

09.18.01

# EXXON VALDEZ OIL SPILL TRUSTEE COUNCIL

Public Meeting (Teleconference)  
Monday, February 9, 2004  
2:00 o'clock p.m.

EVOS Office  
441 West 5th Avenue, Suite 500  
Anchorage, Alaska

ALL TRUSTEE COUNCIL MEMBERS PRESENT TELEPHONICALLY  
EXCEPT MS. PEARCE:

U.S. DEPARTMENT OF AGRICULTURE,	MR. JOE MEADE
U.S. FOREST SERVICE	Forest Supervisor
(Chairman)	Forest Service AK Region

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

U.S. DEPARTMENT OF COMMERCE,	MR. PETE HAGEN
National Marine Fisheries Svc:	for JAMES W. BALSIGER
	Administrator, AK Region

STATE OF ALASKA - DEPARTMENT	MR. KEVIN DUFFY
OF FISH AND GAME:	Commissioner

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

STATE OF ALASKA - DEPARTMENT	MS. ERNESTA BALLARD
OF ENVIRONMENTAL CONSERVATION:	Commissioner

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1       **TRUSTEE COUNCIL STAFF PRESENT:**

2	MS. GAIL PHILLIPS	Executive Director
3	DR. PHIL MUNDY	Science Director
4	MS. CHERRI WOMAC	Administrative Assistant
5	MS. BRENDA RAMOS	Administrative Assistant
6	MR. ROD BOCHENCK	Data Systems Manager
7	MR. MIKE SCHLIE	Data Systems Assistant
8	MR. MICHAEL BAFFREY	Department of Interior
9	MS. GINA BELT	Department of Justice
10	MS. DEDE BOHN	U.S. Geological Service
11	MS. PAULA BANKS	Administrative Assistant
12	MS. CAROL FRIES	AKDNR
13	MS. MARIA LISOWSKI	General Council's Office Department of Agriculture
14	MR. KEN HOLBROOK	U.S. Forest Service
15	MR. STEVE ZEMKE	U.S. Forest Service
16	MR. BRETT HUBER	ADF&G

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P R O C E E D I N G S

(On record - 2:08 p.m.)

CHAIRMAN MEADE: If I'm going to go ahead and chair the meeting, Gail, I'd be pleased to go ahead and call us to order.

MS. PHILLIPS: Okay, thanks, Joe.

CHAIRMAN MEADE: And so we should do a roll call and so, let's see, on behalf of the State Trustees.

MR. DUFFY: Dr. Ernesta Ballard, Kevin Duffy and I believe Craig Tillery.

CHAIRMAN MEADE: And Craig is representing.....

MR. DUFFY: Department of Law.

CHAIRMAN MEADE: Very good. And then with the Federal Trustees, we got Pete; is that correct?

MR. HAGEN: Pete Hagen, serving as an alternate for Jim Balsiger.

CHAIRMAN MEADE: Drue is en route and this is Joe Meade. And, of course, Gail, you're there with the Council; is there anybody else that I should acknowledge?

MS. PHILLIPS: We have quite a few people in the room. We have staff and people from different offices. If you'd like them to just speak out their name, we could just go around the room real quick.

CHAIRMAN MEADE: Please do that.

1 MS. PHILLIPS: Okay. Meade, do you want to  
2 start?

3 MR. TREADWELL: Yeah, my name is a Meade  
4 Treadwell, I'm a member of the board emeritus for the  
5 Prince William Sound Science Center.

6 MS. VICK: I'm Gale Vick with the Prince  
7 William Sound Science Center.

8 MR. BOCHENCK: Rob Bochenck, staff.

9 MR. SCHLIE: Michael Schlie, staff.

10 MR. HUBER: Brett Huber with the Department  
11 of Fish and Game, EVOS Restoration Program.

12 DR. MUNDY: Phil Mundy, Trustee Council  
13 staff.

14 MS. RAMOS: Brenda Ramos, Trustee Council  
15 staff.

16 MS. ROBINSON: Linda Robinson, Prince  
17 William Sound Science Center.

18 MR. BAFFERY: Michael Baffery, Department  
19 of Interior.

20 MS. BOHN: Dede Bohn, USGS.

21 MS. PHILLIPS: Okay.

22 MR. MULLINS: This is Cordova, I don't know  
23 if it's just us here, but modulation was not high enough  
24 for us to hear those folks that were announcing themselves  
25 in the room there.

1 MS. PHILLIPS: Okay. We have another mike  
2 at the other table, so if we need to put another mike up  
3 for other people, we'll have a mike when they speak.

4 MR. MULLINS: Thank you.

5 CHAIRMAN MEADE: And, Gail, I think you  
6 were keeping track of a list of names that had called in, I  
7 wonder if you might go ahead and identify, just for  
8 efficiency, those that had called in and they can confirm.

9 MS. PHILLIPS: Okay. Ken Adams and Ross  
10 Mullins from Cordova, John Devens, Carrie Holba with ARLIS,  
11 Carol Fries -- Carol hasn't called in yet. Larry Duffy,  
12 Chuck Meacham, Mira Kohler, Maria -- could I have help with  
13 your last name Maria?

14 (No audible response)

15 MS. PHILLIPS: Okay. Let's see, Barat is  
16 on line. Nancy Byrd and Ken in Cordova and Carl Schock and  
17 Joel Cooper in Homer. That's all I know for sure that are  
18 on line.

19 CHAIRMAN MEADE: Anybody else on the line?

20 MS. PHILLIPS: Who just came on line?

21 MS. FRIES: This is Carol at DNR.

22 MS. PHILLIPS: Okay, thanks, Carol.

23 MS. FRIES: Thank you.

24 MS. LISOWSKI: And is Maria Lisowski, I  
25 don't think I was on that list.

1 MS. PHILLIPS: Okay, Maria.

2 CHAIRMAN MEADE: Very good. With that I  
3 would call us to order and I think our first business item  
4 in the agenda will be the approval of the minutes from our  
5 last meeting. Excuse me, approval of the agenda, I'm  
6 reminded here. The agenda that's before us for our  
7 conference call.

8 MS. BALLARD: Move approval.

9 CHAIRMAN MEADE: So moved.

10 MS. PHILLIPS: Joe, we have to hold that  
11 one off until Drue gets here because we have to have the  
12 whole six people here.

13 CHAIRMAN MEADE: Okay. Shall we just go  
14 ahead and open up the period for public comment?

15 MS. PHILLIPS: Yes, please.

16 CHAIRMAN MEADE: Okay. So why don't we go  
17 ahead and do that at this point? Gail, you might want to  
18 help facilitate since you've got a list of those that might  
19 have interest in public comment.

20 MS. PHILLIPS: Yes. I know that Joel  
21 Cooper in Homer wanted to speak so, Joel, why don't you  
22 start?

23 MR. COOPER: Okay. Thank you very much. I  
24 have a question before I start. Will Drue be able to get  
25 any comments I make?

1 MS. PHILLIPS: Yes, she will.

2 MR. COOPER: Okay. Well, first I'd like to  
3 thank the Council for allowing me to provide public comment  
4 and what I'd like to comment on is my proposal submitted  
5 intersection the FY04 Work Plan, Proposal Number 040700,  
6 entitled Community Sampling of Watershed Base and Marine  
7 Dried Nutrients. I wanted to follow up, I had sent a  
8 letter addressed to Gail and ccing the Council addressing  
9 our proposal. It was recommended to be funded by the  
10 Director and STAC and PAC Committees and we felt our  
11 proposal was really strong. And it got deferred at the  
12 November 10th meeting and we wanted to clarify a few  
13 things.

14 And just a quick four points that we  
15 clarified in our letter sent to everybody is that it was  
16 recommended for funding and that it was well coordinated  
17 with the other watershed proposal, those being Walker,  
18 Heintz and Mazumder. And that there might have been some  
19 confusion that we wanted to clarify in that our proposal  
20 got place in the community involvement, although when it  
21 was presented Dr. Mundy did point out that it belonged in  
22 the watershed section. And that's what we wrote it to fit  
23 into, and he pointed out again in the community involvement  
24 section, twice in the presentation, so we wanted to clarify  
25 to make sure the Council understood that it really belonged



1 in the watershed section.

2 And also our letter pointed out that, you  
3 know, there was still funds available and that even though  
4 we did get deferred we felt that we had a strong proposal  
5 and should be funded in the FY04 cycle. I did get one  
6 response from Mr. Meade, he responded to the email sent out  
7 to everyone and did support the proposal. And I appreciate  
8 that response

9 (MS. PEARCE ARRIVES - 2:17)

10 MR. COOPER: I understand that your agenda  
11 today does not specifically address all deferred projects,  
12 I think you list four that you are going to address. And  
13 so I would like you to consider addressing our proposal in  
14 your scheduled March 1st meeting for approval. And I'd  
15 also finally like to wrap up and say that I would  
16 appreciate better the communication, I know a lot of the  
17 Council members are new, there's been a lot of transition,  
18 but some of these projects that are just left hanging there  
19 deferred, you know, it kinds of leaves us wondering what's  
20 going on and where things are going. So, again, I'd really  
21 appreciate if you'd support this proposal and let it go  
22 through.

23 Thank you. And I'll answer any questions.

24 MS. PHILLIPS: Thank you, Joel.

25 CHAIRMAN MEADE: Any questions for Joel at

1 all?

2 (No audible response)

3 MS. PHILLIPS: And also Drue has arrived.  
4 I don't think we have anybody here that wishes to make  
5 public testimony. Oops, Meade Treadwell would.

6 MR. TREADWELL: Thank you. My name is  
7 Meade Treadwell. I've been a member of the board of the  
8 Prince William Sound Science Center for about the last  
9 eight years and recently gained emeritus status and I never  
10 thought I was going to be emeritus at anything, but at any  
11 rate, I just wanted to comment briefly on a proposal before  
12 the Trustees about this \$750,000 NOS grant for gulf  
13 ecosystem monitoring.

14 I've read the memorandum in your packet  
15 from Director Phillips and Science Director Mundy and I'd  
16 like to say that we support it. And I just wanted to say  
17 the importance of getting this monitoring system  
18 capitalized in Prince William Sound, I don't think, should  
19 be underestimated. It's a very important thing for a  
20 number of different programs. For I think what GEM has  
21 been all about, for what the Prince William Sound Science  
22 Center and ALCAST forecast program is all about. What the  
23 ocean observing system, which Molly McCammon heads, is all  
24 about. And I should also say, from a position I hold, as a  
25 member of the Arctic Research Commission where we've been

1 looking at the U.S.'s role in global environmental  
2 monitoring, this is also a very important capital  
3 capability to see in place.

4 And I was a member of the -- you know, in  
5 various capacities over the last 15 years I was either  
6 working for the City of Cordova or working for the State as  
7 an alternate on this Trustee Council, I think it's been  
8 very important and it's been recognized that the work that  
9 we done in Prince William Sound has been a very important  
10 step in modeling an ecosystem that has been done almost  
11 nowhere. There's been almost nowhere else in the world  
12 that's had the kind of opportunities with the money on this  
13 and this is an important thing to set up this long term  
14 monitoring and to keep the model going.

15 And one of the things that I think was  
16 surprising to all of us, and I'm not a scientist, but I  
17 kind of watch the scientific findings, is that most of the  
18 nutrients for the species at risk in Prince William Sound,  
19 for the species that were affected by the spill, come in  
20 from the Gulf. And if there's not a good understanding of  
21 what's happening with the currents in the Gulf, you're not  
22 going to be able to run the model properly and do the  
23 predictive work that you want to be able to do.

24 So I think this is a good opportunity here  
25 and I just -- you know, just as a matter of pragmatics,

1 I've had a chance to speak with several of the Trustees  
2 prior to this meeting and I'd say there's two options. One  
3 is to do as Director Mundy has suggested here, which is to  
4 have the Science Center take on the money and consolidate  
5 the proposals by the Science Center and the university and  
6 go forward with that. The other, if it's easier for the  
7 Trustees to think about doing this, would be to endorse the  
8 idea of the university and the Science Center applying  
9 directly for these funds and not be in the middle, and we  
10 could work it either way.

11 And I'd be happy to answer any questions  
12 the Trustees may have, but I want to thank you for the good  
13 work you continue to do in this area. And I can just say,  
14 having worked on several different kinds of science with  
15 many of you in different ways, that having this monitoring  
16 capability in place is very important. We do a lot of work  
17 with NSF and they don't really want to pay for the long  
18 term monitoring and we've done a big job here in Alaska to  
19 capitalize things, like the Science Center and the SeaLife  
20 Center and so forth, and this is another step in that  
21 direction.

22 MS. PHILLIPS: Thank you, Meade. Gail  
23 Vick.

24 MS. VICK: Yeah, thank you, Madam Chair.  
25 I'd like to just add a couple of things. I'm on the Prince

1 William Sound Science Center Board also, but I don't think  
2 I'll ever get emeritus status. But I also represent many  
3 of the communities in the Gulf of Alaska, and speaking on  
4 behalf of the communities, we're looking at comprehensive  
5 science, applied science, such as this, that can help us as  
6 we go forward into some of the political arenas, and that's  
7 our biggest concern. And so we would really like to  
8 encourage that we move forward on this because it seems to  
9 be one of those options that we can do to increase the  
10 local knowledge that we have to work on, and preempt things  
11 that are coming our way.

12 And that's my two cents. Thank you very  
13 much.

14 MS. PHILLIPS: Thank you. Is there anybody  
15 else in the room that would like to testify?

16 (No audible response)

17 MS. PHILLIPS: Joe, I think that's all from  
18 here.

19 CHAIRMAN MEADE: Okay. Do you need me to  
20 -- I apologize for my lack of familiarity with Robert's  
21 Rules of Order, do we need to officially close the public  
22 comment period?

23 MR. HOLBROOK: Ask if there's somebody on  
24 line.

25 CHAIRMAN MEADE: Is there anybody else on

1 line that does have any public comment?

2 MS. KOHLER: Yes, I do.

3 CHAIRMAN MEADE: Oh, please. If you'd  
4 state your name and who you represent first?

5 MS. KOHLER: My name is Mira Kohler and I'm  
6 the President and CEO of Alaska Village Electric Co-op,  
7 which is the industry that places bread on my table. But  
8 I'm also the Chairman of the Board of Directors of Prince  
9 William Sound Science Center, that's what brings a sense of  
10 fulfillment to my life. Today, you'll be considering  
11 whether or not to file a grant application to the National  
12 Oceans Service for \$750,000 that has been earmarked for  
13 Alaska. While there are several options that are available  
14 to you, I hope that you'll give serious consideration to  
15 the Hinchinbrook-Montague Project that's been proposed in  
16 Cordova.

17 As you are probably aware, this project is  
18 a joint effort between the Science Center, the Oil Spill  
19 Recovery Institute, UAF and the Prince William Sound RCAC,  
20 and it would provide invaluable information in oil spill  
21 prevention and response. This project exemplifies the type  
22 of research that would bridge the gap between conjecture  
23 and knowledge when it comes to understanding our marine  
24 ecosystem and its complex reaction to external events, such  
25 as oil spills. It would also help in developing more

1 accurate biological and current ocean models that will aid  
2 commercial fishery managers, as well as local mariners.

3 Knowledge that's gained through this  
4 Hinchinbrook-Montague Project will complement your  
5 development of the GEM Program and will maintain Alaska's  
6 leading role in development in the national integrated  
7 ocean observing system.

8 I'd like to thank you for your support of  
9 our programs in the past and I look forward to a long and  
10 close working relationship with you. And that concludes my  
11 comments.

12 CHAIRMAN MEADE: Thank you very much. Are  
13 there any other individuals on the conference line that  
14 would like to have opportunity for public comment?

15 MR. DEVENS: Yes, this is John Devens. I'm  
16 John Devens, Executive Director of the Prince William Sound  
17 Regional Citizens Advisory Council. I'm also a member of  
18 the Trustee's Council Public Advisory Group. I appreciate  
19 this opportunity to present testimony in support of the  
20 EVOS Trustee Council applying for a grant for Hinchinbrook  
21 Entrance water flow monitoring. For the past two years our  
22 organization, the Prince William Sound Regional Citizens  
23 Advisory Council, has coordinated data sharing and modeling  
24 workshops with regard to sea currents in Prince William  
25 Sound and Hinchinbrook Entrance.

1                   The area around the Entrance is very  
2 important to both the biological and physiological  
3 processes of the entire Sound. The Entrance is a key  
4 boundary between the Sound and the Gulf of Alaska, as well  
5 as being the shipping lane for crude oil tankers in and out  
6 of the Sound. Due to the remote location of Hinchinbrook  
7 Entrance and the high cost of collecting scientific data in  
8 the area, workshop attendees, such as the Prince William  
9 Sound Science Center and the Oil Spill Recovery Institute,  
10 the University of Alaska, as well as the Trustee Council  
11 has supported a multi stakeholder process that encourages,  
12 coordinated and co-funded research. Based on the ground  
13 work and the knowledge gained at the workshops it is timely  
14 that significant resources be focused on this area. I'm  
15 here to recommend that the Trustee Council apply for this  
16 grant and put this money toward this very needed area of  
17 study.

18                   Thank you.

19                   CHAIRMAN MEADE: Thank you very much. And  
20 I think I heard another party that was interested in public  
21 comment as well.

22                   MR. ADAMS: Mr. Chairman

23                   CHAIRMAN MEADE: Please.

24                   MR. ADAMS: This is Ken Adams and Ross  
25 Mullins from Cordova.



1 CHAIRMAN MEADE: Yes, Ken, go ahead.

2 MR. ADAMS: I'd like to thank Director  
3 Phillips and the Trustee Council and you, sir, for allowing  
4 us the opportunity to offer some comments. We'd like to  
5 thank the Council, first off, for your approval of our  
6 project in FY04, entitled Fishery Management Applications.  
7 We report that we made considerable progress planning and  
8 organizing a three-day pink salmon predictive workshop,  
9 which is scheduled for the middle of March in Cordova.

10 And the intention of this workshop will be  
11 the development of a plan to improve pink salmon  
12 forecasting accuracy. And this is a the significant part,  
13 I think, in that this will be done in the light of the  
14 relatively new information gained through the EVOS Trustee  
15 Council funded Sound Ecosystem Assessment, the SEA Program.  
16 We foresee the development of a comprehensive and  
17 coordinated springtime monitoring program, at least in the  
18 initial stages of this program. This is a program that has  
19 a very definite economic potential, that is improving  
20 forecasting of pink salmon. Such an improvement will offer  
21 benefits to harvesters, to processors, hatchery operators,  
22 management biologists and, by extension, the whole resource  
23 dependent communities of Prince William Sound.

24 However, the observational or the data  
25 gathering program is really of little value of itself. The

1 data needs to be organized within a conceptual framework  
2 regarding how the observed parameters interact. And that  
3 is that the data needs to be organized in a model and that  
4 model will be the vehicle for improved forecasting  
5 capability. Forecasting is just a synonym for prediction.  
6 And we know that prediction is one of the goals of the GEM  
7 Program.

8 We respectfully would like to express our  
9 concern and our disappointment that at the Trustee Council  
10 meeting in November there was no modeling proposal advanced  
11 for funding. Now, this action suggests a lack of  
12 appreciation for modeling efforts. We'd like to state the  
13 obvious, that there is a fundamental relationship between  
14 monitoring and modeling. These are not stand alone  
15 activities. We are supportive of the concept of the whole  
16 ecosystem model development for GEM. Such an overarching  
17 model would be composed of sub models, such as might  
18 eventually be derived from our program. And such that we  
19 are advocating for pink salmon forecasting improvement. I  
20 believe in FY04 there was such a proposal submitted from  
21 Schumacher and McNutt and we're supportive of this  
22 approach.

23 In closing, I'd just like to refer to the  
24 NRC 2002 report as they reviewed the developing GEM  
25 Program, and they advised how best to develop a

1 scientifically sound and robust program. I'll quote just  
2 one sentence, I think is very fitting. They said:  
3 "Modeling should be a component in all phases of GEM, such  
4 as research, synthetic and a diagnostic tool." So this is  
5 an essential capability. We urge the Council's  
6 reconsideration of the value of modeling and its  
7 fundamental importance to the GEM Program.

8 Thank you very much for the opportunity to  
9 comment, Mr. Chairman.

10 CHAIRMAN MEADE: Thank you very much.

11 MR. MULLINS: Mr. Chairman, this is Ross  
12 Mullins, Ken's protege, here in Cordova and I'd just like  
13 to reiterate or reaffirm that I'm just fully supportive of  
14 his remarks. And also I'm appreciative of the fact, after  
15 observing the draft FY05 invitation that modeling does  
16 have, in fact, a fairly strong role in this FY05 invitation  
17 and that there is an opportunity here for a planning  
18 process and implementation phase to be developed here in  
19 Prince William Sound for some of the modeling that was  
20 developed under the Restoration Project 320, known as SEA.  
21 We do feel strongly that without an overarching theory to  
22 be able to put data into and able to tweak and change as  
23 observational becomes available that you don't really make  
24 a lot of headway. The modeling, I think, gives you the  
25 opportunity to see how to fine tune things and get a better

1 understanding as parameters change, if the model is well  
2 done in the beginning. And we realize it's a complex  
3 problem, it's difficult language for many people to deal  
4 with that aren't mathematicians, and we certainly are not,  
5 neither Ken nor I, but we've been in contact with others  
6 that are familiar with this method and we believe that  
7 modeling offers the greatest bang for the ultimate buck in  
8 long run if it can be fully developed so that then field  
9 observations can be efficiently obtained and inserted into  
10 these developed models that will give you a lot of output  
11 that you wouldn't otherwise get just in field observations,  
12 so we strongly support modeling here and we hope this FY05  
13 invitation opportunity can be approached by those that have  
14 the expertise to work with the SEA information and we're  
15 certainly working along towards that with our pink salmon  
16 predictive workshop and a number of notable scientists that  
17 will be attending here March 14th through 16th. Anyone who  
18 is interested -- 16th through 18th, I'm sorry. Anyone who  
19 is hearing this that might be interested in attending, we'd  
20 be glad to have you.

21 So thank you for your time.

22 CHAIRMAN MEADE: Thank you. Were there any  
23 other individuals that would like to have opportunity for  
24 public comment?

25 MR. KOPCHECK: Yes, Mr. Chairman.

1 CHAIRMAN MEADE: Yes, please. State your  
2 name and who you represent.

3 MR. KOPCHECK: You bet. My name is R.J.  
4 Kopcheck and I represent actually partially myself,  
5 although I do serve on the EVOS Public Advisory Group and I  
6 also serve on the board of directors of the Oil Spill  
7 Recovery Institute. And actually I was lucky enough to be  
8 one of the founders of the Prince William Sound Science  
9 Center 14 years ago.

10 I'd like the speak in favor of Trustees  
11 looking on this as an opportunity to further develop the  
12 ocean observing system for the state. Something that's  
13 very important, especially in this time of changing  
14 environments. The coordination and distribution of the  
15 assets that are required to build a true ocean observing  
16 system will require there be several centers for excellence  
17 on the coast of Alaska, and we have a perfect distribution  
18 of those in that capability starting in Juneau with Auke  
19 Bay and through Cordova at Prince William Sound Science  
20 Center, onto Seward and then onto Kodiak.

21 This particular opportunity will further  
22 empower the capacity of the Prince William Sound Science  
23 Center to play a role in developing this ocean observing  
24 system. In coordination with the university we're  
25 beginning to develop a series of capacities along the

1 coasts that, I think, will within the next decade be able  
2 to produce some usable and some people-friendly  
3 opportunities to learn more about how our system is  
4 working.

5 So my encouragement is to go forward with  
6 the authorizing a proposal by the Prince William Sound  
7 Science Center and the university to take advantage of this  
8 opportunity and further develop this system. Thank you.

9 CHAIRMAN MEADE: Thank you very much. Any  
10 other individuals that would like to have opportunity for  
11 public comment?

12 MR. LARRY DUFFY: This is Larry Duffy, the  
13 University Alaska-Fairbanks and Executive Director of  
14 triple AS and I want to point out the obvious that many  
15 speakers have already spoken to, how important it is to  
16 have a source to do the infrastructure which GEM and EVOS  
17 allows Arctic scientists to work for. With major programs  
18 it's very difficult to obtain infrastructure programs with  
19 the small amount of population and demand in the Arctic and  
20 I think EVOS is one of those areas that can bring  
21 scientists together in the Arctic to study the basic and  
22 the applied research and we need infrastructure to support  
23 that. From our political process in the Lower 48, a lot of  
24 times, does not lead to successful outcomes.

25 So, again, I encourage -- I strongly

1 support what the previous speakers have said.

2 CHAIRMAN MEADE: Thank you. Any additional  
3 input from the public comment period?

4 MS. BYRD: Mr. Chairman.

5 CHAIRMAN MEADE: Please.

6 MS. BYRD: My name is Nancy Byrd, I am  
7 speaking as President of the Prince William Sound Science  
8 Center and Director of the Oil Spill Recovery Institute.  
9 In the interest of time, I will defer on a lot of the  
10 comments I had prepared, since previous speakers, I think,  
11 have covered most of the points. I wanted to comment on  
12 your item seven, the Hinchinbrook Entrance-Montague Strait  
13 proposal and the proposed NOS grant application, which we  
14 are very, very please to see staff recommending. It will,  
15 as indicated by previous speakers, I think comes at time  
16 when it will help us move many years ahead. We believe we  
17 could have a very operational mode within just a couple of  
18 years at this point, we're close enough. And find that the  
19 information that will come from this kind of a system will  
20 benefit a wide variety of users from commercial fisherman,  
21 mangers, to oil spill response planners, particularly.

22 I and Carl Schock, the OSRI Science  
23 Director are here if there are any specific more detailed  
24 questions about the program or the partnerships we're  
25 trying to develop to make this program really long term and

1 sustained with operational monies coming from other sources  
2 once we get it in place.

3 CHAIRMAN MEADE: Thank you, Nancy and thank  
4 you for summarizing your otherwise prepared remarks as  
5 well.

6 Any other comments that individuals would  
7 like to add?

8 MS. OBERMEYER: Mr. Chairman.

9 CHAIRMAN MEADE: Yes.

10 MS. OBERMEYER: Teresa Obermeyer, sir,  
11 shall I come forward?

12 CHAIRMAN MEADE: Please.

13 MS. OBERMEYER: And I apologize, I'm a  
14 little late, it is a gorgeous in Anchorage. And I don't  
15 know where you're located, but we live in the most amazing  
16 place on earth. I have a different perspective, Mr.  
17 Chairman, I'd come from many years and I remember one time  
18 Molly McCammon saying that she -- on the website of the  
19 Exxon Valdez Oil Spill Trustee Council got 115,000 hit a  
20 week. And I thought, well, why doesn't she connect to my  
21 website so this can be over. It never seems to be over.

22 Of course, the last time I came the group  
23 was here in Anchorage and I gave out copies of my free, not  
24 for publication, rulings by the U.S. Court of Appeals for  
25 the Ninth Circuit commencing when I sued the University of



1 Alaska that began in 1979, for which I had to write a check  
2 for \$17,161 as long ago as 1986. If you'll forgive me, Mr.  
3 Chairman, I want my money back. I don't think these judges  
4 are going to give me my money back though, Gail.

5 But let's create a brighter future. I  
6 don't think there's anyone that can speak to these issues  
7 better than I. I've lived a life in Anchorage, Alaska  
8 really for almost 30 years and I would really -- every time  
9 I come I listen to the interesting testimony and the  
10 research that you're doing. And I would just ask for  
11 caution. I mean, I'm motivated by the name Exxon. When  
12 are they going to pay up, Gail? I mean, you know, the  
13 longer they wait the more they're going to have to pay.  
14 And it was just in our Anchorage Daily News that their  
15 profits last year were \$21 billion, so what's five or six  
16 billion to these people. Not a tremendous amount of money.  
17 I mean we would have a lot of uses for that money. All  
18 those wonderful fishermen whose lives have been affected.  
19 The attorneys that have spent many years waiting for that  
20 settlement.

21 I go back to that because I just believe  
22 that settlement would be a great turning point in our state  
23 and for the first time we would really become Americans. I  
24 mean, I don't have an answer for you, I know what I'm  
25 spending a lot of times these days on, is I'm trying to

1 start a law school. But, Drue, I have a joke always,  
2 because I'm Irish. I'm starting a law school once the  
3 lawyers shoot me in the back. They pulled every trick in  
4 the book and -- you know, it is funny and yet it is really  
5 sick. And so what's.....

6 Oh, I forgot to mention. You know, what I  
7 really hope is that everyone will start getting this little  
8 book that I've given out over a hundred of these and I just  
9 can't afford to give these away anymore because they cost  
10 \$35 each. This is the Todd Communications Directory of  
11 Attorneys. Now, don't ever think that I believe everything  
12 in this book is even correct. And they don't have a lot of  
13 emails or websites. Of course, we pay more than the  
14 lawyers. We have for many years. My husband has an ad  
15 here on Page 9 and I have two listing, one alphabetically  
16 in the Alternative Dispute Resolution section. And then my  
17 listing in the Expert Witness section is under J for  
18 jurisprudence. I hope that you will look at this  
19 directory. And, you know, it's a wonderful resource  
20 because it starts and ends with these people.

21 CHAIRMAN MEADE: Thank you.

22 MS. OBERMEYER: And so did you have a  
23 question, sir?

24 CHAIRMAN MEADE: No, I was just -- it's  
25 about time you need to draw your remarks to a completion.

1 MS. OBERMEYER: Oh, that was all. Do you  
2 know the expression "Talk's cheap"? Talk is so cheap where  
3 I live talk doesn't even exist. There's really no free  
4 speech where I live, sir. I don't know where you live, but  
5 I live in Alaska. So have a great afternoon in the  
6 wonderful weather. Isn't this wonderful?

7 CHAIRMAN MEADE: It sure is. And thank you  
8 for your comments.

9 Do we have any remaining individuals that  
10 would like to offer public comment yet today?

11 MR. MEACHAM: This is Chuck Meacham, I'll  
12 make a brief public comment, just on my own behalf and then  
13 I'll be back again a little later.

14 CHAIRMAN MEADE: Please go ahead, Chuck.

15 MR. MEACHAM: Okay. Yes, I just wanted to  
16 support the \$750,000 going toward some of the ocean  
17 monitoring activities buoy system in Prince William Sound.  
18 Not only is it a strong scientific program, but it's even  
19 more important than that. I think the ultimate objectives  
20 down the road of providing a better understanding of some  
21 of the resources within Prince William Sound have  
22 tremendous value not only to the maintaining of those  
23 resources and healthy conditions, but also in terms of  
24 making them available to the users of Prince William Sound.

25 Again, just personally, I would like to go

1 on record as strongly supporting the use of those funds in  
2 that manner. Thank you.

3 CHAIRMAN MEADE: Thank you, Chuck.

4 Again, any remaining individuals who would  
5 like to offer public comment?

6 (No audible response)

7 CHAIRMAN MEADE: Hearing none, I'll  
8 recommend that we draw the public comment period to a  
9 close. Is that subject to a motion?

10 MS. PHILLIPS: No, Joe, you can just close  
11 it.

12 CHAIRMAN MEADE: It's just closed. Thank  
13 you, all, again for your interaction and participation.

14 The first item, then, is to go ahead and  
15 move the approval of the agenda.

16 MS. BALLARD: I'll try again, Joe, I move  
17 approval. This is Ernesta.

18 CHAIRMAN MEADE: Thank you, Ernesta. So  
19 moved. Is there a second?

20 MR. DUFFY: Second. This is Mr. Duffy.

21 CHAIRMAN MEADE: Thank you, Kevin. Agenda  
22 carries. I'm sorry, I'm not too accustomed to Robert's Rules  
23 here. I'm being coached that I should ask for any  
24 discussion?

25 (No audible response)

1 CHAIRMAN MEADE: Is that a vote?

2 ALL COUNCIL MEMBERS: Aye.

3 CHAIRMAN MEADE: Thank you. The ayes  
4 carry. The agenda stands. Now we go to the approval of  
5 the meeting minutes from November 10th. A motion?

6 MR. DUFFY: This is Kevin Duffy, I move  
7 approval of the November 10th, 2003 Exxon Valdez Oils Spill  
8 Trustee Council minutes.

9 CHAIRMAN MEADE: Thank you, Kevin.

10 MS. BALLARD: This is Ernesta, I second.

11 CHAIRMAN MEADE: Moved and second. Is  
12 there any discussion?

13 (No audible response)

14 CHAIRMAN MEADE: Ready to put to a vote?

15 ALL COUNCIL MEMBERS: Aye.

16 CHAIRMAN MEADE: The ayes carry.

17 The first item on the agenda will then be  
18 to move to the Executive Director's comments. And for  
19 that, Gail, I'll turn the discussion to you.

20 MS. PHILLIPS: Thank you, Joe. On January  
21 15th the PAC had a meeting. There was quite a bit of  
22 discussion about their role in the relationship with the  
23 Trustee Council. I'll let Chuck go into the details on  
24 that, but I just wanted to say that one of the strongest  
25 request from the PAC was that they be given the opportunity

1 to meet face to face with the Trustees to discuss issues of  
2 concern to them. With your approval, I will begin to work  
3 on a date for this meeting.

4 They also requested all the material on the  
5 small parcels issue be sent to them ahead of time so that  
6 they would have the opportunity to meet and then give the  
7 Trustee Council their input during the March 1st meeting.  
8 They have scheduled a meeting on February 25th and formally  
9 requested that the Trustee Council invite them to give a  
10 formal recommendation to the Trustee Council regarding the  
11 small parcels program.

12 So for that portion I would need direction  
13 from the Trustee Council to issue them a formal invite for  
14 their opinion and also whether or not you would be willing  
15 to start work to set up a meeting between the Trustee  
16 Council and the PAC.

17 The next item is the ARLIS report. In your  
18 packet Carrie has provide an update of the Department of  
19 Interior appropriation that ARLIS received last year to  
20 catalogue and digitize valuable natural resources  
21 documents. Carrie is on line with us right now if anybody  
22 had any questions about it.

23 (No audible response)

24 MS. PHILLIPS: I'd like to give you an  
25 update on the 15th anniversary commemorization. Final

1 interviews will be done on the 19th for the CD. On  
2 February 20th the contractor will send out the draft  
3 booklet layout and the draft CD packaging design for  
4 review. I will forward both of these to the Trustee  
5 Council for their comments. She plans to have the final  
6 draft of both the booklet and the CD ready for us the  
7 following week and has asked that we get our final  
8 revisions to her by March 3rd. She plans to have the final  
9 product to us by March 15th. In the meantime we're getting  
10 calls regarding the 15th anniversary. This coming week I  
11 will be doing an interview the Slovina Television  
12 International and the following week an interview with Ard  
13 German Television. Both of these companies are sending  
14 their reporters from Washington, D.C. to do a program on  
15 the oil spill 15 years later.

16 In your packet also is the President's  
17 justification documents. You'll find two documents, the  
18 summary page and the full report titled Exxon Valdez Oil  
19 Spill Restoration Program Regarding the President's Budget  
20 for EVOS that we are required to submit annually. The  
21 information about the settlement and the status of  
22 restoration activities is used to prepare a section of the  
23 Restoration Program FY2005 budget justification to  
24 Congress. This report is put together each year to  
25 document to Congress the justification for the annual

1 appropriation and also to annually report to Congress on  
2 the progress and specifics of EVOS restoration activities.

3  
4 If anyone has any questions about this,  
5 Paula is on line and will be glad to respond.

6 (No audible response)

7 MS. PHILLIPS: The last item that I have is  
8 Project 04071, the Subsistence Planning Workshop. I  
9 attended the Subsistence Planning Workshop coordinated by  
10 Jim Fall of ADF&G. The meeting agenda and copy of my  
11 remarks to the group are included in your packet. And I've  
12 asked Brett to come forward and to give a very brief report  
13 on that meeting. Brett.

14 MR. HUBER: Thank you, Gail. As you said,  
15 earlier this week Project 04071 held a workshop on their  
16 subsistence survey effort. Jim Fall is the PI for the  
17 Department of Fish and Game. In conjunction with Fish and  
18 Game are BBNA, CRRC and KANA as partners on the project.  
19 This workshop included representative from all of the 16  
20 communities. Household surveys will be conducted in all  
21 those communities, all household in the communities with  
22 the exception of Cordova, where there will be a subset of  
23 the households surveyed there.

24 This will really allow for a completion of  
25 an additional snapshot from the timeline of the series of



1 subsistence surveys that have been done over the years. As  
2 you'll remember, 1989 was the original survey done in the  
3 households and it resulted in subsistence services being  
4 listed as one of the injured services from the spill.  
5 Subsequent surveys were conducted in 1990 through '93 and  
6 then again in '98.

7 And as Gail pointed out, her comments to  
8 the group are included in your packet under Tab 3.  
9 Interesting to note that not only will they be utilizing  
10 researchers from the local villages to help participate in  
11 this, but this is the first time they're going to offer the  
12 opportunity for training and utilization of locals that  
13 will help do the data input. As you know, these surveys in  
14 the past have provided not only kind of a holistic overview  
15 of the status of subsistence uses and subsistence in the  
16 area, but some very interesting individual kind of detailed  
17 results.

18 And the workshop went well, the survey  
19 instrument should be finalized now. Household surveys will  
20 begin next week. We're working on a bit of an accelerated  
21 timeline just because of the late decision in funding of  
22 the FY04 projects. We've actually amended the timeline for  
23 some of the components of the project, but the completion  
24 will follow the lines of the original DPD that was funded  
25 by the Council.

1 MS. PHILLIPS: Joe, Drue has a question.

2 CHAIRMAN MEADE: Yes, Drue.

3 MS. PEARCE: Thank you. Brett, I don't  
4 want to slow the gathering of subsistence information down  
5 in any way, shape or form, however, one of the difficulties  
6 that BLM, in particular, experienced this past year as we  
7 were trying to do the right-of-way renewal EIS for TAPS,  
8 was a difficulty and, in some cases, total inability to use  
9 all of the subsistence data that has been gathered over the  
10 years and put it into a form that provided us with reliable  
11 materials for the cultural and subsistence sections of the  
12 EIS. And I was late to this meeting because the part of  
13 the meeting that I was at with our regional directors was  
14 asking them each to make sure that any data that they're  
15 collecting, monitoring and research that they're collecting  
16 particularly when it's subsistence related, that they all  
17 work on setting up a protocol for that information, for  
18 what they're asking for so that the information can be  
19 melded together at the end of the day so we have something  
20 that works statewide to fit all the information in.

21 Would it be possible, would you all be  
22 amenable to showing your instrument to the Federal  
23 Subsistence Board staff that has provided some level of  
24 criteria to those other agencies or ours because they're  
25 the ones that helped have been working defining a new

1 instrument to make sure we're all following the same  
2 information. And I hate to see -- we got an opportunity  
3 here for some information coming from the State, I hate for  
4 it not to be -- not to fit in the larger scheme. If it's  
5 too late to do it for this year, it's a request I'd make  
6 for next year.

7 MR. HUBER: Drue, I wouldn't see there  
8 would be any difficulty with the Division of Subsistence on  
9 this project sharing what their survey instrument looks  
10 like and what past survey instruments looked like. Part of  
11 what they tried to do at this workshop was develop are  
12 there new things they want to know, are there questions  
13 that ought to better be answered. So I know one of the  
14 discussion was a fidelity with the protocol that was used  
15 in past surveys, because if you get away from that same  
16 type of instrument, then you lose the ability to look at  
17 the texture and trends over time of the survey.

18 But I'd be certain that Mr. Fall -- as they  
19 use the general same format for this survey as they do  
20 other subsistence surveys conducted by the State, I  
21 wouldn't see any problem with him providing that  
22 information. What portions of the document they have that  
23 may be amended to both serve your needs and still give the  
24 opportunity to give them the comparative analysis they need  
25 to over time that was done specifically for the EVOS work,

1 I'm not certain of. But I'm certain that he'd be more than  
2 willing to make information available for review.

3 MS. PEARCE: Okay. Thanks. The folks in  
4 the Joint Pipeline Office, the State's side, through DNR  
5 would be able to provide you also with information about  
6 the difficulties they ran into during that TAPS right-of-  
7 way renewal process and why some of the data was unusable.

8 MR. HUBER: And I'd certainly be willing to  
9 serve as kind of the liaison with Mr. Fall in making sure  
10 that information goes to the agency that you require.

11 MS. PEARCE: Appreciate it.

12 MS. PHILLIPS: Thanks, Brett.

13 This concludes my remarks, Mr. Chairman.

14 CHAIRMAN MEADE: Okay. Thank you, Gail.

15 There were two items in your remarks that I wonder if we  
16 need to come back to and there were two items from the PAC  
17 that you had noted. That they had asked for a face-to-face  
18 meeting with the Trustees, as well as opportunity to  
19 collaborate with the Trustees in the small habitat project  
20 or components.

21 MS. PHILLIPS: Yes.

22 CHAIRMAN MEADE: Should we entertain any  
23 motion on those two while we're going through your report  
24 or hold those until the end of the discussion today?

25 MS. PHILLIPS: I think it would be

1 appropriate to take them up right now, if you wouldn't  
2 mind.

3 CHAIRMAN MEADE: I think it would be timely  
4 to do that. Is there interest by any of the Trustees for  
5 such a motion for both the opportunity to meet face to face  
6 with the Public Advisory Committee, as well as to provide  
7 them a forum to discuss with us their interest in the small  
8 habitat land program.

9 MS. PEARCE: Mr. Chairman.

10 CHAIRMAN MEADE: Yes.

11 MS. PEARCE: This is Drue. Would you  
12 rather there be a motion on the table before we're allowed  
13 to ask Mr. Meacham any questions?

14 CHAIRMAN MEADE: Oh, excuse me, thank you.  
15 Is Chuck on the line?

16 MR. MEACHAM: I am on the line and can make  
17 a brief summary of our meeting, if you'd like to hear that  
18 now?

19 MS. PEARCE: Thank you, Chuck, very much.  
20 Again, I apologize for my lack of protocol here, I'm doing  
21 this on the fly. I would very much welcome your input from  
22 the Public Advisory Committee.

23 MR. MEACHAM: Thank you very much. My name  
24 is Chuck Meacham and I currently serve as Chair of the  
25 Public Advisory Committee. We last met on January 15 in

1 Anchorage in conjunction with the EVOS annual meeting and  
2 we did have a quorum at that session. I would refer you to  
3 our written meeting summary for the detailed explanation of  
4 what we did, but I would like to summarize a couple of the  
5 more pertinent items, which include the two Gail has  
6 already brought to your attention.

7               The first is that some of the members of  
8 the PAC felt that our input, you know, as a body was not  
9 really being sought by the Trustee Council. And this  
10 perspective surfaced in reference to the small parcel  
11 issue. I did indicated at the time recommendations have  
12 often been initiated by the PAC rather than specifically  
13 requested by the Trustee Council and we were free to do so  
14 regarding this matter as well. But, nevertheless, some PAC  
15 members wanted the Trustees to specifically task the PAC to  
16 look at the small parcels issue and to comment to you folks  
17 prior to the time any decision was made. And a resolution  
18 to that effect was made and did pass unanimously.

19               The Executive Director did furnish all the  
20 PAC members with back-up material, the same material that  
21 was provided to your folks earlier.

22               The second issue that I would like  
23 emphasized is that the PAC would indeed very much like to  
24 meet with the Trustee Council in a face-to-face meeting,  
25 you know, within the next few months if that's possible. A

1 resolution to that effect was also passed unanimously. And  
2 the objective of that meeting would be to receive direction  
3 as to how the PAC can best be of service to you. You  
4 really do have a group of dedicated volunteers with the PAC  
5 and I would encourage you to take advantage of our  
6 presence.

7 Our next meeting is going to be by  
8 teleconference, and that's tentatively scheduled for  
9 February 25th and that is prior to your next meeting which,  
10 I believe, is March 1.

11 And at this point I will conclude my PAC  
12 report. Thank you. Any questions?

13 MS. PEARCE: I do have a question, Joe.

14 CHAIRMAN MEADE: Please, go ahead.

15 MS. PEARCE: Thank you, Chuck, for that  
16 report. I'd just say on my part, the Advisory Council  
17 should meet with the Trustee Council on an annual basis,  
18 face to face, even without your having to request it. We,  
19 obviously, have a duty to listen to you because you are the  
20 eyes and ears of the public for the Council.

21 Having said that, in terms of the small  
22 parcel program, is the interest in coming up with a  
23 recommendation whether or not to continue with a small  
24 parcel program and, if so, what it ought to look like? Or  
25 is it in specific recommendations on specific parcels?

1 MR. MEACHAM: I think the concern of the  
2 PAC and the interest in the PAC is more of a general  
3 nature. We do understand that this was a feasibility study  
4 of sorts to have other people involved in actually  
5 purchasing (phone beep). And the fact that it was a  
6 feasibility study means that, you know, if nothing is done  
7 then no further acquisitions would take place as they have  
8 over the last year. And I think that's the primary concern  
9 of some of the PAC members.

10 Did that answer your question?

11 MS. PEARCE: Yes, sir, thank you.

12 MR. MEACHAM: Okay.

13 CHAIRMAN MEADE: Any further discussion for  
14 Chuck?

15 (No audible response)

16 MR. MEACHAM: Hearing no questions, Chuck,  
17 I just apologize again for overlooking your presence.  
18 Thank you very much for your additional remarks on behalf  
19 of the PAC.

20 MR. MEACHAM: Happy to provide them, thank  
21 you.

22 MS. PEARCE: Mr. Chairman.

23 CHAIRMAN MEADE: Yes, Drue.

24 MS. PEARCE: If it's appropriate, I would  
25 make a motion concerning meeting with the PAC. Is that



1 appropriate at this.....

2 CHAIRMAN MEADE: I hear a motion to  
3 establish at the request of the Public Advisory Committee  
4 an opportunity to meet with them.

5 MS. PEARCE: And I would.....

6 CHAIRMAN MEADE: Just as a meeting or does  
7 it include the small parcel component, Drue?

8 MS. PEARCE: Well, I was going to make the  
9 motion for a face-to-face meeting at not our March meeting,  
10 but at the next regularly scheduled meeting. We would look  
11 to schedule that at a time that is most -- where we can get  
12 the most involvement possible. We'll never get everybody  
13 in the room. I was not going to add the small parcel  
14 piece, I thought that should be a second separate motion.

15 CHAIRMAN MEADE: Okay. So I hear a motion  
16 at our March 1st meeting to use that forum as an  
17 opportunity to schedule a face-to-face meeting with the  
18 Public Advisory Committee, selecting a time when the  
19 majority of Trustees could be in attendance; does that  
20 summarize it?

21 MS. PEARCE: No. I said at the meeting  
22 after -- whenever is the meeting after the March meeting.

23 CHAIRMAN MEADE: Did I understand you to  
24 suggest that we would use the March meeting to set that  
25 date or not?

1 MS. PHILLIPS: No.

2 MS. PEARCE: No, I was going to let Gail  
3 figure out when she could get everybody together.

4 CHAIRMAN MEADE: Very good.

5 MS. PHILLIPS: I think right now we just  
6 need the motion to have a meeting and go forward.

7 CHAIRMAN MEADE: Is there a second?

8 MR. HAGEN: Yes, this is Pete Hagen, I'd  
9 second that motion.

10 CHAIRMAN MEADE: Very good. The motion has  
11 been moved and seconded. Is there discussion?

12 MR. DUFFY: Yes, this is Kevin Duffy. I  
13 would like to just take care of this all at once, Drue.  
14 I'd just like to try a substitute motion, if I could, that  
15 will encompass both of these issues. And I've jotted a  
16 note here, let me try it, and if we don't want to link them  
17 then I won't feel bad that it was defeated and we can go  
18 back to the original motion, but what I would move is that  
19 the Trustee Council provide the Public Advisory Committee  
20 with applicable small parcel program information and  
21 request a formal recommendation on the program to the  
22 Trustee Council. Additionally, I'd move that the Trustee  
23 Council meet with the PAC, when it can be arranged, to  
24 discuss this and other issues of mutual interest.

25 MS. PEARCE: Mr. Chairman.

1 CHAIRMAN MEADE: Yes, Drue.

2 MS. PEARCE: I would certainly accept that  
3 as friendly amendment to my motion, but with one caveat. I  
4 believe that there may be a universe of prospective small  
5 parcel purchases that none of us are familiar with at this  
6 point in time and I did not want to -- I have no problem  
7 with having the PAC come to us with suggestions as to  
8 whether or not and how to proceed with a small parcel  
9 purchase program, but I would not to think that if a  
10 particular proposal wasn't before us yet and that the PAC  
11 hadn't looked at it, that it would be something that we  
12 would not be able to proceed with at a later date.

13 MR. DUFFY: Drue, this is Kevin. The  
14 intent of my motion would not be to preclude any discussion  
15 of future small parcels programs to just those that the PAC  
16 has suggested, it would be more open than that.

17 MS. PEARCE: Okay. With that understanding  
18 I'm quite comfortable with that substitute, Mr. Chairman.

19 CHAIRMAN MEADE: So do I need a second for  
20 a substitute amendment here?

21 MS. BALLARD: I'll second that. This is  
22 Ernesta.

23 CHAIRMAN MEADE: Thank you, Ernesta. So  
24 call for discussion on the amended recommendation, based on  
25 the recommendation from Drue to meet with the PAC. Any

1 discussion?

2 (No audible response)

3 CHAIRMAN MEADE: Shall we call for the  
4 vote.

5 MR. DUFFY: Yes, question.

6 CHAIRMAN MEADE: Oh, you have discussion?

7 MR. DUFFY: No, you have question, in other  
8 words, let's vote.

9 CHAIRMAN MEADE: Yes, please.

10 ALL COUNCIL MEMBERS: Aye.

11 CHAIRMAN MEADE: Then our next action would  
12 be to direct you, Gail, to provide the Public Advisory  
13 Committee with the materials that was recommended by Mr.  
14 Duffy associated to the small parcel program.

15 MS. PHILLIPS: Yes.

16 CHAIRMAN MEADE: And then to work with the  
17 Trustees and our calendar to establish a date when can  
18 establish a face-to-face meeting to carry forward with the  
19 request that they have brought to us.

20 MS. PHILLIPS: Yes, I will do that.

21 CHAIRMAN MEADE: Any other business,  
22 associated to the Director's report before we go to the  
23 next topic on our agenda?

24 MR. MEACHAM: This is Chuck Meacham, thank  
25 you very much, we look forward to working with you.

1 CHAIRMAN MEADE: Chuck, we appreciate it  
2 and again want to just express our appreciation for all  
3 that we know the Public Advisory Committee is doing. I  
4 think it was Drue earlier said, you are the eyes and the  
5 ears and a very important component to the Trustees.

6 Okay, hearing no further action with Gail's  
7 Executive summary and report, the next item on our agenda  
8 is go on to projects that were deferred. And, Gail, shall  
9 I turn to you to lead the discussion on that?

10 MS. PHILLIPS: Mr. Chairman, I'm going to  
11 ask Phil Mundy to come forward and lead the discussion.

12 CHAIRMAN MEADE: Please.

13 MS. PHILLIPS: Thank you.

14 MS. PEARCE: Mr. Chairman.

15 CHAIRMAN MEADE: Yes, Drue.

16 MS. PEARCE: Can I ask a more general  
17 question, I think. These two deferred projects are here  
18 before us, what is our expectation or what was our  
19 direction, if we had one, over the other deferred projects  
20 from the meeting when we did a bunch of deferrals? I know  
21 there are a couple that my agencies are very interested in,  
22 are we behind the eight ball because they're not here?

23 (Laughter)

24 MS. PEARCE: What are we supposed to do  
25 with the other ones, are they going to automatically come,

1 Gail, are you expecting to bring them to us on March 1st?

2 MS. PHILLIPS: I do have a plan to bring  
3 several more on March 1st. We did not -- we sought  
4 direction from the Trustee Council at the last meeting and  
5 were not given direction on how to present these, so we  
6 figured if we present them a bit at a time, maybe we can  
7 get a few of them passed at a time. But it our intent to  
8 bring more in March.

9 MS. PEARCE: Okay. I'll have some ready.

10 MS. PHILLIPS: Okay.

11 MR. DUFFY: Mr. Chairman, this is Kevin  
12 Duffy. I don't want to speak for the rest of the Trustee  
13 Council members, but I'm fairly sure, based on our series  
14 of meetings we've had, and funding of the projects in '04  
15 that we're fairly familiar with these two and that we could  
16 dispense any detailed description of the project, given  
17 that those descriptions are already part of the record. I  
18 would be prepared to make a motion for purposes of  
19 discussion at this point, if that's okay?

20 CHAIRMAN MEADE: That's agreeable to me.  
21 Please go ahead with your motion and we'll leave the  
22 discussion to the Trustees.

23 MR. DUFFY: Mr. Chairman, I would move to  
24 approve the Stabeno: Surface nutrients over the shelf and  
25 basin in summer-bottom up control of ecosystem diversity,

1 Project Number 040654. And I would also move to approve  
2 the Willette: Monitoring dynamics of the Alaska coastal  
3 current and development of applications for management of  
4 Cook Inlet Salmon, Project Number 040670.

5 MS. PEARCE: I would second. This is Drue.

6 MR. DUFFY: Thank you. If I could speak  
7 that this? These were two projects that we deferred at the  
8 Trustee Council meeting, I believe there was some  
9 discussion about coming back at a later time and taking a  
10 look at these two projects. I have, myself, done that, I  
11 have also talked with the Science Director for the Trustee  
12 Council process about the applicability, in particular, of  
13 the Willette project to management of Cook Inlet salmon. I  
14 also support the second year funding for the Stabeno  
15 project, especially given the dollar amount of  
16 approximately \$50,000. So I think we should move forward  
17 on both of these.

18 CHAIRMAN MEADE: It's been moved, it's been  
19 seconded; is there more discussion?

20 (No audible response)

21 CHAIRMAN MEADE: Call for question?

22 ALL COUNCIL MEMBERS: Aye.

23 CHAIRMAN MEADE: The motion carries.

24 MS. PHILLIPS: Good work, Mr. Chairman.

25 CHAIRMAN MEADE: Before we move to the next

1 agenda topic, the one piece I'd like to add on to this  
2 discussion, if I may. I've had several contacts, several  
3 phone calls, about individuals in the deferred status. If  
4 we are going to take up more of these in March, Gail, it  
5 would be good for us to have a talking point or two as to  
6 what our priority is and which ones we're selectively  
7 bringing forward. I'm not sure if any of them have an  
8 inference of timeline critical nature to them or not, but  
9 it would be helpful, for me, as a Trustee to have an  
10 ability to respond to individuals who have contacted me to  
11 give them a sense of what the expectation is on behalf of  
12 the Board.

13 MS. PHILLIPS: All right. We will. And  
14 there definitely are some that are time sensitive.

15 CHAIRMAN MEADE: I would suggest then that  
16 we ask for you, if it's appropriate, to have the time  
17 sensitive ones on our docket in March and then perhaps  
18 beyond those that are time sensitive if we could have an  
19 identification of what priority we see the next ones coming  
20 forward. And that way we can help serve the interest of  
21 both the Public Advisory Committee representatives that are  
22 calling, as well as other interested citizens.

23 MS. PHILLIPS: I will do that.

24 CHAIRMAN MEADE: Thank you so much.

25 MS. PEARCE: Mr. Chairman.



1 CHAIRMAN MEADE: Yes, Drue.

2 MS. PEARCE: I think it fits here. As I  
3 remember we didn't have a specific lingering oil proposal.  
4 We had the meeting about lingering oil, we all decided that  
5 we probably ought to do something, but we hadn't. Didn't  
6 actually have a design. We have had sent to all the  
7 Trustees a one-pager talking about design, but it still  
8 isn't fleshed out further. Gail, I would appreciate it if  
9 you would make sure that that's on the March schedule,  
10 because I think it's very applicable to any discussion  
11 about reopeners. But also if we need to get in the field  
12 this summer we don't want to miss our opportunity.

13 MS. PHILLIPS: I will do that.

14 MS. PEARCE: Thank you, Mr. Chairman.

15 CHAIRMAN MEADE: Thank you, Drue.

16 Any other discussion before we -- we do  
17 have next on our agenda the two items, I understand, for,  
18 what, an increase or additional improvement, based on our  
19 past decision on two projects?

20 MS. PHILLIPS: Yes. And I would have Phil  
21 go over those briefly, unless somebody has a motion  
22 already.

23 MR. DUFFY: Mr. Chairman, I'll give that a  
24 shot at a motion. This is Mr. Duffy speaking.

25 CHAIRMAN MEADE: Yes, Kevin.

1 MR. DUFFY: I believe the Trustee Council  
2 is fairly familiar with that and have had, at least, an  
3 opportunity to one time skim through the information  
4 recently distributed for today's agenda. And with that in  
5 mind for these two projects, the UAF/Weingartner, Long-term  
6 monitoring of the Alaska coastal, Project Number 040340, I  
7 would move to approve. And the second subset there, the  
8 Science Management Project, Number 040630, I would move to  
9 approve.

10 MS. PEARCE: I will second both of those,  
11 Mr. Chairman. This is Drue.

12 MR. DUFFY: Thank you for the second. If I  
13 could speak to it, Mr. Chair. The UAF/Weingartner is  
14 merely a correction in the calculation of equipment costs  
15 for a previously approved project. And the second one, the  
16 Science Management, is the Trustees agreed to the concept  
17 of this developing a modeling program and this project  
18 represent a less costly alternative to previous proposals  
19 to develop such a program through the use of in-house  
20 resources.

21 CHAIRMAN MEADE: Thank you, both, for the  
22 motion and the second. Is there further discussion?

23 MR. HAGEN: Yes, Mr. Chairman, this is  
24 Pete. I guess I would be a little bit interested in to see  
25 what the Science Director might have to say on the Science

1 Management Plan. I understand that right now the request  
2 identifies four workshops. I know time is kind of short  
3 between now and when the FY05 solicitations go forward and  
4 there could be some modeling projects there as well. Just  
5 maybe a conceptual understanding on how these workshops  
6 could fade in towards future modeling work.

7 CHAIRMAN MEADE: Might I invite Dr. Mundy  
8 to address the question.

9 DR. MUNDY: Yes, thank you, Mr. Chairman,  
10 this if Phil Mundy, Science Director of the Trustee  
11 Council. The question of whether or not we'll actually be  
12 able to four workshops between now and September the 30th  
13 is a good one. And I think that that number is really an  
14 approximation and it may be based on the numbers of  
15 different kinds of people that we have involved in the  
16 process and the likelihood of getting them all together at  
17 one time. It could be that we might get away with three  
18 workshops with slightly more participants, which would  
19 entail just about the same costs. But this is basically an  
20 operating procedure that we used many times in the past  
21 where we use travel money and travel expense money to get  
22 experts to come and visits us and donate their time rather  
23 than actually having to pay for their time, as we might  
24 under another mode of approach.

25 So I think that we should be able to get

1 enough modeling workshops together between now and  
2 September the 30th to really get some movement, some clear  
3 direction on the bigger problem of how we get together a  
4 biophysical model.

5 As far as I understand the rest of the rest  
6 of the question, Mr. Chairman, could I ask Dr. Hagen for  
7 some further clarification on the question?

8 CHAIRMAN MEADE: Please.

9 MR. HAGEN: Yes, Dr. Mundy, mainly I see in  
10 the draft solicitation for under the modeling component, it  
11 is taking some general approaches toward modeling as  
12 applied to the GEM nearshore component. And I was just  
13 wondering in a sense that people who are going to respond  
14 to that, presuming -- or if it goes forward, will be -- you  
15 know, there's a limited time in which they're going to be  
16 able to develop their plan. In the meantime there will be  
17 some workshops that, under your office, will be setting up  
18 as well. And so it just seems like there might be a  
19 misphase or miscommunication in a sense or maybe it's a  
20 redundancy put into that. I'm not so sure if that's a fair  
21 characterization or not though.

22 DR. MUNDY: All right. I do understand,  
23 the question is one of how useful will the information from  
24 these modeling workshops be to the FY05 invitation process?

25 MR. HAGEN: Yes.

1 DR. MUNDY: Okay. I believe it will be  
2 very useful. I mean, obviously, we will be concluding the  
3 scientific considerations, if we stay on track, by the end  
4 of June. That still gives us enough time for two and maybe  
5 even three workshops by that point in time. We're hoping  
6 with an initial workshop on modeling to get enough  
7 direction that we can advise the Scientific and Technical  
8 Advisory Committee, if they're considering any proposals  
9 under the modeling invitation for this year.

10 We have not had an overwhelming response to  
11 our modeling solicitation in the past. That was one of the  
12 reasons that we went to this approach instead of saying  
13 give us a model, build us a model and tell us how much it  
14 will cost. We actually went to the approach of bringing --  
15 trying to create a modeling community that was interested  
16 in working on GEM problems and on lingering oil type  
17 problems together. And because we found out that the  
18 modeling community, the number of people that you have to  
19 do this kind of work out there is really not that  
20 extensive. There's a relatively small number of them. And  
21 so we're not looking for a huge response to our modeling  
22 solicitation.

23 So, yes, I take the point that not all of  
24 our workshops will be relevant to the FY05 invitation,  
25 however, we're hoping that we can get enough done before

1 the conclusion, before the Scientific and Technical  
2 Advisory Committee has to sit down and render its advice to  
3 the Trustee Council on the solicitation, that we can at  
4 least have that much work concluded by that time.

5 MR. HAGEN: Okay. I appreciate that.

6 CHAIRMAN MEADE: Any further discussion on  
7 the motion?

8 (No audible response)

9 CHAIRMAN MEADE: Call for question.

10 ALL COUNCIL MEMBERS: Aye.

11 CHAIRMAN MEADE: Motion carries. Thank you  
12 very much. That should lead us to the next agenda topic,  
13 which does address the '05 invitation. I understand we'll  
14 have a discussion here for discussion and approval, anyhow,  
15 for the '05 invitation. And so with that again, Gail,  
16 shall I turn to you?

17 MS. PHILLIPS: To Phil, please.

18 CHAIRMAN MEADE: To Dr. Mundy, please.

19 DR. MUNDY: Yes, Mr. Chairman, thank you.  
20 I would ask your advice on this, Mr. Chairman, and the  
21 advice of the Council members, as to what kind of summary  
22 or synopsis of the invitation would be appropriate at this  
23 time?

24 MS. BALLARD: Mr. Chairman.

25 CHAIRMAN MEADE: Yes, Ernesta.

1 MS. BALLARD: This is Ernesta. Perhaps I  
2 would have a chance to express some of my concerns and then  
3 Phil's remarks, he might want to, if the other Trustees are  
4 interested, he might want to address particularly the  
5 concerns I have, because I'm not comfortable that I've had  
6 adequate time to understand the proposal for the  
7 invitation. And if I explain myself that might help him  
8 decide what he wants to say.

9 CHAIRMAN MEADE: Following that notion,  
10 what I might do then, Ernesta, is solicit any insight from  
11 any of the Trustees, and then based on that interaction,  
12 ask Dr. Mundy to go on with a brief overview and  
13 specifically be able to address any components of  
14 questions.

15 MS. BALLARD: That would be okay with me.

16 CHAIRMAN MEADE: So, please, go ahead.

17 MS. BALLARD: All right. I have three  
18 different levels of concern about the '05 invitation. I  
19 guess four. The first is that it didn't arrive here until  
20 quite late in the day on Thursday and I haven't had as much  
21 time with it as I would have liked, so that's sort of  
22 separate than the three levels of concerns.

23 The concerns I have are, in part, informed  
24 by a very careful reading of the National Academy of  
25 Science's Report, which in correspondence to me, Gail, you

1 cited as an important document in the history in the  
2 development of GEM, and I took that to heart and reread  
3 that particular document. I also reviewed something else  
4 that had come to our attention, and that was the 1999  
5 resolution of the Trustee Council and the subsequent public  
6 law passed by Congress with respect to the management of  
7 the remaining EVOS funds, because that document seemed  
8 important to where we are in time and what we do going  
9 forward.

10 My first level of concern is about the  
11 purpose and objectives of the program envisioned by the '05  
12 invitation. And in this regard I want to cite some of the  
13 thing said in the National Academy study. The National  
14 Academy study, and I'm using my terms not science terms,  
15 that basically said that if you were going to be successful  
16 in monitoring, modeling, predicting and then  
17 differentiating that the purpose of the monitoring,  
18 modeling and predicting would be ultimately be able to  
19 differentiate the natural occurring cycles from the human  
20 induced cycles. If your going to be successful in that,  
21 you have to address both the natural cycles and the human  
22 cycles. And they urge us to do both, to look at the human  
23 drivers and have those addressed in the studies, as well as  
24 the national drivers. And I don't see, in last year's  
25 invitation, and I didn't comment on this last year because



1 I wasn't as well -- I hadn't thought about it as thoroughly  
2 as I have now. But I certainly don't see any '05 effort,  
3 any suggestion of effort to study the human induced  
4 changes.

5 And we talked about these here in our  
6 office to get a handle on, you know, are there things that  
7 we can imagine would be human induced that would change?  
8 Well, yes indeed, there are. There are many human induced  
9 changes to species levels, species variety and so on. So  
10 that's my first concern, that we haven't really addressed  
11 something that I think is in the National Academy report.

12 The second, also, is a concern that I've  
13 expressed before and that's the tension between the purpose  
14 and objectives for the long term decadal monitoring and my  
15 repeated frustration about the needs of the resource  
16 agencies for short term management. And again, the  
17 National Academy study was very helpful and it said, you're  
18 not going to be able to do both. You don't have enough  
19 money, you don't have enough time. And while Phil has been  
20 very accommodating in saying, yes, yes, we understand these  
21 frustrations, we probably can and should do some of them.  
22 I'm concerned that we haven't had among the Trustees an  
23 adequate opportunity, at least since the new Trustees have  
24 joined, to understand what the National Academy critique in  
25 this regard was and to square that, rationalize that with

1 the frustration expressed by the State.

2 Those are my first two concerns. My third  
3 concern is that in the public law that enabled the Trustees  
4 to implement their 1999 resolutions, an additional factor  
5 was introduced. And that was the possibility for using the  
6 portion of the funds which we're now using for monitoring  
7 and research, that they could also be used for community  
8 based economic restoration projects. In looking at the  
9 resolution passed by the Trustees, that resolution was more  
10 narrowly worded. It talked more about local knowledge and  
11 neighborhood watch and community involvement kinds of  
12 things. The public law expanded with its very specific  
13 language of economic restoration projects. We, at least I,  
14 and I suspect the other Trustees, have already been visited  
15 by at least one community, Cordova, with their civic center  
16 pointing to this language in the law saying, when are you  
17 going to give us an opportunity to present our proposal.

18 I see a conflict between the Trustees'  
19 resolution and the wording of the law in that the wording  
20 of the law is broader than the Trustees' resolution. The  
21 law is the law, the resolution is the resolution that we  
22 could reconsider. I think until we have done that, we're  
23 really not in a very good position to say anything to the  
24 community of Cordova, which is nevertheless carrying this  
25 law around with them saying what are you going to do about

1 this. So on all three levels, I'm concerned that our  
2 invitation doesn't address fundamental core problems that I  
3 still have in understanding where we stand. Which ledge on  
4 this mountain we're standing on right now. And I myself am  
5 frustrated that I'm not ready.

6 So those are -- I don't know whether that  
7 will help Phil or not. I don't know if other Trustees have  
8 comments they want to make.

9 CHAIRMAN MEADE: Thank you very much,  
10 Ernesta. Prior to asking Dr. Mundy to address those  
11 remarks, I think it might be good to see if there's any  
12 other types of discussions from other Trustees and then we  
13 can ask Phil to speak to the composite. With that  
14 suggestion, are there any other Trustees that would like to  
15 offer additional insights before Dr. Mundy provides us a  
16 summary overview?

17 MR. DUFFY: If I could, Mr. Chairman, this  
18 is Kevin Duffy. Just a couple of my thoughts in reading  
19 through the invitation on an airplane this morning, coming  
20 back to Juneau. Relative to the -- and something Phil can  
21 respond to. In terms of purposes and objectives, just a  
22 couple of notes I jotted down. That it's not always clear  
23 to me or in our proposed invitation, why information or a  
24 specific activity is needed. And I guess my thought would  
25 be that each category needs more of the clearly defined

1 purpose and objective. From a parochial management  
2 perspective, I'm still struggling with this concept of a  
3 lack of, at times, practical application and/or not clear  
4 how the information is going to be used by resource  
5 managers.

6 And then another thing that I jotted down  
7 as a comment is some activities in fact be missing from  
8 this that we maybe need to think about as Trustees before  
9 we go out with the proposal. And that is, some sort of  
10 identification of resources classified as recovering, non-  
11 recovered or unknown or not directly addressed. So those  
12 are just three concepts that I think are unclear at this  
13 point and I think need some resolution.

14 CHAIRMAN MEADE: Thank you, Kevin. Any  
15 other Trustee insights or remarks?

16 (No audible response)

17 CHAIRMAN MEADE: With that then why don't  
18 we go ahead and ask you, Phil, if you could go ahead and  
19 provide both perhaps a summarized overview of the proposal,  
20 in brief, but also weave in and/or specifically address the  
21 questions that have been brought to bear.

22 DR. MUNDY: Yes, thank you, Mr. Chairman.  
23 If I may, I'd like to reverse the order of your request and  
24 deliver some remarks that I had prepared in the event that  
25 the Trustee Council wanted further clarification about why

1 the Stabeno project was being included, because I thought  
2 -- and indeed, some of these relate also to the Willette  
3 project. And, if I may, I'll just start out that way.

4 CHAIRMAN MEADE: Please do. The only other  
5 question I was going to ask, and if you're going to start  
6 in that order, it might pertinent for you to have it in  
7 mind as well. And my question was one of timing. Where  
8 are we -- if you could, when you're done with your  
9 overview, offer us a sense on any critical nature of the  
10 decision to be reached associated to moving forward with  
11 the invitation and what that timing sequence means for us.

12 DR. MUNDY: Thank you, Mr. Chairman. I'll  
13 address the question of timing as the third item in my  
14 remarks.

15 CHAIRMAN MEADE: Please.

16 DR. MUNDY: I've got to find the place in  
17 my notes here where the Stabeno project is because I had  
18 wrongly concluded that I wouldn't be needing this part of  
19 my remarks. Okay.

20 MS. BALLARD: Excuse me, Phil, didn't we  
21 just agree to fund the Stabeno project?

22 DR. MUNDY: Yes indeed, but the questions  
23 that were raised by Commissioner Ballard are well beyond  
24 the bounds of the invitation itself. And I've explained in  
25 earlier presentations to the Council, we have a progression

1 here, a logical progression, between the GEM program  
2 document, which is the large umbrella document that was  
3 adopted by the Council in July of 2002 to guide our program  
4 and the document that sits under it, the Science Plan,  
5 which basically lays out what we need to do, when we need  
6 to do it and why we need to do it. And then the  
7 invitation, which is basically the best advice we can get  
8 from the agencies and from the public and the Public  
9 Advisory Group on what we need to do next.

10 So the invitation itself is a document that  
11 speaks to what we need to do next. But the why, which was  
12 one of the questions that Commissioner Duffy asked, is  
13 itself in the Science Plan. So I just wanted to -- I had  
14 some remarks about where the Stabeno project fits in and  
15 why it fits in. And since the Council has agreed to fund  
16 this project, if you'll permit me just to address some of  
17 the questions that were raised by Commissioner Ballard and  
18 to an extent some of those by Commissioner Duffy, simply by  
19 talking about this project by Stabeno that the Council has  
20 just approved.

21 Okay, the Stabeno project is basically a  
22 piggyback on an existing project and they want about  
23 \$50,000 a year. If we had to pay to go and collect this  
24 information ourselves, it would easily cost us four times  
25 that because we'd have to charter a vessel to get out there

1 and do it. They're using a GLOBEC survey vessel that's out  
2 there for other purposes but in the place where we need  
3 them to be. Now, in justifying her project, Dr. Stabeno  
4 has told us that she believes that fisheries management  
5 concerns will ultimately be addressed by the data she's  
6 collecting. Now anytime a physical scientist comes to me  
7 and tells me that they're going to take care of fisheries  
8 needs, I'm usually a little skeptical and I think everybody  
9 has a right to be. Because I've reviewed lots of proposals  
10 for doing physical oceanography over the years that are  
11 supposed to have fisheries angles and they always say  
12 something at the end like we're going to do good things for  
13 fisheries.

14 But in this case, Dr. Stabeno has some  
15 credibility because she's worked with the fisheries  
16 oceanography coordinated investigations as a physical  
17 oceanographer. And this was a major effort by NOAA,  
18 National Marine Fisheries Service and other parts of NOAA  
19 to get an idea of what controls recruitment of pollack, one  
20 of the most vitally economic, important fisheries in the  
21 state of Alaska.

22 Now in looking at Dr. Stabeno's work and  
23 its direct application to fisheries, you have to say, well,  
24 gee, we're not going to be writing any emergency orders  
25 opening and closing pollack fisheries based on the nitrate.

1 But then let's look at what we would be doing with this,  
2 and that is the ideas to build to models that are going to  
3 advise us about the relative strength of the transport of  
4 critical nutrients across the shelf. And one of these  
5 critical nutrients is nitrate. So now what exactly does  
6 all of this mean? All right, so that's good. That's  
7 information that National Marine Fisheries Service would  
8 obviously like to have. It's information that will  
9 ultimately be of use to Alaska Department of Fish and Game.

10 But what does this mean in terms of the Oil  
11 Spill Trustee Council? Why in the world are we looking at  
12 this? Well, the lingering oil investigations, let's start  
13 there. We're doing some lingering oil investigations and  
14 our species involved here are harlequin ducks and sea  
15 otters. Now, why are we studying harlequin ducks and sea  
16 otters, when if you look at the injured species list, we  
17 have the common loon, three species of cormorants, harbor  
18 seal, harlequin duck, Pacific herring and pigeon guillemot,  
19 all still on the not recovered lists. And then down in  
20 recovering, just looking at the species involved, we have  
21 clams, intertidal communities, marbled murrelets, mussels,  
22 here we find the sea otter. So, nonetheless, we are  
23 devoting our time right now to looking at only two injured  
24 species.

25 Now why is this? Well, it's because we've



1 looked at these other species. We've had over \$30 million  
2 worth of ecosystem studies plus we've had probably that --  
3 almost that much again in terms of direct restoration  
4 studies concerning these species. And we found that there  
5 are times and species and circumstances where you can only  
6 measure direct effects as the difference between natural  
7 forcing and the direct effects such as oil spills that  
8 you're interested in. As Commissioner Ballard quoted  
9 correctly from the NRC report, distinguishing between human  
10 effect human forcing and natural forcing is extremely  
11 important for the GEM Program but it's also a major  
12 objective of other programs in the North Pacific, such as  
13 GLOBEC.

14               So we have to look at what are the natural  
15 forcing factors. Well, in this -- for lingering oil  
16 studies and how do we measure direct impacts to the species  
17 that I just read off that we still have on the not  
18 recovering list. How is the Council going to live up to  
19 its responsibility to tell the people of the state of  
20 Alaska and the nation what happened to these injured  
21 resources? Well, we discovered that there is a connection  
22 between the Gulf of Alaska and Prince William Sound where  
23 these injured species reside. And that connection is that  
24 nutrients and carbon in the form of food flow into Prince  
25 William Sound from the Gulf of Alaska but they don't come

1 in at a constant rate. They don't come in all the time.

2 When these connections are strong, we  
3 believe that things are going -- should be going well with  
4 species inside of Prince William Sound. And when they're  
5 spotty or not sustained, that things are not going strong.  
6 This is a matter of applying fertilizer and also bringing  
7 food to the basic resources in Prince William Sound, in  
8 particular, the pink salmon, the herring and the nearshore  
9 resources. So this connection -- now, I can sit here and  
10 speak with authority on this because we've had, as I said,  
11 \$30 million worth of work. This was not known before the  
12 restoration program put these projects in the water and  
13 developed this information. And this has been summarized,  
14 it's been put out in a synthesis document which was  
15 financially supported by the Trustee Council, which is a  
16 special edition of the Scientific Journal of Fisheries  
17 Oceanography.

18 So we know that we've got this connection  
19 and we know that the flow of the nitrates from the deep  
20 water and also the flow of the food from the Alaska coastal  
21 current into Prince William Sound has an impact, a very  
22 strong impact on some species, in particular, seabirds,  
23 herring and pink salmon. So looking at a project like  
24 Stabeno, which is out on the shelf out there measuring  
25 nitrates and then trying to figure out what does this mean

1 to us in terms of understanding lingering oil effects?  
2 What does this mean to us in terms of how we measure direct  
3 impacts from the spill? And, in particular, are we ever  
4 going to get any management applications out of this that  
5 people can point to and use on a daily basis? And the  
6 answer to all three of those is yes.

7 Okay, so those were the remarks that I was  
8 going to deliver on the Stabeno project because I think the  
9 money that the Trustee Council has decided to invest in  
10 this project are very well spent from the standpoint of  
11 looking at lingering oil, direct impacts from the oil spill  
12 and also in terms of developing long term management  
13 applications.

14 So now to turn directly and address the  
15 invitation. And I will also get back to some of  
16 Commissioner Ballard's questions here in just a moment.  
17 You'll find in the invitation on pages -- as I pointed out  
18 in our distribution memo, Pages 16 through 24, you'll find  
19 pretty much the heart of the invitation. If you look down,  
20 particularly on Page 16, you can see that we are devoting  
21 attention to moving forward in terms of data management and  
22 information transfer. We expect to have an item in here  
23 every year for the Trustee Council to consider. We are  
24 moving forward in the area of lingering oil effects and  
25 that is we are addressing that, follow up investigations.

1 But we're also -- later on you'll notice in the invitation  
2 -- we're also linking the lingering oil effects studies, as  
3 we had originally planned several years ago, to the  
4 nearshore down in D on page 16. So lingering oil effects  
5 has been singled out and set aside by itself. But we're  
6 finding again, in order to address both the human effects  
7 and the natural impacts at the same time, that we need to  
8 work towards combining lingering oil effects with the  
9 nearshore.

10 In modeling, we didn't make it last year,  
11 and modeling, as the NRC has pointed out, is a critically  
12 important part of the GEM Program because this, as one of  
13 the speakers earlier during public testimony pointed out,  
14 this is where we bring all of the information, the  
15 monitoring information that we've collected, put it  
16 together and use it to develop management applications.  
17 Use it to make sense out of what we've done. Now, in the  
18 nearshore area, we are basically up to the point where we  
19 think we can select and launch some nearshore sites,  
20 however, we've been advised by a project that just recently  
21 concluded that we do have some areas that have not yet been  
22 shore zone mapped. And so therefore this gives us an idea  
23 of where the eel grass beds are or where the kelp beds are,  
24 where the significant nearshore resources are so that if we  
25 want to set up a series or a set of sampling sites, we need

1 to be aware of what proportion of these types of habitats  
2 we're including and what proportion we might be excluding.  
3 So we want to make sure that we get all the significant  
4 nearshore habitats. And that's what shore zone mapping is  
5 designed to do. And we've also coordinated with other  
6 groups in this regard, such as Alyeska, that have done  
7 shore zone mapping and they have agreed to give us their  
8 information.

9 And to conclude the overview here, ongoing  
10 in the synthesis area, we have the problem that we didn't  
11 get exactly what we needed last year in terms of the  
12 watersheds, the Alaska coastal current or the offshore.  
13 And synthesis is a very important component because it  
14 helps us with the Science Plan. And the Science Plan, as I  
15 mentioned, you know, basically lays out what we're going to  
16 do, why we're going to do it and when we're going to do it.  
17 And the synthesis section is designed to provide the  
18 introduction, the scientific underpinning for each of those  
19 sections within the Science Plan.

20 So that is the basic overview of the  
21 invitation. But the invitation itself can't be really  
22 understood, as I mentioned, in the absence of the Science  
23 Plan. And the Science Plan is directly derived from the  
24 GEM Program document. So let me turn to the first question  
25 that Commissioner Ballard asked, and that is, where are the

1 human induced forces? They didn't seem to be there  
2 explicitly in the FY04 invitation and they aren't apparent  
3 again in the FY05 invitation. Well, there are two things  
4 to consider here. In the process of putting together the  
5 GEM Program document and the Science Plan, one of the  
6 guiding techniques that we used here was gap analysis. The  
7 Trustee Council told us no duplication of effort, go out  
8 and see what other people are doing and figure out where a  
9 program, a relatively small program like GEM can fit in.

10 Another thing the NRC told us is you can't  
11 do everything. You can't be all things to all people.  
12 You're going to have to decide and pick what you're going  
13 to do. We use gap analysis to kind of match the needs of  
14 an Oil Spill Restoration Program, the needs of a group that  
15 was interested in lingering oil effects, direct impacts of  
16 oiling. And also with a goal of developing some management  
17 applications. How we would match those to what was going  
18 on and what needed to be done. And we found that, by and  
19 large, when you look at human induced effects, and we have  
20 a section on this in the GEM Program document, devoted to  
21 social and economic status of Southcentral Alaska, that  
22 it's the natural forcing, not the human induced effects,  
23 where we have the least data. Where we know the least.

24 For example, during the oil spill, we had  
25 quite a bit of historical data on salmon, that is on salmon

1 of the size that were caught, we had catch information and  
2 we had some escapement information on the adult spawners, a  
3 number of adult spawners, because we use those to manage  
4 the fisheries. But one of the key pieces of information  
5 was what happens to the juvenile salmon in the nearshore  
6 areas? Because these nearshore areas were heavily oiled.  
7 There were lots of toxic products from the oil in the  
8 nearshore areas that were probably still there, still  
9 lingering and still persisting during the time when the  
10 juvenile salmon were migrating. Nobody had any information  
11 in that regard. Nobody had any baseline data. And so the  
12 idea was, in GEM, was to look at the bigger picture. To  
13 look at the life history stages of commercially important  
14 species that we needed to understand. But also to look at  
15 the other species and the physical and chemical forcing  
16 factors that are responsible for changes in abundance in  
17 these.

18                   So the first part of this is, GEM is  
19 devoted to gap analysis, it's devoted to providing, looking  
20 at the direct effects of oiling by filling in everything  
21 else, if you will. By filling in the natural forcing that  
22 we typically don't have. If you say that the sum of the  
23 effects on any given injured species is the direct effect  
24 of oiling, that is the human effects, plus the natural  
25 forcing. If you can get the natural forcing, you can get

1 the direct impacts by difference. That's the basic  
2 approach, probably oversimplified. I'm sure a lot of  
3 scientists would be horrified but that's basically the way  
4 it works.

5 The next point and second part of that is,  
6 that we do have -- we are directly measuring human effects  
7 in the FY04 and the FY05 invitation. For example, the  
8 Ruesink project, the project on black gum boots on the  
9 outer Kenai Peninsula. This is a result of a community  
10 involvement effort where we are looking at a harvested  
11 species, a human impact to the nearshore environment. We  
12 had an excellent presentation on this at the symposium in  
13 January. And the black gum boot is a shellfish, a type of  
14 shellfish that's very important to certain subsistence  
15 users and it also is one of those kinds of species that can  
16 structure the nearshore environment because it's a grazer.  
17 So it eats -- it mows down the plants.

18 And we're also studying lingering oil  
19 impacts. We're looking at fate and effects of oil in the  
20 environment. We are looking at how you measure, how you  
21 get parameters for long term monitoring on seafood waste  
22 discharge. So we have a number of different items in terms  
23 of human impacts in there. Yes, it is weighted -- it's not  
24 weighted toward those because we believe that there are a  
25 lot of agencies that are responsible for gathering data on



1 human impacts plus through tax records and other things,  
2 human activities are often measurable, at least by  
3 inference. So that's that part of it.

4           Again, to Commissioner Ballard's comment  
5 about the NRC report and the tension between long term  
6 monitoring and the need to respond to short term needs of  
7 government, this was a very intense debate, a very thorough  
8 debate in the development of GEM and that is how you put in  
9 place the long term monitoring that everybody seems to  
10 think is needed in a political environment that often  
11 responds to short term needs, it responds to a crisis of  
12 the moment. And NRC advised us to be very, very cautious  
13 of that and to stick to the long term. Nonetheless, we put  
14 on our thinking caps and we got as much advice as we could  
15 and we realized along the way that these two things are not  
16 mutually exclusive. That good long term monitoring data  
17 and management applications can be developed in tandem.  
18 They can be developed together.

19           One example of this is another project that  
20 the Trustee Council just approved, and that is the Willette  
21 Anchor Point test fishing project, monitoring the Alaska  
22 coastal current. We believe that the extent of the  
23 intrusion of the Alaska coastal current up into Cook Inlet  
24 has pretty strong implications on trends in seabird  
25 abundance. In looking during the restoration program,

1 comparing bird populations outside of the oil spill  
2 affected area to bird populations inside the oil spill  
3 affected area. We were interested in whether birds outside  
4 were doing as well or better than birds inside the spill  
5 area and we noticed that there was some things, some trends  
6 in bird populations both inside and outside, that appeared  
7 to be strongly influenced by the strength and the extent of  
8 the duration of the Alaska coastal current into Cook Inlet.

9 Anchor Point is often as far into Cook  
10 Inlet, as far north into Cook Inlet as the Alaska coastal  
11 current extends, however, we know from historical records  
12 that it's likely that the -- sometimes it can go much  
13 farther north than that. Fish that would tagged, adult  
14 sockeye, maturing sockeye that were tagged in Prince  
15 William Sound have been recovered at Chisik Island, which  
16 is just to the north of the Anchor Point line there. So we  
17 have some indications that that's not the case. We also  
18 looked at the -- we looked around and we found a test  
19 fishing transect that has been going on since 1979 out  
20 there. We know that Cook Inlet sockeye salmon management  
21 is extremely difficult. It's a very quickly developing  
22 migration. It's a migration that comes and goes within the  
23 period of a month and the most intense parts of it are only  
24 about 10 days. Lots of decisions being made, lots of  
25 people interested in those decisions. And a lot of the

1 input for those decisions comes from that Anchor Point test  
2 fishing project.

3           So the tide and the winds push those fish  
4 around a lot out there. We know this from local knowledge  
5 from the fishermen in the area and from the experience of  
6 the area management biologist and research biologist for  
7 Alaska Department of Fish and Game. So we decided that we  
8 could put together a project that would give us information  
9 every year, same time, same place on that Anchor Point test  
10 fishing project that would give us some of the physical  
11 oceanography of the area. And, in particular, help us  
12 understand how far into Cook Inlet this Alaska coastal  
13 current might push in any given year but also help them  
14 figure out how to interpret that test fishing data so that  
15 the lives of the area management biologist and the staff  
16 would be a little bit easier in Soldotna during the  
17 management of the fishery.

18           So this is an example of how, if you sit  
19 down and you say deliberately, we are going to do  
20 management applications, we are going to find a way to do  
21 long term observations that will be scientifically credible  
22 and that will be useful to understand lingering oil effects  
23 and direct impacts from oiling but also provide some short  
24 term management applications that you can do it. It takes  
25 the cooperation of the management agencies in bringing

1 these problems to our attention. We are often criticized  
2 here that the applications that we have are fisheries  
3 applications. Well, they're fisheries applications because  
4 I am a fisheries biologist and these are targets that I  
5 know of that I can point out. And we're looking for  
6 management agencies to bring us other examples that we can  
7 work into our monitoring program in its development.

8           So I think that the tension between long  
9 term monitoring and short term monitoring can be overcome.  
10 I think it's not necessarily something that has to exist, I  
11 just think it's a matter of making up the institutional  
12 mind that we're going to do these management applications  
13 as we implement the monitoring program. As far as the last  
14 point on the 1999 resolution about community based economic  
15 restoration in relation to that, to the '99 resolution, I  
16 really don't have any comments. That's a policy sort of  
17 issue that was not -- is not something that I have had  
18 responsibility to address and so I would defer on that.

19           Looking at Commissioner Duffy's questions,  
20 I think that the -- I've tried to give some background on  
21 kind of the general thrust of the GEM Program, in  
22 particular, the Science Plan and how we're going about  
23 this. The why we pick things has a lot to do with the  
24 justifications that are provided in the Science Plan. We  
25 have intentionally not moved these in the past into the

1 invitation because we're trying to keep down the length of  
2 it. It's already fairly lengthy. But I believe that these  
3 why questions, and particularly if they're specific  
4 questions about why is this in here or why is this not in  
5 here, that as a staff, we're quite ready and willing to  
6 answer and would be happy to take those questions. I think  
7 that the -- again, I've already covered the question of  
8 practical applications and particularly why we don't have  
9 more applications to injured species. I've covered the  
10 injured species.

11 This has been a difficult task for us to  
12 figure out exactly how we're going to evaluate the injured  
13 species. Because in the case of those injured species  
14 where the abundance is declining, the time trend in  
15 abundance is going down continually, we are very hard  
16 pressed at this time to know whether that is -- to what  
17 extent that has to do with the direct effects of oiling or  
18 to the presence of lingering oil as opposed to natural  
19 forcing. We are trying to put ourselves in the position of  
20 figuring out what the natural forcing is and that's why you  
21 don't see more injured species specifically addressed in  
22 the application. They're there, they're definitely in the  
23 reasoning but they are not -- they don't show up explicitly  
24 in the invitation.

25 The last question that was asked by the

1 Chairman having to do with the timing of release of this  
2 invitation. As always, I can tell you if this slips a  
3 couple of weeks, I don't think it's the end of the world.  
4 Now, I'm sure that my fellow staffers are back there  
5 getting ready to throw things at me, and please don't throw  
6 things at me. The reason that we may have been a little  
7 slow in getting some information out to the Trustee Council  
8 regarding this invitation is because this staff has been  
9 sorely stressed over the last eight months because of  
10 changes in schedule and because of delayed schedules. So  
11 that things that we would normally be doing singly, like  
12 developing the Science Plan, taking public comments on the  
13 Science Plan and running the annual meeting of EVOS in  
14 January have fallen right on top of one another. So we're  
15 doing double and triple duty. We, fortunately, with the  
16 new Executive Director, are back up to staff again, pretty  
17 close, and are able to move forward. So a couple of weeks  
18 probably won't hurt us that much but, you know, if we have  
19 to let it go much further than that, again, that's going to  
20 put a lot of stress on the staff. It's going to put us  
21 into work loads that quite frankly we're not really  
22 prepared for and we just have to make up by working  
23 evenings and weekends.

24 So that, Mr. Chairman, concludes my  
25 remarks.

1                   CHAIRMAN MEADE: Thank you, Dr. Mundy, very  
2 much. Any further discussion from the Trustees?

3                   MR. DUFFY: Mr. Chair, this is Kevin Duffy.  
4 I would like to give the Federal Trustees an opportunity to  
5 comment and then I have a suggestion that I would like to  
6 probably do in the form of a motion.

7                   CHAIRMAN MEADE: Okay, that leaves Drue or  
8 Pete. Any interaction?

9                   MR. HAGEN: Go ahead, Drue.

10                  MS. PHILLIPS: Drue, they want to know if  
11 you have any comments to make.

12                  MS. PEARCE: No.

13                  MR. HAGEN: Well, I guess I could  
14 entertain, I guess, Kevin Duffy's motion. It seems like  
15 there's some base questions in terms that Ernesta brought  
16 up related to the GEM Program in response to previous  
17 public law. And some of those, maybe it would be useful at  
18 some point to have some briefing with the legal team on  
19 terms of consistency of the GEM Program with previous  
20 Trustee action.

21                  In terms of some of the issues that, I  
22 think, Dr. Mundy brought up as well and in discussing sort  
23 of the dynamics between short term needs and long term  
24 monitoring goals, I think he kind of phrased things very  
25 nicely on that. I think there has been a flavor in the NRC

1 review and the GEM Program towards decadal changes. I  
2 think that's probably going to change as more information  
3 comes forward. And a lot of the changes we see are also on  
4 a inter-annual change as well and, you know, three or five  
5 year cycles. So a lot of the monitoring can address both  
6 short term and long term look at things.

7 In terms of application toward management,  
8 I do see that as some area where there could be some  
9 additional work, whether it's put in through an RFP  
10 language that kind of brings -- grabs some agency expertise  
11 or direction to help identify some of the candidates for  
12 monitoring. Whether they're normal agency functions that  
13 can -- if the data stream that they use for management can  
14 also lend toward monitoring, I think that would be very  
15 useful as well. Those are just some comments, I think, on  
16 what Dr. Mundy said.

17 So that's it for me.

18 CHAIRMAN MEADE: Thank you, Pete. I might  
19 offer a few insights and then I'll check back again with  
20 Drue. First of all, on the Cordova expressed interest from  
21 an economic development standpoint, I too had been briefed  
22 by the mayor in Cordova. I had understood them to be  
23 suggesting that latitude existed within our small parcels  
24 program. And I've asked for clarity to be sought through  
25 Ken Holbrook with our folks for a legal understanding so



1 I'd have a -- simply a legal understanding as to that. So  
2 setting that component aside, I have perhaps a broader and  
3 more general query for the Board myself. When I came to  
4 the Board new, which wasn't that long ago, we did get a  
5 very qualitative briefing on the overall GEM Program from  
6 Dr. Mundy. I think a majority of us anyhow were in  
7 attendance of that. And so the knowledge I have for GEM  
8 draws very much from that and as well as the briefings that  
9 I've had from Ken Holbrook here on our staff.

10 And in concept, the GEM approach, the GEM  
11 Program seems very solid to me and leaves a lasting legacy  
12 that will benefit Alaskans. At the same time, as Ernesta  
13 has come on the Board or as I've come to the Board and had  
14 opportunity to hear her interactions, she brings very  
15 pertinent community based interest and relevancy to the  
16 discussion. And I think that too is very important. The  
17 piece I'm trying to get to is, I think we as a Board of  
18 Trustees owe it to our Science Director, to the STAC and to  
19 the PAC, to spend some time together and have a philosophy  
20 in common on where we're going in a timely enough way that  
21 we're not impeding the progress that we're legally mandated  
22 and set out and required to do as we oversee and manage the  
23 resources to conduct such research.

24 And so that's why I, in part, asked the  
25 question on the timing here. It seems like we've yet not

1 had opportunity to try to develop a consensus and  
2 philosophy with the changing mixture of us on the Trustees  
3 as well as the knowledge base. And I would suggest we owe  
4 it to ourselves and owe it to the PAC and owe it to the  
5 STAC to make that investment so that we're working in  
6 harmony or in congruence the established processes through  
7 the Public Advisory and the Scientific Technical Advisory  
8 Committees. So we're not getting so far into a process  
9 that we're ready to move forward with an invitation or to  
10 ensure that by the time we've reached that point, we've had  
11 plenty of opportunity to weave into the development the  
12 (phone beep) Board. I could be in left field but that's  
13 the sense I get as this topic comes up, so I just thought  
14 I'd put that out as a discussion point. From at least my  
15 perspective.

16 Drue, did you have any remarks you wanted  
17 to add as a Federal Trustee before we entertain a motion  
18 from Mr. Duffy?

19 MS. PEARCE: I've canvassed our interested  
20 and sometimes affected bureaus, that would include the  
21 National Park Service, the Fish and Wildlife Service, the  
22 USGS, in particular, and they are all supportive of the GEM  
23 Program and having differing levels of ability to be a part  
24 of the funded projects. They each have some constructive  
25 comments to make in terms of specifics to the program and

1     how it was put together and things that might be left out  
2     but they all are very supportive of GEM in its entirety.

3             I think your idea, Joe, of sitting down at  
4     some point and having that philosophical discussion would  
5     be very useful since it is true that the previous Council  
6     are the ones who signed off, if you will, on GEM. And even  
7     though I was there at the time, I was a brand new member so  
8     we only had one of the six of us who had been a Trustee for  
9     any length of time at that point.

10            And I do recognize, as Ernesta said, that  
11     the language about community involvement or community based  
12     economic restoration projects is indeed in the Federal law  
13     that was passed by the then senator. But I don't know what  
14     the reasons were that that piece wasn't enveloped into the  
15     GEM Program as it was being designed. And we would have to  
16     go back for some history lessons on that. And I'm sure we  
17     could get those but I'd be very interested in a better  
18     understanding of that.

19            CHAIRMAN MEADE: Any further discussion  
20     before Mr. Duffy offers insight and a motion?

21            (No audible response)

22            CHAIRMAN MEADE: Kevin.

23            MR. DUFFY: Thank you, Mr. Chair, let me  
24     give this a try. Before I do the motion, I want to thank  
25     Phil for the thorough response to the questions I had. We,

1 I guess -- I would like to move to defer a decision on  
2 release of the FY05 invitation until March 1, 2004 to allow  
3 Trustees to make recommendations for improvements. Any  
4 comments from Trustees should be provided within two weeks  
5 to the Executive Director for consideration prior to the  
6 March 1 Trustee Council meeting.

7 CHAIRMAN MEADE: Motion is made. Is there  
8 a second?

9 MR. HAGEN: Could I have a clarification?

10 CHAIRMAN MEADE: Please.

11 MR. HAGEN: Yes, do we need to actually  
12 pass a motion, I guess, with that specificity? In a sense,  
13 you know, I guess it does take the Trustees to agree, I  
14 guess, to put forth the invitation. I'm wondering if  
15 that's something that could also be done via email or  
16 communication prior to the March 1st meeting. It's just --  
17 I know Phil said that there's, you know, they can spend a  
18 few more weeks but it is pushing things along a little bit.  
19 But if, of course, the other Trustees need or would like  
20 that additional time, that's fine with me. But I guess my  
21 question is, do we need the motion for that?

22 MR. DUFFY: Mr. Chairman, before I discuss  
23 the motion, I think I should get a second and then I'll  
24 tell you my reasoning.

25 CHAIRMAN MEADE: The motion has been made.

1 Is there a second to Mr. Duffy's motion?

2 MR. FREDRIKSSON: Mr. Chair, if I could  
3 interrupt? This is Kurt Fredriksson, Deputy Commissioner  
4 for Environmental Conservation. Commissioner Ballard had  
5 to step out. She had a previous engagement with the  
6 Assistant Deputy Under Secretary of Defense for  
7 Environmental Safety and Occupational Health. And she's  
8 asked me to sit in for her until she's able to return.

9 CHAIRMAN MEADE: Thank you.

10 MS. PEARCE: Mr. Chairman.

11 CHAIRMAN MEADE: Yes, Drue.

12 MS. PEARCE: This is Drue. I'll second for  
13 the purposes of discussion.

14 CHAIRMAN MEADE: Motion has been seconded.  
15 Is there discussion.

16 MR. DUFFY: Thank you, Drue. Mr. Chairman,  
17 this is Mr. Duffy. My thinking here is we have been  
18 working on some notes here over the last three hours here,  
19 writing down some suggested improvements to the invitation.  
20 And I know, as Phil stated, this is probably causing some  
21 concern. But our intent relative to the invitation is to  
22 try and improve the document with some suggested  
23 modifications. And the reason was specific relative to my  
24 motion is because this -- I don't want people to think this  
25 is a delay tactic so as to come to a conclusion not to move

1 forward. This is a short term interim period to allow us  
2 to take some suggested actions to the Executive Director as  
3 well as the Science Director for the Trustee Council to see  
4 if we can improve the invitation before it goes out for  
5 public consideration. And that's the intent of my motion.

6 CHAIRMAN MEADE: And if I may enter the  
7 dialogue, Mr. Duffy, I actually am very much in concurrence  
8 with your insight. We certainly receive this and we really  
9 need to, separate from this discussion, come back to a  
10 standing protocol with the Board of Trustees for dispensing  
11 information in a timely way for consumption/review and our  
12 ability then to give as good advice. The piece I would  
13 also further add in the discussion is, if we postpone the  
14 decision, recognizing the hardship it can put on the Board  
15 of Trustees -- or excuse me, the Council -- might we be  
16 willing to identify a segment of time on March 1st, if not  
17 even a three-hour block of time, to be willing to drill  
18 into philosophical perspectives about the GEM Program, that  
19 it might give us more stability as a collective group as we  
20 move forward. And, of course, that would give us that  
21 discussion, that broader foundation, for then moving  
22 forward with the need to take action on this invitation for  
23 '05.

24 MR. DUFFY: Joe, this is the maker of the  
25 motion. I don't know if we need to put a three-hour time

1 frame on it but I concur that at times we tend to be  
2 blending specific issue in front of us at this point,  
3 although it's related, and that specific issue being the  
4 invitation relative to the overall GEM Program. And  
5 perhaps a discussion of the larger piece, just to try and  
6 come to some common understandings, may reduce this  
7 fuzziness that seems to creep into some of our discussions.  
8 So I would support that concept.

9 MS. PEARCE: Mr. Chairman.

10 CHAIRMAN MEADE: Yes, Drue.

11 MS. PEARCE: Thank you. I have a question  
12 for Commissioner Duffy. When you say defer so that we can  
13 -- and have comments to the Executive Director in two weeks  
14 so they can get back out to the -- I assume so that they  
15 can get back out to the full Council. Are you looking at  
16 additions to the Work Plan or the proposals or deletions or  
17 rewriting entire sections? I'm curious what I should --  
18 what your expectation is in terms of what it is you want us  
19 to bring back.

20 MR. DUFFY: That's a fair question and I  
21 should have responded to that, Drue. No, we -- the basic  
22 structure, the framework, the categories are all fine. We  
23 just have some suggestions. I think I mentioned it in my  
24 earlier comments, there may be a need to more clearly  
25 define within some of the categories the purpose or

1 objectives or why we're asking for things, that's all I'm  
2 thinking. So within the basic structure of the invitation,  
3 we're working within that box. This is not an intent to  
4 restructure or redesign. It's an intent to enhance and  
5 improve.

6 MS. PEARCE: So it's not an expansion of a  
7 category, it's a better explanation of what the category  
8 is?

9 MR. DUFFY: That's my understanding.  
10 That's correct.

11 CHAIRMAN MEADE: And again, on behalf of  
12 myself, Drue, I might mention too, Mr. Duffy, that an  
13 opportunity to have more discussions and ability to make  
14 those recommendations in the short time frame we have seems  
15 very appropriate, in light of your motion to delay until  
16 our March 1st meeting in making this decision.

17 MR. DUFFY: Right. Thank you, Mr.  
18 Chairman. And I also -- at least instruction to myself and  
19 to, at least on the State side, fellow Trustees, if we are  
20 going to ask for this action which will be until March 1,  
21 then we have an obligation on our part to do our share and  
22 get our information and our suggestions to the Trustee  
23 Council in a timely fashion so as to resolve this prior to  
24 -- or at the March 1 meeting. And that's why the two-week  
25 deadline, it's a deadline on ourselves.



1 MR. TILLERY: Mr. Chairman.

2 CHAIRMAN MEADE: Yes.

3 MR. TILLERY: This is Craig Tillery. I'm a  
4 little uncertain as to what this deadline is. Is it simply  
5 the next time that we get back together for a meeting to  
6 discuss this or is it some kind of self-imposed requirement  
7 that we actually will issue an invitation in two weeks?  
8 And if it's the latter, I don't think it's particularly  
9 appropriate. If it's the former, then I think it's a good  
10 idea because we do want to try to move this along. Could  
11 you answer that?

12 MR. DUFFY: Mr. Chairman, Mr. Tillery. My  
13 motion is to defer a decision on release of the '05  
14 invitation until the March 1, 2004 meeting.

15 CHAIRMAN MEADE: And as I understand it,  
16 Mr. Duffy, the two week deadline is a self-imposed deadline  
17 to insure that comments, ideas and insights are all  
18 provided in a way that can then be absorbed by Dr. Mundy.  
19 And then to the extent a pre-reading package can be  
20 redistributed, such can be done with adequate time to  
21 review it before March 1.

22 MR. DUFFY: Exactly. If I had an  
23 opportunity to do the motion again, I would have only spoke  
24 to the decision on release tied to March 1 of '04 and then  
25 in my talking to it, I would have imposed a deadline and

1 not put that into the motion.

2 CHAIRMAN MEADE: With such discussion and  
3 with clarification, is it acceptable to call for question?

4 MR. TILLERY: I have a few more questions.

5 CHAIRMAN MEADE: Please.

6 MR. TILLERY: Did I understand that there  
7 was some restriction that one could only expound on the  
8 existing categories and couldn't offer, for example,  
9 different categories or new concepts?

10 MR. DUFFY: Mr. Chairman, Mr. Tillery.  
11 Speaking as the maker of the motion, my intent was clearly  
12 that the suggestions for improvements to the document would  
13 be in the framework of the current FY05 invitation that's  
14 sitting in front of us.

15 MR. TILLERY: Again, I don't think that I  
16 could support that because it doesn't seem to me that we  
17 should restrict ourselves, and I don't know what  
18 Commissioner Ballard's views are, but I would be -- I think  
19 it's entirely possible that she may have some ideas that go  
20 beyond what is currently in the invitation. Not simply  
21 tweaks or whatever but something new, I don't know. So I  
22 don't think it would be appropriate to restrict it. I  
23 think, you know, bringing things to the Council related to  
24 the invitation are fine but I just don't think there should  
25 be any self-imposed restrictions on it.

1                   CHAIRMAN MEADE: By the nature of the  
2 motion, if I may, I'll ask Mr. Duffy to clarify. I don't  
3 hear that the motion itself provides any restriction. I  
4 understand in his explanation of what he'll be looking at  
5 as he reviews the documents and works with the State  
6 Trustees, they'll try to confine themselves to the existing  
7 categories. But I don't see there anything restrictive in  
8 the motion, if insights would come, that would stop them  
9 from expanding on that and working closely with the science  
10 director to consider such. Would I be in the ball field,  
11 Mr. Duffy?

12                   MR. DUFFY: Mr. Chairman, I was describing  
13 my understanding but given the other Trustee's concern  
14 about whether, in fact, that narrowly imposed restriction  
15 is appropriate, he's bringing that into question, so at  
16 least you know the maker of the motion's intent. And so I  
17 guess the general understanding of the Trustee Council,  
18 before we approve this motion, would be that it could, in  
19 fact, be more general in nature to encompass other issues.

20                   MR. FREDRIKSSON: Mr. Chairman, this is  
21 Curt Frederickson, if I might speak for Environmental  
22 Conservation. I think the question that's really  
23 confounded us is the short time in which we've had to look  
24 at this document. I know the staff have put a lot of hard  
25 work into it and we don't have major problems, major

1 structural problems. We sure wouldn't want to start from  
2 scratch but this is a document which we only had access to  
3 last Thursday. And I don't want us to necessarily  
4 constrain ourselves but it's not a desire to just kind of  
5 redesign the categories that the staff have already  
6 presented.

7 MR. HAGEN: Mr. Chairman.

8 CHAIRMAN MEADE: Yes, please.

9 MR. HAGEN: This is Pete. Would it be  
10 helpful, I guess, to -- or else I guess any other staff,  
11 and I'm including myself as a staff on the NOAA side, to  
12 get together at some point prior to the March 1 meeting as  
13 well and see if we could make sure that there's, you know,  
14 agreement along with a Science Director on kind of the  
15 language of it so we're consistent with the GEM Program as  
16 he's outlined it. And also include other needs that the  
17 agencies might see. So just a way to kind of encourage  
18 some dialogue on a level such that when it gets to the  
19 March 1st meeting, that we've got a document or a draft in  
20 place that everyone is comfortable with.

21 CHAIRMAN MEADE: Now, Pete, if I could  
22 expand on that notion, I think at the end of the two week  
23 suggested deadline that we would self-impose upon  
24 ourselves, if our staff could get together and work to  
25 reach consensus. And then in the intervening time between

1 then and March 1, brief the appropriate Trustee on the  
2 outcome of that, that could greatly expedite our coming  
3 together in the March 1 meeting, having a philosophic and a  
4 Trustee Board discussion, and let that carry forward to the  
5 outcome or decision. I think that would be very helpful.

6 MS. PEARCE: Mr. Chairman.

7 CHAIRMAN MEADE: Yes, Drue.

8 MS. PEARCE: If we do much expanding, do we  
9 have a responsibility to take the expanded proposal back to  
10 the RAC or the PAC?

11 MS. PHILLIPS: And the STAC.

12 MS. PEARCE: And the STAC?

13 CHAIRMAN MEADE: Of course, I will either  
14 defer to Dr. Mundy or our legal counsel for the  
15 interpretation. And, in part, that was what I was sharing  
16 earlier. My concern is we have a longstanding amount of  
17 public participation here from both the Public Advisory  
18 Committee and the Scientific Technical Advisory Committee.  
19 And it's that framework that I'm trying to insure we keep  
20 -- that the integrity of that framework is upheld by our  
21 role as Trustees.

22 MR. TILLERY: Mr. Chairman, I don't believe  
23 there is any legal requirement to do so.

24 CHAIRMAN MEADE: Perhaps not a judiciary or  
25 a legal mandate but I would advocate from a trust and

1 responsibility standpoint. As Trustees, we're given and  
2 established public trust.

3 MR. TILLERY: But until last year, this  
4 invitation never even saw the light of day before it was  
5 adopted. I mean, it wasn't even -- it didn't even go  
6 before the Trustees.

7 CHAIRMAN MEADE: I see, thank you. That's  
8 good clarification for me.

9 MR. HAGEN: Mr. Chairman, this is Pete  
10 again. My thinking on March 1st would be to maybe just  
11 address -- have an invitation in place. Maybe not for  
12 staff to go into the philosophical questions but just  
13 address the points so we can get this invitation out the  
14 door. I think sort of the broader questions that might  
15 have been brought up and are worthy of discussion might be  
16 something that the PAC, if we go forth with their request  
17 to get together, might be -- would like to be engaged with  
18 that as well. So maybe some of the discussion could be  
19 deferred until a meeting later with the PAC, in terms of,  
20 you know, the bigger picture, sort of.

21 MR. TILLERY: Mr. Chairman, this is Craig  
22 Tillery. I was very much impressed with your description  
23 of how we needed to look at those broader issues more. And  
24 what I have been mulling over in my mind is a way to  
25 combine that with the issuance of this invitation such that

1 perhaps we are able to get this invitation out. But at the  
2 same time, we commit ourselves to that broader look. And I  
3 think -- I have some ideas that are forming on that so I  
4 think I'm agreeing with Pete.

5 CHAIRMAN MEADE: Well, very good. Any more  
6 discussion? And I might ask Mr. Duffy if I could amend his  
7 motion.

8 MR. DUFFY: Oh, yeah, Mr. Chairman, you  
9 don't need my permission. Feel free to if you think it  
10 will provide clarification.

11 CHAIRMAN MEADE: I think what I've heard is  
12 a bit of consensus around the idea that we would like a  
13 motion that would defer the decision on the issuance of the  
14 invitation until March 1, subject to opportunity for our  
15 staff to appropriately review the document and interact and  
16 bring forward their hopeful consensus and recommendations  
17 to the Trustees.

18 And secondary to that, perhaps not part of  
19 the motion, we would commit ourselves to the very course  
20 that was just offered and summarized by Craig. So I think  
21 we're on -- basically in consensus, from what I'm hearing,  
22 with your motion to defer to do adequate staff work. So  
23 perhaps I'm not trying to modify your motion, just perhaps  
24 drawing clarity. That we would defer until March 1, that  
25 we would have adequate staff work in between, that there

1 would be discretion, broader than just the narrow, to  
2 provide insights and invite some recommendations. But the  
3 staff group would really work to try to put forward a  
4 working approach that we could address and resolve come  
5 March 1. And our Trustee further commitment would then be  
6 to continue to work on this issue and bring about some  
7 consensus within ourselves on the overall program.

8 MR. DUFFY: Mr. Chairman, if I could. This  
9 is Mr. Duffy again.

10 CHAIRMAN MEADE: Please, Kevin.

11 MR. DUFFY: I think procedurally that would  
12 be considered clarification of my motion. If it's  
13 considered a motion, I'm not sure according to the rules we  
14 proceed whether the Chairman can do an amendment to the  
15 main motion but.....

16 CHAIRMAN MEADE: I think it's simply  
17 clarification to your excellent motion.

18 MR. DUFFY: Thank you very much. And just  
19 one more response, I think in order to confine the  
20 discussion on March 1 to make it focused on the FY05  
21 invitation, that we insure that in the agenda we take up  
22 that issue, resolve it prior to any more general discussion  
23 about the GEM Program and trying to come to some  
24 understandings about everything. And I think that way if  
25 we exercise discipline, we won't blend them and confuse the



1 discussions. Because I personally feel that the draft  
2 invitation in front of us today is consistent with the  
3 goals, objectives and the whole purpose of the GEM Program.  
4 But I'm just seeking a little more time for some,  
5 hopefully, improvements to the document.

6 CHAIRMAN MEADE: Very good. So I call for  
7 question.

8 MR. FREDRIKSSON: Question. Yes.

9 CHAIRMAN MEADE: Do we want to take the  
10 vote then?

11 (No audible response)

12 CHAIRMAN MEADE: All those in favor of the  
13 motion, signify by saying aye.

14 ALL COUNCIL MEMBERS: Aye.

15 CHAIRMAN MEADE: Motion carries.

16 MS. PEARCE: Mr. Chairman.

17 CHAIRMAN MEADE: Yes, Drue.

18 MS. PEARCE: Who's in charge -- who's the  
19 staff person taking the lead to call all the other staff  
20 people to have those discussions?

21 CHAIRMAN MEADE: Perhaps since Pete brought  
22 the discussion up -- Pete, would it be appropriate to ask  
23 if you might be willing to take on that assignment?

24 MR. HAGEN: Yes, I'd be happy to.  
25 Commissioner Ballard is not here but maybe it could be

1 relayed to her. And I'll try to work the email, I guess,  
2 initially and line up who from the Trustee staff would like  
3 to get together once, you know, after I guess a two week  
4 period. Is that what you're requesting, Kevin?

5 CHAIRMAN MEADE: As I understood that from  
6 Kevin, the discussion was a two week self-imposed deadline.

7 MR. HAGEN: Okay. Well let's -- about that  
8 point, then I'll go ahead and start -- see if I can  
9 generate a dialogue going and folks could kind of bring in  
10 some language, I guess, that's related primarily, I  
11 presume, Pages 16 through 21 or.....

12 DR. MUNDY: Twenty-four.

13 MR. HAGEN: .....24, I guess, in the  
14 current invitation. And we can start working through that  
15 and if that sounds like a plan -- agreement, I'll go ahead.

16 CHAIRMAN MEADE: That works good, Pete. I  
17 think in response to Drue's query, and I anticipate that  
18 you would want the Science Director to participate in that  
19 as well.

20 MR. HAGEN: Oh, yes. If that's okay with  
21 Phil, if he'll be available.

22 DR. MUNDY: Outside the two week time  
23 frame, yeah, that would be fine.

24 MR. HAGEN: Okay, we'll try to make it  
25 easy.

1 CHAIRMAN MEADE: Any other discussion for  
2 clarification on -- or associated issues with this motion  
3 that's passed?

4 (No audible response)

5 CHAIRMAN MEADE: Hearing none, I want to  
6 suggest a quick bin topic, Gail, that we might come back to  
7 and that is just the process (interrupted - telephone dial  
8 tone). Are we still connected?

9 MS. PHILLIPS: We are.

10 CHAIRMAN MEADE: Okay. The process of  
11 distribution of pre-reading and time frames as such. I  
12 understand we may have in the past had a protocol to where  
13 all decision discussion topics came to us at least 10 days  
14 ahead of a meeting. We may want to revisit that so that  
15 we're insuring we're at best able and informed to carry  
16 forward our business based on the hard work that's being  
17 done by the Council [sic]. So we might come back to that  
18 as a business topic once we're done with today's agenda or  
19 perhaps on the March 1st agenda if time frames are getting  
20 short today.

21 MS. PHILLIPS: Okay. And I would just like  
22 to make a comment, too, that I appreciate the action taken  
23 today because it does allow the staff of the Council to  
24 stay on calendar and on track as far as all the other jobs  
25 that need to go on throughout the year as it relates to

1 putting the invitation out. So I really appreciate we can  
2 keep on track and we can keep on time by taking the action  
3 on March 1st. The reason things were so rushed was because  
4 we had so little time -- we lost so much time last year.

5 CHAIRMAN MEADE: We certainly understand  
6 and we realize we've been in transition as well. So no  
7 admonishment at all to the Council [sic] in any sense but  
8 more just to be sure we're all working collaboratively to  
9 glean the best in our roles as we can.

10 MS. PHILLIPS: I'll just draft up a  
11 protocol and have it ready for the March 1st meeting.

12 CHAIRMAN MEADE: There may be one already  
13 established. You might check and see.

14 MS. PHILLIPS: Okay, thanks.

15 MR. DUFFY: Mr. Chairman, this is Kevin  
16 Duffy. Just a quick note that immediately after our vote  
17 on the previous action item, I inadvertently hit the phone  
18 line and took us out of the picture. We came back to it  
19 and I think the gist of it is you went into a discussion  
20 about timely distrib -- not that a lot of things aren't  
21 timely, but just reinforcement of some protocol on some  
22 timely distribution of the information. If that was the  
23 nature of the conversation then I don't think that we've  
24 missed anything significant.

25 CHAIRMAN MEADE: You did not at all. I was

1 using the time to -- I knew you had left and I used a good  
2 filler until you came back. How's that, Kevin?

3 MR. DUFFY: Thank you, Mr. Chairman. You  
4 bet watch it, you're going to get this job permanently.

5 CHAIRMAN MEADE: Let's go on to our next  
6 agenda topic because we are stretching the time we were  
7 supposed to dedicate today. As I understand it, the next  
8 agenda topic will be the NOS grant. And again, Gail, shall I  
9 turn to you as the Executive Director to lead the  
10 discussion on that?

11 MS. PHILLIPS: I will just very briefly sum  
12 it that we received another \$750,000 from NOS and it was a  
13 unsolicited grant. It's available for approval by the  
14 Trustee Council or denial by the Trustee Council. If you  
15 approve it then we can decide how to spend it later. But  
16 the main question or the first question before the Trustee  
17 Council is whether or not to accept the grant.

18 CHAIRMAN MEADE: And I think it would be  
19 appropriate then to entertain a motion.

20 MS. PEARCE: Mr. Chairman.

21 CHAIRMAN MEADE: Yes, Drue.

22 MS. PEARCE: I would move that we accept  
23 the grant.

24 MR. TILLERY: Second.

25 CHAIRMAN MEADE: Been so moved and

1 seconded. Discussion.

2 MR. TILLERY: Mr. Chairman.

3 CHAIRMAN MEADE: Please.

4 MR. TILLERY: This is Craig Tillery. I  
5 guess I didn't quite under -- I thought originally when I  
6 read this that the -- what was needed was to approve the  
7 grant and to decide what it was we wanted to expend it on.  
8 Do I gather that, in fact, all we need to do is to say we  
9 want the grant and then we'll come back later and talk  
10 about whether we want to stick it into Hinchinbrook or  
11 stick it into administration or stick it someplace else?

12 MS. PHILLIPS: Mr. Chairman, no that was  
13 not the intent. The intent is first you have to decide  
14 whether to take it. You just have. The second.....

15 MS. PEARCE: Haven't voted.

16 MS. PHILLIPS: No, you haven't voted yet.  
17 The second item you have to determine is how you want to  
18 spend it. Because we do have a February 15th deadline for  
19 drafting, at least, a basic proposal and turning it in.

20 MR. TILLERY: Mr. Chairman, the memo that I  
21 had says that it's not possible to do it by February 15th  
22 so that the Council offices have asked for more time. And  
23 I'm wondering, has that actually been done and, if so, how  
24 much more time is being asked for?

25 MS. PHILLIPS: I've asked Phil to respond.

1 DR. MUNDY: Mr. Chairman, this is Phil  
2 Mundy speaking. Yes, we were given an initial -- the  
3 Executive Director is correct, we were given a deadline of  
4 February the 15th but sitting down and considering all of  
5 the options that have been presented in the memo that was  
6 sent to the Trustee Council from me through Executive  
7 Director Phillips on February the 2nd, there isn't any of  
8 these options that could be satisfied by February the 15th.  
9 We've, therefore, asked for more time from the  
10 administering agency, which is NOS, National Ocean Service  
11 of NOAA. And they have reluctantly granted more time but  
12 their caveat to us, their warning was that the longer we  
13 delay this -- if we decide to accept this grant, the longer  
14 we delay the application process, the more likely we are to  
15 get hung in NOAA grant processing problems because  
16 everything is all coming in at the same time and it could  
17 entail substantial delay to us in getting the money. But  
18 the short answer is yes, we do have more time but how much  
19 we -- the more time we take, the more risk we incur as to  
20 when this money will actually come through.

21 MR. TILLERY: Mr. Chairman, I guess my  
22 question remains, how much more time?

23 DR. MUNDY: Mr. Chairman.

24 CHAIRMAN MEADE: Please.

25 DR. MUNDY: I think that again, maybe, you

1 know, maybe an extra two weeks, maybe to the end of  
2 February, something like that, would not be too -- put us  
3 too far behind. I know that other groups are struggling  
4 around the country. This is part of a national process and  
5 I also do peer reviews for that process. I know that other  
6 groups are still struggling with their proposals. So we  
7 might not be too far behind if we could put this together  
8 by the beginning of March.

9 MR. DUFFY: Mr. Chair, this is Kevin Duffy.  
10 We haven't voted yet on the acceptance of the grant but I  
11 do have a suggestion on how to proceed on this.

12 CHAIRMAN MEADE: I feel it's a -- let's  
13 entertain your discussion.

14 MR. DUFFY: Okay, within the context of the  
15 motion, my thought on this is, because I did once again  
16 review the information and one of the ideas here is to  
17 support the project in the Prince William Sound area that I  
18 believe does have some merit. But I think a bit of an  
19 additional review by all the Trustees prior to making the  
20 decision would be a good thing, at least from my  
21 perspective. So what I would like to do is consider a  
22 second motion, if that's necessary, if this one is  
23 approved, to make a decision at the March 1, 2004 Trustee  
24 Council meeting on expenditure of these grant funds, should  
25 the Trustee Council approve the acceptance of them.



1                   CHAIRMAN MEADE: Okay, well before we go on  
2 with that motion, we might wrap up this one. I would offer  
3 some clarification or some proposal to yours. Without any  
4 further question as it associated to the proposal that Drue  
5 had made to move to accept the grant, and then we can  
6 entertain any further motion as to further guide how we  
7 would then take the next step.

8                   MR. DUFFY: Question, Mr. Chairman.

9                   CHAIRMAN MEADE: Yeah, call for question?

10                  MR. DUFFY: Yes.

11                  CHAIRMAN MEADE: All those in favor of the  
12 motion, signify by saying aye.

13                  ALL COUNCIL MEMBERS: Aye.

14                  CHAIRMAN MEADE: So the motion carries, so  
15 approved. And Dr. Mundy and our Executive Director can take  
16 appropriate steps in the context of the motion. And Mr.  
17 Duffy, I understand you have a second motion?

18                  MR. DUFFY: Yes, I'll keep it short, Mr.  
19 Chairman. I would move that Trustee Council consider at  
20 the March 1, 2004 Trustee Council meeting the allocation of  
21 these grant projects to a -- or allocation of these grant  
22 funds, excuse me, to a project or series of projects, Mr.  
23 Chairman. That the decision be made at the March 1  
24 meeting.

25                  MR. TILLERY: Second.

1                   CHAIRMAN MEADE: The motion has been made  
2 and seconded. Discussion.

3                   MS. PEARCE: Mr. Chairman, I have a couple  
4 of questions.

5                   CHAIRMAN MEADE: Please.

6                   MS. PEARCE: Thank you. First, Dr. Mundy,  
7 you said that other entities are struggling with their  
8 applications. Are there lots of entities across the  
9 country who found these sorts of -- this sort of language  
10 where grants were directed toward them and they didn't know  
11 they were coming? It seems like we'd get special  
12 dispensation for the fact that it's dropped in our laps out  
13 of the sky.

14                  DR. MUNDY: Mr. Chairman, may I respond?

15                  CHAIRMAN MEADE: Please.

16                  DR. MUNDY: Okay. We will ultimately get  
17 special dispensation but they're not going to cut us any  
18 slack in terms of how they process this money. We have to  
19 go on the same queue with everybody else. I mean we'll  
20 ultimately come up with the funds but the question is, is  
21 when do they bring them out. We're part -- this is being  
22 administered through the Coastal Services Center of the  
23 National Ocean Service in Charleston. And this is the same  
24 group that administers a -- the other groups that are  
25 involved in this are not earmarks, at least to my

1 understanding, they're not earmarks, they are competing for  
2 a pot of integrated and sustained ocean observing system  
3 money. And the reason that this wound up with the Coastal  
4 Services Center is that it was -- the apparent intent for  
5 this to be spent on ocean observing system type operations.

6 That's not a problem for us because we are  
7 the original ocean observing system regional entity,  
8 particularly in this area. But any event, it's really the  
9 administrative matter and not one of an earmark. Does that  
10 answer the question?

11 MS. PEARCE: It does. I have a second  
12 question, Mr. Chairman.

13 CHAIRMAN MEADE: Please, Drue.

14 MS. PEARCE: Mr. Duffy, we have agreed to  
15 defer the decision and I know, for example, that Minerals  
16 Management Service had an idea that has gone no further  
17 than an idea, there's certainly nothing on paper for what  
18 they considered appropriate use of monies of this sort that  
19 would be a part of the OCS activities in Cook Inlet, of  
20 course, tied to the State Cook Inlet leasing activities.  
21 And I also know that Fish and Wildlife Service, looking at  
22 the new news about listing sea otters also had a couple of  
23 ideas for some portion or all of the money. Is it your  
24 expectation that we're all going to bring other ideas above  
25 and beyond the Hinchinbrook idea to the table on March 1st

1 and divide this money up?

2 MR. DUFFY: Mr. Chairman. In response,  
3 Drue, what I was looking at was the context of what we had  
4 in our notebooks that were given to us about looking at the  
5 Hinchinbrook as one of the proposals. There was also some  
6 concepts in there about using it for some administrative  
7 purposes. In terms of how we deal with this funding and  
8 whether it's more open or not, I would seek advice from our  
9 legal counsel because I am not familiar enough with the  
10 money to know what sort of constraints there are, if it is  
11 framed or what. And maybe Dr. Mundy or someone could help  
12 me on that.

13 CHAIRMAN MEADE: Before we open it up to  
14 more discussion from Dr. Mundy, in addition to the  
15 discussion we've had, I'd also add a suggestion here if  
16 it's fitting, and it's that in your motion, Kevin, you  
17 mentioned culminating this decision potentially on March 1.  
18 I'd like to suggest that again, this is a good issue, we  
19 should ask our pertinent staff, in addition to the  
20 invitation, to also staff out their recommendation on this  
21 and through that process solicit input from legal counsel  
22 and bring forward to the Board of Trustees, in that same  
23 two week time frame, a recommendation. In other words,  
24 they could work on these two issues concurrent and the  
25 board of Trustees can be well staffed and briefed with what

1 is appropriate, what is legal and what they are  
2 recommending to us as we come together at our March 1st  
3 meeting.

4 MR. HAGEN: Mr. Chairman, this is Pete. I  
5 guess I'm not quite clear kind of what the intent is at the  
6 moment amongst the Trustees as a whole. I guess the vote  
7 was just to consider what to do with the grant fund on  
8 March 1st. I'm also hearing, and from the testimony  
9 earlier today, that there is a lot of support for the  
10 Science Director's preferred alternative, and that's to  
11 plug into this Prince William Sound monitoring program, I  
12 guess the Hinchinbrook-Montague Project. I think it has a  
13 -- there's other acronyms that may fit into it. It seems  
14 like what I was sort of looking forward to perhaps would  
15 be, you know, fleshing out of that alternative, if other  
16 Trustees were in favor of it, using other -- looking at  
17 other uses for the funds. I'm not so sure as a staff  
18 member I'd feel comfortable trying to anticipate what the  
19 rest of the Trustees are interested in. So maybe we could  
20 have some more discussion about the sense of what -- the  
21 Science Director's preferred alternative. If there's a  
22 sense that that is something worth going forward with.

23 CHAIRMAN MEADE: Well, on behalf of the  
24 Forest Service and that Trustee position here represented,  
25 we are in support of the recommendation and we were -- my

1 suggestion was to help build a collaborative environment  
2 where that could be ferreted out and perhaps a consensus  
3 lent to it when it comes to the group on March 1. So we  
4 don't try to discuss this and come March 1 without having  
5 had that collaboration between our staff counterparts.

6 MR. HAGEN: Okay. Does any other State  
7 Trustees have a sense? I don't know, Kevin, are you -- I  
8 just want to look at it some more and consider the Science  
9 Director's or considering other projects? And I wasn't  
10 quite clear, Drue, from your sense if there was a general  
11 sense of favor for the Director's preferred alternative.

12 MR. DUFFY: Mr. Chairman, Mr. Duffy, in  
13 response to Pete Hagen. Pete, although I think that  
14 there's some -- the concept of the Hinchinbrook Project is  
15 a good one, as a State Trustee at this point, I would not  
16 want to say that that is the preferred alternative so as to  
17 allow members of the public to draw a conclusion that  
18 that's exactly where I am going as a State Trustee. I want  
19 to leave it open but I was hoping for a touch of legal  
20 advice on this concept, a legitimate concept that Drue  
21 Pearce brought forward about other issues that may be  
22 within the confines of this NOS grant and other things that  
23 might be considered for use of this \$750,000. One of the  
24 ones she brought up was this issue of sea otters and the  
25 need to focus some attention on that.

1 MS. PEARCE: And Mr. Chairman, my questions  
2 were just to try to define what's supposed to happen  
3 between now and March 1st because if we are going to bring  
4 other ideas forward, I need to allow my agencies to better  
5 define their interest, their proposals. So I'm just trying  
6 to figure out what the sidelines are.

7 MR. DUFFY: Fair enough. Mr. Chairman, Mr.  
8 Duffy in response, Drue. The sea otters was just one you  
9 mentioned.....

10 MS. PEARCE: Right.

11 MR. DUFFY: .....I didn't mean to pin you  
12 to that one.

13 MS. PEARCE: Well, no I -- that's probably  
14 one of the most relevant things we have before us frankly.

15 CHAIRMAN MEADE: And again, this is Joe.  
16 We have before us recommendations from the Science  
17 Director. We have Drue's interest to see if this could and  
18 should be expanded or at least that possibility and, I  
19 think, congruent with your preferences, Kevin. March 1st  
20 is not too far away and again I come back to the suggestion  
21 that perhaps our staff could give us some staff work here.  
22 But I hear some hesitancy from Pete that that may be too  
23 broad of discretion. Is there any refining of that that we  
24 could give to our staff to line out the type of advice we  
25 would like to have ahead of March 1st so that as a Board of

1 Trustees we can be able to move this towards appropriate  
2 decision?

3 MS. PEARCE: Mr. Chairman.

4 CHAIRMAN MEADE: Yes, please.

5 MS. PEARCE: I just want to clarify the  
6 record. My interest isn't necessarily in expanding and not  
7 taking the Science Advisor's proposal but when I listen to  
8 Mr. Duffy's motion, I was just trying to figure out the  
9 parameters of that motion. And if other entities are going  
10 to come forward with alternate projects, I want to make  
11 sure that I have an opportunity to do the same, if that's  
12 appropriate.

13 CHAIRMAN MEADE: Thank you for your  
14 clarification, Drue. I certainly didn't mean to  
15 misinterpret your remarks.

16 MS. PHILLIPS: Mr. Chairman.

17 CHAIRMAN MEADE: Yes.

18 MS. PHILLIPS: Could we ask Phil to respond  
19 on some of the issues that have just been brought up?

20 CHAIRMAN MEADE: Please.

21 MS. PHILLIPS: Thanks.

22 DR. MUNDY: Thank you, Mr. Chairman. I  
23 tried to give you my sense of what the intent is here and  
24 I've had experience with this process in the past, we put  
25 together an application. And I'd like to stress that the



1 process that we're involved in for getting this earmark is  
2 not exactly as simple as I had anticipated last year  
3 because it does require a formal proposal with a statement  
4 of work and a budget. And in this case, any of the  
5 preferred alternatives other than turning it down, which  
6 has already been rejected, requires a lot of staff time.  
7 Not only staff time but if we have partners, then we're  
8 pulling those partners in to work on this as well.

9               So I think that, you know, if -- all I  
10 would say is that the -- when I said a couple of weeks  
11 wouldn't hurt much -- but I was thinking in my own mind  
12 that there would have been some sort of a resolution here  
13 as to what the preferred alternative was, because that  
14 means that implies that we have somebody working on this in  
15 the next two weeks to start getting things ready and to  
16 have a proposal out in the next two weeks. Now obviously  
17 if we're just making a decision on what it is we're going  
18 to do with the money on March the 1st, then that means that  
19 we've added a month here. Because it's going to take at  
20 least two weeks, at a minimum, to get this paperwork ready  
21 to get this thing to go into NOS. So the decision to delay  
22 until March the 1st is a decision to delay the application  
23 process by four to five weeks. I just wanted to make that  
24 clear.

25               The second part here is, if we do get this

1 money through Coastal Services Center, and I have no reason  
2 to think that the money would come through some other way,  
3 I've put out in the last part of the attachment that was  
4 given to the Trustee Council, I put out the criteria.  
5 There are five criteria back there, the very last page, by  
6 which this application would be judged. And if you look at  
7 the -- and it's scored on those, and if you look at the  
8 first one, importance and relevance. Well, importance and  
9 relevance to what? And so the -- you know, it says, how  
10 well does the proposal demonstrate that the project will  
11 enhance the development of a national coastal ocean  
12 observing system? And that's what you get 30 percent of  
13 your marks on. So again, I know that there are other ways  
14 of getting earmarks, but clearly this is the way -- we  
15 submit an application, we had -- our first application last  
16 was rejected. And I gave you the information on what steps  
17 we took to see that we could satisfy CSC and that they were  
18 indeed disbursing the money appropriately.

19 So kind of the issue of how we're going to  
20 approach this or what we're going to do with it, I took  
21 care in putting out the preferred alternatives to advance  
22 them and to evaluate them in terms of what I understood to  
23 be the scoring criteria and the process that we as a staff  
24 have to go through to get it.

25 We have, as a staff here, at the present

1 time I'm the, you know, I am the science staff. I'm ably  
2 assisted by other staff members but I'm the primary staff  
3 member, particularly for biological sciences. And if we're  
4 engaged in a process of working with the agencies to make  
5 sure that the wording of the invitation is appropriate in  
6 their view, between now and March the 1st and then to put  
7 on another kind of consultation process on top of that,  
8 that again is going to stress the -- that's sorely going to  
9 stress our resources here as we prepare to get this  
10 invitation out. So again, I bring up these concerns not to  
11 tell the Trustees what to do but simply to point out some  
12 of the realities under which we're working and trying to  
13 get this NOS matter resolved.

14 CHAIRMAN MEADE: Thank you, Dr. Mundy. If  
15 there's a better mind on the call than me, can someone  
16 remind me if we actually have a motion on the table or have  
17 we just had discussion?

18 MS. PHILLIPS: You have voted on the.....

19 CHAIRMAN MEADE: The first.

20 MS. PHILLIPS: .....motion to accept it.  
21 You have not voted on the second motion yet.

22 CHAIRMAN MEADE: Okay, there is a second  
23 motion on the table?

24 MS. PHILLIPS: Kevin's motion to  
25 postpone.....

1                   CHAIRMAN MEADE: Yeah, that's what I was  
2 trying to remember, did Kevin actually make that motion?  
3 And I couldn't get it pulled back around in my cobwebs.

4                   MS. PHILLIPS: Yeah, to postpone until  
5 March 1st.

6                   CHAIRMAN MEADE: For further clarification  
7 then, I'd like just to suggest an alternative motion could  
8 be -- we can't make an alternative motion until we've  
9 disposed of the first motion -- but an alternative could be  
10 -- I would be in support of us supporting, particularly now  
11 with clarification to time frames, I would be in support of  
12 us passing or making a motion that would be in support of  
13 the recommendation from the Science Director. \$750,000 is  
14 an important contribution that we can put to excellent use  
15 for the citizens of Alaska. And I'm hearing we don't  
16 probably have the horsepower or the time to effectively  
17 package an application that would defer from that too much.  
18 I would rest on the staff work that's been done and if we  
19 wanted to ratify that decision the 1st of March, giving  
20 opportunity for interested Trustees and their staffers to  
21 coordinate and collaborate with the Science Director, that  
22 would leave a couple week window to collaborate on the  
23 process as it's being developed. That is just for  
24 discussion because I think we still need to come back to  
25 the motion that's on the table.

1 MR. TILLERY: Mr. Chairman.

2 CHAIRMAN MEADE: And was just advised I  
3 can't make motions anyhow, so that was all just pomp and  
4 circumstance.

5 MR. TILLERY: Mr. Chairman.

6 CHAIRMAN MEADE: Yes.

7 MR. TILLERY: This is Craig Tillery.

8 CHAIRMAN MEADE: Craig.

9 MR. TILLERY: I do support Mr. Duffy's  
10 original motion, which was to defer this until March 1  
11 without any restrictions being stated. I would not support  
12 a motion that essentially adopts what's present, what's  
13 available now. I mean, what is on the table now.

14 CHAIRMAN MEADE: Well, since I can't make  
15 such a motion, what I just talked about wasn't even said.  
16 So well stated, thank you, Craig. Any further discussion?

17 MR. HAGEN: Yeah, Mr. Chairman.

18 CHAIRMAN MEADE: Yes.

19 MR. HAGEN: I guess I'd -- you know, I can  
20 sort of sense and I agree with Phil the rationale for  
21 getting some direction and, you know, I think it would be  
22 good to be able to give at this point the Science Director  
23 some direction on how to proceed, otherwise we've delayed  
24 things quite a bit we'll be back to some discussion on  
25 March 1st again.

1           I think it's okay to ask staff to kind of  
2 resolve this and maybe that's the way we'll need to go in  
3 the interim. But it would be good to maybe -- you know, I  
4 guess I get a little bit concerned about not accepting the  
5 preferred alternative or at least directing the Science  
6 Director to at least make the initial efforts to put a  
7 package together that could be considered. So I guess  
8 that's my concern.

9           MS. PEARCE: Mr. Chairman.

10          CHAIRMAN MEADE: Thank you, Pete. Further  
11 discussion?

12          MS. PEARCE: Mr. Chairman.

13          CHAIRMAN MEADE: Please.

14          MS. PEARCE: Could I ask Mr. Duffy to -- I  
15 understand what Mr. Tillery said is that he doesn't want --  
16 I've forgotten the word he used -- but he just wants to  
17 make the motion to defer without any specific -- well, just  
18 wants to make the motion to defer. But I still -- I'm just  
19 puzzled over what I should do. It sounds as though, in the  
20 overall context, that the money that's available for the  
21 grant is fairly specifically targeted. And I don't pretend  
22 to fully understand what this IOS ocean observing system is  
23 going to look like when it grows up but it sounds like  
24 we've got a very targeted thing. So I'm assuming, Mr.  
25 Duffy, that any alternatives or any changes would still be

1 very closely tied to IOS. And so would it be fair for me  
2 to ask my agencies if they had ideas that were within that  
3 very fairly narrow definition of how the monies could be  
4 targeted? Are you expecting to bring back ideas that fit  
5 in that?

6 MR. DUFFY: Mr. Chairman, Drue, in  
7 response, this is Kevin Duffy. My understanding of my  
8 motion was consistent with Craig Tillery's understanding of  
9 clarifying the intent of my motion. I concurred with what  
10 he said about it.

11 MS. PEARCE: Which was no restrictions?

12 MR. DUFFY: Correct.

13 MS. PEARCE: But the money is very  
14 restricted.

15 MR. DUFFY: I understand.

16 MS. PEARCE: I'm lost.

17 MR. TILLERY: Well, Mr. Chairman, I think  
18 it is unknown as to how much restriction there is. I've  
19 been trying for about two or three weeks to get information  
20 on what this grant will do and have been unable to get any  
21 satisfactory explanation of the parameters around the  
22 grant. This thing, there is a Hinchinbrook thing, there is  
23 a proposal in here that we can use it for administration,  
24 there's a proposal that we can use it for deferred projects  
25 that we haven't funded and there's a list of about six of

1       them. It seems to me that there is a whole lot more  
2       flexibility than we may be perhaps thinking that there is.  
3       I think that your idea of having some staff look at it is a  
4       good one. Maybe it doesn't have to be a meeting but  
5       perhaps the individual agencies. And I do look forward to  
6       seeing what the Department of the Interior may come up  
7       with. But perhaps the Department of the Interior could see  
8       what proposals they think might fit from the information  
9       that we have and take that information and discuss it with  
10      the Trustee Council staff and see if indeed some of their  
11      proposals would fit. And the same could be done with other  
12      agencies between now and March 1st.

13                   CHAIRMAN MEADE: Thank you. Further  
14      discussions?

15                   MR. HAGEN: Yeah, Mr. Chairman, this is  
16      Pete again. I guess it is somewhat a puzzle, this grant.  
17      You know, we've looked into it from our grant  
18      administration office, which is another line office in NOAA  
19      and legislative intent is always -- can sometimes be hard  
20      to discern. But from the pieces we've been able to gather,  
21      the preferred alternative that the Science Director put  
22      forth seems to fit it real well, as opposed to some of  
23      these other alternatives. Mainly the way in which the  
24      grant -- the earmark was directed toward NOS and toward  
25      that specific office within NOS. So from that perspective



1 -- I'll certainly will do some more research but we're  
2 comfortable with the recommendation. But I'll certainly be  
3 happy to work with other staff on trying to limit the  
4 parameters, if that's the wish.

5 CHAIRMAN MEADE: Well, in calling for  
6 further discussion, perhaps one notion I could urge and  
7 suggest the Trustees to do in the context of the motion is  
8 to have their staff work actively with the Science Director  
9 so that as this issue would be discussed under the pending  
10 motion, March 1, we could expedite, resolve and ability for  
11 application without further compounding the workload and  
12 impact on the Council [sic]. With that, any further  
13 discussion?

14 (No audible response)

15 CHAIRMAN MEADE: Shall I call for question?

16 MR. TILLERY: Yeah, please.

17 CHAIRMAN MEADE: All those in favor of the  
18 motion as provided by Kevin Duffy to defer this decision  
19 until March 1, please signify by saying aye.

20 MR. DUFFY: Aye.

21 MR. TILLERY: Aye.

22 MS. BALLARD: This is Ernesta. I'm back.  
23 I'm voting my own aye.

24 CHAIRMAN MEADE: Hi Ernesta, good to have  
25 you back. Did I hear -- there should be a couple more

1 Federal Trustees or one more.

2 MS. PEARCE: Aye.

3 MR. HAGEN: Aye.

4 CHAIRMAN MEADE: And aye. So the motion  
5 carries. So I guess the encouragement there for each of us  
6 is to have our staff work collaboratively with Phil so that  
7 we can help expedite Phil's ability to be responsive to our  
8 individual agency interests and also maybe focus his  
9 attention on the application package.

10 That piece of business behind us, the only  
11 other item I would have before I move to adjourn would be  
12 to more formalize my request to the Executive Director,  
13 recognizing that there's been a lot of transition for the  
14 Council, I noted earlier it would be good to have a  
15 deadline, perhaps a 10-day review window or a five-day  
16 review window but a deadline when we could expect to have  
17 information pre-distributed to each of us.

18 And the only other component I was going to  
19 ask for is if that could be, as it's sent out digitally,  
20 one package rather than items that kind of come in over  
21 several weeks. I find, for me, I have a struggle of a time  
22 catching it all, putting it all into the right digital  
23 file, and then being sure I've got everything and worrying  
24 I might be missing something. So if we were able to get a  
25 condensed digital distribution (phone beep) file or

1 several, but all at one time, that would be much more  
2 helpful, along with time frames.

3 And again, Gail, it's not an admonishment,  
4 it's in full respect of the work load but perhaps  
5 recognizing a protocol will help us all make sure we have  
6 everything, know when it should have come and be able to  
7 give things good review.

8 MS. PHILLIPS: No offense at all taken. I  
9 would caution, however, that probably that would work very  
10 well on items that have to be voted on but I would want to  
11 have flexibility with the Executive Director's comments to  
12 be able to add to that right up to the last. Because there  
13 will be things that will be coming in at the very last  
14 minute that.....

15 CHAIRMAN MEADE: That would make.....

16 MS. PHILLIPS: .....you know.....

17 CHAIRMAN MEADE: .....good sense to me.

18 It's principally the areas where we need to focus, review,  
19 get staff input and advice on that would be helpful for me.

20 MS. PHILLIPS: Right. Right. Sure.

21 CHAIRMAN MEADE: Very good. I don't think  
22 there's any reason to carry that into any form of a motion  
23 so I guess the next is to entertain a motion for  
24 adjournment.

25 MR. DUFFY: Joe, this is Mr. Duffy. I want

1 to make a comment, then I have a motion. My comment is, on  
2 behalf of the State Trustees, I know you did an excellent  
3 job of chairing this meeting today in this very challenging  
4 circumstance when we have the number of people, across the  
5 country in this case, dealing with some very important  
6 issues. So on behalf of the State, I appreciate your  
7 efforts.

8 And I also appreciate the efforts of the  
9 staff in getting information to us in as timely a fashion  
10 as possible. I recognize that in some circumstances, due  
11 to a delay or defer of the decision, we have compressed  
12 time frames by definition on the Trustee Council staff. So  
13 on behalf of the State, I would like to say that we will do  
14 everything we can to help in that process to make the  
15 decisions flow more smoothly and in a reasonable way in  
16 terms of the staff.

17 With that, I would like to move to adjourn  
18 the meeting.

19 CHAIRMAN MEADE: Motion has been made. Is  
20 there a second?

21 MS. PEARCE: Second.

22 CHAIRMAN MEADE: Call for question. Those  
23 in favor signify by saying aye.

24 ALL COUNCIL MEMBERS: Aye.

25 CHAIRMAN MEADE: Thank you all very much.

1 And again, the same thanks to the Council [sic]. Very good  
2 work. Thank you, doctor. Thank you, Gail.

3 MS. PHILLIPS: Thank you, Joe.

4 CHAIRMAN MEADE: Bye all.

5 MS. PHILLIPS: Bye.

6 (Meeting adjourned - 5:00 p.m)  
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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 125 contain a full, true and correct transcript of the Exxon Valdez Oil Spill Trustee Council's Meeting recorded electronically by me on the 9th day of February 2004, commencing at the hour of 2:09 p.m. and thereafter transcribed under my direction to the best of our knowledge and ability.

THAT the Transcript has been prepared at the request of:

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

DATED at Anchorage, Alaska this 20th day of February 2004.

SIGNED AND CERTIFIED TO BY:

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

