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EXXON VALDEZ OIL SPILL

TRUSTEE COUNCIL

Public Meeting

Wednesday, November 18, 2009

9:37 o'clock a.m.

441 West 5th Avenue, Suite 500

Anchorage, Alaska

TRUSTEE COUNCIL MEMBERS PRESENT:

U.S. DEPARTMENT OF COMMERCE, MR. CRAIG O'CONNOR

National Marine Fisheries Svc: Special Counsel

(Chair)

STATE OF ALASKA - DEC:

MR. LARRY HARTIG

Commissioner

U.S. DEPARTMENT OF AGRICULTURE, MR. STEVE ZEMKE for

U.S. FOREST SERVICE

MR. JOE MEADE, Supervisor

STATE OF ALASKA - DEPARTMENT

MR. DENBY LLOYD

OF FISH AND GAME:

Commissioner

U.S. DEPARTMENT OF INTERIOR:

MR. KIM ELTON

Senior Advisor (Tele)

MR. DOUG MUTTER

STATE OF ALASKA -

MR. CRAIG TILLERY for

DEPARTMENT OF LAW:

MR. DANIEL S. SULLIVAN

Proceedings electronically recorded, transcribed by:
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Suite 2, Anchorage, AK 99501 - 243-0668

STAFF PRESENT:

ELISE HSIEN
CHERRI WOMAC
CATHERINE BOERNER
CAROL FRIES
PETE HAGEN
CARRIE HOLBA
RENEE JAMES
LAURA JENNINGS
MICHAEL SCHLEI
REBECCA TALBOTT

Executive Director
Associate Coordinator
Science Coordinator
DNR
NOAA
ARLIS Librarian
Administrative Manager
Data Systems Manager

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P R O C E E D I N G S

(Anchorage, Alaska - 11/18/2009)

(On record - 9:37 a.m.)

CHAIRMAN O'CONNOR: All right. We're online now and everybody is hooked up. Okay. I'm Craig O'Connor with NOAA. It's the federal government's turn to chair the meeting, so I will do that. At this point, the representative from the Department of Interior, Mr. Elton, was called away and we are seeking advice as to when he will be available and/or does he have an alternate to appoint. But at this point we're going to proceed with the meeting. There are a number of items that we can get through before we need to have full representation for a vote. Any objections to proceeding in that manner?

MR. ZEMKE: None.

CHAIRMAN O'CONNOR: None. Okay. The first item of business -- well, I will call the meeting to order at 9:37 on whatever today is, the 18th of November. The first order of business will be to approve the agenda, which we have in our packet of materials. Do I hear a motion with regard to the agenda?

MR. HARTIG: Move to approve.

CHAIRMAN O'CONNOR: And is there a second?

MR. ZEMKE: I'll second.

CHAIRMAN O'CONNOR: Is there any objection to approving the agenda as presented or any modifications that anyone would

like to make to that agenda?

(No audible responses)

CHAIRMAN O'CONNOR: Madam Executive Director, we're cool on everything? We've got everything covered on this that we're going to attend to today?

MS. HSIEH: We do. I don't know if you were going to move the order around because of the hopefully temporary absence of Mr. Elton.

CHAIRMAN O'CONNOR: Okay. Well, as we proceed in consultation with Mr. Tillery from the state, we'll adjust the agenda to deal with the absence of Mr. Elton. Hearing no objection to the agenda, consider it approved. The second item of business is the approval of the meeting notes of our August 31st meeting. I would hear -- appreciate a motion on those so we could discuss them if there's any changes we want to make.

MR. HARTIG: Move to approve.

CHAIRMAN O'CONNOR: And is there a second to that?

MR. TILLERY: I'll second.

CHAIRMAN O'CONNOR: Okay. It's been moved and seconded to approve the meeting notes from August 31st. Yes?

MS. WOMAC: They're going to call in and designate Doug to sit in.....

CHAIRMAN O'CONNOR: Doug to do it. Okay. Thank you.

MS. WOMAC:that place, but I'm not sure when.

CHAIRMAN O'CONNOR: Okay.

MS. WOMAC: Whenever.....

CHAIRMAN O'CONNOR: All right.

MS. WOMAC:Pat gets permission then.....

MR. MUTTER: I like the back of the room.

MS. HSIEH: That's what we all used to say, Doug.

CHAIRMAN O'CONNOR: Are there any -- that would be great, as soon as possible. Does anybody have any comments, suggestions, changes with regard to the meeting notes of August 31st?

(No audible responses)

CHAIRMAN O'CONNOR: Hearing none, Doug, welcome to the table. Without objection, I'll consider that the meeting notes have been approved. The next business item on the agenda is the Public Advisory Committee comments by Stacy Studebaker. Stacy, are you online?

MS. STUDEBAKER: I am. Good morning, Craig.

CHAIRMAN O'CONNOR: Good morning. How are you today?

MS. STUDEBAKER: And -- great. A little bit down here in Kodiak for a change. But good morning to you and the other members of the Trustee Council. I don't have many comments today because the PAC has not met since I reported to you at your last meeting on August 31st. However, since the PAC charter revision is on the agenda, I do have some comments on that. Since Cherri sent out the PAC charter revisions from Doug Mutter last week, I have heard from some PAC members who

are concerned that our budget is being cut from 70,000 to 35,000 and our committee reduced from 15 members to 8 members. And while it is understandable that there is a need for general downsizing in the entire restoration program at this point, PAC members feel that a cut in our participation is inequitable when agency budgets are staying the same and not showing a comparable decrease. At least we didn't see one in the budget at our last meeting. Reducing our budget means less meaningful meetings and diminished public input into the restoration program. I would suggest a compromise of reducing the PAC membership to 10 and budget reduction to 50,000 unless there is a comparable reduction in the agency liaison budget. Most agree that a full day face-to-face meeting is preferable and PACs provide the unique, wide-range public views into the restoration process that is otherwise run by scientists. And we have had face-to-face meetings, a couple within the last year, but they've been very short and our time together has been greatly reduced and we felt like we've been fast-tracked to make decisions that in the past we were given a full day or sometimes two day meetings to make those decisions.

And I'm also hearing from PAC members that they feel somewhat disenfranchised from the business taking place in the long interims between our meetings and they would greatly appreciate an occasional update from staff. Former Executive Director Michael Baffrey used to copy me on his weekly

summaries for the trustees, so I knew almost as much as they did, and could keep the PAC members updated between meetings, at least answer some of their questions, have some information to answer their questions. I would very much appreciate being kept more in the loop than I have been during the last year.

As you may recall, the PAC was unanimous about a need for a joint face-to-face meeting with the Trustee Council to discuss the future direction of the restoration program. The PAC looks forward to our joint meeting scheduled for January when we can all sit down together. And to my knowledge, there has not been a joint PAC and Trustee Council meeting since Molly McCammon was executive director, and that quite awhile ago.

So I wish to thank the PAC and the staff for their hard work, as well as the Trustee Council for your time and dedication and I'd be happy to take any questions.

CHAIRMAN O'CONNOR: All right. Thank you, Stacy.

MR. TILLERY: Mr. Chairman.

CHAIRMAN O'CONNOR: Yes, Mr. Tillery.

MR. TILLERY: I have a question. If you had changed the reduction in the PAC membership to 10, which two of the currently suggested to be deleted categories would you put back in there?

MS. STUDEBAKER: Well, can I take a minute to bring that up and then respond to you later on that when you get to

that point in your discussion?

MR. TILLERY: Okay.

MS. STUDEBAKER: I don't have that document right in front of me at the moment.

CHAIRMAN O'CONNOR: All right. Any other council members have any questions or comments with regard to Stacy's report?

(No audible responses)

CHAIRMAN O'CONNOR: Elise, you have discussed with the PAC and with Stacy the reductions that we're seeking. If you -- if there are significant concerns and particular clear deficiencies that you think, Stacy, or the PAC thinks are going to be reflected by this reduction, in either your composition or your budget, I would appreciate some very clear explanation as to what those deficiencies might be. We're striving, as you're well aware, to reduce the administrative costs associated with our operations here. The agencies are likewise engaging in a vigorous overview of the expenses that they are charging to the council and council activities. And so we're all going through this and we're trying to figure out how best to balance the costs associated with performing our functions and at the same time be sure that we're of a size and composition that is the most appropriate for the remainder of our work. So I appreciate your comments. We'll take them into consideration and Elise has been chatting with you guys and

we're trying to get there as best we can. And you will -- you are not being singled out in this exercise. The agencies as well are being focused on and the administrative costs of the operation of our headquarters here, as you'll hear as we go through the end of today. So.....

MS. STUDEBAKER: Okay. Well, that would be great, Craig. Thanks for that explanation and I think the PAC would greatly appreciate seeing the revised budget, you know, that reflects that downsizing across the board if we're going to take a hit, if we're taking a 50 percent hit.

CHAIRMAN O'CONNOR: Okay. That's fair.

MS. KENNEDY: Excuse me, Elise?

MS. HSIEH: Yes.

MS. KENNEDY: This is Pat Kennedy from Kim Elton's office.

MS. HSIEH: Yes. Good morning.

MS. KENNEDY: Mr. Elton is not able to join the call right this moment. He hopes to be on in a little bit, but we're not exactly sure how much time it's going to be before he can get on the call and he asked that we designate Doug Mutter, who I understand is there in the meeting, to act on his behalf until he does get on the call.

MS. HSIEH: Yes. Thank you very much. We will do so.

MS. KENNEDY: Okay. Thank you.

CHAIRMAN O'CONNOR: All right. Pat, this is Craig

O'Connor, I'm chairing the meeting. We will accept Mr. Mutter at this point. I'm sure he's not excited about this opportunity, but as the designee for Kim at this stage. Thank you very much. We're going to reduce the DOI's funding for this if -- anyway, Stacy, did you have anything further? You were interrupted I think when Pat called in.

MS. STUDEBAKER: No. Thank you very much for your explanation, Craig. Appreciate it.

CHAIRMAN O'CONNOR: All right. With that, the next item is public comment. Are there members of the public on the line who would like to comment for our purposes?

MR. FRENCH: Yes, this is John French.

CHAIRMAN O'CONNOR: All right. John, go ahead.

MR. FRENCH: Yeah, good morning. As most of you know, I represent the environmental monitoring organizations on the PAC. I'm speaking to you today primarily on behalf of one of those organizations, Prince William Sound Regional Citizens Advisory Council. You should have a letter before you that was faxed in this morning. We're very concerned about the proposed reductions in the PAC. And, you know, as a PAC member, if we were in the loop prior to last's week's agenda item distribution, I did not know and we did not know that these changes were being contemplated. As you know, the public advisory entity was mandated in the MOA consent decree and did you go back and look at the final rule finding, the 2001 final

rule for the public advis -- for federal advisory committees, it states that an advisory committee must be fairly balanced in its membership in terms of points of view represented and the functions to be performed. Contrary to what Stacy suggested, we believe that the 13 member current composition is about as small as you can get and fairly represent all the varied interests that are represented across the oil spill region and the many functions that can and have been served by the Trustee Council. To undertake these reductions, we feel very strongly crosses the line between a public representation of needs and values to providing a forum for individual stakeholder advocacy in the committee, which is not the purpose of a federal advisory committee. The heavy emphasis on fishing interests, although I think the differing points of view that are represented there are critical for the PAC, I think it presupposes that the only value to the public for the remaining Trustee Council process will be in those areas. I think the deletion of the science and the environmental monitoring position prevents the necessary input, again, as cited in the final rule, the necessary input into the advisory committee to be able to make meaningful decisions. Again, we feel -- myself and the RCAC, who by the way is a public advocacy organization stakeholder group that's mandated under the Oil Pollution Act of 1990. The act there figures that the representation within the spill area just for the terminal and trans -- and

associated transportation of oil was at least 13 members. So, you know, I think you are crossing the line between public advice and society's platform for individual public advocacy from selected stakeholder groups. If indeed your intent is to minimize the public input into the process, which some of us on the PAC that have been on -- associated with this process for a long time feels it's the -- feel it's the direction you've been going, why you really should be petitioning the court to vacate that part of the consent decree rather than trying to save money and pinch down a small part of your overall budget, namely the PAC, and essentially expropriate its function going from one of broad public advice to one of individual public entity advocacy. Thank you. I'll provide written statement -- a written statement later on, once I finish typing it.

CHAIRMAN O'CONNOR: All right. Thanks, John. Do any of the council members have any comments, questions, with regard to John's presentation?

(No audible responses)

CHAIRMAN O'CONNOR: All right. And we just received the letter from the RCAC, John, and it was distributed to the council members while you were providing your comments. Thank you very much for that.

MR. FRENCH: I would appreciate that. Thank you.

CHAIRMAN O'CONNOR: Thank you. Is there anyone else.....

MS. ANDERSON-FAULKNER: Good morning. This is Patience Anderson-Faulkner in Cordova. I also have.....

CHAIRMAN O'CONNOR: Okay. Please.

MS. ANDERSON FAULKNER: I'm on the PAC committee also. I represent the subsistence and traditional craft group and I do have some concerns about reducing the number on the PAC. I don't have a suggestion at this moment as to if it should be reduced, which ones should not be represented, but I do note that the Native corporations -- and I'm Alaska Native -- the Native corporations would be represented but the tribal governments wouldn't. What I would like to express on that is that tribal governments and Native corporations, even though they may be the same people, do have different interests from their points of view. And sitting in Anchorage making a decision is different from being on the Sound making a decision because we have to live with it day-to-day. So I'd like for you all to reconsider the number because it is a broad number of interests that must be represented. I also sit on the RCAC board and did work with John and others to draft that memo. And that's my comment. Thank you.

CHAIRMAN O'CONNOR: All right. Thank you very much. Anyone on the council have any questions or comments?

(No audible responses)

CHAIRMAN O'CONNOR: Anyone else in the public out there in winter wonderland of Alaska today?

MS. GIBBINS: This is Jennifer Gibbins in Cordova and I'm also a PAC member and I'm the Executive Director of Prince William Sound Keeper.

CHAIRMAN O'CONNOR: Alrighty.

MS. GIBBINS: And so my job in life is to be a citizen activist, and I object to the proposed changes to the PAC charter. And I think the comments so far have been very good. I didn't have any idea that these changes were coming about and I think it's very difficult as a PAC member to feel that I am responsibly executing my duty as a PAC member when the communication is so infrequent. It's very important for me to be informed, so I think we need more communication, and these changes sort of strike me as completely contrary to the direction that I thought were going in with this meeting in January, which we're all very excited about, and discussions we've had about field trips and engaging PAC members and having a closer relationship with the Trustee Council. When I first became a PAC member, you know, I was told it was very important to do my homework. I read that big fat binder that Cherri sent me and I took very seriously the emphasis on public representation and input. And I don't think that this is an appropriate move. And I understand that, you know, there are budget reductions, and I also understand that sometimes it's just a total pain in the neck to recruit PAC members and, you know, sometimes that challenging and difficult, but nonetheless

I think this is very important. And the more you marginalize the opportunity for public input, the less you're going to get and the less relevant the Trustee Council is going to be to the communities it's suppose fervently represent. The comment that Patience made regarding the tribal representation is very important and I -- in looking at this list, I can't possibly imagine cutting any of these groups. And I just lastly would say that, you know, I'm in a community that has been very heavily impacted by the spill and continues to feel it to this day on environmental levels, on economic, social, personal and I can't express to you enough the gap that I see between what is happening in the affected communities, the impacted communities and environments and these types of decisions, it seems to me like a total disconnect. So I think I've rambled on long enough. I do not support these changes at all. And thank you.

CHAIRMAN O'CONNOR: All right. Thank you, Jennifer. Where did you say you were from?

MS. GIBBINS: I live in Cordova.

CHAIRMAN O'CONNOR: Cordova. Okay. That's what I thought. All right. Any Trustee Council members have anything for Jennifer?

MS. HSIEH: Do you mind if I make a comment?

CHAIRMAN O'CONNOR: Elise.

MS. HSIEH: These changes were discussed towards the

end of the PAC meeting, the last PAC meeting. I believe Ms. Gibbins left early. With regard to field trips, we talked about pattern field trips in this organization but we actually didn't have any planned, although we're very intent on having a joint meeting in January. I do not create weekly summaries for neither the Trustee Council members, liaisons or anyone else; however, I do have -- every two months I have a liaison meeting, and to keep the PAC better informed, maybe I should calendar something every month or so, but we haven't had weekly summaries as was done in the past. So I'd be happy to -- I'll look at some sort of calendared update for the PAC to help keep -- feel that they're more informed, if that makes sense.

CHAIRMAN O'CONNOR: Okay.

MS. HSIEH: I spoke with Stacy a couple of days ago. No PAC member has contacted me and no -- Stacy didn't mention any -- I asked her what the nature of her comments would be. So no one had said, well, I have a bunch of PAC members who feel that they didn't even know about these changes, even though it was discussed at the meeting. So it's a surprise to me, but I'll definitely work to keep them better informed on a periodic basis that's calendared.

CHAIRMAN O'CONNOR: Okay.

MR. ELTON: Mr. Chair, this is Kim Elton. I apologize to everybody that I'm late in joining you but there are bombs exploding back here. Not literally, just policy-wise. And so

I apologize and thanks to Doug for his help.

MR. MUTTER: Can I go to the back of the room now, Kim?

MR. ELTON: I don't know. I think they might want to have you instead of me, Doug.

CHAIRMAN O'CONNOR: All right. Well, thank -- welcome, Kim. We are in the process of the public comments.

MR. MUTTER: Uh-huh.

CHAIRMAN O'CONNOR: And the -- thus far we've had the Public Advisory Committee presentation by Stacy as well as a number of members of the PAC who are raising issue with the question of our reducing the size of the PAC and we've been receiving comments on that at this point. So welcome and we'll continue along. We have not engaged in any activities for which you were required to vote. We simply approved the agenda and the meeting notes. And Doug did a great job of saying nothing, which helped us proceed. So, welcome. And are there any other public comments? Anybody else out there?

MS. BIRD: This is Nancy Bird at the Prince William Sound Science Center in Cordova.

CHAIRMAN O'CONNOR: Hi Nancy.

MS. BIRD: Hi Craig. Hey, I just wanted to say thank you to the agency contract officers for the Prince William Sound herring survey programs. They got in place several contracts last week in record time for us so that our first whole crews could go out on schedule. And I'm happy to report

that two vessels are out there right now, probably shoveling some snow before they can get on deck, but hopefully they'll come back with some good results. I hope you have a good meeting this morning. That's all I had.

CHAIRMAN O'CONNOR: Thank you. Thank you. Anybody else?

(No audible responses)

CHAIRMAN O'CONNOR: All right. Hearing none from outside the building, are there any -- is there anybody in the building here that would like to say anything, any public comments from folks here?

(No audible responses)

CHAIRMAN O'CONNOR: Hearing none, I will close the public comment session. Thank you everybody. We will take under advisement the comments that you guys presented to us with regard to the restructuring of the PAC. We will be receiving a report on that from Doug and recommendations from the Executive Director. The next item is the Executive Director's report. Elise, are you ready to chat with us?

MS. HSIEH: Yes, I'm sort of going to sort of answer a couple of questions that were raised at the last meeting. And these are really sort of tip of the iceberg answers with regard to G&A. It's a larger discussion that may need to take place later in the spring. So I just wanted -- Craig Tillery I believe had asked whether the nine percent was transferred

automatically with the base funds to agencies, and then if those base funds were not used, were the unused funds returned back to EVOS and the associated nine percent. The EVOS financial operating procedures do require that the base funds and the nine percent be returned if not spent. We've had a lot of difficulty tracking the expenditure of return of funds, especially with regard to the federal entities. The prior executive director had agreed to forgo quarterly fiscal reporting for the federal and state agencies in the interest of more accurate financial reporting and to assist our auditors, who have had a very difficult time. We have reinstated this existing requirement of the financial operating procedures as of two months ago. The liaisons and the federal agencies have been very helpful and very cooperative in improving this communication and the financial tracking.

I don't know -- let's see, a third question was whether the travel funds were spent by the agencies fully, and if not, were they returned with their nine percent. And Renee is going to report on her findings and then I'll come in with the last item, which is an action item regarding reducing our leased office space here.

MS. JAMES: Good morning.

CHAIRMAN O'CONNOR: Good morning.

MS. JAMES: Just real brief. I'll just tell you what I found out in regards to who expended their travel funds and who

didn't. NOAA used all of their travel funds. DEC did not use any of their travel funds. I believe they were not even aware that they had the funds until October of this year.

MR. LLOYD: All right, Larry.

MR. HARTIG: I live in Anchorage.

MS. JAMES: The Forest Service didn't use any of their travel funds. The Department of Interior expended \$2,125 of their funds. The Department of Law did not expend any of their travel funds. And the Department of Fish and Game did not expend any of their travel funds.

MS. HSIEH: And were they returned?

MS. JAMES: Not that I was able to discover.

MS. HSIEH: So we.....

MS. JAMES: And they get to keep -- just to clarify, they do keep the nine percent, regardless, but.....

MS. HSIEH: Renee came in a year ago and both according to our auditors, with whom I spoke this last week, and Renee, the accounting here has been fairly topsy-turvy. I think there's been a lot of staff turnover. I don't expect this chaos is going to abate quickly, but it already is starting to improve and I expect over the next year it will continue to improve as Renee becomes more familiar with EVOS and forges relationships with the federal and state agencies and their fiscal management as well. So that's -- we're working very hard but it has been a digging out process, so.....

CHAIRMAN O'CONNOR: All right. Thank you.

MS. HSIEH: The last item I had to discuss.....

MR. TILLERY: Mr. Chairman.

MS. HSIEH: Oh, yes.

CHAIRMAN O'CONNOR: Mr. Tillery.

MR. TILLERY: So on those travel funds, like to take the Department of Law as an example, where is that money now? Do we get it back or.....

MS. JAMES: We're kind of in a closeout period right now until December. I -- actually, when I talked to the different agencies, a lot of the agencies weren't even aware that they got the money, so I started backtracking to make sure that with the court notice -- and we're talking last year's fiscal funds -- just to make sure that with that court notice that the agencies did get the transfer. A lot of the staff was really confused, didn't understand how they were getting the money, so I just kind of started having conversations with them and helping them track their own, in their -- internally to figure out how they go that money and where it went.

MR. TILLERY: So did we get the money?

MS. JAMES: Yes.

MR. TILLERY: And it came through an appropriation?

MS. JAMES: It comes through the transfer from the NRDA funds. It.....

MR. TILLERY: NRDA funds.

MS. JAMES: When we ask.....

MR. TILLERY: We don't get money from NRDA.

MS. JAMES: It's the investment funds.

MR. TILLERY: That's -- though that's different. Then
you're talking about the state investment account.

MS. JAMES: Right. I guess I think of it as the
NRDA.....

MR. TILLERY: No, NRDA is a separate account for the
federal government where their money goes, a NRDAR account.

MS. JAMES: Right.

MR. TILLERY: Is -- but it -- did it go -- was there an
appropriation in the last legislative session to the state agencies?

MS. JAMES: No.

MR. TILLERY: Then.....

MS. JAMES: I wouldn't call them appropriation.

MR. TILLERY: Without an appropriation.....

MS. HSIEH: You mean how do you have receipt?

MR. TILLERY:we can't expend it, so how did it --
I'm not sure how it got to us.

MS. JAMES: Court.....

MS. HSIEH: How it gets transferred?

MS. JAMES: Through the court notice.

MS. HSIEH: But once we put in the court notice, does
the money go to Department of Fish and Game and then transfer
to the Department of Law?

MS. JAMES: Yes.

MR. TILLERY: Or does it go directly to the Department of Law?

MS. JAMES: It goes directly to the Department of Law through Fish and Game. And I have like a little chart that I can show you if it would help or I can run through it.

MR. TILLERY: Denby's got it?

MS. JAMES: And you know.....

MR. LLOYD: I didn't know I had that kind of control.

MS. JAMES: And for the state, I can go online and look and see how the state expended their funds; with the federal trustees I can't because I don't have that ability.

MR. TILLERY: Okay.

MS. JAMES: I can go into AKSAS and.....

MR. TILLERY: So maybe Fish and Game got an approp -- part of your -- the general EVOS appropriation, you appropriated this money, but I don't think we have an RSA with you; right?

MS. JAMES: It goes.....

MS. HSIEH: Renee, in the court notice it says Department of Law and it has a particular amount.

MS. JAMES: Right. It names each agency.

MS. HSIEH: But then I would think that the money would go through Department of Fish and Game.....

MS. JAMES: It does.

MS. HSIEH:on its way to Department of Law.

MR. TILLERY: Well, I don't think -- you know, we're not going to expend it because we're here in Anchorage. I mean, it's -- it might -- we might at some point, but it's unlikely.

MS. HSIEH: If someone were in Juneau.

MR. TILLERY: But I guess what I want to make sure is it gets back. That it doesn't stay with us.

MS. HSIEH: And that's what Renee is trying to figure out. She's trying to find the person at Department of Law who's aware that the money is there and see that it gets back.

CHAIRMAN O'CONNOR: We have a couple of people in the back of the room who have something to contribute. Carol, did you want to say something on this subject?

MS. FRIES: Not really.

CHAIRMAN O'CONNOR: All right.

MS. HSIEH: The confusion you hear is the confusion we have discovered.

UNIDENTIFIED SPEAKER: (Indiscernible - away from microphone) as just to clarity.

CHAIRMAN O'CONNOR: Carol, please.

UNIDENTIFIED SPEAKER: Historical clarity. Or hysterical clarity.

(Laughter)

MS. FRIES: At least within DNR, Fish and Game and DEC,

and I'm assuming most likely within the Department of Law, there is an appropriation, there is basically a pot that is created within the state budget. And then the EVOS funds are authorized. There is a project structure set up in the statewide accounting system that ADF&G administers basically. They have the over-arching project structure, but then within each of the state agencies we have an EVOS budget structure that corresponds to the state authorization that the EVOS funds are deposited into.

MR. TILLERY: So did.....

MS. FRIES: And those.....

MR. TILLERY:the appropriation come to the Department of Law or did it come to Fish and Game?

MS. FRIES: No, it would -- the funds would come to the Department of Law.

MS. JAMES: Through.....

MR. TILLERY: Through the general appropriation to the.....

MS. FRIES: The appropriation.....

MR. TILLERY: The EVOS appropriation.

MS. FRIES: The EVOS appropriation, I have an EVOS appropriation in the state budget, and so my funds come into that particular pot from -- as I understand it, they come from the investment account but the project structure is set up within ADF&G so that all of those numbers can be rolled up into

an over-arching structure. But the funds are in or should be in your budget.

MR. TILLERY: And is it a one year lapse date on this?

MS. FRIES: A one year.....

MR. TILLERY: Do these lapse after a year?

MS. FRIES: Right.

MR. TILLERY: And where do they lapse to?

MS. FRIES: Well.....

MR. TILLERY: Hopefully not the general fund.

MS. FRIES: No, no, no. They -- no, because they're restricted funds. They're identified as EVOS dollars.

MR. TILLERY: So they go back.....

MS. FRIES: So they will.....

MR. TILLERY:into the.....

MS. FRIES: Yeah, eventually there will be a.....

MR. TILLERY:GefONSI.

MS. FRIES:sweep and the funds will be picked up and either returned or then -- I mean, you could also use -- I know this has happened in the past -- you can use what has lapsed in order to reduce the amount that's pulled from the investment account.

MS. JAMES: And normally what I get from the agencies is a letter or some communication. For example, Fish and Wildlife Service just returned some funds to us, so I'm cc'd on the letter and that's how I've been notified to this point.

And having only kind of started completing this cycle.....

MS. FRIES: Yeah.

MS. JAMES:I'm starting to kind of understand what should be happening and what is happening.

MS. HSIEH: And what's not happening.

MS. JAMES: So -- yeah, and what's not happening. So -- and part of that happened by conversation with individuals in the different agencies, by, you know, making those contacts. But there's been staff turnover there as well, so Fish and Wildlife just happens to be a good example of that because I made contact with them and we started talking to each other. So -- and therefore the transfer or the return of the funds happened. And I believe Dede just returned some funds to us as well, so.....

MS. FRIES: But I think if you wanted to track that authorization, I think someone in your fiscal section should have a collocation code that is specifically tied to.....

MS. JAMES: In particular.....

MS. FRIES: I don't know who the individual might be.

MS. JAMES: It's Dave -- or Dave.....

MR. TILLERY: Blaisdale.

MS. JAMES:Blaisdale, who I just started talking to, which -- what -- which is what brought that up. He and I were conversing about it and he's like, I didn't even know we got this money and so we started looking at how it came into

the Department of Law.

MR. TILLERY: Okay.

MR. ZEMKE: If you look at for FY09, the Forrest Service did not receive any travel funds in the budget, and that's why we didn't expend those. It's a realization that we're here in Anchorage, the meetings are here in Anchorage, so we won't have any funds. So rather than go through a process of going through NRDA funds and getting them transferred over to the Forrest Service and going through OMB apportionment, we decided not to request funds.....

MS. JAMES: Okay.

MR. ZEMKE:in the budget. So that's.....

MS. JAMES: Right. And I know when we talked about it this fiscal year that had been discussed and what I was trying to say at that time was, well, if in this fiscal year you did want to travel, it's -- I know it's money that is invested and we want to accrue interest on that, but then transferring \$5,500 is a -- is a lot of work. So I know in your case you decided to waive that, so.....

CHAIRMAN O'CONNOR: Now that we've cleared that up.

MS. HSIEH: Yeah.

CHAIRMAN O'CONNOR: Okay.

MS. HSIEH: The last item.....

CHAIRMAN O'CONNOR: Thanks, Renee.

MS. HSIEH: And Renee can stay there in case there's

any -- she's got all the documents with regard to this next item. We've been pursuing locating some existing state office space into which we could move and we've also been pursuing potentially renovating this currently leased space to reduce it from approximately 6,000 feet to less than 4,000 feet. And I think it might even be less than that. Our current lease expires here December 2011. Dede Bohn and USGS has helped us administrate that lease. This office space is at a very competitive square footage rate, which makes it attractive to not move. We have a construction estimate of about 23 to \$28,000 to reconfigure the current space to allow us to reduce it. This would result in a savings of approximately \$100,000 during the remaining life of our current lease. If we do remain in this space and were to expend those funds, I would also pursue extending this lease through federal fiscal year 2013, at which time I believe USGS would probably no longer sponsor our lease as well. They've just given us an extension. I think they would want to withdraw in 2011, but they've kindly extended. And we'd probably be looking for a new sponsor at that time. We're still actively negotiating both its potential reconfiguration and continuing to explore vacant state office space. I'd like to ask the Trustee Council for an authorization up to \$30,000, which I'm hoping I won't spend the whole amount, which is pretty much what we've been doing typically with most of these items, for the reconfiguration of

this existing space in the event that in the next few weeks we reach a conclusion regarding this lease and can move ahead with remodel plans to maximize our lease savings during the remaining life of the current lease.

CHAIRMAN O'CONNOR: All right. Any questions from any of the council members with regard to Elise's effort? I chatted with her about this yesterday and went through the numbers. What we're trying to accomplish is basically to reduce the space because we don't need as much as we have and affect a reduction in our lease costs over the course of the next three years by \$100,000.

MS. HSIEH: We -- we're still negotiating -- I would like to extend this lease to federal fiscal -- if we are to stay here and reconfigure, then I'd like to take advantage of that reconfiguration through federal fiscal year 2013. Right now the lease expires at 2011 but even with that expiration date, we'd still save at least \$70,000 and we would be able to amend the lease to accommodate this reduction in space because the lessor has been very positive and helpful in aiding us in staying in this space, so.....

CHAIRMAN O'CONNOR: But you're going to continue to pursue other alternatives including.....

MS. HSIEH: We're.....

CHAIRMAN O'CONNOR:state space.

MS. HSIEH: That's correct. We sort of have several

horses in the race, but at some point we'll have to make a decision. For example, if we start getting some space -- some state space, then we look at it. So far it's been fairly costly and then the moving and all that versus maybe reconfiguring. So we're sort of watching both horses and looking at the numbers as they come in. But if we come to the point where we have more information and can move ahead and reconfiguring is the better option, then I'd like to do that quickly to take advantage of the saving during the remaining time that we are here, so.....

CHAIRMAN O'CONNOR: On a percentage-wise, I can't remember what our annual lease is.

MS. HSIEH: It was about \$300,000 and it would take it down to two something.

CHAIRMAN O'CONNOR: I thought it was two something, but -- or 195.....

MS. HSIEH: She's got the numbers.

CHAIRMAN O'CONNOR:or something in that category.

MS. JAMES: I thought I had the numbers.

MR. ZEMKE: So the state space would be space that the council would have to pay per unit or put.....

MS. HSIEH: Yeah, we don't.....

MR. ZEMKE:footage cost on, so.....

MS. HSIEH: Uh-huh. And I believe we'd also -- we'd probably have to ask for Department of Fish and Game or another

state agency to sponsor us with that arrangement versus USGS, which is the current arrangement.

MR. ZEMKE: How soon do you think you're going to be able to have those numbers in for comparison?

MS. JAMES: I'm already working with general services and Fish and Game to see if they can find us some existing space, which would run us about \$3.00 a square foot, and hope to get an answer from them sometime this week.

MR. ZEMKE: And what's the cost per square foot here?

MS. JAMES: I can -- I don't have.....

MS. HSIEH: I know, I asked her yesterday.

MS. JAMES:the figures in front of me.

MS. HSIEH: Do we have our lease figures though? We talked about that yesterday.

MS. JAMES: Well, it was in my notes. Hang on here. I'm trying to.....

CHAIRMAN O'CONNOR: Well, my recollection was it was around 190 to \$195,000 a year is what we're paying here, including.....

MS. JAMES: Yeah, I think -- I want to say 187, but.....

CHAIRMAN O'CONNOR: Okay.

MS. JAMES:I don't have it at the top of my.....

CHAIRMAN O'CONNOR: 187.

MS. JAMES: I don't have my list.

CHAIRMAN O'CONNOR: And then we have a nominal fee in addition to that for homeland security.

MS. JAMES: Yeah.

MS. HSIEH: A homeland security fee and there's also parking that's associated with the building.

CHAIRMAN O'CONNOR: Parking. Okay.

MS. JAMES: Which the lessor picks up three of those.

MS. HSIEH: Right.

CHAIRMAN O'CONNOR: All right. So you'll need a motion -- or you'll need approval from the Trustee Council to expend up to \$30,000 in reconfiguring this office if that's what your decision is going to be.

MS. HSIEH: Yeah, if that's -- if that looks like it's -- it would save us money during the remaining life of this lease. There's no doubt about that. The last horse in the race is, is there state office space available where we would then terminate this lease, move everything to state office space. That would be available for, you know, a better price. So, and that -- those numbers, the man at GSA that Renee has been working with was gone last week, so we're waiting -- he promised us numbers this week, so we're sort of waiting to get that information.

CHAIRMAN O'CONNOR: All right. Well, this is part of our exercise to reduce our overhead expenses. Every bit we can save is worth the effort. So, anybody on the council have any

questions? I would entertain a motion to authorize the expenditure up to \$30,000 for the reconfiguration of the office space if someone would so move.

MR. LLOYD: I'll move.

CHAIRMAN O'CONNOR: Is there a second?

MR. HARTIG: I'll second.

CHAIRMAN O'CONNOR: Is there any objection?

MR. HARTIG: Well, one other question on it.. Elise, do you and -- and this is for either Craig too. Do you also need authorization to negotiate a lease extension to.....

MS. HSIEH: We are act -- oh.

MR. HARTIG:through federal fiscal year 2013?

MS. HSIEH: Yes, that might be helpful.

MR. HARTIG: Yeah. Okay. Would you accept that as a friendly amendment?

MR. LLOYD: Yes.

MR. HARTIG: With the same.....

MR. LLOYD: Yes, I would.

MR. HARTIG: Accept it. Okay.

MR. LLOYD: I also have concern -- I don't know how specific this motion needs to be, but presumably the criteria against what you evaluate expending these funds is that there is indeed a net savings.

MS. HSIEH: Yes. Absolutely. And in fact, \$30,000, I'm -- I just cut down the construction plans again yesterday,

so I'm actually hoping for more like 20. But if they get in here and have to move wires, I also -- even with \$30,000, we would still be saving. According to the federal lease officers, we'd still be saving \$70,000. So there's still a savings there. If there wasn't a savings, I wouldn't do it.

CHAIRMAN O'CONNOR: Anybody else?

MR. ZEMKE: I guess another question, is the provider of the lease space agreeable to -- at the same footage rate with less amount of space rented?

MS. HSIEH: The lessor has been very positive about working with us because they'd like us to remain in the space even at a reduced capacity.

CHAIRMAN O'CONNOR: Any other questions?

(No audible responses)

CHAIRMAN O'CONNOR: Is there any objection to the motion which if reconfigured authorizes up to the expenditure of \$30,000 plus -- and G&A.

MS. HSIEH: And project management.

CHAIRMAN O'CONNOR: And project management. What should we be saying, Elise?

MS. HSIEH: I don't have a copy of the motion, but I.....

CHAIRMAN O'CONNOR: Well, the motion seemed to say that we want to approve your expenditure of \$30,000 plus the applicable G&A and other fees for project 10100100,

administrative budget to reduce lease space, and that would include.....

MS. HSIEH: And.....

CHAIRMAN O'CONNOR:authority to extend the term of the existing lease.....

MS. HSIEH: That's correct.

CHAIRMAN O'CONNOR:to 2013.

MS. HSIEH: That's correct.

CHAIRMAN O'CONNOR: Or through 2013.

MS. HSIEH: That's correct. Through federal fiscal year 2013.

CHAIRMAN O'CONNOR: Okay. Does that sound like your motion, Mr. Lloyd?

MR. LLOYD: That sounds exactly like my motion.

CHAIRMAN O'CONNOR: Okay. And that's -- what's your second then? Is that.....

MR. HARTIG: I didn't second, Steve did.

CHAIRMAN O'CONNOR: Okay. Is there any objection to approving Denby's motion?

(No audible responses)

CHAIRMAN O'CONNOR: Hearing none, we'll consider that the Executive Director has the authority as requested and the funding as appropriate. The next item on the agenda is me. I wanted to bring the council up very briefly on where we stand with regard to updating our NEPA standing with regard to

programmatic environmental impact statement that was prepared in support of our 1994 restoration plan and to chat briefly about public outreach activities that I'm suggesting we engage in here.

Quite briefly, on NEPA, we met yesterday. We meaning myself and Laurel Jennings, who's sitting in the back of the room who is going to suffer us through this NEPA process. She works for NOAA out of my office in Seattle, along with Pete Hagen. We met briefly with Jen and Elise and Rebecca to discuss what it is we're going to need to do with regard to updating our NEPA standing. And we have concluded at this juncture that we will be engaging in the process of developing an environmental assessment, which is basically focused on making a determination as to whether or not there have been significant changes that affect the substance and the context of the original NEPA document. Have there been significant changes that would influence our decisions with regard to restoration activities because of their impact on the human environment, which is both an ecological impact as well as a social and economic impact. We will begin that process by the issuance of a letter within the next couple of weeks to what we call cooperating agencies. Those are the other state and federal agencies which are to be engaged in this process, so I'll be sending a letter to the Department of Interior, the Department of Agriculture, the Department of Law, ADF&G and

ADEC. Probably the Department of Natural Resources as well. And any other relevant agencies, governmental entities that should be participating in this process. This is a normal approach.

The other thing that we will be doing is in January I will bringing to the council for its review the notice of intent that will be prepared on behalf of the federal government with regard to our going forward with the development of environmental assessment. An environment assessment is going to take a vigorous look at whether or not the existing programmatic is approp -- programmatic NEPA document is appropriate or whether we need to be making changes. That will engage a public process because we're not going to make those kinds of decisions and that kind of an evaluation without full engagement of the public and that's sort of the next aspect of my report. We are going to undertake, in concert with the Trustee Council, a public outreach effort, which we discussed in great detail yesterday. To go out to the folks and not only to bring them into the NEPA process, but also to share with them the thoughts that the council has had, developed over the course of the last year or two as we've had our retreats and we've had our opportunities to, as we say in the government, vision, take a look at what the future might hold and we want to have an opportunity to share those thoughts with the public as part of this process.

So we're going to be out talking to folks. We'll be selecting the communities where we're going to go and visit. We're going to put this on a very fast track, if you will, in the context of normal NEPA procedures, or at least our prior experience with the development, the programmatic EIS took a long time. Because all of that has been done and because information has been updated on a regular basis and so on through the accumulation of reports and so on, I think we're going to be able to move through this in a very prompt way. And we're going to develop the time line, but I'm anticipating that we're going to be able to get all of this accomplished and the final decisions made with regard to any modifications to the programmatic EIS and a final ROD, record of decision with regard to that update process. Hopefully by the end of the summer. That's our goal. And we'll be going out to the public here after the first of the year. I think, Rebecca, we were looking at going out January, February, March time frame with all of these public gatherings. So that's where we stand on that. Does anybody have any questions?

(No audible responses)

CHAIRMAN O'CONNOR: Hearing none, that's my report on that subject. Although, there is an aspect I need to seek counsel concurrence on, and that is, once again, a financial commitment. Rebecca and Elise yesterday when we were talking said, well, if we're going to get the public meeting scheduled

and out, we need to be making reservations, we need to be getting space and so on, and we need to be doing it now rather than waiting until our January meeting to get approval. So what I would ask of the council at this point is to authorize staff to expend up to \$50,000 for purposes of the public meetings, public gatherings with regard to our outreach efforts, both in the NEPA context as well as our, you know, going out and talking to folks about our vision. And I think that was the final number we came up with yesterday. So with that I would for a motion to approve.

MR. LLOYD: So moved.

CHAIRMAN O'CONNOR: Mr. Lloyd, thank you. Is there a second for the.....

MR. ZEMKE: I'll second.

CHAIRMAN O'CONNOR: Steve, thank you. Is there any objection -- Kim, were you able to pick up on what I was saying there?

MR. ELTON: I was. Thanks. Very concise and I do not object.

CHAIRMAN O'CONNOR: All right. Thank you. Is there any objection to.....

MR. LLOYD: Before we get to that.....

CHAIRMAN O'CONNOR: Go ahead.

MR. LLOYD: I'm assuming that the \$50,000 cost estimate is reasonable, but can you share with us some basis of what you

think we'll be achieving with something within that ballpark?

MS. HSIEH: I think probably at least meetings in six different communities with the attendance of at least three to four: Rebecca, a state representative, a federal representative, maybe a facilitator. Also, publications, notice. Notices, publications of the notice of intent, which Craig will be presenting in January. Also, another publication probably reduced in scope from the earlier one that was done for the original restoration plan, but some sort of newspaper brochure that gives -- for the public, that gives the context of the Trustee Council. A little bit about its past, the expenditures and where we are today and what the Trustee Council is considering and their thoughts for the future. So that would include all those publications, notices, meetings, travel. And we haven't worked up a detailed budget but we'll be moving very quickly on doing that over the next month. And I'm hoping to do it as frugally as possible, but this was a starting figure so that we could make those arrangements because we'll have to make them quickly.

CHAIRMAN O'CONNOR: Some of the numbers, last time around we sent out, what, 33,000 notices to people and so on. It became a very intensive communication process. From my point of view I think the \$50,000 estimate was an underestimate. I was suggesting a considerably larger amount of money, which I'm expecting we will spend. But at this point

this will at least kick-start the process and if we need more money, at least we will have been able to make commitments and so on and have a better budget to come back to the council in January if we need augmentation of that.

MR. LLOYD: All right. Thanks.

CHAIRMAN O'CONNOR: Okay. Are there any other questions by council members? Is there any objection to proceeding? What, did you have a.....

MR. LLOYD: My motion of course includes appropriate G&A associated with that 50,000 estimate.

CHAIRMAN O'CONNOR: All right. But I'm going to ask that we no longer refer to it as G&A, because there is no A in it, it's just GA.

MR. LLOYD: Yeah, I was wondering what the N stands for.

CHAIRMAN O'CONNOR: Yeah, yeah.

MS. HSIEH: I have been in discussions about definitions of terms of both indirect costs and G&A with this tip of the iceberg discussion, and again, the more I know, the less I know, so you may call it whatever you like. We'll take it as what we have referred to as G&A.

CHAIRMAN O'CONNOR: Okay. So 50 grand with incidental expenses associated with that as required by council operating procedures. Any objection?

(No audible responses)

CHAIRMAN O'CONNOR: No objection. All right. Thank you. The next item is once again me. Lingering oil status report request. We are receiving the reports from the various investigators that we have commissioned to take a look at lingering oil. The work on the microcosm, the weathering status of the oil, the modeling determining the location of oil in various concentrations, the studies associated with the impact of lingering oil on harlequin ducks and sea otters. The ability to actually address the oil in situ and precipitate some further biodegradation of that oil. Evaluation of various techniques to remove the oil. Those reports are coming in and the council is going to be likely looking into the January meeting to authorizing or to request further study. And what I would like to do, because these pieces are coming together and they're telling a story, but it's a story that needs some cohesion to it and a brief presentation to the council. What I would like to do is to have my agency undertake an effort of preparing a summary report of the findings of the various studies, presenting it in a cohesive way so that we have a predicate upon which to make our decisions with regard to future activities associated with lingering oil, particularly with regard to an RFP that we might put out. And remember, we have encouraged, at our last solicitation and in the interim, we have encouraged folks to come forward with proposals, with suggestions with regard to projects to address lingering oil,

to attenuate its impact or to remove it from the environment. We have not received any other than those individuals that actually have been doing the studies that we have authorized. But I want to encourage further engagement by other entities to address the continuation of the presence of oil and its remediation. So I think a summary report will prove useful both to us as well as to the public, those individuals who may be interested in helping out with lingering oil. So I would ask for the authority to prepare such a report and the estimates on the cost of it, because it would be spending money with some of the PIs who have put the reports together thus far of \$25,000, is the estimated amount at this point. So with that I would ask the council's concurrence in preparing a summary report for our consideration and for that of the public to be presented at -- hopefully to us by the middle of next month for us to review and to digest for purposes of decisions that we might want to make at our January meeting and for distribution to the public. So I would ask for a motion in support of this undertaking by my agency to prepare such a report. I will be working in that process with the other state and federal agencies in the process of the PIs in preparing that. So hearing no motion on the subject, I will consider it to be approved and -- any questions, guys?

MR. HARTIG: Well, I'll make the motion to authorize \$25,000 expenditure for a NOAA summary of the lingering oil

studies to date, and with the understanding that NOAA would be working with the other state and federal agencies in preparing the report.

CHAIRMAN O'CONNOR: All right. Thank you.

MR. LLOYD: I guess I'll second.

CHAIRMAN O'CONNOR: Second.

MR. ZEMKE: And you say you're going to be able to expend those funds in the next month so that -- it seems that -- I guess what is the actual expenditures going to be for. You mentioned PIs or would you have a contract with them to be able to provide more summary information.

CHAIRMAN O'CONNOR: Yeah, we would -- and, Pete, chime in here if I'm misstating, but those PIs who are critical to the preparation of this report I already have on contract to NOAA, and which would include Jacqui Michel with RPI. And we have talked to other -- the contractors, the PIs, and they're willing to subcontract through Jacqui for their contribution. So what I can do is simply add more money and an amendment to the existing contract that we have with RPI and with some of those PIs and get the work done. But I have to be able to commit to them. To get them writing, I have to be able to say, yes, I have the money available and we will transfer it to you as we receive it. So that's what we're going to do.

MR. HARTIG: Say, Craig.

CHAIRMAN O'CONNOR: Yes.

MR. HARTIG: A couple points. I think the report could be very useful if it contains the type of findings or information I anticipate it will, but from a DEC perspective, I guess some of the things that I would be interested if the report could contain these, and maybe -- I don't know if there's enough information at this point to say that it could or not -- would be, you know, the identification of those areas of beaches where there's still lingering oil, particularly where it wouldn't meet current water quality standards, you know, for aquatic life. As you know, that's important to DEC and EPA in terms of impaired water body status and the need -- whether there's a need for a plan, you know, to address that. The second thing would be, of course, whether there's a viable remediation method that could be used. And there are certainly people in our department who would be available to work with NOAA and the contractors to examine that and look at what our experience has been in other areas of the state. And again, I don't know if I'm jumping ahead of things in that, you know, there's another step or two before that. You know, we can -- those kind of questions can really be answered, but certainly that's what I'm looking for at some point coming out of these studies.

CHAIRMAN O'CONNOR: The -- I think this report will provide, for the most part, that information. We're -- I'm particularly concerned in having the summary report put

together with appropriate appendices and so on so the folks like your staff at ADEC can take a look at what we've found, what the conclusions are, what the information is in support of those conclusions, and then be able to bring their expertise to bear on this issue.

MR. HARTIG: Yeah. And certainly we're available if there's anything we can help on.

CHAIRMAN O'CONNOR: Okay. Thank you. Anybody else with any questions?

MR. ZEMKE: I guess also it seems like this information would be important for visioning for the NEPA exercise to -- particularly since it was information that probably wasn't well known or even known at the time of the original programmatic EIS and be pretty useful information to be able -- for the council to be able to evaluate where we want to go in the future.

CHAIRMAN O'CONNOR: Absolutely. Point well taken, Steve. Kim, do you have any questions or comments?

MR. ELTON: No, I don't. Thanks. Once again, a clear presentation.

CHAIRMAN O'CONNOR: All right. Thank you. Any objection? Does the council want to vote on this or we have unanimous lack of interest at this point?

(No audible responses)

** CHAIRMAN O'CONNOR: Okay. Hearing no objection to

moving forward on this, I'll consider it to be approved. The next item is -- the O'Connor show is over here, so it's Rebecca. Can you give us a summary of staff activities, please?

MS. HSIEH: We don't do weekly summaries; we do annual summaries.

CHAIRMAN O'CONNOR: That's cool.

MR. ZEMKE: Yeah, actually, I appreciate that.

CHAIRMAN O'CONNOR: Yeah. Because those weekly summaries just sort of disappeared in the email. Not to be candid about it.

MS. TALBOTT: I apologize to folks on the phone. We put together a simple PowerPoint so we could move through this very quickly. We can post that to the website this afternoon so that anybody who would be interested could take a look at it. There are some great photos that -- you know, a picture is worth a thousand words in some cases. Just a minor adjustment to folks on the phone. Just making a couple of equipment shifts.

(Pause - setting up PowerPoint presentation)

MS. TALBOTT: We just thought it would be a quick way to just give you an overview of what's been going on in the current year, remind ourselves of everything going on. The normal program of work, you had a herring marking workshop in December. That resulted in the white paper on tagging and

marking techniques, which helped inform this year's invitation. The IHRP was revised and made available to the public in December, which also informed the invitation. Then you had the invitation sent out on schedule. I think everyone agreed you had great proposals submitted and then the selection process completed. We had an outstanding PAC site visit out in May, which a number of Trustee Council members were able to attend as well as fortunate staff, myself included. In August, project recommendations for funding went forward and were approved, the work plan was drafted. Database management, which is the significant workload, was maintained. And one point we wanted to point out to folks, 25 percent of the delinquent reports have either been resolved or in progress and on their way. That includes some projects that go back quite a number of years. So it reflects some real diligence and ability to dig into the weeds and I think several agency liaisons as well as staff are to be commended for that. Oh, a couple more photos I forgot to mention.

In terms of habitat, significant advances in that work on Afognak. In total you have almost 5,000 -- over 5,000 acres that were protected, including the bullets above. For folks on the phone, maybe I ought to say those quickly: 2,000 acres were acquired from Shuyak; over 1,700 acquired from Uganik; over 1,300 acres of timber rights purchased using EVOS, American Land Conservation and Rocky Mountain Elk Foundation funds. And

on the Kenai you have nearly three acres purchased on the Kenai River in Soldotna.

A couple of points from our friends at ARLIS outlining the major effort of work they provided. Oh, sorry about that. Go back. And again, for folks on the phone, maybe I'll breeze through this really quickly. Over 1,700 questions answered in this current year. On average on a given year they average around 1,500 -- oh, maybe not quite that much -- 1,300 per year on average, and in a year they'll respond to that many questions. This year, of course, an increase. Over 400 books loaned. Those are both to libraries in country -- or in state and nationally. 5,000 photos distributed and video footage loaned out. 130 hours of in-depth reference service and having dealt with a number of the media outlets and film makers, I would say that's probably an underestimate. It's a lot of time that goes into actually responding to and getting them the kind of footage they're looking for and ARLIS provides quite a service in that.

The teacher's guide that was prepared by ARLIS and posted not only to their website but in ours as well, they had eight -- over 800, 866 hits between March and September. That's a pretty -- that's great statistic. And over 400 in October. So I think we know that teachers and students alike are making use of that. And that also links to a number of our partners' websites as well and materials. Prince William Sound

Science Center and the RCAC put together a great teacher's curriculum, so our reference guide that Carrie Holba put together links and directs people to some of those other partner websites.

The film that we produced has also been translated into Russian by ARLIS staff. They helped with the Anchorage event, producing and staffing an exhibit. They also kept an exhibit at ARLIS during the anniversary for at least a month. And during sea otter awareness week they put up an other display there as well. And they're compiling a full, one-stop shopping, the database for EVOS research articles and reports. We got a lot of questions from people about published journal articles and being able to access. This will really help direct people to the journal publications. And they're working with the state to digitize footage, the video footage.

I think I mentioned before the website update and revision. This was a complete overhaul of the website that, as I pointed out I think last June, was accomplished in less than two months. It's a significant workload and we owe quite a bit to Carol Fries and Jeep Rice who helped with that. And just to point out, I think you can see the look from the previous website that was developed, we went back to an earlier look, but we kept all the new technology and the best of the project search, project view, the technology that had been added. So I think it was the best of both worlds and we've had a really

great response to this in terms of the ease of the access to the public now for the information.

Twentieth anniversary report. These are the materials, so in addition to the normal program of work, yearly program of work this year of course was the 20th anniversary, so we produced the 20th anniversary report. It was posted to the website and less than four hours later you had LA Times posting an online report article that drew directly from this report, so we know it got wide dispersal. The short film, The Exxon Valdez Oil Spill - Have We Recovered, that's been used in numerous places. Both the anniversary report and the film were distributed statewide to schools, local government, museums, and agency offices. They were distributed at major visitor centers, program -- the film was used at visitor centers, on ferries, and in local tour operations. We also did a short -- an eight panel exhibit, and that exhibit was used at the Anchorage event and then it was on display all year at Begich Boggs Visitor Center down in Portage Valley, where at their request they're keeping it through the winter, and as they're staying open on the weekends, it's still out and open to the public. We also produced a condensed version of this. That was put on display at the Kodiak Wildlife Refuge. We have a very nice letter back from the Fish and Wildlife Service talking about the value that it gave to their visitors. And then we had community outreach, all the community museums,

non-profit organizations, for profit, tour businesses in Southcentral or Alaska. We made sure any materials we developed were available to anyone else to use as they could or as it would assist their efforts. And that certainly includes the state and federal agencies as well as aquariums, zoos and other organizations. As a result of the outreach in February, we ended up with a pretty great network of zoos and aquariums.

And sea otter awareness week, which was the first -- the last week of September and October, we went back to this network and as a result we had materials spread pretty widely. There's a -- it's a huge national effort and the list of organizations that participated in that was really significant. We got a little bit of last minute notice about it, but it was still great and as a result you had the film, the report and lingering oil samples at the Shedd Aquarium in Chicago, SeaWorld San Diego, Point Defiance and Monterrey Bay Aquarium. And those are only the ones we know of. Of course, I can only report out on what we know about. With the use of the web, your material gets out so much further than you'd possibly think. So we continue to respond to other requests. Recently we've had requests from Brazil and Japan for materials for programming there. So it's amazing, 20 years after the spill, how much interest there still is nationally and internationally.

I think our media provides a quick snapshot of that.

Again, it's so hard to tell how far your material is really spreading, but a couple of quick searches on Google resulted in -- when you type in 20th anniversary and EVOS, you get over 5,000 responses. When you limit it to Exxon Valdez and restoration, you get 1,400 hits. And when you limit that to peer review journals only, you still get 1,200 hits.. So I think we did a pretty effective job in getting the message out. And those were just a few of the headlines that were out there. And most of them, what we were looking for was did they carry kind of our key messages.

And then just a quick overview, events and presentations. You had community presentations in Kodiak, Seward, Homer, Cordova, Girdwood and Anchorage. And the Chugach Regional Corporation -- or Regional Commission also included it in their annual gathering. I think the Trustee Council provided speakers to all of those events through their -- the funded restoration speakers, bureau (ph), I think you called it. I'm sorry, I don't have photos from that event, but we've heard from different members about their success and their appreciation for the speakers that were provided. We participated in the Forum on the Environment. Craig Tillery gave the lunch keynote. You had over 500 people in that session. Three concurrent sessions with over 180 participants in AFE. I think it was a great format. We had reporters there from three or four different international media outlets. And

the Marine Science Symposium, Craig O'Connor gave the keynote there. They provided a herring workshop with over 300 people attending that. And then of course here in Anchorage we had a March 21st event at the Alaska Zoo. And just a few photos from that. We had over 1,200 people attend this, and then we followed up with presentations with the schools in the next -- on the following Monday and Tuesday, where we had an additional 200 or so students attend. So if you weren't there, just a few photos to give you a sense of the event. That was pretty much the number of people you saw there through the rest -- through the course of the day. Before people arrived. DEC provided an oil spill prevention and response table and brought incredible amount of materials and staffed it with three people. That was a great asset. And they were pretty busy all day too. We had presentations downstairs. The SeaLife Center brought an aquarium and also did fish prints. The oil spill experiment was a table that was full consistently all day with kids. And I think you can see they're active in it. And that's all we wanted to share. Were there any questions?

MR. HARTIG: It's pretty impressive.

MS. TALBOTT: It was a busy year.

MR. HARTIG: It was.

CHAIRMAN O'CONNOR: Very good.

MR. LLOYD: Congratulations.

MR. HARTIG: Yeah. I mean, it's a long list of things

you worked on, but the thing is, every one of them is great. It was a very productive year. Appreciate it. Good presentation.

CHAIRMAN O'CONNOR: Thank you, Rebecca. All right. The next item on the agenda is the Public Advisory Committee charter modification. Doug, do you want to come back to chat about that?

MR. MUTTER: Sure. I'll wear a different hat this time. Hello, I'm Doug Mutter, Department of the Interior. I'm your designated federal official for the Public Advisory Committee under the Federal Advisory Committee Act. That act that requires that advisory councils, they have two year sunset clause, so every two years you need to revise your charter and renew your charter. And next year that charter is up, next October. So I talked to Elise about doing some preliminary work. What we'd like to do is have a charter ready to go by early summer because it takes some doing to get it through the Washington obstacles and reviews and vetting and so on. And so we're just getting a head start on suggestions for the charter renewal.

One of the things that Elise asked me to look at was reduction in memberships as a cost-cutting activity. And also, we've had some trouble recruiting for some of the memberships and achieving a quorum at all the meetings, so looking at reducing the membership. We still wanted to keep the balance

that's required to make sure that we've got a public interest related to the injured resources and services that were affected by the spill. And so if you'll take your copy of the proposed changes out, we've got a few little typos in there. We did present the proposed changes at the last PAC meeting. It did not have the budget cut at that point and it did not have the additional membership cuts, but they did know we were making the change and that we were going to reduce the membership down to 10 at that time.

Since there was a lot of discussion about membership and how you achieve balance, I'd like to go to Page 2, item number 11, the committee membership, and just walk you through that membership. And over the years, the PAC was formed in, what, '92, the membership has changed in who was on there and the number over the years, depending on what was going on. Right now you -- and proposed to keep on would be a member representing aquaculture/mariculture, a member from commercial fishing, a member from commercial tourism, a member from -- as a recreation user, a member as a conservationist/environmentalist, a member as a Native land owner, a member from sport hunting and fishing, and a member from subsistence use. The positions that we're talking about eliminating, there's two public at large members, the local government and tribal government, since those are government agencies and aren't really public, we felt the Trustee Council

can deal on a government to government basis if they want to get government consultations, so that's why we pulled those off. The scientist/technologist is deleted. The Trustee Council has a science panel and deals with a lot of the scientists through other avenues, so we felt you didn't have to have someone as a public representing the science. Regional monitoring and regional transportation were proposed to be removed. They were not in the original PAC, they were added when the GEM program was proposed for long term kind of monitoring research activities, and so it was felt those two seats could probably be eliminated and not affect the balance for injured resources and services. So the recommendation before you would be to make these changes and reduce the membership from 15 to eight, if you so desire. And I think Elise would like action today, but we won't submit this probably until next summer.

CHAIRMAN O'CONNOR: All right. Stacy, are you still on?

MS. STUDEBAKER: I am and I would like to offer a compromise still to at least retain 10 PAC seats. I see justification for keeping the regional monitoring program rep in there. That's real important to have the bridge with the RCACs. Very, very important. And also to keep the scientist/technologist on there as well. So in addition to what Doug mentioned, I'd like us not to go any farther below

those 10 core members.

CHAIRMAN O'CONNOR: All right. That was in response to Mr. Tillery's question to you during your public comment as to which ones would you put back on the list; right?

MS. STUDEBAKER: Right. Yeah. So it would be the regional monitoring and the scientist/technologist.

CHAIRMAN O'CONNOR: Okay. Council, questions? Doug?

MS. STUDEBAKER: Another aspect of this too I need to share is that over the years -- you know, I've been on the PAC for 14 years, I guess, now and been the PAC chair for, what, four or five years and three different executive directors, and in previous times, I have been allowed to come to the Trustee Council meetings to be there in person, which has been a lot more meaningful, I think, for the public to have a representative at your meetings face-to-face, and I have been denied that request over the last year and have had to participate by teleconference. And, you know, that's okay, but it's a lot stronger representation and also means more to the public to know that there is a body there in the room with you when you meet. So, you know, that's another reason I have concerns about the budget being slashed, as well as the membership of the PAC, is that we need to be represented fully, you know, at your meetings and we need to have a big enough committee ourselves to really be regionally represented -- representative.

CHAIRMAN O'CONNOR: All right. Thank you. Doug.

MR. MUTTER: I might mention the -- in the charter, we've just got an estimated cost. That's not really the budget. Elise puts together the budget and that's the document. All we're doing for the charters, they want to know about what these things cost and how much staff time, so that's why that's here, but that's not where you would address how much the budget is.

CHAIRMAN O'CONNOR: All right.

MS. HSIEH: We haven't minimized the actual involvement or number of meetings. I have minimized people flying to meetings unless they have a particular presentation to make, just as I would when I testified before the legislature when I was with the Department of Law. Unless it's something that is a particular presentation that requires people flying here, like I had the Department of Revenue the one time, that people -- I've encouraged people to attend via telephonic across the board as a budget saving measure.

CHAIRMAN O'CONNOR: Mr. Tillery.

MR. TILLERY: Yeah, Mr. Mutter, which of the categories have we had trouble consistently filling?

MR. MUTTER: It seemed like a local government has been a challenge and there was one of the public -- Cherri, do you know? Local government has been one that we've had a challenge. Yeah, one of the public at large, because we've got

two public at large, so we -- it's always been a challenge to get two of those. And when we started out we had five of those. I'm not sure we need any of those, but certainly not two. One might make more sense. And sometimes having consistency in tribal government representation is a challenge.

MR. TILLERY: Is there -- you had -- someone had mentioned problems getting quorums. Are there any of these groups that have -- and I assume that will vary based upon the individual that happens to be occupying the position, but is there any particular group that has basically expressed less interest by -- as demonstrated through a lack of attendance?

MR. MUTTER: I do a chart every two years of -- I keep track of the attendance and do a chart of attendance and it varies from time to time, but we've had challenges with some of the tribal Native land owners. It just depends on the time of the year that we've had meetings. I'd have to go back and look at those charts. It's different over the years.

MR. TILLERY: Who's currently representing marine transportation?

MS. HSIEH: Tori Baker.

MR. MUTTER: Tori Baker from Cordova. She's with the marine element of the university there. Yeah, it's not a personal thing. It's not the members themselves; okay?

MR. ZEMKE: Doug, which were the other -- the two members that were on the list during the last PAC meeting

discussion that would, you know, drop to get down to eight?

MR. MUTTER: One of the public at large and the regional monitoring. Those were on the list when we presented it to the PAC.

MR. LLOYD: Mr. Chair.

CHAIRMAN O'CONNOR: Mr. Lloyd.

MR. LLOYD: I've got two questions. One is if this isn't going to be put into effect until next spring, what is the importance of taking the action now. And second, I guess I'd like to have a little bit of discussion amongst the council members. I understand we want to save costs, but perhaps there is some value in having the chair of the PAC join us in person for the few times that we gather together in person. So first, Elise, do you have some -- can you give me some idea of the importance of taking action on this now rather than consider it a bit and bring it back, perhaps in January?

MS. HSIEH: You're more than welcome to consider it at a later time. How we got so much done in the last 12 months is by not -- if you are ready to make a decision, we've moved. If you're not ready to make a decision, absolutely take time. I think the latest date, we probably would like you to make a decision by April so that we could start moving it towards Washington because we've gotten -- it takes a long time there and we've gotten held up before. Oh, you had a second question.

MR. LLOYD: Well -- yes.

MS. HSIEH: Oh, flying. We're more than happy to fly -- across the board I have not -- I've been pretty stingy with everyone flying here.

MR. LLOYD: And I appreciate that.....

MS. HSIEH: But I'd be more than hap.....

MR. LLOYD:as a general rule.

MS. HSIEH: If the trustees feel it's important, I'm more than happy to make adjustments, but I would want it to come from the trustees.

MR. LLOYD: Sure. Okay.. Doug, did you have any comment on the timing of the decision on this? Would January be okay in terms.....

MR. MUTTER: January would be fine, as long as we decide, you know, by the end of April, I think that will give us plenty of lead time. Although Kim's staff worked wonders on this last time in Washington and sped things up, but when you do a charter, a lot of people -- there's a lot of vetting going on before the Secretary of the Interior signs the document, so.....

MR. LLOYD: I don't want to push us up against something like that.

MR. MUTTER: Yeah. Yeah.

MR. LLOYD: But.....

MR. MUTTER: January would be fine.

CHAIRMAN O'CONNOR: Mr. Tillery.

MR. TILLERY: Mr. Chairman, I would I guess state kind of categorically I would not be prepared to address this today. I would also state I would be very unlikely to be prepared to address it in January. I think it would be important to have the meeting with the PAC in January and then have a chance to digest our thoughts after that, but certainly following that meeting, it would seem to me to be appropriate.

CHAIRMAN O'CONNOR: All right.

MR. MUTTER: That works.

CHAIRMAN O'CONNOR: That's fine?

MR. MUTTER: Uh-huh. (Affirmative)

CHAIRMAN O'CONNOR: Okay.. Since we have.....

MR. HARTIG: Just one thing to add to that is I think it is important that the PAC come to the January meeting with a clear understanding that, you know, the trustees are not trying to dilute the public input into decision making here at all, but we also are very serious about reducing costs and avoiding duplication. I think Doug and others did a really good job of ferreting out some of the areas where we might benefit from some cuts without sacrificing, you know, the public input. So I need to be convinced, you know, when the PAC comes back that, you know, there -- they've scrutinized it too and looked through it carefully to see where there's duplication there that we can avoid and save some costs, because I'm for one

committed to that effort, you know, scaling back.

MR. ELTON: Mr. Chair, this is Kim in DC.

CHAIRMAN O'CONNOR: Yes. Go right ahead.

MR. ELTON: A question of Doug. And Doug, this is maybe going to be a little bit -- you're going to have to be professor of a 101 course here. I mean, my first thought when I saw that one of the recommended seats to be taken away was the tribal representation, I put it through the lens of something that happened back here a couple of weeks ago, and that's the tribal conference hosted by the President. He had signed an executive order mandating outreach and consultation with tribes on decisions that are going to affect them. And you had mentioned, when you got to that position, I think, in subparagraph H, that you thought that, you know, the government-to-government relationship covers or maybe mitigates against having to have a designated seat on the PAC. What -- I mean, what has been the nature of the government-to-government consultations that the PAC has had with tribes?

MR. MUTTER: Well, the PAC doesn't do government-to-government, of course, it would be up to the agencies of the Trustee Council that have that responsibility. For example, you're getting ready to undergo a NEPA process. You're going to want to do consultation with tribal governments not identified as members of the public per se but as governments. And probably have some special meetings or communications with

them, aside from being part of the public. It's not to say they couldn't be and haven't been a member of the Public Advisory Committee, but I think the gist of the executive orders is the tribal governments are more than the public. Does that.....

MR. ELTON: A follow up question, if I could, Doug. And I don't mean to put you on the spot, so I mean, if you want time to respond to this, that's fine with me. But it seems to me if one of the roles of the PAC is to provide support and advice to the council, and it seems further to me that if the PAC doesn't conduct government-to-government activities with tribes, that it may make sense to keep a tribal seat because that tribal person could inform the PAC which could then inform the council about issues that may or may not be out there that it should be consulted upon.

MR. MUTTER: We certainly could do that.

CHAIRMAN O'CONNOR: And actually that issue was raised, Kim, during the public comments. I don't think you were on at that point. An issue of having adequate representation from tribal governments on the PAC, so.....

MR. HARTIG: One question on that. I'm not a fed as Larry and Kim, but those are good questions that you're asking there and appropriate, but would that -- having a tribal representative on the PAC, does that constitute tribal consultation? I don't think so.

MR. MUTTER: I don't believe so.

MR. ELTON: No, I don't think it does either, Larry.

MR. HARTIG: So you'd have to do both, I mean, if you were thinking that you're going meet all.....

MR. ELTON: I mean, I don't think it does. And quite frankly, I mean, especially given the President's order. I mean, I think there is a lot of assessment being done by all of the federal agencies on how do you do consultation, who do you do it with, at what point in time do you do it. All of these questions are good questions. I do think that there is going to be an increased focus on the federal side, given the order, to look for those times and those opportunities during which we should be consulting. And so the question in my mind is that if you remove a tribal representative from a body that does provide perspective, advice, suggestions to the council that what we may be doing is closing the door on having an avenue, a tribal avenue that can advise us, you know, when and where and on what we should be consulted.

CHAIRMAN O'CONNOR: All right.

MR. ELTON: I'd have to admit that I am putting this a little bit -- I don't want to be speaking too much for other federal agencies, but I can tell you that the mandate to us is, given our trust responsibilities with the Department of Interior, we're going to be the poster child for consultation. And so stepping -- you know, so doing anything that appears to

step away from an ability to do that job could be somewhat bothersome.

CHAIRMAN O'CONNOR: All right. Steve.

MR. ZEMKE: Mr. Chair, I have probably similar concerns I think with -- as Craig Tillery had said, I think we're probably not ready, in my opinion, to go down to a vote on this. Certainly we heard there was concern about whether or not there was adequate kind of public engagement at this point in time and I think there probably hasn't been on it, certainly, so not having to do this immediately certainly allows us some time to step back on that. And then the other one is kind of the community engagement portion of it. Not only the tribal communities but also local communities, and I think their perspectives are very important to have before the council. Unfortunately I think those are some of -- the two seats that we haven't been able to get people engaged in providing that perspective. How we can get to that point I think is we probably need to do a better outreach on it and iterate how important it is for us as council members to hear that and understand that perspective. Most of the other ones are more like interest groups and kind of representing a specific interest where communities are communities in that they are a variety of interests that bond together in a local area and have maybe common purpose and interest beyond their own specific job that they entertain or recreation they do.

But at the same time, the community -- how our activities affect the engines of those communities is important and somehow we need to be able to get some of those perspectives and having those members on the PAC I think is important.

CHAIRMAN O'CONNOR: All right. Anybody have any -- Craig.

MR. TILLERY: Yeah. Mr. Chairman. The -- so in your charter here, you basically do a 50 percent reduction of the PAC and translated that into a 50 percent reduction in anticipated costs. What's the real budget numbers? What is the current budget and what would you anticipate -- if you adopted this version, what would you anticipate the savings would be?

MS. HSIEH: I would have to look at our budget. Renee, do you recall off the top of your head what our last year's PAC budget was? That included a field trip, which doesn't happen every year. Do you remember? We would be reducing the number of meetings or the scope. In fact, I'm hoping that with a smaller group we could actually maybe even engage more. It's been quite logistically a lot to get everyone calendared and here and for meetings. So we wouldn't be reducing the number of activities, we would just be reducing the number of people attending. But I would have to look at those numbers to give you accurate figures.

MR. TILLERY: Okay. Well, I think it would be

important to know what savings we would achieve, because if it's -- you know, if it's de minimus then, there's sort of no point. If it's significant, then there's a lot of point to it.

MR. LLOYD: So we can ask for that to come back.....

MS. HSIEH: Yes, uh-huh.

MR. LLOYD:to us when we reconsider this?

MS. HSIEH: Uh-huh. (Affirmative)

MR. LLOYD: Assuming that we're not going to vote on that now. Okay.

CHAIRMAN O'CONNOR: All right. Anybody else?

MR. LLOYD: Do we need a motion for any of the things that we've just discussed or is the discussion sufficient?

CHAIRMAN O'CONNOR: No, the.....

MS. HSIEH: Yeah, I just want to -- if we have time -- sometimes our meetings have been very full, but I thought this was a good time to bring up the subject and discuss it in advance to allow for discussion, which is very helpful.

CHAIRMAN O'CONNOR: I think what we've done is effectively tabled this matter until January or February.

MR. LLOYD: Well, parts of -- pertinent parts of the discussion in my mind are that an expectation of the PAC to come back to us at a subsequent meeting, presumably our joint meeting, with ideas further developed on which members they would like perhaps added back in to the straw man proposal that's on the table and reasons why. And also whether or not

the council believes that beyond the joint meeting that we've already agreed to that we would bring the PAC chair, at least, to all the meetings that the trustee councils are having. Again, I don't know if we need a motion for that or if there's any disagreement here, but I would like to have that direction in the ED clear, if that's possible.

MS. HSIEH: It's completely up to you. I'm more than happy to bring Stacy. I wanted to treat her consistently with how I've treated everything.

MR. LLOYD: Sure.

MS. HSIEH: And so I need that direction from you.

MR. LLOYD: I think it's appropriate for her to come up at this meeting because it's -- there's -- you know, I mean, obviously she will be in January, but if we then have another meeting where we substantively discuss it in February or something, I think it's appropriate to come to that meeting, but I don't think we need to make a blanket decision every meeting.

MR. LLOYD: Well, does Elise need some guidance on whether or not she's going to plan for regular attendance by the PAC chair at our the Trustee Council meetings. Because right now there is a standing decision based on fiscal savings that the PAC chair won't be coming to those meetings and I don't know that we want to consider that in each and every meeting.

MS. HSIEH: Unless there's something -- I had told Stacy when we discussed this and she didn't bring it up two days ago, of course it was fairly close to this meeting, that my -- that I wouldn't be flying her here unless she actually had a presentation, which she has had in the past and we flew her here. So if she did have a presentation, a specific presentation she wanted to make, a particular PAC matter to discuss, then yes, I would, like every person who presents, I would fly them here. The PAC charter was discussed at the last meeting. There wasn't a lot of back and forth. I probably should have facilitated more back and forth. And likewise, Stacy didn't call me and say, you know, this is going to be on your agenda, I want to be there. Then I probably would have -- I would have said yes because this is a PAC matter. But unless there is a PAC matter or presentation that needs to be made, either that we've asked for or that she is prompting, then no, I simply don't fly people here.

CHAIRMAN O'CONNOR: All right. Well, I -- yes, Craig.

MR. TILLERY: I don't think we need any kind of a vote on this. I think this is authorized under -- would be authorized under the current funding for the PAC. I don't think -- I think what Elise needs is a sense of the council as to what she should do, and I'll just throw in that my sense is that the chair should be here for all the Trustee Council meetings. I think that the chair can add -- can be -- more

effectively present what the PAC thinks when they're here, will be able to communicate with a lot of people on the PAC while they're here, and can in person react to things that come up, as they do tend to come up at these meetings and it's much more difficult on the phone. So, that would be my sense, is that it should be, as a matter of policy, we should try to have the PAC chair here, unless she discussed it with the chair and the chair says, hey, there's nothing that I can add to this one. But I think the default position should be that the chair comes.

MR. LLOYD: Well, that's my feeling, but I'm not -- I still don't know what the other council members feel like about it.

CHAIRMAN O'CONNOR: Well, I will exercise the prerogative of the chair since we don't have anything pending before us and say that my opinion of the consensus position of the council as a result of these conversations are that we would like the chairman present unless there is a reason for them not to be. That we, at the next meeting, after we've met with them and spent time with them -- and we would request, Stacy, that you guys, in January, be prepared to chat with us about what you think the composition should be, with the understanding that we are trying to reduce costs and that we are having difficulty filling some of the slots. We would like to have it be a leaner and meaner group, meaning that they can

get together more often. We don't.....

MS. STUDEBAKER: Careful what you ask for.

CHAIRMAN O'CONNOR: I know. I know. But that I think -- and that we as a council want to readdress this issue with a little more clarity with regard to the amount of money we might spend -- or save with the reconstruction of the coun -- of the committee. And we will take this up in what probably will be either January or February, depending upon what we have on our agenda in January. So.....

MS. STUDEBAKER: That sounds good. I will have -- we've already been discussing this through email and I'm sure I'll have an opp -- it's nice to have the time to discuss this more with the PAC members before January.

CHAIRMAN O'CONNOR: And, Doug, I would just ask one question. Based upon my experience with PACs in my several years with the federal government, they reach a -- or not PACs, but FACA committees. They reach a certain point of being too small to justify their existence in terms of composition. If we're getting down to eight people, are we going to be running into problems in getting the PAC approved through your system, because it is such a small group? And should we be -- I don't know if we have the authority to entertain the different construct in a -- than a FACA committee to accomplish the same end. But I just don't want to bump up against bureaucratic response that says well this is too small a group, go do it

some other way.

MR. MUTTER: Yeah, I think the key, to answer that question, is what -- how many members does it take and what interest groups to provide that balance, and I've always viewed that balance as people interested in the injured resources and services, because that's what you're all about, is restoration of injured resources and services. So at what level do you reach that balance, and if you dip any further, you're starting to throw off the balance, and that's why I arrived at the eight, just trying to look at that.

CHAIRMAN O'CONNOR: Okay.

MR. MUTTER: It doesn't take into other considerations like government and local community input or tribal consultation, or do we want science views here as well. So I think -- I don't think there's an arbitrary number. I think if you went below eight you might have problem saying we've got balance.

CHAIRMAN O'CONNOR: All right. Is that -- is my sense of the council an accurate sense? Any objection to my communicating that as I just did to the Executive Director for purposes of further action on this subject? Are we cool? We're cool. Thanks, Doug. And thank you, Stacy.....

MS. STUDEBAKER: You bet.

CHAIRMAN O'CONNOR:John, you guys that weighed in on this issue. I think it's -- it's a very important issue to

us, so we appreciate this. The next will be the report from Catherine on what's going on with the herring team. Do we have more team members than herring or pretty much in balance at this point?

MS. BOERNER: I'll end your meeting on a positive note.

CHAIRMAN O'CONNOR: Okay. Good.

MS. BOERNER: We had our fourth annual herring team meeting November 9th and 10th. We had 13 of our herring PIs here to make presentations on their project, which is again, a hundred percent attendance from all of our herring PIs, which is wonderful. I think it really shows that they're -- they continue to be committed to this resource and they definitely committed -- or they're definitely committed to seeing through what they started, which I think everyone appreciates. It was very satisfying. We had a lot of projects that you originally funded in FY07 that are now coming to completion and have some potentially very exciting and new information. It was good for them to be able to share that with the new projects that are going out into the Sound. I know as the information was coming out, there was a lot of project refinement, a lot of discussion amongst the PIs. There was also a lot of very constructive and professional criticism of some of the newer projects from both the older projects and some people who attended the meeting. It only serves to make the projects stronger. I think they're also a lot more cost and time efficient by doing that. They --

the group continues to use this meeting as a vessel in sample coordination opportunity, which again saves us a lot of money and time. The PWS herring survey team, all 10 of the members were here and presented the project as a group. Scott Pegau definitely was instrumental in helping the newer members of the team coming into the group and understanding the vessel charters, how things were going to work, their outreach opportunities. There was a lot of excitement in the group this year. I don't have much else to say. I will say the group is very thankful that you continue to provide this opportunity for them every year, as am I. And so I would like to thank the trustees as well as the agency project managers that have been very key in helping us keep these meetings together.

CHAIRMAN O'CONNOR: Any questions from council members?

(No audible responses)

MR. HARTIG: That was good.

CHAIRMAN O'CONNOR: Thank you very much, Catherine. That brings us to the question of whether or not we have an executive session need. We've exhausted the agenda topics. I'm aware of no issue of litigation or personnel that we need to discuss in executive session. We have a lunch gathering scheduled. We're going to be here; is that correct? And is that coming up soon, 12:00 o'clock?

MS. HSIEH: It is, but I -- if you want to adjourn and move right to your retreat, you can maybe perhaps adjourn even

earlier after lunch.

CHAIRMAN O'CONNOR: Okay. Well, I then would entertain a motion to adjourn the meeting.

MR. LLOYD: Move to adjourn.

CHAIRMAN O'CONNOR: That doesn't require a second; does it? That's just.....

MR. LLOYD: No.

CHAIRMAN O'CONNOR:let's get the hell out of here kind of thing. Okay. Thank you all very much. The meeting is adjourned.

MR. LLOYD: Actually, you vote on it, but that's okay.

(Off record)

CHAIRMAN O'CONNOR: Thank you, Kim. Do you object to adjourning?

MR. ELTON: You bet.

MS. HSIEH: Does Kim want to participate in your retreat discussions?

CHAIRMAN O'CONNOR: Do you want to be part of the retreat, Kim?

(Meeting Adjourned - 11:28 a.m.)

(Off record)

(END OF PROCEEDINGS)

C E R T I F I C A T E

UNITED STATES OF AMERICA)
) ss.
STATE OF ALASKA)

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

THAT the foregoing pages numbered 1 through 80 contain a full, true and correct transcript of the Exxon Valdez Oil Spill Trustee Council's Meeting recorded electronically by Computer Matrix Court Reporters on the 18th day of November 2009, commencing at the hour of 9:37 a.m. and thereafter transcribed under my direction and reduced to print:

THAT the Transcript has been prepared at the request of:

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

DATED at Anchorage, Alaska this 27th day of November 2009.

SIGNED AND CERTIFIED TO BY:

Joseph P. Kolasinski
Notary Public in and for Alaska
My Commission Expires: 03/12/12