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EXXON VALDEZ OIL SPILL TRUSTEE COUNCIL

TRUSTEE COUNCIL MEETING
Friday, December 6, 1996
10:00 o'clock a.m.

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EXXON VALDEZ OIL SPILL
TRUSTEE COUNCIL
ADMINISTRATIVE RECORD
Federal Building
709 West 9th Street, Room 445C
Juneau, Alaska

TRUSTEE COUNCIL MEMBERS PRESENT:

STATE OF ALASKA -
DEPARTMENT OF LAW:

MR. CRAIG TILLERY (Chair)
Trustee Representative
for the Attorney General
Bruce Botelho

STATE OF ALASKA - DEPARTMENT
OF FISH AND GAME:

MS. JANET KOWALSKI
for Frank Rue
Commissioner

U.S. DEPARTMENT OF INTERIOR:
(Telephonically from Anchorage)

MS. DEBORAH WILLIAMS
Special Assistant to the
Assistant Secretary
George T. Frampton

U.S. DEPARTMENT OF AGRICULTURE -
U.S. FOREST SERVICE

MR. JIM WOLFE
for Phil Janik
Regional Forester

U.S. DEPARTMENT OF COMMERCE - NMFS:

MR. BILL HINES
for Steve Pennoyer
Director, Alaska Region

STATE OF ALASKA - DEPARTMENT
OF ENVIRONMENTAL CONSERVATION:

MS. MICHELE BROWN
Commissioner
MR. AL EWING

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1	TRUSTEE COUNCIL STAFF PRESENT:	
2	MS. MOLLY McCAMMON	Executive Director EVOS Trustee Council
3		
4	MR. ERIC MYERS	Director of Operations EVOS Trustee Council
5	MS. TRACI CRAMER	Director of Administration EVOS Trustee Council
6		
7	MS. REBECCA WILLIAMS	Executive Secretary EVOS Trustee Council
8	MS. VERONICA CHRISTMAN (Telephonically from Anchorage)	EVOS Staff
9		
10	DR. BOB SPIES (Telephonically from California)	Chief Scientist
11	MR. STAN SENNER	Science Coordinator
12	MR. DAVE GIBBONS	U.S. Forest Service
13	MR. BYRON MORRIS	U.S. Forest Service
14	MS. MARIA LISOWSKI	U.S. Forest Service
15	MR. BARRY ROTH	Attorney-Advisor Conservation & Wildlife Division Department of the Solicitor
16		
17	MS. TAMI YOCKEY	EVOS Staff
18	(Telephonically from Anchorage)	
19	MS. GINA BELT	
20	(Telephonically from Anchorage)	
21		
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P R O C E E D I N G S

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2 Tape 1 of 3

3 (On record - 10:00 a.m.)

4 CHAIRMAN TILLERY: This is the December 6th,
5 1996 meeting, continuation meeting of the Exxon Valdez Trustee
6 Council. We are, most of us, located in Juneau, Alaska.
7 Present are Craig Tillery from Department of Law, I'll be
8 serving as the Chair at this meeting because there's going to
9 be a little turmoil and turnover in the Forest Service
10 representation through the meeting, as I understand it. Bill
11 Hines with NOAA, Janet Kowalski with Fish and Game, Michele
12 Brown with the Department of Environmental Conservation, Jim
13 Wolfe with the Forest Service and Deborah Williams is on line
14 in Anchorage with the Department of Interior.

15 Deborah, are you there?

16 MS. D. WILLIAMS: Yes, I am, Chairman.

17 CHAIRMAN TILLERY: Okay. The first order of
18 business is approval of the agenda. Is there a motion or any
19 amendments to the proposed agenda?

20 MS. D. WILLIAMS: So moved.

21 MS. BROWN: Second.

22 CHAIRMAN TILLERY: Are there amendments?

23 MS. McCAMMON: Mr. Chairman, yes, there is a
24 new agenda with a time of 9:17 a.m. this morning and that is
25 the agenda before everyone now.

1 CHAIRMAN TILLERY: Okay.

2 MS. McCAMMON: And there are some changes to it
3 from the one that was out earlier.

4 CHAIRMAN TILLERY: Okay. Are there any
5 objections to the agenda, the 9/17 draft? Hearing none, the
6 agenda is approved.

7 Next the Trustee Council meeting notes from the
8 November 8th meeting; is there a motion?

9 MS. D. WILLIAMS: So moved.

10 MR. HINES: Second.

11 CHAIRMAN TILLERY: Moved and seconded by Bill
12 Hines. Is there any discussion? Is there any objection to
13 approval of the November 8th meeting notes? Hearing none,
14 those meeting notes are approved.

15 The next item on the agenda would be the Public
16 Advisory Group report. I don't know if Vern is in Anchorage
17 or.....

18 MS. McCAMMON: Mr. Chairman, the Public
19 Advisory Group Chair, Vern McCorkle, was not able to be here
20 this morning and he asked if I would just relay a summary of
21 his report for you.

22 CHAIRMAN TILLERY: Please, go ahead.

23 MS. McCAMMON: In your packet you have a copy
24 of a report on field trip for the Public Advisory Group that
25 went to Homer, Port Graham, Seldovia, Nanwalek and -- actually

1 we didn't go to Nanwalek, September 18th through 19th and kind
2 of a summary of the meetings that were held there and some of
3 the comments that were received by members of the public. In
4 addition, I believe you should have had passed out to you a
5 summary of a briefing that was held on December 3rd with the
6 Public Advisory Group. There were 11 members of the PAG that
7 were able to attend this. Since this was not noticed in the
8 Federal Register this was not a formal meeting and they were
9 not able to take formal action.

10 But the summary here is basically a summary of kind of
11 the thinking or consensus or just some of the thoughts of
12 individual PAG members at that briefing session and we wanted
13 to make sure that you had the benefit of that as we go through
14 the various items on the agenda today, in particular some of
15 their thinking on the deferred project for FY97, the
16 traditional ecological knowledge protocols, data ownership.
17 There was substantial discussion on the archeological
18 repository invitation, the restoration reserve planning. And I
19 can bring these up individually as we go through the various
20 items. Might be more preferable.

21 CHAIRMAN TILLERY: Okay. Is that it for the
22 report?

23 MS. McCAMMON: Yes.

24 CHAIRMAN TILLERY: Okay. The next item of
25 business will the Executive Director's Report. Ms. McCammon.

1 MS. McCAMMON: Mr. Chairman, also in your
2 packet are a number of items for your information. There is a
3 monthly financial statement as of October 31st. In addition,
4 there's a quarterly statement as of September 30th, 1996
5 reflecting the status of the various Trustee accounts. There
6 are a number of items, also, I wanted to bring to your
7 attention. You also should have had distributed to you a copy
8 of the Restoration Office tentative meeting schedule, which
9 looks like this, and it's an agenda of all the various review
10 sessions that are scheduled for this winter. This includes the
11 annual workshop in January, the SEA modeling review session,
12 there's an ecological modeling workshop, the review of the near
13 shore vertebrate predator project, a review of the sea herring
14 project, APEX review and a harlequin duck review.

15 These are all scheduled for January and February,
16 they're part of our ongoing adaptive management process of
17 reviewing projects, especially the three major ecosystem
18 projects. And these are intended to do any fine tuning or
19 modification in advance of the spring and summer field seasons.

20 And you're more than welcome at any time, these are
21 open to the public if anyone wants to attend these or if you'd
22 like more information or a detailed agenda on these, I'd be
23 happy to provide them to you.

24 In addition we've been busy working on getting ready
25 for the workshop in January. Do we have copies of the agenda?

1 MS. R. WILLIAMS: Yes.

2 MS. McCAMMON: We have copies of the draft
3 agenda, this is scheduled to go from January 23rd to the 25th.
4 I think one of the highlights this year will be our keynote
5 speaker who is Dr. Kai Lee, Director for the Center for
6 Environmental Studies in Williams College, he's very well known
7 in the area of sustainable economical development, adaptive
8 management. He was extensively involved in power development
9 issues in the Pacific Northwest in salmon issues. He is one of
10 the leaders, I think, in ecosystem management and I think it's
11 a real honor actually that -- to have him at that workshop.

12 The theme at this year's workshop is addressing
13 ecosystem management and taking an ecosystem approach to
14 research. And there's several panels that will be addressing
15 that throughout the session. In addition, we have kind of a
16 new feature this year that we're doing as an experiment and on
17 Saturday afternoon we're putting together a session that's
18 specifically geared towards the public and this will be a two
19 to three hour session, Saturday afternoon, on the 25th, that
20 will be covering kind of overall the Restoration Program, we'll
21 have some presentations from a number of the researchers, not
22 just focusing on the results of their research projects but
23 also talking about how they do their work. For example, how do
24 researchers find marbled murrelets. And they will be there
25 with full climbing gear and demonstrating how they actually do

1 it. We'll probably have some of the harlequin duck researchers
2 who use kayaks to round up harlequin ducks and then use them
3 for vari -- do some of the tests that way. And we're hoping to
4 gear it towards kids, general public and extensively advertise
5 it, so it'll be kind of an experiment as to what kind of a
6 response from the public we get on that.

7 There's also a number of areas that the Trustees are
8 welcomed to participate or give a presentation, if any of you
9 would like to talk at the general public session. And also we
10 have at the very beginning of the session, on Thursday, January
11 23rd, we have a commitment already from Phil Janik to speak on
12 behalf of the Federal Trustees, but we don't have a commitment
13 from the State Trustees yet, so if anyone -- if this fits into
14 your schedule we would appreciate having that participation.

15 In addition, we're continuing our work on preparation
16 for the 10th anniversary in 1999. Extensive work has already
17 been done, we have the spaced booked at the Egan Convention
18 Center, we're sharing it with the dog show in 1999.

19 UNIDENTIFIED VOICE: With the pony show?

20 MS. McCAMMON: Not the pony show, just the dog
21 show. And after extensive discussions, kind of internally what
22 most of the staff and committee are looking at, instead of
23 having a scientific symposium and then publishing the results
24 in a proceedings book a year to two years after the workshop --
25 the symposium is held, we've talked about actually getting

1 synthesized papers put together in advance of the actual
2 workshop, the actual symposium itself, and having those
3 published in book form and released at the same time as the
4 workshop. So it would be available March of 1999 also.

5 In order to pull this off it means we have to start
6 putting out a call for papers, probably this spring, getting
7 the abstract back, getting them through the peer review
8 process, so it's going to be a lot of work to pull this
9 together since it's only about just a little over two years
10 away. But a lot of time and effort has already gone into this
11 and I really thank all of the staff people who are putting a
12 lot of work into this, but I think we're well underway in terms
13 of planning.

14 The big question seems to be how you -- a major
15 interest of the public is on the response and prevention side
16 and we have been coordinating things with the Prince William
17 Sound Regional Citizens Advisory Council and others and there
18 will be some aspects of that issue, too. And how extensive
19 that is, I think, is still a little bit up in the air.

20 In addition to those workshops you'll also see in your
21 packet a copy of the research bibliography that the Oil Spill
22 Public Information Center and Stan Senner have put together.
23 This is in draft form and we consider this kind of a dynamic
24 document. As more papers get into the peer-reviewed literature
25 this will get revised and we'll keep an updated copy at the

1 Restoration Office in Anchorage. The current version includes
2 163 citations. You can see by topic there's a preponderance of
3 marine mammal papers, a lot of this is because of the marine
4 mammal proceedings book that was published recently, in the
5 last year and a half or so. And, by type, 69 percent of the
6 articles were symposium proceedings, 28 percent appeared in the
7 open journals and three percent were others, such as these. I
8 think over time this will change and there will be more
9 articles appearing on the state of oil on birds, on fish, and
10 more of these will be appearing in the open journals, so I
11 think those percentages will change dramatically in the next
12 year.

13 But this gives you an idea that a lot of the work that
14 the Council has sponsored is now starting to find its way into
15 the scientific journals and it's something we're strongly
16 encouraging and the principal investigators have been very
17 responsive.

18 MR. HINES: Mr. Chairman.

19 CHAIRMAN TILLERY: Yes, Mr. Hines.

20 MR. HINES: Just a quick question about this
21 extensive bibliography. Are we doing anything on the Internet
22 or anything like that? Or to increase exposure of these
23 projects and results?

24 MS. McCAMMON: This bibliography will end up on
25 the Internet on our web page. It isn't there right at the

1 moment but it will be within the next few months, yes.

2 Also in your packet you will find a copy of a report on
3 the status of crab and shrimp. This was done at the request of
4 the Council. During a number of trips that we held last year
5 in Kodiak, in particular, we heard from a number of community
6 residents asking for the status of crab and shrimp and what had
7 been learned during Trustee Council sponsored research and why
8 wasn't the Council doing more on these two resources. And as a
9 result of hearing of that interest I did ask Stan Senner and
10 Bob Spies to compile the existing information on oil spill
11 impacts and the current status of restoration research and
12 management activities. That is all included in this memo. We
13 do intend to take this memo and then put it into a one or two
14 page, more easily understandable document and distribute it to
15 the general public.

16 I think the -- kind of the key to sum up what is
17 included in here is that there was very little -- there was
18 work done early on, on both crab and shrimp, but it was very
19 difficult to find any significant oil spill impacts on those
20 two species. Not much is known about the biology and
21 population dynamics of these two resources, and as a result it
22 would be hard to develop specific restoration or enhancement
23 type activities without knowing a lot of the basic biology of
24 these resources.

25 One thing that is clear is that one of the projects

1 that the Council has funded in the past through the APEX
2 Project is summarizing all of the various trial surveys that
3 are done both by National Marine Fishery Service and Fish and
4 Game and these have proven to be very effective in showing long
5 term trends of these resources. In fact, it shows very
6 dramatically that in around 1979-1980 there was a dramatic
7 decline of both shrimp and crab. This also is about the same
8 time as there was a two-degree increase in ocean temperature.
9 Whether the two are directly connected is hard to tell, but
10 there does seem to be a major environmental change occurring at
11 that same time. So I think in order to see kind of what the
12 long term trends are it's important to encourage that these
13 trial surveys continue to go forward.

14 And Stan is here if there are any other questions about
15 this particular report.

16 CHAIRMAN TILLERY: Are there any questions
17 about the crab and shrimp?

18 MS. McCAMMON: Mr. Chairman, one other item
19 that's also in here is regarding the NRDA reports. There is a
20 memo on this. At the last Council meeting, I believe, it might
21 have been the one before that, you asked staff to put together
22 information on the status reports for the Natural Resource
23 Damage Assessment Studies and also a recommendation on what it
24 would take to complete a final report on each of these studies.

25 Staff did look through all of those reports, there were

1 75 studies funded in 1989, 1990 and 1991. All but 22 have a
2 final report or are near completion in having a final report.
3 And those final reports are tracked within our Project Status
4 Summary and they are in our quarterly report system. Of the 22
5 reports of projects that don't have a final report, all but
6 four of these have a draft report that is on file at OSPIC as
7 well as 19 other libraries around the state and in Washington,
8 D.C. and they're accessible through the Western Library
9 Network.

10 There apparently was a decision in 1992 not to provide
11 funding for final reports on these projects, most of them
12 appear to be on topics that it was determined not worthwhile to
13 continue further study at that time. After looking through
14 these studies, staff recommended that four options be
15 considered. One would be to require that a final report be
16 prepared on each of these 22 studies, this would involve
17 identifying someone to take on the responsibility of completing
18 the report and in many cases the original PIs have long
19 departed and are no longer part of the EVOS process. Funds
20 would be needed to pay for the PI's time for peer review and
21 for printing and copying of the final report.

22 The second option would be to bring the existing graph
23 reports into our current system, put a cover on them, have a
24 disclaimer that they have not been peer reviewed. This raises
25 some questions also about having not complete consistency in

1 terms of the quality and thoroughness of these reports, some
2 contain confidential information or perhaps include scientific
3 conclusions that would not be -- kind of make it through the
4 peer review process.

5 The third option is just to maintain the status quo,
6 just keep the existing draft report available to the public
7 where they are, although they wouldn't be into our actual
8 project reporting system.

9 And the fourth option, which is the one that we
10 recommend, is a combination of the above. And what we
11 recommend is that we have a committee made up of Stan Senner,
12 Bob Spies and the relevant liaison for each study and actually
13 look at each individual study, see what some of the issues are
14 regarding that study and determine whether it's worthwhile to
15 actually get a final report on it. What we'd like to do is to
16 have staff do that in the next couple of months, see what the
17 cost is to bring some closure to these 22 reports and then come
18 back to you if there is a request for additional funds.

19 CHAIRMAN TILLERY: Is this.....

20 MS. D. WILLIAMS: Mr. Chairman.

21 CHAIRMAN TILLERY: Ms. Williams.

22 MS. D. WILLIAMS: I move that the Council adopt
23 option four with simply the proviso that we ask that
24 Ms. McCammon report back to us on the status of each study and
25 the recommendations on each study within six months.

1 CHAIRMAN TILLERY: Is there a second.

2 MS. BROWN: Second.

3 CHAIRMAN TILLERY: There is a second,
4 Ms. Brown. Mr. Hines, do you have a -- is there other comment?

5 MR. HINES: No.

6 CHAIRMAN TILLERY: Any questions? Is there any
7 objection to the motion? Hearing no objection, the motion
8 passes as described by Ms. Williams.

9 MS. McCAMMON: Also wanted to mention at this
10 time, Mr. Chairman, there have been a number of questions to me
11 from various Trustees and other agency folks about the status
12 of the Chenega Oiling Project and I did want to report that
13 we've had extensive discussions with staff on this, there have
14 been a number of issues raised on this project. There is
15 currently a NEPA process underway with an environmental
16 assessment and we have outlined a schedule for completing the
17 environmental assessment and addressing some of the questions
18 and issues that have been raised. And, if through that
19 process, it's determined that there is significant impact as a
20 result of this project that would trigger going to a full
21 environmental impact statement. At this time we can't really
22 decide if that's what will happen but I did want to report that
23 that assessment is underway and if anyone has questions on
24 that, either the project leader, Dianne Munson, at the
25 Department of Environmental Conservation or Ken Holbrook with

1 the Forest Service who is leading the NEPA review would be
2 responding to those.

3 MS. D. WILLIAMS: Mr. Chairman.

4 CHAIRMAN TILLERY: Ms. Williams.

5 MS. D. WILLIAMS: I do have a few questions
6 about this issue. First of all, Ms. McCammon, it may be in the
7 folder and I may not have seen it, what is the proposed time
8 frame for the environmental assessment at this time?

9 MS. McCAMMON: At this point it's expected that
10 a final decision would be made in either mid to late April on
11 that. They're currently going through some preliminary
12 scoping, contacting other interested public members and letting
13 them know about the project and getting public comment on that.
14 The actual environmental assessment would probably go out for
15 public review and comment around mid-January or February 1st.
16 It goes out for 30-day comment period and then those comments
17 have to be responded to, then following agency review we would
18 expect some kind of a decision some time in April, mid to late
19 April, possibly sooner. At this point the project -- under the
20 current time frame, the project is expected to start May 1st,
21 so it's a very tight time line.

22 MS. D. WILLIAMS: One option that seems to be
23 getting a lot of comment lately is, given some concerns about
24 PES-51 would be to do a test beach this summer and have some of
25 the concerns about PES-51 scrutinized in the context of a test

1 beach. Molly, do you know if that's one of the things that DEC
2 and Forest Service are looking at in the environmental
3 assessment?

4 MS. McCAMMON: Mr. Chairman, at this point what
5 they do in the environmental assessment is identify all of the
6 issues and certainly the impact of use of -- the potential use
7 of PES-51 is a definite issue. And I think it depends on what
8 kind of information and questions are raised about it and
9 whether those can be adequately addressed. If there's a
10 feeling that those have been adequately addressed for the full
11 project then I would expect the full project would go forward,
12 but it would -- it kind of depends on what comes out through
13 the review process.

14 MS. D. WILLIAMS: And, Mr. Chairman, the last
15 thing I did want to emphasize was that it sounds as if it's
16 built in, but I think it is really important to have the local
17 residents fully understand some of the potential issues here
18 because we certainly don't want to either surprise or dismay
19 anyone with whatever protocol we end up using, so what kind of
20 -- is there going to be quite active public outreach to Chenega
21 and the surrounding communities about the protocols that are
22 being looked at, Molly?

23 MS. McCAMMON: That's correct. A summary of
24 the project and some of the issues raised by the project will
25 be going out, I believe, next week hopefully or by December

1 15th to a fairly extensive mailing list that would include all
2 of the communities in Prince William Sound. It would include
3 things like the Fish and Game Advisory Committees, the
4 hatcheries, city councils, village councils, it's a fairly
5 extensive community type group. And we do have staff putting
6 together that mailing list and if your agency or any others
7 have some suggestions on any others to be added to that mailing
8 list if you'll just get them to our office we'll make sure
9 they're on it.

10 MS. D. WILLIAMS: And do you think there'll be
11 public hearings?

12 MS. McCAMMON: Under the process I don't
13 believe there is a formal public hearing.

14 MS. D. WILLIAMS: Okay.

15 MS. McCAMMON: In addition, as part of the NEPA
16 process, the residual oiling workshop that was held by the
17 Council more than a year ago also is included as part of the
18 original public involvement and public outreach and there was
19 extensive public participation, especially from the community
20 of Chenega at that time.

21 MS. D. WILLIAMS: All right. I think everyone
22 on the call appreciates that the focus right now is on PES-51
23 and we just want to make sure that people either feel
24 comfortable or if they feel uncomfortable with the use of that
25 substance that they have the opportunity to express it and that

1 we come up with a protocol that advances restoration in both
2 the short and long term by this activity.

3 CHAIRMAN TILLERY: Mr. Wolfe, did you have a
4 comment about that process from the Forest Service perspective?

5 MR. WOLFE: Yeah, I'll go ahead and comment.
6 We could deal with some kind of a prototype testing as an
7 alternative in the EA or EIS, whatever it turns out to be, if
8 that's the desire of the Council, that could be just treated as
9 an alternative approach. Although it's best to let that fall
10 out as a recommendation based on all the scoping and other
11 process that they go through normally. And the same thing goes
12 for a public hearing, we can set up a public hearing if we see
13 that there's enough interest and concern about it. I think
14 that would trigger one so, Deborah, I guess we, too, share your
15 interests for making sure that everybody is on board with the
16 use of the chemicals proposed because we don't want to create
17 more problems by doing the clean up than we're leaving on the
18 ground already out there. So that's.....

19 MS. D. WILLIAMS: Thank you, Jim.

20 MR. WOLFE: Okay.

21 CHAIRMAN TILLERY: Is there any further
22 discussion on the Chenega Oiling Project? Okay. Ms. McCammon.

23 MS. McCAMMON: Under administrative issues,
24 Mr. Chairman, I did want to report that we have not received a
25 final opinion back from Judge Holland regarding a refund of the

1 court registry investment system fees. The judge has asked the
2 court system for additional information and given them a
3 response deadline of December 10th, so hopefully we'll get a
4 final response from the judge within the next month or so.

5 Under habitat protection I would like to report on the
6 status of a number of activities under that area. You do have
7 in your packet under habitat protection the current status
8 reports. Under large parcels I would like to report the
9 results of the shareholder vote by Chenega Corporation on the
10 Chenega acquisition. And it was approved by the shareholders
11 by 81.5 percent of the shareholders and two-thirds vote
12 approval was required for this to go forward and it was an 81
13 percent vote, so we're very pleased with the results of that
14 vote. That acquisition, all of the documents are now back in
15 Washington, D.C. awaiting final Department of Justice approval.
16 Once that is received then we can do the final details and go
17 to closing sometime in January.

18 On Tatitlek, we do have scheduled later in the day
19 action on an amendment to the Tatitlek resolution that was
20 adopted in August. This would deal with the final agreement
21 between Tatitlek and Citifor and also result in the addition of
22 a timber only conservation easement for Sunny Bay. That
23 amendment is still pending final signatures on the agreement
24 between Citifor and Tatitlek where we've gotten all but one,
25 we're expecting the last signature sometime this morning. So

1 we'll have that later today.

2 On the appraisal for Afognak Joint Venture, this is
3 going forward now, the draft appraisal is a little bit behind
4 schedule, however, it's expected that the final appraisal will
5 be close to being on time which is in late December. And we're
6 hoping to have a -- depending on comments back from the
7 landowner we're hoping to have a final appraisal sometime in
8 January on that.

9 I also wanted to call your attention, and you should
10 have a copy of this document, of a letter to Walt Ebell from
11 Craig Tillery and Barry Roth and this is regarding a request
12 for a hydroelectric project on Old -- formerly Old Harbor
13 Native Corporation fee lands that were purchased by the United
14 States. And Craig is here.....

15 MS. R. WILLIAMS: It was handed out this
16 morning.

17 MS. McCAMMON: It was handed out this morning,
18 so it's not in your packet.

19 MS. D. WILLIAMS: Mr. Chairman, do we have that
20 here in Anchorage, do you know?

21 MS. R. WILLIAMS: Yes.

22 MS. McCAMMON: You should.

23 CHAIRMAN TILLERY: Can you locate it?

24 MS. D. WILLIAMS: We'll try.

25 CHAIRMAN TILLERY: The project -- the proposal

1 by Old Harbor is to do a hydroelectric project in a stream that
2 comes down essentially through the village, I believe, between
3 the old and new villages. And it would move water from one
4 stream into a different drainage and would generate
5 hydroelectric power and it would replace oil -- for the most
6 part, oil burning, I believe it's oil burning generators right
7 now. There are currently some studies being conducted to
8 determine the impacts on natural resources and other potential
9 impacts.

10 The problem that has come up with this is this is on
11 fee land that has been purchased by the Trustee Council under
12 the terms of the purchase that that use of the land would not
13 be permissible. Had it been on the conservation easement lands
14 it would have been because of the way the easement was drafted
15 with the concurrence of the refuge manager. But because it's
16 on fee lands it's not permissible and there's no way in which
17 it sort of can be done through those terms by any kind of
18 review or anything like that. So the proposal would be to
19 amend the -- I guess it would be to amend the deeds in this
20 instance to permit this particular project.

21 That is what is contemplated and would be legally
22 permissible the way we have structured these acquisitions
23 because each of the -- when -- the Trustee Council does not
24 acquire these lands, the Trustee Council gives money to
25 government agencies to acquire them and after that, subject to

1 the terms of the deeds or the conservation easements, those
2 agencies manage the lands. However, there is nothing that
3 would prohibit those agencies from changing the terms under
4 which that land had been taken. However, the Department -- and
5 the State of Alaska and Department of Interior are sort of the
6 relevant agencies to this and it was our view and certainly has
7 been discussed, I believe, with other Trustees that even though
8 the Trustee Council doesn't have a role, a legal role, in
9 making such changes that it should have a role at least as long
10 as the Trustee Council is in existence.

11 Therefore, a response was sent back to the proponents
12 of this project indicating that any modification would first
13 have to be considered by the Trustee Council and concurred in
14 by the Trustee Council so long as it does remain in existence.
15 Again, it's not a legal requirement but it's one that at least
16 these agencies, the State and Department of Interior, would
17 intend to abide by.

18 Any questions about this process.

19 MR. WOLFE: You know, Mr. Chairman, this
20 puzzles me a little bit because I thought the intent was that
21 we were putting these properties basically into a protective --
22 or status in perpetuity subject to the conditions of the
23 purchase agreement. And a change from that, I didn't think the
24 agency had the authority to go away from that unless we all
25 agreed or some provision was made to allow for that.

1 CHAIRMAN TILLERY: No, legally the agencies --
2 the governments can't change those agreements, they are the
3 parties in interest on those agreement, they are the signators
4 (sic) to those agreements.

5 MR. WOLFE: Okay.

6 CHAIRMAN TILLERY: They can just make the
7 changes but as sort of as a matter of comedy it would seem
8 appropriate, as long as the Trustee -- and you would want it
9 that way because the Trustee Council will not be in existence
10 forever.....

11 MR. WOLFE: I understand that.

12 CHAIRMAN TILLERY:and therefore -- and
13 things will change and you will want to be able to adapt those
14 so for that reason we built -- as many protections as possible
15 have been built in into each of these. There are covenants in
16 the deeds that would restrict activities, there are
17 conservation easements given to the other government, there are
18 covenants that run to the land -- the original landowner, so
19 there's about as many protections as we can do, but when
20 everybody agrees that it would be appropriate to make a
21 change.....

22 MR. WOLFE: Okay. No problem.

23 CHAIRMAN TILLERY:then that is what this
24 process is all about.

25 MR. WOLFE: Okay. And I guess my question

1 then, my follow-up question to that would be that we do have
2 the other protective covenants in place, do we not? Is there
3 not a conservation easement to the other government back in
4 this case?

5 CHAIRMAN TILLERY: That is correct.

6 MR. WOLFE: And so if the owning agency or the
7 managing agency decided to do something in this case without
8 concurrence from the other involved, at least the other
9 government, it would trigger that conservation easement, would
10 it not?

11 CHAIRMAN TILLERY: That's correct.

12 MR. WOLFE: Okay.

13 MR. ROTH: Mr. Chairman.

14 CHAIRMAN TILLERY: Mr. Roth.

15 MR. ROTH: Yes, it would take the consent, in
16 this case, of the other government for its easement, it would
17 also take the consent of the grantor, in this case Old Harbor
18 Native Corporation, would all have to agree it's appropriate.
19 I also want to clarify that the Old Harbor that's proposing the
20 project, the hydroelectric project, is not the Native
21 corporation from whom we brought the land, it's the municipal
22 entity of Old Harbor, so it's not that Old Harbor came to us
23 themselves -- they came to us, their council approached us but
24 it was in the context of the village not in context of the
25 corporation that we dealt with, so it's a slightly different

1 entity, but we can only reform the deeds with the consent of
2 both governments and the grantor there. And at this point this
3 is primarily information because neither the State nor the
4 Federal agencies who are looking -- who are doing the studies
5 and looking at the results of those studies yet, without the
6 results can even make a recommendation whether it would be
7 environmentally favorable to do this.

8 CHAIRMAN TILLERY: Mr. Hines.

9 MR. HINES: Mr. Chairman, the letter does
10 mention that there's a necessity to undertake certain studies
11 to determine the potential impacts on fish, wildlife and the
12 habitat, when do you anticipate or when -- do we have an idea
13 of when these studies will be concluded?

14 CHAIRMAN TILLERY: Janet, you're the.....

15 MS. KOWALSKI: No, not really at this point,
16 it's just too early in the process to be able to give an
17 definitive answer.

18 MR. HINES: So what next in the process?

19 CHAIRMAN TILLERY: My understanding is that
20 these studies are ongoing and they are being done right now and
21 I don't know when they will be completed though. The next
22 step, as I understand the process, is that there will be -- the
23 studies will be completed and then they will go to the various
24 agencies essentially to get their views and decision of whether
25 it's appropriate and then it'll come back. As I understand it

1 it would come back to the governments, the governments would
2 sort of make a decision, they would look to the Council for
3 concurrence and if all worked, then we would reform the deeds
4 and the conservation easement as required.

5 Mr. Roth.

6 MR. ROTH: Mr. Chairman, except since the -- we
7 would -- assuming it was denied, we would only do that
8 reformation after the FDRC license was granted and incorporated
9 the necessary terms and conditions or safeguards that was felt,
10 so it would be some time before, my guess is, that the end
11 result of reformation could be before the Council and I would
12 expect the earliest the studies would be completed this coming
13 field season, but again like ADF&G, I don't have any particular
14 knowledge of the exact status at this point.

15 CHAIRMAN TILLERY: Are there any further
16 questions about the Old Harbor Project? Ms. McCammon.

17 MS. McCAMMON: Thank you, Mr. Chairman, in the
18 small parcel portion of the Habitat Protection Program there
19 are two parcels that have had appraisals reviewed and approved
20 that will be before you for possible action today, and we can
21 talk about those later on the agenda, but they're Prince
22 William Sound 11, Horseshoe Bay and KAP 114, which is the
23 Johnson parcel on Kodiak Island.

24 In addition staff have been doing some of the
25 preliminary work to respond to your request for a longer term

1 proposal for the Small Parcel Program. We would expect to have
2 that ready to present to the Council in either late January or
3 early February. And that would include also a plan for
4 additional work on the Kenai River.

5 The next item in my report is the invitation for
6 Archaeology Project proposals and in your packet you have a
7 memo that summarizes the results of our planning effort and
8 gives a proposed schedule for further review and a time line on
9 that. We took this memo and time line to both the Public
10 Advisory Group and to a meeting of the community facilitators
11 on Wednesday and both groups strongly advise to extend the
12 review period, include meeting in the eight communities and
13 follow a different time line than what we had originally
14 proposed. Both groups believe that this was a very important
15 topic that deserved extensive deliberation and they were
16 concerned that the original time line I proposed was too tight.
17 And so passed out to you today you should see two additional
18 documents, one with the revised time line and one with a
19 proposed budget for the cost of the public outreach, additional
20 public outreach on this issue.

21 But just to summarize this, and I would like to have a
22 little bit of discussion from the Council on this, in FY96 the
23 Council approved Project 96154, to develop a comprehensive
24 community plan for restoring archaeological resources in Prince
25 William Sound and lower Cook Inlet, including strategies for

1 storing and displaying artifacts at appropriate facilities
2 within the spill area. We do have that final report now and I
3 believe you all received copies of it in your packet, it has a
4 green cover on it, Comprehensive Community Plan. And there are
5 two parts, two key parts of that report. Part one which is
6 pages 70 to 100 describes and evaluates eight alternatives for
7 storing and displaying artifacts in the project area. And part
8 two, pages 13 to 20 estimate the cost of each alternative.

9 I do have Veronica Christman, who is at the Anchorage
10 office, who has been extensively involved with this and if you
11 would like I could have Veronica kind of walk through, briefly,
12 the eight alternatives that were discussed and then we could
13 have a little bit of discussion about the proposed schedule and
14 the proposed budget.

15 CHAIRMAN TILLERY: Is this the wish of the
16 Council? Why don't you proceed.

17 MS. McCAMMON: Okay. Veronica, are you there?

18 MS. CHRISTMAN: Yes, I am.

19 MS. McCAMMON: If you could briefly describe
20 the purpose of the planning project and then a little bit about
21 the eight alternatives.

22 MS. CHRISTMAN: The purpose of the planning
23 project was to address community interest in having a role in
24 restoring archaeological resources within Prince William Sound
25 and the lower Cook Inlet. And, of course, the reason for

1 addressing those two regions, and not Kodiak, is that I believe
2 in 1993 the Council assumed funding for the Alutiiq
3 Archaeological Repository with the understanding that that
4 would provide for community involvement in restoration of
5 archaeological resources in Kodiak. So we then focused on
6 Prince William Sound and lower Cook Inlet and we approved the
7 Project 96154 and the Forest Service contracted with the
8 Chugach Development Corporation to develop that project.

9 And as a result of the work that's been done over the
10 past year we -- the Chugach Development Corporation produced
11 the green covered reports that you all have. And the focus of
12 that report was to look at all aspects of community initiatives
13 addressing restoration of archaeological resources. And they
14 developed eight alternatives and these are the alternatives
15 that need to be further discussed. And each time we discuss
16 them, as Molly said, with the Public Advisory Group and the
17 community facilitators we pretty quickly come up with a few
18 more alternatives, so this is definitely an item that requires
19 more deliberation. And the alternatives that were developed do
20 focus on different ways of storing artifacts and displaying
21 them.

22 And one of the things we did require in the contract is
23 to have a complete inventory of artifacts so we're able to
24 document how many artifacts there are, where they currently are
25 located, a description of all of them and I think that was a

1 major accomplishment, none of us knew the answer to that before
2 this project was done. We also asked and have received
3 information on those communities most closely associated with
4 these artifacts.

5 And the eight alternatives that are described in your
6 memo are -- the first two address constructing local
7 repositories, and the idea there would be that the artifacts
8 would be returned to the community in those two areas, Prince
9 William Sound and lower Cook Inlet. The first alternative
10 would consist of constructing eight repositories, one in each
11 of the communities within the study area. And the second
12 alternative would consist of constructing local repositories in
13 the three communities most closely associated with the
14 artifacts in question. And those are Chenega Bay, Port Graham
15 and Nanwalek, and those are the three communities, of course,
16 that were in the path of the spill trajectory. And then part
17 of alternative two is to have display facilities, that is an
18 area to display artifacts in the other communities, but not to
19 have repositories in the other communities.

20 And then the third alternative is the status quo, as I
21 recall, which is to leave the artifacts exactly where they are.
22 One of the interesting aspects of this study was that whereas
23 we had gone into this project thinking that all of the
24 artifacts were stored at the University of Alaska Museum, in
25 fact, the University of Alaska Museum has a very small

1 proportion of the artifacts, most of the artifacts are still in
2 either Forest Service offices, both in Anchorage, also in
3 Juneau, the National Park Service has (phone cut out) for some
4 of these artifacts they're still being studied and analyzed and
5 the decision has yet to be made as to where to store them. So
6 the status quo is actually not very stable. That is,
7 eventually these artifacts will need to have a permanent home.

8 The fourth alternative is to continue -- or is to use
9 the University of Alaska Museum in Fairbanks as the repository
10 for spill-related artifacts from the Chugach region. This
11 fourth alternative would be at no cost to the Trustee Council.
12 It has a benefit of consolidating all of the collections
13 related to the oil spill in one place which, of course,
14 provides even access by researchers (phone cuts out) scholars,
15 but the down side of having that -- them stored outside of the
16 spill area.

17 The fifth alternative is to use one or two existing
18 museums in the project area. That might be the Pratt Museum in
19 Homer, Valdez Museum in Valdez, Cordova Museum. There's a
20 museum in Seward, Resurrection Bay Historical Society, I
21 believe is the name, and there's also the Tatitlek Museum. At
22 present none of those museums is really capable of serving as a
23 repository, so if any of those museums are considered for the
24 final resting place, so to speak, of these artifacts they would
25 require some kind of upgrading. I may add that one aspect of

1 this is that although museums that are mentioned have expressed
2 some interest in serving this function, one consideration is
3 that at least up to this point none of those museums have had a
4 very active program in terms of Native cultures and this is a
5 factor of some importance, however, that is an alternative.

6 The sixth is the one or two new facilities in the study
7 area, and the one that was submitted last year is the Chenega
8 repository proposal and that's a fairly large facility that
9 proposed. One of the things we did ask for on this study is to
10 estimate (phone cut out) that would be required to store the
11 artifacts and, in fact, the store -- only for storage it's
12 actually quite small, about hundred and (phone cut out) square
13 feet, plus additional space would be needed for work space and
14 curation (sic).

15 Alternative seven is use of the Alutiiq Cultural Center
16 Kodiak for the storage of artifacts from the Chugach region.
17 And we also both (phone cut out) received a proposal to do just
18 that and the price tag was approximately a half a million
19 dollars. While this alternative has a number of advantages, et
20 cetera, the artifacts would, in fact, be within the spill area,
21 what we still need to discuss is the chance of the community in
22 the Chugach region for having the artifacts associated with
23 their communities in the Alutiiq Museum. However, that is an
24 option and a modification of an existing restoration project.

25 And then the final alternative that is addressed is

1 that of developing a traveling exhibit. We call it a traveling
2 exhibit but it actually may be one or two displays of artifacts
3 that would include some interpretive material. Most of the
4 artifacts we're talking about are lithics or rocks that do
5 require suitable interpretation for the idea of this eighth
6 alternative. But some organizations that could be
7 (indiscernible - cough) the University of Alaska Museum, there
8 are a number of groups who come for arctic studies. The Alaska
9 Native Heritage Center, anyone of those groups might be able to
10 develop interpretative displays. And my understanding is they
11 could be put into glass cases (phone cut out) and displayed in
12 the communities to be used by school groups, et cetera.

13 And another aspect of this is the possibly of making
14 short term loans to villages. And this last alternative could,
15 of course, be explored in conjunction with any of the other
16 alternatives that address repositories. And so what we have
17 are eight alternatives. Quite frankly when we discussed this,
18 additional suggestions, such as, why not find out a facility in
19 Anchorage because after all that Anchorage is more the hub for
20 the areas that we're looking at and all of these options do
21 need further discussion and we are planning to have workshops
22 in the communities with groups that have an interest in this.

23 CHAIRMAN TILLERY: Thank you, Veronica. I know
24 there is some discussion about this, but we're running a little
25 bit late to begin our public comment period, so what I would

1 propose to do is to begin the public comment period now and get
2 back to this after the comment period is over, if there's no
3 objection.

4 My understanding is that we have on the line Anchorage,
5 Cordova and Kenai, are there any additional sites?

6 (No audible response)

7 CHAIRMAN TILLERY: Okay. If I could first --
8 I'm sorry, was that -- did somebody say something?

9 (No audible response)

10 CHAIRMAN TILLERY: Okay. If we could first --
11 is there anyone in Cordova who wishes to comment?

12 CORDOVA LIO OPERATOR: No, not at this time.

13 CHAIRMAN TILLERY: Okay. Is there anyone in
14 Kenai who wishes to comment?

15 KENAI LIO OPERATOR: (Indiscernible)

16 CHAIRMAN TILLERY: I'm sorry, could you speak
17 up again?

18 KENAI LIO OPERATOR: Not at this time.

19 CHAIRMAN TILLERY: Okay. Thank you. Is there
20 anyone in Anchorage who wishes to comment?

21 MS. D. WILLIAMS: Mr. Chairman, we do have one,
22 two, three, four, five, six people signed up.

23 CHAIRMAN TILLERY: Okay.

24 MS. D. WILLIAMS: Seven people who would like
25 to testify.

1 CHAIRMAN TILLERY: Just a second, is there
2 anyone in Juneau who wishes to testify?

3 (No audible responses)

4 CHAIRMAN TILLERY: Well, it looks like all of
5 our testifying will come from Anchorage. Could you go ahead
6 and begin in whatever order is appropriate down there, please
7 be sure that you state your name and I guess spell your last
8 name would help the recorder here.

9 MS. D. WILLIAMS: Very good, Mr. Chairman, I'll
10 go ahead and read the names off as they appear on the sign-up
11 sheet and we can just use that microphone for particular
12 testimony. Let me begin by asking one question. The first
13 person didn't indicate whether they wanted to testify or not.
14 Dave Dean, do you wish to testify?

15 MR. DEAN: No.

16 MS. D. WILLIAMS: Fine. The first person who
17 indicated they wish to testify was Monica Riedel.

18 MS. RIEDEL: Hi, my name is Monica Riedel and
19 I'm a tribal member of the Native village of Eyak and over the
20 course of a couple of years I've also been co-PI for the Alaska
21 Native Harbor Seal Commissions Project in cooperation with the
22 ADF&G Subsistence Division on the Harbor Seal stamping project.
23 And I just have a couple of things that I would like to --
24 comments that I would like to make. Number 1, I believe the
25 Native community is still concerned that there is no Native

1 Trustee on the Trustee Council.

2 And number 2, I would like to comment on some of the
3 PAG members. I would like to see that Sheri Buretta stays with
4 the PAG and also I would like to support the nomination for
5 Nancy Yeaton and also Rich Haines, Brenda Schwantes and add
6 Paul Panamarioff.

7 Then I'd like to say that I really believe that the
8 community involvement project has served us well and I'd like
9 to support that project, Martha Vlasoff has done a great job in
10 gathering the Native leaders and I believe that needs to stay
11 intact and be continued.

12 I thank you for your time. That's all I have to say.

13 CHAIRMAN TILLERY: Okay. Thank you. Are there
14 questions for Ms. Riedel?

15 (No audible response)

16 CHAIRMAN TILLERY: Okay. Thank you, Monica.
17 Who's next?

18 MS. D. WILLIAMS: Mr. Chairman, the next person
19 who has signed up is Bob Henrich.

20 MR. HENRICH: My name is Bob Henrich, I'm
21 President of the Native Village of Eyak Traditional Council.
22 I'm a little puzzled here where we fit in this, the United
23 States recognized our tribes in Alaska, yet the State of Alaska
24 doesn't recognize us, they still have their head buried in the
25 sand. Yet the Federal Trustees seem to be going on and voting

1 on things without consulting us. Prince William Sound is under
2 the jurisdiction of our tribe for our traditional lands and
3 waters, the Federal government has accepted money for damages
4 of our lands and waters yet they don't have clear title to the
5 outer continental shelf waters. The tribes in the Chugach
6 region own them, from Icy Bay to Cook Inlet. Much of the oil
7 passed through these waters and damaged them and they are our
8 waters. The United States accepted money from damage to them,
9 they don't have a clear title to them and I ask the Federal
10 Trustees as a representative of the Native Village of Eyak to
11 stop everything right now until we get this settled.

12 CHAIRMAN TILLERY: Is there additional
13 comments, Mr. Henrich?

14 MR. HENRICH: No, that'll do it.

15 CHAIRMAN TILLERY: Okay. Thank you very much.
16 Are there questions or comments by Council members?

17 (No audible response)

18 CHAIRMAN TILLERY: Okay. Thank you very much.
19 Who is the next person that would like to comment?

20 MS. D. WILLIAMS: Mr. Chairman, the next person
21 signed up is Lillian Elvass.

22 MS. ELVASS: No, I'm not going to testify.

23 MS. D. WILLIAMS: Oh, she has chosen not to
24 testify. The next person who signed up is Nancy Yeaton from
25 Nanwalek.

1 HOMER LIO OPERATOR: Homer also has someone.

2 MS. YEATON: Hi, my name is Nancy Yeaton
3 (pronunciation).....

4 MS. D. WILLIAMS: Oh, excuse me.

5 MS. YEATON:and I'm from Nanwalek, I'm
6 the community facilitator in Nanwalek and I'm just starting to
7 understand a tad bit about being the oil spill community
8 facilitator. With what I can understand I'm just a little
9 frustrated at how the monies are being spent. It seems the
10 communities that were affected by the spill are not being heard
11 of in these restorations. While we are not too trusting of our
12 subsistence foods we still gather very zealously, for our
13 bodies crave the richness of our land. During the spill we did
14 what we needed to save our lifestyle, little did we know how
15 much of a sacrifice we made until years later. So many of us
16 were introduced to a very materialistic way of life in a
17 whirlwind, there was satellites, you name it, it was here.
18 Just prior to the spill we were becoming a sober village that
19 quickly changed. Soon we were indulging and many of us had new
20 drugs. Oh, what a wicked web we have wove. Anyway, we are
21 sort of recovering in a very sweet way.

22 As we move forward trying to recapture what we've given
23 up that we may fulfill our materialistic dream. We are in a
24 financial -- in pursuit of regaining some of our cultural ways,
25 how ironic this has become once again dealing with Exxon money.

1 I truly think it is very important for archaeological
2 invitations for the communities to be able to restore and
3 retrieve their ancestral history. This is pertinent to regain
4 harmony and piece of mind for the communities. A partnership
5 with the westernized scientist and traditional knowledge
6 specialists to understand the effects of the spill. What a
7 creative combo. There really should be more Natives on the
8 Trustee Council, how else will the Trustees understand what
9 impacted communities are going through.

10 Thank you, that's it.

11 CHAIRMAN TILLERY: Thank you. Are there
12 comments or questions from Council members?

13 (No audible response)

14 CHAIRMAN TILLERY: Okay. Is there anyone else
15 in Anchorage who wishes to testify?

16 MS. D. WILLIAMS: Yes, Mr. Chairman, we have
17 quite a few additional people who wish to testify. The next
18 person who wishes to testify is Molly Burton from Seward.

19 MS. BURTON: My name is Molly Burton, I
20 represent the Qutekcak Native Tribe for Seward. I'd like to
21 endorse Nancy Yeaton for service on the Public Advisory Group.
22 We need people who are able to bring the viewpoints from the
23 villages. Although I have just recently met Nancy, she seems
24 to be a dedicated individual with enthusiasm for the job. I
25 heard a quote this morning from Robert Frost about work. There

1 are two kinds of people in the world, those that want to work
2 and those that will let them. We have a good opportunity to
3 have Nancy work towards our common goal to do her best work
4 regarding the oil spill affected communities.

5 I also want to see Brenda Schwantes maintain her seat
6 as subsistence representative. Why would you want to fix
7 something that is not broken? If she's willing to stay on then
8 (indiscernible - cough). I'm also endorsing the traditional
9 ecological knowledge protocol. The Qutekcak Native Tribe has
10 passed a resolution supporting the TEK protocol, this is
11 definitely needed to make sure the projects that arise are
12 handled in a respectful manner.

13 Lastly I want to endorse the need for the Native
14 Trustee to serve on EVOS Trustee Council. The lands that have
15 been affected are Native lands, whether they are owned by the
16 Trustee Council, the State or Federal government or the
17 villages they have been in and will remain Native lands in the
18 traditional sense. You cannot know something that you have not
19 experienced, each ethnic group holds their world view. We must
20 have equal representation on the Trustee Council level also.

21 Thank you.

22 CHAIRMAN TILLERY: Okay. Thank you, Molly.
23 Are there questions or comments from Council members?

24 (No audible response)

25 CHAIRMAN TILLERY: Okay. Before we proceed

1 more in Anchorage, did I understand there was someone from
2 Homer who wishes to testify?

3 HOMER LIO OPERATOR: Yes, Pamela Brodie.

4 CHAIRMAN TILLERY: Okay. Pam, could you go
5 ahead.

6 MS. BRODIE: Yes, thank you, Mr. Chairman and
7 members of the Trustee Council. I just want to say that many
8 people are celebrating the shareholders of Chenega's vote
9 recently. Alaskans who live in Prince William Sound, Alaskans
10 who fish in Prince William Sound, Alaskans and other Americans
11 who visit and enjoy Prince William Sound and conservationists
12 around the country and the world. We also believe that because
13 of this agreement Chenegans (sic) are facing a very promising
14 future with opportunities for tourist development and necessary
15 cash.

16 I hope that we will soon see a similar reason to
17 celebrate with English Bay. I understand that the Trustee
18 Council and English Bay Corporation are very close to an
19 agreement and have been very close to an agreement for a long
20 time now. It's getting very late in the year, I still have
21 hopes that a deal can be completed this year and I encourage
22 you to move forward on that. But I am also confident that
23 there will be an agreement with English Bay. I am more worried
24 about some other areas, Eyak and Afognak, and particularly with
25 Afognak Joint Venture, if there is not an agreement within the

1 first few months of next year we are going to see irreplaceable
2 habitat loss, so again I would like to encourage the Trustee
3 Council to move aggressively towards negotiations with Afognak
4 Joint Venture.

5 Thank you.

6 CHAIRMAN TILLERY: Thank you, Pam. Are there
7 questions or comments from the.....

8 COURT REPORTER: Can she spell her last name.

9 CHAIRMAN TILLERY: Pam, could you spell your
10 last name, please?

11 MS. BRODIE: B-r-o-d-i-e.

12 COURT REPORTER: Thank you.

13 CHAIRMAN TILLERY: Thank you. Are there any
14 questions or comments from Council members?

15 (No audible response)

16 CHAIRMAN TILLERY: Okay. Is there anyone else
17 outside of Anchorage on the conference that would like to
18 speak?

19 (No audible response)

20 CHAIRMAN TILLERY: Okay. Hearing none, could
21 we go back to Anchorage then and whoever is the next person.

22 MS. D. WILLIAMS: Mr. Chairman, the next person
23 who wishes to testify is Della Cheney from Seward.

24 MS. CHENEY: (Speaking Tlingit) I introduced
25 myself through my mother, her name is Kut-ka-qui (ph). My

1 father is of the Killer Whale people. My name is Kut-sa-wa
2 (ph), Tlingit name is Kut-sa-wa (ph), my Haida name is
3 Bak-talis (ph). I've recently taken and accepted a job with
4 the Qutekcak Native Tribe in Seward, Alaska as a tribal
5 administrator. And I realized the effect of the EVOS Project
6 and how they involve the lives of a community. In our case the
7 Qutekcak Native Tribe has been directly affected by intrusion
8 on a Lowell family site which the Sealife Center is close to
9 being built on top of.

10 In our recent correspondence we are proposing, and I'll
11 read the letter written to John Hendricks of the Sealife Center
12 which may clarify how and why the Native community is
13 commenting to you today. Where will these collections of
14 artifacts be held? I heard some of your plans from Veronica
15 this morning. We recommend that the, I guess you call the
16 collections of artifacts, collections involving the writings of
17 the archaeological history of those artifacts not just the
18 pieces but also the history of those pieces and how they happen
19 to be in that place.

20 And I'll read the letter to John Hendricks and I guess
21 I'm proposing that the EVOS Commission help us in getting some
22 recognition at the Sealife Center. It's to John Hendricks,
23 Alaska Sealife Center.

24 The Qutekcak Native Tribe would like to discuss two
25 important issues that involve the Native people in Alaska that

1 is centered in the Sealife Center. First we are dismayed about
2 the damage to the Lowell Homestead Site. The second issue is
3 how the Center will portray the Native people of Alaska and
4 their way of life.

5 We are aware of the communications which have taken
6 place between Deborah Williams, Special Assistant to the
7 Secretary for Alaska, Department of the Interior, Judith E.
8 Bittner of the State's Historic Preservation Officer (sic),
9 Natural Resources, Office of History and Archaeology, Ted
10 Birkedal and also Gary Somers of the National Park Service and
11 we do appreciate their concerns and know that they are aware of
12 the need to keep us abreast of any developments concerning the
13 mitigation plan for the Lowell Homestead Site. The site and
14 now the collections are an important addition to the history of
15 the Resurrection Bay area, and the people who lived here before
16 the western settlement. This homesite of our ancestors
17 involves our history which cannot be taken lightly and without
18 participation of the Qutekcak Native Tribe or other Natives in
19 the area.

20 The importance of techniques and rituals of subsistence
21 to the Native people in Alaska involve the sealife that will be
22 housed in your Center. The importance of the rituals used to
23 honor the animals are felt before harvesting, hunting, eating
24 and processing the resource is all a part of our way of life.
25 That's every day.

1 In order to introduce the types of tools, clothing,
2 food, shelter and gifts made from the natural resources a
3 respectful consideration of the Alaskan Natives way of life
4 must be understood.

5 The Qutekcak Native Tribe, being the recognized Native
6 entity in this area and after considering what has happened and
7 is being planned, requests that a special committee be formed
8 for the purpose of assisting the Sealife Center produce a
9 respectful and accurate representation of the traditional
10 heritage of Alaskan Native culture in your effort to -- this
11 was a quote from John Hendricks in his -- I guess you have a
12 newsletter or something called Restoration Update. To include
13 Alaska's past and its Native people because the people are
14 really interesting too.

15 This committee would include the following
16 representatives: from Qutekcak Native Tribe Board and their
17 staff, Della Cheney, Tribal Administrator and Molly Burton,
18 Community Facilitator/Natural Resources; Sealife Center Board;
19 and the following individuals, Lora Johnson, Chugachmiut;
20 Martha Vlasoff, EVOS Restoration Office; John Johnson, Chugach
21 Heritage Foundation and invite the Village Council/Tribes from
22 Tatitlek, Port Graham Village, Nanwalek, Eyak, Valdez and
23 Chenega Bay.

24 We look forward to discuss this important issue with
25 you.

1 And I've been Anchorage all week and I hope I have a
2 message from John Hendricks when I return home, but I
3 appreciate the time to comment to you in regards to a
4 community, a Native Community who is being directly affected
5 and is reaching out for some type of participation and able to
6 share with you our beliefs and our way of life.

7 Thank you again.

8 CHAIRMAN TILLERY: Thank you, ma'am.

9 MS. D. WILLIAMS: Mr. Chairman, I have a
10 question/comment.

11 CHAIRMAN TILLERY: Okay. But first, could you
12 spell your last name for the benefit of the court reporter
13 here?

14 MS. CHENEY: Yes, it's C-h-e-n-e-y.

15 CHAIRMAN TILLERY: Ms. Williams.

16 MS. D. WILLIAMS: Yes, Chair, I guess I have a
17 motion for the Board's consideration. I would move that the
18 Trustee Council support the request for the creation of a
19 special committee to discuss the very important issues raised
20 by the letter that was read and that we ask the Seward Sealife
21 Center, together with representatives from the special
22 committee to report back to us in no less than six months on
23 their progress.

24 CHAIRMAN TILLERY: Is there a second?

25 MS. BROWN: I'll second.

1 CHAIRMAN TILLERY: Second the motion. Is there
2 discussion about the motion? Mr. Wolfe.

3 MR. WOLFE: I'm not totally clear what we're
4 asking them to do at this point in time, could you tell us your
5 vision of what you would expect, Deborah?

6 MS. D. WILLIAMS: Well, what I would expect is
7 that the Seward Sealfife Center meet with the tribes, discuss
8 the creation of a special committee, I am not suggesting it has
9 to be absolutely the membership that you described, that could
10 be part of the discussion, but that a special committee be
11 created to discuss how and -- I wish I had your letter because
12 you had such a good phrase in there. The letter is being
13 passed down to me so I can pick up this really good phrase from
14 the letter. Precisely as described in the letter, for the
15 purpose of assisting the Sealfife Center to produce a respectful
16 and accurate representation of the traditional heritage of
17 Alaskan Native culture in your effort to include Alaskans' past
18 and its Native people because the people are very interesting
19 too. And that last, of course, was part of the quote from John
20 Hendricks, so again the purpose of the committee would be to
21 assist the Sealfife Center in producing a respectful and
22 accurate representation of the traditional heritage of Alaska
23 Natives in the -- Alaska Native culture as part of the Sealfife
24 Center.

25 CHAIRMAN TILLERY: Deborah, would it be

1 possible to fax a copy of that letter up here?

2 MS. D. WILLIAMS: I'll fax a copy of the
3 letter, yes.

4 CHAIRMAN TILLERY: If that would be
5 appropriate. And am I correct in understanding that your
6 motion is that for the Council to.....

7 MS. D. WILLIAMS: We have a little bit of
8 transition noise here so we're not hearing you good. So go
9 ahead, Craig, the purpose of my motion, go ahead.

10 CHAIRMAN TILLERY: Is that the Council would
11 urge the Sealife Center to form a committee composed of
12 appropriate representatives to look into how to do an accurate
13 depiction of Alaskan Natives and their history?

14 MS. D. WILLIAMS: A respectful, yes, depiction.
15 Yes, that is essentially it. Consistent with the letter that
16 was just read.

17 CHAIRMAN TILLERY: Okay. Is there further --
18 is there additional discussion?

19 MR. WOLFE: Yes, Mr. Chairman.

20 CHAIRMAN TILLERY: Mr. Wolfe.

21 MR. WOLFE: Deborah, would it be more
22 appropriate for the lead Federal agency for that project to
23 take the initiative of working with the Seward Sealife Center
24 to put together this study and this commission?

25 MS. D. WILLIAMS: I don't think so, I think it

1 can be done between the Seward Sealife Center and the tribe and
2 creation of a special committee, I don't think we have to be in
3 the middle of this right now, I think it is appropriate for the
4 Trustee Council, given an extraordinary investment in the
5 Center, to make a recommendation that the special committee be
6 created and that they report back to us in no less than six
7 months. We request that they report back to us in no less than
8 six months on their progress.

9 CHAIRMAN TILLERY: Is there additional comment?

10 MS. D. WILLIAMS: Obviously this in the form of
11 a recommendation.

12 CHAIRMAN TILLERY: Okay. Ms. McCammon.

13 MS. McCAMMON: Mr. Chairman, I guess I'm kind
14 of -- I would want to add is that I know that there have been
15 discussions by the Sealife Center staff with various members of
16 the Native community.

17 MS. D. WILLIAMS: Mr. Chairman, we did not hear
18 Molly McCammon, we're all on mute now though, so we can hear.
19 If Molly would start over again we'll hear you.

20 MS. McCAMMON: Okay. Mr. Chairman, it's my
21 understanding that the Sealife Center staff have met several
22 times with the Native community of Seward. In addition the
23 Park Service in Seward has been meeting with the Native
24 community of Seward to discuss as the new Visitor's Center gets
25 developed. And it would seem to me that, as both new

1 facilities get developed, that where certain displays or
2 interpretation is most appropriate, I'm not sure the Council
3 wants to lock into necessarily setting up something that -- I'm
4 not sure a committee like this trying to do something
5 specifically at the Sealife Center is necessarily where the
6 entire community after further discussion would necessarily
7 want it to be. So I'm not sure if a committee or just urging
8 the Sealife Center to work more closely with the Native
9 community and to have more input into the development of their
10 displays and working with the Park Service in Seward might be a
11 way to go, I'm not sure.

12 CHAIRMAN TILLERY: Thank you. Is there
13 other.....

14 MR. HINES: This is a friendly amendment, I
15 take it?

16 MS. McCAMMON: Well, it's just an observation.

17 CHAIRMAN TILLERY: Is there.....

18 MR. HINES: Mr. Chairman, I guess I don't have
19 the luxury of being able to see the letter, we're just being
20 made aware of this particular situation, I would like to have a
21 little bit more discussion about it, if possible, or possibly
22 table this in executive session or something along those lines
23 and maybe follow up with this at another time.

24 MS. McCAMMON: You'd table it till the next
25 meeting.

1 CHAIRMAN TILLERY: Well, I -- just a comment.
2 I don't think it's really an appropriate subject for executive
3 session, it seems to me this is an open issue, I don't see any
4 basis for it. But I, too, I think from what heard that I agree
5 with this motion, but I would like to read the letter and I'd
6 like to have the benefit of the opportunity to talk to
7 Ms. Cheney or to others about it to make sure we don't lock
8 ourselves into something that perhaps people don't even want
9 because we don't understand exactly what we're doing and so
10 it's -- Mr. Wolfe.

11 MR. WOLFE: I've got a suggestion that we ask
12 the Sealife Center to tell us what progress they've made in
13 trying to address the concerns of Native community at this
14 point and then give us a chance to look at the letter and have
15 some additional dialogue and take this up probably maybe next
16 month when we have our next Trustee Council meeting because I
17 really don't feel like I totally understand what's on the table
18 here at this point in time. And I do not disagree with where
19 Deborah is going, I just don't understand it fully at this
20 point.

21 CHAIRMAN TILLERY: Okay. Is that.....

22 MS. D. WILLIAMS: Mr. Chairman, I don't think
23 this is very complicated, I think this is just very simple. A
24 lot of people -- and I must admit I have had the benefit of
25 other people discussing this with me this week at the

1 Provider's Conference and AITC Conference, several people came
2 up to me with this idea. And actually when I was in Fairbanks,
3 Wednesday, I was chatting with some university people and
4 raised this whole notion in more generic way, but people seem
5 very enthusiastic about doing this. There is a request from
6 the tribe to create a committee, I think that's a good idea, I
7 think getting a group of people together, an appropriate group
8 of people together, and again I think that can be discussed
9 between the tribe and the Sealife Center, but getting a group
10 of people together to talk about this very important issue and
11 then have a report back from the special committee and the
12 Sealife Center in less than six months is just simply all that
13 my motion reflects. I think all of the Trustee Council members
14 want to be sure that the Sealife Center does deal in a
15 respectful manner with subsistence and the -- like the Natives
16 in the area, as well as, and this is focusing, obviously,
17 Alaska Natives and subsistence, it may be in their discussion
18 that it expands or that's one of the issues in addition to
19 local history and so forth, but I do think that given the
20 investment we've made and given the importance of this issue to
21 the community and Alaska Natives in the area that encouraging
22 the Sealife Center to form a committee to address this and
23 report back to us is all that this motion reflects.

24 CHAIRMAN TILLERY: Is there other additional
25 comments from Council members? Mr. Wolfe, were you offering a

1 motion or Mr. Hines?

2 MR. HINES: Well, Mr. Chairman, just to go back
3 with what Ms. Williams said, she said to encourage the -- we're
4 not telling them to go ahead and form a committee, we're just
5 encouraging them to have more dialogue, more discussion, form a
6 committee, if possible, is that what you're saying, Deborah?

7 MS. D. WILLIAMS: Yeah, that we recommend that
8 they form a committee. We can't require them to form a
9 committee but we can just lend the weight of our recommendation
10 to this discussion.

11 CHAIRMAN TILLERY: There has been, I believe,
12 an expression of interest, at least in the people here in
13 Juneau to receive a copy of the letter and have a chance to
14 review it. There certainly seems to be fairly broad support of
15 the concept here but a lack of familiarity with the subject
16 matter. People -- this is not something that had been brought
17 to anyone's attention and my perception is that people would
18 like an opportunity to perhaps review the letter and perhaps
19 after, at a later time during the meeting, after lunch or
20 something, to revisit this and take up your motion then which I
21 suspect would mean someone would need to table the motion
22 for.....

23 MS. McCAMMON: Postpone.

24 CHAIRMAN TILLERY: Postpone the mo -- is that
25 the.....

1 MR. WOLFE: I would move to table the motion
2 until after lunch.

3 CHAIRMAN TILLERY: Okay. Is there a second.

4 MS. BROWN: I'll second.

5 CHAIRMAN TILLERY: Second. Is there any
6 discussion on that motion to table or postpone?

7 MS. McCAMMON: It has to be agreeable to the
8 sponsor.

9 MS. D. WILLIAMS: Mr. Chairman, we have faxed
10 the letter to you.

11 CHAIRMAN TILLERY: Okay. Is that motion
12 agreeable to you, Deborah?

13 MS. D. WILLIAMS: Certainly, I -- there's no
14 objection to discussing the motion after you've seen that
15 letter.

16 CHAIRMAN TILLERY: Okay. With no objection
17 then we will postpone the further discussion on the motion
18 until after -- sometime after lunch in the afternoon part of
19 the session.

20 Okay. I think we're -- is there anyone else in
21 Anchorage who wishes to comment?

22 MS. D. WILLIAMS: Yes, the next person who
23 indicated the right of comment is Theresa Obermeyer.

24 CHAIRMAN TILLERY: Thank you. Ms. Obermeyer.

25 MS. D. WILLIAMS: She's making her way to the

1 microphone.

2 MS. OBERMEYER: I just wanted to say hello,
3 Mr. Tillery, and how are you today, sir?

4 CHAIRMAN TILLERY: I'm fine, thank you.

5 MS. OBERMEYER: You know, I commend the efforts
6 of the Committee, I feel so uninformed when I come to a meeting
7 like this when I realize the rich heritage of Alaska Native
8 people and all that has come to bear for centuries. And I just
9 wanted to compliment the Native people of Alaska and the people
10 that are involved in this and work with them more and more.
11 And that was my only comment. Thank you so much.

12 CHAIRMAN TILLERY: Thank you so much. Are
13 there any questions or comments from Council members?

14 (No audible response)

15 MS. D. WILLIAMS: Mr. Chairman, the next
16 individual who's indicated his right to testify is Pat Norman
17 from Port Graham.

18 MR. NORMAN: Good morning. My name is Pat
19 Norman and the President for the Port Graham Village
20 Corporation. What I'd like to comment on is on one of the
21 projects that was recommended by executive director on -- to be
22 deferred or not funded for 1997 which is the Delight and Desire
23 Lakes Restoration Project. Our comments are that Port Graham
24 Corporation, we strongly support this project here, it has been
25 supported by us since the early '80s when my corporation

1 selected the land around Delight and Desire Lakes. In the past
2 Delight and Desire Lake have provided commercial fishing
3 opportunities for Port Graham's local fleet, along with the
4 rest of the lower Cook Inlet seiners in that area. There's an
5 early red salmon run. In light of the rest of the lower Cook
6 Inlet's salmon production the last few years the focus of the
7 fisheries being in the Tutka Bay and the China Poot Bay area
8 which are enhanced runs. We need to look at other areas to see
9 if we can enhance the natural run and I think the focus of this
10 project here is to see if Delight and Desire Lakes will take to
11 a fertilization program, which would enhance the natural run
12 here, it wouldn't be a hatchery run, it's been -- enhances the
13 natural ability of that lake to produce more salmon.

14 I know in the proposal it's targeted more at the
15 commercial fishing fleet and sport fishermen but there is a
16 subsistence tie -- subsistence cultural tie to that area by our
17 people from Port Graham. We are over 40 miles away from that
18 area but just recently we connected up a road system from Port
19 Graham to Windy Bay which is on the outer coast of the lower
20 Cook Inlet area. And what that's done is given our local
21 people about a five hour closer run now to the Kenai Fjord area
22 and its Delight and Desire Lake, so in the future here we do
23 have the ability or we would like to have the ability for our
24 people to go down to Delight and Desire Lake, like our
25 ancestors did in the past and use these resources from that

1 lake as a subsistence food source.

2 So from our perspective at Port Graham we strongly
3 support this project, we believe it has potential to benefit
4 the whole lower Cook Inlet seine fleet, sport fishermen,
5 tourists, our subsistence and we urge your reconsideration of
6 it and to make it a high priority.

7 Thank you.

8 CHAIRMAN TILLERY: Thank you, Mr. Norman. Are
9 there comments or questions from the Council members?
10 Ms. Kowalski.

11 MS. KOWALSKI: Yeah. Mr. Norman, this study
12 that you're referring to is at this point just a feasibility
13 study and I'm wondering if the fishermen have had any
14 discussions about if the study turns out to show positive
15 results, if the fishermen have discussed the fact that in order
16 to conduct a fertilization project there would be costs
17 associated with it and if you all had had discussions about
18 your willingness or ability to help pay for that?

19 MR. NORMAN: I'm not familiar what the current
20 thoughts are on that. I know in the past that the company we
21 were talking with on the Port Graham Corporation side was the
22 Cook Inlet Aquaculture Association, they had initially came to
23 us for permission to do fertilization studies and such on
24 Delight and Desire. We supported it but since we didn't have
25 title to the property we couldn't actually give them permission

1 that would go forward. Any current plans past fertilization
2 studies, the Cook Inlet Aquaculture Association I know in the
3 past has expressed interest in doing a program down there and
4 I'm not familiar what Fish and Game's internal thinking would
5 be on that.

6 Tape 2 of 3

7 MS. KOWALSKI: Thanks.

8 CHAIRMAN TILLERY: Okay. Are there further
9 questions or comments from Council members?

10 (No audible response)

11 CHAIRMAN TILLERY: Okay. Thank you,
12 Mr. Norman. Are there additional people in Anchorage who wish
13 to testify?

14 MS. D. WILLIAMS: Mr. Chairman, the last person
15 on the list who's indicated an interest in testifying is Walter
16 Meganack from Port Graham

17 MR. MEGANACK: My name is Walter Meganack, I'm
18 a community facilitator, I'd like to express my support of the
19 project Pat was just talking about, reseeding or fertilization
20 of Desire and Delight Lakes. And also I'd like to express my
21 support of (phone cut out) PAG Committee.

22 CHAIRMAN TILLERY: PAG Committee.

23 MR. MEGANACK: (Phone cut out) one of the
24 things I support. Also I'd like to see tribal government on
25 the Trustee Board, not just a tribal one, the State has three,

1 the Federal has three and I think the Native Tribal government
2 should have three trustees on there as well. Because these
3 people -- we are the people that were impacted more so than
4 anybody else and I think we got a strong say in what and how
5 this money is being spent.

6 I also would like to make a comment in the project that
7 you put in for a skiff boat, that -- we seen that as giving us
8 the ability to go further up field for doing some of our
9 subsistence gathering and given the resources, the natural
10 resources, that we are impacting, you know, give them a chance
11 to recover on their own within our immediate area. I see there
12 is -- I see that as being more toward a natural resource type
13 restoration. I see more important restoration than I see in a
14 project that you might fund, like an oversee park in Homer
15 where they've never seen a drop of oil or parcels of land up in
16 the upper region of the Kenai River which have never seen a
17 drop of oil.

18 Additionally I'd like to comment on your so-called buy
19 back land -- land buy-backs, there's people celebrating the
20 fact EVOS Trustees bought back Chenega lands. Were you guys
21 celebrating the devastation that of the people that live in
22 Chenega itself, how devastated they are. There's many people
23 we've -- our strength comes from our land, our specific
24 resources, our spiritual cultural, it all ties in, you know.
25 You take our land, you take our ability to survive. With us as

1 Native people we could survive most any disaster that's faced
2 as long as we have our land and our sea and water around it, we
3 will survive it, I don't care what you put up to us. But you
4 take our lands away you directly affect how -- our ability to
5 survive anything.

6 And that's just my comment and I'd like to close at
7 that.

8 CHAIRMAN TILLERY: Okay. Thank you,
9 Mr. Meganack. In the beginning of your commentary I think that
10 you said that you were supporting someone for the Public
11 Advisory Group, but I didn't catch the name.

12 MR. MEGANACK: Nancy Yeaton.

13 CHAIRMAN TILLERY: Nancy Yeaton, okay, thank
14 you. Are there additional -- are there comments or questions
15 from Council members?

16 (No audible response)

17 CHAIRMAN TILLERY: Okay. Thank you,
18 Mr. Meganack. Is there anyone in Anchorage who would like to
19 testify?

20 MS. D. WILLIAMS: Mr. Chairman, there doesn't
21 appear to be. Oh, Claudia Slater would like to clarify
22 something.

23 MS. SLATER: Yeah, I just -- in response to the
24 question about implementation of Delight and Desire, if the
25 feasibility study shows the likelihood, I just wanted to

1 mention that Cook Inlet Aquaculture has expressed interest in
2 picking up implementation of project. They cannot guarantee,
3 of course, that they will have funds to do it at some future
4 date, but they would like to pursue that project.

5 CHAIRMAN TILLERY: Okay. Thank you. Any
6 questions?

7 MS. D. WILLIAMS: That appears to complete the
8 testimony in Anchorage, Mr. Chairman.

9 CHAIRMAN TILLERY: Okay. Thank you. Is there
10 anyone in Cordova now who would like to testify or comment?

11 (No audible response)

12 CHAIRMAN TILLERY: Is there anyone in Kenai who
13 would like to comment?

14 (No audible response)

15 CHAIRMAN TILLERY: Anyone in Homer?

16 (No audible response)

17 CHAIRMAN TILLERY: Anybody in Juneau?

18 (No audible response)

19 CHAIRMAN TILLERY: Is there anyone who I don't
20 know that they're on the network that would like to comment?

21 (No audible response)

22 CHAIRMAN TILLERY: Okay. Thank you. We will
23 close the public comment period at this time. It's about 10
24 minutes to 12:00. Would the Council like to try to finish up
25 the archaeological repositories before we break for, I assume,

1 lunch and an executive session?

2 MS. D. WILLIAMS: I would, Mr. Chairman.

3 CHAIRMAN TILLERY: Okay. Thank you. If you
4 could proceed, Ms. McCammon. I believe we had left off with
5 Veronica made her presentation and we were looking for -- you
6 were, seemingly, looking for some specific guidance. Could you
7 give us an idea what you're looking for?

8 MS. McCAMMON: Mr. Chairman, in the original
9 memo that you have in your packet we had a time line suggested
10 that would basically have this document go out for some public
11 review and discussion. Discussion by the Public Advisory
12 Group, by the community facilitators and then basically have
13 the Council adopt a preferred alternative that would then set
14 the sideboards or parameters for going out for proposals in the
15 FY98 invitation. That invitation is scheduled to be -- to
16 actually go out to the public on February 15th which means it
17 needs to go to the printer a week to 10 days before that.

18 After discussion with the Public Advisory Group and
19 with the community facilitators we have a revised schedule that
20 would include distributing the green report to the project
21 participants, which includes village councils, cities, museums
22 and agencies, to the community facilitators, to the Public
23 Advisory Group, to agency attorneys, to anyone who has
24 expressed interest in this area to have comments come back to
25 the Council, to the Restoration Office, by February 14th. Also

1 during this interim we would set up a work session with the
2 Public Advisory Group in early to mid-January. The Public
3 Advisory Group has also expressed an interest in having a joint
4 work session with the community facilitators, that would occur
5 a day before the January Restoration Workshop. We would also
6 have public workshops in the eight lower Cook Inlet and Prince
7 William Sound communities.

8 Based on the public comment, based upon review by legal
9 counsel, we would then come back to the Council for some kind
10 of guidance in terms of what would be the alternative that the
11 Council would be pursuing. That then would go into a special
12 invitation for project proposals that would be on a separate
13 track from our regular funding cycle. We would like to have
14 it, if at all possible, distributed in early March just because
15 that would give a couple of months before the summer fishing
16 and subsistence season occurred in order to get project
17 proposal back and get them through the review process.

18 Now in order to implement this kind of an outreach
19 program, there are additional costs to this. Under the
20 original Archaeology Planning Project the Forest Service had
21 planning money within that budget but it was for FY97 only.
22 That money has lapsed, so we are requesting new money in order
23 to get this immediately under way and get the printing of the
24 additional reports done and get them mailed out. We've looked
25 and believe that it would be most expeditious to have the money

1 come to the Department of Fish and Game through the
2 administration budget. And so I am requesting at this time
3 additional funds to total \$12,100.00 which would include
4 printing and postage for the report and then also money for
5 three people to travel to the communities and hold public
6 meetings.

7 So at this time I would like your blessing with this
8 proposal. There had been some discussion by some staff people
9 earlier about the Council at this time trying to kind of pare
10 down the alternatives and focus on just a few of them at this
11 point. My recommendation would be, due to the large amount of
12 public interest in this, that we go with the full array of
13 alternatives and actually just in the discussion people think
14 up new alternatives, so I would suggest that we go out with the
15 report and have full discussion and then come back with a
16 recommendation.

17 MS. D. WILLIAMS: Mr. Chairman.

18 CHAIRMAN TILLERY: Ms. Williams.

19 MS. D. WILLIAMS: I move that we adopt the
20 proposed schedule and also the additional budget items as set
21 forth by Ms. McCammon.

22 MS. BROWN: Second.

23 CHAIRMAN TILLERY: Ms. Brown has seconded that
24 motion. Is there discussion?

25 (No audible response)

1 CHAIRMAN TILLERY: All in favor of the motion
2 say aye.

3 IN UNISON: Aye.

4 CHAIRMAN TILLERY: Opposed?

5 (No opposing votes)

6 CHAIRMAN TILLERY: Hearing no one oppose, the
7 motion passes. Is that -- is there anything additional on --
8 with respect to archaeology?

9 MS. McCAMMON: No.

10 CHAIRMAN TILLERY: Okay. How long -- we've got
11 five minutes, how long is the Restoration Reserve Planning
12 presentation going to take?

13 MS. McCAMMON: I don't believe it will take
14 that long.

15 CHAIRMAN TILLERY: Okay. Then why don't we go
16 ahead and see if we can do that and we'll then be on schedule.

17 MS. McCAMMON: Okay. Mr. Chairman, in your
18 packet there is also a memo describing a proposed time line for
19 beginning the planning and discussion for future uses of the
20 restoration reserve. This was put together at the request of
21 the Trustee Council at several meetings back.

22 Thus far the Council has approved \$48,000,000.00 in
23 deposits into the reserve. If annual deposits of
24 \$12,000,000.00 in each of the five years remaining occurred,
25 that would bring the total of the reserve to \$108,000,000.00

1 plus interest. At this point the Council has made no decisions
2 about the long term management or use of the reserve fund.
3 What we have proposed here is a time line that would bring
4 about a decision about the future management and use of the
5 reserve no later than March 1999, at the time of the 10th
6 anniversary of the spill.

7 What we're suggesting is that this winter, staff
8 brainstorm with interested parties, with the Public Advisory
9 Group, the community facilitators, with a number of members of
10 the public that have expressed a lot of interest and ideas in
11 the future use of the reserve. Identify issues, develop
12 options, get some preliminary legal review of those options.
13 Next December the Trustee Council would look at the array of
14 options and decide which options warrant further consideration
15 and more extensive public review. At that time staff would
16 conduct the in depth research and legal review required and
17 prepare for public workshops. Those workshops could occur
18 either that spring or the following fall depending on how far
19 along we are in planning efforts. Public workshops, public
20 notification, notice in our newsletter and other forms of
21 public outreach throughout the spill area and in Anchorage,
22 Fairbanks and Juneau.

23 This would lead up to the Council's ability to make a
24 decision about the future by March 1999. It could certainly be
25 sooner than that if all things were in place but that basically

1 by the time of the 10th anniversary the Council would be
2 prepared to make some decision on that. This would allow a
3 couple of years before the last payment from Exxon comes in the
4 fall of 2001, if whatever the Council decided required any
5 changes and either court orders, in legislation, any
6 administrative changes, that would give some period of time to
7 go forward with those activities.

8 And so at this point what I would like from the Council
9 is just a basic endorsement to go forth and begin to plan.

10 CHAIRMAN TILLERY: Is there discussion or
11 questions from Council members?

12 (No audible response)

13 CHAIRMAN TILLERY: I have one comment on it. I
14 guess I am concerned that whatever we do will require
15 interaction with the court and possibly with the Congress and
16 that I think that that decision needs to be made at the
17 earliest time possible and I guess I'm kind of wondering on
18 this schedule if it's not possible to compress this so that we
19 can pick up a little more time, perhaps, by maybe doing a
20 little bit less brainstorming at the beginning and maybe trying
21 to have a Trustee Council decision perhaps as early as fall and
22 winter of '98, just again to try to give us more time to
23 implement this before 2001 or 2002.

24 MS. D. WILLIAMS: Mr. Chairman.

25 CHAIRMAN TILLERY: Ms. Williams.

1 MS. D. WILLIAMS: Obviously there's a tradeoff
2 here between what you just described and, on the other hand,
3 having full public comment and also having the benefit of as
4 much time as possible. I think we have before discussed this
5 and concurred with the proposition that the closer to 2001 that
6 we make our decision, arguably the better. I certainly agree
7 though that the -- I concur with the schedule and I think the
8 real target here is that we have our decisions by the 10th
9 anniversary because I think the public is going to want to know
10 on the 10th anniversary what's going to happen to Restoration
11 Reserve, so I guess I would say that we have between, then,
12 March '99 to September 2001, that's a fair bit of time, that's
13 two and a half years to implement the recommendations. I think
14 this -- I concur with the schedule, I think it represents the
15 right balance.

16 CHAIRMAN TILLERY: Is there additional
17 discussion?

18 (No audible response)

19 CHAIRMAN TILLERY: Okay. I don't think this is
20 an action item, so I guess the gist of what the Council is
21 telling you is that.....

22 MS. McCAMMON: Go forth.

23 CHAIRMAN TILLERY: Go forth and do good. Okay.
24 At this time we're ready to, I believe, break. The plan is to
25 have lunch from 12:00 -- and how long do you think this will

1 take, Ms. McCammon?

2 MS. McCAMMON: 1:00 until 1:30.

3 CHAIRMAN TILLERY: Until 1:30. Okay. We will
4 break from noon until 1:30. For those of you who are on
5 teleconference, this will be a working lunch, it will be an
6 executive session, assuming I have a motion to go into
7 executive session, and we'll be back on line at.....

8 MS. McCAMMON: Those who are participating in
9 the executive session stay on line and the off -- not the
10 Anchorage, the Juneau sites, all of those sites would drop off
11 is my understanding how they do this. Is that correct?

12 MS. R. WILLIAMS: Right. Seward and all the
13 other.....

14 MS. McCAMMON: Seward, Homer, Kenai.....

15 CHAIRMAN TILLERY: And they will be reconnected
16 at approximately 1:30 or.....

17 MS. R. WILLIAMS: They'll call back in the
18 1-800 number (indiscernible - away from microphone).

19 CHAIRMAN TILLERY: Okay. I think everybody
20 understands that. Is there a motion?

21 MR. WOLFE: Mr. Chair.

22 CHAIRMAN TILLERY: Mr. Wolfe.

23 MR. WOLFE: I make a motion that we adjourn --
24 or recess to an executive session to discuss habitat protection
25 issues that are on the table at this time, Public Advisory

1 Group nominations and the reopener clause.

2 MS. McCAMMON: And the executive director's
3 evaluation of the proper.....

4 MR. WOLFE: Yeah.

5 CHAIRMAN TILLERY: And is there a.....

6 MS. BROWN: Second.

7 CHAIRMAN TILLERY: There's a second. Anyone
8 opposed? If not, the motion passes and we will adjourn into
9 executive session. Thank you.

10 (Off record - 12:04 p.m.)

11 (On record - 1:35 p.m.)

12 CHAIRMAN TILLERY: Well, let us reconvene the
13 public session of the December 6th Trustee Council meeting. We
14 have come out of executive session. And at the executive
15 session, as mentioned at the motion going into it, we discussed
16 habitat acquisition issues, the Public Advisory Group
17 nominations and the issues relating to the reopener clause.

18 At this time we are -- I guess we're at the Public
19 Advisory Group nominations. This is a continuation of a
20 process that was begun at the last meeting, there has been
21 substantial, I think, discussion of the nominations. Does
22 anyone have a preference as to how we proceed or wish to make
23 any kind of a motion, either for the nomination of individuals
24 or perhaps if there is a group someone wishes to come forward
25 with.

1 MR. HINES: Mr. Chairman.

2 CHAIRMAN TILLERY: Mr. Hines.

3 MR. HINES: Yes, I propose that -- I make a
4 motion that we adopt the Public Advisory Group recommendations
5 by a list. We've had some discussions about that and if we can
6 just adopt the list, if possible.

7 CHAIRMAN TILLERY: Okay. That would be an
8 efficient way to proceed. Does anybody have -- is there a
9 motion to adopt a -- I guess what would be appropriate if
10 someone has a -- would be to just list the groups and the
11 individuals that they wish to nominate and we can see if there
12 is consensus.

13 MS. MCCAMMON: Do you want mine?

14 MR. HINES: Yes. Yes, Mr. Chairman, if you
15 want me to just read down the list on the individuals, I'll do
16 so at this time.

17 CHAIRMAN TILLERY: Sure, if you have a.....

18 MR. HINES: Yes, Mr. Chairman. For Aquaculture
19 we have Mary McBurney; for Commercial Fishing, Ms. Torie Baker;
20 Commercial Tourism, Eleanore Huffines; Conservation, Chip
21 Dennerlein; Environmental, Pam Brodie; Forest Products, Howard
22 Valley; Local Government, Dave Cobb; Native Landowner, Chuck
23 Totemoff; Recreation Users, Stacey Studebaker; Sport Hunting
24 and Fishing, Rupert Andrews; Subsistence, Nancy Yeaton;
25 Science/Academic, Mr. Chuck Meacham; Public at Large, five

1 members to consist of Mr. Chris Beck, Mr. Vern McCorkle,
2 Ms. Sheri Buretta, Mr. Jim King, Ms. Brenda Schwantes from
3 Kodiak.

4 CHAIRMAN TILLERY: Thank you. Is there a
5 second to those nominations?

6 MR. EWING: Second.

7 CHAIRMAN TILLERY: It has been moved and
8 seconded. Is there discussion on those nominations?

9 (No audible response)

10 CHAIRMAN TILLERY: Looking at the list you have
11 proposed I think those are some excellent choices. Having
12 looked at the list of applicants there are a number of highly
13 qualified applicants in addition to these that have been
14 proposed. I think there's a number that could have been
15 substituted for some of these but I think the list that you
16 propose is a good one. I think it provides a good diversity,
17 both of geography and of interests and abilities and we'd
18 certainly support your proposal.

19 Is there additional comment?

20 (No audible response)

21 CHAIRMAN TILLERY: Okay. Then all in favor of
22 the motion say aye.

23 IN UNISON: Aye.

24 CHAIRMAN TILLERY: Opposed.

25 (No opposing votes)

1 CHAIRMAN TILLERY: The motion is carried and
2 those recommendations, I gather, will be forwarded to the
3 Secretary of the Interior.

4 Okay. The next item on the agenda is the traditional
5 ecological knowledge protocols. Ms. McCammon, is there a
6 presentation on this one?

7 MS. McCAMMON: Mr. Chairman, attached you'll
8 find draft protocols for including traditional ecological
9 knowledge or indigenous knowledge in the EVOS restoration
10 process. As you know the Council funded in August the
11 beginnings of a Traditional Ecological Knowledge Project as
12 part of our community involvement project. Two TEK specialists
13 were recently hired as part of that project, Dr. Henry
14 Huntington and Dr. Pam Colorado. They will begin their work in
15 January, they were here in -- they were in Anchorage this week
16 meeting with the TEK Advisory Group and with community
17 facilitators yesterday. They will be meeting with the
18 restoration workshop in January.

19 In anticipation of this project gearing up further this
20 year, at a workshop last April the community facilitators, some
21 restoration work force members, principal investigators and
22 staff from the Restoration Office put together protocols for
23 including indigenous knowledge into the process. It begins
24 with an introduction, purpose and objectives to clarify why
25 these are being done and then goes through a series of

1 protocols which, in essence, are guidelines and items for
2 consideration when some form of research dealing with
3 indigenous knowledge is being done in the communities.

4 This has also gone out to the villages for their
5 consideration and adoption. One community, the Seward Tribal
6 Council, has already adopted these. The others -- most of them
7 have it before them during the month of December, so I would
8 anticipate we'll be hearing from more of them. However, it's
9 the recommendation of the community facilitators to go forward
10 and have the Council adopt these.

11 Since these have been out for review I have some minor
12 changes that have been recommended by various attorneys,
13 primarily. There's some minor clarification that I don't
14 believe are substantive changes and I don't think change the
15 thrust of these protocols at all. And I could go through these
16 now and would recommend that these be rolled into the final
17 version.

18 On page one of the draft protocol, the third to the
19 last line, just a technical, practitioners of TEK can provide
20 western biologists, since we've already done two parentheticals
21 on it. On page three, there's a recommended change on three.
22 The language we have now, whose proposed research is likely to
23 affect subsistence. There's a recommendation to change that
24 to, whose proposed research directly affects subsistence
25 activities. On page four, section d there was a recommendation

1 or an observation that the intent of what we were trying to say
2 on this wasn't said very clearly and so the recommendation is
3 just to rewrite it to say, costs for incorporating TEK in a
4 research proposal to be reflected in the budget. Which is a
5 more direct way of what we were saying.

6 On page five, section i, the recommendation was to
7 insert the phrase, in oral communications between Alaska Native
8 language and whenever English is the second language. So the
9 protocol would be to use the local Alaska Native language in
10 oral communications whenever English is the second language.
11 There was some concern that we might be supporting the writing
12 of all the reports and things like that in a traditional
13 language. So this would be in oral communication.

14 And those are the only comments and recommended changes
15 that I received through this review process. This is something
16 that is very important to the Native community, they have
17 worked closely with us in developing these and I would hope
18 that the Council would adopt them today.

19 MS. D. WILLIAMS: Mr. Chairman.

20 CHAIRMAN TILLERY: Ms. Williams.

21 MS. D. WILLIAMS: I move that the Council adopt
22 the guidelines as amended by Ms. McCammon.

23 MR. EWING: Second.

24 MR. HINES: Seconded.

25 CHAIRMAN TILLERY: It's been seconded by

1 Mr. Hines. Is there further discussion or are there questions
2 regarding these?

3 (No audible response)

4 CHAIRMAN TILLERY: Is there anyone opposed to
5 the adoption of these protocols?

6 (No audible response)

7 CHAIRMAN TILLERY: Hearing none, the motion
8 passes.

9 MS. D. WILLIAMS: Mr. Chairman.

10 CHAIRMAN TILLERY: Ms. Williams.

11 MS. D. WILLIAMS: I want to underscore that the
12 group that worked this should be commended. I do think that
13 this is an excellent product and one that can be use nationally
14 and internationally.

15 CHAIRMAN TILLERY: Thank you. And I would echo
16 that. This is well done.

17 The next item on the agenda has to do with data
18 ownership and archiving policy.

19 MS. McCAMMON: Mr. Chairman, I'm going to ask
20 Stan Senner to come up here, too, since he helped draft this,
21 but just to put this into perspective, the Council already has
22 an existing policy that relates to this, and that's Policy
23 Number 20 in the Restoration Plan adopted in November of '94.
24 That restoration must request public ownership of the process
25 by timely release and reasonable access to information and

1 data. It goes on to say that information from restoration
2 projects must be available to other scientists and to the
3 general public in a form that can be easily used and
4 understood. An effective restoration program requires the
5 timely release of such information. This policy underscores
6 the fact that, since the restoration program is funded by
7 public money, the public owns the results.

8 In addition, item number 5 under professional services
9 contracts in the Trustee Council procedures, adopted in August
10 of '96, states that all notes and other data developed by the
11 contractor shall remain the sole property of the contracting
12 agency. In the past year we have had a number of questions
13 arise that we believe has given us the feeling it would useful
14 to amplify and clarify this policy. And basically to highlight
15 it and underscore that the Council really believes that the
16 data it is funding to be gathered does belong to the public
17 domain.

18 We do have a proposed clarification, then, to the
19 Council's existing policy. This has been out for review the
20 last week and there are some small modifications to this. This
21 clarification actually addresses two issues. One is the
22 question of data ownership and I think we've had comments
23 primarily on that aspect. It also deals with the aspect of
24 data archiving and we want to be very clear and up front that
25 this is not the last you will hear of the issue of data

1 archiving. This is really not the final solution on what to do
2 over the long term with all of the data information and
3 products that the Trustee Council has funded through its
4 efforts.

5 This gives us kind of an interim way of tracking where
6 data is. If principal investigators should move or transfer,
7 so that we have a contact and an ability to track down that
8 data. This is not the long term solution for archiving and we
9 will, I'm sure, be coming back to you in the next few years
10 with a longer term solution to this.

11 So with that I turn it over to Stan on some of the
12 comments that we've received.

13 MR. SENNER: Yeah, you've pretty well covered
14 it, Molly. We did send this around to legal counsel for review
15 a couple of times and what you have in front of you sort of
16 initially passed muster and then upon closer examination there
17 have been more comments and questions raised. And I'll be the
18 first to point out I'm a biologist and not an attorney. Thank
19 goodness.

20 MS. McCAMMON: Proud of it.

21 MR. SENNER: So the intent, though, here is not
22 to go beyond what's in existing State or Federal law and to
23 simply make clear that any data to which the Trustee Council
24 has contributed financially, that that's really a matter of
25 being available to the public, it's part of the public domain.

1 We have a definition that data means recorded information,
2 regardless of form or the media on which it was recorded, and
3 that comes out of Federal acquisition regulations. And I'm
4 going to come back to the computer program, software part of it
5 in just a moment. The last statement that begins, each final
6 report on a restoration project shall -- and then it goes on,
7 is what Molly was referring to about data archiving and is
8 simply a way to try to leave a paper trail of where this stuff
9 resides. And so that scientists and the public in general can
10 have a chance to track it down. It definitely isn't a long
11 term solution to that but when we scratch the surface of the
12 archiving question it gets daunting fairly quickly and possibly
13 also expensive and we keep sort of pulling back from it a
14 little bit and unwilling to fully tackle that one but we need
15 to be doing that.

16 I think Barry Roth is going to jump in here but kind of
17 the legal question, as I understand it here, is that Barry and
18 perhaps others believe that it's fine for data to very clearly
19 to be a part of the public domain, but when you talk about
20 other products, and those might include computer programs and
21 software, that legally that gets into a little more of a
22 difficult matter and so, Barry, would you want to just jump in
23 on that?

24 MR. ROTH: I'm not sure that the proper
25 terminology is that the software program would be in the public

1 domain or not. I think the key principles from the Council's
2 point are any software programs so developed by the Council
3 funding belong to the appropriate government and that that
4 other government will make sure that the -- that government
5 will make sure that the other government can freely use that
6 material. And beyond it we're looking generally to what State
7 and Federal law is there, but the key is it's not the
8 contractor's property to see fit, it's the government's to use
9 further and to make available to the public in accordance with
10 its own State or Federal other laws.

11 MR. SENNER: So do you have a suggestion of how
12 you would want to modify what's here?

13 MR. ROTH: I think if we just exclude either
14 other products or the computer programs at this point, the
15 general thrust, and just look to see what the proper
16 terminology would be for both the computer programs -- or the
17 programs themselves or even any technology that we would have
18 invented, we just probably have that as a separate policy.

19 MR. SENNER: So you -- just one example, then,
20 would be to after -- in the first line after any data strike,
21 or other products. And then dropping down to the fifth line
22 that begins, recorded, just put a period after recorded and
23 strike, include computer programs, databases.....

24 MR. ROTH: Yes.

25 MR. SENNER:and software?

1 MR. ROTH: Yes.

2 MR. SENNER: But you need to discuss whether
3 this is the direction you want to go, but just so it's on the
4 table then what kind of the issue is.

5 MS. McCAMMON: Mr. Chairman.

6 CHAIRMAN TILLERY: Ms. McCammon.

7 MS. KOWALSKI: Mr. lawyer.

8 MS. McCAMMON: I understand the issue that
9 Mr. Roth has put forward. However, the whole reason for having
10 this before you is because of an issue dealing with computer
11 programs and software. And I believe if we delete those
12 specifically then we have not addressed some of the concerns
13 that has generated this policy coming before you. And I would
14 rather -- rather than deleting this at this time I would rather
15 take this off the table now and work on that and come back to
16 you with a revised version at your next meeting rather than
17 delete that at this point.

18 CHAIRMAN TILLERY: I understood the proposal to
19 be to kind of take this off the table for while and not to
20 delete the reference -- I mean to delete the reference to
21 software out of this paragraph and create another paragraph
22 that deals just with it, is what I understood to be the intent
23 of your suggestion.

24 MR. ROTH: That was mine, it was only -- and
25 that would cover both computer programs or if the Council's

1 paid for a new technology or machine to be developed it would
2 seem to fall -- it wouldn't be data, per se, but the principles
3 are the same.

4 MS. McCAMMON: It would still be my preference
5 to do it, I believe, all together in one policy and have it
6 just clarified at that time rather than doing it piecemeal.

7 CHAIRMAN TILLERY: Mr. Wolfe.

8 MR. WOLFE: Is there some urgency that made you
9 bring this to the table at this point in time that we need to
10 address or do we have adequate time to go ahead and address the
11 computer software end of it.

12 MS. McCAMMON: I believe we have adequate time,
13 there's already existing language that exists in contracts and
14 this would clarify it. I think it would be helpful to have
15 this to go out in our FY98 invitation to have this
16 clarification, which would be the middle of February, so I
17 would say by the time of the next meeting if we could have that
18 clarified.

19 CHAIRMAN TILLERY: Mr. Wolfe.

20 MR. WOLFE: Mr. Chairman, what's being proposed
21 for clarification, I think, is consistent with where we --
22 where all along and particularly in setting up the Oil Spill
23 Public Information Center and the databases, to me, were a part
24 of that all along. Notwithstanding any legal questions, I
25 believe the intent of our -- of the Council all along was in

1 line with what's being proposed, so hopefully we can get that
2 taken care of as quick as possible and then bring it back to
3 the Council because, you know, we really do believe that that
4 information should get out to the public, including -- you
5 know, I'm not concerned about hardware but certainly databases
6 should be made available.

7 MR. ROTH: I guess I -- these are out to the
8 public, there's no question, we're not holding anything back
9 from the public, are we?

10 MS. McCAMMON: No, no, these are available to
11 the public.

12 MR. ROTH: Yeah, these are out.

13 MR. WOLFE: Okay. But why the pur -- well it
14 is, but why the need for the clarification if that's the case
15 then?

16 MS. McCAMMON: The issue was to highlight that
17 this is the Council's policy and to make it very explicit.

18 MR. WOLFE: Okay.

19 MS. McCAMMON: And also to clarify on software
20 and computer programs which is in the area that the most recent
21 question has risen.

22 MR. WOLFE: I see. Okay.

23 CHAIRMAN TILLERY: Is there any further
24 questions or discussion on this one? Okay. Unless someone
25 wants to bring it to a head now then we'll move on to the next

1 agenda item.

2 MR. WOLFE: Do we need to table this?

3 CHAIRMAN TILLERY: No, there's no motion to
4 table I don't believe.

5 The next item on the agenda are the FY97 deferred
6 projects. Does someone want to go through these?

7 MS. McCAMMON: Yes.

8 CHAIRMAN TILLERY: Okay.

9 MS. McCAMMON: Mr. Chairman, you have before
10 you two tables, one of them consists of numbers and one is
11 text. In August the Council took action on \$15,390,300.00
12 worth of projects for FY97. At that time the Council deferred
13 action on a number of projects totalling over a million and a
14 half dollars. They were deferred for a number of reason. Some
15 of them were awaiting the results of the summer field work,
16 some of them were awaiting a fall peer review session and some
17 were considered technically good projects, but a final decision
18 needed to be made in terms of where they stood in terms of
19 priorities and trying to achieve the \$16,000,000.00 target
20 figure for the work plan.

21 Based on the information that has come to us this fall,
22 and with a lot of cooperation from the principal investigators
23 and the restoration work force members, we have before you a
24 proposal on these deferred projects that total \$609,200.00.
25 This brings the total of the work plan for FY97 to

1 \$15,999,500.00, slightly under 16 million. It represents
2 funding for 69 projects including the three large ecosystem
3 projects, 50 other continuing projects and 16 new projects.

4 The table that you have before you includes a lot of
5 numbers. It starts out with a '97 revised request for
6 particular projects, what was already funded at the August
7 meeting, how much was deferred and what my recommendation is
8 for that portion of it. It also includes the estimates for the
9 project for FY98, FY99 and then a total estimate for FY97 to
10 the year 2002. If the Council were to take action on these
11 recommendations as approved, this would -- for ongoing projects
12 next year, if they were to be funded at the level that is being
13 considered, now that would total about \$12,000,000.00. So if
14 next year our target for the work plan is 14 million, trying to
15 do that ratcheting down every year, we would be, in essence,
16 not committing yet because it's still pending review and final
17 Council action, but probably about \$12,000,000.00 worth of
18 ongoing projects, leaving about two million for new projects.

19 And Stan Senner is here. We have Dr. Spies on line and
20 what we propose doing is just going through each one very
21 briefly and seeing if there are any questions and any comments
22 on various recommendations.

23 CHAIRMAN TILLERY: I think that's a good
24 approach. If you could go through and then after your
25 discussion of a project just ask for questions at that time.

1 MS. D. WILLIAMS: Mr. Chairman.

2 CHAIRMAN TILLERY: Ms. Williams.

3 MS. D. WILLIAMS: I think since we've been
4 through all these project before, I would emphasize very
5 briefly, I would hope we could do most of these in one or two
6 sentences.

7 MS. McCAMMON: Why don't you go and then I'll
8 fill in where.....

9 MR. SENNER: Okay. Dr. Spies, are you on the
10 line?

11 DR. SPIES: Yes, I am.

12 MR. SENNER: Okay. One question before you
13 begin, do you want to go in the order that they're on the
14 table, which is by cluster or do you want to go by the book,
15 which is numerical? Craig's pointing at the book.

16 CHAIRMAN TILLERY: That's the way I'm going to
17 be following, otherwise I'm going to be rattling a lot of
18 paper.

19 MR. SENNER: You are the Chairman, so we will
20 follow suit.

21 CHAIRMAN TILLERY: Well, I'm part of the wish
22 of the group, but.....

23 MR. SENNER: Okay. If that's the case then
24 we're looking at the text descriptions and the first project is
25 012, Killer Whales. All right? Okay, everyone's on the same

1 page. Okay. This continues work on killer whales that's been
2 pretty much ongoing since the spill. We completed a review
3 session with outside peer reviewers and Dr. Spies here earlier
4 in November and we believe that this work is continuing to
5 document a very interesting story about the fate of killer
6 whales since the oil spill. We are recommending essentially
7 full funding of this request and with the caveat, however, that
8 we are definitely at a point where we need a very clear game
9 plan for phasing -- for winding down the current program and
10 getting those objectives down and time table down to conclude
11 this work. That it has gone -- it has continued this long
12 because it tells an interesting story following the oil spill
13 and there's high public interest, but it is time for a clear
14 plan to phase it down.

15 MS. McCAMMON: Next.

16 MR. SENNER: Okay.

17 CHAIRMAN TILLERY: Any questions?

18 (No audible response)

19 CHAIRMAN TILLERY: Okay.

20 MR. SENNER: All right. The second one is 025
21 which is -- the only question here is a small addition to the
22 Nearshore Vertebrate Predator Project. The request -- the
23 amount deferred was 115,000, however, the executive director's
24 recommendation is only an additional increment of \$30,500.00.
25 This is for the sole purpose of looking at predation by

1 glaucous-winged gulls, on blue mussels, on Montague Island in
2 Prince William Sound and we basically need to know more about
3 the number and especially the size classes of mussels that are
4 being taken because this is very important to our
5 interpretation of what's happening to the sea otter.

6 This amount of money, the 30.5 includes the data
7 gathering and the subsequent final report on this component
8 would be included in the existing NVP project cap in the
9 following year.

10 Questions?

11 MS. McCAMMON: We should also note that the
12 report on 320Q has been received.

13 MR. SENNER: That's right. And there is a
14 request to collect glaucous-winged gulls to carry out this work
15 and the Public Advisory Group has reviewed that and had no
16 objection, although it was not in a formal session.

17 Okay. No questions? All right. The next one is 026,
18 close out integration of microbial and chemical sediment data,
19 15 thousand point 1. This is just a clean up of money that was
20 previously allocated due to some changes in fiscal years and
21 what kind of money can carry over. It's necessary to
22 reappropriate this amount, an equal amount was lapsed in the
23 prior year, so this is just clean up to finish up the project.

24 Questions?

25 (No audible response)

1 MR. SENNER: Okay. Number 159, close out. This
2 is, again, a project that had been approved previously, this is
3 for an additional \$15,000.00 to make sure that we have -- or
4 that the Fish and Wildlife Service has the services of a
5 statistician to help in doing a really rigorous analysis of
6 these data and to get this out in our peer review publication
7 as quickly as possible. This is one of the fundamental papers
8 from work in the damage assessment and that has continued into
9 the Restoration Program and it's really key to get this done in
10 a really proper way.

11 Questions?

12 CHAIRMAN TILLERY: The chief scientist
13 recommendation suggested there should be a stipulation attached
14 to this funding that the results be published in the open peer
15 review scientific literature which is not necessarily contained
16 in the executive director's recommendation. Would that
17 stipulation be a part of the.....

18 MR. SENNER: We would certainly add that and
19 the Fish and Wildlife Service has every intent of doing exactly
20 that.

21 CHAIRMAN TILLERY: Okay.

22 MS. McCAMMON: We can do that.

23 CHAIRMAN TILLERY: I'm just thinking the
24 procedure we might adopt, is to adopt the executive director's
25 recommendations, you know, with maybe an exception or

1 something but that would include that.

2 MS. McCAMMON: Okay.

3 MR. SENNER: Okay. Thank you. All right.
4 Number 166 on Pacific herring. The amount approved in August
5 was \$200,000.00, there is a request for an additional 140
6 thousand point 3. This would enable the Department of Fish and
7 Game to continue doing their spawn deposition surveys which is
8 one way that they estimate the biomass of spawning herring,
9 that was the money approved in August. And then the money, the
10 increment approved up -- to be considered now would include two
11 pieces. One is hydroacoustic surveys and then secondly the
12 completion of a model on herring recruitment and egg loss,
13 which is being done at the University of Alaska, Juneau.

14 And the recommendation of the chief scientist and the
15 executive director is to go ahead and fully fund this request
16 this year. However, the Council has previously said that they
17 do want to see a transition of this project to full funding by
18 the Department of Fish and Game and other non-Trustee Council
19 sources. And we, of course, agree with the Council on that and
20 would add the proviso that in FY98, in other words, this next
21 fiscal year that, in fact, the Trustees would only support one
22 survey technique. In other words, rather than continuing both
23 spawn deposition and the hydroacoustics, it's time to make a
24 choice and we believe this is an appropriate step to be taking
25 down and phasing out the Trustee Council support.

1 I do want to stress, this is an important time for the
2 herring in Prince William Sound. The Department of Fish and
3 Game's recent survey work has suggested that they now can allow
4 some commercial harvest again. This winter and next spring,
5 this will be the first since 1993 when it was shut down in
6 season. And that's good news for the herring, but it also
7 suggests to us that we want to make sure that they've got every
8 tool this coming spring to fully evaluate that biomass and make
9 sure they know exactly what they're doing, which I'm sure they
10 do, but we want to make sure they got the resources. But in
11 the following year we really need to start ratcheting this down
12 in a specific way.

13 Questions?

14 (No audible response)

15 MR. SENNER: Okay, 169, genetic study to aid in
16 restoration of murre. This would be a new project, a three
17 year project, total of 234,000, 59,000 of that in the first
18 year. This responded to a request in the FY97 invitation that
19 encouraged genetics work on sea birds. One of the very
20 practical benefits of this is it will enable us to get a much
21 better handle on the area of sea bird -- or the sea bird
22 populations actually affected by the spill, which probably, in
23 fact, go beyond the geographic boundary of the spill area.
24 And, over the long run, has a number of implications for the
25 way the Department of the Interior approaches their management

1 of marine birds. So we are recommending approval of that.
2 There initially were some concerns about methods but those were
3 fully resolved over the summer and fall.

4 Questions?

5 (No audible response)

6 MR. SENNER: All right. Number 230, Valdez
7 Duck Flats Restoration Project. This started out as a much
8 more substantial request for, I believe, more than \$200,000.00.
9 It was deferred in August so that we could look at overall
10 funding priorities. And the recommendation now is to go ahead
11 with the project at 67.8 thousand. What this would do is look
12 at the duck flats, the injured resources there. Look at what,
13 by all accounts, is increasing visitor use of the duck flats.
14 And there is much concern that that increased visitor use will
15 compromise habitats important to injured species. And then
16 will allow development of -- at least conceptual development of
17 kind of a plan or a strategy for minimizing and mitigating
18 those impacts. There was some concern earlier on, in August I
19 guess, that the status of the land parcels, the small parcels
20 on the duck flats was not resolved and that that would be an
21 important part of this exercise but the feeling is now that
22 there is at least progress being made on those parcels and,
23 even though their final status is not resolved, we could go
24 ahead with the planning effort that looks at the whole duck
25 flats and that could go forward, even though the final

1 resolution of the habitat parcels is not complete.

2 Probably the final word on this is that the initial
3 proposal would have sort of gone quickly from A to Z and built
4 a boardwalk and some other things out there to mitigate these
5 visitor uses. We strongly encourage them to -- not to enter
6 into this with the preconceived notion that the boardwalk was
7 the thing to do, that they need to step back and look at it
8 conceptually first and see what makes sense. And that is what
9 they have done with the revised proposal.

10 Questions?

11 MS. McCAMMON: I should also say here that the
12 city of Valdez strongly supports this and I think one of the
13 other ideas for having a conceptual plan was to get greater
14 community involvement in developing this kind of a plan or
15 strategy for the flats.

16 CHAIRMAN TILLERY: Stan, how does this relate
17 to this -- like this news story that we have about the flushing
18 project, our flushing project in Valdez, for the duck flats?

19 MR. SENNER: The harbor flushing? Homer is
20 talking about a tidal flushing of Mariner Park, is that what
21 we're -- that I don't know, Craig, I've not.....

22 MS. McCAMMON: No, that's not us.

23 MR. SENNER:not read everything in your
24 notebook, I guess. Molly, can you help me on that?

25 MS. McCAMMON: I haven't seen that one.

1 CHAIRMAN TILLERY: Well, it's talking about
2 1.25 million dollars for allowing sea water from the duck flats
3 area to flush out the sea polluted water and so forth. Are we
4 -- I assume we'd be integrated in anything like that?

5 MS. McCAMMON: I would (indiscernible).....

6 MR. SENNER: That would only make sense and I
7 mean, this proposal is coming to us with the full blessing of
8 the city and local planning authority so I'd have to assume and
9 hope, I guess, that they're on top of that, Mr. Chairman, but I
10 don't know specifically.

11 MS. McCAMMON: Would you like some specific
12 statement?

13 MR. SENNER: Do you want us to -- do you want
14 to take provisional action and have us just come back to you
15 and prepare a memorandum to just follow up on it or I don't
16 know you'd want to.....

17 MS. McCAMMON: Would you just like us to report
18 back?

19 CHAIRMAN TILLERY: I would just -- my own view
20 would be that this could be approved, subject to the executive
21 director making sure that this is integrated with the other
22 projects that are going on in the duck flats area.

23 MR. SENNER: That would be, I think, very
24 appropriate. Okay. Other comments or questions on that one?

25 (No audible response)

1 MR. SENNER: Okay. Moving on then to number
2 239, salmon carcasses, juvenile chinook salmon production on
3 the Kenai. This was one that was deferred in August so that we
4 could see overall how many -- how much money was available and
5 sort reassess our priorities. It got very good remarks from
6 the scientific review panel, it's a created proposal from a PI
7 who has been exceptional in the quality of his work. There was
8 some concern that the project focused rather narrowly on the
9 chinook salmon aspect and that perhaps it could be broadened to
10 address sockeye escapements. One of the problems with that is
11 if the project were to be broaden out, it would also become a
12 great deal more expensive. And our view has been that although
13 this is a good project and it seems to have some interest and
14 support in it, that, as a matter of priorities in FY97, that we
15 can't recommend that it go forward.

16 Questions on that?

17 MR. HINES: Just one remark, Mr. Chairman.

18 CHAIRMAN TILLERY: Mr. Hines.

19 MR. HINES: There's always been salmon
20 carcasses in the Kenai River from sockeyes. I mean, what type
21 of information are we going to get out of this? I mean, that
22 we may have to remove some salmon carcasses or put more in
23 there for secondary production purposes or.....

24 MR. SENNER: The poss -- and someone -- and if
25 you really need to know about that, someone from Fish and Game

1 maybe able to help. But the possible outcome is that you would
2 want to take into account in setting your allocations and
3 escapements so that you are getting a number of carcasses in
4 the river that contribute in the best possible way to future
5 production.

6 MR. HINES: Thank you.

7 MR. SENNER: Janet, was I -- okay.

8 MS. KOWALSKI: That was accurate.

9 MR. SENNER: All right. Moving right along,
10 number 247, Kametolook River Coho Salmon Subsistence Project.
11 This is one that has had some funding out of the State's share
12 of the criminal settlement money. It was not acted upon in
13 August because they were still doing some field work and some
14 feasibility planning with that State criminal money. The
15 Department of Fish and Game has now completed that and the
16 recommendation is now to go forward. And this is a small
17 scale, local coho supplementation project, it's got excellent
18 community support and although it goes for several years, six
19 years, you can see that after the initial amount of 31,000 in
20 the first year then the annual increments drop down to about
21 \$13,000.00 a year, so it is an inexpensive project that has
22 good community support. And it does, I should add, meet our
23 supplementation criteria and it has the participation and
24 blessing of ADF&G's fisheries geneticists.

25 Questions?

1 (No audible response)

2 MR. SENNER: Okay. Number 248 is again related
3 to Pacific herring. This addresses collection of historical
4 data and local environmental knowledge. The request is for
5 \$40,000.00 and the executive director's recommendation is, in
6 fact, to continue deferring action on this because we have
7 under 052B, the Traditional Ecological Knowledge Project, is
8 really just getting underway and it only seems appropriate to
9 give that project time to get up to speed and full
10 implementation before we decide whether it's necessary for
11 additional work on traditional knowledge in herring. So this
12 is, I guess, one we would simply continue to defer, rather than
13 concluding right now that it's a do not fund.

14 Questions?

15 (No audible response)

16 MR. SENNER: Okay. On that same page is number
17 251, a close out for the Akalura Lake sockeye salmon. This is
18 a continuation and conclusion of the work relating to
19 overescapement at Akalura Lake which has been a part -- it's
20 kind of been a hidden -- not a hidden, it's been overshadowed
21 by the Kenai River sockeye work, but the Akalura part of it has
22 been part of the Kenai work all along. Akalura Lake, of
23 course, is on Kodiak Island. This would basically put people
24 out on weirs to count out migrating smolts for one more season
25 and this 43,000 requested would include the final report

1 preparation on this project, so it's not that there would be
2 another year beyond this, this would have the final weir counts
3 and the final report.

4 MS. McCAMMON: Mr. Chairman, I should add here
5 that at one point we had last year as the recommendation as the
6 final year of funding on this project. At the request of Fish
7 and Game in Kodiak, I did send out Stan Senner and Dr. Spies
8 out to Akalura Lake to meet with Fish and Game out there to
9 review the project. And after their review and on-site visit
10 they determined that this would be appropriate for one more
11 year. They were convinced.

12 MR. SENNER: Questions?

13 (No audible response)

14 MR. SENNER: Okay. Number 254, Delight and
15 Desire Lakes. This one may take a little more discussion and
16 there was testimony on this this morning, you may recall from
17 Mr. Pat Norman and then a Mr. Meganack also mentioned this.
18 Delight and Desire Lakes are on the outer Kenai coast, McCarty
19 Fjord, I believe. They're within sort of the external boundary
20 of the Kenai Fjord National Park but the landowner around
21 Delight and Desire Lakes themselves would be the Port Graham
22 Corporation.

23 And this project is for a feasibility or
24 prefertilization study. The ultimate goal would be a
25 multi-year fertilization project to enhance the sockeye salmon

1 run there and that this would be justified as a replacement
2 fishery. I want to be clear that there really is no convincing
3 or direct evidence of injury to this fishery due to the oil.
4 It also is not a situation like the Kenai, where there was an
5 overescapement phenomenon, that's not the case here because
6 this fishery actually was kept open during the early days of
7 the oil spill. So this would be a replacement fishery.

8 From a technical standpoint the limnological work which
9 is really all that would happen in the first year is
10 technically feasible and the Department of Fish and Game is
11 very good at doing that kind of work and there are no problems
12 there. There have been some questions raised about sort of do
13 we want to get into another fairly large scale fertilization
14 project, some discussion about how appropriate that is. There
15 was quite an exchange of letters back and forth between the
16 National Park Service and Department of Fish and Game on that
17 subject. Most of those questions concern the ultimate one of
18 do you want to fertilize or not. They were not questions about
19 the prefertilization study itself where everyone pretty much
20 agrees that there would be some useful limnological data that
21 would come out of there regardless of what you think about
22 fertilization or not down the road.

23 The decision on -- or recommendation on this project
24 back in August was to defer it again because the feeling was
25 that we wanted to see how much money was available and to be

1 able to put this in the context of other priorities here at the
2 end of the year. And the executive director's recommendation
3 has been, and what is before you, is to do not fund, that is it
4 a lower priority. And certainly one of the issues raised here
5 is there's lots of changes going on with the economics of
6 commercial fishing and, you know, what makes sense as a good
7 investment down the road. In that context, another question is
8 that the proposal puts forth the possibility that if
9 fertilization were actually to go forward that perhaps the
10 fishing interests and others might pick up the cost of that
11 fertilization. We would also point out, though, that if a
12 decision is made to fertilize -- there's also been a commitment
13 -- someone's going to make to monitor the results of that and
14 it could be a rather expensive multi-year commitment and so we
15 want you to be aware of that possibility.

16 I don't -- I didn't go back and look at how much was
17 spent on Coghill Lake over the life of the project but we're
18 talking 250-300,000 a year, we're talking \$1,000,000.00 plus
19 for the Coghill work and so the concern would be here that
20 although this is just a prefertilization study, once you start
21 down that road it starts to get harder to change course and the
22 more money is spent, the more momentum there is to follow
23 through. So those are the kinds of issues that are on the
24 table.

25 MS. McCAMMON: The only thing I'd like to add,

1 Mr. Chairman, is that we did receive a letter last summer from
2 the Cook Inlet Seiners Association supporting this. We have
3 not received any comments from any members of the public up
4 until a couple of days ago when I did receive a call from
5 Mr. Norman. At that time he told me that there is a cannery
6 that the Port Graham Corporation has operating in Port Graham
7 and they would like to see, in the future, sockeye from this
8 fishery be used in their cannery. Certainly that would be a
9 long term kind of deal since with fertilization, it would take
10 a year for studying, then five or six years before you saw the
11 results of the fertilization. Today was the first time I had
12 heard any discussion of this as a subsistence fishery, we have
13 viewed this always as a replacement fishery for commercial
14 fishing. I had not -- this was the first time it had been
15 described as the possibility of a subsistence fishery.

16 He also said that to do work there we're looking for --
17 we're interested in this because it was a natural run, that
18 once fertilized, hopefully it would be natural where a lot of
19 the commercial fishing in lower Cook Inlet are enhanced fish
20 that are not naturally produced. They're from a hatchery and
21 there was concern about the future viability of that hatchery.
22 The hatchery is operated by Cook Inlet Aquaculture Association,
23 which is the same group that we would be looking to hopefully
24 to fund the actual fertilization work, so there are a lot of
25 questions in my mind that still exist out there and I -- you

1 know, after the additional information that was received this
2 week we had a lot of discussion about the recommendation and
3 whether it should change or not and I think at this point my
4 recommendation would be to try to gather additional information
5 in this next spring and summer and then if the proposal was
6 submitted again next fall look at it again next fall. But if
7 the Council wanted to do otherwise, we'd be happy to.

8 CHAIRMAN TILLERY: Questions?

9 MR. SENNER: We might ask Dr. Spies, do you
10 have anything you'd want to add to any of that?

11 DR. SPIES: No, I think, you know, in looking
12 closely at the history of that fishery and the amount of
13 spawning habitat available and so forth is an important aspect
14 of this and I think that once we got into the Coghill Lake
15 situation and (indiscernible) because of the life cycle of
16 sockeye, four, five or six years that we're going to be looking
17 at a kind of protracted project, so I think that needs to be
18 looked at carefully before we commit.

19 CHAIRMAN TILLERY: Are there questions or
20 comments?

21 MR. WOLFE: Mr. Chair.

22 CHAIRMAN TILLERY: Mr. Wolfe.

23 MR. WOLFE: The only concern I have is, we are
24 doing work on the stocking on another project that we're going
25 to discuss later on for subsistence purposes and it disturbs me

1 a little bit that we may have information at this point in time
2 indicating that this is the -- Delight and Desire Lakes are
3 also for subsistence use and that does make it look a little
4 awkward for us.

5 MS. McCAMMON: Although, Mr. Chairman, and,
6 Stan, correct me, but the stocking project is considerably less
7 expensive than fertilization project over the long term, is my
8 understanding.

9 MR. WOLFE: Yeah, it is.

10 MR. GIBBONS: It's had public support all the
11 way along. The Chenega Bay.....

12 MR. WOLFE: Yeah, it's about half or third.

13 MS. McCAMMON: Yeah.

14 MR. SENNER: Yeah, the -- just to follow up,
15 Mr. Wolfe, there are some differences. One is the Solf Lake
16 had always been proposed in the context of those subsistence
17 fishery and as the executive director said, the subsistence
18 aspect of Delight and Desire was the first we heard of it
19 today, so there's that. Secondly, the Solf Lake stocking --
20 because it is a stocking we see a more direct and likely
21 prospect of success and we know there were lots of sockeye in
22 there before the earthquake, they've done the limnological
23 work, they know it can support those fish, so we think that the
24 return on investment is probably more likely there. And then
25 lastly, the total cost is undoubtedly less, although we don't

1 know what the total cost of Delight and Desire would be, we're
2 only sort of by analogy assuming that it's in the order of
3 \$1,000,000.00.

4 CHAIRMAN TILLERY: Coghill was a success,
5 wasn't it?

6 MR. SENNER: Coghill was successful in that the
7 plankton levels were restored and there was some increase in
8 the fish produced in the lake, that's right.

9 CHAIRMAN TILLERY: Wasn't it open this year for
10 fishing, commercial fishing?

11 MR. SENNER: Yes, it's been -- yes, yes.

12 CHAIRMAN TILLERY: I don't know, I guess I'm
13 kind of -- when I went through this the first time, actually
14 even before the testimony today, I was looking at this one as
15 one I wasn't quite sure that -- and I certainly wouldn't kind
16 of characterize it as a low priority. I think the idea of
17 looking at it again and maybe trying to get some more
18 information about the potential use of the fish would be a good
19 one. I guess my only -- I would question whether we should
20 wait until next round of proposals or whether that's something
21 that can be done even sooner than that. If there's additional
22 information that could be gathered or does this thing have to
23 get out now or wait?

24 MS. McCAMMON: I would assume that if you were
25 to start the work this summer that there would have to be a

1 decision made by at least early in the spring. So it would be
2 up to you.

3 CHAIRMAN TILLERY: Mr. Wolfe.

4 MR. WOLFE: Is there some field work that needs
5 to occur before we get additional information on what we
6 believe needs to occur there?

7 MS. McCAMMON: No, I don't think additional
8 field work, this would be just some additional information
9 the.....

10 MR. WOLFE: Yeah, data gathering.

11 MS. McCAMMON:data gathering.

12 MR. SENNER: Perhaps the importance of the
13 subsistence aspect of it, and I think if you really want us to
14 look at this further, some guidance on whether this is
15 something the Trustee Council would want support only in the
16 feasibility stage and then not in implementation or whether it
17 is something one would want to get into at the implementation
18 level, because that would have a big -- it would make a
19 difference.

20 CHAIRMAN TILLERY: Part of the information I
21 would want to know would be if we set this up, will somebody
22 else implement it? I would -- I mean, that would be a very --
23 that could make a pretty compelling case for us to do some of
24 the preliminary work on it, I would think.

25 MS. McCAMMON: A more significant commitment at

1 this time would help.

2 CHAIRMAN TILLERY: Yes, would help certainly
3 and obviously getting more information about the variety of
4 uses that would be made of these fish would help.

5 MR. SENNER: So you're essentially recommending
6 that we continue to.....

7 MS. McCAMMON: Defer.

8 MR. SENNER:defer this rather than a do
9 not fund. And that we gather that additional information.
10 Let's just be clear on the -- whether there would be support
11 for the implementation phase and then, secondly, on what the
12 different uses would be, especially the importance to
13 subsistence.

14 CHAIRMAN TILLERY: Is that -- Jim?

15 MR. WOLFE: I concur.

16 MR. SENNER: Okay, any additional comment or
17 question on that?

18 (No audible response)

19 MR. SENNER: All right. Moving right along,
20 number 256A is sockeye salmon stocking at Columbia Lake. The
21 short answer is that the Forest Service explored the
22 feasibility of this and concluded it wasn't feasible and
23 essentially the proposal was withdrawn.

24 However, 256B is the stocking at Solf Lake which we
25 just addressed and probably doesn't need much more said. This

1 area had a significant sockeye fishery pre-earthquake, it's
2 very close to Chenega Bay, it's had strong support from the
3 Chenega community all along for subsistence resources, also has
4 some connection to sport fishing. The Forest Service has done
5 the feasibility work in cooperation with ADF&G and the
6 limnological people. The conclusion is that it will support
7 restocking and you see that the price tag over seven years is
8 about \$450,000.00.

9 MR. HINES: Mr. Chairman.

10 CHAIRMAN TILLERY: Mr. Hines.

11 MR. HINES: I just had a question. It says
12 habitat improvements were made in '78, 80 and '81 to provide
13 access for anadromous fish, but yet -- and still there's no
14 fish there. What does that mean?

15 MR. SENNER: I believe what that means is that
16 some initial work was done on a fish pass but it was not
17 maintained in good condition.....

18 MR. HINES: Right.

19 MR. SENNER:and essentially has not been
20 operational and some of the initial expenditure in this case is
21 simply to go back in and re-engineer that, Dave?

22 MR. GIBBONS: Yeah, there was a channel
23 excavated, I visited it this summer. And it's kind of out of
24 repair so there's no access now to that channel, to the lake,
25 so what we have to do is put a little check dam, do a little

1 work in the channel to modify it some and then open it back up
2 again, so we'll have access.

3 MR. HINES: Why is it necessary to be a seven
4 year project if you can go ahead and fix that particular
5 pathways for the fish, restock it, would it still necessitate a
6 seven.....

7 MR. GIBBONS: Well, stocking of the sockeye
8 won't take place this year. What we're going to do this year
9 is the modification and the NEPA work and the modification to
10 the channel. The stocking doesn't start for -- till '98.

11 MR. SENNER: The concern, Mr. Hines, is that
12 for the stocking to be successful, in fact, takes three or
13 seasons of the stocking and they're conservative about it and
14 this is the way Department of Fish and Game wants to approach
15 it as well. They're conservative in that they stock not at
16 full 100 percent level but some lesser percentage and they make
17 -- they do the limnological work to make sure that all the fry
18 they're putting in aren't -- haven't totally eaten up the food
19 supply. And then if all of that is positive, then you can
20 continue and complete you stocking effort.

21 DR. SPIES: I might mention that -- Stan and
22 Mr. Chairman, that the '97 there's going a limnological effort
23 as Stan referred to and also development of the stocking plan
24 and consideration of any concern about mixed stock fishery
25 interactions or genetic issues in that part of Prince William

1 Sound.

2 MR. SENNER: But we should stress that with the
3 support of the Trustee Council, the initial feasibility work
4 was done and both the Forest Service and ADF&G are confident
5 that the feasibility is not in doubt.

6 Okay. Just the last few here. Number 275, Rural
7 Development Applied Field-Based Research Program. This was
8 deferred in August. At that time, we were particularly eager
9 to have the proposers obtain commitments from some of the
10 project PIs that they would actually incorporate this student
11 research into their work. They, the proposers, have not been
12 able to obtain those kind of commitments. It is possible, I
13 guess, they might do that in the future and want to come back
14 and try again, but right now those kind of commitments haven't
15 been obtained and we recommend simply that we do not fund this.

16 Questions?

17 MS. McCAMMON: I should mention here that the
18 Public Advisory Group supported this proposal and urged
19 reconsideration next year if commitments could be obtained from
20 researchers.

21 MR. SENNER: Number 277 is on the
22 archaeological repository and I think you heard from the
23 executive director and Veronica this morning about the
24 archaeological work, so there's action proposed here on this
25 project.

1 Okay. Number 281, habitat improvement through
2 redesigned forest workshops. Again, in August, this was
3 deferred in part to see whether the proposers could obtain
4 commitments for financial sponsorship by some of the
5 stakeholders including, for example, the Chugach Alaska
6 Corporation. We do have a letter of support from Eyak.

7 Molly, do you want to take over on that?

8 MS. McCAMMON: Yeah, we did receive a letter
9 from Eyak Corporation. One of the recommendations are in terms
10 of deferring it was based on trying to get support and
11 participation of Eyak Corporation, Chugach Native Corporation
12 and other landowners, managers in Prince William Sound. To
13 date, there's been no formal agreement to support or
14 participate in this by any of the corporations, with the
15 exception of Eyak Corporation. The letter of support that they
16 gave said that they were not willing to contribute any money
17 towards it but that any information that would be generated
18 through a workshop like this would be useful in their land use
19 planning effort. So, at this point, based on the response
20 that we received, I still continued with a do not fund
21 recommendation.

22 MR. SENNER: Questions on that? Molly, do you
23 want to do the television program while you're there?

24 MS. McCAMMON: Yeah, 97301 was a proposal by
25 KAKM TV to do a one hour pilot program. They would like to do

1 a series on science in Alaska and they wanted to do the pilot
2 program on Trustee Council research and then use it to try to
3 get a National Science Foundation grant to do other science
4 programs for their TV -- I guess for that -- for KAKM.

5 We've had a lot of discussion about the actual video
6 needs of the Trustee Council and this kind of a proposal anyway
7 would have had to go out to competitive bid, so there was not
8 guarantee that KAKM would have received the bid anyway for a
9 one hour show. In addition, we've had a lot of need and this
10 was, I think, most exemplified in October when the Federal
11 Trustees did a presentation in Washington D.C. for raw video
12 footage, high quality raw video footage to be used by CNN, CBS,
13 others when we do have news stories that are of national
14 significance. In addition for a number of presentations that
15 we make to groups and individuals it would be very useful to
16 have a short 10 minute video. And then as we look towards the
17 10th anniversary, a longer video or something of a half an hour
18 or an hour scale seems to be more appropriate.

19 And what I would like to do is to come back to you,
20 probably in late January, early February. The Public Advisory
21 Group is very interested in this and they would like to be
22 involved in developing a proposal that would look at a variety
23 of uses of raw video footage and also some kind of produced
24 package. And so I would like to recommend you not funding this
25 particular proposal but taking elements of this and putting

1 together a new proposal for consideration later in the year.

2 MR. SENNER: Any questions?

3 (No audible response)

4 MR. SENNER: Okay. Last one, number 305,
5 monitoring response of seabirds to changing prey using stable
6 isotope analysis. This is recommended as a do not fund, not
7 because it's a bad idea, it's a good idea and a good PI.
8 However, we have the capability under another project, 170, to
9 have this kind of isotope work done. And until that capacity
10 at the University of Alaska, Fairbanks is fully used, there's
11 no reason to fund an additional study along these lines. So
12 basically this work can be accomplished through another avenue
13 and it is recommended that we not fund it.

14 That's it, Mr. Chairman, unless Molly's.....

15 MS. McCAMMON: Mr. Chairman, there's one more
16 proposal project that was inadvertently left off of here and
17 that is project number 97151, which are improvements to the
18 Prince William Sound Science Center. This was a deferred
19 project from August, it was taken up at the October 15th
20 meeting. At that time, there was discussion and the Trustee
21 Council asked staff to get additional information from the
22 Science Center, specifically to examine that project in light
23 of the role that the Oil Spill Recovery Institute funds, what
24 role they could play in support of the Council's Restoration
25 Program.

1 Following the October 15th meeting, I did send a letter
2 to the executive director, Gary Thomas, asking for his
3 assistance in exploring this avenue and have received no
4 response from him as of yet. So at this point it's still a
5 defer unless the Council would like to see it at this point as
6 a do not fund.

7 CHAIRMAN TILLERY: Your recommendation, though,
8 is defer?

9 MS. McCAMMON: Yes.

10 CHAIRMAN TILLERY: Okay. Mr. Hines.

11 MR. HINES: Yes, Mr. Chairman, along those same
12 lines, I also thought we agreed that we're going to look at the
13 MOU supposedly we have with the Prince William Sound Science
14 Center. Wasn't that discussed at one of the meetings that
15 Mr. Wolfe chaired here in Juneau?

16 MR. WOLFE: I.....

17 MR. HINES: And we're supposed to formulate
18 some committee about that.

19 MR. WOLFE: I don't remember an MOU, but what I
20 do remember is that we did agree to have a committee or staff
21 liaison people work with the Science Center to see if there
22 was, you know, a way to come up with a project there that would
23 partially support their request.

24 MS. McCAMMON: This letter was the introduction
25 to.....

1 MR. WOLFE: Yeah.

2 MS. McCAMMON:discussing the possibility
3 of some kind of an MOU and we've received no response.

4 MR. WOLFE: Mr. Chair.

5 CHAIRMAN TILLERY: Mr. Wolfe.

6 MR. WOLFE: I think defer status is still
7 appropriate and I think we still need to pursue that and I'm
8 puzzled by Mr. Thomas's non-responsiveness at this point, but
9 in either case, I think it's to our benefit to continue to
10 explore that.

11 CHAIRMAN TILLERY: Okay.

12 MS. D. WILLIAMS: Mr. Chairman, I move that the
13 Council adopt the recommendations made by the executive
14 director with respect to the deferred projects in FY1997 work
15 plan and that we commend the executive director and everyone
16 who worked on this for keeping us under the \$16,000,000.00
17 budget cap.

18 MR. EWING: Second.

19 CHAIRMAN TILLERY: It's been moved and
20 seconded. Is there any further discussion?

21 (No audible response)

22 CHAIRMAN TILLERY: All in favor?

23 IN UNISON: Aye.

24 CHAIRMAN TILLERY: Opposed?

25 (No opposing responses)

1 CHAIRMAN TILLERY: The motions carries. Now,
2 if I can figure out what I just did with my agenda.

3 MS. McCAMMON: Tatitlek.

4 CHAIRMAN TILLERY: Ah. The next item on the
5 agenda is habitat acquisition and the two proposals before us
6 are -- well, there's more than two, I guess. There's Tatitlek,
7 Horseshoe Bay, KAP 114, which is the Johnson parcel and the KNA
8 amendment. How do you -- do you have a proposal or should we
9 just proceed in order?

10 MS. McCAMMON: I think we should start with
11 Tatitlek.

12 CHAIRMAN TILLERY: All right. Would you
13 present it or do you want.....

14 MR. WOLFE: Molly, would you do it?

15 MS. McCAMMON: I'd be happy to if you want me
16 to.

17 MR. WOLFE: You're more familiar with it than I
18 am.

19 CHAIRMAN TILLERY: You want to do it?

20 MS. McCAMMON: Yes.

21 CHAIRMAN TILLERY: Okay. Ms. McCammon, would
22 you bring us up to date with the status of Tatitlek?

23 MS. McCAMMON: Mr. Chairman, the Council passed
24 a resolution agreeing to purchase various interests in 66,600
25 acres from Tatitlek Corporation for a total of \$33,000,000.00,

1 if such an offer was made by Tatitlek. On October 15th
2 Tatitlek did make an offer to convey to the Trustee Council the
3 lands and interests in lands described in resolution dated
4 August 29th, 1996 as well as interests in some additional land.
5 And that specifically was a timber only conservation easement
6 on the Sunny Bay parcel. And I believe you should have a copy
7 of a map that shows the Sunny Bay parcel. And it's the portion
8 of Port Fidalgo at the very upper end across from Waylen Bay,
9 to the north of Waylen Bay. And this would extend the timber
10 only conservation easement all along what is currently Tatitlek
11 owned lands on the north side of Port Fidalgo.

12 In exchange for this, they would also agree to a
13 moratorium on timber harvesting on any Tatitlek lands by
14 Citifor from May 1st, 1997. The timber only conservation
15 easement consists of approximately 2,445 acres of land, it has
16 been appraised at over \$2,000,000.00, the timber only rights on
17 those lands.

18 CHAIRMAN TILLERY: Approximately 2,000,000.

19 MS. McCAMMON: Approximately \$2,000,000.00.

20 The resolution that -- since the August meeting there have been
21 discussions between Citifor, which owns a portion of the timber
22 rights -- have been sold a portion of the timber rights by
23 Tatitlek Corporation and by Tatitlek. They have now reached
24 agreement on their package, between those two interests and
25 this would conclude or be the final conclusion of the Tatitlek

1 package that began in August. And so what you have before you
2 is a resolution that would respond to the formal offer that has
3 been made by Tatitlek Corporation. And I do have an agreement
4 that was received today that is signed by all of the various
5 parties. And I would view this as primarily a technical
6 amendment to the original resolution that was passed in August.

7 CHAIRMAN TILLERY: This is -- I think Council
8 members should have a resolution in front of them. And if I
9 could just sum it up. The original purchase price was
10 33,000,000 plus some amount of money to deal with the deferred
11 payment aspects of this for certain interests in land.
12 Tatitlek came back with an offer that included the 33,000,000
13 plus they raised the ante really to 33,800,000 and for that
14 additional \$800,000.00, which does not include a deferred
15 payment consideration in it, but this is -- you know, it would
16 be 400,000, 400,000 in the two final payments.

17 Tape 3 of 3

18 For that the Council would receive timber valued at 1.9
19 million as well as -- Tatitlek has secured a moratorium on
20 timber harvesting on any Tatitlek lands by Citifor and Seward
21 Forest Products until May 1 of '97 and in essence the Council
22 would get the benefit of that moratorium. I guess it would be
23 granted that moratorium if necessary.

24 Does that summarize where we are on this?

25 MS. McCAMMON: That's correct.

1 CHAIRMAN TILLERY: Okay. Is there a motion?

2 MR. WOLFE: Mr. Chair.

3 CHAIRMAN TILLERY: Mr. Wolfe.

4 MR. WOLFE: I'd like to make one statement. I
5 think that the addition of the timber moratorium or the timber
6 conservation easement on the Sunny Bay area does really, truly
7 enhance and make the Tatitlek package a much improved package,
8 for it now puts all of the Fidalgo Bay area in to some level of
9 protective status which is a significant achievement in my
10 opinion. And I guess on that basis and given the fact that the
11 timber value is estimated at roughly \$2,000,000.00 the cost to
12 the Trustees would only be 800,000. I think it's a heck of
13 deal, especially since it's a timber conservation easement in
14 perpetuity if I understand it right, so I would make a motion
15 that we pass the resolution as presented and proceed from
16 there.

17 CHAIRMAN TILLERY: Is there a second?

18 MS. D. WILLIAMS: Mr. Chair, I second the
19 motion.

20 CHAIRMAN TILLERY: Thank you. Is there
21 discussion about the motion, questions as to how this works? I
22 know several people might not have been here during the first
23 Tatitlek motion and, therefore, it might make less sense
24 exactly what we're doing, but is there any questions that need
25 to be answered?

1 MS. D. WILLIAMS: Mr. Chair, my only question
2 is whether May 1, 1997 is enough time?

3 CHAIRMAN TILLERY: I think that that's as much
4 time as we could get. There is a provision in the moratorium
5 that would allow Citifor to extend it from month to month
6 essentially if they felt a deal was close. We believe that is
7 enough time, it's essentially the time that's required to see
8 if a deal can be struck between Citifor and Mental Health,
9 so.....

10 MS. McCAMMON: Mr. Jones is on line, if we need
11 him, if there are any questions.

12 CHAIRMAN TILLERY: Yeah. If -- Mr. Roy Jones
13 who represents Tatitlek is on line if there are any questions
14 that you would like direct to him. And perhaps, Roy, you might
15 tell us whether in your view that May 1 is, first of all,
16 adequate, and secondly, if not as much as you could get. Roy?

17 MS. McCAMMON: He was on line.

18 CHAIRMAN TILLERY: Well, he may not be on line.
19 Anyway, but I think that is -- I had some conversations with
20 him yesterday about that and I believe that -- you always want
21 more time but sometimes the negotiations expand to fill
22 whatever time you give.

23 Are there additional questions about this?

24 MR. HINES: Mr. Chair.

25 CHAIRMAN TILLERY: Mr. Hines.

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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:

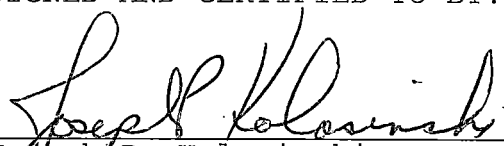
THAT the foregoing pages numbered 4 through 139 contain a full, true and correct transcript of the Exxon Valdez Oil Spill Trustee Council's Meeting recorded electronically by me on the 6th day of December 1996 and thereafter transcribed by me to the best of my knowledge and ability.

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 13th day of December 1996.

SIGNED AND CERTIFIED TO BY:



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

1 MR. HINES: Just very briefly, on point number
2 10, is just Tatitlek has to sell a timber only conservation
3 easement on the lands and a moratorium on the timber harvest on
4 any Tatitlek lands by Citifor until May 1st, so in terms of the
5 easement, a conservation easement, there is not going to be any
6 logging at all on those lands identified the easements is what
7 you're saying, but the other lands.....

8 CHAIRMAN TILLERY: Anywhere.

9 MS. McCAMMON: Anywhere.

10 MR. HINES: Okay.

11 CHAIRMAN TILLERY: Any Tatitlek lands.

12 MR. HINES: Right.

13 CHAIRMAN TILLERY: That capital L lands is
14 Sunny Bay, the little l lands is all the lands.

15 MR. HINES: Okay. Thank you.

16 MR. WOLFE: Mr. Chair.

17 CHAIRMAN TILLERY: Mr. Wolfe.

18 MR. WOLFE: Maybe partially in response to
19 Deborah's concerns, if the May 1 isn't enough time and it did
20 trigger some timber harvest then the whole deal would be back
21 on the table for us to look at again. So it doesn't proceed,
22 but it does keep a deal on the table though even if harvest
23 does occur, it just would change significantly and we would
24 have a chance to revisit the deal.

25 CHAIRMAN TILLERY: That is correct. If there

1 is harvesting then this deal comes back.

2 MR. WOLFE: Yeah.

3 MS. McCAMMON: Mr. Chairman, we should know by
4 February whether this deal is going to go forward as.....

5 MR. WOLFE: As desired.

6 MS. McCAMMON:described and as we desire
7 and at that time we would take appropriate action.

8 MR. WOLFE: Yeah.

9 CHAIRMAN TILLERY: Are there any further
10 questions.

11 MR. WOLFE: Call for the.....

12 CHAIRMAN TILLERY: All in favor of the
13 resolution as presented say aye.

14 IN UNISON: Aye.

15 CHAIRMAN TILLERY: Opposed?

16 (No opposing responses)

17 CHAIRMAN TILLERY: The resolution carries. The
18 next item of business would be Horseshoe Bay, a small parcel.
19 Is -- Ms. McCammon, you going to do that or.....

20 MS. McCAMMON: Mr. Chairman, you should have a
21 copy -- you're getting it right now, which includes a map of
22 this parcel. This was one that was submitted in the original
23 process a couple of years ago, Prince William Sound 11. This
24 parcel contains 1,600 feet of Horseshoe Bay frontage, it
25 includes the mouth of an anadromous stream. Part of the parcel

1 is an inholding in the Horseshoe Bay State Marine Park and the
2 rest of it lies immediately adjacent to the park. Public
3 ownership of the parcel will protect habitat for pink salmon
4 and recreation tourism by preventing further development on
5 this parcel. Acquisition will also insure public access to the
6 uplands and historic sites on Latouche Island via existing
7 trails.

8 If the parcel is not acquired, future development of
9 the adjacent uplands could result in user conflicts between the
10 public and private property owners. One of the key habitat and
11 other attributes of the parcel include the pink salmon spawning
12 stream and recreation tourism. The best anchorage in the bay
13 is immediately adjacent to this parcel.

14 The State and Federal review appraisers have reviewed
15 the most recent appraisal and the final appraised value of this
16 parcel is \$475,000.00.

17 We do have a resolution also before you for this
18 parcel.

19 CHAIRMAN TILLERY: Is there a motion on this
20 parcel?

21 MR. WOLFE: Mr. Chair, I make a motion.....

22 MS. KOWALSKI: I'll second.

23 MR. WOLFE:to acquire the Horseshoe Bay
24 parcel that's as described.

25 CHAIRMAN TILLERY: And seconded by

1 Ms. Kowalski. Are there any -- is there any questions or
2 discussions about the motion?

3 (No audible response)

4 CHAIRMAN TILLERY: I would like to add to that
5 that having been there in that area a number of times it is a
6 critical area, it is in the heart of the spill, it is near
7 Chenega, it's the area where -- certainly Chenega is part of
8 the deal that we're working on with them, that I think wants to
9 develop some tourism that would be serviced -- well a lot of
10 the tourism there might be serviced out of Chenega. This is a
11 very high priority for State parks and DNR and I think it fits
12 well into the general acquisition scheme in the Prince William
13 Sound area.

14 Are there additional comments to be made?

15 (No audible response)

16 CHAIRMAN TILLERY: Okay. All in favor of the
17 resolution say aye.

18 IN UNISON: Aye.

19 CHAIRMAN TILLERY: Opposed?

20 (No opposing responses)

21 CHAIRMAN TILLERY: The motion carries. The
22 next item of business would be KAP.....

23 MS. McCAMMON: 114.

24 CHAIRMAN TILLERY:114, the Johnson
25 parcel.

1 MS. McCAMMON: Yes. Mr. Chairman, this is a 55
2 acre parcel located within Uyak Bay, approximately eight miles
3 south of the village of Larsen Bay. The property encompasses
4 the head of a protective cove on the west side of the bay.
5 This cove is popular with local mariners as a sheltered
6 anchorage, especially during north and westerly winds. The
7 protective beach on this property is used as a staging site for
8 subsistence activities, primarily by residents of Larsen Bay.
9 Residents harvest salmon, water fowl, shellfish, deer, they
10 pick berries on or adjacent to the parcel. It is routinely
11 used by sport hunters in the fall and it provides key access
12 for subsistence and recreational uses on the surrounding public
13 lands.

14 It also has a bald eagle nesting on the parcel, pigeon
15 gillemts, common murre, marbled murrelets, black
16 oystercatchers are found in seasonal concentrations within the
17 cove. There's a rocky intertidal beach containing large
18 musselbeds and providing herring spawning habitat. River otter
19 use of the area is high with probable denning on the site.
20 It's also likely to contain evidence of historic and
21 prehistoric use.

22 Overall, the acquisition of KAP 114 would greatly
23 enhance the restoration investment already made in this region
24 of Kodiak Island. The parcel has been appraised, that
25 appraisal has been reviewed and approved by both the State and

1 Federal review appraisers, the appraised value is \$154,000.00.

2 MS. D. WILLIAMS: Mr. Chairman.

3 CHAIRMAN TILLERY: Yes, Ms. Williams.

4 MS. D. WILLIAMS: I move the Trustee Council
5 authorize the United States Fish and Wildlife Service to
6 purchase the KAP 114 parcel for the appraised value of
7 \$154,000.00.

8 MR. HINES: Seconded.

9 CHAIRMAN TILLERY: It's been moved and seconded
10 by Mr. Hines. Is there -- are there questions or comments on
11 the motion?

12 (No audible response)

13 CHAIRMAN TILLERY: Hearing none, all in favor
14 of the motion say aye.

15 IN UNISON: Aye.

16 CHAIRMAN TILLERY: Opposed?

17 (No opposing responses)

18 CHAIRMAN TILLERY: The motion carries. And
19 that leaves us in habitat acquisition with a proposed
20 resolution, I gather, relating to the KNA small parcels. Is
21 that Mr. Roth or Deborah?

22 MS. McCAMMON: Deborah.

23 MR. ROTH: Deborah.

24 MS. D. WILLIAMS: Mr. Chairman, I would -- two
25 things I'm going to just briefly bring the -- before Council up

1 to date on KNA and then I'm going to ask Barry to review the
2 amendment that we need at this time. I believe the Council is
3 all aware that Congress did pass legislation that was necessary
4 for us to go forward with the acquisition that the Trustee
5 Council has approved. At this point there is one additional
6 step and that is that the KNA Board of Directors needs to
7 approve the acquisition now that the outsizing legislation has
8 been enacted and signed by the President.

9 But Steve Shuck and I traveled to Kenai yesterday to
10 present to the KNA Board of Directors the offer. It was very
11 well received, they are going to be going to their shareholders
12 for an advisory vote on the offer and then hope to make a board
13 decision on the offer in February or March. We will, of
14 course, report to the Board as soon as we get the results from
15 that board.

16 There is, however, a small amendment we need to make at
17 this time and I'll let Mr. Roth describe that.

18 MR. ROTH: Yes, thank you. Mr. Chairman, when
19 the Council approved the KNA -- or funding for a portion of the
20 KNA acquisition by the United States, and that was in the
21 amount of \$4,000,000.00, and it's part of a larger package that
22 involves both lands that Interior currently owns. Additional
23 money that will come from the Federal restitution dollars -- so
24 forth. The cash component is a little over 4.4 million
25 dollars, I believe.

1 It was before the Council had adopted the policy of the
2 reciprocal enforcement easements by the non-acquiring
3 government, so there's no reference in the KNA resolution
4 itself to a conservation easement being granted to the State.
5 Subsequently by the policy announcement that that -- later on
6 that that was to happen, we have a resolution. Here what the
7 United States is actually buying with the \$4,000,000.00 of
8 joint funds is two properties which have been conveyed by the
9 United States to KNA already, that's the Stephanka tract, and
10 that I think many of the Council members have seen along the
11 river, and the Moose River patented tract.

12 There's also selected acreage that KNA is entitled to
13 receive, the conveyance has not been completed and the
14 legislation instead provided that KNA would relinquish that
15 selection and, in fact, KNA will relinquish under the
16 legislation additional selections. The legislation also makes
17 clear when these relinquishments take place that totally
18 fulfills their ANCSA entitlement. They won't be able to
19 replace the lands they're giving up in that way anymore, so
20 that they -- all the lands that they will be entitled to within
21 the refuge and under ANCSA will have been completed and, in
22 fact, the lands that KNA will now own Congress has redrawn the
23 boundaries of the refuge and they're outside the refuge under
24 the bill once the transactions take place.

25 As a result of the legislation and as a result of the

1 fact that on this selected parcel of the Moose River, the KNA
2 will never take title to it. As a result KNA cannot convey a
3 conservation easement to the State of Alaska nor can the United
4 States -- has any authority to convey a conservation easement
5 to the State of Alaska. So that consistent with the actions
6 the Council has done before in a certain limini cases where
7 they've not applied the requirement of an easement, where it
8 was impractical or created particular problems -- Interior
9 would request that the conservation easement requirement only
10 extend to the two parcels that are currently owned by KNA.

11 We don't anticipate any problems in managing the third
12 parcel to compliment the restoration program and think it will
13 be very secure, but we are unable to otherwise provide a
14 conservation easement.

15 And so the purpose of this motion today is to clarify
16 that with respect to KNA acquisition, which is partially funded
17 by the Council, the State is to receive conservation easements
18 only with respect to the Stephanka and Moose River patented
19 tracts.

20 CHAIRMAN TILLERY: Okay. Is there a motion?

21 MS. D. WILLIAMS: I move do to precisely what
22 Mr. Roth just stated.

23 MR. EWING: Second.

24 CHAIRMAN TILLERY: Is there discussion about
25 this?

1 (No audible response)

2 CHAIRMAN TILLERY: I just note -- I mean on
3 behalf of the State, we've kind of looked at this and realized
4 that this is a situation where an exception is warranted for
5 it, so we have no problems with it.

6 Okay. If no further discussion, all in favor of the
7 motion signify by saying aye.

8 IN UNISON: Aye.

9 CHAIRMAN TILLERY: Opposed?

10 (No opposing responses)

11 CHAIRMAN TILLERY: The motion carries. And
12 that brings us, I believe, to the last item that would be
13 before us which would be to revisit the issue of the Sealife
14 Center and its affect. The letter that has been written by the
15 Native people in the Seward area with respect to how the Native
16 people will be portrayed by the Center. We appreciate getting
17 a copy of that letter, it is an extremely well written and
18 informative document. Is there some -- would someone like to
19 lead off or does someone have a proposal to make at this time
20 or is there further discussion?

21 MR. HINES: Mr. Chairman.

22 CHAIRMAN TILLERY: Mr. Hines.

23 MR. HINES: I just want -- just asking a
24 question. If we've had a response from Mr. Hendricks, if he's
25 responded to this particular person who wrote the letter? To

1 Ms. Hatch?

2 MS. D. WILLIAMS: My understanding is he has
3 not.

4 CHAIRMAN TILLERY: This -- should just note,
5 the letter was November 26th, so it hasn't been that long since
6 -- I suppose it was -- is a -- Mr. Hines, is there something
7 else?

8 MR. HINES: (Shakes head in the negative)

9 CHAIRMAN TILLERY: Is there any other -- is
10 there more discussion or questions?

11 MR. WOLFE: Mr. Chair.

12 CHAIRMAN TILLERY: Mr. Wolfe.

13 MR. WOLFE: I would ask Deborah to restate her
14 motion that she made earlier for us now that we've had a chance
15 to look at the letter and talk about it a little bit more.

16 MS. McCAMMON: Or does she have a revised
17 motion?

18 MR. WOLFE: Do you have a revised motion,
19 Deborah?

20 MS. D. WILLIAMS: My initial motion was simply
21 to state that we recommended that the Seward Sealife Center
22 review this letter carefully and consider creating a committee
23 to address -- to assist the Sealife Center in producing a
24 respectful and accurate representation of the traditional
25 heritage of the Alaska Native cultures. I would be happy to

1 with either that motion or an alternative motion.

2 An alternative motion would be something like this:
3 the letter from the -- I should know how to pronounce their
4 name with -- Qutekcak, no, that's not right.

5 UNIDENTIFIED VOICE: Qutekcak.

6 MS. D. WILLIAMS: Qutekcak, and I apologize,
7 Qutekcak Tribe to the executive director of the Sealife Center
8 raises legitimate concerns. The Trust Council recommends the
9 executive director of the Seward Sealife Center work closely
10 with the local Native community on the issues described in the
11 letter, including consideration of the request for formation of
12 a committee or other working group for the purpose of assisting
13 the Sealife Center in producing a respectful and accurate
14 representation of the traditional heritage of Alaska Native
15 culture. That would be an alternative resolution.

16 CHAIRMAN TILLERY: Yeah, I guess we -- is there
17 -- talks about that -- or need to identify the motion, do I
18 assume then that the second motion is a substitute for your
19 original motion? Is that correct?

20 MS. D. WILLIAMS: I'm sorry, Mr. Tillery.

21 CHAIRMAN TILLERY: Should we treat the motion
22 that you just articulated as a substitute motion for the
23 original motion?

24 MS. D. WILLIAMS: Whichever the Trustee Council
25 likes better is fine by me.

1 MR. EWING: I would second the second motion.

2 CHAIRMAN TILLERY: There has been a seconding
3 of the second motion.

4 MS. D. WILLIAMS: I'm happy to substitute the
5 second motion if that is the will of the body.

6 CHAIRMAN TILLERY: It is a substitution for the
7 original motion, it has been seconded. Is there discussion on
8 this motion?

9 MR. WOLFE: I.....

10 CHAIRMAN TILLERY: Mr. Wolfe.

11 MR. WOLFE: I figure that we need to understand
12 what actions and to address the concerns of the Native
13 community in Seward and I believe what Deborah in her second
14 motion has done addresses that. It's our concern -- or my
15 concern that we don't get to the point of telling the executive
16 director for the Sealife Center to do things for us. That when
17 we get to that point it will be us working and directing what
18 we do rather than asking them to take charge of it and deal
19 with it, but I clearly feel like there is some merit to
20 pursuing the issue and there are some legitimate concerns on
21 the part of the Native community, so I'm okay with where we're
22 at at this point in time. I support Deborah's proposal or
23 resolution.

24 CHAIRMAN TILLERY: Are there other comments?

25 (No audible response)

1 CHAIRMAN TILLERY: Okay. Hearing no additional
2 comments, all in favor of the motion say aye.

3 IN UNISON: Aye.

4 CHAIRMAN TILLERY: Opposed?

5 (No opposing responses)

6 CHAIRMAN TILLERY: There is none opposed, the
7 motion passes. And that will be -- the executive director can
8 convey the sentiments of the Council to.....

9 MS. McCAMMON: Yes.

10 CHAIRMAN TILLERY: Okay. Is there any
11 additional business that needs to be brought before the Council
12 at this time?

13 MS. D. WILLIAMS: Oh, yes, Mr. Tillery.

14 CHAIRMAN TILLERY: Yes, ma'am.

15 MS. D. WILLIAMS: Inquiring minds want to know,
16 has our letterhead changed?

17 CHAIRMAN TILLERY: I wondered that myself. And
18 Ms. McCammon, we seemed to have gotten into a new age
19 letterhead here, can you tell us this?

20 MS. McCAMMON: Yes, our letterhead has changed,
21 although we're still using the old letterhead until it's all
22 used up, but yes.

23 MR. WOLFE: Tell me more.

24 CHAIRMAN TILLERY: Look at these things here.
25 We have an artsy (sic) logo now.

1 MS. McCAMMON: This was taken from last year's
2 annual report.

3 MS. D. WILLIAMS: Inquiring minds want to know,
4 what is the bird?

5 CHAIRMAN TILLERY: Looks like a Canadian goose.

6 MS. McCAMMON: It's a harlequin duck.

7 UNIDENTIFIED VOICE: An oiled duck.

8 CHAIRMAN TILLERY: An oiled duck, apparently.

9 MR. ROTH: With an eagle's beak.

10 MR. WOLFE: Oh, it is?

11 CHAIRMAN TILLERY: Okay. Is there anything
12 further to be brought before the Council?

13 (No audible response)

14 CHAIRMAN TILLERY: I would note that there is
15 at least -- Ms. McCammon, can you tell us when you anticipate
16 the next meeting?

17 MS. McCAMMON: Mr. Chairman, the month of
18 January we have the Restoration Workshop from January 23rd to
19 25th, I anticipate trying to schedule a meeting either the last
20 week of January or in early February. And at that time I would
21 hope that we -- I would have a proposal on the Small Parcels
22 Program at that time. Hopefully we'll have additional
23 information on the Delight and Desire Lakes Project. And then
24 of course if there's any additional activity on either of the
25 large parcel front or on the small parcel -- the ones that are

1 already in the works, we'd have action on that, too.

2 MS. D. WILLIAMS: Mr. Tillery, one issue we
3 didn't raise was the status of Eyak deliberations. Can
4 Ms. McCammon or someone give us an update on that?

5 MS. McCAMMON: Mr. Chairman, we've still been
6 working with Eyak, I would consider that we are in active
7 negotiations at this point. We're doing preliminary appraisal
8 work that, optimistically, would be completed in January
9 sometime. I'm getting a shaking of the head at the end of the
10 table. That's very optimistic apparently.

11 MR. WOLFE: Yes.

12 MS. McCAMMON: February is probably more
13 likely. And that's even -- now, I'm optimistic, I'm shooting
14 for February on that. And that hopefully we would have a
15 proposal to bring to the Council mid-February. I know that if
16 I say mid-February, hopefully it'll be done before summer.

17 MR. WOLFE: Mr. Chair.

18 CHAIRMAN TILLERY: Mr. Wolfe.

19 MR. WOLFE: Could I have a little bit -- we are
20 optimistic that Eyak is going to move towards a deal in the
21 very near future and we are doing some preliminary work, what
22 we can. But we have agreed with the negotiators that there are
23 two other projects that are higher priority and that once we
24 get those off the table for those folks well then we will hit
25 Eyak with both feet running. And so those other two are

1 Chenega and Tatitlek, and once we get Tatitlek behind us -- I
2 feel like we're getting close on Chenega and once we get
3 Tatitlek wrapped up here shortly then we expect to really be
4 moving on the Eyak package. And the only other thing that may
5 slow us down on that is we have the same appraiser working on
6 the land portion of this as is working on the AJV, so there may
7 be some overlap there, but we are moving ahead. And we are
8 optimistic, right.

9 CHAIRMAN TILLERY: Ms. Williams, does that
10 answer your question?

11 MS. D. WILLIAMS: That does, thank you very
12 much. And, Mr. Chairman, my last comments for the meeting are
13 to again thank and commend the EVOS staff, the Public Advisory
14 Committee and the agency staffs for putting together another
15 wonderful series of materials and booklet and everything else
16 -- continuing to do such outstanding work. And I wish them all
17 a very happy holiday.

18 CHAIRMAN TILLERY: Thank you. And I would like
19 to note that there is at least a possibility that we may need a
20 very quick teleconference meeting before we would likely have
21 another full Council meeting to deal with some of the small
22 parcels and for that reason, I guess, I would prefer that we
23 recess this meeting rather than adjourn it.

24 MR. WOLFE: Does this mean you're still the
25 Chair?

1 CHAIRMAN TILLERY: No, I think it goes back to
2 you.

3 MS. D. WILLIAMS: I move, Mr. Chair, that we
4 recess the meeting.

5 MS. BROWN: Second.

6 CHAIRMAN TILLERY: It's been moved and
7 seconded. All in -- is there anyone opposed?

8 (No audible response)

9 CHAIRMAN TILLERY: It is recessed.

10 (Meeting recessed - 3:17 p.m.)
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