

EXXON VALDEZ OIL SPILL TRUSTEE COUNCIL

VOLUME I
PUBLIC HEARING WITH THE PUBLIC ADVISORY GROUP
Thursday, January 21, 1999
7:00 o'clock p.m.

First Floor Conference Room
645 G Street
Anchorage, Alaska

TRUSTEE COUNCIL MEMBERS PRESENT:

STATE OF ALASKA -
DEPARTMENT OF LAW:

MR. CRAIG TILLERY
Trustee Representative
for the Attorney General

STATE OF ALASKA - DEPARTMENT
OF FISH AND GAME:

MR. FRANK RUE
Commissioner

U.S. DEPARTMENT OF INTERIOR:

MR. GLENN ELISON for
Bob Anderson, Acting
Special Assistant to the
Secretary for Alaska

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

MR. DAVE GIBBONS
Trustee Representative

U.S. DEPARTMENT OF COMMERCE - NMFS:

MR. JAMES BALSIGER for
Steve Pennoyer
Director, Alaska Region

STATE OF ALASKA - DEPARTMENT
OF ENVIRONMENTAL CONSERVATION:

MR. DAN EASTON for
Commissioner
Michele Brown

Proceedings electronically recorded, then transcribed by:
Computer Matrix, 3522 West 27th, Anchorage, AK - 243-0668

1 **PUBLIC ADVISORY GROUP MEMBERS PRESENT:**

2 Mr. Rupe Andrews, Chairman

3 Mr. Jim King

4 Mr. Chuck Meacham

5 Ms. Stacy Studebaker

6 Mr. Charles Totemoff

7 Mr. Howard Valley

8 Mr. Dan Hull

9 Mr. Dave Cobb

10 Ms. Torie Baker

11 Mr. Chris Beck

12 Ms. Pamela Brodie

13 Ms. Sheri Buretta

14 Mr. Ed Zeine

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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. SANDRA SCHUBERT | Project Coordinator EVOS Staff |
| 9 | | |
| 10 | DR. BOB SPIES | Chief Scientist |
| 11 | MR. STAN SENNER | Science Coordinator |
| 12 | MR. JOE HUNT | Communications Coordinator EVOS Staff |
| 13 | MR. HUGH SHORT | Community Facilitator EVOS Staff |
| 14 | | |
| 15 | MR. ALEX SWIDERSKI | State of Alaska Department of Law |
| 16 | MS. CLAUDIA SLATER | Alaska Department of Fish and Game |
| 17 | | |
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1 MR. BALSIGER: Jim Balsiger sitting in this
2 evening for Steve Pennoyer, I'm with the Alaska Fishery Science
3 Center.

4 MR. RUE: I'm Frank Rue, the Commissioner of
5 Fish and Game, one of the Trustees on the Trustee Council.

6 MR. GIBBONS: I'm Dave Gibbons, Forest
7 Supervisor in the Chugach, the new Trustee Council member for
8 the Department of Agriculture.

9 MR. TILLERY: Craig Tillery with the State of
10 Alaska, Department of Law.

11 MR. ELISON: Glenn Elison with Fish and
12 Wildlife Service sitting in for Bob Anderson, Department of the
13 Interior.

14 MR. EASTON: Dan Easton, I'm with the
15 Department of Environmental Conservation, sitting in for
16 Michele Brown.

17 MR. KING: I'm Jim King, representing the
18 public at large on the PAG.

19 MR. MEACHAM: I'm Chuck Meacham from Juneau
20 representing the science/academic group.

21 MS. STUDEBAKER: Stacy Studebaker from Kodiak,
22 I'm the recreation representative on the Public Advisory Group.

23 MR. VALLEY: I'm Howard Valley from Kodiak,
24 forest products.

25 MR. HULL: Dan Hull from Anchorage representing

1 the public at large.

2 MR. TOTEMOFF: Chuck Totemoff representing
3 Native land owners, PAG.

4 CHAIRMAN ANDREWS: Thank you. I'm not sure,
5 should we go any farther until we get all hooked up, Molly?

6 MS. McCAMMON: Yeah, I think we should go ahead
7 with the public hearing here and start hearing testimony.

8 CHAIRMAN ANDREWS: Okay, good. The only ground
9 rule that I'd ask those testifying tonight is that we're going
10 to try to keep -- please try to keep within a three-minute time
11 period. We do have a lot of people on tonight and we'd like to
12 get everybody on. As a matter of fact, there are seven
13 communities on the teleconferencing network and I'm not sure
14 how many are at all those stations, but there's a considerable
15 number.

16 Our first testimony is from Jay Stange. Stange, am I
17 pronouncing that right?

18 MR. STANGE: Close enough.

19 CHAIRMAN ANDREWS: Okay.

20 MR. STANGE: Are you ready for me now?

21 CHAIRMAN ANDREWS: Yeah, right up here, Jay.
22 Thank you for coming.

23 MR. STANGE: Good evening, Trustees and Public
24 Advisory Group members, thanks for the opportunity to testify
25 tonight. I live with the impacts of the Exxon Valdez oil spill

1 everyday, as I have for 10 years since it happened, and I
2 follow with great interest the decisions that are made here, I
3 think they are really important. And tonight I'd like to
4 speak, as I have many times before in the past, on the issue of
5 this Restoration Reserve.

6 I think that as my friend, David Grimes from Cordova,
7 says that one of the first rules for doctors is that when you
8 address a patient your first rule is to do no more harm. And
9 to that extent I've been very happy to see monies, over the
10 years, used to make sure that no more harm in the form of
11 unsustainable industrial clear-cutting, large export based
12 natural resources projects, you know, added to the damage that
13 occurred from the oil spill in 1989. And to that point I'd
14 like to recommend, once again, that at least three-quarters of
15 the Restoration Reserve that remains be used for habitat
16 protection.

17 I personally support conservation easements over a
18 purchase that's made as a fee simple acquisition because I
19 think that indigenous peoples have expressed over the years the
20 importance of land being held in title by certain settlements,
21 including ANCSA, that have been made over the years. And I
22 support that continuing, but I also would like to see
23 conservation easements keep the Sound from being damaged any
24 further.

25 I think that it's important, also, to consider at this

1 time, expanding the boundary of the spill-impact zone to
2 include the Copper River Delta and the Bering River Uplands, an
3 area that faces major timber and coal development projects that
4 could jeopardize the health of the delta and the importance of
5 the commercial fishing economy that's primarily small-family
6 based economy in that area. It's also -- the delta is an
7 internationally significant refuge for migratory birds and I
8 think it's an area that we would like to see be a living
9 legacy, a living restoration reserve, if you will.

10 I want to see the Trustees in future decisions give
11 very high priority to habitat protection for the Karluk and
12 Sturgeon drainages. I think that protecting fresh water salmon
13 and bear habitat is very important for the local economies on
14 Kodiak Island.

15 And just in closing, I'd just like to say again that I
16 think preventing further harm to habitat in Prince William
17 Sound is the most important thing that we can do today to
18 ensure restoration and to ensure that there are natural
19 resources available in a sustainable manner to maintain the
20 economies that are important to families in spill-affected
21 communities, economies like commercial fishing, small scale
22 tourism, sport hunting and sport fishing.

23 So thank you for the time tonight, I appreciate being
24 here.

25 CHAIRMAN ANDREWS: Thank you, Jay. Don't run

1 away. Are there any questions from the panel members? Jim
2 King.

3 MR. KING: Since you suggested that a portion
4 of the restoration be put into some kind of a land trust and
5 instead of using it all up for immediate purchases that maybe
6 there would be a small amount of money in perpetuity, how do
7 you feel about that?

8 MR. STANGE: Well, I think that whatever
9 decision is made with the Reserve, I think it's really
10 important that maximum flexibility is available to the Trustee
11 Council. I'd like to see you folks be able to make any kind of
12 decision that's going to be best for Prince William Sound in
13 recovery, whether that's a large conservation easement purchase
14 or whether that's, you know, using the interest for making
15 smaller purchases or smaller easements available, I want to see
16 maximum flexibility maintained.

17 CHAIRMAN ANDREWS: Are there any more questions
18 of Mr. Stange?

19 (No audible responses)

20 MR. STANGE: Thanks very much.

21 CHAIRMAN ANDREWS: Thank you, sir.

22 MR. RUE: Mr. Chairman.

23 CHAIRMAN ANDREWS: Yes.

24 MR. RUE: Can I ask a quick question on
25 process? Just to make sure.....

1 CHAIRMAN ANDREWS: Sure.

2 MR. RUE: As I understand it, we're going to go
3 until, what, about 9:00 o'clock tonight?

4 MS. McCAMMON: 8:30 or 9:00.

5 MR. RUE: 8:30 or 9:00, and then if we don't
6 get everyone on.....

7 CHAIRMAN ANDREWS: We'll go tomorrow morning.

8 MR. RUE:we'll reconvene tomorrow
9 morning.

10 CHAIRMAN ANDREWS: Yeah.

11 MR. RUE: Okay, great.

12 CHAIRMAN ANDREWS: I'd like to call Patty
13 Brown-Schwalenberg.

14 MS. BROWN-SCHWALENBERG: Good evening. My name
15 is Patty Brown-Schwalenberg, I'm the Executive Director of the
16 Chugach Regional Resources Commission. We represent seven
17 Native villages in the Chugach region that were affected by the
18 oil spill. I did prepare written testimony, it's about four
19 and a half pages long, so I won't read it to you, but I'm
20 hoping that you will take the time to look it over when you get
21 a minute. I gave those copies to Molly, and I only brought 15,
22 unfortunately, so hopefully they can provide you with some
23 additional copies.

24 I'll just touch on the key points in the written
25 testimony. Back in July we did provide a position paper on the

1 Restoration Reserve in which we did support monitoring of the
2 natural resources that were injured by the spill on a
3 continuous long-term basis. We also urged that the tribes be
4 actively involved in the restoration process. And the key
5 element of the position paper was the establishment of a \$20
6 million tribal community fund for the tribes in the oil spill
7 affected area.

8 It's been suggested recently that the needs of the
9 communities and the integration of traditional ecological
10 knowledge maybe can be addressed by the scientific community if
11 the entire Restoration Reserve were to be dedicated to that
12 effort, but I'm here to say that the tribes do not support that
13 concept and I really don't believe that that concept will work
14 to their benefit. A specific set aside is really what they're
15 looking for, it's the only way that they're going to have any
16 meaningful involvement in the restoration process and it's the
17 only way that they're going to really feel that they are
18 contributing to the restoration effort.

19 Some of the reasons we believe this is, like I stated
20 before, the difficulty of the tribe competing for funds with
21 the scientific community, highly educated people versus the
22 local type application or proposal that have been submitted.
23 Putting a tribal set aside will alleviate that difficulty.

24 We also want to use the tribal community fund to
25 provide long-term based funding for the tribal natural resource

1 management programs. Right after the oil spill and between
2 eight and 10 years later, the tribes are just now starting to
3 recover and take proactive steps to assist in the restoration
4 effort, so meaningful involvement by the tribes under a co-
5 management regime would, I believe, facilitate this healing
6 process.

7 Once established, the tribal natural resource programs
8 could serve an integral role in protecting the injured
9 resources and their funding -- funding from the tribal
10 community fund, and what we're proposing is maybe 20,000 to
11 each tribal program out of the tribal community fund used as
12 base, and then supplemented by perhaps Bureau of Indian Affairs
13 funding to carry out the other objectives of the program.

14 What we're proposing here with the tribes participating
15 in the management and stewardship of the resources is not
16 something new and as far as tribal management is concerned, but
17 it is new to the tribes in Alaska and their programs are in
18 their infancy stages and they don't expect to take on highly
19 technical projects immediately, they understand that they do
20 need technical training and education, so we are currently
21 working with some of the community colleges in developing a
22 curriculum for tribal natural resource management, so that we
23 can provide the education necessary to carry on some of the
24 projects that the tribes are interested in pursuing. Partnered
25 with their traditional ecological knowledge, and with the

1 Western science that we could bring in through a training
2 program, I think that would raise the credibility of the tribes
3 and help them to gain respect by the State and Federal
4 management agency personnel.

5 MR. RUE: Patty, Mr. Chair, do we want to see
6 if we're on line here, it's a little distracting to find out if
7 were.....

8 MS. McCAMMON: Yeah and I think we should let
9 people know that it's going -- people are going on here.

10 MR. RUE: Yeah, if you don't mind, Patty.
11 Would that be all right?

12 MS. BROWN-SCHWALENBERG: No, it's no problem,
13 go ahead.

14 MR. RUE: Yeah, because I was getting
15 distracted, I couldn't listen very well. Mr. Chair, do you
16 want to.....

17 CHAIRMAN ANDREWS: Yes, I will -- to all of
18 those of you on the teleconference, Cordova, Fairbanks, Homer,
19 Kenai, Seward and Valdez, we have started the public testimony
20 here in Anchorage. And we just completed testimony from the
21 second witness and we will be going around to the various sites
22 here in just a few minutes.

23 UNIDENTIFIED VOICE: How come we can't hear
24 their testimony?

25 MS. McCAMMON: You need to speak up, Patty.

1 MS. BROWN-SCHWALENBERG: Is this on?
2 MR. RUE: Hold on, we'll check the microphones
3 here.
4 MS. McCAMMON: The microphones, that is the
5 speaker phone. They can hear you fine, you just have to speak
6 up a little bit more.
7 MS. BROWN-SCHWALENBERG: Okay.
8 CHAIRMAN ANDREWS: Yeah, speak up and let us
9 know if you can't hear.
10 MR. ROBERT McMULLEN: We can't hear.
11 KODIAK LIO: Kodiak can't it, it's real faint
12 and it keeps cutting in and out.
13 MR. RUE: Can you hear this?
14 CORDOVA LIO: Cordova can hear you fine now.
15 MR. RUE: Can we do a roll call? Find out
16 who's there?
17 MS. McCAMMON: We know who's on line.
18 MR. RUE: We know who's on line?
19 MS. McCAMMON: Yeah.
20 MR. RUE: Okay. Can everyone hear this?
21 MS. McCAMMON: Patty, you just need to speak
22 up.
23 MS. BROWN-SCHWALENBERG: Can you hear this?
24 CHAIRMAN ANDREWS: Speak up if you don't hear
25 it.

1 MS. BROWN-SCHWALENBERG: Okay.

2 UNIDENTIFIED VOICE: (Indiscernible) speak a
3 little louder.

4 MS. BROWN-SCHWALENBERG: Thank you, Fran.

5 Just a couple of concluding remarks. I think,
6 historically, the Alaska Native tribes have been excluded from
7 the decision-making process when it comes to resolving
8 important issues that concern them directly. And I think this
9 is really one opportunity where the Trustee Council can address
10 the issues and concerns of the Native people in a respectful
11 manner and, at the same time, benefit all those concerned with
12 the restoration process.

13 MR. ROBERT McMULLEN: We can't understand
14 anything that's being said, if somebody is saying something.
15 This is Port Graham.

16 MR. RUE: Okay, we're going to try to move the
17 microphone so Port Graham can hear. Hold on. Here we go,
18 we're moving a table. We'll test it in a second. Okay, Patty
19 Brown-Schwalenberg is going to try again here.

20 MS. BROWN-SCHWALENBERG: Can you hear me now?

21 MR. ROBERT McMULLEN: Hey.

22 MR. RUE: That must be a yes.

23 MS. BROWN-SCHWALENBERG: Okay. What I saying
24 was, historically, the Alaska tribes have been excluded from
25 the decision-making process when it comes to resolving

1 important issues that concern them directly. So I really
2 believe that this is one opportunity the Trustee Council can
3 address the issues and concerns of the Native people in a
4 respectful manner and at the same time benefit all those
5 concerned with the restoration process. I think treating the
6 tribes as just another user will not solve the problems created
7 by the oil spill. Establishing a tribal community fund,
8 specifically for the tribal communities, which provides for an
9 equal voice by the tribal communities, will help to solve that
10 concern.

11 So, on behalf of the Board of Directors of the Chugach
12 Regional Resource Commission, I strongly urge your careful
13 consideration of this concept. And, as always, we're willing
14 to work with your staff towards a solution that is mutually
15 beneficial.

16 And another matter, we would also like to support the
17 Chugachmiut, Chugach Alaska and Qutekcak Native Tribe proposal
18 for the archeological repository.

19 And just one short comment on the Habitat Protection
20 Program, while the tribes that belong to CRRRC do not support
21 fee simple purchases, conservation easements are an avenue, we
22 feel, are beneficial on a limited term basis.

23 CHAIRMAN ANDREWS: Thank you, Patty. Are there
24 any questions from the panel to Patty? Chuck Meacham.

25 MR. MEACHAM: Yes, Patty, I got your message

1 there regarding tribal community funding, but I have question
2 about how you feel in terms of the Youth Area Watch Program and
3 then how you feel about the idea of providing scholarships to
4 each of the individual communities associated with university
5 training and natural resources.

6 MR. ROBERT McMULLEN: We can't hear you.

7 MS. McCAMMON: Can I interrupt for one second
8 and let you know what the microphone situation is here. These
9 microphones are for the court reporter, Joe. We have a
10 teleconference system and we have one mike there, that mike
11 there and that mike there. We tested it today and people can
12 hear if you speak very distinctly and loudly, as if we're
13 talking to my father who is mostly deaf. And this is the first
14 time we had this many people to deal with on a teleconference,
15 I think it's going to be difficult with all these people on the
16 site to have a lot of exchange, so we might want to do that
17 afterwards and try to get people on the site testifying because
18 I think they're feeling a little out of it right at the moment,
19 so that would be my recommendation.

20 But I don't want to cut you off, though, Chuck.

21 MR. MEACHAM: In that case I will take the
22 opportunity to repeat my question.

23 MS. McCAMMON: Okay.

24 MR. MEACHAM: Yes, I understand your philosophy
25 regarding the tribal community fund, but I would also like to

1 find out your feelings regarding the Youth Area Watch Program
2 and also the thought of providing scholarships to students in
3 each community to participate in natural resources based
4 education.

5 MS. BROWN-SCHWALENBERG: We do support both of
6 those things, as a matter of fact, the Youth Area Watch Program
7 was conceived between the staff of Chugach Regional Resources
8 Commission and Chugachmiut and in our position paper and in the
9 written testimony we also discussed the concept of scholarships
10 and the Youth Area Watch Program, so we do support both of
11 those things. What we found, working with tribes, most of the
12 people that are interested in working in the natural resource
13 arena are middle-aged people that really aren't interested --
14 who have families that really aren't interested in going to a
15 university, per se, for four years, especially away from the
16 village and so we really believe the vocational/technical
17 training avenue is much more successful. It's been successful
18 in the Lower 48, particularly with my tribe, and others that
19 I've been associated with and I think that we can bring that
20 kind of a model up here. We're working with the King Career
21 Center right now to develop a curriculum where we can either
22 bring people in one week a month to Anchorage to attend the
23 King Career Center and their natural resource course, or
24 perhaps something in Seward. We've spoken with the
25 Vocational/Technical Centers and they're supportive of

1 something like that, but again, they lack the funding to
2 institute a natural resource management program.

3 MR. MEACHAM: Thank you.

4 CHAIRMAN ANDREWS: Any more questions for
5 Patty?

6 (No audible responses)

7 CHAIRMAN ANDREWS: If not, at this time I'd
8 like to go to the teleconference channel. The first one is
9 Cordova. Cordova are you here? Are you on line?

10 CORDOVA LIO: Yes, we're here.

11 CHAIRMAN ANDREWS: Do you have someone to
12 testify down there in Cordova?

13 CORDOVA LIO: I have five people.

14 CHAIRMAN ANDREWS: Okay. Would you have your
15 first witness come up, please?

16 CORDOVA LIO: Certainly.

17 REPORTER: Would you ask them to spell their
18 name, Mr. Chairman, please?

19 CHAIRMAN ANDREWS: Sure. I have a request that
20 each person testifying, would they spell their name for the
21 court reporter, please.

22 MS. OTT: Okay, this is Riki Ott in Cordova and
23 can you hear me all right?

24 CHAIRMAN ANDREWS: Yes.

25 MS. OTT: Okay. My name is spelled R-i-k-i

1 O-t-t and I'm testifying for myself. Well, actually, for you
2 guys, but on behalf of myself. Okay. Speaking first to the
3 injured species list, I have several comments regarding your
4 changes in categories. I'd like to preface my sayings by
5 saying -- by summarizing that a trio of Auke Bay scientists
6 came to Cordova, I think it was last week, and gave a series of
7 talks that were open to the public. And they presented very
8 convincing data that -- basically now there's an entire
9 different understanding of the effects of oil in marine
10 ecosystems. That, based on their data with pink salmon, in
11 particular, the multi-generational studies have found that
12 lower levels of hydrocarbons can affect the salmon. In fact,
13 at lower levels than the current State's water quality
14 standards a growth -- there was a suite of effects that were
15 measured as low as one part per billion, and that's to water
16 concentrations of oil. Oil developed in water, not directly
17 exposed to oil.

18 And, secondly, that the polycyclic aromatic
19 hydrocarbons or PAHs are actually a main contributor to the
20 long-time damages in Prince William Sound and this is another
21 new finding because prior to the release of their data it was
22 thought that the lighter ends were one of the primary
23 components and this really -- based on this data it simply
24 concluded that as long as there is oil present in the sediment
25 it can be affecting stocks of fish, animals and birds.

1 And I'd like to use an analogy by Mike O'Leary, he
2 actually thought of this, I don't want to take the credit for
3 it, but it's like saying that the human population, because
4 it's at pre-AIDS epidemic levels, that the human population is
5 no longer affected by the AIDS virus. So with that in mind I'd
6 like to go into my comments, quickly, on your categories.

7 There are apparently 64 sites out in Prince William
8 Sound that currently have oil in the sediment and are being
9 used to study, for a continuing study. Under pink salmon, I
10 think the pink salmon should be removed from the recovered list
11 and put back in the recovering list. There are five reasons
12 for this.

13 One is that the pink salmon has an asterisk after it
14 and it says that everything seems to be recovering except
15 intertidal spawners in streams where there's small pockets of
16 oil. Well, you're supposed to be focusing on the wild stocks
17 in the oiled areas. Those are the very stocks you're supposed
18 to be focusing on. Who cares what the rest of the population
19 is doing? I mean these are the stocks that were directly
20 exposed to oil. And the analogy is with red salmon. Under red
21 -- you have the Kenai red salmon Pacific stock weeded out and
22 identified as recovering, but you haven't done that for the
23 pink salmon, in pink salmon you're looking at the whole
24 population and the rest of the salmon you're looking at one
25 specific stock. I ask you to relook at this in light of the

1 specific stocks in the wild streams.

2 Also, I noticed an inconsistency and that is with the
3 river otter, one of the standards that you use for determining
4 recovery is a biochemical indices. And if you look at the
5 biochemical indices in pink salmon, based on the Auke Bay
6 study, the salmon out in the wild streams are still showing
7 cytochrome P450 activity, which is a direct indicator of oil
8 exposure. And based on the low levels that the Auke Bay
9 scientists found, it seems pretty obvious that these pink
10 salmon still tend to be affected by oil.

11 Another reason to change the category listing is that
12 when you list -- there's an inconsistency in standards, you
13 list growth rate for Dolly Varden and cutthroat trout as being
14 an indicator whether -- to determine whether these fish are
15 moved into different recovery categories, and yet the growth
16 rate of pink salmon from oiled streams is still depressed in
17 certain areas, so that seems to be another inconsistency.

18 Two of my final points on pink salmon, one of them is
19 that your own standards used say that you will shift the
20 category to "recovered" when the odd year class and the even
21 year class both show no effects on the numbers in the
22 population returning for two year classes in a row. You didn't
23 even meet your own standards, the odd year class it has not
24 shown consistent numbers for two years in a row, although the
25 even year class has. And I hate to think that politics here is

1 encroaching on science, but it seems to me that this was a
2 pretty political decision to move pink salmon into recovered,
3 and I think, very strongly, that they should be moved --
4 stepped back down into the recovering status at -- well,
5 period.

6 Okay. Two other species that I want to focus on, one
7 is pink her -- pink herring, Pacific herring, sorry. I think
8 that Pacific herring should be moved back into the "not
9 recovered" list. I think that because, in your own notes, you
10 say that, one of the standards for judging recovery is based on
11 the recruitment of a highly successful year class. And then
12 you say that say that this was not achieved in 1997 and it was
13 not achieved in 1998 and, apparently, it has not been achieved
14 since the oil spill, so why in the heck has this species been
15 moved to "recovering?" It doesn't make any sense at all. I
16 realize there's been a fishery that opened in 1997 and 1998,
17 and I don't want to speak for the speak for the commercial
18 fishermen of Cordova, but there has been a lot of debate in
19 this community that if this fish has not recovered and if it's
20 so instrumental to the recovery of the whole Prince William
21 Sound ecosystem, because it is a forage fish, then maybe we
22 shouldn't be fishing it and maybe we should just wait until it
23 recovers before we fish it.

24 Anyway, the other specie that I take exception to being
25 moved around is the sea otter. The sea otter has three

1 asterisks after it and there's a big "except in oiled bays, on
2 Knight Island" and I bring out some of my points that I brought
3 out for pink salmon, which is we are supposed to be measuring
4 the effects to oiled populations and if the oiled populations
5 haven't recovered then the species hasn't recovered. So I
6 think that the sea otter should be moved back into the "not
7 recovered" category.

8 And -- well, anyway, that's enough on that one. Now,
9 I'd like to also speak to the Reserve Fund and there's three
10 points under that. One is that I want to make sure, and
11 perhaps the Trustee Council can speak to this, maybe not
12 tonight but in a future document, I want to make sure that the
13 stockpiling of money as reserved funds or as any other kind of
14 stockpiling going on the side, does not affect the ability of
15 the Trustee Council to make a claim for that \$100 million
16 damage clause reopener, which is contingent upon long-term
17 damage. I mean, I think that it's contingent only on long-term
18 damage and whether there is or isn't, and, of course, right now
19 it seems very clear that there is long-term damage, but I want
20 to make sure that having money stockpiled does not in any way
21 affect the public's ability to make a claim for that \$100
22 million damage reopener. So that's one thing.

23 And also sort of following that, I'd like the Trustee
24 Council, at some point, to alert the public to when we need to
25 start advocating that we get that money, so that can all be

1 done at once. Anyway, the other two points under this Reserve
2 Fund category are that I do support habitat protection, but I
3 don't support it in the form of fee simple acquisitions, I
4 support it in the form of conservation easements.

5 And the third thing is I really support the Trustee
6 Council taking a very serious look at expanding the boundary of
7 what it's calling the "oil spill impacted area", it doesn't
8 seem very real to cut the Area E fishery essentially in half
9 and say this part of it was affected and this part of it
10 wasn't, I mean everything flows to Cordova from Area E. So I
11 think I would encourage the Trustee Council to expand their
12 boundary.

13 And that's it. Are there any questions?

14 CHAIRMAN ANDREWS: Are there any questions from
15 the panel from Dr. Ott?

16 (No audible responses)

17 CHAIRMAN ANDREWS: I guess there aren't any
18 questions, thank you, Dr. Ott. We'll take one more witness
19 from Cordova and then move on to the next site. Do you have
20 another witness there?

21 CORDOVA LIO: Yes, thank you. Hold on.

22 CHAIRMAN ANDREWS: I'd like to mention again
23 for those on the teleconference tonight that we appreciate you
24 holding your testimony or trying to form it into a three-minute
25 presentation if you possibly can.

1 MR. LANKARD: Okay, this is Dune Lankard,
2 D-u-n-e, Lankard, L-a-n-k-a-r-d, and I'm representing myself
3 tonight as well. First off, did Marilyn Heiman, did she get
4 appointed, is she there this evening?

5 CHAIRMAN ANDREWS: No, Marilyn Heiman is not
6 here this evening.

7 MS. LANKARD: Is she the appointee to the
8 Trustee Council as well?

9 MR. RUE: I don't believe that's been
10 officially done, none; is that right?

11 MR. ELISON: That's correct.

12 MR. LANKARD: I see. Well, the first thing
13 that I think that I would like to address then is this whole
14 meeting, why we're even having a Restoration Reserve meeting?

15 Can you hand me that flyer, that cover -- it has.....

16 UNIDENTIFIED VOICE: (Indiscernible - away from
17 microphone)

18 MR. LANKARD: Okay. The flyer that was sent
19 out basically said this is \$140 million savings account that
20 would be used for restoration in the spill zone. And I think
21 that the discussion right now, I think, is moving along too
22 quickly. If we have two Trustee seats that are open then we
23 should be taking this time to groom these new Trustees to make
24 educated decisions based on the science that is going to come
25 forth as of March 24th and beyond. And I think to dedicate the

1 use of these funds is premature at this point because there's a
2 lot of good science out there that is going to be released and
3 that's coming out every other day that I think is really
4 crucial to the recovery status of the entire spill zone. So I
5 would hope that you could get an extension of reason to again
6 educate the Trustees to bring them up to speed and also to put
7 us in a situation where we're not making hasty decisions and
8 we're making good ones based on good science.

9 The other issue that I'd like to talk about is the
10 extension of the boundary to include the Bering River and the
11 Copper River Delta regions. I think it's real important that
12 the Trustees realize that they have a trust responsibility to
13 all of the stakeholders in the Cordova region and the Copper
14 River Delta region. And if you are true trustees then the
15 science that you're trying to put together to protect fishery
16 habitat and fisheries should be exercised on the Copper River
17 Delta. By extending that boundary, it gives us an opportunity,
18 a legitimate opportunity, to come up with a conservation
19 alternative for the entire region. And, again, this is the
20 only U.S. Forest Service region that is mandated to be managed
21 primarily for fish and wildlife habitat protection.

22 So I would hope that the various agencies that are
23 supposed to uphold this trust responsibility to all people,
24 regardless of color or creeds, I think that it's your job to
25 make sure that it's exercised and this area has the opportunity

1 to be protected in a conservation easement.

2 The last thing that I'd like to talk about is that the
3 Fleming Spit area, the transaction recently has gone down with
4 the City of Cordova and the Trustee Council using the criminal
5 funds to purchase land and now the DNR that was the recipient
6 of those lands is now in the process of deeding that land to
7 the people -- or excuse me, to the City of Cordova. And I
8 would hope that since this is the use of public monies that
9 there is some sort of public process that allows the people to
10 have a say in how that land is managed because I don't know if
11 you realize but all of the 14C3 transactions that were
12 contingent upon the Eyak offer of the 75,000 acres had to do
13 with Power Creek, Shepard Point, the water dam, the subdivision
14 and a couple of other things, like the land fill, that
15 basically does not have any Environmental Impact Statement,
16 except as a restoration bond or a public process.

17 So, in closing here, I would like to express that
18 somehow you allow some sort of public process for the people to
19 have a say in how these development projects go forward,
20 because we can't afford to take these further themselves, based
21 on restoration monies that is being spent in our direction.

22 Is there any questions?

23 CHAIRMAN ANDREWS: Thank you, Mr. Lankard.
24 This is Rupe Andrews, one of the Public Advisory Group. I'd
25 just like to respond to one of your concerns. This meeting is

1 not to come to any decisions on the Restoration Fund. The next
2 day and a half will be just to explore the various options for
3 future decision-making, and that's why we're asking the public
4 to add input and others to this process.

5 MR. LANKARD: Okay. The most important input
6 that we have then is that you allow a process of public
7 interest to be presented, because just asking our input is one
8 thing, but asking us to participate in how that process is
9 carried out is another, and that's the democracy that I think
10 is lacking here, so I appreciate that.

11 CHAIRMAN ANDREWS: I've made a note of that,
12 thank you. Are there any questions? Mr. Gibbons.

13 MR. GIBBONS: Yes, Rupe. Dune, this is Dave
14 Gibbons with the Forest Service. If you were referencing the
15 Forest Service as being an unexperienced member of the new
16 Trustee Council, I've been with the oil spill since '89 and I'm
17 quite aware of what's going on in the oil spill, so I think I'm
18 up to speed.

19 MR. LANKARD: Okay. Well, that's nice to know,
20 because as far as what we know right here is that the best way
21 to preserve and protect this area and even restore it is to
22 implement preservation first, restoration second. And I think
23 right now with the situation that we're in we have an
24 incredible opportunity to extend the boundary to include the
25 Bering River region, and we've asked for a study from the

1 Forest Service, numerous times, and repeatedly asked for a
2 simple study that showed the relationship or the connection
3 between the Copper River Delta and Prince William Sound. This
4 is the same ecosystem and political boundaries should not
5 separate that. So we appreciate your wisdom to come forwards
6 and make some rational decisions to protect it before it's
7 gone. So thank you.

8 CHAIRMAN ANDREWS: Are there any other
9 questions for Mr. Lankard?

10 (No audible responses)

11 CHAIRMAN ANDREWS: I'd like to move on to
12 Fairbanks. Fairbanks, can you hear us all right?

13 (No audible responses)

14 CHAIRMAN ANDREWS: Fairbanks?

15 (No audible responses)

16 CHAIRMAN ANDREWS: Looks like we lost
17 Fairbanks. Homer, are you on the line?

18 (No audible responses)

19 CHAIRMAN ANDREWS: No response from Homer.
20 Kenai, is Kenai on the line?

21 HOMER LIO: Homer here.

22 CHAIRMAN ANDREWS: Do you have anyone to
23 testify this evening?

24 HOMER LIO: Yes, we have seven people. We have
25 a couple of people that would like to fax their testimony; is

1 that okay?

2 CHAIRMAN ANDREWS: Yes, it is.

3 HOMER LIO: Fax number 276-7178?

4 CHAIRMAN ANDREWS: Yes, that's correct.

5 HOMER LIO: Okay. Thank you. Here's our first
6 person.

7 CHAIRMAN ANDREWS: Yes, if the person would --
8 if they heard the instruction, spell their name for the court
9 reporter and please try to stay within about a three-minute
10 limit if you can.

11 MS. GRISWOLD. My name is Mary Griswold,
12 M-a-r-y G-r-i-s-w-o-l-d. I'm a board member at Kachemak
13 Heritage Land Trust. I'm speaking for the Land Trust and then
14 secondly for myself. Kachemak Heritage Land Trust supports
15 earmarking some of the Restoration Reserve for continued large
16 and small habitat acquisition and protection. While research
17 and monitoring are important components of the spill
18 restoration, the single best way to make sure that spill
19 damaged ecosystems have a chance to recover is to protect
20 habitat from further harmful development.

21 We recommend that you consider using conservation
22 easements more often as a cost effective alternative to direct
23 purchase of land. Conservation easements allow sustainable
24 compatible development while restricting harmful activity to
25 preserve sensitive habitat. You may protect more habitat at

1 less initial expense and with less management responsibilities
2 down the road by using conservation easements where
3 appropriate.

4 Speaking for myself, I am delighted with the valuable
5 habitat you have already protected and can only encourage you
6 to keep it up. I think it's very important to set aside funds
7 to take advantages of opportunities to protect additional key
8 parcels as they become available. And hearing of one
9 opportunity tonight, I would like to encourage you to purchase
10 the remaining portion of the Baycrest Parcel next to Overlook
11 Park, I hear that some of that is available.

12 Thank you.

13 CHAIRMAN ANDREWS: Thank you. Are there any
14 questions of Ms. Griswold? Chuck Meacham.

15 MR. MEACHAM: Yes, do you have any specific
16 amount of funding, say \$10 million or something, or any
17 particular percent of the reserve that you think ought to be
18 dedicated towards easements or land purchase?

19 MS. GRISWOLD: The Land Trust has no position
20 on that, but I would like to see 60 to 70 percent myself.

21 MR. MEACHAM: Thank you.

22 CHAIRMAN ANDREWS: Any further questions of
23 Ms. Griswold? Jim King from Juneau, public at large.

24 MR. KING: I think one of the questions before
25 this group is whether to spend the money now for land

1 acquisition or whether to set up some sort of an endowment
2 program that would produce a smaller amount of money each year
3 in perpetuity and I wondered if you had a feeling on that?

4 MS. GRISWOLD? If I had a feeling? No.

5 CHAIRMAN ANDREWS: Thank you. Any more
6 questions of Ms. Griswold?

7 (No audible responses)

8 CHAIRMAN ANDREWS: Kenai, do you have another
9 witness there?

10 MS. McCAMMON: That's Homer.

11 HOMER LIO: This is Homer. Yes, we have more
12 here at Homer. Are you ready for the second person?

13 CHAIRMAN ANDREWS: Yes, we are.

14 HOMER LIO: Thank you.

15 MS. JOHNGREN: Hi, my name is Emily Johngren,
16 E-m-i-l-y J-o-h-n-g-r-e-n, and I'll be really brief. I feel
17 that half of the funds should go towards habitat acquisition
18 and protection and half towards research, with an emphasis on
19 monitoring. I just learned, also, that there's a parcel, the
20 Baycrest parcel, that's available, it's next to Overlook Park
21 and I encourage you to acquire that if you can.

22 Thank you.

23 CHAIRMAN ANDREWS: Thank you, Ms. Johngren.
24 Are there any questions of Ms. Johngren?

25 (No audible responses)

1 CHAIRMAN ANDREWS: Hearing none, Homer, do you
2 have another witness that we can have right away?

3 HOMER LIO: Yes, we do.

4 MS. McPHERSON: Hello, my name is Marla
5 McPherson and I represent myself. The spelling is M-a-r-l-a
6 M-c-P-h-e-r-s-o-n and I would also like to encourage you to use
7 a majority of the Reserve Fund for large and small habitat
8 protection, parcel acquisition. I think that this has really
9 benefited the community of Homer, specifically that Spit
10 purchase and Beluga Slough purchase are really special to this
11 community to have a salt marsh in the middle of downtown Homer
12 is a really unique picture and it's great birding habitat. It
13 really offers a lot to this community, so I really appreciate
14 that purchase.

15 And also Overlook Park, this is a great gem for the
16 community to have that parcel that's such a unique place, at
17 the bench [sic] of Homer, just at the Overlook entering town
18 and I think that with this opportunity to purchase some of the
19 Baycrest parcel and have it added to Overlook Park is a great
20 opportunity and I would strongly encourage EVOS to consider
21 that opportunity and to continue to looking into options for
22 adding parcels onto Overlook Park and helping to preserve the
23 ecosystem integrity in that area.

24 In terms of research, I also really value research and
25 specifically, I value monitoring. I think it's important that

1 we identify trends so that when an incident like the Exxon
2 Valdez oil spill occurs we know, we have more concrete
3 information about what the direct impacts from that oil spill
4 is, and also have a better understanding of what the recovery
5 rates are, so that we can look directly toward that event and
6 not have to try to make guesses at whether it's actually the
7 oil spill or other changes, like climate changes, that might be
8 causing these things to change, it's really important we have
9 that information and that we make a long-term investment of
10 knowing how things are occurring over time for a long duration
11 of time.

12 And I think that the seabird monitoring that's occurred
13 out at the Barren Islands is a really good example of what the
14 type of research that you all should support. And so I just
15 think that both of those things are important, but again, I
16 think the majority of the fund should go into habitat
17 protection and parcel acquisition.

18 Thank you.

19 CHAIRMAN ANDREWS: Thank you for your
20 testimony, Ms. McPherson. Are there any questions for the
21 witness? Jim King.

22 MR. KING: Having asked now three times if
23 people are thinking about a kind of land trust concept with an
24 endowment that would be available to pick up land on a
25 long-term basis, I'm getting the feeling that people haven't

1 been thinking about that, and so I would like your comment on
2 that.

3 MS. MCPHERSON: You know, it sounds real good
4 at face value, but this is the first I heard of it and so I
5 would have to become a little more educated to give you my
6 personal opinion on that, but it sounds like an interesting
7 idea and I would like to find out more about that concept.

8 CHAIRMAN ANDREWS: Any other questions?

9 (No audible responses)

10 CHAIRMAN ANDREWS: Thank you very much,
11 Ms. McPherson. We'll take one more witness from Homer, then
12 we'll move on. Do you have one there in Homer that would like
13 to testify?

14 MR. COOPER: My name is Joel Cooper, that's
15 J-o-e-l C-o-o-p-e-r. I'm the President of the Board of the
16 Kachemak Bay Conservation Society and I'd like to testify on
17 their behalf and also at the end I'd like to testify on my own
18 behalf. First off, I'd like to thank the Trustee Council for
19 all their efforts that they had made in making it possible to
20 acquire lands for Overlook Park. As you might know, the
21 Kachemak Bay Conservation Society has signed a Memorandum of
22 Understanding between Alaska State Parks to operate and
23 maintain Overlook Park. And we have been going through a
24 planning process to try to develop a management plan and
25 throughout that, when we initially signed the Memorandum of

1 Understanding, the Baycrest parcels were included in that
2 memorandum and the funds you guys appropriated for that was
3 there to make the purchase, but apparently that all fell
4 through this summer. But I just recently learned that
5 two-thirds of that land is now still available for purchase and
6 I don't know how the funding would work but I strongly
7 encourage EVOS to consider appropriating funds for that
8 purchase of that remaining two-thirds, and in addition any
9 other adjacent lands. There are a couple of other small
10 parcels within -- adjacent to the park that would be good
11 habitat to make the park complete. And, once again, as
12 everyone knows, this is a pretty unique ecosystem and it would
13 be great to have that intact in its entirety.

14 We greatly appreciate the efforts in the Small Habitat
15 Program that all the lands have been acquired and we strongly
16 encourage you to keep that program going with the Reserve Fund.
17 I have no percentage as to which way that would go, but I'd
18 still like to see lands acquired for habitat protection and we
19 would also like to see Reserve Funds go towards research as
20 well.

21 And on my own behalf I strongly encourage funds to be
22 used for both habitat acquisition and research, I think it
23 could go about half and half. Being a researcher myself, I
24 think it's vitally important to get background information,
25 especially when things like the Exxon Valdez can happen.

1 I think you for being able to comment.

2 CHAIRMAN ANDREWS: Thank you, Mr. Cooper. Are
3 there any questions for Mr. Cooper from the panel?

4 (No audible responses)

5 CHAIRMAN ANDREWS: Let's move on to Kenai.
6 Kenai, do you have someone to testify tonight?

7 KENAI LIO: Yes, we do.

8 CHAIRMAN ANDREWS: Can they come forward.

9 MS. DEAN: Good evening, my name is Betty Dean
10 D-e-a-n, I represent myself and my husband. My husband and I
11 are sport fishers, we believe a large portion of this fund
12 should be used to buy up important areas. We want to speak
13 about one specific place. Twelve years ago we volunteered to
14 run creel census for the U.S. Fish and Wildlife Service on the
15 Karluk River, Kodiak Island. The Karluk River was originally
16 under the jurisdiction of the U.S. Fish and Wildlife Service,
17 in recent years Native corporations acquired most of the land
18 along the river from Karluk Lake to the ocean. Karluk River is
19 a gem, one of Alaska's treasures, that should be returned to
20 public ownership and be protected from development to benefit
21 today's and tomorrow's generation. It's now a land of
22 marvelous fishing, many bears and pristine wilderness. We'd
23 like to keep it that way.

24 We'd like to see the Trustee funds used to buy up
25 Native owned lands and return them to public ownership under

1 the protection of the U.S. Fish and Wildlife Service. This is
2 only one of many areas that we feel should be preserved for
3 their environmental and conservation value.

4 Thank you.

5 CHAIRMAN ANDREWS: Thank you, Betty Dean. Are
6 there any questions for Ms. Dean?

7 (No audible responses)

8 CHAIRMAN ANDREWS: Hearing none, can we have
9 another witness from Kenai?

10 MR. BONDURANT: Yes, my name is Dale Bondurant,
11 B-o-n-d-u-r-a-n-t. I'm a 50-year resident of Alaska and I live
12 on the Kenai River. I recognize fully and accept my
13 responsibility to protect the fish, the wildlife and water
14 resources of Alaska. In that responsibility I've placed my own
15 property in a conservation easement for the protection of over
16 2,000 feet of the Kenai River. I appreciate the Council's
17 efforts and dedication in obtaining habitat property that will
18 contribute now, and in the future, to protection of Alaska
19 enormous renewable public trust resources. I question our own
20 congressional delegation's attitude that because of the
21 vastness of Alaska's lands and resources, they desire to give
22 less value to their protection. We must, instead, be sure we
23 do not contribute to the past mistakes that placed the world in
24 a position of declining resources.

25 I fully support the Council's acquisition of these

1 public resources and I hope they continue to work in that
2 effort. I think both acquiring the land and placing the
3 conservation easement is the best use of this funding that we
4 have.

5 Again, I thank the Council for their efforts in the
6 past. Thank you.

7 CHAIRMAN ANDREWS: Dale, we appreciate your
8 comments, too, tonight. Are there any questions for
9 Mr. Bondurant from the panel?

10 (No audible responses)

11 CHAIRMAN ANDREWS: Hearing none, do you have
12 another witness down in Kenai?

13 MS. WALLACE-KECK: Yes, my name is Zori
14 Wallace-Keck, Z-o-r-i W-a-l-l-a-c-e-K-e-c-k. I'm only 13 years
15 old and when I went to a brown bear habitational thing over at
16 Bayview [sic], I signed this card and I'm very concerned about
17 what's happening with our natural resources in Alaska and how
18 some of them are being used and how they aren't being used
19 correctly. My main concern is having people coming in and
20 logging and clear-cutting and not replanting or -- for the
21 bears and the other animals, where they live. And I would just
22 wish that you would consider buying the parcels of land and
23 maybe other parcels of land around that area so we can save
24 their environment and protect them for years to come.

25 Thank you.

1 CHAIRMAN ANDREWS: Thank you. Are there any
2 questions for this witness?

3 (No audible responses)

4 CHAIRMAN ANDREWS: Hearing none, Kenai, do you
5 have one more witness there that we can have?

6 MS. CAROL: I'd like to ask a question. My
7 name is Helen Carol, I'm a 22-year resident of Kasiloff, living
8 on the Sterling Highway, approximately two miles south of the
9 main channel of Crooked Creek. I'm a little bit confused by
10 some of the technical questions that are put forth to this
11 Council because I was called by the Forestry Campaign to do
12 testimony and I thought that it was strictly on whether or not
13 -- on how I wanted to see the funds used, whether it was for
14 purchasing land or Senator Murkowski's wants to see the funds
15 being used for research. Would you please clarify this for me
16 because my testimony is slanted towards this direction?

17 MS. McCAMMON: There are three items on the
18 hearing list.

19 CHAIRMAN ANDREWS: Okay.

20 MS. CAROL: Sir?

21 MR. RUE: Yeah, there are three items on the
22 hearing list and one is the Restoration Reserve options which
23 you -- want me to go ahead, Rupe, since I started?

24 CHAIRMAN ANDREWS: Yeah, go ahead, you started,
25 go ahead.

1 MR. RUE: Okay. The Restoration Reserve
2 options, whether it should be land purchase, research or all of
3 the above. The post update on injured resources list, those
4 species that are either injured, recovered, recovery, not
5 recovered. We were asking for comment on that. And then the
6 issue of archaeological restoration were the three subject
7 areas that we were asking for public comment.

8 MS. CAROL: Okay. Well, I would like to fax my
9 comments to you. Can you give me your telephone number to do
10 that?

11 MS. McCAMMON: 276-7178.

12 MS. CAROL: The fax number?

13 MR. RUE: 276-7178, that's the fax number.

14 MS. CAROL: Thank you very much.

15 KENAI LIO: Thank you, that's all from Kenai.

16 CHAIRMAN ANDREWS: Are there any questions of
17 Ms. Carol?

18 MS. CAROL: How long can I -- how long before I
19 fax? I mean, what's the deadline?

20 MS. McCAMMON: February 12th.

21 CHAIRMAN ANDREWS: February 12th, Ms. Carol.

22 MS. CAROL: Thank you.

23 CHAIRMAN ANDREWS: Let's move to another site.
24 Kodiak, is there anyone on the line in Kodiak who would like to
25 testify this evening?

1 KODIAK LIO: Yes, I have two.

2 CHAIRMAN ANDREWS: We're ready for them.

3 MS. MORALES: Hi, my name is Stacy Morales, M
4 as in Mary-o-r-a-l-e-s and I'm representing myself. I'm rather
5 new to all of this, but I'm glad to be a part of such a
6 worthwhile effort. When we have the opportunity to protect
7 lands such as this, we need to act on it. Research is just as
8 important as protection and it should be done to know what
9 we're protecting, why we're protecting it and how we can do so
10 more efficiently and effectively, although a great deal of
11 research has already been done, and it's time we turn our
12 attention and dollars toward the future.

13 I'm thankful that the resources to care for this
14 environment, but use the money wisely. We, as a community,
15 would like to see the money managed with preservation as a
16 first priority. The only sure way to accomplish this is to
17 purchase as much of the land as possible and manage it for
18 further recovery. I believe Exxon to find it pertinent to
19 preserve land that was once a disaster area from the '89 oil
20 spill. What better way to show respect from such devastation
21 than honor the land by purchasing and preserving as much as we
22 can.

23 I also agree with the gentleman from Cordova who
24 reminded us that there are two Trustee seats open, without
25 those being filled I sort of feel deciding on the direction of

1 this money would be premature.

2 That's it, thank you.

3 CHAIRMAN ANDREWS: Thank you, Ms. Morales. Is
4 there any questions for Ms. Morales here from the panel?

5 (No audible responses)

6 CHAIRMAN ANDREWS: Okay. We'll take the next
7 witness, Kodiak.

8 MR. WEHR: Okay, my name is Dan Wehr, that's
9 W-e-h-r and I'd like to -- I'm kind of new at this, too.
10 Actually I've only lived in Alaska six months, but like the
11 lady sitting next to me, I'd like to basically see what I can
12 do here for the effort. And I've been looking it over for the
13 past couple of months now and one of the best ways I feel we
14 can use this money is spreading it out over a large number of
15 programs. Basically, the key word I'm looking for here is
16 flexibility with the money so that if the Trustee Council here
17 wants to make a large habitat acquisition, if the opportunity
18 arises, we'll have the money to do so. With the abundance of
19 wildlife that's in this area, the whole oil spill impact zone,
20 this abundance would cause also an abundance of habitat. This
21 also includes expanding the boundary of the spill impact zone
22 to include Copper River Delta and the Bering River Uplands.

23 That's basically all I had to say. If there's any
24 questions.

25 CHAIRMAN ANDREWS: Thank you, Mr. Wehr. Any

1 questions of Mr. Wehr?

2 MR. MEACHAM: Yes.

3 CHAIRMAN ANDREWS: Chuck Meacham has a question
4 for you, Mr. Wehr.

5 MR. WEHR: Okay.

6 MR. MEACHAM: Yes, you mentioned including
7 Copper River, how are you familiar with these areas? You know,
8 you've been here six months, have you been to that area or how
9 did you hear about it?

10 MR. WEHR: From various people around Kodiak
11 telling -- I mean, it basically was word of mouth, I haven't
12 been there myself, but these are just some of the areas I heard
13 from just around town that should be included in this
14 acquisition.

15 MR. MEACHAM: Thank you.

16 CHAIRMAN ANDREWS: Thank you, Mr. Wehr. Are
17 there any other witnesses in Kodiak tonight?

18 KODIAK LIO: No, there isn't, but I faxed two
19 testimonies down.

20 CHAIRMAN ANDREWS: Thank you very much. Let's
21 move on to Port Graham. Port Graham, are you on?

22 MR. ROBERT McMULLEN: Yeah, I'm here. My name
23 is Robert McMullen, R-o-b-e-r-t M-c-M-u-l-l-e-n. I would like
24 to say that I'm in support of establishing a \$20 million tribal
25 community fund for the tribes in the oil spill-affected area to

1 be used specifically by the tribes.

2 Also, I'm in support of the Chugachmiut, Chugach Alaska
3 and Qutekcak Seward Tribe proposal for the regional repository
4 and along with that was the package of repositories in the
5 connecting village communities of the Prince William Sound
6 area, in the oil spill-affected areas of Prince William Sound.

7 Also, I'd like to say something to the effect of land
8 acquisition. I think land acquisitions have kind of gotten a
9 little bit carried away, it's kind of like it has become -- or
10 it's like you guys are the adults and you're kind of like
11 taking candy away from the baby because it's getting the floor
12 sticky, you're kind of losing the -- losing some perspective
13 there instead of using, you know -- I think what needs to be
14 done is using the monies for restoration projects because it
15 seems like all you want to do is take the land away from people
16 that own it and assuming that they're the ones that are going
17 to destroy it and saying that you know better. And I think
18 that's quite a judgment on your part.

19 And also with regards to -- there has been talk about
20 there's a possible dismantling of the Trustee Council or
21 possibly, at least, a reorganization, and I think the village
22 tribal entities, we should be represented with regards to
23 participation on the Trustee Council because so far they have
24 been left out, there hasn't be anybody that has represented the
25 tribe on the Trustee Council, you know, to date. And a lot of

1 the various concerns of the different tribes and tribal
2 councils in the area have been basically ignored or watered
3 down.

4 All right, thank you.

5 CHAIRMAN ANDREWS: Thank you. Are there any
6 questions of Mr. McMullen?

7 (No audible responses)

8 CHAIRMAN ANDREWS: Do you have any other
9 witnesses in Port Graham?

10 MR. NORMAN: Yeah, this is Pat Norman, my last
11 name is N-o-r-m-a-n. I want to speak in support of the
12 repository proposal that was submitted by Chugach Alaska and
13 Chugachmiut. I believe that that's the best place for the
14 repository is in Seward with the village having their own
15 display facilities.

16 I also, on the use of the reserve amount, I would speak
17 against the use of the money for large or small land
18 acquisition projects.

19 And also I speak in support of the \$20 million dollar
20 tribal community fund that the village can use for restoration
21 or monitoring projects.

22 CHAIRMAN ANDREWS: Thank you. Is there any
23 questions for Mr. Norman?

24 (No audible responses)

25 CHAIRMAN ANDREWS: Port Graham, do you have

1 anybody else who would like to testify tonight?

2 MR. WALTER MEGANACK: Yeah, my name is Walter
3 Meganack, M-e-g-a-n-a-c-k. I'd like to testify in support of
4 the Chugachmiut, Chugach repository proposal. And also in
5 support of the 20 million set aside for the community funds,
6 especially for, you know, for the tribes. Also I'd like to say
7 on land acquisition to not use any more, especially, the
8 Reserve money on any more land acquisition. And on the
9 governing body of Trustee Council, I'd like to have that
10 dismantled (phone cut out) done right by the communities that
11 have been injured by the oil spill or at least have some tribal
12 -- if it's reorganized to have some tribal representative sit
13 in, maybe those vacant chairs.

14 CHAIRMAN ANDREWS: Thank you. Are there any
15 questions from the panel?

16 (No audible responses)

17 CHAIRMAN ANDREWS: Hearing none, Port Graham,
18 do you have anyone else who would like to testify this evening?

19 (No audible responses)

20 CHAIRMAN ANDREWS: Port Graham? Port Graham,
21 do you have anyone else who would like to testify?

22 MR. RILEY MEGANACK: Yeah, my name is Riley
23 Meganack, Port Graham Village Council member.

24 CHAIRMAN ANDREWS: Will you spell your name,
25 sir?

1 MR. RILEY MEGANACK: I am against any more land
2 acquisitions there, the money should be used for restoration
3 and monitoring, you know, maybe do some studies on what was
4 injured. And I also am in favor of the repository be located
5 in Seward under Chugachmiut, Chugach Alaska and Qutekcak. And
6 I am -- then I am also in favor of the \$20 million reserve for
7 the villages that were affected and, you know, it should be put
8 aside for whatever restoration we think would do the -- thank
9 you.

10 CHAIRMAN ANDREWS: Thank you. Are there any
11 questions for Mr. Meganack?

12 (No audible responses)

13 CHAIRMAN ANDREWS: Let's move on to our next
14 teleconference site, Seward. Seward, are you on the line?

15 SEWARD LIO: Yes, we're on the line and we have
16 four people to testify and Mark Luttrell is the first, and he's
17 approaching.

18 CHAIRMAN ANDREWS: We'd like each witness to
19 please spell their name for the court reporter and if at all
20 possible try to stay within a three-minute limit.

21 MR. LUTTRELL: Thank you. My name is Mark
22 Luttrell and that's spelled L-u-t-t-r-e-l-l and I'm the
23 Director of the Eastern Kenai Peninsula Environmental Action
24 Association that's based in Seward. I want to testify
25 regarding the Restoration Fund. The Trustee Council has done a

1 fantastic job here in Seward, including supporting the SeaLife
2 Center, acquisition of inholdings in Kenai Fjords National
3 Park, acquisition of Lowell Point and Grouse Lake. And I hope
4 you will continue to do your good work. I think the single
5 most important lasting thing the Trustees can do with the
6 Restoration Fund is habitat acquisition.

7 The first part of the EVOS Trustee Council mission
8 statement says "the mission of the Trustee Council is to
9 efficiently restore injured environment." And I would sort of
10 underline efficient there. I think habitat acquisition is the
11 more efficient way to restore the injured environment.

12 Research is critical and must be conducted. I think
13 the best thing to do, and this by graph in order of magnitude
14 is, habitat acquisition. I support that through fee simple
15 acquisitions or conservation easements. And I also urge the
16 Trustee Council to set aside 75 percent of the Restoration Fund
17 for habitat acquisition and that the fund remain flexible to
18 respond to opportunities for large scale acquisitions that may
19 arise.

20 And finally, as you leave the building tonight and
21 you're out in the parking lot reaching for your car keys in
22 sub-zero temperatures, remember at that frozen moment what you
23 really need is a warm and safe house with good groceries, not
24 really a study that shows you you need those things.

25 Thank you.

1 CHAIRMAN ANDREWS: Thank you, Mr. Luttrell.

2 Are there any questions for Mr. -- Chuck Meacham.

3 MR. MEACHAM: Yeah, I appreciate your comment
4 there, that's a good one. Do you have any idea of the current
5 percentage of land within the oil spill area that's already
6 owned by State or Federal government entities?

7 MR. LUTTRELL: Boy, I certainly don't have
8 those figures at my fingertips.

9 MR. MEACHAM: Yeah, I think it's on the order
10 of perhaps 80 percent within the spill-affected area. And you
11 still feel that it's important to spend this money on purchase
12 of additional parcels, including large parcels?

13 MR. LUTTRELL: Well, I do. You have a unique
14 ability to target specific parcels throughout the spill area
15 and you're not constricted by some of the kind of open
16 management directions, like, the Forest Service has to work
17 under. And you can focus on areas that are threatened by
18 development interest. So, yes, I think you should acquire more
19 habitat.

20 MR. MEACHAM: Okay, thank you.

21 CHAIRMAN ANDREWS: Any further questions?

22 (No audible responses)

23 CHAIRMAN ANDREWS: Thank you, Mr. Luttrell.

24 Your next witness, please, down there in Seward.

25 MR. CRANGLE: Yes, my name is Charlie Crangle,

1 last name is spelled C-r-a-n-g-l-e and I also have a statement
2 for a friend that could not come here tonight that I'll follow
3 with.

4 I'd like to express my support for using the remaining
5 EVOS settlement money for habitat protection and respectful
6 disagreement with Senator Murkowski over this issue. I believe
7 that the future survival of fish and wildlife resources in the
8 spill-affected area may very well depend on us doing the right
9 thing over the next few years. When I say in the next few
10 years I don't mean the next millennium, you know, the next 100
11 years, but I think the next couple of years really, next decade
12 is pretty vital.

13 These resources are dependent on keeping the habitat
14 intact for both their viability and ultimately they're very
15 survival. Habitat for certain, species is becoming stressed,
16 segmented or degraded through development pressures, competing
17 resource uses or even residual affects still from the spill.
18 The time to act is now, the signs are clear, I believe, we need
19 to protect our ecosystem at all levels and conserving habitat
20 offers one of the best methods to do so. The conservation of
21 these resources will help continue to ensure Alaska's stature
22 as one the premier hunting, fishing and wildlife watching
23 destinations in the world today. It's no wonder we have so
24 many tourists coming to our state.

25 Future generations should be able to enjoy the same

1 wealth of fish and wildlife resources that help make Alaska the
2 amazing place that we fortunate few today call home. Please do
3 the right thing and pledge the majority of the remaining funds
4 toward preserving habitat.

5 Thanks.

6 I have one other comment, a brief one from a lady by
7 the name of Kim Blommel, last name is spelled B-l-o-m-m-e-l and
8 here's her comments. "As a resident of the spill-affected
9 region I would like to voice my strong support for using your
10 remaining EVOS settlement funds for habitat protection of fish
11 and wildlife resources. It's my belief the bulk of leftover
12 money would be best spent on those things that provide most
13 long-term benefit. I would contend that purchasing land
14 provides the most long-term benefit, it provides permanent
15 protection by preserving habitat for fish and wildlife
16 resources forever. I urge the Trustees to act to preserve
17 habitat as the highest priority of funds."

18 Thank you.

19 CHAIRMAN ANDREWS: Thank you, Mr. Crangle. Are
20 there any questions of Mr. Crangle? Jim King.

21 MR. KING: I guess I'd like to ask again, you
22 know, one of the things that the Public Advisory Group came up
23 with last summer when we were debating this was developing some
24 kind of a land trust type endowment that would produce some
25 money to purchase land in the long-term or in perpetuity as it

1 became available. And I keep hearing people say, use the money
2 up buying land and I wonder what you think about this thought
3 of perhaps of setting up some kind of a mechanism for
4 perpetuating the ability of the Trustee Council or whoever
5 follows them to buy land, perhaps on a smaller basis.

6 MR. CRANGLE: I'm not sure if I totally
7 understand what you're saying, but I believe what I'm hearing
8 you say is perhaps similar to the question you asked of one of
9 the earlier people from maybe Homer where you asked about
10 setting up conservation easements rather than outright
11 purchases, is that what you're referring to?

12 MR. KING: No, developing a fund that would
13 produce some income, an endowed fund.....

14 MR. CRANGLE: Oh, okay.

15 MR. KING:where you invest the money
16 and.....

17 MR. CRANGLE: I understand.

18 MR. KING:you don't spend it all, you use
19 a little of it every year and it grows.

20 MR. CRANGLE: I guess I would like to see about
21 -- you know, one of my main concerns would be how much would be
22 available each year because sometimes opportunities come up
23 where, you know, it's optimum to act in a fast and efficient
24 manner. And I kind of agree with Mr. Luttrell's statement
25 earlier where he said that, you know, the EVOS Trustees have

1 the ability to act outside some of the bureaucratic constraints
2 the Forest Service and the Park Service, you know, have to deal
3 with, Department of Agriculture and the Department of Interior
4 and a lot of their, you know, slow and awkward, inefficient
5 systems that, you know, just aren't there. They're a reality
6 and I would hate to see an opportunity squandered because of,
7 you know, only X number of dollars on a given year and being
8 aced out of a vital acquisition that we could have had. I hope
9 that answers your question.

10 MR. KING: Well, I'm just wondering if perhaps
11 the PAG isn't thinking ahead of the public sector here and
12 trying to develop some mechanism to keep the ability to acquire
13 parcels of land as they become available from willing sellers,
14 keep it alive on a long-term basis or should we say, let's
15 finish this thing up and spend the money.

16 MR. CRANGLE: Oh, you know, I think you're --
17 that's a very good point, you know, and I think an endowment
18 certainly is a good idea. It's been kicked around here on a
19 State level, for example, for education and keeps resurrecting,
20 it's certainly got a very valid point. I guess I'd like to see
21 more of the mechanics of it before I can tell you how exactly I
22 feel on it, though I feel it's an interesting idea and I think
23 it's something worth pursuing and bringing the public into the
24 process to discuss when you have, you know, further details on
25 exactly what you have in mind and what constraints might be

1 placed on such a fund. But I commend you for that idea, I
2 think it's a good one.

3 CHAIRMAN ANDREWS: Pam.

4 MS. BRODIE: Hi, this is Pam Brodie. I'm just
5 concerned, although I enjoy having discussions with each person
6 testifying, I'm concerned about how many people -- we don't
7 really know how many people are waiting to testify, it would be
8 a shame if people have to go home tonight and may or may not be
9 able to come back tomorrow because we've been having long
10 interactions with each person testifying. I was wondering if
11 we could get some sense of how many people there are still to
12 go and how much time we would have with each person.

13 MS. McCAMMON: Mr. Chairman, Rebecca is also
14 checking. I think we have to be off the teleconference at
15 either 9:00 or 9:30, so she's checking that right now.

16 CHAIRMAN ANDREWS: Okay. Well, moving on, if
17 there are no more questions for Mr. Crangle. Is there anyone
18 else there in Seward that would like to testify?

19 MR. LOWTHIAN: Yes, my name is Doug Lowthian,
20 that's L-o-w-t-h-i-a-n and I'd like to speak in favor of
21 habitat acquisition as well. I think that research is a very
22 important thing, but 25, 30, 40 years from now we'll look back,
23 we can either see nice beautiful habitat that's been saved or
24 we can see some paperwork that may or may not have practical
25 value and long-lasting value.

1 To try to amend my comments and answer some of the
2 questions that I can anticipate, the idea of this endowment is
3 an attractive idea to spend in the long-term, but I would
4 reiterate what Mr. Luttrell said about maintaining flexibility
5 for large scale purchases, should they become available and not
6 be constrained by a limited amount of money being available in
7 a particular year.

8 And I think that's all I have to say right now.

9 CHAIRMAN ANDREWS: Thank you. Any questions
10 for Mr. Lowthian?

11 (No audible responses)

12 CHAIRMAN ANDREWS: If not, Seward, do you have
13 another witness there that would like to testify?

14 SEWARD LIO: Yes, we do.

15 CHAIRMAN ANDREWS: How many more do you have,
16 Seward?

17 MR. BLATCHFORD: This is Ken Blatchford in
18 Seward.

19 SEWARD LIO: Mr. Chairman, we have one more in
20 the office and I believe that Mr. Blatchford is an off net
21 site, so we have one more here then if you'd like to go to
22 Mr. Blatchford.

23 CHAIRMAN ANDREWS: Yes, I think that will work.

24 MR. TWIGG: My name is Tom Twigg, T-w-i-g-g.
25 I'd like to say I think it's a sad fact that no amount of

1 research or land acquisition could protect this area from
2 another devastating spill, however, there are many other
3 threats to this area besides oil that you can protect the land
4 from and the habitat and wildlife with acquisition of critical
5 areas, so I would like to see you continue in that direction.

6 Thank you.

7 CHAIRMAN ANDREWS: Thank you. Any questions of
8 Mr. Twigg?

9 (No audible responses)

10 CHAIRMAN ANDREWS: Let's go to Ken Blatchford
11 now.

12 MR. BLATCHFORD: Yes, thank you. My name is
13 Ken Blatchford, K-e-n B-l-a-t-c-h-f-o-r-d. I'm a lifelong
14 resident of Alaska, resident of Seward since 1963. I'm also
15 Chairman of the Qutekcak Native Tribe and I'm speaking as a
16 representative of the people that have elected me, and also I'd
17 like to speak on my own. But first of all, I'd like to say
18 that I appreciate the opportunity to testify. And also I would
19 like to say that this process that we're using is a good one,
20 although it would be real nice to see who I'm testifying to,
21 but having said that, I'd like to speak in favor of repository
22 proposal, obviously seeing how I'm going to be directly
23 affected, that was put in by Chugach Alaska Corporation,
24 Chugachmiut, as well as my tribe, Qutekcak.

25 I would also like to speak in favor of the \$20 million

1 fund for the spill-affected villages. One comment that I have
2 about, you know, more land acquisitions, I would really, really
3 caution the Trustee Council in, you know, not being too hasty
4 in purchasing a whole lot of land, unless it's given careful
5 consideration and the purchase is actually done in the
6 spill-affected area. It's a little bit hard to -- it's nice
7 to, you know, try to conserve, but it's a little bit hard to
8 swallow the idea of purchasing, you know, some land when I know
9 that a lot of the affected areas are still injured, that they
10 have not recovered.

11 So with that said, I'd like to go ahead and speak on my
12 own behalf and pretty much say that land acquisition is good.
13 Setting up a permanent fund, I guess, for research or whatever
14 is being proposed, might also be a good idea as long as there
15 were some guidelines that said that whatever research was done
16 the money was spent in the spill-affected area. This is very
17 important because we have -- well, for example, our tribe
18 started a shellfish hatchery, we have the only shellfish
19 hatchery in the state of Alaska. Now we have the capability of
20 doing the research and we're doing research at this time with
21 clams, shellfish in particular. And we have the ability to go
22 out and start reseeding the beaches, you know, the injured
23 beaches. So as long as the money is used in that order I
24 think, you know, it would be a good deal.

25 CHAIRMAN ANDREWS: Thank you, Mr.....

1 MR. BLATCHFORD: Again, I'd like to just thank
2 you for the opportunity to speak. Thank you.

3 CHAIRMAN ANDREWS: Thank you, Mr. Blatchford,
4 we appreciate your testimony this evening. Are there any
5 questions for Mr. Blatchford?

6 (No audible responses)

7 CHAIRMAN ANDREWS: If not, Seward, do you have
8 anyone else or have we completed all the witnesses in Seward?

9 SEWARD LIO: We faxed some testimony and no one
10 else is here that wants to testify at this time.

11 CHAIRMAN ANDREWS: Okay, thank you very much.
12 I'd like to bring us back to Anchorage now, we do have some
13 witnesses here that we'd like to hear from tonight.

14 MS. McCAMMON: Mr. Chairman, could I suggest
15 since we go off the teleconference at 9:00 o'clock that we
16 finish anyone on the teleconference because Anchorage can be
17 done even after we're off the teleconference.

18 CHAIRMAN ANDREWS: Okay. I've just been
19 informed that we really have to be off at 9:00 o'clock, off the
20 teleconference, so I'll continue around and see if there's
21 anymore on the teleconference that would like to testify this
22 evening. Have we anyone at Valdez that would like to testify
23 this evening?

24 CORDOVA LIO: Cordova has three more.

25 CHAIRMAN ANDREWS: Okay. Cordova, let's.....

1 VALDEZ LIO: Valdez has one to testify.

2 CHAIRMAN ANDREWS: Okay, Valdez, can we have
3 your witness, please? (Pause) Valdez, are you there?

4 MR. MILLER: Are we on line again?

5 CHAIRMAN ANDREWS: Yes, you are, you're here.

6 MR. MILLER: Okay, did you get my name or.....

7 CHAIRMAN ANDREWS: No, we didn't.

8 MR. MILLER: Oh, okay. It's James Miller,
9 J-a-m-e-s M-i-l-l-e-r and I'll be representing myself.

10 CHAIRMAN ANDREWS: Yes, go ahead, please.

11 MR. MILLER: Okay. I fully support spending
12 all the available funds for preserving -- for habitat, mainly
13 because it's an incredibly large feat to undertake and there
14 really isn't enough money to support what everybody wants, you
15 know, studies, purchasing of land, it costs a lot of money.
16 But I say we take all the money that we can get available and
17 basically put at preserving what we got.

18 And that's simply all I have to say tonight.

19 CHAIRMAN ANDREWS: Thank you. Are there any
20 questions?

21 (No audible responses)

22 CHAIRMAN ANDREWS: Is there anyone on the
23 teleconference tonight that hasn't had a chance to testify?

24 MS. ALECK: Chignik Lake.

25 CHAIRMAN ANDREWS: Where?

1 MR. RUE: Chignik Lake.

2 MS. ALECK: Chignik Lake on the Peninsula.

3 CHAIRMAN ANDREWS: Thank you. Go ahead.

4 MS. ALECK: My name is Virginia Aleck,
5 A-l-e-c-k, I'm the facilitator for the Peninsula. Thank you
6 for giving me this opportunity to speak. I've lived in this
7 area all my life, probably 53 years. I'm in the oil spill
8 region, I'm a voice crying in the darkness for my people for
9 all the anguish and despair and unbelief that's happened after
10 the oil spill in 1989. What should we do? Our lives were put
11 on hold. Wait for people on the Outside and Fish and Game to
12 tell us what to do?

13 I would like also to comment in favor of the \$20
14 million restoration reserve to be used for restoration programs
15 in the oil spill village regions to fixed injured resources. I
16 would also like to see studies and research programs on salmon,
17 sea lions, seals and eider ducks that are so scarce out here.
18 The sea lions are nowhere to be seen anymore. When I was
19 younger we used to see big herds of them, probably 500 or more,
20 out on the rocks. We no longer see anymore of them. We don't
21 even see one. Studies are being conducted other places, but
22 not in our area.

23 We used to have big flocks of eider ducks, maybe
24 thousand or more in big flocks. We only see -- we'll be lucky
25 to see 40 birds now in the springtime.

1 Harbor seals are on the decline, they say that seals
2 were on the decline before the oil spill and studies show this.
3 Just like Gary Kompkoff stated, that studies were conducted in
4 the villages and we knew nothing about these studies. Now,
5 what I would like to see written is something written in black
6 and white where were these studies conducted. And I'd like to
7 see these in black and white and documented pages.

8 I'd like to see more projects in the Peninsula region,
9 we were affected too, I would like to see an archaeological
10 repository building put in the Peninsula to house the
11 artifacts.

12 And I would really strongly recommend that they do
13 research on sea lions and seal and salmon and eiders. And it
14 seems like since we've had these real bad fishing season
15 there's been a sense of helplessness and people turn to
16 drinking for -- you know, where do we get answers? Do we get
17 information directly from the people who did it? It seems like
18 we're going in circles, you know, we're fighting a large oil
19 firm who brought devastation to our villages, our lifestyle,
20 our subsistence way of living. The way we live has been
21 disrupted, our elders who were here before the oil spill,
22 during the oil spill and after the oil spill were commenting
23 "it used to be different in our time."

24 In the springtime we look forward to getting the first
25 salmon and when they got that first salmon it was exciting to

1 everyone, we're going to make it through the summer. It isn't
2 that way anymore. About three years after the oil spill my
3 grandmother died, she was very unhappy, she was sad. She said
4 things were never going to be the same again. How could we
5 trust the food that we eat?

6 It was very devastating and there was a certain time to
7 do certain things, to go hunting for certain species, put up
8 our salmon, put up our food, get ready for the winter.

9 I heard everybody comment on land acquisitions. For
10 people who live in the oil spill region, I don't like to see
11 land sales anymore, big or small, we're not thinking of our
12 future, we're not even thinking of our children. After the
13 money is all gone, we have to think of where our grandchildren,
14 where our children going to hunt and fish. I'm not in favor of
15 land acquisitions, I never was right from the beginning.

16 And, I don't know, I guess that's about all I have to
17 say.

18 CHAIRMAN ANDREWS: Thank you, Ms. Aleck. Are
19 there any questions for Ms. Aleck from the panel?

20 (No audible responses)

21 CHAIRMAN ANDREWS: Hearing none, are there any
22 more witnesses as Lake Chignik [sic]?

23 MS. ALECK: No, there's no more witnesses here.
24 And thank you so much for listening.

25 CHAIRMAN ANDREWS: Thank you for testifying.

1 MS. ALECK: Bye-bye.

2 CHAIRMAN ANDREWS: Valdez, are you on line now?

3 (No audible responses)

4 CHAIRMAN ANDREWS: Cordova, are you on line?

5 CORDOVA LIO: Cordova is here.

6 CHAIRMAN ANDREWS: Cordova?

7 CORDOVA LIO: Yes.

8 CHAIRMAN ANDREWS: Do you have any witnesses
9 that would like to testify this evening?

10 CORDOVA LIO: Yes.

11 CHAIRMAN ANDREWS: We have about 17 minutes
12 before we have to terminate the teleconference. Can they come
13 up and testify, please?

14 CORDOVA LIO: Go ahead.

15 MR. METZGER: Okay. My name is Scott Metzger,
16 spelled M-e-t-z-g-e-r. I can't really top that last
17 testimonial, but this will be short. I'd like to see at least
18 75 percent of the Restoration Reserve Fund used for direct on
19 the ground habitat protection in the form of land acquisitions
20 and conservation easements. And I'd like to see the boundaries
21 of the spill impact zone expanded to include the Copper River
22 Delta and Bering River Uplands.

23 Thank you.

24 CHAIRMAN ANDREWS: Thank you, Mr. Metzger. Any
25 questions for Mr. Metzger?

1 (No audible responses)

2 CHAIRMAN ANDREWS: Can we have the next
3 witness, please?

4 MR. GRADUN: Hi, I'm Scott Gradun, G-r-a-d-u-n
5 and lifer in this region. I grew up fishing, we used to make a
6 good living from fishing. I always thought that I would become
7 a highlander and be hanging groups in the map as I got older
8 and then retire. So I paid attentions to the spots that I grew
9 up I grew up fishing in and patterns and the fish there and now
10 it doesn't matter anymore. I've experienced what one boat load
11 of oil can do and now I don't fish no more. But I did right up
12 until it cost me money to go, but I didn't do that very long.

13 In regard to spending the Restoration Reserve, I'd like
14 to see the emphasis of the account spent on preservation of
15 habitat, and by preservation I mean not necessarily
16 acquisition, but conservation easements. I'd like you to
17 finish protecting our coastlines and fisheries, especially our
18 irreplaceable wild stock salmon. It should be made available
19 to protect the Copper River and the Bering River, especially
20 the pipeline will accompany (indiscernible). Prevention should
21 be of the highest priority.

22 Those monies should also protect (indiscernible) where
23 the pipeline poses potential spills into the Copper River
24 drainage basin. To protect our wild stock salmon and their
25 habitat is crucial. If, in fact, wild gene pools are supposed

1 to be the key to consumers all the way down the coast. To
2 restore not only fishery industries, but lifestyles that center
3 around the truly renewable (indiscernible) harvest resource and
4 in dreams of those of us who are very comfortable living on the
5 water (indiscernible).

6 Also, I'd like some of the money spend arming the
7 Copper River fishermen with a cleanup contingency plan and any
8 other areas that are in need of preservation and restoration
9 that I'm not aware of and then we can use whatever is left and
10 set it aside.

11 Any questions?

12 CHAIRMAN ANDREWS: Are there any questions from
13 the panel?

14 (No audible responses)

15 CHAIRMAN ANDREWS: There are no questions. Can
16 we have the next witness, please?

17 MR. GRADUN: Thank you.

18 MR. CARPENTER: Hello, my name is Danny
19 Carpenter, I'm a commercial fisherman here in Cordova, I lived
20 here for 13 years. The testimony from Lake Chignik [sic] kind
21 of brought the spill back real clear. I agree with Scott, it's
22 kind of hard to top that testimony.

23 I'd strongly like to recommend considering the Copper
24 River Delta, Bering River Uplands in the spill-affected area.
25 The Copper River fishery is about the only thing that's kept

1 Cordova afloat since the spill happened. The fishery in the
2 Sound which used to be the main driver of our economy has
3 basically fizzled out to just about nothing. And thinking
4 about problems with development of coal, there's been talk
5 about offshore oil development on the Copper River Flats and
6 the clear-cut logging, I really feel like if any or all of
7 these developments went through, it could really put our -- put
8 the Copper River fishery in danger and without that fishery
9 this community would really have a hard time making it.

10 I wanted to speak to your recovered/non-recovered
11 listing, and I have to say that listing the pink salmon as
12 recovered is pretty laughable, in a sad way. I feel like
13 anything that you have to put an asterisk next to, calling it
14 recovered and then saying it's recovered everywhere except for
15 the intertidal spawners and in oiled bays is ridiculous because
16 most people realize pink salmon are all intertidal spawners and
17 if you look at a map from the oil spill it covered most of the
18 bays in the Sound.

19 I also wanted to speak towards some of the money that
20 you've already spent and some of the money that's promised. I
21 really feel like the money that you have going to the deep
22 water port and the road out to Shepard Point should be
23 considered spent somewhere else. I feel like that project is
24 basically going to be a development project for the Bering
25 River area and I thought these monies were supposed to be for

1 restoration and recovery, not creating more development
2 problems.

3 I also have problems with the Whittier Road Project.
4 Pumping the number of people that is projected to come in from
5 that project, it's going to create nothing but more problems in
6 the very area that's been damaged. And I would just like to
7 see money go toward conservation easements, I really feel like
8 a lot of people have problems with the land acquisition. And
9 conservation easements and possibly subsurface rights, I feel
10 are like the way to go. It's not fair to buy land from the
11 Natives and then, basically, make them a homeless entity.

12 That's all.

13 CHAIRMAN ANDREWS: Thank you, Mr. Carpenter.
14 Any question for Mr. Carpenter?

15 (No audible responses)

16 CHAIRMAN ANDREWS: Can we take your next
17 witness, please?

18 CORDOVA LIO: We're screwed up here.

19 UNIDENTIFIED VOICES: (Indiscernible - away
20 from microphone)

21 CORDOVA LIO: Thank you.

22 MR. RUE: That's it, Cordova is.....

23 CHAIRMAN ANDREWS: Is that it?

24 MR. RUE: Yeah.

25 CHAIRMAN ANDREWS: Okay, thank you very much.

1 Is there anyone on line here tonight that would like to testify
2 that we haven't gotten to?

3 HOMER LIO: Homer has three people.

4 CHAIRMAN ANDREWS: Yes, would you bring on your
5 first witness, Homer?

6 MS. KABISCH: Hi, this is Sally Kabisch, my
7 last name is K-a-b-i-s-c-h, I'm a resident of Homer. And I,
8 too, would like to just -- well, two things. I thought that
9 the testimony from Chignik Lake was very powerful and it
10 demonstrates that the feelings on the oil spill and the
11 aftermath is still very active for a lot of us who live in the
12 spill zone. And I hope that the Trustee Council takes that to
13 heart in making their decisions.

14 I came tonight to support habitat protection through
15 land acquisition. I don't have strong feelings about whether
16 it's fee simple or conservation easements, I think both are
17 excellent tools for doing habitat protection. I think it
18 depends on what the land owners want to do with their land in
19 terms of conserving it. And I would like to echo lots of
20 comments that I heard tonight about expanding the spill -- the
21 area where projects can occur to the Copper River Delta and the
22 Bering River Uplands.

23 And thank you very much.

24 CHAIRMAN ANDREWS: Thank you. We only have a
25 few minutes left, we'll take the next witnesses as fast as we

1 can.

2 MS. ELVSAAS: Okay. I'm Lillian Elvsaas from
3 Seldovia, last name is E-l-v-s-a-a-s. I'm here on behalf of
4 the Seldovia Village Tribe asking for the fund of \$20 million
5 from the Restoration Reserve be granted to the villages for
6 community projects for now and the future. And I also support
7 the funding for the protection of fish and wildlife habitat in
8 all the oil spill-affected areas.

9 And that is all I have and thank you for listening.
10 And hello to Virginia Aleck.

11 CHAIRMAN ANDREWS: Okay, thank you very much.
12 Your next witnesses, please.

13 MS. YEATON: My name is Nancy Yeaton, last name
14 is spelled Y-e-a-t-o-n, and I'd like to take the time to give a
15 big thank you to Virginia for sharing from her heart of all
16 that is felt in our areas and we all have that same common
17 feeling.

18 I am in support of the \$20 million set aside for
19 community-based projects for oil impacted communities. This
20 money would be a way for communities to become
21 self-determining, creating what is needed from a local level
22 and be responsible for creating our projects. We would be able
23 to create projects that are aimed at cultural activities to
24 strengthen what is slowly slipping through our fingers. There
25 is talk between people of having summer camps geared towards

1 subsistence, natural resources, building of traditional smoke
2 houses, involving our elders and youth to work side by side,
3 and this would take money to do that though.

4 That is all I have to say. Thank you very much for
5 allowing us to take this time to speak on our behalf.

6 CHAIRMAN ANDREWS: Thank you, Nancy. Do you
7 have one more witness there?

8 HOMER LIO: That's all, thank you.

9 CHAIRMAN ANDREWS: That's all. Thank you very
10 much. Is there anyone else on the teleconference here tonight
11 that hasn't testified that would like to? Fairbanks, did you
12 ever come back on line?

13 (No audible responses)

14 CHAIRMAN ANDREWS: Not hearing any comments, we
15 will close the teleconference for tonight. Will we reopen
16 tomorrow?

17 MS. McCAMMON: At 8:30, yes.

18 CHAIRMAN ANDREWS: The teleconference will be
19 opened at 8:30 tomorrow morning for those communities that
20 would like to add witnesses that did not get a chance to
21 testify tonight or weren't able to be present. Thank you very
22 much, all of you.

23 We'll come back to Anchorage now and the next person to
24 testify is, is it Dr. Baker?

25 (No audible responses)

1 CHAIRMAN ANDREWS: Has he left? B. Laporte.

2 MS. LAPORTE: (Shakes her head in the
3 negative).

4 CHAIRMAN ANDREWS: Kim Sullen [sic].

5 MR. BALSIGER: Probably Sundberg. There's a
6 Kim right there.

7 MR. SUNDBERG: That's close enough.

8 CHAIRMAN ANDREWS: Can't read it.

9 MR. SUNDBERG: Good to be before you again
10 tonight. Hi, my name is Kim Sundberg, I represent the Alaska
11 SeaLife Center, a non-profit organization dedicated to
12 understanding and maintaining integrity of the marine ecosystem
13 of Alaska through research, rehabilitation and public
14 education. I appreciate the opportunity to provide comments on
15 the proposed changes to the injured resources list and
16 potential uses of the Restoration Reserve.

17 The Alaska SeaLife Center especially appreciates the
18 role it's been provided by the Trustee Council to support
19 important research involving resources injured by the Exxon
20 Valdez oil spill and to educate some 200,000 visitors on the
21 spill, its aftermath, and the work of the Trustee Council.

22 With respect to changes to the injured resources list,
23 scientists working at the Center are currently engaged in
24 Trustee funded research related to the recovery of river
25 otters, harbor seals, pigeon guillemots, pink salmon and rock

1 fish. Although these studies are not yet concluded,
2 preliminary findings appears to be consistent with the status
3 assessments for the species contained in the January 1999
4 update on injured resources and services.

5 With respect to the Restoration Reserve, the Trustee
6 Council has the unique opportunity to help ensure the health of
7 Alaska's marine ecosystems into the next millennium. The
8 Habitat Protection Program and the Restorations Studies Program
9 have both laid a solid foundation for moving forward with the
10 Restoration Reserve.

11 The first prerequisite for maintaining a healthy
12 ecosystem, that of protecting critical fish and wildlife
13 habitat, has been largely accomplished. Nearly all of the high
14 value large parcels at risk that were identified in the Trustee
15 Council's habitat evaluation process have been protected.
16 There is probably the need for protection of additional small
17 parcels on a case-by-case basis, but acquisition of large
18 parcels with lower habitat values are unlikely to significantly
19 protect populations of marine resources at risk.

20 The second prerequisite to maintaining a healthy
21 ecosystem, that of gaining the level of knowledge needed to
22 understand our marine resources and critical ecosystem
23 functions has only just begun. Progress is being made, but we
24 have to look at the current fisheries crises in Bristol Bay,
25 the growing number of Alaska's marine wildlife being listed as

1 threatened or endangered, the fundamental uncertainties in the
2 management of many ground fish and shellfish stock and the near
3 certainty of global warming and climate change to be compelled
4 by the need for more research.

5 Alaska spans two oceans, provides most of the United
6 States fishery harvest, has over 30,000 miles of coastline, yet
7 State and Federal research funding lags far behind many states
8 with fewer resources. We probably have less information on our
9 living ocean resources than any other coastal state. Properly
10 coordinated and sustained scientific monitoring and research is
11 needed if we are to have any hope of maintaining our marine
12 resources in the next millennium. We cannot continue the
13 practice of the 20th century of conducting research by crisis,
14 largely after it's too late, to understand or head off a
15 problem. Alaskans know how to conduct good marine research, we
16 just need a sustained focus to accomplish the level of
17 knowledge that is needed.

18 The Restoration Reserve provides a once in a lifetime
19 opportunity to leave a legacy for marine research in Alaska
20 that will pay dividends to all stakeholders. More complete
21 knowledge and the ability to apply proactively are needed to
22 maintain the integrity of Alaska's marine ecosystem. I
23 strongly urge the Trustee Council to designate at least 90
24 percent of the Restoration Reserve to support a permanent,
25 adaptive, interdisciplinary monitoring and research program in

1 Alaska. I also urge that this program be integrated with other
2 marine research programs, such as those being formulated for
3 the Bering Sea.

4 Thank you for the opportunity to comment.

5 CHAIRMAN ANDREWS: Thank you.

6 MS. BAKER: I have a question.

7 CHAIRMAN ANDREWS: Yes, go ahead.

8 MS. BAKER: I was interested in what you said
9 about possibilities about proactive application of research. I
10 think this is something that a lot of people are interested in
11 conceptualizing and I know that there's a lot of interest in
12 that, particularly in the fisheries and the subsistence areas.
13 I don't know if you heard that as well. Do you have some
14 ideas, because we've been grappling with that on the PAG as
15 well as, hopefully, the Trustee Council, on some of the
16 application type formatting that we can do or ways that this
17 kind of funding could possibly foster that program.

18 MR. SUNDBERG: Well, I think that we need to
19 get ahead of the power curve so that we can do better
20 predictive modeling of events that are happening in the oceans
21 and develop -- integrate that into the management structure so
22 that rather than reacting to the declines in fisheries or
23 unknown events that are occurring, become more proactively of
24 -- if ocean warming is occurring then what are the expected
25 results of that, rather than just waiting to see what happens

1 to the results.

2 If we can learn more about what the basic health of the
3 Steller sea lion is and what -- how it processes food then we
4 can learn a lot more about what might be causing the decline
5 rather than waiting for the species to decline and then trying
6 to figure it out afterwards. So that's what I'm really driving
7 at, is a more sustained look at what are the types of
8 information that we need to be collecting in Alaska to manage
9 our fisheries, to manage our wildlife resources and getting the
10 program in place and then sustaining it over the years it'll
11 take to build the information up, rather than just reacting to
12 the crisis of the year, which is the way Alaska marine research
13 has occurred historically.

14 CHAIRMAN ANDREWS: Frank.

15 MR. RUE: Yeah, Kim, quick question. I only
16 caught one of the three species you said you agreed with the
17 status of. River otters, what were the other you had
18 researchers working on?

19 MR. SUNDBERG: Pigeon guillemots, pink salmon
20 and rock fish.

21 MR. RUE: Okay.

22 MR. SUNDBERG: River otters, harbor seals,
23 pigeon guillemots, pink salmon and rock fish. I said I agreed
24 with the status assessment on the species, I really can't
25 comment from the research that we're doing on their status as

1 far as "recovered" or "not recovered" until the results of the
2 studies come in.

3 CHAIRMAN ANDREWS: Thank you. Steve Conn.

4 MR. CONN: Good evening, my name is Steve Conn,
5 that's C-o-n-n, and I am the Executive Director of Alaska
6 Public Interest Research Group. I'm taking this opportunity to
7 testify after listening to very interesting comments from
8 throughout the state on a slightly different subject, but one I
9 think is pertinent to your mission, and that is the payment of
10 the \$5 billion punitive damage award by Exxon. At the time the
11 largest punitive damage award and now the second, I believe
12 it's the second largest, \$5 billion.

13 I am an attorney as well as the Executive Director,
14 although I don't practice, but to keep my license I go to
15 continuing legal education classes, hither and yon, where I'm
16 licensed. One place is New Mexico. And I took an ethics
17 course and it sort of brought me to this table because one of
18 the maxims that was trotted out for us, we attorneys, was a
19 maxim you may not have heard. Every corporation is entitled to
20 its decade in court. Now, that suggests that it is cheaper for
21 a corporation to fight a legitimate claim than to pay a
22 legitimate claim. That punitive damage claim -- that punitive
23 damage award will never change the lives of people, such as the
24 person who testified at Chignik Lake. Their lives have been
25 effectively changed and, one could even argue, destroyed.

1 But the money should be paid and we're approaching the
2 10th anniversary now, they've had their decade in court and
3 it's time for Exxon to cease its frivolous litigation and to
4 pay the money and let that money remedy the situation as it
5 might and as it can. Now, what does this have to do with you?
6 How does it affect your mandate or the decision I hear debated
7 here tonight? I have the idea that if that \$5 billion was in
8 play, had it been paid many years earlier than this, it might
9 have affected your work. It might have even had affected the
10 opinions voiced in tonight's public testimony.

11 Of course, we can't live life backwards, but I would
12 urge you to take advantage of the 10th anniversary, to take
13 advantage of your expertise and your moral stature and take
14 advantage of the linkages you have between ever-concerned
15 people with the Exxon Valdez and to press Exxon to pay the
16 money, to cease the frivolous litigation. To press the Federal
17 and State government to do nothing more for the petroleum
18 industry until this money is paid. Not only do we have the
19 10th anniversary, we have, probably in a different way, this
20 merger of Exxon with the Mobil Company, the Mobil Company likes
21 to portray itself as having a greater sense of public interest.
22 And so I really believe that you could be of assistance.

23 Now, what we at AKPIRG plan to do, because we were a
24 player 10 years ago, believe it or not, and some of the
25 language that I and JoAnne Holmes (ph), who was working with me

1 at that time, gave to the court found its way into the opinion
2 on punitive damages. But what we can do now, in our small way,
3 is as follows. If we can obtain testimony from individuals who
4 suffered from the Valdez spill and who are still owed part of
5 that \$5 billion, we will use that in a media campaign to reach
6 out beyond the state of Alaska and add to your moral authority
7 and your pressure.

8 I certainly appreciate your allowing me to spend a few
9 minutes with you today and I wish you best wishes in your own
10 goals.

11 CHAIRMAN ANDREWS: Thank you, Steve. Are there
12 any questions of Mr. Conn?

13 (No audible responses)

14 CHAIRMAN ANDREWS: Thank you. John French.
15 Did he just step out?

16 UNIDENTIFIED VOICE: He went to the bathroom.

17 CHAIRMAN ANDREWS: Sheri Buretta.

18 MS. BURETTA: I'm going to wait until tomorrow.

19 CHAIRMAN ANDREWS: Okay. Rose Ellis.

20 MS. ELLIS: I'm faxing in my statement.

21 CHAIRMAN ANDREWS: Okay. Thank you. Do you
22 have the number?

23 MS. ELLIS: Uh-huh (affirmative).

24 CHAIRMAN ANDREWS: Is Jerome Selby here?

25 MR. SELBY: Thank you, Mr. Chairman and members

1 of both committees here or the Council and the committee. I
2 appreciate the opportunity to testify tonight. I'm Jerome
3 Selby, the President of the Alaskan Oceans, Seas and Fisheries
4 Foundation. I would like to commend you folks on the excellent
5 job that you've done to date. But now I think that the time
6 has come that the game changes a little bit and it's fairly
7 simplistic. You folks, with \$900 million to work with, were
8 kind of the big dog on the block and could do a lot of things
9 with that amount of money. And I think you have and you have
10 done that very well. But now we're talking about a longer
11 term, smaller pot of money, with \$150 million corpus, 10 to 12
12 million, perhaps, a year to work with and it changes
13 significantly the game that we're used to, and I think that's
14 why you're having this discussion.

15 And I would like to compliment Kim on his testimony, I
16 think it's excellent and I think it's right on the mark about
17 where we need to go with the remaining funds. Realistically,
18 it would take you four or five years to do one Shuyak Island
19 acquisition using all of the money that you have to use,
20 excluding everything else. And that doesn't make sense. I
21 think we have to work smarter and be able to use the money that
22 you will have available on an annual basis to leverage and do a
23 lot of other things beyond just what's available to this group.
24 And, again, I think that's partly what's different because you
25 folks have had enough funds to do pretty much your own thing

1 and you didn't have to think so much about how you might
2 leverage other folks. I think now it's time, with the amount
3 of money that you have, to talk about leveraging.

4 So the first thing I'd suggest is you can leverage land
5 acquisitions using land and water conservation funds to
6 actually acquire property, I would suggest that you limit the
7 funds from this source to simply looking and doing the prep
8 work and preparing the request for land and water conservation
9 funding for actual acquisitions, so only do the prep work and
10 put forward a very good proposal. And believe me that's 90
11 percent of the game. If you put forward excellent proposals
12 for acquisitions, we can get more than our share in Alaska of
13 land and water conservation funds.

14 In addition, there's a bill that was introduced in the
15 Senate this week, Senate Bill 25 that will add several hundred
16 million dollars a year to land and water conservation funds
17 availability. And if you really want to get serious about
18 acquisitions then let's get behind that bill and let's get it
19 passed by Congress, but then I would still come back and say
20 use the funds here in terms of doing the analysis and preparing
21 the applications, but then take them to the land and water
22 conservation fund to actually do the acquisition. And that
23 would leave you then, what I would suggest, would be in the 75
24 to 80 percent range of your available funds to do research.
25 I'd suggest 20 to 25 percent, and again, I would urge you to

1 have a little bit of flexibility, but limited somewhere in
2 those ranges, to do the other three things that you have on
3 your list of priorities.

4 I'd like to commend you on what you've put together, I
5 think from the hearings that I've attended and have read the
6 testimony and have heard the comments around the state, and you
7 folks made a good effort to go around and get input from a lot
8 of different places, I think you've done an excellent job of
9 capturing the Alaskan peoples' interest in what happens with
10 remaining funds with the four areas that you've identified as
11 the priority areas. So I really do think you've done an
12 excellent job of listening and putting that together and, of
13 course, now we're down to the hard part about, you know, well
14 what split of the money. My suggestion would be along those
15 lines, of 75 to 80 percent to research, 20 to 25 percent for
16 the other three areas. And, again, in both -- in all areas
17 look to leverage the funds.

18 And now, on the research side, I would urge you to also
19 leverage the monies by looking, again, beyond just what you
20 have available. And what we've been discussing from the
21 Foundation, just looking at research in Alaska on a statewide
22 basis, looking at all funding sources. And so the other nice
23 thing about research that will help pick up some of the slack
24 because reality is even if you spend 80 percent, we're talking,
25 what, \$7 million a year. That's a big drop off from what

1 you've been doing, a big drop off. So we're not exactly
2 gaining ground here on the research effort if you look at
3 spending 80 percent of it on research. The good news is
4 there's another \$10 million a year availability of funds coming
5 in from the Dinkum-Sands settlements and some other research
6 monies around.

7 And so what we would urge is that you look at research
8 on a statewide basis, you look at leveraging your monies with
9 either match monies or looking to work with the other sources
10 to look at a comprehensive approach to research and maybe
11 change how we do research at the same time. Instead of just
12 throwing the money out there and letting our scientists survive
13 by chasing dollars, which unfortunately is kind of the research
14 model we've gotten to, we suggest you flip it back around and
15 come up with a comprehensive research plan about what do we
16 need answers to, let's look at ecosystem solutions, let's look
17 at ecosystem research for the three great ocean systems around
18 Alaska and let's target the research money that we have
19 available, because believe me, even if you pool all the money
20 we've got to spend in Alaska on research, it's not going to
21 touch what we really need to know to get to the point that Kim
22 was talking about, and that answers your question about being
23 able to get enough data in to really start being able to do
24 some projecting modeling to where we can say, hey, you know,
25 based on all the information that we gathered and what we can

1 look at right now, we project 50 million red salmon come back
2 to Bristol Bay next summer. Think of how much better
3 management we can do, think of the impact to the industry,
4 folks don't go out and buy a whole bunch of extra boats and a
5 bunch of extra gear if there's only 50 million red salmon that
6 are going to come back, and that would help us avoid some of
7 the economic impact for our people and really get us ahead of
8 the game, as Kim had said, instead of chasing after what
9 happened to us last year, the way that we've been doing this.

10 We have a long ways to go before we get there, believe
11 me, folks, but if we don't spend more money on research we're
12 not going to ever get there and we could very well wake up one
13 morning, like the east coast of America, and realize we don't
14 have any fisheries left. We don't want to go there. But I
15 would urge you that the only way we're going to keep from going
16 there is if we put some additional effort into research and it
17 really needs to be a coordinated effort, not just using the
18 seven million that you might have available and look at it as
19 that's the universe. That \$7 million piece needs to be part
20 of a larger plan and a larger approach to the research is what
21 we would urge.

22 CHAIRMAN ANDREWS: Thank you, Jerry. Are there
23 any questions of Jerry. Thanks, Jerry -- oops, I'm sorry.

24 MR. HULL: Jerome, I didn't quite catch the
25 name of the organization, maybe you could tell me a little bit

1 about it?

2 MR. SELBY: It's Alaskan Oceans, Seas and
3 Fishery Research Foundation.

4 MR. HULL: And (indiscernible - interrupted)

5 MR. SELBY: And basically we're just dedicated
6 -- really what our primary purpose is, is we intend to go out
7 and get other research money, primarily from private
8 foundations in other areas, around the United States to bring
9 to supplement what the other agencies are already doing in the
10 way of research. Our sense is there's just not enough money
11 coming in. It's great to have the extra 10 million from
12 Dinkum-Sands, but again, that's -- realistically when you look
13 at the amount of research that we need to be doing around the
14 state, it's a drop in the bucket. So we're looking to go bring
15 significant additional dollars into the state to work with
16 whoever and we're (indiscernible) we kind of resist turf as a
17 matter of fact. What we're looking for is let's get the money
18 to the research individuals who really have the expertise and
19 into the right areas where the particular animal or fish is
20 that really needs some study and we don't care who does the
21 research, let's get the money there and wrap up the research
22 statewide. So that's what our organization is about

23 MR. HULL: Where's it located? Without going
24 into detail, how does (indiscernible - simultaneous
25 speech)

1 MR. SELBY: Yeah, we're a new organization,
2 we've been in existence for two years and right now our office
3 is in Kodiak and we'll probably be here in Anchorage within a
4 year. And it's a statewide organization.

5 MR. HULL: Okay.

6 CHAIRMAN ANDREWS: Thank you. Pam.

7 MS. BRODIE: Yes, Mr. Selby, or perhaps
8 Mr. Sundberg or Dr. Spies, if someone could explain
9 Dinkum-Sands a little bit? You say \$10 million, is that the
10 total amount of money that will come from Dinkum-Sands or is it
11 10 million a year for some period of time and what are the
12 parameters on how that can be spent?

13 MR. SELBY: It was 6.6 million this year, went
14 to the University of Alaska. It'll be \$10 million a year on an
15 annual recurring basis in the future.

16 MS. BRODIE: For how long?

17 MS. SELBY: Indefinitely, it's a trust.
18 Basically they acquire -- I believe it was \$160 million out of
19 the total Dinkum-Sands settlement and set it into basically a
20 permanent trust for marine research in Alaska.

21 MS. BRODIE: So anywhere in Alaska as long as
22 it's marine research?

23 MR. SELBY: Right.

24 MS. BRODIE: Okay. And are there other big
25 pots of money like that available for research for the state?

1 The Exxon Valdez oil spill money, the Dinkum-Sands money, are
2 there some other big ones we should have in mind? The size and
3 reliability?

4 MR. SELBY: Well, there's recurring funding
5 that goes to the Federal agencies, National Science Foundation.
6 gets, obviously, a fairly large amount of money. NOAA gets
7 annual appropriations and State of Alaska, although
8 unfortunately their money is being trimmed back with the budget
9 cuts and what not, that's available for Fish and Game and other
10 State of Alaska agencies, but other than that I'm not aware
11 there's other big pots, singular pots, similar to -- the
12 Dinkum-Sands thing is kind of a new thing that just showed up
13 here. This year is the first year that it was actually funded,
14 so it's a new one, but generally, no. There's been small
15 amounts of money and the way that's historically gotten funded
16 is, again, for special concerns. Not unlike this year, you
17 know, there's seven million more this year coming from the \$50
18 million targeted for the Bristol Bay and Western Alaska salmon
19 problem. Of that 50 million, seven is identified for research
20 specifically, but, again, that's restricted to the Western
21 Alaskan salmon concerns. And that's, at the moment, a one-time
22 shot, no indication that that will be recurring funds, but.....

23 MS. BRODIE: The National Science Foundation,
24 how much money does that tend to be available in Alaska for
25 marine research?

1 MR. SELBY: I'm not positive how much if you
2 break it out for Alaska because, again, you could end up with a
3 debate about which project really is an Alaskan project or
4 which is a larger scale project. But a lot of their effort is
5 taking place in the Arctic and with weather impacts and those
6 sorts of things, so it's not very much for -- directly for what
7 we would consider fisheries or marine mammal research, it's
8 more oceanography and the weather, some of the El Nino effects
9 and some of those larger global types of issues. They tend to
10 do more global-oriented.

11 MS. BRODIE: Thank you.

12 CHAIRMAN ANDREWS: Thank you, Jerry. John, we
13 missed you a little while ago.

14 MR. FRENCH: Yeah, I gathered you must have
15 when you skipped to Jerome.

16 I'm John French, F-r-e-n-c-h. As many of you know, I
17 was the science/academic representative on the Public Advisory
18 Group for the first four years of the Public Advisory Group
19 after settlement. I served with the University of Alaska for
20 18 years, prior to my retirement in June. I'm currently
21 self-employed, living in Seward. For the record, I'm also a
22 board member of Cook Inlet Aquaculture Association, but I'm
23 here to testify for myself.

24 To give you a little historical perspective, I think
25 it's important to go back and think about the reasons why the

1 Public Advisory Group in those earlier days chose to form -- or
2 chose to push to form a Restoration Reserve. We were all
3 acutely aware that all ecosystems, whether they be terrestrial
4 or marine, go through times of abundance and of limited
5 resources. And in the marine systems these cycles appear to be
6 a very law of nature. The best known cycles in terms of ocean
7 temperatures are running around 14 years. It appears that many
8 of the abundances of major marine fishes also -- and
9 crustaceans for that matter, also cycle along similar cycles,
10 although they may go concurrent with or directly in opposition
11 with those cycles.

12 But if you're talking about 14-year cycles, and there
13 may be many that are much longer in the ocean, what you're
14 talking about in terms of trying to do a five-year study or a
15 10-year study with respect to the Restoration Funds for
16 research and monitoring, such as the SEA Project, is akin to
17 going out, sending about us number of people out to the streets
18 of Anchorage and taking Polaroid pictures of a half a dozen,
19 perhaps a dozen intersections, every few minutes for about two
20 or three hours, one day, for a week, just one day and try to
21 project the traffic patterns for a whole week throughout that
22 -- from those small observations, from looking at that portion
23 of one day window. And what we're looking at is trying to --
24 if we don't do effective research monitoring over a longer
25 term, what we're looking at is trying to understand the fluxes

1 in the marine ecosystem, the fluxes in the intercostal
2 ecosystem. Those habitats occupied by the injured species.

3 We're looking at trying to understand those by looking
4 at this very small snapshot of what's going on in our city,
5 what's going on in our natural world. And to try to lengthen
6 out that time in which we can take those snapshots, that we can
7 make a longer-term look at the ecosystem, we pushed to get a
8 Restoration Reserve that would provide continued funding for
9 research and monitoring after the end of the payments from
10 Exxon, after 2001.

11 To effectively look at three cycles of even this one
12 14-year series of cycles that I referred to earlier, and affect
13 a number of the things that Kim and Jerome talked about
14 earlier, to look at those we would have to extend the
15 Restoration Reserve on, at least, a basis of 30 years, maybe
16 not in perpetuity but at least a basis of 30 years. That would
17 give us 40 years, if we started everything, which we didn't, of
18 course, back in 1991. And that would barely give us three
19 looks at it. Imagine trying to project and understand the
20 traffic patterns in Anchorage looking at a few days and trying
21 to project the whole season. I think we all understand that we
22 would be stuck in major traffic jams the whole time. You need
23 to be able to look at the long picture and to look at the long
24 picture, the money we're talking about will not effectively
25 cover anything except research and monitoring activity in a

1 fairly moderate, well-defined, and hopefully, carefully
2 regulated manner. We need to use the dollars very efficiently
3 to even effectively do that.

4 We need to, perhaps, extend the study area for research
5 and monitoring activity beyond what we traditionally think of
6 as the oil spill area to what makes more sense in terms of an
7 ecological system. But I would not encourage spending those
8 dollars beyond the Gulf of Alaska, such as into the Bering Sea,
9 where \$7 million a year barely pays for the vessel time. I
10 would not encourage extending beyond in the Gulf of Alaska,
11 south of, say, the Alaska Gyre, which is the major Alaska
12 coastal current, which is what drove most of the oil to where
13 it went.

14 Earlier tonight you heard another person testify about
15 needing a nice warm house and good food and not needing a study
16 that says you need that. Well, I would hold that the folks in
17 South Florida thought they had a nice warm house, good food
18 before Andrew came along and took their roofs off. If they had
19 understood that they needed to effectively tie the trusses down
20 to the rest of the house, their roofs probably would have
21 stayed on. Similarly, in Japan, the major destruction from
22 supposedly the best earthquake engineering we have in the world
23 in Kobe, we wouldn't have seen the major destruction there,
24 indicated again a lack of understanding of something we thought
25 we understood.

1 If we live in coastal Alaska and you have a nice warm
2 house, say you're up along the Seward Peninsula, and you forget
3 to understand that you need to understand how the ice floes
4 affect the ability to get your heating oil in, you may be in
5 for some very cold winters, even though you think you have a
6 warm house and good food. What we need is the opportunity to
7 look closely at the marine ecosystem, to look closely at those
8 problems that Kim Sundberg accurately elucidated. We have a
9 diminished return of salmon populations in the Bering Sea and
10 other areas crying out to say something is stressing them, but
11 very few of us even care to try to guess what that stress is.
12 It's much less obvious than an earthquake or hurricane.

13 The same is true for the marine mammals, for the
14 Steller sea lions and the harbor seals, which are endangered
15 and threatened in the Western Gulf, but not in the Eastern
16 Gulf. Why? Again, we have a situation where they're crying
17 out that something is amiss, but we don't really understand
18 what is amiss. Kim's people at the SeaLife Center are doing a
19 very good job, working very hard trying to start to answer
20 that, but the chances of answering it overall, in a short
21 period of time, are fairly limited.

22 As Jerome pointed out, we need as many funds, we need
23 to leverage as many funds as we can. \$7 million a year, even
24 100 percent to research and monitoring is not a lot of money in
25 today's world of marine research. I'm not here to defend the

1 fact that we're probably not doing as well as we could. I say
2 "we" because I have, in the past, and hope to continue to be
3 part of the research community of this system. But what we see
4 -- we have failed -- or we have not, certainly, done as well as
5 we could strive to in terms of communication of those research
6 results to people. I'm very sympathetic with everything we
7 have heard today about, you know, we hear these studies are
8 being done, but it's not getting out to us. That, in my mind,
9 is a travesty. We need to try to communicate with the people
10 who need to understand the system they live in.

11 We need to understand that if we put a traffic light
12 there -- or for those of you from Kodiak, if we put a traffic
13 light a block down from the Y, it may not not fix the traffic
14 patterns. If we build a house, if we buy more habitat and we
15 provide more rookery space for harbor seals and sea lions, it's
16 not necessarily going to provide any additional recovery of
17 those species. If the problems is in juveniles after they left
18 the rookeries, we don't know for a fact that we are doing the
19 right thing in managing the habitat we have already acquired,
20 which we have acquired with roughly half the total dollars of
21 the settlement.

22 To look at a few individual facts consider, for
23 example, terrestrial ecosystems and the role of fire. For
24 many, many years we thought we were doing our national parks a
25 great service by limiting the advent of fire, only to later see

1 disasters such as the great fire in Yellowstone, which wiped
2 out much more than it might have, perhaps, otherwise.

3 The same is probably true in many of our management
4 decisions with respect to the marine and the intercostal
5 habitats. It's not done because of any poor intent on our
6 part, we're not trying to mismanage these resources, but we
7 don't yet have all the facts that well-minded resources
8 managers could really effectively use. For that reason, also,
9 I am against acquiring any more habitat with the Restoration
10 Reserve dollars. I think it is very important to use them to
11 build the knowledge base which will help us to manage those
12 lands better and to help the restoration of those injured
13 species.

14 Thank you.

15 CHAIRMAN ANDREWS: Thank you, John. I was just
16 going to say, would you wrap it up. We have to be out of the
17 building here pretty soon.

18 MR. FRENCH: Yeah, but I'm the last one, you
19 can cut me a little slack.

20 CHAIRMAN ANDREWS: Well, I did. Are there any
21 questions for John? Pam.

22 MS. BRODIE: Yes, John, you said there's a
23 14-year cycle. First of all, is that based on solar
24 revolutions or does anyone know where this comes from, 14
25 years?

1 MR. FRENCH: What the driving force of the
2 cycle is?

3 MS. BRODIE: This is just personal curiosity, I
4 don't want to spend a lot of time on that part of my question.

5 MR. FRENCH: Tom Royer, who's a physical
6 oceanographer at UAF had a theory that it is related to
7 modifications in the lunar orbit. I don't believe that's
8 been.....

9 MS. BRODIE: The lunar?

10 MR. FRENCH: Yeah. Long-term modification, not
11 the 28-day cycle we're used to thinking of.

12 MS. BRODIE: Right.

13 MR. FRENCH: Again, you think of a cycle you
14 don't necessarily think of the cycle that turns out to be
15 important, but how that.....

16 MS. BRODIE: Okay. I don't want to spend a lot
17 of time on that.

18 MR. FRENCH:relates to all these other
19 species that seem to be working on plus or minus two or three
20 years, the same cycle, I can't answer that question.

21 MS. BRODIE: Okay. Back to the 14-year cycle,
22 considering that you're saying we need to study things
23 throughout the cycle, and I would speculate maybe you'd want
24 two or three cycles would seem to make sense.

25 MR. FRENCH: Wherever 30 additional years came

1 from, yes, exactly.

2 MS. BRODIE: Okay. So we're talking at
3 least.....

4 MR. FRENCH: We're talking 42 years, 10 plus
5 30.

6 MS. BRODIE: Forty-two years, okay. Now, the
7 Exxon Valdez Oil Spill Trustee Council has spent an enormous
8 amount of money over the last, nearly, 10 years on research and
9 monitoring, most of which has been for amounts certainly less
10 than 14 years in mind. Can you tell us, just in general, your
11 idea of how valuable this has been in terms of the way it's
12 been done?

13 MR. FRENCH: I think to be.....

14 MS. BRODIE: What have we gotten for our money;
15 what's it worth?

16 MR. FRENCH: What have we gotten for our money?
17 Well, you sat on the PAG with me when I was on it and you know
18 I'm not enamored, necessarily, with all the projects that were
19 done.

20 MS. BRODIE: Uh-huh.

21 MR. FRENCH: However, I think you need to -- if
22 your objective is to need to understand the total interaction,
23 and that's one other thing we tend to blur in our minds, we
24 tend to think of a stable ecosystem, there is no such thing.
25 An ecosystem is made up of many, many fluxes, like the traffic

1 patterns I was talking about. They maybe stay -- they may
2 appear stable or constant, over a short period of time, but
3 there's always tremendous ups and downs, most of us know that.
4 Anybody that's tried to live off the land knows that. If
5 that's what we're trying to understand, what the real
6 interactions are, it's an extremely expensive endeavor, we need
7 to pick and choose very carefully. We need to make a decision
8 that that's something we want to try to do and that -- probably
9 even just being a focus piece of the whole ecosystem, that's
10 why I said, don't spend it outside of what, at least, a
11 reasonable definition of an ecosystem encompassing the oil
12 spill area. It would need to be very tightly focused, \$7
13 million in the research world is not a lot of dollars. And
14 that's why, like Jerome said, it's also important to leverage
15 as many other dollars as you can.

16 MS. BRODIE: So what I'm inferring from this is
17 when we looked at the studies that have been done, that maybe
18 go on for five years or so, that gives us some information, but
19 it really doesn't sound like it's very valuable information if
20 it's only for five years.

21 MR. FRENCH: It's not as valuable as it could
22 be with subsidiary data that would allow us to put it in
23 context. What we have is a paragraph or a series of paragraphs
24 out of a book. If we fortuitously chose those and they
25 happened to be the best windows to look at, they could give us

1 a very good picture of what the whole book's about. On the
2 other hand, we might have to look at some more pages of the
3 book to understand the whole story.

4 MS. BRODIE: And we don't really know unless we
5 looked at more, uh-huh.

6 MR. FRENCH: It's difficult without knowing
7 what the book's about to choose which pages. And that is a
8 very difficult task, that is why choosing the research
9 objectives are very, very difficult and hard to focus without
10 -- as I said, without really knowing what the whole book says,
11 without knowing what the story is. At least the synopsis of
12 the story.

13 MS. BRODIE: Thank you.

14 CHAIRMAN ANDREWS: John, we really thank you
15 for your testimony tonight, we're going to have to close this
16 office. Can you be back in the morning if you want to.....

17 MR. FRENCH: Yeah, I was planning on being back
18 in the morning, if anyone wants to talk to me before then.

19 CHAIRMAN ANDREWS: Thanks a lot. I'll adjourn
20 the public hearing for tonight and it will continue tomorrow at
21 8:30 a.m. in this room.

22 (Off record - 9:41 p.m.)

23 (TO BE CONTINUED)

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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:

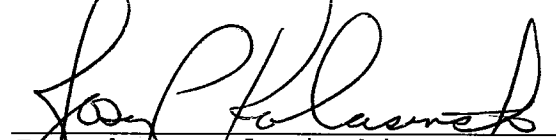
THAT the foregoing pages numbered 6 through 101 contain a full, true and correct transcript of Volume I of the Exxon Valdez Oil Spill Trustee Council and the Public Advisory Group Joint Public Hearing recorded electronically by me on the 21st day of January 1999, commencing at the hour of 7:12 p.m. and 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 26th day of January 1999.

SIGNED AND CERTIFIED TO BY:



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