

09.20.08

1 EXXON VALDEZ OIL SPILL
2 TRUSTEE COUNCIL
3 Teleconference Public Meeting
4 Wednesday, December 13, 2006
5 10:05 a.m.
6 441 West 5th Avenue, Suite 500
Anchorage, Alaska

7 TRUSTEE COUNCIL MEMBERS PRESENT:

| | |
|------------------------------------|-----------------------------|
| 8 STATE OF ALASKA - | MR. CRAIG TILLERY |
| 9 DEPARTMENT OF LAW: | Acting Attorney General |
| 10 (CHAIRMAN) | |
| 11 STATE OF ALASKA - DEPARTMENT | MS. HEATHER BRANDON |
| 12 OF FISH AND GAME: | for the Commissioner |
| 13 U.S. DEPARTMENT OF INTERIOR: | MR. HANS NEIDIG |
| 14 | U.S. Department of Interior |
| 15 STATE OF ALASKA - DEPARTMENT | MR. LARRY DIETRICK |
| 16 OF ENVIRONMENTAL CONSERVATION: | for the Commissioner |
| 17 U.S. DEPARTMENT OF COMMERCE, | MR. CRAIG O'CONNOR for |
| 18 National Marine Fisheries Svc: | MR. JAMES W. BALSIGER |
| 19 | Administrator, AK Region |
| 20 U.S. DEPARTMENT OF AGRICULTURE, | MR. JOE MEADE |
| 21 U.S. FOREST SERVICE | Forest Supervisor |
| 22 | Forest Service AK Region |

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

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| 1 | TRUSTEE COUNCIL STAFF PRESENT: | |
| 2 | | |
| 3 | MICHAEL BAFFERY | Executive Director |
| 4 | | |
| 5 | CHERRI WOMAC | Administrative Officer |
| 6 | | |
| 7 | BARBARA HANNAH | Administrative Officer |
| 8 | | |
| 9 | MICHAEL SCHLEI | Analyst Programmer |
| 10 | | |
| 11 | SHANE ST. CLAIR | Analyst Programmer |
| 12 | | |
| 13 | CATHERINE BOERNER | Research Analyst |
| 14 | | |
| 15 | HEATHER BRANDON | ADF&G |
| 16 | | |
| 17 | CAROL FRIES | ADNR |
| 18 | | |
| 19 | GINA BELT | Department of Justice |
| 20 | | |
| 21 | STEVE ZEMKE | U.S. Forest Service |

| | | |
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| 1 | TABLE OF CONTENTS | |
| 2 | | |
| 3 | Call to Order | 04 |
| 4 | | |
| 5 | Approval of Agenda | 05 |
| 6 | | |
| 7 | PAC Comments | 07 |
| 8 | | |
| 9 | PUBLIC COMMENT | |
| 10 | | |
| 11 | Ms. Teresa Obermeyer | 10 |
| 12 | | |
| 13 | Herring White Paper | 18 |
| 14 | | |
| 15 | Project 070100, Project Management Funds | 22 |
| 16 | | |
| 17 | Corr Small Parcel | 70 |
| 18 | | |
| 19 | Adjournment | 71 |

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
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23
24
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P R O C E E D I N G S

(Anchorage, Alaska - 12/13/2006)

(On record - 10:05 a.m.)

CHAIRMAN TILLERY: We will call to order the December 13th meeting of the Exxon Valdez Oil Spill Trustee Council. This is being done by teleconference primarily with I think maybe a couple of people in Anchorage. I'm Craig Tillery, acting Attorney General for the Department of Law. And if the other Trustee Council members could identify themselves.

MR. O'CONNOR: Craig O'Connor with NOAA.

MR. MEADE: Joe Meade with Agriculture.

MR. DIETRICK: Larry Dietrick with DEC.

MS. BRANDON: Heather Brandon, Fish and Game.

MR. NEIDIG: Hans Neidig, Department of Interior.

CHAIRMAN TILLERY: Okay. And I believe I've seen that everyone here is either a principal or has authority to act on behalf or has been delegated the responsibility to act on behalf of the Trustee Council member.

The first item is the agenda. We have an agenda but I believe there might be a motion to amend the agenda. Is there one?

1 (No audible responses)

2 CHAIRMAN TILLERY: Specifically, is there a

3 motion to amend the agenda to add an executive session?

4 MR. O'CONNOR: Well, it sounds like you

5 would like such a motion, so I'll make it.

6 CHAIRMAN TILLERY: I understand that

7 there's a need to have an executive session to potentially

8 discuss matters related to acquisition of land that could

9 impinge upon the financial effect.

10 CHAIRMAN O'CONNOR: Okay. Well, I would

11 move that we have an executive session to address such

12 matters and other matters appropriately entertained in an

13 executive session, if we have any other.

14 CHAIRMAN TILLERY: Well, yeah, for possibly

15 some legal matters. And would it be okay to put that

16 basically right before the number 8, the status of Corr

17 small parcel?

18 MR. O'CONNOR: That would be fine with me.

19 CHAIRMAN TILLERY: That way the public can,

20 for the most part, their items are already done, they can

21 leave. Is there any comment on that motion?

22 MR. BAFFREY: Is there a second?

23 MR. MEADE: Or is there a second?

24 CHAIRMAN TILLERY: We got a second? Is

25 there any comment? Is anybody opposed to the motion?

1 (No audible responses)

2 MR. BAFFREY: Who made the second?

3 CHAIRMAN TILLERY: Hearing none, that

4 motion passes.....

5 REPORTER: Hold -- nobody seconded. He

6 thought you seconded.

7 CHAIRMAN TILLERY:and the agenda is

8 amended. It doesn't.....

9 REPORTER: Craig, hold on.

10 MR. BAFFREY: Yeah, who did the second on

11 that motion?

12 CHAIRMAN TILLERY: Who seconded it?

13 MR. O'CONNOR: Nobody did.

14 MR. BAFFREY: Craig O'Connor, you know, was

15 -- you know, made the motion and there was no second,

16 so.....

17 CHAIRMAN TILLERY: Okay. Okay, it doesn't

18 appear -- am I correct in thinking that we do not have

19 minutes of a prior meeting to approve?

20 MR. BAFFREY: Okay. Before we move on, we

21 still don't have a second to that motion.

22 CHAIRMAN TILLERY: We -- well, I heard a

23 second.

24 REPORTER: No, you heard Michael asking

25 if.....

1 MR. BAFFREY: If there was a second.
2 REPORTER:there was a second.
3 MS. BRANDON: This is Heather. I will
4 second it.
5 MR. BAFFREY: Thank you, Heather.
6 CHAIRMAN TILLERY: Okay. Sorry, I thought
7 I heard someone second.
8 MR. BAFFREY: That's why we need to bring
9 you guys together in a room.
10 CHAIRMAN TILLERY: Okay. The next item
11 then on the agenda is Public Advisory comments. Michael,
12 do we have someone there from the Public Advisory Committee
13 to comment?
14 MR. BAFFREY: We do. Do you want to?
15 MR. KOPCHAK: I'd be happy to at this point
16 in time.
17 MR. BAFFREY: RJ Kopchak from Cordova is on
18 the PAC. Stacy, who is the Chair of the PAC, is not
19 available, but RJ is here to make some comments.
20 MR. KOPCHAK: Good morning to the trustees.
21 And I cannot really speak on behalf of the entire PAC but
22 will speak instead as a member of the PAC and in response
23 to some of the projects that the trustees have authorized
24 to get underway.
25 I'm a member of the Herring Planning Group

1 and I would just like to thank and congratulate the
2 trustees and their staff here at the EVOS office for
3 initiating that planning team effort. As we all know and
4 realize, herring are unrecovered in Prince William Sound
5 and play an incredibly important role in transferring both
6 carbon and nutrients between lower trophic levels and upper
7 levels of consumers in fishes and mammals and birds. And
8 we have desperately needed a focused effort to both look at
9 restoration opportunities and then to initiate appropriate
10 restoration activities. And that takes coordination, it
11 takes planning and it takes a team effort. And the
12 authorization of a few thousand dollars by the trustees to
13 convene and get this herring planning effort underway has
14 been an important step forward.

15 The planning team is diverse, it is
16 functional, it debates, it argues, and I think it exposes
17 the underbelly of our science in a way that is going to
18 allow us to move forward by addressing gaps in science and
19 by better coordinating efforts. So it's working well.

20 The effort is maturing to a point where
21 we're going to need some additional help. Similar efforts
22 in looking at the restoration of other organisms in other
23 areas sometimes take years and take a dedicated commitment
24 by staff. We have a volunteer board and part-time help
25 from the trustees' office now.

1 So I would just like to say keep your eye
2 on us. I think it's the right way to approach herring
3 restoration. We'll be coming to you with additional ideas
4 on how we can better support this effort and I think that
5 the trustees will find that the results of this effort will
6 provide I think a clear, concise road map for appropriate
7 restoration in the future.

8 So just as a semi-retired commercial
9 herring fisherman from Prince William Sound, I want to say
10 thanks to the trustees. I think this is the right way to
11 go and I'm pleased with our efforts and please with your
12 support and the staff here. So thank you.

13 CHAIRMAN TILLERY: Thank you, RJ. Are
14 there any questions for RJ?

15 (No audible responses)

16 CHAIRMAN TILLERY: Okay. Hearing none, are
17 there other Public Advisory Committee members who would
18 like to make comments?

19 MR. BAFFREY: There are none in the room.

20 CHAIRMAN TILLERY: Is there anyone online?
21 The Public Advisory Committee?

22 (No audible responses)

23 CHAIRMAN TILLERY: Okay. Again then,
24 hearing none, the next item on the agenda is public
25 comments. We'll open the public comment. We would request

1 that people making comments try to limit their remarks to
2 about three minutes. And let's start with anyone who's in
3 Anchorage.

4 MS. OBERMEYER: Teresa Obermeyer, Mr.
5 Tillery.

6 CHAIRMAN TILLERY: Good morning, Ms.
7 Obermeyer.

8 MS. OBERMEYER: Yes, sir. I understood you
9 to say you are now acting Attorney General of Alaska?

10 CHAIRMAN TILLERY: Ms. Obermeyer, for
11 however long that lasts, I am, yes.

12 MS. OBERMEYER: Oh, well. May I begin, Mr.
13 Tillery?

14 CHAIRMAN TILLERY: Yes, ma'am.

15 MS. OBERMEYER: I'd like to start, Craig,
16 by making some comparatives, if you'll forgive me. I
17 assume that you know, sir, that the Alaska Bar Association
18 has been sunset as of June 30th, 2007. And I assume you
19 also know that the judges, as of July 1st, 2006, each got
20 -- this is the state court judges -- each got a 50 percent
21 salary increase. I assume you know these things, Mr.
22 Tillery.

23 But what I was trying to focus on, and I
24 was spending time because of course I know absolutely that
25 the Alaska Bar Association should be sunset permanently

1 because all they are, Mr. Tillery, is a group of people
2 that only license people that don't live in Alaska. It's
3 just -- it's unbelievable what I have watched with my own
4 eyes. But I was comparing, Mr. Tillery, and I'd like you
5 know, what goes on in a practice of law in the state of
6 Texas compared to Alaska.

7 Now the percentages are what is important.
8 In Alaska we have approximately 2,800 attorneys. In the
9 state of Texas there are 77,000 attorneys. Here of our
10 2,800, five hundred of them are active out-of-state, and
11 that is approximately, if I remember my numbers correctly,
12 about 17 percent. But in the state of Texas, 11 percent
13 are active out-of-state. That's one issue I want to make
14 sure you know, Mr. Tillery, we have given our state away to
15 the most powerful law firms in the United States. Those
16 are the 500 who are active out-of-state licensed Alaska
17 attorneys.

18 But what is a really important number, sir,
19 is that of the 2,300 who practice law in the state of
20 Alaska, 30 percent work for the state -- or excuse me, work
21 for the government. Now most -- that is like 704 and of
22 that number, it's like over 500 -- and I don't have the
23 number in front of me, although it is in this little
24 directory of attorneys, let me tell you. And let me give
25 you the exact number of our government, it's 704. Federal,

1 93. State of Alaska -- and that's you, Mr. Tillery -- 544.
2 And local, 67. That is on page 216 of your little green
3 book that's the current directory of attorneys.

4 I simply mention this, Mr. Tillery, because
5 you and I know, sir, there is absolutely no level of
6 accountability. I haven't been coming, Mr. Tillery,
7 because what is the point? All these people work for the
8 government. That's Exxon's little game. They want to make
9 sure that everyone is a public employee instead of anyone
10 being a thinking person. Do we know their sick game, Mr.
11 Tillery? And I do believe you're bright enough to know.

12 And what I wanted to compliment you on is
13 your wonderful spouse. I just -- my hat's off to your
14 darling wife. When I leave here I'm going to go over and
15 say hi to Phyllis. But if you'll let me go on very
16 briefly, Mr. Tillery, because do we know talk's cheap?
17 Talk doesn't exist where I live. There is absolutely
18 nothing fair about anything that goes on.

19 And what about all those nice fishermen?
20 What I remember Judge Holland saying, there was something
21 like 40,000 people that should be paid. And I think at
22 least a high percentage -- and I don't have the number -- I
23 think a thousand of them have already died. How -- it's
24 just scary. Could I possibly motivate you people to ream
25 Exxon? How have they gotten away with this?

1 But I passed along quickly, Mr. Tillery,
2 what -- because, Mr. Tillery, can you imagine -- I'm a
3 broken record -- can you imagine my husband was not
4 licensed again on October 27th, 2006? I am very proud to
5 tell you that my husband has been trying to be licenses in
6 the only state in the United States that does not have a
7 law school, has no elected attorney whatsoever, where there
8 is not required continuing legal education, and I know
9 there's nothing fair. Since February of 1984. And so I'm
10 on a roll, Mr. Tillery.

11 CHAIRMAN TILLERY: Yes, ma'am, but you are
12 getting close to your time. Could you sort of tend to wrap
13 it up now?

14 MS. OBERMEYER: Yes, sir. I'd like us to
15 remember -- and I hope that Mr. Baffrey will give you what
16 -- because it's really difficult when you're online. There
17 is -- the laws of Alaska from 1966, that is the precedent,
18 that is -- and I'm going to read what it was. It's House
19 Bill 520. It's the second and third pages of this
20 document. It says, authorizing the Department of Labor to
21 enter into reciprocal agreements with other states
22 regarding wage claims and providing for an effective date.

23 And we absolutely -- in fact, Mr. Tillery,
24 I want you know, my husband is working for a state senator
25 so he is not advocating for himself, but this kid's on a

1 roll after 23 years of spending money. How have they
2 gotten away with it?

3 And, Mr. Tillery, I'm going to read the Act
4 that is going to license Tom Obermeyer. That is going to
5 be in the 25th Alaska Legislature first session. This is a
6 draft bill and it's authorizing the admission of reciprocal
7 applicants to the Alaska Bar Association who have passed a
8 written bar exam in a reciprocal state to the active
9 practice of law and providing for an effective date.

10 Mr. Tillery, shouldn't we who live in
11 Alaska have at least equal rights with those who have never
12 landed on our soil? See, Mr. Tillery, I assume you know,
13 anyone that's licensed in a reciprocal state, they simply
14 pay a thousand bucks and they're automatically licensed.
15 But when you really live in Alaska and you have taken their
16 ridiculous three-day essay test of minimal competence that
17 you can't get a license.

18 CHAIRMAN TILLERY: Okay. And.....

19 MS. OBERMEYER: It's all a Catch-22. What
20 can we -- I'd like to conclude by saying this, where we
21 live the law is a damn liar, a cheat, a fraud, a crook, is
22 so dementedly ridiculous. It is beyond belief.....

23 CHAIRMAN TILLERY: Okay.....

24 MS. OBERMEYER:what goes on in this
25 infantile frontier that is a 47 year-old state. That there

1 is nothing fair. What about our children, Mr. Tillery?
2 What about good example? Would you also lastly let me
3 mention, I have a website also. I've really done a lot of
4 research on the Alaska Permanent Fund Board. And if you go
5 to Google, you just type in Alaska Permanent Fund Board
6 Confirmation Committee and you get the almost 500 page
7 website. You need a ream of paper. But I've known since
8 1999 that all the Permanent Fund Board are doing is
9 enriching their private bank accounts by investing
10 astronomically in the stock market.

11 And guess what? If you really become
12 Attorney General, I mean, see in the past it's always been
13 the Attorney General that's been on the Permanent Fund
14 Board, but it is not in state law that the Attorney General
15 has to be on the Permanent Fund Board. It is in state law
16 that the Commissioner of Revenue is designated to be on the
17 Permanent Fund Board but not the Attorney General. So, Mr.
18 Tillery, let's dissolve the Alaska Bar Association.

19 CHAIRMAN TILLERY: Okay, tha.....

20 MS. OBERMEYER: If we care about anything
21 fair. I hope that you agree with me that the group that
22 you pay money to commit criminal acts anytime they want.

23 CHAIRMAN TILLERY: Tha.....

24 MS. OBERMEYER: They have taken our money
25 for 23 years.

1 CHAIRMAN TILLERY: Thank you, Ms. Ober.....

2 MS. OBERMEYER: Any questions?

3 CHAIRMAN TILLERY: Thank you, Ms.

4 Obermeyer. If you have those papers and you could give

5 them to Mr. Baffrey, he will see that everyone gets those.

6 Are there.....

7 MS. OBERMEYER: Should I -- how many copies

8 should I leave with him, sir?

9 CHAIRMAN TILLERY: Just leave one. He can

10 make copies.

11 MS. OBERMEYER: Oh, sure. I passed them to

12 everyone in the room.

13 CHAIRMAN TILLERY: Okay. And thank you.

14 And are there any questions from council members for Ms.

15 Obermeyer?

16 MR. O'CONNOR: Well, I hesitate to ask, but

17 is her proposal to eliminate the Bar Association as a

18 restoration project?

19 MS. OBERMEYER: And who's speaking, sir?

20 MR. O'CONNOR: Craig O'Connor with NOAA.

21 MS. OBERMEYER: Yes, sir. Would you

22 forgive me, Mr. O'Connor, I don't know whether we've been

23 introduced but of course I assume you're Irish and so am I.

24 You know, but my point, sir, would always be, this is

25 public comment. Please always shoot the messenger instead

1 of reading the message. I hope for that because that has
2 been the story of my life for 23 long years. So please
3 commit any hate crime you want against me simply because I
4 tell the truth. But, sir, would you forgive me?
5 Everything we do is based on American law. We come to a
6 meeting, we sign contracts. All that goes on is about
7 American law. And so I would really love, Mr. O'Connor, if
8 you would check the State of Alaska Court System website.
9 You just go to www.state.ak.us/courts and you get our court
10 system. Then you get -- you go down and it says appellate
11 courts and the fourth file is case law since 1960. You can
12 type in all the cases of those people that have sued the
13 Bar Association but please also know, Mr. O'Connor, they
14 won't even admit that they sued the Bar Association. What
15 they do is they misspell.....

16 MR. O'CONNOR: Ma'am.....

17 MS. OBERMEYER:their names.....

18 MR. O'CONNOR: Ma'am, you've answered my
19 question.

20 MS. OBERMEYER: I've already.....

21 CHAIRMAN TILLERY: Okay.

22 MS. OBERMEYER:told you, the law is a
23 damn liar.

24 CHAIRMAN TILLERY: Okay. Thank you very
25 much. Are there other questions for Ms. Obermeyer?

1 (No audible responses)

2 MS. OBERMEYER: Happy Holiday.

3 CHAIRMAN TILLERY: Okay. Hearing none.

4 Thank you very much. We appreciate your comments.

5 MS. OBERMEYER: Yes, sir.

6 CHAIRMAN TILLERY: Is there anyone else in

7 Anchorage who would like to comment?

8 (No audible responses)

9 CHAIRMAN TILLERY: Michael, is there anyone

10 there?

11 MR. BAFFREY: No.

12 CHAIRMAN TILLERY: Okay. Is there anyone

13 online who would like to comment? Anyone?

14 (No audible responses)

15 CHAIRMAN TILLERY: Okay. Hearing none, we

16 will close the public comment period. And the next item on

17 the agenda is from the Executive Director about the herring

18 white paper, a potential action item I understand.

19 MR. BAFFREY: Yes, all I want to do is that

20 as opposed to sending an email around to you to get

21 concurrence so we can add members to the steering

22 committee, I want to just, while I've got you all together,

23 is get your concurrence to add Doug Hay to the steering

24 committee. We want him to prepare a white paper on herring

25 enhancement internationally. We have no international

1 experts on the steering committee right now and he is --
2 he's a retired Fisheries and Oceans Canada person that is
3 recognized worldwide as an expertise in herring
4 enhancement. And I just want you guys to allow me to put
5 him on the steering committee. That's seems to be the one
6 gap that we have.

7 CHAIRMAN TILLERY: Thank you. Have we been
8 approving all the members of the steering committee?

9 MR. BAFFREY: You have to do that according
10 to ADF&G procurement regulations.

11 CHAIRMAN TILLERY: Okay.

12 MR. BAFFREY: I don't -- it's a mystery to
13 me why but we do have to have that from you.

14 CHAIRMAN TILLERY: Okay. Is there a
15 motion?

16 MR. MEADE: I make a motion that in
17 response to the requirement of the ADF&G regulatory process
18 that we empower Michael Baffrey to bring on that individual
19 to the herring committee to provide an international
20 presence and bolster the ability for us to continue to lead
21 with the herring recovery plan.

22 MR. BAFFREY: And Joe, that individual will
23 be Doug Hay.

24 MR. MEADE: Okay.

25 CHAIRMAN TILLERY: Okay. Is there a

1 second?

2 MR. O'CONNOR: I would second that.

3 CHAIRMAN TILLERY: That was Craig O'Connor
4 seconding.

5 MR. BAFFREY: Okay.

6 MR. O'CONNOR: Yes.

7 CHAIRMAN TILLERY: Okay. Is there
8 discussion?

9 MR. O'CONNOR: Is this a non-paid position?

10 MR. BAFFREY: It is. We are going to pay
11 him on a contractual basis to prepare the white paper on
12 international enhancement, Pacific herring enhancement
13 efforts.

14 MR. O'CONNOR: Do you have an expectation
15 as to what that's going to cost?

16 MR. BAFFREY: It will not exceed \$7,500 but
17 I've talked to him and he wants to do it for \$5,000.

18 CHAIRMAN TILLERY: Is that money -- this is
19 Craig Tillery -- is that money already in the budget?

20 MR. BAFFREY: Yes. Yes.

21 CHAIRMAN TILLERY: Okay. So you're not
22 asking for any additional money?

23 MR. BAFFREY: No additional money.

24 CHAIRMAN TILLERY: Are there other
25 questions or comments?

1 MS. BRANDON: This is Heather. Is the
2 money coming from what is called the symposium -- or that
3 was in the budget, what was set aside for a herring
4 symposium?

5 MR. BAFFREY: No.

6 MS. BRANDON: It's coming from the.....

7 MR. BAFFREY: It's coming from the herring
8 restoration plan.

9 MS. BRANDON: Okay.

10 MR. MEADE: My view -- this is Joe. My
11 view, Michael, is you've got a budget, manage your budget
12 and deliver quality results and have positive comments like
13 we heard from RJ earlier. You're on track and move
14 forward.

15 MR. BAFFREY: Just for your -- thank you,
16 Joe. For your information, the steering committee is doing
17 incredible work.

18 CHAIRMAN TILLERY: Are there other comments
19 or questions with regard to this motion?

20 (No audible responses)

21 CHAIRMAN TILLERY: Okay. Hearing none, all
22 in favor -- let's just do it this way -- is there anyone
23 opposed to the motion?

24 (No audible responses)

25 CHAIRMAN TILLERY: Hearing none, the motion

1 passes.

2 MR. MEADE: Now in these situations, Craig,
3 do you just want us to hold up our hand?

4 (Laughter)

5 CHAIRMAN TILLERY: No, just speak out if
6 you're opposed. That's probably the most -- that's the
7 most efficient way to do it.

8 The next item on the agenda is project
9 070100, project management funds. Mr. Baffrey.

10 MR. BAFFREY: Actually, I'm going to turn
11 that over to Barbara Hannah.

12 MS. HANNAH: In the original approval of
13 the project 070100 budget, on September 7th, there were
14 some statements within there about budget items that would
15 be -- have to be considered later. One of those major ones
16 was the funding of the herring steering committee and the
17 herring international symposium. Those dollars, 165,000,
18 were advanced by funding approved at the September 7th
19 meeting. They were to be replenished or returned upon
20 approval of the NOS grant where we had asked for a one year
21 extension as well as a modified scope to cover the herring
22 recovery activities. That was approved by NOAA on
23 September 25th.

24 At the time that we ended FY-06, there were
25 approximately 150,900 in direct funds that we could apply

1 towards this 165,000. And of course when the Trustee
2 Council funds direct cost, they also fund the nine percent
3 agency fee. So when you add the nine percent agency fee to
4 that 150,900, you could come up with 164,500 that is to be
5 returned.

6 What we're asking today is a redistribution
7 of those funds because also within the project 070100
8 budget was statement about project management fees that
9 would have to be added after the Trustee Council approved
10 projects of the FY-07 work plan. On November 14th,
11 approximately 24 of those projects were approved that --
12 and trustee agencies identified later through those
13 meetings, through the liaison meetings and I put together a
14 list and sent it out to the liaisons to confirm that those
15 were the projects that would be assigned to them. And then
16 I estimated, after consulting with liaisons about an
17 equitable way to distribute project management funds, I'm
18 thinking when the original 070100 budget was formulated, we
19 thought we'd have a different methodology where not only
20 would you, you know, come up with an amount but you would
21 think about how difficult the projects were, the dollar
22 amount of the projects, and come up with some magic
23 formula. However, after speaking to the auditors, they
24 said it's much better to have simplified measurement and so
25 we came up with month's salary for one project. And that's

1 what that spreadsheet, attachment B to the motion, that was
2 distributed to you.

3 Now in the hurry to get this spreadsheet
4 together originally, I had left off the nine percent agency
5 fee. And it was brought to my attention by Dede and I do
6 apologize for the redistribution -- or did you get -- it
7 was resent out. And so if you'll please look at the second
8 one where the total amount with -- for project management
9 fees that we're requesting today, along with the agency
10 G&A, comes to 122,800. If after review of that
11 spreadsheet, if you have any questions, I'd be happy to
12 answer them.

13 There were some little comment boxes that I
14 printed because there were some exceptions. The two YAW
15 projects are pending because their proposals have to be
16 modified, so we didn't include them in this calculation.
17 We also didn't include two projects that were contingent
18 upon the receipt of project reports. And so I was asked to
19 not include those in this first request.

20 Also, we gave USGS one project for
21 management of the EVOS building lease, because that takes a
22 lot of their time. And the one project for Natural
23 Resources is their monitoring of all our land acquisitions
24 and habitat and all the activities that Carol provides.

25 Do you have any questions in regards to the

1 spreadsheet?

2 CHAIRMAN TILLERY: Are there questions from
3 the council members?

4 (No audible responses)

5 CHAIRMAN TILLERY: This Craig. I don't
6 understand why we would have anything in front of us that
7 would direct a return of the money. I would understand
8 this as simply lapsed funds that are no longer needed and
9 that money would go back to the -- well, actually it would
10 stay in -- if it hasn't left -- if it's left the investment
11 fund, it would either stay in GeFONSI or it would stay in
12 the NRDA&R account until such time as we move lapsed funds
13 or have used them to pay for a particular project.

14 Secondly, then I would understand that what
15 we really need is simply a motion to expend money for
16 purposes of additional project management. What concerns
17 me is an apparent link between the two because I don't
18 believe there should be a link. We went through this a
19 couple of years ago. When money comes back to the council,
20 if it doesn't become somehow free money or money that is
21 subject to any less scrutiny. It's simply money that
22 lapses into the fund and any new projects and any new
23 expenditure is considered under whatever standards we would
24 normally consider an expenditure.

25 So while I don't have an objection to the

1 expenditure of the money, I do question why we're doing it
2 this way.

3 MS. HANNAH: It was at the suggestion of
4 legal council that I show clearly the monies being returned
5 because of the NOS grant funds. It was like they -- I
6 thought there was some -- from what legal counsel said,
7 that there could be some concern that that money would be
8 used in some other manner because we had already received
9 it. And so to show the total amount going back into the
10 fund, was the way that it was suggested that I show it as
11 well as the redistribution of a portion of that. In all
12 reality, I've spoken with Fish and Game finance and they're
13 -- what they're going to do is actually redistribute that
14 directly. Like Fish and Game had received the 164,500 and
15 they're going to just do electronic transfers to the
16 agencies of the portions that the agencies receive for the
17 project management funds and then automatically returned to
18 the investment fund or offset any future requests. It
19 should be returned to the investment fund because that's
20 what was stated in the Project 070100 proposal or project
21 form that was approved. And so that's kind of why it's
22 worded the way that it is, based on the original wording of
23 that proposal.

24 CHAIRMAN TILLERY: Well, this money is for
25 a different purpose than we originally gave the court

1 notice for. I don't believe that we can move it to this
2 purpose without essentially giving the court notice again
3 that we are moving money from somewhere. And we can
4 certainly give the court notice that we are moving it from
5 -- it sounds like it's in GeFONSI at this point? Is that
6 correct?

7 MS. HANNAH: Correct. It's in GeFONSI and
8 actually the -- I have a resolution. I don't know -- was
9 the resolution distributed? The second page of the
10 resolution shows that distribution. And a court notice
11 will be requested and will be required because Divina uses
12 those court notices in Juneau for any transaction -- moving
13 of funds that she does. She's very adamant about the court
14 notices and resolution backup to any movement of funds. So
15 it will show the 164.5 that's in GeFONSI and it shows how
16 it will -- Fish and Game will keep 31.4 of it, Natural
17 Resources will distributed 5,600 of it in GeFONSI, and then
18 electronic transfers of 38.7 and 47.1 will go to the
19 federal agencies and 41.7 returned to the investment fund.

20 CHAIRMAN TILLERY: Okay. And typically if
21 we were to do this from the beginning, we would have a
22 motion that would approve a certain amount of money for
23 science management and then we would set out in that motion
24 what agencies how much went to. Is that -- then that's not
25 what I see in this draft motion.

1 MS. HANNAH: Oh. Okay.

2 CHAIRMAN TILLERY: I'm sorry. But are
3 there comments from other council members?

4 MR. O'CONNOR: Well, I'm completely lost
5 now. This is O'Connor, so I'll trust in your good
6 judgment, Mr. Chairman, as to what we need to do and how we
7 need to do it.

8 CHAIRMAN TILLERY: Well, my concern with
9 this is that I have sort of seen this a couple times before
10 where when money is unspent there -- sometimes it shows
11 back up as saying, well, we didn't spend it here, why don't
12 we spend it here, with an implication that it's sort of
13 available money. But it is no more available than any
14 other money that we currently have in the trust account or,
15 you know, that is otherwise available.

16 And so I don't think that that's an
17 appropriate way to think of it or describe it. And in my
18 view, we would simply return the lapsed money, would go
19 back -- or it just would be lapsed. It would be sitting in
20 GeFONSI, then we would simply, as a completely separate
21 item, take up whether we needed to expend this money for
22 science management. If we agreed that we did, then we
23 could take it out of the investment fund, but more
24 logically, we would take it out of the GeFONSI account, out
25 of lapsed money, which would include this money or even

1 some other money.

2 But I just was trying to stay away from the
3 notion that somehow this money that's not spent for
4 something can just be shifted around with less scrutiny,
5 perhaps, or a lesser standard.

6 MR. O'CONNOR: So basically what we would
7 do is approve the reversion of that money back into the
8 appropriate account and then make an independent decision
9 with regard to the funding recommendations that are made
10 and if we're satisfied with those funding recommendations
11 then we would make a determination as to what account we
12 withdraw that money out of, just as we do in any other
13 instance.

14 CHAIRMAN TILLERY: Right. We would make
15 the determination. That's typically done just between the
16 Executive Director and, you know, then they tell counsel
17 how to ask for it. It's just done on an administrative
18 convenience method. But I do not see that we need a motion
19 to return the other money to anything, it simply lapses --
20 I mean I think it's great that they've established this
21 paper trail now that the money is not going to be spent and
22 it's been replaced by the NOS grant. That's good but the
23 council has never taken money back, to my recollection.
24 It's just not necessary.

25 But again, I think if the council wants to

1 do this, what it should be is a motion to expend a certain
2 amount of money with so much to go to Fish and Game, so
3 much to go to DEC, so much to go to NOAA -- whatever the
4 distribution is, and then we would simply vote on that.
5 That's the way I would see this working. At least
6 historically that's how it's worked.

7 MR. DIETRICK: Mr. Chairman, this is Larry
8 Dietrick. So in that context, I understand then that the
9 motion would be -- we're actually amending then the project
10 management funding portion of the 2007 budget to include
11 these funds.

12 CHAIRMAN TILLERY: Exactly right.

13 MR. DIETRICK: Okay. And then the
14 transaction is just a separate matter?

15 CHAIRMAN TILLERY: Yeah, the return of the
16 money is just something that happens.

17 MR. DIETRICK: All right. Thank you very
18 much.

19 CHAIRMAN TILLERY: But again, I thank the
20 council staff for creating this paper trail to explain to
21 us and the public why that money has come back.

22 MR. BAFFREY: So do you want Barbara to put
23 that into a format to put the total amount and then the
24 breakdown by agency so.....

25 CHAIRMAN TILLERY: Again, if the council

1 votes to do this, I think what you could do is simply make
2 a motion that describes it and then she could send -- she
3 could capture that in writing later and send it around for
4 signature.

5 MR. BAFFREY: So are you ready for a motion
6 then?

7 CHAIRMAN TILLERY: I would entertain a
8 motion.

9 MR. O'CONNOR: Well, I would so move as you
10 so artfully articulated, Mr. Chairman. I did not write
11 down your words, but if that's the course of action we need
12 to take, then I would so move.

13 CHAIRMAN TILLERY: So do I understand that
14 you're moving that we expend \$122,800?

15 MS. HANNAH: Correct.

16 CHAIRMAN TILLERY: And that would be broken
17 up among the agencies how?

18 MS. HANNAH: 31.4 to Fish and Game, 5,600
19 to Natural Resources, 38.7 to Department of Interior, and
20 47,100 to NOAA.

21 CHAIRMAN TILLERY: Okay. And the purpose
22 of it would be to provide for agency support for projects
23 funding in the '07 work plan?

24 MS. HANNAH: Correct.

25 CHAIRMAN TILLERY: Okay. Then I understand

1 that, Mr. O'Connor, to be your motion?

2 MR. O'CONNOR: It certainly sounds like it,
3 Mr. Chairman.

4 CHAIRMAN TILLERY: Thank you. Is there a
5 second?

6 MR. DIETRICK: Second.

7 CHAIRMAN TILLERY: Okay. Is there
8 discussion on the motion?

9 MR. DIETRICK: Mr. Chairman, appropriate
10 point, I have two amendments I'd like to propose to that
11 motion when it's appropriate.

12 CHAIRMAN TILLERY: I -- yes, okay. I think
13 it's appropriate at any time.

14 MR. DIETRICK: Amendment number 1, since
15 this is an amendment to the 2007 implementation budget and
16 in follow up to the September approval of that budget where
17 additional revisions -- it was included in the motion
18 approving the budget that additional revisions would be
19 considered at this meeting. Amendment 1, I would request
20 that this motion be amended to also amend the 2007 budget
21 to include \$30,845 to assist communities in preparing the
22 preliminary engineering estimates for the proposals that
23 were approved by the council at the November meeting.

24 And I have the rationale I can lay out at
25 whatever point it's appropriate to articulate that. Do you

1 want me to proceed with the second amendment first or.....

2 CHAIRMAN TILLERY: Well, you might as well
3 get them both on the table.

4 MR. DIETRICK: Amendment number 2 then
5 would be to restore 12 month funding for council support
6 work for member agencies in the 2007 budget. Both of these
7 are on page 14 of the 2007 budget.

8 CHAIRMAN TILLERY: And how much money is
9 that?

10 MR. DIETRICK: That would have to be
11 determined. I presume -- they were initially funded at
12 three months, so this would simply bring it to 12 month
13 funding or an amount equal to the FY-06 number.

14 CHAIRMAN TILLERY: So your second amendment
15 is funding the liaisons' full salary?

16 MR. DIETRICK: It would be 12 months,
17 right, which should equal the '06 numbers, assuming there's
18 no adjustments for inflation or salary.

19 CHAIRMAN TILLERY: Okay. And those are
20 amendments number 1 and amendment number 2, I take it then?

21 MR. DIETRICK: Correct. And I can speak to
22 either of those at the appropriate time.

23 CHAIRMAN TILLERY: Well, I -- you know,
24 however the council wants to do this, but I would suggest
25 that Mr. Dietrick speak to amendment 1 and then there be

1 discussion, then he speaks to amendment 2, and discussion,
2 and then we can perhaps vote on the amendments.

3 MR. BAFFREY: I have a question, is why
4 those amendments to this motion? Those seem to be
5 amendments to the administrative budget themselves.

6 MR. MEADE: This is Trustee Meade. I was
7 going to ask the same. It would seem logical to deal with
8 the administrative motion and then deal with these as
9 individual items rather than convoluting them with the
10 accounting adjustments associated to the motion that's been
11 brought forward.

12 MR. BAFFREY: Thank you, Joe. That's
13 exactly what I was thinking.

14 CHAIRMAN TILLERY: I will have to confess
15 that I had the same thought and then I assumed that the
16 reason was because these two items are not on the agenda.

17 MR. MEADE: But there is nothing that would
18 stop these two items being brought forward by a trustee to
19 be addressed on the agenda as a separate motion.

20 CHAIRMAN TILLERY: No, not -- and to my way
21 of thinking, you can -- I think you can amend the agenda to
22 add them, but other people may not agree with that. But
23 anyway, other council members?

24 MR. DIETRICK: Mr. Chairman, the reason I
25 think we proposed them amending to the motion is because

1 the motion inherently is amending that 2007 annual program
2 and development implementation budget to increase the
3 project management funds on page 14, so it fits right in
4 with that motion.

5 CHAIRMAN TILLERY: Okay. The original
6 motion speaks.....

7 MR. O'CONNOR: Mr. Chairman, this is
8 O'Connor from NOAA.

9 CHAIRMAN TILLERY: Yes, sir.

10 MR. O'CONNOR: Given the proposed
11 amendments to the motion, I would like to withdraw my
12 motion.

13 CHAIRMAN TILLERY: Before we vote on the
14 amendments?

15 MR. O'CONNOR: Yeah, I want to just take
16 this damn thing off the table and address it in the proper
17 fashion, which would be sequentially with these items being
18 separate items.

19 CHAIRMAN TILLERY: Mr. O'Connor, couldn't
20 you accomplish the same thing simply by noticing your
21 intent to vote against the amendments but indicating that
22 you would be willing to take them up separately?

23 MR. O'CONNOR: Well, I could except that
24 the motion that I made meant something more than I
25 anticipated it meaning. I thought we were simply dealing

1 with the -- addressing the reversion of the money from the
2 NOS grant and appropriate distribution of that money for
3 purposes of activities associated with our -- the projects
4 that have been funded with a specific funding going to
5 agencies in their management responsibilities, not monies
6 going to communities or liaison support activity.

7 So if we've opened up, by my motion, a
8 contemplation of the issue, particularly under amendment A,
9 of providing support to individuals or entities that may be
10 writing proposals, then that is far beyond what I had
11 anticipated by my motion. So I apparently misled the
12 council in that motion, so I think it's appropriate to
13 withdraw it.

14 CHAIRMAN TILLERY: Well, and Mr. ~~Campbell~~ *O'Connor*,
15 I think that that's probably not going to resolve this
16 problem because the motion could simply be made again by
17 someone else. It does seem though that if your concern is
18 that we not mix these three items together, again, the
19 logical solution would be to note your objection to the
20 amendments, which, because of the unanimous consent
21 requirement, would defeat them but then allow them to be --
22 and then say but bring them up, you know, separately,
23 sequentially, and it will -- and we can debate them. That
24 would seem to be a more productive way to approach this.

25 MR. O'CONNOR: I'll defer to your

1 parliamentary judgment, Mr. Chairman.

2 CHAIRMAN TILLERY: Parliamentary gibberish
3 actually but -- other council members, do you have thoughts
4 on this?

5 MS. BRANDON: This is Heather. My only
6 comment, I guess, to Craig O'Connor is that what was
7 proposed is not only the redistribution or, you know,
8 making sure that the funds are adjusted because of the NOS
9 grant but also adjustment to the budget items for the
10 project management components. And that only involves
11 ADF&G, DOI, NOAA, and Department of Natural Resources. And
12 so I think why Larry's amendments are coming up now is
13 because DEC wanted the agencies included in that but they
14 have project management funding needs.

15 CHAIRMAN TILLERY: Okay.

16 MR. O'CONNOR: I don't know. Whatever it
17 is we're doing, let's get to voting on the amendments or
18 whatever. I don't even understand amendment A, so I guess
19 at this point I'd ask a question of the maker of -- the
20 proposer of that amendment, what exactly is it that we're
21 being asked to do here.

22 CHAIRMAN TILLERY: Mr. Dietrick.

23 MR. DIETRICK: Yeah, should I speak to that
24 amendment now then, Mr. Chairman?

25 CHAIRMAN TILLERY: I think it would be

1 appropriate, yes.

2 MR. DIETRICK: Okay. Here's our rationale.
3 When the notice for this meeting first came out from Cherri
4 on December 6th, it indicated that they were working on
5 amendments, okay, for the annual program development and
6 implementation to add funds for administering agency
7 liaisons, et cetera. There was no detail available. The
8 day before yesterday we got the crib sheets which shows the
9 distribution. So we weren't aware exactly of the scope of
10 what the amendment was going to be until only very
11 recently. We were proposing these in follow up to the
12 September 7th meeting when the budget was initially
13 approved.

14 At September 7th, we raised a number of
15 questions but time was of the essence at that meeting and
16 the budget was approved contingent upon a work group
17 looking at some of the questions that were tabled at that
18 meeting in the interim under the presumption and assume the
19 motion from that meeting that the council will agree to
20 consider a revised budget for the program support project
21 component following the adoption of the work at the
22 November meeting.

23 And so this was the meeting, when the
24 budget was approved in September, that was agreed any
25 issues that anybody had with the budget that was originally

1 approved, they would be laundered during the interim and
2 then brought up at this meeting. And we took the initial
3 announcement to be just what had been agreed to in
4 September, not knowing again the details until fairly
5 recently.

6 The pre-proposals that are the subject of
7 the first amendment were part of the '07 invitation to bid.
8 The council did solicit those pre-proposals. I don't think
9 there's any question about that or the fact that they acted
10 on them. They were approved at the November meeting.

11 We believe that it's in the best interest
12 of the Trustee Council to receive bona fide cost estimates
13 for that work when they come back for consideration by the
14 council down the road. To get bona fide cost estimates or
15 preliminary engineering estimates that are accurate for
16 consideration by the council down the road, our Division of
17 Water, who is managing these projects, plans, has gotten
18 the estimates for this \$30,845 to retain an outside firm to
19 prepare those preliminary estimates and assist in the
20 preparation of those -- of that work by the community such
21 that what we get back is good information that can be
22 counted on and that the cost for the work are -- has a
23 certain balance of accuracy.

24 The funds would be used for a consultant to
25 assist those communities in preparing those proposals and

1 those estimates. We would retain the consultant to assist
2 the communities but we would not be using any of those
3 funds ourselves for any of our DEC staff. So there's no
4 staff charges that we would incur under that proposal. So
5 the amendment is simply to amend the 2007 budget to include
6 that \$30,845 project cost to assist the community in
7 preparing those proposals that have good reliable estimates
8 that can be -- that can give the council confidence in when
9 they reconsider those when they come back in.

10 CHAIRMAN TILLERY: Okay. Are there
11 questions or comments with regard to amendment number 1?

12 MR. MEADE: This is Meade. The question I
13 would ask, and it might be Michael that would need to
14 address this, unless you yourself, Mr. Tillery, may be
15 aware. Historically, has the Trustee Council in past
16 funded pre-proposals or funded PI's to submit project
17 proposals? Is this a new concept for the Trustee Council
18 or has this occurred in the past 17 or so years of trustee
19 action?

20 MR. BAFFREY: To my knowledge, Joe, that's
21 never been done.

22 CHAIRMAN TILLERY: Okay. This is Craig
23 Tillery. Historically it would be rare but not
24 unprecedented. The two instances that I can think of --
25 and I actually took the time to ask around about some

1 people who had been here in the past -- are the SEA project
2 and the small museum project where we funded the
3 development of the proposals. But I would say it is
4 unusual but not unprecedented.

5 MR. DIETRICK: I would also -- we also
6 discussed that at some length internally, asking ourselves
7 the same question. And in effect, this investment by the
8 council to get good information on the front end, there was
9 a lot of discussion internally that indeed the herring plan
10 and the herring project, that the effect of what the
11 council is doing for herring or other similar projects
12 where we've invested time and resources to prepare these,
13 is to get an end result, which is a restoration proposal
14 which can then be funded.

15 So all of the planning for many of these
16 projects where we're seeking out information, getting
17 updates on science and stuff, is a winnowing process that
18 we're going through for the very precise reason in the end
19 of getting restoration projects that are good, that have
20 been well-vetted, and that hit the criteria that the
21 Trustee Council members want, which is in terms of, in the
22 end, it's good restoration efforts.

23 So to some extent, the planning that goes
24 into pre-proposals, there's a lot of parallels with that
25 with a lot of other actions that the council has taken. So

1 I just wanted to pass that on, that that was some of the
2 discussion that we had also.

3 CHAIRMAN TILLERY: Mr. Meade.

4 MR. MEADE: Yes.

5 CHAIRMAN TILLERY: Did that satisfy your --
6 that answer question?

7 MR. MEADE: Yes, I understand that it is
8 rare but it has been done in at least two cited
9 circumstances. I do have an apprehension in that I don't
10 know what type of a slippery slope this puts us on so that
11 we can be equitable and consistent. So in part, my
12 curiosity was has this occurred in past so that I could
13 address in my own framework of logic and rationale, the
14 equitable aspect to this.

15 So to me equity would suggest that if we
16 are looking to use the Trustee Council resources to fund a
17 pre-proposal here, we must look with an open mind to the
18 equitable willingness to do that in an array of other
19 pre-proposals that have been brought before the Trustee
20 Council. So protocols and when and where and in what
21 method are large questions that I would assume we would
22 want further deliberation on.

23 CHAIRMAN TILLERY: Okay. Are there other
24 questions or comments for Mr. Dietrick on amendment 1?

25 MR. O'CONNOR: Yeah, this is O'Connor. I'm

1 not quite sure what the projects are that you're talking
2 about, Larry. Are those the ones that you enumerated in
3 the letter to the Oiled Mayors the other day?

4 MR. DIETRICK: Yeah, Mr. O'Connor, those
5 would be the ones more specifically for which Trustee
6 Council action rendered approval on that list of pre-
7 proposals at the November meeting.

8 MR. O'CONNOR: Is that a yes or a no,
9 Larry?

10 MR. DIETRICK: Well, if the question is --
11 I guess the answer is, this is for the projects that were
12 approved by the council at the November meeting. I don't
13 have that list in front of me, but.....

14 MR. O'CONNOR: Well, I'd like to know what
15 they are.

16 MR. BAFFREY: Do you want me to read that
17 list?

18 MR. DIETRICK: Pardon?

19 MR. BAFFREY: I have that list. I have the
20 transcripts from the November 14th meeting. Do you want me
21 to read the list?

22 MR. O'CONNOR: Yeah, would you please?

23 MR. BAFFREY: Yes. Give me just a second
24 here. These were the pre-proposals that were submitted in
25 response to the '07 invitation. It was the Mineral Creek,

1 the second one is integrated statistical valid assessment
2 of status and trends in intertidal ecological conditioning
3 -- conditions and oiled.....

4 MR. MEADE: Michael, you may need to get
5 closer to the phone.

6 MR. BAFFREY: Yeah.

7 MR. MEADE: You're skipping out and vague.
8

9 MR. BAFFREY: Actually and I'm reading it
10 from the transcript. But I'll just -- it's Mineral Creek
11 -- can you hear me now, Joe?

12 MR. MEADE: A little better. That's
13 better.

14 MR. BAFFREY: Integrated statistical valid
15 assessment of status and trends in intertidal ecological
16 conditions and oiled conditions. That was the second
17 project on the list. The third one was the assessment of
18 water quality in harbors and marinas in five communities
19 impacted by the Exxon Valdez Oil Spill. The fourth is
20 evaluating and upgrading storm water pollution prevention
21 infrastructure in EVOS impacted communities. The fifth
22 address wastewater infrastructure deficiencies in EVOS
23 communities.

24 MR. O'CONNOR: Can't hear you, Michael.

25 MR. BAFFREY: All right. The fifth one was

1 address wastewater infrastructure deficiencies in EVOS
2 communities. Can you hear me now?

3 MR. O'CONNOR: Yes. Yes.

4 MR. BAFFREY: Okay. The sixth one is the
5 assessment of exposure of black oystercatchers to lingering
6 oil in western Prince William Sound. The seventh, the
7 Barrow's goldeneye population recovery study. The eighth
8 is Prince William Sound pigeon guillemot synthesis and
9 restoration. The ninth proposal is recovery of shallow
10 sub-tidal communities 17 years after the Exxon Valdez oil
11 spill. The tenth, assisting recovery of species injured in
12 the Exxon Valdez -- I'll assume that's by the Exxon Valdez
13 Oil Spill by reducing incidental take of marine birds and
14 gill net fisheries of Alaska. Eleven, synthesized.....

15 MR. O'CONNOR: Well, you've gone far
16 enough, Michael.

17 MR. BAFFREY: Okay.

18 MR. O'CONNOR: What is it we're going to be
19 spending \$30,000 on, Larry, of those projects?

20 MR. DIETRICK: Well, the.....

21 MR. O'CONNOR: I understand that the second
22 one has been withdrawn, but beyond that, what is -- we're
23 going to spend 30,000 applied over all of those projects?

24 MR. DIETRICK: The 30,000 would be for the
25 preliminary engineering estimates for the projects

1 associated with the water quality of the storm water and
2 the wastewater.

3 MR. O'CONNOR: All right. Well, I'm going
4 to make more of a cosmic statement, if you will, on this
5 subject. I realize that we at our last meeting moved
6 forward and with the concept of fleshing out some of these
7 pre-proposals, particularly those that had to do with
8 pollution control and so on. I think that this step by the
9 council -- and I alluded to this during our conversations
10 at the last meeting -- is a significant step and we need to
11 be moving forward on it after due deliberation by the
12 council with regard to what the focus should be for future
13 restoration activities.

14 And this a fairly significant -- some of
15 these projects are fairly significant departures from
16 undertakings that we have engaged in the past for
17 restoration. Part of what we need to accomplish is for a
18 further evaluation, a fuller evaluation by staff and by the
19 trustees of what the future is going to look like and where
20 we stand vis-a-vis the adequacy and currency of our
21 environment impact statement and the expectations of our
22 public with regard to our future decisions for restoration
23 and the expenditure of monies.

24 I think taking these kinds of steps right
25 now, aside from them perhaps being an acceptable approach

1 under unique circumstances, as Craig mentioned, I think
2 it's much too early for us to be moving forward
3 aggressively with the development of these projects until
4 we make a determination as a council as to whether or not
5 this is an arena that we want to start moving into for
6 restoration.

7 So I would suggest that any expenditures on
8 moving on these kinds of anti-pollution or pollution
9 abatement projects should await the effort by the council
10 to evaluate the propriety of such undertakings as
11 restoration projects in the future.

12 CHAIRMAN TILLERY: Okay.

13 MR. O'CONNOR: So that's a long way of
14 saying stop until we figure out what we want to do in the
15 future.

16 CHAIRMAN TILLERY: Okay. Are there
17 additional -- I'm sorry, was that the end of your remarks,
18 Mr. O'Connor?

19 MR. O'CONNOR: Yes.

20 CHAIRMAN TILLERY: Okay. Thank you. Are
21 there additional questions or comments on amendment number
22 1?

23 MR. DIETRICK: I think the only comment --
24 a follow-up comment I would make is that we interpreted the
25 decision made by the Trustee Council at the November

1 meeting was to continue -- complete the development of
2 these as approved such that that debate could occur. So we
3 were under the understanding that we were on the course of
4 having, I think, the very discussion that Mr. O'Connor is
5 referring to. But in having that discussion, it was with
6 full knowledge of what these types and kinds of projects
7 actually look like with a realistic estimate of what their
8 real costs would be.

9 CHAIRMAN TILLERY: Okay. Thank you. Are
10 there other questions or comments regarding amendment 1?

11 (No audible responses)

12 CHAIRMAN TILLERY: Mr. Dietrick, in light
13 of Mr. O'Connor's comments, would you like to withdraw
14 amendment 1?

15 MR. DIETRICK: No, I think we talked at
16 length of this in-house and we believe to have the honest
17 discussion of this in view of the fact that the pre-
18 proposals were given approval by the Trustee Council at the
19 November meeting. That to get these into a form to have
20 that debate, we need to have this information, we need to
21 have decent proposals. I think we've all agreed the pre-
22 proposals, in reviewing those, they are sketchy. There
23 were a lot of questions. They do need to be fleshed out to
24 be able to provide the information, we believe, to have
25 that.

1 So it was our goal to proceed with this
2 amendment, get that work done, get the full proposals in,
3 and then have that discussion. I think everybody -- I
4 would also point out, I think all along the way the
5 statements at the November meeting, there were statements
6 made that this was not a green light. I think all the
7 communities and the pre-proposers are aware of that, that
8 this is just the next step in the process. So at the same
9 time, I don't think anybody has encouraged or in any way
10 indicated to any of the pre-proposers that this step is a
11 done deal. They all, I believe, now full well that it's
12 simply to get these to a point where you can have a
13 legitimate debate. So I don't think this creates any false
14 expectations.

15 CHAIRMAN TILLERY: Okay. All right. Are
16 there any further comments or questions on amendment 1?

17 (No audible responses)

18 CHAIRMAN TILLERY: Okay. Hearing none,
19 amendment 1 has been -- forgive my parliamentary thing --
20 it's been seconded, right?

21 MR. BAFFREY: No. It has not.

22 CHAIRMAN TILLERY: Is that right, Mr.
23 Baffrey?

24 MR. BAFFREY: No, it has not been.

25 CHAIRMAN TILLERY: Okay. Is there a

1 second? Do you -- I think you have to have a second for an
2 amendment, don't you?

3 MR. BAFFREY: You're amending the motion,
4 yes.

5 CHAIRMAN TILLERY: Okay. Is there a
6 second?

7 MS. BRANDON: This is Heather. I second.

8 CHAIRMAN TILLERY: Okay. Any additional --
9 any comments?

10 (No audible responses)

11 CHAIRMAN TILLERY: Okay. Just to call for
12 a vote.....

13 MR. BAFFREY: Would you like me to do a
14 roll call?

15 CHAIRMAN TILLERY: Yes, and why don't you
16 start with Mr. O'Connor.

17 MR. BAFFREY: Craig O'Connor.

18 MR. O'CONNOR: No. I vote against the
19 amendment.

20 CHAIRMAN TILLERY: Okay. In light of the
21 unanimity requirement, the amendment is defeated. What's
22 amendment 2?

23 MR. DIETRICK: You want me to reread that,
24 Mr. Chairman?

25 CHAIRMAN TILLERY: Amendment 2, if you

1 could. Yeah, you better do that again and why don't you go
2 ahead and speak to it then.

3 MR. DIETRICK: Okay. Amendment 2 is to
4 restore 12 month funding for council support work for
5 member agencies in the 2007 budget. And this is also on
6 page 14. And to speak to that amendment, the funding for
7 the council support for member agencies was restricted to
8 three months in the initial 2007 budget. We flagged that
9 issue but it was another issue, again, because of the
10 timing of the September budget and the need to get that
11 budget in place, it was agreed that during the interim we
12 would take a look at that and then consistent with the
13 motion on approval of that budget in September, it would be
14 brought back at this meeting for consideration.

15 Again, to repeat, we followed the same
16 logic we did for the other amendment. We got the initial
17 notice and it appeared to us to read that that's exactly
18 what was coming up at this meeting. It wasn't until we
19 just got the matrix the day before yesterday that we saw
20 that that wasn't in place.

21 The three month funding is basically a 75
22 percent reduction for council support for the Trustee
23 Council members over '06. So this simply brings it back to
24 the '06 levels. We did review with our admin folks to
25 verify whether or not the reduced level was going to be

1 adequate. Our administrative folks have advised us that it
2 would not be adequate to carry the agency through the
3 course of the fiscal year.

4 And our presumption is that I don't know
5 what the condition of the other agencies are or how or why
6 those reductions were made, but they had clearly made it --
7 that made me aware that it will not be enough for our
8 agency to complete its work for this year. So this
9 requests that it be restored from three to 12 months.

10 MR. BAFFREY: Well, let me correct some of
11 the figures that you're throwing around, Larry. Is that
12 last year the FY-06 budget, the liaisons were given
13 136,000, almost \$137,000. This year in the initial budget
14 that you're talking about, you got 175-plus thousand
15 dollars. So there was no reduction. And to my knowledge,
16 there's never been full funding, 12 month funding for
17 liaison support.

18 MR. DIETRICK: Our administrative people
19 are advising us that the 175,000 is to total for all
20 liaisons. The DEC portion is 37,100, is what they're
21 advising me has actually been received.

22 MR. BAFFREY: All right, DEC. You were
23 78,000 last year.

24 MR. DIETRICK: I think that's close, yes.

25 MR. BAFFREY: Yeah. No, it's accurate.

1 And this year it's 37,000.

2 MR. DIETRICK: That's correct.

3 MR. BAFFREY: And I guess from, you know, a
4 position where I'm trying to reduce the administrative
5 budget, I'm wondering why the liaisons, in terms of their
6 advisory capacity, would need more than three months
7 funding.

8 MR. DIETRICK: The funding request -- the
9 Department, when it put in that funding request, provided a
10 detailed breakout of all of the costs involved for the
11 agency. And we can make those available again to add that
12 justification.

13 CHAIRMAN TILLERY: Okay. Other questions
14 or comments from council members?

15 MR. O'CONNOR: What is it that we're being
16 asked to pay for here in terms of actual dollars to each of
17 the agencies and for what functions that those agencies
18 will be performing on our behalf? I'd like to see the
19 numbers I'm voting on.

20 MR. DIETRICK: Well, the numbers -- maybe
21 Mr. Baffrey can speak to the numbers there. The numbers he
22 just cited for DEC are correct.

23 MR. O'CONNOR: And how much was that,
24 Larry?

25 MR. DIETRICK: FY-07 is 37,100 for three

1 months funding.

2 CHAIRMAN TILLERY: Mr. Baffrey, perhaps you
3 could explain. In your initial numbers, you indicated that
4 there was 40,000 more dollars being provided to liaisons in
5 '07, but then when you talk about the DEC specifically, it
6 looked like it had been cut in half. Does that mean --
7 what does that -- how does that work?

8 MR. BAFFREY: Do you want in there?

9 MS. HANNAH: Do you want me to explain?

10 MR. BAFFREY: Yeah, I'll let -- Barb will
11 explain that.

12 MS. HANNAH: Okay. I went back in to look
13 at the spreadsheet that the original working group in the
14 '06 -- when they did the '06 budget, I looked at the
15 spreadsheet there. There were six people referenced for
16 DEC providing Trustee Council support in '06. Why that big
17 -- because I wanted to know why 72,000 was needed by DEC in
18 '06 in comparison to 37.1 in '07. When we did the 070100
19 budget, in all cases all the other agencies' dollar amount
20 went up in '07 but DEC's went down because the decision was
21 made to fund one position for three months.

22 And Larry, we used your salary figure for
23 that calculation our of ABS. And then if any agency had
24 more than one person supporting the Trustee Council, they
25 would take that dollar amount and spread it equitably or

1 however they wanted to spread it, across the people
2 providing the support.

3 MR. MEADE: Barbara, this is Joe. A
4 question on that then is, at what level are you showing for
5 each of the agencies? Are you -- is the goal here to have
6 an equitable distribution between each agency or is there a
7 relative adjustment based on any -- the unique requirement
8 of any individual agency? In other words, you had
9 mentioned other agencies have gone up. They've gone up to
10 what number? And then is the DEC number that's gone down
11 at an equitable pairing to that number?

12 MS. HANNAH: Well, I don't have that
13 spreadsheet in front of me, but DEC was counting more
14 Trustee Council support staff. They had a figure of six
15 people, and that's why their amount went down. I got
16 calculations for salaries out of ABS and used a three month
17 calculation for that person's salary.

18 When you look at this component as a whole
19 support, program support and project management, and we're
20 providing months of support based on a monthly salary
21 amount, three months for Trustee Council support and then
22 six months or nine months for project management support
23 equals one year of one agency person's salary. So we
24 wouldn't want to double that up and some of those agency
25 personnel provide support in other areas within their

1 agencies. So this appeared equitable.

2 CHAIRMAN TILLERY: This is Craig Tillery.
3 Just looking at the numbers that Rita provided me here, it
4 looks like that for '07, at a 175,000, DEC is the highest
5 agency, even higher than NOAA and Fish and Game. Is that
6 correct?

7 MR. BAFFREY: That's correct.

8 CHAIRMAN TILLERY: Okay. Other comments
9 and questions from council members on this?

10 MS. BRANDON: This is Heather. So last
11 year, or in FY-06, the Trustee Council support number of
12 months was both and now it's been reduced down to three for
13 FY-07? Is that correct, Barbara?

14 MS. HANNAH: I'd have to look at the
15 spreadsheet. I doubt that because would you.....

16 MR. BAFFREY: That can't be the case.

17 MS. HANNAH:say Zemke's salary for a
18 whole year was 22,500? I don't believe so. Or that yours,
19 you know, was -- where's Fish and Game's on here?

20 MS. BRANDON: Well, Barbara, I don't have
21 the '06 numbers in front of me.

22 MS. HANNAH: Oh, okay. Well, I can read
23 them off. I mean, 22,500 for USDA/USFS.

24 MR. BAFFREY: Which would be Steve Zemke's.

25 MS. HANNAH: And then for Fish and

1 Wildlife, 10,440. And then for USGS, which is -- Bruce
2 Nesslage is pretty much -- we pay him and we paid him in
3 both budgets. You know, it's based on his salary, 15,750.
4 But that's not -- that can't be an annual figure for these
5 people. Or Mr. O'Connor for 10,000, I don't believe so.

6 MS. BRANDON: I didn't get them all.

7 MS. HANNAH: 22.5, USFS; 78,000, ADEC;
8 10,440, FWS; 15,750, USGS; 10,000, NOAA.

9 MR. BAFFREY: And then for agencies, for
10 like you, Heather, you got project management funds, you
11 did not get liaison funds. But you got 72,000 in liaison
12 funds for the 10 months that you were liaison.

13 MS. BRANDON: For ADF&G it was 72,000.....

14 MR. BAFFREY: Right.

15 CHAIRMAN TILLERY: And that's money they
16 would continue to get?

17 MR. BAFFREY: Yeah, they -- that's
18 separate. We separated the project management from the
19 liaison. We've given everybody every -- you know, all the
20 liaisons the three months.

21 CHAIRMAN TILLERY: Okay. So then in
22 addition this year though, ADF&G would be getting liaison
23 monies in the amount of 26,827?

24 MS. HANNAH: Correct.

25 MR. BAFFREY: That's correct.

1 CHAIRMAN TILLERY: So they actually would
2 be getting more.

3 MR. BAFFREY: That's correct.

4 CHAIRMAN TILLERY: Okay.

5 MS. BRANDON: I'm guessing, and I can -- I
6 just -- I'll ask Larry. The issue is perhaps for --
7 because DEC doesn't have -- doesn't manage projects that
8 have been approved so far as that.....

9 MR. BAFFREY: I guess I don't see the logic
10 there, you know. The rest of you who are managing projects
11 are still advising your Trustee Council members, which is
12 what this money is to be used for.

13 MR. MEADE: Simply understood -- this is
14 Meade -- if I simply understand it, we have each a
15 distribution, an equitable distribution of resources for
16 liaisons to assist us in council activities. And the
17 certain agencies that have projects and project management
18 responsibilities have additional funds to support the costs
19 associated to those projects.

20 MR. BAFFREY: That's correct. Thank you,
21 Joe.

22 MR. O'CONNOR: What is the average amount
23 that each agency gets to support the Trustee Council
24 activities through their liaison?

25 MR. BAFFREY: Three months of that

1 liaison's salary. It's not.....

2 MR. O'CONNOR: So three months.

3 MR. BAFFREY: Right. It's not an average,
4 it's just based upon.....

5 MR. O'CONNOR: Okay. So that's the rule of
6 thumb. And why is it, Larry, that ADEC needs a full year's
7 worth?

8 MR. DIETRICK: Well, if I understand it,
9 for your first question, you asked the total amount
10 according to the crib sheet that was sent out, that Fish
11 and Game is at about 74,000, DOI to 75,000, NOAA is at
12 81,000, and DNR is at 42,000. And I understand that's the
13 combined total for this project in council support. We are
14 working on an enormous number of projects. And I think
15 perhaps -- if there's a formula that's been invoked for '07
16 to redistribute that, our administrative people said that
17 they were never advised that this cutback was going to --
18 that this formula was going to be introduced. Ours is not
19 estimated on just a single person's salary. The proposal
20 that was submitted to '06 when they constructed this budget
21 was on the part-time efforts from many people within the
22 agency that contribute to advising the Trustee Council
23 member on different aspects. Those were presented, they
24 were rolled up in total as the \$78,000 number.

25 In 2007 apparently then we went to this

1 formula approach. I checked with our admin people this
2 morning, they were not aware of this formula change or this
3 reduction from our last year amount of 78, then back to
4 37,000. So they had planned otherwise in their budget. So
5 they are in a crunch right now, not having -- nobody's
6 talked to them about this. I asked them if there was any
7 communication about this, and they said no.

8 It was flagged at September and that's why
9 we thought we had the opportunity here, as agreed to in
10 September, to bring those things that were an issue for us
11 at the September meeting back to the table. And that's
12 what we're doing here. We're not aware of this formula
13 change or this shift. We're in a little bit different
14 situation and it does have an impact on us.

15 MR. BAFFREY: Just for the council's
16 information, I would like to reduce that amount to two
17 months next year, and one month the year after, and to zero
18 the year after that. But we'll see how that goes.

19 CHAIRMAN TILLERY: Okay. It seems to me
20 that there is a lack of information about this. We don't
21 have a clear idea of what was paid last year, why it was
22 paid, what is being proposed this year, and what is needed
23 this year. Would it be possible that a better solution
24 would be to ask Michael to sort of look into this, to talk
25 to each of the agencies to find out what their specific

1 needs are, and to bring that back to the council as quickly
2 as possible? Is that a solution, Larry, that would work
3 for you?

4 MR. DIETRICK: I would have to talk to our
5 people. I mean, they're -- we're at the end of the first
6 quarter of the budget year right now, so there's a timing
7 issue here of when this can be brought back up or not. We
8 thought this last two months was the window to do that. I
9 would have to check with those people to see -- with our
10 admin folks on that.

11 CHAIRMAN TILLERY: Well, give.....

12 MR. DIETRICK: They're not available to me
13 right now, but.....

14 CHAIRMAN TILLERY: Well, given that we're
15 at the meeting right now, would you like to withdraw this
16 amendment and bring it up at a later date after you've had
17 a chance to talk to them or would you prefer to have the
18 amendment voted on based upon the information that people
19 have right now?

20 MR. DIETRICK: It would be nice to have the
21 explanation of why these changes -- how they were made and
22 why. If that can't happen now and run the numbers, I mean
23 how can we reserve the opportunity to restore from three
24 months back to 12? Or is it safe to say if nobody's -- if
25 it's not going to get any more consideration than it did in

1 the last couple of months, then -- is that what we're
2 saying now or.....

3 CHAIRMAN TILLERY: Well, what I was.....

4 MR. DIETRICK: Is the window really going
5 to be open to legitimately look at this?

6 CHAIRMAN TILLERY: What I was suggesting is
7 that, as far as any lack of consideration, that we give an
8 express direction to the Executive Director to look into
9 this and to try to -- to come up with an explanation of
10 exactly how much money was last year, how much money is
11 this year, talk to the various agencies and find out about
12 what is equitable. And maybe the answer will be exactly
13 the same as it is now, but there seems to currently be a
14 lack of information.

15 As far as -- you know, I'm not sure how
16 your budget works -- or even my budget -- but as far as
17 timing goes, you know, the council could vote on this at
18 its next meeting and it can pay funds, you know, going back
19 to the beginning of the fiscal year. As far as I know,
20 that's not a problem. My question to you is simply, you
21 have made an amendment. I think the choices are to
22 withdraw the amendment and let's try to get more
23 information, or to say -- there doesn't appear to be any
24 more information that can be had today but I'm perfectly
25 willing to listen if anybody has any. But the other

1 alternative, assuming nobody has any additional
2 information, is to vote on it based upon the information
3 that's before the council. What is your preference?

4 MR. DIETRICK: Well, is it -- is the
5 council willing to reconsider this at the next meeting
6 then? Because I would ask then that it be put in the queue
7 or that it be -- I would propose that it be included as an
8 agenda item then. This last window was when we were
9 supposed to have these discussions about any issues or
10 problems with the budget, and if there's a commitment then
11 to work these issues between now and the next meeting and
12 the door is open then to propose amendments at that time --
13 and when's the next meeting? Is it going to be January?

14 MR. BAFFREY: No.

15 CHAIRMAN TILLERY: Michael.

16 MR. BAFFREY: We haven't got one scheduled.
17 It would probably be the end of February.

18 MR. DIETRICK: Could this be acted upon as
19 a one item thing by teleconference if that puts our admin
20 folks in a bind?

21 CHAIRMAN TILLERY: It would seem to me that
22 it could, subject to availability of people. Certainly
23 there will be no legal impediment in doing that, it's just
24 a question of getting everybody together and a question of
25 how quickly Michael could pull the information together.

1 MR. BAFFREY: We can always do another
2 teleconference.

3 MR. DIETRICK: Yeah, if there's a
4 willingness to address this, if our admin folks indicate
5 that, from a bookkeeping standpoint, they need action on
6 this and if there's a willingness then to work out the
7 problems and if necessary just do it as a single item, a
8 short teleconference, I think that would be acceptable.

9 CHAIRMAN TILLERY: Okay. Is there any
10 council member who would not like to take that approach?

11 MR. O'CONNOR: I think that's a good idea.

12 MR. MEADE: I affirm the approach.

13 CHAIRMAN TILLERY: Okay. I don't think we
14 need a motion on that, we simply need -- Michael, you have
15 a direction of the council to look into this, to provide
16 more information and come up with a recommendation. And
17 specifically, to work with the agencies, including
18 specifically DEC. Do you understand that charge and can
19 you carry that out as quickly as possible?

20 MR. BAFFREY: Yes.

21 CHAIRMAN TILLERY: Okay. Well, that seems
22 like that would solve that then. Mr. Dietrick, would you
23 then withdraw that amendment?

24 MR. DIETRICK: I would, Mr. Chairman. I'll
25 withdraw amendment number 2.

1 CHAIRMAN TILLERY: Okay. That brings us
2 back to the original motion. Is there any further comments
3 or amendments to the original motion?

4 MR. NEIDIG: Mr. Chairman, this is Hans
5 Neidig with Department of Interior.

6 CHAIRMAN TILLERY: Yes, sir.

7 MR. NEIDIG: Could we ask Barbara to go
8 back through the numbers? And the reason I ask that is
9 because when she read the allocations, it didn't match with
10 the numbers I have on the spreadsheet in front of me.

11 MS. HANNAH: I was reading from the project
12 100 budgets that were approved.

13 MR. BAFFREY: No, he's talking about.....

14 MS. HANNAH: I wasn't reading from the
15 spreadsheet. He wants the spreadsheet?

16 MR. BAFFREY: Yeah, he's talking to that,
17 yes.

18 MS. HANNAH: Okay. Which numbers do you
19 want me to read?

20 MR. BAFFREY: The project management
21 numbers.

22 MS. HANNAH: Oh, okay. For the
23 allocations. 31,400 for Fish and Game. 38,700 for DOI.
24 47,100 for NOAA. And 5,600 for DNR, for a total of 122,800
25 in project management funds to be added.

1 MR. NEIDIG: Okay. I have a question on
2 DNR's budget, because I show, on the sheet I have in front
3 of me, 5.7 instead of 5.6.

4 MS. HANNAH: It might be the -- oh, that's
5 a rounding error. If you add down those -- I had to change
6 -- I had to hard enter that. There's a rounding error on
7 the nine percent calculation. I expanded all of those
8 fields to two digits to see which one was causing the
9 error. Because if you read down on your sheet and see the
10 total, I think it adds up to 122.9.

11 MR. NEIDIG: No, it actually adds up to
12 122.8. And I didn't do the math.....

13 MS. HANNAH: Oh.

14 MR. NEIDIG:myself. I should have.

15 MS. HANNAH: Okay.

16 CHAIRMAN TILLERY: Okay. Did -- I'm sorry,
17 did that answer your question?

18 MR. NEIDIG: Well, it answers my question
19 but do we need to amend the motion to reflect the numbers
20 that have changed? Which I believe are DOI and DNR.

21 CHAIRMAN TILLERY: Barbara, are those
22 numbers properly changed? Should they be changed?

23 MS. HANNAH: Let me look at my resolution.
24 Okay. 31.4 for Fish and Game; 5,600 for Natural Resources;
25 38.7 for Interior; and 47,100 for NOAA equals 122.8.

1 MR. NEIDIG: If we're utilizing the numbers
2 from the resolution, I will acquiesce and be quiet.

3 CHAIRMAN TILLERY: Okay. Are there any
4 other questions or comments regarding the motion?

5 (No audible responses)

6 CHAIRMAN TILLERY: Okay. Hearing none,
7 Michael, could you call the roll on this one?

8 MR. BAFFREY: Yes, I can. Hans.

9 MR. NEIDIG: Yes.

10 MR. BAFFREY: Joe.

11 MR. MEADE: What was that?

12 MR. BAFFREY: We're voting on the motion.

13 MR. MEADE: Yes.

14 MR. BAFFREY: Okay. Larry.

15 MR. MEADE: We need to get this moving on.

16 MR. BAFFREY: Yes. Larry.

17 MR. DIETRICK: Yes.

18 MR. BAFFREY: Heather.

19 MS. BRANDON: Yes.

20 MR. BAFFREY: Craig O'Connor.

21 MR. O'CONNOR: Yes.

22 MR. BAFFREY: Craig Tillery.

23 CHAIRMAN TILLERY: Yes. Okay. The motion
24 passes and on the agenda, that brings us to, I think, yeah,
25 executive session.

1 MS. BRANDON: This is Heather. Before we
2 do that, I'd ask the Executive Director, are we going to
3 deal with those projects that were fund contingent?
4 MR. BAFFREY: No, not at this session.
5 MS. BRANDON: That's including Youth Area
6 Watch?
7 MR. BAFFREY: That's correct.
8 CHAIRMAN TILLERY: Okay. The other item on
9 the agenda is return of previously disbursed funds, but I
10 understood that to be something we've already dealt with.
11 Is that correct, Mr. Baffrey?
12 MR. BAFFREY: That's correct.
13 CHAIRMAN TILLERY: Okay. Okay. So does
14 that -- I think that brings us to executive session. And
15 we'll need a motion to go into executive session. And I
16 believe that we have all been supplied with a phone number
17 to call in. Does anybody not have that number?
18 MR. O'CONNOR: Yeah.
19 MR. BAFFREY: Did I hear a yes from Craig
20 O'Connor?
21 MR. O'CONNOR: No, I've got the number.
22 MR. BAFFREY: Okay.
23 CHAIRMAN TILLERY: Okay. If anybody
24 doesn't have the number, they should just call the council
25 office and get it. But otherwise, I anticipate this

1 executive session is going to be pretty short. So we
2 should be back online in what, 15 minutes or so? Twenty
3 minutes.

4 MR. BAFFREY: Mr. Chair, do you want me to
5 call into that also?

6 CHAIRMAN TILLERY: We're -- well, I don't
7 know, we're -- is that calling in to you or what?

8 MR. BAFFREY: No, it's a separate number.

9 MR. MEADE: Do we want the Executive
10 Director to join the discussion I think is the question.

11 CHAIRMAN TILLERY: Oh, I think the
12 Executive Director should join the discussion, yes.

13 MR. BAFFREY: Okay. All right. We'll call
14 in now.

15 CHAIRMAN TILLERY: Okay. So everybody
16 should hang up and we'll call in. Thanks.

17 MR. MEADE: Did we have a motion?

18 REPORTER: You don't have a motion.

19 CHAIRMAN TILLERY: Oh yeah, that's right.
20 We need a motion to go into executive session.

21 MR. BAFFREY: Thank you, Joe.

22 CHAIRMAN TILLERY: So could somebody please
23 make that and state the purpose of going into executive
24 session.

25 MR. O'CONNOR: I would so move that we go

1 into executive session and I would just add, I'd like the
2 lawyers to be there.

3 CHAIRMAN TILLERY: Correct. And Mr.
4 O'Connor, the purpose of that executive session is to
5 discuss legal matters, including those relating to habitat
6 acquisition?

7 MR. O'CONNOR: That's correct.

8 CHAIRMAN TILLERY: Okay. Is there a
9 second?

10 MR. NEIDIG: This is Hans. I second.

11 CHAIRMAN TILLERY: Okay, a second. Anybody
12 opposed?

13 (No audible responses)

14 CHAIRMAN TILLERY: Hearing none, we're in
15 executive session. We should call back in. Thank you.

16 (Off record - 11:31 a.m.)

17 (On record - 12:00 p.m.)

18 CHAIRMAN TILLERY:session. That
19 brings us to the last item on the agenda, which is the
20 status of the Corr small parcel. Ms. Fries.

21 MS. FRIES: Yes, thank you. This is a
22 brief update. Negotiations with the Corr family and The
23 Conservation Fund continue. I just wanted to let you know
24 that the parcel has been reconfigured. The acreage has
25 been reduced from 130 to 70. The parcel continues to

1 protect a mile of Kenai River frontage and it ranges in
2 depth from about 1,800 linear feet on the north to about
3 300 feet on the south. And hopefully we will have a
4 resolution on these negotiations in the next few days.

5 CHAIRMAN TILLERY: Okay. Thank you. Are
6 there questions or comments from council members?

7 (No audible responses)

8 CHAIRMAN TILLERY: Okay. Hearing none, I
9 believe that a motion to adjourn would be in order.

10 MR. MEADE: I'd so move a motion that we
11 adjourn.

12 MR. O'CONNOR: Second.

13 CHAIRMAN TILLERY: It's been moved and
14 seconded. Any comments?

15 (No audible responses)

16 CHAIRMAN TILLERY: All right. Is anyone
17 opposed to adjourning?

18 (No audible responses)

19 CHAIRMAN TILLERY: Hearing none, we are
20 adjourned. Thank you very much.

21 MR. O'CONNOR: Thanks, Mr. Chairman.

22 (Off record - 12:01 p.m.)

1 C E R T I F I C A T E
2 UNITED STATES OF AMERICA)
3) ss.
4 STATE OF ALASKA)

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


8 THAT the foregoing pages numbered 4 through 71
9 contain a full, true and correct transcript of the Exxon
10 Valdez Oil Spill Trustee Council's Meeting recorded
11 electronically by me on the 13th day of December 2006,
12 commencing at the hour of 10:00 a.m. and thereafter
13 transcribed under my direction and reduced to print:

14 THAT the Transcript has been prepared at the
15 request of:

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

18 DATED at Anchorage, Alaska this 20th day of
19 December 2006.

20 SIGNED AND CERTIFIED TO BY:
21

22 
23 Joseph P. Kolasinski
24 Notary Public in and for Alaska
25 My Commission Expires: 03/12/08

