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EXXON VALDEZ OIL SPILL TRUSTEE COUNCIL

PUBLIC ADVISORY GROUP PUBLIC HEARING ON 2001 DRAFT WORK PLAN

Fourth Floor Conference Room 645 G Street Anchorage, Alaska

July 19, 2000 - 7:00 p.m.

MEMBERS PRESENT:

Mr. Dan Hull, Acting Chairman

Mr. Dave Cobb Ms. Pam Brodie

EVOS STAFF PRESENT:

Ms. Molly McCammon, Executive Director

Mr. Phil Mundy, Science Coordinator

Ms. Sandra Schubert, Director of Restoration

Ms. Paula Banks, Administration Assistant

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PROCEEDINGS

(On record - 7:09 p.m.)

CHAIRMAN HULL: Well, I guess we will call this Public Advisory Group public hearing on the 2001 Draft Work Plan to order. It's Wednesday, July 19th and we have here in Anchorage, Dave Cobb and Pam.....

MS. BRODIE: Brodie.

CHAIRMAN HULL:Brodie and Dan Hull and I'm am sitting in as substitute chair for Rupe Andrews who didn't make it to this meeting.

MS. McCAMMON: Due to a plane cancellation.

CHAIRMAN HULL: Due to a plane

cancellation. So, let's see, and on line -- do we have anybody on line at this point?

MS. McCAMMON: No, not yet.

CHAIRMAN HULL: Nobody on line, so we will proceed nonetheless. And, Molly, do you have anything you'd like to say before we start?

MS. McCAMMON: Mr. Chairman, just that the public hearing tonight is on the FY01 Work Plan and the draft -- what we'll be doing tomorrow is going through some of the changes based on new information that's come before us in the last week since this draft went out for public review. You'll also be receiving copies of all the public comment that we have received, the written public comment.

But if you look at it, what's different about it this year is that in the past the Council has set targets for the Work Plan and we've tried to get to pretty close to those funding targets. What's different this year is that they've actually set a funding cap and so it's a not to exceed amount. So it's a littlem -- be even more challenging getting there. In addition, it's about a million and a half dollars less than for this current fiscal year. So we're still in the process of ratcheting down the Work Plan to get to a level that is sustainable for the first few years of that transition to the long-term funding source.

CHAIRMAN HULL: Okay. Thank you, Molly.

Okay, we have one person present to testify. Teresa

Obermeyer.

MS. OBERMEYER: Theresa Obermeyer, sir, how are you? And I did not know how to really project myself, except I did -- what I do these days is I marvel, because I'm an American. And I looked in the morning paper and I cannot believe it, Mike O'Callahan got some expedited hearing, and I really admire Mike O'Callahan. He got this expedited hearing regarding whether or not we should have opened or closed primaries, and I want us all to be involved in that, because we're all Americans and we should care very, very deeply about elections.

But I want to say this. There's a supreme court that has cashed paychecks for decades. I mean 17 years now my husband hasn't gotten his law license. And what I -- I didn't know what to really give you, I've got so many materials here. I'm going to give you the names of these people and I want us to know them and I want us to hold their feet to the fire. If nothing else I want these justices, that's what they're called. I used the term advisably, I want us to know them that they're really human beings and they really are above the law. But I don't know what to say about it. I'd like to go down their names very briefly.

Now, I know this is supposed to be on your Draft Work Plan, and I wasn't privy to it, even before I arrived, so I'd like to look it over. But I have to say to you, sir, I leave that to you because you're the person that's doing it and your name is on that. I was here for public comment and I'm here to talk about the law which doesn't exist where I live. You know the one -- and this is a very historic year, I want us to think about this, because three of the justices on the Alaska Supreme Court are up for retention, and this never happens. They only are retained every decade. And they are my dear friend Justice
Matthews, who has sat there since 1977, then we have the current Chief Justice, Dana Fabe, she was just elected as

the Chief Justice at the end of May and we have Alex

Bryner, those three people are on the ballot in November to

be retained. Now, I want us to vote.

Of course, I would never support any of them after what's going on. And I always want to give a message. I'm an underdog type person and I always want to give a message that I'm watching them, so I always vote against all of them. I don't know how you all are.

But then I also brought with me, because I didn't know what was going on, Molly, and I didn't know whether you all had gotten this transcript of David Oesting's comments. Have you gotten that, sir?

MS. McCAMMON: You did give us those last time, yes.

MS. OBERMEYER: But did all these people get them?

MS. McCAMMON: Yeah, they should have.

MS. OBERMEYER: Because I knew that the -what is called the Trustee Council had gotten them but I
didn't know whether the Advisory Group had gotten them.

And I just wanted to summarize that very briefly by saying,
and here we are with our dear friend -- where's my sheet,
here you go, Mead, Mr. Fix-it Man. And I tried to be nice,
Mead, after they tried to destroy my son's future. And I
don't blame anyone necessarily, but they're all

responsible. These people have gone after my four -- I'm 1 not saying Mead has, although I go to church with Mead. 2 3 And why is it still going on, Mead? MR. TREADWELL: I don't know what 5 you're.... MS. OBERMEYER: I'm so sick of it. 6 suppose to live in the United States. And so what I was 7 really -- I kind of have scattered comments and you're 8 late, you didn't hear me at the beginning, so now I have to 9 repeat myself. So anyway..... 10 CHAIRMAN HULL: Teresa, we.... 11 MS. OBERMEYER:what I was talking 12 about was the law, Mead..... 13 CHAIRMAN HULL:we appreciate..... 14 15 MS. OBERMEYER:and it really isn't funny. 16 17 CHAIRMAN HULL: Teresa, we appreciate your providing us with the information. There are several 18 people who would like to comment on the Draft Work 19 20 Plan.... 21 MS. OBERMEYER: Okay. Could I just really 22 go into David Oesting briefly and then I'll conclude? 23 CHAIRMAN HULL:so if you can sum up 24 your comments for us that would.....

MS. OBERMEYER: Yeah, and let me say this.

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Just so -- and I don't know whether we met, sir, and my point to you is I live in a place where nothing is established, so all these papers might not necessarily be related, but I know they are because I know there are, like, five to seven lawyers that play all of us for suckers and they've been doing this for decades. And I'm pretty sick of it personally. I don't know what your background is, but I do -- so you had read this thing about David Oesting?

CHAIRMAN HULL: I have not read that, no.

MS. OBERMEYER: And, I don't know, have
they all gotten it?

MS. McCAMMON: I think they have.

MS. OBERMEYER: Well, I'll just hand you one because I brought down. Because what it really is, is David Oesting was appointed by the court to be the attorney that would really supervise the Exxon Valdez litigation, and the lawyers have never been paid regarding the Exxon Valdez. So do you think any other lawyer would ever sue? That was in 1989 and it's the year 2000 and I just wanted -- something I kept in my file is my KTUU Television, they actually did a documentary on this. And then these lawyers still haven't been paid. Nothing that goes on here makes any sense.

And so what I'd like us to do is to really look at

the big picture, that's the thrust of my comments. It's time for us to be neighbors because you're my neighbor, Mead's my neighbor. Molly is my neighbor, but, you know, all these other people are from the Lower 48 that come in here with their three-piece suits on and their briefcases, they're all ripping us off and this is our state and our future.

But did you understand the gist of my -- did you get my drift?

CHAIRMAN HULL: I think I do, yes, I do.

MS. OBERMEYER: Okay. And that was really important to me.

CHAIRMAN HULL: I appreciate your comments and....

MS. OBERMEYER: But could I also, lastly, ask in this draft, does it have the names of the Advisory Group? Are their names -- because I just needed to know who they are now.

MS. McCAMMON: No, it's in the Annual Report, though, we can get you the Annual Report.

MS. OBERMEYER: Because I really haven't seen them recently and I didn't know when their meetings were.

So thanks so much for hearing me. And let's see if we can get a law license before November. Or let's throw a

few judges off the bench. I think it's time for that.

CHAIRMAN HULL: Okay. Thank you very much.

Okay, we have several other people, if you would like to comment on the Draft FY01 Work Plan, please.....

MR. DILLEY: I would.

CHAIRMAN HULL: Please come forward. And, for the record, if you can tell us your name?

MR. DILLEY: Certainly. My name is Robert Dilley and I have a proposal in the Work Plan for the Alaska whaling wall or Alaska whale wall. And I wanted to come back one last time and recommit to the people that I have committed to for the last hundreds of hours that I've put in on this project. The people from Whittier, I went to the board meeting, the city council meeting, we got a standing ovation for our efforts. We got a letter from that, which is the temporary city manager, Arnie Arneson come by to shake everybody's hand. They were quite pleased with what we have put forward.

And, once again, in reiteration of what we have put forward is we've requested a sum of \$142,000 to have Wyland from Hawaii give Whittier, the gateway to Prince William Sound, one of the last 15 Wyland whale walls to be put on the planet. He has just got commemorations for the job he did in Florida on the manatees. He put a manatee wall up and it was world -- he got world recognition for the plight

he's done with them. He committed to Whittier and committed to me one of the last 15 on earth this man is putting on. It's up to this Council to take that opportunity to fulfill what you have expressed in all of your literature and paperwork as far as recommitting to the communities that need restoration restored.

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Restoration does not necessarily scientifically have to be proven. The masses of people that are flooding into Whittier -- Whittier has all the like cartoon strips hanging on all the little restaurants where they have that says "Whittier, Gateway to Prince William Sound" and it shows them coming out of the tunnel and dropping of into It's comical because they have no place to go the ocean. They're unprepared, they're babes in the woods as of yet. out there. BTI is considered a mental health hospital, they have other problems out there which they're trying to overcome and it's -- I've been out there in the fishing holes, there are no fish, there won't be any fish. trying to build new lakes now out of mud and rock to be able to have a place for the fry, the planted fish, to come back to. So they're giving it their all out effort, but they're a desperate, desperate town in desperate need of some type of -- of some kind of gel, they need to be gelled together.

They're all different individuals and that's

probably the best thing about Whittier is that there's so many different things going on it has its own little personality in that aspect. But they're all loose ends everywhere, there is not a street sign in town. You couldn't tell anybody which way to go anywhere because there are no street signs, there are no -- there is nothing, they're in trouble out there.

We went down and took a boat ride out to -- all the way out to Knight Island and back and we saw the one leader of the AB pod that has the S-curve to his main dorsal fin and we saw one other killer whale with him. They're still in trouble out there, your own paperwork says, AB pod, Prince William Sound needs fixed, needs restored. Right here in your physical [sic] draft plan for 2001 you say there's 24 whales in the AB pod, of killer whales, in Prince William Sound in '99 compared to 36 before the spill. Six calves were recruited and only four adults were lost. This is a positive sign, but it's too soon to establish that recovery is underway.

In addition, 11 individuals in a genetically distinct AT1 transit pod have not been seen in 10 years.

And there's been no recruitment of calves in this group of whales. Concern continues about the long-term health and survival of both resident AB pod and the transit AT1 pod.

Although no linkage to the spill, especially in the case of

the AT1 pod is circumstantial. Overall numbers within the major resident killer whale pods in Prince William Sound are at or exceed pre-spill levels.

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And what the 2000 said and what the 1999 review said is that the AT1 pod, the first time in history known to man has now -- the AB pod is splitting up into the AT1 They are -- it's calving away, it's breaking away into a new pod all together, they're fracturing and it's something that needs to be done from more than just you people or more than just me and more than just the town of Whittier. We believe if Craig Mapkin and Wyland of Hawaii or Ziggy from Alaska or three or four of the other back-up people that we have contacted that said they would love to participate this. They can get the characterization of what we're talking about and what the needs are and what the plight is and between them and the artist they can draft it out on this building which we have permission to It's a beautiful three-story concrete, all four sides would be painted, it's the centerpiece of town. this would not only bring people to Whittier, people would know where to go, they would know where to get together. It would give the town a starting place to start building boardwalks and other community services, which they have almost none of. They have an air house out by the public works, if you have a flat tire you can get a little air.

But they're in desperate need of some help down there.

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I've spent hundred and hundreds of hours, I've probably bothered Molly to no end. But this is real serious, this is about one of the few remaining things out in Prince William Sound that is not recovering. about Whittier that has no fish. They had a little run, they used to put their little planters and cages and dump them out and you'd go down to Salmon Run One or make it out to Salmon Run Two or get to the head of the bay and you'd be able to go catch fish out there. There is no natural place for them to be able to drop their eggs so all they can do is use the sport fish. And the sport fish that they planted are gone, there are no return runs, there haven't been any, I've been there for years. There were a few right after the spill that came -- that were not in the waters at the time. Short of that there's nothing out there, it's dead.

There's still all the beauty that's there and the beaches are clean that I can see of and it's a nice pristine area, but it needs to be regenerated and I think you people have the opportunity to help us regenerate such a thing. And I would commit myself, I would do it as non-profit, the same as everybody else is doing it, if that's what it takes to get it through, it's not about money, it's about getting some restoration and restore some of

Whittier's lost services and the AB plight of whales. I could not think of a better story or a better person to put them together.

Thank you for your time.

CHAIRMAN HULL: Any questions?

(No audible responses)

MR. DILLEY: Thank you

CHAIRMAN HULL: Thank you very much.

MS. McCAMMON: Just for your information, Mr. Chair, that is Project 01549.

CHAIRMAN HULL: Thank you. Anybody else that would like to testify? Mead.

MR. TREADWELL: Thanks, Dan, I didn't know
I was going to get such a good introduction before, thank
you.

CHAIRMAN HULL: Three's a charm, Mead.

MR. TREADWELL: Three's a charm, yeah. I come here as Mr. Fix-it. Actually my name is Mead Treadwell, I'm a member of the board of the Prince William Sound Science Center, also the Science Center's representative to the Oil Spill Recovery Institute Board and I'm coming to speak to you today about three proposals that were proposed by the Science Center. I just wanted to give you some background on what we've been doing.

As you may or may not be aware, Prince William

Sound Science Center was founded in 1989 and in 1990 in the Oil Polution Act Congress set up OSRI basically to work with the Trustees to supplement what was then the restoration work and the damage assessment work in Prince William Sound. And also work on technologies to deal with oil spills in the Arctic and the sub-Arctic. And that board, which I've essentially sat on since its inception, took the small amount of money that it has out of its endowment and has basically committed itself to three basic goals, technology, mostly prevention technology, ecology, which serves both prevention and response capabilities and education.

And, as you know, the Science Center, working very closely with the Trustee Council, and many others, was part of the Sound Ecosystem Assessment, which is a project that's been wrapped up, now in the process of being wrapped up. The OSRI Board made a decision a couple of years ago to commit itself to long-term monitoring in Prince William Sound. To take the work that was done with the SEA and to try to produce a model that, in some ways, anticipates what the Trustees have in mind with GEM, but to try to have a modeling process that looks at the main species in the Sound, herring, pollock and salmon, and their relationship to each other as well as to other species in the ecosystem. And we've committed to spend over \$600,000 a year in that

effort, but we can't meet our statutory mandates to do that alone.

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We also have a number of people on our board who are from spill prevention agencies, a job not really before the Trustees, to work on technology issues and so forth, so you'll see us funding issues like oil in ice and things like that. We really need to come to some sort of understanding with the other entities in this area over time to support this long-term monitoring process. see that ability to happen over time with GEM coming about and with the North Pacific Research Board. We also kind of share the same goal and understanding -- I spoke, at Molly's invitation, before the Polar Research Board Review of the GEM Project and there was a lot of talk there about ecosystem-based fisheries management coming around the And we generally support that and we actually believe that what you guys funded, primarily, or what the Trustees funded with the support of this group, is going to be one of the models that will be used for ecosystem-based fisheries management here in Alaska. All of that is to say that we've made the commitment and we're looking for a stronger long-term relationship with the Trustees as Congress told us to have when we set it up in the beginning.

Now in the last year we looked at our core

capabilities and every institution has to look at that and we said that, well, one of the things that we seem to have developed a lot of expertise on in the \$20,000,000 plus that was spent in the Sound Ecosystem Assessment is on remote sensing and kind of building toward a now cast forecast capability to see what's happening with the species during the period of the year.

We recruited and we got one of the best people in sonar, remote sensing, to join the staff, and that's Dr. Thorn, and we're very proud to have him, I think he's a great asset to have here in Alaska. We have come -- Dr. Thorn and Dr. Thomas have come in response to this year's broad area announcement with three projects, basically to look at eco-integration, working with walleye pollock and hydroacoustic assessment of pink salmon and plankton. And right now two of those are proposed for not funding and one is proposed for deferred funding, the herring project, because the Trustees are basically deferring all work on herring in this area.

My plea to you, as an advisory group, is simply one to second our motion, in essence, to the Trustees that we have this relationship, I think it's a good relationship, but we essentially keep up now the annual monitoring that has been done with these three major species, including herring, in the Sound, so that we have a good longitudinal

dataset, that we can continue to perfect the model and its work. And I think, given the herring crashes that have happened in the Sound, right now it's very important to have this research going on.

We've brought very good people to the table, we're funding them partially and we're hopeful that the Trustees can help us in joining that funding. I think that's basically what I wanted to say, except to say that if there's anything that the Advisory Council to the Trustees have, that this other public group that I'm part of, that Congress set up to work in the same area, would like us to do, we'd -- you know, we're all ears and opened to you as well.

And, finally, I'd like to express my appreciation to Molly and to Phil who have moved at least one of these projects into a defer position from a do not fund recommendation and we're hopeful that we can at least get the commitment to herring up and going. I got a letter back from Jim Balsiger saying that the Trustees basically put off this kind of herring work until the SEA and the APEX work is wrapped up, and I guess -- you know, we've put together a business plan ourselves for this model in Prince William Sound and it is important, we feel, to our business plan, which is for the same public that we all serve, to have this longitudinal work and these datasets, so that's

why I'm here today.

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CHAIRMAN HULL: Thank you. Any questions? (No audible responses)

I can give you the numbers MR. TREADWELL: on the three projects, if you want them. One was 1457 and one was 1460 and one is 1452, and those are the three projects that we're particularly concerned about.

CHAIRMAN HULL: I have a question because in my book they all have a do not fund, but obviously you mentioned that maybe there's one that's been revised that we'll hear about tomorrow or....

MS. McCAMMON: Well, Mr. Chairman, the whole reason for a Draft Plan is to put it out and if you receive additional information, then we'll be coming in tomorrow with some revisions. And one of them, we've been talking with the Science Center and there's some potential there that we think the recommendation will be revised. But I don't -- I can't remember, now, which one it is though.

> MS. SCHUBERT: It's 452.

MS. McCAMMON: 452.

MR. TREADWELL: Yeah.

CHAIRMAN HULL: 452.

MR. TREADWELL: Yeah.

CHAIRMAN HULL: I guess I have a question.

I mean, some background on the three projects because I guess I understand now that -- and recall that some of this work was done last year. Has it been several years? Is this the third year that OSRI will be doing this kind of work on each of them or what's the history of the.....

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MR. TREADWELL: I've got to go back and exactly check our minutes, but I guess I'd say we made at least a three year 1.8 million dollar commitment to the general work of supporting the herring, pollock and salmon acoustic research as part of our overall effort to have an integrated model in place. We also have made similar commitments to an oceanographic research which has a spill prevention response component, as well as a modeling component. And I can't tell you exactly which year we're on, I can tell you that the board seemed to be disposed to making further commitments in this area. I also can tell you that while we are in 100 percent support of the GEM Plan, we kind of wish it would happen earlier for this And we talked about that and we know you've had giant boulders to climb over to get to where you are and admire the work that you're doing in that regard.

CHAIRMAN HULL: I guess one other question.

Other agencies -- do agencies have a Memorandum of

Understanding in working with the Trustee Council or is

that something that other non-governmental organization

have that make working together easier or better or is that -- I'm fishing here.

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MS. McCAMMON: We don't have anything.

MR. TREADWELL: You know, it was looked at early on and, you know, if you go back to our statutory roots, I mean the State -- your roots, or the Trustee Council roots come out of the settlement and certain damage, you know the NRDA type laws, the Federal and State that call for damage assessment. At the time OSRI was set up we had no idea if we'd get a settlement or not. I mean if we were in the same shoes as the private plaintiffs we wouldn't have had anything except State and Federal funding, at this point, to cover what the Trustees job has been. When Congress set us up they -- you know, I think except for the interest legislation, Molly could correct me, there's been no congressional action, per se, on the settlement and there really isn't likely to be any, at least in the foreseeable future.

And so when Congress set us up they asked us to supplement and work on that work. We went through the same kind of public process that the Trustees do in developing a work plan and having public hearings and public comment and so forth. And I guess I can say that our board, which is composed of -- I have to say the Department of Law is not represented on our board, but I think all the other

agencies are. Essentially has come to this plan and we're just simply saying that it would be useful, we think, to coordinate our efforts, especially in this area and, you know, for several reasons. Among other things, you know, NPRB will either focus on the Gulf or the Bering Sea or species or not -- or modeling or that sort of thing. The Trustees have a specific area and you're working on the Gulf and Prince William Sound. We kind of got Prince William Sound spill-affected area, Arctic and sub-Arctic, but we said we wanted to essentially take this huge piece of work that you've capitalized with the Sound Ecosystem Assessment where we haven't been able to match it very much, but we've matched it, you know, maybe 25 percent of what you've put up. And we can match it more in years out because we've kind of capitalized the modeling effort now, we just need a longer term monitoring effort to perfect the model, at least that's the basic business plan.

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So while there hasn't been an MOA that I'm aware of, except, you know, among Trustee agencies, I see no reason why you couldn't have one, you know, if that's the best way to go about it. On the other hand it may be just, you know, a commitment to walk together.

So just wanted to pass on that's the kind of work we're doing, we'll have a board meeting in August, I think the 16th and 17th in Cordova and we're very interested in

1	the board has asked us to indicate what we've indicated		
2	to you and what we said to the Trustees. So thank you.		
3	CHAIRMAN HULL: Okay, thank you, Mead. Has		
4	anybody come on line? I don't think so. Anybody want to		
5	add anything?		
6	(No audible responses)		
7	CHAIRMAN HULL: Anybody want to call for		
8	adjournment until tomorrow? That's all we have to do; is		
9	that correct?		
10	MS. BRODIE: I so move.		
11	CHAIRMAN HULL: So moved.		
12	MR. COBB: Second.		
13	CHAIRMAN HULL: All right, it's done, thank		
14	you.		
15	(Off record - 7:33 p.m.)		
16	(END OF PROCEEDINGS)		
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CERTIFICATE 1 UNITED STATES OF AMERICA 2 SS. STATE OF ALASKA 3 I, Joseph P. Kolasinski, Notary Public in and for 4 the state of Alaska and owner of Computer Matrix do hereby 5 certify: THAT the foregoing pages numbered 3 through 24 6 contain a full, true and correct transcript of the Exxon Valdez Oil Spill Public Advisory Group Public Meeting 7 recorded electronically by me on the 19th day of July 2000, commencing at the hour of 7:09 p.m. and thereafter 8 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, Fourth Floor Anchorage, Alaska 99501;

DATED at Anchorage, Alaska this 30th day of July 2000.

SIGNED AND CERTIFIED TO BY:

Jøseph P. Kolasinski

My Commission Expires: 04/17/04

NOTARY PUBLIC

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