

09.10.14

EXXON VALDEZ OIL SPILL TRUSTEE COUNCIL

TRUSTEE COUNCIL MEETING
Tuesday, December 23, 1997
10:00 o'clock a.m.

Fourth Floor Conference Room
645 G Street
Anchorage, Alaska

TRUSTEE COUNCIL MEMBERS PRESENT:

U.S. DEPARTMENT OF COMMERCE - NMFS: (Telephonically)	MR. STEVE PENNOYER Director, Alaska Region (Chairman)
STATE OF ALASKA - DEPARTMENT OF LAW:	MR. CRAIG TILLERY Trustee Representative for the Attorney General
STATE OF ALASKA - DEPARTMENT OF FISH AND GAME: (Telephonically)	MR. ROB BOSWORTH for Commissioner Rue
U.S. DEPARTMENT OF INTERIOR:	MS. DEBORAH WILLIAMS Special Assistant to the Assistant Secretary
U.S. DEPARTMENT OF AGRICULTURE - U.S. FOREST SERVICE (Telephonically)	MR. JIM WOLFE for PHIL JANIK Regional Forester
STATE OF ALASKA - DEPARTMENT OF ENVIRONMENTAL CONSERVATION: (Telephonically)	MS. MICHELE BROWN Commissioner

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1	STAFF PRESENT:	
2	MR. ERIC MYERS	Director of Operations EVOS Trustee Council
3		
4	MS. TAMI YOCKEY	EVOS Staff
5	MS. TRACI CRAMER (Telephonically from Juneau)	Director of Administration EVOS Trustee Council
6	MR. JOE HUNT	Communications Coordinator EVOS Trustee Council
7		
8	MR. HUGH SHORT	Community Involvement Coordinator, EVOS Staff
9	MR. ALEX SWIDERSKI	State of Alaska Department of Law
10		
11	MR. BARRY ROTH (Telephonically from Virginia)	Attorney-Advisor Conservation & Wildlife Division Department of the Solicitor
12		
13	MR. RICH GOOSSENS (Telephonically from Colorado)	U.S. Forest Service
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15	MR. DAVE GIBBONS (Telephonically from Juneau)	U.S. Forest Service
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Tatitlek Package Amendment

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P R O C E E D I N G S

(On record - 10:29 a.m.)

CHAIRMAN PENNOYER: This meeting of the Trustee Council is going to reconvene since we simply recessed last week. Let the record show that all the Trustee Council member agencies are represented by either their primary or alternates. I'm Steve Pennoyer with National Marine Fishery Service and I'll be chairing this meeting. The meeting was specifically called, I believe, to discuss the Tatitlek land purchase. And I think I'll turn it over to Jim Wolfe at this time. Jim, do you want to go through it or do you want to have Dave Gibbons tell us what we have here.

MR. WOLFE: Are we going into executive session to do this?

CHAIRMAN PENNOYER: That's fine if we need to do that. I wasn't sure what your plan was.

MR. WOLFE: I think before we do that I would offer -- I think Roy Jones and Clair Doig still are on the line and if there were some question for Roy or Clair before we move into executive session to discuss the acquisition of -- then maybe they could bring them up at this point in time.

CHAIRMAN PENNOYER: Okay, does anybody have any questions for Roy or Clair at this point?

(No audible responses)

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1 CHAIRMAN PENNOYER: If not then, do I have a
2 motion to go into executive session? And how do we end up
3 doing that on this phone call deal?

4 MR. WOLFE: I think what we could.....

5 MS. D. WILLIAMS: Should we ask if there's any
6 public comment? Does Pam want to testify?

7 CHAIRMAN PENNOYER: Well, I'm not sure what
8 we're doing so I'm not sure we have public comments on yet. Do
9 you want to do public comments before we go into executive
10 session? We haven't even announced exactly what the agenda is
11 yet, so.....

12 MR. TILLERY: I think -- Tami, do you have the
13 -- what are we going to do when we go?

14 CHAIRMAN PENNOYER: That's what I want to find
15 out.

16 MR. TILLERY: Tami know.....

17 MS. YOCKEY: I'm going to call the LIO, we'll
18 go off line and then the Forest Service will reconnect for the
19 executive session.

20 MR. TILLERY: Okay, we're going to go off line
21 from the LIO and then the Forest Service is going to reconnect
22 for the executive session.

23 CHAIRMAN PENNOYER: Okay, do I have a motion to
24 go into executive session and statement of purpose.

25 MR. WOLFE: Mr. Chair, I make a motion that we

1 recess to executive session to discuss Tatitlek acquisition.

2 CHAIRMAN PENNOYER: Do I have a second.

3 MS. D. WILLIAMS: Second.

4 CHAIRMAN PENNOYER: Moved and seconded we go to
5 executive session and discuss the Tatitlek acquisition. Do we
6 have a time so we can tell people about when we'll come back on
7 line? Anybody have a feeling for that? Half hour?

8 MR. WOLFE: Half hour.

9 CHAIRMAN PENNOYER: About a half an hour and
10 after that you just stand-by, I guess, so okay, let's go ahead
11 and do that, we'll disconnect and Forest Service will
12 reconnect. Thank you.

13 (Off record - 10:31 a.m.)

14 (On record - 12:16 p.m.)

15 CHAIRMAN PENNOYER: Let's reconvene the meeting
16 of the Trustee Council. We're coming back out of executive
17 session. I guess I need to announce that we discussed habitat
18 acquisition in the executive session. And we are now
19 reconvening and all members of the Trustee Councils or agencies
20 are represented either by the principal or their
21 representative. Deborah Williams had to leave, but Barry Roth
22 is sitting in for her.

23 I think we need to go ahead and proceed. And,
24 Mr. Wolfe, do you have something you wish to present?

25 MR. WOLFE: I think I do.

1 CHAIRMAN PENNOYER: Okay, well, if you think
2 you do, we'll listen.

3 MR. WOLFE: All right. We have a draft
4 resolution which supplements the August 29, 1996 and the
5 December 6th, 1996 resolutions to reallocate the funds set
6 aside for the Tatitlek acquisition to include acquisition of
7 770 acres of land that surround Irish Cove and Sea and to
8 acquire 24 acres, which constitutes 16 homesites in Irish Cove
9 and Sea. And to include a conservation easement on the 88
10 shareholder homesites which are currently owned by Tatitlek
11 Corporation to limit commercial development of those sites.
12 And to include provisions in the deal for enforcement of the
13 shareholder homesite quitclaim deed restrictions regarding
14 commercial development on the 70 homesites that are currently
15 privately owned by shareholders. And to acknowledge that they
16 Forest Service will work with and the Trustee Council will work
17 with Tatitlek to acquire blocks of shareholder homesites that
18 are available to provide for additional access protection in
19 the area using funds that remain from the previously earmarked
20 dollars available for Tatitlek.

21 This, I believe, just to refresh everybody's memory,
22 brings us to about 67,000 acres of property or 66,600 acres of
23 property to be protected in total. This is kind of the latest
24 issue that we had on the table where we tried to provide some
25 additional protection from commercial development primarily in

1 the homesites. And I think we've achieved that objective at
2 this point using these acquisitions and reallocation dollars.
3 The total amount of money that is estimated to be the current
4 purchase price would be \$34,805,000 depending on the final
5 closing date.

6 CHAIRMAN PENNOYER: And would you reiterate the
7 amount from criminal versus joint fund?

8 MR. WOLFE: Ten million of the first payment
9 would come out of the criminal settlement on the Federal side.
10 The balance of 24,805 would come out of the joint funding.

11 CHAIRMAN PENNOYER: And that's in two payments?

12 MR. WOLFE: And it would be in two payments.
13 At this point in time that's what anticipated, anyway is two
14 payments. One of, I can't remember, 24,000,000 and one of
15 10,000,000 -- one was 24,150,000 paid at the initial closing
16 and 10,400,000 and an additional sum that represents an
17 adjustment based on the initial date of closing at an
18 annualized rate of 5.17 percent be paid on October 1, 1998.

19 CHAIRMAN PENNOYER: Thank you. Perhaps for the
20 record you'll just reiterate the high value of these lands?

21 MR. WOLFE: Well, I'll let Dave do that for us.

22 MR. GIBBONS: Yes. The lands proposed for
23 acquisition contain important habitat for resources and
24 services injured by the oil spill. Irish Cove and Snug Corner
25 Cove and Tulin (ph) Bay have seven anadromous fish streams,

1 there's spawning habitat for pink salmon and spawning and
2 rearing habitat for cutthroat trout and dolly varden. These
3 lands are rated high value for intertidal and subtidal biota,
4 bald eagles, Pacific herring, harbor seals, river otter and
5 other services. Black oystercatchers, pigeon gullemots,
6 marbled murrelets use the area for feeding, nesting, molting,
7 wintering and resting. And the protection of these lands will
8 benefit the restoration of the injured resources and services.

9 CHAIRMAN PENNOYER: Thank you. Mr. Wolfe,
10 anything else on this resolution you wish to say?

11 MR. WOLFE: No, at this point.

12 CHAIRMAN PENNOYER: Are there questions of the
13 Trustee Council members for Mr. Wolfe on the resolution?

14 (No audible responses)

15 CHAIRMAN PENNOYER: What is your desire? Do I
16 hear a motion?

17 MR. WOLFE: Mr. Chair, I'd like to make a
18 motion that we approve the draft resolution essentially as
19 described and that we will finalize the resolution and get it
20 out for all the Council members for final signature shortly,
21 today or tomorrow.

22 MR. ROTH: Second.

23 CHAIRMAN PENNOYER: And this would be for
24 immediate -- for as soon as possible, transmittal to the
25 Tatitlek folks?

1 MR. WOLFE: Yes.

2 CHAIRMAN PENNOYER: Okay. Any further
3 discussion on this?

4 (No audible responses)

5 CHAIRMAN PENNOYER: And would all those in
6 favor of this resolution say aye.

7 IN UNISON: Aye.

8 CHAIRMAN PENNOYER: Those opposed.

9 (No opposing responses)

10 CHAIRMAN PENNOYER: The motion passes and the
11 resolution has been adopted. Is there further business,
12 Mr. Wolfe, on this matter?

13 MR. WOLFE: I don't think we need any further
14 instructions at this point. And we will get with the
15 corporation as soon as we get final -- we'll tell them that,
16 essentially, the deal, as proposed, is acceptable.

17 CHAIRMAN PENNOYER: Thank you. Is there
18 further business anybody wishes to bring before the Trustee
19 Council at this stage?

20 REPORTER: Mr. Pennoyer, this is the court
21 reporter, who seconded that motion, please?

22 MR. TILLERY: Barry Roth.

23 MR. ROTH: Barry Roth.

24 REPORTER: Thank you.

25 CHAIRMAN PENNOYER: I'm sorry, Traci?

1 MS. CRAMER: I didn't know if there was any
2 public comments.

3 CHAIRMAN PENNOYER: I didn't know we had
4 scheduled.

5 MS. BROWN: I don't know.

6 CHAIRMAN PENNOYER: Yeah, okay. Is there
7 public comment on this action or other actions that we need to
8 take at this time?

9 MR. WOLFE: Yeah, Mr. Chair.

10 CHAIRMAN PENNOYER: Mr. Wolfe.

11 MR. WOLFE: Do we have on record the Mr. Roth
12 was the.....

13 CHAIRMAN PENNOYER: I did that, yes.

14 MR. WOLFE: Thank you.

15 CHAIRMAN PENNOYER: Okay, if I hear no further
16 actions to come before the Council at this time, do I have a
17 motion to adjourn?

18 (Pause)

19 CHAIRMAN PENNOYER: Come on, you guys, no
20 recess. Any motion to adjourn?

21 MS. BROWN: I move.

22 CHAIRMAN PENNOYER: Thank you, Michele.
23 Anybody second it.

24 MR. WOLFE: I second.

25 CHAIRMAN PENNOYER: And Mr. Wolfe seconded it.

1 Is there any objection to the adjournment motion?

2 (No audible responses)

3 CHAIRMAN PENNOYER: Hearing none, thank you
4 very much and thank you for your patience, I know the executive
5 session went longer than anybody anticipated. So thank you
6 very much.

7 MR. TILLERY: Thank you.

8 CHAIRMAN PENNOYER: Talk to you later.

9 MR. ROTH: Happy New Year.

10 (Off record - 12:24 p.m.)

11 (HEARING ADJOURNED)

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

of: THAT the Transcript has been prepared at the request

DATED at Anchorage, Alaska this 28th day of December 1997.


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