

1 EXXON VALDEZ OIL SPILL

2 TRUSTEE COUNCIL

3 Teleconference Public Meeting

4 Wednesday, February 8, 2006

5 10:12 o'clock a.m.

6 441 West 5th Avenue, Suite 500

7 Anchorage, Alaska

8 TRUSTEE COUNCIL MEMBERS PRESENT:

9 U.S. DEPARTMENT OF INTERIOR: MS. DRUE PEARCE
10 (CHAIR) Senior Advisor to the
11 Secretary for Alaskan
12 Affairs,
13 U.S. Department of Interior

14 STATE OF ALASKA - MR. DAVID W. MARQUEZ
15 DEPARTMENT OF LAW: Attorney General

16 (TELEPHONICALLY)

17 STATE OF ALASKA - DEPARTMENT MR. KURT FREDRIKSSON
18 OF ENVIRONMENTAL CONSERVATION: Commissioner

19 U.S. DEPARTMENT OF COMMERCE, MR. CRAIG O'CONNOR for
20 National Marine Fisheries Svc: MR. JAMES W. BALSIGER
21 Administrator, AK Region

22 STATE OF ALASKA - DEPARTMENT MR. McKIE CAMPBELL
23 OF FISH AND GAME: Commissioner

24 U.S. DEPARTMENT OF AGRICULTURE, MS. MARIA LISOWSKI for
25 U.S. FOREST SERVICE MR. JOE MEADE
26 Forest Supervisor
27 Forest Service AK Region

28 Proceedings electronically recorded, then transcribed by:
29 Computer Matrix Court Reporters, LLC,
30 3522 West 27th, Anchorage, AK 99517
31 243-0668

1 TRUSTEE COUNCIL STAFF PRESENT:

2	MICHAEL BAFFERY	Acting Executive Director
3	CHERRI WOMAC	Administrative Officer
4	MICHAEL SCHLEI	Analyst Programmer
5	CAROLYN ROSNER	Research Analyst
6	CARRIE HOLBA	ARLIS Librarian
7	HEATHER BRANDON	ADF&G
8	CAROL FRIES	ADNR
9	DEDE BOHN	U.S. Geological Survey
10	CRAIG TILLERY	Alaska Department of Law
11	GINA BELT	Department of Justice
12	STEVE ZEMKE	U.S. Forest Service
13	JENNIFER KOHOUT	U.S. Fish & Wildlife Svc.

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1 P R O C E E D I N G S
2 (Anchorage, Alaska - 2/8/2006)
3 (On record - 10:12 a.m.)
4 CHAIRWOMAN PEARCE: We'll call the meeting
5 of the Exxon Valdez Oil Spill Trustee Council to order. It
6 is February 8th, 2006. It's about 12 minutes after 10:00
7 in the morning. And I believe we need to do a roll call.
8 We do have a number of Trustees or their alternates on
9 teleconference today so we will be taking all of our votes
10 as voice votes. But whoever does the roll call, would you
11 please do so for each department.
12 MR. BAFFREY: Department of Law, present.
13 CHAIRWOMAN PEARCE: Okay, the Attorney
14 General is here.
15 MR. MARQUEZ: I'm here.
16 MR. BAFFREY: Department of the Interior is
17 present. ADF&G?
18 MR. CAMPBELL: I'm here.
19 MR. BAFFREY: McKie, good morning.
20 MR. CAMPBELL: Good morning.
21 MR. BAFFREY: Kurt, are you available?
22 MR. FREDRIKSSON: Yes, Kurt Fredriksson is
23 here.
24 MR. BAFFREY: And Maria for Forest Service?
25 MS. LISOWSKI: I'm here.

1 MR. BAFFREY: And who would we be missing
2 then?
3 CHAIRWOMAN PEARCE: Craig.
4 MR. BAFFREY: Craig, are you on line?
5 Craig O'Connor?
6 MR. O'CONNOR: Yes, I am.
7 MR. BAFFREY: Okay. So yes, they are all
8 in attendance.
9 CHAIRWOMAN PEARCE: Excellent. Okay. We
10 need a motion to approve today's agenda, please.
11 MR. MARQUEZ: So moved.
12 CHAIRWOMAN PEARCE: We have a motion. Do
13 we have a second?
14 MR. O'CONNOR: Seconded. O'Connor.
15 CHAIRWOMAN PEARCE: Second was by Mr.
16 O'Connor. Is there any discussion?
17 (No audible responses)
18 CHAIRWOMAN PEARCE: Hearing none, we do
19 need to call the roll. All those in favor -- well, no.
20 You need to call.....
21 MR. O'CONNOR: O'Connor in favor.
22 MR. BAFFREY: McKie?
23 MR. CAMPBELL: Yeah.
24 MR. BAFFREY: Kurt?
25 MR. FREDRIKSSON: This is Kurt, yes.

1 MR. BAFFREY: Maria?
2 MS. LISOWSKI: Yes.
3 MR. BAFFREY: David?
4 MR. MARQUEZ: Yes.
5 MR. BAFFREY: Drue?
6 CHAIRWOMAN PEARCE: Yes. Okay. We need to
7 approve the December 2nd, 2005 Trustee Council meeting
8 notes. Can we please have a motion?
9 MR. MARQUEZ: So moved.
10 CHAIRWOMAN PEARCE: We have a motion. Do
11 we have second?
12 MS. LISOWSKI: Second.
13 CHAIRWOMAN PEARCE: Is there any discussion
14 or any amendments?
15 MR. O'CONNOR: I move its approval. This
16 is O'Connor.
17 CHAIRWOMAN PEARCE: We have a motion to
18 approve. I will second and when we do, please another
19 voice vote.
20 MR. BAFFREY: McKie?
21 MR. CAMPBELL: Yes. And let me ask, do we
22 do this just by asking if there are any objection. Would
23 that.....
24 MR. BAFFREY: Oh, great.
25 CHAIRWOMAN PEARCE: From old legislative

1 days, when you're on teleconference, you're actually
2 supposed to have an affirmative noise out of each person.

3 MR. CAMPBELL: Sounds good.

4 CHAIRWOMAN PEARCE: But I don't mind doing
5 that if none of the other Trustees mind.

6 MR. CAMPBELL: Whatever you wish. I'm
7 happy to make affirmative noises.

8 CHAIRWOMAN PEARCE: Well, on this one, I
9 don't think it's a problem. Is there anyone opposed to the
10 approval of the Trustee Council meeting notes?

11 (No audible responses)

12 CHAIRWOMAN PEARCE: And I will quit being a
13 legislator. Okay. That brings us to Public Advisory
14 Committee comments. I know that Dr. Gerster is online.
15 Dr. Gerster?

16 DR. GERSTER: Yes. I'd just like to make a
17 few comments. First of all, I'd like to thank Michael
18 Baffrey for his untiring effort. He's been working very
19 hard.

20 Number two, the PAC is very concerned about
21 Integral proposal, which is due April 1st. And the PAC
22 would like to have a meeting in May, after that proposal
23 comes in and discuss it.

24 Number three, the PAC would like to comment
25 on the injured resources list and the draft 2007 budget.

1 Number four, the PAC is very concerned
2 about the science director and we'd like to hear about that
3 today.

4 Number five, as head of the lingering oil
5 subcommittee, we have done nothing and we'd like to do
6 something.

7 Number six, the PAC did not officially
8 approve but it's the sense of the PAC to approve the
9 Batten, Cokelet, Okkonen and Weingartner one year
10 extension. We think that is very good. And in addition,
11 the CYP1A bio markers, sea otters, which is just an
12 additional 6,000 on 040620-2. The sense of the PAC is to
13 approve that as well.

14 And then the PAC did approve a resolution
15 on the reopener which is probably in front of you and you
16 can read that. Thank you.

17 Stacy, do you have any comments?

18 MS. STUDEBAKER: Yes, I do. I don't recall
19 that we approved a resolution. We.....

20 DR. GERSTER: We did not approve a
21 resolution.

22 MS. STUDEBAKER:tabled the
23 resolution. No, we didn't. We tabled that. We are going
24 to rewrite it and have a meeting on it next month. Okay.

25 CHAIRWOMAN PEARCE: Doc.....

1 MS. STUDEBAKER: Is it my turn now?

2 DR. GERSTER: Your turn.

3 CHAIRWOMAN PEARCE: Stacy, just a moment.

4 Dr. Gerster, go back to your point three. You want to

5 comment on what? Or the PAC wants to comment.

6 DR. GERSTER: Well, the PAC wants to hear

7 about the injured resources list and the staffing of the

8 science director. What was your question?

9 CHAIRWOMAN PEARCE: Well, I got science

10 director. That was your point four. But you had two

11 things under point three you wanted to comment on, injured

12 resource list and there was a second one?

13 DR. GERSTER: Well, the PAC would like to

14 review the Integral proposal which is due April 1st.

15 CHAIRWOMAN PEARCE: Right, that was one.

16 DR. GERSTER: And the PAC would like to

17 have a meeting in May to go over that.

18 CHAIRWOMAN PEARCE: Okay.

19 MR. BAFFREY: If I may. John, what was

20 your second item? What was the one right after the PAC

21 meeting in May?

22 DR. GERSTER: The injured resources list

23 and the draft 2007 budget.

24 MR. BAFFREY: Okay.

25 CHAIRWOMAN PEARCE: Okay, that's it. Draft

1 two thou -- that's what I was missing. Okay, thank you.

2 Any questions for Dr. Gerster before we go to Stacy

3 Studebaker?

4 MR. CAMPBELL: I have one quick question.

5 This is McKie.

6 CHAIRWOMAN PEARCE: Go ahead.

7 MR. CAMPBELL: And I just wanted to

8 understand, maybe for future reference, when you say the

9 sense of the PAC is, what does that mean? You all kind of

10 talked about it and that was the general consensus but

11 there wasn't a vote or.....

12 DR. GERSTER: Exactly.

13 MR. CAMPBELL: Okay.

14 CHAIRWOMAN PEARCE: Yeah, okay. And just

15 -- I have a question. Integral is not -- it's my

16 understanding -- bringing back a proposal, they're bringing

17 back their report. Is that what you want to meet about

18 after it's -- after it is back?

19 DR. GERSTER: Yes.

20 CHAIRWOMAN PEARCE: Okay. That's fine.

21 Okay. Any other questions?

22 (No audible responses)

23 CHAIRWOMAN PEARCE: Thank you. Stacy.

24 MS. STUDEBAKER: Good morning ladies and

25 gentlemen of the Trustee Council and staff and members of

1 the audience. Thanks for the opportunity to make my
2 comments today from Kodiak. And I'll also submit my
3 comments in writing later on to be entered into the public
4 record. First of all, I want to express my deep thanks to
5 you for appointing Michael Baffery to the position of
6 interim executive director of the Trustee Council. In the
7 short time he's been at the helm, some positive steps have
8 been made to get the restoration program back on track and
9 restore the public process and relationship with the PAC.
10 His willingness to address our questions openly and
11 candidly and respond to our requests for better and more
12 meaningful involvement is greatly appreciated. And also
13 because of him, communication between us and the Trustee
14 Council office has improved greatly in the last few weeks.
15 He even seems to like the job, even though he's coming in
16 during a very rocky and critical period of the restoration
17 program. So thanks again for that.

18 Your agenda today includes some action
19 items up for Trustee vote and among them are four ongoing
20 monitoring projects that need one year extensions and are
21 requesting an early notice of '07 funding commitment, so as
22 to allow the scientists to continue their work
23 uninterrupted. These are important and popular projects
24 that represent what the public and scientific community
25 envision for the GEM program, which has for the most part

1 currently been on hold until the synthesis work is
2 completed. Please vote today in favor of their one year
3 extension amendments so the scientists can get back to
4 work.

5 Your action items also include the Bodkin
6 request for an additional \$6,000 cost increase for '06
7 funds to conduct the March sea otter survey. And this is
8 extremely important ongoing work related to one of the key
9 non-recovered species in Prince William Sound. So please
10 vote in favor of that amendment today.

11 We discussed all this at the PAC meeting,
12 and like John said, the PAC supports these requests.

13 At our PAC meeting last month following the
14 Marine Science Symposium, Lucinda Jacobs gave a
15 presentation and update on the Integral synthesis project.
16 She said that the first phase of the project involved the
17 synthesis of research conducted on recovering or recovered
18 injured resources. And the second phase would examine the
19 status of all injured resources and services. And although
20 we knew that her conclusions were only preliminary, they
21 were painfully simplistic considering what has been spent
22 on this study thus far. We were shown only a laundry list
23 of basic information and there were no spacial components
24 such as maps or related GIS work that were presented to
25 reference the data and support the conclusions. And many

1 members of the PAC as well as members of the audience at
2 the Symposium that saw the same presentation were rather,
3 should I say, underwhelmed.

4 The PAC requested that we have the
5 opportunity to collectively review, discuss, and comment on
6 the draft report after the STAC has reviewed it and before
7 you decide what to do with it. I also think there should
8 be ample time and a designated process set up for the
9 general public to review the draft report and comment on
10 it, since this is the report that is so pivotal to the
11 future of the restoration program.

12 We discussed and set some dates for future
13 meetings and the PAC will also want time to review,
14 collectively discuss, and make comments on the updates to
15 the injured resources list and the draft invitation for
16 proposals for FY 2007.

17 An in-house matter of very high priority to
18 the PAC is data management in an efficient tracking system
19 for each project, present and past. Staff need adequate
20 compensation and training.

21 The budget looks good and was discussed at
22 the PAC meeting with the following recommendations, which
23 were made in the form of a resolution that passed
24 unanimously. The PAC recommends the Trustee Council
25 approve the FY 2006 proposed budget and encourages the

1 executive director to reevaluate funding in the FY06 budget
2 and the developing FY07 budget to address increased needs
3 in the coming months in the following areas: Community
4 outreach; staff support for increased information requests
5 from PAC members and others; staff retention; and data
6 management.

7 On another related topic, the PAC is
8 working on a resolution which John referred to but was not
9 passed, to encourage you as individual Trustees on behalf
10 of the public to recover the costs from Exxon for
11 continuing and appropriate work needed to restore damages
12 resulting from the unanticipated long term injury of
13 resources and services. The science is undeniable that
14 lingering oil persists and resources and services are not
15 full recovered. I understand that as a body the Trustee
16 Council does not have the authority to invoke the reopener
17 but as individual Trustees of the State and Federal
18 resources, you are all directly involved in the assessment
19 of damages and making recommendations to your branches of
20 the government.

21 Since the Trustee Council is the only place
22 where the public really has the opportunity to address you
23 all and participate in these issues, then there needs to be
24 a formal public process established where there can be full
25 and open discussion of the work by Integral Consulting and

1 other scientists studying the long term effects of the oil
2 spill and lingering oil remediation that your decisions
3 will be based on to invoke the reopener. The public has
4 the right to participate fully in injury assessment and
5 restoration planning that will form the decisions regarding
6 the reopener.

7 The public was not involved in the decision
8 to contract Integral Consulting in 2004 to do over a half
9 million dollars worth of synthesis work. The final report
10 keeps being delayed but is now supposed to be due in April,
11 only a couple of months before the 90 day period required
12 by the courts to file for a case for the reopener. We
13 never saw Integral's original proposal or contract with the
14 Trustee Council and therefore did not buy into this plan.
15 And since this is the case, the public foreseeably may not
16 buy into their conclusions.

17 So thanks and this concludes my comments
18 today. Are there any questions?

19 CHAIRWOMAN PEARCE: Are there questions for
20 Stacy? Any online?

21 (No audible responses)

22 CHAIRWOMAN PEARCE: I have one for either
23 you Stacy or for Dr. Gerster, assuming he's still online.
24 You ask us in developing our '07 budget to address
25 increased needs in four areas. Can you tell me what the

1 PAC means by community outreach and what additional efforts
2 you would -- the PAC envisions.

3 MS. STUDEBAKER: For community outreach?

4 CHAIRWOMAN PEARCE: Yes.

5 MS. STUDEBAKER: Well, for one thing, the
6 -- what is this -- the youth program that's very -- that's
7 been ongoing and very popular needs to continue, the youth
8 area watch program both in Kodiak and in Prince William
9 Sound. Those are very important outreach programs and
10 those kind of things are extremely well supported by the
11 PAC. And so funding for Carrie Schneider's program here in
12 Kodiak is very important. She's very, very concerned that
13 the funding is going away on that and I've had several
14 conversations with her about that. Also, I think it's
15 important -- and the PAC talked about this in our meeting
16 -- that it's important for members of the Trustee Council
17 staff to come to the oil spill communities on a regular
18 basis to give in person, on the ground updates on the
19 restoration program. And I think that last time that
20 happened here was maybe three, four years -- three years
21 ago, I believe. Just at the beginning of Gail's tenure.
22 And I think that's a really good way to spend some money
23 for community outreach.

24 There are also some components of that that
25 have been developed by Marilyn Sigmund in Homer to involve

1 the public more in monitoring projects for the GEM program.
2 And so we see that as also very, very worthy uses of funds
3 for public outreach and community outreach. Does that
4 answer your question?

5 CHAIRWOMAN PEARCE: Yes, that's fine. Any
6 other questions?

7 MR. CAMPBELL: Drue. McKie.

8 CHAIRWOMAN PEARCE: Yes, McKie.

9 MR. CAMPBELL: Let's see, two items. The
10 first on public outreach, I'm going to -- Stacy, you were
11 mentioning about coming to Kodiak. I'm going to be in
12 Kodiak March 16th and 17th in connection with ComFish but
13 there are some people who have already contacted me that
14 they'd like to talk to me on some EVOS issues and I'm
15 certainly available to talk to anybody else who might want
16 to talk about EVOS issues while I'm there.

17 MS. STUDEBAKER: Okay.

18 MR. CAMPBELL: And I'll be.....

19 MS. STUDEBAKER: Are you informally setting
20 that up with, you know, local government officials or.....

21 MR. CAMPBELL: Yeah, but, you know, anybody
22 that wants to, we can set something up. You know, and I
23 obviously in that capacity would be speaking for myself,
24 not for the EVOS Trustees. But, you know, if I'm in the
25 community, I've always been willing to meet with people on

1 EVOS business. The second item.....

2 MS. STUDEBAKER: Okay. Well, that would be
3 great, if you could set that up and then let me know, I can
4 alert others and help out with that.

5 MR. CAMPBELL: Okay. Thank you. And the
6 second item is, you know, all of us are eager to see
7 additional information that may lead to reopener. The
8 Trustees are actively sifting through and pursuing what the
9 cases may be. The PAC probably better than almost any
10 other group understands A, what the terms of the settlement
11 are, and B, might have insight into possible projects that
12 might fit under that. And as I've been telling everybody,
13 if you have potential projects that you think fit under the
14 terms of the settlement, we're very, very interested.

15 MS. STUDEBAKER: Great. Okay. What's the
16 best way for the public to convey those ideas?

17 MR. CAMPBELL: I would think through the
18 PAC. You guys are supposed to be our public advisory
19 committee. But you understand the terms of the settlement,
20 what I hope you'll also help us convey back out to the
21 public on what the terms of the settlement are because I've
22 been seeing a lot of requests from a lot of people who
23 should know better that, you know, will never make it in
24 the courthouse door because they just don't come close
25 to.....

1 MS. STUDEBAKER: Right. Right. Okay. So
2 if people -- if the members of the public at large or
3 different groups have ideas, where is the point that they
4 should submit those to? I mean, what office? You
5 directly.....

6 MR. CAMPBELL: They should certainly
7 contact any of us in our roles as government officials, not
8 as Trustees.

9 MS. STUDEBAKER: Okay. Thanks for
10 clarifying that. I appreciate that.

11 CHAIRWOMAN PEARCE: And if I can make a
12 further clarification at least on the behalf of the
13 Department of the Interior, we have a process set in
14 regulation under NRDA to do reviews and recommendations to
15 the Department of Justice on this sort of activity,
16 although I think the Exxon Valdez reopener is probably
17 unique in the world. But having said that, the authorized
18 officer who will be the person who recommends to the
19 Department of Justice on the behalf of the Department of
20 Interior is Dr. Rowan Gould, who is the Director of Region
21 7, U.S. Fish and Wildlife Service here in Anchorage. And I
22 would suggest that anyone who wants to contact DOI with
23 ideas about the reopener with science to back that up, with
24 restoration ideas, should contact Dr. Gould or Jennifer
25 Kohout who is leading a team working with Rowan. And she

1 of course comes to all of our meetings and is here today.

2 I know that it has been announced publicly
3 that Dr. Gould is going to be transferring from Region 7,
4 unfortunately, to Washington D.C. to take a new position in
5 Fish and Wildlife Service's head office. We have named the
6 new director who will come for Region 7, however, Dr. Gould
7 has been asked and has said that he will continue to be the
8 authorized official for this particular activity since he
9 has some pretty specialized experience, since he was head
10 of the resource damage team after the actual Exxon Valdez
11 in his previous Alaska life. So he will continue to be our
12 point person and the person to whom the materials should be
13 sent. They can be directed to him at the Anchorage office
14 of Fish and Wildlife Service or you can actually send them
15 through our Office of the Secretary here in Anchorage.
16 Most of you know we no longer have a special assistant, or
17 we don't have one at the moment. We will be filling that
18 position but it is open at the moment. So for DOI, send
19 your information directly to Dr. Gould and Dr. Kohout.

20 MS. STUDEBAKER: Great. Thank you, Drue.

21 CHAIRWOMAN PEARCE: And I don't know if the
22 other two Federal agencies have the same process or not.
23 Mr. O'Connor, do you have.....

24 MR. O'CONNOR: Yeah, at this point I think
25 the best thing to do with regard NOAA would be to send your

1 comments to me and I'm at 7600 Sandpoint Way in Seattle and
2 that's 98115. Or on email, if that's convenient, but I'm
3 the focal point on this particular issue for NOAA.

4 CHAIRWOMAN PEARCE: And Maria, what about
5 the Forest Service?

6 MS. LISOWSKI: I would suggest that they
7 send any proposed projects or ideas to Joe Meade as the
8 Forest Supervisor on the Chugach and we will ensure that
9 that's considered by the decision making authorities for
10 the Trustee.

11 CHAIRWOMAN PEARCE: Great. Any other
12 comments?

13 MR. FREDRIKSSON: Drue, this is Kurt, just
14 a follow-up. I think if people have ideas as much as McKie
15 said, if they could direct those to the Attorney General
16 and copy both myself, Commissioner Fredriksson; and
17 Commissioner Campbell at Fish and Game. I think that would
18 be most helpful.

19 CHAIRWOMAN PEARCE: Okay.

20 MR. MARQUEZ: This is David Marquez, the
21 Attorney General. That would be a great way to do it for
22 the State.

23 CHAIRWOMAN PEARCE: And I would suggest
24 that since both the State and the Feds actually each have a
25 part to play, that everyone be encouraged to send their

1 information at least to the Attorney General and one of the
2 Federal agencies, choose which one you want to send it to.
3 Any other comments or questions?

4 MR. LAVIN: Drue, this is Pat Lavin on the
5 line. It's just a process question. I'm wondering if
6 we're in the PAC dialogue part and I should talk or.....

7 CHAIRWOMAN PEARCE: Go right ahead.

8 MR. LAVIN: But I don't want to cut off any
9 questions people might have had for Stacy.

10 CHAIRWOMAN PEARCE: I don't think there are
11 any more for Stacy, so Pat, go ahead.

12 MR. LAVIN: Okay. I don't want to take a
13 lot of time repeating what others have said but I did want
14 to echo the thanks to the good job that Michael has done
15 since coming on. It's been a pleasure to work with him a
16 little bit. On the reopener and sort of public process
17 opportunities that have been mentioned, I wanted to follow
18 on with one piece from the Integral project, which the
19 council I thought did a good job of kind of modifying in
20 some important ways from the original proposal.

21 And one of those modifications was to try
22 to firm up the -- or improve upon or expand upon the public
23 involvement and traditional knowledge component of that to
24 try to ensure that that Integral project, as something of a
25 final synthesis of injury and a look at potential

1 restoration options, did include public participation and
2 traditional knowledge as parts of that. And the proposal
3 as funded calls for one more presentation to the public
4 from Integral and the scientists and such in April, but it
5 says, you know, in addition to that, it says the specific
6 methods for incorporating traditional ecological knowledge
7 and involving the community will be determined during an
8 initial meeting of a technical review panel that is defined
9 in the proposal and from feedback from the Trustee Council.

10 So as funded -- well, I guess my first
11 question is, you know, whether any of you have acted with
12 the technical review panel on this question of the specific
13 methods for incorporating traditional ecological knowledge
14 and involving the communities. If so, I'd love to hear,
15 you know, how that discussion went. And if it hasn't
16 happened yet, then by way of maybe contributing to the
17 feedback that might go from the Trustees toward Integral,
18 would be a really -- try to make those processes as robust
19 as possible. In part because it's likely to lead to a
20 better outcome but also because of what Stacy flagged about
21 the unknown nature, at least in the beginning of this
22 Integral work.

23 And I think they've done a good job now at
24 the Symposium of telling us what they know so far, even if
25 it was a little less than we might have hoped they knew.

1 But at least there was that. But to build on that and
2 ensure that when we get to the end of the day on this final
3 synthesis that it feels like and it is actually true that
4 the public participated in it. You have an opportunity
5 already there in the proposal as funded to give them
6 feedback on how to do that. And I guess -- I think some of
7 the other folks online may have some ideas on that too --
8 but just to ensure that that's robust in certainly
9 including, at least considering, going out into the spill
10 effected communities as part of their work, should be part
11 of it in my view. And I would hope that that would be some
12 of the feedback you could give to them under the proposal.

13 So I stop there and take any questions and
14 hear anything you might know about where that stands.

15 CHAIRWOMAN PEARCE: Thank you. Any
16 comments by Trustees or by Michael?

17 MR. FREDRIKSSON: Drue.

18 CHAIRWOMAN PEARCE: Yes.

19 MR. FREDRIKSSON: This is Kurt. Let me
20 just direct a question to Pat. Pat, did you have a chance
21 to attend the Symposium?

22 MR. LAVIN: I did. I was there for parts
23 of it, Kurt.

24 MR. FREDRIKSSON: Okay. Did you get a
25 chance to -- Integral gave a number of presentations and I

1 believe they gave a presentation to the PAC -- but were you
2 able to raise these questions, interests, directly to
3 Lucinda?

4 MR. LAVIN: I was able to go over with her
5 the -- basically the points in her presentation, not so
6 much -- but her presentation didn't get at the community
7 involvement piece. And as it turned out, she wasn't in the
8 -- she had kind of made a schedule of when you could catch
9 her in different rooms at the Symposium and wasn't there at
10 some of those times. And so I -- although I had met with
11 her earlier on, kind of one on one, this time through at
12 the Symposium I didn't get to do that. I only got to see
13 her presentation and we had some Q and A about that subject
14 matter. But it didn't get at the community involvement and
15 I didn't get any kind of update on what the technical
16 review panel and Integral's staff have come up with so far
17 about that.

18 MR. FREDRIKSSON: Okay. Thanks, Pat.

19 MR. LAVIN: Yeah.

20 CHAIRWOMAN PEARCE: Any other comments or
21 questions?

22 MR. TREADWELL: Drue, this is Mead
23 Treadwell.

24 CHAIRWOMAN PEARCE: Just a minute. Was
25 yours to Pat's comments or.....

1 MR. TREADWELL: No, no, it's a new one
2 so.....

3 CHAIRWOMAN PEARCE: Okay.

4 MR. TREADWELL: Sorry.

5 CHAIRWOMAN PEARCE: Any other comments back
6 to Mr. Lavin?

7 (No audible responses)

8 CHAIRWOMAN PEARCE: I would just say that
9 having been part of -- and possibly of the people here
10 today, the only person who was one the Trustee Council the
11 last time we updated the injured resource list -- after
12 there was proposal -- and I will be honest, I'm not sure
13 who prepared -- I assume it was Dr. Spies that came up with
14 the original proposal -- that then went to both -- well,
15 went to the PAC I know for comment before it came to the
16 then science director and then executive director and
17 finally to the Trustee Council to adopt. There were
18 changes after comments of all those various levels that
19 were made by the council to that list. I would expect our
20 process to look much like that and our process of accepting
21 any synthesis status to also look much the same.

22 I think it's fair to say that we haven't
23 discussed timing and step by step yet of that process but
24 there certainly will be an opportunity for the PAC to
25 comment on those as they come. I would also say, while I'm

1 talking, that we are as interested in having a science
2 director as everyone else is and we will be discussing that
3 further. And that the lingering oil committee hasn't met
4 because there isn't yet anything for the lingering oil
5 committee to do until we have the draft and/or final
6 reports that are in, at which time the committee will be
7 meeting. But we don't have anything -- it's my
8 understanding to actually put before them at the moment so
9 paying to bring everybody to town doesn't make any sense at
10 all.

11 Any other comments for Mr. Lavin? Mead.

12 MR. TREADWELL: Yeah, thank you, Madam
13 Chair. I basically wanted to pose two questions on the
14 reopener issue and I think it was very helpful for the
15 Trustees to individually list names of folks in their
16 agencies to talk to. I guess my first point is that, as I
17 understand it, some of the pending issues for the reopener
18 are lingering oil, damaged herring and damaged resources,
19 including economic resources that were contemplated at the
20 time of the spill. And while I think the studies that I'm
21 aware of going on would certainly give you the science that
22 you need to make a decision on the first two issues, I
23 wanted just to ask if the Trustees feel that within the
24 work of the Trustee Council or other work that's going on,
25 there's enough work on economics and the economic damages

1 that were unanticipated at the time of the spill, because
2 I'm not sure I see that. That was my first question and I
3 have a follow-up.

4 CHAIRWOMAN PEARCE: I'll be honest to you,
5 on the Federal side, since we are not responsible for the
6 reopener decisions, I don't think there's anybody online
7 who can give you an answer to that question on behalf of
8 the Department of Justice. If you have concerns, I would
9 suggest that you contact -- at least for us -- that you
10 talk to Jennifer and to Rowan about your concerns. Any
11 other comments on that question?

12 (No audible responses)

13 CHAIRWOMAN PEARCE: What's your next
14 question?

15 MR. TREADWELL: My next question was really
16 for the State side and for Dave. Dave, given the fact that
17 the State is in a very heavy, intense negotiation with
18 Exxon on the natural gas pipeline issue and the fact that
19 we kind of punted on the issue of Point Thomson, is there
20 anything we should do to make sure that the public doesn't
21 feel we're punting on the issue of the reopener while we
22 finish the pipeline negotiation?

23 MR. MARQUEZ: First of all, I don't agree
24 with punting.

25 MR. TREADWELL: Okay.

1 MR. MARQUEZ: And second, you can be
2 assured that the two are completely unrelated.

3 CHAIRWOMAN PEARCE: Any other comments?
4 Any other PAC members?

5 (No audible responses)

6 CHAIRWOMAN PEARCE: If not, we'll go to
7 public comment. We have -- first we'll go to Cordova to
8 Mayor Joyce. Mr. Mayor.

9 MAYOR JOYCE: Thank you. Good morning,
10 members of the Trustee Council and staff and others in
11 attendance. My name is Tim Joyce, I'm the mayor of Cordova
12 and speaking as such today.

13 Thank you for giving me the opportunity to
14 speak to you today on what I consider an important issue
15 that has been waiting to be addressed for quite some time.
16 As you recall, I spoke to you in June when you were in
17 Cordova about how our community was gravely damaged by the
18 Exxon Valdez oil spill. Cordova and her residents haven't
19 recovered from this damage nor has restoration of this
20 damage been addressed yet by the Trustees. I also reminded
21 the council of our lingering injuries in a letter that I
22 sent to you in November of last year. In that letter, I
23 quoted the language of then Senator Frank Murkowski, which
24 was included in the senate energy and natural resources
25 committee report. It specifically authorized restoration

1 other than habitat acquisition which may include community
2 and economic restoration projects and facilities.

3 I was encouraged by the letter sent to me
4 recently from the interim executive director of the
5 council, Michael Baffrey, dated January 19th of 2006. In
6 his response to me, Mr. Baffrey agreed with Cordova's
7 contention that the reduction or loss of services as a
8 result of the continued injury to natural resources should
9 be fully considered. He goes on to say that although many
10 resources appear to be recovering naturally, investments
11 may be needed to accelerate natural recovery of the
12 resources and give full consideration to those services
13 that have been impacted by the oil spill.

14 Cordova supports the synthesizing of all
15 relevant information to date and also supports the 2006
16 resources status update work that is underway. We hope the
17 Trustees can agree that the best use of funds should also
18 include restoration of effected services in the oil spill
19 community and we look forward to collaborating with the
20 Trustee Council to evaluate those appropriate restoration
21 measures. I would like to point out to the Trustees that
22 Alaska State Senator Hollis French has recently introduced
23 legislation, SJR17 and HJR29, requesting the State proceed
24 in its attempt to receive the full 100 million available
25 through the reopener for unknown injury clause. The

1 Cordova City Council unanimously supports that legislation
2 and the reopener since the resources and services of our
3 community still have not been restored or even addressed at
4 this date, almost 17 years after the oil spill disaster.

5 Finally, I invite the Trustees to return to
6 Cordova again this summer for a council meeting as they did
7 last year. It was an honor and a pleasure to have you
8 conduct your business in our town and it provided a
9 wonderful opportunity for the Alaskans most impacted by the
10 Exxon Valdez oil spill to speak with you directly. So
11 thank you again for your consideration of this matter of
12 utmost importance to our community and I appreciate the
13 time that you have given me to speak to you. And I would
14 gladly answer any questions, if you have any.

15 CHAIRWOMAN PEARCE: Thank you, Mr. Mayor.
16 Any questions for the mayor?

17 (No audible responses)

18 CHAIRWOMAN PEARCE: Hearing none, I believe
19 it's Jennifer Gibbons in Cordova.

20 MS. GIBBONS: Hi. I'd like to, if it's all
21 right with you, allow Steve Smith to speak before me
22 because he needs to leave for an appointment. So if that's
23 all right -- Steve.

24 MR. SMITH: Okay. Thank you very much. My
25 name is Steve Smith. I've lived and fished in Cordova for

1 over 40 years and I'm on the local Cordova District
2 Fisherman's United Board of Directors, along with a bunch
3 of other organizations. And half of my income historically
4 used to be from herring fishing of one sort or another.
5 And I have had zero income from herring for the last 13
6 years or so. They are not recovered, even though they've
7 gone through several generations of new herring. The ADF&G
8 biologists don't know why they haven't recovered. We need
9 some kind of research program that identifies what the
10 problems may be and if there are any remedial efforts that
11 we can take to speed along the rehabilitation program
12 process here.

13 And this is a classic example of the
14 unforeseen damages from the Exxon Valdez oil spill. And I
15 would think very good grounds for the reopener. Thank you.

16 CHAIRWOMAN PEARCE: Any questions or.....

17 MS. GIBBONS: Okay.

18 CHAIRWOMAN PEARCE:comments for Mr.
19 Smith?

20 MR. SMITH: Yeah.

21 CHAIRWOMAN PEARCE: Thank you.....

22 MS. GIBBONS: Okay. Shall I go ahead now?

23 CHAIRWOMAN PEARCE:Mr. Smith. Now
24 back to Ms. Gibbons.

25 MS. GIBBONS: Okay. Thank you. First of

1 all, on behalf of some of us sitting around a table here in
2 Cordova, I'd like to welcome Michael Baffrey, the interim
3 executive director, and thank you for your work today and
4 particularly for your support of public participation and
5 an open process. So we thank you very much.

6 I'd also like to take this opportunity to
7 again express our support -- and I'm speaking on behalf of
8 the Eyak Preservation Council and our neighbors, friends,
9 and colleagues across Prince William Sound. And I'd like
10 to again express our support for the work of the PAC, for
11 their continued participation in this process, and also
12 support the comments that they have presented today. And
13 also express our support for the current legislation that
14 Tim Joyce spoke of. So thank you for mentioning that.

15 The recent dialogue with Integral over in
16 Anchorage was a wonderful opportunity for the public to
17 engage these consultants in a discussion regarding
18 Integral's work on behalf of the Trustee Council. This is
19 a very positive step and we're really excited about this.
20 Open dialogue and information sharing is vitally important
21 to the process and to ensuring the best possible outcome
22 from this work. There are numerous opportunities to follow
23 up and Integral indicated at the Symposium that their first
24 step would be to provide the public with a list of the
25 people they had been interviewing and consulting with. And

1 we greatly appreciate this and we look forward to hearing
2 back from Integral in the next several days with this
3 information.

4 So having made this first important step in
5 what appears to be sort of a fresh approach, a fresh
6 dialogue, I would like to suggest the Trustee Council take
7 another step in this direction and formally engage public
8 participation in this work through financial support. We
9 currently have in place a diverse group of various
10 stakeholders working on the reopener issue. And our team
11 members include fishermen and scientists, conservationists,
12 Native and non-Native concerned citizens, as well as
13 liaisons to national conservation and commercial fishing
14 organizations. Among other activities, we engage spill
15 zone residents, stakeholders, and fishery experts in the
16 identification of issues and the development of possible
17 restoration projects.

18 Our team members and associates have a
19 wealth of experience, expertise inherent in traditional
20 knowledge regarding Prince William Sound. And our spill
21 zone members have an intimate knowledge of this region that
22 is uniquely valuable and uniquely relevant to the reopener
23 process and outcome. And I think this is critically
24 important for everyone to consider. In order to continue
25 this work in the manner necessary to address an issue of

1 this magnitude, we seek the Trustee Council's financial
2 support to continue our work and specifically to engage
3 with your consultants at Integral and to continue our work
4 to generate restoration projects. Your financial support
5 will help ensure continuation of the interactive approach
6 you so widely initiated at the symposium and to ensure the
7 proper pace and scope of effort required to prepare the
8 most appropriate reopener restoration plan, one that
9 reflects the highest level of outside expertise as well as
10 the authentic participation of spill zone residents and
11 concerned Alaskans.

12 And in closing, I'd like to underscore
13 three other points or issues that are important to the
14 community. And that's the first that we believe that the
15 Trustee Council is the appropriate place for the public to
16 discuss unanticipated injuries to habitat and species and
17 associated restoration projects. In your capacity as
18 Trustees, as heads of administrative agencies, you have the
19 power to decide to reopen the settlement or to make that
20 recommendation to the State and Federal decision makers and
21 the State and U.S. governments represent the people of
22 Alaska and the United States who want a say, and we want a
23 say, in the decision to reopen the settlement.

24 So thank you very much. I appreciate the
25 opportunity today. Thank you.

1 CHAIRWOMAN PEARCE: Comments or questions
2 for Ms. Gibbons?

3 (No audible responses)

4 CHAIRWOMAN PEARCE: I would just say that
5 our attorneys emphatically -- at least for the Federal
6 side, at least within DOI -- our attorneys emphatically
7 don't believe that the Trustee Council is the place for
8 that discussion and have instructed time and time again the
9 Trustee Council to not be a part of those discussions. And
10 as I said before, Dr. Gould is the place to forward any
11 ideas, comments, or concerns, whether or not there's going
12 to be any sort of a public process after some of the
13 reports are in. I don't yet know and that, at least for
14 our agency, will not be a Trustee Council decision.

15 We also have online, I believe, Vern
16 McCorkle. Vern, are you still online?

17 MR. McCORKLE: Yes, I certainly am.

18 CHAIRWOMAN PEARCE: Your turn.

19 MR. McCORKLE: Thank you. I'm just
20 listening in today. Thank you very much for the privilege
21 to do that. Keep up the good work.

22 CHAIRWOMAN PEARCE: Thank you. You don't
23 want to say that Michael Baffrey walks on water? Anybody
24 else online who wants to give public comment today?

25 MR. MULLINS: Ross Mullins here in Cordova.

1 Thank you.

2 CHAIRWOMAN PEARCE: Mr. Mullins, go right
3 ahead.

4 MR. MULLINS: Hi. Thanks for the
5 opportunity to talk to the Trustees today. I somewhat take
6 issue with what you just said, Drue, about the Trustee
7 Council absolving itself from any responsibility to
8 delineate the issues that surround the reopener. This
9 looming situation which has to be in front of Exxon within
10 three months, a very short timeframe from this point in
11 time, is critical to the future of our source and
12 expectations of resource recovery here. And I'm thinking
13 in particularly of herring. The herring have not
14 recovered. The economic ramifications of that is obvious.
15 I would estimate somewhere in the range of 500 million
16 dollars worth of losses in the community as a result of
17 these disappeared herring.

18 Now I realize that the -- there are three
19 questions that the government must establish in order to
20 determine whether a non-recovered species is amenable to
21 funding in a reopener. Those questions are, a population
22 habitat or species has suffered a substantial and
23 continuing loss or decline in the spill area. That answer
24 is a resounding yes for herring. A loss or decline is
25 attributable to the spill. This is where the rubber hits

1 the road. I say that's a resounding yes, however, as you
2 know, science is a very difficult discipline in order to
3 present totally proven theories as to what may have been
4 the impact.

5 I have recently seen a proprietary study
6 that's been prepared for some of the litigants, the
7 commercial processor litigants that are still in court
8 against Exxon in which a very strong case is made by a
9 recognized authority in the herring business, if you would
10 call it that, that makes the connection to the oil spill in
11 a very meaningful and effective way. So I would say, is it
12 attributable to the spill? The answer is a resounding yes.
13 Now my understanding is Integral is much less clear on that
14 issue and that's why it's important that we get this list
15 of people they have been interacting with.

16 The third question that governments must
17 establish is, a loss or decline could not have been known
18 nor reasonably anticipated by any of the Federal or State
19 Trustees -- now the word Trustees is clearly there -- from
20 information available to them when the settlement was
21 signed in 1991. Since the herring collapse occurred in the
22 winter of '92-'93, obviously it could not have been
23 anticipated when the settlement was arrived at in 1991. So
24 clearly it -- the answer to that question is a resounding
25 yes. It is unanticipated.

1 So the question before us is, are we going
2 to have sufficient evidence to be able to present to Exxon
3 on June 2nd that will prove there is a need for future
4 funding for remediation and study that will help get this
5 herring to restored condition. And my sense is that
6 because we have had so little interaction with Integral,
7 the community of Cordova, to my knowledge, has not had any
8 Integral presence here to discuss within the community and
9 within the science context that this community supports.
10 They have had no interaction. There the repository of a
11 lot of the herring research that was done in the '90s
12 exists here in Cordova. Our group, which has a small
13 project funded by the Trustees under the PWSFRAP heading,
14 Prince William Sound Fisheries Research Application and
15 Planning, have been really scrutinizing this issue.

16 And I would like to propose that there be
17 -- you know, if you go back to the science plan that was
18 developed in 1994 for the ecosystem science project that
19 occurred in Prince William Sound, that funding came as a --
20 in a very quick response from the Trustees by the fact the
21 fishermen set up this blockade in Valdez. Now we're far
22 beyond that today, but we do need to have some reasonable
23 consideration for another type of project that will create,
24 in my opinion, an ad hoc committee to prepare a minority
25 report that we can push against the Integral conclusions or

1 interact with Integral in a minority report that will be
2 able to be prepared in time to go to the Exxon through
3 committee by June 2nd. In order to do that, to get this
4 coalition, this ad hoc group together within -- I mean,
5 Prince William Sound, we all know is the epicenter of the
6 oil spill. And we are the one region where we've had this
7 disastrous loss of a major resource, that being herring.

8 In order to get this thing done in three
9 months, we would like -- I would like at least -- a request
10 that the council provide \$50,000 to fund this ad hoc
11 committee and for that committee to be able to create a
12 science plan that will be definitive and be able to be
13 presented to Exxon by June 2nd. Right now I don't see
14 anything that -- I mean, this Integral synthesis, that's
15 all well and good but it does not stipulate that they come
16 out with a science plan for restoration of the
17 unanticipated injured resources. So in that light, I think
18 there's a strong community support for that here in
19 Cordova. And we can do the job. We've done it before. We
20 did it in three months to develop the SEA science plan back
21 in 1994. And if we could just get the seed money to put
22 this thing together, I think you'd go a long way to
23 diffusing the criticism that's going to come from the
24 public when if nothing is done at this point, there
25 probably will be inadequate evidence being able to be

1 presented on June 2nd.

2 Without some credible approach here, I
3 think we're really barking into the wind. And even though
4 you say the Trustees are not responsible, in terms of
5 mitigation, you are responsible and we are proposing a
6 science plan that through the community efforts and the
7 science background that is available here to provide a good
8 document for the future. Thank you very much.

9 CHAIRWOMAN PEARCE: Thank you. Any
10 comments for Mr. Mullins?

11 (No audible responses)

12 CHAIRWOMAN PEARCE: Anyone else online?

13 DR. NORCROSS: This is Brenda Norcross.
14 May I respond to Ross?

15 CHAIRWOMAN PEARCE: Brenda, I don't
16 actually think that's appropriate under public comment.

17 DR. NORCROSS: Okay. How about if I just
18 talk to the Trustees as a member of the public about
19 herring?

20 CHAIRWOMAN PEARCE: Let me take the other
21 two people who have signed up for public comment first.

22 DR. NORCROSS: Okay.

23 CHAIRWOMAN PEARCE: Here in Anchorage,
24 Justin Massey.

25 MR. MASSEY: Thank you, Madam Chair and

1 members of the council for this opportunity. I am a staff
2 attorney at Trustees for Alaska. I emailed a letter to you
3 this morning and I will give a hard copy to the Trustee
4 Council staff for transmission by mail to you. So I'm
5 going to expand upon those comments just briefly.

6 Thank you very much for providing contacts
7 for members of the public to submit their ideas, their
8 thoughts on reopener restoration plans or unanticipated
9 injuries. There is apparently some confusion as to -- on
10 behalf of the public as to whether the Trustee Council has
11 jurisdiction, for lack of a better word, over the reopener
12 and what role the Trustee Council plays. And that's
13 evident in many of the comments that were made, including a
14 comment, I believe, by one of the State Trustees that the
15 PAC is the appropriate vehicle for members of the public to
16 submit ideas for the restoration plan. If the PAC is the
17 appropriate vehicle, the PAC reports to the Trustee
18 Council, that implies that the Trustee Council is in fact
19 the appropriate body to receive those ideas. So the point
20 I'm trying to make, only is that clarity would be good and
21 the expertise of the council here could be brought to bear
22 on the question and communicated more clearly and
23 consistently.

24 My final point is merely that more than
25 merely making yourselves available or making the actual

1 Trustees available, not necessarily the Federal designees
2 who sit on the Council, but the Trustees identified in the
3 memorandum of agreement and consent decree between the
4 State and the Federal governments -- I just lost my train
5 of thought. More than making those people available to the
6 public, we would like to see the people -- the
7 organizations on whose behalf I submitted the letter this
8 morning that you will have a chance to review -- would like
9 to see the Trustees or their designees go out to the spill
10 effected communities. Begin a dialogue. Have meetings.
11 Educate people about the spill, about the reopener.
12 Receive ideas. Have town hall meetings. Generate
13 knowledge about unanticipated injury. Possible restoration
14 plan ideas that would qualify. Bring those back. Include
15 them in the process of decision making about whether to
16 invoke the reopener, and as a result, include the public,
17 satisfy the requirement that this council has and that the
18 Trustees have to include the public in injury assessment
19 and restoration planning and go forward so that this
20 process can be done in a logical way that satisfies the
21 public at the end of the day.

22 And that concludes my comments. Thank you
23 very much.

24 CHAIRWOMAN PEARCE: Thank you. Any
25 questions for Mr. Massey?

1 MR. CAMPBELL: Drue, McKie.

2 CHAIRWOMAN PEARCE: Go ahead, McKie.

3 MR. CAMPBELL: Just a clarification, I
4 guess. I think, at least for now, we've made it plain, you
5 on the Federal side on -- that comments should be submitted
6 to Rowan Gould. On the State side, we've asked for
7 comments to be submitted to the Attorney General with
8 copies to Kurt and myself. I guess my comment to the PAC
9 was, the PAC is busy urging us to pursue the reopener and
10 my comment to the PAC is, they're probably as aware of the
11 terms of the settlement and the science as any other group
12 in the state. And if they have ideas about what we should
13 be pursuing along with just go and pursue then we would
14 welcome those from the PAC. But in terms of how those
15 would be submitted, I think that's to the Attorney General
16 -- on the State's side, to the Attorney General with copies
17 to Kurt and myself in our roles as government officials,
18 not as Trustee Council members.

19 CHAIRWOMAN PEARCE: Thank you. And don't
20 forget not just Dr. Gould and Dr. Kohout but also both
21 Craig O'Connor.....

22 MR. CAMPBELL: My apologies for leaving out
23 the other branches of Federal government.

24 CHAIRWOMAN PEARCE: And Joe Meade. No,
25 that's okay. And I understand that there is confusion

1 because there's been confusion amongst the Trustees as to
2 the reopener over the years that we've been discussing it.
3 I will just say that we have had a number of ideas which we
4 have batted back and forth ourselves and also ask both at
5 the level of -- within DOI with the Solicitor and then to
6 the Department of Justice team and they have said no to
7 every idea we've had in terms of going out for big public
8 meetings that someone unnamed might lead and have told us
9 to keep our mouth shut.

10 So that's kind of where I'm at in terms of
11 DOI. I've been given pretty strict instructions by our
12 attorneys and I'm sure that you as an attorney would
13 appreciate what one is supposed to do when they are given
14 instructions by their attorneys. So I don't disagree that
15 there is frustration out there but we do have to take some
16 direction internally and that's what we've been told. We
17 will talk again to -- or I will talk again to Dr. Gould
18 about what process he envisions. I honestly don't know
19 whether it's laid out in the regs. There is a process,
20 obviously. We went through a damages assessment that he
21 led after the spill itself. Whether or not there's going
22 to be any public process by DOI as far as the reopener, I
23 don't yet know. But we will make sure that once I have
24 some idea of what his plans are that we -- I will make sure
25 that that is transferred into the PAC on our behalf.

1 MR. MULLINS: Thank you. And thank you,
2 Commissioner Campbell, for clarifying.

3 CHAIRWOMAN PEARCE: And we also have Stacy
4 -- is it Marz with a Z? Marz.

5 MS. GIBBONS: And just so you know, there
6 are also several more people from Cordova who would like to
7 comment when appropriate.

8 CHAIRWOMAN PEARCE: Okay. Ms. Marz -- M-A-
9 R-Z, right?

10 MS. MARZ: You got it.

11 CHAIRWOMAN PEARCE: You have the floor.

12 MS. MARZ: My name is Stacy Marz and I'd
13 like to thank you all for the opportunity to provide
14 comments today. I'm here today to ask you to hold public
15 process, like you've heard before, on reopening the
16 settlement with Exxon for unanticipated injuries. It's in
17 your role as individual representatives of the
18 administrative agencies that I'm asking that, because I
19 understand what you have stated earlier about your
20 restrictions as the Trustee Council. And I thank you for
21 giving the contact information earlier for each of you to
22 the public to provide information about restoration project
23 ideas and unanticipated injuries. I think that's great.

24 While I think that's great that you're
25 giving out your individual information, I also think that

1 would be a good idea to have a public process that is
2 publicized and solicit information to the public for those
3 that kind of aren't in the loop to come to you each
4 individually.

5 First off, the public thinks of you all as
6 having the knowledge and the interest in the issues
7 relating to the oil spill and expertise in processing
8 information about unanticipated injuries and restoration
9 projects. Dealing with injuries to species and habitats
10 and evaluating restoration projects has been the heart of
11 the Trustee Council's work since its inception. So that's
12 why people think of the Trustee Council in terms of the
13 reopener.

14 Second, in your capacity as heads or
15 designees of agencies, you have the power either to decide
16 or to recommend to the ultimate decision maker whether to
17 reopen the settlement.

18 Third, the public has much to offer about
19 unanticipated injuries and ideas for restoration projects.
20 People from the spill zone who live and work on or near the
21 water are well situated to share their observations and
22 ideas. And a public process right now would be timely
23 considering the pending reports by Integral, Jackie
24 Michelle, and other researchers, and then the upcoming
25 deadline to make a decision to reopen the settlement. This

1 would help to ensure meaningful public participation in the
2 injury assessment and restoration process and would help to
3 inform your ultimate decision regarding the reopener.

4 And finally, it's important to remember
5 that you all as government officials represent the public.
6 Because the reopener is the result of litigation, this
7 decision about the reopener and what the process that the
8 governments are using internally to decide whether to
9 invoke it have seemed shrouded in secrecy, often for good
10 reason. While some of the deliberations are necessarily
11 done behind closed doors because of the constraints of the
12 litigation, it is critical to involve the public whom you
13 represent in every possible opportunity. So soliciting
14 public information to inform your decision is very
15 important.

16 So just in closing, I'd ask you to please
17 conduct a transparent process with a timeline for taking
18 public comments and determining whether to reopen the
19 settlement. And I do recognize all the hard work and
20 commitment that you have about restoring the injured
21 resources and I thank you for all of that work.

22 CHAIRWOMAN PEARCE: Thank you. Any
23 questions?

24 (No audible responses)

25 CHAIRWOMAN PEARCE: Thank you very much.

1 We will go back to -- well, let me ask first, are there any
2 other communities online with anyone who wants to provide
3 any comment today under public comment?

4 MS. SKIBO: Hi. This is Bobbie Jo Skibo
5 and I'm in Anchorage.

6 CHAIRWOMAN PEARCE: Okay. Would you.....

7 MR. LANKARD: And Dune Lankard in Anchorage
8 as well.

9 CHAIRWOMAN PEARCE: Okay. Bobbie Jo, would
10 you please go ahead but can you spell your last name for
11 us?

12 MS. SKIBO: Of course. It is Skibo, S-K-I-
13 B-O.

14 CHAIRWOMAN PEARCE: Thanks. Go ahead.

15 MS. SKIBO: I just have a brief comment. I
16 just want to echo a lot of the same concerns that have been
17 brought up by Ms. Gibbons. I believe Mr. Ross [sic] from
18 Cordova and others -- first I should start -- I'm Bobbie Jo
19 Skibo, I work with Alaska Center for the Environment and
20 I'm calling in today because we've had numerous requests
21 from our membership of folks within a spill zone for ACE to
22 follow this issue closely and to figure out a way to really
23 represent their voices a people that were affected by the
24 Exxon Valdez Oil Spill. So I've learned a lot today and
25 think it's diffused a little bit of my confusion in regards

1 to who is responsible based on, you know, your role as a
2 Trustee Council.

3 So I appreciate the opportunity to listen
4 in and I just want to let you guys know that ACE will be
5 following this process and I echo the concerns, like we
6 said earlier, of a public process that is open so many of
7 these folks can feel like they have an outlet to express
8 themselves. So I appreciate the opportunity.

9 CHAIRWOMAN PEARCE: Thank you. And who
10 else do we have online in Anchorage?

11 MR. LANKARD: Yes. Dune Lankard.

12 CHAIRWOMAN PEARCE: Go ahead, Dune.

13 MR. LANKARD: Yes. Last name is Lankard,
14 L-A-N-K-A-R-D, and I've testified before the EVOS Council
15 numerous times. I'm from the Eyak Nation. I'm a
16 commercial and subsistence fisherman out of Cordova. And I
17 also am the founder and a director of the Eyak Preservation
18 Council. I don't know how many of the Trustee Council
19 members have actually commercially fished or subsistence
20 hunted, fished, or gathered in Prince William Sound, let
21 alone gone there and spent any recreational time there.
22 And the reason I ask that is, is that there's -- anybody
23 who's been there can see that the Sound has not recovered.
24 The spill zone has not recovered. And I agree with Ross
25 Mullins' statements about disagreeing with Drue's comments

1 that the EVOS Trustee Council is not responsible -- is not
2 the responsible party to pursue the reopener. And from
3 what we can see as fishermen and as subsistence users in
4 the region, more restoration is needed in the region. And
5 as much as we appreciate you funding the Prince William
6 Sound Fisheries ecosystem management or planning group
7 recently, we feel that you need as Trustees to put more of
8 that science to work. There was 250 million dollar plus in
9 science that was created that is gathering dust that we as
10 communities in the spill zone need to see that science put
11 to work. And, you know, as far as the reopener goes, like
12 Ross was saying and a couple folks have said, the herring
13 have collapsed. They are the staple spirit of -- the
14 staple species in the Prince William Sound. And so that
15 means with that being harmed, that a lot of the other
16 species that we subsist on are also not recovering. And,
17 you know, the science does prove that seven out of the 30
18 species of fishery listed as injured from the spill are
19 still considered recovering. And so right now, with only
20 seven species being recovered, you know, what is happened
21 to the rest of the ecosystem. And so we need that hundred
22 million dollars and we feel, in the spill zone as
23 communities, that you are the responsible party that we
24 need to be going to and we want to have more public
25 dialogue about this.

1 Also, I'd just like to say that we've heard
2 rumblings over this last six months that the Trustee
3 Council is considering disbanding and giving the
4 restoration fund to some other organization to manage.
5 Well, we feel we are the experts. You know, we have the
6 commitment and the passion to restore the spill zone. So
7 if you're not going to do your job, let us do your job.
8 Because we live there. This is our home and this is our
9 way of life. And our economy, like the mayor was saying,
10 our community has not recovered, nor has our economy. And,
11 you know, I can't, you know, express enough how much we
12 need your help as Trustees. And, you know, take your
13 Trustee hats off today and, you know, speak as individuals
14 and think as individuals who know the truth. Who know
15 what's going on out there. Because we need a transparent
16 process and a timeline for getting ample public comments to
17 determine whether to reopen the settlement with Exxon. And
18 I'm not -- I don't feel very confident with this Integral
19 study as folks have pointed out. I think that we need to,
20 like Ross was saying, have an independent third party
21 community oversight organization, you know, also, you know,
22 given our comments as experts from the region.

23 So the last thing I'd like to say is that,
24 you know, I know that this is a difficult position and job
25 for all of you folks and you all have your own lives and

1 agencies that you run but this is our lives. And we're
2 asking for your help and we need it. We're running out of
3 time and Exxon still has not settled up with the five
4 billion dollars that they owe us or the interest and they
5 haven't settled up on this reopener and we'd like you to
6 pursue that. Thank you.

7 CHAIRWOMAN PEARCE: Any questions for Dune?

8 (No audible responses)

9 CHAIRWOMAN PEARCE: Okay, back to Cordova.

10 How many people there want to provide comment. We're going
11 to lose a couple of Trustees. We have to do our budget.
12 We have to do the approval of the projects. So I'm going
13 to have to limit time. How many of you are there?

14 MS. GIBBONS: I know there's three at this
15 table and we appreciate the time constraints. So everyone
16 will be right to the point here.

17 CHAIRWOMAN PEARCE: Okay. Who's first?

18 MS. GIBBONS: Okay.

19 MR. PATRICK: This is Vince Patrick and
20 some of the.....

21 CHAIRWOMAN PEARCE: I'm sorry, we need your
22 name again.

23 MR. PATRICK: Vince Patrick.

24 CHAIRWOMAN PEARCE: Vince Patrick?

25 MR. PATRICK: Yes. Yes, that's right.

1 CHAIRWOMAN PEARCE: Okay. Thank you. Go
2 ahead.

3 MR. PATRICK: Some of the Trustees have
4 asked about participation in the Symposium with Integral
5 and I'd like to make a few comments on that process, in
6 regards to the success and the significance and the
7 findings from that process. With regard to success, it was
8 appreciated that the council made that opportunity
9 available and we took full advantage of the opportunity.
10 We attended all but one of the sessions that Integral, both
11 the public -- the formal forums with the PAC, with the
12 Symposium, and two of the three breakout sessions. In
13 fact, we kept them quite long into the evening, well beyond
14 the two hour schedule in the third session.

15 So we consider the effort that the council
16 went to make that possible was certainly a success. And it
17 was significant in several ways. We understand the
18 significance of the Integral effort for the council but
19 there's also significance both to Integral and to the
20 communities. Through the process we understood -- we able
21 to convey to Integral something that they seem not to be
22 quite aware of, that the significance of their work went
23 beyond just the reopener issue but would have an impact on
24 the restoration reserve. Conversely the stakeholders were
25 better able to understand the significance of this work for

1 Integral. We learned that it's a small, new company,
2 employee owned, and they went to great lengths to express
3 their commitment and concern over the integrity and quality
4 of their work and their science.

5 The findings I think address some of the
6 questions that were asked. And it is important in the
7 context of the Integral's remarks about the significance.
8 In our small group discussions, we learned that the
9 expertise of Integral, at least present at the meeting, did
10 not extend to the quantitative representations of the
11 dynamics, of the physics and biology of the impacted
12 regions.

13 This includes the circulation model and the
14 model through the dynamics of plankton, larval, and
15 juvenile fish. These areas are the ones in which the
16 restoration program invested most heavily. The progress in
17 these areas is the starting point and the foundation for
18 much of the GEM plan and for all of the efforts to address
19 injured services through the application of restoration
20 projects.

21 Addressing this gap in the Integral project
22 design, first the issue of adequate in-house expertise to
23 synthesis the work of the restoration program and then to
24 address the issue of relevant experts is an urgent and
25 immediate priority. Because of the lack of expertise in

1 this key area, we were unable in our discussions in
2 Anchorage two weeks ago to adequately describe past results
3 and the significance of those results going forward
4 relevant to the reopener option and the future utility and
5 relevance of the restoration reserve. This is not a fatal
6 flaw. This is repairable. And it can be done without a
7 conflict of interest.

8 The AOOS project, the OSRI AOOS programs in
9 long development provide the expertise that could be called
10 upon to supplement or to advise Integral and get them up to
11 speed on what they need to know and what that kind of
12 expertise they have to acquire. That would be a good
13 starting point and if we get to that soon enough, Integral
14 will have the capability to properly address and review it,
15 synthesis the work that the Trustee Council expects them to
16 do.

17 And that concludes my comments. Thank you.

18 CHAIRWOMAN PEARCE: Thank you. Any
19 questions for Mr. Patrick?

20 (No audible responses)

21 CHAIRWOMAN PEARCE: Hearing none, who's
22 next in Cordova, please?

23 MR. ADAMS: In Cordova, I think the last of
24 the Mohicans here in Cordova is Ken Adams.

25 CHAIRWOMAN PEARCE: Go ahead, Mr. Adams.

1 MR. ADAMS: Second to last. I'd like to
2 make a comment with respect to the annual Marine Science
3 Symposium, and I see that's an item under Executive
4 Director's report. I'd like to congratulate and express my
5 appreciation to the Trustee Council for their
6 participation, it is very worthwhile uttering. It is very
7 much looked forward to in the science and stakeholder
8 community every year. So the contribution of the Trustee
9 Council to that program this year I think was an important
10 and essential contribution to help make that a successful
11 event. And I'll just add that we did -- our group did --
12 that our group, Prince William Sound Fisheries Research
13 Application and Planning, we did present a poster in that
14 group -- in that symposium. So we were active
15 participants.

16 On the first day of the symposium, the
17 keynote speaker was Mr. Charles Peterson, called by his
18 friends Pete, Pete Peterson. And old classmate of mine, by
19 the way. And Pete Peterson is a national recognized
20 ecologist. He's based in North Carolina and he is no
21 stranger to the Trustee Council. He has been a peer
22 reviewer of the SEA plan in its development. So he's quite
23 familiar with the area. And Pete's message was basically
24 for Alaska to take leadership in the country and assume an
25 ecosystem focus concerning resource management in the

1 fisheries and the application of science. His comments
2 were directed toward ecosystem and breaking the tradition,
3 in many cases, of treating the ecosystem as a black box.
4 In effect he was saying utilize the information of science
5 and help guide the nation's fisheries and utilization of
6 the ecosystem. And that fell upon very receptive ears. We
7 are grateful to the Trustee Council for your understanding
8 of the value of the project we have undertaken. You recall
9 not very long ago in November you funded us again to
10 further the development of an ecosystem model. So Mr.
11 Peterson's remarks were presaging the actual work that we
12 are involved in, that we are doing for people in the spill
13 impacted area and for the Trustee Council the same ideas,
14 the same bits of advice that he was encouraging us to
15 pursue.

16 So I would like to say, just very briefly,
17 that we are making -- we were making progress with the
18 project that you have funded. Dr. Patrick, the author of
19 the model, relocated to Cordova and will be actively
20 working on the model. So there's good progress here. And
21 in all honesty, I'd like to say that this project is not a
22 slam dunk project, it is going to be an ongoing process.
23 This is a long term process. And consequently, it is
24 extremely important for us to preserve the restoration
25 reserve. The restoration reserve offers not just the

1 opportunity in Prince William Sound to apply the science
2 for an ecosystem advantage or ecosystem perspective in
3 State waters -- it's not just in Prince William Sound but
4 it's throughout the entire spill impacted area. So I just
5 reiterate the importance of maintaining that restoration as
6 the funding mechanism for all people in the spill impacted
7 area.

8 I thank you for the opportunity to comment.

9 CHAIRWOMAN PEARCE: Thank you, Mr. Adams.

10 Any questions or comments for Mr. Adams?

11 (No audible responses)

12 CHAIRWOMAN PEARCE: Hearing none, who's the
13 third Mohican?

14 MS. HOLLOWELL: This is Erin Hollowell.

15 CHAIRWOMAN PEARCE: Go ahead, Erin.

16 MS. HOLLOWELL: Thanks -- excuse me?

17 CHAIRWOMAN PEARCE: Go ahead.

18 MS. HOLLOWELL: Thank you to the Trustee
19 Council for this opportunity to speak. As I'm sure we all
20 will agree, this is an extremely complicated issue for the
21 public. And I'd like to express my desire as a resident
22 within the spill zone to have a publicized and transparent
23 process for taking public comments so that the public does
24 not feel under-represented regarding the determination
25 whether to reopen the settlement with Exxon for natural

1 resources damages. And that's all. Thank you.

2 CHAIRWOMAN PEARCE: Thank you. Any
3 questions or comments from Trustees?

4 (No audible responses)

5 CHAIRWOMAN PEARCE: Okay. We'll go back
6 now to Dr. Norcross.

7 DR. NORCROSS: Yes. I really only want one
8 minute of your time. I would just like to remind the
9 public and the Trustees that the Trustee Council has funded
10 a herring synthesis project which Jeep Rice worked on and
11 it included Terry Quinn, Fritz Funk, Jeff Short, Gary
12 Marty, Jo Ellen Hose, people who -- scientists who worked
13 during the spill. I believe a preliminary report has been
14 submitted, but I'm not sure. I've seen it; it doesn't mean
15 you have. And I would suggest that Ross Mullins and the
16 public consider that this is totally independent of
17 Integral and I would ask them to be patient and look at
18 this report before they ask for another investigation.

19 Thank you.

20 CHAIRWOMAN PEARCE: Thank you. Any
21 questions or comments for Dr. Norcross?

22 (No audible responses)

23 CHAIRWOMAN PEARCE: Is there anyone else
24 online who wants to provide public comment?

25 (No audible responses)

1 CHAIRWOMAN PEARCE: Anyone here in
2 Anchorage?

3 (No audible responses)

4 CHAIRWOMAN PEARCE: Okay. Public comment
5 is closed and we've lost our executive director, who's
6 supposed to give his report now. He's coming back.

7 MR. MARQUEZ: I would like to.....

8 CHAIRWOMAN PEARCE: Our interim executive
9 director. Go ahead, Mr. Attorney General.

10 MR. MARQUEZ: Madam Chairman, I just would
11 like to say that I very much appreciate everyone taking the
12 time here in Anchorage and Cordova and elsewhere to make
13 your public comments. I very much appreciate them. I
14 gained a lot from listening to them. I appreciate the
15 passion that surrounds many of these issues and I very much
16 appreciate the opportunity to hear what everyone had to
17 say.

18 CHAIRWOMAN PEARCE: Thank you. Any other
19 Trustees with comments?

20 (No audible responses)

21 CHAIRWOMAN PEARCE: In asking for the
22 interim executive director's report, I might just say that
23 I too appreciate the work that Mr. Baffrey has done to
24 date. He is an interim executive director on loan from the
25 Department of the Interior and when said yes, I would ask

1 him if he was interested in coming to be the interim
2 executive director, I did not yet know that either Cam
3 Toohey was going to be leaving the department or that Ginny
4 Kalbach was going to decide to retire. We need him back
5 as soon as possible.

6 With that, Mr. Baffrey.

7 MR. BAFFREY: Thank you. Well, I was
8 sitting in the back of the room and I'm way more
9 comfortable back there than I am up here behind this table.
10 Do I need to make comments in the name of time here?

11 CHAIRWOMAN PEARCE: You need to give --
12 well, I think we do need an update from you on results of
13 the symposium. Probably everything that you've got there.

14 MR. BAFFREY: All right. I'll be really
15 quick. Well, thanks Trustees, for allowing me this
16 opportunity. It's been a great month and because I've been
17 here a month, I think that theoretically means I'm supposed
18 to know everything about the Trustee Council. So I was
19 using my lack of tenure as being the justification for my
20 lack of knowledge and I don't think it's going to fly that
21 much anymore.

22 Let's go into the symposium. We had a very
23 successful evening session at the symposium, thanks to
24 Craig Tillery and Kurt and Joe Meade for putting a face to
25 the council and, you know, McKie and David, Craig O'Connor

1 was -- and all the liaisons were also present. And they
2 gave up their evening and it was a good session. I just
3 wanted -- the only thing I wanted to really say about the
4 symposium is that next year our financial and staff
5 contribution will be directly in proportion to our presence
6 on the agenda.

7 So let's go into, quickly, project
8 management. I want a project tracking system for all
9 projects that have received Trustee funding approval. I
10 want it to be accessible to everyone. I want the system to
11 track projects from approval to hopefully when the final
12 reports are put on a shelf somewhere in ARLIS. We can do
13 this. We've got the data to do this. The liaisons and the
14 staff are working together to format this system and we are
15 coming up with protocols to ensure that this information
16 that is online is accurate. So that's all I really wanted
17 to say about project management.

18 Staffing. Last week our -- Michael Schlei,
19 our Analyst Programmer III, we lost him to the Alaska
20 Department of Environmental Conservation. This week we got
21 him back. And one of the reasons that he is choosing to
22 stay here is because, in his words, this office is starting
23 to do a lot of exciting things. So I'm very hopeful that
24 that's the trend here. And I do believe that we are back
25 on course as an organization.

1 One other thing on staffing is that we have
2 a letter in to the director of boards and commissions
3 requesting approval to recruit for the Administrative
4 Manager III position. So that's a major step in the
5 process. We're getting very close to getting that position
6 filled.

7 '07. The '07 invitation. For those of you
8 unfamiliar with our funding cycle, we follow the Federal
9 fiscal funding cycle. So this is fiscal year FY06. Next
10 year, of course, '07. Normally our FY07 invitation is
11 issued about this time of year. We have chosen to wait for
12 the results of the lingering oil committee and the
13 information synthesis by Integral Consulting so that we can
14 focus our FY07 invitation on the gaps in the data we have.

15 We are planning to issue the FY07
16 invitation in the May-June time period. That may be a bit
17 -- well, we anticipated that that would be a problem for
18 the projects, the current monitoring projects that may be
19 ramping down this summer if they don't have a commitment
20 for next year's funding. So with the help of the STAC --
21 and thank you very much STAC -- and the liaisons, and as
22 you heard, approval from the PAC, we've identified four
23 projects that fall into this category. We have amendments
24 for Trustee consideration on the agenda -- which is the
25 next agenda item. And Madam Chair, if there are no

1 questions for me, I would recommend that we go on to that
2 action item. And Pete Hagen will be -- will do the heavy
3 lifting. And as long as -- I'm assuming you too, Brenda.
4 Is that correct?

5 DR. NORCROSS: That's what I was told.

6 MR. BAFFREY: All right. Well, good.

7 So.....

8 CHAIRWOMAN PEARCE: Not quite that fast.

9 MR. BAFFREY: Uh-oh.

10 CHAIRWOMAN PEARCE: Any questions for Mr.
11 Baffrey from any Trustees?

12 (No audible responses)

13 CHAIRWOMAN PEARCE: I have a couple. We
14 seem to be fairly Integral-centric, but don't we have some
15 other reports that are due in either draft or final form
16 that will feed into our '07 process? I don't want the
17 public to think that that's all that's coming in. Am I
18 correct?

19 MR. BAFFREY: That's true. We have --
20 there's actually four to five projects that are currently
21 being issued or being championed for a peer review through
22 the lingering oil committee. And eventually there will be
23 a total of 11 of those that will go through the lingering
24 oil committee. So they go out for peer review, they come
25 back to that committee, the committee takes that

1 information and provides me with a report that will feed
2 into those decisions.

3 CHAIRWOMAN PEARCE: Do we have the drafts
4 that have gone out for peer review? Where are we in that
5 process?

6 MR. BAFFREY: There's at least four out
7 now. Do we have five yet or not?

8 MS. FRIES: We have four that have gone to
9 Dr. Spies.

10 We're waiting (indiscernible - away from microphone).

11 MR. BAFFREY: Okay.

12 CHAIRWOMAN PEARCE: And the answer to that
13 was, we have four that have gone to Dr. Spies and then he
14 sends them out for peer review and then comes back and at
15 that time, and after we have the fifth one, then there will
16 be something for the greater lingering oil committee to do.
17 After they have the peer review back? Am I correct?
18 People are shaking their heads yes. Then I'm correct in
19 that statement. So that process is well underway and will
20 lead to an '07 invitation.

21 And office staffing, do you want to make
22 any comments on science director?

23 MR. BAFFREY: Science director was -- this
24 is a little bit before my time, but the advertisement that
25 officially went out had a list of three qualified

1 candidates. None of them have accepted the position. So
2 we are pretty much back to the beginning and the interview
3 panel and I are going to meet after this meeting to discuss
4 strategy on how to fill that position.

5 CHAIRWOMAN PEARCE: Okay. Any other
6 questions for the executive director?

7 MR. FREDRIKSSON: Drue, this is Kurt.

8 CHAIRWOMAN PEARCE: Kurt. Go ahead,
9 please.

10 MR. FREDRIKSSON: Yeah, Michael, and I'd be
11 glad to defer this to our discussion on the project
12 amendments, if that's more appropriate. But I just wanted
13 to get an idea -- you had said that the May-June for the
14 '07 invitation and that this would be problematic for these
15 four specific projects. I guess what I'm going to want to
16 know is, when will the '07 monies be available and will the
17 monies that might be involved with the proposed amendments
18 or is the expectation to move that money forward faster or
19 in the same time frame? I'm just trying to get a picture
20 of why the '07 invitation would be problematic for these
21 projects.

22 MR. BAFFREY: Only in terms of when the
23 applicants will submit their proposals. If these four
24 amendments are passed today, they will also be getting
25 their monies on October 1, as would any other applicant who

1 submitted their proposal under the normal invitation for
2 FY07. That's the only problem. And what we did is, the
3 liaisons queried the PI's and the STAC made recommendations
4 on which of the current monitoring projects would fall into
5 that category. That's where this list of four actually
6 came from.

7 MR. FREDRIKSSON: So Michael, maybe just a
8 follow-up question, I had heard I think during the PAC
9 comments earlier that there was a desire not to have -- to
10 continue work uninterrupted, they need the principal
11 investigators listed here, the Batten and Cokelet, on and
12 on -- they need to get back to work. Is it my
13 understanding that in fact for this season, with their
14 existing funding, they are working or do they need this '07
15 money to work this summer?

16 MR. BAFFREY: No, they too will get their
17 monies in October, the first of October. They are funded
18 through '06.

19 MR. FREDRIKSSON: Okay. So it's not a
20 question of they need to get back to work, they're there.
21 They are working.

22 MR. BAFFREY: Yeah, we just don't --
23 they're wrapping down at the end of the season and then
24 have that additional cost, if in fact they got money
25 through the regular FY07 process for next year.

1 MR. FREDRIKSSON: Okay, thanks. That helps
2 a lot, Michael.

3 MR. BAFFREY: Oh, you're welcome.

4 MR. CAMPBELL: Drue.

5 CHAIRWOMAN PEARCE: Other questions? Yes,
6 McKie.

7 MR. CAMPBELL: Yes. Let's see, just a
8 couple of quick things. One is on that admin manager.
9 Michael, I'll follow that up, actually. That shouldn't be
10 up to boards and commissions but I'll follow up and make
11 sure where that is and stuff.

12 Two, later in the meeting it is my
13 intention to bring up the issue of repealing the motion
14 that we adopted back at a previous meeting, retaining all
15 hiring termination and classification authority for EVOS
16 personnel to the Trustees and returning those to the
17 executive director. And that way we avoid this kind of
18 situation in the future.

19 And then three, I just wanted to mention
20 that Heather Brandon, the Alaska Department of Fish and
21 Game special assistant for ocean policy but also works
22 very, very closely with Kurt and actually out of D.C., will
23 be taking over Brett Huber's duties as liaison and also
24 serving as my alternate. And she's here on the line with
25 us. And I had the pleasure of meeting her last week and

1 I'm looking forward to that relationship.

2 MR. BAFFREY: Right.

3 CHAIRWOMAN PEARCE: Any other comments or
4 questions by other Trustees for Mr. Baffrey?

5 (No audible responses)

6 CHAIRWOMAN PEARCE: Okay. That does bring
7 us to the project amendments. I would call everybody's
8 attention to the specific motions that are in our packets.
9 I would also suggest that we take a five minute break
10 before we go into those so that we can go through them all
11 in one sitting. No other comments, we will take a five
12 minute break and be back here on the clock at ten till
13 12:00.

14 (Off record)

15 (On record)

16 CHAIRWOMAN PEARCE: Okay. And we're just
17 waiting for the attorney general. But I had asked Dr.
18 Norcross if she would describe the proposed amendments,
19 which I understand the STAC has approved to recommend. And
20 we did hear that the PAC had also -- there was a sense of
21 the PAC that we should move forward with those. So with
22 that, Dr. Norcross, the attorney general is not yet back so
23 we're not ready for a motion, but would you please go ahead
24 and describe the proposed amendments for us. And I would
25 ask that you be brief. If we have technical questions,

1 we'll certainly ask.

2 DR. NORCROSS: I'm here. I'm sorry.

3 CHAIRWOMAN PEARCE: Brenda?

4 DR. NORCROSS: Yeah, I'm here. I'm sorry,
5 I was getting coffee.

6 CHAIRWOMAN PEARCE: Oh, okay. That's fine.
7 Go ahead. I'd ask you to explain the proposed amendments
8 and to be as brief as possible.

9 DR. NORCROSS: You know, I went through
10 them and highlighted only the important facts.

11 CHAIRWOMAN PEARCE: Perfect.

12 DR. NORCROSS: Okay. First of all, the
13 reason that the STAC went through and asked that these four
14 be funded now is because of the late time frame that's
15 going to happen this year. The scientists wouldn't know
16 until just before the funding came through if they were
17 going to be funded. And we're quite concerned that they'd
18 go on to other projects and would not be available if they
19 didn't find out. And they have to have people and ships
20 and everything lined up prior to the funding coming in.

21 So the main thing about these four
22 projects, which are Sonia Batten's project, the Continuous
23 Plankton Recorder in the Gulf of Alaska; Ned Cokelet's
24 project, which he uses the Alaska Marine Highway Systems
25 Ferries; Steve Okkonen's project, which he monitors using a

1 tanker vessel; and Tom Weingartner's project, which he
2 samples at GAK 1. All of these sample in the Alaska
3 Coastal Current. They are all complimentary, they do not
4 duplicate each other. They are all long term sampling.

5 Sonia Batten's project has been in effect
6 since March of 2000, it samples from the Gulf of Alaska to
7 Puget Sound. It has had funding also from the North
8 Pacific Research Board. The reason that this is -- in
9 general, all four of them are needed for their long term
10 work because they get that climate information. For
11 instance, the regime shift that happened in 1976/77. We
12 have indications of one in '89 and another indication of
13 one in '99. Those are the kind of climate effects that
14 will effect things like the herring recovery. They
15 interact with the oil spill. They're all in the oil spill
16 region and are providing baseline data in event of another
17 spill also. And in fact, the data from GAK 1 were
18 originally used to project where the oil would transit in
19 1989. Batten has published several peer review articles
20 already from her data. It's a very productive project.

21 Cokelet's project uses data which EVOS uses
22 -- equipment which EVOS paid to have installed on the
23 Alaska ferry Tustumena. The measurements started in
24 September of 2004 to get samples -- the Tustumena from
25 Homer, Kodiak, Seward, Prince William Sound, Dutch Harbor.

1 The ship time doesn't cost anything as on the CPR vessels.
2 None of these -- these all have volunteer ship time, which
3 is really critical because that's the most expensive part.
4 It has a lot of samples but the part that you'd probably
5 relate to are the water temperature and the salinity. And
6 it has a public component on the ferry, there's a display
7 that the public can go see what's going on. They also have
8 plans to update their web page so it's easy to see what the
9 results are.

10 Okkonen's project is on a tanker vessel,
11 the Polar Alaska. It's also sampling temperature and
12 salinity. These samples between Valdez and California and
13 Washington as the tanker goes down to the refineries.
14 Again, it's looking at long term changes. The data are
15 being used in circulation models, for example, that's how
16 you tell an oil spill trajectory. It's been sampling since
17 2002 under EVOS funding.

18 The next one is Tom Weingartner's GAK
19 study. GAK 1 is a station right outside of Resurrection
20 Bay that Tom Royer started in 1970 in an opportunistic
21 form. Since Weingartner has got funding from EVOS, he's
22 added a whole string -- monitor -- there's a string of
23 arrays so that he's sampling at depth. It gives monthly
24 conductivity and temperature and it's got hourly
25 temperature and salinity at seven different depths. So

1 this is the most complete measurement that exists in the
2 entire Gulf of Alaska. And in fact, except for Ocean
3 Station Papa, it's the most complete in the whole Northeast
4 Pacific.

5 Again, all of them are complimentary and
6 will get an ocean temperature, salinity, and most of them
7 are looking at some kind of measurement of nutrients or
8 phytoplankton to get an idea of what the productivity is.
9 And those are the things at the base level that have been
10 shown to be indicators of climate change or at least large
11 scale changes that in turn effect everything up the food
12 chain through forage fish, salmon, birds, and mammals.

13 So the STAC strongly recommends these be
14 funded, a one year continuation now. That's it.

15 CHAIRWOMAN PEARCE: Thank you very much.
16 Are there any.....

17 MR. FREDRIKSSON: Drue, this is Kurt.

18 CHAIRWOMAN PEARCE: Yes.

19 MR. FREDRIKSSON: Yeah, if we're open for
20 discussion or I don't know if you want to -- if we want to
21 have discussion first or have a motion and then -- but I
22 just wanted to let -- also people know before he
23 leaves.....

24 MR. CAMPBELL: Drue, this is McKie. And I
25 apologize, I have a noon appointment I have to go to but

1 Heather Brandon is here and will be in place as alternate,
2 as my designee.

3 CHAIRWOMAN PEARCE: Okay, that's fine. We
4 will make note of that. Kurt, do you have a motion in
5 front of you?

6 MR. FREDRIKSSON: I do. Well, I had a
7 question actually. I have the motion that was in our
8 packet but I did have a question for Michael because one of
9 the things I did notice was a discrepancy -- I believe in
10 the amount that were listed in that motion, in the dollar
11 amounts in that motion by project and the dollar amount --
12 that we receive some additional information and backup
13 information on each project by Pete Hagen.

14 CHAIRWOMAN PEARCE: Mr. Hagen. He's here.

15 MR. HAGEN: Yeah, this is Pete Hagen.
16 Yeah, I think, Kurt, maybe the difference might have been
17 in the GA funds, the general administrative funds. That
18 may not have been on -- I think the motion had the ones
19 that included the part that the agencies would receive for
20 administrating the project. So I don't know if that makes
21 sense, but.....

22 CHAIRWOMAN PEARCE: So which number is --
23 the motion as it was given to us, correct?

24 MR. HAGEN: I think the motion as you've
25 got is correct.

1 MR. FREDRIKSSON: Okay. I sure don't know
2 the numbers, I just saw the differences. But I would make
3 a motion and then I may actually speak against my motion.
4 But I'll make a motion to move that we approve the proposed
5 one year extension amendments for these four FY07 projects,
6 139,912 for Batten; \$156,306 for Cokelet; \$34,880 for
7 Okkonen; and \$75,210 for Weingartner. The funding for
8 these projects are to be made available on October 1st,
9 2006 and are contingent upon submission of an updated
10 statements of work detail budgets and the submission
11 acceptance of an annual report due September 1st, 2006.

12 CHAIRWOMAN PEARCE: We have a motion. Is
13 there a second?

14 MR. MARQUEZ: Second.

15 CHAIRWOMAN PEARCE: We have a second. We
16 are under comment. Mr. Fredriksson.

17 MR. FREDRIKSSON: If I might now, having
18 made this motion and it's on the table, I'm going to maybe
19 just suggest that we look at these in light of the funding
20 date being October 1st no different than when we actually
21 (indiscernible - telephonic beep) for the FY07 invitation.
22 I'm concerned that we are segregating these projects out as
23 something special and unique, not subject to the
24 competition that we will see through the FY07 invitation.
25 I don't feel comfortable with that without having a better

1 understanding of why. And I think as we've heard staff
2 describe and Brenda describe, there is some pending urgency
3 that would maybe cause us to do this. Some urgency in
4 terms of a loss of these investigators interest or a loss
5 of logistics or a loss of something that might cause these
6 projects, even if they were competitive with the '07
7 invitation projects and received council approval in the
8 June time frame, that we might discover then that the
9 principal investigators no longer are interested or have
10 gone on to other projects because of the time between now
11 and then. Yet when I look at the projects, I don't see
12 that -- those conditions presenting themselves. I see
13 where we have vessels that are equipped and have
14 volunteered themselves for some time now, even before EVOS
15 funding, to serve as those platforms.

16 So I'm not -- I don't see that that's
17 compelling. And when I look at these projects kind of
18 individually and collectively, I see a number of them have
19 been engaged with sponsors other than EVOS. I look at, if
20 you will, the very first one and see with respect to
21 Batten, this is actually a platform and a monitoring
22 program that was initiated under the North Pacific Marine
23 Science Organization and as Brenda said, had received from
24 the North Pacific Research Board in the past.

25 I look at the Cokerlet and I see where,

1 again, this is built off of the Tustumena, which I think
2 would continue and be available in the future. I think it
3 was also, let me see, I think it was when we go to the
4 Weingartner project, this is a project that actually was
5 begun in 1970, well before the oil spill. It's been
6 operating since 1970 and somewhere along the line EVOS came
7 along and made a contribution to this project.

8 But I guess I'm not seeing the urgency or
9 the compelling evidence that would cause me to believe that
10 if we don't separate these out and give them this special
11 kind of non-competitive status that they might go away if
12 they have to compete with other projects in the '07
13 invitation.

14 I might also -- and let me just speak to
15 the '07 invitation. I am in -- I heard from some of the
16 public comment today the question of economic recovery
17 services. The synthesis work that's being done, the work
18 that the council has initiated over this last year to bring
19 together all the science over the last 17 years to address
20 the restoration of the resources and the restoration of
21 services associated with those services. I'm compelled
22 that we need to look at what needs to be done to restore
23 those injuries, whether natural resource or services,
24 through the '07 invitation. And what I fear is, we may be
25 taking temperature of the water temperature out in the Gulf

1 of Alaska when really in the '07 invitation we may be
2 needing to take the temperature of the economy of Prince
3 William Sound. And based on that temperature measure, we
4 should put our money towards those economic recovery
5 services that may be compelling or we may be convinced need
6 to move forward.

7 So that's my concern, is that we're setting
8 out these four projects through a selection process that I
9 don't have a good understanding for. I don't see a
10 compelling reason at this point in time to basically give
11 them the nod over other projects that we're going to be
12 considering through the '07 invitation. And my greatest
13 fear is that we would find ourselves in the '07 invitation
14 feeling like we should fund some project that may in fact
15 be a higher priority than one of these. So I would just
16 throw that out for discussion purposes.

17 CHAIRWOMAN PEARCE: Dr. Norcross.

18 DR. NORCROSS: Yes.

19 CHAIRWOMAN PEARCE: Mr. Hagen.

20 DR. NORCROSS: I'd be happy to speak to
21 that.

22 CHAIRWOMAN PEARCE: Go for it.

23 DR. NORCROSS: Kurt, the other funding that
24 you talked about is all ancillary, it doesn't directly do
25 this. For instance, Batten's funding from the North

1 Pacific Research Board samples from Prince William Sound to
2 Japan. It's nothing that is funded by EVOS. And the part
3 that's funded by EVOS is not funded by the North Pacific
4 Research Board. Weingartner's work that was started by
5 Royer in 1970 was the university vessel, the Alpha Helix,
6 stopping at this particular point whenever the Alpha Helix
7 went out. So it's sporadic. The Alpha Helix doesn't go
8 out in the winter and in fact the Alpha Helix didn't go out
9 at all this year because there was lack of funding. So
10 there were no data taken. In fact that -- the EVOS funding
11 is what has kept the station going. The EVOS funding also
12 is what funding the mooring that the GAK 1 with the depth
13 resolution -- without funding, those data cannot be
14 analyzed and it needs ship time to physically go out and
15 pull the mooring. Nothing can be done.

16 The same thing with Cokelet and Okkonen.
17 Yes, they have commitments from the vessels but these --
18 there is no reason to think that these investigators would
19 have their time available if -- for instance, in my case, I
20 don't know that I have funding starting in October. I'm
21 looking for funding elsewhere. If my time is filled up and
22 in October somebody says will you do this again, I have to
23 say no, there's not enough time in my life to do that.
24 We've had numerous discussions in the Trustee Council, in
25 the STAC, and in the PAC to point out that these are not

1 competitive proposals in that they're not something someone
2 else would put in a proposal and say I'll do that one
3 instead. And if you recall in several different Trustee
4 meetings, Drue Pearce pointed out that she did not want to
5 waste time of the Trustees looking -- asking for people to
6 put in proposals for something that they knew wasn't going
7 to be funded.

8 I also would like to point out that the
9 long term work here is really critical to the near shore
10 work. This is giving long term indication that tells us
11 what's going on. It gives us an idea of what's really
12 happening in Prince William Sound. And this sounds really
13 funny but in a way it's easier to get the data offshore and
14 compare long term stuff than if we did transects in Prince
15 William Sound because the near shore area has so much daily
16 variability, monthly variability, inter-annual variability,
17 that it takes even a longer period of time and more years
18 to come up with patterns in near shore than it does
19 offshore. But when you can look at the offshore patterns,
20 it gives you a much better idea of what's happening near
21 shore.

22 I would say that the STAC spent an awful
23 lot of time looking at these, deciding that these were
24 critical. The liaisons went through them all, as did the
25 PAC. So I strongly believe these should be funded.

1 MR. FREDRIKSSON: And if I might, Drue.

2 CHAIRWOMAN PEARCE: Go ahead, Commissioner.

3 MR. FREDRIKSSON: Yes, I think -- and let
4 me just clarify when I mentioned competitive, because it's
5 not so much -- I wasn't thinking in terms of competition
6 between investigators, although I think if we really wanted
7 to get these transects done, off of the Tustumena for
8 example, I think the council could make that decision that
9 we want this done and we could go out and solicit an
10 investigator to do that. But that really wasn't my focus.
11 My focus is on the competition for limited dollars to do
12 the restoration work that is required of us under the
13 settlement agreement.

14 I've heard from -- during the PAC comments,
15 concerns about herring, what are you doing to restore the
16 herring, what are you doing to restore the services. I've
17 heard from the public comment that people are questioning,
18 what are you doing to evaluate the ongoing economic impact
19 from the spill to the people of Prince William Sound, and
20 yet I'm being presented with not a large amount of money
21 but at least \$400,000 worth of projects that we would be
22 essentially taking off the table from other projects. And
23 I just need to feel more comfortable with that. I don't
24 feel comfortable right now saying that I might put \$400,000
25 into these monitoring projects because a particular

1 scientist may not be available if they have to wait for the
2 money coming to them in the same time frame as maybe an
3 economist or a herring fishery specialist might receive the
4 same money through the '07 invitation to restore herring or
5 better assess economic impact. That's my concern.

6 CHAIRWOMAN PEARCE: Dr. Norcross, do you
7 have a comment to that or do you want me to go to Mr.
8 Hagen?

9 DR. NORCROSS: I would just briefly say,
10 and I'm sure Pete can expand on this, that I understand
11 what you're saying about why commit \$400,000 now when you
12 might find something more compelling. And I would tell you
13 that based on the input that I've received from the STAC
14 and the PAC and the liaisons, that they're still going to
15 support it. That it's still going to be compelling and
16 that the 400,000 to keep something going that's going to
17 add to all those other projects would be an extremely good
18 investment.

19 MR. FREDRIKSSON: Can I ask, along that
20 line then, Brenda, so what was the selection? What
21 projects did you not select?

22 DR. NORCROSS: Did we not select? The STAC
23 and the PAC and the liaisons went through all of the
24 projects and just considered the ones that could be -- that
25 we thought should be funded and the liaisons -- Pete can

1 probably speak to this more. The liaisons were very
2 strongly in favor of some things that needed to -- they
3 wanted continued funding but all of these groups decided
4 that these are the four that needed to know up front they
5 had money. It's not that there were others they didn't
6 think needed to be funded, but these are the ones that they
7 were really concerned that they kept going because the time
8 frame, meaning that if they can't sample in October, that's
9 the problem.

10 CHAIRWOMAN PEARCE: And I would just point
11 out that that process was undertaken at the request of the
12 Trustees. We talked about bifurcating the '07 requests and
13 asking to look at those projects that did need renewal. So
14 we directly asked for this to happen. Pete.

15 MR. HAGEN: Yeah, I'd like to add a few
16 comments. I think, Kurt, you make a really good point and
17 I think that's -- you know, is important, that the Trustees
18 are undergoing a review. There's synthesis work, there's a
19 lot of effort taking place that hasn't come to -- you know,
20 we don't know quite where it's going to tell us where us to
21 go in the long term or even in the short term. And I guess
22 some of the rationale for doing these suite of projects now
23 is that they're ones in which if we miss a year of data,
24 then we've lost more than just one year, we've lost, you
25 know, the whole utility, I guess, of that time series

1 essentially up to that point.

2 And I think -- it was under that idea that
3 we wanted -- at least the discussions kind of went around
4 about projects in which there is a risk, I guess. And it
5 kind of -- it sort of -- you know, as the Trustees deal
6 with this, you know, trying to come up with a vision on
7 where to go in the future based on current work that
8 hasn't, you know, been fleshed out just yet, these are ones
9 that by giving just one year of funding, they're not a
10 commitment to a multi-year of funding. It just provides
11 sort of a bridge until the completion of the analysis of
12 where to go. And I suspect by next year then there might
13 be a different take on where the priorities are. And
14 certainly it might be possible that these projects may not
15 be considered for FY08 but they're simply just for FY07.
16 And I think there was a consideration, I guess, of the risk
17 of losing this information now. At least that's the take I
18 took on it.

19 And some of these -- and you are correct
20 too, this is still plenty of time. You know, approval now
21 when the funding wouldn't be available until October 1st,
22 and so why approve them now. I guess part of it I think
23 was because the Trustees aren't meeting all that often.
24 And I guess there's concern if it waits for the FY 07
25 invitation, which we kind of haven't -- the Trustees

1 haven't kind of figured out just yet how to phase that
2 through -- that if those projects don't get approved until
3 after October 1st, then we indeed have lost the ability to
4 continue these projects an additional year.

5 So I think that's kind of the concern and
6 one reason for bringing them up at this point. And they
7 are sort of segregated, you know, apart from the others, I
8 guess under that basis from the STAC recommendation and
9 also on the time series aspects. I think you mentioned
10 other projects that are time series or monitoring ones as
11 well and I think in the discussions that took place there's
12 works like the killer whale monitoring that's been going on
13 for some 12 years now. There's the bird survey work that's
14 been going on for years. There's other projects that the
15 Trustees have had some commitments in the past as well, and
16 certainly I guess with those projects, because they're
17 field dependent, they won't necessarily be -- the decision
18 could probably wait for those, for the '07 invitation. But
19 these are ones, because they are ongoing and they're
20 oceanographic collections, that it's felt that the
21 commitment should be done earlier, certainly before October
22 1st.

23 So that was some of the background for why
24 these were brought up a little bit separately from the
25 others. And again, I'd just note it's just a one year

1 agreement to keep these going while the Trustees, you know,
2 re-look at where they want to go in the long term.

3 CHAIRWOMAN PEARCE: For the inform.....

4 MR. O'CONNOR: This is Craig. Can I ask a
5 question and -- or Madam Chairman, I'd like to ask a
6 question of Pete.

7 CHAIRWOMAN PEARCE: That would be fine. Go
8 ahead, Mr. O'Connor.

9 MR. O'CONNOR: And I guess a question of
10 Kurt as well. But at this point, Pete, you said I think
11 that if we did not approve these projects right now, we
12 would lose critical information and the value of the work
13 that had already been done with regard to time sequencing
14 of information. But that if we decided next year to
15 discontinue, that might be okay. Is there something
16 different between this year and next year with regard to
17 the time sequence and the criticality of the collection of
18 the information?

19 MR. HAGEN: Well, I guess I would say if
20 the Trustees want to take a long term perspective -- for
21 instance, herring is a great example -- if we want to take
22 a long term perspective on understanding herring in Prince
23 William Sound, you know, one of the puzzles is that herring
24 in other parts of Alaska seem to respond to environmental
25 conditions in synchronicity. And at least -- I'm not a

1 herring expert, my understanding is that hasn't occurred in
2 Prince William Sound.

3 So having -- if we want to address a long
4 term understanding of herring, why it hasn't recovered in
5 Prince William Sound, we would probably want to continue
6 these projects, you know, to some extent to provide the
7 baseline information that would get to our understanding of
8 what happened in Prince William Sound that maybe didn't
9 happen in other areas. So you know, it's adding to a suite
10 of data that the whole -- I guess the marine research
11 community is relying on to address, you know, difficult
12 problems in our -- you know, that can't be addressed with
13 just a one year type of funding.

14 The reason I said, you know, maybe in 2008
15 things would be different is that, you know, Trustees have
16 changed, as we know, and priorities might change. And I
17 think the earlier set of Trustees had carved these out as a
18 commitment for monitoring. I think there's also a sense
19 too that any long term monitoring has to be re-looked at
20 periodically and I think the vision for all of these
21 projects was, is that we'd give a commitment for a period
22 of time, then they would go under scientific review again
23 to see perhaps if there's redundancy, to see what
24 information may not be necessary. But it's all kind of a
25 long term iterative synthesis approach to evaluate the

1 scientific validity.

2 And I think these projects just -- the
3 Trustees aren't there yet with these projects to do that
4 type of review. And again, there's also the question of
5 long term priorities. So I think if this set of Trustees
6 think that there will be a long term component, they want
7 to keep their options open, would be to support these
8 projects for one year at least, and then allow some
9 flexibility at least of the time to sort of refocus, you
10 know, after these other projects are underway on where
11 their priorities are. So.....

12 MR. O'CONNOR: And Kurt, the question I
13 had, you're raising the competition issue and I'm having a
14 little trouble understanding. Are you referring to the
15 fact that we only have a limited amount of money available
16 for '07 activities and the competition will be for that
17 limited pot of money?

18 MR. FREDRIKSSON: Yeah, Craig, thanks.
19 This is Kurt Fredriksson. Two things. One, yes, I think
20 we do have limited funds. And this isn't a large amount of
21 money we're talking about here so I don't want to push this
22 too far but we have limited funds. And if we fund this
23 kind of long term monitoring, then we may not have funds to
24 fund other kinds of long term monitoring or other kinds of
25 restoration projects that we would consider through the '07

1 invitation to be a higher priority. So there is that kind
2 of competition.

3 There is another kind of competition which
4 I hope we move towards. We have not in the past done this
5 but I would hope -- what I -- how I view some of these
6 projects is it's opportunistic monitoring. It's
7 monitoring, I think as Brenda accurately pointed out, was
8 monitoring that was started by others for other purposes,
9 then along comes EVOS and says, well this is interesting.
10 It clearly has some value to our knowledge of the world, to
11 our knowledge of the ecosystem, so we'll put some
12 investment in this. And the principal investigator in this
13 program will just pick up the funding for it. What it
14 doesn't do and where I would like to see more competition
15 is if we feel that we need to monitor temperature data or
16 phytoplankton data between points A and points B in the
17 water column, then I would like to see a time when the
18 Trustees take our money and we put that out for competitive
19 bid and not just leave it to others to kind of describe
20 what we may or may not need. So if -- these projects are
21 brought to us and they're very specific as to what data
22 where will be collected. Well, if a particular
23 investigator isn't available in a few months, does that
24 mean that the data that we wanted collected in that
25 particular area is no longer of any value just because the

1 principal investigator is no longer available? I would
2 hope the data is what we're after and we should then
3 acquire that from whatever source can provide it.

4 So two things. I think -- though I will
5 say my concern primarily right now is, are we putting the
6 money to the highest priority need. And the competition
7 there is really amongst priorities for those funds. I hope
8 that helps, Craig.

9 MR. O'CONNOR: Yes, it does very much.
10 Thank you.

11 CHAIRWOMAN PEARCE: Other questions or
12 comments?

13 MR. FREDRIKSSON: Drue, if I might. This
14 is Kurt Fredriksson again. My only concern is not -- I am
15 not against these projects, I am just looking to have these
16 projects put in the broader context, which I think the '07
17 invitation is going to provide. I appreciate what Pete has
18 said with respect to whether or not we've got the '07
19 invitation nailed down fine enough where we have some
20 assurance that we're going to get the invitation out and an
21 October 1st date is a strong date with respect to
22 delivering the finances to get the job done, the dollars
23 out there.

24 What I would like to do is see these
25 projects just brought into the '07 invitation with that

1 assurance that in fact we will have an invitation out by
2 June and we will have dollars on the streets working for
3 the restoration program as of October 1st. And that's what
4 my comments are based on. And whatever we might need to do
5 with respect to ourselves, our liaisons, and with our EVOS
6 staff to make that happen, I'm sure behind that.

7 DR. NORCROSS: This is Brenda. May I
8 address that?

9 CHAIRWOMAN PEARCE: Just a moment.
10 Just.....

11 DR. NORCROSS: Okay.

12 CHAIRWOMAN PEARCE:before you do
13 that, Mr. Baffrey, what is your expectation for our next
14 Trustee Council meeting?

15 MR. BAFFREY: I'm assuming we'll have one
16 -- we had talked about -- you'll have to approve the
17 invitation, so that would be most likely May. But with the
18 term limits on my presence over here, we will probably have
19 a meeting in -- at least a teleconference -- in the March,
20 early April time period.

21 CHAIRWOMAN PEARCE: Okay. Go ahead, Dr.
22 Norcross. And while you're speaking -- and I suspect
23 you're going to do this -- would you go back to the five
24 synthesis projects that are out or going out for peer
25 review and give us an idea of your expectation of time

1 frame for those to come back to lingering oil, have an
2 opportunity to go to the PAC/STAC, and be folded into any
3 sort of an '07 request?

4 DR. NORCROSS: Let me make my first comment
5 and then I need some help because I'm not totally in the
6 loop all the time and don't know what all the projects are,
7 these five that you're referring to. I know some of them
8 but not all of them.

9 So my first concern is to address Kurt and
10 everybody else. I'd like to let you know how long it takes
11 to do the proposal process, if an invitation goes out in
12 May or June. Normally our invitation went out the 15th of
13 February with the proposal due the 15th of April, all
14 right? So that's because it takes the people writing
15 proposals that long to know what the invitation says and
16 write it out. If it goes out in June and the proposals are
17 due in August, normally, and since I ran the part last year
18 of getting the reviews done and there were only 11 to do, I
19 have a greater appreciation of how much work that is. It
20 takes at least -- a minimum, all right -- of three weeks
21 after the projects are received to send them out for review
22 because -- I could go into details, but just take my word
23 for it, it's a time consuming process. So you have to give
24 a reviewer a minimum of three weeks to review it and then I
25 spent an awful lot of time last year finding more reviewers

1 when the first set that I asked for either never responded
2 or responded and said they couldn't do it. So it takes at
3 least two months from when the proposals are received until
4 you get the reviews back. When the reviews come back, it
5 takes at least three weeks to let the STAC read all of
6 those reviews, and you have to realize it's because they
7 all have other jobs and they can't just say, okay, this
8 week it's the only thing I'm doing. So right now you're up
9 to two months before they come in, two months after that,
10 that would be August, September, that's the middle of
11 October before you even get the reviews back. That's
12 November. That means you're not even approving these
13 projects to be funded October 1st until the December
14 meeting. Oops -- and that doesn't include the time that
15 the PAC wants, at least two weeks, to look at the STAC
16 recommendations before the PAC makes a recommendation.

17 And like I said, I've been in the process
18 for a long time and last year was very intimate with it.
19 And there are very few places you can circumvent that
20 process. So do you want to deal with that issue before I
21 go onto the next one, Drue?

22 CHAIRWOMAN PEARCE: I think we should come
23 back to Mr. Baffrey who, even though he's on a short term
24 -- he is still a -- also will continue to be a liaison when
25 he goes back. What's your expectation, if you have one, in

1 terms of '07 invitation? I mean, Brenda has told us what
2 happens after we have proposals but what about getting that
3 out the door?

4 MR. BAFFREY: We'll get comments back from
5 the lingering oil committee and we will also get the draft
6 report at least from the information synthesis currently
7 being done by Integral. We will use that information to
8 structure the '07 invitation. I would very much like to
9 see that go out in May. And following what Brenda was
10 saying, we would get a response back -- we would probably
11 give them a month to do that. So May, June, we'd be
12 expecting to have proposals in our hand.

13 And Brenda, I assume that the process after
14 that follows the time period you were speaking to?

15 DR. NORCROSS: Yes, and you know, if
16 there's any way that -- I don't know how you can do it --
17 but if there's any way you can let the public know that the
18 invitation is even coming, that helps. Because to issue an
19 invitation -- let's -- I'm picking a round number, May
20 15th, and saying have this done June 15th, well I can tell
21 you that there are a lot of people who would find it very
22 interesting to respond, including fishermen who will be out
23 in the field and unable to respond in one month.

24 CHAIRWOMAN PEARCE: And there also has to
25 be PAC and STAC.

1 DR. NORCROSS: Yeah, I mean that's only to
2 receive the proposals back, which I was assuming that
3 Michael was saying. Is that correct?

4 MR. BAFFREY: Yes.

5 DR. NORCROSS: Because in the winter we
6 even give two months. And part of the reason, seriously,
7 that it was done in the winter is it's a slower time for
8 most of the types of people who respond.

9 MR. BAFFREY: And that's actually -- if I
10 may, Madam Chair. That's actually one of the potential
11 problems by waiting until the May, June time period, is
12 that that's normally when people are either gearing up or
13 actually heading for the field.

14 CHAIRWOMAN PEARCE: Well, we're not going
15 to have anything before then clearly.

16 MR. BAFFREY: That's right. That's right.

17 CHAIRWOMAN PEARCE: So -- and we don't want
18 to wait until after they're back. We may have to have an
19 extended period to allow people the opportunity, knowing
20 that they will be field work going on and that's going to
21 make it more difficult.

22 MR. BAFFREY: So the sooner the better on
23 the invitation.

24 MR. O'CONNOR: Madam Chairman, this is
25 O'Connor.

1 CHAIRWOMAN PEARCE: Go ahead, Mr. O'Connor.

2 MR. O'CONNOR: I'm very conflicted here and

3 I want to respond to Kurt a little bit and I want to get

4 some of my feelings of insecurity resolved. Let's start

5 with the insecurity. What Kurt -- what I am hearing is

6 that there is a risk, that if we don't go forward today,

7 that we are going to lose the opportunity to continue to

8 collect the information that is being collected by these

9 four proposals. And that is because the PI's will become

10 otherwise occupied and not able to do the work. Kurt on

11 the other hand seems to be communicating the sense that if

12 we don't have this PI, we could have another PI do the same

13 work and we will not be losing the opportunity to collect

14 the information necessarily if we lose the PI who is

15 currently participating. Is that what -- I guess I think

16 that's what Kurt is saying in some regards and I want to be

17 able to validate that assessment. And I don't know if Dr.

18 Norcross, you're appropriate, or Pete, or Michael, but this

19 is an area that I'm very concerned with because I don't

20 want to close doors unnecessarily. Although I do feel very

21 firmly that we are in a significant crossroads if you will

22 with the Trustee Council and the future decisions of the

23 activities of the Trustee Council with regard to responding

24 to current conditions and necessary restoration activities.

25 And I don't think it would be appropriate for the Trustee

1 Council to be proceeding slowly addressing those decisions.
2 I think we need to be spending more time together and we
3 need to be addressing what we're going to find from the
4 synthesis work, from the assessment of the reopener in the
5 end, and an evaluation of what some of these compelling
6 needs are with regard to the economic and social impacts as
7 a result of the current condition of the Sound and the
8 spill area.

9 So I'm not as concerned that we're going to
10 burn a lot of time putting together the '07. I think we
11 need to spend a lot of time putting together the '07. We
12 need to thoroughly assess where we are going in the future
13 based on what we're going to learn this year. By the same
14 token, we may be making the same decisions and if we lose
15 the opportunity to continue to collect data which I'm
16 hearing is critical, we may have shot ourselves. So help
17 me at least on the risk side of losing the PI's and in so
18 doing losing the opportunity to continue to collect
19 information in a scientifically valid and utilizable way if
20 we lose these guys. Somebody tell me that.

21 CHAIRWOMAN PEARCE: Dr. Norcross. Pete.

22 DR. NORCROSS: Yes, I can address that.
23 When the original invitation from EVOS went out for these
24 specific projects, no one else applied. We worked with
25 these PI's, we worked with STAC comments, PAC comments,

1 went back and forth to make sure they did exactly what was
2 asked for. This was -- you know, asked for amendments
3 afterwards. Therefore the odds that you issue an RFP and
4 anyone else will apply when they already know these people
5 have been funded and nobody was interested to begin with
6 are pretty slim. In the future, if you decided this done
7 and it was routine and you wanted a consulting firm just to
8 run it, that's different. I do not think any of these are
9 at that point yet. If you decided you wanted it for 10
10 years, that would be realistic.

11 MR. O'CONNOR: Does anybody have any
12 recollection as to what our assumptions were or our
13 expectations were with regard to the duration of these
14 studies over the years when we began them? Did we
15 anticipate that this would be an in perpetuity type
16 activity or was there an anticipation that these kinds of
17 studies would be completed within a certain time period?

18 MR. HAGEN: Yeah, this is Pete. I think --
19 and Brenda, you could probably correct me on it -- but I
20 think the vision for a lot of this under the -- when the
21 initial proposals went out is that they would be conducted
22 -- was it every -- for five years and then re-analyzed, you
23 know, sort of synthesis in modeling component that the
24 scientific community would bring in and then reevaluate it?
25 Was it a five year time frame, Brenda?

1 DR. NORCROSS: Yes, that's correct.

2 MR. HAGEN: Yeah. So nothing was going to
3 be in, you know, forever I guess. It was simply through
4 the process of evaluation periodically to see if the value
5 is still there or if there's cheaper or more cost effective
6 means to collect the same data. And that may be well the
7 same case with these over time too. You know, it might be
8 possible that -- you know, there's a lot of advances in
9 satellite information now and a lot of this data collected
10 provides sort of ground-truthing of satellite information,
11 which isn't very good as I understand just yet. But there
12 are technologies out there too that may help in the long
13 term. So I think it was put together with the idea that
14 there was going to be a process of evaluation that takes
15 place and we just haven't gone to that evaluation yet.

16 MR. O'CONNOR: Where are we in whatever
17 five year period we're in right now? Are we at the middle,
18 end, do you know?

19 DR. NORCROSS: This was the end of three
20 years.

21 MR. O'CONNOR: We're at the end of three
22 years.

23 DR. NORCROSS: Yes.

24 DR. NORCROSS: So we've already made the
25 decision that we will be evaluating the efficacy of the

1 studies within the next two years.

2 DR. NORCROSS: Yes. I think you would have
3 to go back through a lot of Trustee Council notes to find
4 it but the original plan, if you -- actually, if you go all
5 the way back to the NRC review, the GEM plan, and what the
6 Trustee Council said, yes.

7 MR. O'CONNOR: All right. Thanks, Kurt.
8 You really created a quandary for me.

9 MR. FREDRIKSSON: I like to share, Craig,
10 because that's where I'm at too. And Brenda, along those
11 lines, I do see each one of these has received funding from
12 -- it appears EVOS at different time frames. I mean, some
13 -- probably the oldest one goes back -- apparently this
14 is -- the Weingartner goes back to the 1970's. So this
15 project was going on way before the Exxon Valdez oil spill.
16 We have the Okkonen, which appears to have been operating
17 since 2002. We have -- probably the most recent is the
18 Cokelet, which began in '04, 2004. And then we have -- it
19 appears, at least in the write-ups we got from Pete was --
20 or the PI's -- was the Batten, which has been operating
21 since 2000. So when we say these five year evaluation, I
22 can see where some have yet to achieve that, maybe some are
23 already at a point -- because I know -- I will just
24 continue the discussion by pointing out I am not against
25 long term monitoring, in fact, I'm very much for it. But

1 I'm also very much for understanding what we should be
2 monitoring and where and how often and how it's evaluated.
3 And I see where, as I look at least these write-ups, that
4 this may be good work but it was opportunistic monitoring.
5 It was monitoring, in some cases started by others, years
6 ago. Tens of years before the Exxon Valdez. And it may be
7 good ambient environmental quality or environmental
8 condition monitoring, but it may not be the monitoring that
9 we want to look towards in Prince William Sound over the
10 long term. Like subsistence food quality. Contaminants in
11 subsistence food monitoring. Herring monitoring.
12 Lingering oil monitoring. I can envision many, many long
13 term monitoring projects that -- I look at these and -- you
14 know, I guess I'm in a quandary because I've had the PAC
15 apparently look at these and say thumbs up. You know, the
16 very people that I've listed as providing us with comments
17 earlier today that have caused me to think what all we have
18 to do, they're also the same group that's endorsing these
19 projects. So I have that same quandary right now. I don't
20 know how to turn and I thought perhaps since the money is
21 being made available October 1st in the same time frame as
22 the '07 invitation, that that may have been an answer. I
23 was hoping that I'd look at these projects and just say
24 let's defer them to the '07 invitation and have them
25 adjudged when we judge all the other invitation.

1 The only thing else I would just offer is,
2 Craig, I agree with you, we need to be more aggressive,
3 more meeting, more involved in the '07 invitation.
4 Whatever it takes to get that done. And I will say, I am
5 prepared to commit the time and effort personally to do
6 whatever it takes to make sure that '07 invitation moves
7 along expeditiously.

8 CHAIRWOMAN PEARCE: I know that Mr. Hagen
9 has a comment but before we go to that, just so everybody
10 knows, snapshot of where we are, there are four reports
11 being peer reviewed as we speak. Those are bivalves,
12 mediation technologies, subsistence, and sediment quality
13 survey. We expect those reviews to be done by mid to end
14 of February. The Integral has not gone out to -- the
15 lingering oil has not gone out for peer review. We all
16 know the timing, the expectation on the timing for that.
17 The lingering oil committee will consider it when we have
18 -- when all of them have had their reviews. So that's in
19 the future, because we don't yet have the Integral report,
20 which I might add is not -- the due date -- present due
21 date has not yet come. And on April 15th we have a number
22 of other reports due, invertebrates, harlequin ducks,
23 marine birds, another harlequin ducks, lingering oil
24 pathways and contaminated inputs. And on those we won't
25 have peer review until May, possibly not back until

1 sometime in June. And then those will also go to the
2 lingering oil committee for consideration. So if we want
3 to have all of that information that will come to us from
4 the lingering oil committee go to the STAC or the PAC, come
5 to -- hopefully by then a science director and executive
6 director will come to us before we finalize an '07 plan or
7 invitation, we are a number of months away no matter how
8 often we want to meet.

9 Mr. Hagen.

10 MR. HAGEN: Yeah, I guess I just add too, I
11 think yeah, the timing is I think the main issue why I
12 think Michael wanted to bring these forward now to the
13 Trustees, just so they're -- this suite of projects that
14 are kind of sitting by themselves as a continuation are --
15 I guess not necessarily in the mix with all the other
16 decisions though they'll certainly be there in the
17 background but it's not as -- in terms of a time critical
18 issue, other Trustees have dealt with it on an interim
19 fashion, sort of a bridge approach.

20 And also I think you mentioned the other
21 funding sources, Kurt, that they have too. And I think
22 there is certainly a hope that some of these projects will
23 find a home in a long term monitoring under like the AOOS
24 initiative. I just don't think it's there yet and
25 certainly everyone has been asking that. And the PI's

1 certainly would like to find a home for these too in terms
2 of a long term continuous monitoring. I think that's the
3 ideal for everyone involved. But we're just not there yet
4 with these other funding sources from my understanding.

5 CHAIRWOMAN PEARCE: At risk of belaboring
6 the discussion but so that we all have information on the
7 table, we do have one, two, three, four -- we have six
8 projects that we have previously approved for '07 funding
9 totaling nearly \$270,000. So there, as I say, are already
10 six out there. This would add an additional four. We have
11 the expectation of having approximately -- this is an
12 estimate -- approximately 1.8 million dollars for projects
13 for '07. If that is -- that is after the 270,000 that's
14 already approved has been deducted. So we have that for
15 additional projects. If we approve these today, we'll have
16 approximately 1.4 million available for the fiscal year '07
17 invitation.

18 Other discussion?

19 MR. FREDRIKSSON: Drue, maybe if I might.
20 This is Kurt again. Because I think we need to take a
21 vote. And at this juncture, because it is a quandary, I
22 think that it's important that -- I will most likely vote
23 in the affirmative based on some understandings that one,
24 Brenda Norcross has assured us that the PI's -- that there
25 really is a jeopardy to having these completed with the

1 PI's if we don't move forward at this point in time. Two,
2 that the PAC has scrutinized these relative to the other
3 concerns they've raised to us today and view these as
4 necessary priorities to move forward on in light of their
5 understanding of other restoration and service restoration
6 priorities. And I guess the third thing I'd point out is
7 my expectation -- and again, I appreciate Brenda bringing
8 this up -- that these projects were initiated by the
9 council some many years ago in perpetuity. That in fact
10 they did have an end date in mind. And that was to, if you
11 will, test the merit of this long term monitoring and the
12 information it provides relative to our obligations under
13 the settlement agreement.

14 And that was for a five year time frame
15 which in my judgment should be coming to an end at the end
16 of '07. So that as we move forward, if these projects do
17 move forward, I would expect not just an annual progress
18 report at the end of the five years but a true evaluation
19 by all parties as to the merit of this going beyond '07. I
20 guess I just want to offer that as my final observations on
21 these projects.

22 CHAIRWOMAN PEARCE: Well spoken. I would
23 think that we would need that review be it four year or
24 five year, whatever, for all the multi-year projects,
25 certainly not just for these four. Because I don't expect

1 that they're unique in that expectation. Other comments to
2 the motion that's on the table?

3 MR. O'CONNOR: Madam Chairman.

4 CHAIRWOMAN PEARCE: We have a motion and a
5 second. Mr. O'Connor.

6 MR. O'CONNOR: One of the comments that we
7 are hearing routinely with regard to the solicitation of
8 explanation as to, for instance, why herring hasn't
9 recovered or why some particular critter or another is not
10 where we had expected it to be at this point, focusing
11 what's referred to as a regime change. Focuses on what I
12 interpret to be significant changes in the oceanographic
13 conditions that are bearing on Prince William Sound and the
14 spill area. These particular studies of utility to us in
15 being able to determine whether or not we are seeing in
16 fact a regime change going on or not. And I guess the
17 remaining part of that question is what is the utility of
18 these studies to us given the decisions that Kurt has so
19 well focused, that we've got some serious decisions to make
20 in the future and they are being brought to us by our
21 public and the impact on the public today of whether it be
22 lingering oil or the failure of recovery of various
23 resources. Is this giving us any information that's
24 meaningful?

25 CHAIRWOMAN PEARCE: Mr. Hagen.

1 MR. HAGEN: Well.....

2 CHAIRWOMAN PEARCE: Your liaison will tell

3 you.

4 MR. HAGEN: Yeah.

5 MR. O'CONNOR: Yes.

6 MR. HAGEN: And the answer is yes.

7 MR. O'CONNOR: And I probably should have

8 asked him this question before, I know. Okay.

9 MR. HAGEN: Well, it's -- you know, I mean

10 it's the utility -- this is such base level information

11 that -- and that's why the STAC is certainly quite

12 interested in it and the entire marine research community

13 of all species, you know, if they're particularly focused

14 on a higher trophic species are interested in these

15 baseline data collections going forward, is for the regime

16 changes, long term changes. It's also the inter-annual

17 changes. There's also the nexus with the oil spill, is

18 that also by collecting this data over time, and because

19 particularly like the Weingartner information that was in

20 place during the spill, we may eventually, you know, get to

21 the point where we understand a bit more about how natural

22 variability and these changes have interacted with the oil

23 spill. So there's some fundamental things we just

24 certainly don't know and this type of information, not any

25 one particular data set in itself will answer but on the

1 whole of the body it can contribute I guess to the sort of
2 the long term understanding. So I think it's both forward
3 looking and can be used to hindcast to where we were during
4 the time of the spill as well.

5 CHAIRWOMAN PEARCE: Other questions or
6 comments by Trustees?

7 MR. FREDRIKSSON: Drue, this is Kurt. I
8 just want to pick up on -- and I apologize for people --
9 maybe for drawing this out too long but I think these are
10 important points. And I wanted to share with Craig my
11 (indiscernible - telephonic beep) because I think it's
12 right on target when you say regime change. I can see
13 where the Trustees may want to document and incorporate
14 regime change considerations when dealing with restoration
15 issues, it could be very important. What concerns me when
16 I read what the investigators -- and I haven't -- all I
17 have is these abstracts, if you will, that Pete was able to
18 draw from the principal investigators -- but in almost
19 every one they say, well, this may be helpful. Sure, it
20 could be helpful, it may be helpful, but was that the
21 scientific objective, was that the objective that these
22 projects set out to evaluate? Was this part of their work
23 plan? Was this part of their methodology? Did we go to
24 Natural Marine Fishery Service or NOAA or the Weather
25 Service to evaluate whether or not these projects were

1 designed to answer some of those critical questions when it
2 comes to regime change? And I just don't have a good sense
3 of that. Now I have heard from Brenda that reevaluation
4 will occur. We will look. And my presumption is that
5 maybe we will discover that these studies were not the
6 right studies to address that kind of regime change
7 question. But at least we have that set in place where
8 that reevaluation would occur. That gives me a little more
9 comfort than if it was just in perpetuity because this
10 started back in 1970 and EVOS started picking up the tab in
11 2003, it should go on forever. I noticed in one project
12 that they suggest that maybe the Tustumena project should
13 be replicated on the Aurora or the next ferry. Well, I
14 would hope we'll do a reevaluation before we just start
15 randomly going out and collecting more temperature data or
16 phytoplankton data or just random data that isn't designed
17 -- where the methodology and the study isn't designed to
18 answer some very specific scientific question. So that's
19 just in response to your kind of question, Craig.

20 MR. O'CONNOR: All right. Thanks, Kurt.

21 CHAIRWOMAN PEARCE: Mr. Attorney General,
22 did you have a comment?

23 MR. MARQUEZ: The only comment I have is
24 that I'll vote in the affirmative for this but it's a very
25 difficult vote for me for all the reasons that we've been

1 discussing. It seems to me that, you know, there is a
2 process. There's the STAC and the PAC and they provide us
3 with valuable advice and so we have to honor that advice.
4 But as a Trustee, I have a responsibility also to make up
5 my own mind about it. I'm very concerned about whether
6 this data really is the kind of data that will help me make
7 decisions that I need to make and I'm very concerned about
8 the use of our monies. I certainly heard during the public
9 comment period that people want help, they want
10 restoration, they want services restored. And so while
11 this may be very valuable general scientific information
12 and data, if it is, then I would expect other sources of
13 funding to start funding these kind of studies. But I
14 think that I may need in the future more particularized
15 studies rather than just sort of general science studies.
16 So I will vote for this but this is right on the edge for
17 me.

18 CHAIRWOMAN PEARCE: Any other comments?

19 MR. O'CONNOR: Yeah, Madam Chairman, this
20 is O'Connor again and I'm tired and I apologize for
21 belaboring this. But I think it's of critical importance
22 that the council become much more crisp and focused in what
23 it's going to be doing. We are running out of money. We
24 are using up that money that we have and we are very
25 clearly seeing continuing problems in the environment that

1 we have a responsibility to address. If we fail to secure
2 more funding through a reopener provision then what we are
3 seeing out there with regard to potential impacts of
4 lingering oil, perpetual problem with herring, those are
5 going to clearly be our responsibilities with the monies
6 that we have available to us, the remainder of the
7 settlement monies. And I want to be sure that those monies
8 are wisely spent.

9 I have misgivings about these projects.
10 They have -- those misgivings were developed during the
11 course of our conversation. I would like to propose an
12 amendment to the motion that was submitted by the
13 Commissioner. I would like to propose that these projects
14 be deferred for consideration by the council until the next
15 meeting. That that next meeting not be any later than 45
16 to 60 days from this date. And that we, to the extent that
17 folks like me may have some significant questions about
18 these, that we be -- we submit to the staff those
19 questions and that we have the answers available to us. I
20 also believe that we're going to be receiving other
21 information from the synthesis work that will bear on our
22 evaluation of what activities we should be engaging in
23 today.

24 So with -- I would like to offer that as an
25 amendment to the motion pending before us.

1 CHAIRWOMAN PEARCE: Okay. There is an
2 amendment on the table to defer the decision on this motion
3 for 45 to 60 days from today. And any Trustees with
4 additional questions should give them to the executive
5 director to ensure that we have all the information so we
6 can make a decision at that time. I don't actually know if
7 that's really an amendment to the motion or a separate
8 motion. But Commissioner Fredriksson, you made the
9 original motion. We have an amendment on the table. Would
10 you like to comment?

11 MR. FREDRIKSSON: Drue, this is
12 Commissioner Fredriksson. I'd accept that just as a
13 friendly amendment if the second is okay with it.

14 CHAIRWOMAN PEARCE: Mr. Attorney General?

15 MR. MARQUEZ: The second is okay with it.

16 CHAIRWOMAN PEARCE: Okay. So there is a --
17 we have an amendment to the motion on the table. Both the
18 maker of the original motion and the second are in favor.
19 Do any other Trustees have any comment?

20 (No audible responses)

21 CHAIRWOMAN PEARCE: Is anyone opposed to
22 the amendment?

23 (No audible responses)

24 CHAIRWOMAN PEARCE: Hearing none, we now
25 have a motion before us to defer this decision for 45 to 60

1 days, which means we will be meeting again in that time
2 frame. We do need to have an affirmative voice vote on the
3 motion since we're on teleconference. So I would ask Mr.
4 Baffrey to call the roll.

5 MR. BAFFREY: Kurt.

6 MR. FREDRIKSSON: Yes.

7 MR. BAFFREY: Heather.

8 MS. BRANDON: Yes.

9 MR. BAFFREY: Craig.

10 MR. O'CONNOR: Yes.

11 MR. BAFFREY: Maria.

12 MS. LISOWSKI: Yes.

13 MR. BAFFREY: David.

14 MR. MARQUEZ: Yes.

15 MR. BAFFREY: Drue.

16 CHAIRWOMAN PEARCE: Yes. So by an
17 affirmative vote of six Trustees, we will be meeting again
18 in 45 to 60 days. I would ask those who have questions and
19 concerns to please make sure you get those to the
20 appropriate staff in time for us to make a considered
21 decision at that next meeting.

22 And that brings us to the other proposed
23 project amendment that's in your packet, which is an
24 amendment to the Bodkin lingering oil and sea otters. And
25 I believe we need Dede Bohn to come forward on that one.

1 We do have explanation and a proposed motion in your
2 packets. Dede.

3 MS. BOHN: This is Dede Bohn from USGS.
4 This amendment is to '06 funds. We have a charter we'd
5 like to get finalized for work starting a month from today
6 in Prince William Sound. This is the project to go back
7 and look at the stresses on sea otters during winter
8 months, which allows for a look at the time of year when
9 they have poor body condition and higher caloric needs and
10 potentially higher levels of oil exposure because we're
11 assuming that storm activity may be releasing some of the
12 -- or disturbing some of the contaminated sediments. So
13 we'd like to have a chance to go back and do the same kinds
14 of sampling and bio-marker work and health and condition
15 look that we've taken on sea otters during the summer
16 months. In doing that we discovered that the boat vessel
17 that we had previously used for this work and which we
18 assumed we could get again in March is unavailable. And
19 the next substitute will cost us \$6,000 more total in order
20 to do the work. So we're coming back, asking for an
21 amendment to that project, asking you to consider that.

22 CHAIRWOMAN PEARCE: Is there a motion?

23 MR. MARQUEZ: Madam Chair, I move that we
24 approve a \$6,000 increase in the FY06 funding for project
25 040620-2, lingering oil and sea otters, pathways of

1 exposure recovery status.

2 CHAIRWOMAN PEARCE: Is there a second?

3 MR. O'CONNOR: Second that, O'Connor.

4 CHAIRWOMAN PEARCE: Is there discussion?

5 (No audible responses)

6 CHAIRWOMAN PEARCE: Any questions?

7 MR. O'CONNOR: Call for the question.

8 CHAIRWOMAN PEARCE: Mr. Baffrey, would you
9 please call the roll?

10 MR. BAFFREY: Kurt.

11 MR. FREDRIKSSON: Yes.

12 MR. BAFFREY: Heather.

13 MS. BRANDON: Yes.

14 MR. BAFFREY: Maria.

15 MS. LISOWSKI: Yes.

16 MR. BAFFREY: Craig.

17 MR. O'CONNOR: Yes.

18 MR. BAFFREY: David.

19 MR. MARQUEZ: Yes.

20 MR. BAFFREY: Drue.

21 CHAIRWOMAN PEARCE: Yes. That amendment
22 has been adopted. That brings us to number 7, the fiscal
23 year '06 annual program development and implementation
24 budget. We do have an amended motion for the budget that
25 was handed out but I think before we go to that -- and

1 actually, I'm not supposed to make a motion. I might ask
2 the -- it's my intent that we have a motion that officially
3 name Michael Baffrey as our interim executive director for
4 a period of 90 days, which would be to the end of this
5 quarter. That will work timely with the meeting that we
6 just said we would do because of the deferral of the
7 previous amendments to the four projects, the motion that
8 we will then have before us on the budget has a new
9 paragraph that asks that monies be transferred to the
10 Department of Interior to pay the executive director's
11 salary and benefits and corresponding administrative
12 expenses. And that would be at his present salary, which
13 is less than the salary that the previous executive
14 director was making. So there will be no additional funds
15 from the proposed budget that we had before us previously.

16

17 If the Trustees don't mind, I will make the
18 motion, if no one objects, that we appoint Mr. Baffrey
19 officially as the interim executive director for the first
20 quarter of 2006. Is there a second?

21 MR. O'CONNOR: I'll second.

22 CHAIRWOMAN PEARCE: We have a motion and
23 second. Any discussion?

24 MS. BRANDON: Just a clarification. For
25 the first quarter, are you talking about the first quarter

1 of the calendar year?

2 CHAIRWOMAN PEARCE: Yes, I am talking about
3 the first quarter of the calendar year, which he came over
4 as of the 4th of January. I would make this motion through
5 the end of March and then if necessary, we can consider an
6 extension at that time. Any other questions?

7 (No audible responses)

8 CHAIRWOMAN PEARCE: Are we ready for the
9 question? Mr. Baffrey.

10 MR. BAFFREY: Kurt.

11 MR. FREDRIKSSON: Yes.

12 MR. BAFFREY: Heather.

13 MS. BRANDON: Yes.

14 MR. BAFFREY: Maria.

15 MS. LISOWSKI: Yes.

16 MR. BAFFREY: Craig.

17 MR. O'CONNOR: Yes.

18 MR. BAFFREY: David.

19 MR. MARQUEZ: Yes.

20 MR. BAFFREY: Drue.

21 CHAIRWOMAN PEARCE: Yes. Okay. That
22 motion carries. That would bring before us the budget
23 discussion and the motion to adopt the resolution 0608.
24 Mr. Baffrey, did you want to speak to the budget?

25 MR. BAFFREY: No. I want Dede and Carol to

1 do that.

2 CHAIRWOMAN PEARCE: Okay. Dede and Carol,
3 do you two want to speak to the budget? There's not
4 exactly a thundering herd.

5 MR. O'CONNOR: What is the purpose of them
6 speaking to the budget? Are there any changes in.....

7 MR. BAFFREY: That's.....

8 MR. O'CONNOR: Any significance that we
9 haven't al -- we tentatively approved it the last couple of
10 meetings, as I recall.

11 CHAIRWOMAN PEARCE: We'll let Carol speak
12 to that.

13 MR. O'CONNOR: Okay.

14 MS. FRIES: You have seen -- well, there
15 were budget subcommittee meetings at which essentially you
16 had seen the substance of the budget. We've worked with
17 some of the information contained therein to provide an
18 introductory section and try to summarize the information
19 by budget components and line items so that it was a little
20 readily apparent as to how the funds were allocated. There
21 was an additional change from the budget subcommittee
22 meeting in which we adjusted the NOS funding so that it is
23 in the correct budget components as it's reflected in the
24 NOS grant. So that was just a minor tweak.

25 And then we've added a summary page at the

1 end that identified the total budget amount and the funding
2 that was allocated by agency in each of the previous three
3 resolutions. And then the balance that has not yet been
4 allocated and that you'll be acting on today is included in
5 the column on the last page entitled Resolution 0608. And
6 I think in terms of the line items and the budget
7 components, I think that's fairly self-explanatory. If
8 anyone has any questions, we can try to answer those.

9 MR. BAFFREY: Madam Chair.

10 CHAIRWOMAN PEARCE: Mr. Baffrey.

11 MR. BAFFREY: Craig, also this is the
12 version that went out on January 7th. It's what all these
13 Trustees have concurred with.

14 MR. O'CONNOR: Okay.

15 CHAIRWOMAN PEARCE: Any additional
16 questions or comments?

17 (No audible responses)

18 CHAIRWOMAN PEARCE: Can we have a motion?

19 MR. O'CONNOR: I move approval of the -- no
20 wait a minute, they wrote it for us, right?

21 CHAIRWOMAN PEARCE: Yeah, just move to
22 approve the resolution 0608.

23 MR. O'CONNOR: That's right. I -- yes,
24 whatever they said we should say, I want to say that.

25 CHAIRWOMAN PEARCE: Great. Well done. Do

1 we have a second?

2 MR. MARQUEZ: Second.

3 MS. LISOWSKI: Second.

4 CHAIRWOMAN PEARCE: We have a couple of
5 those. Any additional comment?

6 (No audible responses)

7 CHAIRWOMAN PEARCE: Hearing none, Mr.
8 Baffrey.

9 MR. BAFFREY: Kurt.

10 MR. FREDRIKSSON: Yes.

11 MR. BAFFREY: Heather.

12 MS. BRANDON: Yes.

13 MR. BAFFREY: Maria.

14 MS. LISOWSKI: Yes.

15 MR. BAFFREY: Craig.

16 MR. O'CONNOR: Yes.

17 MR. BAFFREY: David.

18 MR. MARQUEZ: Yes.

19 MR. BAFFREY: Drue.

20 CHAIRWOMAN PEARCE: Yes. That approves,

21 finally, the '06 budget. Before we move to executive
22 session, would Carol and Dede please come forward. I would
23 like to express to all of the EVOS staff while the ladies
24 are coming forward our appreciation on behalf of myself and
25 the other Trustees, and I'm sure the liaisons too, for

1 their efforts during a period of some upheaval here in the
2 office. We very much appreciate the work that you've done,
3 the timeliness and the completeness of the reports. The
4 work that is behind those weekly reports that everybody has
5 been so pleased to get. But there wouldn't be anything to
6 report if the staff weren't doing a lot of work. And we do
7 very much appreciate that. So on behalf of all the
8 Trustees I'm sure, I want to express our appreciation, not
9 just to Mr. Baffrey but to all of the staff here at the
10 Trustee Council.

11 Having said that, we recognize that we have
12 some liaisons who have done duties above and beyond
13 probably their expectations or our usual expectations. And
14 we made -- we have letters signed by the entire Trustee
15 Council for both Carol and Dede expressing our appreciation
16 for their exceptional work and their extra work and their
17 dedication. And if you don't mind, I'm going to quickly
18 read the three paragraphs. They're not long letters but
19 there's a lot of appreciation there.

20 This letter is in recognition of your long
21 term assistance to the Exxon Valdez Oil Spill Trustee
22 Council and its restoration program. Your work with the
23 program has been both excellent and exceptional. It has
24 immeasurably assisted the council as a whole in addition to
25 the individual Trustee Council members for whom you serve

1 as liaison.

2 We wish to recognize specifically the
3 leadership role you assumed recently in the development of
4 the fiscal year '06 annual program development and
5 implementation budget. Your institutional knowledge and
6 your personal communication skills have aided us
7 immeasurably on numerous occasions. They have proved
8 invaluable to this project in particular. Your extra
9 efforts ensured that the details of this year's budget were
10 the product of sound deliberations and for that we are
11 truly grateful.

12 We appreciate how much the long term
13 success of this program is due to your tireless commitment
14 and professionalism and look forward to working with you in
15 the days ahead.

16 And as I said, this letter is signed by
17 each of the actual Trustees and is cc'd to your
18 commissioner, Carol, and to your director, Dede. And I
19 would like to present them to you and I would ask the
20 Trustees and the other liaisons to please join me in a
21 round of applause.

22 (Applause)

23 CHAIRWOMAN PEARCE: We won't ask for
24 speeches, you'll be pleased to hear, however, you know
25 those pesky attorneys again. We actually attempted to use

1 Trustee Council -- or Exxon Valdez oil spill funding to
2 provide bonuses for both Dede and Carol and we were told
3 that that wasn't something that had been envisioned and it
4 probably was not wise to attempt to figure out how to do
5 that. So on behalf of DOI, we will be asking USGS -- easy
6 for me to say since it's Leslie's money -- but we will be
7 asking USGS to make a bonus award to Dede and I would hope
8 that the State Trustees do the same to Commissioner Menge
9 on Carol's behalf.

10 So having said that, we do have some
11 personnel issues that we need to discuss.

12 MR. FREDRIKSSON: Drue.

13 CHAIRWOMAN PEARCE: Yeah, this is Kurt. If
14 I'm right, there were a couple of motions that the council
15 made back in December of '05 regarding the Trustee Council
16 retaining all the hiring, termination and classification
17 authority of EVOS personnel and also approving any changes
18 to budget category. I know this has been something of
19 concern to Commissioner Campbell now that we've kind of got
20 -- we've Michael in place there and we've moved forward.
21 But I would just quickly move as a motion to repeal those
22 actions back on December 15th, '05 and return those -- the
23 authority to hire and terminate and classify positions back
24 to the EVOS office as well as any budget categories as
25 reflected in our '07 -- or in the budget we just passed.

1 CHAIRWOMAN PEARCE: Is there a second?

2 MR. MARQUEZ: Second.

3 CHAIRWOMAN PEARCE: I would object for
4 discussion purposes. I have no problem with repealing the
5 portions that allow movement of monies within the
6 categories, within reason, and I would want to be told if
7 that happened. Nor do I have a problem with the hiring and
8 firing, assuming Mr. Baffrey wants that responsibility.
9 However, I know that the State, because the Exxon Valdez
10 Trustee Council employees are considered State employees
11 under the MOU and there is a classification study happening
12 even as we speak, as I understand, I do think that the
13 results of that should come back to the full council so
14 that we're fully apprised before any changes might be made
15 after that study has finished. So I would not be
16 supportive of having that piece also come back.

17 MR. FREDRIKSSON: Drue, absolutely. I'm
18 sure Mr. Campbell would agree with that as well. So if we
19 might just, as a friendly amendment, modify my motion to
20 not include the classification authority and just focus on
21 the movement of money between the budget categories and the
22 hiring and termination.

23 CHAIRWOMAN PEARCE: Okay and I will make
24 another assumption. I assume we are not allowing Mr.
25 Baffrey to replace himself with a new executive director

1 without the Trustee Council approval. And I also would
2 assume that he won't be hiring a science director without
3 council approval. Is that fair?

4 MR. FREDRIKSSON: Absolutely. That would
5 be our -- my -- surely our expectation.

6 CHAIRWOMAN PEARCE: Okay. With all of
7 those assumptions and understandings, there is a motion and
8 a second. Is there other discussion? Anybody else want to
9 put something on this tree?

10 MS. LISOWSKI: I just have one question.
11 Since Mr. Baffrey is a Federal employee, is there an issue
12 on hiring and firing by a Federal employee of someone who
13 will end up being a State employee?

14 CHAIRWOMAN PEARCE: Nobody knows. Oh, Mr.
15 Tillery says no. There's no problem?

16 MR. TILLERY: I think under that MOA
17 between the State and the Federal government -- I would
18 have to look at it but I think that would be okay.

19 CHAIRWOMAN PEARCE: We think it's okay.

20 MS. LISOWSKI: Very good.

21 CHAIRWOMAN PEARCE: The attorneys think
22 it's okay. Other questions?

23 (No audible responses)

24 CHAIRWOMAN PEARCE: Mr. Baffrey, are you
25 comfortable.....

1 MR. BAFFREY: Yes. Yes.

2 CHAIRWOMAN PEARCE:with those

3 responsibilities? Okay. Any other -- if no other

4 comments, would you take the roll on that motion?

5 MR. BAFFREY: Kurt.

6 MR. FREDRIKSSON: Yes.

7 MR. BAFFREY: Heather.

8 MS. BRANDON: Yes.

9 MR. BAFFREY: Maria.

10 MS. LISOWSKI: Yes.

11 MR. BAFFREY: Craig.

12 MR. O'CONNOR: Yes.

13 MR. BAFFREY: David.

14 MR. MARQUEZ: Yes.

15 MR. BAFFREY: Drue.

16 CHAIRWOMAN PEARCE: Yes. Before we move to

17 executive session, it's my expectation we will come out of

18 that and immediately adjourn. So is there any other new

19 business to come before the council?

20 (No audible responses)

21 CHAIRWOMAN PEARCE: Can we have -- and I

22 also believe that the Trustees who are online have the

23 number to call back to. Does everybody have the number

24 you're supposed to call to?

25 MR. O'CONNOR: Yes.

1 MS. LISOWSKI: Yes.

2 MR. FREDRIKSSON: Yes we do, Drue.

3 CHAIRWOMAN PEARCE: Okay, great. Could we

4 please have a motion for executive session to discuss

5 personnel matters?

6 MR. O'CONNOR: So moved.

7 MR. MARQUEZ: Second.

8 CHAIRWOMAN PEARCE: We have a motion and a

9 second. It's my expectation that we will come back. There

10 will be no action items after the executive session, that's

11 my expectation. And we will come back just for the

12 purposes of adjourning. I would expect that to happen in

13 less than a half hour but we've been pretty talkative today

14 so I wouldn't want to stake my life on that. Any other

15 disc -- and it was also being my intention that our legal

16 staff stay with us along with the executive director.

17 So we do need, once again, affirmative

18 motion to go into executive session.

19 MR. BAFFREY: Kurt.

20 MR. FREDRIKSSON: Yes.

21 MR. BAFFREY: Heather.

22 MS. BRANDON: Yes.

23 MR. BAFFREY: Maria.

24 MS. LISOWSKI: Yes.

25 MR. BAFFREY: Craig.

1 MR. O'CONNOR: Yes.

2 MR. BAFFREY: David.

3 MR. MARQUEZ: Yes.

4 MR. BAFFREY: Drue.

5 CHAIRWOMAN PEARCE: Yes. We will go off
6 line and how does this work, they dial back in?

7 UNIDENTIFIED SPEAKER: Yes.

8 CHAIRWOMAN PEARCE: Okay, we'll go off line
9 and you all need to dial back in, please.

10 (Off record)

11 (Executive session)

12 NOTE: The Trustees adjourned at 2:25 p.m
13 from executive session without going back on the record.
14 Motion to adjourn was made by Mr. Marquez, seconded by
15 Ms. Lisowski.

