

9,16,07

# EXXON VALDEZ OIL SPILL TRUSTEE COUNCIL

Teleconference/Public Meeting  
Monday, November 4, 2002  
8:00 o'clock a.m.

441 West 5th Avenue, Suite 500  
Anchorage, Alaska

## TRUSTEE COUNCIL MEMBERS PRESENT:

### TELEPHONICALLY

U.S. DEPARTMENT OF COMMERCE, MR. JAMES W. BALSIGER  
National Marine Fisheries Svc: Administrator, AK Region  
(Chairman)

U.S. DEPARTMENT OF AGRICULTURE, MR. DAVE GIBBONS  
U.S. FOREST SERVICE Forest Supervisor  
Forest Service AK Region

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

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

### IN PERSON

STATE OF ALASKA - MR. CRAIG TILLERY  
DEPARTMENT OF LAW: Assistant Attorney General  
State of Alaska

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

Proceedings electronically recorded, then transcribed by:  
Computer Matrix Court Reporters, LLC, 3522 West 27th,  
Anchorage, AK 99517 - 243-0668

1 TRUSTEE COUNCIL STAFF PRESENT:

2 MS. MOLLY McCAMMON	Executive Director
3 MS. CHERRI WOMAC	Administrative Assistant
4 MR. BILL HAUSER	ADF&G (Telephonically)
5 MR. ALEX SWIDERSKI	Department of Law
6 MR. DOUG MUTTER	Department of Interior

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

TABLE OF CONTENTS

Call to Order (Reconvene)	04
Northern Afognak Package	04
Subcommittee Appointments	18
Public Advisory Committee Appointments	33
Adjournment	37

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25

2

3  
4  
5  
6  
7  
8  
9

10

11  
12  
13  
14

15

16

17

18

19  
20  
21  
22  
23  
24  
25

1 fair market value and the estimate of fair market value is  
2 determined by a reviewed and approved appraisal. The  
3 Conservation Partners do not want us to say that within the  
4 resolution, so what I did was write paragraph (d) of the  
5 resolution, which is on Page 5, and say that all  
6 expenditures by the Council are contingent upon approval of  
7 the appraisal, which is now under review by State and  
8 Federal appraisers, without reduction in the estimates of  
9 fair market value contained therein. Because sometimes,  
10 within the course of reviewing an appraisal, the values do  
11 change. I recognize that what this means is that if the  
12 value goes down by a dollar, it would have to come back to  
13 the Council. I talked about that with The Conservation  
14 Partners. They still want the language written that way,  
15 even though I think there is some likelihood that those  
16 values could change.

17 And that addressed all of the issues except  
18 for Parcel 6, because there's no existing appraisal on  
19 Parcel 6. And the next sentence is the way I propose to  
20 deal with it. An appraisal of Parcel 6 must be completed  
21 and approved by the State and Federal review appraiser  
22 prior to any expenditure of funds for its acquisition. Any  
23 expenditure must not exceed the estimated fair market value  
24 of Parcel 6 as determined by the approved appraisal. The  
25 Conservation Partners did not want that sentence in

1 because, again, it is a reference to not paying more than  
2 fair market value.

3 So they have proposed the language in the  
4 second draft of the resolution, which you should also have,  
5 and there they took the last clause of that sentence out  
6 and inserted a sentence that says: upon completion and  
7 approval of such appraisal the Trustee Council will confirm  
8 or amend the value for Parcel 6 in paragraph (a). Commits  
9 the Council to taking further action on Parcel 6. It's  
10 maybe a little ambiguous about what happens if the Council  
11 is unable to reach concurrence on what to do with respect  
12 to Parcel 6. I would think that means that we would not go  
13 forward with any expenditure on Parcel 6 absent affirmative  
14 approval or amendment to the value in Parcel 6.

15 MR. RUE: Can I ask a question.

16 MR. SWIDERSKI: Yeah.

17 CHAIRMAN BALSIGER: Yes.

18 MR. RUE: Which document -- I'm looking  
19 through my e-mail and I got one from you, Alex, that says  
20 EVOS CC5.doc.

21 MR. SWIDERSKI: Okay, that's the one  
22 without the change.

23 MR. RUE: Okay, I don't have the one with  
24 the change then.

25 MR. SWIDERSKI: Okay.

1 MS. McCAMMON: Should be from Roy Jones, I  
2 forwarded it.

3 MR. RUE: Well, the one from Roy Jones  
4 didn't have an attachment to me. I'll look again.

5 MR. SWIDERSKI: Okay.

6 CHAIRMAN BALSIGER: I wonder, Alex, if  
7 you'd read that change once again, I may have it, but I'm  
8 not sitting where I can e-mail right now, but I do have the  
9 first one.

10 MR. SWIDERSKI: Sure, okay. I'll read it  
11 again. What I'll do is read -- it's now two sentences at  
12 the end of paragraph 6 and the first one says: an  
13 appraisal of Parcel 6 must be completed and approved by  
14 State and Federal review appraiser prior to any expenditure  
15 of funds for its acquisition. Then the new sentence. Upon  
16 completion and approval of such appraisal the Trustee  
17 Council will confirm or amend the value for Parcel 6 in  
18 paragraph (a).

19 CHAIRMAN BALSIGER: Okay, just the last few  
20 words, will confirm or amend.....

21 MR. SWIDERSKI: The value for Parcel 6 in  
22 paragraph (a).

23 CHAIRMAN BALSIGER: Okay, I got it, thank  
24 you.

25 MR. SWIDERSKI: Okay.

1 CHAIRMAN BALSIGER: Any comment from any  
2 Trustee?

3 MS. BROWN: Alex.

4 MR. SWIDERSKI: Yes.

5 MS. BROWN: This is Michele. I haven't  
6 gotten any of the faxes, all I got is the printout from  
7 Molly's e-mail.

8 MS. McCAMMON: That's all it is, is e-  
9 mails.

10 MR. SWIDERSKI: Yeah, it's all -- it got  
11 faxed to a couple of people because we couldn't get it to  
12 them by e-mail.

13 MS. BROWN: Okay. So this is the only  
14 thing?

15 MR. SWIDERSKI: Right.

16 MS. BROWN: Okay. Thanks.

17 MR. RUE: So we are working off Roy  
18 Jones'.....

19 MR. SWIDERSKI: Yes, that is the only  
20 change -- well, he had one other change that's proposed in  
21 paragraph 8, but it's very minor. The other changes -- the  
22 rest of this is something that I've prepared, you know,  
23 going back and forth with them and they asked to make this  
24 one additional change. I don't have a particular problem,  
25 but it does, with respect to paragraph 6, it does require



1 that you would come back and take further action, paragraph  
2 6, before we can go forward.

3 MR. RUE: Are you saying that -- excuse me,  
4 this is Frank.

5 MS. McCAMMON: Parcel 6.

6 MR. SWIDERSKI: Parcel 6, I mean Parcel 6.

7 MR. RUE: Oh, okay.

8 CHAIRMAN BALSIGER: I wonder if you could  
9 do that one more time so -- can we do the first five  
10 parcels without coming back?

11 MR. SWIDERSKI: Yes.

12 CHAIRMAN BALSIGER: If things change with  
13 Parcel 6, because there is no appraisal, no matter what  
14 happens, it would have to come back?

15 MR. SWIDERSKI: That's right. No matter  
16 what hap -- the first five parcels, as long as the values  
17 in the appraisal don't change with the approval, and it  
18 gets approved, you don't need to take further action. On  
19 Parcel 6 you will need to take further action or Parcel 6  
20 won't go forward.

21 MR. GIBBONS: So is there a way that we can  
22 delay Parcel 6 until we get an appraisal?

23 MR. SWIDERSKI: You could and we talked  
24 about that. They would prefer not to, but that was  
25 actually my suggestion.

1 MR. TILLERY: Mr. Chairman.

2 CHAIRMAN BALSIGER: Yes, Mr. Tillery.

3 MR. TILLERY: So then under (b) where it  
4 says all of the parcels in (a) have to be acquired as one  
5 acquisition, if we don't do Parcel 6, does that mean we  
6 can't go forward with anything else?

7 MR. SWIDERSKI: I think we should put an  
8 exception in there that if Parcel 6 isn't approved.....

9 MR. TILLERY: I think so, too, because I  
10 don't think Parcel 6 is the critical parcel.

11 MR. SWIDERSKI: Yeah, right.

12 MR. RUE: So insert 6 along with 1, 4A, 5  
13 or 6.

14 MR. SWIDERSKI: No. I think we almost have  
15 to do it as -- maybe at the end of the first sentence we  
16 put another sentence in here that says something like  
17 notwithstanding the above sentence, in the event that  
18 Parcel 6 is not approved for acquisition in accordance with  
19 paragraph (d), the acquisition can proceed without Parcel  
20 6.

21 MR. RUE: Okay

22 CHAIRMAN BALSIGER: Alex, you think the  
23 notwithstanding language is better than to change the first  
24 sentence to say that 1, 4A, 5, 2A, 3A must be purchased as  
25 a group?

1 MR. SWIDERSKI: Well.....

2 MR. TILLERY: Mr. Chairman, I think the  
3 point of the 1, 4A and 5 is that they can actually go  
4 forward by themselves and we really don't want Parcel 6  
5 going forward by itself.

6 MR. SWIDERSKI: Right.

7 MR. TILLERY: It doesn't have the same  
8 value that those other two do.

9 CHAIRMAN BALSIGER: I see. Thank you.

10 MR. RUE: Got you.

11 CHAIRMAN BALSIGER: Any other comments by  
12 Trustees?

13 MR. RUE: If I could, this is Frank again.  
14 You all were way ahead of me earlier, you were awake and I  
15 was asleep, I guess. On the appraised value discussion you  
16 had earlier on, if you would just run quickly back through  
17 that?

18 MR. SWIDERSKI: Yes.

19 MR. RUE: What paragraph is that?

20 MR. SWIDERSKI: This is also in paragraph  
21 (d), and it's the first sentence.

22 MR. RUE: Hold on. On page.....

23 MR. SWIDERSKI: Page 5.

24 MS. McCAMMON: Five.

25 MR. RUE: Okay.

1 MR. SWIDERSKI: And it's the same in both  
2 versions. The first sentence reads: with the exception of  
3 Parcel 6, all expenditures are contingent upon approval of  
4 the above referenced appraisal of the parcels by the State  
5 and Federal review appraisers without reduction in the  
6 estimates of values contained therein. That is, as we  
7 speak, we have an appraisal that's being reviewed and all  
8 of the estimates of value in there are, you know, greater  
9 than one-half the amounts -- the purchase prices in  
10 paragraph (a) and the acquisitions can go ahead as long as  
11 the estimates and the value in the appraisal don't -- as  
12 long as the appraisal got approved, and the estimates of  
13 value don't go down.

14 MR. RUE: Okay.

15 MR. SWIDERSKI: And I should, just so you  
16 know, I think there is some possibility that the values  
17 will go down. I have looked at the appraisal, I'm not a  
18 review appraiser, there were things in there that surprised  
19 me and a review appraiser may look at them, understand them  
20 better than I do and not have a problem with, but that is,  
21 I think -- it seems to me to be a possibility.

22 CHAIRMAN BALSIGER: And so, Alex, if that  
23 happens, depending on which parcel it is, it would have to  
24 come back before any purchase goes forward, because we're  
25 doing these in.....

1 MR. SWIDERSKI: Well, the way I read this,  
2 if the adjustment is not in Parcels 1, 4A or 5, those three  
3 could go forward. If it's in any of the others, none of  
4 the others could go forward. In other words, for example,  
5 if it was 2A or 2B and 2A, 2B, 3A, 3B, 4B, 4C and 6 could  
6 not go forward.

7 CHAIRMAN BALSIGER: But we'd still be able  
8 to go with the first three.....

9 MR. SWIDERSKI: Right.

10 CHAIRMAN BALSIGER: .....1, 4A and 5.

11 MR. SWIDERSKI: Right, which are the three  
12 that are the highest priority.

13 CHAIRMAN BALSIGER: Right.

14 MR. SWIDERSKI: There are a number of other  
15 changes, the only one I'm going to draw your attention to  
16 is in paragraph 1. It originally stated that the seller --  
17 it's about five lines down, had expressed a willingness to  
18 sell the land and timber. I changed that to an interest --  
19 have expressed an interest in selling such lands and timber  
20 after discussion with The Conservation Partners, because it  
21 became apparent that for some of the sellers -- all of  
22 them, I think, have expressed interest in selling, none  
23 have expressed commitment that I'm aware of to sell at  
24 these prices.

25 CHAIRMAN BALSIGER: Okay. Any other

1        comments or questions?

2                    MR. TILLERY:    Mr. Chairman.

3                    CHAIRMAN BALSIGER:    Yes, Mr. Tillery.

4                    MR. TILLERY:    I just wanted to note one  
5        thing, that when I originally saw a draft of this it had  
6        come back with sort of a time payment thing, where a  
7        certain amount of money would be available for the first  
8        two years, a certain amount would be available after a  
9        year, a certain other amount would be available about a  
10       year and a half or something like that.    It was my view  
11       that that was unnecessary, I felt most of that would take  
12       care of itself naturally, and to the extent that it didn't,  
13       the value of these lands and price we were having to pay  
14       for them it was such a solid benefit to the Council and to  
15       the Restoration Program that I didn't think that was  
16       necessary and I thought it would be better to give them  
17       maximum flexibility by simply making the entire amount  
18       available for over two years.    Therefore, I requested that  
19       be changed and it has been changed.    I just wanted to note  
20       that.

21                   CHAIRMAN BALSIGER:    Okay.    So that was in  
22       -- as I recall that was in paragraph (a) and that's gone  
23       now?

24                   MR. TILLERY:    Right, that's correct.

25                   CHAIRMAN BALSIGER:    Thank you.    Anything

1 further?

2 MR. GIBBONS: Yeah, this is Dave. So what  
3 this basically does, then, would leave about 14 and a half  
4 or so million in the small parcel account in perpetuity for  
5 the purchase of small parcels in the future.

6 MS. McCAMMON: Mr. Chairman, this is Molly.  
7 It's 14 and a half million that's left in the account,  
8 there's no language that the Council has adopted that it be  
9 left there in perpetuity, but it's 14 and a half million in  
10 the account.

11 MR. GIBBONS: That's one of my concerns is  
12 that we maintain at least that because, I think, as Frank  
13 said last time, there's valuable small parcels, and I think  
14 there are, too, and we need some kind of account, you know,  
15 to purchase those, so that's the concern that I've got.

16 MR. RUE: Mr. Chairman, this is Frank. I  
17 had that concern but I've seen how slowly or quickly the  
18 small parcel has been going. I feel like that's a good  
19 amount of funds to be available and that this is a  
20 significant enough deal that we should go ahead with it.

21 CHAIRMAN BALSIGER: Yes, we did have quite  
22 a bit of discussion on that at the last meeting where, I  
23 don't recall who, but a couple of people pointed out that  
24 the rate that we're purchasing small parcels that perhaps a  
25 14 and half million dollar fund would be substantive enough

1 to expect that that would take care of it. Is there any  
2 more discussion along that line?

3 MR. GIBBONS: Well, I guess I just don't  
4 want to see in two more years another proposal come in for  
5 the remainder of the funding or whatever, that's a concern.

6 CHAIRMAN BALSIGER: Well, Mr. Gibbons, we  
7 can all be aware of that, and it's on the record, but I  
8 guess it wouldn't be impossible unless we have a resolution  
9 to that effect.

10 MR. RUE: Mr. Chairman, this is Frank. I  
11 hope we don't get into that issue today, I think we should  
12 face that if it comes up.

13 CHAIRMAN BALSIGER: Thank you, Mr. Rue. I  
14 don't think that we can get into it because we didn't have  
15 it on the agenda. I was just following up on Molly's  
16 notion that there isn't any rules on how to spend the  
17 remaining 14 and a half million.

18 MR. GIBBONS: Well, maybe we can talk about  
19 it on the 25th. I'll talk to Molly about that situation.

20 CHAIRMAN BALSIGER: Thank you. Any other  
21 points on the resolution?

22 MR. RUE: Mr. Chairman, are you looking for  
23 a motion?

24 CHAIRMAN BALSIGER: I think it would be  
25 time appropriate for a motion if there are no other



1        comments, and I hear none, so.....

2                        MR. GIBBONS:    Excuse me, Mr. Chairman.  
3        What is the wording that we're going to add for Parcel 6?

4                        CHAIRMAN BALSIGER:    Would you repeat that,  
5        Alex, please?

6                        MR. SWIDERSKI:    Yes.    Are you asking for  
7        the wording in paragraph (d) or the wording I added in  
8        paragraph (a)?

9                        CHAIRMAN BALSIGER:    Let's do both, just to  
10       make certain we're clear.    The wording in (a), I think, is  
11       fairly easy.

12                       MR. SWIDERSKI:    Okay.    I'm going to read --  
13       all right, I'll read beginning with the second sentence in  
14       Parcel (d) [sic].    An appraisal of Parcel 6 must be  
15       completed and approved by State and Federal review  
16       appraiser prior to any expenditure of funds for its  
17       acquisition.    Upon completion and approval of such an  
18       appraisal, the Trustee Council will confirm or amend the  
19       value for Parcel 6 in paragraph (a).    That's the wording in  
20       paragraph (d).

21                       In paragraph (b), I would add a second  
22       sentence that says:    notwithstanding the aforesaid  
23       sentence, in the event that Parcel 6 is not approved for  
24       acquisition in accordance with paragraph (d), the remaining  
25       parcels may be acquired as above provided.

1 CHAIRMAN BALSIGER: Get that, Mr. Gibbons?  
2 MR. GIBBONS: Yeah, I got it.  
3 CHAIRMAN BALSIGER: Any other clarification  
4 from anyone or comment?  
5 (No audible response)  
6 MR. RUE: Mr. Chairman.  
7 CHAIRMAN BALSIGER: Mr. Rue.  
8 MR. RUE: I move that we adopt Resolution  
9 01 of the Exxon Valdez Oil Spill Trustee Council regarding  
10 North Afognak conservation package as amended.  
11 MS. BROWN: Second. This is Michele.  
12 CHAIRMAN BALSIGER: Second by Ms. Brown.  
13 Any further discussion on the motion?  
14 (No audible response)  
15 CHAIRMAN BALSIGER: Is there any objection  
16 to the motion?  
17 (No audible response)  
18 CHAIRMAN BALSIGER: Hearing none, the  
19 Council approves that motion for acquisition of the North  
20 Afognak lands. Thank you.  
21 Let's see, we have two other agenda items,  
22 we can do them in either order. The first is the  
23 subcommittee membership. Molly, could you help us on that?  
24 MS. McCAMMON: Yeah, the STAC  
25 subcommittees, there is a memo in your package, we have a

1 recommendation from the STAC Committee on these. There are  
2 three subcommittees that they're recommending move forward  
3 at this time. One on habitat, one on lingering oil injury  
4 and one on data management and information transfer. We  
5 solicited nominees for these subcommittees and these were  
6 reviewed by the STAC and the nominations are enclosed here.

7 In the forwarding memo from myself to all  
8 of you, I had talked to a number of you about the  
9 recommendations. There were some issues that were raised,  
10 one was a concern about a watershed expert from Arkansas  
11 and the lack of an actual resource manager on the Habitat  
12 Subcommittee. There was also some discussion about whether  
13 it was appropriate, at this time, to have the subcommittees  
14 for three years, given that the program is kind of a trial  
15 and error process, moving forward, trying to figure out  
16 what's the best approach over the long term and it's very  
17 transitional. So there was some discussion about making  
18 these appointments for one year only. I should note that  
19 the North Pacific Research Board, last week, approved their  
20 Science Panel and did appointments there for one-year and  
21 two-year terms, so most of them are one-year terms, so they  
22 are, I think, thinking along a similar line.

23 CHAIRMAN BALSIGER: I think, if I recall,  
24 that we approved exactly half of them for one year and  
25 exactly half for two years. Subsequently everyone would be

1 two years, then there would be half new persons and half  
2 old persons.

3 MS. McCAMMON: Right. And that's what  
4 we've done with our full Science Panel, too, the STAC  
5 Committee, there are two-year terms and four-year terms so,  
6 again, that was the same kind of approach, trying to get  
7 them staggered. I don't think with a subcommittee like  
8 this that we have quite as much issue of trying to keep --  
9 make sure there is that continuity because, in all  
10 likelihood, they will be there, they are term limited, like  
11 the STAC Committee would be, so it's kind of a different  
12 approach. The main question with the Habitat Committee was  
13 more a question -- the original concept was to have four  
14 separate committees for each separate habitat, watershed,  
15 nearshore, Alaska Coastal Current and offshore, and upon  
16 further reflection the STAC, at this time, thought that  
17 that might be a little too much, that they actually  
18 preferred having one committee with a variety of expertise.  
19 And so they actually just recommended just one Habitat  
20 Committee. Over time, in another year, their  
21 recommendation could change on that, they may see a need to  
22 divide it up a little further and have more expertise or  
23 several committees there.

24 And so the one, in particular, for one year  
25 only might be the Habitat Committee. The other, Lingering

1 Oil Injury, is certainly going to be here for at least  
2 another four years or so, through the reopener window and  
3 maybe longer, as long there's existing oil injuries that's  
4 noticeable. And then the Data Committee, of course, is  
5 going to be in existence probably forever. An ongoing  
6 need.

7 So the recommendation would be for the Habitat  
8 Committee -- the recommendations are in front of you, Vern  
9 Byrd from U.S. Fish and Wildlife Service, Robyn Hannigan  
10 from the University of Arkansas, Mimi Hogan from Chugach  
11 Regional Resources Commission, Henry Huntington, a  
12 consultant here in Anchorage, Eric Knudsen with U.S.G.S,  
13 Alaska Science Center, Lyman McDonald, a consultant from  
14 Seattle who done a lot of work on the nearshore with the  
15 Department of Interior biologists. Bernie Megrey from  
16 National Marine Fisheries Service, Alaska Fishery Science  
17 Center in Seattle. Jennifer Nielsen, U.S.G.S. fishery  
18 specialist here, and Susan Saupe from Cook Inlet Citizens  
19 Advisory Council. Tom Weingartner, University of Alaska  
20 Fairbanks with the Alaska Department of Fish and Game and  
21 Kate Wynne, University of Alaska Fairbanks, FITC in Kodiak.

22 MR. RUE: Mr. Chairman.

23 CHAIRMAN BALSIGER: Mr. Rue, thank you.

24 MR. RUE: Yeah, this is Frank Rue. Is it  
25 appropriate now for me to suggest substitution? I have a

1 suggestion.

2 CHAIRMAN BALSIGER: Yes. Let me say one  
3 thing first. I think I misspoke on what the North Pacific  
4 Research Board did relative to their Science Panel. There  
5 are no one-year terms, I don't remember exactly how it  
6 works, but I know we're only going to have to face  
7 membership issues every two years, so there's a  
8 staggering.....

9 MR. RUE: Yeah, I think for the first time  
10 we decided we'll split half of them the first time they  
11 come up, it'll be one year and then they have to come up  
12 again, so half of them will have a one-year life.

13 MS. McCAMMON: But after that they'll be  
14 two-year terms.

15 MR. RUE: Right.

16 CHAIRMAN BALSIGER: Well, I'm not sure that  
17 that's right, but at least they're supposed to be  
18 staggered.

19 MR. RUE: But that's what we did.

20 CHAIRMAN BALSIGER: Okay, thank you. I  
21 think we probably would want a motion on membership changes  
22 so we that we can keep this clear.

23 MR. RUE: Well, I'm not sure we have a  
24 motion on the table I can amend, but I understand. Well,  
25 before we do that. As I look at the make-up of the STAC

1 and I look at the subcommittee to work with the STAC on the  
2 habitat issues, I feel like we got a lot of offshore  
3 experience, et cetera, but I don't see a lot of upstream  
4 experience, on-the-ground experience. I think Robyn  
5 Hannigan may be a good theoretical ecosystem biologist from  
6 Arkansas, but I think we need someone who's been on the  
7 ground, who understands issues and watersheds, who's gotten  
8 their boots muddy in Alaska and has the link between sort  
9 of land and management issues and research. And this isn't  
10 self-serving, I think Bob Clark who worked for Sportfish  
11 Division at Fish and Game has just been -- he was the  
12 regional supervisor for Southcentral region, he just took a  
13 job with the Department as a fisheries scientist. He was  
14 head of the research for Sportfish in Southcentral before  
15 he became the regional manager and now he's back into the  
16 science role. So he, I think, brings sort of a knowledge  
17 of Southcentral watershed issues and experience, you know,  
18 on the ground, habitat issues, fisheries management issues.  
19 He's a good scientist, he works well with other folks. I  
20 would suggest substituting him for Robyn Hannigan as  
21 someone who knows what's going on on the ground, but also  
22 is a scientist and a theoretical thinker, if you will.

23 CHAIRMAN BALSIGER: Thank you, I appreciate  
24 that. Let me ask Molly, we're discussing personalities  
25 now, not staff or anything, but is it appropriate to do

1 this in a public meeting?

2 MS. McCAMMON: I believe so, unless there's  
3 something in particular you wanted to talk about. I'd  
4 refer to the lawyers. Craig.

5 MR. TILLERY: It could be done in executive  
6 session, but it doesn't have to be.

7 CHAIRMAN BALSIGER: All right, then thank  
8 you for that information. So, Mr. Rue, I think then to  
9 properly proceed, if you could make a motion including your  
10 nominee, it would be a way to focus our discussion.

11 MR. RUE: Okay. Mr. Chairman, I move that  
12 we accept the recommendation of the STAC Committee for the  
13 Habitat Subcommittee with exception of substituting Bob  
14 Clark for Robyn Hannigan.

15 CHAIRMAN BALSIGER: Is there a second?

16 MR. TILLERY: Second.

17 CHAIRMAN BALSIGER: Motion is made and  
18 seconded to accept the recommendation with the one  
19 substitution as noted. Is there any discussion of this?

20 MR. RUE: Mr. Chairman, I already spoke to  
21 the motion before making it, so if folks have questions  
22 about anything I said, I'd certainly entertain it.

23 CHAIRMAN BALSIGER: Are there any  
24 questions?

25 (No audible response)



1                   CHAIRMAN BALSIGER: Any other comments at  
2 all on the motion?

3                   (No audible response)

4                   CHAIRMAN BALSIGER: Are we ready for a  
5 vote?

6                   MS. McCAMMON: I guess the question I would  
7 have would be for one year, just to verify that? This  
8 particular committee would be one year?

9                   CHAIRMAN BALSIGER: What was your thought,  
10 Mr. Rue, or did you have any on that?

11                   MR. RUE: I didn't have a strong feeling.  
12 On one side I think it's going to be hard to get anybody to  
13 volunteer for this stuff and then go through it again in a  
14 year. I don't know, this is a pretty good slate of people,  
15 I wouldn't mind putting them on for two, just so we don't  
16 have to do this every year, but I guess I'm flexible. It's  
17 not like it's a critical decision-making body that's  
18 politically charged or anything.

19                   CHAIRMAN BALSIGER: Any other thoughts on  
20 that from the Trustee Council?

21                   (No audible response)

22                   CHAIRMAN BALSIGER: So, Mr. Rue, the sense  
23 of your motion, then, is that it's for a two-year term?

24                   MR. RUE: That would be what I would say,  
25 yeah. As an advisory committee to a STAC, I think that

1 works.

2 MS. McCAMMON: It would be consistent then  
3 with the Public Advisory Committee for coming back at that  
4 time, too, two years from now.

5 MR. RUE: Yeah, and I think that we've seen  
6 that you get some change every time, but these committees  
7 don't need -- I don't think need significant rollover  
8 because I don't think they're making decisions that all of  
9 us feel are politically charged or whatever.

10 CHAIRMAN BALSIGER: Then the motion will be  
11 to have the subcommittee to the STAC consisted of Vern  
12 Byrd, Bob Clark, Mimi Hogan, Henry Huntington, Eric  
13 Knudsen, Lyman McDonald, Bern Megrey, Jennifer Nielsen,  
14 Susan Saupe, Tom Weingartner, Doug Woodby and Kate Wynne  
15 for a term of two years. Is there any other discussion?

16 (No audible response)

17 CHAIRMAN BALSIGER: Are we ready for a  
18 vote?

19 MR. RUE: Call the question.

20 CHAIRMAN BALSIGER: We have the motion on  
21 the floor, is there any opposition to the motion?

22 (No audible response)

23 CHAIRMAN BALSIGER: Hearing no opposition,  
24 the motion passes. That slate of candidates is our  
25 subcommittee to the STAC.

1                   Let's see, we have one other issue, which  
2                   is.....

3                   MS. McCAMMON: Well, there are two other  
4                   subcommittees that are recommended. If you look on Page 7  
5                   is the Data Management and the recommendations there for  
6                   the Data Management and Information Transfer Subcommittee  
7                   are Rob Cermak, Carol Fries, Jay Johnson, Russell Kunibe,  
8                   Mark Shasby and Hank Statscewich. And I would like to add  
9                   Bob Walker from Alaska Department of Fish and Game to that.  
10                  And these, with the exception of -- I think, Rob Cermak and  
11                  Hand Statscewich are in Fairbanks, but the others are all  
12                  in Anchorage,

13                  CHAIRMAN BALSIGER: So it would be a seven-  
14                  person subcommittee, also subcommittee of STAC?

15                  MS. McCAMMON: Yes.

16                  MR. RUE: Mr. Chairman, I move that we  
17                  adopt the list as amended by Molly.

18                  CHAIRMAN BALSIGER: Is there a second?

19                  MS. BROWN: Second. This is Michele.

20                  CHAIRMAN BALSIGER: Thank you, Ms. Brown.

21                  And the motion is made and seconded to adopt the  
22                  subcommittee as contained in the minutes, with the addition  
23                  of Bob Walker from ADF&G. Is there any discussion?

24                  MR. RUE: Mr. Chairman, I assume this would  
25                  be a two year?

1 MS. McCAMMON: Yes.

2 MR. RUE: Good.

3 CHAIRMAN BALSIGER: Okay, this is also for

4 two years. Any other comments?

5 (No audible response)

6 CHAIRMAN BALSIGER: Are we ready for a

7 vote?

8 (No audible response)

9 CHAIRMAN BALSIGER: Is there any opposition

10 to the motion to adopt this seven-person subcommittee on

11 data management and information transfer?

12 (No audible response)

13 CHAIRMAN BALSIGER: Hearing no opposition,

14 the motion passes. We have our Data Management

15 Subcommittee. Molly.

16 MS. McCAMMON: Moving to Page 9, it's the

17 Lingering Oil Effects Subcommittee and the nominations

18 there are Jim Bodkin, Walther Cox, Judy McDowell, Allan

19 Mearns, Stanley Rice and Jeff Short.

20 CHAIRMAN BALSIGER: Any discussion of these

21 candidates or a motion?

22 MS. PEARCE: Molly.

23 MS. McCAMMON: Yes.

24 CHAIRMAN BALSIGER: Yes, please.

25 MS. PEARCE: Mr. Chairman.

1 CHAIRMAN BALSIGER: Yes, please, Ms.  
2 Pearce?

3 MS. PEARCE: Yes, it is. I have to admit  
4 that I don't know much about this subcommittee but I noted  
5 that Patrick Norman with the village of Port Graham had --  
6 I guess these nominations are people who actually expressed  
7 an interest; is that a fair statement?

8 MS. McCAMMON: Right.

9 MS. PEARCE: I noted that he did and it  
10 would seem to me that on the Lingering Oil Effect  
11 Subcommittee we have a number of people, scientists,  
12 working both in the Sound and also out of state, but it  
13 might be very useful to have somebody from one of the  
14 villages that was affected working with us on that  
15 subcommittee. And if the subcommittee doesn't do what I  
16 think it does from its name, perhaps I'm mistaken, but it  
17 would seem that the people who live in the area should be a  
18 part of sending us advice on those lingering effects. So I  
19 would wonder if we could please add Patrick Norman to the  
20 list for the Lingering Oil Effects Subcommittee.

21 MS. McCAMMON: Now, he's been recommended  
22 for the Public Advisory Committee.

23 MS. PEARCE: Right. And so you don't want  
24 somebody on both?

25 MS. McCAMMON: Well, it's fine, I don't

1 think there's any problem with that. I should also mention  
2 that Dr. Bob Spies is also the Chair of the Lingering Oil  
3 Committee, so he is also a member, but that was done by the  
4 Council earlier.

5 It would be, if he is agreeable to doing  
6 something like that or we're actually having a meeting with  
7 a group of people, maybe we should ask if himself or  
8 someone else. We do have -- Walter Cox is from Cordova,  
9 it's not a village, but is working with the Science Center,  
10 the Oil Spill Recovery Institute from Cordova. But we  
11 could see if Pat Norman wanted to do it or someone else in  
12 his place.

13 MR. RUE: Mr. Chairman, I really appreciate  
14 Drue's suggestion. Could we make a motion that had Pat  
15 Norman there with.....

16 MS. McCAMMON: Contingent on?

17 MR. RUE: Contingent on him willing to do  
18 it and, if not, bring a name back to us?

19 MS. McCAMMON: Sure.

20 MR. RUE: Would that be all right.?

21 MS. PEARCE: Sure, that would be fine with  
22 me.

23 MR. RUE: Good. I think that's a good  
24 thought.

25 CHAIRMAN BALSIGER: Okay. Would someone be

1 prepared to make such a motion?

2 MS. PEARCE: So moved, Mr. Chairman.

3 CHAIRMAN BALSIGER: Thank you. So the  
4 motion is to adopt -- or is there a second?

5 MR. RUE: Second.

6 CHAIRMAN BALSIGER: Motion is made and  
7 seconded to adopt the six names contained in our binder  
8 with adding a seventh name, Patrick Norman, contingent on  
9 his interest and his availability and should he not be we  
10 would strive to find a similar village person for the  
11 committee. Is that the nature of the motion?

12 MS. PEARCE: Yes, sir.

13 CHAIRMAN BALSIGER: And this is for two  
14 years?

15 MS. McCAMMON: Yes.

16 CHAIRMAN BALSIGER: Is there any other  
17 discussion?

18 (No audible response)

19 CHAIRMAN BALSIGER: I would just note that  
20 half of this committee is NOAA people. I don't have a  
21 problem with that, but I just wanted to make that clear in  
22 case anyone hadn't noticed. Jeff Short, the last person  
23 listed on that page, is NOAA, even though it doesn't say  
24 that, so I wanted to point that out.

25 MR. RUE: We're watching you, Mr. Chairman.

1 We're counting.

2 (Laughter)

3 CHAIRMAN BALSIGER: Is there any other  
4 discussion?

5 (No audible response)

6 CHAIRMAN BALSIGER: Are we ready for a  
7 vote?

8 (No audible response)

9 CHAIRMAN BALSIGER: Is there any opposition  
10 to the motion?

11 (No audible response)

12 CHAIRMAN BALSIGER: Hearing none, these  
13 seven people or possibly a substitute for Patrick Norman  
14 will be our Lingering Oil Effects Subcommittee.

15 Anything else on the subcommittees, Molly?

16 MS. McCAMMON: No, that's it.

17 CHAIRMAN BALSIGER: Then our third item is  
18 the PAC Subcommittee. Is it a subcommittee, just a PAC  
19 Committee?

20 MS. McCAMMON: It's the PAC, it's Public  
21 Advisory Committee.

22 CHAIRMAN BALSIGER: Thank you.

23 MS. PEARCE: Mr. Chairman, this is Drue, I  
24 have a motion if you're ready.

25 CHAIRMAN BALSIGER: Ms. Pearce.



1 MS. PEARCE: Thank you. I would move the  
2 following individuals to be members of our PAC, and these  
3 are two-year terms; is that correct, Molly?

4 MS. McCAMMON: Yes.

5 MS. PEARCE: Tori Baker representing  
6 commercial fishing; John Devens for regional citizens  
7 advisory councils; Gary Fandrei, aquaculture and  
8 mariculture; Dr. John Gester, public at large; Charlie  
9 Hughey, subsistence; Brett Huber, sporthunting and fishing;  
10 Robert Kopchak, public at large; Patrick Lavin,  
11 conservation and environment; Charles Meacham, science  
12 tech; Brenda Norcross, science tech; Pat Norman, Native  
13 landowner; Captain Ed Page, marine transportation; Martin  
14 Robards, conservation and environment; Gerald Sanger,  
15 commercial tourism; Stan Senner, conservation and  
16 environment; Scott Smiley, public at large; Stacy  
17 Studebaker, recreational users; Mike Vigil, tribal  
18 government; Kate Williams, science tech; and Ed Zeine,  
19 local government.

20 MR. RUE: I second that.

21 CHAIRMAN BALSIGER: Thank you. Ms. Pearce,  
22 would you read that one more time, please?

23 (Laughter)

24 CHAIRMAN BALSIGER: You read it very good,  
25 but I missed one name.

1 MS. PEARCE: You did, which one did you  
2 miss?

3 (Laughter)

4 CHAIRMAN BALSIGER: It wasn't Baker,  
5 Devens, Fandrei, Gester, Huber, Hughey, Meacham, Norcross,  
6 Norman, Page, Robards, Sanger, Senner, Studebaker, Chenega,  
7 Williams or Zeine.

8 MR. RUE: Smiley. You missed Smiley.

9 MS. McCAMMON: Scott Smiley.

10 CHAIRMAN BALSIGER: I got that and there's  
11 still one more that I missed.

12 MS. PEARCE: Patrick Lavin.

13 CHAIRMAN BALSIGER: Patrick Lavin. Oh, I  
14 see him. Okay, thank you. Any comments or discussion from  
15 the Trustees?

16 MS. PEARCE: I would just say that we will  
17 duly send the letters to the Secretary of Interior for her  
18 to approve.

19 MS. McCAMMON: Mr. Chairman, this is Molly.  
20 I should note, we're already trying to get a meeting  
21 together for December 3rd and 4th, so when we do send out  
22 letters it will be contingent on Secretarial approval. And  
23 if that doesn't happen, then it will be mainly a workshop.

24 CHAIRMAN BALSIGER: Is that the same for  
25 all of the subcommittees that they get.....

1 MS. McCAMMON: No, it's the Public Advisory  
2 Committee is the only one that's a FACA-type committee, so  
3 the others aren't.

4 CHAIRMAN BALSIGER: I see. Thank you. Any  
5 other comments?

6 (No audible response)

7 CHAIRMAN BALSIGER: Are we ready for the  
8 vote?

9 (No audible response)

10 CHAIRMAN BALSIGER: Is there any opposition  
11 to the motion to name this -- is it a 20-member committee?

12 MS. McCAMMON: Yes.

13 CHAIRMAN BALSIGER: As our PAC?

14 (No audible response)

15 CHAIRMAN BALSIGER: Hearing no opposition,  
16 the PAC will be constituted of these 20 members with  
17 affiliations as read by Ms. Pearce.

18 Is there any other business?

19 MS. PEARCE: Can I ask one question,  
20 please, Mr. Chairman?

21 CHAIRMAN BALSIGER: Yes, please.

22 MS. PEARCE: I got my faxed copy of the  
23 letter from Rick Steiner, but I missed the Anchorage Daily  
24 News article, so, Molly, could you tell me what was in the  
25 Daily News that caused Rick to send us this letter?

1 MS. McCAMMON: Well, the Daily News article  
2 said that the Trustee Council gave it a cool reception --  
3 no, that I said the Trustee Council gave it a cool  
4 reception, which I never did. I said they were -- the  
5 reporter asked me if the Council had any questions and I  
6 said no, but we had a full agenda. And did they give you  
7 any follow-up? No, but, you know, it was just given to  
8 them during public comment. But I did note that other  
9 similar type proposals had circulated earlier on in the  
10 Trustee Council process, permit buybacks, specifically for  
11 pink salmon buyback, pink salmon permit buyback, and that  
12 there had always been issues with them. First of all the  
13 costs, secondly legal issues about how you do buybacks,  
14 because a lot of the proposal had only been for buying back  
15 like half the permits, how do you choose which half and  
16 does that really accomplish your goal. And then thirdly  
17 that the purpose of the Trustee Council and the funds was  
18 restoration of natural resources and that most buyback  
19 proposals tended to be for the purpose of benefitting the  
20 fishermen or the industry.

21 MS. PEARCE: Okay. I was just curious.

22 CHAIRMAN BALSIGER: Thank you. Any other  
23 discussion?

24 (No audible response)

25 CHAIRMAN BALSIGER: Any other business for

1 the Council?

2 (No audible response)

3 MS. McCAMMON: We could recess until  
4 November 25th.

5 CHAIRMAN BALSIGER: I would be prepared to  
6 consider a motion to adjourn the meeting.

7 (Laughter)

8 MR. RUE: So moved.

9 CHAIRMAN BALSIGER: Is there a second?

10 MS. BROWN: Second.

11 CHAIRMAN BALSIGER: Any opposition?

12 (No audible response)

13 CHAIRMAN BALSIGER: If not, this meeting is  
14 adjourned. Thank you very much for your very fine  
15 participation and cooperation.

16 MR. RUE: Thank you, all. And thanks to  
17 Alex for his good work.

18 CHAIRMAN BALSIGER: Yes, thanks, Alex. And  
19 we'll see you on the 25th.

20 (Off record - 8:47 a.m.)

21 (MEETING ADJOURNED)

22

23

24

25

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25

I, Joseph P. Kolasinski, Notary Public in and for the state of Alaska and reporter for Computer Matrix Court Reporters, LLC, do hereby certify:

THAT the foregoing pages numbered 4 through 37 contain a full, true and correct transcript of the Exxon Valdez Oil Spill Trustee Council's Teleconference Meeting recorded electronically by me on the 4th day of November 2002, commencing at the hour of 8:05 a.m. and thereafter transcribed by me to the best of my knowledge and ability.

EXXON VALDEZ TRUSTEE COUNCIL, 451 W. 5th  
Avenue, Suite 500, Anchorage, Alaska 99501;

DATED at Anchorage, Alaska this 9th day of November  
2002.

SIGNED AND CERTIFIED TO BY:

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

