and Wildlife Service has flood restoration monies  
11 from FEMA as a result of last year's flood. In order to commit  
12 those funds they need to have the parcels acquired and for that  
13 reason they're asking authority to go forward now with the  
14 appraisal. And pending review and approval of those appraisals  
15 come back to the Council at a later point.

16 And I don't know if Glenn Elison wanted to add anything  
17 further on any of these parcels.

18 MR. ELISON: I don't believe so Madam Chairman  
19 -- or Molly, I think you've captured the issue very well.

20 MS. D. WILLIAMS: Mr. Chairman, I would move  
21 that the Trustee Council authorize to purchase the six parcels  
22 that Ms. McCammon just listed, specifically KEN 1049, KAP 103,  
23 KAP 98, KAP 132, KAP 101, and KAP 131, and that the Commission  
24 further -- or the Council further designate as parcels meriting  
25 special consideration the four parcels that Ms. McCammon just

1 described, specifically KAP 114, KAP 1055, KEN 1051 and KEN  
2 1052.

3 MS. BROWN: Second.

4 CHAIRMAN WOLFE: That was second, Michele  
5 Brown. Any discussion?

6 MS. D. WILLIAMS: Mr. Chairman, if I could just  
7 underscore, I think, the tremendous opportunity that these  
8 small parcels provide to our restoration program. The Council  
9 has known in Kodiak that to supplement our large parcel  
10 acquisitions we needed to purchase certain small parcels to  
11 maximize our restoration efforts and these small parcels on  
12 Kodiak are essential to our restoration efforts on Kodiak. And  
13 I think all of us know from our many experiences how important  
14 it is in protecting the Kenai River to purchase these parcels  
15 on the river both to protect them from development and also in  
16 the case of KEN 1051 and KEN 1052 to provide reasonable, well  
17 defined, well developed outlets for fishing pressure. So I  
18 strongly encourage the Council to take the actions before us  
19 today and I think we can be very proud once we've done so.

20 CHAIRMAN WOLFE: Deborah, I do have one  
21 question. The -- just designation as parcels meriting special  
22 attention, wouldn't necessarily give you approval to go ahead  
23 and acquire them, if I understood it right, KAP 114 and KAP  
24 1055 may be in jeopardy of being sold. Did I miss.....

25 MS. D. WILLIAMS: No, that's correct,

1 Mr. Chairman. What we're seeking at this time is the  
2 authorization to do appraisals, we will come back to the  
3 Council once we have those approved appraisals to seek  
4 purchase.

5 CHAIRMAN WOLFE: Okay. Very good. Further  
6 questions?

7 MR. SWIDERSKI: Mr. Chairman, this Alex  
8 Swiderski. Do we know the timing of the proposed BIA auction  
9 on those two parcels?

10 MR. SHUCK: It can happen any time.

11 MS. McCAMMON: Could you identify yourself,  
12 Steve?

13 MR. SHUCK: This is Steve Shuck, Fish and  
14 Wildlife Service. As soon as the BIA completes the appraisals  
15 it is at the sellers' or the land owners' motion to go ahead  
16 with public auction. It is a public closed bid advertised  
17 through the media.

18 MR. SWIDERSKI: And have any of those steps  
19 been taken?

20 MR. SHUCK: The appraisals are complete, the  
21 owners have indicated that they want to sell but they are  
22 giving us the first chance to make the offers to them.

23 CHAIRMAN WOLFE: Well, let me -- does that mean  
24 (telephone cut out) chance to make an offer before it went to  
25 the auction block?

1 MR. SHUCK: Yes, that is correct.

2 MS. D. WILLIAMS: If we proceed expeditiously.

3 CHAIRMAN WOLFE: And so I guess that means we  
4 have to be in a position to have a Council meeting to approve  
5 that on very short notice, then, is what I hear you saying.  
6 And so you're saying it could be within the next week to 10  
7 days?

8 MS. McCAMMON: Well these appraisals, first of  
9 all, need to be reviewed and approved by the state review  
10 appraiser and the federal review appraiser.

11 CHAIRMAN WOLFE: And is that not already in the  
12 process? For some reason I had the impression that it had been  
13 appraised but not approved yet.

14 MR. SHUCK: The Abston property has received  
15 Fish and Wildlife Service review but has not been transmitted  
16 to the other federal or state reviewers. We have not see any  
17 of the Johnson appraisal work for any of the reviewers yet.

18 CHAIRMAN WOLFE: Okay.

19 MR. SWIDERSKI: Mr. Chairman, I also have a  
20 question about the Salamatof parcels. Has -- the Council has  
21 consistently required a conservation easement on these small  
22 parcels that limits development and use of the parcels and I  
23 heard Glenn Elison talking about the use of these FEMA monies  
24 and I wanted to be sure that we're clear that nobody was  
25 contemplating using them in a way that would violate the

1 conservation easement that the Council has required in the  
2 past.

3 MR. ELISON: Mr. Chairman.....

4 CHAIRMAN WOLFE: Actually I think the Salamatof  
5 has the -- the properties have a 25 foot easement which they  
6 couldn't really do anything other than stabilization work if I  
7 understand right. Isn't that -- Glenn, isn't that right?

8 MR. ELISON: That's correct, Mr. Chairman,  
9 there is an existing 25 foot easement for public access on the  
10 two Salamatof properties identified. To speak directly to  
11 Mr. Swiderski's question, I think that in the course of  
12 reviewing and considering any offer the Council may choose to  
13 authorize, at the same time we will want to look at that  
14 easement to ensure that the proposed use of the money for Kenai  
15 River restoration is, in fact, consistent with the easement.  
16 If it's not, deliberate and potentially make exception for  
17 these two properties. Because the intent at this point is to  
18 provide for enhanced public access to protect these banks on  
19 these two individual properties as well as relieve damaging  
20 pressure elsewhere along the river. So we'll need to look  
21 closely at how that interacts with the easement that we had up  
22 to this point used.

23 MS. D. WILLIAMS: And so, Glenn, I can take it  
24 you commit to talk with Alex and Fish and Game about this  
25 before it comes back to the Council?

1 MR. ELISON: Certainly, and at that point  
2 we'll.....

3 CHAIRMAN WOLFE: Any further questions?

4 (No audible responses)

5 CHAIRMAN WOLFE: All in favor?

6 IN UNISON: Aye.

7 CHAIRMAN WOLFE: I think the ayes are -- is  
8 anyone opposed?

9 (No audible responses)

10 CHAIRMAN WOLFE: Okay. Well, it's approved.  
11 And I guess.....

12 MS. McCAMMON: Mr. Chairman.

13 CHAIRMAN WOLFE: Yes.

14 MS. McCAMMON: We have one other item on the  
15 agenda for possible consideration today.

16 CHAIRMAN WOLFE: Prince William Sound.

17 MS. McCAMMON: That's Project 97151, the Prince  
18 William Sound Science Center.

19 CHAIRMAN WOLFE: Okay.

20 MS. McCAMMON: At the August 29th meeting the  
21 Council asked for further information concerning this proposal.  
22 Based on our discussion with Council we did develop -- I had  
23 staff develop a working list of issues and seek additional  
24 information from the Science Center. You do have a copy of  
25 that in your packet, as well as a copy of the original proposal

1 and the original budget. We did have our legal counsel review  
2 this information and discuss with our individual trustees what  
3 possible action might be considered. And at this point I do  
4 have before you all the additional information that we were  
5 able to provide at this time.

6 MS. D. WILLIAMS: Mr. Chairman.

7 CHAIRMAN WOLFE: Yes, Ms. Williams.

8 MS. D. WILLIAMS: I have a question, I think  
9 for Molly, although if anyone else knows the answer to it they  
10 can jump in. With respect the OSRI appropriation, the federal  
11 OSRI appropriation, do we know if that's just going to be year  
12 to year or is there some mechanism that ensures that they will  
13 get it for more than a year to year -- on a year to year  
14 budgeting basis?

15 MS. McCAMMON: Mr. Chairman, the language that  
16 was adopted in the Coast Guard Authorization Bill allows OSRI  
17 to use the interest from the 23 million dollars from the TAPLF  
18 Fund and they would get -- it's my understanding they would get  
19 that on a year to year basis. I'm not sure if Nancy Bird with  
20 the Science Center is on the line now or not.

21 MS. D. WILLIAMS: And Nancy -- yeah, she was.

22 MS. McCAMMON: She was on the line, I'm not  
23 sure. But it was my understanding they were getting that on a  
24 year to year basis, and it would be for 10 years.

25 MS. D. WILLIAMS: But my question being does

1 Congress have to reauthorize that every year do we know? Does  
2 it have to be proactively auth.....

3 MS. McCAMMON: Yeah.

4 MS. D. WILLIAMS: Nancy, are you on the phone?

5 MS. BIRD: Yes, I am on the phone.

6 MS. D. WILLIAMS: Does Congress have to  
7 proactively reauthorize that money every year or is there some  
8 mechanism that guarantees it?

9 MS. BIRD: No, they do not have to reauthorize  
10 that according to the terms of the Coast Guard Reauthorization  
11 Bill. It's the intent and our understanding is the way the  
12 language reads right now that that appropriation has been made,  
13 it's not part of the annual appropriation process, it will come  
14 through the Oil Spill Liability Trust Fund that is run by the  
15 Coast Guard.

16 CHAIRMAN WOLFE: It's my understanding with  
17 discussion with Bill Hines that state -- the authorization was  
18 for the interest off this money for a period of 10 years and  
19 then the money goes back into the TAPLF Fund, so that would  
20 indicate to me that it doesn't have to go back for any approval  
21 process.

22 MS. D. WILLIAMS: Okay.

23 CHAIRMAN WOLFE: Any other questions? Bill  
24 Hines.

25 MR. HINES: Mr. Chairman, Ms. McCammon



1 mentioned did mention that they referred this for a legal  
2 opinion and do we have a reading on that? Do we have a legal  
3 opinion on this particular issue?

4 MS. McCAMMON: Mr. Chairman, I think the  
5 questions that were raised, the major question that was raised  
6 in our discussion was whether there was a sufficient link to  
7 restoration with this proposal and if the primary justification  
8 for going ahead with the expansion of the facility is to  
9 consolidate personnel into one building to facilitate improved  
10 science. From that perspective alone there are a number of  
11 projects that the Council is already funding of a very large  
12 magnitude that are divided not only between different buildings  
13 in the same city or town, but also between different cities and  
14 towns in the entire state. So I think there were a lot of  
15 questions about justifying this proposal on that basis alone.

16 In addition, we looked at the cost benefit ratio in  
17 terms of the additional office space that is being paid for by  
18 the Science Center now amounts to about 1,000 to \$1,500.00  
19 extra a month. If you were to amortize that over the number of  
20 years to get to \$500,000.00 you could certainly pay for the  
21 additional office space for up to 20 or 30 years, depending on  
22 the cost of the office space. So it was difficult to justify  
23 it on that basis either. It seems like the only possible  
24 justification for going forward with this from our discussion  
25 with the attorneys might possible be -- and certainly I don't

1 think this was necessarily a unanimous view, might possible be  
2 from the perspective that one of the missions of the Oil Spill  
3 Recovery Institute is to provide long term environmental  
4 monitoring of Prince William Sound. And certainly this ties in  
5 with the longer term mission of the Trustee Council in order to  
6 ensure the long term recovery of the Sound from the oil spill.

7 And so there was some discussion about if there was a  
8 commitment from OSRI of some kind to doing some form of long  
9 term environmental monitoring that that certainly was a more  
10 definite restoration purpose to the entire project proposal.  
11 When we looked at what the Science Center is now doing for the  
12 Trustee Council, the SEA Project is on the downswing of its  
13 funding, it's a six year project, I think we're entering the  
14 fourth year now and it is declining over time. I know the  
15 Science Center will be coming forward in the future with some  
16 additional herring work, but at this time that hasn't been  
17 reviewed by the chief scientist or any of the peer reviewers,  
18 we don't know what that might -- how extensive that might be or  
19 if the Council will go forward on that.

20 CHAIRMAN WOLFE: Michele.

21 MS. BROWN: Molly, was there any response to  
22 the question that we were provided to the Science Center to the  
23 question of the long term commitment for monitoring?

24 MS. McCAMMON: All the information that we have  
25 is included in the letter from Gary Thomas, and they did

1 respond to that in number 3. It was not a specific commitment  
2 but just saying that it compliments the Trustee Council  
3 restoration mission and programs.

4 MS. BIRD: Can I offer an additional response  
5 to that at this point? This is Nancy in Cordova.

6 CHAIRMAN WOLFE: Go ahead.

7 MS. BIRD: I just would point out that I don't  
8 think the Science Center could respond to that on behalf of the  
9 Oil Spill Recovery Institute's Advisory Board, it would be -- I  
10 mean, sort of arrogant of us to say that that's what that  
11 advisory board will choose to focus its activities on. That  
12 board is yet to be reappointed and once that board has been  
13 reappointed and met that kind of assurance could be asked of  
14 that board.

15 MS. D. WILLIAMS: Nancy, what do you think the  
16 time frame for the reappointment of the OSRI Advisory Board  
17 will be?

18 MS. BIRD: Well, we're waiting for assurance  
19 that the President has signed the bill, the last time I checked  
20 with the White House it was the top bill he was looking at.  
21 There's no reason to think he won't sign it, but we can't  
22 really go forward with soliciting nominations until that  
23 happens, but we're ready to solicit the nominations and get the  
24 Governor to make the appointments necessary as soon as that  
25 happens and hope to have the first board meeting within two to

1 three months.

2 MR. SWIDERSKI: Mr. Chairman.

3 CHAIRMAN WOLFE: Alex.

4 MR. SWIDERSKI: I would think we need either  
5 that kind of assurance or some other assurance that there was  
6 going to be ongoing work that would benefit restoration. And  
7 also that tied this expenditure to it, I mean, that somehow  
8 indicated that they needed the addition that they're proposing  
9 in order to do things beyond doing work that benefit a  
10 restoration. And I think right now we probably don't have  
11 either one.

12 CHAIRMAN WOLFE: I -- it was my feeling that  
13 that's what we were trying to work our way towards with the  
14 questions that went to Gary Thomas, but it sounds like we need  
15 to do some additional work at this point.

16 It sounds like, Molly, that you also understand that at  
17 this point and I'm assuming that, maybe I'm wrongly assuming,  
18 but we'll continue to pursue trying to resolve that  
19 relationship and see if they flesh out if there is some  
20 opportunity there that links with the spill restoration in the  
21 long time -- long term recovery monitoring that we could move  
22 to some kind of an agreement with the Center to do and if the  
23 fit with and required this kind of expenditure for housing then  
24 maybe we could then sort out how much of it would be justified  
25 by oil spill money. To me that's kind of what I see us

1 continuing to do is to work with the Center to see what we can  
2 work out. And I guess my question is, do you see that as kind  
3 of where you're headed at this point or do we need some further  
4 action at this point?

5 MS. McCAMMON: Mr. Chairman, I guess just based  
6 on this discussion what I would do -- propose doing is just  
7 continue our work with the Science Center and see if we could  
8 flesh out some further expansion on our earlier discussion on  
9 what the Science Center in the future might be doing in terms  
10 of a restoration mission.

11 CHAIRMAN WOLFE: Okay. That's good. And I saw  
12 Bill Hines nodding his head that he was agreeable to working  
13 with you also long with Dave Gibbons, and Michele is blinking,  
14 but anyway, we would be happy to help do whatever we can to  
15 help with that, so call on us if we can be of assistance.

16 MS. McCAMMON: Okay.

17 MR. SWIDERSKI: Mr. Chairman, the Department of  
18 Law was also nodding its head.

19 CHAIRMAN WOLFE: Good. Okay. Does that kind  
20 of closes that project and that agenda item and the agenda for  
21 the day?

22 MS. D. WILLIAMS: I move to adjourn, Mr. Chair.

23 CHAIRMAN WOLFE: Do we.....

24 MR. HINES: Second it.

25 CHAIRMAN WOLFE: Do we want to adjourn or do we

1 want to recess if we're going to move with Tatitlek on short  
2 notice, or these project or small parcels on short notice? I  
3 just -- I'm not looking (telephone cut out) because I'm doing  
4 this for Phil, who will be here next time, I was concerned.....

5 MR. SWIDERSKI: Mr. Chairman, I think your  
6 instinct that we may want to recess is a good one, and that  
7 would be my recommendation.

8 MS. D. WILLIAMS: I will take that as a  
9 friendly amendment.

10 CHAIRMAN WOLFE: Okay. So the motion is to  
11 recess, do we have a second?

12 MR. SWIDERSKI: Second.

13 CHAIRMAN WOLFE: So we will recess until --  
14 Molly, you let us know when we need to move -- or get back  
15 together on Tatitlek or the small parcels.

16 MS. McCAMMON: That's correct, Mr. Chairman.

17 CHAIRMAN WOLFE: Very good.

18 MS. D. WILLIAMS: Now we can all say, ciao.  
19 Ciao to Molly.

20 (Meeting recessed - 4:03 p.m.)

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C E R T I F I C A T E

UNITED STATES OF AMERICA                   )  
  ) ss.  
STATE OF ALASKA                            )

I, Joseph P. Kolasinski, Notary Public in and for the State of Alaska and Owner of Computer Matrix do hereby certify:

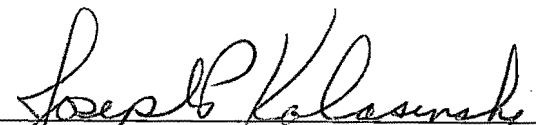
THAT the foregoing pages numbered 4 through 37 contain a full, true and correct transcript of the Exxon Valdez Oil Spill Trustee Council's Meeting recorded electronically by me on the 16th day of October 1996 and thereafter transcribed by me to the best of my knowledge and ability.

THAT the Transcript has been prepared at the request of:

EXXON VALDEZ TRUSTEE COUNCIL, 645 G Street,  
Anchorage, Alaska 99501;

DATED at Anchorage, Alaska this 23rd day of October 1996.

SIGNED AND CERTIFIED TO BY:

  
\_\_\_\_\_  
Joseph P. Kolasinski  
Notary Public in and for Alaska  
My Commission Expires: 04/17/00

