

1 EXXON VALDEZ OIL SPILL
2 TRUSTEE COUNCIL
3 Public Meeting
Monday, March 1, 2004
4 10:00 o'clock a.m.
5 EVOS Office
441 West 5th Avenue, Suite 500
6 Anchorage, Alaska

7 TRUSTEE COUNCIL MEMBERS PRESENT:

8 STATE OF ALASKA - DEPARTMENT MR. KEVIN DUFFY
OF FISH AND GAME: Commissioner
9 (Chairman)
10 STATE OF ALASKA - MR. CRAIG TILLERY
DEPARTMENT OF LAW: for MR. GREGG RENKES
11 Attorney General
State of Alaska
12
U.S. DEPARTMENT OF COMMERCE, MR. JAMES W. BALSIGER
13 National Marine Fisheries Svc: Administrator, AK Region
14 U.S. DEPARTMENT OF AGRICULTURE, MR. JOE MEADE
U.S. FOREST SERVICE Forest Supervisor
15 Forest Service AK Region
16 U.S. DEPARTMENT OF INTERIOR: MS. DRUE PEARCE
(Telephonically) Senior Advisor to the
17 Secretary for Alaskan
Affairs,
18 U.S. Department of Interior
19 STATE OF ALASKA - DEPARTMENT MS. ERNESTA BALLARD
OF ENVIRONMENTAL CONSERVATION: Commissioner

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22
23
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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. PAULA BANKS

Administrative Assistant

6 MS. BRENDA RAMOS

Administrative Assistant

7 MR. MIKE SCHLIE

Data Systems Assistant ?

8 MR. PETER HAGEN

NOAA

9 MR. MICHAEL BAFFREY

Department of Interior

10 MS. CAROL FRIES

AKDNR

11 MR. KEN HOLBROOK

U.S. Forest Service

12 MR. STEVE ZEMKE

U.S. Forest Service

13 MS. GINA BELT

Department of Justice

14 MR. BARRY ROTH

Department of Justice

(Telephonically)

15

MS. DEDE BOHN

U.S. Geological Service

16

MR. BRETT HUBER

ADF&G

17

MR. CHUCK SHUCK

U.S. Fish & Wildlife Svc.

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1 P R O C E E D I N G S

2 (On record - 10:00 a.m.)

3 CHAIRMAN DUFFY: I would like to call the
4 meeting to order and note that at least -- is Drue Pearce
5 on the line now?

6 MS. BALLARD: Somebody just came on.

7 CHAIRMAN DUFFY: At any rate, we believe
8 that Drue Pearce may or may not be on the line. But to
9 start off, I'd like the trustees, starting with my left, to
10 introduce themselves, please.

11 MR. TILLERY: Craig Tillery, Department of
12 Law.

13 CHAIRMAN DUFFY: Jim Balsiger, National
14 Marine Fisheries Service, the NOAA seat.

15 MR. DUFFY: Kevin Duffy, Department of Fish
16 and Game, State.

17 MS. BALLARD: Ernesta Ballard, State
18 Department of Environmental Conservation.

19 MR. MEADE: Joe Meade, Chugach National
20 Forest with the Federal government.

21 CHAIRMAN DUFFY: Thank you. And Joe asked
22 me, he has a brief announcement he'd like to make before we
23 proceed with business.

24 MR. MEADE: Thank you very much. I just
25 wanted to take opportunity today to recognize one of my

1 employees who is going to be retiring from Federal service,
2 Ken Holbrook. And Ken has actually been very active for 12
3 years now with the Exxon Valdez Oil Spill Board of
4 Trustees. And I think in that entire 12 years has only
5 missed two meetings. And I don't know what one of us can
6 stand to that type of a legacy or heritage. So Ken, thank
7 you for this past year of grounding me and for all that
8 you've contributed for 12 years to such an important effort
9 to the state of Alaska.

10 (Applause)

11 MR. MEADE: Thank you, Mr. Chair.

12 CHAIRMAN DUFFY: You're welcome. The first
13 order of action is the approval of the agenda. A couple of
14 Trustees had mentioned to me an interest -- we do have on
15 the draft agenda an executive session listed. A couple of
16 suggested to me that perhaps that we arrange our agenda so
17 as to do an executive session over lunch. And so that will
18 facilitate concluding that business and it won't adversely
19 impact the public too much. So that would be a suggestion
20 I would have relative to amending the agenda.

21 MS. BALLARD: Do you need general
22 concurrence? Is Drue with us yet? Drue? I don't think we
23 can vote.

24 MR. TILLERY: Yes, we can.

25 MS. BALLARD: Can we vote absent of Drue of

1 that?

2 MR. TILLERY: On this.

3 MS. BALLARD: Oh, okay.

4 UNIDENTIFIED TELEPHONIC SPEAKER: Are there
5 other people online having trouble hearing.

6 UNIDENTIFIED TELEPHONIC SPEAKER: Yes.

7 Yes, indeed.

8 UNIDENTIFIED TELEPHONIC SPEAKER: Yeah, the
9 sound is way -- I can hear it, yeah.

10 UNIDENTIFIED TELEPHONIC SPEAKER: Ditto.

11 CHAIRMAN DUFFY: All right, we'll speak up
12 here at the table then. I would entertain a motion to
13 approve the agenda with the suggested modification from the
14 chair.

15 MR. BALSIGER: So moved.

16 MR. MEADE: Seconded.

17 CHAIRMAN DUFFY: Moved and seconded to
18 approve the modified agenda to conduct an executive session
19 over the lunch period. Any objection?

20 (No audible response)

21 CHAIRMAN DUFFY: Hearing none, we'll move
22 to the next action item, which is approval of the meeting
23 notes from the February 9th, 2004 Trustee Council meeting.

24 MS. PHILLIPS: Mr. Chairman, I do have a
25 couple of comments or changes I would like people to make

1 on those. And if you would turn to the second page of the
2 meeting notes, about halfway down the number 4, FY04 Work
3 Plan, the approved motion, the approved addition of funds
4 for FY04 Alaska Coastal Current project by Weingartner,
5 4905, increasing GEM Science Management for FY04, that
6 number should be 70,000, not 17,000.

7 CHAIRMAN DUFFY: I have a note to that
8 effect, too. Thank you for that correction.

9 MS. PHILLIPS: And then on number 6, under
10 NOS grant, the approved motion should read, approve EVOS
11 staff applying, not accepting. Applying for the NOS grant.
12 And that's all the changes that I have.

13 CHAIRMAN DUFFY: Okay. Do Council members
14 concur with those changes? I certainly do. I had two
15 notes to that effect myself. Any other modifications to
16 the minutes in the February 9th meeting? Hearing none,
17 motion.....

18 MR. BALSIGER: I move to accept these
19 minutes.

20 MR. TILLERY: Second.

21 CHAIRMAN DUFFY: Moved by Dr. Balsiger to
22 accept the minutes of February 9th, seconded by Craig
23 Tillery. Any objection?

24 (No audible response)

25 CHAIRMAN DUFFY: Hearing none, the meeting

1 minutes of February 9th are approved. That moves us
2 on.....

3 MS. PEARCE: Mr. Chairman.

4 CHAIRMAN DUFFY: Drue?

5 MS. PEARCE: Yes, that's me.

6 CHAIRMAN DUFFY: Good morning.

7 MS. PEARCE: I was waiting for you guys to
8 call me but I've got the number and I'm now on.

9 CHAIRMAN DUFFY: Okay. Drue, we've
10 approved the agenda with a modification to conduct a
11 executive session over the lunch hour or lunch period. And
12 then we also just approved the February 9th meeting minutes
13 with a couple of suggested modifications from Gail
14 Phillips. And we're now moving on to public comment. *LOTH*

15 MS. PEARCE: Okay. Barry Ross just joined
16 me here in our office.

17 CHAIRMAN DUFFY: Okay, thank you. So
18 public comment, I will proceed to go to teleconference
19 first and I don't know exactly where we are on line.

20 MS. WOMAC: I know that Stacy Studebaker
21 wants to make a comment.

22 CHAIRMAN DUFFY: I've been handed a list,
23 thank you. We will start with Stacy Studebaker in Kodiak.

24 MS. STUDEBAKER: I'm here. Okay, thank you
25 very much for the opportunity to address you all today.

1 I've been a member of the EVOS Public Advisory Committee
2 for the last eight years, representing the recreational
3 users. And it's really been a privilege and an honor to
4 serve my community of Kodiak and the interests of my
5 constituency.

6 When the public was surveyed in the early
7 nineties following the settlement, by far the majority
8 favored spending the money on three things and the
9 following were a priority: Restoration of the affected
10 area and species; permanent habitat protection for some
11 lands affected by the oil spill to permanently protect
12 their natural resources; and scientific research to study
13 the effects of the oil on the injured species and ecosystem
14 in the spill area. That was the clear public mandate and
15 one which I sincerely hope you will honor as we move into
16 the future.

17 The habitat protection program was
18 implemented to acquire, through purchase, private lands of
19 significant ecological value affected by the oil spill.
20 Many of these choice parcels are now public lands and
21 managed for habitat protection of natural resources for the
22 use and enjoyment of all Alaskans, tourists and future
23 generations. This has been an enormously popular and
24 foresighted program, especially the small parcel
25 acquisition program, which uses funds each year to buy

1 parcels of land less than a thousand acres in the oil
2 spilled area that are of particular recreational or
3 ecological importance to coastal communities.

4 Two small parcels on Kodiak Island that
5 were affected by the oil spill and nominated for the small
6 parcel program in 1995 have high recreational and resource
7 value to the people of Kodiak because they are accessible
8 from our limited road system. These two parcels are
9 Termination Point and Long Island. Both were affected by
10 the oil spill and are covered with old growth Sitka spruce
11 forest that is home to bears, marbled murrelets, salmon,
12 northern goshawk, deer, sea otters and countless other
13 important living species not in the limelight of the
14 charismatic megafauna.

15 Most of the lands along our road system are
16 privately owned. So the purchase of these two parcels is
17 significant for future recreational opportunities on Kodiak
18 Island. The former Trustees and EVOS staff evaluated these
19 lands, recognized their ecological value and ranked them at
20 the top of the list and promised Kodiak that they would
21 purchase them. Unfortunately the owner of the two parcels,
22 Lesnoi Native Corporation, has been involved in ongoing
23 litigation with rancher Omar Strattman and the title hasn't
24 been clear to make a purchase.

25 I encourage you to continue pursuing the

1 clearance of the title to these two valuable properties and
2 I hope you will honor the wish of the former Trustees and
3 the people of Kodiak to purchase them and turn them over to
4 the Kodiak State Parks system to manage for the benefit of
5 future generations.

6 As you know, the former Trustees have
7 purchased many important large parcels in the Kodiak
8 Archipelago over the last 10 years that are crucial for
9 permanent protection of ecosystems including old growth
10 Sitka spruce habitat that is home to countless animals and
11 many species affected by the oil spill. Through years of
12 coordinated negotiations with local government, resource
13 agencies, Native corporations, local, state and national
14 conservation groups, the EVOS Trustee Council has been
15 working to protect prime habitat on North Afognak Island
16 and within the Kodiak National Wildlife Refuge.

17 I thank the former Trustees deeply for the
18 work that they have done and encourage the new Trustees to
19 continue use of the funds set aside for the small parcel
20 habitat protection program for the benefit of future
21 generations.

22 Thank you.

23 CHAIRMAN DUFFY: Thank you for your
24 comments, Ms. Studebaker. I have a list of some people who
25 are on teleconference who have signed up. I will go

1 through that list first then I, in addition to that, we'll
2 ask for anyone else on teleconference wishing to testify
3 then. Finally, I will go here locally for public comment.
4 The next person on the list is Glenn Elison. Glenn, are
5 you there?

6 MR. ELISON: Thank you for the opportunity
7 to speak to the Trustee Council. My name is Glenn Elison,
8 I'm the State director for The Conservation Fund. This
9 morning I urged the Trustee Council to continue a small
10 parcel program. I think that the program to date has been
11 very effective at protecting and restoring resources and
12 services injured by the Exxon Valdez oil spill. Our
13 experience is, is that there are still several good habitat
14 opportunities out there that exist with willing sellers
15 throughout the spill zone. Opportunities to further
16 restore injured services and species.

17 The Conservation Fund and The Nature
18 Conservancy have been able to, I think, work very
19 effectively with the Trustee staff over the last couple of
20 years. As a result of the grant that was provided, we've
21 been able to attract about three million dollars to match
22 the existing one million EVOS provided. During the course
23 of the one million dollar grant, seven properties were
24 acquired or ready to be acquired. So I think there is
25 certainly plenty of opportunity and a good track record to

1 warrant continuing a small parcel program.

2 I would urge the Trustees to work and
3 ensure that there's timely action and payment of any
4 transaction costs that nonprofits like The Nature
5 Conservancy and The Conservation Fund incur in the course
6 of working with the Council. You have several draft
7 resolutions before you. I'd like to speak in favor of
8 resolutions 1, 2, 4 and 7. One of the resolutions, 5,
9 deals with establishing an endowment for the habitat
10 sub-account. I think that that is a worthy endeavor.

11 I think that there needs to be some
12 additional discussion, at least I encourage additional
13 discussion, but that in the end an endowment or some sort
14 of a long-term commitment to a small parcel program is
15 certainly encouraged by The Conservation Fund.

16 Those are my comments, Mr. Chairman.
17 Again, my thanks for the opportunity to comment.

18 CHAIRMAN DUFFY: Thank you, Mr. Elison.
19 Next on our list, I would go to Mr. Chuck Meacham. Chuck.

20 MR. MEACHAM: I don't have anything to
21 offer personally. I can give a PAC report either now or
22 when you get to it on your agenda.

23 CHAIRMAN DUFFY: Yeah, Chuck, that is on
24 the agenda, if you could stay with us for awhile. We'll do
25 that in a little bit, if that's okay.

1 MR. MEACHAM: That's just fine, I'll be
2 standing by.

3 CHAIRMAN DUFFY: All right, I'll move next
4 to Nancy Byrd from Cordova. Ms. Byrd, are you there?

5 MS. BYRD: I'm here and I just was planning
6 on to listen today. Thank you very much.

7 CHAIRMAN DUFFY: Okay, thank you. Joel
8 Cooper from Homer, are you there?

9 MR. COOPER: Yes, I am. Yes, Council, I'd
10 like to thank you for the opportunity to comment. And I
11 have commented in the past couple of meetings and I guess
12 I'm just going to reiterate what I've been saying. I
13 submitted a proposal, 04-⁰0700, community based sampling of
14 watershed based and marine derived nutrients. And this
15 proposal was recommended for funding by both the STAC and
16 the Executive Director and then got deferred at your
17 November 10th meeting. And I felt that was due to some
18 confusion in regards to the placement of the proposal. I
19 then sent you a letter dated December 10th, addressed to
20 the Director, Gail Phillips, and then cc-ing the Council
21 explaining that.

22 And now I see you're finally coming to the
23 point where you're going to address deferred projects for
24 FY04 and I would just ask the Council that you consider our
25 proposal and if the funds are available, which there

1 possibly could be if you use the 2003 administrative funds.
2 I think it's important to try to get our proposal in there
3 because it is coordinated with the other marine derived
4 nutrient proposals that you did fund and it will kind of
5 throw a kink in things if we have to wait another year. So
6 I'd appreciate you deliberating our proposal when you
7 consider the FY04 proposals.

8 And I'd answer any questions but I feel
9 like I've said this several times. So again, I thank you
10 for the opportunity to comment.

11 CHAIRMAN DUFFY: Thank you, Mr. Cooper.
12 Dr. Bob Spies.

13 DR. SPIES: I'm just here to offer any
14 comments the Trustee Council would care to have from me as
15 chairman of the lingering oil committee on a couple of
16 proposals that were submitted by Integral Research and I
17 don't know exactly when in the meeting that might be
18 addressed.

19 CHAIRMAN DUFFY: Thank you, Dr. Spies. We
20 are talking about a number of issues in executive session
21 today and we'll get back with you on those issues if
22 necessary, okay?

23 DR. SPIES: Thank you.

24 CHAIRMAN DUFFY: You're welcome. Anyone
25 else out on the line, teleconference, who is not signed up?

1 needs come up in the future. I would encourage the same
2 level of transparency that I think we've got now with the
3 GEM program. And whether that's handled on a case-by-case
4 basis or through an RFP sort of approach.

5 One of the things I'd also like to see as
6 these sort of efforts go forward is some way that we can
7 get formal recognition that at least 50 percent of the EVOS
8 derived fund to be treated as non-Federal, since it is a 50
9 percent State and 50 percent Federal body of money there.
10 One of the biggest challenges is trying to find non-Federal
11 money to match Federal dollars that are available to be
12 leveraged for this sort of work. So if we could get at
13 least 50 percent of those dollars to be officially
14 acknowledged as non-Federal in origin, I think that would
15 be quite helpful overall to meet the of the restoration
16 program and leverage additional dollars on that.

17 One of the optional resolutions in front of
18 you authorizes transfer of the remaining unexpended funds
19 essentially into the GEM account. While I'm strongly
20 supportive of the GEM account, I would like to see sort of
21 a broadly balanced approach to restoration, including
22 long-term maintenance of a habitat protection program. So
23 I would recommend against movement on that particular
24 resolution to cash out the habitat sub-account.

25 And I'll be here through the day and as the

1 (No audible response)

2 CHAIRMAN DUFFY: Okay, hearing none, I will
3 go to the audience here in Anchorage. Members of the
4 audience wishing to testify?

5 MR. HAGENSTEIN: Thank you, Mr. Chairman
6 and members of the Trustee Council. I'm Randy Hagenstein
7 with The Nature Conservancy. And I just want to speak in
8 favor of continued program and habitat protection,
9 including the purchase of important lands for restoring
10 some of the ecosystem services and species that were
11 damaged by the oil spill. You've got a pretty full plate
12 of some interesting looking proposals on the agenda there,
13 I see today. And I guess I'd like to speak, obviously, in
14 favor of the first habitat related proposal, the payment of
15 funds expended to date to The Conservancy and Conservation
16 Fund.

17 And we've had a good productive
18 relationship with staff and Council in the past and look
19 forward to a good continued one in the future. And I think
20 that will bring us all up to even and look forward to the
21 future. Again, I would urge continuation of a habitat
22 protection program, including small parcel projects. In
23 general I favor an endowment approach that you've got as
24 one of the things to consider today there. I think this
25 will allow you to deal with parcels on a long-term basis as

1 last section of the agenda comes up and some of The Nature
2 Conservancy parcels are -- if you would like additional
3 information on those, I'll be here to address any
4 questions.

5 CHAIRMAN DUFFY: Thank you.

6 MR. TILLERY: Mr. Chairman.

7 CHAIRMAN DUFFY: Mr. Tillery.

8 MR. TILLERY: The money is not 50 percent
9 Federal and 50 percent State, it's indivisibly a hundred
10 percent State and Federal. There is no way that we can
11 characterize part of this as just State money. However,
12 there have been a couple of places in the past where
13 trust.....

14 MS. PEARCE: Mr. Chairman, we cannot hear
15 the speaker at all.

16 MR. TILLERY: I was saying that it is not
17 possible to characterize this money as part Federal and
18 part State so that you could -- knew some of it was just
19 state. It is indivisibly both governments. But there have
20 been, I believe, some instances in the past where Trustee
21 Council money has been used to match, to meet Federal
22 matching requirements. And it wasn't land deals but it was
23 some kind of a NOAA grant or something like that I think.
24 But you might want to talk to the Council offices about
25 that because there may be some precedent for using -- I

1 mean, it got to be a big deal about two or three years ago,
2 as I recall. And so there may be some precedent for
3 allowing it to match Federal monies.

4 MR. HAGENSTEIN: Good, I think I'll take a
5 look into that.

6 CHAIRMAN DUFFY: Thank you, Mr. Hagenstein.

7 MR. HAGENSTEIN: Thank you.

8 CHAIRMAN DUFFY: Any other members of the
9 public here at the meeting want to comment?

10 (No audible response)

11 CHAIRMAN DUFFY: One more option online,
12 anyone wishing to comment?

13 MR. ELISON: Mr. Chairman, this is Glenn
14 Elison again on The Conservation Fund.

15 CHAIRMAN DUFFY: Yes, Glenn.

16 MR. ELISON: Mr. Chairman, I'm back East on
17 business and won't be available to talk about any of the
18 small parcels so if I could have just a minute to refer to
19 the four that The Conservation Fund has been working on, I
20 would appreciate it.

21 CHAIRMAN DUFFY: Go ahead, Glenn, I'll
22 provide you that opportunity. Please be brief, thank you.

23 MR. ELISON: Thank you very much, that's
24 generous of you. The Conservation Fund has been working on
25 four parcels. The Best parcel, down near Seward, the Core

1 property near Kenai, two mental health trust parcels, again
2 on Kenai and the parcel Chokwak-2, which is an in-holding
3 within the land the state recently acquired near Kiliuda
4 Bay. All these properties are owned by sellers who are
5 willing to reach agreement for sale to the Trustee Council
6 for the restoration purposes. The best parcel in Seward
7 and the Core parcel in Kenai are tracts where The
8 Conservation Fund is willing to provide a 50 percent match
9 of the purchase price, thereby resulting in significant
10 savings to the Trustee Council, if the Council opts to move
11 forward.

12 I think all these parcels have significant
13 restoration benefits for injured species and services, but
14 particularly of significant value to the State land
15 managers and provide a lot of public access. The specifics
16 on the tracts and their restoration benefits I think have
17 been put in record by the staff. And I just wanted to
18 again mention the 50/50 match that The Conservation Fund is
19 willing to provide for those two tracts, so I'd urge your
20 favorable consideration of those parcels.

21 Thank you, Mr. Chairman.

22 CHAIRMAN DUFFY: All right, thank you,
23 Mr. Elison. I appreciate those comments. Hearing no one
24 else in the audience or on teleconference, we'll entertain
25 a motion to close public comment.

1 MS. BALLARD: I'll move to close public
2 comment and then I have a question.

3 CHAIRMAN DUFFY: Is there a second?

4 MR. BALSIGER: Second.

5 CHAIRMAN DUFFY: Is there any objection?

6 (No audible response)

7 CHAIRMAN DUFFY: Okay, public comment is
8 closed at 10:30 on March 1st. Ms. Ballard.

9 MS. BALLARD: I need to understand, for the
10 sake of the people on the telephone, are these speakers the
11 speakers which go to the telephone and these go to the
12 court reporter? So that there are just two of these little
13 speakers up here? All right, so we need to be careful to
14 move them. Drue, can you hear me?

15 MS. PEARCE: Kind of.

16 MS. BALLARD: Kind of, okay.

17 MS. PEARCE: Not clear. It's not loud.

18 MS. BALLARD: All right.

19 CHAIRMAN DUFFY: All right, we'll do what
20 we can to be diligent and loud.

21 MS. PEARCE: Thank you.

22 MS. BALLARD: If you give that one to Kevin
23 and then spread out and then Joe and I can pull this one --
24 there's a speaker there. That's the telephone speaker.

25 MR. MEADE: Thank you.

1 MS. BALLARD: And this other one just goes
2 to the court reporter.

3 CHAIRMAN DUFFY: Okay, hopefully that will
4 help. The next agenda item, we will go to Executive
5 Director comments. Ms. Phillips.

6 MS. PHILLIPS: Thank you, Mr. Chairman. We
7 have had an excellent meeting with the PAC last week and
8 PAC Chairman Chuck Meacham is online and I'd like for him
9 to make the report on the meeting.

10 CHAIRMAN DUFFY: Okay, Mr. Meacham, you
11 have the floor.

12 MR. MEACHAM: All right, thank you. The
13 PAC met by teleconference on February 25th and established
14 a quorum for most of our meeting. There are three items
15 from that meeting I'll bring to your attention. First we
16 discussed the community involvement workshop scheduled for
17 March 9 and 10 in Seward. And meaningful community
18 involvement has always been extremely important to the PAC,
19 but also extremely challenging to actually accomplish in
20 any kind of successful fashion. We will have some PAC
21 members present at the Seward meeting and look forward to
22 that taking place. We also plan on having a couple of
23 representatives participate in the FY05 proposal review
24 process in June, along with the Science and Technical
25 Advisory Committee.

1 Second thing I'd like to bring to your
2 attention is that we discussed the use of the NOS grant
3 monies and would like to see this funding being used to
4 support ocean observing stations at Hinchinbrook Entrance
5 and Montague Strait rather than used for administrative
6 type purposes.

7 The third and last item here, and element
8 that most discussion took place on, dealt with the habitat
9 fund and small parcel acquisition process. Some members of
10 the PAC were concerned about the extent of land that's
11 already in government ownership and a number of our members
12 felt that habitat protection dollars could and should be
13 used for activities other than just land purchase. And the
14 question was asked if monies could be used for such things
15 as stream bank re-vegetation, removal of abandoned oil
16 tanks, waste oil collection facilities being placed in
17 rural harbors. Those kinds of things. The question was
18 also asked if the funds could just remain dormant in that
19 account until the Trustee Council decided some way to use
20 them.

21 We did, after a fair amount of discussion,
22 actually pass a resolution. And that resolution did
23 support continuing the habitat protection program as an
24 endowment to include some small parcel acquisition and also
25 opposing moving these funds into the larger endowment that

1 goes towards GEM related activities. And that was based on
2 apparent fiscal return considerations and legal
3 complications. That was the basis for that.

4 Those were the three most important items,
5 I think, that we covered. And a set of our meeting minutes
6 can be made available to you if you'd like to see the exact
7 wording of the resolution and any of the discussion that
8 took place.

9 So that concludes my PAC report and if you
10 have any questions, I'd be happy to try and answer them.

11 CHAIRMAN DUFFY: Thank you, Mr. Meacham.
12 Questions? Ms. Ballard.

13 MS. BALLARD: Chuck, this is Ernesta
14 Ballard. I think I read in the materials that we had sent
15 that you lost your quorum towards the end of your meeting.
16 But I have personally lost track of how large the PAC is.
17 Could you help me out with how many were there at the
18 beginning and how many were there at the end of your
19 meeting?

20 MR. MEACHAM: Okay, we started out the very
21 beginning of the meeting with nine, just one short of a
22 quorum, and within the first, oh, few minutes, probably
23 five or 10 minutes we -- well, I'm not sure about that, I'd
24 have to check there with Mr. Mutter. But in any event, I
25 would say we had a quorum there for probably half the

1 session.

2 MS. BALLARD: And how many total members
3 are there on the committee? Roughly, 20, 25?

4 MR. MEACHAM: Fewer than that and we've
5 recently -- I think we have three vacancies. And if Doug
6 Mutter is there, he could give you the exact numbers. We
7 are at least three people short though.

8 MS. PHILLIPS: Mr. Chairman.

9 CHAIRMAN DUFFY: Ms. Phillips.

10 MS. PHILLIPS: In answer to Ms. Ballard,
11 the PAC is a 20-member body, right now we're at three
12 members short. And we will be starting that process of
13 refilling all the seats in June.

14 MS. BALLARD: Good, that seems important to
15 give them enough.....

16 MS. PHILLIPS: Yeah.

17 MS. BALLARD:so that they can conduct
18 their business.

19 CHAIRMAN DUFFY: Any other questions for
20 Mr. Meacham?

21 MR. MEADE: Yes, Mr. Chair.

22 CHAIRMAN DUFFY: Mr. Meade.

23 MR. MEADE: At our last session, I
24 recollect there was interest on behalf of the Public
25 Advisory Committee to have a forum to meet with us. I was

1 curious if that was discussed at the meeting, Chuck, as far
2 as follow up to our last Trustee Board meeting.

3 MR. MEACHAM: Yes, it was and I believe a
4 proposed date has been selected. So we very much look
5 forward to that taking place, if it works out for all of
6 us.

7 MS. PHILLIPS: Mr. Chairman.

8 CHAIRMAN DUFFY: Ms. Phillips.

9 MS. PHILLIPS: The Trustee Council will
10 note that the minutes of the PAC meeting, the notes, their
11 summary minutes, are included in your packet. And in
12 response to Mr. Meade's question, we have tentatively set a
13 date for the joint Trustee Council PAC meeting for the
14 third week in May. The 19th or 20th of May are the dates
15 that we're looking at right now. That will be after the
16 legislative session is over and it will be after the
17 invitation deadline. So that timing is -- it looks like it
18 will be good timing. It will be a Trustee Council meeting
19 rather than a PAC meeting because we have more flexibility
20 if we need to change dates at the last minute than the PAC
21 does.

22 MS. PEARCE: Gail, it's awfully difficult
23 to hear you.

24 MS. PHILLIPS: Okay, I'm -- Drue.....

25 MS. PEARCE: Third week in May?

1 MS. PHILLIPS: Third week in May, the 19th
2 or 20th. We're working on those two dates right now.

3 CHAIRMAN DUFFY: Okay.

4 MR. MEADE: Thank you very much.

5 CHAIRMAN DUFFY: Dr. Balsiger.

6 MR. BALSIGER: Mr. Chairman, since you're
7 working on them, I would not be able to attend the 20th.

8 MS. PHILLIPS: Okay.

9 MR. BALSIGER: I don't know how you're
10 making in the progress on it.

11 MS. PHILLIPS: Okay, thank you.

12 CHAIRMAN DUFFY: All right, any other
13 questions for Mr. Meacham?

14 (No audible response)

15 CHAIRMAN DUFFY: Thank you for your report.

16 MR. MEACHAM: Thank you very much. Bye
17 now.

18 CHAIRMAN DUFFY: Ms. Phillips.

19 MS. PHILLIPS: Thank you very much, Jim --
20 or thank you very much Chuck. The next item on my report
21 is an update on our 15th anniversary. We will have a draft
22 CD available to send out to all the Trustees later in this
23 week. And it looks great. It's really good and we're
24 starting to schedule the speaking engagements for both Phil
25 and myself to talk about the 15-year commemoration. So

1 you'll be getting those hopefully before the end of this
2 week. Policies and procedures amen -- Joe?

3 MR. MEADE: Just real briefly, Mr. Chair.
4 I wanted to acknowledge that over the weekend, on the 15th
5 year anniversary, on a local TV station, I did hear an
6 outstanding speaker speaking to the 15th year and I wanted
7 to compliment our Executive Director for an excellent
8 interview. I think it was some 30 minutes in length or so.

9 MS. PHILLIPS: Yes.

10 MR. MEADE: Very well done.

11 MS. PHILLIPS: Thank you, Joe, very much.
12 Our next item is the policies and procedure amendment that
13 Mr. Meade had requested at our last meeting. And if you'll
14 turn to the segment in your agenda, I have provided
15 language for proposed amendment to our policies and
16 procedure. Currently the language reads, the Executive
17 Director shall provide a proposed agenda and appropriate
18 briefing material to the Trustee Council members in advance
19 of the meeting. The final agenda for the meeting will be
20 determined by the Trustee Council and shall include a
21 reasonable opportunity for public comment.

22 The language that we have proposed is this:
23 The Executive Director shall provide a proposed agenda and
24 appropriate briefing materials to the Trustee Council
25 members at least 10 days in advance of the meeting. All

1 materials from the public or from agency personnel for
2 inclusion on that meeting's agenda shall be turned in to
3 the Executive Director at least 15 days before the meeting.

4 MS. PEARCE: Mr. Chairman, may I ask a
5 question?

6 CHAIRMAN DUFFY: Ms. Pearce.

7 MS. PEARCE: Thank you. Gail, just so I
8 know for sure, we are talking about 15 and 10 calendar
9 days, not business days, is that correct?

10 MS. PHILLIPS: Would you repeat that?

11 MS. PEARCE: We're talking 10 and 15
12 respectively calendar days?

13 MS. PHILLIPS: That is correct.

14 MS. PEARCE: Okay. And my second question,
15 I assume that we have the ability, always have the
16 flexibility as the Council members to put something on our
17 agenda on a last minute basis if we feel it merits that
18 attention, correct?

19 MS. PHILLIPS: That is correct. The
20 Trustees have until they approve the agenda at the meeting
21 to change it. So our agendas that go out are always drafts
22 and when you adopt the agenda at your meeting, then it
23 becomes the official agenda and can be changed up until
24 that last time. I would just like to say that we tried to
25 adhere to the intent of this resolution this time and you

1 notice that you did get the materials for your packets 10
2 days out but then there were corrections and changes that
3 had to be made until the last minute. And I think that
4 will probably be standard.

5 CHAIRMAN DUFFY: Ms. Ballard.

6 MS. BALLARD: Gail, I don't know if this is
7 the right time to say this or not but it seems appropriate.
8 The system of emailing and then changing and then changing
9 is very difficult to be sure we have the correct
10 information. I don't know if it would be fair to assume
11 that if we went ahead with this language change that we
12 could go back to better central control over the documents.
13 I don't know whether that could be achieved in any way
14 except the old fashion way of printing them here and
15 mailing them down to us.

16 But at least Kevin and I have agreed and
17 perhaps others that it's been very difficult to be sure
18 right up to the last minute that the electronic copies that
19 we have are the correct -- and we have them in the right
20 order and that the books are tabbed in the correct way. I
21 know it's a burden to make them in paper and mail them and
22 I know that Joe needs them electronically anyhow but these
23 last two meetings have not been satisfactory.

24 MS. PHILLIPS: Okay.

25 CHAIRMAN DUFFY: Dr. Balsiger.

1 MR. BALSIGER: I agree with that we need
2 the better central control and I don't pretend to be an
3 organizer but one possibility might be to have them on the
4 Internet website, so at least you could tell the day before
5 you travel that the one on the web is the one you want.
6 But I'd leave it up to the administrators to figure out how
7 to do it. We have a number of meetings in DC where the
8 documents are on the website and they don't mail them out.
9 At least at the last day, you know that's the one that's
10 there. That may not be superior or satisfactory but it's
11 something to think about.

12 CHAIRMAN DUFFY: Craig Tillery.

13 MR. TILLERY: Yeah, Mr. Chairman, I've had
14 the same problems with this new system of email and I've
15 gotten totally lost with what's the correct and what's the
16 current one and what's not. I think that they should go
17 back to the old system of delivering the packets in printed
18 tab form and then if there are any last minutes changes,
19 they can be sent by an explanatory email saying, please
20 print these off and replace the materials behind tab three
21 or something like. It can be done fairly simply but I
22 think we need to go back to the printed.

23 MS. PHILLIPS: Okay.

24 CHAIRMAN DUFFY: Okay. Joe Meade.

25 MR. MEADE: I just wanted to acknowledge

1 much the same. Of course, if there is a three-ring binder
2 that's distributed, I can get access to that either by CD
3 or by email myself. But having a package that's compiled
4 and that's distributed in one wrapper rather than multiple
5 emails and then redistributed with corrections would be
6 greatly appreciated. I just don't have the time to be able
7 to sort through and I want to be sure I've done my due
8 diligence in being prepared to come to the meeting. So
9 again, it's not in any form of admonishment, it's just in a
10 corrective manner to be sure we're getting a compiled,
11 centralized package, both three binder posted to the web
12 and/or email that we can use then to concentrate our review
13 and our focus upon.

14 CHAIRMAN DUFFY: Yeah, I agree with the
15 other Trustee Council members and I want to emphasize it's
16 not meant to be anything more than perhaps constructive
17 criticism. It's not to be negative about any of the
18 Council member staff. We know that they work hard to keep
19 us up to date and to keep everything as clear as possible.
20 But there seems to be a sentiment around the Trustee
21 Council table that perhaps going back to the old system
22 that was a notebook distributed -- and we can talk about
23 Dr. Balsiger's idea of having them available on the web --
24 that a notebook distributed and then any follow up in the
25 few days prior to the meeting that are clarifications could

1 be sent to us electronically with a note, that were they go
2 under which tab. I think that might be a better way to
3 proceed.

4 MS. PHILLIPS: We'll do that.

5 MS. BALLARD: Mr. Chairman.

6 CHAIRMAN DUFFY: Ms. Ballard.

7 MS. BALLARD: Does this actually require a
8 formal action?

9 MS. PHILLIPS: Yes, you'd need a motion to
10 change the policies and procedures.

11 CHAIRMAN DUFFY: Before we do a motion, I'd
12 like to hear from Drue Pearce. Any comment on this,
13 Ms. Pearce, before we possibly take some action?

14 MS. PEARCE: I've got a mountain of paper
15 here and I was too embarrassed to say that I wasn't sure I
16 had all the right versions of each sitting on top of the
17 pile. But I agree, having them in a bound form where I
18 don't have to try and keep up with the different versions,
19 except if somebody says to me, take out what was behind tab
20 number three and put this in. But I also think that just
21 having each draft dated would be a help, and that usually
22 makes it pretty clear which one -- that you've got the most
23 current one. And that's something that the things that
24 we've had haven't had. So I'd be happy to do it either way
25 with dated draft on each page -- I'm sorry, I still don't

1 have a voice -- or print new books.

2 CHAIRMAN DUFFY: Okay, thank you. Further
3 discussion on this item?

4 MR. TILLERY: Mr. Chair, just another.....

5 CHAIRMAN DUFFY: Mr. Tillery.

6 MR. TILLERY: I think it's necessary to do
7 the change to the procedures by a vote but as far as just
8 using a binder and stuff, that's not really a vote kind of
9 a thing, that's just a process.

10 CHAIRMAN DUFFY: Okay. All right.

11 MR. TILLERY: I think Gail's thing works.

12 CHAIRMAN DUFFY: So if any Council members
13 are so inclined, the Chair would entertain a motion on this
14 issue.

15 MS. BALLARD: Well, can I just move the
16 language that appears on the undated page behind in my
17 book, tab two? Gail's language that we go with the 10 day
18 and 15 day guidelines put out in this language.

19 CHAIRMAN DUFFY: Is there a second?

20 MR. MEADE: I'll second that.

21 CHAIRMAN DUFFY: Thank you. It's been
22 moved and seconded that the language for proposed amendment
23 on the piece of paper in front of us, amendment to policies
24 and procedures, be adopted by the Trustee Council. I
25 believe the intent is to send out in bound form a notebook

1 associated with the upcoming Trustee Council meeting. And
2 I also believe the intent is if there are clarifications or
3 changes to that, they will be sent to Trustee Council
4 members electronically. They will be dated and they will
5 also be referenced to the appropriate tab to identify
6 whether they're add-ons or replacements or whatever but
7 just a bit more clarification. Any further discussion on
8 this item?

9 (No audible response)

10 CHAIRMAN DUFFY: Any opposition to this
11 amendment to the policies and procedures?

12 (No audible response)

13 CHAIRMAN DUFFY: Hearing none, so adopted.

14 Ms. Phillips.

15 MS. PHILLIPS: Thank you very much, Mr.
16 Chairman. The next motion that you have in front of you is
17 for the subject dealing with the Trustee Council members
18 travel budget. And if you will turn to the segment -- oh,
19 it's still under policies and pro -- no, I'm sorry, it's
20 under TC travel budget. Motion to approve the revision of
21 the Trustee Council policy and procedure manual to include
22 a motion that the EVOS budget include money for Trustee
23 members travel. We've had requests from several of the
24 Trustee Council members asking that the EVOS Council budget
25 pay for the Trustee Council's travel expenses when coming

1 to an EVOS meeting.

2 And the language that we have put forward
3 is this: All Trustee Council member's travel expenses
4 directly associated with attendance at a Trustee Council
5 meeting shall be reimbursed out of EVOS TC funds.
6 Reimbursement shall include transportation, overnight
7 accommodations and per diem specific to the Trustee Council
8 meeting only. EVOS Trustee Council funds will not
9 reimburse expenses for lodging for other meetings scheduled
10 in conjunction with the Trustee Council meeting.

11 In other words, if you require additional
12 days to spend.

13 CHAIRMAN DUFFY: If I.....

14 MS. PEARCE: Mr. Chairman.

15 CHAIRMAN DUFFY: Ms. Pearce.

16 MS. PEARCE: Thank you. For the record, I
17 think we should define to ourselves, even so it's in the
18 record, what Trustee Council meetings means because there
19 may be times -- does the Seward meeting, for example,
20 that's not an official Trustee Council meet -- the
21 Trustee's meeting but it is an EVOS related meeting. So I
22 just think we need to know the parameters.

23 CHAIRMAN DUFFY: Yeah, I think that's a
24 good question. The example you used in my mind would be a
25 trip that could be reimbursable under the program. So the

1 one thing that, in some email correspondence I had with
2 Ms. Phillips on this one, I wanted to be real clear that,
3 at least from my perspective, if I do seek reimbursement
4 from the Trustee Council for a related meeting, it is
5 specific only to that meeting and it is not meant to come
6 to a Trustee Council meeting for half a day and to have
7 five other meetings in the next two days and then charge
8 three days of per diem to the Trustee Council when I get
9 home. That my charges would only be specific relative to
10 Trustee Council business.

11 But that is a question because it's unclear
12 whether we mean only the formal Trustee Council meetings,
13 as the one -- similar to the one we're having today or
14 whether it would incorporate the meeting that is community
15 involvement, that is being scheduled in Seward. I think we
16 need a little more direction from ourselves on that.

17 MS. PEARCE: Mr. Chairman, I would just say
18 that if we're on Trustee Council related business then I
19 think it should be reimbursable. I'd just want to make
20 sure that we all have a good understanding of what we're
21 talking about.

22 CHAIRMAN DUFFY: Okay. Ms. Ballard.

23 MS. BALLARD: I was going to move to amend
24 the motion in exactly that way. So I think we've all just
25 written in business instead of meetings.

1 CHAIRMAN DUFFY: Okay.

2 MS. PHILLIPS: It could be amended to, if
3 you would like, associated with attendance at all Trustee
4 Council related business, something like that.

5 CHAIRMAN DUFFY: The language we're
6 currently discussing is not in front of us in the form of a
7 motion at this point in time, it was a suggestion from the
8 Executive Director. So I think we need a motion to have
9 some discussion on amending a motion.

10 MS. BALLARD: Well, then I'll -- were you
11 going to say something?

12 MR. TILLERY: Well, I was, but go ahead.

13 MS. BALLARD: All right, to get it on the
14 table, I will move that if we have the drafted items, some
15 of us, in front of us, that it read: All Trustee Council
16 member's travel expenses directly associated with
17 attendance at Trustee Council business shall be reimbursed
18 out of EVOS TC funds and then so on, as Gail read it out.
19 So I've just deleted the word a and meeting and substituted
20 solely the word business. So it reads attendance at
21 Trustee Council business. And I would be personally --
22 well, I'll wait until we have a second.

23 CHAIRMAN DUFFY: Is there a second to the
24 motion?

25 MS. PEARCE: I would second the motion.

1 CHAIRMAN DUFFY: Seconded by Ms. Pearce.

2 Discussion. Ms. Ballard.

3 MS. BALLARD: I would think that we can
4 work out what is Trustee Council business without
5 clobbering up this motion with a list of what is and what
6 isn't. I'm satisfied that the six of us have enough other
7 reasons to travel and we're not looking for an excuse to
8 get on airplanes and.....

9 MS. PEARCE: Mr. Chairman.

10 CHAIRMAN DUFFY: Ms. Pearce.

11 MS. PEARCE: I am satisfied that we all can
12 identify when it's Trustee related business and I have no
13 problem with that. But as the motion reads, I just also
14 want to clarify so that I know, although I think it's
15 cheaper for me to get to Anchorage perhaps than those of
16 you having to come from Juneau.

17 MS. BALLARD: Probably.

18 MS. PEARCE: But if I am making a trip to
19 Alaska, often I try to do the rest of my Alaska business
20 while I'm up there for Trustee Council's so that I'm not on
21 planes twice as often as I am already. But would you
22 expect if we stay longer than for just the Trustee Council
23 related business that we divide the actual transportation
24 costs and so we'd only pay a portion of our ticket, because
25 only a portion of our time was Trustee related or is that

1 not the expectation? I don't care, I just want to know.

2 CHAIRMAN DUFFY: Well, Ms. Pearce, from the
3 Chair, I'll give you my perspective on that. I would
4 anticipate that if you scheduled a trip for Trustee Council
5 business from Washington, DC, came out and then conducted
6 the other business you did, that that travel and per diem
7 for the period of time associated with the meeting would be
8 reimbursable by the Trustee Council. So in other words,
9 your round trip ticket would get covered by the Trustee
10 Council. But that's my perspective. If there's some other
11 perspective out there about parceling out the cost of the
12 airplane ticket, I think we should discuss that. But I'm
13 not sure we need to go down that road.

14 Dr. Balsiger.

15 MR. BALSIGER: Thank you, Mr. Chairman. I
16 agree, I don't think we want to be fractioning the tickets
17 to various accounts, it's too complicated. On the other
18 hand, just for an example, is Ms. Pearce is coming for a
19 two-day meeting in Seward to talk about funding Arctic
20 research and just happens to be there for a half a day
21 meeting on Trustee business, probably that ticket is paid
22 for by the Arctic research end of things instead of by the
23 EVOS end of things. Just as an example. Hypothetically
24 speaking.

25 CHAIRMAN DUFFY: Ms. Pearce, did you hear

1 that hypothetical example?

2 MS. PEARCE: Yeah, but am I supposed to
3 answer it?

4 CHAIRMAN DUFFY: No, you don't need to
5 respond. I think it was merely hypothetical.

6 Ms. Phillips.

7 MS. PEARCE: Well, I'll be honest and that
8 is a good question because next week I will be in Seward
9 and we have a meeting there and I also have a Arctic
10 Council meeting there. But it wouldn't be my intention,
11 frankly, to ask the Trustee Council to reimburse me for
12 that because the original one scheduled was the Arctic
13 Council meeting. And perhaps that's what we use, who
14 scheduled it first.

15 CHAIRMAN DUFFY: Okay, thank you. So we
16 have a response to the hypothetical example which seems to,
17 nodding of the heads here at our table, they seem to concur
18 with your perspective, Ms. Pearce. We have a motion on the
19 table as amended.

20 Mr. Tillery.

21 MR. TILLERY: Historically, there was about
22 a line item budget of about \$5000 per Council member in the
23 budget for business related travel. Then that was cut off
24 about two years ago in an effort to conserve funds in the
25 administrative budget. The way this motion reads, it says

1 all travel and then there's a budget amendment for \$20,000.
2 Is the intent that that \$20,000 is sort of divided up among
3 Council members or is it all travel so that if -- and we
4 bust the 20,000? How was that intended to work?

5 CHAIRMAN DUFFY: Ms. Phillips, I'll go to
6 you for clarification.

7 MS. PHILLIPS: Thank you, Mr. Chairman.
8 What we did was we anticipated in this current budget year
9 we have four meetings left. And taking the actual price of
10 tickets and hotel rooms, et cetera, we arrived at a strong
11 estimate of approximately 20,000 for the remainder of this
12 year to cover any foreseeable expenses that we would need
13 for travel by the Trustees. If we're going to need more,
14 we'll come back to the Trustees and make a recommendation
15 for more.

16 And then I would just say that we --
17 because it wasn't included as a line item in this budget,
18 it's going to have to be a budget adjustment and that we
19 should include a figure of \$40,000 in next year's budget.

20 MR. TILLERY: So that I understand, that
21 all means all then, not up to a certain limit?

22 CHAIRMAN DUFFY: Correct. Any further
23 discussion of the amendment on the floor? Mr. Meade.

24 MR. MEADE: I'd just like to be on the
25 table here just in support of the motion. I do believe

1 that no individual agency should be penalized by the
2 pro-activeness of the individual agencies for having such
3 individuals participating in these meetings. So I feel
4 that it's prudent and effective and appropriate. I think
5 that Drue offered perhaps the guiding principle that we
6 would use or should use, and that is, the primary purpose
7 of your travel, as you're setting up your travel, should be
8 the sponsoring purpose for that travel. If indeed the
9 primary purpose is to be traveling to an EVOS related
10 project, then certainly EVOS should bear that
11 responsibility.

12 CHAIRMAN DUFFY: Thank you. Mr. Tillery.

13 MR. TILLERY: One final point. Where it
14 indicates that, associated with a Trustee Council member's
15 travel expenses, is that intended to include an alternate
16 to a Trustee Council member who is doing something on
17 behalf of a Trustee Council member?

18 CHAIRMAN DUFFY: The Chair's understanding
19 of that particular issue would be that if your designated
20 alternate that is performing on your behalf at Trustee
21 Council related activities, then that would be reimbursable
22 as well. I believe there was internal email discussions
23 approximately a month ago asking us to specifically
24 identify alternates, which I believe all Trustee Council
25 members did. In that case, if an alternate travels on

1 behalf of their agency for Trustee Council business, I
2 assume they would be reimbursed also. My assumption
3 appears to be correct.

4 Ms. Pearce, do you concur with that
5 assumption?

6 MS. PEARCE: Yes.

7 CHAIRMAN DUFFY: Okay, thank you. Any
8 further discussion on this item. Ms. Phillips, Paula
9 Banks, one of your staff, has requested commenting.

10 MS. PHILLIPS: Paula.

11 MS. BANKS: I'm requesting direction on how
12 you want to administer those funds. Do you want those to
13 be held in the EVOS budget and then administered out of our
14 budget or do you want them to be treated as an expenditure
15 to each individual agency to maintain and add it to their
16 own. Because your staff would make your travel
17 arrangements if you had other things to do and other
18 business meetings, then you know, they would be able to
19 arrange that much better, I believe, than our staff would.
20 I think it would cause some confusion.

21 CHAIRMAN DUFFY: Comments from the Trustee
22 Council members? Mr. Meade.

23 MR. MEADE: Do I hear in the last part of
24 your statement, Ms. Banks, a recommendation?

25 MS. BANKS: Yes, I'm sorry.

1 MR. MEADE: I think you're indicating it
2 may be more efficient for ourselves as well as perhaps
3 yourselves if that was in the latter?

4 MS. BANKS: That is correct.

5 CHAIRMAN DUFFY: So I need a bit of
6 clarification, if I could, so that.....

7 MS. BANKS: If the funds were transferred
8 to each individual agency and then you'll administer those
9 travel funds.

10 MS. PEARCE: Can you please speak louder.

11 CHAIRMAN DUFFY: Ms. Pearce, let me try
12 this. Paula Banks has made a suggestion for efficiency
13 purposes, I believe, that perhaps the way to deal with this
14 is to allocate out of the account, Ms. Phillips used the
15 example of \$40,000 for a year, out of the account to
16 allocate some of that to each of the agencies and then let
17 the individual agencies, essentially, draw down on that
18 account, providing reports to Trustee Council on
19 expenditures. In other words, leave the responsibility for
20 managing the money with the individual agencies who are
21 allocated a certain sum. Is that accurate?

22 MS. BANKS: That's correct, yes.

23 CHAIRMAN DUFFY: Okay.

24 MS. PEARCE: Well, Mr. Chairman, I would
25 just say until we've had a few months or a few meetings of

1 figuring out how this is honestly going to work, while I
2 said that I thought travel from DC was cheaper from Juneau
3 and I think sometimes it is, it is not in the summer. I
4 don't know how we would decide how much to allocate agency
5 by agency until we've got some experience.

6 CHAIRMAN DUFFY: Good point.

7 MS. BANKS: Some of it has.....

8 CHAIRMAN DUFFY: Ms. Ballard.

9 MS. BALLARD: Kevin, could this not be an
10 administrative detail that we'll work out.....

11 MS. PEARCE: Yeah, I would think so.

12 MS. BALLARD:with regard to the spirit
13 of the motion. I appreciate Paula's comment but does it go
14 to the heart of the motion or is it a way we work it out
15 later?

16 MR. MEADE: Administratively.

17 MS. BANKS: It was more -- I was asking
18 more for direction because it makes a difference. And if
19 each agency staff, because they do travel for you, perhaps
20 they could provide us with an estimated cost of travel per
21 trip so that we could, you know, get some sort of educated
22 guess as to how much it would possibly cost so we can
23 figure out what our costs are going to be over time.

24 CHAIRMAN DUFFY: Okay. Ms. Phillips.

25 MS. PHILLIPS: And I just want a

1 clarification that we the EVOS staff would not be doing
2 your travel arrangements. Your personal staff would be
3 doing your travel arrangements. We're just going to be the
4 money pit.

5 MS. BALLARD: Right. I couldn't have said
6 it better myself.

7 CHAIRMAN DUFFY: Thank you and I believe
8 that Ms. Banks brought up a good point for clarification
9 that would just make the system work smoother so I
10 appreciate her bringing that issue up. And given that
11 clarification that we will achieve through the Executive
12 Director, I think we can go back to the motion which is the
13 concept of providing funding for Trustee Council members or
14 their alternates to attend Trustee Council related business
15 meetings. Is there any further comment on that issue?

16 (No audible response)

17 CHAIRMAN DUFFY: Is there anyone opposed to
18 the motion to approve this concept?

19 (No audible response)

20 CHAIRMAN DUFFY: Hearing no opposition, the
21 motion is approved. Ms. Phillips.

22 MS. PHILLIPS: One last item under my
23 report, Mr. Chairman, and that is after our community --
24 well, maybe I missed -- do we have a community involvement
25 report? Are you going to do a community involvement

1 report? Oh, okay. Everything is on track for the
2 community involvement workshop in Seward going the evening
3 of March 9th and all day on the 10th. Trustees Balsiger
4 and Pearce will be in attendance at the meeting. We have
5 now approximately 15 to 20 people that have signed up.
6 We're getting names coming in all the time of people that
7 are going to be coming. And we've put out another
8 notification this last week about the workshop to get more
9 people there. I just wanted to say that everything is
10 going good. We've got an agenda out and you should have a
11 copy of that. Okay, we'll make sure you get a copy of
12 that, the latest agenda.

13 And then I want to invite you all on the
14 evening of March 11th in Anchorage, Prince William Sound
15 RCAC is going to do their 15th observance of the 15th year
16 anniversary of the spill. And that will be -- they were
17 going to do it at Fourth Avenue Theater and I think they
18 just changed it to one of the hotels. So I will make sure
19 that you get the information on that. But it would be kind
20 of an interesting evening if you're in town that evening.
21 And that's March 11th, we'll get that invite out to
22 everybody.

23 CHAIRMAN DUFFY: Okay.

24 MS. PHILLIPS: That's all I have,
25 Mr. Chairman.

1 CHAIRMAN DUFFY: Thank you, Ms. Phillips.

2 I would request we take a brief five minute stand down,
3 we'll come back on the record. Thank you.

4 (Off record - 11:01 a.m.)

5 (On record - 11:15 a.m.)

6 CHAIRMAN DUFFY: Back to order at 11:15.

7 We are on agenda item number 5, discussion of archeological
8 project near Kodiak, raising of a one hundred year old ship
9 brought by Brad Stevens, NOAA. I would just, to start off
10 with, point out that this is not a NOAA project per se,
11 this is an individual employed by NOAA who is independently
12 pursuing this option. So with that, Gail would you like to
13 provide us any background on this or any clarification over
14 and above what we have?

15 MS. PHILLIPS: Thank you, Mr. Chairman.

16 You will see in your packet that you do have the official
17 request from Dr. Brad Stevens requesting a small investment
18 of even \$5000 from EVOS that would be highly leveraged by
19 about a ratio of 10 to one for the project of raising this
20 archeological ship, the Russian Barque Ka'yak, which sank
21 near Kodiak in 1860. And he's pursuing this as an
22 archeological research project and thought maybe that EVOS
23 funds would be appropriate for this.

24 CHAIRMAN DUFFY: Issue is open for
25 discussion among Trustee Council members. Ms. Ballard.

1 MS. BALLARD: If we don't have a motion,
2 there's nothing to discuss, correct?

3 CHAIRMAN DUFFY: Correct.

4 MR. TILLERY: Mr. Chairman.

5 CHAIRMAN DUFFY: Mr. Tillery.

6 MR. TILLERY: I would just note that there
7 is a significant question about whether this is something
8 that would be permissible under the consent decree. I can
9 think of an argument for it but it would depend upon a lot
10 of information about the extent to which archeological
11 resources were -- of this particular nature were damaged
12 during the spill, information I don't have. And in any
13 event, it appears to me that with some of the other funding
14 priorities that we have, it, at the moment, that this
15 really is not a project that I would be prepared to go
16 forward with at this time.

17 CHAIRMAN DUFFY: Okay. Dr. Balsiger.

18 MR. BALSIGER: I think this is an
19 intriguing and interesting project but I don't think it's
20 quite appropriate to fund it out of EVOS funds. So unless
21 it came back with additional information along the lines
22 with Mr. Tillery said to point out why it's appropriate
23 here, I suggest that we not deal with it.

24 CHAIRMAN DUFFY: Thank you, Dr. Balsiger.
25 Is there a motion.....

1 MR. MEADE: Mr. Chairman.

2 CHAIRMAN DUFFY: Joe Meade.

3 MR. MEADE: I was just going to carry with
4 the same conversation and say I think the project itself
5 is, you know, individually fascinating. My concern though
6 is if it's not related to the mission, the Exxon Valdez Oil
7 Spill Board of Trustees will find other similar proposals
8 that may be in themselves great opportunities but they may
9 again erode the very focus of our mission. So I would be
10 in same position as both Mr. Tillery and Mr. Balsiger.

11 CHAIRMAN DUFFY: Thank you, Mr. Meade. The
12 Chair's sentiment is consistent with the previous speakers.
13 I will provide an opportunity for someone to put a motion
14 on the table on this issue. Failing a motion coming before
15 the chair and seconded, this issue will be concluded and
16 we'll move on to the next agenda item. Is there any
17 Trustee Council member who wish to make a motion on this
18 issue?

19 (No audible response)

20 CHAIRMAN DUFFY: Hearing none, a decision
21 has been made.

22 As Chair, I have some liberty to move the
23 agenda around and what I would suggest Trustee Council
24 members consider before we take our lunch break for an
25 executive session is that we move to agenda item number 8,

1 which is determine the use of the NOS grant. I think
2 that's one we can discuss and make a decision on prior to
3 our lunch break and I would encourage us to do that. Then
4 we will come back, capture 6, 7, and 9 following our
5 executive session. Is there anyone opposed to that
6 procedure?

7 (No audible response)

8 CHAIRMAN DUFFY: Okay, we're on the NOS
9 grant.

10 MS. PHILLIPS: Mr. Chairman.

11 CHAIRMAN DUFFY: Ms. Phillips.

12 MS. PHILLIPS: In your packet you will have
13 the recommendation for option number 1, which is the
14 Hinchinbrook project. And I would ask Dr. Mundy to come
15 forward if you have any questions so that he can answer
16 those for you.

17 CHAIRMAN DUFFY: I think that would be
18 helpful, to have Dr. Mundy come forward and bring forward
19 the staff recommendation and a little bit of background on
20 this for purposes of the record.

21 MS. PEARCE: Mr. Chairman.

22 CHAIRMAN DUFFY: Ms. Pearce.

23 MS. PEARCE: This is where I get lost in
24 the mountain of paper that I have. Gail, could you give us
25 a little more direction as to where -- which group of

1 attachments that was with?

2 MS. PHILLIPS: Okay, there was a motion to
3 allocate the NOS grant to fund the Hinchinbrook-Montague
4 project. It's two pages and at the top of it, great big
5 black lettering reads NOS grant.

6 MS. PEARCE: Okay, I have found one page
7 which is the actual motion.

8 MS. BALLARD: That's all I found, too.

9 MS. PHILLIPS: All right and then the
10 option was attached behind it.

11 MS. BALLARD: I don't have that.

12 MS. PHILLIPS: We can read it, if you would
13 like.

14 CHAIRMAN DUFFY: I think that would be
15 helpful to read into the record.

16 MS. PHILLIPS: All right. Option number 1.
17 Allocate.....

18 MS. PEARCE: I apologize.

19 MS. PHILLIPS: No problem. Allocate the
20 funding to fund a single project, the Hinchinbrook-Montague
21 Project. The rationales are that this is consistent with
22 both the GEM Science Plan and IOOS, it supports many other
23 EVOS activities, including lingering oil investigations,
24 and it would require a relatively small amount of staff
25 time to accomplish. The Hinchinbrook-Montague Project is

1 preferred because number 1, it is the best match between
2 GEM Science Plan needs and IOOS criteria applied by NOS.

3 Number 2, it has been in planning between
4 the Prince William Sound Regional Citizen's Advisory
5 Council and the Oil Spill Recovery Institute, University of
6 Alaska-Fairbanks and GEM for over two years, which would
7 permit a proposal and budget to be submitted to NOS in the
8 time frame available.

9 Number 3, it would provide information
10 necessary to distinguish impacts of oiling on Prince
11 William Sound herring, seabirds and nearshore resources
12 from natural forcing factors that were identified in the
13 Sound Ecosystem Assessment studies funded by the Trustee
14 Council under the Restoration Program.

15 Four, it would provide information critical
16 to effective oil spill response and management decisions,
17 such as when and if to use dispersants in the form of real
18 time surface current vectors.

19 Number 5, it would support the development
20 of the Prince William Sound pink salmon forecast model,
21 identified by the Cordova community as a top priority for
22 GEM in their areas, and is important for economic
23 development in the fishery.

24 Six, it would support development and
25 improvement of other modeling efforts important to economic

1 development and oil spill response, such as the SEA herring
2 model and the Princeton Ocean Circulation Model used by
3 Prince William Sound and OSRI.

4 CHAIRMAN DUFFY: Thank you. Dr. Mundy,
5 anything you'd like to add at this point?

6 DR. MUNDY: Thank you, Mr. Chairman and
7 members of the Council. I just wanted to say that in your
8 -- at the last meeting we were somewhat uncertain about the
9 origin of the funding and the purpose of the funding.
10 Thanks to the efforts of Pete Hagen at NOAA, he's done some
11 research on this, and has basically confirmed the
12 information that I gave you last time, which is this was
13 provided in concert with other earmarks that were intended
14 for use in developing the Integrated and Sustained Ocean
15 Observing System, the IOOS, and he's provided me with the
16 language from the authorizing legislation, which seems to
17 be consistent with that.

18 And I would point out that this is -- was
19 chosen, this option was brought to the Trustee Council
20 because it is a very close match between the objectives of
21 GEM and the GEM program. And the background information
22 was identified in the SEA Program as necessary for
23 lingering oil investigations, that is, particularly for
24 evaluating trends in injured species populations and the
25 IOOS Program. So what we were looking for was a match and

1 that's what we believe we've found here.

2 CHAIRMAN DUFFY: Thank you, Dr. Mundy.

3 Dr. Balsiger.

4 MR. BALSIGER: Yes, thank you. Dr. Mundy,
5 was this proposal submitted in response to the Work Plan,
6 the RFP, the 404, or did this come together after it was
7 apparent there was another \$750,000 available?

8 CHAIRMAN DUFFY: Dr. Mundy.

9 DR. MUNDY: Mr. Chairman. This proposal is
10 one that's been developed among different entities that are
11 interested in Hinchinbrook Entrance for different reasons.
12 It wasn't developed in response to the '04 Work Plan nor in
13 response to the \$750,000. This is an opportunity that's
14 been in planning for two years that we planned to fund by
15 some means, one way or another, through whatever means were
16 available. For example, the oil spill response entities
17 are very interested in having good estimates of the water
18 moving through Hinchinbrook Entrance. It helps to
19 understand, for example, which way the oil would be going
20 in a surface spill and also whether or not it would be safe
21 to use dispersants, that is the path of the oil in relation
22 to things like herring spawning grounds.

23 And as I mentioned before, we have injured
24 species, seabirds and harbor seals that have trend lines in
25 population abundance. We know from the Sound Ecosystem

1 Assessment investigations that the introduction of carbon
2 and nutrients through Hinchinbrook Entrance is an important
3 trigger for production in pink salmon, herring and other
4 related species and, therefore, is relevant to
5 understanding these trend lines and the dependence of
6 these. So this was not -- this isn't just an opportunity
7 that's presented itself.

8 MR. BALSIGER: If I could follow up,
9 please. The proposal sounds good but I guess what takes me
10 back a little bit is, if it's such a good idea and matches
11 all these things, why wasn't it submitted to the RFP under
12 the GEM program. Was it because it wasn't ready in time or
13 didn't quite fit the parameters of the RFP or any of the
14 other funding things? It's just that it, coincidentally it
15 comes up right at this time. I'm curious as to why this
16 hasn't been.....

17 DR. MUNDY: Because it's not -- I'm sorry,
18 Mr. Chair.

19 CHAIRMAN DUFFY: Dr. Mundy.

20 DR. MUNDY: Yes, okay. Because it's not
21 any one project. This is the concatenation of a number of
22 different projects that have been done piecemeal. And, for
23 example, the Vaughn Project, which would be a central piece
24 of this, was submitted to the Trustee Council, which is
25 just for a very limited piece of this, a mooring in

1 Hinchinbrook Entrance. This would be an opportunity for us
2 to gather up these plans in the planning process and to
3 accelerate this process and to get down the road. They
4 didn't bring this all as one proposal because this would
5 have been obviously a very, very large proposal for the GEM
6 program. We typically don't fund projects that are much
7 over about \$200,000 -- \$300,000 is a very big project for
8 us. And so by bringing all of these groups together, we
9 can make a lot of progress in a very short amount of time.

10 CHAIRMAN DUFFY: This may be more of a
11 statement, just some clarification. If memory serves
12 correctly, at the last meeting we passed a motion to apply
13 for the grant. And so our action item here is selecting
14 the approach or the proposed utilization of the funds. The
15 staff's recommendation is that we focus on the Hinchinbrook
16 Entrance monitoring package. So that is what we would do.

17 Now if the Trustee Council were to approve
18 this going forward, my understanding is there would be a
19 period of time where a proposal would be developed, it
20 would be peer reviewed and then that information, you would
21 basically, the applicants working through the Trustee
22 Council would need to negotiate the terms and conditions
23 with the NOS as the funding agency, is that correct?

24 DR. MUNDY: Mr. Chairman, that's
25 essentially correct. A proposal would be put together and

1 submitted for the Trustees to take a look at and also
2 submitted to NOS to go through their peer review process.
3 And during that time, we would be working closely with NOS
4 to make sure that all of the details were suitable.

5 CHAIRMAN DUFFY: Okay, so there will be a
6 future decision point for the Trustee Council to basically
7 accept and to move forward?

8 DR. MUNDY: Mr. Chairman, I would say that
9 the process is similar to that that we've used in other
10 cases, and that is where the technical representatives or
11 liaisons of the agencies and that are kept informed and if
12 there are any considerations or problems that come up, they
13 would inform the Trustees and the Trustee could ask for
14 some explanation or for some action if necessary. I
15 wouldn't anticipate that that would be the case but that
16 would be the process.

17 CHAIRMAN DUFFY: All right, before I open
18 it up for other Trustee Council members, just an issue for
19 me as a Trustee Council member on this. Number one, I am
20 supportive of the moving forward with the Hinchinbrook
21 Project from my perspective. My concern, however, lies in
22 what future obligations we may or may not be creating on
23 this type of a project for the Trustee Council. And given
24 the nature of this request and that we finally clarified
25 some of the background on this, I am supportive of moving

1 forward. But I am not supportive necessarily of a future
2 obligation in the hundreds of thousands of dollars on an
3 annual basis that the Trustee Council would have to pick up
4 to maintain this project.

5 I note that there are a number of partners
6 involved in this project. I guess what I would like to
7 recommend to the Trustee Council, from my perspective, then
8 I'll open it up is, that there should be some type of an
9 MOU negotiated between the partners in this project and
10 perhaps the Trustee Council to clarify some of these
11 things. Because I do not want to create the expectation
12 that this group that is moving forward on this project,
13 that I support, is going to come back year after year to
14 the Trustee Council for annual operational funding of this
15 project.

16 I am hopeful that through other sources
17 this project and the operational aspects annually can be
18 picked up elsewhere. So with that perspective, I'll -- Ms.
19 Phillips.

20 MS. PHILLIPS: Mr. Chairman, I think that
21 Dr. Mundy would have a response but also just to remind you
22 that Nancy Byrd from Prince William RCAC is -- or from OSRI
23 is online also now.

24 CHAIRMAN DUFFY: Okay. Dr. Mundy, did you
25 want to.....

1 DR. MUNDY: Yes, Mr. Chairman, members of
2 the Council. I think that's a valid concern and it's an
3 important point. I do believe that the Trustee Council can
4 expect to be asked for operating expenses for monitoring
5 the movement of water into and out of Prince William Sound.
6 It's a key feature of the ecosystem and it's a key feature
7 that controls trends and, as I mentioned earlier, injured
8 species among others, and forage species on which the
9 injured species depend.

10 So I think it is reasonable to expect that
11 in the future the Trustee Council will get a request for
12 operating expenses on this particular package. However,
13 there are partners with long-term funding in place who will
14 be there to also bear that burden. Oil Spill Recovery
15 Institute, I believe, is funded through 2012 in this area
16 and they have a strong interest in this. And the Prince
17 William Sound Regional Citizens Advisory Council also has
18 an interest in this area and have been working with us to
19 develop this package.

20 So I certainly can't say, since this is
21 probably part of -- an important part of long-term
22 monitoring for the ecosystem in Prince William Sound that
23 you wouldn't see requests for operating expenses, however,
24 I believe that those would be equitably distributed among a
25 number of partners.

1 CHAIRMAN DUFFY: Okay. Mr. Meade.

2 MR. MEADE: I was just ready to make a
3 motion. I'll wait for the conclusion of this.

4 CHAIRMAN DUFFY: Ms. Ballard.

5 MS. BALLARD: I'm curious about the list,
6 let's see, who provided -- Pete Hagen's memo, which I guess
7 we all got a copy of, which was helpful. I think that this
8 list of the other grant recipients was attached to Pete
9 Hagen's memo. In any event, I'm curious about several
10 aspects of it that maybe Phil, you can answer. Do we have
11 a relationship with all these other grant recipients?
12 Should we have a relationship with them? Are there
13 efficiencies that can be gained by such a thing? And am I
14 not correct that there is some sort of ocean observing
15 system organization that Molly is now associated with and
16 why didn't the grant go to them? Lots of questions.

17 Oh, one other thing, in the language that
18 Pete copied out in his memo, it talks about -- it says
19 therefore the contrary plan to require all participants
20 receiving funding to contribute an equal share of funds,
21 which sounds to me like a hundred percent match. Is that
22 how that language is meant to read?

23 CHAIRMAN DUFFY: Dr. Mundy.

24 DR. MUNDY: Mr. Chairman, Commissioner
25 Ballard. Thanks, those are excellent questions. We have

1 -- the reason that the money came to GEM is because GEM was
2 the only point of contact for ocean observing systems in
3 the early days of the IOOS. So the reason that we have, as
4 a small regional observing system, the reason that we've
5 had so much leadership responsibility in this area is
6 simply because we were the only game in town until the
7 Alaska Ocean Observing System was established, and that was
8 only put together just last year, late last year. So it
9 wasn't really a going concern. I believe that had the AOOS
10 been a going concern and been ready to receive this money
11 that the appropriation would have gone there.

12 The question about are we in contact with
13 these organizations, yes, we are and they have provided a
14 tremendous amount of volunteer labor. Quite a few of the
15 people involved with these organizations, particularly the
16 Gulf of Maine Ocean Observing System and the U.S. Goose
17 Steering Committee have provided scientists, volunteer
18 labor to attend our workshops and to help us get the GEM
19 program going. And also to review proposals, they
20 routinely review proposals for us on a pro bono basis.

21 So yes, we have utilized -- that was one of
22 the main reasons for getting in touch with these people was
23 to get some help out of these organizations and to help us
24 get going in those areas of the GEM program that coincide
25 with the ocean observing system. So we've tried to take

1 advantage of that. And that was a multiple part question,
2 I'm not sure I got all the parts but yes, this integrated
3 and sustained ocean observing system is part of
4 legislation, Federal legislation. It is in agency
5 budgeting process for FY 2007, Federal agency budgeting
6 process.

7 And yes, I would expect that components of
8 this Hinchinbrook-Montague system would qualify as elements
9 of that ocean observing system. So if any long-term
10 funding comes through for this ocean back bone of coastal
11 observing systems, we have been working hard to position
12 ourselves so that pieces of GEM could actually be picked up
13 by this IOOS and thereby take the funding burden off of the
14 Trustee Council. So that was part of the long-term
15 strategy and the reason for getting involved here.

16 And the last part of the question, I'm
17 sorry, I'm.....

18 MS. BALLARD: The match. I may be reading
19 this language wrong.

20 DR. MUNDY:not able to.....

21 MS. BALLARD: Does somebody who is more
22 familiar with reading -- did anybody else -- was anyone
23 else's eye caught by that?

24 DR. MUNDY: Could you point that out to me?

25 MS. BALLARD: It's in this memo from.....

1 DR. MUNDY: Okay, I've got the memo.

2 MS. BALLARD: Okay, the text on the bottom
3 appears to be electronically pasted.

4 DR. MUNDY: Right.

5 MS. BALLARD: And it's that text, appears
6 to come from the appropriation language and it appears to
7 require a hundred percent match but.....

8 DR. MUNDY: Mr. Chair.

9 CHAIRMAN DUFFY: Dr. Mundy.

10 DR. MUNDY: Can I call on Pete Hagen
11 who.....

12 CHAIRMAN DUFFY: Absolutely.

13 DR. MUNDY:drafted this memo.

14 CHAIRMAN DUFFY: Would the author please
15 come to the table for clarification?

16 MS. BALLARD: And, Pete, thank you for the
17 -- since we hadn't met you -- I hadn't met you before,
18 thank you for the memo. The memo was.....

19 MR. HAGEN: I distributed it to staff to
20 explain to my boss why it appeared there but anyway -- so
21 and then it got distributed up. Yeah, that came from --
22 that's attached to the table but it refers to fiscal year
23 2005. So the money that is appropriated now is 2004. So
24 that's an intention that the joint committee tried to put
25 in. I believe it probably came from the house side of the

1 omnibus, kind of a consolidation bill. So it's referenced
2 to 2005 and when I talked to the grants folks, they said
3 yeah, there's a lot of concern about that language in there
4 with the other recipients, the earmarks, and they intend to
5 do something about it. But anyway.

6 MS. BALLARD: But as it sits, there's a
7 hundred percent match for this money?

8 MR. HAGEN: No, that's -- their intention
9 is for -- the committee that -- the conferee committee that
10 put this together, that appropriated the language said
11 their intentions for the 2005 to require a match, this is
12 2004 funds.

13 CHAIRMAN DUFFY: Dr. Balsiger.

14 MR. BALSIGER: Thank you, Mr. Chairman.
15 It's like they're putting recipients on notice, I believe,
16 that there will be this amount of money absent the matching
17 funds in the future.

18 MS. BALLARD: I'm on notice. I mean,
19 that's a big match.

20 MR. HAGEN: Yeah, they actually had the
21 same language in the previous year but it was removed in
22 conference committee, so.....

23 MR. BALSIGER: And, Mr. Chairman.....

24 CHAIRMAN DUFFY: Dr. Balsiger.

25 MR. BALSIGER:perhaps -- Dr. Hagen is

1 a good biologist and he's done a lot of work on this but
2 he's not a lawyer and so we didn't run this through any
3 legal interpretation.....

4 MS. BALLARD: I understand.

5 MR. BALSIGER:it's cut and paste out
6 of the appropriation bill and his interpretation.

7 MS. BALLARD: And let me say again, I
8 appreciate the work you did to even dig it out. You know,
9 we've all been completely in the dark and I think we need
10 to be, from the point of view of financial managers, alert
11 to the fact that as we get into this and as Phil has said,
12 yes, it will bring an expectation that we continue our
13 participation, that that participation will require a match
14 in the future. Whether it's next year or the year after or
15 the year after, that kind of language is going to get wings
16 eventually or feet or legs or whatever.

17 CHAIRMAN DUFFY: Dr. Hagen.

18 MR. HAGEN: Yeah, I just wanted to make
19 another point. I think an MOU would be prudent to try to
20 put together with the entities. Because there is the issue
21 of -- this is purchasing equipment and Trustee Council
22 doesn't really own equipment, its agencies own it on behalf
23 of the Trustee Council. So transferring that equipment to
24 the other partners or some mechanism to deal with that
25 would be good.

1 MS. BALLARD: I have still one other
2 question.

3 CHAIRMAN DUFFY: Ms. Ballard.

4 MS. BALLARD: My other question has to do
5 with last year's grant. And I don't know, Pete, whether
6 you're the right guy or whether it should be Dr. Mundy.
7 But as I recall, last year there was a grant and I thought
8 we spread it over a number of years.

9 MS. PHILLIPS: Three years.

10 MS. BALLARD: So we have \$250,000 of the
11 last \$750,000 grant supporting current administrative
12 expenses. What is our plan for the other 500?

13 MS. PHILLIPS: Let me check with Paula --
14 they are all dedicated to the administration, aren't they?

15 MS. BANKS: That is correct.

16 MS. BALLARD: All three years were.....

17 MS. BANKS: They were to support the science
18 management, right. It's approximately 248,000 a year.

19 MS. BALLARD: And although I understand why
20 that's not appropriate at this time and I suspect we got
21 sort of a wrist slap last time on that, that this grant
22 doesn't interfere with the use of the previous grant for
23 administrative purposes?

24 MS. PHILLIPS: No.

25 MS. PEARCE: Mr. Chairman.

1 CHAIRMAN DUFFY: Ms. Pearce.

2 MS. PEARCE: Thank you. If it's
3 appropriate, I have a couple of questions for Dr. Mundy.

4 CHAIRMAN DUFFY: Proceed.

5 MS. PEARCE: Thank you. Phil, at the last
6 meeting when we talked about this specific land proposal,
7 as I remember in listening to a number of, maybe,
8 expectations for deliverables from the proposal, I opined
9 that it sounded like there was at least some duplication of
10 work that's already being done, at least of information
11 that's already available, particularly about whether we
12 were -- met sort of the -- at Hinchinbrook Entrance in
13 particular, but also Montague Island. Has the proposal
14 been refined in any way to either ensure that we're not
15 duplicating these or to insure that we try to insure that
16 the information that will come from this project will be
17 disseminated to all comers and will go into a better
18 integrated larger system of information.

19 CHAIRMAN DUFFY: Dr. Mundy.

20 DR. MUNDY: Mr. Chairman, Drue. The basic
21 answer to that question is yes, but I have to qualify it.
22 We don't have in hand a formal proposal for this work at
23 this time. As I indicated in my response to Council Member
24 Balsiger earlier, we're putting this together as the sum of
25 several different proposals. However, I can assure you

1 that all of the players, including the multiple players
2 from NOAA, the National Data Buoy Center and others are
3 going to be part of this. So there won't be any
4 duplication of effort. These will be new efforts and they
5 are intentionally designed to avoid duplication of effort.
6 And we assure that by having everybody who is involved in
7 doing any kind of observing systems in this area as part of
8 the process.

9 MS. PEARCE: While you were talking about
10 -- Mr. Chairman, if I could continue?

11 CHAIRMAN DUFFY: Yes, please.

12 MS. PEARCE: For example, on the specific
13 issue of whether or not -- when and where this person can
14 be, are you -- is the Coast Guard involved in this project
15 because they are after all the unified commander in any
16 event in Prince William Sound. They make the decisions
17 about dispersement.

18 CHAIRMAN DUFFY: Dr. Mundy.

19 DR. MUNDY: Mr. Chairman. Yes, they are.
20 They're involved through the Oil Spill Recovery Institute,
21 Prince William Sound Science Center process. And that is
22 part of our process.

23 MS. PEARCE: Okay. Thank you,
24 Mr. Chairman.

25 CHAIRMAN DUFFY: Okay, Trustee Council

1 members, any recommendations? Any motions on how to
2 proceed Joe Meade?

3 MR. MEADE: I would like to propose a
4 motion that we do accept the grant, as we did at the last
5 meeting, and accept the recommendation that has been
6 brought forward by the Trustee Council for execution of the
7 grant. I'm solidly and the agency is solidly behind the
8 aims, the principles and the ability to help defer other
9 costs associated to GEM activity and I also respect the
10 dialogue that's taken place. And I guess this is cutting
11 -- I'm getting into dialogue rather than motion. My motion
12 is to accept the staff recommendation for implementation of
13 the grant.

14 CHAIRMAN DUFFY: Thank you, is there as
15 second?

16 MR. BALSIGER: Second.

17 CHAIRMAN DUFFY: Seconded by Dr. Balsiger.
18 Discussion. Ms. Ballard.

19 MR. MEADE: If I may, I was just going to
20 add to that discussion. I do feel this is a good example
21 and I think the questions have been very -- it's been a
22 very good dialogue. I think it is important that the
23 recipients of these resources see that there is going to be
24 an important component to building relationships that are
25 going to help sponsor this into the future.

1 CHAIRMAN DUFFY: Thank you. Ms. Ballard.

2 MS. BALLARD: I don't know if we should add
3 to the motion, the recommendation that Pete made in his --
4 both in his spoken remarks here and in his memo that there
5 be, along with this project, some sort of a memoranda with
6 the recipients or the owners of the capital equipment. And
7 I also don't know how to express the issue I raised
8 earlier, that we now do have an Alaskan Ocean Observing
9 System and these other grant recipients seem to be that.

10 And there ought to be some -- I mean, I
11 don't want to set us up in competition with another
12 organization which is linked in to a national network of
13 things that are organized for the purpose of doing this
14 ocean observing. And that may be an issue we deal with
15 over time. I feel a little uncomfortable about that. I
16 understand this came our way because we were in place and
17 we had the seeds of what was needed. But I guess what I'll
18 do is first ask for a friendly amendment to Joe's motion
19 that our proposal of the Hinchinbrook Project be
20 accompanied by appropriate memoranda with the partners.
21 Because I think that's key to the way that project goes
22 together.

23 And then I'll -- if the whole thing passes,
24 I'd like to try to come back to this other issue and hear
25 what Phil might want to say about the Alaska Ocean

1 Observing System.

2 CHAIRMAN DUFFY: So that was a friendly
3 amendment. I think it requires a second or not? Who's my
4 parliamentarian?

5 MS. PHILLIPS: Yes, it does.

6 MR. MEADE: I'll second.

7 CHAIRMAN DUFFY: Friendly amendment has
8 been proposed by the maker of amendment [sic] which would
9 incorporate an MOU among the partners as part of this
10 agreement dealing with -- I think Joe Meade brought up the
11 -- or Dr. Hagen brought up the concept of there is
12 equipment associated with this and ownership is always an
13 issue if it's not in writing. My question to the maker of
14 the friendly amendment and the main motion is the issue
15 that I brought up, and that issue is that I do not want to
16 create an expectation here that the Trustee Council,
17 because they are accepting this grant and moving forward
18 with the Hinchinbrook Project, I don't want to create the
19 expectation that the Trustee Council program itself is
20 going to be the primary or sole funding source associated
21 with the ongoing operation of this program.

22 Now I've been told that there are other
23 programs coming online that would logically be major
24 players in this and I appreciate that and I want to
25 facilitate that sort of an understanding through this MOU.

1 So would that concept, to some degree, be addressed in the
2 MOU? Is that your understanding?

3 MS. BALLARD: Sure.

4 MR. MEADE: I would be favorable to that as
5 well. I share your very feelings as well.

6 CHAIRMAN DUFFY: Okay, thank you. Other
7 comments from Trustee Council members? Mr. Tillery.

8 MR. TILLERY: Mr. Chairman, can I clarify
9 that if we approve this motion, then this does not come
10 back to the Council formally.....

11 MS. PEARCE: Kevin, I can't hear Craig at
12 all.

13 CHAIRMAN DUFFY: Hang on a second, please.

14 MR. TILLERY: Sorry. Yeah, I was just
15 wanting to clarify that if this motion is approved then
16 this project need not come back to the Trustee Council for
17 any other formal action, simply it would come back to
18 individual Trustee Council members on an information basis.
19 Is that correct?

20 CHAIRMAN DUFFY: Unless I hear otherwise,
21 that is not my understanding because if we're talking about
22 this concept of the development of an MOU among the
23 parties, the Trustee Council will be one of the members of
24 the MOU. So by definition then, if the MOU is part of the
25 arrangement, we would have a further action item endorsing

1 the MOU for implementation purposes for this project. So I
2 would see a necessary next step for the Trustee Council as
3 part of this program.

4 MS. BALLARD: Kevin, I think.....

5 CHAIRMAN DUFFY: Ms. Ballard.

6 MS. BALLARD: I'm not intending to waver
7 about the Hinchinbrook Project but I think the MOU that's
8 negotiated defining our role is rather important for us to
9 see again. I mean, that can be a telephone meeting, it can
10 be a single purpose meeting, but I think that the questions
11 raised not just about the equipment and the ownership but
12 about the operations and about the relationship of EVOS to
13 this network, I would like to see that in writing.

14 CHAIRMAN DUFFY: Just as a follow up, from
15 the Chair, I'm a supporter of this project. I don't want
16 my marks to be misconstrued but I am concerned about the
17 long-term ongoing operational costs. And I would put it in
18 the context of taking our FY04 proposals and all the
19 projects that were funded that by necessity creates certain
20 obligations under the FY05 funding package. And if you're
21 not careful about long-term ongoing operational costs
22 associated with funding a specific project in any one year,
23 we could, I foresee in the future, get to a point where
24 there is very little discretion on an annual basis for the
25 Trustee Council to fund new projects based on the RFP

1 program that we operate under. And I'm just expressing
2 caution along those lines. That is my intent on this.

3 Mr. Meade?

4 MR. MEADE: If I may, Mr. Chair. To see if
5 we are in full agreement, as I hear you articulate that,
6 the expectation with this grant is that it will carry out
7 the purposes for which it has been framed and no more. And
8 as annual opportunity to enhance or further different
9 components or goals that it places forward, they will be
10 considered in a competitive manner like all other proposals
11 that come before us. Would that not be -- in other words,
12 it should not be under -- let it be clear that there is no
13 long-term commitment made here. This is a commitment based
14 on, to me, a very exciting proposal. But dimensions of
15 that proposal that may have out year opportunity, as
16 Dr. Mundy has noted, will need to compete through the
17 process as all proposals do.

18 CHAIRMAN DUFFY: Yes, thank you, Mr. Meade.
19 That captures my thoughts as well. So further discussion
20 among Trustee Council members. Ms. Pearce, any comment on
21 this one?

22 MS. PEARCE: No, thank you.

23 CHAIRMAN DUFFY: Okay, we have an amended
24 motion through a friendly amendment on the table. No
25 further discussion. Is there any opposition to the motion?

1 (No audible response)

2 CHAIRMAN DUFFY: Hearing none, so approved.

3 It is seven minutes to 12:00, the Trustee Council, do we
4 need a motion to go into executive session? The Chair
5 would like to entertain a motion to move into executive
6 session over lunch. And I think we should give the public
7 some sense of when we will come back on the record. So
8 with that.....

9 MS. BALLARD: So are you looking for a
10 sense of when we'll come back on the record? Have you got
11 tea leaves that I don't see?

12 CHAIRMAN DUFFY: No, I do want to be clear
13 about the executive session and that is, we're really using
14 it only for discussion concerning confidential personal
15 issues, litigation or legal advice, habitat acquisition
16 negotiations, confidential archeological information or
17 confidential fisheries information or other matters
18 included under the appropriate statutes and regulations.
19 So that is the purpose of the executive session.

20 MR. MEADE: Right, as you consider the time
21 for the executive session, I might note that I must leave
22 by 3:00 and I'm hoping that the executive session will be
23 conducted in a way that allows us to complete the rest of
24 the business we have in front of us for which we put
25 forward our agenda as well. If we could constrain our

1 executive session to allow the rest of the agenda to yet be
2 accomplished, that would be my hope.

3 CHAIRMAN DUFFY: Thank you, Mr. Meade.
4 Would one hour be sufficient?

5 MS. PEARCE: Mr. Chairman.

6 CHAIRMAN DUFFY: Yes, Ms. Pearce.

7 MS. PEARCE: Thank you. Two things.
8 First, I just wanted to know what's the procedure for me.
9 Do you call me under executive session so you can control
10 what lines are called or do I call back in?

11 CHAIRMAN DUFFY: Yes, we'll call you back,
12 Ms. Pearce.

13 MS. PEARCE: Okay, and my second question
14 -- request, my DOI Anchorage staff member for the
15 Secretary's office, Michael Baffrey, I believe is, in the
16 room and I would appreciate his being allowed to stay in
17 executive session. He's our Secretary key staff on all
18 things to EVOS.

19 CHAIRMAN DUFFY: As Chairman, I will
20 approve his participation in the executive session. The
21 Chair is looking for a motion.

22 MS. BALLARD: I move we go into executive
23 session to last no more than an hour.

24 CHAIRMAN DUFFY: Second?

25 MS. PEARCE: I would second.

1 CHAIRMAN DUFFY: Thank you, it's been moved
2 and seconded. The Trustee Council is moving into executive
3 session and we will reconvene at 1:00 o'clock sharp.

4 (Off record - 11:53 a.m.)

5 (On record - 1:25 p.m.)

6 CHAIRMAN DUFFY: We're back on record at
7 the Trustee Council meeting. We concluded the business
8 that was referred to in the motion for an executive
9 session. And I believe we are on agenda item number 6,
10 discussion, approval of additional projects for the '04
11 Work Plan, including deferred projects, modifications and
12 midterm requests.

13 MS. PHILLIPS: Mr. Chairman.

14 CHAIRMAN DUFFY: Ms. Phillips.

15 MS. PHILLIPS: If we could have Dr. Mundy
16 please come forward. And at our last Trustee Council
17 meeting, you folks requested that we have all the deferred
18 projects put up or brought forward for consideration. At
19 that time we didn't have the complete dollar factor of how
20 much money was left over from the 2004 Work Plan. We do
21 have that number today, it's about \$25,000, so there's not
22 a lot of money left in the 2004 kitty. But I would like
23 for Phil to go through with the projects, just a very brief
24 run down, keeping in mind that we do have a 3:00 o'clock
25 deadline for votes.

1 So, Phil, if you would just go through real
2 quickly and just reiterate the projects.

3 DR. MUNDY: Mr. Chairman, with your
4 permission.

5 CHAIRMAN DUFFY: Feel free. Thank you,
6 Dr. Mundy.

7 DR. MUNDY: Mr. Chairman, members of the
8 Council, I refer to the memorandum dated February the 18th
9 from Executive Director Gail Phillips to the Trustee
10 Council. And I refer to table 1 in that memorandum. The
11 outstanding requests fall into about three categories here.
12 And we've tried to assign priorities to these, given that
13 we know that there's a finite amount of money here. And
14 we've run a cumulative sum down the right-hand column of
15 table 1. We have a budget modification. We have a couple
16 of midterm requests, these are proposals that are outside
17 of the regular process that need your attention.

18 And then we have, following the second
19 midterm request, starting with the project labeled Bechtol,
20 B-E-C-H-T-O-L, on the left-hand column of table 1. These
21 are the projects that were approved by the peer review
22 process, recommended by the Science Director and
23 recommended by the Executive Director for consideration
24 that wound up deferred as of the November the 10th Trustee
25 Council meeting. So again, we've tried to arrange these

1 and organize them according to their -- sort of their
2 immediate need and the area of the GEM program that they
3 address and assign the priorities.

4 Over on page four of the same memo we have
5 individually addressed each one of these projects, the
6 rationale for each of these projects and its order in the
7 priorities are labeled there. And in addition, over on
8 table 2, with respect to the deferred projects, again those
9 projects on table 1, starting with the Bechtol project.
10 We've tried to classify these based on the opinion of the
11 staff with respect to the State Trustee priorities with
12 regard to lingering oil, direct impacts of the oil spill
13 and management applications. So to give the Trustees some
14 sense of where these fit in with respect to those
15 priorities.

16 So with that, Mr. Chairman, in view of the
17 amount of time we have left this afternoon, I'll conclude
18 my remarks and take any questions.

19 CHAIRMAN DUFFY: Thank you, Dr. Mundy.
20 Questions, Trustee Council members?

21 MS. BALLARD: I have just one.

22 CHAIRMAN DUFFY: Ms. Ballard.

23 MS. BALLARD: Phil, I looked through these
24 and as best I can see, those that we're not able to fund
25 this year all could be resubmitted, am I right? For '05?

1 I didn't see any that would -- in the Bechtol, on -- I'm
2 just looking not at the midterm requests but the Bechtol,
3 Cooper, Mazumder, Devens, Kline and Mann. My reading was
4 that they could all be refreshed and resubmitted.

5 DR. MUNDY: Mr. Chairman.

6 CHAIRMAN DUFFY: Dr. Mundy.

7 DR. MUNDY: Yes, Commissioner Ballard, I
8 believe that that's generally correct, although I can't
9 guarantee that each and every one of these PI's would
10 reapply in '05 but I'd.....

11 MS. BALLARD: No, I know that they might
12 not, but they could.

13 DR. MUNDY:be -- but it could. The
14 question is if it could. That's with respect to the
15 projects from Bechtol on down. This budget -- the priority
16 one, it's priority one because it's a budget modification
17 for FY04, this summer's work that couldn't occur without a
18 little extra money. And again, I think that Rice's
19 additional lingering oil studies, I think he's thinking
20 there in terms of a time line that has to do with FY04.....

21 MS. BALLARD: I was just asking about
22 Bechtol down.

23 DR. MUNDY:field season. And again,
24 this Kodiak shore zone mapping work that might be
25 accomplished in FY05 is somewhat dependent on this. And

1 again, the reasons for that are laid out in the document.

2 CHAIRMAN DUFFY: Further questions?

3 (No audible response)

4 CHAIRMAN DUFFY: Drue, did you have any
5 questions online?

6 MS. PEARCE: No, I don't. Thank you
7 though.

8 CHAIRMAN DUFFY: Ms. Ballard.

9 MS. BALLARD: Well, we had the advantage,
10 at least the State Trustees, of walking through these in
11 light of the relatively small amount of money left and also
12 considering the obligations that some of them propose for
13 future budget years. And there are three that I am
14 interested in and I don't know whether -- I'll tell you
15 what they are, whether we want to deal with them separately
16 or together with the \$24,000, and my three would exceed it,
17 but would be Walker's budget modification because that just
18 seems inevitable, but you know, we've approved that one.
19 But the Bechtol and the Mann projects. And I understand
20 that the Mann could be done at any time but it just seems
21 to me that the sooner we get that completed, the better.
22 So those are the two that I and our staff, Kevin, found
23 compelling.

24 MR. MEADE: Can you refresh my memory, does
25 that include the shoreline mapping in Kodiak Island or was

1 that off your list? I'm not recollecting this.....

2 MS. BALLARD: That is not on my.....

3 MR. MEADE: Okay.

4 MS. BALLARD: No.

5 MR. MEADE: Thank you.

6 CHAIRMAN DUFFY: And those three projects
7 you're proposing or referencing, approximately \$100,000?

8 MS. BALLARD: Yeah, 18 plus 37 plus 46.

9 CHAIRMAN DUFFY: 110,000.

10 MS. BALLARD: Yeah. Why don't I make those
11 in form of a motion to get some discussion? I don't mind
12 moving them separately. I don't mind having a friendly
13 amendment. But since nobody else spoke, you know me, I'll
14 jump in to.....

15 CHAIRMAN DUFFY: So it's been moved to
16 approve the Walker '04 marine derived nutrients, the
17 Bechtol monitoring ecosystem parameters and the Mann FY04
18 for history of sockeye populations. Is there a second?

19 MR. MEADE: I'll second that.

20 CHAIRMAN DUFFY: Seconded by Mr. Meade.
21 Discussion. I'll start off the discussion. I think the
22 Walker one should really for this Council be kind of a no-
23 brainer. It's an administrative issue. We previously
24 approved the project. The Bechtol project itself fits into
25 something that I am interested in quite a bit of times and

1 that is the direct management applicability of that project
2 to the area.

3 And the Mann project, I think it's been
4 spoken to a bit already, that's just wrapping up some work
5 that has already been done. It is true it could be done at
6 a later point in time but it's also, I think, an
7 opportunity to conclude that work relative to Mann for 46.6
8 thousand.

9 Dr. Balsiger.

10 MR. BALSIGER: This may be slightly out of
11 order but Mr. Meade brought up this Kodiak mapping, I was
12 wondering whether that was because he was against it or --
13 because before I make a motion, I'd like to have his
14 comment.

15 MR. MEADE: If it's okay to answer that
16 during questions, I looked through these and as I worked
17 with our staff.....

18 CHAIRMAN DUFFY: I'll allow it.

19 MR. MEADE:in getting briefed on
20 them, there was interest in seeing our way down into the
21 Kodiak mapping project and to seek clarity if that needed
22 to be funded in one year or if that could be broken into a
23 two-year funding component. But that would be our interest
24 and recommendation. But I certainly supported the ones in
25 front of it and I was just going to make an additional

1 motion once this was done.

2 CHAIRMAN DUFFY: Since we're into that
3 discussion, in fact, I as Chair, I'm going to rule that we
4 delay that discussion until we address the three in front
5 of us. Because we went back to a previous discussion, it's
6 not germane to this current motion. If the motion is
7 amended to bring it in to the discussion, that would be
8 probably I think better.

9 MR. MEADE: I stand scolded. Thank you.

10 CHAIRMAN DUFFY: Not scolded. Any further
11 discussion on the three in front of the Trustee Council?

12 MR. BALSIGER: Mr. Chairman.

13 CHAIRMAN DUFFY: Dr. Balsiger.

14 MR. BALSIGER: So I understand, if we vote
15 on this, this is not -- it doesn't preclude bringing up
16 other ones in a subsequent motion as opposed to amending
17 this, we could do it either way?

18 CHAIRMAN DUFFY: That would be my
19 understanding. Is there anyone opposed to the three
20 projects in front of us?

21 (No audible response)

22 CHAIRMAN DUFFY: Hearing no opposition, so
23 approved.

24 I'd remind fellow Trustee Council members
25 of the '04 budget information that is in front of us and I

1 think we need to think about all that throughout all our
2 discussion for today, the remainder of the day on all the
3 issues.

4 Mr. Meade.

5 MR. MEADE: I would recommend or I would
6 put forward a motion to carry forward through the Kodiak
7 shore mapping project -- and I'm sorry, you.....

8 MS. BALLARD: Saupe is the.....

9 MR. MEADE: Saupe, thank you. My motion
10 would be to carry our funding forward through that and I'll
11 leave that there for -- and I'll ask the question once
12 we.....

13 CHAIRMAN DUFFY: Is there a second?

14 MR. BALSIGER: I'll second.

15 CHAIRMAN DUFFY: Seconded by Dr. Balsiger.
16 Mr. Meade.

17 MR. MEADE: The question I would ask to
18 keep ourselves as nimble as we can or as frugal as we can
19 be, perhaps Dr. Mundy can help me understand if this needs
20 to funded entirely within one fiscal year or if it could
21 have some logical increments that could be in part funded
22 this year and part funded next.

23 CHAIRMAN DUFFY: Dr. Mundy, in response.

24 DR. MUNDY: Mr. Chairman. Yes, I believe
25 that it could. For example, it contains -- a large part of

1 the budget is flying time. They could chose to do less.
2 And anything that we could -- this is one of those fill in
3 the blanks type operations, any of the blanks that we can
4 get filled in this season will help us in turn prepare for
5 planning the nearshore program in FY05.

6 MR. TILLERY: Mr. Chair.

7 CHAIRMAN DUFFY: Mr. Tillery.

8 MR. TILLERY: Maybe I'm confused but as I
9 understood this, it's already broken into two years with
10 205,000 one year and 185 the next year. So was Mr. Meade
11 asking about breaking the 205 and adding that into the 185
12 or -- and is that what you're responding to? I mean, we're
13 already split in half, I think. Aren't we?

14 CHAIRMAN DUFFY: I think that's correct,
15 that they are -- Dr. Mundy.

16 DR. MUNDY: Yes, Mr. Chairman, Mr. Tillery.
17 I believe that we're only considering the FY04 budget.
18 It's my understanding we're only considering FY04 budgets
19 at this time and my response was with regard to putting off
20 part of the FY04 funding into FY05 for a subsequent
21 proposal. Is that my -- am I correct, Mr. Meade, in.....

22 MR. MEADE: Yes, you would be.

23 MR. TILLERY: So then the '04 can stand
24 alone. We can do the '04 and we don't have to do the '05
25 to make this project work?

1 CHAIRMAN DUFFY: Dr. Mundy.

2 DR. MUNDY: Mr. Chairman, I haven't
3 analyzed it that way. I don't know -- I can't -- I can
4 give you a yes but it's like a .95 yes. These projects
5 have several different segments, they're flying, they're
6 videotaping, they're adding expert commentary. It would be
7 hard for me to imagine that we couldn't pull this thing out
8 into pieces if the Trustee Council wanted to give a lesser
9 amount of money in FY -- if the objective is to give them
10 some portion of the funding in FY04 and allow them to move
11 forward, I'm virtually certain that we can work out
12 something that will allow them to move forward and make a
13 positive contribution.

14 MR. MEADE: Mr. Chair.

15 CHAIRMAN DUFFY: Joe Meade.

16 MR. MEADE: My question was, just logically
17 following some of the things I see our agency doing. We've
18 got field work that likely needs to get done and we've got
19 limited resources. My question was really, can we do the
20 field work now in this fiscal year and roll the rest of the
21 project into next fiscal year where that field work can
22 then -- from the overflights and such, be compiled into the
23 database and generated into the products that would be
24 delivered from the program. That was the accurate nature
25 of my question, if that helps you, Dr. Mundy.

1 CHAIRMAN DUFFY: Dr. Mundy.

2 DR. MUNDY: Mr. Chairman. Yes, that would
3 change my answer somewhat because I am not at this point in
4 time certain of how much of the budget proposal for FY04 is
5 field work versus how much is analysis. And it could well
6 be that a fairly large portion of the budget is for actual
7 flying time, which I would -- you know, is flying the
8 shoreline. That doesn't mean though however that we
9 couldn't do part of the -- whatever we felt we could afford
10 to do in FY04 field work and then follow that up again in
11 FY05 and complete the field work in FY05.

12 CHAIRMAN DUFFY: Ms. Ballard, did you have
13 a comment?

14 MS. BALLARD: I did. I thought Craig's
15 question was different. Did the initial proposal have
16 several years of component? Isn't that the question you
17 asked, Craig?

18 MR. TILLERY: It had two years, as I
19 understand it.

20 MS. BALLARD: And so this 205,000 is only
21 one of the two years. Does approval commit us to the
22 second year, regardless of whether we chose to take 10
23 years to do two years or two years to do two years?

24 CHAIRMAN DUFFY: Dr. Mundy.

25 DR. MUNDY: Mr. Chairman. Again, my

1 understanding in my reading of this memo, the only thing
2 that's before the Council at this time is the FY04
3 component of these projects. This would not -- again, as I
4 said, I can't imagine that whatever we could afford to pay
5 for in FY04 would be wasted, because these things are done
6 tangentially. To give you an example, the Saupe actually
7 walked in behind our project on Kodiak. We managed to
8 afford to do part of Kodiak in FY03 but we couldn't afford
9 to pay for the analysis for the expert commentary on the
10 tapes.

11 Saupe, in her capacity with the Cook Inlet
12 Regional Citizen's Advisory Council, had a shoreline
13 mapping project that had some funding left over that was
14 applicable to this. And she was able to apply that to our
15 surveys so that we got the -- to do the analysis. So this
16 is kind of a cooperative interactive thing that everybody
17 wants to see completed. But we can do this in pieces, if
18 we have to, and that's what we're committed to do.

19 CHAIRMAN DUFFY: Okay. Go ahead.

20 DR. MUNDY: No, no, that's my comment.

21 MS. PEARCE: Mr. Chairman.

22 CHAIRMAN DUFFY: Ms. Pearce. Thank you,
23 Dr. Mundy. Sorry about that. Ms. Pearce.

24 MS. PEARCE: I'm trying to figure out for
25 sure the motion on the table. I know that we're talking

1 about the projects which is listed as priority three. But
2 as I listen, it sounded to me like the maker of the motion
3 said go down two and capture three which would say to me
4 that we were picking up two also. Am I correct or
5 incorrect?

6 CHAIRMAN DUFFY: That's incorrect. I
7 believe that Joe Meade's was specific to the project that
8 is rated as priority three, not project number 3.

9 MS. BALLARD: That's correct.

10 CHAIRMAN DUFFY: So it was the Saupe
11 project only. It's also my understanding when the proposal
12 came in, it did talk about a two year funding cycle of 205
13 the first thousand and 185 the second thousand to complete
14 the project. So I think if the Trustee Council chooses to
15 move forward in the FY04 invitation at some level, some
16 sum, they can anticipate that there were be an additional
17 funding request or the project won't be completed. So we
18 need to keep that in mind.

19 Mr. Tillery.

20 MR. TILLERY: It would concern me without
21 knowing that they could be broken up because otherwise we
22 could very well be faced with the inability to pay for it
23 next year and be told that, well, we did the overflights,
24 we got the film or whatever, but by the way, it's of no use
25 because we don't have the money to do the analysis or

1 something like that. I mean, without knowing that it's
2 going to be -- that it can be broken out and we can get a
3 useful product with one year, I mean, and one can say that
4 well, last year somebody else stepped in and picked it up
5 but I don't think it would be -- it would not be
6 responsible to count on money appearing from somewhere else
7 to finish a project.

8 CHAIRMAN DUFFY: Dr. Mundy.

9 DR. MUNDY: Mr. Chairman, in response to
10 what Mr. Tillery is asking. This again is -- you will be
11 asked to complete all of this work. You will be asked to
12 do all of this work. And this is an essential step in
13 launching the nearshore monitoring. For example, if you
14 wanted to do a lingering oil investigation and you wanted
15 to go out and put out monitoring strips or look at clams or
16 epifauna or anything like that within the oil spill
17 affected area in a long-term monitoring sense and you
18 called in the statisticians, one of the first things they
19 would ask you was how much of each kind of habitat do you
20 have here and what are we looking at. So, as statisticians
21 always do, when you ask them for an answer they tell you
22 that you have to give you all the data before they can give
23 you an answer.

24 So you would not be able to design a
25 stratified random sampling design on a lingering oil study

1 adequately without this kind of information. So you will
2 be asked to complete this and this is an essential step and
3 it will just depend on when you can afford to pay for it
4 rather than -- that is, if you're following the GEM program
5 and you're launching the nearshore monitoring, you will --
6 this is somewhat different from the way that the
7 restoration program has been conducted in the past because
8 we can see the future here.

9 And these proposals will be back. We'd
10 like to finish Kodiak. We will be asking for money for
11 mapping, probably. Again, we're not sure exactly what
12 remains to be done in Prince William Sound but that will be
13 part of the next Prince William Sound shoreline mapping
14 proposal. Once we have the Kodiak and the Prince William
15 Sound shoreline mapping done, then we will have a complete
16 record of all of the shoreline habitat types with
17 biological expert commentary on the biological composition
18 of each of those shoreline habitat types. And we'll be
19 able to allocate our effort, that is, allocate our sampling
20 effort proportionately across those habitats. And that's
21 what we're looking to do.

22 CHAIRMAN DUFFY: Dr. Mundy, just a
23 question. Does that mean that the shore mapping relative
24 to Prince William Sound has been concluded? It hasn't been
25 concluded but it's been initiated, is that correct?

1 DR. MUNDY: Yes, Mr. Chairman, we have --
2 the questions that remain there is to what extent can we
3 use existing shoreline mapping as opposed to having to use
4 the methods that are envisioned here in that area. We know
5 that not all of it is done but we can't tell you exactly
6 how much remains to be done.

7 CHAIRMAN DUFFY: Thank you. Further
8 questions. Ms. Ballard.

9 MS. BALLARD: Phil, that was a good
10 explanation. I understand better. I wonder if there's a
11 way, regardless of what action we take here, to look at the
12 whole mapping undertaking and try to say, you know, we're
13 going to pick it off in 10 years at this increment per year
14 or something. Because, I mean, you were very honest there.
15 You said, look, if you step into mapping, you own mapping,
16 which I understand. So clearly we're going to own mapping
17 if it's an integral part of the long-term program. But
18 should we be doing 50,000 a year, a hundred thousand? Can
19 you be sure you don't waste it by having the data sitting
20 idle? I mean, it would be much easier to have the whole --
21 a 10- or a 12-year program laid out.

22 DR. MUNDY: Mr. Chairman.

23 CHAIRMAN DUFFY: Dr. Mundy.

24 DR. MUNDY: Yes, Commissioner Ballard, I'm
25 truly glad you asked that question.

1 MS. BALLARD: Oh, good. Because you're not
2 always, so I'm glad.

3 DR. MUNDY: You may not be glad you asked
4 that question but I am. The Couvillion proposal, the FY04
5 coordinated coastal mapping, one of the issues that this
6 coordinated coastal mapping program was -- that was one of
7 the primary issues that that program was to tackle. And
8 that's why it wound up sort of as a priority two there
9 above the Saupe proposal. We had a workshop last year and
10 for the first time, all the players, including Alyeska,
11 came to the table and sat down and actually agreed to share
12 their data. Now Alyeska had not previously agreed to share
13 their data but they did and everyone was quite pleased with
14 that outcome.

15 So this Couvillion proposal for coordinated
16 coastal mapping came out of that when we realized that
17 there are a lot of entities that have pieces of coastal
18 maps and the data are of different types and they go down
19 to different levels of detail. And so there's quite a bit
20 to do if you're going to sit down and actually say we have
21 212 kilometers of coastline in Prince William Sound left
22 that need to be mapped. That's not an easy undertaking.
23 So we had envisioned this Couvillion proposal as a way of
24 cost sharing with other agencies that are doing coastal
25 mapping, because this money is matched with other funds, to

1 kind of get that effort off the ground and get that thing
2 coordinated.

3 MS. BALLARD: So we -- excuse me.

4 CHAIRMAN DUFFY: Ms. Ballard.

5 MS. BALLARD: Phil, you would have
6 recommended that if we only were going to fund one of
7 these, we'd do the Couvillion first to get a plan of attack
8 and then we implement?

9 DR. MUNDY: Mr. Chairman.

10 CHAIRMAN DUFFY: Dr. Mundy.

11 DR. MUNDY: Yes. This will be the shortest
12 answer you ever get out of me. Yes.

13 CHAIRMAN DUFFY: All right, we have a
14 motion in front of us to fund the Saupe Kodiak shore zone
15 mapping. We've heard testimony from Dr. Mundy. We've
16 heard indication that if the Trustee Council were inclined
17 to fund one project in this category, he might suggest
18 another one as a priority to get a general snapshot of
19 where we're at in the mapping program before proceeding on
20 a specific one. So with that in mind.....

21 Joe Meade.

22 MR. MEADE: Based on Dr. Mundy's brief
23 answer and his last remark, it leads me to suggest
24 withdrawing the motion in that we may not have the focus on
25 the right priority.

1 CHAIRMAN DUFFY: Does the second concur
2 with the withdrawn motion?

3 MR. BALSIGER: Yes.

4 CHAIRMAN DUFFY: Dr.Balsiger. The motion
5 is withdrawn. Any other motions relative to the FY04 set
6 of projects in front of us.

7 MR. BALSIGER: Mr. Chairman.

8 CHAIRMAN DUFFY: Dr. Balsiger.

9 MR. BALSIGER: I have a couple but I guess
10 I will.....

11 CHAIRMAN DUFFY: Fire away.

12 MR. BALSIGER:suggest -- first I
13 would move that we do fund the Couvillion proposal
14 identified as priority two, which I understand now is sort
15 of examining all of the -- well, I don't need to talk to
16 it. I'll recommend we fund that at 71.3 thousand dollars.

17 CHAIRMAN DUFFY: Is there a second?

18 MS. BALLARD: Second.

19 MR. BALSIGER: I guess I won't belabor it,
20 since we've had a long discussion on it. So I think
21 everyone understands why we believe this should done first.

22 CHAIRMAN DUFFY: I would, just from the
23 Chair, just to remind them this is a -- that Dr. Mundy did
24 the priority rating here and I appreciate all the work he
25 put in together but I think if you read over STAC/PAC

1 comments, you get a bit of a different perspective, so the
2 Trustee Council needs to keep that in mind.

3 Ms. Ballard.

4 MS. BALLARD: The other point I would make
5 affecting my vote is we're already over budget on '04 and
6 Couvillion -- how does he pronounce it, Phil?

7 DR. MUNDY: Couvillion.

8 MS. BALLARD: Couvillion -- will be just as
9 necessary as the first step in '05 or '06 as it is in '04.
10 I mean it's -- apparently it's the next step we need to
11 take. The question would be then, when did we take it.
12 And could you elaborate slightly on what you just said?

13 CHAIRMAN DUFFY: About the priorities?

14 MS. BALLARD: The PAC and the STAC.

15 CHAIRMAN DUFFY: Oh, it's just -- well, I
16 don't know how much off the top of my head I can elaborate.
17 But just all I had said was Dr. Mundy provided a priority
18 list and a rationale for those and in reviewing previous
19 PAC and STAC comments, I would suspect that some of their
20 priorities might, in fact, be not entirely consistent with
21 Dr. Mundy's and I just wanted to point that out. Because
22 it's the, you know, the public input process leading to
23 decision-making and people need to be reminded of that.

24 Dr. Mundy, you want to respond to that?

25 DR. MUNDY: Yeah, Mr. Chairman, if I might

1 say, you're absolutely correct, these priorities have
2 nothing to do with the PAC and the STAC, those were simply
3 my effort -- and I laid out my reasoning -- my effort to
4 kind of organize these for you. I mean, for example, it
5 would be okay if you did the Saupe proposal and didn't do
6 the Couvillion because Saupe has to do with Kodiak and we
7 know what needs to be done down there. So that's not money
8 wasted so I certainly wouldn't object to that.

9 On the other hand, your comment about the
10 fact that this is the thing -- this needs to be done is
11 absolutely correct. So this is -- that's why it got a
12 priority two. But these priorities were just priorities
13 that were put there by the staff to help you organize your
14 discussion.

15 CHAIRMAN DUFFY: No, and I appreciate the
16 effort too. Further discussion on the Couvillion?
17 Ms. Ballard.

18 MS. BALLARD: Craig.

19 CHAIRMAN DUFFY: Mr. Tillery.

20 MR. TILLERY: I was just going to note that
21 I also understand that the Couvillion is part one of a
22 three part project that takes -- it takes three years to
23 complete, is that correct?

24 CHAIRMAN DUFFY: Dr. Mundy.

25 DR. MUNDY: Mr. Chairman, Mr. Tillery. If

1 again people were encouraged to apply for three years of
2 work, the degree to which the work in the year two depends
3 on the work in year one or the degree to which doing work
4 in year two is necessary to complete year one. I, at this
5 point in time, having not read the proposal recently, I
6 can't tell you. But I would suspect that it just simply
7 envisioned the fact that we were going to have a
8 coordinator on board and that people were going to be
9 sharing expenses on this coordinator.

10 I do recall some of the discussion that we
11 had at the STAC level and at the level of the Executive
12 Director/Science Director regarding the advisability of us
13 kind of throwing money into the hat to get this things
14 started but then not wanting to be the only or the major
15 funder of this position in the future. And so I think that
16 the decision may have been to actually provide one year of
17 funding. Or the recommendation may have been, I'm not
18 certain. But in any event, we're only asking for FY04, a
19 commitment of FY04 funding at this time. I would imagine
20 that we would, you know, we would be back at some level for
21 this coordinator position in FY05 as well.

22 CHAIRMAN DUFFY: Thank you, Dr. Mundy.

23 Ms. Ballard.

24 MS. BALLARD: I was going to ask Jim, I
25 don't know if it's fair for us to ask each other. This

1 might open the flood gates to endless Trustee Council
2 meetings, but how comfortable you would be feeling that we
3 would initiate this. I feel that -- I wish that we had a
4 comprehensive piece in front of us about shoreline mapping.
5 I'm nervous that we'll either start something and not be
6 able to fund it next year or start something and then find,
7 as you said earlier, Craig, that all of a sudden we've
8 advance funded all of our future years' programs.

9 So I'm nervous we're not seeing the full
10 picture. On the other hand, I'm mindful of the fact that
11 without the mapping, which gives you the statistical
12 database, it's hard to plan other studies in the future.
13 But I wondered, Jim, whether you were comfortable saying
14 we've set our priorities right, let's put this off a year
15 since we've already spent all the money we've got. I don't
16 know.

17 CHAIRMAN DUFFY: Dr. Balsiger.

18 MR. BALSIGER: Mr. Chairman, perhaps with
19 the concurrence of a second, I'll withdraw that motion and
20 make a longer, more complicated motion that may put this in
21 a slightly different light. And.....

22 MS. BALLARD: I'm the second here so I'm
23 perfectly willing to let him do whatever he wants with the
24 motion.

25 CHAIRMAN DUFFY: Concur with withdrawal.

1 MS. BALLARD: Yeah.

2 CHAIRMAN DUFFY: Dr. Balsiger, the floor is
3 yours.

4 MR. BALSIGER: Mr. Chairman, I would move
5 that the Trustees modify our '04 spending plan to establish
6 a contingency fund of up to one and a half million dollars.
7 This contingency fund would be allocated to the Department
8 of Law for the purpose of funding research to fill in gaps
9 related to lingering oil. The research plan will be
10 developed by a coordinated effort of EVOS staff, the
11 Science Director, the Department of Justice, NOAA, and
12 Integral Consulting Firm, which is under contract with the
13 State of Alaska. That would be the motion. Is there a
14 second that would speak briefly to it?

15 CHAIRMAN DUFFY: Is there a second?

16 MS. BALLARD: (Raises hand)

17 CHAIRMAN DUFFY: Seconded by Ms. Ballard.
18 Dr. Balsiger.

19 MR. BALSIGER: Thank you, Mr. Chairman.
20 This would be recognizing that this does some damage to our
21 budgeting process for '04 since there clearly will be more
22 than a million dollars over what we had intended to spend.
23 But recognizing that we're sort of coming to a completion
24 of a stage where we're coming to grips with aspects of
25 lingering and it would be good to conclude this particular

1 chapter as best we can, we would have these various groups
2 that I spoke to, mentioned, get together and consider what
3 remains to be done. In that consideration, that group
4 could take a look at the remaining projects in table 1,
5 which many include some of this mapping or may not, as long
6 as it works towards this general goal of lingering oil
7 study completions. It may include the Rice study, which is
8 identified here for \$112,000, as long as it's an integral
9 part of this idea to be funded from the contingency fund to
10 conclude lingering oil studies. Sort of get that chapter
11 stuff behind us.

12 I think it's important to note that my
13 intention is that this would not have implications for the
14 long-term GEM program or the fiscal year '05 GEM model.
15 That's still a valid concept that's been developed through
16 a long process and so that's -- we can work on that on
17 separate agendas and different meetings. But this
18 particular motion, fronting a little money for '04 has no
19 implications for the GEM model in the long run. And that's
20 my motion.

21 CHAIRMAN DUFFY: Thank you, Dr. Balsiger.
22 Comments, Trustee Council members? Ms. Ballard.

23 MS. BALLARD: As Jim's seconder, I just
24 want to second his additional comments. It is a long
25 motion, I'm not sure how much of it is in the motion and

1 how much of it is in the comments but I wanted to second
2 the entire spirit.

3 CHAIRMAN DUFFY: Ms. Phillips.

4 MS. PHILLIPS: Thank you, Mr. Chairman.
5 Just to give the Council a little ease with the financial
6 aspect of things, keep in mind your next motion or the next
7 thing on the agenda will deal with whether or not you want
8 to use the lapsed funds that are available to you also of
9 approximately \$607,000.

10 CHAIRMAN DUFFY: Thank you. Further
11 Trustee Council comments? Mr. Tillery.

12 MR. TILLERY: I think Mr. Balsiger's motion
13 is appropriate. We're sort of struggling with these on an
14 individual basis and that's probably because there's a
15 cloud hanging over us of unfinished business, which is sort
16 of the lingering oil, before we really embark on this new
17 program. And some of these things relate to it,
18 specifically the Rice study and possibly the mapping also.
19 But I think it is appropriate for us to perhaps try to wind
20 those all up under the sort of one heading. And then in
21 the future we can embark on the GEM program or continue on
22 the GEM program, sort of unfettered by this burden that
23 we're not -- we don't quite have our arms around, so.....

24 CHAIRMAN DUFFY: Thank you, Mr. Tillery.
25 Mr. Meade.

1 MR. MEADE: I might add my words of
2 support, too, to the motion as it's been described in that
3 I feel that the work that's in front of us that I've
4 stepped into, I don't have the history that several of you
5 do with the lingering oil component. I have read much
6 about the Public Advisory and the Scientific Advisory
7 Committee input and insights towards GEM and advocacy and
8 support for that and its long-term importance for the -- as
9 I heard our Executive Director speak yesterday, she was
10 highlighting to the 15th anniversary the importance of the
11 research in front of us. This does that and I think that
12 if there's some work to do to kind of wrap up '04 and what
13 has been behind us, I think that's commendable and keeps us
14 focused as well on what our citizen driven efforts have
15 brought about.

16 CHAIRMAN DUFFY: Thank you, Mr. Meade. Any
17 further comments from Trustee Council members?

18 (No audible response)

19 CHAIRMAN DUFFY: Hearing none, the motion
20 is in front of us. Is there any opposition to the motion?

21 (No audible response)

22 CHAIRMAN DUFFY: Hearing none, the motion
23 is approved.

24 The second action item, I think,
25 Ms. Phillips.

1 MS. PHILLIPS: And then, Mr. Chairman,
2 thank you. You do have \$607,310 lapsed funds from fiscal
3 year 2003 that you can do whatever you want with. It would
4 be available for this -- to supplement the motion that you
5 just made for FY04 projects if you would care to do so.

6 CHAIRMAN DUFFY: I'll give people a moment
7 to get their paperwork together unless they're ready to go.
8 Perhaps we're ready.

9 Mr. Tillery.

10 MR. TILLERY: Yeah, I think that it's good
11 information, I don't think it's necessary to earmark this
12 to pay for what we just did. We just -- but I think what's
13 important is the Executive Director and Paula identified
14 this problem, that we have the money that's lapsed. And in
15 the past, having it lapsed and sitting in the GefONSI
16 account was a good thing because the GefONSI account was
17 doing better than the CRIS was. That's no longer the case,
18 the GefONSI is not doing as good as the investment account
19 and it's better to move this money back. And I would
20 suggest that we do move this money back into the investment
21 account but I would also suggest that the Executive
22 Director and the staff might want to come up with something
23 to add to the financial operating procedures that makes
24 it.....

25 MS. PHILLIPS: Automatic.

1 MR. TILLERY:more of a guideline or
2 something that -- where the Executive Director has the
3 actual authority without even coming back to Council, to
4 move it back when certain things are triggered. And you
5 can probably work those out.

6 MS. PHILLIPS: Right, uh-huh. Thanks.

7 CHAIRMAN DUFFY: Ms. Ballard.

8 MS. BALLARD: That would be under the
9 concept and topic of cash management more than it would
10 research management.

11 MS. PHILLIPS: Right.

12 MR. TILLERY: Oh, absolutely.

13 MS. BALLARD: That's the spirit, yeah.

14 MR. TILLERY: Yeah, this is cash
15 management, I suppose.

16 MS. PHILLIPS: Right, right.

17 CHAIRMAN DUFFY: Mr. Tillery, would you
18 like to make that suggestion in the form of a motion?

19 MR. TILLERY: Mr. Chairman, I would move
20 that \$607,310 of money that has lapsed from fiscal year
21 2003 funds, be moved from the GeFONSI back into the
22 investment fund and that the Executive Director be asked to
23 come up with recommended procedures for the financial -- or
24 amendments to the financial operating procedures to ensure
25 that in future years lapsed money is returned to the

1 investment fund in a timely and efficient manner.

2 CHAIRMAN DUFFY: Is there a second?

3 MR. BALSIGER: Second.

4 CHAIRMAN DUFFY: Thank you. Question for
5 clarification, the table I'm looking at talks about
6 \$633,103. Is that total in remaining FY03 lapse. And then
7 there's the 607.3 surplus operational lapse. I'm a bit
8 confused. Can you clarify? Can someone clarify that?

9 MS. BANKS: Say that one more time.

10 MS. PHILLIPS: Would you come up to the
11 front, please.

12 CHAIRMAN DUFFY: Well, in my table there's
13 a figure of 633,000. So are we working with the 607.3, as
14 you pointed out, Mr. Tillery?

15 MS. PHILLIPS: Yes.

16 CHAIRMAN DUFFY: Maybe I'm on the wrong
17 table.

18 MR. TILLERY: Or this may be the forever
19 amending.....

20 MS. BANKS: Okay, what you're doing.....

21 MS. BALLARD: I can show him, Paula.

22 MS. BANKS: You were adding it.....

23 MS. BALLARD: You have to add the -- here's
24 the 607 and you add the 25 remaining uncommitted and that
25 total is.....

1 CHAIRMAN DUFFY: Okay, never mind. My
2 error.

3 MS. BALLARD: I had another table. That's
4 the problem with the materials not being in the same place.

5 CHAIRMAN DUFFY: Chairman's error. Thank
6 you.

7 MR. TILLERY: Does that mean my motion was
8 okay?

9 CHAIRMAN DUFFY: Pending further
10 discussion, your motion is fine. Further discussion?

11 (No audible response)

12 CHAIRMAN DUFFY: Hearing no further
13 discussion, the motion is on the table. Is there
14 opposition?

15 (No audible response)

16 CHAIRMAN DUFFY: Hearing none, so approved.

17 MS. PHILLIPS: Thank you, Mr. Chairman.

18 CHAIRMAN DUFFY: I believe that moves us to
19 agenda item number 7, discussion and approval of release of
20 the FY05 invitation. Ms. Phillips. Dr. Mundy.

21 MS. PHILLIPS: I would ask Dr. Mundy just
22 to stay there and.....

23 DR. MUNDY: Mr. Chairman, following the
24 last Trustee Council meeting, the Trustee Council had
25 instructed us to work with the agency liaisons. And again,

1 under the able leadership of our colleague, Dr. Hagen from
2 NOAA, a meeting was convened in Juneau among the agency
3 liaisons to discuss the invitation and their suggestions
4 were forwarded to this office. To the best of my
5 knowledge, all of the recommendations were blended into the
6 -- we didn't have any recommendations that were not in the
7 spirit of the GEM program and they were all blended into
8 the invitation as it stands before you right now. That's
9 not to say that the recommendations were taken verbatim,
10 they were crafted so that they would fit in editorially
11 with the sections.

12 But our intention was is that all the
13 recommendations we got were positive, and in the spirit of
14 the GEM program, we did our best to get them into the
15 invitation. So at this time, Mr. Chairman, I bring you the
16 invitation and I believe that we have complied with the
17 requests that were made by the Trustee Council.

18 CHAIRMAN DUFFY: Thank you, Dr. Mundy.
19 Mr. Meade first.

20 MR. MEADE: If it's appropriate, I'd like
21 to make a motion that we move forward to adopt the
22 invitation for '05.

23 MS. BALLARD: Seconded.

24 MS. PEARCE: Mr. Chairman.

25 CHAIRMAN DUFFY: Just a moment, it's been

1 moved and seconded to move forward with the adoption of the
2 FY05 invitation. Ms. Pearce, yes?

3 MS. PEARCE: Thank you. Gail, I've got the
4 wrong page again.

5 MS. PHILLIPS: Did you get page 20?

6 MS. PEARCE: If you would look at page 16
7 of the draft, I have two points and conceptual amendments
8 to the motion, I believe.

9 MS. PHILLIPS: Okay.

10 MS. PEARCE: Under introduction on page 16,
11 in the fourth paragraph.

12 DR. MUNDY: I'm sorry, which paragraph,
13 four?

14 MS. PEARCE: Four. Well, in the first --
15 within -- in paragraph three we said proposals in any
16 invited program areas that integrate communities within the
17 oil spill area are always welcome. And then we turn around
18 in paragraph four and say, however, stand alone communities
19 involvement proposals are not invited at this time. We
20 encourage people to attend the meeting which is next week
21 -- and for some it may be short notice although I think
22 it's fair to say that the world that is interested in this
23 would know that we're doing the meeting. Here's my
24 concern, we did not approve community involvement proposal
25 for the present year and now we're asking for their

1 proposals for '05. That means the Trustee Council will
2 have gone for two entire years without having any stand
3 alone community involvement proposals accepted and in this
4 case, we're saying to the people, don't even bother to
5 bring them to us.

6 I do not think that that is something that
7 the Trustee Council feels is appropriate. I say that for
8 myself but I also know the other Trustees. And I don't
9 want us to inadvertently not be able to bring some
10 proposals back to the table if they're -- if some come out
11 of the workshop next week which we would like to go ahead
12 and discuss for '05. I don't quite know how to set it
13 aside but it would seem to me that it's an important
14 component of the Trustee Council's responsibility and we
15 should not have two years of no projects in this area.

16 And I'll go ahead and state the second
17 thing. I also think in the other proposals that we're
18 inviting for consideration, I'd like us to have as a
19 component of the proposal, as part of the scoring system,
20 whether or not they have community involvement. That would
21 force all those proposers out there in proposal world to
22 think about how to involve the local communities in these
23 projects. And if that's what we want then we should just
24 say it. It's a requirement and it's one of the things that
25 we're going to score. If you don't have community

1 involvement, you're going lose points or whatever.

2 CHAIRMAN DUFFY: Okay.

3 MS. PEARCE: So that's two pieces. I don't
4 know how to phrase the first, the second I do know how.

5 CHAIRMAN DUFFY: Okay, thank you,
6 Ms. Pearce.

7 Dr. Mundy, in the FY05 invitation, by
8 category, when people submit proposals, isn't there a
9 requirement that they identify specifically within their
10 proposal the component including community involvement,
11 related to their proposal or not?

12 DR. MUNDY: Yes, Mr. Chairman, we have that
13 in two places in the invitation. We have printed here --
14 I'm trying to find it here but have a list of -- oh yeah,
15 here it is back on page eight of the invitation as it now
16 sits, page eight and page seven, of the invitation as it
17 now sits on our website -- we have the statement in
18 addition to all of the contact information for all of the
19 various communities in the oil spill affected area. It
20 says, all proposals in any category are expected to declare
21 the extent of which local communities are involved or have
22 been contacted or that there were no contacts to be made
23 due to the geographic scope of their project.

24 Even if there are no obvious synergies to
25 be derived from contacting the city, borough, tribal or

1 other government entity or community council, it is prudent
2 to let them know you may be working, staging or launching
3 in the area. Proposals that have made appropriate
4 community contacts will be rated higher by the STAC than
5 those without, all other factors being equal.

6 CHAIRMAN DUFFY: Thank you for that
7 clarification, Dr. Mundy. So.....

8 MS. PEARCE: Mr. Chairman.

9 CHAIRMAN DUFFY: Yes, Ms. Pearce.

10 MS. PEARCE: I'm talking about a step than
11 goes further than just contacting a local community and
12 saying, hey we're going to be doing a study in front of
13 Tatitlek next summer. I'm talking about having the local
14 community actually involved in the project. And I don't
15 think it's worth enough just to give them extra points
16 because they let Kodiak Island Borough know they were
17 coming. I think Kodiak Island Borough ought to be involved
18 on an actual -- well, not necessarily a cooperative effort
19 because I don't disagree that there some tasks that only
20 scientists can do. Maybe it's in the development of the
21 proposal itself, fleshing it out, that you involve the
22 community. But to me it's not enough just to say, oh, by
23 the way, did you let local community X know that you're
24 going to be there. That's not what I'm talking about.

25 CHAIRMAN DUFFY: Okay, thank you,

1 Ms. Pearce.

2 Dr. Mundy.

3 DR. MUNDY: Yes, thank you, Mr. Chairman.

4 I draw your attention to page six of the draft invitation
5 and to item five. And this is describing seven points
6 which authors of proposals are being advised that they will
7 be graded on and scored on by the STAC in the evaluation of
8 the proposals. Item number 5 reads, the degree to which
9 the proposed activities have originated from local
10 communities and the extent to which the proposed activities
11 have been coordinated and vetted with local communities, if
12 any, in the geographic area of the research as indicated by
13 letters of support, objectives incorporating community
14 participation and other indications.

15 So it is our intention that -- and, in
16 fact, I can tell you it has been the case in the past, that
17 proposals that meet Trustee Council needs that originate in
18 the communities and incorporate community participation
19 typically breeze through the review process. So we do have
20 this in the scoring, we do have this in the language here.
21 People who are writing proposals have been advised that it
22 is activity originating from local communities and that
23 have vetted with the local communities as meeting their
24 needs in the area are definitely the kinds of proposals
25 that we are seeking.

1 MS. PEARCE: If I could just add, I know
2 the time is late, if you don't mind, can I just follow-up.

3 MS. PEARCE: Go ahead, Drue. You've got
4 the floor.

5 MS. PEARCE: To what degree do we require
6 that in the grand scheme of scoring these things is if you
7 actually had real community involvement from the get-go,
8 does that means -- is that 25 percent of the total scoring,
9 is that just five percent, is it 50 percent? How is it
10 working?

11 DR. MUNDY: Mr. Chair.

12 CHAIRMAN DUFFY: Dr. Mundy.

13 DR. MUNDY: These are not applied as
14 ordinals. They're not as applied as rank scores that would
15 receive any particular weight. It's just that these things
16 -- I mean, for example, if we see a proposal that
17 originated in the community that meets our needs, that's
18 definitely singled out, it's on the fast track. Okay, so
19 it's not that it gets a 20 percent or it gets a five
20 percent score or any kind of a mark like that, that's one
21 of our strategies.

22 We have two strategies in implementing the
23 GEM program, one is management applications and the other
24 is community involvement. So if we spot a proposal that
25 has a management application in it or that has a community

1 involvement aspect, that proposal is singled out and we
2 work with it. So, again, it's not a matter of an ordinal,
3 it's simply a matter of implementing strategies that we
4 believe have been given to us by the Trustee Council.

5 CHAIRMAN DUFFY: Thank you. Ms. Pearce.

6 MS. PEARCE: You see, that kind of makes my
7 point, I want every project to have to have community
8 involvement. I don't want us to just single out the ones
9 that do, I want the people who write these projects to have
10 to think about how they bring the local communities,
11 whether it's a borough, whomever we're talking about, into
12 that process. Because I'm concerned, is it all too easy to
13 say, well, you know, they single out a couple because they
14 clearly came from a local community, you say, okay, we
15 dealt with that and then you look at all these kind of pure
16 science things and say well, it doesn't have much community
17 involvement and it doesn't -- they just told the community
18 about it, the community is not really involved but gee,
19 that's information we need and therefore we'll go ahead
20 with it because we dealt with the community involvement in
21 two projects over here. My point is that I think we should
22 have community involvement component more than just letting
23 the communities know in all the projects. And, I think,
24 I'm not making myself clear.

25 CHAIRMAN DUFFY: No, I think -- this is the

1 Chairman -- I think you are being clear.

2 Dr. Balsiger.

3 MR. BALSIGER: Thank you, Mr. Chairman.

4 Ms. Pearce, for those projects that we might think are
5 mostly, let's see, probably ill chose words, but hard core
6 science, that it's a little bit hard to figure how the
7 community involves, would an appropriate involvement
8 without trying to dream up an example, would an appropriate
9 involvement be some dissemination of results or something
10 like that by the community themselves once the project is
11 completed or is that still too abstract?

12 MS. PEARCE: If I could, Mr. Chairman.

13 CHAIRMAN DUFFY: Feel free.

14 MS. PEARCE: My thought would be that as a
15 project is being designed that there would be a public
16 dialogue between the entity that's designing the project
17 and the local community, however expansive that local
18 community is in the case of the particular project. As
19 opposed to, after it's over we send them a copy of the
20 report. I know that there are times when the local
21 communities would not be able to actually be active
22 participants, I fully understand that. But I think there's
23 a place in the design where we could -- perhaps the
24 scientists could learn a lot from the local community about
25 using local knowledge, sometimes traditional Native

1 knowledge but sometimes just local knowledge, whether it's
2 at the government level -- local government or whatever
3 level.

4 CHAIRMAN DUFFY: Okay, this is the
5 Chairman, just in response. I'm sympathetic to your
6 perspective and I want to figure out a way we can do this
7 but I do know of many instances where identifying the local
8 community itself could in fact be an impossible task. So
9 you have to be careful about that issue at certain times
10 when you go out into the field.

11 Mr. Meade.

12 MR. MEADE: Yes, hi Drue, this is Joe. I
13 really much appreciate your interest and concern on the
14 community engagement and particularly the incorporation of
15 traditional knowledge. The piece that I'm apprehensive
16 about today, March 1, is delaying getting this invitation
17 out. We're already a little bit behind the eight ball, so
18 to say. We agreed to delay this to today but recognize
19 that we're pushing back and putting some pressure on the
20 Council [sic] itself to be able to appropriately then get
21 the invitation moving forward. I'm looking for some
22 alternative because I am in concurrence with you to do all
23 we can to ensure that a majority of the projects
24 incorporate an engaged community involvement. True
25 community involvement, not just identifying that you

1 notified the borough in writing.

2 And to the extent we can also capture the
3 traditional knowledge component, I'm trying to think of
4 some friendly amendment or some way that we can move
5 forward without slowing down the ability to get the
6 invitation out in today's decision space.

7 MS. PEARCE: Well, let me ask this -- and
8 I'm not trying to delay, I see what you got to say. I
9 understand the need for that. Could we somewhere in the
10 '05 invitation say that once the projects are awarded we
11 would expect -- or that we want them to build in an
12 opportunity, once the project is awarded, to go to the
13 local communities and involve them up front. Let them know
14 what they're going to be doing beforehand, that sort of
15 thing. Not have to be part of the exploring process --
16 additional part of the exploring process but something that
17 ensures that every entity knows going into this that if
18 they get one of our grants, they are expected to go out and
19 schmooze with the locals.

20 CHAIRMAN DUFFY: Dr. Mundy, any comments
21 relative to that?

22 DR. MUNDY: I certainly understand what
23 Drue is asking for and we certainly always do everything we
24 can in community involvement. My only concern here is that
25 we have already a truncated time period for people to

1 prepare and submit proposals for the FY05 process. Putting
2 an additional requirement that every proposal have
3 community involvement means time. It's a time frame thing.
4 So given that we haven't really given proposers for FY05
5 notice of this ahead of time, if we put such a requirement
6 on there, I think that will severely limit what we get in
7 terms of proposals in terms of FY05. That is, if we're
8 saying that proposals that do not have community
9 involvement are not responsive to the invitation, therefore
10 not considered, then that would severely limit, I think,
11 what we've got to look at for FY05.

12 MS. PEARCE: That's not what I said. I
13 understand the time constraints but my point was to put in
14 the invitation that people can bring their proposals in but
15 once they're awarded a proposal, it is our expectation that
16 they then go and meet with the local communities. And they
17 may find themselves, making some minor modifications
18 because of ideas that they come by in the local
19 communities. So it would be an after the fact, it won't
20 slow us down.

21 CHAIRMAN DUFFY: Dr. Mundy.

22 DR. MUNDY: Mr. Chairman, Drue. I'm sorry,
23 Drue, I didn't understand. I didn't get that point. Yes,
24 that's entirely, from a staff perspective, that's entirely
25 doable. That's certainly feasible.

1 CHAIRMAN DUFFY: Joe Meade.

2 MS. PEARCE: I'm not sensing a lot of
3 support by fellow members there.

4 MR. MEADE: No, Drue this is.....

5 CHAIRMAN DUFFY: No, Ms. Pearce, you know,
6 you're on the phone, you're not here. And if you were
7 sensing the body language, what you're sensing is us all
8 trying to find a way to accommodate your needs and still
9 move forward.

10 MS. BALLARD: Right.

11 CHAIRMAN DUFFY: So don't get the wrong
12 impression just because you're on the phone.

13 Mr. Meade.

14 MR. MEADE: Drue, I think here again, your
15 notion is insightful and I think if you were to capture in
16 a friendly amendment what you highlighted that indeed we
17 would move forward with the '05 invitation and that we
18 would ask our Science Director to incorporate into the
19 notification of that that those that are selected will have
20 that responsibility to engage local communities as they
21 move into project implementation. That, to me, would
22 address what you're interested in here. And I would ask
23 that we would also place a bookmark in our consideration
24 for development of the '06 to be sure we are thinking
25 through this piece well in advance.

1 MS. PEARCE: Thank you. Before I make a
2 motion -- unless somebody else has a comment -- can I go
3 back to my first point, which is, do we want to put out an
4 '05 invitation that just says we're not taking any strictly
5 community involvement projects this year. That we somehow
6 leave ourselves the ability -- and I guess the Council if
7 it votes can accept something later if it wants to but it
8 seems like a rather definitive statement that I'm
9 uncomfortable with.

10 CHAIRMAN DUFFY: Ms. Ballard.

11 MS. BALLARD: Drue, this is Ernesta. It
12 had been my understanding -- and I tried to get this
13 clarified at lunch time but I'm still not sure what the
14 answer was -- but I thought one of the purposes of the
15 March 10th workshop was to supplement our '05 work with a
16 more comprehensive and thought through community
17 involvement program. And that is why I thought we were not
18 requesting any community involvement proposals this time.
19 Not because we were uninterested but because we were
20 engaging in that planning process.

21 MS. PEARCE: Okay, now I think our language
22 currently says we're not inviting proposals at this time.
23 Let's say community involvement proposals are not invited
24 at this time, however, will be considered for funding at a
25 later date, after the March -- I think we need to say what

1 you just said, Ernesta.

2 MS. BALLARD: I guess I thought we already
3 had and I'm at a disadvantage here because in all the
4 papers I've shuffled, I don't have the current draft of the
5 invitation. Go ahead and read it.

6 MS. PEARCE: Okay, and I don't want to make
7 a mountain out of a molehill but.....

8 MS. BALLARD: Maybe if Phil could just read
9 what it says today.

10 MS. PEARCE: Could I just move what Joe
11 Meade said?

12 CHAIRMAN DUFFY: I think we need a little
13 more definite than that and Joe is the orig.....

14 MS. PEARCE: Darn it, Joe.

15 CHAIRMAN DUFFY: Joe was the maker of the
16 original motion, I believe, on this one. On the '05
17 invitation. So he cannot amend his own motion.

18 MS. PEARCE: Hey, we used to do that all
19 the time in the legislature. Okay.

20 MS. BALLARD: If Gail reads it back, if
21 Drue doesn't want to make the motion, I will, if Gail reads
22 it back. Or if you've got it down, Drue -- Joe said it so
23 well.

24 MS. PEARCE: I don't have it down.

25 MS. PHILLIPS: Add language to the

1 invitation that once a project is awarded, the PI will be
2 instructed to contact the local communities to incorporate
3 their involvement in that particular project.

4 MS. PEARCE: Say that again, the local
5 communities will what?

6 MS. PHILLIPS: Add language in the
7 invitation that once a project is awarded, the PI will be
8 instructed to contact the local communities to incorporate
9 their involvement in that particular project.

10 MS. PEARCE: So moved.

11 MS. BALLARD: Second.

12 CHAIRMAN DUFFY: It's been moved and
13 seconded as a friendly amendment to the main motion that's
14 accepted by the Chair for consideration. Any comments from
15 Trustee Council members?

16 (No audible response)

17 CHAIRMAN DUFFY: Moving off this particular
18 issue, I would like to provide a comment. And I know that
19 when the Trustee Council chose, at the last meeting, to not
20 move forward on the '05 invitation that it created some
21 difficulties for the staff. It compressed time frames and
22 that always increases the workload. However, the
23 collaborative process that was undertaken in the last three
24 weeks, I believe the approximate time frame, with Dr. Pete
25 Hagen and some staff members from the Department of

1 Environmental Conservation as well as, at least, one member
2 from the Department of Fish and Game, I think really has
3 improved the FY05 invitation substantially.

4 From my perspective, there's a little more
5 emphasis on management applicability. There's some other
6 emphasis that was brought in from other Trustee Councils
7 working with their staff and I really think that the
8 document was improved. So even though it was a time delay,
9 I think we're going out with a more comprehensive
10 invitation as a result of that extra effort.

11 MS. BALLARD: Kevin.

12 CHAIRMAN DUFFY: Ms. Ballard.

13 MS. BALLARD: And we agreed at the end of
14 the last one of those conversations to come up with this
15 language, which I want to read, which I think if I had been
16 able to make it quickly enough, was a friendly amendment.
17 But in any event, it would be a very small addition to the
18 invitation, not an amendment. It would be an additional
19 example for responses in the lingering oil effects category
20 where Phil provides examples of the type of work that we're
21 seeking and it would be number 3 because there are already
22 two there. And it would read, residual oil treatment
23 removal or disposal. The Trustee Council is interested in
24 proposals to identify and assess current technology that
25 may be used for in place treatment of lingering oil removal

1 and disposal of contaminated media and associated habitat
2 restoration.

3 I've got copies for those that can add them
4 to their books and having read it so Drue and Joe could
5 hear it. We had agreed in that interdisciplinary group
6 that DEC would draft it and Ron did and we just didn't move
7 quick enough to get it back. But I think Phil is not
8 surprised at hearing this language heretofore.

9 DR. MUNDY: No. Mr. Chairman, may I ask,
10 this is for page 19? This would be the.....

11 MS. BALLARD: It would be the third
12 example.....

13 DR. MUNDY: Okay.

14 MS. BALLARD:under the lingering oil.
15 Don't you have two there already?

16 DR. MUNDY: Right. For the people who are
17 following on the latest draft, that would be in front of C,
18 modeling, on page 19, at the bottom of page 19.

19 MS. BALLARD: That's where it goes, yeah.

20 CHAIRMAN DUFFY: So as Chair, is this --
21 I'm going to have to consider this a clarification. If
22 it's something different than that then I think I'm going
23 to rule it out of order and we'll have to come back to this
24 issue. Are we.....

25 MS. BALLARD: It's just a clarification

1 indeed, Mr. Chairman.

2 CHAIRMAN DUFFY: Thank you. So clarified.

3 Is there anyone that has a problem with that clarification
4 in the invitation?

5 (No audible response)

6 CHAIRMAN DUFFY: Okay, we're back to the
7 main motion in front of us. Any further discussion?

8 (No audible response)

9 CHAIRMAN DUFFY: Anyone in opposition to
10 moving forward with the FY05 invitation?

11 (No audible response)

12 CHAIRMAN DUFFY: Hearing none, so moved.

13 MS. BALLARD: You're doing great. You guys
14 that are good at being Chair just are making yourselves
15 career jobs.

16 CHAIRMAN DUFFY: I believe that moves us to
17 agenda item number 9, decision regarding the small parcel
18 program of which there are a number of sub-components.
19 Ms. Phillips.

20 (Whispered conversation)

21 MS. BALLARD: Well, if there's no motion
22 regarding them, they need not be discussed.

23 CHAIRMAN DUFFY: Yes, just for
24 clarification on the agenda, all issues under the FY05
25 invitation were addressed previously so that's why they

1 didn't bring it up. Thank you for that clarification.

2 MS. PHILLIPS: Thanks. Mr. Chairman, on
3 the small parcels, we've had several meetings on the small
4 parcels. In your packet I have included a number of
5 resolutions for your consideration. I've done a historical
6 recap for you. I would recommend highly that we address
7 number 1 resolution first, authorizing the payment of
8 outstanding obligations due to both The Nature Conservancy
9 and The Conservation Fund for a total reimbursement of
10 \$202,756.59.

11 MS. BALLARD: So moved.

12 MR. MEADE: Seconded.

13 CHAIRMAN DUFFY: Moved and seconded,
14 authorizing payment of the outstanding obligation to The
15 Nature Conservancy and The Conservation Fund. Discussion?

16 (No audible response)

17 CHAIRMAN DUFFY: And the dollar amount
18 again is, please?

19 MR. TILLERY: Mr. Chairman, what are.....

20 MS. PHILLIPS: \$202,756.59. Oh, wait a
21 minute. I'm sorry. I'm very sorry. I am right. Okay,
22 yes. Yes. We had two different numbers but the last
23 number that you have, that is the correct -- we had a wrong
24 chart first on the McGee parcel and so we moved the
25 purchase price of the McGee over there. It is \$202,756.59

1 outstanding.

2 CHAIRMAN DUFFY: And that is a
3 clarification from the previous number that there were a
4 series of iterations trying to get straight what we had and
5 had not done.....

6 MS. PHILLIPS: Right.

7 CHAIRMAN DUFFY:and we got that
8 straightened out and we land on this figure. Thank you.
9 Any discussion?

10 MR. MEADE: The only discussion I'd offer
11 is I think this is pretty straightforward and we need to
12 pay our bills.

13 CHAIRMAN DUFFY: The only think that I
14 would add into that is I think we've done a lot good work
15 with these organizations. I look forward to a productive
16 relationship in the future with them and I think it's an
17 obligation of the Trustee Council to make sure that they're
18 reimbursed for their expenses and efforts. So any further
19 comments from Trustee Council members?

20 (No audible response)

21 CHAIRMAN DUFFY: Any opposition to the
22 motion?

23 (No audible response)

24 CHAIRMAN DUFFY: So moved.

25 MS. PHILLIPS: Great. I'm sure they're

1 very pleased about that, too. The second resolution before
2 you is authorizing approval of purchase of potential
3 acquisitions by The Nature Conservancy and The Conservation
4 Fund. They are each shown by description and a dollar
5 amount needed for proposed projects.

6 CHAIRMAN DUFFY: Ms. Ballard.

7 MS. BALLARD: With regard to all of the
8 rest of the draft motions that we could consider, a number
9 of us have given a good deal of thought, I think virtually
10 everybody has, to this. And I'm mindful of some of the
11 comments Drue made at our earlier meetings that we really
12 need to make clear what our intentions are with the small
13 parcel program. I have a motion that I'd like to read, I
14 move, in fact, that the Trustee Council instruct the
15 Executive Director to convene a working group to address
16 the EVOS habitat protection small parcel acquisition
17 program. Membership of this group should include
18 interested Federal and State Trustees and/or their staff,
19 appropriate agency staff, Trustee Council staff and NGO
20 representatives as well as a representative from the EVOS
21 Public Advisory Committee.

22 The charge for this working group includes
23 the review of current and past process and procedures for
24 the habitat protection small parcel acquisition program and
25 formulating recommendations for future program

1 implementation. The product of this working group is to be
2 prepared by the Executive Director and provided to the
3 Trustee Council for review and consideration. And if I
4 have a second, I'll speak to this.

5 MR. MEADE: I'll second that.

6 CHAIRMAN DUFFY: It's been moved and
7 seconded.

8 MS. BALLARD: I didn't feel prepared to
9 differentiate between the choices given me without a road
10 map. And I felt that we needed one particularly given the
11 amount of public interest that we have in this program.
12 Much of the public interest is well intentioned with regard
13 to the recreational needs of the community but doesn't
14 reflect very well on the overall original purpose of the
15 program. And much of it needs a better -- I think we need
16 to communicate better to those willing to sell. There will
17 always be more willing sellers than there ever will be
18 buyers in this regard. And we just needed a better road
19 map, I thought.

20 And so I think if we just take a little
21 time, this one is not time critical, we could try to get
22 this work done between now and our next meeting or now and
23 the meeting we would have in the fall. And I'd feel a lot
24 better prepared to go ahead.

25 CHAIRMAN DUFFY: Thank you, Ms. Ballard.

1 The motion that you just read into the record and got a
2 second on has been handed out for us to look at.

3 MS. BALLARD: Oh, good.

4 CHAIRMAN DUFFY: I did have one question on
5 this and that is, the item number 7, which is -- I don't
6 have in front of me the dollar amount relative to that
7 obligation to the Department of Natural Resources.

8 MS. PHILLIPS: To Fish and Game -- oh,
9 Natural Resources. It's \$10,355. And that includes
10 whether or not you take action today to approve the McGee
11 parcel, which is ready to go. And a lot of the work has
12 already been done on that. The McGee one would be probably
13 the only one I would recommend that we go ahead and go
14 through with today, approve today. And then if that is the
15 case, then the last resolution is paying the Department for
16 all the closing costs. And that would come to \$10,355. If
17 you don't do the McGee, it comes to \$6,700.

18 MS. BALLARD: Well, I'd be happy to amend
19 my motion or to have somebody who wants to speak about
20 McGee amend it so we have one vote.

21 MS. PHILLIPS: Carol is here, we could call
22 on her for.....

23 MS. BALLARD: Well, I know many of the
24 Council have already dug into this and have an opinion and
25 I feel Joe zipping up his brief case here next to me,

1 so.....

2 CHAIRMAN DUFFY: Is there someone that
3 could give us a quick status report on McGee?

4 MS. PHILLIPS: Brett, can you? Or Randy?
5 Good.

6 CHAIRMAN DUFFY: Thank you, Randy.

7 MR. HAGENSTEIN: Thank you, Mr. Chairman.
8 As indicated in some of the supporting material around the
9 McGee parcel, high priority acquisition for Department of
10 Natural Resources at the mouth of the Anchor River, most of
11 the property is down in a very rich productive salt marsh
12 estuary. The property is currently owned by an estate of
13 the deceased Mr. McGee, a homesteader from the area. It's
14 not currently being actively marketed though they have a
15 relationship with a realtor that we have been working with.
16 We appraised this property a year and a half ago or so for
17 \$40,000.

18 And at this point we're prepared to move
19 forward with negotiations if we've got a signal from the
20 Trustee Council that those efforts would be worthwhile and
21 would meet the needs of the Trustee Council and likely be
22 financially supported down the road. It's impossible to
23 predict whether or not we'd be able to bring a successful
24 deal across the table on this one. We're going to have to,
25 at a minimum, get an update on the appraisal and then we're

1 into the, you know, sort of the negotiation dance with the
2 estate, see if they are in fact going to be willing to sell
3 at the updated appraisal amount. I think what they're
4 looking for right now is some sort of a formal offer from
5 us and then we'd move forward based on that.

6 CHAIRMAN DUFFY: Any questions for Randy
7 from Trustee Council members on the McGee property?
8 Dr. Balsiger.

9 MR. BALSIGER: Mr. Chairman, correct me if
10 I've got the procedure wrong, but I would propose to amend
11 the main motion on the floor to authorize the approach to
12 the McGee negotiations, as we just heard, now rather than
13 waiting for the completion of the Executive Director's
14 panel so we can make progress on this one, which is time
15 critical.

16 MS. BALLARD: And I accept that as a
17 friendly amendment.

18 CHAIRMAN DUFFY: So I'm confused. Clarify
19 what you're doing again. My fault.

20 MS. BALLARD: So my motion reads as it
21 is.....

22 CHAIRMAN DUFFY: Right.

23 MS. BALLARD:written to, but also
24 includes moving ahead with the timely project before us,
25 which is the McGee property.

1 CHAIRMAN DUFFY: Is that correct?

2 MR. BALSIGER: That's correct. That's what
3 I intended. I didn't say how much money was involved and
4 the idea would be to speak to the motion, if I could,
5 Mr. Chairman.

6 CHAIRMAN DUFFY: Feel free to.

7 MR. BALSIGER: To pursue these negotiations
8 with the idea that \$40,000 is the amount of money that is
9 the starting price of this. Well, perhaps that's wrong to
10 tip our hand on how much money there is.

11 MS. BALLARD: Since we're in public.....

12 MR. TILLERY: Well, it's in the public
13 record.

14 MS. BALLARD:the real estate world
15 will know.

16 MR. TILLERY: Mr. Chairman.

17 CHAIRMAN DUFFY: Mr. Tillery.

18 MR. TILLERY: Just to confirm, we're not
19 authorizing you to expend or anything like that, we're just
20 simply -- we'll be saying, go ahead, negotiate, come back
21 to us.

22 MS. BALLARD: Right. Correct.

23 CHAIRMAN DUFFY: Thank you for that
24 clarification. Any further comments?

25 MS. BALLARD: Thank you.

1 MR. HAGENSTEIN: Thank you.

2 MR. TILLERY: Mr. Chair.

3 CHAIRMAN DUFFY: Mr. Tillery.

4 MR. TILLERY: Before we leave this and
5 finish friendly amending this, do we need to deal with the
6 DNR?

7 CHAIRMAN DUFFY: I believe there is a
8 representative from DNR here today and I would like them to
9 come to the table, if they're available, please. Okay, I
10 think we need clarification on this. Thank you. Please
11 state your name for the record.

12 MS. FRIES: My name is Carol Fries, I work
13 for the Department of Natural Resources. And the request
14 for funding before you today is to cover the cost of title
15 research, review of hazmat surveys, review and approval of
16 appraisals that support the pursuit of these acquisitions.
17 DNR is required to perform due diligence before we take
18 title to property and there are costs and staff time that
19 are required in support of that. And we would appreciate
20 your consideration of those expenses.

21 CHAIRMAN DUFFY: And the dollar amount
22 again, just for the record?

23 MS. FRIES: The dollar amount for -- I have
24 to look at the resolution. I believe for.....

25 CHAIRMAN DUFFY: That's what I was looking

1 for, too.

2 MS. FRIES:all of the parcels it was
3 \$10,355.

4 CHAIRMAN DUFFY: Okay, Mr. Tillery.

5 MR. TILLERY: Sir.

6 CHAIRMAN DUFFY: You were seeking
7 clarification.

8 MR. TILLERY: Yes, I appreciate the
9 clarification and I actually had a question if that's --
10 this is money that's not available under, I don't know what
11 it was, it was Bill-621 or something like that.

12 MS. FRIES: Under the old.....

13 MR. TILLERY: Under the old small parcel
14 support.....

15 MS. FRIES: Correct. In other words, that
16 money has been cut off because the -- my understanding,
17 that money was extended in order to cover costs associated
18 with parcels that were ongoing, such as the Old Harbor
19 exchange and the Afognak joint venture subsurface. And I
20 have stopped spending against that money because this is --
21 these are different activities. And I also -- there is not
22 that much money left in that account.

23 MR. TILLERY: That's what I was just trying
24 figure out, was whether this.....

25 MS. FRIES: Okay.

1 MR. TILLERY:why this money is not
2 coming out of there but that explains it, so.....

3 MS. FRIES: Right.

4 MS. BALLARD: Kevin.

5 CHAIRMAN DUFFY: Ms. Ballard.

6 MS. BALLARD: Do I then understand that we
7 can't really do what we just charged Randy with doing
8 unless we also -- or it would it be foolish to do that
9 without also authorizing the 10,000 or so title search and
10 hazmat search costs that you're describing?

11 CHAIRMAN DUFFY: That's my understanding.

12 MS. FRIES: Yes.

13 CHAIRMAN DUFFY: Ms. Fries.

14 MS. FRIES: In other words that they.....

15 MS. BALLARD: They go together.

16 MS. FRIES: Yes, right. That's correct.

17 MS. BALLARD: Well, one more amendment.

18 The associated costs of doing the work that we've asked
19 Randy to do.

20 MR. TILLERY: And inclusive of the three
21 Anchor River parcels that -- payment of the expenses.

22 MS. BALLARD: Yeah. In other words, keep
23 this time critical project moving forward and then get a
24 road map for everything else. Good lawyereze.

25 CHAIRMAN DUFFY: Thank you. Back to the

1 main motion as amended.

2 MS. PHILLIPS: I didn't catch who seconded
3 or not that last one.

4 MS. BALLARD: These were all friendly
5 amendments so it's the same firster and seconder.

6 MS. PHILLIPS: Okay.

7 CHAIRMAN DUFFY: Back to the main motion.
8 Any further discussion?

9 (No audible response)

10 CHAIRMAN DUFFY: Any opposition of the
11 motion in front of us?

12 (No audible response)

13 CHAIRMAN DUFFY: Hearing none, so moved.

14 MS. BALLARD: You did it.

15 MS. PHILLIPS: Mr. Chairman, that's all I
16 have for you.

17 MS. BALLARD: I move we adjourn so Joe can
18 get to his meeting.

19 CHAIRMAN DUFFY: Is there a second?

20 MR. MEADE: I'll second that.

21 CHAIRMAN DUFFY: Thank you. It's been
22 moved and seconded. The Trustee Council is adjourned at 10
23 to 3:00 on March 1st. Any opposition?

24 (No audible response)

25 CHAIRMAN DUFFY: So moved. Thank you.

1 (Off record - 2:50 p.m.)

2 END OF PROCEEDINGS

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C E R T I F I C A T E

UNITED STATES OF AMERICA)
) ss.

STATE OF ALASKA)

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

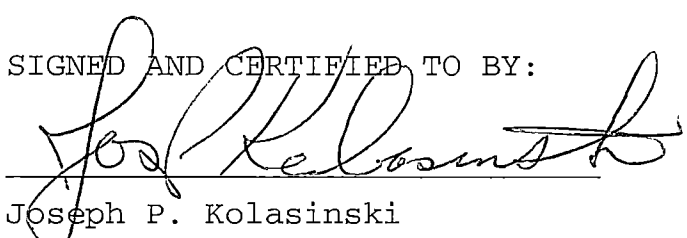
THAT the foregoing pages numbered 4 through 142 contain a full, true and correct transcript of the Exxon Valdez Oil Spill Trustee Council's Meeting recorded electronically by me on the 11th day of December 2001, commencing at the hour of 10:17 a.m. and thereafter transcribed by me to the best of my knowledge and ability.

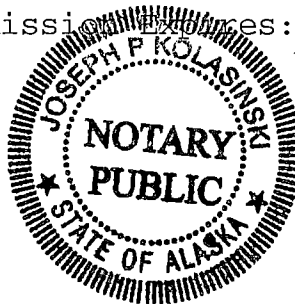
THAT the Transcript has been prepared at the request of:

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

DATED at Anchorage, Alaska this 12th day of March 2004.

SIGNED AND CERTIFIED TO BY:


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



TRANSCRIPT
DECEMBER 1940

1 EXXON VALDEZ OIL SPILL
2 TRUSTEE COUNCIL
3 Public Meeting
Monday, March 1, 2004
4 10:00 o'clock a.m.
5 EVOS Office
441 West 5th Avenue, Suite 500
6 Anchorage, Alaska
7 TRUSTEE COUNCIL MEMBERS PRESENT:
8 STATE OF ALASKA - DEPARTMENT MR. KEVIN DUFFY
OF FISH AND GAME: Commissioner
9 (Chairman)
10 STATE OF ALASKA - MR. CRAIG TILLERY
DEPARTMENT OF LAW: for MR. GREGG RENKES
11 Attorney General
State of Alaska
12
U.S. DEPARTMENT OF COMMERCE, MR. JAMES W. BALSIGER
13 National Marine Fisheries Svc: Administrator, AK Region
14 U.S. DEPARTMENT OF AGRICULTURE, MR. JOE MEADE
U.S. FOREST SERVICE Forest Supervisor
15 Forest Service AK Region
16 U.S. DEPARTMENT OF INTERIOR: MS. DRUE PEARCE
(Telephonically) Senior Advisor to the
17 Secretary for Alaskan
Affairs,
18 U.S. Department of Interior
19 STATE OF ALASKA - DEPARTMENT MS. ERNESTA BALLARD
OF ENVIRONMENTAL CONSERVATION: Commissioner
20
21
22
23
24 Proceedings electronically recorded, then transcribed by:
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25 Anchorage, AK 99517 - 243-0668

Page 2	Page 4
<p>1 TRUSTEE COUNCIL STAFF PRESENT:</p> <p>2 MS. GAIL PHILLIPS Executive Director</p> <p>3 DR. PHIL MUNDY Science Director</p> <p>4 MS. CHERRI WOMAC Administrative Assistant</p> <p>5 MS. PAULA BANKS Administrative Assistant</p> <p>6 MS. BRENDA RAMOS Administrative Assistant</p> <p>7 MR. MIKE SCHLIE Data Systems Assistant</p> <p>8 MR. PETER HAGEN NOAA</p> <p>9 MR. MICHAEL BAFFREY Department of Interior</p> <p>10 MS. CAROL FRIES AKDNR</p> <p>11 MR. KEN HOLBROOK U.S. Forest Service</p> <p>12 MR. STEVE ZEMKE U.S. Forest Service</p> <p>13 MS. GINA BELT Department of Justice</p> <p>14 MR. BARRY ROTH Department of Justice</p> <p>(Telephonically)</p> <p>15 MS. DEDE BOHN U.S. Geological Service</p> <p>16 MR. BRETT HUBER ADF&G</p> <p>17 MR. CHUCK SHUCK U.S. Fish & Wildlife Svc.</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p>1 P R O C E E D I N G S</p> <p>2 (On record - 10:00 a.m.)</p> <p>3 CHAIRMAN DUFFY: I would like to call the</p> <p>4 meeting to order and note that at least -- is Drue Pearce</p> <p>5 on the line now?</p> <p>6 MS. BALLARD: Somebody just came on.</p> <p>7 CHAIRMAN DUFFY: At any rate, we believe</p> <p>8 that Drue Pearce may or may not be on the line. But to</p> <p>9 start off, I'd like the trustees, starting with my left, to</p> <p>10 introduce themselves, please.</p> <p>11 MR. TILLERY: Craig Tillery, Department of</p> <p>12 Law.</p> <p>13 CHAIRMAN DUFFY: Jim Balsiger, National</p> <p>14 Marine Fisheries Service, the NOAA seat.</p> <p>15 MR. DUFFY: Kevin Duffy, Department of Fish</p> <p>16 and Game, State.</p> <p>17 MS. BALLARD: Ernesta Ballard, State</p> <p>18 Department of Environmental Conservation.</p> <p>19 MR. MEADE: Joe Meade, Chugach National</p> <p>20 Forest with the Federal government.</p> <p>21 CHAIRMAN DUFFY: Thank you. And Joe asked</p> <p>22 me, he has a brief announcement he'd like to make before we</p> <p>23 proceed with business.</p> <p>24 MR. MEADE: Thank you very much. I just</p> <p>25 wanted to take opportunity today to recognize one of my</p>
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<p>1 TABLE OF CONTENTS</p> <p>2 Call to Order 04</p> <p>3 Approval of Agenda 06</p> <p>4 Approval of Meeting Notes (February 9, 2004) 07</p> <p>5 PUBLIC COMMENT</p> <p>6 Stacy Studebaker 09</p> <p>Glenn Elison 12/19</p> <p>7 Joel Cooper 14</p> <p>Randy Hagenstein 16</p> <p>8</p> <p>Executive Director's Report 22</p> <p>9 PAC Report 22</p> <p>15th Anniversary 27</p> <p>10 Policy and Procedures 28</p> <p>Travel Budget 35</p> <p>11 Update Community Involvement - Seward 47</p> <p>12 Archaeological Project Near Kodiak (100 year old ship) 49</p> <p>13 NOS Grant 52</p> <p>14 Discussion FY04 Work Plan 79</p> <p>15 Lapsed Funds of \$607,000 107</p> <p>16 Discussion FY05 Invitation 110</p> <p>17 Small Parcel Program 129</p> <p>18 Adjournment</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p>1 employees who is going to be retiring from Federal service,</p> <p>2 Ken Holbrook. And Ken has actually been very active for 12</p> <p>3 years now with the Exxon Valdez Oil Spill Board of</p> <p>4 Trustees. And I think in that entire 12 years has only</p> <p>5 missed two meetings. And I don't know what one of us can</p> <p>6 stand to that type of a legacy or heritage. So Ken, thank</p> <p>7 you for this past year of grounding me and for all that</p> <p>8 you've contributed for 12 years to such an important effort</p> <p>9 to the state of Alaska.</p> <p>10 (Applause)</p> <p>11 MR. MEADE: Thank you, Mr. Chair.</p> <p>12 CHAIRMAN DUFFY: You're welcome. The first</p> <p>13 order of action is the approval of the agenda. A couple of</p> <p>14 Trustees had mentioned to me an interest -- we do have on</p> <p>15 the draft agenda an executive session listed. A couple of</p> <p>16 suggested to me that perhaps that we arrange our agenda so</p> <p>17 as to do an executive session over lunch. And so that will</p> <p>18 facilitate concluding that business and it won't adversely</p> <p>19 impact the public too much. So that would be a suggestion</p> <p>20 I would have relative to amending the agenda.</p> <p>21 MS. BALLARD: Do you need general</p> <p>22 concurrence? Is Drue with us yet? Drue? I don't think we</p> <p>23 can vote.</p> <p>24 MR. TILLERY: Yes, we can.</p> <p>25 MS. BALLARD: Can we vote absent of Drue of</p>

<p style="text-align: right;">Page 6</p> <p>1 that?</p> <p>2 MR. TILLERY: On this.</p> <p>3 MS. BALLARD: Oh, okay.</p> <p>4 UNIDENTIFIED TELEPHONIC SPEAKER: Are there</p> <p>5 other people online having trouble hearing.</p> <p>6 UNIDENTIFIED TELEPHONIC SPEAKER: Yes.</p> <p>7 Yes, indeed.</p> <p>8 UNIDENTIFIED TELEPHONIC SPEAKER: Yeah, the</p> <p>9 sound is way -- I can hear it, yeah.</p> <p>10 UNIDENTIFIED TELEPHONIC SPEAKER: Ditto.</p> <p>11 CHAIRMAN DUFFY: All right, we'll speak up</p> <p>12 here at the table then. I would entertain a motion to</p> <p>13 approve the agenda with the suggested modification from the</p> <p>14 chair.</p> <p>15 MR. BALSIGER: So moved.</p> <p>16 MR. MEADE: Seconded.</p> <p>17 CHAIRMAN DUFFY: Moved and seconded to</p> <p>18 approve the modified agenda to conduct an executive session</p> <p>19 over the lunch period. Any objection?</p> <p>20 (No audible response)</p> <p>21 CHAIRMAN DUFFY: Hearing none, we'll move</p> <p>22 to the next action item, which is approval of the meeting</p> <p>23 notes from the February 9th, 2004 Trustee Council meeting.</p> <p>24 MS. PHILLIPS: Mr. Chairman, I do have a</p> <p>25 couple of comments or changes I would like people to make</p>	<p style="text-align: right;">Page 8</p> <p>1 minutes of February 9th are approved. That moves us</p> <p>2 on.....</p> <p>3 MS. PEARCE: Mr. Chairman.</p> <p>4 CHAIRMAN DUFFY: Drue?</p> <p>5 MS. PEARCE: Yes, that's me.</p> <p>6 CHAIRMAN DUFFY: Good morning.</p> <p>7 MS. PEARCE: I was waiting for you guys to</p> <p>8 call me but I've got the number and I'm now on.</p> <p>9 CHAIRMAN DUFFY: Okay. Drue, we've</p> <p>10 approved the agenda with a modification to conduct a</p> <p>11 executive session over the lunch hour or lunch period. And</p> <p>12 then we also just approved the February 9th meeting minutes</p> <p>13 with a couple of suggested modifications from Gail</p> <p>14 Phillips. And we're now moving on to public comment.</p> <p>15 MS. PEARCE: Okay. Barry Ross just joined</p> <p>16 me here in our office.</p> <p>17 CHAIRMAN DUFFY: Okay, thank you. So</p> <p>18 public comment, I will proceed to go to teleconference</p> <p>19 first and I don't know exactly where we are on line.</p> <p>20 MS. WOMAC: I know that Stacy Studebaker</p> <p>21 wants to make a comment.</p> <p>22 CHAIRMAN DUFFY: I've been handed a list,</p> <p>23 thank you. We will start with Stacy Studebaker in Kodiak.</p> <p>24 MS. STUDEBAKER: I'm here. Okay, thank you</p> <p>25 very much for the opportunity to address you all today.</p>
<p style="text-align: right;">Page 7</p> <p>1 on those. And if you would turn to the second page of the</p> <p>2 meeting notes, about halfway down the number 4, FY04 Work</p> <p>3 Plan, the approved motion, the approved addition of funds</p> <p>4 for FY04 Alaska Coastal Current project by Weingartner,</p> <p>5 4905, increasing GEM Science Management for FY04, that</p> <p>6 number should be 70,000, not 17,000.</p> <p>7 CHAIRMAN DUFFY: I have a note to that</p> <p>8 effect, too. Thank you for that correction.</p> <p>9 MS. PHILLIPS: And then on number 6, under</p> <p>10 NOS grant, the approved motion should read, approve EVOS</p> <p>11 staff applying, not accepting. Applying for the NOS grant.</p> <p>12 And that's all the changes that I have.</p> <p>13 CHAIRMAN DUFFY: Okay. Do Council members</p> <p>14 concur with those changes? I certainly do. I had two</p> <p>15 notes to that effect myself. Any other modifications to</p> <p>16 the minutes in the February 9th meeting? Hearing none,</p> <p>17 motion.....</p> <p>18 MR. BALSIGER: I move to accept these</p> <p>19 minutes.</p> <p>20 MR. TILLERY: Second.</p> <p>21 CHAIRMAN DUFFY: Moved by Dr. Balsiger to</p> <p>22 accept the minutes of February 9th, seconded by Craig</p> <p>23 Tillery. Any objection?</p> <p>24 (No audible response)</p> <p>25 CHAIRMAN DUFFY: Hearing none, the meeting</p>	<p style="text-align: right;">Page 9</p> <p>1 I've been a member of the EVOS Public Advisory Committee</p> <p>2 for the last eight years, representing the recreational</p> <p>3 users. And it's really been a privilege and an honor to</p> <p>4 serve my community of Kodiak and the interests of my</p> <p>5 constituency.</p> <p>6 When the public was surveyed in the early</p> <p>7 nineties following the settlement, by far the majority</p> <p>8 favored spending the money on three things and the</p> <p>9 following were a priority: Restoration of the affected</p> <p>10 area and species; permanent habitat protection for some</p> <p>11 lands affected by the oil spill to permanently protect</p> <p>12 their natural resources; and scientific research to study</p> <p>13 the effects of the oil on the injured species and ecosystem</p> <p>14 in the spill area. That was the clear public mandate and</p> <p>15 one which I sincerely hope you will honor as we move into</p> <p>16 the future.</p> <p>17 The habitat protection program was</p> <p>18 implemented to acquire, through purchase, private lands of</p> <p>19 significant ecological value affected by the oil spill.</p> <p>20 Many of these choice parcels are now public lands and</p> <p>21 managed for habitat protection of natural resources for the</p> <p>22 use and enjoyment of all Alaskans, tourists and future</p> <p>23 generations. This has been an enormously popular and</p> <p>24 foresighted program, especially the small parcel</p> <p>25 acquisition program, which uses funds each year to buy</p>

<p style="text-align: right;">Page 10</p> <p>1 parcels of land less than a thousand acres in the oil 2 spilled area that are of particular recreational or 3 ecological importance to coastal communities. 4 Two small parcels on Kodiak Island that 5 were affected by the oil spill and nominated for the small 6 parcel program in 1995 have high recreational and resource 7 value to the people of Kodiak because they are accessible 8 from our limited road system. These two parcels are 9 Termination Point and Long Island. Both were affected by 10 the oil spill and are covered with old growth Sitka spruce 11 forest that is home to bears, marbled murrelets, salmon, 12 northern goshawk, deer, sea otters and countless other 13 important living species not in the limelight of the 14 charismatic megafauna. 15 Most of the lands along our road system are 16 privately owned. So the purchase of these two parcels is 17 significant for future recreational opportunities on Kodiak 18 Island. The former Trustees and EVOS staff evaluated these 19 lands, recognized their ecological value and ranked them at 20 the top of the list and promised Kodiak that they would 21 purchase them. Unfortunately the owner of the two parcels, 22 Lesnoi Native Corporation, has been involved in ongoing 23 litigation with rancher Omar Stratman and the title hasn't 24 been clear to make a purchase. 25 I encourage you to continue pursuing the</p>	<p style="text-align: right;">Page 12</p> <p>1 through that list first then I, in addition to that, we'll 2 ask for anyone else on teleconference wishing to testify 3 then. Finally, I will go here locally for public comment. 4 The next person on the list is Glenn Elison. Glenn, are 5 you there? 6 MR. ELISON: Thank you for the opportunity 7 to speak to the Trustee Council. My name is Glenn Elison, 8 I'm the State director for The Conservation Fund. This 9 morning I urged the Trustee Council to continue a small 10 parcel program. I think that the program to date has been 11 very effective at protecting and restoring resources and 12 services injured by the Exxon Valdez oil spill. Our 13 experience is, is that there are still several good habitat 14 opportunities out there that exist with willing sellers 15 throughout the spill zone. Opportunities to further 16 restore injured services and species. 17 The Conservation Fund and The Nature 18 Conservancy have been able to, I think, work very 19 effectively with the Trustee staff over the last couple of 20 years. As a result of the grant that was provided, we've 21 been able to attract about three million dollars to match 22 the existing one million EVOS provided. During the course 23 of the one million dollar grant, seven properties were 24 acquired or ready to be acquired. So I think there is 25 certainly plenty of opportunity and a good track record to</p>
<p style="text-align: right;">Page 11</p> <p>1 clearance of the title to these two valuable properties and 2 I hope you will honor the wish of the former Trustees and 3 the people of Kodiak to purchase them and turn them over to 4 the Kodiak State Parks system to manage for the benefit of 5 future generations. 6 As you know, the former Trustees have 7 purchased many important large parcels in the Kodiak 8 Archipelago over the last 10 years that are crucial for 9 permanent protection of ecosystems including old growth 10 Sitka spruce habitat that is home to countless animals and 11 many species affected by the oil spill. Through years of 12 coordinated negotiations with local government, resource 13 agencies, Native corporations, local, state and national 14 conservation groups, the EVOS Trustee Council has been 15 working to protect prime habitat on North Afognak Island 16 and within the Kodiak National Wildlife Refuge. 17 I thank the former Trustees deeply for the 18 work that they have done and encourage the new Trustees to 19 continue use of the funds set aside for the small parcel 20 habitat protection program for the benefit of future 21 generations. 22 Thank you. 23 CHAIRMAN DUFFY: Thank you for your 24 comments, Ms. Studebaker. I have a list of some people who 25 are on teleconference who have signed up. I will go</p>	<p style="text-align: right;">Page 13</p> <p>1 warrant continuing a small parcel program. 2 I would urge the Trustees to work and 3 ensure that there's timely action and payment of any 4 transaction costs that nonprofits like The Nature 5 Conservancy and The Conservation Fund incur in the course 6 of working with the Council. You have several draft 7 resolutions before you. I'd like to speak in favor of 8 resolutions 1, 2, 4 and 7. One of the resolutions, 5, 9 deals with establishing an endowment for the habitat 10 sub-account. I think that that is a worthy endeavor. 11 I think that there needs to be some 12 additional discussion, at least I encourage additional 13 discussion, but that in the end an endowment or some sort 14 of a long-term commitment to a small parcel program is 15 certainly encouraged by The Conservation Fund. 16 Those are my comments, Mr. Chairman. 17 Again, my thanks for the opportunity to comment. 18 CHAIRMAN DUFFY: Thank you, Mr. Elison. 19 Next on our list, I would go to Mr. Chuck Meacham. Chuck. 20 MR. MEACHAM: I don't have anything to 21 offer personally. I can give a PAC report either now or 22 when you get to it on your agenda. 23 CHAIRMAN DUFFY: Yeah, Chuck, that is on 24 the agenda, if you could stay with us for awhile. We'll do 25 that in a little bit, if that's okay.</p>

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<p>1 MR. MEACHAM: That's just fine, I'll be 2 standing by. 3 CHAIRMAN DUFFY: All right, I'll move next 4 to Nancy Byrd from Cordova. Ms. Byrd, are you there? 5 MS. BYRD: I'm here and I just was planning 6 on to listen today. Thank you very much. 7 CHAIRMAN DUFFY: Okay, thank you. Joel 8 Cooper from Homer, are you there? 9 MR. COOPER: Yes, I am. Yes, Council, I'd 10 like to thank you for the opportunity to comment. And I 11 have commented in the past couple of meetings and I guess 12 I'm just going to reiterate what I've been saying. I 13 submitted a proposal, 04-0700, community based sampling of 14 watershed based and marine derived nutrients. And this 15 proposal was recommended for funding by both the STAC and 16 the Executive Director and then got deferred at your 17 November 10th meeting. And I felt that was due to some 18 confusion in regards to the placement of the proposal. I 19 then sent you a letter dated December 10th, addressed to 20 the Director, Gail Phillips, and then cc-ing the Council 21 explaining that. 22 And now I see you're finally coming to the 23 point where you're going to address deferred projects for 24 FY04 and I would just ask the Council that you consider our 25 proposal and if the funds are available, which there</p>	<p>1 (No audible response) 2 CHAIRMAN DUFFY: Okay, hearing none, I will 3 go to the audience here in Anchorage. Members of the 4 audience wishing to testify? 5 MR. HAGENSTEIN: Thank you, Mr. Chairman 6 and members of the Trustee Council. I'm Randy Hagenstein 7 with The Nature Conservancy. And I just want to speak in 8 favor of continued program and habitat protection, 9 including the purchase of important lands for restoring 10 some of the ecosystem services and species that were 11 damaged by the oil spill. You've got a pretty full plate 12 of some interesting looking proposals on the agenda there, 13 I see today. And I guess I'd like to speak, obviously, in 14 favor of the first habitat related proposal, the payment of 15 funds expended to date to The Conservancy and Conservation 16 Fund. 17 And we've had a good productive 18 relationship with staff and Council in the past and look 19 forward to a good continued one in the future. And I think 20 that will bring us all up to even and look forward to the 21 future. Again, I would urge continuation of a habitat 22 protection program, including small parcel projects. In 23 general I favor an endowment approach that you've got as 24 one of the things to consider today there. I think this 25 will allow you to deal with parcels on a long-term basis as</p>
Page 15	Page 17
<p>1 possibly could be if you use the 2003 administrative funds. 2 I think it's important to try to get our proposal in there 3 because it is coordinated with the other marine derived 4 nutrient proposals that you did fund and it will kind of 5 throw a kink in things if we have to wait another year. So 6 I'd appreciate you deliberating our proposal when you 7 consider the FY04 proposals. 8 And I'd answer any questions but I feel 9 like I've said this several times. So again, I thank you 10 for the opportunity to comment. 11 CHAIRMAN DUFFY: Thank you, Mr. Cooper. 12 Dr. Bob Spies. 13 DR. SPIES: I'm just here to offer any 14 comments the Trustee Council would care to have from me as 15 chairman of the lingering oil committee on a couple of 16 proposals that were submitted by Integral Research and I 17 don't know exactly when in the meeting that might be 18 addressed. 19 CHAIRMAN DUFFY: Thank you, Dr. Spies. We 20 are talking about a number of issues in executive session 21 today and we'll get back with you on those issues if 22 necessary, okay? 23 DR. SPIES: Thank you. 24 CHAIRMAN DUFFY: You're welcome. Anyone 25 else out on the line, teleconference, who is not signed up?</p>	<p>1 needs come up in the future. I would encourage the same 2 level of transparency that I think we've got now with the 3 GEM program. And whether that's handled on a case-by-case 4 basis or through an RFP sort of approach. 5 One of the things I'd also like to see as 6 these sort of efforts go forward is some way that we can 7 get formal recognition that at least 50 percent of the EVOS 8 derived fund to be treated as non-Federal, since it is a 50 9 percent State and 50 percent Federal body of money there. 10 One of the biggest challenges is trying to find non-Federal 11 money to match Federal dollars that are available to be 12 leveraged for this sort of work. So if we could get at 13 least 50 percent of those dollars to be officially 14 acknowledged as non-Federal in origin, I think that would 15 be quite helpful overall to meet the of the restoration 16 program and leverage additional dollars on that. 17 One of the optional resolutions in front of 18 you authorizes transfer of the remaining unexpended funds 19 essentially into the GEM account. While I'm strongly 20 supportive of the GEM account, I would like to see sort of 21 a broadly balanced approach to restoration, including 22 long-term maintenance of a habitat protection program. So 23 I would recommend against movement on that particular 24 resolution to cash out the habitat sub-account. 25 And I'll be here through the day and as the</p>

Page 18	Page 20
<p>1 last section of the agenda comes up and some of The Nature 2 Conservancy parcels are -- if you would like additional 3 information on those, I'll be here to address any 4 questions.</p> <p>5 CHAIRMAN DUFFY: Thank you. 6 MR. TILLERY: Mr. Chairman. 7 CHAIRMAN DUFFY: Mr. Tillery. 8 MR. TILLERY: The money is not 50 percent 9 Federal and 50 percent State, it's indivisibly a hundred 10 percent State and Federal. There is no way that we can 11 characterize part of this as just State money. However, 12 there have been a couple of places in the past where 13 trust.....</p> <p>14 MS. PEARCE: Mr. Chairman, we cannot hear 15 the speaker at all. 16 MR. TILLERY: I was saying that it is not 17 possible to characterize this money as part Federal and 18 part State so that you could -- knew some of it was just 19 state. It is indivisibly both governments. But there have 20 been, I believe, some instances in the past where Trustee 21 Council money has been used to match, to meet Federal 22 matching requirements. And it wasn't land deals but it was 23 some kind of a NOAA grant or something like that I think. 24 But you might want to talk to the Council offices about 25 that because there may be some precedent for using -- I</p>	<p>1 property near Kenai, two mental health trust parcels, again 2 on Kenai and the parcel Chokwak-2, which is an in-holding 3 within the land the state recently acquired near Kiliuda 4 Bay. All these properties are owned by sellers who are 5 willing to reach agreement for sale to the Trustee Council 6 for the restoration purposes. The best parcel in Seward 7 and the Core parcel in Kenai are tracts where The 8 Conservation Fund is willing to provide a 50 percent match 9 of the purchase price, thereby resulting in significant 10 savings to the Trustee Council, if the Council opts to move 11 forward.</p> <p>12 I think all these parcels have significant 13 restoration benefits for injured species and services, but 14 particularly of significant value to the State land 15 managers and provide a lot of public access. The specifics 16 on the tracts and their restoration benefits I think have 17 been put in record by the staff. And I just wanted to 18 again mention the 50/50 match that The Conservation Fund is 19 willing to provide for those two tracts, so I'd urge your 20 favorable consideration of those parcels.</p> <p>21 Thank you, Mr. Chairman. 22 CHAIRMAN DUFFY: All right, thank you, 23 Mr. Elison. I appreciate those comments. Hearing no one 24 else in the audience or on teleconference, we'll entertain 25 a motion to close public comment.</p>
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<p>1 mean, it got to be a big deal about two or three years ago, 2 as I recall. And so there may be some precedent for 3 allowing it to match Federal monies.</p> <p>4 MR. HAGENSTEIN: Good, I think I'll take a 5 look into that.</p> <p>6 CHAIRMAN DUFFY: Thank you, Mr. Hagenstein. 7 MR. HAGENSTEIN: Thank you. 8 CHAIRMAN DUFFY: Any other members of the 9 public here at the meeting want to comment? 10 (No audible response) 11 CHAIRMAN DUFFY: One more option online, 12 anyone wishing to comment? 13 MR. ELISON: Mr. Chairman, this is Glenn 14 Elison again on The Conservation Fund. 15 CHAIRMAN DUFFY: Yes, Glenn. 16 MR. ELISON: Mr. Chairman, I'm back East on 17 business and won't be available to talk about any of the 18 small parcels so if I could have just a minute to refer to 19 the four that The Conservation Fund has been working on, I 20 would appreciate it. 21 CHAIRMAN DUFFY: Go ahead, Glenn, I'll 22 provide you that opportunity. Please be brief, thank you. 23 MR. ELISON: Thank you very much, that's 24 generous of you. The Conservation Fund has been working on 25 four parcels. The Best parcel, down near Seward, the Core</p>	<p>1 MS. BALLARD: I'll move to close public 2 comment and then I have a question. 3 CHAIRMAN DUFFY: Is there a second? 4 MR. BALSIGER: Second. 5 CHAIRMAN DUFFY: Is there any objection? 6 (No audible response) 7 CHAIRMAN DUFFY: Okay, public comment is 8 closed at 10:30 on March 1st. Ms. Ballard. 9 MS. BALLARD: I need to understand, for the 10 sake of the people on the telephone, are these speakers the 11 speakers which go to the telephone and these go to the 12 court reporter? So that there are just two of these little 13 speakers up here? All right, so we need to be careful to 14 move them. Drue, can you hear me? 15 MS. PEARCE: Kind of. 16 MS. BALLARD: Kind of, okay. 17 MS. PEARCE: Not clear. It's not loud. 18 MS. BALLARD: All right. 19 CHAIRMAN DUFFY: All right, we'll do what 20 we can to be diligent and loud. 21 MS. PEARCE: Thank you. 22 MS. BALLARD: If you give that one to Kevin 23 and then spread out and then Joe and I can pull this one -- 24 there's a speaker there. That's the telephone speaker. 25 MR. MEADE: Thank you.</p>

<p style="text-align: right;">Page 22</p> <p>1 MS. BALLARD: And this other one just goes 2 to the court reporter. 3 CHAIRMAN DUFFY: Okay, hopefully that will 4 help. The next agenda item, we will go to Executive 5 Director comments. Ms. Phillips. 6 MS. PHILLIPS: Thank you, Mr. Chairman. We 7 have had an excellent meeting with the PAC last week and 8 PAC Chairman Chuck Meacham is online and I'd like for him 9 to make the report on the meeting. 10 CHAIRMAN DUFFY: Okay, Mr. Meacham, you 11 have the floor. 12 MR. MEACHAM: All right, thank you. The 13 PAC met by teleconference on February 25th and established 14 a quorum for most of our meeting. There are three items 15 from that meeting I'll bring to your attention. First we 16 discussed the community involvement workshop scheduled for 17 March 9 and 10 in Seward. And meaningful community 18 involvement has always been extremely important to the PAC, 19 but also extremely challenging to actually accomplish in 20 any kind of successful fashion. We will have some PAC 21 members present at the Seward meeting and look forward to 22 that taking place. We also plan on having a couple of 23 representatives participate in the FY05 proposal review 24 process in June, along with the Science and Technical 25 Advisory Committee.</p>	<p style="text-align: right;">Page 24</p> <p>1 goes towards GEM related activities. And that was based on 2 apparent fiscal return considerations and legal 3 complications. That was the basis for that. 4 Those were the three most important items, 5 I think, that we covered. And a set of our meeting minutes 6 can be made available to you if you'd like to see the exact 7 wording of the resolution and any of the discussion that 8 took place. 9 So that concludes my PAC report and if you 10 have any questions, I'd be happy to try and answer them. 11 CHAIRMAN DUFFY: Thank you, Mr. Meacham. 12 Questions? Ms. Ballard. 13 MS. BALLARD: Chuck, this is Ernesta 14 Ballard. I think I read in the materials that we had sent 15 that you lost your quorum towards the end of your meeting. 16 But I have personally lost track of how large the PAC is. 17 Could you help me out with how many were there at the 18 beginning and how many were there at the end of your 19 meeting? 20 MR. MEACHAM: Okay, we started out the very 21 beginning of the meeting with nine, just one short of a 22 quorum, and within the first, oh, few minutes, probably 23 five or 10 minutes we -- well, I'm not sure about that, I'd 24 have to check there with Mr. Mutter. But in any event, I 25 would say we had a quorum there for probably half the</p>
<p style="text-align: right;">Page 23</p> <p>1 Second thing I'd like to bring to your 2 attention is that we discussed the use of the NOS grant 3 monies and would like to see this funding being used to 4 support ocean observing stations at Hinchinbrook Entrance 5 and Montague Strait rather than used for administrative 6 type purposes. 7 The third and last item here, and element 8 that most discussion took place on, dealt with the habitat 9 fund and small parcel acquisition process. Some members of 10 the PAC were concerned about the extent of land that's 11 already in government ownership and a number of our members 12 felt that habitat protection dollars could and should be 13 used for activities other than just land purchase. And the 14 question was asked if monies could be used for such things 15 as stream bank re-vegetation, removal of abandoned oil 16 tanks, waste oil collection facilities being placed in 17 rural harbors. Those kinds of things. The question was 18 also asked if the funds could just remain dormant in that 19 account until the Trustee Council decided some way to use 20 them. 21 We did, after a fair amount of discussion, 22 actually pass a resolution. And that resolution did 23 support continuing the habitat protection program as an 24 endowment to include some small parcel acquisition and also 25 opposing moving these funds into the larger endowment that</p>	<p style="text-align: right;">Page 25</p> <p>1 session. 2 MS. BALLARD: And how many total members 3 are there on the committee? Roughly, 20, 25? 4 MR. MEACHAM: Fewer than that and we've 5 recently -- I think we have three vacancies. And if Doug 6 Mutter is there, he could give you the exact numbers. We 7 are at least three people short though. 8 MS. PHILLIPS: Mr. Chairman. 9 CHAIRMAN DUFFY: Ms. Phillips. 10 MS. PHILLIPS: In answer to Ms. Ballard, 11 the PAC is a 20-member body, right now we're at three 12 members short. And we will be starting that process of 13 refilling all the seats in June. 14 MS. BALLARD: Good, that seems important to 15 give them enough..... 16 MS. PHILLIPS: Yeah. 17 MS. BALLARD:so that they can conduct 18 their business. 19 CHAIRMAN DUFFY: Any other questions for 20 Mr. Meacham? 21 MR. MEADE: Yes, Mr. Chair. 22 CHAIRMAN DUFFY: Mr. Meade. 23 MR. MEADE: At our last session, I 24 recollect there was interest on behalf of the Public 25 Advisory Committee to have a forum to meet with us. I was</p>

<p style="text-align: right;">Page 26</p> <p>1 curious if that was discussed at the meeting, Chuck, as far 2 as follow up to our last Trustee Board meeting. 3 MR. MEACHAM: Yes, it was and I believe a 4 proposed date has been selected. So we very much look 5 forward to that taking place, if it works out for all of 6 us. 7 MS. PHILLIPS: Mr. Chairman. 8 CHAIRMAN DUFFY: Ms. Phillips. 9 MS. PHILLIPS: The Trustee Council will 10 note that the minutes of the PAC meeting, the notes, their 11 summary minutes, are included in your packet. And in 12 response to Mr. Meade's question, we have tentatively set a 13 date for the joint Trustee Council PAC meeting for the 14 third week in May. The 19th or 20th of May are the dates 15 that we're looking at right now. That will be after the 16 legislative session is over and it will be after the 17 invitation deadline. So that timing is -- it looks like it 18 will be good timing. It will be a Trustee Council meeting 19 rather than a PAC meeting because we have more flexibility 20 if we need to change dates at the last minute than the PAC 21 does. 22 MS. PEARCE: Gail, it's awfully difficult 23 to hear you. 24 MS. PHILLIPS: Okay, I'm -- Drue..... 25 MS. PEARCE: Third week in May?</p>	<p style="text-align: right;">Page 28</p> <p>1 you'll be getting those hopefully before the end of this 2 week. Policies and procedures amen -- Joe? 3 MR. MEADE: Just real briefly, Mr. Chair. 4 I wanted to acknowledge that over the weekend, on the 15th 5 year anniversary, on a local TV station, I did hear an 6 outstanding speaker speaking to the 15th year and I wanted 7 to compliment our Executive Director for an excellent 8 interview. I think it was some 30 minutes in length or so. 9 MS. PHILLIPS: Yes. 10 MR. MEADE: Very well done. 11 MS. PHILLIPS: Thank you, Joe, very much. 12 Our next item is the policies and procedure amendment that 13 Mr. Meade had requested at our last meeting. And if you'll 14 turn to the segment in your agenda, I have provided 15 language for proposed amendment to our policies and 16 procedure. Currently the language reads, the Executive 17 Director shall provide a proposed agenda and appropriate 18 briefing material to the Trustee Council members in advance 19 of the meeting. The final agenda for the meeting will be 20 determined by the Trustee Council and shall include a 21 reasonable opportunity for public comment. 22 The language that we have proposed is this: 23 The Executive Director shall provide a proposed agenda and 24 appropriate briefing materials to the Trustee Council 25 members at least 10 days in advance of the meeting. All</p>
<p style="text-align: right;">Page 27</p> <p>1 MS. PHILLIPS: Third week in May, the 19th 2 or 20th. We're working on those two dates right now. 3 CHAIRMAN DUFFY: Okay. 4 MR. MEADE: Thank you very much. 5 CHAIRMAN DUFFY: Dr. Balsiger. 6 MR. BALSIGER: Mr. Chairman, since you're 7 working on them, I would not be able to attend the 20th. 8 MS. PHILLIPS: Okay. 9 MR. BALSIGER: I don't know how you're 10 making in the progress on it. 11 MS. PHILLIPS: Okay, thank you. 12 CHAIRMAN DUFFY: All right, any other 13 questions for Mr. Meacham? 14 (No audible response) 15 CHAIRMAN DUFFY: Thank you for your report. 16 MR. MEACHAM: Thank you very much. Bye 17 now. 18 CHAIRMAN DUFFY: Ms. Phillips. 19 MS. PHILLIPS: Thank you very much, Jim -- 20 or thank you very much Chuck. The next item on my report 21 is an update on our 15th anniversary. We will have a draft 22 CD available to send out to all the Trustees later in this 23 week. And it looks great. It's really good and we're 24 starting to schedule the speaking engagements for both Phil 25 and myself to talk about the 15-year commemoration. So</p>	<p style="text-align: right;">Page 29</p> <p>1 materials from the public or from agency personnel for 2 inclusion on that meeting's agenda shall be turned in to 3 the Executive Director at least 15 days before the meeting. 4 MS. PEARCE: Mr. Chairman, may I ask a 5 question? 6 CHAIRMAN DUFFY: Ms. Pearce. 7 MS. PEARCE: Thank you. Gail, just so I 8 know for sure, we are talking about 15 and 10 calendar 9 days, not business days, is that correct? 10 MS. PHILLIPS: Would you repeat that? 11 MS. PEARCE: We're talking 10 and 15 12 respectively calendar days? 13 MS. PHILLIPS: That is correct. 14 MS. PEARCE: Okay. And my second question, 15 I assume that we have the ability, always have the 16 flexibility as the Council members to put something on our 17 agenda on a last minute basis if we feel it merits that 18 attention, correct? 19 MS. PHILLIPS: That is correct. The 20 Trustees have until they approve the agenda at the meeting 21 to change it. So our agendas that go out are always drafts 22 and when you adopt the agenda at your meeting, then it 23 becomes the official agenda and can be changed up until 24 that last time. I would just like to say that we tried to 25 adhere to the intent of this resolution this time and you</p>

<p style="text-align: right;">Page 30</p> <p>1 notice that you did get the materials for your packets 10 2 days out but then there were corrections and changes that 3 had to be made until the last minute. And I think that 4 will probably be standard. 5 CHAIRMAN DUFFY: Ms. Ballard. 6 MS. BALLARD: Gail, I don't know if this is 7 the right time to say this or not but it seems appropriate. 8 The system of emailing and then changing and then changing 9 is very difficult to be sure we have the correct 10 information. I don't know if it would be fair to assume 11 that if we went ahead with this language change that we 12 could go back to better central control over the documents. 13 I don't know whether that could be achieved in any way 14 except the old fashion way of printing them here and 15 mailing them down to us. 16 But at least Kevin and I have agreed and 17 perhaps others that it's been very difficult to be sure 18 right up to the last minute that the electronic copies that 19 we have are the correct -- and we have them in the right 20 order and that the books are tabbed in the correct way. I 21 know it's a burden to make them in paper and mail them and 22 I know that Joe needs them electronically anyhow but these 23 last two meetings have not been satisfactory. 24 MS. PHILLIPS: Okay. 25 CHAIRMAN DUFFY: Dr. Balsiger.</p>	<p style="text-align: right;">Page 32</p> <p>1 much the same. Of course, if there is a three-ring binder 2 that's distributed, I can get access to that either by CD 3 or by email myself. But having a package that's compiled 4 and that's distributed in one wrapper rather than multiple 5 emails and then redistributed with corrections would be 6 greatly appreciated. I just don't have the time to be able 7 to sort through and I want to be sure I've done my due 8 diligence in being prepared to come to the meeting. So 9 again, it's not in any form of admonishment, it's just in a 10 corrective manner to be sure we're getting a compiled, 11 centralized package, both three binder posted to the web 12 and/or email that we can use then to concentrate our review 13 and our focus upon. 14 CHAIRMAN DUFFY: Yeah, I agree with the 15 other Trustee Council members and I want to emphasize it's 16 not meant to be anything more than perhaps constructive 17 criticism. It's not to be negative about any of the 18 Council member staff. We know that they work hard to keep 19 us up to date and to keep everything as clear as possible. 20 But there seems to be a sentiment around the Trustee 21 Council table that perhaps going back to the old system 22 that was a notebook distributed -- and we can talk about 23 Dr. Balsiger's idea of having them available on the web -- 24 that a notebook distributed and then any follow up in the 25 few days prior to the meeting that are clarifications could</p>
<p style="text-align: right;">Page 31</p> <p>1 MR. BALSIGER: I agree with that we need 2 the better central control and I don't pretend to be an 3 organizer but one possibility might be to have them on the 4 Internet website, so at least you could tell the day before 5 you travel that the one on the web is the one you want. 6 But I'd leave it up to the administrators to figure out how 7 to do it. We have a number of meetings in DC where the 8 documents are on the website and they don't mail them out. 9 At least at the last day, you know that's the one that's 10 there. That may not be superior or satisfactory but it's 11 something to think about. 12 CHAIRMAN DUFFY: Craig Tillery. 13 MR. TILLERY: Yeah, Mr. Chairman, I've had 14 the same problems with this new system of email and I've 15 gotten totally lost with what's the correct and what's the 16 current one and what's not. I think that they should go 17 back to the old system of delivering the packets in printed 18 tab form and then if there are any last minutes changes, 19 they can be sent by an explanatory email saying, please 20 print these off and replace the materials behind tab three 21 or something like. It can be done fairly simply but I 22 think we need to go back to the printed. 23 MS. PHILLIPS: Okay. 24 CHAIRMAN DUFFY: Okay. Joe Meade. 25 MR. MEADE: I just wanted to acknowledge</p>	<p style="text-align: right;">Page 33</p> <p>1 be sent to us electronically with a note, that were they go 2 under which tab. I think that might be a better way to 3 proceed. 4 MS. PHILLIPS: We'll do that. 5 MS. BALLARD: Mr. Chairman. 6 CHAIRMAN DUFFY: Ms. Ballard. 7 MS. BALLARD: Does this actually require a 8 formal action? 9 MS. PHILLIPS: Yes, you'd need a motion to 10 change the policies and procedures. 11 CHAIRMAN DUFFY: Before we do a motion, I'd 12 like to hear from Drue Pearce. Any comment on this, 13 Ms. Pearce, before we possibly take some action? 14 MS. PEARCE: I've got a mountain of paper 15 here and I was too embarrassed to say that I wasn't sure I 16 had all the right versions of each sitting on top of the 17 pile. But I agree, having them in a bound form where I 18 don't have to try and keep up with the different versions, 19 except if somebody says to me, take out what was behind tab 20 number three and put this in. But I also think that just 21 having each draft dated would be a help, and that usually 22 makes it pretty clear which one -- that you've got the most 23 current one. And that's something that the things that 24 we've had haven't had. So I'd be happy to do it either way 25 with dated draft on each page -- I'm sorry, I still don't</p>

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<p>1 have a voice -- or print new books.</p> <p>2 CHAIRMAN DUFFY: Okay, thank you. Further</p> <p>3 discussion on this item?</p> <p>4 MR. TILLERY: Mr. Chair, just another.....</p> <p>5 CHAIRMAN DUFFY: Mr. Tillery.</p> <p>6 MR. TILLERY: I think it's necessary to do</p> <p>7 the change to the procedures by a vote but as far as just</p> <p>8 using a binder and stuff, that's not really a vote kind of</p> <p>9 a thing, that's just a process.</p> <p>10 CHAIRMAN DUFFY: Okay. All right.</p> <p>11 MR. TILLERY: I think Gail's thing works.</p> <p>12 CHAIRMAN DUFFY: So if any Council members</p> <p>13 are so inclined, the Chair would entertain a motion on this</p> <p>14 issue.</p> <p>15 MS. BALLARD: Well, can I just move the</p> <p>16 language that appears on the undated page behind in my</p> <p>17 book, tab two? Gail's language that we go with the 10 day</p> <p>18 and 15 day guidelines put out in this language.</p> <p>19 CHAIRMAN DUFFY: Is there a second?</p> <p>20 MR. MEADE: I'll second that.</p> <p>21 CHAIRMAN DUFFY: Thank you. It's been</p> <p>22 moved and seconded that the language for proposed amendment</p> <p>23 on the piece of paper in front of us, amendment to policies</p> <p>24 and procedures, be adopted by the Trustee Council. I</p> <p>25 believe the intent is to send out in bound form a notebook</p>	<p>1 to an EVOS meeting.</p> <p>2 And the language that we have put forward</p> <p>3 is this: All Trustee Council member's travel expenses</p> <p>4 directly associated with attendance at a Trustee Council</p> <p>5 meeting shall be reimbursed out of EVOS TC funds.</p> <p>6 Reimbursement shall include transportation, overnight</p> <p>7 accommodations and per diem specific to the Trustee Council</p> <p>8 meeting only. EVOS Trustee Council funds will not</p> <p>9 reimburse expenses for lodging for other meetings scheduled</p> <p>10 in conjunction with the Trustee Council meeting.</p> <p>11 In other words, if you require additional</p> <p>12 days to spend.</p> <p>13 CHAIRMAN DUFFY: If I....</p> <p>14 MS. PEARCE: Mr. Chairman.</p> <p>15 CHAIRMAN DUFFY: Ms. Pearce.</p> <p>16 MS. PEARCE: Thank you. For the record, I</p> <p>17 think we should define to ourselves, even so it's in the</p> <p>18 record, what Trustee Council meetings means because there</p> <p>19 may be times -- does the Seward meeting, for example,</p> <p>20 that's not an official Trustee Council meet -- the</p> <p>21 Trustee's meeting but it is an EVOS related meeting. So I</p> <p>22 just think we need to know the parameters.</p> <p>23 CHAIRMAN DUFFY: Yeah, I think that's a</p> <p>24 good question. The example you used in my mind would be a</p> <p>25 trip that could be reimbursable under the program. So the</p>
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<p>1 associated with the upcoming Trustee Council meeting. And</p> <p>2 I also believe the intent is if there are clarifications or</p> <p>3 changes to that, they will be sent to Trustee Council</p> <p>4 members electronically. They will be dated and they will</p> <p>5 also be referenced to the appropriate tab to identify</p> <p>6 whether they're add-ons or replacements or whatever but</p> <p>7 just a bit more clarification. Any further discussion on</p> <p>8 this item?</p> <p>9 (No audible response)</p> <p>10 CHAIRMAN DUFFY: Any opposition to this</p> <p>11 amendment to the policies and procedures?</p> <p>12 (No audible response)</p> <p>13 CHAIRMAN DUFFY: Hearing none, so adopted.</p> <p>14 Ms. Phillips.</p> <p>15 MS. PHILLIPS: Thank you very much, Mr.</p> <p>16 Chairman. The next motion that you have in front of you is</p> <p>17 for the subject dealing with the Trustee Council members</p> <p>18 travel budget. And if you will turn to the segment -- oh,</p> <p>19 it's still under policies and pro -- no, I'm sorry, it's</p> <p>20 under TC travel budget. Motion to approve the revision of</p> <p>21 the Trustee Council policy and procedure manual to include</p> <p>22 a motion that the EVOS budget include money for Trustee</p> <p>23 members travel. We've had requests from several of the</p> <p>24 Trustee Council members asking that the EVOS Council budget</p> <p>25 pay for the Trustee Council's travel expenses when coming</p>	<p>1 one thing that, in some email correspondence I had with</p> <p>2 Ms. Phillips on this one, I wanted to be real clear that,</p> <p>3 at least from my perspective, if I do seek reimbursement</p> <p>4 from the Trustee Council for a related meeting, it is</p> <p>5 specific only to that meeting and it is not meant to come</p> <p>6 to a Trustee Council meeting for half a day and to have</p> <p>7 five other meetings in the next two days and then charge</p> <p>8 three days of per diem to the Trustee Council when I get</p> <p>9 home. That my charges would only be specific relative to</p> <p>10 Trustee Council business.</p> <p>11 But that is a question because it's unclear</p> <p>12 whether we mean only the formal Trustee Council meetings,</p> <p>13 as the one -- similar to the one we're having today or</p> <p>14 whether it would incorporate the meeting that is community</p> <p>15 involvement, that is being scheduled in Seward. I think we</p> <p>16 need a little more direction from ourselves on that.</p> <p>17 MS. PEARCE: Mr. Chairman, I would just say</p> <p>18 that if we're on Trustee Council related business then I</p> <p>19 think it should be reimbursable. I'd just want to make</p> <p>20 sure that we all have a good understanding of what we're</p> <p>21 talking about.</p> <p>22 CHAIRMAN DUFFY: Okay. Ms. Ballard.</p> <p>23 MS. BALLARD: I was going to move to amend</p> <p>24 the motion in exactly that way. So I think we've all just</p> <p>25 written in business instead of meetings.</p>

<p style="text-align: right;">Page 38</p> <p>1 CHAIRMAN DUFFY: Okay.</p> <p>2 MS. PHILLIPS: It could be amended to, if</p> <p>3 you would like, associated with attendance at all Trustee</p> <p>4 Council related business, something like that.</p> <p>5 CHAIRMAN DUFFY: The language we're</p> <p>6 currently discussing is not in front of us in the form of a</p> <p>7 motion at this point in time, it was a suggestion from the</p> <p>8 Executive Director. So I think we need a motion to have</p> <p>9 some discussion on amending a motion.</p> <p>10 MS. BALLARD: Well, then I'll -- were you</p> <p>11 going to say something?</p> <p>12 MR. TILLERY: Well, I was, but go ahead.</p> <p>13 MS. BALLARD: All right, to get it on the</p> <p>14 table, I will move that if we have the drafted items, some</p> <p>15 of us, in front of us, that it read: All Trustee Council</p> <p>16 member's travel expenses directly associated with</p> <p>17 attendance at Trustee Council business shall be reimbursed</p> <p>18 out of EVOS TC funds and then so on, as Gail read it out.</p> <p>19 So I've just deleted the word a and meeting and substituted</p> <p>20 solely the word business. So it reads attendance at</p> <p>21 Trustee Council business. And I would be personally --</p> <p>22 well, I'll wait until we have a second.</p> <p>23 CHAIRMAN DUFFY: Is there a second to the</p> <p>24 motion?</p> <p>25 MS. PEARCE: I would second the motion.</p>	<p style="text-align: right;">Page 40</p> <p>1 not the expectation? I don't care, I just want to know.</p> <p>2 CHAIRMAN DUFFY: Well, Ms. Pearce, from the</p> <p>3 Chair, I'll give you my perspective on that. I would</p> <p>4 anticipate that if you scheduled a trip for Trustee Council</p> <p>5 business from Washington, DC, came out and then conducted</p> <p>6 the other business you did, that that travel and per diem</p> <p>7 for the period of time associated with the meeting would be</p> <p>8 reimbursable by the Trustee Council. So in other words,</p> <p>9 your round trip ticket would get covered by the Trustee</p> <p>10 Council. But that's my perspective. If there's some other</p> <p>11 perspective out there about parceling out the cost of the</p> <p>12 airplane ticket, I think we should discuss that. But I'm</p> <p>13 not sure we need to go down that road.</p> <p>14 Dr. Balsiger.</p> <p>15 MR. BALSIGER: Thank you, Mr. Chairman. I</p> <p>16 agree, I don't think we want to be fractioning the tickets</p> <p>17 to various accounts, it's too complicated. On the other</p> <p>18 hand, just for an example, is Ms. Pearce is coming for a</p> <p>19 two-day meeting in Seward to talk about funding Arctic</p> <p>20 research and just happens to be there for a half a day</p> <p>21 meeting on Trustee business, probably that ticket is paid</p> <p>22 for by the Arctic research end of things instead of by the</p> <p>23 EVOS end of things. Just as an example. Hypothetically</p> <p>24 speaking.</p> <p>25 CHAIRMAN DUFFY: Ms. Pearce, did you hear</p>
<p style="text-align: right;">Page 39</p> <p>1 CHAIRMAN DUFFY: Seconded by Ms. Pearce.</p> <p>2 Discussion. Ms. Ballard.</p> <p>3 MS. BALLARD: I would think that we can</p> <p>4 work out what is Trustee Council business without</p> <p>5 clobbering up this motion with a list of what is and what</p> <p>6 isn't. I'm satisfied that the six of us have enough other</p> <p>7 reasons to travel and we're not looking for an excuse to</p> <p>8 get on airplanes and.....</p> <p>9 MS. PEARCE: Mr. Chairman.</p> <p>10 CHAIRMAN DUFFY: Ms. Pearce.</p> <p>11 MS. PEARCE: I am satisfied that we all can</p> <p>12 identify when it's Trustee related business and I have no</p> <p>13 problem with that. But as the motion reads, I just also</p> <p>14 want to clarify so that I know, although I think it's</p> <p>15 cheaper for me to get to Anchorage perhaps than those of</p> <p>16 you having to come from Juneau.</p> <p>17 MS. BALLARD: Probably.</p> <p>18 MS. PEARCE: But if I am making a trip to</p> <p>19 Alaska, often I try to do the rest of my Alaska business</p> <p>20 while I'm up there for Trustee Council's so that I'm not on</p> <p>21 planes twice as often as I am already. But would you</p> <p>22 expect if we stay longer than for just the Trustee Council</p> <p>23 related business that we divide the actual transportation</p> <p>24 costs and so we'd only pay a portion of our ticket, because</p> <p>25 only a portion of our time was Trustee related or is that</p>	<p style="text-align: right;">Page 41</p> <p>1 that hypothetical example?</p> <p>2 MS. PEARCE: Yeah, but am I supposed to</p> <p>3 answer it?</p> <p>4 CHAIRMAN DUFFY: No, you don't need to</p> <p>5 respond. I think it was merely hypothetical.</p> <p>6 Ms. Phillips.</p> <p>7 MS. PEARCE: Well, I'll be honest and that</p> <p>8 is a good question because next week I will be in Seward</p> <p>9 and we have a meeting there and I also have a Arctic</p> <p>10 Council meeting there. But it wouldn't be my intention,</p> <p>11 frankly, to ask the Trustee Council to reimburse me for</p> <p>12 that because the original one scheduled was the Arctic</p> <p>13 Council meeting. And perhaps that's what we use, who</p> <p>14 scheduled it first.</p> <p>15 CHAIRMAN DUFFY: Okay, thank you. So we</p> <p>16 have a response to the hypothetical example which seems to,</p> <p>17 nodding of the heads here at our table, they seem to concur</p> <p>18 with your perspective, Ms. Pearce. We have a motion on the</p> <p>19 table as amended.</p> <p>20 Mr. Tillery.</p> <p>21 MR. TILLERY: Historically, there was about</p> <p>22 a line item budget of about \$5000 per Council member in the</p> <p>23 budget for business related travel. Then that was cut off</p> <p>24 about two years ago in an effort to conserve funds in the</p> <p>25 administrative budget. The way this motion reads, it says</p>

<p style="text-align: right;">Page 42</p> <p>1 all travel and then there's a budget amendment for \$20,000. 2 Is the intent that that \$20,000 is sort of divided up among 3 Council members or is it all travel so that if -- and we 4 bust the 20,000? How was that intended to work? 5 CHAIRMAN DUFFY: Ms. Phillips, I'll go to 6 you for clarification. 7 MS. PHILLIPS: Thank you, Mr. Chairman. 8 What we did was we anticipated in this current budget year 9 we have four meetings left. And taking the actual price of 10 tickets and hotel rooms, et cetera, we arrived at a strong 11 estimate of approximately 20,000 for the remainder of this 12 year to cover any foreseeable expenses that we would need 13 for travel by the Trustees. If we're going to need more, 14 we'll come back to the Trustees and make a recommendation 15 for more. 16 And then I would just say that we -- 17 because it wasn't included as a line item in this budget, 18 it's going to have to be a budget adjustment and that we 19 should include a figure of \$40,000 in next year's budget. 20 MR. TILLERY: So that I understand, that 21 all means all then, not up to a certain limit? 22 CHAIRMAN DUFFY: Correct. Any further 23 discussion of the amendment on the floor? Mr. Meade. 24 MR. MEADE: I'd just like to be on the 25 table here just in support of the motion. I do believe</p>	<p style="text-align: right;">Page 44</p> <p>1 behalf of their agency for Trustee Council business, I 2 assume they would be reimbursed also. My assumption 3 appears to be correct. 4 Ms. Pearce, do you concur with that 5 assumption? 6 MS. PEARCE: Yes. 7 CHAIRMAN DUFFY: Okay, thank you. Any 8 further discussion on this item. Ms. Phillips, Paula 9 Banks, one of your staff, has requested commenting. 10 MS. PHILLIPS: Paula. 11 MS. BANKS: I'm requesting direction on how 12 you want to administer those funds. Do you want those to 13 be held in the EVOS budget and then administered out of our 14 budget or do you want them to be treated as an expenditure 15 to each individual agency to maintain and add it to their 16 own. Because your staff would make your travel 17 arrangements if you had other things to do and other 18 business meetings, then you know, they would be able to 19 arrange that much better, I believe, than our staff would. 20 I think it would cause some confusion. 21 CHAIRMAN DUFFY: Comments from the Trustee 22 Council members? Mr. Meade. 23 MR. MEADE: Do I hear in the last part of 24 your statement, Ms. Banks, a recommendation? 25 MS. BANKS: Yes, I'm sorry.</p>
<p style="text-align: right;">Page 43</p> <p>1 that no individual agency should be penalized by the 2 pro-activeness of the individual agencies for having such 3 individuals participating in these meetings. So I feel 4 that it's prudent and effective and appropriate. I think 5 that Drue offered perhaps the guiding principle that we 6 would use or should use, and that is, the primary purpose 7 of your travel, as you're setting up your travel, should be 8 the sponsoring purpose for that travel. If indeed the 9 primary purpose is to be traveling to an EVOS related 10 project, then certainly EVOS should bear that 11 responsibility. 12 CHAIRMAN DUFFY: Thank you. Mr. Tillery. 13 MR. TILLERY: One final point. Where it 14 indicates that, associated with a Trustee Council member's 15 travel expenses, is that intended to include an alternate 16 to a Trustee Council member who is doing something on 17 behalf of a Trustee Council member? 18 CHAIRMAN DUFFY: The Chair's understanding 19 of that particular issue would be that if your designated 20 alternate that is performing on your behalf at Trustee 21 Council related activities, then that would be reimbursable 22 as well. I believe there was internal email discussions 23 approximately a month ago asking us to specifically 24 identify alternates, which I believe all Trustee Council 25 members did. In that case, if an alternate travels on</p>	<p style="text-align: right;">Page 45</p> <p>1 MR. MEADE: I think you're indicating it 2 may be more efficient for ourselves as well as perhaps 3 yourselves if that was in the latter? 4 MS. BANKS: That is correct. 5 CHAIRMAN DUFFY: So I need a bit of 6 clarification, if I could, so that..... 7 MS. BANKS: If the funds were transferred 8 to each individual agency and then you'll administer those 9 travel funds. 10 MS. PEARCE: Can you please speak louder. 11 CHAIRMAN DUFFY: Ms. Pearce, let me try 12 this. Paula Banks has made a suggestion for efficiency 13 purposes, I believe, that perhaps the way to deal with this 14 is to allocate out of the account, Ms. Phillips used the 15 example of \$40,000 for a year, out of the account to 16 allocate some of that to each of the agencies and then let 17 the individual agencies, essentially, draw down on that 18 account, providing reports to Trustee Council on 19 expenditures. In other words, leave the responsibility for 20 managing the money with the individual agencies who are 21 allocated a certain sum. Is that accurate? 22 MS. BANKS: That's correct, yes. 23 CHAIRMAN DUFFY: Okay. 24 MS. PEARCE: Well, Mr. Chairman, I would 25 just say until we've had a few months or a few meetings of</p>

<p style="text-align: right;">Page 46</p> <p>1 figuring out how this is honestly going to work, while I 2 said that I thought travel from DC was cheaper from Juneau 3 and I think sometimes it is, it is not in the summer. I 4 don't know how we would decide how much to allocate agency 5 by agency until we've got some experience. 6 CHAIRMAN DUFFY: Good point. 7 MS. BANKS: Some of it has.... 8 CHAIRMAN DUFFY: Ms. Ballard. 9 MS. BALLARD: Kevin, could this not be an 10 administrative detail that we'll work out.... 11 MS. PEARCE: Yeah, I would think so. 12 MS. BALLARD:with regard to the spirit 13 of the motion. I appreciate Paula's comment but does it go 14 to the heart of the motion or is it a way we work it out 15 later? 16 MR. MEADE: Administratively. 17 MS. BANKS: It was more -- I was asking 18 more for direction because it makes a difference. And if 19 each agency staff, because they do travel for you, perhaps 20 they could provide us with an estimated cost of travel per 21 trip so that we could, you know, get some sort of educated 22 guess as to how much it would possibly cost so we can 23 figure out what our costs are going to be over time. 24 CHAIRMAN DUFFY: Okay. Ms. Phillips. 25 MS. PHILLIPS: And I just want a</p>	<p style="text-align: right;">Page 48</p> <p>1 report? Oh, okay. Everything is on track for the 2 community involvement workshop in Seward going the evening 3 of March 9th and all day on the 10th. Trustees Balsiger 4 and Pearce will be in attendance at the meeting. We have 5 now approximately 15 to 20 people that have signed up. 6 We're getting names coming in all the time of people that 7 are going to be coming. And we've put out another 8 notification this last week about the workshop to get more 9 people there. I just wanted to say that everything is 10 going good. We've got an agenda out and you should have a 11 copy of that. Okay, we'll make sure you get a copy of 12 that, the latest agenda. 13 And then I want to invite you all on the 14 evening of March 11th in Anchorage, Prince William Sound 15 RCAC is going to do their 15th observance of the 15th year 16 anniversary of the spill. And that will be -- they were 17 going to do it at Fourth Avenue Theater and I think they 18 just changed it to one of the hotels. So I will make sure 19 that you get the information on that. But it would be kind 20 of an interesting evening if you're in town that evening. 21 And that's March 11th, we'll get that invite out to 22 everybody. 23 CHAIRMAN DUFFY: Okay. 24 MS. PHILLIPS: That's all I have, 25 Mr. Chairman.</p>
<p style="text-align: right;">Page 47</p> <p>1 clarification that we the EVOS staff would not be doing 2 your travel arrangements. Your personal staff would be 3 doing your travel arrangements. We're just going to be the 4 money pit. 5 MS. BALLARD: Right. I couldn't have said 6 it better myself. 7 CHAIRMAN DUFFY: Thank you and I believe 8 that Ms. Banks brought up a good point for clarification 9 that would just make the system work smoother so I 10 appreciate her bringing that issue up. And given that 11 clarification that we will achieve through the Executive 12 Director, I think we can go back to the motion which is the 13 concept of providing funding for Trustee Council members or 14 their alternates to attend Trustee Council related business 15 meetings. Is there any further comment on that issue? 16 (No audible response) 17 CHAIRMAN DUFFY: Is there anyone opposed to 18 the motion to approve this concept? 19 (No audible response) 20 CHAIRMAN DUFFY: Hearing no opposition, the 21 motion is approved. Ms. Phillips. 22 MS. PHILLIPS: One last item under my 23 report, Mr. Chairman, and that is after our community -- 24 well, maybe I missed -- do we have a community involvement 25 report? Are you going to do a community involvement</p>	<p style="text-align: right;">Page 49</p> <p>1 CHAIRMAN DUFFY: Thank you, Ms. Phillips. 2 I would request we take a brief five minute stand down, 3 we'll come back on the record. Thank you. 4 (Off record - 11:01 a.m.) 5 (On record - 11:15 a.m.) 6 CHAIRMAN DUFFY: Back to order at 11:15. 7 We are on agenda item number 5, discussion of archeological 8 project near Kodiak, raising of a one hundred year old ship 9 brought by Brad Stevens, NOAA. I would just, to start off 10 with, point out that this is not a NOAA project per se, 11 this is an individual employed by NOAA who is independently 12 pursuing this option. So with that, Gail would you like to 13 provide us any background on this or any clarification over 14 and above what we have? 15 MS. PHILLIPS: Thank you, Mr. Chairman. 16 You will see in your packet that you do have the official 17 request from Dr. Brad Stevens requesting a small investment 18 of even \$5000 from EVOS that would be highly leveraged by 19 about a ratio of 10 to one for the project of raising this 20 archeological ship, the Russian Barque Ka'yak, which sank 21 near Kodiak in 1860. And he's pursuing this as an 22 archeological research project and thought maybe that EVOS 23 funds would be appropriate for this. 24 CHAIRMAN DUFFY: Issue is open for 25 discussion among Trustee Council members. Ms. Ballard.</p>

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<p>1 MS. BALLARD: If we don't have a motion, 2 there's nothing to discuss, correct? 3 CHAIRMAN DUFFY: Correct. 4 MR. TILLERY: Mr. Chairman. 5 CHAIRMAN DUFFY: Mr. Tillery. 6 MR. TILLERY: I would just note that there 7 is a significant question about whether this is something 8 that would be permissible under the consent decree. I can 9 think of an argument for it but it would depend upon a lot 10 of information about the extent to which archeological 11 resources were -- of this particular nature were damaged 12 during the spill, information I don't have. And in any 13 event, it appears to me that with some of the other funding 14 priorities that we have, it, at the moment, that this 15 really is not a project that I would be prepared to go 16 forward with at this time. 17 CHAIRMAN DUFFY: Okay. Dr. Balsiger. 18 MR. BALSIGER: I think this is an 19 intriguing and interesting project but I don't think it's 20 quite appropriate to fund it out of EVOS funds. So unless 21 it came back with additional information along the lines 22 with Mr. Tillery said to point out why it's appropriate 23 here, I suggest that we not deal with it. 24 CHAIRMAN DUFFY: Thank you, Dr. Balsiger. 25 Is there a motion.....</p>	<p>1 which is determine the use of the NOS grant. I think 2 that's one we can discuss and make a decision on prior to 3 our lunch break and I would encourage us to do that. Then 4 we will come back, capture 6, 7, and 9 following our 5 executive session. Is there anyone opposed to that 6 procedure? 7 (No audible response) 8 CHAIRMAN DUFFY: Okay, we're on the NOS 9 grant. 10 MS. PHILLIPS: Mr. Chairman. 11 CHAIRMAN DUFFY: Ms. Phillips. 12 MS. PHILLIPS: In your packet you will have 13 the recommendation for option number 1, which is the 14 Hinchinbrook project. And I would ask Dr. Mundy to come 15 forward if you have any questions so that he can answer 16 those for you. 17 CHAIRMAN DUFFY: I think that would be 18 helpful, to have Dr. Mundy come forward and bring forward 19 the staff recommendation and a little bit of background on 20 this for purposes of the record. 21 MS. PEARCE: Mr. Chairman. 22 CHAIRMAN DUFFY: Ms. Pearce. 23 MS. PEARCE: This is where I get lost in 24 the mountain of paper that I have. Gail, could you give us 25 a little more direction as to where -- which group of</p>
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<p>1 MR. MEADE: Mr. Chairman. 2 CHAIRMAN DUFFY: Joe Meade. 3 MR. MEADE: I was just going to carry with 4 the same conversation and say I think the project itself 5 is, you know, individually fascinating. My concern though 6 is if it's not related to the mission, the Exxon Valdez Oil 7 Spill Board of Trustees will find other similar proposals 8 that may be in themselves great opportunities but they may 9 again erode the very focus of our mission. So I would be 10 in same position as both Mr. Tillery and Mr. Balsiger. 11 CHAIRMAN DUFFY: Thank you, Mr. Meade. The 12 Chair's sentiment is consistent with the previous speakers. 13 I will provide an opportunity for someone to put a motion 14 on the table on this issue. Failing a motion coming before 15 the chair and seconded, this issue will be concluded and 16 we'll move on to the next agenda item. Is there any 17 Trustee Council member who wish to make a motion on this 18 issue? 19 (No audible response) 20 CHAIRMAN DUFFY: Hearing none, a decision 21 has been made. 22 As Chair, I have some liberty to move the 23 agenda around and what I would suggest Trustee Council 24 members consider before we take our lunch break for an 25 executive session is that we move to agenda item number 8,</p>	<p>1 attachments that was with? 2 MS. PHILLIPS: Okay, there was a motion to 3 allocate the NOS grant to fund the Hinchinbrook-Montague 4 project. It's two pages and at the top of it, great big 5 black lettering reads NOS grant. 6 MS. PEARCE: Okay, I have found one page 7 which is the actual motion. 8 MS. BALLARD: That's all I found, too. 9 MS. PHILLIPS: All right and then the 10 option was attached behind it. 11 MS. BALLARD: I don't have that. 12 MS. PHILLIPS: We can read it, if you would 13 like. 14 CHAIRMAN DUFFY: I think that would be 15 helpful to read into the record. 16 MS. PHILLIPS: All right. Option number 1. 17 Allocate..... 18 MS. PEARCE: I apologize. 19 MS. PHILLIPS: No problem. Allocate the 20 funding to fund a single project, the Hinchinbrook-Montague 21 Project. The rationales are that this is consistent with 22 both the GEM Science Plan and IOOS, it supports many other 23 EVOS activities, including lingering oil investigations, 24 and it would require a relatively small amount of staff 25 time to accomplish. The Hinchinbrook-Montague Project is</p>

<p style="text-align: right;">Page 54</p> <p>1 preferred because number 1, it is the best match between 2 GEM Science Plan needs and IOOS criteria applied by NOS. 3 Number 2, it has been in planning between 4 the Prince William Sound Regional Citizen's Advisory 5 Council and the Oil Spill Recovery Institute, University of 6 Alaska-Fairbanks and GEM for over two years, which would 7 permit a proposal and budget to be submitted to NOS in the 8 time frame available. 9 Number 3, it would provide information 10 necessary to distinguish impacts of oiling on Prince 11 William Sound herring, seabirds and nearshore resources 12 from natural forcing factors that were identified in the 13 Sound Ecosystem Assessment studies funded by the Trustee 14 Council under the Restoration Program. 15 Four, it would provide information critical 16 to effective oil spill response and management decisions, 17 such as when and if to use dispersants in the form of real 18 time surface current vectors. 19 Number 5, it would support the development 20 of the Prince William Sound pink salmon forecast model, 21 identified by the Cordova community as a top priority for 22 GEM in their areas, and is important for economic 23 development in the fishery. 24 Six, it would support development and 25 improvement of other modeling efforts important to economic</p>	<p style="text-align: right;">Page 56</p> <p>1 that's what we believe we've found here. 2 CHAIRMAN DUFFY: Thank you, Dr. Mundy. 3 Dr. Balsiger. 4 MR. BALSIGER: Yes, thank you. Dr. Mundy, 5 was this proposal submitted in response to the Work Plan, 6 the RFP, the 404, or did this come together after it was 7 apparent there was another \$750,000 available? 8 CHAIRMAN DUFFY: Dr. Mundy. 9 DR. MUNDY: Mr. Chairman. This proposal is 10 one that's been developed among different entities that are 11 interested in Hinchinbrook Entrance for different reasons. 12 It wasn't developed in response to the '04 Work Plan nor in 13 response to the \$750,000. This is an opportunity that's 14 been in planning for two years that we planned to fund by 15 some means, one way or another, through whatever means were 16 available. For example, the oil spill response entities 17 are very interested in having good estimates of the water 18 moving through Hinchinbrook Entrance. It helps to 19 understand, for example, which way the oil would be going 20 in a surface spill and also whether or not it would be safe 21 to use dispersants, that is the path of the oil in relation 22 to things like herring spawning grounds. 23 And as I mentioned before, we have injured 24 species, seabirds and harbor seals that have trend lines in 25 population abundance. We know from the Sound Ecosystem</p>
<p style="text-align: right;">Page 55</p> <p>1 development and oil spill response, such as the SEA herring 2 model and the Princeton Ocean Circulation Model used by 3 Prince William Sound and OSRI. 4 CHAIRMAN DUFFY: Thank you. Dr. Mundy, 5 anything you'd like to add at this point? 6 DR. MUNDY: Thank you, Mr. Chairman and 7 members of the Council. I just wanted to say that in your 8 -- at the last meeting we were somewhat uncertain about the 9 origin of the funding and the purpose of the funding. 10 Thanks to the efforts of Pete Hagen at NOAA, he's done some 11 research on this, and has basically confirmed the 12 information that I gave you last time, which is this was 13 provided in concert with other earmarks that were intended 14 for use in developing the Integrated and Sustained Ocean 15 Observing System, the IOOS, and he's provided me with the 16 language from the authorizing legislation, which seems to 17 be consistent with that. 18 And I would point out that this is -- was 19 chosen, this option was brought to the Trustee Council 20 because it is a very close match between the objectives of 21 GEM and the GEM program. And the background information 22 was identified in the SEA Program as necessary for 23 lingering oil investigations, that is, particularly for 24 evaluating trends in injured species populations and the 25 IOOS Program. So what we were looking for was a match and</p>	<p style="text-align: right;">Page 57</p> <p>1 Assessment investigations that the introduction of carbon 2 and nutrients through Hinchinbrook Entrance is an important 3 trigger for production in pink salmon, herring and other 4 related species and, therefore, is relevant to 5 understanding these trend lines and the dependence of 6 these. So this was not -- this isn't just an opportunity 7 that's presented itself. 8 MR. BALSIGER: If I could follow up, 9 please. The proposal sounds good but I guess what takes me 10 back a little bit is, if it's such a good idea and matches 11 all these things, why wasn't it submitted to the RFP under 12 the GEM program. Was it because it wasn't ready in time or 13 didn't quite fit the parameters of the RFP or any of the 14 other funding things? It's just that it, coincidentally it 15 comes up right at this time. I'm curious as to why this 16 hasn't been..... 17 DR. MUNDY: Because it's not -- I'm sorry, 18 Mr. Chair. 19 CHAIRMAN DUFFY: Dr. Mundy. 20 DR. MUNDY: Yes, okay. Because it's not 21 any one project. This is the concatenation of a number of 22 different projects that have been done piecemeal. And, for 23 example, the Vaughn Project, which would be a central piece 24 of this, was submitted to the Trustee Council, which is 25 just for a very limited piece of this, a mooring in</p>

<p style="text-align: right;">Page 58</p> <p>1 Hinchinbrook Entrance. This would be an opportunity for us 2 to gather up these plans in the planning process and to 3 accelerate this process and to get down the road. They 4 didn't bring this all as one proposal because this would 5 have been obviously a very, very large proposal for the GEM 6 program. We typically don't fund projects that are much 7 over about \$200,000 -- \$300,000 is a very big project for 8 us. And so by bringing all of these groups together, we 9 can make a lot of progress in a very short amount of time.</p> <p>10 CHAIRMAN DUFFY: This may be more of a 11 statement, just some clarification. If memory serves 12 correctly, at the last meeting we passed a motion to apply 13 for the grant. And so our action item here is selecting 14 the approach or the proposed utilization of the funds. The 15 staff's recommendation is that we focus on the Hinchinbrook 16 Entrance monitoring package. So that is what we would do.</p> <p>17 Now if the Trustee Council were to approve 18 this going forward, my understanding is there would be a 19 period of time where a proposal would be developed, it 20 would be peer reviewed and then that information, you would 21 basically, the applicants working through the Trustee 22 Council would need to negotiate the terms and conditions 23 with the NOS as the funding agency, is that correct?</p> <p>24 DR. MUNDY: Mr. Chairman, that's 25 essentially correct. A proposal would be put together and</p>	<p style="text-align: right;">Page 60</p> <p>1 forward. But I am not supportive necessarily of a future 2 obligation in the hundreds of thousands of dollars on an 3 annual basis that the Trustee Council would have to pick up 4 to maintain this project.</p> <p>5 I note that there are a number of partners 6 involved in this project. I guess what I would like to 7 recommend to the Trustee Council, from my perspective, then 8 I'll open it up is, that there should be some type of an 9 MOU negotiated between the partners in this project and 10 perhaps the Trustee Council to clarify some of these 11 things. Because I do not want to create the expectation 12 that this group that is moving forward on this project, 13 that I support, is going to come back year after year to 14 the Trustee Council for annual operational funding of this 15 project.</p> <p>16 I am hopeful that through other sources 17 this project and the operational aspects annually can be 18 picked up elsewhere. So with that perspective, I'll -- Ms. 19 Phillips.</p> <p>20 MS. PHILLIPS: Mr. Chairman, I think that 21 Dr. Mundy would have a response but also just to remind you 22 that Nancy Byrd from Prince William RCAC is -- or from OSRI 23 is online also now.</p> <p>24 CHAIRMAN DUFFY: Okay. Dr. Mundy, did you 25 want to....</p>
<p style="text-align: right;">Page 59</p> <p>1 submitted for the Trustees to take a look at and also 2 submitted to NOS to go through their peer review process. 3 And during that time, we would be working closely with NOS 4 to make sure that all of the details were suitable.</p> <p>5 CHAIRMAN DUFFY: Okay, so there will be a 6 future decision point for the Trustee Council to basically 7 accept and to move forward?</p> <p>8 DR. MUNDY: Mr. Chairman, I would say that 9 the process is similar to that that we've used in other 10 cases, and that is where the technical representatives or 11 liaisons of the agencies and that are kept informed and if 12 there are any considerations or problems that come up, they 13 would inform the Trustees and the Trustee could ask for 14 some explanation or for some action if necessary. I 15 wouldn't anticipate that that would be the case but that 16 would be the process.</p> <p>17 CHAIRMAN DUFFY: All right, before I open 18 it up for other Trustee Council members, just an issue for 19 me as a Trustee Council member on this. Number one, I am 20 supportive of the moving forward with the Hinchinbrook 21 Project from my perspective. My concern, however, lies in 22 what future obligations we may or may not be creating on 23 this type of a project for the Trustee Council. And given 24 the nature of this request and that we finally clarified 25 some of the background on this, I am supportive of moving</p>	<p style="text-align: right;">Page 61</p> <p>1 DR. MUNDY: Yes, Mr. Chairman, members of 2 the Council. I think that's a valid concern and it's an 3 important point. I do believe that the Trustee Council can 4 expect to be asked for operating expenses for monitoring 5 the movement of water into and out of Prince William Sound. 6 It's a key feature of the ecosystem and it's a key feature 7 that controls trends and, as I mentioned earlier, injured 8 species among others, and forage species on which the 9 injured species depend.</p> <p>10 So I think it is reasonable to expect that 11 in the future the Trustee Council will get a request for 12 operating expenses on this particular package. However, 13 there are partners with long-term funding in place who will 14 be there to also bear that burden. Oil Spill Recovery 15 Institute, I believe, is funded through 2012 in this area 16 and they have a strong interest in this. And the Prince 17 William Sound Regional Citizens Advisory Council also has 18 an interest in this area and have been working with us to 19 develop this package.</p> <p>20 So I certainly can't say, since this is 21 probably part of -- an important part of long-term 22 monitoring for the ecosystem in Prince William Sound that 23 you wouldn't see requests for operating expenses, however, 24 I believe that those would be equitably distributed among a 25 number of partners.</p>

<p style="text-align: right;">Page 62</p> <p>1 CHAIRMAN DUFFY: Okay. Mr. Meade. 2 MR. MEADE: I was just ready to make a 3 motion. I'll wait for the conclusion of this. 4 CHAIRMAN DUFFY: Ms. Ballard. 5 MS. BALLARD: I'm curious about the list, 6 let's see, who provided -- Pete Hagen's memo, which I guess 7 we all got a copy of, which was helpful. I think that this 8 list of the other grant recipients was attached to Pete 9 Hagen's memo. In any event, I'm curious about several 10 aspects of it that maybe Phil, you can answer. Do we have 11 a relationship with all these other grant recipients? 12 Should we have a relationship with them? Are there 13 efficiencies that can be gained by such a thing? And am I 14 not correct that there is some sort of ocean observing 15 system organization that Molly is now associated with and 16 why didn't the grant go to them? Lots of questions. 17 Oh, one other thing, in the language that 18 Pete copied out in his memo, it talks about -- it says 19 therefore the contrary plan to require all participants 20 receiving funding to contribute an equal share of funds, 21 which sounds to me like a hundred percent match. Is that 22 how that language is meant to read? 23 CHAIRMAN DUFFY: Dr. Mundy. 24 DR. MUNDY: Mr. Chairman, Commissioner 25 Ballard. Thanks, those are excellent questions. We have</p>	<p style="text-align: right;">Page 64</p> <p>1 advantage of that. And that was a multiple part question, 2 I'm not sure I got all the parts but yes, this integrated 3 and sustained ocean observing system is part of 4 legislation, Federal legislation. It is in agency 5 budgeting process for FY 2007, Federal agency budgeting 6 process. 7 And yes, I would expect that components of 8 this Hinchinbrook-Montague system would qualify as elements 9 of that ocean observing system. So if any long-term 10 funding comes through for this ocean back bone of coastal 11 observing systems, we have been working hard to position 12 ourselves so that pieces of GEM could actually be picked up 13 by this IOOS and thereby take the funding burden off of the 14 Trustee Council. So that was part of the long-term 15 strategy and the reason for getting involved here. 16 And the last part of the question, I'm 17 sorry, I'm..... 18 MS. BALLARD: The match. I may be reading 19 this language wrong. 20 DR. MUNDY:not able to..... 21 MS. BALLARD: Does somebody who is more 22 familiar with reading -- did anybody else -- was anyone 23 else's eye caught by that? 24 DR. MUNDY: Could you point that out to me? 25 MS. BALLARD: It's in this memo from.....</p>
<p style="text-align: right;">Page 63</p> <p>1 -- the reason that the money came to GEM is because GEM was 2 the only point of contact for ocean observing systems in 3 the early days of the IOOS. So the reason that we have, as 4 a small regional observing system, the reason that we've 5 had so much leadership responsibility in this area is 6 simply because we were the only game in town until the 7 Alaska Ocean Observing System was established, and that was 8 only put together just last year, late last year. So it 9 wasn't really a going concern. I believe that had the AOOS 10 been a going concern and been ready to receive this money 11 that the appropriation would have gone there. 12 The question about are we in contact with 13 these organizations, yes, we are and they have provided a 14 tremendous amount of volunteer labor. Quite a few of the 15 people involved with these organizations, particularly the 16 Gulf of Maine Ocean Observing System and the U.S. Goose 17 Steering Committee have provided scientists, volunteer 18 labor to attend our workshops and to help us get the GEM 19 program going. And also to review proposals, they 20 routinely review proposals for us on a pro bono basis. 21 So yes, we have utilized -- that was one of 22 the main reasons for getting in touch with these people was 23 to get some help out of these organizations and to help us 24 get going in those areas of the GEM program that coincide 25 with the ocean observing system. So we've tried to take</p>	<p style="text-align: right;">Page 65</p> <p>1 DR. MUNDY: Okay, I've got the memo. 2 MS. BALLARD: Okay, the text on the bottom 3 appears to be electronically pasted. 4 DR. MUNDY: Right. 5 MS. BALLARD: And it's that text, appears 6 to come from the appropriation language and it appears to 7 require a hundred percent match but..... 8 DR. MUNDY: Mr. Chair. 9 CHAIRMAN DUFFY: Dr. Mundy. 10 DR. MUNDY: Can I call on Pete Hagen 11 who..... 12 CHAIRMAN DUFFY: Absolutely. 13 DR. MUNDY:drafted this memo. 14 CHAIRMAN DUFFY: Would the author please 15 come to the table for clarification? 16 MS. BALLARD: And, Pete, thank you for the 17 -- since we hadn't met you -- I hadn't met you before, 18 thank you for the memo. The memo was..... 19 MR. HAGEN: I distributed it to staff to 20 explain to my boss why it appeared there but anyway -- so 21 and then it got distributed up. Yeah, that came from -- 22 that's attached to the table but it refers to fiscal year 23 2005. So the money that is appropriated now is 2004. So 24 that's an intention that the joint committee tried to put 25 in. I believe it probably came from the house side of the</p>

<p style="text-align: right;">Page 66</p> <p>1 omnibus, kind of a consolidation bill. So it's referenced 2 to 2005 and when I talked to the grants folks, they said 3 yeah, there's a lot of concern about that language in there 4 with the other recipients, the earmarks, and they intend to 5 do something about it. But anyway. 6 MS. BALLARD: But as it sits, there's a 7 hundred percent match for this money? 8 MR. HAGEN: No, that's -- their intention 9 is for -- the committee that -- the conferee committee that 10 put this together, that appropriated the language said 11 their intentions for the 2005 to require a match, this is 12 2004 funds. 13 CHAIRMAN DUFFY: Dr. Balsiger. 14 MR. BALSIGER: Thank you, Mr. Chairman. 15 It's like they're putting recipients on notice, I believe, 16 that there will be this amount of money absent the matching 17 funds in the future. 18 MS. BALLARD: I'm on notice. I mean, 19 that's a big match. 20 MR. HAGEN: Yeah, they actually had the 21 same language in the previous year but it was removed in 22 conference committee, so..... 23 MR. BALSIGER: And, Mr. Chairman..... 24 CHAIRMAN DUFFY: Dr. Balsiger. 25 MR. BALSIGER:perhaps -- Dr. Hagen is</p>	<p style="text-align: right;">Page 68</p> <p>1 MS. BALLARD: I have still one other 2 question. 3 CHAIRMAN DUFFY: Ms. Ballard. 4 MS. BALLARD: My other question has to do 5 with last year's grant. And I don't know, Pete, whether 6 you're the right guy or whether it should be Dr. Mundy. 7 But as I recall, last year there was a grant and I thought 8 we spread it over a number of years. 9 MS. PHILLIPS: Three years. 10 MS. BALLARD: So we have \$250,000 of the 11 last \$750,000 grant supporting current administrative 12 expenses. What is our plan for the other 500? 13 MS. PHILLIPS: Let me check with Paula -- 14 they are all dedicated to the administration, aren't they? 15 MS. BANKS: That is correct. 16 MS. BALLARD: All three years were..... 17 MS. BANKS: They were to support the science 18 management, right. It's approximately 248,000 a year. 19 MS. BALLARD: And although I understand why 20 that's not appropriate at this time and I suspect we got 21 sort of a wrist slap last time on that, that this grant 22 doesn't interfere with the use of the previous grant for 23 administrative purposes? 24 MS. PHILLIPS: No. 25 MS. PEARCE: Mr. Chairman.</p>
<p style="text-align: right;">Page 67</p> <p>1 a good biologist and he's done a lot of work on this but 2 he's not a lawyer and so we didn't run this through any 3 legal interpretation..... 4 MS. BALLARD: I understand. 5 MR. BALSIGER:it's cut and paste out 6 of the appropriation bill and his interpretation. 7 MS. BALLARD: And let me say again, I 8 appreciate the work you did to even dig it out. You know, 9 we've all been completely in the dark and I think we need 10 to be, from the point of view of financial managers, alert 11 to the fact that as we get into this and as Phil has said, 12 yes, it will bring an expectation that we continue our 13 participation, that that participation will require a match 14 in the future. Whether it's next year or the year after or 15 the year after, that kind of language is going to get wings 16 eventually or feet or legs or whatever. 17 CHAIRMAN DUFFY: Dr. Hagen. 18 MR. HAGEN: Yeah, I just wanted to make 19 another point. I think an MOU would be prudent to try to 20 put together with the entities. Because there is the issue 21 of -- this is purchasing equipment and Trustee Council 22 doesn't really own equipment, its agencies own it on behalf 23 of the Trustee Council. So transferring that equipment to 24 the other partners or some mechanism to deal with that 25 would be good.</p>	<p style="text-align: right;">Page 69</p> <p>1 CHAIRMAN DUFFY: Ms. Pearce. 2 MS. PEARCE: Thank you. If it's 3 appropriate, I have a couple of questions for Dr. Mundy. 4 CHAIRMAN DUFFY: Proceed. 5 MS. PEARCE: Thank you. Phil, at the last 6 meeting when we talked about this specific land proposal, 7 as I remember in listening to a number of, maybe, 8 expectations for deliverables from the proposal, I opined 9 that it sounded like there was at least some duplication of 10 work that's already being done, at least of information 11 that's already available, particularly about whether we 12 were -- met sort of the -- at Hinchinbrook Entrance in 13 particular, but also Montague Island. Has the proposal 14 been refined in any way to either ensure that we're not 15 duplicating these or to insure that we try to insure that 16 the information that will come from this project will be 17 disseminated to all comers and will go into a better 18 integrated larger system of information. 19 CHAIRMAN DUFFY: Dr. Mundy. 20 DR. MUNDY: Mr. Chairman, Drue. The basic 21 answer to that question is yes, but I have to qualify it. 22 We don't have in hand a formal proposal for this work at 23 this time. As I indicated in my response to Council Member 24 Balsiger earlier, we're putting this together as the sum of 25 several different proposals. However, I can assure you</p>

<p style="text-align: right;">Page 70</p> <p>1 that all of the players, including the multiple players 2 from NOAA, the National Data Buoy Center and others are 3 going to be part of this. So there won't be any 4 duplication of effort. These will be new efforts and they 5 are intentionally designed to avoid duplication of effort. 6 And we assure that by having everybody who is involved in 7 doing any kind of observing systems in this area as part of 8 the process.</p> <p>9 MS. PEARCE: While you were talking about 10 -- Mr. Chairman, if I could continue?</p> <p>11 CHAIRMAN DUFFY: Yes, please.</p> <p>12 MS. PEARCE: For example, on the specific 13 issue of whether or not -- when and where this person can 14 be, are you -- is the Coast Guard involved in this project 15 because they are after all the unified commander in any 16 event in Prince William Sound. They make the decisions 17 about dispersement.</p> <p>18 CHAIRMAN DUFFY: Dr. Mundy.</p> <p>19 DR. MUNDY: Mr. Chairman. Yes, they are. 20 They're involved through the Oil Spill Recovery Institute, 21 Prince William Sound Science Center process. And that is 22 part of our process.</p> <p>23 MS. PEARCE: Okay. Thank you, 24 Mr. Chairman.</p> <p>25 CHAIRMAN DUFFY: Okay, Trustee Council</p>	<p style="text-align: right;">Page 72</p> <p>1 CHAIRMAN DUFFY: Thank you. Ms. Ballard.</p> <p>2 MS. BALLARD: I don't know if we should add 3 to the motion, the recommendation that Pete made in his -- 4 both in his spoken remarks here and in his memo that there 5 be, along with this project, some sort of a memoranda with 6 the recipients or the owners of the capital equipment. And 7 I also don't know how to express the issue I raised 8 earlier, that we now do have an Alaskan Ocean Observing 9 System and these other grant recipients seem to be that.</p> <p>10 And there ought to be some -- I mean, I 11 don't want to set us up in competition with another 12 organization which is linked in to a national network of 13 things that are organized for the purpose of doing this 14 ocean observing. And that may be an issue we deal with 15 over time. I feel a little uncomfortable about that. I 16 understand this came our way because we were in place and 17 we had the seeds of what was needed. But I guess what I'll 18 do is first ask for a friendly amendment to Joe's motion 19 that our proposal of the Hinchinbrook Project be 20 accompanied by appropriate memoranda with the partners. 21 Because I think that's key to the way that project goes 22 together.</p> <p>23 And then I'll -- if the whole thing passes, 24 I'd like to try to come back to this other issue and hear 25 what Phil might want to say about the Alaska Ocean</p>
<p style="text-align: right;">Page 71</p> <p>1 members, any recommendations? Any motions on how to 2 proceed Joe Meade?</p> <p>3 MR. MEADE: I would like to propose a 4 motion that we do accept the grant, as we did at the last 5 meeting, and accept the recommendation that has been 6 brought forward by the Trustee Council for execution of the 7 grant. I'm solidly and the agency is solidly behind the 8 aims, the principles and the ability to help defer other 9 costs associated to GEM activity and I also respect the 10 dialogue that's taken place. And I guess this is cutting 11 -- I'm getting into dialogue rather than motion. My motion 12 is to accept the staff recommendation for implementation of 13 the grant.</p> <p>14 CHAIRMAN DUFFY: Thank you, is there as 15 second?</p> <p>16 MR. BALSIGER: Second.</p> <p>17 CHAIRMAN DUFFY: Seconded by Dr. Balsiger. 18 Discussion. Ms. Ballard.</p> <p>19 MR. MEADE: If I may, I was just going to 20 add to that discussion. I do feel this is a good example 21 and I think the questions have been very -- it's been a 22 very good dialogue. I think it is important that the 23 recipients of these resources see that there is going to be 24 an important component to building relationships that are 25 going to help sponsor this into the future.</p>	<p style="text-align: right;">Page 73</p> <p>1 Observing System.</p> <p>2 CHAIRMAN DUFFY: So that was a friendly 3 amendment. I think it requires a second or not? Who's my 4 parliamentarian?</p> <p>5 MS. PHILLIPS: Yes, it does.</p> <p>6 MR. MEADE: I'll second.</p> <p>7 CHAIRMAN DUFFY: Friendly amendment has 8 been proposed by the maker of amendment [sic] which would 9 incorporate an MOU among the partners as part of this 10 agreement dealing with -- I think Joe Meade brought up the 11 -- or Dr. Hagen brought up the concept of there is 12 equipment associated with this and ownership is always an 13 issue if it's not in writing. My question to the maker of 14 the friendly amendment and the main motion is the issue 15 that I brought up, and that issue is that I do not want to 16 create an expectation here that the Trustee Council, 17 because they are accepting this grant and moving forward 18 with the Hinchinbrook Project, I don't want to create the 19 expectation that the Trustee Council program itself is 20 going to be the primary or sole funding source associated 21 with the ongoing operation of this program.</p> <p>22 Now I've been told that there are other 23 programs coming online that would logically be major 24 players in this and I appreciate that and I want to 25 facilitate that sort of an understanding through this MOU.</p>

<p style="text-align: right;">Page 74</p> <p>1 So would that concept, to some degree, be addressed in the</p> <p>2 MOU? Is that your understanding?</p> <p>3 MS. BALLARD: Sure.</p> <p>4 MR. MEADE: I would be favorable to that as</p> <p>5 well. I share your very feelings as well.</p> <p>6 CHAIRMAN DUFFY: Okay, thank you. Other</p> <p>7 comments from Trustee Council members? Mr. Tillery.</p> <p>8 MR. TILLERY: Mr. Chairman, can I clarify</p> <p>9 that if we approve this motion, then this does not come</p> <p>10 back to the Council formally.....</p> <p>11 MS. PEARCE: Kevin, I can't hear Craig at</p> <p>12 all.</p> <p>13 CHAIRMAN DUFFY: Hang on a second, please.</p> <p>14 MR. TILLERY: Sorry. Yeah, I was just</p> <p>15 wanting to clarify that if this motion is approved then</p> <p>16 this project need not come back to the Trustee Council for</p> <p>17 any other formal action, simply it would come back to</p> <p>18 individual Trustee Council members on an information basis.</p> <p>19 Is that correct?</p> <p>20 CHAIRMAN DUFFY: Unless I hear otherwise,</p> <p>21 that is not my understanding because if we're talking about</p> <p>22 this concept of the development of an MOU among the</p> <p>23 parties, the Trustee Council will be one of the members of</p> <p>24 the MOU. So by definition then, if the MOU is part of the</p> <p>25 arrangement, we would have a further action item endorsing</p>	<p style="text-align: right;">Page 76</p> <p>1 program that we operate under. And I'm just expressing</p> <p>2 caution along those lines. That is my intent on this.</p> <p>3 Mr. Meade?</p> <p>4 MR. MEADE: If I may, Mr. Chair. To see if</p> <p>5 we are in full agreement, as I hear you articulate that,</p> <p>6 the expectation with this grant is that it will carry out</p> <p>7 the purposes for which it has been framed and no more. And</p> <p>8 as annual opportunity to enhance or further different</p> <p>9 components or goals that it places forward, they will be</p> <p>10 considered in a competitive manner like all other proposals</p> <p>11 that come before us. Would that not be -- in other words,</p> <p>12 it should not be under -- let it be clear that there is no</p> <p>13 long-term commitment made here. This is a commitment based</p> <p>14 on, to me, a very exciting proposal. But dimensions of</p> <p>15 that proposal that may have out year opportunity, as</p> <p>16 Dr. Mundy has noted, will need to compete through the</p> <p>17 process as all proposals do.</p> <p>18 CHAIRMAN DUFFY: Yes, thank you, Mr. Meade.</p> <p>19 That captures my thoughts as well. So further discussion</p> <p>20 among Trustee Council members. Ms. Pearce, any comment on</p> <p>21 this one?</p> <p>22 MS. PEARCE: No, thank you.</p> <p>23 CHAIRMAN DUFFY: Okay, we have an amended</p> <p>24 motion through a friendly amendment on the table. No</p> <p>25 further discussion. Is there any opposition to the motion?</p>
<p style="text-align: right;">Page 75</p> <p>1 the MOU for implementation purposes for this project. So I</p> <p>2 would see a necessary next step for the Trustee Council as</p> <p>3 part of this program.</p> <p>4 MS. BALLARD: Kevin, I think.....</p> <p>5 CHAIRMAN DUFFY: Ms. Ballard.</p> <p>6 MS. BALLARD: I'm not intending to waver</p> <p>7 about the Hinchinbrook Project but I think the MOU that's</p> <p>8 negotiated defining our role is rather important for us to</p> <p>9 see again. I mean, that can be a telephone meeting, it can</p> <p>10 be a single purpose meeting, but I think that the questions</p> <p>11 raised not just about the equipment and the ownership but</p> <p>12 about the operations and about the relationship of EVOS to</p> <p>13 this network, I would like to see that in writing.</p> <p>14 CHAIRMAN DUFFY: Just as a follow up, from</p> <p>15 the Chair, I'm a supporter of this project. I don't want</p> <p>16 my marks to be misconstrued but I am concerned about the</p> <p>17 long-term ongoing operational costs. And I would put it in</p> <p>18 the context of taking our FY04 proposals and all the</p> <p>19 projects that were funded that by necessity creates certain</p> <p>20 obligations under the FY05 funding package. And if you're</p> <p>21 not careful about long-term ongoing operational costs</p> <p>22 associated with funding a specific project in any one year,</p> <p>23 we could, I foresee in the future, get to a point where</p> <p>24 there is very little discretion on an annual basis for the</p> <p>25 Trustee Council to fund new projects based on the RFP</p>	<p style="text-align: right;">Page 77</p> <p>1 (No audible response)</p> <p>2 CHAIRMAN DUFFY: Hearing none, so approved.</p> <p>3 It is seven minutes to 12:00, the Trustee Council, do we</p> <p>4 need a motion to go into executive session? The Chair</p> <p>5 would like to entertain a motion to move into executive</p> <p>6 session over lunch. And I think we should give the public</p> <p>7 some sense of when we will come back on the record. So</p> <p>8 with that.....</p> <p>9 MS. BALLARD: So are you looking for a</p> <p>10 sense of when we'll come back on the record? Have you got</p> <p>11 tea leaves that I don't see?</p> <p>12 CHAIRMAN DUFFY: No, I do want to be clear</p> <p>13 about the executive session and that is, we're really using</p> <p>14 it only for discussion concerning confidential personal</p> <p>15 issues, litigation or legal advice, habitat acquisition</p> <p>16 negotiations, confidential archeological information or</p> <p>17 confidential fisheries information or other matters</p> <p>18 included under the appropriate statutes and regulations.</p> <p>19 So that is the purpose of the executive session.</p> <p>20 MR. MEADE: Right, as you consider the time</p> <p>21 for the executive session, I might note that I must leave</p> <p>22 by 3:00 and I'm hoping that the executive session will be</p> <p>23 conducted in a way that allows us to complete the rest of</p> <p>24 the business we have in front of us for which we put</p> <p>25 forward our agenda as well. If we could constrain our</p>

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<p>1 executive session to allow the rest of the agenda to yet be 2 accomplished, that would be my hope. 3 CHAIRMAN DUFFY: Thank you, Mr. Meade. 4 Would one hour be sufficient? 5 MS. PEARCE: Mr. Chairman. 6 CHAIRMAN DUFFY: Yes, Ms. Pearce. 7 MS. PEARCE: Thank you. Two things. 8 First, I just wanted to know what's the procedure for me. 9 Do you call me under executive session so you can control 10 what lines are called or do I call back in? 11 CHAIRMAN DUFFY: Yes, we'll call you back, 12 Ms. Pearce. 13 MS. PEARCE: Okay, and my second question 14 -- request, my DOI Anchorage staff member for the 15 Secretary's office, Michael Baffrey, I believe is, in the 16 room and I would appreciate his being allowed to stay in 17 executive session. He's our Secretary key staff on all 18 things to EVOS. 19 CHAIRMAN DUFFY: As Chairman, I will 20 approve his participation in the executive session. The 21 Chair is looking for a motion. 22 MS. BALLARD: I move we go into executive 23 session to last no more than an hour. 24 CHAIRMAN DUFFY: Second? 25 MS. PEARCE: I would second.</p>	<p>1 So, Phil, if you would just go through real 2 quickly and just reiterate the projects. 3 DR. MUNDY: Mr. Chairman, with your 4 permission. 5 CHAIRMAN DUFFY: Feel free. Thank you, 6 Dr. Mundy. 7 DR. MUNDY: Mr. Chairman, members of the 8 Council, I refer to the memorandum dated February the 18th 9 from Executive Director Gail Phillips to the Trustee 10 Council. And I refer to table 1 in that memorandum. The 11 outstanding requests fall into about three categories here. 12 And we've tried to assign priorities to these, given that 13 we know that there's a finite amount of money here. And 14 we've run a cumulative sum down the right-hand column of 15 table 1. We have a budget modification. We have a couple 16 of midterm requests, these are proposals that are outside 17 of the regular process that need your attention. 18 And then we have, following the second 19 midterm request, starting with the project labeled Bechtol, 20 B-E-C-H-T-O-L, on the left-hand column of table 1. These 21 are the projects that were approved by the peer review 22 process, recommended by the Science Director and 23 recommended by the Executive Director for consideration 24 that wound up deferred as of the November the 10th Trustee 25 Council meeting. So again, we've tried to arrange these</p>
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<p>1 CHAIRMAN DUFFY: Thank you, it's been moved 2 and seconded. The Trustee Council is moving into executive 3 session and we will reconvene at 1:00 o'clock sharp. 4 (Off record - 11:53 a.m.) 5 (On record - 1:25 p.m.) 6 CHAIRMAN DUFFY: We're back on record at 7 the Trustee Council meeting. We concluded the business 8 that was referred to in the motion for an executive 9 session. And I believe we are on agenda item number 6, 10 discussion, approval of additional projects for the '04 11 Work Plan, including deferred projects, modifications and 12 midterm requests. 13 MS. PHILLIPS: Mr. Chairman. 14 CHAIRMAN DUFFY: Ms. Phillips. 15 MS. PHILLIPS: If we could have Dr. Mundy 16 please come forward. And at our last Trustee Council 17 meeting, you folks requested that we have all the deferred 18 projects put up or brought forward for consideration. At 19 that time we didn't have the complete dollar factor of how 20 much money was left over from the 2004 Work Plan. We do 21 have that number today, it's about \$25,000, so there's not 22 a lot of money left in the 2004 kitty. But I would like 23 for Phil to go through with the projects, just a very brief 24 run down, keeping in mind that we do have a 3:00 o'clock 25 deadline for votes.</p>	<p>1 and organize them according to their -- sort of their 2 immediate need and the area of the GEM program that they 3 address and assign the priorities. 4 Over on page four of the same memo we have 5 individually addressed each one of these projects, the 6 rationale for each of these projects and its order in the 7 priorities are labeled there. And in addition, over on 8 table 2, with respect to the deferred projects, again those 9 projects on table 1, starting with the Bechtol project. 10 We've tried to classify these based on the opinion of the 11 staff with respect to the State Trustee priorities with 12 regard to lingering oil, direct impacts of the oil spill 13 and management applications. So to give the Trustees some 14 sense of where these fit in with respect to those 15 priorities. 16 So with that, Mr. Chairman, in view of the 17 amount of time we have left this afternoon, I'll conclude 18 my remarks and take any questions. 19 CHAIRMAN DUFFY: Thank you, Dr. Mundy. 20 Questions, Trustee Council members? 21 MS. BALLARD: I have just one. 22 CHAIRMAN DUFFY: Ms. Ballard. 23 MS. BALLARD: Phil, I looked through these 24 and as best I can see, those that we're not able to fund 25 this year all could be resubmitted, am I right? For '05?</p>

<p style="text-align: right;">Page 82</p> <p>1 I didn't see any that would -- in the Bechtol, on -- I'm 2 just looking not at the midterm requests but the Bechtol, 3 Cooper, Mazumder, Devens, Kline and Mann. My reading was 4 that they could all be refreshed and resubmitted. 5 DR. MUNDY: Mr. Chairman. 6 CHAIRMAN DUFFY: Dr. Mundy. 7 DR. MUNDY: Yes, Commissioner Ballard, I 8 believe that that's generally correct, although I can't 9 guarantee that each and every one of these PI's would 10 reapply in '05 but I'd.... 11 MS. BALLARD: No, I know that they might 12 not, but they could. 13 DR. MUNDY:be -- but it could. The 14 question is if it could. That's with respect to the 15 projects from Bechtol on down. This budget -- the priority 16 one, it's priority one because it's a budget modification 17 for FY04, this summer's work that couldn't occur without a 18 little extra money. And again, I think that Rice's 19 additional lingering oil studies, I think he's thinking 20 there in terms of a time line that has to do with FY04..... 21 MS. BALLARD: I was just asking about 22 Bechtol down. 23 DR. MUNDY:field season. And again, 24 this Kodiak shore zone mapping work that might be 25 accomplished in FY05 is somewhat dependent on this. And</p>	<p style="text-align: right;">Page 84</p> <p>1 that off your list? I'm not recollecting this..... 2 MS. BALLARD: That is not on my..... 3 MR. MEADE: Okay. 4 MS. BALLARD: No. 5 MR. MEADE: Thank you. 6 CHAIRMAN DUFFY: And those three projects 7 you're proposing or referencing, approximately \$100,000? 8 MS. BALLARD: Yeah, 18 plus 37 plus 46. 9 CHAIRMAN DUFFY: 110,000. 10 MS. BALLARD: Yeah. Why don't I make those 11 in form of a motion to get some discussion? I don't mind 12 moving them separately. I don't mind having a friendly 13 amendment. But since nobody else spoke, you know me, I'll 14 jump in to.... 15 CHAIRMAN DUFFY: So it's been moved to 16 approve the Walker '04 marine derived nutrients, the 17 Bechtol monitoring ecosystem parameters and the Mann FY04 18 for history of sockeye populations. Is there a second? 19 MR. MEADE: I'll second that. 20 CHAIRMAN DUFFY: Seconded by Mr. Meade. 21 Discussion. I'll start off the discussion. I think the 22 Walker one should really for this Council be kind of a no- 23 brainer. It's an administrative issue. We previously 24 approved the project. The Bechtol project itself fits into 25 something that I am interested in quite a bit of times and</p>
<p style="text-align: right;">Page 83</p> <p>1 again, the reasons for that are laid out in the document. 2 CHAIRMAN DUFFY: Further questions? 3 (No audible response) 4 CHAIRMAN DUFFY: Drue, did you have any 5 questions online? 6 MS. PEARCE: No, I don't. Thank you 7 though. 8 CHAIRMAN DUFFY: Ms. Ballard. 9 MS. BALLARD: Well, we had the advantage, 10 at least the State Trustees, of walking through these in 11 light of the relatively small amount of money left and also 12 considering the obligations that some of them propose for 13 future budget years. And there are three that I am 14 interested in and I don't know whether -- I'll tell you 15 what they are, whether we want to deal with them separately 16 or together with the \$24,000, and my three would exceed it, 17 but would be Walker's budget modification because that just 18 seems inevitable, but you know, we've approved that one. 19 But the Bechtol and the Mann projects. And I understand 20 that the Mann could be done at any time but it just seems 21 to me that the sooner we get that completed, the better. 22 So those are the two that I and our staff, Kevin, found 23 compelling. 24 MR. MEADE: Can you refresh my memory, does 25 that include the shoreline mapping in Kodiak Island or was</p>	<p style="text-align: right;">Page 85</p> <p>1 that is the direct management applicability of that project 2 to the area. 3 And the Mann project, I think it's been 4 spoken to a bit already, that's just wrapping up some work 5 that has already been done. It is true it could be done at 6 a later point in time but it's also, I think, an 7 opportunity to conclude that work relative to Mann for 46.6 8 thousand. 9 Dr. Balsiger. 10 MR. BALSIGER: This may be slightly out of 11 order but Mr. Meade brought up this Kodiak mapping, I was 12 wondering whether that was because he was against it or -- 13 because before I make a motion, I'd like to have his 14 comment. 15 MR. MEADE: If it's okay to answer that 16 during questions, I looked through these and as I worked 17 with our staff..... 18 CHAIRMAN DUFFY: I'll allow it. 19 MR. MEADE:in getting briefed on 20 them, there was interest in seeing our way down into the 21 Kodiak mapping project and to seek clarity if that needed 22 to be funded in one year or if that could be broken into a 23 two-year funding component. But that would be our interest 24 and recommendation. But I certainly supported the ones in 25 front of it and I was just going to make an additional</p>

<p style="text-align: right;">Page 86</p> <p>1 motion once this was done.</p> <p>2 CHAIRMAN DUFFY: Since we're into that</p> <p>3 discussion, in fact, I as Chair, I'm going to rule that we</p> <p>4 delay that discussion until we address the three in front</p> <p>5 of us. Because we went back to a previous discussion, it's</p> <p>6 not germane to this current motion. If the motion is</p> <p>7 amended to bring it in to the discussion, that would be</p> <p>8 probably I think better.</p> <p>9 MR. MEADE: I stand scolded. Thank you.</p> <p>10 CHAIRMAN DUFFY: Not scolded. Any further</p> <p>11 discussion on the three in front of the Trustee Council?</p> <p>12 MR. BALSIGER: Mr. Chairman.</p> <p>13 CHAIRMAN DUFFY: Dr. Balsiger.</p> <p>14 MR. BALSIGER: So I understand, if we vote</p> <p>15 on this, this is not -- it doesn't preclude bringing up</p> <p>16 other ones in a subsequent motion as opposed to amending</p> <p>17 this, we could do it either way?</p> <p>18 CHAIRMAN DUFFY: That would be my</p> <p>19 understanding. Is there anyone opposed to the three</p> <p>20 projects in front of us?</p> <p>21 (No audible response)</p> <p>22 CHAIRMAN DUFFY: Hearing no opposition, so</p> <p>23 approved.</p> <p>24 I'd remind fellow Trustee Council members</p> <p>25 of the '04 budget information that is in front of us and I</p>	<p style="text-align: right;">Page 88</p> <p>1 the budget is flying time. They could chose to do less.</p> <p>2 And anything that we could -- this is one of those fill in</p> <p>3 the blanks type operations, any of the blanks that we can</p> <p>4 get filled in this season will help us in turn prepare for</p> <p>5 planning the nearshore program in FY05.</p> <p>6 MR. TILLERY: Mr. Chair.</p> <p>7 CHAIRMAN DUFFY: Mr. Tillery.</p> <p>8 MR. TILLERY: Maybe I'm confused but as I</p> <p>9 understood this, it's already broken into two years with</p> <p>10 205,000 one year and 185 the next year. So was Mr. Meade</p> <p>11 asking about breaking the 205 and adding that into the 185</p> <p>12 or -- and is that what you're responding to? I mean, we're</p> <p>13 already split in half, I think. Aren't we?</p> <p>14 CHAIRMAN DUFFY: I think that's correct,</p> <p>15 that they are -- Dr. Mundy.</p> <p>16 DR. MUNDY: Yes, Mr. Chairman, Mr. Tillery.</p> <p>17 I believe that we're only considering the FY04 budget.</p> <p>18 It's my understanding we're only considering FY04 budgets</p> <p>19 at this time and my response was with regard to putting off</p> <p>20 part of the FY04 funding into FY05 for a subsequent</p> <p>21 proposal. Is that my -- am I correct, Mr. Meade, in....</p> <p>22 MR. MEADE: Yes, you would be.</p> <p>23 MR. TILLERY: So then the '04 can stand</p> <p>24 alone. We can do the '04 and we don't have to do the '05</p> <p>25 to make this project work?</p>
<p style="text-align: right;">Page 87</p> <p>1 think we need to think about all that throughout all our</p> <p>2 discussion for today, the remainder of the day on all the</p> <p>3 issues.</p> <p>4 Mr. Meade.</p> <p>5 MR. MEADE: I would recommend or I would</p> <p>6 put forward a motion to carry forward through the Kodiak</p> <p>7 shore mapping project -- and I'm sorry, you.....</p> <p>8 MS. BALLARD: Saupe is the....</p> <p>9 MR. MEADE: Saupe, thank you. My motion</p> <p>10 would be to carry our funding forward through that and I'll</p> <p>11 leave that there for -- and I'll ask the question once</p> <p>12 we.....</p> <p>13 CHAIRMAN DUFFY: Is there a second?</p> <p>14 MR. BALSIGER: I'll second.</p> <p>15 CHAIRMAN DUFFY: Seconded by Dr. Balsiger.</p> <p>16 Mr. Meade.</p> <p>17 MR. MEADE: The question I would ask to</p> <p>18 keep ourselves as nimble as we can or as frugal as we can</p> <p>19 be, perhaps Dr. Mundy can help me understand if this needs</p> <p>20 to funded entirely within one fiscal year or if it could</p> <p>21 have some logical increments that could be in part funded</p> <p>22 this year and part funded next.</p> <p>23 CHAIRMAN DUFFY: Dr. Mundy, in response.</p> <p>24 DR. MUNDY: Mr. Chairman. Yes, I believe</p> <p>25 that it could. For example, it contains -- a large part of</p>	<p style="text-align: right;">Page 89</p> <p>1 CHAIRMAN DUFFY: Dr. Mundy.</p> <p>2 DR. MUNDY: Mr. Chairman, I haven't</p> <p>3 analyzed it that way. I don't know -- I can't -- I can</p> <p>4 give you a yes but it's like a .95 yes. These projects</p> <p>5 have several different segments, they're flying, they're</p> <p>6 videotaping, they're adding expert commentary. It would be</p> <p>7 hard for me to imagine that we couldn't pull this thing out</p> <p>8 into pieces if the Trustee Council wanted to give a lesser</p> <p>9 amount of money in FY -- if the objective is to give them</p> <p>10 some portion of the funding in FY04 and allow them to move</p> <p>11 forward, I'm virtually certain that we can work out</p> <p>12 something that will allow them to move forward and make a</p> <p>13 positive contribution.</p> <p>14 MR. MEADE: Mr. Chair.</p> <p>15 CHAIRMAN DUFFY: Joe Meade.</p> <p>16 MR. MEADE: My question was, just logically</p> <p>17 following some of the things I see our agency doing. We've</p> <p>18 got field work that likely needs to get done and we've got</p> <p>19 limited resources. My question was really, can we do the</p> <p>20 field work now in this fiscal year and roll the rest of the</p> <p>21 project into next fiscal year where that field work can</p> <p>22 then -- from the overflights and such, be compiled into the</p> <p>23 database and generated into the products that would be</p> <p>24 delivered from the program. That was the accurate nature</p> <p>25 of my question, if that helps you, Dr. Mundy.</p>

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<p>1 CHAIRMAN DUFFY: Dr. Mundy. 2 DR. MUNDY: Mr. Chairman. Yes, that would 3 change my answer somewhat because I am not at this point in 4 time certain of how much of the budget proposal for FY04 is 5 field work versus how much is analysis. And it could well 6 be that a fairly large portion of the budget is for actual 7 flying time, which I would -- you know, is flying the 8 shoreline. That doesn't mean though however that we 9 couldn't do part of the -- whatever we felt we could afford 10 to do in FY04 field work and then follow that up again in 11 FY05 and complete the field work in FY05. 12 CHAIRMAN DUFFY: Ms. Ballard, did you have 13 a comment? 14 MS. BALLARD: I did. I thought Craig's 15 question was different. Did the initial proposal have 16 several years of component? Isn't that the question you 17 asked, Craig? 18 MR. TILLERY: It had two years, as I 19 understand it. 20 MS. BALLARD: And so this 205,000 is only 21 one of the two years. Does approval commit us to the 22 second year, regardless of whether we chose to take 10 23 years to do two years or two years to do two years? 24 CHAIRMAN DUFFY: Dr. Mundy. 25 DR. MUNDY: Mr. Chairman. Again, my</p>	<p>1 about the projects which is listed as priority three. But 2 as I listen, it sounded to me like the maker of the motion 3 said go down two and capture three which would say to me 4 that we were picking up two also. Am I correct or 5 incorrect? 6 CHAIRMAN DUFFY: That's incorrect. I 7 believe that Joe Meade's was specific to the project that 8 is rated as priority three, not project number 3. 9 MS. BALLARD: That's correct. 10 CHAIRMAN DUFFY: So it was the Saupe 11 project only. It's also my understanding when the proposal 12 came in, it did talk about a two year funding cycle of 205 13 the first thousand and 185 the second thousand to complete 14 the project. So I think if the Trustee Council chooses to 15 move forward in the FY04 invitation at some level, some 16 sum, they can anticipate that there were be an additional 17 funding request or the project won't be completed. So we 18 need to keep that in mind. 19 Mr. Tillery. 20 MR. TILLERY: It would concern me without 21 knowing that they could be broken up because otherwise we 22 could very well be faced with the inability to pay for it 23 next year and be told that, well, we did the overflights, 24 we got the film or whatever, but by the way, it's of no use 25 because we don't have the money to do the analysis or</p>
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<p>1 understanding in my reading of this memo, the only thing 2 that's before the Council at this time is the FY04 3 component of these projects. This would not -- again, as I 4 said, I can't imagine that whatever we could afford to pay 5 for in FY04 would be wasted, because these things are done 6 tangentially. To give you an example, the Saupe actually 7 walked in behind our project on Kodiak. We managed to 8 afford to do part of Kodiak in FY03 but we couldn't afford 9 to pay for the analysis for the expert commentary on the 10 tapes. 11 Saupe, in her capacity with the Cook Inlet 12 Regional Citizen's Advisory Council, had a shoreline 13 mapping project that had some funding left over that was 14 applicable to this. And she was able to apply that to our 15 surveys so that we got the -- to do the analysis. So this 16 is kind of a cooperative interactive thing that everybody 17 wants to see completed. But we can do this in pieces, if 18 we have to, and that's what we're committed to do. 19 CHAIRMAN DUFFY: Okay. Go ahead. 20 DR. MUNDY: No, no, that's my comment. 21 MS. PEARCE: Mr. Chairman. 22 CHAIRMAN DUFFY: Ms. Pearce. Thank you, 23 Dr. Mundy. Sorry about that. Ms. Pearce. 24 MS. PEARCE: I'm trying to figure out for 25 sure the motion on the table. I know that we're talking</p>	<p>1 something like that. I mean, without knowing that it's 2 going to be -- that it can be broken out and we can get a 3 useful product with one year, I mean, and one can say that 4 well, last year somebody else stepped in and picked it up 5 but I don't think it would be -- it would not be 6 responsible to count on money appearing from somewhere else 7 to finish a project. 8 CHAIRMAN DUFFY: Dr. Mundy. 9 DR. MUNDY: Mr. Chairman, in response to 10 what Mr. Tillery is asking. This again is -- you will be 11 asked to complete all of this work. You will be asked to 12 do all of this work. And this is an essential step in 13 launching the nearshore monitoring. For example, if you 14 wanted to do a lingering oil investigation and you wanted 15 to go out and put out monitoring strips or look at clams or 16 epifauna or anything like that within the oil spill 17 affected area in a long-term monitoring sense and you 18 called in the statisticians, one of the first things they 19 would ask you was how much of each kind of habitat do you 20 have here and what are we looking at. So, as statisticians 21 always do, when you ask them for an answer they tell you 22 that you have to give you all the data before they can give 23 you an answer. 24 So you would not be able to design a 25 stratified random sampling design on a lingering oil study</p>

<p style="text-align: right;">Page 94</p> <p>1 adequately without this kind of information. So you will 2 be asked to complete this and this is an essential step and 3 it will just depend on when you can afford to pay for it 4 rather than -- that is, if you're following the GEM program 5 and you're launching the nearshore monitoring, you will -- 6 this is somewhat different from the way that the 7 restoration program has been conducted in the past because 8 we can see the future here. 9 And these proposals will be back. We'd 10 like to finish Kodiak. We will be asking for money for 11 mapping, probably. Again, we're not sure exactly what 12 remains to be done in Prince William Sound but that will be 13 part of the next Prince William Sound shoreline mapping 14 proposal. Once we have the Kodiak and the Prince William 15 Sound shoreline mapping done, then we will have a complete 16 record of all of the shoreline habitat types with 17 biological expert commentary on the biological composition 18 of each of those shoreline habitat types. And we'll be 19 able to allocate our effort, that is, allocate our sampling 20 effort proportionately across those habitats. And that's 21 what we're looking to do. 22 CHAIRMAN DUFFY: Dr. Mundy, just a 23 question. Does that mean that the shore mapping relative 24 to Prince William Sound has been concluded? It hasn't been 25 concluded but it's been initiated, is that correct?</p>	<p style="text-align: right;">Page 96</p> <p>1 MS. BALLARD: Oh, good. Because you're not 2 always, so I'm glad. 3 DR. MUNDY: You may not be glad you asked 4 that question but I am. The Couvillion proposal, the FY04 5 coordinated coastal mapping, one of the issues that this 6 coordinated coastal mapping program was -- that was one of 7 the primary issues that that program was to tackle. And 8 that's why it wound up sort of as a priority two there 9 above the Saupe proposal. We had a workshop last year and 10 for the first time, all the players, including Alyeska, 11 came to the table and sat down and actually agreed to share 12 their data. Now Alyeska had not previously agreed to share 13 their data but they did and everyone was quite pleased with 14 that outcome. 15 So this Couvillion proposal for coordinated 16 coastal mapping came out of that when we realized that 17 there are a lot of entities that have pieces of coastal 18 maps and the data are of different types and they go down 19 to different levels of detail. And so there's quite a bit 20 to do if you're going to sit down and actually say we have 21 212 kilometers of coastline in Prince William Sound left 22 that need to be mapped. That's not an easy undertaking. 23 So we had envisioned this Couvillion proposal as a way of 24 cost sharing with other agencies that are doing coastal 25 mapping, because this money is matched with other funds, to</p>
<p style="text-align: right;">Page 95</p> <p>1 DR. MUNDY: Yes, Mr. Chairman, we have -- 2 the questions that remain there is to what extent can we 3 use existing shoreline mapping as opposed to having to use 4 the methods that are envisioned here in that area. We know 5 that not all of it is done but we can't tell you exactly 6 how much remains to be done. 7 CHAIRMAN DUFFY: Thank you. Further 8 questions. Ms. Ballard. 9 MS. BALLARD: Phil, that was a good 10 explanation. I understand better. I wonder if there's a 11 way, regardless of what action we take here, to look at the 12 whole mapping undertaking and try to say, you know, we're 13 going to pick it off in 10 years at this increment per year 14 or something. Because, I mean, you were very honest there. 15 You said, look, if you step into mapping, you own mapping, 16 which I understand. So clearly we're going to own mapping 17 if it's an integral part of the long-term program. But 18 should we be doing 50,000 a year, a hundred thousand? Can 19 you be sure you don't waste it by having the data sitting 20 idle? I mean, it would be much easier to have the whole -- 21 a 10- or a 12-year program laid out. 22 DR. MUNDY: Mr. Chairman. 23 CHAIRMAN DUFFY: Dr. Mundy. 24 DR. MUNDY: Yes, Commissioner Ballard, I'm 25 truly glad you asked that question.</p>	<p style="text-align: right;">Page 97</p> <p>1 kind of get that effort off the ground and get that thing 2 coordinated. 3 MS. BALLARD: So we -- excuse me. 4 CHAIRMAN DUFFY: Ms. Ballard. 5 MS. BALLARD: Phil, you would have 6 recommended that if we only were going to fund one of 7 these, we'd do the Couvillion first to get a plan of attack 8 and then we implement? 9 DR. MUNDY: Mr. Chairman. 10 CHAIRMAN DUFFY: Dr. Mundy. 11 DR. MUNDY: Yes. This will be the shortest 12 answer you ever get out of me. Yes. 13 CHAIRMAN DUFFY: All right, we have a 14 motion in front of us to fund the Saupe Kodiak shore zone 15 mapping. We've heard testimony from Dr. Mundy. We've 16 heard indication that if the Trustee Council were inclined 17 to fund one project in this category, he might suggest 18 another one as a priority to get a general snapshot of 19 where we're at in the mapping program before proceeding on 20 a specific one. So with that in mind..... 21 Joe Meade. 22 MR. MEADE: Based on Dr. Mundy's brief 23 answer and his last remark, it leads me to suggest 24 withdrawing the motion in that we may not have the focus on 25 the right priority.</p>

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<p>1 CHAIRMAN DUFFY: Does the second concur 2 with the withdrawn motion? 3 MR. BALSIGER: Yes. 4 CHAIRMAN DUFFY: Dr. Balsiger. The motion 5 is withdrawn. Any other motions relative to the FY04 set 6 of projects in front of us. 7 MR. BALSIGER: Mr. Chairman. 8 CHAIRMAN DUFFY: Dr. Balsiger. 9 MR. BALSIGER: I have a couple but I guess 10 I will..... 11 CHAIRMAN DUFFY: Fire away. 12 MR. BALSIGER:suggest -- first I 13 would move that we do fund the Couvillion proposal 14 identified as priority two, which I understand now is sort 15 of examining all of the -- well, I don't need to talk to 16 it. I'll recommend we fund that at 71.3 thousand dollars. 17 CHAIRMAN DUFFY: Is there a second? 18 MS. BALLARD: Second. 19 MR. BALSIGER: I guess I won't belabor it, 20 since we've had a long discussion on it. So I think 21 everyone understands why we believe this should done first. 22 CHAIRMAN DUFFY: I would, just from the 23 Chair, just to remind them this is a -- that Dr. Mundy did 24 the priority rating here and I appreciate all the work he 25 put in together but I think if you read over STAC/PAC</p>	<p>1 say, you're absolutely correct, these priorities have 2 nothing to do with the PAC and the STAC, those were simply 3 my effort -- and I laid out my reasoning -- my effort to 4 kind of organize these for you. I mean, for example, it 5 would be okay if you did the Saupe proposal and didn't do 6 the Couvillion because Saupe has to do with Kodiak and we 7 know what needs to be done down there. So that's not money 8 wasted so I certainly wouldn't object to that. 9 On the other hand, your comment about the 10 fact that this is the thing -- this needs to be done is 11 absolutely correct. So this is -- that's why it got a 12 priority two. But these priorities were just priorities 13 that were put there by the staff to help you organize your 14 discussion. 15 CHAIRMAN DUFFY: No, and I appreciate the 16 effort too. Further discussion on the Couvillion? 17 Ms. Ballard. 18 MS. BALLARD: Craig. 19 CHAIRMAN DUFFY: Mr. Tillery. 20 MR. TILLERY: I was just going to note that 21 I also understand that the Couvillion is part one of a 22 three part project that takes -- it takes three years to 23 complete, is that correct? 24 CHAIRMAN DUFFY: Dr. Mundy. 25 DR. MUNDY: Mr. Chairman, Mr. Tillery. If</p>
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<p>1 comments, you get a bit of a different perspective, so the 2 Trustee Council needs to keep that in mind. 3 Ms. Ballard. 4 MS. BALLARD: The other point I would make 5 affecting my vote is we're already over budget on '04 and 6 Couvillion -- how does he pronounce it; Phil? 7 DR. MUNDY: Couvillion. 8 MS. BALLARD: Couvillion -- will be just as 9 necessary as the first step in '05 or '06 as it is in '04. 10 I mean it's -- apparently it's the next step we need to 11 take. The question would be then, when did we take it. 12 And could you elaborate slightly on what you just said? 13 CHAIRMAN DUFFY: About the priorities? 14 MS. BALLARD: The PAC and the STAC. 15 CHAIRMAN DUFFY: Oh, it's just -- well, I 16 don't know how much off the top of my head I can elaborate. 17 But just all I had said was Dr. Mundy provided a priority 18 list and a rationale for those and in reviewing previous 19 PAC and STAC comments, I would suspect that some of their 20 priorities might, in fact, be not entirely consistent with 21 Dr. Mundy's and I just wanted to point that out. Because 22 it's the, you know, the public input process leading to 23 decision-making and people need to be reminded of that. 24 Dr. Mundy, you want to respond to that? 25 DR. MUNDY: Yeah, Mr. Chairman, if I might</p>	<p>1 again people were encouraged to apply for three years of 2 work, the degree to which the work in the year two depends 3 on the work in year one or the degree to which doing work 4 in year two is necessary to complete year one. I, at this 5 point in time, having not read the proposal recently, I 6 can't tell you. But I would suspect that it just simply 7 envisioned the fact that we were going to have a 8 coordinator on board and that people were going to be 9 sharing expenses on this coordinator. 10 I do recall some of the discussion that we 11 had at the STAC level and at the level of the Executive 12 Director/Science Director regarding the advisability of us 13 kind of throwing money into the hat to get this things 14 started but then not wanting to be the only or the major 15 funder of this position in the future. And so I think that 16 the decision may have been to actually provide one year of 17 funding. Or the recommendation may have been, I'm not 18 certain. But in any event, we're only asking for FY04, a 19 commitment of FY04 funding at this time. I would imagine 20 that we would, you know, we would be back at some level for 21 this coordinator position in FY05 as well. 22 CHAIRMAN DUFFY: Thank you, Dr. Mundy. 23 Ms. Ballard. 24 MS. BALLARD: I was going to ask Jim, I 25 don't know if it's fair for us to ask each other. This</p>

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<p>1 might open the flood gates to endless Trustee Council 2 meetings, but how comfortable you would be feeling that we 3 would initiate this. I feel that -- I wish that we had a 4 comprehensive piece in front of us about shoreline mapping. 5 I'm nervous that we'll either start something and not be 6 able to fund it next year or start something and then find, 7 as you said earlier, Craig, that all of a sudden we've 8 advance funded all of our future years' programs. 9 So I'm nervous we're not seeing the full 10 picture. On the other hand, I'm mindful of the fact that 11 without the mapping, which gives you the statistical 12 database, it's hard to plan other studies in the future. 13 But I wondered, Jim, whether you were comfortable saying 14 we've set our priorities right, let's put this off a year 15 since we've already spent all the money we've got. I don't 16 know. 17 CHAIRMAN DUFFY: Dr. Balsiger. 18 MR. BALSIGER: Mr. Chairman, perhaps with 19 the concurrence of a second, I'll withdraw that motion and 20 make a longer, more complicated motion that may put this in 21 a slightly different light. And..... 22 MS. BALLARD: I'm the second here so I'm 23 perfectly willing to let him do whatever he wants with the 24 motion. 25 CHAIRMAN DUFFY: Concur with withdrawal.</p>	<p>1 chapter as best we can, we would have these various groups 2 that I spoke to, mentioned, get together and consider what 3 remains to be done. In that consideration, that group 4 could take a look at the remaining projects in table 1, 5 which many include some of this mapping or may not, as long 6 as it works towards this general goal of lingering oil 7 study completions. It may include the Rice study, which is 8 identified here for \$112,000, as long as it's an integral 9 part of this idea to be funded from the contingency fund to 10 conclude lingering oil studies. Sort of get that chapter 11 stuff behind us. 12 I think it's important to note that my 13 intention is that this would not have implications for the 14 long-term GEM program or the fiscal year '05 GEM model. 15 That's still a valid concept that's been developed through 16 a long process and so that's -- we can work on that on 17 separate agendas and different meetings. But this 18 particular motion, fronting a little money for '04 has no 19 implications for the GEM model in the long run. And that's 20 my motion. 21 CHAIRMAN DUFFY: Thank you, Dr. Balsiger. 22 Comments, Trustee Council members? Ms. Ballard. 23 MS. BALLARD: As Jim's seconder, I just 24 want to second his additional comments. It is a long 25 motion, I'm not sure how much of it is in the motion and</p>
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<p>1 MS. BALLARD: Yeah. 2 CHAIRMAN DUFFY: Dr. Balsiger, the floor is 3 yours. 4 MR. BALSIGER: Mr. Chairman, I would move 5 that the Trustees modify our '04 spending plan to establish 6 a contingency fund of up to one and a half million dollars. 7 This contingency fund would be allocated to the Department 8 of Law for the purpose of funding research to fill in gaps 9 related to lingering oil. The research plan will be 10 developed by a coordinated effort of EVOS staff, the 11 Science Director, the Department of Justice, NOAA, and 12 Integral Consulting Firm, which is under contract with the 13 State of Alaska. That would be the motion. Is there a 14 second that would speak briefly to it? 15 CHAIRMAN DUFFY: Is there a second? 16 MS. BALLARD: (Raises hand) 17 CHAIRMAN DUFFY: Seconded by Ms. Ballard. 18 Dr. Balsiger. 19 MR. BALSIGER: Thank you, Mr. Chairman. 20 This would be recognizing that this does some damage to our 21 budgeting process for '04 since there clearly will be more 22 than a million dollars over what we had intended to spend. 23 But recognizing that we're sort of coming to a completion 24 of a stage where we're coming to grips with aspects of 25 lingering and it would be good to conclude this particular</p>	<p>1 how much of it is in the comments but I wanted to second 2 the entire spirit. 3 CHAIRMAN DUFFY: Ms. Phillips. 4 MS. PHILLIPS: Thank you, Mr. Chairman. 5 Just to give the Council a little ease with the financial 6 aspect of things, keep in mind your next motion or the next 7 thing on the agenda will deal with whether or not you want 8 to use the lapsed funds that are available to you also of 9 approximately \$607,000. 10 CHAIRMAN DUFFY: Thank you. Further 11 Trustee Council comments? Mr. Tillery. 12 MR. TILLERY: I think Mr. Balsiger's motion 13 is appropriate. We're sort of struggling with these on an 14 individual basis and that's probably because there's a 15 cloud hanging over us of unfinished business, which is sort 16 of the lingering oil, before we really embark on this new 17 program. And some of these things relate to it, 18 specifically the Rice study and possibly the mapping also. 19 But I think it is appropriate for us to perhaps try to wind 20 those all up under the sort of one heading. And then in 21 the future we can embark on the GEM program or continue on 22 the GEM program, sort of unfettered by this burden that 23 we're not -- we don't quite have our arms around, so..... 24 CHAIRMAN DUFFY: Thank you, Mr. Tillery. 25 Mr. Meade.</p>

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<p>1 MR. MEADE: I might add my words of 2 support, too, to the motion as it's been described in that 3 I feel that the work that's in front of us that I've 4 stepped into, I don't have the history that several of you 5 do with the lingering oil component. I have read much 6 about the Public Advisory and the Scientific Advisory 7 Committee input and insights towards GEM and advocacy and 8 support for that and its long-term importance for the -- as 9 I heard our Executive Director speak yesterday, she was 10 highlighting to the 15th anniversary the importance of the 11 research in front of us. This does that and I think that 12 if there's some work to do to kind of wrap up '04 and what 13 has been behind us, I think that's commendable and keeps us 14 focused as well on what our citizen driven efforts have 15 brought about.</p> <p>16 CHAIRMAN DUFFY: Thank you, Mr. Meade. Any 17 further comments from Trustee Council members? 18 (No audible response) 19 CHAIRMAN DUFFY: Hearing none, the motion 20 is in front of us. Is there any opposition to the motion? 21 (No audible response) 22 CHAIRMAN DUFFY: Hearing none, the motion 23 is approved. 24 The second action item, I think, 25 Ms. Phillips.</p>	<p>1 MR. TILLERY:more of a guideline or 2 something that -- where the Executive Director has the 3 actual authority without even coming back to Council, to 4 move it back when certain things are triggered. And you 5 can probably work those out.</p> <p>6 MS. PHILLIPS: Right, uh-huh. Thanks. 7 CHAIRMAN DUFFY: Ms. Ballard. 8 MS. BALLARD: That would be under the 9 concept and topic of cash management more than it would 10 research management. 11 MS. PHILLIPS: Right. 12 MR. TILLERY: Oh, absolutely. 13 MS. BALLARD: That's the spirit, yeah. 14 MR. TILLERY: Yeah, this is cash 15 management, I suppose. 16 MS. PHILLIPS: Right, right. 17 CHAIRMAN DUFFY: Mr. Tillery, would you 18 like to make that suggestion in the form of a motion? 19 MR. TILLERY: Mr. Chairman, I would move 20 that \$607,310 of money that has lapsed from fiscal year 21 2003 funds, be moved from the GeFONSI back into the 22 investment fund and that the Executive Director be asked to 23 come up with recommended procedures for the financial -- or 24 amendments to the financial operating procedures to ensure 25 that in future years lapsed money is returned to the</p>
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<p>1 MS. PHILLIPS: And then, Mr. Chairman, 2 thank you. You do have \$607,310 lapsed funds from fiscal 3 year 2003 that you can do whatever you want with. It would 4 be available for this -- to supplement the motion that you 5 just made for FY04 projects if you would care to do so.</p> <p>6 CHAIRMAN DUFFY: I'll give people a moment 7 to get their paperwork together unless they're ready to go. 8 Perhaps we're ready. 9 Mr. Tillery. 10 MR. TILLERY: Yeah, I think that it's good 11 information, I don't think it's necessary to earmark this 12 to pay for what we just did. We just -- but I think what's 13 important is the Executive Director and Paula identified 14 this problem, that we have the money that's lapsed. And in 15 the past, having it lapsed and sitting in the GeFONSI 16 account was a good thing because the GeFONSI account was 17 doing better than the CRIS was. That's no longer the case, 18 the GeFONSI is not doing as good as the investment account 19 and it's better to move this money back. And I would 20 suggest that we do move this money back into the investment 21 account but I would also suggest that the Executive 22 Director and the staff might want to come up with something 23 to add to the financial operating procedures that makes 24 it..... 25 MS. PHILLIPS: Automatic.</p>	<p>1 investment fund in a timely and efficient manner. 2 CHAIRMAN DUFFY: Is there a second? 3 MR. BALSIGER: Second. 4 CHAIRMAN DUFFY: Thank you. Question for 5 clarification, the table I'm looking at talks about 6 \$633,103. Is that total in remaining FY03 lapse. And then 7 there's the 607.3 surplus operational lapse. I'm a bit 8 confused. Can you clarify? Can someone clarify that? 9 MS. BANKS: Say that one more time. 10 MS. PHILLIPS: Would you come up to the 11 front, please. 12 CHAIRMAN DUFFY: Well, in my table there's 13 a figure of 633,000. So are we working with the 607.3, as 14 you pointed out, Mr. Tillery? 15 MS. PHILLIPS: Yes. 16 CHAIRMAN DUFFY: Maybe I'm on the wrong 17 table. 18 MR. TILLERY: Or this may be the forever 19 amending..... 20 MS. BANKS: Okay, what you're doing..... 21 MS. BALLARD: I can show him, Paula. 22 MS. BANKS: You were adding it..... 23 MS. BALLARD: You have to add the -- here's 24 the 607 and you add the 25 remaining uncommitted and that 25 total is.....</p>

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<p>1 CHAIRMAN DUFFY: Okay, never mind. My 2 error. 3 MS. BALLARD: I had another table. That's 4 the problem with the materials not being in the same place. 5 CHAIRMAN DUFFY: Chairman's error. Thank 6 you. 7 MR. TILLERY: Does that mean my motion was 8 okay? 9 CHAIRMAN DUFFY: Pending further 10 discussion, your motion is fine. Further discussion? 11 (No audible response) 12 CHAIRMAN DUFFY: Hearing no further 13 discussion, the motion is on the table. Is there 14 opposition? 15 (No audible response) 16 CHAIRMAN DUFFY: Hearing none, so approved. 17 MS. PHILLIPS: Thank you, Mr. Chairman. 18 CHAIRMAN DUFFY: I believe that moves us to 19 agenda item number 7, discussion and approval of release of 20 the FY05 invitation. Ms. Phillips. Dr. Mundy. 21 MS. PHILLIPS: I would ask Dr. Mundy just 22 to stay there and.... 23 DR. MUNDY: Mr. Chairman, following the 24 last Trustee Council meeting, the Trustee Council had 25 instructed us to work with the agency liaisons. And again,</p>	<p>1 moved and seconded to move forward with the adoption of the 2 FY05 invitation. Ms. Pearce, yes? 3 MS. PEARCE: Thank you. Gail, I've got the 4 wrong page again. 5 MS. PHILLIPS: Did you get page 20? 6 MS. PEARCE: If you would look at page 16 7 of the draft, I have two points and conceptual amendments 8 to the motion, I believe. 9 MS. PHILLIPS: Okay. 10 MS. PEARCE: Under introduction on page 16, 11 in the fourth paragraph. 12 DR. MUNDY: I'm sorry, which paragraph, 13 four? 14 MS. PEARCE: Four. Well, in the first -- 15 within -- in paragraph three we said proposals in any 16 invited program areas that integrate communities within the 17 oil spill area are always welcome. And then we turn around 18 in paragraph four and say, however, stand alone communities 19 involvement proposals are not invited at this time. We 20 encourage people to attend the meeting which is next week 21 -- and for some it may be short notice although I think 22 it's fair to say that the world that is interested in this 23 would know that we're doing the meeting. Here's my 24 concern, we did not approve community involvement proposal 25 for the present year and now we're asking for their</p>
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<p>1 under the able leadership of our colleague, Dr. Hagen from 2 NOAA, a meeting was convened in Juneau among the agency 3 liaisons to discuss the invitation and their suggestions 4 were forwarded to this office. To the best of my 5 knowledge, all of the recommendations were blended into the 6 -- we didn't have any recommendations that were not in the 7 spirit of the GEM program and they were all blended into 8 the invitation as it stands before you right now. That's 9 not to say that the recommendations were taken verbatim, 10 they were crafted so that they would fit in editorially 11 with the sections. 12 But our intention was is that all the 13 recommendations we got were positive, and in the spirit of 14 the GEM program, we did our best to get them into the 15 invitation. So at this time, Mr. Chairman, I bring you the 16 invitation and I believe that we have complied with the 17 requests that were made by the Trustee Council. 18 CHAIRMAN DUFFY: Thank you, Dr. Mundy. 19 Mr. Meade first. 20 MR. MEADE: If it's appropriate, I'd like 21 to make a motion that we move forward to adopt the 22 invitation for '05. 23 MS. BALLARD: Seconded. 24 MS. PEARCE: Mr. Chairman. 25 CHAIRMAN DUFFY: Just a moment, it's been</p>	<p>1 proposals for '05. That means the Trustee Council will 2 have gone for two entire years without having any stand 3 alone community involvement proposals accepted and in this 4 case, we're saying to the people, don't even bother to 5 bring them to us. 6 I do not think that that is something that 7 the Trustee Council feels is appropriate. I say that for 8 myself but I also know the other Trustees. And I don't 9 want us to inadvertently not be able to bring some 10 proposals back to the table if they're -- if some come out 11 of the workshop next week which we would like to go ahead 12 and discuss for '05. I don't quite know how to set it 13 aside but it would seem to me that it's an important 14 component of the Trustee Council's responsibility and we 15 should not have two years of no projects in this area. 16 And I'll go ahead and state the second 17 thing. I also think in the other proposals that we're 18 inviting for consideration, I'd like us to have as a 19 component of the proposal, as part of the scoring system, 20 whether or not they have community involvement. That would 21 force all those proposers out there in proposal world to 22 think about how to involve the local communities in these 23 projects. And if that's what we want then we should just 24 say it. It's a requirement and it's one of the things that 25 we're going to score. If you don't have community</p>

<p style="text-align: right;">Page 114</p> <p>1 involvement, you're going lose points or whatever. 2 CHAIRMAN DUFFY: Okay. 3 MS. PEARCE: So that's two pieces. I don't 4 know how to phrase the first, the second I do know how. 5 CHAIRMAN DUFFY: Okay, thank you, 6 Ms. Pearce. 7 Dr. Mundy, in the FY05 invitation, by 8 category, when people submit proposals, isn't there a 9 requirement that they identify specifically within their 10 proposal the component including community involvement, 11 related to their proposal or not? 12 DR. MUNDY: Yes, Mr. Chairman, we have that 13 in two places in the invitation. We have printed here -- 14 I'm trying to find it here but have a list of -- oh yeah, 15 here it is back on page eight of the invitation as it now 16 sits, page eight and page seven, of the invitation as it 17 now sits on our website -- we have the statement in 18 addition to all of the contact information for all of the 19 various communities in the oil spill affected area. It 20 says, all proposals in any category are expected to declare 21 the extent of which local communities are involved or have 22 been contacted or that there were no contacts to be made 23 due to the geographic scope of their project. 24 Even if there are no obvious synergies to 25 be derived from contacting the city, borough, tribal or</p>	<p style="text-align: right;">Page 116</p> <p>1 Ms. Pearce. 2 Dr. Mundy. 3 DR. MUNDY: Yes, thank you, Mr. Chairman. 4 I draw your attention to page six of the draft invitation 5 and to item five. And this is describing seven points 6 which authors of proposals are being advised that they will 7 be graded on and scored on by the STAC in the evaluation of 8 the proposals. Item number 5 reads, the degree to which 9 the proposed activities have originated from local 10 communities and the extent to which the proposed activities 11 have been coordinated and vetted with local communities, if 12 any, in the geographic area of the research as indicated by 13 letters of support, objectives incorporating community 14 participation and other indications. 15 So it is our intention that -- and, in 16 fact, I can tell you it has been the case in the past, that 17 proposals that meet Trustee Council needs that originate in 18 the communities and incorporate community participation 19 typically breeze through the review process. So we do have 20 this in the scoring, we do have this in the language here. 21 People who are writing proposals have been advised that it 22 is activity originating from local communities and that 23 have vetted with the local communities as meeting their 24 needs in the area are definitely the kinds of proposals 25 that we are seeking.</p>
<p style="text-align: right;">Page 115</p> <p>1 other government entity or community council, it is prudent 2 to let them know you may be working, staging or launching 3 in the area. Proposals that have made appropriate 4 community contacts will be rated higher by the STAC than 5 those without, all other factors being equal. 6 CHAIRMAN DUFFY: Thank you for that 7 clarification, Dr. Mundy. So..... 8 MS. PEARCE: Mr. Chairman. 9 CHAIRMAN DUFFY: Yes, Ms. Pearce. 10 MS. PEARCE: I'm talking about a step than 11 goes further than just contacting a local community and 12 saying, hey we're going to be doing a study in front of 13 Tatitlek next summer. I'm talking about having the local 14 community actually involved in the project. And I don't 15 think it's worth enough just to give them extra points 16 because they let Kodiak Island Borough know they were 17 coming. I think Kodiak Island Borough ought to be involved 18 on an actual -- well, not necessarily a cooperative effort 19 because I don't disagree that there some tasks that only 20 scientists can do. Maybe it's in the development of the 21 proposal itself, fleshing it out, that you involve the 22 community. But to me it's not enough just to say, oh, by 23 the way, did you let local community X know that you're 24 going to be there. That's not what I'm talking about. 25 CHAIRMAN DUFFY: Okay, thank you,</p>	<p style="text-align: right;">Page 117</p> <p>1 MS. PEARCE: If I could just add, I know 2 the time is late, if you don't mind, can I just follow-up. 3 MS. PEARCE: Go ahead, Drue. You've got 4 the floor. 5 MS. PEARCE: To what degree do we require 6 that in the grand scheme of scoring these things is if you 7 actually had real community involvement from the get-go, 8 does that means -- is that 25 percent of the total scoring, 9 is that just five percent, is it 50 percent? How is it 10 working? 11 DR. MUNDY: Mr. Chair. 12 CHAIRMAN DUFFY: Dr. Mundy. 13 DR. MUNDY: These are not applied as 14 ordinals. They're not as applied as rank scores that would 15 receive any particular weight. It's just that these things 16 -- I mean, for example, if we see a proposal that 17 originated in the community that meets our needs, that's 18 definitely singled out, it's on the fast track. Okay, so 19 it's not that it gets a 20 percent or it gets a five 20 percent score or any kind of a mark like that, that's one 21 of our strategies. 22 We have two strategies in implementing the 23 GEM program, one is management applications and the other 24 is community involvement. So if we spot a proposal that 25 has a management application in it or that has a community</p>

<p style="text-align: right;">Page 118</p> <p>1 involvement aspect, that proposal is singled out and we 2 work with it. So, again, it's not a matter of an ordinal, 3 it's simply a matter of implementing strategies that we 4 believe have been given to us by the Trustee Council. 5 CHAIRMAN DUFFY: Thank you. Ms. Pearce. 6 MS. PEARCE: You see, that kind of makes my 7 point, I want every project to have to have community 8 involvement. I don't want us to just single out the ones 9 that do, I want the people who write these projects to have 10 to think about how they bring the local communities, 11 whether it's a borough, whomever we're talking about, into 12 that process. Because I'm concerned, is it all too easy to 13 say, well, you know, they single out a couple because they 14 clearly came from a local community, you say, okay, we 15 dealt with that and then you look at all these kind of pure 16 science things and say well, it doesn't have much community 17 involvement and it doesn't -- they just told the community 18 about it, the community is not really involved but gee, 19 that's information we need and therefore we'll go ahead 20 with it because we dealt with the community involvement in 21 two projects over here. My point is that I think we should 22 have community involvement component more than just letting 23 the communities know in all the projects. And, I think, 24 I'm not making myself clear. 25 CHAIRMAN DUFFY: No, I think -- this is the</p>	<p style="text-align: right;">Page 120</p> <p>1 knowledge but sometimes just local knowledge, whether it's 2 at the government level -- local government or whatever 3 level. 4 CHAIRMAN DUFFY: Okay, this is the 5 Chairman, just in response. I'm sympathetic to your 6 perspective and I want to figure out a way we can do this 7 but I do know of many instances where identifying the local 8 community itself could in fact be an impossible task. So 9 you have to be careful about that issue at certain times 10 when you go out into the field. 11 Mr. Meade. 12 MR. MEADE: Yes, hi Drue, this is Joe. I 13 really much appreciate your interest and concern on the 14 community engagement and particularly the incorporation of 15 traditional knowledge. The piece that I'm apprehensive 16 about today, March 1, is delaying getting this invitation 17 out. We're already a little bit behind the eight ball, so 18 to say. We agreed to delay this to today but recognize 19 that we're pushing back and putting some pressure on the 20 Council [sic] itself to be able to appropriately then get 21 the invitation moving forward. I'm looking for some 22 alternative because I am in concurrence with you to do all 23 we can to ensure that a majority of the projects 24 incorporate an engaged community involvement. True 25 community involvement, not just identifying that you</p>
<p style="text-align: right;">Page 119</p> <p>1 Chairman -- I think you are being clear. 2 Dr. Balsiger. 3 MR. BALSIGER: Thank you, Mr. Chairman. 4 Ms. Pearce, for those projects that we might think are 5 mostly, let's see, probably ill chose words, but hard core 6 science, that it's a little bit hard to figure how the 7 community involves, would an appropriate involvement 8 without trying to dream up an example, would an appropriate 9 involvement be some dissemination of results or something 10 like that by the community themselves once the project is 11 completed or is that still too abstract? 12 MS. PEARCE: If I could, Mr. Chairman. 13 CHAIRMAN DUFFY: Feel free. 14 MS. PEARCE: My thought would be that as a 15 project is being designed that there would be a public 16 dialogue between the entity that's designing the project 17 and the local community, however expansive that local 18 community is in the case of the particular project. As 19 opposed to, after it's over we send them a copy of the 20 report. I know that there are times when the local 21 communities would not be able to actually be active 22 participants, I fully understand that. But I think there's 23 a place in the design where we could -- perhaps the 24 scientists could learn a lot from the local community about 25 using local knowledge, sometimes traditional Native</p>	<p style="text-align: right;">Page 121</p> <p>1 notified the borough in writing. 2 And to the extent we can also capture the 3 traditional knowledge component, I'm trying to think of 4 some friendly amendment or some way that we can move 5 forward without slowing down the ability to get the 6 invitation out in today's decision space. 7 MS. PEARCE: Well, let me ask this -- and 8 I'm not trying to delay, I see what you got to say. I 9 understand the need for that. Could we somewhere in the 10 '05 invitation say that once the projects are awarded we 11 would expect -- or that we want them to build in an 12 opportunity, once the project is awarded, to go to the 13 local communities and involve them up front. Let them know 14 what they're going to be doing beforehand, that sort of 15 thing. Not have to be part of the exploring process -- 16 additional part of the exploring process but something that 17 ensures that every entity knows going into this that if 18 they get one of our grants, they are expected to go out and 19 schmooze with the locals. 20 CHAIRMAN DUFFY: Dr. Mundy, any comments 21 relative to that? 22 DR. MUNDY: I certainly understand what 23 Drue is asking for and we certainly always do everything we 24 can in community involvement. My only concern here is that 25 we have already a truncated time period for people to</p>

<p style="text-align: right;">Page 122</p> <p>1 prepare and submit proposals for the FY05 process. Putting 2 an additional requirement that every proposal have 3 community involvement means time. It's a time frame thing. 4 So given that we haven't really given proposers for FY05 5 notice of this ahead of time, if we put such a requirement 6 on there, I think that will severely limit what we get in 7 terms of proposals in terms of FY05. That is, if we're 8 saying that proposals that do not have community 9 involvement are not responsive to the invitation, therefore 10 not considered, then that would severely limit, I think, 11 what we've got to look at for FY05. 12 MS. PEARCE: That's not what I said. I 13 understand the time constraints but my point was to put in 14 the invitation that people can bring their proposals in but 15 once they're awarded a proposal, it is our expectation that 16 they then go and meet with the local communities. And they 17 may find themselves, making some minor modifications 18 because of ideas that they come by in the local 19 communities. So it would be an after the fact, it won't 20 slow us down. 21 CHAIRMAN DUFFY: Dr. Mundy. 22 DR. MUNDY: Mr. Chairman, Drue. I'm sorry, 23 Drue, I didn't understand. I didn't get that point. Yes, 24 that's entirely, from a staff perspective, that's entirely 25 doable. That's certainly feasible.</p>	<p style="text-align: right;">Page 124</p> <p>1 MS. PEARCE: Thank you. Before I make a 2 motion -- unless somebody else has a comment -- can I go 3 back to my first point, which is, do we want to put out an 4 '05 invitation that just says we're not taking any strictly 5 community involvement projects this year. That we somehow 6 leave ourselves the ability -- and I guess the Council if 7 it votes can accept something later if it wants to but it 8 seems like a rather definitive statement that I'm 9 uncomfortable with. 10 CHAIRMAN DUFFY: Ms. Ballard. 11 MS. BALLARD: Drue, this is Ernesta. It 12 had been my understanding -- and I tried to get this 13 clarified at lunch time but I'm still not sure what the 14 answer was -- but I thought one of the purposes of the 15 March 10th workshop was to supplement our '05 work with a 16 more comprehensive and thought through community 17 involvement program. And that is why I thought we were not 18 requesting any community involvement proposals this time. 19 Not because we were uninterested but because we were 20 engaging in that planning process. 21 MS. PEARCE: Okay, now I think our language 22 currently says we're not inviting proposals at this time. 23 Let's say community involvement proposals are not invited 24 at this time, however, will be considered for funding at a 25 later date, after the March -- I think we need to say what</p>
<p style="text-align: right;">Page 123</p> <p>1 CHAIRMAN DUFFY: Joe Meade. 2 MS. PEARCE: I'm not sensing a lot of 3 support by fellow members there. 4 MR. MEADE: No, Drue this is..... 5 CHAIRMAN DUFFY: No, Ms. Pearce, you know, 6 you're on the phone, you're not here. And if you were 7 sensing the body language, what you're sensing is us all 8 trying to find a way to accommodate your needs and still 9 move forward. 10 MS. BALLARD: Right. 11 CHAIRMAN DUFFY: So don't get the wrong 12 impression just because you're on the phone. 13 Mr. Meade. 14 MR. MEADE: Drue, I think here again, your 15 notion is insightful and I think if you were to capture in 16 a friendly amendment what you highlighted that indeed we 17 would move forward with the '05 invitation and that we 18 would ask our Science Director to incorporate into the 19 notification of that that those that are selected will have 20 that responsibility to engage local communities as they 21 move into project implementation. That, to me, would 22 address what you're interested in here. And I would ask 23 that we would also place a bookmark in our consideration 24 for development of the '06 to be sure we are thinking 25 through this piece well in advance.</p>	<p style="text-align: right;">Page 125</p> <p>1 you just said, Ernesta. 2 MS. BALLARD: I guess I thought we already 3 had and I'm at a disadvantage here because in all the 4 papers I've shuffled, I don't have the current draft of the 5 invitation. Go ahead and read it. 6 MS. PEARCE: Okay, and I don't want to make 7 a mountain out of a molehill but..... 8 MS. BALLARD: Maybe if Phil could just read 9 what it says today. 10 MS. PEARCE: Could I just move what Joe 11 Meade said? 12 CHAIRMAN DUFFY: I think we need a little 13 more definite than that and Joe is the orig..... 14 MS. PEARCE: Darn it, Joe. 15 CHAIRMAN DUFFY: Joe was the maker of the 16 original motion, I believe, on this one. On the '05 17 invitation. So he cannot amend his own motion. 18 MS. PEARCE: Hey, we used to do that all 19 the time in the legislature. Okay. 20 MS. BALLARD: If Gail reads it back, if 21 Drue doesn't want to make the motion, I will, if Gail reads 22 it back. Or if you've got it down, Drue -- Joe said it so 23 well. 24 MS. PEARCE: I don't have it down. 25 MS. PHILLIPS: Add language to the</p>

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<p>1 invitation that once a project is awarded, the PI will be 2 instructed to contact the local communities to incorporate 3 their involvement in that particular project. 4 MS. PEARCE: Say that again, the local 5 communities will what? 6 MS. PHILLIPS: Add language in the 7 invitation that once a project is awarded, the PI will be 8 instructed to contact the local communities to incorporate 9 their involvement in that particular project. 10 MS. PEARCE: So moved. 11 MS. BALLARD: Second. 12 CHAIRMAN DUFFY: It's been moved and 13 seconded as a friendly amendment to the main motion that's 14 accepted by the Chair for consideration. Any comments from 15 Trustee Council members? 16 (No audible response) 17 CHAIRMAN DUFFY: Moving off this particular 18 issue, I would like to provide a comment. And I know that 19 when the Trustee Council chose, at the last meeting, to not 20 move forward on the '05 invitation that it created some 21 difficulties for the staff. It compressed time frames and 22 that always increases the workload. However, the 23 collaborative process that was undertaken in the last three 24 weeks, I believe the approximate time frame, with Dr. Pete 25 Hagen and some staff members from the Department of</p>	<p>1 and disposal of contaminated media and associated habitat 2 restoration. 3 I've got copies for those that can add them 4 to their books and having read it so Drue and Joe could 5 hear it. We had agreed in that interdisciplinary group 6 that DEC would draft it and Ron did and we just didn't move 7 quick enough to get it back. But I think Phil is not 8 surprised at hearing this language heretofore. 9 DR. MUNDY: No. Mr. Chairman, may I ask, 10 this is for page 19? This would be the.... 11 MS. BALLARD: It would be the third 12 example.... 13 DR. MUNDY: Okay. 14 MS. BALLARD:under the lingering oil. 15 Don't you have two there already? 16 DR. MUNDY: Right. For the people who are 17 following on the latest draft, that would be in front of C, 18 modeling, on page 19, at the bottom of page 19. 19 MS. BALLARD: That's where it goes, yeah. 20 CHAIRMAN DUFFY: So as Chair, is this -- 21 I'm going to have to consider this a clarification. If 22 it's something different than that then I think I'm going 23 to rule it out of order and we'll have to come back to this 24 issue. Are we.... 25 MS. BALLARD: It's just a clarification</p>
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<p>1 Environmental Conservation as well as, at least, one member 2 from the Department of Fish and Game, I think really has 3 improved the FY05 invitation substantially. 4 From my perspective, there's a little more 5 emphasis on management applicability. There's some other 6 emphasis that was brought in from other Trustee Councils 7 working with their staff and I really think that the 8 document was improved. So even though it was a time delay, 9 I think we're going out with a more comprehensive 10 invitation as a result of that extra effort. 11 MS. BALLARD: Kevin. 12 CHAIRMAN DUFFY: Ms. Ballard. 13 MS. BALLARD: And we agreed at the end of 14 the last one of those conversations to come up with this 15 language, which I want to read, which I think if I had been 16 able to make it quickly enough, was a friendly amendment. 17 But in any event, it would be a very small addition to the 18 invitation, not an amendment. It would be an additional 19 example for responses in the lingering oil effects category 20 where Phil provides examples of the type of work that we're 21 seeking and it would be number 3 because there are already 22 two there. And it would read, residual oil treatment 23 removal or disposal. The Trustee Council is interested in 24 proposals to identify and assess current technology that 25 may be used for in place treatment of lingering oil removal</p>	<p>1 indeed, Mr. Chairman. 2 CHAIRMAN DUFFY: Thank you. So clarified. 3 Is there anyone that has a problem with that clarification 4 in the invitation? 5 (No audible response) 6 CHAIRMAN DUFFY: Okay, we're back to the 7 main motion in front of us. Any further discussion? 8 (No audible response) 9 CHAIRMAN DUFFY: Anyone in opposition to 10 moving forward with the FY05 invitation? 11 (No audible response) 12 CHAIRMAN DUFFY: Hearing none, so moved. 13 MS. BALLARD: You're doing great. You guys 14 that are good at being Chair just are making yourselves 15 career jobs. 16 CHAIRMAN DUFFY: I believe that moves us to 17 agenda item number 9, decision regarding the small parcel 18 program of which there are a number of sub-components. 19 Ms. Phillips. 20 (Whispered conversation) 21 MS. BALLARD: Well, if there's no motion 22 regarding them, they need not be discussed. 23 CHAIRMAN DUFFY: Yes, just for 24 clarification on the agenda, all issues under the FY05 25 invitation were addressed previously so that's why they</p>

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<p>1 didn't bring it up. Thank you for that clarification. 2 MS. PHILLIPS: Thanks. Mr. Chairman, on 3 the small parcels, we've had several meetings on the small 4 parcels. In your packet I have included a number of 5 resolutions for your consideration. I've done a historical 6 recap for you. I would recommend highly that we address 7 number 1 resolution first, authorizing the payment of 8 outstanding obligations due to both The Nature Conservancy 9 and The Conservation Fund for a total reimbursement of 10 \$202,756.59. 11 MS. BALLARD: So moved. 12 MR. MEADE: Seconded. 13 CHAIRMAN DUFFY: Moved and seconded, 14 authorizing payment of the outstanding obligation to The 15 Nature Conservancy and The Conservation Fund. Discussion? 16 (No audible response) 17 CHAIRMAN DUFFY: And the dollar amount 18 again is, please? 19 MR. TILLERY: Mr. Chairman, what are..... 20 MS. PHILLIPS: \$202,756.59. Oh, wait a 21 minute. I'm sorry. I'm very sorry. I am right. Okay, 22 yes. Yes. We had two different numbers but the last 23 number that you have, that is the correct -- we had a wrong 24 chart first on the McGee parcel and so we moved the 25 purchase price of the McGee over there. It is \$202,756.59</p>	<p>1 very pleased about that, too. The second resolution before 2 you is authorizing approval of purchase of potential 3 acquisitions by The Nature Conservancy and The Conservation 4 Fund. They are each shown by description and a dollar 5 amount needed for proposed projects. 6 CHAIRMAN DUFFY: Ms. Ballard. 7 MS. BALLARD: With regard to all of the 8 rest of the draft motions that we could consider, a number 9 of us have given a good deal of thought, I think virtually 10 everybody has, to this. And I'm mindful of some of the 11 comments Drue made at our earlier meetings that we really 12 need to make clear what our intentions are with the small 13 parcel program. I have a motion that I'd like to read, I 14 move, in fact, that the Trustee Council instruct the 15 Executive Director to convene a working group to address 16 the EVOS habitat protection small parcel acquisition 17 program. Membership of this group should include 18 interested Federal and State Trustees and/or their staff, 19 appropriate agency staff, Trustee Council staff and NGO 20 representatives as well as a representative from the EVOS 21 Public Advisory Committee. 22 The charge for this working group includes 23 the review of current and past process and procedures for 24 the habitat protection small parcel acquisition program and 25 formulating recommendations for future program</p>
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<p>1 outstanding. 2 CHAIRMAN DUFFY: And that is a 3 clarification from the previous number that there were a 4 series of iterations trying to get straight what we had and 5 had not done..... 6 MS. PHILLIPS: Right. 7 CHAIRMAN DUFFY:and we got that 8 straightened out and we land on this figure. Thank you. 9 Any discussion? 10 MR. MEADE: The only discussion I'd offer 11 is I think this is pretty straightforward and we need to 12 pay our bills. 13 CHAIRMAN DUFFY: The only think that I 14 would add into that is I think we've done a lot good work 15 with these organizations. I look forward to a productive 16 relationship in the future with them and I think it's an 17 obligation of the Trustee Council to make sure that they're 18 reimbursed for their expenses and efforts. So any further 19 comments from Trustee Council members? 20 (No audible response) 21 CHAIRMAN DUFFY: Any opposition to the 22 motion? 23 (No audible response) 24 CHAIRMAN DUFFY: So moved. 25 MS. PHILLIPS: Great. I'm sure they're</p>	<p>1 implementation. The product of this working group is to be 2 prepared by the Executive Director and provided to the 3 Trustee Council for review and consideration. And if I 4 have a second, I'll speak to this. 5 MR. MEADE: I'll second that. 6 CHAIRMAN DUFFY: It's been moved and 7 seconded. 8 MS. BALLARD: I didn't feel prepared to 9 differentiate between the choices given me without a road 10 map. And I felt that we needed one particularly given the 11 amount of public interest that we have in this program. 12 Much of the public interest is well intentioned with regard 13 to the recreational needs of the community but doesn't 14 reflect very well on the overall original purpose of the 15 program. And much of it needs a better -- I think we need 16 to communicate better to those willing to sell. There will 17 always be more willing sellers than there ever will be 18 buyers in this regard. And we just needed a better road 19 map, I thought. 20 And so I think if we just take a little 21 time, this one is not time critical, we could try to get 22 this work done between now and our next meeting or now and 23 the meeting we would have in the fall. And I'd feel a lot 24 better prepared to go ahead. 25 CHAIRMAN DUFFY: Thank you, Ms. Ballard.</p>

<p style="text-align: right;">Page 134</p> <p>1 The motion that you just read into the record and got a 2 second on has been handed out for us to look at. 3 MS. BALLARD: Oh, good. 4 CHAIRMAN DUFFY: I did have one question on 5 this and that is, the item number 7, which is -- I don't 6 have in front of me the dollar amount relative to that 7 obligation to the Department of Natural Resources. 8 MS. PHILLIPS: To Fish and Game -- oh, 9 Natural Resources. It's \$10,355. And that includes 10 whether or not you take action today to approve the McGee 11 parcel, which is ready to go. And a lot of the work has 12 already been done on that. The McGee one would be probably 13 the only one I would recommend that we go ahead and go 14 through with today, approve today. And then if that is the 15 case, then the last resolution is paying the Department for 16 all the closing costs. And that would come to \$10,355. If 17 you don't do the McGee, it comes to \$6,700. 18 MS. BALLARD: Well, I'd be happy to amend 19 my motion or to have somebody who wants to speak about 20 McGee amend it so we have one vote. 21 MS. PHILLIPS: Carol is here, we could call 22 on her for..... 23 MS. BALLARD: Well, I know many of the 24 Council have already dug into this and have an opinion and 25 I feel Joe zipping up his brief case here next to me,</p>	<p style="text-align: right;">Page 136</p> <p>1 into the, you know, sort of the negotiation dance with the 2 estate, see if they are in fact going to be willing to sell 3 at the updated appraisal amount. I think what they're 4 looking for right now is some sort of a formal offer from 5 us and then we'd move forward based on that. 6 CHAIRMAN DUFFY: Any questions for Randy 7 from Trustee Council members on the McGee property? 8 Dr. Balsiger. 9 MR. BALSIGER: Mr. Chairman, correct me if 10 I've got the procedure wrong, but I would propose to amend 11 the main motion on the floor to authorize the approach to 12 the McGee negotiations, as we just heard, now rather than 13 waiting for the completion of the Executive Director's 14 panel so we can make progress on this one, which is time 15 critical. 16 MS. BALLARD: And I accept that as a 17 friendly amendment. 18 CHAIRMAN DUFFY: So I'm confused. Clarify 19 what you're doing again. My fault. 20 MS. BALLARD: So my motion reads as it 21 is..... 22 CHAIRMAN DUFFY: Right. 23 MS. BALLARD:written to, but also 24 includes moving ahead with the timely project before us, 25 which is the McGee property.</p>
<p style="text-align: right;">Page 135</p> <p>1 so..... 2 CHAIRMAN DUFFY: Is there someone that 3 could give us a quick status report on McGee? 4 MS. PHILLIPS: Brett, can you? Or Randy? 5 Good. 6 CHAIRMAN DUFFY: Thank you, Randy. 7 MR. HAGENSTEIN: Thank you, Mr. Chairman. 8 As indicated in some of the supporting material around the 9 McGee parcel, high priority acquisition for Department of 10 Natural Resources at the mouth of the Anchor River, most of 11 the property is down in a very rich productive salt marsh 12 estuary. The property is currently owned by an estate of 13 the deceased Mr. McGee, a homesteader from the area. It's 14 not currently being actively marketed though they have a 15 relationship with a realtor that we have been working with. 16 We appraised this property a year and a half ago or so for 17 \$40,000. 18 And at this point we're prepared to move 19 forward with negotiations if we've got a signal from the 20 Trustee Council that those efforts would be worthwhile and 21 would meet the needs of the Trustee Council and likely be 22 financially supported down the road. It's impossible to 23 predict whether or not we'd be able to bring a successful 24 deal across the table on this one. We're going to have to, 25 at a minimum, get an update on the appraisal and then we're</p>	<p style="text-align: right;">Page 137</p> <p>1 CHAIRMAN DUFFY: Is that correct? 2 MR. BALSIGER: That's correct. That's what 3 I intended. I didn't say how much money was involved and 4 the idea would be to speak to the motion, if I could, 5 Mr. Chairman. 6 CHAIRMAN DUFFY: Feel free to. 7 MR. BALSIGER: To pursue these negotiations 8 with the idea that \$40,000 is the amount of money that is 9 the starting price of this. Well, perhaps that's wrong to 10 tip our hand on how much money there is. 11 MS. BALLARD: Since we're in public..... 12 MR. TILLERY: Well, it's in the public 13 record. 14 MS. BALLARD:the real estate world 15 will know. 16 MR. TILLERY: Mr. Chairman. 17 CHAIRMAN DUFFY: Mr. Tillery. 18 MR. TILLERY: Just to confirm, we're not 19 authorizing you to expend or anything like that, we're just 20 simply -- we'll be saying, go ahead, negotiate, come back 21 to us. 22 MS. BALLARD: Right. Correct. 23 CHAIRMAN DUFFY: Thank you for that 24 clarification. Any further comments? 25 MS. BALLARD: Thank you.</p>

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<p>1 MR. HAGENSTEIN: Thank you.</p> <p>2 MR. TILLERY: Mr. Chair.</p> <p>3 CHAIRMAN DUFFY: Mr. Tillery.</p> <p>4 MR. TILLERY: Before we leave this and</p> <p>5 finish friendly amending this, do we need to deal with the</p> <p>6 DNR?</p> <p>7 CHAIRMAN DUFFY: I believe there is a</p> <p>8 representative from DNR here today and I would like them to</p> <p>9 come to the table, if they're available, please. Okay, I</p> <p>10 think we need clarification on this. Thank you. Please</p> <p>11 state your name for the record.</p> <p>12 MS. FRIES: My name is Carol Fries, I work</p> <p>13 for the Department of Natural Resources. And the request</p> <p>14 for funding before you today is to cover the cost of title</p> <p>15 research, review of hazmat surveys, review and approval of</p> <p>16 appraisals that support the pursuit of these acquisitions.</p> <p>17 DNR is required to perform due diligence before we take</p> <p>18 title to property and there are costs and staff time that</p> <p>19 are required in support of that. And we would appreciate</p> <p>20 your consideration of those expenses.</p> <p>21 CHAIRMAN DUFFY: And the dollar amount</p> <p>22 again, just for the record?</p> <p>23 MS. FRIES: The dollar amount for -- I have</p> <p>24 to look at the resolution. I believe for.....</p> <p>25 CHAIRMAN DUFFY: That's what I was looking</p>	<p>1 MR. TILLERY:why this money is not</p> <p>2 coming out of there but that explains it, so.....</p> <p>3 MS. FRIES: Right.</p> <p>4 MS. BALLARD: Kevin.</p> <p>5 CHAIRMAN DUFFY: Ms. Ballard.</p> <p>6 MS. BALLARD: Do I then understand that we</p> <p>7 can't really do what we just charged Randy with doing</p> <p>8 unless we also -- or it would it be foolish to do that</p> <p>9 without also authorizing the 10,000 or so title search and</p> <p>10 hazmat search costs that you're describing?</p> <p>11 CHAIRMAN DUFFY: That's my understanding.</p> <p>12 MS. FRIES: Yes.</p> <p>13 CHAIRMAN DUFFY: Ms. Fries.</p> <p>14 MS. FRIES: In other words that they.....</p> <p>15 MS. BALLARD: They go together.</p> <p>16 MS. FRIES: Yes, right. That's correct.</p> <p>17 MS. BALLARD: Well, one more amendment.</p> <p>18 The associated costs of doing the work that we've asked</p> <p>19 Randy to do.</p> <p>20 MR. TILLERY: And inclusive of the three</p> <p>21 Anchor River parcels that -- payment of the expenses.</p> <p>22 MS. BALLARD: Yeah. In other words, keep</p> <p>23 this time critical project moving forward and then get a</p> <p>24 road map for everything else. Good lawyereze.</p> <p>25 CHAIRMAN DUFFY: Thank you. Back to the</p>
Page 139	Page 141
<p>1 for, too.</p> <p>2 MS. FRIES:all of the parcels it was</p> <p>3 \$10,355.</p> <p>4 CHAIRMAN DUFFY: Okay, Mr. Tillery.</p> <p>5 MR. TILLERY: Sir.</p> <p>6 CHAIRMAN DUFFY: You were seeking</p> <p>7 clarification.</p> <p>8 MR. TILLERY: Yes, I appreciate the</p> <p>9 clarification and I actually had a question if that's --</p> <p>10 this is money that's not available under, I don't know what</p> <p>11 it was, it was Bill-621 or something like that.</p> <p>12 MS. FRIES: Under the old.....</p> <p>13 MR. TILLERY: Under the old small parcel</p> <p>14 support.....</p> <p>15 MS. FRIES: Correct. In other words, that</p> <p>16 money has been cut off because the -- my understanding,</p> <p>17 that money was extended in order to cover costs associated</p> <p>18 with parcels that were ongoing, such as the Old Harbor</p> <p>19 exchange and the Afognak joint venture subsurface. And I</p> <p>20 have stopped spending against that money because this is --</p> <p>21 these are different activities. And I also -- there is not</p> <p>22 that much money left in that account.</p> <p>23 MR. TILLERY: That's what I was just trying</p> <p>24 figure out, was whether this.....</p> <p>25 MS. FRIES: Okay.</p>	<p>1 main motion as amended.</p> <p>2 MS. PHILLIPS: I didn't catch who seconded</p> <p>3 or not that last one.</p> <p>4 MS. BALLARD: These were all friendly</p> <p>5 amendments so it's the same firster and seconder.</p> <p>6 MS. PHILLIPS: Okay.</p> <p>7 CHAIRMAN DUFFY: Back to the main motion.</p> <p>8 Any further discussion?</p> <p>9 (No audible response)</p> <p>10 CHAIRMAN DUFFY: Any opposition of the</p> <p>11 motion in front of us?</p> <p>12 (No audible response)</p> <p>13 CHAIRMAN DUFFY: Hearing none, so moved.</p> <p>14 MS. BALLARD: You did it.</p> <p>15 MS. PHILLIPS: Mr. Chairman, that's all I</p> <p>16 have for you.</p> <p>17 MS. BALLARD: I move we adjourn so Joe can</p> <p>18 get to his meeting.</p> <p>19 CHAIRMAN DUFFY: Is there a second?</p> <p>20 MR. MEADE: I'll second that.</p> <p>21 CHAIRMAN DUFFY: Thank you. It's been</p> <p>22 moved and seconded. The Trustee Council is adjourned at 10</p> <p>23 to 3:00 on March 1st. Any opposition?</p> <p>24 (No audible response)</p> <p>25 CHAIRMAN DUFFY: So moved. Thank you.</p>

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1 (Off record - 2:50 p.m.)
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1 CERTIFICATE
2 UNITED STATES OF AMERICA)
3) ss.
4 STATE OF ALASKA)
5 I, Joseph P. Kolasinski, Notary Public in and for
6 the state of Alaska and reporter for Computer Matrix Court
7 Reporters, LLC, do hereby certify:
8 THAT the foregoing pages numbered 4 through 142
9 contain a full, true and correct transcript of the Exxon
10 Valdez Oil Spill Trustee Council's Meeting recorded
11 electronically by me on the 11th day of December 2001,
12 commencing at the hour of 10:17 a.m. and thereafter
13 transcribed by me to the best of my knowledge and ability.
14
15 THAT the Transcript has been prepared at the
16 request of:
17 EXXON VALDEZ TRUSTEE COUNCIL, 451 W. 5th
18 Avenue, Suite 500, Anchorage, Alaska 99501;
19
20 DATED at Anchorage, Alaska this 12th day of March
21 2004.
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23 SIGNED AND CERTIFIED TO BY:
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