

1 EXXON VALDEZ OIL SPILL  
2 TRUSTEE COUNCIL  
3 Public Meeting  
4 Thursday, August 28, 2008  
5 9:04 o'clock a.m.  
6 441 West 5th Avenue, Suite 500  
7 Anchorage, Alaska  
8 TRUSTEE COUNCIL MEMBERS PRESENT:  
9 STATE OF ALASKA - MR. TALIS COLBERG  
10 DEPARTMENT OF LAW: Attorney General  
11 (CHAIRMAN)  
12 STATE OF ALASKA - DEPARTMENT MR. LARRY HARTIG  
13 OF ENVIRONMENTAL CONSERVATION: Commissioner  
14 U.S. DEPARTMENT OF AGRICULTURE, MR. STEVE ZEMKE for  
15 U.S. FOREST SERVICE MR. JOE MEADE, Supervisor  
16 STATE OF ALASKA - DEPARTMENT MR. DENBY LLOYD  
17 OF FISH AND GAME: (By Phone) Commissioner  
18 U.S. DEPARTMENT OF INTERIOR: MR. RANDALL LUTHI  
19 USMMS  
20 U.S. DEPARTMENT OF COMMERCE, MR. CRAIG O'CONNOR for  
21 National Marine Fisheries Svc: MR. JAMES W. BALSIGER  
22 Administrator, AK Region  
23 Proceedings electronically recorded, then transcribed by:  
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1 TRUSTEE COUNCIL STAFF PRESENT:

2	MICHAEL BAFFERY	Executive Director
3	LYNETTE SCHROEDER-EINWILLER	Administrative Manager
4	CATHERINE BOERNER	Restoration Specialist
5	CHERRI WOMAC	Associate Coordinator
6	MICHAEL SCHLEI	Data Systems Manager
7	BRENDAN MCGEE	Analyst Programmer
8	REBECCA TALBOTT	Information Officer
9	CARRIE HOLBA	ARLIS Librarian
10	CAROL FRIES	ADNR
11	DOUG MUTTER	Department of Interior
12	GINA BELT	Department of Justice
13	ELISE HSIEN	Department of Law
14	JENNIFER SCHORR	Department of Law
15	MARIT CARLSON-VANDORT	ADEC
16	JENNIFER KOHOUT	U.S. Fish & Wildlife Svc.
17	PETE HAGEN (BY PHONE)	NOAA

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

2 (On record - 9:04 a.m.)

3 CHAIRMAN COLBERG: I'll call the meeting to  
4 order. It's about 9:04. I guess I will chair the meeting  
5 today. The first item in front of us, I suppose -- it's  
6 not necessarily on here -- it just to account for who's  
7 here on the Board. And I'm here, Talis Colberg. Larry  
8 Hartig is present. Denby Lloyd, I believe is on the phone.  
9 Is that right, Denby?

10 MR. LLOYD: Yes, sir. Thanks.

11 CHAIRMAN COLBERG: Okay. Joe Meade is  
12 represented by Mr. Zemke. Is that correct?

13 MR. ZEMKE: That's correct.

14 CHAIRMAN COLBERG: Randall Luthi is here in  
15 person and Craig O'Connor is here for James Balsiger. Is  
16 that correct?

17 MR. O'CONNOR: Correct.

18 CHAIRMAN COLBERG: And so we are all  
19 present and the first item on the agenda is the consent  
20 agenda, Item A. Is there an approval of the agenda or is  
21 there someone here that wishes to make an alteration to the  
22 agenda?

23 MR. HARTIG: Move to approve.

24 MR. LUTHI: Second.

25 CHAIRMAN COLBERG: Okay. Moved by Larry.

1 Seconded by Randall. And is there any objection?

2 (No audible responses)

3 CHAIRMAN COLBERG: Hearing no objection,  
4 the agenda is approved. Item 2(b) is approved of the  
5 meeting notes of June 26, 2008. Any comments on the  
6 meeting notes?

7 MR. O'CONNOR: I move they be approved,  
8 Mr. Chair.

9 MR. ZEMKE: I'll second.

10 CHAIRMAN COLBERG: Mr. O'Connor moves for  
11 approval of the meeting notes. Mr. Zemke seconds it. Any  
12 objection?

13 (No audible responses)

14 CHAIRMAN COLBERG: Hearing none, the  
15 meeting notes of June 26, 2008 are approved. Now we'll  
16 move on to the Public Advisory Committee comments. Do we  
17 have any comments of the Public Advisory Committee?

18 MR. BAFFREY: I do know that Stacy  
19 Studebaker, who chairs the Public Advisory Committee is  
20 attending to an ailing parent right now, so she will not be  
21 participating.

22 CHAIRMAN COLBERG: Okay. Is there anyone  
23 on the phone on behalf of the Public Advisory Committee who  
24 would like to speak at this point?

25 (No audible responses)

1                   CHAIRMAN COLBERG:   Hearing none, we'll move  
2   on to public comment.   We have three minute concept here  
3   that if you wish to comment, we'll try to limit you to  
4   three minutes.   And I guess starting in the room, we'll  
5   just ask you to identify yourself if you wish to come up  
6   and comment and proceed from there.   Any public comment  
7   today from the audience?

8                   MS. OBERMEYER:   Mr. Colberg.

9                   CHAIRMAN COLBERG:   Yes, Ms. Obermeyer.

10                  MS. OBERMEYER:   Theresa Obermeyer, sir.  
11 May I come forward?

12                  CHAIRMAN COLBERG:   Yes, please, Ms.  
13 Obermeyer.

14                  MS. OBERMEYER:   Thank you so kindly.   Mr.  
15 Colberg, I just marvel because I really always want -- I  
16 would like to start, sir, always with some kind of a quote  
17 that might uplift us.   And I thought today something rather  
18 simple from Justice Brandeis:   In order to be respected,  
19 the law must be respectable.

20                  Mr. Colberg, the law where we live is a  
21 damn lie, a cheat, a fraud, a thief.   Mr. Colberg, truly  
22 sir, it is -- I am passionate.   Would you always forgive my  
23 passion?   Mr. Colberg, I, sir, am an American.   And what  
24 goes on in Alaska is not what goes on in the United States.  
25 I hope that I can motivate all of you.   Please start with

1 realizing this is a game of Exxon's. You people are all  
2 government and they want to bureaucratize everybody.

3 I brought with me an article and I don't  
4 know whether you've seen -- let's start following what  
5 Exxon really does, because the was -- the Rockefellers were  
6 against the current CEO, Mr. -- his name is Tillerson.  
7 They were against him at the recent board meeting and they  
8 tried to divide his job into two. And they got something  
9 like almost 40 percent of the votes. So let's start  
10 following -- see, I remember in the days when -- and I  
11 can't even think of his name -- the former attorney  
12 general. Instead of settling the Exxon Valdez -- this is  
13 Bruce Botelho -- he invested in Exxon. Ask him yourself.  
14 I have the stuff online. Go down where you see online --  
15 and I gave you these two pages -- what this -- this website  
16 is really way too long because it's over 900 pages -- and  
17 that is you'll see where it says past players since 2001,  
18 and you'll see Bruce's signature on his investments in  
19 Exxon. That's the kind of lawyers we have in Alaska.

20 I mean, I cannot tell you how resentful I  
21 am that I watched him do that. And now he's the Mayor of  
22 Juneau. I mean, really, I get so darn sick of it. But Mr.  
23 Colberg, would you always forgive me and forgive my  
24 passion? You see, ladies and gentlemen, I've known Talis  
25 -- and I always think of Talis as this renaissance man. I

1 cannot imagine what your perspective is these days, so  
2 having watched all these -- I believe I'm correct, sir.

3                   And let's get into the numbers. I believe  
4 there are over 500 state attorneys general. And in our  
5 state where we have about 2,300 practicing attorneys, we  
6 have over 700 that work for the government. Then we have  
7 the other group that we have given our state away to.  
8 Those are the active out of state. And in the past I've  
9 researched like the percentages in Texas. They have  
10 something like 77,000 attorneys. But in terms of the  
11 numbers, we have astron -- we have about 30 percent of our  
12 attorneys work for the government. In the state of Texas,  
13 it's about 10 percent. And we have about 17 percent of our  
14 attorneys that are active out of state. In the state of  
15 Texas, it's like 9.5 percent. So you see, really it's all  
16 scary. It's -- everything is totally bureaucratized. And  
17 I really am sympathetic to a reasonable life. You go to  
18 work, you do high level coffee drinking, and everybody sits  
19 around. What in the world do you people do? I have no  
20 idea. I only know it's very coveted. These jobs pay  
21 fortunes and, of course, I can't even get a job because I  
22 tell the truth. Is that scary?

23                   You know, I used to be like you people. I  
24 was on the Anchorage School Board and everything was a  
25 bureaucratization with these boxes full of documents. Of

1 course, I'm absolutely positive we don't even have fair  
2 elections. I have literally watched the handful of lawyers  
3 that control and make fools of all of us, hand out the  
4 money to change election results right in front of my eyes.  
5 You can see that as a file on this other website, which is  
6 right here. There's a good summary right here, the  
7 [www.tobermeyer.info](http://www.tobermeyer.info), which I want to make clear, Mr. --  
8 Attorney General Colberg, is my own individual website.

9 If you would lastly let me tell one last  
10 one story.....

11 CHAIRMAN COLBERG: I just -- just.....

12 MS. OBERMEYER: .....I would really  
13 appreciate that. Would you, sir?

14 CHAIRMAN COLBERG: Well, we need to wrap it  
15 up here.....

16 MS. OBERMEYER: Yes.

17 CHAIRMAN COLBERG: .....because of the  
18 three minutes, but you've.....

19 MS. OBERMEYER: Yes. Would you.....

20 CHAIRMAN COLBERG: .....kind of gone over  
21 that.

22 MS. OBERMEYER: Just so you know how  
23 corrupt the Alaska Bar Association really is, that all the  
24 licensed attorneys in our state and the active out of state  
25 pay. Stephen Van Goor is so ridiculous that he actually

1 went to Missouri and filed a complaint with the Missouri  
2 Bar Association over my website in 2004. I mean, really, I  
3 spent a decade filing -- I have boxes full of documents. I  
4 have all the boxes. I filed three complaints against  
5 attorneys and I gave Stephen Van Goor all the documents.  
6 He used everything I ever gave him against me, to make it  
7 worse. That really does sadden me.

8                               And please know, Mr. Colberg, I can  
9 forgive. I -- there is tremendous sorrow. I don't dislike  
10 Stephen Van Goor, but the audacity of him going to Missouri  
11 and filing a complaint against my husband's Missouri law  
12 license, he brought so much national attention to what goes  
13 on here. And just to tell you, this 3,200 bucks is going  
14 to blow the lid off our state. That is comical. And  
15 everyone else in the country is going to start shaking  
16 their heads. And then Ted Stevens' trial.

17                               But really, forgive my loquaciousness. And  
18 really, did you have a question?

19                               CHAIRMAN COLBERG: Well, Ms. Obermeyer, I  
20 always appreciate the opportunity to hear you and we thank  
21 you for testimony this.....

22                               MS. OBERMEYER: Let me last speak -- just  
23 mention, Mr. Colberg, do you believe that Tom Obermeyer --  
24 you don't have to answer -- deserves a law license?  
25 Twenty-four and a half years.

1                   CHAIRMAN COLBERG: Well, we.....

2                   MS. OBERMEYER: How could you? How could

3 all of you let this go on? Please start figuring out Exxon

4 and your own group that you pay. I would only really beg

5 you and implore you to start noticing what goes on in your

6 own organization that you pay. So did you have a question?

7                   CHAIRMAN COLBERG: No, but we need to move

8 along and.....

9                   MS. OBERMEYER: Yes, of course. And you

10 have been very patient. Hope it is a great day. We'll

11 hope to see you at the fair over the weekend.

12                   Thanks, Mr. Colberg.

13                   CHAIRMAN COLBERG: Thank you, Ms.

14 Obermeyer. Does anyone else from the audience wish to

15 testify?

16                   (No audible responses)

17                   CHAIRMAN COLBERG: Does anyone on the phone

18 which to testify in the public comment section of this

19 meeting?

20                   (No audible responses)

21                   CHAIRMAN COLBERG: Not hearing anything,

22 we'll move on to discussion of the Council's vision

23 statement, which I suppose, Mr. Baffery, you'd like to lead

24 off the discussion.

25                   MR. BAFFREY: This is it's in your packet.

1 This is the version that has -- the latest revised version  
2 that's been through legal counsel. I think the Department  
3 of Justice having gone with it, the last version of this.  
4 It came out of the -- it was initiated at the retreat, your  
5 March 15th and 16th retreat. It was articulated at your  
6 March 17th Trustee Council and has been through several  
7 versions.

8 And the public has asked for a vision  
9 statement from the Trustee Council and we would very much  
10 welcome the opportunity to host a vision statement on the  
11 website to give the public an indication, and the PAC an  
12 indication of where you collectively as the Council sees  
13 the restoration program going into the future. So that's  
14 what's presented in front of you today.

15 It's -- yeah, it is an action item. And I  
16 don't know if it's listed as such, but before we can post  
17 it, we need your concurrence to do that.

18 CHAIRMAN COLBERG: Any comments from  
19 Council on the vision statement?

20 MR. O'CONNOR: What -- to what end -- Mr.  
21 Chairman.

22 CHAIRMAN COLBERG: Mr. O'Connor.

23 MR. O'CONNOR: Okay. Michael, is it your  
24 sense that this would in essence constitute an amendment to  
25 the rest -- to the existing restoration plan?

1 MR. BAFFREY: Not at all.

2 MR. O'CONNOR: Is it in any way  
3 inconsistent with it?

4 MR. BAFFREY: I don't believe so. That  
5 would be -- you would ask the attorneys that question, but  
6 I don't see that it is. The whole purpose of the vision  
7 statement was to -- for me, was to be to trigger a more  
8 planned process for how to proceed to the future. You  
9 know, you do your vision statement, you work that down to  
10 objectives and how to measure them and how to achieve them.  
11 That's referred to as a strategic plan. This is literally  
12 the first step. This is just your insight as to where you  
13 think we should be going into the future. Where do you  
14 want to see emphasis placed.

15 CHAIRMAN COLBERG: Any other comments or  
16 questions about the proposed vision or focus area statement  
17 by anyone else on the Council on the phone? Denby?

18 (No audible responses)

19 CHAIRMAN COLBERG: Do we have anyone  
20 wanting to take action on this at this point?

21 MR. HARTIG: I guess.....

22 CHAIRMAN COLBERG: Larry. Thank you.

23 MR. HARTIG: Yeah. Thank you. This is  
24 Larry Hartig. I was kind of following up on Craig  
25 O'Connor's question. I mean, I'm fine with the vision

1 statement. I like getting it out there publicly, I'm just  
2 not quite sure myself how it fits in. I want to make sure  
3 that we follow the right procedure on this and if there's  
4 any question on that, I'd like to resolve it before we put  
5 something out.

6 MR. LLOYD: Mr. Chairman, this is Denby.  
7 I'm wondering if we have the option of putting it out as a  
8 draft statement with the idea of asking for public comment  
9 or PAC comment directly back to us on it.

10 CHAIRMAN COLBERG: Well, I suppose we could  
11 entertain a motion to that effect if someone wants to -- or  
12 just discuss -- well, I suppose we want to have a  
13 discussion. Looks like Mr. O'Connor wants to discuss that  
14 concept.

15 MR. O'CONNOR: The -- I have nothing --  
16 nothing wrong. There's nothing wrong with a vision  
17 statement and there's nothing wrong with the vision and we  
18 did agree to it in an informal context. And it certainly  
19 is -- has been serving to provide us with direction since  
20 we had that retreat. I would suspect that one of the  
21 reasons we haven't formalized this is because it was done  
22 in a fashion where the State could not take formal action  
23 on this sort of decision, and as a result, I'm sort of  
24 sitting, wondering where the State is able to come out at  
25 this point.

1                   We were satisfied as a group and I  
2 articulated the course of discussion and the sense from the  
3 meeting that we had. Where are you guys? What do you have  
4 to do procedurally to be able to say, yeah, this is where  
5 we want to go?

6                   CHAIRMAN COLBERG: Well, as I understand  
7 it, at least from my meeting with my staff, is we are  
8 comfortable with this at this point, the way this is  
9 drafted.

10                  MR. HARTIG: And procedurally too, we're  
11 okay? Or do you need.....

12                  CHAIRMAN COLBERG: Well, I.....

13                  MR. HARTIG: .....to look at that?

14                  CHAIRMAN COLBERG: Well, I don't have a  
15 problem with what Denby suggested, putting it out for  
16 comment. I don't know what -- if the comments yield  
17 significant changes, there may be a revised view from the  
18 State, but that doesn't strike me as an unorthodox thing to  
19 do, to put it out for comment.

20                  MR. HARTIG: No.

21                  CHAIRMAN COLBERG: Do I have motion to put  
22 it out for comment?

23                  MR. LUTHI: I would make that motion.

24                  CHAIRMAN COLBERG: Randall Luthi makes the  
25 motion. Do I have a second?

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

2 CHAIRMAN COLBERG: Mr. O'Connor seconds it.

3 Any objection to putting it out for comment?

4 (No audible responses)

5 CHAIRMAN COLBERG: Okay, Mr. Baffery.....

6 MR. ZEMKE: I guess for clarification, is

7 it going to go on the website or -- and.....

8 MR. BAFFREY: Yes. As a draft.

9 MR. ZEMKE: .....request for comments, and

10 for the late September meeting would come back.

11 MR. BAFFREY: So you want comments before

12 the September meeting?

13 MR. ZEMKE: Yeah, I guess, if we're going

14 to try.....

15 MR. BAFFREY: Okay.

16 MR. ZEMKE: .....to take action, it would

17 be good to have the comments before.....

18 MR. BAFFREY: Fair enough.

19 MR. ZEMKE: .....the actual meeting time.

20 MR. BAFFREY: That's a good suggestion.

21 CHAIRMAN COLBERG: Okay. Then we have

22 approval of that concept.

23 MR. BAFFREY: Yes. Mr. Chair.

24 CHAIRMAN COLBERG: Yes.

25 MR. BAFFREY: You didn't ask for public

1 comments from the people online.

2 CHAIRMAN COLBERG: I did.

3 MR. BAFFREY: Did you? Okay.

4 CHAIRMAN COLBERG: I did ask. No one  
5 answered.

6 MR. O'CONNOR: Resounding silence.

7 CHAIRMAN COLBERG: Move on to Item 6,  
8 Project FY09 Annual Program Development and Implementation.  
9 Mr. Baffery.

10 MR. BAFFREY: Well, let me just sit up here  
11 with Lynette. This is not an action item. This is --  
12 we're only bringing this to your attention because it will  
13 be on your agenda at the end of the month. We just want to  
14 let you know that we have started the process and we have a  
15 draft out and it's been reviewed by your liaisons. And  
16 will be reviewed again by your liaisons before it actually  
17 comes to you for approval at your September meeting.

18 Do you want to add to that?

19 MS. SCHROEDER: The plan is also to have  
20 the PAC look at that.....

21 MR. BAFFREY: Right.

22 MS. SCHROEDER: .....at their next meeting  
23 as well.

24 MR. BAFFREY: And that's really all we have  
25 to say about the FY09 budget.

1                   CHAIRMAN COLBERG: So you moved from that  
2 chair to that just to say that?

3                   MR. BAFFREY: I think I'm going to be here  
4 probably the rest of the meeting, so.....

5                   CHAIRMAN COLBERG: But you don't want to  
6 move back before we get to the next.....

7                   MR. BAFFREY: No, no. I'm good here.

8                   CHAIRMAN COLBERG: So any comments from the  
9 Council to what we've just heard?

10                  (No audible responses)

11                  MS. SCHROEDER: Perhaps I could move over  
12 there and comment.

13                  CHAIRMAN COLBERG: Move on to Item 7,  
14 status of integrated herring restoration program.

15                  MR. BAFFREY: So why don't you stay here  
16 and we'll get another chair.

17                  CHAIRMAN COLBERG: I suppose Item A would  
18 be where we start with that.

19                  MS. BOERNER: Hi. Good morning.

20                  CHAIRMAN COLBERG: Good morning.

21                  MS. BOERNER: As Michael said, I wanted to  
22 give you a really brief update on what's going on with the  
23 integrated herring restoration program.

24                  CHAIRMAN COLBERG: Just for the record,  
25 since it's all being recorded, if you could identify

1 yourself.

2 MS. BOERNER: I'm sorry. Catherine  
3 Boerner, I'm the restoration specialist here at the EVOS  
4 office.

5 The Herring Steering Committee had its  
6 first meeting in Cordova back in April. We identified some  
7 of the key areas that we wanted to address in the program.  
8 We then brought the group down to a smaller, more  
9 manageable working group who would be tasked with actually  
10 writing the -- well, as we call it, the IHRP, the  
11 Integrated Herring Restoration Program. And they had their  
12 first meeting in July in Cordova. We identified outlines.  
13 We worked with the public to understand what the needs  
14 were. And then we came back with the first draft for the  
15 group at our August meeting in Cordova.

16 Since then, we've worked on a final draft  
17 of the document, which will be available to you -- will be  
18 available September 2nd. And that draft will be available  
19 for comment and will be reviewed by the -- by your  
20 liaisons, by the PAC, and also by the group one more time  
21 before we bring it your attention in a final draft form at  
22 your September 24th meeting.

23 The group has worked incredibly hard to make  
24 sure that the plan meets the goals the Council identified.  
25 It is community-based. It will have a series of

1 recommendations for you to act on, so that way you have as  
2 much information as possible before you make decisions on  
3 how to move forward. And they'll be having their next  
4 meeting the week of September 8th, where -- you know, where  
5 I guess we're going to kind of finalize that document  
6 again. And, like I said, you'll have a final draft  
7 document to you September 24th for your review.

8 MR. O'CONNOR: It sounds like things are  
9 coming along.....

10 MS. BOERNER: They are.

11 MR. O'CONNOR: .....very well. Good.

12 MS. BOERNER: Yes. We've moved on an  
13 incredibly tight time line but we've actually managed to do  
14 it.

15 MR. HARTIG: Is there a fair amount of  
16 consensus that you're seeing or.....

17 MS. BOERNER: There is. There is. The  
18 group definitely has worked well together. I mean, there's  
19 certainly some, I guess, dissension within the group, but I  
20 think it's been respected and it will be reflected in the  
21 document as well.

22 MR. ZEMKE: Is the document going to be a  
23 consensus document or do you think that's possible?

24 MS. BOERNER: No.

25 MR. ZEMKE: Okay.

1 MS. BOERNER: It will be a maj -- we'll  
2 call it a majority vote document.

3 MR. BAFFREY: But there will be -- the  
4 dissenting views will be in the document.

5 MS. BOERNER: Yes. Yeah, we wanted you to  
6 understand all sides of the issue.

7 MR. BAFFREY: My question to the Council,  
8 have you been hearing any feedback because many of your  
9 respective staff is participating in this effort. And the  
10 public, of course. Have you been getting any feedback at  
11 all on how this is progressing?

12 CHAIRMAN COLBERG: I've been getting  
13 feedback, yes. Nothing controversial that I'm aware of.

14 MR. BAFFREY: It's a very fast pace.

15 MS. BOERNER: Yes.

16 MR. BAFFREY: This group has worked their  
17 tails off to get this done. It's something that I'm  
18 hopeful will be a prototype for other injured resources and  
19 services into the future. But right now herring is front  
20 and center. The group is a very diverse collection of  
21 individuals. Strong personalities. But they are --  
22 they're all focused on making this work and it's been a  
23 pretty amazing process to watch these guys participate.

24 They are hopeful that you, as a body, will  
25 be as committed to this program as they are.

1 MR. LUTHI: Mr. Chair.

2 CHAIRMAN COLBERG: Yes.

3 MR. LUTHI: Thank you. Just -- could --

4 you might -- I don't want to necessarily use the word tease

5 us a little, but might you tease us a little more with what

6 you -- highlights that you think we should particularly pay

7 attention when the document is available on September 8th?

8 MR. BAFFREY: They are going to -- do you

9 want me to answer that?

10 MS. BOERNER: I will.

11 MR. BAFFREY: Okay.

12 MS. BOERNER: They're going to make

13 recommendations on what they feel is the most likely or the

14 most likely restoration options and then the tasks that

15 would fall out on a year by year basis based on that most

16 likely restoration. So you can kind of see what types of

17 projects will be projected over the life of the program,

18 which I think is going to -- it was a missing key factor in

19 the first draft and this is definitely a critical part of

20 this draft.

21 The group has also taken steps to discuss

22 in the document how they're going to be structured, how

23 they're going to report both internally and externally.

24 How they're going to interface with you. How they're going

25 to keep you updated on what's going on. So I think, that

1 again, was something that was missing out of the first  
2 draft.

3 MR. BAFFREY: And while they are  
4 identifying restoration options for your consideration, the  
5 goal is not the restoration option itself, it's to find out  
6 the feasibility that -- of that restoration option. So,  
7 for instance, there's the supplemental production, which is  
8 the hatcheries, is one of the restoration options. There  
9 -- the group is not recommending hatcheries. It's not  
10 recommending supplemental production. What they want is to  
11 have the supporting science give you what you need to make  
12 the decision whether or not that next step is feasible or  
13 not.

14 MR. O'CONNOR: I would -- I'll go back to  
15 -- respond to your feedback question.

16 MR. BAFFREY: Okay.

17 MR. O'CONNOR: The feedback that I've  
18 gotten from my own agency folks is positive. And I think  
19 your comment that we have strong personalities is an  
20 understatement, but I think that what I'm hearing is that  
21 we may not get consensus but we have reached a point or  
22 will be reaching a point where we have mutual understanding  
23 and respect for positions of a technical nature. And the  
24 final package is -- may not be what everybody wants but  
25 they agree that the process was a good one and it was

1 articulated well through that exercise. So in that sense,  
2 it's very positive feedback. I wouldn't expect everybody  
3 to agree on everything in that context anyway. So a  
4 commendation to you guys and to the facilitator, who we're  
5 going to talk about.

6 MR. BAFFREY: This is -- you had talked  
7 about this at your retreat, about science supporting  
8 restoration. And this is a true example of that in play.

9 MR. O'CONNOR: Yeah, that's good. That's  
10 good.

11 MR. BAFFREY: All right.

12 CHAIRMAN COLBERG: Do we have any other  
13 Council questions or comments on the general status? Did  
14 you want to -- or do you feel you already have addressed  
15 the sub-items, like IRH, well, the Integrated Herring  
16 Program -- Restoration Program additional participant. Do  
17 you want to say something in particular on that?

18 MR. BAFFREY: Well, probably should talk  
19 about the sole source first.

20 MS. SCHROEDER: Procurement is requiring  
21 that the Council approve by name group members for the  
22 herring and as well as the sole source. So we've put in  
23 your packet the information as to why, Taylor Brelsford,  
24 why we'd like him to be a sole source for the next herring  
25 meeting. He's been at all of the prior meetings, so he's

1 familiar with the process, the participants, and we think  
2 that he should continue that and we'd like for you to  
3 approve him.....

4 MR. BAFFREY: Yeah, I apologize.....

5 MS. SCHROEDER: .....as a sole source.

6 MR. BAFFREY: .....for getting out of order  
7 here, but Taylor has been involved in the three previous.  
8 And what's happened is that we ask him to facilitate that  
9 and there's a dollar figure associated with that, well, he  
10 collectively -- he's now -- if we have him come to the next  
11 workshop in September, he goes over that threshold, which  
12 theoretically triggers from the procurement perspective, a  
13 competitive bid process. He's got the history, he's a part  
14 of the group, we want him there. He's done a great job.  
15 That's why we want your concurrence, is to allow us to  
16 continue to use him and to sole source that effort. So  
17 that is an action item that takes your vote on that.

18 CHAIRMAN COLBERG: And so you want to do  
19 Item B before Item A?

20 MR. BAFFREY: I'm sorry.

21 CHAIRMAN COLBERG: The -- do we have a  
22 motion on the recommendation or have discussion first? Any  
23 discussion?

24 Larry.

25 MR. HARTIG: No. You need a motion?

1 CHAIRMAN COLBERG: I think we do.

2 MR. HARTIG: Okay. Okay. Well, I move

3 that we.....

4 CHAIRMAN COLBERG: And it says they're

5 asking for a motion in the text here.

6 MR. HARTIG: Do you have the motion

7 drafted?

8 CHAIRMAN COLBERG: Motion to approve, I

9 gather, under sole source because you put Taylor Brelsford

10 under that. It says, requesting a motion to approve Taylor

11 Brelsford, which is a necessity for making a sole source.

12 MR. BAFFERY: Right.

13 MR. HARTIG: So moved.

14 MR. LUTHI: Well said.

15 MR. O'CONNOR: Second.

16 CHAIRMAN COLBERG: Okay. Moved by Mr.

17 Hartig. Seconded by Mr. O'Connor. Any discussion on the

18 motion?

19 MR. ZEMKE: For the reasons stated in our

20 package, it makes sense that URS and Taylor Brelsford

21 should be approved for that upcoming meeting, so I tend to

22 vote favorable for the motion, Mr. Chair.

23 CHAIRMAN COLBERG: Do we have any further

24 discussion on the motion?

25 MR. O'CONNOR: Procurement issues are under

1 state law because you -- ADF&G is hiring them.

2 MS. SCHROEDER: Yes.

3 MS. BOERNER: Yes.

4 CHAIRMAN COLBERG: Did you hear that,  
5 Larry?

6 MR. HARTIG: Or Denby.

7 MR. ZEMKE: Denby.

8 CHAIRMAN COLBERG: Denby?

9 MR. LLOYD: I did, thanks.

10 CHAIRMAN COLBERG: It's under your  
11 department. Okay.

12 MS. SCHROEDER: Thank you.

13 CHAIRMAN COLBERG: Hearing no objection,  
14 the motion passes unanimously. Now we'll move back to.....

15 MR. BAFFREY: So.....

16 CHAIRMAN COLBERG: .....Item A.

17 MR. BAFFREY: Yeah, 7(a). And I apologize  
18 for getting those out of order.

19 CHAIRMAN COLBERG: No problem.

20 MR. BAFFREY: We want to add one more name  
21 to the group. A person who has been participating at a  
22 high level, with a high level of commitment, is Scott  
23 Pegau. He is the -- he's an oceanographer. He is the -- a  
24 program manager for OSRI housed in Seward [sic], so he  
25 carries a community perspective as well as a technical

1 perspective and has inputted greatly into the process.

2 We.....

3 MR. ZEMKE: OSRI is in Cordova, not Seward.

4 MR. BAFFREY: Oh, did I say Seward?

5 Cordova. Thank you.

6 And he -- I want to add him to the list.

7 That again, because of procurement regulations, we have to

8 name requests, that you have approve that. So Scott,

9 definitely a valued participant in the group and I just

10 want you to officially authorize him to be a member of the

11 Integrated Herring Restoration Program Working Group.

12 CHAIRMAN COLBERG: Do we have any

13 discussion on this concept from anyone on the Council?

14 Denby?

15 MR. O'CONNOR: Question.

16 CHAIRMAN COLBERG: Mr. O'Connor.

17 MR. LLOYD: No, no comments right now.

18 CHAIRMAN COLBERG: Mr. O'Connor.

19 MR. O'CONNOR: Did we go through this with

20 everybody? The specific names and so on? I can't remember

21 doing this.

22 MS. SCHROEDER: No, we didn't. Michael

23 asked for six participants when he requested the IHRP

24 funding. And it's just come to my attention as the

25 administrative manager in working with procurement that

1 this was done in the past where the Council approved  
2 specific individuals to sit on committees or advisory  
3 groups like this. And somehow that process has been  
4 diverted and so now we need to come back and ask  
5 specifically for individuals to -- again, down further in  
6 the agenda as well, there's another action item.....

7 MR. O'CONNOR: Uh-huh.

8 MS. SCHROEDER: .....similar to this one.

9 MR. BAFFREY: And we had actually not  
10 knowing that process, have already issued the professional  
11 service agreements for the other six. They are.....

12 MR. O'CONNOR: Right. Do you need us to  
13 say yes to those six and yes to Scott? That's really  
14 what.....

15 MR. BAFFREY: It would be.....

16 MR. O'CONNOR: Do we need to.....

17 MR. BAFFREY: It would be -- that would be  
18 the cleanest way to do this.

19 MR. O'CONNOR: To confirm your -- okay.  
20 All right.

21 MS. SCHROEDER: The Council can approve  
22 those for future use as well, so we don't have to do this  
23 all the time.

24 MR. O'CONNOR: Well, I think we ought to do  
25 this in a way that we tidy up the record. So I would move

1 -- no, I'm sorry. Whenever you're ready for a motion, I  
2 will.....

3 CHAIRMAN COLBERG: I'm just kind of  
4 glancing back at my staff since that's technically not the  
5 agenda item. If we needed to, can we expand it. I mean,  
6 it sounds reasonable, what you're saying, but we really  
7 didn't set this up to approve other people other than this  
8 in terms of public notice. I think to play it safe, let's  
9 stick to what's on the agenda today and if we need to tidy  
10 it up like that, we can do it on the next meeting.

11 MR. BAFFREY: Good enough. So today the  
12 motion is just to add Scott Pegau.

13 CHAIRMAN COLBERG: Just what's actually on  
14 the agenda. So is that okay, Mr. O'Connor?

15 MR. O'CONNOR: Oh, sure. That's fine. I'm  
16 just.....

17 CHAIRMAN COLBERG: Amend your -- did you  
18 make a motion yet?

19 MR. O'CONNOR: I move we approve Scott  
20 Pegau to be added to the committee as requested by our  
21 staff.

22 CHAIRMAN COLBERG: Any second?

23 MR. HARTIG: I'll second.

24 CHAIRMAN COLBERG: Larry Hartig seconds it.  
25 Any discussion? Any objection?

1 (No audible responses)

2 CHAIRMAN COLBERG: Hearing no objection,  
3 it's approved. And then you wanted to make some comments  
4 on the herring coordinator or.....

5 MR. BAFFREY: I do. The -- it's been  
6 strongly suggested by the Integrated Herring Restoration  
7 Group -- Working Group that -- as well as the PAC, as well  
8 as the public, that we -- you have a herring coordinator to  
9 carry this effort forward. To designate an individual,  
10 either on staff here, preferably ADF&G in Cordova is where  
11 they would like to see this position housed. How it's  
12 funded, they -- their general recommendation is that the  
13 Trustee Council should fund this position. I intend to put  
14 this as a line item in the FY09 budget, to hire a person.

15 The State -- and Denby, you can help me  
16 with this, but the State has a biometrician series that  
17 basically performs this role. And my suggestion to use  
18 that position description and craft one specifically for a  
19 herring coordinator to work on this effort as you guys move  
20 forward into the future, to either get the restoration  
21 options or understand why you cannot. And it's just a  
22 focal point of somebody to coordinate this effort. There's  
23 going to be many projects that are going to be involved.  
24 Highly technical. There's going to be clearly involvement  
25 with the affected community around the spill-affected area.

1 And there's going to be a high level of liaison activity  
2 required with you and with staff to do this. And with  
3 agency staff.

4                   So I just want you to know that as you move  
5 forward to replace the Executive Director and to enhance or  
6 take a fresh look at who you want to hire on your science  
7 staff, you also -- my recommendation is to post this  
8 vacancy announcement in that effort to see who is out there  
9 that's willing to do this. I would encourage you to fund  
10 this position through settlement funds.

11                   CHAIRMAN COLBERG: Did you hear that,  
12 Denby?

13                   MR. LLOYD: I did. Thank you, Mr. Chair.  
14 Michael, you mentioned that we have previously done this  
15 through the biometrician job class. And I'm not sure that  
16 that's the correct job class for this type of effort, but  
17 I'm wondering what background you're bringing to that  
18 observation? I'm not familiar with another position that  
19 we've done this with.

20                   MR. BAFFREY: And, Denby, I did not mean to  
21 give that message. The one that's closest to what this  
22 person would do is currently in the biometrician series.

23                   MR. LLOYD: Okay. That's fine. And  
24 presently we can leave that up to a subsequent decision,  
25 but we might want to pick a more generic class so that we

1 can employ people that have outreaching skills and those  
2 types of things, not just technical skills.

3 MR. BAFFREY: Correct.

4 CHAIRMAN COLBERG: And it is not an action  
5 item today, in any event. It's just Michael Baffery  
6 explaining his concept.

7 MR. HARTIG: May I ask a question on it?

8 CHAIRMAN COLBERG: Sure.

9 MR. HARTIG: What would be, again, would  
10 you see the timing on this, Michael? I mean, we would get  
11 the report. We would get briefed on it, I guess. Ask  
12 questions. I imagine -- I don't know if there would be  
13 more public comment on it, you know. And then eventually  
14 the plan would be approved, but I don't know in that  
15 approval process whether there's another formal process we  
16 have to follow on that. And then -- I mean, when would  
17 this person be needed and where would they plug in?

18 MR. BAFFREY: I would have to defer to what  
19 the working group and the PAC has said. They were actually  
20 -- been needed yesterday. They -- this is a very important  
21 role. We had the option -- and I'll answer your question  
22 more directly after I say this -- but we had the option of  
23 when we formulated the working group to designate a leader  
24 at that point. Our -- we chose not to do that because we  
25 felt if we had a leader at the beginning then a lot of

1 people who had leadership roles, and this group has a lot  
2 of leadership people involved, that some of those people  
3 would not participate as fully as they have. Well, now  
4 they're saying we do need a leader. So to answer your  
5 question, that would be ideally, once this program is  
6 approved, that person would be in place to implement it.

7                   Putting it in the FY09 budget allows us to  
8 go out at that point, if you concur with that, to go out at  
9 that point. Once you approve the program and it's a viable  
10 program, then you would -- I would suggest you go out and  
11 post on Workplace Alaska the vacancy announcement for this  
12 individual and then go through the hiring process. So  
13 within two months you would have somebody in play, which  
14 would put them on staff either here or at ADF&G in time to  
15 contribute and make recommendations on the FY09 invitation.

16                   CHAIRMAN COLBERG: Okay. So I guess a  
17 date. You know, I mean, when will this become an action  
18 item for us?

19                   MR. BAFFREY: September.

20                   CHAIRMAN COLBERG: Okay.

21                   MR. BAFFREY: At your September 24th  
22 meeting.

23                   CHAIRMAN COLBERG: Okay. Thank you.

24                   MR. BAFFREY: Any -- Steve.

25                   MR. ZEMKE: Yeah, well, I guess with, kind

1 of, I think Larry's concern is about we're trying to do  
2 both processes at the same time. And so we really don't --  
3 you know, haven't got the full herring plan to know whether  
4 or not -- what the recommendations are and then whether or  
5 not the Trustee Council agrees to those recommendations,  
6 but we're not going to do that until the same meeting.....

7 MR. HARTIG: Right. I don't.....

8 MR. ZEMKE: .....so it's just.....

9 MR. HARTIG: I guess that's another  
10 question that's in there, is again a process question. It  
11 seems like this is a major step and a major dedication of  
12 funds if we start heading down this path. I mean, I don't  
13 know what -- I'm guessing that this plan we get is going to  
14 have a pretty hefty price tag with it, you know, if we take  
15 it all. And I don't know that we just get it in September  
16 and we say it looks good to us and we're off and running.

17 I mean, it seems to me there could be some  
18 major program decisions and funding decisions there that  
19 could take a larger process. And I guess I'm worried that  
20 if we just go hire this person that it's kind of a de facto  
21 approval of the plan where the plan hasn't been fully  
22 approved because it hasn't gone through the whole process  
23 and review and -- that it needs to. And so again, I just  
24 don't see the whole picture here in terms of what we need  
25 to do and the timing and how it all interrelates.

1                   MR. BAFFREY: You may want -- Catherine may  
2 want to address this one but I'm going to take the first  
3 shot at that. Currently in FY08 we have 14 herring  
4 projects and we do not have a herring expert on staff. And  
5 it would be valuable if we did. We -- I fully anticipate  
6 -- the program itself is going to delineate on a fiscal  
7 year basis what projects it's going to recommend to you to  
8 put in the FY09 invitation to go out for solicitation. So  
9 that person would be invaluable in that process.  
10 Regardless of what happens with the program, you're going  
11 to have herring projects into the future. So I don't  
12 believe it's de facto approval of the program, which I  
13 really hope you do. It is a commitment from the Trustee  
14 Council to the restoration of herring or finding out that  
15 we can't do that.

16                   MR. HARTIG: So we need that position  
17 regardless of when and how we act on the plan.

18                   MR. BAFFREY: Do you want to hand me that?

19                   MR. HARTIG: Okay. That helps, Michael.  
20 Thanks.

21                   MR. BAFFREY: You're welcome.

22                   CHAIRMAN COLBERG: Any further discussion  
23 or comment on the concept or the proposed time table?

24                   MR. O'CONNOR: Mr. Chairman.

25                   CHAIRMAN COLBERG: Yes, Mr. O'Connor.

1                   MR. O'CONNOR: What you're asking for is a  
2 sense of the Council at this point that the idea of a  
3 herring coordinator sounds like a good one. It remains to  
4 be seen who, what, what responsibilities and so on, but  
5 you'd at least like to begin the administrative process in  
6 terms of putting together budget numbers and that sort of  
7 thing so that we're ready to move on it if and when we  
8 decide it's appropriate to have a coordinator for herring  
9 activities. Is that what you're.....

10                  MR. BAFFREY: Yes.

11                  MR. O'CONNOR: .....suggesting? Okay.

12                  CHAIRMAN COLBERG: Any further comments or  
13 questions from the Council?

14                  (No audible responses)

15                  CHAIRMAN COLBERG: Thank you on that. And  
16 that concludes that section. We'll move on to the Science  
17 and Restoration Working Group participants.

18                  MR. BAFFREY: So you guys might as well  
19 stay right here.

20                  MS. BOERNER: That's what I figured.

21                  MR. O'CONNOR: Mr. Chairman.

22                  CHAIRMAN COLBERG: Yes, sir.

23                  MR. O'CONNOR: By our silence I'm assuming  
24 that what we did was say yeah, at least begin this process  
25 and.....

1                   CHAIRMAN COLBERG: It wasn't an action  
2 item.

3                   MR. O'CONNOR: No.

4                   CHAIRMAN COLBERG: It was part of a report.  
5 He just kind of outlined what he wanted to do.

6                   MR. HARTIG: I mean I think what we're  
7 already -- we'll be keyed up to vote on it in September and  
8 we are very interested in having it on the agenda for the  
9 September meeting.

10                  MR. BAFFREY: And we will put together a  
11 position description and, you know, the State range that we  
12 recommend that this be in. So it will be a package that  
13 will be ready to go if, in fact, you want to go that  
14 direction.

15                  MR. ZEMKE: So I would assume you'd  
16 continue to work with Denby since it's an A.....

17                  MR. BAFFREY: Yes.

18                  MR. ZEMKE: .....would be hired to the  
19 ADF&G position.

20                  MR. BAFFREY: Yes. All right. Action item  
21 number 8.

22                  CHAIRMAN COLBERG: Right.

23                  MR. BAFFREY: Back to the same discussion  
24 we had about.....

25                  CHAIRMAN COLBERG: Well, it doesn't show

1 it's an action item.....

2 MR. BAFFREY: Oh.

3 CHAIRMAN COLBERG: .....it's just the  
4 science and.....

5 MR. BAFFREY: Well, then it actually should  
6 be. It actually should be an action item because again  
7 it's name specific and we need on.....

8 MS. BOERNER: Yes.

9 MR. BAFFREY: .....and, you know, they --  
10 the Science and Restoration Working Group is the former --  
11 every member of the former science panel is listed -- is in  
12 this group. They are currently on professional service  
13 agreements. This is just as we go forward to the future.  
14 So do we need names for all of them again?

15 MS. SCHROEDER: Yes.

16 MR. BAFFREY: Okay.

17 MS. SCHROEDER: They should be  
18 included.....

19 MR. BAFFREY: Okay.

20 MS. SCHROEDER: .....in the packet.

21 MR. BAFFREY: So you have in your pack that  
22 list of names. Stephen Braund, Ron O'Dor, Gary Cherr, Bob  
23 Spies, Pete Peterson, Norman Meade were the members of the  
24 current -- the former science panel. They are -- they will  
25 continue to be members of the science restoration working

1 group and we recommend adding Marilyn Sigman and Jim  
2 Winton. Marilyn is the executive director of the Alaska  
3 Center for Coastal Studies.....

4 MS. BOERNER: Yes.

5 MR. BAFFREY: .....out of Homer.

6 MS. BOERNER: Yeah, Coastal Studies.

7 MR. BAFFREY: All right. All right. And  
8 Jim Winton section chief for fisheries health at the  
9 Western Fisheries Center and the USGS facility in Craig's  
10 neighborhood down in Seattle. That would be the pool of  
11 individuals that we would draw on to help make  
12 recommendations. This is an advisory body to the Executive  
13 Director. And their recommendations are given to the  
14 Executive Director on the Work Plan, on the proposals that  
15 we receive, and those recommendations are presented to you  
16 also so you can see where the science and restoration group  
17 is coming out on the proposals.

18 So if we want to enter into professional  
19 service agreements with each one of these individuals,  
20 their names need to be concurred with for their  
21 procurement. This was meant to be an action item on the  
22 agenda.

23 CHAIRMAN COLBERG: Any com -- Mr. Zemke.

24 MR. ZEMKE: I guess for the '09 budget,  
25 their -- these services contracts are reflected.....

1 MR. BAFFREY: Yes.

2 MR. ZEMKE: .....in a portion of the '09

3 budget, so.....

4 MR. BAFFREY: That's correct.

5 MR. ZEMKE: Including Marilyn Sigman

6 and.....

7 MR. BAFFREY: And Jim Winton.

8 MR. ZEMKE: .....Jim. Okay.

9 MR. BAFFREY: Yes.

10 CHAIRMAN COLBERG: Any other questions or

11 comments? Mr. O'Connor.

12 MR. O'CONNOR: Normal Meade is a fed.

13 MR. BAFFREY: Right.

14 MR. O'CONNOR: He wouldn't be on a

15 personnel services contract.

16 MR. BAFFREY: That's correct.

17 MR. O'CONNOR: Okay.

18 MR. BAFFREY: That's correct. And it's

19 also reflected in the budget.

20 MR. O'CONNOR: Yeah.

21 MR. BAFFREY: But we can pay for his travel

22 and per diem.

23 MR. O'CONNOR: Right. Yeah. Okay.

24 MR. BAFFREY: As well as Jim, who's also a

25 fed.

1                   CHAIRMAN COLBERG: Any other questions or  
2 comments from the Council?

3                   (No audible responses)

4                   CHAIRMAN COLBERG: Since action is  
5 requested, do we have a motion to approve?

6                   MR. O'CONNOR: I would move the approval of  
7 the named individuals as requested by the Executive  
8 Director.

9                   CHAIRMAN COLBERG: Moved by Mr. O'Connor.  
10 Do I have a second?

11                  MR. ZEMKE: I'll second.

12                  MR. LLOYD: Second.

13                  CHAIRMAN COLBERG: Second by Mr. Zemke.  
14 Denby was too late. Any further discussion? Any  
15 objection?

16                  (No audible responses)

17                  CHAIRMAN COLBERG: Hearing no objection,  
18 it's approved. The list is approved.

19                  MR. BAFFREY: Thank you. You guys are out  
20 of here.

21                  MS. BOERNER: No, I'm not.

22                  MS. SCHROEDER: She's not.

23                  MR. BAFFREY: Oh, you're still on? Okay.

24                  CHAIRMAN COLBERG: Moving on to Item 9,  
25 FY09 invitation to submit proposals update.

1 MS. BOERNER: I don't get out that easy.  
2 Okay. As you're aware, we did elect to defer the  
3 publication of the FY09 invitation for proposals until we  
4 had more information from the herring plan. The invitation  
5 is kind of holding as it was right now so that we can plug  
6 that herring piece into it. And at your September 24th  
7 meeting, we will have the draft of the FY09 invitation with  
8 the herring recommendations in it that will have been  
9 reviewed by the PAC and your liaisons.

10 MR. BAFFREY: The intent there is to get  
11 your approval to release the FY09 invitation so that we can  
12 actually get it released end of September, first part of  
13 October, and get this going. And we -- it's -- you know,  
14 the packet will be reviewed, as Catherine has said before,  
15 before then by the liaisons, by the PAC, and it will --  
16 it's been reviewed pretty extensively between now and  
17 previously. So we believe that the herring component is  
18 the only one who -- that is lacking at this point. So  
19 we'll have a complete package in -- it's on your -- at your  
20 September 24th meeting.

21 CHAIRMAN COLBERG: Okay. And that's  
22 just.....

23 MR. O'CONNOR: Mr. Chairman. I have a  
24 question.

25 CHAIRMAN COLBERG: Yes.

1                   MR. O'CONNOR: What is the status of the  
2 PAC at this point? I know we've solicited people to join.  
3 Is it still in existence? Did its charter expire?

4                   MR. BAFFREY: The charter.....

5                   MR. O'CONNOR: Where do we stand?

6                   MR. BAFFREY: .....expires -- the charter  
7 under FACA is a two-year charter and that charter expires  
8 at the end of this fiscal year. And the process is that --  
9 and Doug can address it and Cherri also can address this  
10 better than I can. The process is that we go out and we  
11 find out who wants to stay on and we solicit new -- also  
12 new members. You approved the -- you recommend those. The  
13 actual approval is through the Secretary of Interior on  
14 that.

15                   The charter, the charter has been done.  
16 The operating procedures have been done. The only thing  
17 that will be coming across your decision plate is going to  
18 be the names and we're -- there's 14 different interest  
19 groups on the PAC that technically represent all segments  
20 of the public. We will make sure that you have names in  
21 each one of those categories, and maybe even more than one  
22 for -- to make your recommendation on what to recommend to  
23 go forward.

24                   MR. O'CONNOR: Okay. So they're still duly  
25 constituted anyway for the rest of this month.

1 MR. BAFFREY: We're still looking.....

2 MR. O'CONNOR: Not September, yeah.

3 MR. BAFFREY: .....for additional members.

4 MR. O'CONNOR: Yeah. All right. Thank

5 you, Mr. Chairman.

6 MR. BAFFREY: I don't see why we don't take

7 the vacant public interest groups, the public interest

8 areas, and also run them by everybody and see if you have

9 recommendations to put in those positions as well.

10 MR. O'CONNOR: Just to follow on a comment,

11 at this -- it would seem that we should be looking at the

12 scope and extent of the committee in terms of number of

13 participants. Do we want to stay where we are? Do we want

14 to make it bigger? Do we want to make it smaller given

15 what we're going to be trying accomplish here in the next

16 few years? And given the fact that it seems that, as large

17 as it is, it's been difficult for them to have a meeting

18 where they have a quorum so that we can get official action

19 out of them.

20 So I think we -- come the end of this month

21 when we're deliberating on this, I think we should be

22 taking a look at a PAC and what it's function is and what

23 it's composition should be. And there may be no change

24 required at all but I think we should be prepared to visit

25 that, Mr. Chairman.

1                   CHAIRMAN COLBERG: Okay. Any further  
2 comments?

3                   (No audible responses)

4                   CHAIRMAN COLBERG: Hearing none, we'll move  
5 onto communication plan.

6                   MR. BAFFREY: Welcome back.

7                   MS. TALBOTT: Thank you. Good morning. So  
8 to recap, my name is Rebecca Talbott. I'm here over at  
9 EVOS on an IPA, working with communications and outreach in  
10 advance of next year's 20th anniversary of the spill. And  
11 when I came and spoke with you in June at the last Trustee  
12 Council meeting, I presented to you a very draft  
13 communication plan, which was really more of a collection  
14 of different recommendations and actions that were  
15 recommended to us from different members of the community,  
16 from our agency partners and others, with some discussion  
17 points for your consideration.

18                   So what you have in front of you now is a  
19 more redense -- or condensed version. A little more  
20 focused. And I have to just recognize the liaisons who  
21 have been very active in support and working with me on  
22 helping really refine that. I've just had excellent help  
23 from those folks who have committed to continuing to help  
24 -- yae, thank you -- as we start shaping out some of those  
25 key pieces of the work that's been accomplished here, what

1 those stories are, and getting them out to the public.

2                   So this is also not still a finalized  
3 version. I think you wanted to have something in front of  
4 you to see where we were to date. So I'll point out that  
5 we've inserted some background to give more contacts to why  
6 we're doing this, and I think in advance of presenting this  
7 out to the PAC this month. And then condense down the  
8 action items. I've taken out a lot of those discussion  
9 points that were in that earlier version. They're there  
10 for reference if we need them, but condensed down those  
11 actions and started to put more of a schedule together for  
12 that.

13                   There is a section I probably would have  
14 cut which shows kind of those cut actions. And again,  
15 that's on great advice, especially from our legal liaisons  
16 who have helped me with understanding what the parameters  
17 of the settlement are and how funds can be used. So  
18 there's a last page in there that basically will be taken  
19 out of the final document.

20                   And also the budget numbers. The reason  
21 why it's still draft is we're just getting a few of those  
22 holes plugged in with real realistic estimates from folks  
23 of what those costs are. But I think you'll see a  
24 significant reduction from some of the bigger numbers we  
25 were talking about earlier to now more of a condensed.

1 version with much reduced costs involved.

2                   One piece I would point out to you, when  
3 you look at both the strategy -- under communication  
4 strategy, I talk about the small grant opportunity to  
5 support community based efforts, such as bringing outside  
6 speakers to events, updating exhibit -- existing exhibits,  
7 such as the one at the SeaLife Center, where some of the  
8 information is outdated.

9                   Again, I went out to Homer just a few weeks  
10 ago and met with folks at the Pratt, with Marilyn Sigman at  
11 the Alaska Studies -- Center for Coastal Studies; with Fish  
12 and Wildlife Service folks at Oceans and Islands; and the  
13 Kachemak Bay Research Reserve. And they again told me what  
14 I've been hearing from other folks too, that our number one  
15 job is people are really anxious for the material that has  
16 been collected. They want to have access to the research.  
17 Currently, the way it's available, it's tough for most  
18 people to get to. You have almost 20 years of research  
19 available on our website. It's an amazing body of work and  
20 there is remarkable science that's been done in that and  
21 people want access to it.

22                   So I think our first pressure -- or our  
23 first job now, with help from the liaisons again, is to get  
24 that information in a more accessible format for the  
25 general public. And you'll see that as the first action

1 item, really. Those kind of technical reports and  
2 scientific documents aren't -- they just aren't accessible  
3 to the general public usually, unless somebody is a real  
4 specialist. We've heard that consistently from reporters.

5                   We just recently were working with  
6 reporters from Forbes magazine who have a story coming out,  
7 I believe, in this month's edition. And they said the same  
8 thing, wow, that's an impressive website. That's a lot of  
9 information. Have you got it somewhere where it's a little  
10 easier for folks like us to access? They're never going to  
11 spend those hours to sort through what are final reports.  
12 So we're hearing that same thing from people in the  
13 communities. And what's exciting though is that they are  
14 really interested.

15                   Folks at Islands and Oceans Visitor's  
16 Center. The same thing I've heard from visitor's centers,  
17 across all the Federal agencies. They're all interested  
18 and they all know that their client, their customers, their  
19 visitors during the summer in particular, currently ask  
20 questions and are very interested in knowing what the  
21 results of the restoration activities have been. And so  
22 they're anxious to have us get that material kind of  
23 condensed and collapsed and available to them. So that  
24 will be our first order of business. And then making it  
25 all accessible via the website. That's the first line of

1 communication. That's where everyone increasingly goes.

2 So putting that on the website.

3                   And the for -- kind of following past  
4 precedence, putting it into a series of really simplified  
5 publications.

6                   You always do an annual report on the  
7 anniversary years. You'd just beef that up to be more  
8 comprehensive, kind of looking back.

9                   And then with community presentations, we  
10 are already involved with the Alaska Marine Science  
11 Symposium. We're working with folk -- with that group of  
12 people and -- in turning maybe some public presentations  
13 that could be associated with that. We're also committed  
14 to the Alaska Forum on the Environment, which is a great  
15 forum for reaching a lot of Alaskans at one point. It's  
16 here in Anchorage.

17                   And we have a draft list of 10 to 12  
18 different sessions that we think would be of interest that  
19 we're circulating now to get feedback and make sure that  
20 really is going to hit the mark for what people are  
21 interested in hearing about. At the same time with AFE, I  
22 think there's opportunities as we bring in speakers, PIs  
23 and other folks that have been doing restoration work,  
24 there's an opportunity to put those in a more public forum,  
25 in kind of the Alaska's -- science for Alaskans kind of

1 forum where you can draw in a lot more folks in a public  
2 and a free presentation.

3                   And the last thing with that, it goes back  
4 to those community events. With the Forum on the  
5 Environment being held in February, what we're hearing from  
6 a lot of the communities, especially spill-affected  
7 communities, is the desire to do something in their own  
8 communities around the anniversary date, the weekend  
9 preceding, and in some places for a full two months. The  
10 Homer community has already a lot in the works that they're  
11 planning on doing between the Pratt and all the different  
12 organizations and agencies there.

13                   So for us to consider and that I've heard  
14 this just consistently with every community I've gone to,  
15 that if there was a small granting opportunity,  
16 mini-grants, you might call them, to provide funds to  
17 either bring in one of our PIs or other EVOS Trustee  
18 Council related work, to have them give that kind of a  
19 presentation in their communities, they think would be  
20 extremely valuable. Or to fund something like the update  
21 of a current exhibit or other material. Or overall just  
22 sponsorship of an event that is talking about the Trustee  
23 Council's work and the restoration work. That's something  
24 that I'm hearing from every community as a strong need and  
25 something that would have great value to them.

1                   We have these two big events in Anchorage  
2 but they're Anchorage based and not everybody can afford to  
3 travel there. What I'm hearing this year at 20 years is  
4 the real importance of things in community. And that's  
5 also being reflected by what the RCACs are both doing.  
6 Both Cook Inlet and Prince William Sound RCAC are putting  
7 their energies into supporting these activities in  
8 communities.

9                   So that's just a -- kind of a quick  
10 overlook, over-review of what you see in here. And we are  
11 still partnering with the Cordova Historical Society on  
12 updating Darkened Waters, on getting it up here and getting  
13 it updated in time for March 24th. And we're still looking  
14 at the opportunity to do some kind of condensed version of  
15 that. A small piece that could be used in smaller  
16 facilities, both in Federal and State facilities as well as  
17 some onboard locations where you have the opportunity to  
18 reach a lot of people.

19                  And the last piece, we just spend quite a  
20 bit of time in June talking about that, was the idea of a  
21 film. Again, the consensus was that there could be great  
22 value in the Trustee Council sponsoring a feature length  
23 kind of film, a longer view that presents kind of this  
24 broader picture, including restoration activities, which  
25 isn't really out there today. But the current time frame

1 we had really wasn't adequate for reducing a product of  
2 that quality and that nature. What the recommendation is  
3 to do is to use existing footage that we already have in a  
4 small contract that -- to produce a very small piece that  
5 would fit the need that the most of the visitor's centers  
6 and some of the onboard facilities have.

7                   So that's what you see in draft here and  
8 hopefully that you'll see some final shaping in order to  
9 bring it back to you in September, along with the budget,  
10 the admin budget, as a final piece. That was a mouthful.

11                   CHAIRMAN COLBERG: Thank you.

12                   MR. HARTIG: That's a lot.

13                   CHAIRMAN COLBERG: Any questions or  
14 comments from Council? Larry.

15                   MR. HARTIG: I know we'll get into this a  
16 lot more, Rebecca, in September. This is quite a lot and  
17 it shows a lot of thought and effort and appreciate it.  
18 And I did talk with the RCAC, the Prince William Sound  
19 RCAC, and I know that they are planning individual events,  
20 you know, in particular communities. And I'm -- I am  
21 wondering though, with everybody doing all these things and  
22 start looking at trying to coordinate things in particular  
23 communities, you know, whether there's going to be  
24 conflicts in the schedule, and, you know, how we're going  
25 to work through those. Because I can see some advantage of

1 maybe offering up, you know, say here's a group of speakers  
2 that, you know, can talk on these topics and if you're  
3 interested we'll provide them at our cost, then they can  
4 plug them into their process. But I don't know that -- how  
5 easy it would be for us to try to run something parallel in  
6 the individual communities and not run into time conflicts,  
7 particularly if we're all targeting the anniversary date.

8 MS. TALBOTT: Yeah, I think that's exactly  
9 the idea and I think Michael had me working with RCAC from  
10 my first week here and the idea of how we could collaborate  
11 together and not duplicate efforts and not complicate  
12 things.

13 One suggestion that we talked about before  
14 but it really coalesced I think in Homer, was they had  
15 different groups, and until I came over and met with them,  
16 they hadn't really talked. They knew they needed to get  
17 together and talk about how each part fits and they  
18 suggested to us that one service that the Trustee Council  
19 could provide that nobody was doing yet was to create some  
20 space on our website to serve as kind of a clearing house  
21 for communities to share ideas, to pull resources, as well  
22 as have a forum.

23 And since Michael Schlei has already done  
24 that work, actually that's something that we think it is  
25 really feasible that we can do in the next couple weeks,

1 and then let people know, including RCACs, here's a place  
2 where we can all come, communities can help share what they  
3 have planned in their community, things that another  
4 community might want to learn from, and help the groups  
5 that maybe aren't quite as far along in their planning.  
6 That's something we heard as a recommendation with the  
7 spirit of people wanting to work together.....

8 MR. HARTIG: Yeah.

9 MS. TALBOTT: .....and how could we help  
10 facilitate that.

11 MR. HARTIG: I think that would be a great  
12 idea. I mean, I was at a meeting two weeks ago -- I  
13 mentioned to you about, I'll share with others here -- is  
14 that, oh, about every six months or so we -- DEC gets  
15 together with the tanker companies there from Prince  
16 William Sound and the RCAC and we get together and talk  
17 about how things are going and what we think we should be  
18 doing. And that was -- we had a big discussion on the 20th  
19 anniversary and the tanker companies were wanting to work  
20 with the RCAC. And, you know, the RCAC was, for instance,  
21 wanting footage of the new double hulled tankers, you know,  
22 these kinds of things.

23 So they were already working together quite  
24 a bit. But they were -- and part of it was feeling each  
25 other out, how far they would go. But to me it was

1 encouraging because they were both wanting to have that  
2 discussion and saw that they could work with each other and  
3 things that -- where they could get help from each other.  
4 And so I think that's something, you know, if we could help  
5 and, you know, provided a platform for not just those  
6 groups but other groups to participate together, it's going  
7 to be a much better event all around.

8 But I really appreciate what you're doing.  
9 It sounds real good.

10 MS. TALBOTT: Well, I think that's why you  
11 have me here, is to help just connect the dots and be  
12 talking with people and to help facilitate that where it  
13 can happen.

14 MR. HARTIG: Yeah.

15 MR. BAFFREY: Also, it wasn't mentioned in  
16 your presentation, but the communities would really love  
17 Trustee Council members to come to their communities and  
18 they'd talk. Just be there. That would be incredible  
19 public relations if you guys could work that into your  
20 schedule. I know Denby is there a lot. I know you are  
21 too.

22 MR. HARTIG: Yes.

23 MR. BAFFREY: They have council meetings.  
24 They would welcome anytime you're in the community to give  
25 a face to what the Trustee Council doing and I'd encourage

1 you to do that.

2 CHAIRMAN COLBERG: I think we'll be  
3 noticeably absent if we're not participating.

4 MR. BAFFREY: Absolutely. Well, you have  
5 been for.....

6 MR. HARTIG: Yeah.

7 MR. BAFFREY: .....about 19 years.

8 MS. TALBOTT: Well, I have heard that --  
9 and I've heard that from people directly, people in the  
10 community, that -- most recently when I was down in Homer.  
11 It was a very quick trip but very productive. And they  
12 would -- I heard that repeated there, that that would be a  
13 great -- and talking with the liaisons, you know, our job  
14 would be to make sure we gave you a really great A/V  
15 product to bring with you.

16 MR. HARTIG: Okay.

17 CHAIRMAN COLBERG: Any further comments or  
18 questions from the Council?

19 (No audible responses)

20 MS. TALBOTT: Great.

21 CHAIRMAN COLBERG: Thank you.

22 MS. TALBOTT: And again, I would thank all  
23 the liaisons for their help. It's been invaluable.

24 CHAIRMAN COLBERG: Thank you. We'll move  
25 on to the Alaska Resources Library and Information Services

1 memorandum of understanding status and approval.

2 MS. HOLBA: Good morning. For the record,  
3 my name is Carrie Holba. I'm the Trustee Council funded  
4 librarian at Alaska Resources Library and Information  
5 Services, ARLIS. The ARLIS MOU is up for renewal and I've  
6 been asked to speak to you about this today.

7 First, on behalf of the ARLIS management  
8 team, I want to apologize for the urgency of this process.  
9 Our budget coordinator, the management team member for BLM,  
10 would normally handle this process but that position has  
11 been vacant since last November. BLM has signed a BLM  
12 contracting officer to deal with the ARLIS legal  
13 agreements, but her time for this process has been limited.

14 ARLIS was established in 1997 when the  
15 libraries of BLM, Fish and Wildlife Service, Minerals  
16 Management Service, National Park Service, USGS, Alaska  
17 Department of Fish and Game, the University of Alaska  
18 Anchorage's Environment and Natural Resources Institute,  
19 and the Trustee Council were consolidated in a single  
20 location. The consolidation provided cost efficiency,  
21 preserved unique, valuable material available nowhere else,  
22 and provided one-stop shopping for Alaska resources  
23 information.

24 The ARLIS partnership was accomplished  
25 through a memorandum of understanding signed by the heads

1 of the eight partner agencies which now comprise the ARLIS  
2 founder's board. The MOU is the over-arching agreement  
3 that created and maintained ARLIS. It describes the  
4 framework for the organization and joint operation of the  
5 library. It is signed by all founder's board members.  
6 ADF&G indicates its participation by signing a joinder and  
7 the other partners sign in acceptance of the joinder. The  
8 MOU is in effect for a five year period.

9                   The draft MOU that was included in the  
10 Trustee Council meeting packet is the third MOU in ARLIS'  
11 history and is a continuation of this partnership that  
12 began in 1997. The MOU is actually one of three documents  
13 that provides for the administration of ARLIS. The  
14 assistance agreement is the financial agreement between BLM  
15 and UAA that provides for the administration of ARLIS funds  
16 received from the Federal partners and UAA. It's signed by  
17 contracting officers for BLM and UAA and it consolidates  
18 the funds and defines how UAA may spend them on ARLIS'  
19 behalf. The MOU is attached to this assistance agreement.  
20 A cooperative agreement parallels the assistance agreement  
21 and handles funding that comes from ADF&G. It is signed by  
22 representatives at ADF&G and UAA. It defines how Fish and  
23 Game may spend designated funds on ARLIS' behalf.

24                   The draft MOU before the Council today  
25 describes the framework for the operation of ARLIS for the

1 next five years. It contains only minor changes from the  
2 previous MOU, primarily the deletion of references to  
3 ARLIS' relocation to the UAA campus, which has already  
4 occurred. The Council's attorneys had the opportunity to  
5 review both the current and the new draft MOU. After one  
6 edit from Mr. Tillery, there were no additional edits from  
7 Mr. Brighton or the other attorneys.

8                   The MOU has been reviewed by the ARLIS  
9 founder's board and their legal counsel. BLM, Fish &  
10 Wildlife Service, MMS, Park Service, USGS, Fish and Game,  
11 and UAA have approved the MOU and are ready to sign it  
12 pending approval by the Trustee Council. Upon approval  
13 from the Council, the BLM contracting officer will hand  
14 carry the MOU for signing by the founder's board members.  
15 Michael Baffrey would sign for the Council.

16                   After the MOU is signed by all founder's  
17 board members, it will be attached to the assistance  
18 agreement and that document will be signed by BLM and UAA.  
19 Once the financial agreement is in place, UAA will process  
20 the paperwork necessary to ensure that the staff employed  
21 by ARLIS through UAA will have seamless employment with us.  
22 If the agreements lapse, there is no mechanism to pay the  
23 staff and we would have to lay them off. We want to avoid  
24 that, if at all possible, for the sake of our employees,  
25 and because we can't keep the library open without

1 sufficient staff.

2                   The legal agreements expired on August 10th  
3 but the contracting officer was able to get a 19 day  
4 no-cost extension through August 29th, which allows ARLIS  
5 to continue to operate while the renewal process is  
6 underway. Due to the tight turnaround time between today's  
7 Trustee Council meeting and the expiration of the  
8 agreements tomorrow, the BLM contracting officer requested  
9 and received another no-cost extension which expires  
10 September 10th.

11                   Today the ARLIS management team and  
12 founder's board members seek the Council's approval of the  
13 MOU for the continued operation of ARLIS.

14                   I'd be happy to answer any questions.

15                   CHAIRMAN COLBERG: Any questions or  
16 comments?

17                   MR. ZEMKE: Have the other founder's  
18 members signed the agreement already then?

19                   MS. HOLBA: No, they're waiting for the  
20 Council to approve the MOU and then everybody will sign.

21                   MR. ZEMKE: Okay.

22                   CHAIRMAN COLBERG: So we're looking for a  
23 motion to.....

24                   MR. O'CONNOR: I would move approval of the  
25 MOU.....

1                   CHAIRMAN COLBERG: Mr. O'Connor moves.  
2                   MR. O'CONNOR: .....extension.  
3                   CHAIRMAN COLBERG: Do I have a second? If  
4 someone wants to second?  
5                   MR. HARTIG: I'll second.  
6                   CHAIRMAN COLBERG: Larry Hartig seconds it.  
7 Do we have any further discussion? Do we have any  
8 objection?  
9                   (No audible responses)  
10                  CHAIRMAN COLBERG: No objection. It's  
11 approved. Thank you.  
12                  MS. HOLBA: Thank you very much.  
13                  CHAIRMAN COLBERG: Thank you very much.  
14 The last remaining item is executive session. Is that  
15 requested by anyone or do we just keep that on there as a  
16 general catch-all.  
17                  MR. O'CONNOR: I think we should have a  
18 brief one.  
19                  CHAIRMAN COLBERG: A brief one is  
20 requested. So do we have a motion to move into executive  
21 session?  
22                  MR. O'CONNOR: Yeah. I move we go into  
23 executive session to discuss personnel and/or legal  
24 matters.  
25                  CHAIRMAN COLBERG: Okay. All right.

1 So.....

2 MR. O'CONNOR: Are those the right words?

3 MR. HARTIG: Yeah, I guess, instead of to.

4 Do you need a second?

5 MR. BAFFREY: Okay. Are you -- okay.

6 You're going into the executive session?

7 MR. O'CONNOR: Yeah. Yeah, yeah. But

8 we're going to take a.....

9 MR. LUTHI: We're discussing the motion

10 right now, right?

11 MR. BAFFREY: Right.

12 MR. O'CONNOR: Yeah, we're trying.....

13 MR. LUTHI: I assume that come -- does that

14 come with a 10 minute break?

15 MR. O'CONNOR: It does.

16 MR. LUTHI: Not that I need one.

17 MR. O'CONNOR: No. Or deserve one. That's

18 right.

19 MR. LUTHI: And for legal issues, I assume

20 that includes our counsel as well.

21 MR. O'CONNOR: Only if they care.

22 MR. BAFFREY: Denby, are you still there?

23 Denby?

24 MR. LLOYD: Yes, I'm still here.

25 MR. BAFFREY: Okay. We're going to get you

1 a number to call back in which will be the phone here in  
2 this room and everybody else, so when you adjourn, when you  
3 go into executive session.....

4 MS. GERMAIN: This is Dawn Germain. Could  
5 I be provided with that number as well?

6 CHAIRMAN COLBERG: No.....

7 MR. BAFFREY: Absolutely. We'll have  
8 to.....

9 MR. LUTHI: Who is it?

10 MR. BAFFREY: Dawn Germain.

11 CHAIRMAN COLBERG: Legal for.....

12 MR. LUTHI: Oh, okay.

13 CHAIRMAN COLBERG: .....DOI today.

14 MR. BAFFREY: Absolutely. We'll conference  
15 you two in as soon as Cheri gets the number. So I assume  
16 you guys are going to go on break now?

17 MR. LUTHI: It sounded like it.

18 CHAIRMAN COLBERG: Did we have a second  
19 though for the.....

20 MR. HARTIG: I'll second.

21 CHAIRMAN COLBERG: Okay. So we move into  
22 executive session. It's been.....

23 (Executive Session)

24 NOTE: The Council came out of executive  
25 session, conducted no further business and adjourned the

1 meeting.

2 (Off record - 11:00 a.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:

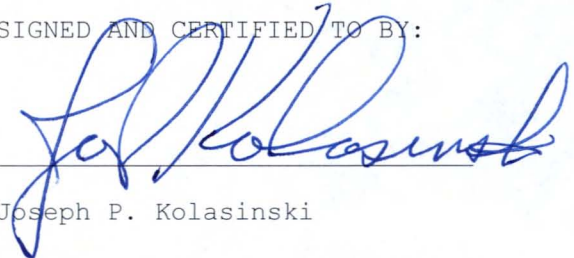
8 THAT the foregoing pages numbered 4 through 65  
9 contain a full, true and correct transcript of the Exxon  
10 Valdez Oil Spill Trustee Council's Meeting recorded  
11 electronically by Nathaniel Hile on the 28th day of August  
12 2008, commencing at the hour of 9:04 a.m. and thereafter  
13 transcribed under my direction and reduced to print:

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

16 EXXON VALDEZ TRUSTEE COUNCIL, 441 W. 5th  
17 Avenue, Suite 500, Anchorage, Alaska 99501;

18 DATED at Anchorage, Alaska this 4th day of  
19 September 2008.

20 SIGNED AND CERTIFIED TO BY:

21   
22  
23 Joseph P. Kolasinski

24 Notary Public in and for Alaska

25 My Commission Expires: 03/12/12

