

09.16.02

EXXON VALDEZ OIL SPILL TRUSTEE COUNCIL

Public Meeting
Thursday, April 18, 2001 02
2:20 o'clock p.m.

441 West 5th Avenue, Suite 500
Anchorage, Alaska

TRUSTEE COUNCIL MEMBERS PRESENT:

U.S. DEPARTMENT OF AGRICULTURE, MR. DAVE GIBBONS
U.S. FOREST SERVICE (Chairman) Trustee Representative

U.S. DEPARTMENT OF COMMERCE, MR. JAMES W. BALSIGER
NMFS: (Telephonically) Director, AK Region

STATE OF ALASKA - MR. CRAIG TILLERY
DEPARTMENT OF LAW: Trustee Representative
for the Attorney General

STATE OF ALASKA - DEPARTMENT MR. FRANK RUE
OF FISH AND GAME: Commissioner
(Telephonically)

U.S. DEPARTMENT OF INTERIOR: MS. DRUE PEARCE
(Telephonically) Senior Advisor to the
Secretary for Alaskan
Affairs,
U.S. Department of Interior

STATE OF ALASKA - DEPARTMENT MS. MICHELE BROWN
OF ENVIRONMENTAL CONSERVATION: Commissioner
(Telephonically)

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Anchorage, AK - 243-0668

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1	TRUSTEE COUNCIL STAFF PRESENT:	
2	MS. MOLLY McCAMMON	Executive Director
3	MS. SANDRA SCHUBERT	Program Coordinator
4	DR. PHIL MUNDY	Science Coordinator
5	DR. BOB SPIES	Chief Scientist
6	MS. PAULA BANKS	Administrative Assistant
7	MS. DEBBIE HENNIGH	Special Staff Assistant
8	MR. BOB WALKER	Data Manager
9	MR. BILL HAUSER	ADF&G
10	MS. CAROL FRIES	ADNR
11	MR. GEOFF SHESTER	INTERN
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1 02-681.

2 CHAIRMAN GIBBONS: Okay. Are there any
3 other changes or additions to the agenda?

4 (No audible responses)

5 CHAIRMAN GIBBONS: Do I hear a motion to
6 approve the agenda as amended?

7 MR. TILLERY: So moved.

8 CHAIRMAN GIBBONS: Is there a second?

9 MS. BROWN: Second. This is Michele.

10 CHAIRMAN GIBBONS: It's been moved and
11 seconded. All in favor say aye.

12 IN UNISON: Aye.

13 CHAIRMAN GIBBONS: Opposed.

14 (No opposing responses)

15 CHAIRMAN GIBBONS: Agenda's been approved.

16 In the package is a copy of the meeting notes from the
17 February 25th, '02 meeting. Are there any changes or
18 additions to the notes?

19 (No audible responses)

20 CHAIRMAN GIBBONS: Hearing none, do I hear
21 a motion to approve the February 25th, '02 meeting notes as
22 written?

23 MS. BROWN: So moved. This is Michele.

24 MR. TILLERY: Second.

25 CHAIRMAN GIBBONS: Second by Mr. Tillery.

1 All those in favor say aye.

2 IN UNISON: Aye.

3 CHAIRMAN GIBBONS: Opposed.

4 (No opposing responses)

5 CHAIRMAN GIBBONS: Meeting notes have been
6 approved. Next item of business is the Executive
7 Director's report. Molly.

8 MS. McCAMMON: Yeah, thank you, Mr.
9 Chairman. There are a number of items I wanted to bring to
10 your attention at this meeting. First of all, in the
11 packet under financial you'll see the Department of
12 Revenue's investment reports as of February 28th. What you
13 don't have are the reports for March which you will be
14 getting shortly. But the good news is that we made a whole
15 lot of money in March and we're now ahead of where we were
16 in October 2000. So let's hope there are more months like
17 March because that has really been a good month for us.

18 The second item I wanted to bring to your
19 attention was on the research MOA, memorandum of agreement.
20 This was originally on the agenda for discussion at the
21 meeting today. At this point, and we can talk about this
22 either now or later, but it was brought up as a discussion
23 item at the last meeting of the North Pacific Research
24 Board. That meeting was very organizational in nature and
25 the discussion centered primarily on the fact that there

1 was, I think, a belief that it was a little premature to
2 enter into something as formal as an MOA at this point in
3 their organization.

4 There was a lot of support, I think, for
5 the concepts behind the MOA but concern about entering into
6 it too quickly. So the basic action at that time was to
7 defer and to table consideration until some date in the
8 future, I think the fall at the earliest, maybe even later.
9 Since that time I have received a formal letter from David
10 Benton, the Chair of NPRB suggesting that in lieu of
11 initiating the MOA at this stage, that the Trustee Council
12 and the North Pacific Research Board have a joint meeting
13 in September. And so my recommendation at this time would
14 be to go ahead and try to get that set up and have a joint
15 meeting.

16 So I'd like some kind of sense from the
17 group on that whether I should go ahead and pursue that
18 meeting.

19 MR. RUE: Molly.

20 MS. McCAMMON: Yeah.

21 MR. RUE: This is Frank Rue. I guess I
22 think I would generally like the idea. I would be
23 interested in the agenda for that meeting. And just off
24 the top of my head, certainly initial discussions on
25 cooperation, integrated planning, how we can work together.

1 And how we would proceed to solidify any urges to work
2 together would be kind of a general agenda item I'd like to
3 see.

4 MS. McCAMMON: Okay.

5 MR. RUE: To explore where they are.

6 MS. McCAMMON: Well, I could work with
7 their director, Clarence Pautzke and develop a draft agenda
8 that we could circulate to all the parties.

9 CHAIRMAN GIBBONS: Probably an update on
10 where each of us is would be helpful. Some of us are on
11 both. But those of us that aren't on both boards could
12 probably use a brief introduction of where are we and where
13 are we headed. And then perhaps the item I just suggested,
14 how do we coordinate.

15 MR. BALSIGER: This is Jim Balsiger. I
16 think I agree with Frank. I'm wondering if a joint
17 meeting, other proposed signatories to the memorandum of
18 understanding included the University of Alaska, if I
19 recall. So would we want to include some representation
20 there rather than continuing bilateral discussions?

21 MS. McCAMMON: I think that'd be a great
22 idea. And the idea was primarily with the University of
23 Alaska-Fairbanks, School of Fisheries and Ocean Sciences so
24 I'll contact them. There was also the Northern Fund who
25 was also on it as a potential partner at some point. That

1 certainly the US members would be all represented since
2 it's Jim Balsiger, Frank Rue and Jeff Shelton and they're
3 all members of either the EVOS Trustee Council or NPRB.
4 The only ones not represented would be the Canadian side.
5 But it might be premature to do that.

6 MR. BALSIGER: The only other thought I
7 have is that I saw some new State of Alaska resolution
8 pulling together a new board to coordinate research in
9 Alaska. I don't know the status of that resolution,
10 whether it's passed or what authority it will have but we
11 might want to watch that because there may be something
12 happening to that before September.

13 MS. McCAMMON: Right. And I've seen that
14 resolution. It was introduced by the Labor and Commerce
15 Committee on the Senate side. There hasn't been a hearing
16 or anything on it and I'm not sure what action is going to
17 happen with it. But we are aware of it.

18 MR. RUE: The other thing I would offer,
19 Molly, if the Council is interested, is the Southeast
20 Sustainable Salmon Fund folks could come and give a
21 briefing of where we are because they were another possible
22 cooperator, if we wanted to hear from them. In terms of
23 what they're up to, their mission goals and progress.
24 Would that be helpful?

25 MS. McCAMMON: Well, I think it would be.

1 The whole idea is to know what other groups are doing and
2 have some kind of coordinated effort. So I think from that
3 perspective it would be.

4 MR. RUE: Are other people nodding their
5 heads up and down or shaking their heads?

6 MS. McCAMMON: Nodding by teleconference.
7 We need some new technology here.

8 MR. RUE: My phone, I can't tell which way
9 it's going. It's moving but.....

10 MS. McCAMMON: It's supposed to vibrate.

11 MR. RUE: Okay. Well, let me know if
12 everyone agrees that would be useful to have an update. I
13 see that more as an update of who they are and what they're
14 doing, for folks who aren't closely involved.

15 MS. McCAMMON: Okay.

16 MR. RUE: And then that helps us decide if
17 we want to have a formal MOU sometime.

18 MS. McCAMMON: Okay. Well, I'll go ahead
19 and start setting up the details and making the
20 arrangements for the meeting, working with Clarence and
21 circulating a draft agenda around.

22 The third item I wanted to talk about was
23 the Ocean Symposium and that's just basically to say that
24 the majority of the funding seems to be in place. We have,
25 I would say, 95 percent of the speakers confirmed. We're

1 now doing all the logistical details of travel arrangements
2 and confirmation of title and affiliation, things like
3 that. We'll be doing extensive promotion of this in the
4 next week. We have a subcommittee on that meeting
5 tomorrow. We're also doing the preliminary report on what
6 kind of a report will be the end product of the symposium.

7
8 So, again, I hope all of you have this on
9 your calendar for June 18th and 19th.

10 MR. RUE: Molly, when you say we're doing
11 this, in this context is "we" the Trustee's office or is it
12 sort of the Governor's little ad hoc group putting this
13 together?

14 MS. McCAMMON: It is the steering committee
15 which has representatives from the University, North
16 Pacific Research Board, NOAA, Department of Interior, the
17 Trustee Council, some State agencies so it's a pretty
18 broad-based steering committee. And it's that group. The
19 Trustee Council has volunteered or, by default, is doing
20 the logistical details of some of the actual things such as
21 travel and those kinds of things. But it is being directed
22 by the steering committee that's made up of a number of
23 groups.

24 MR. RUE: That's great, thank you.

25 MS. McCAMMON: The agenda and registration

1 form are both on our website and part of our outreach will
2 be making sure that both of those get to a number of other
3 web servers so that they can get posted on all those
4 sponsoring agencies' websites also.

5 MS. PEARCE: Molly, this is Drue. Would
6 you mind faxing to me, tomorrow, a copy of the agenda and
7 the registration, the Secretary's office is still not
8 online.

9 MS. McCAMMON: Yes, we will do that.

10 MS. PEARCE: Or give a set to Michael and
11 he can fax it. I believe he's there.

12 MS. McCAMMON: He is here. Yes, we'll make
13 sure you get a copy.

14 MS. PEARCE: Thank you.

15 MS. McCAMMON: Yeah. The next item I
16 wanted to present, just to let you know, is that we are in
17 the middle of our FY03 proposal process. And I think as we
18 reported at the last meeting, we're doing it in two phases.
19 The first phase is mainly the continuing project proposals.
20 A very small solicitation for some new synthesis work and
21 then kind of the administrative budget proposals.

22 We received about, I think, 33 proposals,
23 eight new and 25 continuing. We'll be working now going
24 through the peer review process for those and have some
25 draft recommendations by the end of May. And in the

1 meantime we're starting to put together Phase II invitation
2 for proposals which will come out in early August. So we
3 hope to have about two and half to \$3 million available for
4 Phase II. And roughly 3 million or so for this Phase I.

5 With the invitation issued end of July,
6 early August, we hope proposals would be due early
7 September and hopefully ready for your consideration on
8 November 6th. So that's our schedule for proposals right
9 now.

10 I also wanted to let you know that our web
11 page has been revised and updated. Our intern, Geoff
12 Shester, has done a tremendous amount of work on it and it
13 is -- I think it's in a much more useable format so I hope
14 you do take a look at it. One of the things we do have now
15 is the program that allows us to keep track of how many
16 visits we get on the web page and we're averaging 1,500
17 visits a day, which is pretty phenomenal. I know, it's
18 hard to believe. I questioned that number, too.

19 MR. RUE: I think we got mixed up with the
20 IRS website.

21 MS. McCAMMON: And the most visited page,
22 actually, in the information is the section on oil spill
23 facts. So apparently we're a major research source for
24 anybody who, and I don't know if this has to do with the
25 Arctic Refuge debate or just if there's been an oil spill

1 somewhere else in the world or what, but most of the visits
2 are from the United States, that's the primary source. And
3 you can tell which state it's coming from, but it comes
4 from where your search engine is based. So America Online
5 has their big office in California so we get lots of visits
6 from California. So it's hard to tell where it actually is
7 from. But do take a look at that.

8 I did want to mention Geoff Shester, our
9 intern, is leaving. He's been here actually, kind of
10 extended his internship through the winter, he's now taking
11 a job in Juneau and will be moving there next week. So
12 some of you may actually see him in Juneau in a week or so.

13 MR. BALSIGER: You bet. He's going to work
14 for Oceana.

15 MS. McCAMMON: Yes, he is going to work for
16 Oceana with Jim Ayers. We do have new staff here in the
17 office, though. We, I don't know if I want to say stole,
18 from the Department of Fish and Game, or released from the
19 Fish and Game or just did a lateral transfer.

20 MR. RUE: I'm used to it, Molly.

21 MR. TILLERY: What would you say, Frank?

22 MS. McCAMMON: I don't know what you would
23 call it but.....

24 MR. RUE: Stole.

25 MS. McCAMMON:Bob Walker, who was

1 with the Sportfish Division as a programmer, program
2 analyst is now our data manager and he's in the back here
3 in the room. And then our second scientist on staff,
4 Katharine Miller, and she's not in the room right at the
5 moment. But she just started about a week ago and she has
6 been working with Fish and Wildlife Service and other
7 organizations in the Mariana Islands and has now come north
8 to try, I guess, this part of the world. So you will be
9 seeing some new faces here in the office and hearing new
10 names.

11 And finally, you do have, we faxed to you
12 and we can maybe go through this at the end of the meeting,
13 our current 2002 Trustee Council and PAG meeting schedule.
14 And what we're trying to do is, because there are a lot
15 more meetings in the next few months, trying to get the GEM
16 program up and running and because we do have this Phase I
17 and Phase II proposal processes, we're trying to keep track
18 and make sure you can see clearly when you have briefings,
19 when you have action items and kind of keep track of that.
20 At least, it's been helpful for us.

21 And I think those are the only things I
22 wanted to bring to your attention.

23 CHAIRMAN GIBBONS: Okay, thank you, Molly.
24 Any questions?

25 (No audible responses)

1 CHAIRMAN GIBBONS: Okay, we'll move on to
2 Item 3 of the agenda, public comment period. I'd like to
3 remind people we try to limit the comment period to three
4 minutes, if possible. And I don't know how many cities we
5 have online, Molly. We have Seward online?

6 MS. McCAMMON: These are the public comment
7 people here.

8 CHAIRMAN GIBBONS: It doesn't look like we
9 have anybody online. Do we have anybody online that would
10 like to comment?

11 MS. WILSON: Well, this is Michelle Wilson
12 with Alaska Center for the Environment.

13 CHAIRMAN GIBBONS: Okay.

14 MS. WILSON: First of all, I'd just like to
15 say that our comments are just very preliminary. We intend
16 to provide more extensive comments prior to the June 11th
17 meeting. And from what we understand, that will be the
18 deadline for public comments. So we're hoping to seek
19 clarification for that. But according to the website and
20 talking to someone in the office there, that sounded like
21 the deadline.

22 So I'm speaking today on behalf of the new
23 draft proposal for changes to the list of endangered
24 species and resources. First off, we are concerned about
25 the possible political nature of these decisions. Just

1 historically, we've noted that at the five-year anniversary
2 of the spill, that the bald eagle was moved to the
3 recovered list and at that the 10-year mark, the river
4 otter was moved along with five other key species and
5 resources, such as Pacific herring, sea otters, clams,
6 marbled murrelets and black oystercatchers, despite some
7 studies that demonstrated otherwise. And this looks like
8 not much of a coincidence to us. And now we're very
9 concerned to see nine injured resources being recommended
10 to the recovery list. In particular, we're very concerned
11 about the killer whale suggestion to move it to the
12 recovered list despite the leading scientist stating that,
13 as you know, Craig Matkin, is explaining that while the pod
14 has shown some signs of increases over the past couple
15 years, he has indicated to the press, as you know,
16 yesterday, that there's no assurance of recovery to pre-
17 spill conditions. And we're very concerned about the
18 process here and how the Trustee Council can be ignoring
19 the lead scientist and biologist on this issue. And we're
20 also concerned about misrepresentation in this issue in
21 terms of how you're distinguishing killer whales and, you
22 know, the AB pod and sometimes you see it, you know, in
23 parenthesis AB pod, but if we're going to, you know,
24 distinguish the AB pod, I think it's also important that
25 the Trustee Council distinguish the AT-1 pod and clarify to

1 the public what you're, you know, in terms of killer
2 whales, how you're making these decisions to distinguish
3 different pods. We do not feel that the killer whale AB
4 pod should be moved to the recovered list and we will
5 provide more detailed comments on this in the next several
6 weeks.

7 We're also concerned that the intertidal
8 area has been recommended to be moved to the recovered
9 list. Again, we haven't fully analyzed the report but it's
10 unclear to us how, you've just seen recent, you know,
11 studies of Auke Bay last summer that oil is still remaining
12 in the intertidal areas of regions in the spill zone and we
13 have concerns about studies that are showing invertebrates
14 are not recovering and it's very unclear to us how this
15 could be listed to be moved to the recovered list.

16 And then we also are going to be sure to
17 get some of our concerns regarding pink salmon and we've
18 had concern about the genetic deformities and some of the
19 research that's been coming out of Auke Bay about pink
20 salmon and we're concerned about that that's also been
21 recommended to be moved to the recovered list.

22 So those are our just very brief and
23 general comments at this time since we haven't had time to
24 really look at the report. But we will be providing more
25 detailed comments.

1 CHAIRMAN GIBBONS: Molly.

2 MS. McCAMMON: Yeah, Michelle, I just
3 wanted to make one correction there, intertidal was not
4 moved to the recovered list, subtidal was but not
5 intertidal.

6 MS. WILSON: Oh, subtidal, okay.

7 MS. McCAMMON: Intertidal is still on the
8 recovering list.

9 MS. WILSON: Okay, thank you.

10 MS. McCAMMON: So I think the issues you
11 referred to are still on the recovering.

12 MS. WILSON: Okay.

13 MS. McCAMMON: Yeah, it didn't move.

14 CHAIRMAN GIBBONS: Any other questions for
15 Michelle?

16 MS. BROWN: Hi, this is Michele Brown, can
17 I ask a question

18 MS. WILSON: Uh-huh.

19 MS. BROWN: Michelle, I guess I was curious
20 more on the nature of the political implications of the
21 timing and what that means, I'm not sure I followed the
22 argument there. Could you expand a little?

23 MS. WILSON: Well, it's in terms of just
24 the timings in nature, and when the Trustee Council makes
25 broad, you know, announcements to the press. It's just we

1 were concerned that it just seems that they come at five
2 and 10-year intervals. It's just a general observation, we
3 don't have, you know, much more to say than that. But it
4 just seems like there's.....

5 MS. BROWN: So the question is the timing
6 of the review or the timing of the announcement?

7 MS. WILSON: The announcement and how it
8 reflects. The timing of the announcement and how it
9 reflects actual studies that are going on.

10 MS. BROWN: Okay, thank you.

11 MS. WILSON: Uh-huh.

12 MR. BALSIGER: Well, this is Jim Balsiger.
13 I also had a similar question. So is there an anniversary
14 now that you believe this is timed to, for the killer
15 whales?

16 MS. WILSON: No, but it's just we would
17 like maybe more explanation on how suddenly nine species
18 are being moved simultaneously at the same time to the
19 recovered list.

20 MR. BALSIGER: But it's not tied to ANWR
21 debate at the same time, you're not making that kind of
22 connection?

23 MS. WILSON: Well, I think that there's
24 still room to make that. One could make that argument, it
25 is interesting timing concerning the vote with ANWR. I

1 haven't said that but I think that argument might be able
2 to be made, yes.

3 MR. BALSIGER: Thank you.

4 MR. TILLERY: Ms. Wilson, if I understand
5 then that you would prefer or would recommend is that the
6 Council simply do this on an ad hoc basis, as new
7 information comes each year, rather than sort of having a
8 systematic, every three years we review the list-type
9 approach?

10 MS. WILSON: Yeah, some explanation in
11 terms of that would be helpful.

12 MR. TILLERY: Which would tend to sort of
13 move forward the changes. So, instead of waiting for a
14 three-year period we might have already made half of these
15 last year or something?

16 MS. WILSON: Yes. And if that has been
17 your process in some of these decisions that were made last
18 year, that would be wonderful to have that information.

19 MS. PEARCE: This is Drue Pearce, can I ask
20 a question?

21 MS. WILSON: Sure.

22 MS. PEARCE: Actually it's of staff.
23 Molly, what is the process? I mean this appeared in our
24 books and frankly this being my second meeting, I didn't
25 know and wasn't expecting it so what process has the

1 Trustee Council gone through over the years?

2 MS. McCAMMON: Well, the process is that
3 the first list was published in the restoration plan that
4 was adopted in November of 1994.

5 MS. PEARCE: All right.

6 MS. McCAMMON: It was published for the
7 first time in November 1994 in the restoration plan. It
8 was updated at the fifth-year anniversary because that was
9 viewed as a major report to the nation on the status of
10 injury and recovery. And so it seemed appropriate to do a
11 formal review of that time. It was done again in 1999.
12 And that was also in '94, so it was right at the same time.
13 In '99, with the 10th anniversary, again, it was a major
14 report to the nation on the status of injury and recovery.
15 It was done this time and this has been on our agenda and
16 scheduled for quite awhile, we've been talking about doing
17 this for the last year and a half it's been scheduled. So
18 really, if anybody adjusted to anybody's agenda and
19 schedule it was the ANWR debate adjusting to our agenda,
20 not us adjusting to that agenda. But it's actually 13
21 years after the spill, it's not an anniversary date. But
22 the reason for the discussion at this time was something
23 that we talked about in conjunction with starting the GEM
24 program and that it was appropriate, as we kind of get into
25 this longer term program, that we also really look at where

1 we are in terms of injury and recovery status. So that was
2 kind of the trigger for this review.

3 There is a provision in the restoration
4 plan that indicates the Trustee Council is not to be
5 limited strictly to those lists, that it's supposed to take
6 into account any and all new information and that that
7 information gets modified over time. So actually reviewing
8 the list and moving things on or off, recovered or
9 recovering is in some ways a formality. It does not affect
10 how we view or how the peer reviewers view project
11 proposals and a decision on whether some work gets funded
12 or not.

13 MS. PEARCE: Okay. So this one is being
14 done as the GEM process moves forward?

15 MS. McCAMMON: Correct. Correct.

16 CHAIRMAN GIBBONS: Any others? Mr.
17 Tillery.

18 MR. TILLERY: Yeah, just as a comment. I
19 actually think Michelle makes a good point. I don't think
20 we need to save these up and I understand why we're doing
21 this one now and I remember when we did the others. But it
22 does seem to me that each year after the reports
23 essentially come in for the prior season, it wouldn't be
24 inappropriate for your office, Molly, to just kind of look
25 around and see if there are any adjustments that need to be

1 made. I don't think we need to wait for a three-year, or a
2 period of any particular length of time.

3 MS. McCAMMON: Well, one of the reasons it
4 has been a length of time is because there is a review
5 process and a comment process. And if you did that every
6 year it just becomes a little more cumbersome. But
7 certainly there's nothing, I mean the decisions that the
8 peer reviewers and that the Council makes are based on the
9 known information at the time, whether something is
10 formally considered recovered or recovering or not
11 recovered. It's really based on the current status, the
12 current information. So it's almost more of a formality in
13 that process of going through and allowing for public
14 comment and review. And also allowing for some scientific
15 debate and discussion on what constitutes recovery.
16 Because that really is where any dispute, disagreement
17 lies.

18 CHAIRMAN GIBBONS: Okay. Any other
19 comments or questions?

20 (No audible responses)

21 CHAIRMAN GIBBONS: Thank you, Michelle.
22 Are there any other people online that would like to
23 comment at this time?

24 MS. BROWN-SCHWALENBERG: Yeah, this is
25 Patty Brown-Schwalenberg with Chugach Regional Resources

1 Commission.

2 CHAIRMAN GIBBONS: Okay, Patty.

3 MS. BROWN-SCHWALENBERG: I just have three
4 short, brief items to present to the Council today. The
5 first one is on the project that you're going to be
6 considering in a few minutes, the 02-052, which is the
7 previous community involvement program and now the resource
8 management and steward capacity building project. We've
9 gone through extensive revisions and what we're really
10 trying to do in the communities is transition from the
11 community involvement with the community facilitators kind
12 of a program to more of an active involvement in research
13 and monitoring through developing the capacity of the
14 tribal level and so the natural resource programs are
15 actively involved in this program and in this proposal.
16 And we have several partners that are not mentioned, I
17 don't think, in the proposal, but would be worthwhile for
18 you to know that the Bureau of Indian Affairs, the
19 Administration for Native Americans, Fish and Wildlife
20 Service, Fish and Game and the University of Alaska are all
21 partnering with us on this project and the entire, I guess,
22 you'd call, the entire program of developing the natural
23 resource management programs in the communities. And so
24 this is one part of a larger picture. And ultimately what
25 we're trying to do is put together a training program that

1 will go statewide for tribes to more actively participate
2 in natural resource management. So we'd be most
3 appreciative if you'd give it serious consideration when it
4 comes up on the agenda.

5 The second thing is an issue related to
6 Project No. 02-514, which is the Lower Cook Inlet Waste
7 Management plan. As you know, this project has been kind
8 of in the works for a couple of years and we've been
9 working with Molly and the Department of Environmental
10 Conservation to get it going. But we have pretty much done
11 their part and identified their needs and waste management
12 needs and the Trustee Council had identified \$800,000 to
13 implement the project. 02-514 is \$30,000 Phase I to
14 provide training and assess the community needs. I met
15 with Tom Turner today and Bill Stokes and Bill Smyth and
16 they informed me that DEC does not want to take this
17 project on after the Phase I, they're not interested in
18 taking Phase II, they said there is no State agency that is
19 interested in assuming the responsibilities for Phase II.
20 So the communities are kind of stuck between a rock and a
21 hard place. So I'm hoping we can figure out some way to
22 get that money to the communities. I know the money needs
23 to go through a trustee agency and it's been very difficult
24 to try to figure out how this is going to happen and to
25 learn today that DEC just isn't going to be able to do it

1 was pretty disheartening. And now I have to go to the
2 communities and tell them that this thing that they've been
3 waiting for for several years is not any closer to being
4 done than it was two or three years ago.

5 So, at some point in time, I think the
6 Trustee Council is going to have to look at how they funnel
7 their money. Which brings me to my next point and you'll
8 be getting a formal letter from us but I'm just kind of
9 giving you a heads-up.

10 The communities, the tribes have asked me
11 in the past and we are going to make a formal request to
12 the Trustee Council to look at a policy on dealing with
13 tribes on a government to government basis. As you know
14 the millennium agreement signed by the Governor recognizes
15 tribes in the state of Alaska and, of course, there's the
16 Federal trust responsibility with the Federal government
17 and being that the Trustee Council is made up of State and
18 Federal agencies, we'd really like a more formalized
19 relationship with the tribes on the issues that the Trustee
20 Council undertakes. And with that in mind, it just seems
21 like it would work a whole lot better if funding could go
22 directly to a tribe from the Trustee Council rather than
23 running through one of the trustee agencies to avoid
24 problems like we're having with the Lower Cook Inlet Waste
25 Management plan.

1 And those are the only three things that I
2 needed to bring up today.

3 CHAIRMAN GIBBONS: Okay, thank you, Patty.
4 Any questions for Patty?

5 (No audible responses)

6 CHAIRMAN GIBBONS: Hearing none, thank you
7 again. Are there any other people online that would like
8 to testify at this time?

9 (No audible responses)

10 CHAIRMAN GIBBONS: Okay. Anybody in
11 Anchorage who would like to comment at this time? Mr.
12 Steiner.

13 MR. STEINER: Thanks. It's good seeing you
14 all again after awhile. I have two areas of comment, one
15 is on the list of your draft proposed list of injured
16 resources and the status and the second is on the reopener.

17
18 First, I'd like to commend you, I think
19 it's appropriate that you fine-tune this list actively and
20 aggressively on real and solid science. And in that
21 regard, I think some of your recommendations are
22 appropriate for upgrading. Several of them, however, seem
23 premature and are clearly not even supported by your own
24 information in your draft list. They are simply not
25 justified. I'd like to mention a couple of them. It seems

1 like some of these were either a result of bad science, bad
2 logic or bad politics or a combination of all three and I
3 don't know which it was.

4 First of all, harbor seals. My
5 recommendation with them is that they be given their own
6 special category. Rather than not recovering they are,
7 indeed, continuing to decline. So my recommendation is
8 that you create a new category in the more extreme than
9 simply not recovering which simply doesn't do justice to
10 the fact that they are still in catastrophic decline.

11 Next, Pacific herring, my recommendation
12 for them is that they be down-listed. You have to look in
13 both directions here to update your list accurately and
14 fairly. And that is, Pacific herring simply are not
15 recovering. By your own language in your draft report, you
16 say that in the last several years the recovery has stalled
17 and the population has yet to recruit a highly successful
18 year class which is fundamental to recovery of the species.
19 So, to be fair and accurate, I think they should be
20 downgraded to not recovering.

21 The last two I'd like to mention are pink
22 salmon and killer whales. Pink salmon, let me find the
23 page here, the interesting thing here that brings into
24 question the entire process and I realize there's no finite
25 line between recovered and not in all these categories,

1 it's a subjective call in many cases. But in pink salmon,
2 your last paragraph or one paragraph on Page 21 you say
3 that the recovery objective in 1999 was egg mortality but
4 because the Department of Fish and Game is no longer
5 collecting that information you came up with a new recovery
6 objective, which is simply exposure of embryos and you're
7 not even collecting that information. And then you go on
8 to say that it seems highly unlikely that oil is
9 accumulating in pink salmon embryos and then by conjecture
10 make the broad leap to declare them recovered. And it does
11 not discuss at all the potential exposure of fry or the
12 ecosystem within to which the fry emerge into. The shift
13 in the prey and predator fields in the ecosystem, which a
14 lot of your research has discussed. So I'm concerned that
15 you're weakening the definition of recovery in that
16 respect.

17 And certainly in the killer whale
18 population, some animals I'm familiar with and certainly
19 have worked with to some extent, they're in the AB pod, of
20 course, there's only 26 of them, there were 36 before the
21 spill. Your broad ecosystem recovery objective was that
22 the animals be back there in former or pre-spill abundances
23 with the age structure that was there prior to the spill
24 and healthy and productive. None of those criteria were
25 met with AB pod. They have a very different age and sex

1 structure in the pod today as does AT-1, that's probably
2 good. And so I would respectfully request that you review
3 this document and make those adjustments in it.

4 Next, very quickly, on the reopener, as
5 most of you know, this was a critical point in the approval
6 of a settlement back in 1991. The first settlement
7 proposal didn't have this in it, the second one did. The
8 court rejected the first one, approved the second one. It
9 was a fundamental clause to approval of the settlement. I
10 know you all know this. It appears that Exxon is being
11 recalcitrant again with their responsibility here. I have
12 asked them to settle this issue, to write a check today for
13 \$100 million to the governments and get this over with
14 because clearly they owe much more than that based on what
15 we know from your research on unanticipated damages from
16 the spill, but they don't appear to be willing to do that.
17 I've written Lee Raymond a letter and I've had a response,
18 this was last year, where they don't intend to take this
19 seriously at this time. Then, because Exxon is not going
20 to be a responsible party in this, it falls on you, the
21 governments and the Trustee Council. I've been bringing
22 this issue up, as you may or may not remember, to the
23 Council for the last four years on and off and the only
24 response I've received from the Council was simply that it
25 was not a Council responsibility, which I understand

1 legally and technically may be the case, but actually the
2 governments, when they pursue these damages, will pursue
3 these damages on the basis of what the Trustee Council
4 research has and has not shown.

5 I'd like to just reiterate my request of
6 June 23rd, 2001, in a letter to the Council that, where we
7 recognize that the governments will be pursuing these
8 damages, that's their legal responsibility, my request was
9 that the Trustee Council provide us with a detailed
10 accounting and explanation of all the natural resource
11 damages that, in the estimation of the Trustee Council,
12 meet the standard for which the reopener is to be
13 triggered. This, again, was June 23rd of last year, I have
14 not received a response to this and your restoration plan,
15 of course, calls for timely and usable responses to public
16 inquiries for information.

17 Lastly, I just found out something just by
18 coming here today that sort of illuminates a problem and
19 that's that the SeaLife Center, there's some harlequin
20 ducks that were captured and used in some of the science
21 projects funded by the Council, fed oil to see the response
22 to hydrocarbon toxicity. Apparently they've contracted a
23 virus and now they cannot be released into the wild. I
24 think that's particularly outrageous, really, when you
25 think harlequin ducks were an impacted species and then, in

1 the name of restoration, we went out and captured some,
2 brought them in and fed them oil and now they have a viral
3 disease and cannot be released; I think the Council would
4 be prudent to establish a policy that there's no more
5 capture of any wild animals in the name of restoration or
6 your science program.

7 I think that's all I have today, thank you
8 very much.

9 CHAIRMAN GIBBONS: Any questions for Rick?

10 (No audible responses)

11 CHAIRMAN GIBBONS: Okay, thank you, Rick.

12 (No audible responses)

13 CHAIRMAN GIBBONS: Anybody else here in
14 Anchorage who would like to testify?

15 MS. OBERMEYER: Theresa Obermeyer. I
16 wanted to thank the previous speaker. He was very well
17 spoken and eloquent. And I'd like him to download on our
18 website the documents on Bruce Bothello's investments in
19 Exxon. You see, ladies and gentlemen, there can't be a
20 beginning when we have an attorney general, we don't have
21 any attorney in our state that is elected and when we have
22 the man that -- well, he has almost -- I think there are
23 449 of you, if I'm correct, let me just pass this stuff
24 out, but am I correct, Mr. Tillery, 449?

25 MR. TILLERY: I don't know.

1 MS. OBERMEYER: I have something to pass
2 out because I feel like we all miscommunicated previously.
3 And I hope everybody in the room will download the file and
4 I was really impressed that you have 1,500 hits a day, I'd
5 like to have 1,500 hits a day on my website. I want
6 everybody in this country to figure this out and I will
7 leave four copies for the people that are online. Our
8 website is still home.gci.net/hilda and her last name O, B
9 as in Boy, E-R-M-E-Y-E-R, but we're getting a domain and
10 that's coming up. I think it should be really there by
11 tomorrow, it's just going to be TObermeyer.info. Just very
12 briefly to mention, I have run now in two municipal
13 elections and what I wrote in this April 15th document
14 that's one page is that, I just don't even believe any of
15 these elections are fair.

16 I, of course, had to run against two
17 licensed attorneys. I consider the whole idea demented
18 just on the face of it, but then I said, oh, I'm a good
19 sport, I'll run in this thing. I did spend a lot of -- not
20 a lot of money, but I spent money and I think I spent my
21 pennies wisely but then I know that Debbie Sedwick is the
22 Commissioner of Community and Economic Development whose
23 husband is John and, what really hits me, John Sedwick that
24 is, Mr. Life Appointed Federal Judge, it's frightening.
25 Because I really believe these are the people that are

1 manipulating the elections. The people that are supposed
2 to be the people that administer justice. It's beyond
3 belief to my way of thinking. And so it's amazing. I
4 don't know what to say anymore. Read this yourself. I
5 will really appreciate it if you looked at the files on our
6 website. We've tried to be pretty wide ranging, we could
7 never be complete. Of course, this has been going on for
8 almost half of statehood. We live in a 43-year-old
9 frontier and see, of course, I'd really like for more of
10 you to go to the Board of Governors of the Alaska Bar
11 Association meetings and see what these people do. Of
12 course, Mr. Tillery pays them, I pay them. They take trips
13 all over the world on my money. And they don't do
14 anything. It's really scary. It's not being an attorney,
15 it's not what I believe attorneys are and I know them to be
16 bright people but everyone seems to go along and I guess
17 people become brain dead. Because there truly is so much
18 money involved it's unfathomable. And what I usually say
19 is this, I warned them all on the Anchorage School Board
20 when I was on it previously, that was from '90 to '94,
21 because everybody talked millions and billions and so I
22 brought my calculator and I started adding up the
23 documents, cross-referencing and nothing added up or cross-
24 referenced.

25 So you know what, and I think I've said

1 this before, I live in a place where we have term limits,
2 recalls and run-offs of our neighbors, the school boards
3 and the assemblies, U.S. senators are in office for life,
4 we've never met them. I mean they were just raving maniacs
5 on the floor of the U.S. Senate for the last, at least,
6 yesterday and probably this morning, I haven't really
7 watched the news and Ted Stevens screaming out that people
8 are lying. He's a total fraud, by the way. Can we realize
9 what's going on and really realize that this is supposed to
10 be one of the 50 states of our great nation? I don't see
11 anything that's American that goes on here.

12 I, of course, always commend your efforts.
13 It sounds so interesting. You know, I'd like to have
14 learned some of this stuff but instead I've had to do the
15 things I've had to do. Don't ever think I've enjoyed
16 myself but I'm on task. And if you had a question, I'd be
17 glad to field them.

18 CHAIRMAN GIBBONS: Okay.

19 MS. OBERMEYER: Sorry, I'm missing all
20 these other people. I'd be glad to field questions. I was
21 very pleased that two of the Trustee Council did ask a
22 question of one of the previous speakers. But I also want
23 to say this, you have more public comment than that school
24 board does. That's also an interesting point, they don't
25 have any public comment. You have more. Is that amazing?

1 When there are 49,000 children involved, there's no public
2 comment. But if you had a question I'd be glad to field
3 them. We have a run-off on May 7th, hope you'll all vote.
4 Any questions?

5 (No audible responses)

6 MS. OBERMEYER: No. Mr. Gibbons, good to
7 see you, sir.

8 CHAIRMAN GIBBONS: Thank you. Any other
9 people in Anchorage who'd like to comment at this point?

10 (No audible responses)

11 CHAIRMAN GIBBONS: Hearing none, one last
12 call for anybody on the line that would like to make public
13 comment. Hearing none, the comment period is closed.

14 Moving on to Item No. 4 of the agenda,
15 fiscal year 02 Work Plan modifications. Molly.

16 MS. McCAMMON: Mr. Chairman, in your binder
17 there's a recommendation for additional funding for
18 deferred project 02-052 natural resource management and
19 stewardship capacity building. Last August the Council
20 approved \$45,000 in interim funding for this project. We
21 had a lot of discussion in the last few months about
22 community involvement, stewardship programs, things of that
23 nature. The original intent of this project had been that
24 CRRC would be the primary contractor for a community
25 involvement efforts. What's, I think, really happened over

1 time is that they have focused primarily on working with
2 tribes. And so, for that reason, the project title and the
3 description I think more accurately reflect what the actual
4 project is doing. This is only one aspect of the Council's
5 community involvement in outreach efforts. We did include
6 in here a background paper that was prepared that describes
7 all of the work that we have done on community and public
8 involvement. We believe that there will be a lot of other
9 efforts working with local fishermen, working with
10 community citizen monitoring groups, working with city
11 governments and others. And so this is just one aspect of
12 it.

13 We've also had some additional discussions
14 with some of the folks doing tribal natural resource
15 programs. And we're thinking about some different ways to
16 improve the program but those would be incorporated into a
17 future proposal. But in the meantime I am recommending
18 that we continue with Project 052. It would focus on
19 integrating tribal natural resource programs with the GEM
20 program. A lot of the goals are very similar, certainly
21 they're looking at a wider variety of species and some
22 different habitat and terrain. But there is a lot of
23 overlap in terms of issues and species of concern, in
24 particular salmon, marine mammals, some of the marine
25 resources that are used for subsistence harvest. Certainly

1 the intertidal nearshore area.

2 Funds for this year would complete the
3 management plan that's currently in progress in Tatitlek,
4 Eyak, Seldovia and Valdez, complete the intertribal
5 integrated natural resource management plan for the Chugach
6 Lower Cook Inlet region and make sure there's active
7 participation by the tribes at our GEM planning, meetings
8 and workshops. So the recommendation is to approve an
9 additional \$86,400 for Project 02-052, bringing the total
10 to \$131,400.

11 CHAIRMAN GIBBONS: Any comment or
12 questions?

13 MR. RUE: This is Frank and I have a
14 question.
15 RUE.

CHAIRMAN GIBBONS: Go ahead, Mr.

16 MR. RUE: Yeah, okay, thank you. Molly,
17 perhaps you could explain, and I've been reading the packet
18 here, what a management plan will look like? What does it
19 contain and how it will then fit into GEM? I mean, I can
20 imagine what it would do is inventory really important
21 areas and species for people in the community, list issues
22 concerning those species, management issues, whether
23 they're -- whatever they might be and then the helpful
24 thing for GEM would be what -- given those priority
25 concerns and then issues, what sort of research needs to be

1 done to get a better handle on that species, place,
2 whatever. Is that how you see those fitting in?

3 MS. McCAMMON: Well, and I think Patty
4 Brown hopefully is still on the line, but I think you
5 described it accurately in describing it as an inventory of
6 the resources on the lands that are either under, there are
7 some small lands under tribal ownership under the ownership
8 of the village corporation and surrounding State and
9 Federal land units. Also in the waters surrounding these
10 communities and also identifying the various issues
11 regarding management, resource management of those issues.
12 I'm not sure it actually goes so far as identifying what
13 kind of research is needed. The main idea was to identify
14 the resources and the issues and then see in the GEM
15 planning process where there is basically overlap, what's
16 important in terms of resources and issues in trying to
17 understand the marine ecosystem from the GEM perspective
18 and then see where that overlap is and then hopefully work
19 with the communities on those specifically identified
20 areas.

21 But Patty might be able to also add
22 something if she's still online.

23 MS. BROWN-SCHWALENBERG: Yeah, I'm still
24 online.

25 MR. RUE: Maybe I could distinguish [sic]

1 my question for you, Patty.

2 MS. BROWN-SCHWALENBERG: Okay.

3 MR. RUE: I could imagine a management plan
4 that you would take to the Forest Service or to the State
5 land manager and say, here's an area of subsistence use for
6 the community, it's really important to us, don't put X
7 other use here that conflicts with it and that's a useful
8 product for having input into a management process by one
9 of the land managers. On the other hand, for GEM, it seems
10 to me what the key will be, to be able to identify those
11 issues and concerns, et cetera, resources where you believe
12 the GEM program could help answer some questions and the
13 tribe could participate in finding out the answer to those
14 questions, which then leads to better management.

15 MS. BROWN-SCHWALENBERG: Right.

16 MR. RUE: Is that the focus?

17 MS. BROWN-SCHWALENBERG: Yeah. Both of you
18 are right and we will be identifying resources, subsistence
19 harvest areas, priority species and then key priority
20 issues and concerns. And from that list of the issues and
21 concerns, what we'll be going into the next phase, which is
22 what we're looking at for FY03 is then developing, you
23 know, strategies for addressing those issues, the research
24 that's needed. Then, you know, we'll work with whatever
25 agencies we need to to try to identify that and then that's

1 the point where, you know, GEM comes in. And possibly
2 having the projects come through there or they need to come
3 from some other funding source. Does that answer your
4 question?

5 MR. RUE: Yes, thank you.

6 CHAIRMAN GIBBONS: Any other comments or
7 questions?

8 (No audible responses)

9 MS. McCAMMON: Do you want to do an action
10 on this or do you want to go through all of them?

11 CHAIRMAN GIBBONS: What's the Trustee
12 Council's pleasure on this?

13 MS. McCAMMON: It's probably easier to take
14 them one by one.

15 MR. TILLERY: It seems to me it's easier to
16 do them one by one just because they're all a little bit
17 odd and it's not a matter of adopting the recommendations
18 and some of them have very specific subjects to them.

19 CHAIRMAN GIBBONS: Okay.

20 MR. BALSIGER: Mr. Chairman, this is Jim
21 Balsiger. I'd be prepared to move that we approve the
22 additional \$86,400 for Project 02-052 bringing the total to
23 131,400.

24 CHAIRMAN GIBBONS: Thank you. Do I have a
25 second?

1 MR. RUE: Second.

2 CHAIRMAN GIBBONS: Any discussion or
3 further discussion of comments?

4 (No opposing responses)

5 CHAIRMAN GIBBONS: All those in favor say
6 aye.

7 IN UNISON: Aye.

8 CHAIRMAN GIBBONS: All opposed.

9 (No opposing responses)

10 CHAIRMAN GIBBONS: Motion carries.

11 MS. McCAMMON: Okay, going onto the next
12 one, Project 02-423. This was funded by the Trustee
13 Council last August and included studies on harlequin ducks
14 held at the Alaska SeaLife Center. Apparently these ducks
15 have contracted a virus and they are not releasable to the
16 wild now as originally planned. The science director at
17 the SeaLife Center, Dr. Shannon Atkinson, who is online and
18 available to answer questions, they are proposing three
19 small studies during the remaining life span of the ducks,
20 a reovirus study, a feeding trial and a stress
21 assessment. This project is actually an extension of an
22 earlier project funded by the Trustee Council, the
23 nearshore vertebrate predator project, which the Council
24 funded for several years to look at those factors that are
25 limiting recovery of several nearshore species including

1 harlequin ducks. This amendment kind of expands the work
2 that's being done regarding long-term effects of crude oil
3 exposure, look at stress in animals in the ecosystem as it
4 relates to oil pollution.

5 The recommendation is to approve \$24,300
6 for a contract for the SeaLife Center as an amendment to
7 Project 02-423. And Dr. Atkinson is online and available
8 to answer questions.

9 MR. RUE: I have a question.

10 CHAIRMAN GIBBONS: Mr. Rue.

11 MR. RUE: Yeah, I guess I'm interested in,
12 I have the memo from Dr. Atkinson, and if she could
13 explain, it's a little hard to follow the funding trail and
14 how the \$24,000 is going to be spent. Perhaps she could
15 explain that to us. I don't have a calculator but I don't
16 see how the numbers in there add up to 24,000.

17 DR. ATKINSON: I'd be happy to. First of
18 all, I think I should make it clear that these animals may
19 have come in with this virus. And that when they actually
20 obtained it is uncertain and will probably never be known.
21 But given the fact that they have it, I think the decision
22 that was made is a good and a conservative decision in that
23 there's no point risking a population that's already at
24 risk by putting another stressor out there in the
25 environment. Having said that, what we did decide was the

1 best thing to do with these animals was to obtain the
2 maximum scientific value from them and we felt that we
3 could do this with holding the animals for an additional
4 period of approximately two months.

5 During that time we have calculated the
6 time it would take for the people that take care of these
7 animals and I believe you see salary in there and fringe
8 benefits to go with the research technicians who have been
9 caring for those animals for the past six months. However,
10 the funding for that did run out about March 31st and so we
11 simply put another two months of minimal amount of their
12 time, they were on closer to full time, but we've put them
13 just to basically care for the animals.

14 In addition to that, we put in \$2,000 for
15 facility's cost. This is the space that they are occupying
16 here at the Alaska SeaLife Center and the water that it
17 takes to, and the electricity and all those sorts of
18 infrastructure costs that it takes to house them.

19 We have put in \$1,590 for food and this is
20 based on the feeding bills that we have for these animals
21 for the past six months and so it does cost us
22 approximately \$780 a month to feed these animals.

23 And so those are the main care costs, just
24 to simply keep the animals for the additional period of
25 time.

1 What we had proposed in the memo that I
2 sent to Molly and to you was that, given that these animals
3 were not going to be released back to the wild, that we
4 felt that the best use of these animals was to obtain as
5 much information that we could to help the remaining
6 population which is still out in Prince William Sound and
7 so that is composed of three studies. Each one has some
8 cost associated with it.

9 The reovirus study, which is the virus
10 that we believe these animals have is currently being
11 studied in sea ducks at the National Wildlife Health Center
12 in Wisconsin. And so we are proposing to ship some of the
13 animals to that center to further [sic] virus studies on
14 them. There are some costs for shipping these animals,
15 including cages for them to go in, the airline shipping
16 cost. The cages, I believe, are in the budget for \$150,
17 the shipping costs are in the budget for \$600. And then
18 the Wildlife Health Center has agreed that they would
19 basically conduct the study and the veterinarian and sea
20 duck biologist that we have recently hired has agreed to
21 put her time into writing grants to get the analysis done
22 if we would put into the EVOS budget \$2,000 for them to be
23 able to accommodate the animals once they arrive there. So
24 there's \$2,000 for basically that study and those are the
25 only costs associated with that study that have been put

1 into this budget.

2 In addition to that, we have proposed a
3 feeding study because one of the other things that we
4 noticed about these ducks is that they began having a blood
5 clotting disorder or a coagulopathy, and not in all of the
6 ducks but a percentage of the ducks, 7 of 46 of the animals
7 that we have housed throughout these harlequin duck studies
8 over the last three years here at Alaska SeaLife Center
9 have come down with this condition and so we felt that it
10 was worth understanding whether the feed that we were
11 giving them in captivity was limited in terms of its
12 nutritive value and whether we could basically use the diet
13 to treat this in a prophylactic manner if we enhance the
14 vitamins that we gave these animals when they came in.

15 I think these studies have a lot of value
16 for a number of reasons. One, we have seen it so it is
17 likely that it may occur in some portion of the population.
18 There is some possibility that this could be an oil induced
19 or a residual oil or some sort of environmental contaminant
20 induced situation. And, thirdly, should we ever have to go
21 into a rehabilitation setting where we had to deal with any
22 numbers of harlequin ducks it would improve our ability to
23 handle these animals if we had a very good handle on what
24 sort of diets work and don't work and so for this, our
25 senior veterinarian here, Dr. Pam Tuomi has proposed this

1 portion of the study and she also has already submitted a
2 grant to cover some of the costs of it; however, we are
3 requesting from you the funding of blood analyzer, which I
4 believe is \$2,500 and the analysis for the vitamins, which
5 she has worked with another laboratory to give us a
6 wholesale cost on, however, we do need some funding for
7 that.

8 The Alaska SeaLife Center will provide the
9 salaries of all of the people involved in terms of
10 collection of samples and shipping of samples, all the rest
11 of the costs that would go along with conducting a research
12 project like this.

13 The third study, which I'm serving as the
14 lead on is the study in which we're looking at the ability
15 of these animals to respond to stress. And, of course, one
16 of the big questions is when you bring animals into
17 captivity and when they are subjected to different kinds of
18 stressors, does this affect their immune system to the
19 extent that they might react to a virus that otherwise was
20 not showing itself or was not impacting these animals and
21 their health in any way. And so, to do this, we are
22 collecting blood samples from these animals and I have not
23 put any cost into the grant for this or the request to you
24 for this. I have assumed that my laboratory, which I run
25 through the University of Alaska, would pick up the

1 analysis cost and we have a graduate student who I already
2 have a salary for, who is taking this on as his master's
3 project.

4 I think that pretty well covers the cost.
5 There is one other cost that I didn't mention and that was
6 a \$5,000 that is to fumigate the facilities that these
7 animals have been occupying. We basically built these
8 facilities for animals to come into the Alaska SeaLife
9 Center for research and while we do typically disinfect
10 facilities after animals go out, we usually don't have
11 animals going out that have known diseases. And so given
12 that we know these animals have this virus, we are feeling
13 compelled to do an extra disinfection of these facilities
14 and so the \$5,000 that we budgeted there would cover that.

15 I think that pretty well concludes the
16 costs. I don't know if anybody sat there with a calculator
17 and added it up but those are the main costs that are being
18 proposed.

19 MR. RUE: Great, thank you.

20 MS. McCAMMON: Mr. Chairman, I think that
21 some of the problem was that we got the initial costs in a
22 memo and then we asked Shannon for a detailed budget and
23 the detailed budget is really what reflects the actual
24 costs, not the memo.

25 MR. RUE: That helped, thank you.

1 CHAIRMAN GIBBONS: Any other comments.
2 Questions?

3 DR. ATKINSON: I guess my only other
4 comment to you would be that one of the previous speakers
5 had mentioned that this was an unacceptable situation, and
6 while I agree that this is a very unfortunate situation, I
7 think anytime that we study animals we have to accept that
8 these are living creatures and that these animals may
9 already have diseases that we know nothing about when they
10 come into us.

11 I think the best thing that we can do in
12 situations like this is to utilize these animals to their
13 fullest scientific potential, such that we can accept the
14 final loss to that population of them not returning. And
15 it is an important point that the speaker brings up,
16 however, not utilizing animals when you're trying to
17 understand the impacts or when you're trying to restore any
18 species, whether you know the cause of its decline or not
19 is not possible, frankly, it would be like looking at the
20 Steller sea lion situation and saying that because they're
21 endangered, we should not ever touch another stellar sea
22 lion. And I just don't think that, in reality, the world
23 of science and especially when you're dealing with animals
24 works that way and I don't think you'll gain the best
25 information if you take that approach. So I'd like to

1 support the use of these animals and I think that, while it
2 was an unfortunate situation and it wasn't one that we
3 planned for, I think that we've handled it extremely well
4 and I'm very pleased with the decisions that have been
5 made, presumably, during all the permitting processes that
6 have to take place to utilize animals for these things,
7 these things were looked at and we realized that the
8 research is worthy of being done.

9 And so I just wanted to put my two cents in
10 to say that I think we've made the right decision all along
11 with this group of animals and with the studies that have
12 been conducted.

13 CHAIRMAN GIBBONS: Mr. Tillery.

14 MR. TILLERY: Yeah, Mr. Chairman. I had
15 originally been concerned about the restoration connection
16 of the new projects. I simply didn't understand, in
17 particular, the feeding project, I think Ms. Atkinson's
18 explanation was very good on that point. And having now
19 heard her explanation, I am comfortable with the
20 restoration connection.

21 CHAIRMAN GIBBONS: Any other comments or
22 questions?

23 (No opposing responses)

24 CHAIRMAN GIBBONS: Do I hear a motion?

25 MR. RUE: Mr. Chairman.

1 CHAIRMAN GIBBONS: Yes, Mr. Rue.

2 MR. RUE: Okay. I move that we approve, I
3 believe, the \$24,300 and the amendment to Project 02-423 to
4 bring the project total to \$482,700.

5 CHAIRMAN GIBBONS: Do I hear a second?

6 MS. BROWN: This is Michele. Second.

7 CHAIRMAN GIBBONS: Any further discussion
8 or questions?

9 MR. TILLERY: Just to say that I understand
10 that the purpose of this 24,300 would be as described in
11 this April 15th memo by Ms. Atkinson and the accompanying
12 information.

13 MR. RUE: I accept that as a friendly
14 amendment.

15 CHAIRMAN GIBBONS: Okay. Any other
16 comments or questions?

17 MR. RUE: Just quickly. I think it's a
18 good explanation and good use and a good outcome of an
19 unfortunate situation.

20 CHAIRMAN GIBBONS: Just one, where did the
21 ducks come from? Did they come from the spill area or
22 outside? That's just a question I was wondering about.

23 DR. ATKINSON: I'm not the best person to
24 answer that because I wasn't on the collection trip.
25 That's really a question that Dr. Dan Esler would be able

1 to answer. I only really became involved heavily in this
2 project once things weren't going the way that they had
3 originally planned. So I'm sorry, I can't answer that.

4 MS. McCAMMON: I think originally the ducks
5 were from Kodiak and were from outside Prince William Sound
6 but I'd have to verify that that actually happened. But
7 that was the original goal, was to take them from areas
8 that did not have a declining population.

9 MR. SPIES: That's my impression and memory
10 as well, though I can't be absolutely certain.

11 MS. McCAMMON: Yeah, I'm pretty sure.

12 CHAIRMAN GIBBONS: Any other comments?

13 (No opposing responses)

14 CHAIRMAN GIBBONS: Hearing no comments or
15 questions, all those in favor of approving the resolution
16 and amended by Mr. Tillery say aye.

17 IN UNISON: Aye.

18 CHAIRMAN GIBBONS: All opposed.

19 (No opposing responses)

20 CHAIRMAN GIBBONS: Project is approved.

21 MS. McCAMMON: Okay, then we get to another
22 set of proposals that I faxed to you late today and these
23 were projects that were deferred last December pending
24 results from a nearshore workshop that we held in January.
25 Unfortunately the January workshop didn't bring us to a

1 total conclusion and we ended up having to have another
2 all-day workshop, which we had in Homer this past Monday.
3 And so the recommendations in this memo actually reflect
4 the consensus of the group meeting in Homer, which was a
5 pretty good group of, I'd say 40 or 50 people from
6 throughout the spill region, Kodiak, Prince William Sound,
7 Cook Inlet, Kenai, Kachemak Bay, as well as the number of
8 outside experts talking about future nearshore monitoring.

9 There was a wide range of debate on how to
10 conduct a nearshore monitoring program for the spill region
11 and there was no consensus on that. There are definitely
12 differing views that needs further discussion and work to
13 see what kind of program the Trustee Council would fund.

14 However, what was absolutely a consensus
15 was to continue nearshore mapping. The highest priority
16 actually was to continue with some low resolution aerial
17 videography which was, is actually a type of mapping that's
18 been done by the state of Washington. They have their
19 entire coastline, including Puget Sound, mapped this way
20 with videotapes that you can get on a website. The
21 coastline of British Columbia is also entirely mapped using
22 this process. Cook Inlet Regional Citizens Advisory
23 Council has begun that effort. They mapped, last year,
24 about a thousand kilometers of coastline and they have
25 funding for an additional thousand kilometers. So one of

1 the recommendations of the group was to do that kind of
2 mapping for the Kodiak region and for Prince William Sound.
3 Of course, the big question with Prince William Sound is
4 what kind of mapping and aerial mapping, in particular,
5 already exist. Is it complete enough and there were no
6 real clear answers to that. We do know that Alyeska has
7 done some kind of mapping but it's not available to the
8 public so there's some issues there. But that was the
9 highest priority.

10 Second highest was to continue with those
11 areas that have had this low resolution mapping. doing some
12 more details on the ground mapping and this was basically
13 the proposal that had come from the Kachemak Bay, Carl
14 Schoch's proposal.

15 So given the discussion at the workshop,
16 given just the timing, the fact that the workshop ended
17 Monday afternoon and this meeting is Thursday, there are
18 two recommendations. One is to fund Fish and Game's project
19 02-556. It has a revised budget for \$62,200, contingent on
20 receipt of a memo acknowledging that the funds are for
21 mapping only, that there is no commitment at this time by
22 the GEM program to future nearshore monitoring and then
23 receipt of the final report for Project 01-385, which there
24 seems to be some question about that project and where it
25 is.

1 So that's the one motion.

2 The second one is there was a project that
3 was put in place in December. It was basically a
4 placeholder for nearshore monitoring, kind of additional
5 work that might be needed pending the January workshop.
6 While this is pending the April workshop now. This would
7 be for low resolution mapping in Prince William Sound and
8 Kodiak. We anticipate the cost for those two, to begin the
9 efforts there, would be somewhere between 120,000 to
10 150,000.

11 There is a Prince William Sound proposal
12 attached from the person who has developed the protocol for
13 this kind of shore zone mapping that's been adopted by the
14 state of Washington, British Columbia and then Cook Inlet
15 Regional Citizen's Advisory Council. The proposal has not
16 been peer reviewed, we have not had time to circulate it to
17 State and Federal agencies who are doing oil spill response
18 or anything else. But it is the same protocol that's being
19 used elsewhere. But they are interested in pursuing some
20 effort there. The Prince William Sound RCAC is interested
21 but they haven't had the meeting of their appropriate
22 committee to look at it and probably won't for another few
23 weeks. But they will likely have some matching funds to go
24 towards an effort there. Kodiak is also interested, Bob
25 Foy, with the University of Alaska Fisheries Industrial

1 Technology Center in Kodiak is initiating an effort to
2 bring the various groups in Kodiak together to talk about
3 priorities for mapping there and what a proposal might look
4 like.

5 So there are kind of two choices here. One
6 would be to approve \$80,000 in funds to Alaska Department
7 of Fish and Game for a contract with Coastal and Ocean
8 Resources, Inc., for the shore zone mapping in Prince
9 William Sound and \$70,000 in funds to Fish and Game for a
10 contract or an RSA with the University of Alaska for low
11 resolution mapping in the Kodiak region. And disbursement of
12 these funds would be contingent on their final review and
13 approval of the detailed project descriptions and budgets
14 by myself, the science director, Dr. Mundy, and all the
15 relevant State and Federal agencies who are doing similar
16 kinds of things in those regions. The other option is just
17 to wait until we've had that full development and review,
18 if necessary, either hold a special meeting by
19 teleconference or if they don't come to fruition until June
20 11th. What we're trying to do is get some of this done.
21 You can only do it at extreme low tides. They have to be
22 minus tides. So there are only a few days of the year you
23 can do them so we're trying to put these in real quickly
24 into the summer season to get some of this underway. So
25 it's kind of up to you which approach for that second

1 recommendation you want to take.

2 I'd be happy to answer any questions. And
3 if you were all in one room, we'd show you what the mapping
4 looked like, but we can't do it.

5 CHAIRMAN GIBBONS: Mr. Tillery.

6 MR. TILLERY: Ms. McCammon, the proposal to
7 give the money to Fish and Game for a contract with Coastal
8 and Ocean Resources, Inc., does that sort of come under our
9 sort of named recipient grant program?

10 MS. McCAMMON: It would.

11 MR. TILLERY: We need a justification for
12 that.

13 MS. McCAMMON: Yeah, my question had been
14 to the person doing it, are there other contractors who do
15 similar things, you know, would this have to be a
16 competitive bid? And there is, in their proposal they do
17 answer that question. And they do have the shore zone
18 mapping protocol and you can hire people to actually fly
19 over the area and take videotape but it's done with a
20 narration with a geomorphologist and a biologist on board
21 and actually identify various bands, habitat bands as they
22 go through and they follow very consistent protocols that
23 have been adopted. And this is the only contractor that
24 has those kinds of protocols. So I think from that
25 perspective they are unique. They are the only person that

1 has this particular one that would be consistent with
2 what's being done in Lower Cook Inlet, Kachemak Bay and the
3 outer Kenai Coast as well as British Columbia and the state
4 of Washington.

5 MR. TILLERY: I guess I'm not sure whether
6 that would make them a candidate for a sole source
7 contractor or whether that would make a candidate for
8 specifically identifying them, which I thought I recalled
9 it being for restoration purpose. But again, I guess.....

10 MS. McCAMMON: No, it can be for anything.

11 MR. TILLERY:I suggest we clarify it.

12 MS. McCAMMON: That particular avenue for
13 contracting is done because of the special cooperative
14 agreement between the United States and the State of
15 Alaska.

16 MR. TILLERY: Right.

17 MS. McCAMMON: So it's not, I mean, we're
18 subject to that cooperative agreement.

19 MR. TILLERY: I don't recall what that was.

20 MS. McCAMMON: Yeah. So I think this would
21 qualify but if it didn't, it would qualify for a sole
22 source. So it would be either way is how the contractual
23 people at Fish and Game looked at it. But I believe it
24 would be eligible for that kind of a contractual
25 arrangement.

1 But, again, I think this has to kind of be
2 vetoed a little bit. It has to go through the Regional
3 Citizen's Advisory Council, certainly all the people
4 working on oil spill response, Department of Interior, DEC
5 and others have not looked at it yet. They would need to
6 look at it, where does this fit into what they're doing and
7 what their plans are. And so I don't know exactly where it
8 would shake out.

9 MR. RUE: Molly, this is Frank. Do you
10 think if we approved the general notion on the second one,
11 do you think all the vetting could happen prior to the low
12 tides or are we sort of into next year anyway?

13 MS. McCAMMON: Well, the first set of low
14 tides is May 25th to May 30th and so that's kind of the
15 window there and then June 10th through 15th, you know,
16 those are some really good windows for getting some of this
17 done.

18 MR. RUE: Well, do you think you could go
19 through the process of making sure this proposal is, in
20 fact, you know, both peer reviewed, a good approach, and
21 hit those windows or should we hold off until next year's
22 window to make sure we do that?

23 MS. McCAMMON: No, I think we could.

24 MR. RUE: Okay, thank you.

25 CHAIRMAN GIBBONS: Molly, it seems like

1 there's some work we need to do, though, with the RCAC's
2 and a bunch of other folks. I'm somewhat hesitant.

3 MS. McCAMMON: They're very supportive of
4 this. They just haven't had it go through their formal
5 committee process. But the staff is very supportive.

6 MR. RUE: Well, it sounds like it's a very
7 well accepted broad survey technique.

8 MS. McCAMMON: That's correct.

9 MR. RUE: Which makes me feel, personally,
10 more comfortable if the entire BC coast, outer Kenai,
11 Washington have all used it, Kachemak Bay, have all used
12 it. I feel a lot more comfortable that we're not inventing
13 something new that needs a whole lot more scientific
14 analysis.

15 CHAIRMAN GIBBONS: Okay. Any other
16 comments or questions?

17 (No opposing responses)

18 CHAIRMAN GIBBONS: It's awful quiet. Do I
19 hear a motion?

20 MR. RUE: I'll make a motion if no one else
21 will.

22 CHAIRMAN GIBBONS: Mr. Rue.

23 MR. RUE: Okay, I seem to be the motion
24 maker, I guess it's because I'm not sitting there. I guess
25 I would move two separate motions. The first one would be

1 to approve 62.2 thousand dollars in funds to Fish and Game
2 for Project 02-556, contingent on receipt of a memo
3 acknowledging that the funds are for mapping only, but no
4 commitment at this time by GEM program for future nearshore
5 monitoring and receipt of the final report for Project 01-
6 385.

7 MR. BALSIGER: I'll second.

8 CHAIRMAN GIBBONS: Okay. It's been moved
9 and seconded. Do I hear any comment or question?

10 (No opposing responses)

11 CHAIRMAN GIBBONS: Hearing none, all those
12 in favor say aye.

13 IN UNISON: Aye.

14 CHAIRMAN GIBBONS: All opposed.

15 (No opposing responses)

16 CHAIRMAN GIBBONS: Mr. Rue, that motion
17 carried.

18 MR. RUE: Okay. I have a second motion. I
19 propose that we approve \$80,000 in funds to Fish and Game
20 for a contract with Coastal and Ocean Resources, Inc., for
21 shore zone mapping in Prince William Sound, \$70,000 in
22 funds to ADF&G for a contract with the University of Alaska
23 for low resolution mapping in the Kodiak region.

24 CHAIRMAN GIBBONS: Do I hear a second?

25 MR. TILLERY: Mr. Chairman, I do understand

1 the motion to also include the condition that the disbursal
2 of funds be contingent on a final review and approval of
3 detail project descriptions and budgets by the Executive
4 Director and the Science Director?

5 MR. RUE: Yes, that was intended to be in
6 the motion, sorry.

7 CHAIRMAN GIBBONS: Okay.

8 MR. TILLERY: As amended, I would second
9 it.

10 CHAIRMAN GIBBONS: Okay, Mr. Tillery.

11 MR. BALSIGER: Could you explain the Prince
12 William Sound.....

13 MS. McCAMMON: I'm sorry, the question cut
14 out there.

15 MR. BALSIGER: I think the motion of the
16 proposal was for Prince William Sound and I think Mr. Rue
17 mentioned in the Kodiak area, I assume he's off a little
18 bit.

19 MS. McCAMMON: No, it's \$80,000 for Prince
20 William Sound and 70,000 for Kodiak.

21 MR. BALSIGER: An extra 70?

22 MS. McCAMMON: For a total of 150.

23 MR. RUE: Right.

24 MS. McCAMMON: Up to, not to exceed.

25 MR. BALSIGER: Okay, thank you.

1 CHAIRMAN GIBBONS: Any other comments or
2 questions?

3 Mr. Tillery.

4 MR. TILLERY: I guess my only concern, I
5 think it sounds like the project is going to be a good
6 project and my only concern is whether we should do it now
7 or wait and try to get together on a teleconference and it
8 concerns me that since we are dealing with tides and we get
9 into a last minute teleconference situation, we could have
10 difficulty making that. So ordinarily I think I would say
11 let's wait, but I believe there's been a fair amount of
12 explanation of this one. And given that problem with the
13 timing, I guess I would support this as proposed.

14 MR. RUE: Mr. Chairman, I would echo what
15 Mr. Tillery said and add that I think the explanation of
16 this broad mapping technique that we've discussed, I think
17 that sounds like it's a well established methodology and my
18 assumption is that that is the kind of process we'll be
19 using here. And for that reason I feel comfortable having
20 it reviewed and then approved by the Executive Director and
21 the Science Director.

22 MR. BALSIGER: This is probably completely
23 obvious, but remind me, where these funds come from
24 relative to the annual operating plan?

25 MS. McCAMMON: They are within the FY 2002

1 funds. They're within the existing cap. If all of these
2 were expended we're still a couple of hundred thousand
3 below the cap for this fiscal year.

4 MR. BALSIGER: Thank you. And, Mr.
5 Chairman, didn't we earmark some funds for this general
6 purpose?

7 MS. McCAMMON: Yes, 50,000.

8 MR. BALSIGER: Yes, thank you.

9 MS. McCAMMON: Yeah, it's a little bit
10 more.

11 CHAIRMAN GIBBONS: Okay, we got a motion
12 with an amendment and a second. Any other comments?
13 Questions?

14 (No opposing responses)

15 CHAIRMAN GIBBONS: All those in favor say
16 aye.

17 IN UNISON: Aye.

18 CHAIRMAN GIBBONS: All opposed.

19 MS. McCAMMON:

20 CHAIRMAN GIBBONS: Slam dunk today. That
21 completes the '02 Work Plan modifications. Item 5 on the
22 agenda is the PAG charter.

23 MS. McCAMMON: Mr. Chairman, this was
24 before you at your February meeting with a draft. There
25 was some discussion at that time and there were some

1 modifications made as a result of our discussion on that
2 date. The revised list of membership was then circulated
3 to the current public advisory group. The only comment I
4 got back was from the recreation representative who thought
5 that commercial tourism and recreation users should be
6 separated out and have separate seats. There was one
7 person on the PAG that agreed with her and one who
8 disagreed with her and no one else commented.

9 I looked at that and decided that the
10 commercial tourism representative that we have right now
11 represents, actually, a very small amount of recreational
12 users to a large degree, and I just decided to keep, to
13 give us the most flexibility and trying to just get good
14 people who represent a lot of variety of issues, to keep
15 those two seats combined in my recommendation to you. So
16 that the proposed revisions to the PAG charter would be to
17 change the name to Program Advisory Committee; expand the
18 scope to include planning, evaluation, and conduct of long-
19 term monitoring and research activities; to extend the
20 existence to at least September 30th, 2006; to increase the
21 membership from 17 to 20; and then to change membership
22 from specific assigned seats to appointments that represent
23 a balanced representation of certain interests including as
24 described in this summary document; and then to change the
25 number of meetings per year from no less than four to no

1 less than two. And the recommendation is then to adopt the
2 attached draft charter.

3 CHAIRMAN GIBBONS: Yes.

4 MR. RUE: Molly, could you explain why you
5 put the STAC members on the committee, again, you probably
6 talked to us about this two months ago or a month ago,
7 versus having them available to the PAG?

8 MS. McCAMMON: One of the biggest concerns
9 or issues that we have had to deal with is an apparent
10 disconnect at times between scientists and the public and
11 resource managers. I think scientists often view a program
12 looking at the long term and kind of what kind of things
13 need to be addressed in terms of missing information. And
14 they often don't have that public perspective on what
15 issues are important to stakeholder groups, to fishermen,
16 to subsistence users and others. And by having, at least,
17 one member of the Science Advisory Committee who will have
18 a very key role in helping to shape the final program,
19 what we're hoping to do, and this recommendation actually
20 came from the current public advisory group, but what we're
21 hoping to do is to have a larger, more extensive dialogue
22 between those two groups and try to get a greater
23 understanding so that there's not so much difference
24 between what the public sees is important and what the
25 scientific community sees as being important.

1 MR. RUE: Okay, good.

2 CHAIRMAN GIBBONS: Mr. Tillery.

3 MR. TILLERY: Yeah, Mr. Chairman. I
4 concur, I think, with all of these changes with the
5 exception of the commercial tourism and recreation which, I
6 guess, I understand may be the current incumbent to fit
7 both. But as a general rule, I would consider those not
8 only to be different but almost have diametrically opposite
9 interests. I don't think they fit. If they fit together,
10 it would be happenstance based on the personality. And I
11 guess I would rather have those separate and then basically
12 have one less public at-large member to make up the 20.

13 MR. RUE: Mr. Chairman, for your
14 information, I agree with Mr. Tillery. I think he's right.
15 And I think Princess Tours, for an example, may have a very
16 different agenda than Nancy Lethcoe and her small tourism
17 or just a general recreational user.

18 CHAIRMAN GIBBONS: I found that out in the
19 forest planning process, they're completely different
20 ideas.

21 MS. McCAMMON: Well, I would want to just
22 note that in the past we have had great difficulty getting
23 anyone from the commercial tourism industry to express any
24 interest at all in serving on our group, which doesn't mean
25 that we wouldn't continue to try.

1 CHAIRMAN GIBBONS: Nor does it mean that if
2 you can't get someone to be nominated to fill that position
3 that you couldn't just then have an extra public at-large
4 person if you wanted to do that. I thought that would be
5 part of the flexibility of having your don't specify the
6 number of public.

7 MS. McCAMMON: Well, part of the problem,
8 though, is that even though we're saying to represent a
9 balanced representation of interests, what we have been
10 told is that typically the Department of Interior reviews
11 that and does actually look to see if there is someone
12 representing each identified interest group, specifically.
13 That that tends to be the way they approach things
14 according to our advisory, our DOI advisory, Doug Mutter.

15 CHAIRMAN GIBBONS: But, Mr. Mutter, if no
16 one will agree to serve, we can't make them, can we?

17 MR. MUTTER: Then you'll have a vacancy.

18 CHAIRMAN GIBBONS: We'll have a vacancy,
19 okay.

20 MS. McCAMMON: So you couldn't fill it with
21 a good person.

22 CHAIRMAN GIBBONS: So you just leave it
23 vacant then.

24 MS. McCAMMON: Well, you would have fewer
25 people.

1 MR. RUE: That's okay.

2 MR. TILLERY: That's okay.

3 MS. McCAMMON: It's up to you.

4 MR. RUE: Mr. Chairman, I think that's
5 okay.

6 CHAIRMAN GIBBONS: Any other comments? I
7 kind of feel strongly on this one, too, after dealing with
8 this for several years. So any other comments or questions
9 from the Trustee Council?

10 MR. RUE: Mr. Chairman, do we need a
11 motion?

12 CHAIRMAN GIBBONS: Yes, we'll need one.

13 MR. RUE: So with Mr. Tillery's change?

14 CHAIRMAN GIBBONS: Yes.

15 MR. TILLERY: Yes.

16 MS. McCAMMON: We need a motion for
17 anything.

18 CHAIRMAN GIBBONS: Yes, we'll need a motion
19 for the PAG charter.

20 MS. McCAMMON: Right. To adopt the
21 attached PAG charter.

22 CHAIRMAN GIBBONS: Yes.

23 MS. McCAMMON: With one amendment.

24 MR. TILLERY: Mr. Chairman.

25 CHAIRMAN GIBBONS: Mr. Tillery.

1 MR. TILLERY: I would move that we adopt
2 the draft charter dated 2/26/02 with the exception that
3 commercial tourism and recreation would be separate,
4 separate qualifications for service, I guess, is where one
5 finds them.

6 MR. RUE: And the public members would.....

7 MR. TILLERY: Well, the public is simply
8 not specified in terms of a number.

9 MR. RUE: Oh.

10 MR. TILLERY: So I think that one works.

11 MR. RUE: Okay.

12 CHAIRMAN GIBBONS: Do I hear a second?

13 MS. BROWN: I'll second.

14 CHAIRMAN GIBBONS: Okay. Any comments or
15 questions concerning the motion?

16 (No opposing responses)

17 CHAIRMAN GIBBONS: Hearing none, all those
18 in favor say aye.

19 IN UNISON: Aye.

20 CHAIRMAN GIBBONS: All opposed.

21 (No opposing responses)

22 CHAIRMAN GIBBONS: Motion carries.

23 MS. McCAMMON: Okay, moving on.

24 CHAIRMAN GIBBONS: STAC.

25 MS. McCAMMON: The next item is the

1 proposed Scientific and Technical Advisory Committee. A
2 nominating committee was put together and included Henry
3 Huntington as Chair, Vera Alexander from the University of
4 Alaska, Hal Batchelder from the GLOBEC program, Kirk Lohman
5 who is the science advisory to the National Park Service
6 here in Anchorage, Patricia Livingston with NOAA in
7 Seattle, Stan Senner, a current PAG member and Alaska
8 Director of the Alaska Audubon office and Clarence Pautzke,
9 Executive Director of the North Pacific Research Board.

10 They met on Monday, April 8th. I had
11 issued a call for nominations per the procedures that you
12 adopted. In February we received 16 nominations. The
13 committee considered all of them and based on the
14 requirements from that process and developed their
15 recommendations. We do have Dr. Huntington, who was chair
16 of the nominating committee, according to the procedures,
17 he is to actually present those recommendations to you and
18 explain the process that the committee went through and
19 their recommendations and he is here. You have, behind
20 you, there were six nominees, recommended nominees and
21 three others recommended as alternates and Dr. Huntington
22 is here.

23 DR. HUNTINGTON: Thanks, Molly. As Molly
24 mentioned, I'm the one that gets to talk but there were
25 several others who served in the nominating committee and

1 put in a lot of hard work for which I'd like to thank them.
2 We took your memo outlining what you were looking for in a
3 Science and Technical Advisory Committee. We did note that
4 you listed seven areas of expertise and gave us six slots
5 to fill that.

6 (Laughter)

7 DR. HUNTINGTON: We assume that was not an
8 oversight but it does reflect one of the things that we had
9 to work with, is that, I think it would be impossible to
10 find six people who had world class expertise in every
11 aspect of the issues that may become before the Trustee
12 Council in GEM. What we were seeking, instead, was people
13 who had broad experience and who could speak knowledgeably
14 and knowledgeably review the various issues and topics on
15 which you will be soliciting their advice. We note that
16 you set up the provision for subcommittees if there are
17 things that they feel they need a number of experts on a
18 particular topic to debate and provide a recommendation,
19 that that is possible. We're looking for people, not with
20 narrow expertise, but with a broad understanding of the
21 issues that are coming before you. I think the nominees
22 also have considerable personal expertise in some fields.
23 So these are not generalists, they're specialists who also
24 think in broad terms.

25 As Molly said, we came up with six

1 recommendations or six nominees for the Science and
2 Technical Advisory Committee. Our problem wasn't finding
3 people, it was narrowing down the field. The group of 16
4 nominees were all names that were given to us and they were
5 very strong. But we think the six we selected would make
6 an outstanding Science and Technical Advisory Committee.
7 In alphabetical order they're Steve Braund, who is a
8 private research consultant in Anchorage. His area is
9 often on community-based research, interaction of
10 communities and the natural environment through subsistence
11 environmental impact and so on. He is a commercial
12 setnetter himself and, so, will add an interesting
13 perspective as a user, at least in upper Cook Inlet. And
14 he has been one of EVOS' core reviewers for the past three
15 years and so is quite familiar with the operations of the
16 Trustee Council and the restoration program.

17 Charlie Miller is an oceanographer who has
18 led a number of large studies looking at calenias, the
19 copepods in the Trans-Atlantic and also sub-Arctic Pacific
20 ecosystem research program, I'm not familiar with that
21 myself but the people who did know about it said it was
22 really an outstanding example of a large scale research
23 program in this general vicinity. Thought his work on that
24 was very, very strong.

25 Brenda Norcross has been a PI on, I

1 believe, the SEA Program and the restoration program for a
2 number of years. She was also on the NRC review committee
3 that looked at her as looking at the plans for GEM. She's
4 a fisheries biologist and has extensive experience in this
5 region and has also worked with the North Pacific Fisheries
6 Management Council and so is familiar with some of the
7 aspects of management in addition to research.

8 Ron O'Dor is senior scientist for the
9 Census of Marine Life and has been active in oceanography
10 biodiversity in marine invertebrates for his career. He
11 was also highly recommended by those who knew him.

12 Bill Seitz is the director of the Alaska
13 Science Center for the USGS, Department of Interior here in
14 Anchorage. He has done quite a bit of research on his own.
15 Since 1989 he's been in an administrative position looking
16 after research throughout the state in all ecosystems
17 around the state and is also very familiar with the process
18 of taking scientific research information and getting that
19 into the management arena.

20 Finally, Warren Wooster is an oceanographer
21 who has served on a number of large international projects
22 and advisory committees and so on. Has looked at many
23 different aspects of oceanography from marine mammals to
24 fish to chemical oceanography and, again, came highly
25 recommended by those who knew him.

1 In addition we had three alternates but we
2 had specific people for whom they were alternates. We
3 thought that Steve Knell and Ed Harrison could be
4 considered alternates for Warren Wooster and Charlie
5 Miller. Carol Blanchet is an alternate for either Ron
6 O'Dor or Brenda Norcross. In the pool of 16, we didn't
7 have anybody that we thought would be a suitable
8 alternative for Bill Seitz or Steve Braund, so if you want
9 an alternate for one of those we'd have to go back and
10 solicit additional nominations and reconvene the committee
11 to consider things.

12 The other thing you asked us to do was to
13 look at and give you recommendations on who should serve
14 for two years and four years so that the turnover will be
15 staggered. For no particular reason we recommend that
16 Norcross, Seitz and Wooster be appointed for two years and
17 Braund, Miller and O'Dor be appointed for four. And it's
18 our understanding that all six of the nominees are willing
19 and eager to serve if selected.

20 Thank you.

21 CHAIRMAN GIBBONS: Any questions or
22 comments by the Trustee Council?

23 (No opposing responses)

24 CHAIRMAN GIBBONS: I've got one. Did any
25 of the candidates have, I was kind of looking at them and I

1 briefly looked at it, a real terrestrial-marine interface,
2 you know, like water should work with Exxon intertidal, any
3 strength in that arena?

4 DR. HUNTINGTON: Well, probably Bill Seitz,
5 in his work, managing research throughout the state has
6 managed research in all different ecosystems. I don't know
7 the extent to which he's looked at the interaction between
8 them but I would think that whatever USGS has done he's
9 been actively following in his position.

10 MS. McCAMMON: Ron O'Dor, too, I think has
11 done a number of things in the nearshore area which would
12 have that interface. So probably those two.

13 CHAIRMAN GIBBONS: Because I was just
14 thinking, you know, the watersheds all the way down and
15 that link there.

16 MS. McCAMMON: Right.

17 CHAIRMAN GIBBONS: Any other questions or
18 comments by the Trustee Council? Mr. Tillery.

19 MR. TILLERY: Yeah, it looks like, you
20 know, the list when you see these people's qualifications,
21 it does look very, very impressive. We don't have the
22 qualifications, I think, of the people that weren't
23 selected, I recognize a few of the names, but I guess I
24 like the, I think, the breadth of the people from Braund
25 and then having someone like Seitz, someone from the

1 Federal government, Brenda from the university is
2 important. Two of the people are retired essentially, it
3 sounds like they've been at this for a long, long time.
4 But they're some of the more outstanding people in their
5 area, is that it?

6 DR. HUNTINGTON: I think so. And I think
7 that Charlie Miller and Warren Wooster, Charlie, I think is
8 about to retire and Warren has been retired for a little
9 bit. The people who recommended them and spoke up for them
10 on the nominating committee were very impressed with the
11 research they've done and the fact that, you know, Warren
12 may be retired but apparently he's quite current in his
13 knowledge.

14 MR. TILLERY: I guess that was my question,
15 was whether they are, obviously being retired is one thing,
16 that he might have a little bit more time to devote to
17 this, the down side is whether they would be able to remain
18 current. And you checked that out and feel comfortable
19 with that?

20 DR. HUNTINGTON: Yeah. Warren Wooster, for
21 example, Vera Alexander and Pat Livingston were both very
22 enthusiastic and I would assume that if he was kicking back
23 on a beach somewhere, they wouldn't have put his name
24 forward.

25 (Laughter)

1 MS. McCAMMON: In fact, the big question
2 was, are you sure he would even do this and he has agreed
3 to, so we're very fortunate.

4 MR. TILLERY: I guess I have one more
5 question which really isn't, it's more less to Molly, you
6 have one individual who has been in the existing review of
7 three years but it looked like none of our long-time
8 reviewers even applied; is that correct?

9 MS. McCAMMON: Well, that's correct.

10 MR. TILLERY: Is there a.....

11 MS. McCAMMON: Well, certainly Dr. Spies is
12 continuing as chair of the oil effects subcommittee and so
13 he will still have a major role in the program from that
14 perspective. Part of the problem was that you cannot be a
15 PI and serve on a STAC and currently Dr. Spies is also a
16 principal investigator for the synthesis project. And a
17 couple of the core reviewers are also part of that.

18 I think there was a sense from some of
19 them, also, just kind of fresh blood, kind of looking at
20 things new, getting some new people involved in the
21 program. Certainly as we look at the public advisory
22 group, maybe there's some opportunity there to plug in one
23 of them or more of them at that point. But we hope don't
24 lose them completely. But I think they will also probably
25 be serving on the oil effects subcommittee.

1 CHAIRMAN GIBBONS: Any other comments or
2 questions of the Trustee Council?

3 MR. BALSIGER: I know most of these people
4 and I think that the reviewers are correct, that they're
5 all enthusiastic and regardless of their lengthy experience
6 of people like Wooster and Miller, they will certainly
7 continue to contribute so I think it's a good choice.

8 CHAIRMAN GIBBONS: Comments?

9 (No opposing responses)

10 CHAIRMAN GIBBONS: Do I hear a motion, Mr.
11 Rue?

12 (Laughter)

13 MR. RUE: Nope.

14 MS. PEARCE: I'll do this one. I would
15 move that we accept the nominees for the STAC committee as
16 laid out in the memo from Mr. Huntington, the chairman who
17 did a yeoman's job of giving us excellent names.

18 MR. BALSIGER: Second.

19 CHAIRMAN GIBBONS: Okay. It's been moved
20 and seconded. Any other comments or questions?

21 MR. RUE: Mr. Chairman.

22 CHAIRMAN GIBBONS: Yes, Frank.

23 MR. RUE: I would really second Drue
24 Pearce's comments about the process and certainly thank Mr.
25 Huntington for his work plus the work of the nominating

1 committee. I do think they came up with a great plate of
2 people and thank you very much.

3 DR. HUNTINGTON: Our pleasure.

4 MR. TILLERY: Yeah, thank you, too.

5 CHAIRMAN GIBBONS: I'll call the question,
6 all those in favor say aye.

7 IN UNISON: Aye.

8 CHAIRMAN GIBBONS: Opposed.

9 (No opposing responses)

10 CHAIRMAN GIBBONS: Thank you very much.

11 DR. HUNTINGTON: Thank you.

12 CHAIRMAN GIBBONS: The last item on the
13 agenda, update on the injured resources and services.

14 MS. McCAMMON: Yes, Mr. Chairman. You have
15 this in your packet, it is available on our website also
16 and we do have Dr. Bob Spies who is here to go through this
17 with you and there's no visual presentations, so for those
18 online there's nothing to look at. He's just going to go
19 through and explain kind of the rationale for the proposed
20 changes.

21 I should mention this is a briefing today,
22 it's not an action item. In the past, what we did three
23 years ago is that we presented it to the Council. We had a
24 formal public hearing a few weeks later and then the
25 Council took action on it about a month after that or a few

1 weeks after that. I've left this open. It's on your
2 agenda for an action item at your June 11th meeting. We
3 may want to consider whether to hold a public hearing
4 before that, a formal hearing or just have the public
5 comment session on June 11th and then could conceivably
6 take action in July. There is nothing that holds you to
7 doing this at any certain time. There's no deadline.
8 There's no requirement in that sense, other than that we
9 felt it was appropriate at this time to just kind of do an
10 update to that list. And so with that, Dr. Spies is here
11 to go through it.

12 MR. RUE: Mr. Chairman, perhaps before Dr.
13 Spies does his presentation, do we want to discuss process,
14 what Molly just mentioned, before or after Dr. Spies'
15 presentation?

16 CHAIRMAN GIBBONS: I think perhaps, Mr.
17 Rue, we probably should discuss it now.

18 MS. McCAMMON: Just in case somebody bails
19 off at the end of the teleconference.

20 CHAIRMAN GIBBONS: Yes.

21 MR. RUE: Mr. Chairman.

22 CHAIRMAN GIBBONS: Mr. Rue.

23 MR. RUE: I guess I think it's a good idea
24 to have public comment and I don't know if we need a formal
25 public hearing but I think I'd like public comment with,

1 then, a little space before we make a decision. And
2 certainly I'd like to hear, well, I guess maybe Molly,
3 could you remind us of what sort of public comment we've
4 had on previous listings?

5 MS. McCAMMON: Well, I mean the main thing
6 and I think Dr. Spies will go through this, is that, I
7 mean, some of this is fairly subjective in terms of this
8 continuum of recovery and where there is no fine line
9 between recovered, not recovered, recovering and it is
10 somewhat subjective. He has gone through and looked at the
11 best available science that we have now and made his best
12 judgment and representation. I think the last time we went
13 through this three years ago there was a different
14 perspective from the scientific community in terms of
15 whether recovery had actually been achieved and for that
16 reason, I think, one of his recommendations of species,
17 pink salmon and sockeye salmon, in particular, were kept in
18 the recovering category at that time.

19 So, you know, some of the public comment
20 that we do hear reflects more of the fact that a lot of the
21 people in Prince William Sound have not recovered from the
22 effects of the spill.

23 MR. RUE: Yeah.

24 MS. McCAMMON: Sometimes not so much the
25 resources, but certainly the people haven't. And certainly

1 the services that are represented and that were injured by
2 the spill have not recovered and are still in the
3 recovering category.

4 MR. RUE: I guess, Mr. Chairman, what I
5 would suggest is that we get a briefing today. That we
6 leave the public comment period open for written comments
7 until the June 11 hearing where we'll have a public comment
8 and then reserve final action to the next meeting, since
9 we're in no rush to do that. It's not as if we have to do
10 this in June.

11 MR. BALSIGER: I think Frank's
12 recommendation is good. But perhaps Dr. Spies is going to
13 get to this but I understand when we have an RFP, the
14 proposals come in and so I know it kicks off the peer
15 review process. I'm not sure why there was a status review
16 of each of these animals at this particular time, whether
17 those are annual and whether it's the same peer reviewers
18 that were the one that suggested changes in criteria as was
19 pointed out and the public comment, that some criteria
20 seemed to have changed and perhaps he was going to cover
21 that in the brief description and I'll be interested in
22 hearing that.

23 MS. McCAMMON: Yeah, I could just respond
24 to one thing regarding that, is that, the original recovery
25 objectives were developed in 1993 in the draft restoration

1 plan and then published in the final restoration plan. And
2 a lot of those recovery objectives were things like return
3 to pre-spill conditions or pre-spill population numbers.
4 And over time, as the restoration program evolved and more
5 information came forth, and when we did the major look at
6 the status of injury and recovery in 1999, you know, a lot
7 of it came to the conclusion we would never know what pre-
8 spill conditions were, number 1, because in a lot of cases
9 there were no reliable numbers or maybe there was only a
10 snapshot, if that, of what those population numbers were,
11 so you would never really know what those numbers were.
12 And really it wasn't so much pre-spill conditions, what you
13 really wanted to achieve was what would those populations
14 be like today if the spill had not occurred. Because there
15 are other things going on, too, there's changing ocean
16 environment, there's warming ocean temperatures, there's
17 lots of factors at play, it's not just, those population
18 numbers are not just static, they're very dynamic and so
19 really what you're trying to achieve is what conditions
20 would be like today if the spill had not occurred and with
21 that in mind, Dr. Spies and Stan Senner went through all of
22 the recovery objectives and there were major revisions to a
23 lot of the recovery objectives at that time to something
24 that was, first of all, actually measurable and then
25 secondly something that had more meaning to this concept of

1 what conditions would be like if the spill had not
2 occurred.

3 So as he goes through with killer whale,
4 that recovery objective, in particular, that was one that
5 was changed in 1999, not this one, and pink salmon he'll
6 explain why the recommendation is to change the recovery
7 objective this year and go through that. But there was
8 quite an extensive process at that time.

9 I don't know if that answered your
10 question, actually.

11 CHAIRMAN GIBBONS: Any other comments or
12 questions?

13 (No opposing responses)

14 CHAIRMAN GIBBONS: I kind of like the
15 process that Mr. Rue laid out, making a decision after the
16 June 11th meeting and public comment.

17 MS. McCAMMON: Okay. Okay, so we'll do
18 public comment on June 11th and then the July meeting would
19 be the proposed action date or whatever. Then what the
20 Council has always done in the past, there never really has
21 been a formal deadline for public comment because you have
22 always taken public comment up until the time you vote on
23 anything.

24 CHAIRMAN GIBBONS: Right.

25 MS. McCAMMON: What we'll do is suggest

1 that people get it in, just to guarantee it gets to all of
2 you and has the most impact. Okay. Go ahead, Bob.

3 MR. SPIES: Do you want to wait for Mr.
4 Tillery to return or do you want me to go ahead?

5 CHAIRMAN GIBBONS: He said continue on.

6 MR. SPIES: All right. Well, I thank you
7 for the opportunity to appear before the Council today and
8 provide some recommendations to you with regard to updating
9 the injured resources and services list. As you probably
10 are aware, there's several purposes served by this list.
11 First of all, it does highlight injuries and track status
12 of important fish and wildlife populations that were
13 affected by the spill. Secondly, it helps guide
14 restoration and focuses attention on resources that are in
15 need of some action or tracking that are of particular
16 importance to the public especially. And it helps track
17 recovery of these resources once the injury has been
18 identified.

19 As Molly mentioned, these injured resources
20 and species were first identified in 1993 and then they
21 were incorporated formally and adopted by the Trustee
22 Council in '94 and there have been updates of this list in
23 '96 and the last one was in '99 so this would be in 2002.
24 You may want to wait some further period of time, five or
25 six years perhaps, to do this if you want to retain the

1 system of doing them every several years because I think
2 we're to the point where the changes could be occurring
3 relatively slowly at this point and you may want to not
4 necessarily spend a lot of effort and that's also another
5 reason to do this periodically rather than on a continuing
6 basis because there is quite a bit of effort and time and
7 comment devoted to any particular change in this system and
8 it is a little bit more efficient to do it as a single
9 exercise.

10 What was done was to review the available
11 information that comes from the reports and also talking to
12 the principal investigators and they're out in the field
13 doing the work for the Trustee Council to revise this list,
14 the kind of evidence that is looked at includes indicators
15 of population size and the trajectory of the populations of
16 injured species. We evaluate whether there are differences
17 in contrast between oiled and unoiled areas or pre- and
18 post-spill comparisons. Also the fact of whether there's
19 evidence of continuing oil exposure also factors into these
20 recommendations. And finally some sort of improvement in
21 any kind of chronic injury that would take place.

22 This information's gathered together and as
23 Molly said, there's a certain amount of judgment applied,
24 subjective if you will, to the information available. The
25 information rarely all points in one direction. And it's

1 rarely as complete as we would really like to have it. But
2 it's a matter of judgment. The Trustee Council is
3 committed to public involvement and communication. So this
4 list represents one of the primary ways in which that is
5 accomplished so it's necessary to make judgments.

6 Some of the caveats that go into these
7 estimates because there is a fair amount of uncertainty
8 involved in almost every case. There's uncertainty in
9 population estimates. If one surveys a wildlife population
10 and looks for a change, the amount of change that could
11 often be detected is quite surprisingly large, sometimes
12 you can get changes of 40 and 50 percent that are needed in
13 order to actually see a real measurable statistical change
14 in the population based on the census methods.

15 There often has been a lack of pre-spill
16 data and we've talked about this all along so knowing
17 exactly what the pre-spill numbers in some of these
18 populations or what some of the conditions were in the
19 resources is very difficult and has continued to haunt this
20 process since 1989. And furthermore, there's interactions
21 of spill effects with natural changes. We now know much
22 more than we did in 1989 about changes in ocean climate and
23 we know the North Pacific is particularly responsive to
24 changes in climate and freshwater input and temperature and
25 various kinds of windfields and so forth do conspire to

1 have very large changes we now know. And all levels of
2 resources. In fact, there's just an article out today in
3 *Science* by Bruce Finney that has tracked changes in sockeye
4 populations back about 2000 years and shown
5 preanthropogenic changes, large changes in these
6 populations, these are based on cores and stable nitrogen
7 isotopes. That's just one example. And finally, there are
8 potential emergents of new effects. One of the things that
9 we're currently investigating is some pathology and a few
10 sea otters that were collected around Knight Island in the
11 summer of 2000 and 2001 and this may, in fact, represent a
12 long lasting change that we have not been aware of and are
13 still looking at, through continuing study and to try and
14 identify what those changes are and whether they're linked
15 to oil.

16 With regard to what sort of factors go into
17 defining recovery, this is a point that's widely discussed
18 and debated. Exxon Corporation has one sort of
19 interpretation and even in the Trustee Council's plan as
20 Molly mentioned, there's kind of two kind of criteria that
21 are looked at. One is a return to pre-spill levels and
22 that is very practical. If you have the data one can
23 identify what things were before the spill. The
24 disadvantage, of course, is that if the ocean climate is
25 changing, then we may not be able to get back where we were

1 and that looks like it may be the case for many resources
2 because there was a major climate change in 1989 which we
3 weren't aware of for some years.

4 Another way of looking at this, as Molly
5 mentioned, was the fact that you can look at whether the
6 resources returned to what they would have been had the
7 spill not occurred. Exxon prefers that sort of
8 interpretation and it is, a matter of fact, a part of the
9 Trustee Council definition in the restoration plan. The
10 problem is is how do you actually determine what that is.
11 You know, what would those resources be without the spill
12 and that's very difficult to do. We don't, in most cases
13 or perhaps any case, have the kinds of predictive tools
14 that would tell us what those situations are. Attaining
15 pre-spill numbers is practical but has its drawbacks. So
16 there's no perfect answer as to how to do this in a general
17 sense.

18 It is my opinion that the ecosystem is
19 functioning in a fairly healthy way and it's on its way to
20 full recovery with a few exceptions.

21 Today I'm going to be talking about
22 recovery of 32 resources on the list and, again, to remind
23 you of those recovery objectives we have fully recovered.
24 Before there were just two and I'm recommending,
25 preliminarily, seven be added to the recovery list for a

1 total of nine. There is eight in the recovering category
2 that are being recommended. Just one of those is a change,
3 take harlequin ducks from not recovered to recovering. And
4 there is four in the not recovered category and four in the
5 recovery unknown category.

6 I was planning to describe the eight
7 changes in the list from 1999 and to give you a little bit
8 of information about why we made those changes. So I'll go
9 through those changes and entertain any questions on that
10 afterwards.

11 Archeological resources, I am recommending
12 that we change that resource from recovering to recovered.
13 We have no further evidence of looting. We did have a
14 rather extensive program of monitoring up through the late
15 '90s and we have, from that, very little evidence of
16 further looting and there has been a lot of restoration of
17 archeological sites and funding of the museum to put some
18 of the artifacts and on the basis of those, I'm
19 recommending a recovered category for archeological
20 resources.

21 The black oystercatchers were in the
22 recovering category in 1999. There were reproductive
23 differences between oiled and unoiled areas in '89 but by
24 1991 it appeared that they had recovered to a large extent.
25 We had another study in 1999 to again reexamine a

1 reproduction in black oystercatchers in the same oil and
2 unoiled areas. They had fully occupied the oiled areas in
3 1999, they were reproducing fairly healthfully but there
4 was a fair amount of predation so the black oystercatchers
5 at the oiled site had a low survival but that was due to
6 predation. There have been indications of population
7 increases from the boat surveys that have been done. So on
8 the basis of that information, I'm recommending to you that
9 we move black oystercatchers from recovering to recovered.

10 The common murres were well on the way to
11 recovery back up to in about 1997 we had a large
12 recruitment in '97, I think, Mr. Tillery will remember our
13 trip, our field trip that we had to the Barren Islands
14 where we had the nesting sites overflowing with common
15 murres at that time. Unfortunately because of the El Nino
16 events that occurred around '97, there was a temporary
17 setback to those nesting colonies. The harvest since that
18 time, populations have continued to be quite healthy and
19 it's the opinion of the investigators that have been
20 involved that the common murres have fully recovered based
21 on a population returning to pre-spill levels and we're
22 making that recommendation, that you move them from
23 recovering to recovered.

24 The fourth change is for the harlequin
25 ducks. Recommending move them from the not recovered to

1 the recovering list. The recovery objectives are based on
2 an exposure to oil, some information on survival of females
3 and also population information. There's indications that
4 harlequin ducks are still being exposed to low levels of
5 hydrocarbons from enzyme induction. The survival of
6 females in western Prince William Sound is still rather
7 poor. Overwinter survival is poorer than in the unoiled
8 areas but we have seen recent Sound-wide increases from the
9 surveys in numbers of harlequin ducks that have been
10 sighted and that was just in 2000. It's a hopeful
11 indication but I think one year is probably not enough and
12 we would like to see the other recovery objectives show
13 some improvement. So we're recommending that they be moved
14 from not recovered to recovering and that would be kind of
15 be in the low end of what you might expect as a recovering,
16 as a resource that's recovering.

17 Killer whales have been discussed today.
18 And the basis for the recommendation here is that the
19 recovery objective that the Trustee Council adopted in 1999
20 of having the killer whale populations either stable and
21 increasing and they're clearly stable and they are
22 increasing somewhat. There were about 22 killer whales in
23 '95. Remember the number mentioned earlier, 36 before the
24 spill. They've increased from 22 in '95 to 26 in 2001.
25 This looks like to be a real trend. Full recovery to pre-

1 spill numbers will take decades but based on the recovery
2 objective existing and the plan right now, I'm recommending
3 that they be moved to the recovered category.

4 Pink salmon, which you've also heard about
5 today, recommending moving from the not recovered to the
6 recovered category, I made this recommendation also in
7 1999. Basically the recovery objective has been revised.
8 In this case the initial recovery objective was to have two
9 years odd-year classes and two years of even-year classes
10 where there were no differences between embryo mortality
11 and oiled and non-oiled streams. We achieved those for
12 three years, from '94 through '96, but in '97 we got a
13 reoccurrence of the egg mortality numbers. Fish and Game
14 is no longer doing those surveys so we don't have the
15 information in terms of embryo mortality. But we have
16 information, direct information about embryo exposure. We
17 have been very closely monitoring with extremely sensitive
18 methodology the amount of polynuclear hydrocarbons in the
19 water that would expose the embryos in some of the streams.
20 Of the five or six streams that were looked at last summer
21 in this regard, the concentrations, the detectable
22 concentrations of PHs were only found in one stream, I
23 believe that was the Bay of Isles and the preliminary
24 indications are, we don't yet have final numbers, but
25 preliminary indications are that the concentrations of oil

1 that were detected in that one sample were on the order of
2 a part per trillion. That is an extremely low level.
3 Previous to the work that the Trustee Council did, low part
4 per million concentrations were considered on the border
5 line of toxicity but now since the Auke Bay studies that
6 have identified effects at a part per billion levels,
7 that's down three orders of magnitude, well, going from
8 part per billion to part per trillion is another three
9 orders of magnitude. And on that basis, I think there is
10 absolutely no information to indicate that part per
11 trillion levels would affect pink salmon embryos even on a
12 local basis, let alone on a western Sound basis. So, on
13 the basis of that information, I'm recommending to you that
14 you move them from not recovered to recovered.

15 The sockeye salmon, you remember the
16 injury, there was an overescapement and kind of the
17 reverberating effects of three years, '88, '89 and again in
18 '90, of large escapements for various reasons of some of
19 the rivers and Cook Inlet particularly and the Kenai in
20 particular, which has been the focus of a lot of our
21 sockeye salmon studies. There was a large number of
22 individuals that went up the Kenai River because the
23 fishery was closed. We did see overescapement
24 reverberations within the limnological and freshwater
25 ecology parameters that we looked at in the Skilak Lake, in

1 particular in that system, also on Kodiak Island, Akalura
2 and Red Lakes. Those were apparent for several years and
3 the recovery objective was to look at return per spawner.
4 Well, return per spawner cycles, naturally with the cycles
5 of these sockeye salmon populations, would tend to cycle in
6 four- to five-year periods. And just looking at the
7 cycling of the return per spawner and the cycling of the
8 populations, my judgment, looking at all the information,
9 is that the sockeye salmon, there's very little chance that
10 any of the cycling that occurs now is being affected by
11 events that happened in '89. And so I'm recommending that
12 you move those from recovering to recovered.

13 The last change that is being recommended
14 is for the subtidal communities. Subtidal communities were
15 studied for several years. The last study that was done
16 was in '95. Just to remind you, we had studied four or
17 five oiled sites and four or five unoiled sites to
18 establish some changes in invertebrate composition of the
19 communities between oiled and unoiled areas. In '93, the
20 communities seem to be converging towards very little
21 significant differences between oiled and unoiled sites but
22 when the communities were again studied in '95, we had kind
23 of a widening of the differences again, which seemed
24 unlikely to be due to oil because oil was generally
25 decreasing at that time and the original exposures were

1 very low concentrations. But still there was enough doubt,
2 I think, to keep those subtidal communities on the
3 recovering list and no new information is available since
4 the update in '99 but there was a paper published by the
5 principal investigator and the first line peer review
6 journal and those differences that were observed in '95.
7 Considerable emphasis is given in the published article to
8 the possible effects of natural factors in the remaining
9 differences such as the grain size between the study areas
10 that were looked at. And looking at that sort of
11 information now suggests to me that any remaining small
12 differences are probably due to natural factors between
13 those systems of the oiled and unoiled areas. So I'm
14 recommending that we move subtidal communities from
15 recovering to recovered.

16 That does not mean that we don't have any
17 subtidal oil left. The oiling of the environment and
18 mussels, oil and mussels and oil and sediments are still on
19 the recovering list. It's just that the communities that
20 live there seem to be exposed to very little oil or not
21 enough oil, at this stage, to have any apparent toxic
22 effects.

23 So that's the extent of my comments. I'd
24 be pleased to answer any questions.

25 CHAIRMAN GIBBONS: Is there any questions

1 for Mr. Spies? Mr. Tillery.

2 MR. TILLERY: I had a couple of things.
3 Under the loon, you sort of conclude, you talk about that
4 there are indications of recovery in 2000 and then you say,
5 thus it's considered still not to have recovered, which is
6 true but the category it's under is not recovering. We
7 know it's not recovered. But that's not what this says.
8 This says it hasn't recovered but the category is not
9 recovering. You feel it's not recovering though even
10 though there is signs of recovery?

11 MR. SPIES: Well, it's a case of we only
12 have one, this is a highly mobile species and we only have
13 one year and with these highly mobile species the numbers
14 tend to jump around quite a bit. That was a problem in
15 looking at it.

16 MR. TILLERY: Well, some of them you said
17 you need two straight years to be considered recovered but
18 in this one we're saying one year isn't enough to even be
19 on the road to be saying you're recovering, is that sort of
20 right?

21 MR. SPIES: That would be my judgment
22 recommendation.

23 MR. TILLERY: Okay, well, then you might
24 want to maybe correct the language.

25 MR. SPIES: I can amplify on that.

1 MR. TILLERY: Yeah, I thought that
2 generally a lot of these needed better connections between
3 the sort of statements and the conclusions and this is a
4 draft and I understand that.

5 MS. McCAMMON: Can you give the page
6 numbers, too?

7 MR. TILLERY: Uh?

8 MS. McCAMMON: Can you give the page
9 numbers, too?

10 MR. TILLERY: Okay. On pink salmon, which
11 is on Page 25, I had essentially the same note that Mr.
12 Steiner said, that I didn't see what the basis was other
13 than it seems highly likely. But it did seem like there
14 really wasn't any data and that seems to be true also like
15 subtidal. It didn't seem like that, at least for those,
16 we're saying, almost like we're kind of saying, surely it
17 must have recovered or based on the fact that this doesn't
18 exist it's recovered but it doesn't seem to fit with our
19 definitions which says that there has to be a population
20 similar or the same in oiled and not oiled or whatever that
21 thing is. It really seems to be more like we're making
22 sort of a scientific judgment that surely it must be
23 recovered by now. Am I correct or am I missing the point?

24 MR. SPIES: Well, in the case of the pink
25 salmon, we have chemical evidence that we're evaluating

1 currently.

2 MR. TILLERY: Well, that's evidence about
3 the water, right? About what's the oil in.....

4 MR. SPIES: Yeah, but it's in the water but
5 it has to, for the embryos, the exposure has to be through
6 the water route. So if there's not enough oil in the water
7 to make a difference to the embryos, then the embryos are
8 not going to.....

9 MR. TILLERY: But it seems like I remember
10 that we've never been able to figure out why killer whales
11 have a problem. I mean I thought that the criteria didn't
12 sort of say that there's no oil in the water, it said,
13 well, I forget what the criteria were for, I think, salmon,
14 but it was two consecutive years.....

15 MS. McCAMMON: The embryo mortality.

16 MR. TILLERY:about differences in egg
17 mortality but we don't know that. All we know is that what
18 we think would cause that egg mortality doesn't exist. Am
19 I missing something here?

20 MR. SPIES: Well, if there is no exposure
21 to the oil you can't have continuing injury. And because
22 of the life cycle of the salmon we're not going to have,
23 you know, kind of a, every generation is a fresh generation
24 so we're not going to have an effect unless we have
25 continuing exposure.

1 MR. TILLERY: Have we pretty much ruled out
2 any hand me down, genetic type problems?

3 MR. SPIES: That's been ruled out with pink
4 salmon.

5 MR. RUE: Mr. Chairman. It was ruled out
6 because of the two years that we did have a clear lack of
7 demonstrated injury, right?

8 MS. McCAMMON: Out of the four years there
9 were three out of the four that had no.....

10 MR. SPIES: Three out of the four years had
11 no difference between oiled and unoiled streams.

12 MR. RUE: Right. And then we had the
13 one.....

14 MS. McCAMMON: The one.

15 MR. RUE:anomaly.

16 MS. McCAMMON: Right.

17 MR. RUE: Or the one bad year, right, so we
18 did have a couple years showing no difference, then we had
19 a bad year. Would you remind us, Dr. Spies, of what the
20 situation was in that one off-year?

21 MR. SPIES: Well, in fact, if you look at
22 the data, there's quite a bit of what we call a variance
23 around the data or standard of deviations are rather large,
24 and in some of those three years the actual means between
25 the oiled and unoiled streams were different. But they

1 were so close that they were not significantly different.
2 And in that '97 year, the differences were large again.

3 This is also complicated by the fact
4 that.....

5 MR. RUE: Page 24, you explain it, right.

6 MS. McCAMMON: Right. And part of the
7 issue, too, was that to meet the recovery objective you
8 would have to duplicate those series of studies for four
9 years to again get the two even and in looking at that and
10 talking to all the pink salmon biologists at that time as
11 to whether that was worthwhile doing, given the low level
12 of exposure, it was determined not to be worth the expense
13 of going through trying to duplicate those sets of studies.

14 MR. SPIES: That's correct. It would take
15 a tremendous amount of resources. I think the studies.....

16 MS. McCAMMON: They were expensive.

17 MR. SPIES: I think we spent two or
18 \$300,000 a year.

19 MS. McCAMMON: Probably more.

20 MR. SPIES: Or more.

21 MS. McCAMMON: Yeah.

22 MR. SPIES: So you're looking at a million
23 dollars probably.

24 MS. McCAMMON: Yeah.

25 MR. TILLERY: Yeah, I guess where it would

1 leave me is to a suggestion that maybe the criteria,
2 though, we need to change those if we're going to be using
3 a different.....

4 MS. McCAMMON: I think we did, didn't we?

5 MR. TILLERY: Well, I don't think we kind
6 of changed the -- we changed it to the oil in the water.

7 MS. McCAMMON: Where we change.....

8 MR. SPIES: Pink salmon will have recovered
9 when there's little or no evidence for ongoing oil
10 exposure.

11 MS. McCAMMON: Right. So the recovery
12 objective is proposed to be changed in here to something
13 that's more measurable.

14 MR. TILLERY: Since there are no pathways.

15 MS. McCAMMON: Yeah, no pathway, right.

16 MR. RUE: Mr. Chairman, I have a question.

17 CHAIRMAN GIBBONS: Mr. Rue.

18 MR. RUE: Yeah, regarding the pathway,
19 we're looking at how many streams for exposure and then the
20 recent work that Auke Bay lab did or National Marine
21 Fisheries did this summer, finding more oil than we had
22 anticipated, how do those two relate? Do you think we
23 could be just looking at places that happen to have cleaned
24 themselves fairly well and we have other spots that haven't
25 that could be continuing to expose salmon to oil?

1 MR. SPIES: And that's a good question
2 because we do have about 20 acres of continuously oiled
3 habitat in the intertidal. Most of that is not in the
4 mouths of salmon streams. Now, there is this stream in Bay
5 of Isles that does have oil in it and it has measurable
6 amounts as I said, you know, part per trillion levels
7 apparently, although the data are not final. So there is
8 some overlap between those areas. We just got an email
9 this morning, very preliminary, on the data but it looks
10 like there was detectable oil in the water around some of
11 the areas that were looked at last summer that still have
12 deposits of intertidal oil and we've been putting out these
13 plastic strips, very sensitive methodology for detecting
14 these low levels of hydrocarbons have found, apparently,
15 again, very preliminary, have found low concentrations of
16 oil in the water in these areas. So there appears to be
17 some route out of the buried sediments in places to expose
18 animals. Now, what those concentrations are and whether
19 they're enough to link to the remaining injuries you're
20 concerned about, for instance, with harlequin ducks and sea
21 otter, still remains to be answered.

22 MR. RUE: Okay. Dr. Spies, keeping with
23 pink salmon, do any of those oiled sites, I guess I was
24 trying to understand whether any of those oiled sites that
25 we discovered last summer are adjacent to salmon streams

1 that we're not testing and, therefore, could be continuing
2 to expose salmon to oil and we just aren't testing it?

3 MR. SPIES: To my knowledge, no.

4 MS. McCAMMON: I don't think you can
5 categorically say that no pink salmon embryo, that there
6 are none that are being exposed to oil.

7 MR. SPIES: No. It's a judgment that
8 they're.....

9 MS. McCAMMON: It's how much and how many
10 and whether it's having a.....

11 MR. SPIES: This is a.....

12 MS. McCAMMON:population effect.

13 MR. SPIES:how clean is clean
14 question.

15 MS. McCAMMON: Exactly.

16 MR. SPIES: You can measure a part per
17 trillion.....

18 MS. McCAMMON: Right.

19 MR. SPIES:and you'll never get,
20 Prince William Sound is never going to be squeaky clean.
21 You know, it's got a background of hydrocarbons, there's
22 other sources, fishing boats and so forth. So you got to
23 make some determination along the line, you know, what's
24 toxic and what isn't? The levels that we're dealing with
25 in the mouths of salmon streams, the data suggests part per

1 trillion and there's no evidence that suggests that that
2 level is toxic.

3 CHAIRMAN GIBBONS: Any other questions or
4 comments?

5 (No audible responses)

6 CHAIRMAN GIBBONS: I've got one on Page 31,
7 maybe why there's some confusion with Michelle Wilson is
8 that at the bottom, the bolded area and I think you mean to
9 say the subtidal communities are judged to be recovered,
10 not the intertidal? The bottom, the last sentence.

11 MS. McCAMMON: Yeah, you're right.

12 MR. SPIES: That is a typo.

13 MS. McCAMMON: Good eye there.

14 MR. SPIES: No wonder she was confused.

15 MR. TILLERY: I did have a question about
16 that one because maybe I'm wrong about this one, too, but I
17 look at that and it looks to me like the last time anybody
18 looked at this was '95. We did this sort of thing in '98
19 and we said that they were, I guess, not recovered or they
20 were recovering and now it doesn't look to me, like reading
21 this, we've done anything since '95 but we're simply saying
22 that, well, a few more years have passed and surely
23 something must have happened that was good out there and,
24 therefore, we're going to move them. Is that kind of what
25 we're doing or is there something else?

1 MR. SPIES: That's not what I'm saying.
2 What I'm saying is that there was a process that we have in
3 place that is rather slow in the scientific community but
4 that the data is gathered and evaluated, there's reports
5 made and then eventually the principal investigators, for
6 most of our studies go out under the peer review literature
7 and publish their data. And in this case, we have a paper
8 that was published after the '99 evaluation and which the
9 authors give more, perhaps through the peer review process
10 of the journal, that give more weight to the natural
11 factors involved.

12 MR. TILLERY: Maybe you can beef that up a
13 little bit in here.

14 MR. SPIES: Sure.

15 MR. TILLERY: Yeah, that was not apparent
16 from it. And what year was that study, in '95?

17 MR. SPIES: The study was in '95.

18 MR. TILLERY: Yeah.

19 MS. PEARCE: Mr. Chairman.

20 CHAIRMAN GIBBONS: Yes, go ahead.

21 MS. PEARCE: If I could ask, when do we
22 expect to have the final draft back, we're asking for some
23 additional language? What's the time frame on that?

24 MS. McCAMMON: We could do that quickly?

25 MR. SPIES: Oh, yeah, that could be done

1 quick.

2 MS. McCAMMON: Yeah. By early next week.

3 MS. PEARCE: Oh, okay.

4 MS. McCAMMON: Yeah.

5 MS. PEARCE: Okay, great.

6 MR. RUE: And, Mr. Chairman, that's a good
7 point, and that will be made available to the public so if
8 they're commenting on it they'll see enhanced rationale?

9 MS. McCAMMON: Yes. Yeah, we could put the
10 new one on, yes.

11 MR. RUE: Great.

12 MS. McCAMMON: Well, the question is
13 whether that's confusing to the public, that they've looked
14 at one version and now they'll be commenting on another
15 one, there is always that question.

16 CHAIRMAN GIBBONS: Yes. And I think if we
17 can improve it, we should improve the information to the
18 public.

19 MS. McCAMMON: Okay. But we should
20 probably note that this is different than the version that
21 was published before. Okay.

22 CHAIRMAN GIBBONS: Any other questions or
23 comments?

24 Mr. Tillery.

25 MR. TILLERY: Just a comment. I would like

1 to see a copy of that before it's final, if I could.

2 MS. McCAMMON: What we'll do is circulate
3 that to all the Trustees beforehand. Yeah. And, I mean,
4 when we went through this there were, you know, a couple of
5 things when this was done in '99, because it was the 10th
6 anniversary, I was going through this and editing, what we
7 did was we tried to do an update, here is what we know of
8 injury, here's what we know of recovery status, here's what
9 we've done for this resource over the last X number of
10 years. And they're not like specific clear cut sections,
11 they're all kind of intertwined there, the way it was
12 written before and it's very confusing. And I actually
13 thought about going back and just eliminating the pieces
14 that said here's what we've done and just putting injury
15 and keeping it kind of clean as to here was the original
16 injury and here's the recovery status. And that would also
17 shorten it up a little and maybe make those connections
18 tighter.

19 MR. TILLERY: I had problems with this. I
20 couldn't understand it and I was confused and I actually
21 did notice and wondered, do we need -- I kind of liked
22 having it because it's kind of nice to occasionally say why
23 we were doing some things, but it's probably not necessary
24 to this. I think a little better organization of it would
25 be helpful.

1 MS. McCAMMON: Right.

2 CHAIRMAN GIBBONS: Any other comments?
3 Questions?

4 MS. McCAMMON: The only thing I wanted to
5 add also was on the issue of services. And services, the
6 categories of recovery are based on the resources that
7 contribute to that service. And as long as there are
8 resources that contribute to that service that are not
9 recovered, then those services are not recovered and so all
10 of these were under the recovering category in 1999 and
11 they continue to be so.

12 However, there is additional information
13 that's updated. Some of this is still in the process of
14 being updated but all of those key informants on recreation
15 and things of that nature, those will be within the next
16 couple of weeks.

17 MR. TILLERY: Good.

18 MS. McCAMMON: But it doesn't change the
19 recovery status.

20 MR. TILLERY: Although, it does seem a
21 little bit anomalous to say that our tourism has not
22 recovered. It just doesn't seem right.

23 MS. McCAMMON: It doesn't. Because it has
24 increased.

25 MR. TILLERY: Right.

1 MS. McCAMMON: So, I know, it does seem a
2 little weird. But the recovery objective was not numbers,
3 it was based on resources and whether they were in the
4 kinds of resources that people visit, whether they still
5 see the same numbers, are they still seeing the same number
6 of killer whales, are they still seeing the number of birds
7 and mammals and can they still go on beaches that are free
8 of oil and camp at the same places they did before and
9 those kinds of measure and under that definition. Unless
10 you'd like to see the recovery objective for that one
11 changed.

12 Okay, well, we'll get a revised version out
13 to you.

14 CHAIRMAN GIBBONS: Okay. Are there any
15 other items on the agenda?

16 MS. McCAMMON: No. But just to go over,
17 once again, then the schedule, the Public Advisory Group is
18 being briefed on this on April 25th at a teleconference on
19 the injured species list, that would bring the meeting on
20 June 11th, which is a four-hour teleconference, we might
21 want to consider having that as an in-person meeting.
22 Because briefings on the National Research Council report
23 and proposed revisions to GEM, instead of action on the
24 injured species, it would be public hearing and there will
25 be briefings on revised operation and report procedures and

1 data policies. So actually there's no action item involved
2 there, it's all briefings and a public hearing. But we
3 could, if people can make it, it's always good to be here
4 for public hearings.

5 And then the next major meeting then would
6 be July 9th, and that's acting on the revised GEM program
7 document, the revised operating report procedures, the
8 revised injured species list would be an action item and
9 that one is scheduled to be in person, we may want to
10 consider lengthening it.

11 And August 6th, which is typically the long
12 meeting, actually should be very short because it's just
13 approving the Phase I projects which there are only going
14 to be 20 or so for a few million so that should be
15 relatively short.

16 CHAIRMAN GIBBONS: Is it true now that we
17 have a PAC and a STAC and rather than a PAG and a STAC?

18 MS. McCAMMON: Yes, once it gets approved.

19 CHAIRMAN GIBBONS: Yeah.

20 MS. McCAMMON: It has to go through the
21 whole Federal process, yes, PAC and a STAC, yeah.

22 MR. BALSIGER: If we're talking about in
23 person in June, the North Pacific Council is in Dutch
24 Harbor through the 11th, so unless it could be moved a day
25 later, I think I'm going to have to do it on teleconference

1 from Dutch Harbor.

2 MR. RUE: And we don't want to go to Dutch
3 and there's some big halibut out there.

4 MR. BALSIGER: I don't want to go either.
5 (Laughter)

6 MR. RUE: No, I love Dutch Harbor, it's
7 great.

8 MS. McCAMMON: Did they extend that by
9 another day because we did coordinate with that meeting?

10 MR. BALSIGER: I know that you tried to but
11 they have extended it through the 12th, I expect they'll
12 finish on the 11th or at least I could leave the morning of
13 the 12th to someone else but my alternate is going to be in
14 Canada or something so I can't skip out of most of it. I
15 don't know how that happened, they intended to have it go
16 through at least the full 11th and so I don't know how that
17 happened.

18 MR. RUE: But we want you exhausted, Jim,
19 at this meeting, worn out.

20 MS. McCAMMON: Well, there is no action
21 items.

22 MR. RUE: We'll miss you.

23 (Laughter)

24 MR. RUE: Actually, you know, I shouldn't
25 be flippant, is there a suggestion, Jim, that you need it

1 changed?

2 MR. BALSIGER: No, I know how hard it is to
3 schedule these things so I just commented that if it was
4 easy to change to the 12th I'd be there, otherwise I'm
5 going to have to try to pick up bits and pieces as clear as
6 I can on the phone but I don't expect you can accommodate
7 me because I know it's very difficult to change these
8 things.

9 MR. RUE: Okay.

10 MS. McCAMMON: We'll check.

11 MR. BALSIGER: Okay.

12 MS. McCAMMON: But I think we're pushing
13 it.

14 MR. BALSIGER: Okay.

15 CHAIRMAN GIBBONS: Do I hear a motion to
16 adjourn?

17 MR. RUE: I move we recess -- no, I mean
18 adjourn.

19 CHAIRMAN GIBBONS: No, no.

20 MR. RUE: Adjourn.

21 CHAIRMAN GIBBONS: Did I hear a motion to
22 adjourn?

23 MR. RUE: Yes.

24 MR. TILLERY: Second.

25 CHAIRMAN GIBBONS: Okay. All those in

1 favor say aye.

2 IN UNISON: Aye.

3 CHAIRMAN GIBBONS: All opposed.

4 (No opposing responses)

5 CHAIRMAN GIBBONS: We're adjourned.

6 (Off record - 5:12 p.m.)

7 (END OF PROCEEDINGS)

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