

9.24.03

EXXON VALDEZ OIL SPILL TRUSTEE COUNCIL

Public Meeting

Friday, April 30, 2010

10:00 o'clock a.m.

441 West 5th Avenue, Suite 500

Anchorage, Alaska

TRUSTEE COUNCIL MEMBERS PRESENT:

STATE OF ALASKA - DEC:	MR. LARRY HARTIG
(Chair)	Commissioner
STATE OF ALASKA -	MR. CRAIG TILLERY for
DEPARTMENT OF LAW:	MR. DANIEL SULLIVAN
U.S. DEPARTMENT OF AGRICULTURE,	MR. STEVE ZEMKE for
U.S. FOREST SERVICE	MR. JOE MEADE, Supervisor

(TELEPHONICALLY)

U.S. DEPARTMENT OF INTERIOR:	MR. KIM ELTON
	Senior Advisor
U.S. DEPARTMENT OF COMMERCE,	MR. CRAIG O'CONNOR for
STATE OF ALASKA - DEPARTMENT	
OF FISH AND GAME: \	COMMISSIONER DENBY LLOYD

Proceedings electronically recorded, then transcribed by:
Computer Matrix Court Reporters, LLC, 135 Christensen Dr.,
Suite 2, Anchorage, AK 99501 - 243-0668

ALSO PRESENT:

CHERRI WOMAC	Associate Coordinator
CATHERINE BOERNER	Science Coordinator
MICHAEL SCHLEI	Data Systems Manager
BARAT LaPORTE	Patton Boggs
VERONICA VARELA	U.S. Fish and Wildlife Svc
MARIT CARLSON-vanDORT	AK Dept of Environmental Conservation

(TELEPHONICALLY)

ELISE HSIEH	Executive Director
DEDE BOHM	USGS
DAWN COLLINGSWORTH	USDA
LAUREL JENNINGS	NOAA
SCOTT PEGAU	Prince William Sound Scient Center
STACY STUDEBAKER	Chair EVOS Public Advisory Committee

TABLE OF CONTENTS

Call to Order	03
Approval of Agenda	13
Approval of February 26, 2010 Minutes	14
Public Advisory Committee Comments	

PUBLIC COMMENT

MR. PEGAU	15
Executive Directors Report	08
Summary of March NEPA Meetings	09
Draft Supplemental Environmental Impact Statement	17
Adjournment	54

P R O C E E D I N G S

(Anchorage, Alaska - 4/30/2010)

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

CHAIRMAN HARTIG: Good morning. This is Larry Hartig in Anchorage. I guess I'll be the state chair this morning and I guess we'll start up here with roll call. Do you want me to do it? Do we have anybody from the AG's office?

(No audible responses)

CHAIRMAN HARTIG: It doesn't sound like it. We'll wait a minute then. Fish and Game?

MR. LLOYD: Yeah, Larry, this is Denby Lloyd.

CHAIRMAN HARTIG: Thanks, Denby. And Craig O'Connor, are you able to join us?

MR. O'CONNOR: I'm on the line. Hi, Larry.

CHAIRMAN HARTIG: Thanks, Craig. Where are you now?

MR. O'CONNOR: Right at this moment, I'm in Phoenix, Arizona.

CHAIRMAN HARTIG: Okay. On your way to the Gulf, huh?

MR. O'CONNOR: Yeah.

CHAIRMAN HARTIG: Okay. And from Interior?

MR. ELTON: This is Kim Elton, Larry.

CHAIRMAN HARTIG: Thanks, Kim. And Steve Zemke is here in Anchorage with me. So we just need to get somebody from the AG's office, and we'll try to give a call over there and get somebody plugged in. So why don't we see who else is on the

phone. Elise, are you on the phone?

MS. HSIEH: Yes, I am and Craig Tillery is in (indiscernible). We received a large number of (indiscernible) calls this morning regarding the Gulf and I know Craig was juggling that, but he is attempting to participate today.

CHAIRMAN HARTIG: Okay. Craig, have you joined us? Craig Tillery? I guess not yet. Who else do we have on the phone, please?

MS. COLLINSWORTH: This is Dawn Collinsworth with the USDA General Counsel's Office.

CHAIRMAN HARTIG: Thank you. Anybody else?

MS. STUDEBAKER: Yes, Stacy Studebaker.

CHAIRMAN HARTIG: Thanks, Stacy.

MS. FRIES: Carol.....

MR. PEGAU: Scott Pegau -- go ahead, Carol.

MS. FRIES: Carol Fries, DNR.

CHAIRMAN HARTIG: Thanks, Carol.

MR. PEGAU: Scott Pegau with the Oil Spill Recovery Institute.

CHAIRMAN HARTIG: Thank you.

MS. BOHN: Dede Bohn with USGS.

CHAIRMAN HARTIG: Thanks, Dede.

MR. BROOKOVER: Tom Brookover with Fish and Game.

CHAIRMAN HARTIG: Thanks, Tom.

MS. BELT: Gina Belt, Department of Justice.

CHAIRMAN HARTIG: Thanks, Gina.

MR. HAGEN: Pete Hagen with NOAA.

CHAIRMAN HARTIG: Thanks, Pete..

MS. JENNINGS: Jennings with NOAA.

CHAIRMAN HARTIG: What was the name again, please?

MS. JENNINGS: Laurel Jennings.

CHAIRMAN HARTIG: Oh, okay. Thanks, Laurel.

MS. HOLBA: This is Carrie Holba at ARLIS.

CHAIRMAN HARTIG: Thank you. Yeah, we've got a lot of people on the phone. Anybody else?

MS. POLASEK: Lori Polasek, Alaska SeaLife Center.

CHAIRMAN HARTIG: Thanks, Lori.

MS. KOHOUT: Jennifer Kohout with Fish and Wildlife Service.

CHAIRMAN HARTIG: Thank you. Okay. Anyone else?

(No audible responses)

CHAIRMAN HARTIG: Okay. So, Craig Tillery, you did join us, right? No? Guess not. We'll wait a minute -- excuse me, we're just going to wait a minute here and see if we can get him online.

MS. HSIEH: Larry, if you'd like, I could give my Executive Director's report. It's information which Craig Tillery is already familiar with.

CHAIRMAN HARTIG: Okay, Elise. That would be good because I -- otherwise we're going to get into things that

require motions, so why don't you go ahead, please, with the report.

MS. HSIEH: Good morning, everyone. Thank you for joining us. I have a very brief report. May 6th and 7th we'll be meeting with the science panel in Seattle to discuss long term monitoring and some of the parameters and basic requirements of what we'd like to include in the invitation and some of the parameters. You know, very general discussion and what I would request from the Trustees today is guidance in these discussions regarding long term monitoring and herring perhaps as well. As part of the long term monitoring, the trustees had discussed earlier and in the NOI oceanographic conditions. But I also wanted to ask specifically if you'd also like to include a small number of species such as those which are indicators for lingering oil. We don't have to decide the species in this meeting but I just sort of wanted to get a check on that. And also if the Trustees could just briefly review the five focus areas and the allotted amounts or percentages or relative amounts (indiscernible). Just to touch on them briefly to see where you guys are at with that, to make sure that the DSEIS is still appropriate to your way of thinking. That's my report.

CHAIRMAN HARTIG: Okay. Thanks, Elise.

UNIDENTIFIED SPEAKER: Craig's on his way.

CHAIRMAN HARTIG: Okay. And I guess Craig's on his way

over here.

MS. HSIEH: And Larry, the other thing is, Craig O'Connor could give a brief summary of March's meetings. That too is information which Craig Tillery is also familiar with and has been briefed on.

CHAIRMAN HARTIG: Okay. Thanks, Elise.

MR. O'CONNOR: Yeah, and I'm happy -- I'm happy to do that at this point.

CHAIRMAN HARTIG: Okay. Why don't you go ahead, Craig.

MR. O'CONNOR: If you don't mind, Mr. Chair. All right. As you guys know, during the course of the development of the Supplemental Programmatic EIS we held a number of public gatherings to chat about what we're doing in the -- as far as the restoration plan is concerned, the EIS, and to discuss with the public the focal points that the council has articulated at our retreat a number of months ago. Six of those hearings were held in Anchorage, Seward, Cordova, Kodiak, Homer and Valdez. I think I hit on all of them. We had in some places one person show up in Valdez. We had four people show up in Homer. We had a -- I don't know the head count, but probably 30-plus in Seward. Maybe between 15 and 20 in Anchorage. Kodiak, probably in the 30 range, and the same thing in Cordova. All of the public hearings went very well, in my opinion. There was -- folks were aware of what it is that we are trying to do. They were aware of the suggestions that the council had for

consideration as far as future actions are concerned. They understood after a brief explanation what the NEPA process was all about and what the scoping exercise was. The only challenge that we had was from time to time a misunderstanding with regard to the finality of the decisions by the council on the future direction of those five points that Elise alluded to.

But generally speaking the public hearings were participatory. Folks were concerned, they were glad, happy, that we were undertaking this effort and appreciated very much our coming to the various communities to chat with them. The general sense from those public gatherings was to the effect that the council was on the right track as far as providing focus to its future endeavors. There were some folks that questioned the allocation of interest, if you will, the amount of money being spent in various areas, but for the most part the focus was pretty well endorsed. Some of the tensions (ph), and they were all friendly tensions, Seward thought we spent enough money on habitat acquisition in Kodiak and we should spend more money on supporting the Seward SeaLife Center. Kodiak, on the other hand, felt that we should be spending more money on habitat acquisition. But once again, I will add that these were friendly discussions. There was a collegial competition going on almost as far as the discourse on how we should be allocating our money.

The -- even in Kodiak, it was actually quite funny -- Stacy can chime in here, but the article on the -- I guess it's the second page of the newspaper or something, allowed (ph) as though a representative from Exxon was coming to town to talk to them and I dispelled that (indiscernible) immediately. I did not want that one to get carried away. It wasn't -- it was me, it wasn't the Exxon representative.

But all-in-all I think public gatherings went very, very well. Very productive, very supportive in aggregate of what our thoughts are. The written comments have tracked pretty much the same. Laurel can chime in at any point. She's been monitoring those and preparing the responses to them, if you will. I think the only areas that we have some consternation from folks had to do with, I think it was the Chugach Native group that was concerned with the approach that we were utilizing and the lack of sensitivity that we had with regard to habitat acquisition in the areas of Native interest. But beyond that -- and all of these materials are available for the council's review and reaction -- but all-in-all I think we were pretty well supported by the public during the course of those meetings and in the public comment process itself, which closed April 1st. So does anybody have any questions on that?

CHAIRMAN HARTIG: Any questions for Craig or Laurel?

(No audible responses)

CHAIRMAN HARTIG: It doesn't look like it, Craig.

Again, thanks to NOAA for all your good work on taking the lead on this. Really appreciate it. Good job.

MR. O'CONNOR: It was fun. It was fun.

CHAIRMAN HARTIG: I think it would have been.

MR. O'CONNOR: Yeah.

CHAIRMAN HARTIG: It does sound to me like you weren't getting a reaction like, well, we don't know enough yet to be starting to wrap things up, that we need to spend more time, let things play out a little bit more before we make the decisions, that people think we are at a crossroad here.

MR. O'CONNOR: That's right. There -- yeah, people -- I think there's a general sense that we have progressed well and have learned a lot and we have the proper focus moving forward. The one area that I will say had quite a bit of interest, and it's something that Elise has already suggested we need to talk about, and that's what is our monitoring program going to look like going into the future, both in terms of its focus as well as its administration. But I think generally people are happy with what we're proposing to do.

CHAIRMAN HARTIG: Okay. Well, thanks again. And Craig Tillery has joined us now, so I'll go back to our regular agenda here and ask for approval of the written agenda.

MR. ZEMKE: I move to approve the agenda as written.

MR. O'CONNOR: Second.

CHAIRMAN HARTIG: Okay. Well, we did modify it by we

moved 5 and 6 up, but, you know.....

MR. ZEMKE: I guess that's as amended on the fly.

CHAIRMAN HARTIG: Okay. Any objections?

(No audible responses)

CHAIRMAN HARTIG: I hear none, so the agenda is approved. The next item is the approval of the meeting notes from the February 26th, 2010 meeting, which are pretty short.

MR. O'CONNOR: I would move their approval, Mr. Chairman.

CHAIRMAN HARTIG: Thanks, Craig.

MR. TILLERY: Second.

CHAIRMAN HARTIG: Thanks, Craig. Any objection to the minutes as proposed from the February 26th meeting?

(No audible responses)

CHAIRMAN HARTIG: None. Okay. No objections, so those are approved. Okay. PAC comments. Stacy, do you have anything for us today?

MS. STUDEBAKER: Good morning, everybody. Stacy Studebaker from Kodiak for the PAC here. The PAC met via teleconference on April 19th to get updates and briefings on the NEPA Draft SEIS meeting that we just had and the Integrated Herring Restoration Plan as well as the injured resources and services list. And a good summary of our meeting with our concerns and comments is in your docket this morning, so I won't take up any more of your time unless you have any

questions about any of the things on that summary. The PAC seems generally pleased with the level of communication and transparency of the process as we proceed to wind down the restoration program. That's all I have to say and thanks again to Craig and Laurel for coming to Kodiak. We had a great meeting here. People really appreciated the, I think, the low key manner in which they got to voice their opinions. They didn't have to stand up at a podium, which makes Kodiak people kind of nervous. We just had a nice.....

CHAIRMAN HARTIG: I'll remember that.

MS. STUDEBAKER: We had a nice, friendly discussion, so it was great. Thanks again.

CHAIRMAN HARTIG: Thanks. Any questions for Stacy?

(No audible responses)

CHAIRMAN HARTIG: It doesn't look like it. Thank you. Okay. We're on to public comment a little early, but we'll check here. Start with people on the phone. Is there anybody on the phone that would like to offer public comment at this time?

MR. PEGAU: Yeah, this is Scott Pegau, I'd like to comment.

CHAIRMAN HARTIG: Yes, please. Go ahead, Scott.

MR. PEGAU: Yeah, just a couple of things in taking a look. One is with the long term monitoring. I encourage you to take a look at programs that have a history that you would be

able to continue on, rather than developing brand new programs. It would be nice to be able to match that up. You know, at the Oil Spill Recovery Institute, we're definitely interested in understanding how variability in the natural ecosystem is accounted for when we discuss recovery, and so the more that we can connect to a longer time period is better for us.

At the Prince William Sound Center, on another subject, we're looking to develop what we call the Headwaters to Ocean kind of data delivery system and information system. And with the EVOS Trustee Council having done most of the research in Prince William Sound, definitely interested in being able to build upon your herring data portal and your project catalog, and so would like to start to explore the possibility of being able to access copies of those databases and the project catalog, that we might be able to envelop it inside of our H2O system as well in hopes that it will be able to maintained for a longer time period. And that's all the comments I have for today. Thank you.

CHAIRMAN HARTIG: Yeah, thank you, Scott. Any questions for Scott?

(No audible responses)

CHAIRMAN HARTIG: Okay. It doesn't look like it. Any other public comments? People on the phone?

(No audible responses)

CHAIRMAN HARTIG: Okay. Any public comments from

anybody in the room?

(No audible responses)

CHAIRMAN HARTIG: It doesn't look like it. Okay.
We'll move on then. We've already done the Executive
Director's report. Craig, you missed it, but they said you
knew everything anyway, unless you have any questions for Elise
or.....

MR. TILLERY: Yeah, where is she?

CHAIRMAN HARTIG: She's traveling. And you came in
when Craig O'Connor was giving the excellent summary of the
March NEPA meeting, so.....

MR. TILLERY: Yeah.

CHAIRMAN HARTIG:we're on number 7 on the agenda
already. Laurel, that's you. Draft SEIS.

MS. JENNINGS: Hi, everyone. This is Laurel Jennings
from NOAA. I was working with many people on creating a draft
supplemental environmental impact statement and it has been
recently circulated. Hopefully you all have had a chance to
look over it. Craig, would you like to.....

MR. O'CONNOR: Yeah, I'll.....

MS. JENNINGS:speak some or should I just
continue?

MR. O'CONNOR: Yeah, let me go ahead and pick up,
Laurel, because -- let me begin with, well, just reiterating.
We had -- we've had phenomenal support from Elise and her

folks, from the liaisons, from the agency people over the course of the last few weeks trying to put together this supplemental EIS, get us out to the public and get the comments responded to, the drafts tidied up and so on. So, as a beginning, thank you, Elise, and thank you agency folks and liaisons because it's been an amazing collaborative undertaking, moving out at a very, very rapid pace.

Where we are is actually at a decision point, folks. What we have done is put together the draft of the supplemental EIS, and it has it in basically two alternates for future action by, in this context, the federal government, but the Trustee Council as a whole. And that is, whether we're going to proceed with the tentative decisions that we have made at the retreat with regard to the five points of focus for our future endeavors, or we're going to remain functioning under the existing programmatic EIS with its contained goals and objectives.

What the supplemental EIS process is all about is more or less taking a re-look at where we've been, taking a look at the decisions that we made, in this case in 1994 with regard to the focus for the efforts by the Trustee Council, and determining whether or not, one, the information that was contained in there upon which we based our decisions is still appropriate. We have updated whatever scientific information has been developed since '94 that bears on our decision with

regard to the focus for the future and to determine whether or not in the end that focus is the appropriate one. The council at its retreat decided that we needed to pare down what it was we were doing, to provide more focus to it, that we had accomplished a lot that -- and that it was time to in essence begin to wind down the administrative function and to provide a little bit more crispness to the areas that we were going to spend time on and money on into the future. Those decisions were tentative decisions because they were not held in an appropriate forum and in an appropriate context, particularly for the state to reach a final conclusion.

So it is time today to tell me and to tell ourselves what it is we're going to do in the future. Are we going to take the course that we had articulated at the retreat and move forward looking principally at the lingering oil issue, with herring, a future monitoring program, some continued habitat acquisition, continued -- consistent with the monies we have allocated for those purposes. And whether we're going to do some environmental cleanup looking at harbors and that sort of thing, and marine debris removal. Those are the focal points that we had articulated. Those are the focal points that are now cast as the preferred alternative for the council to move forward.

The other alternative is to stay the course we're on right now and in effect we would practically make the same

sorts of decisions, not just reducing the spill but the effort that we engage in. I don't think, based upon the information that I've reviewed, the studies that have been done, the status that we're at, that there is a necessity to abandon the old plan and move forward with the development of a whole new plan. I think we can provide the focus that we're suggesting and I would recommend that the council consider doing so, and that the preferred alternative, that they ask the federal government.....

UNIDENTIFIED SPEAKER: Sounds like Craig is cut off.

MR. TILLERY: Is anybody else still on?

CHAIRMAN HARTIG: Yeah, do we have anybody else on the phone now?

(No audible responses)

(Conversation regarding phone disconnect)

(Off record)

(On record)

MR. O'CONNOR: Did you guys hear me? I'm having trouble. I heard most of what Jim said. I couldn't hear what Elise said at all, but let me chime in here because this is the area that we have had the greatest discussion.

CHAIRMAN HARTIG: Okay. Excuse me, Craig. Can you hear me? Craig, can you hear me, it's Larry.

MR. O'CONNOR: Yeah, I can hear you fine but apparently you guys can't hear me or.....

CHAIRMAN HARTIG: Well, we lost everybody for about 10 minutes or so there.

MS. HSIEH: I -- this is Elise -- I have been able -- can everyone hear me? This is Elise, I've been able to hear everyone and, I guess while I'm speaking, can everyone hear me?

CHAIRMAN HARTIG: Yeah, we can hear you now.

UNIDENTIFIED SPEAKER: I can hear you.

MS. HSIEH: Okay. I just -- I don't need a firm decision, but we have some time today. I wouldn't mind a little discussion about -- you know, like with regards to the species, you know, what -- you know, it's -- a little discussion, visit with each trustee about their thoughts about that so that when we go to the science panel we start looking at the very large general side bars on the long term monitoring program, if you could have some of that in mind and include a handful of people, that would be helpful. With regard to folding herring in, I think that's a very large session which will sort of progress alongside the monitoring discussions as they go. And I'm not expecting a decision on that necessarily unless everyone somehow verbalizes some comfort level with that, which I do not suspect.

So, again, species would be helpful. I know some trustees, when I spoke with them, on our draft SEIS (indiscernible - cell phone interference) as well. But some trustees said, oh, absolutely, I think handful of species. I

just want to sort, you know, confirm that or get the read on that from each of you.

MR. O'CONNOR: Well, let me respond to Kim's comments and to Elise. I think.....

CHAIRMAN HARTIG: Okay. Just a minute, Craig. Craig, before you get going, it's Larry again.

MR. O'CONNOR: Yeah.

CHAIRMAN HARTIG: We lost you guys for about, I don't know, 10, 15 minutes. It was right when you were starting to introduce this topic again. You had a handoff from Laurel to you, then you started talking again, and then we've lost everything. So there's no record here of anything you discussed for about the last 15 minutes. And apparently you all were.....

MR. O'CONNOR: Well, no wonder.....

CHAIRMAN HARTIG:still talking on the phone, but we weren't getting any of it. So we probably need to back up.

MS. HSIEH: Larry, do you recall the last thing -- Craig, I've been taking notes, you discussed the restoration plan, the focus and relative distribution of funds still fits under that restoration plan. You discussed as we progress filling in the pieces in the monitoring program and lingering oil.....

CHAIRMAN HARTIG: Don't have any of that. It's pretty much just where he started.

MS. HSIEH: Okay. Oh, okay.

MR. O'CONNOR: Just -- you could hear me but it wasn't recorded, is that what you're saying, Larry?

CHAIRMAN HARTIG: No, we couldn't hear you. It just -- everything just went offline. I mean, we couldn't hear anybody and it was just after you started. Laurel finished and the handoff to you and you had just started.

MR. O'CONNOR: Okay. Who second.....

MS. HSIEH: (Indiscernible). Yeah, GCI (indiscernible).

MR. O'CONNOR: Okay. Let's -- all right. I'll do it again.

CHAIRMAN HARTIG: Yeah, sorry everyone. Technology failed us today here.

MR. O'CONNOR: All right. For the.....

CHAIRMAN HARTIG: Nobody's fault.

MR. O'CONNOR: For the record. All right. By the way, I made a motion and I think somebody seconded it and it's already been voted up, so.....

CHAIRMAN HARTIG: Well, before -- that's what I was going to ask, after you did the introduction, I thought, you know, if we were going to discuss something, did we have to have a motion or was it just all discussion today and -- and maybe we can.....

MR. O'CONNOR: Actually, I -- okay. Let me walk back

through it here and I'll apologize in advance if my voice fails me. We are at a point where we need to make a decision with regard to our future course of action. When we had our retreat we articulated these five goals, five focal points for our future activities. I captured those in a -- the preferred alternative in our supplemental EIS, in that draft. And during the course of the last several weeks we have put together the rationale in support of those and we have articulated the other more obvious alternative, which is to stay the course under the existing goals and objectives of the programmatic EIS that was developed in 1994. At this juncture we have to make a decision as to whether or not we're going to formalize our position that we took at the retreat and have this be the way we go into the future or not. And at this point, we have put together the aggregate of information that has been collected over the last several years with regard to science, with regard to the status of our resources. We have evaluated what we have accomplished. We have made determinations with regard to the relevancy of the information contained in the original document, to our decisions, to our day-to-day decision to date and we have consulted with the affected public on their thoughts with regard to what our future activities should be.

At this point, I think the council is in -- is on good footing to make the decision to propose to the public in a more formal way that our preferred approach for the future is going

to be to focus on those five areas that we have articulated. And recognizing that these are broad -- remain broad, overarching objectives and foci, I think is the word, for our activities, that there is going to be a lot we need to fill in under those areas, and that is not something we're necessarily doing today. What we are -- and one that Kim brought up under monitoring, what does monitoring really mean? When we had our conversations at the retreat, there was an emphasis placed on oceanographic monitoring -- oceanic monitoring, but we did not get into the business of determining exactly what a monitoring program would look like. But we recognized that a very important responsibility that we had was to spend a considerable intellectual effort on the business of keeping track of what's going on in the spill area with regard to oceanographic conditions and making sure that we are staged for making decisions in the future if there are other restorative efforts that we can engage with regard to the resources that haven't fully recovered. Or that we can inform the management decision makers with regard to the management of those species so that they are allowed to continue to recover or are not adversely affected as a result of other kinds of behavior, including harvesting practice or whatever. It's our job to make sure that those resources are protected and provide a platform upon which to make future decisions. A very, very important effort is going to be to develop the appropriate rest

-- monitoring program. That may, as we have suggested in the document, include such things as maintaining focused monitoring on certain species, certain specific areas that were -- geographical areas that were injured as a result of the spill, as well as engaging in an evaluation of the overall oceanic conditions that may influence the recovery of our critters.

The areas having to do with herring, we have not fully developed a plan, but we are going to focus on herring. We've made that decision if we approve this preferred approach. We've also made a decision there are actions that need to be implemented that are addressing marine pollution. And we're going to continue with our habitat acquisition program as it's currently funded. And we're going to address to some degree or another the implications of lingering oil. And we had a -- the studies put together in a presentation made to the council and the public, I guess, in our January meeting on where we stand with regard lingering oil as far as the science is concerned. We have other studies underway that will further inform the situation with regard to what actions may be appropriate for the council to take with regard to lingering oil. But those are going to be the points, if we proceed today, the decision that these are the areas and put emphasis, we will then be moving into the real work, which the implementation decisions. Elise is suggesting that at this point we provide some sideboards to the discussion on monitoring. For purposes of

the science panel I can tell you that this is going to be probably the most critical discussion that we're going to have with regard to the future and it has to be well-informed and we have to be making a collective decision on how best to do this. And what administration is going to be appropriate for that.

We had discussed, although it's not articulated here as a preferred alternative at this point, to delegate those responsibilities to other entities, perhaps Prince William Sound Science Center, perhaps the AOOS, perhaps the NPRB. Where it goes remains to be seen, but we have tentatively made a decision the appropriate administrative course of action is to delegate these responsibilities, the day-to-day oversight of it, to other entities and retain Trustee Council oversight as we're required to do by law if we have others doing the work for us. And as a (indiscernible) decision here, we're going to be reducing substantially our administrative staff, our administrative overhead, and making determinations as to how we're going to manage our day-to-day affairs, whether it's going to be a casting to one or more of the trustee agencies, whether it's going to -- well, how it's going to be done basically.

That is the overview of where we stand. If we -- the council can either make the decision to proceed with the SEIS, with the preferred alternative, and authorize NOAA to go forward and publish that, seeking public comment on it for the

next 45 days. At which point, when those public comments are done, I will come back to the council, brief them on the results of the public comments and the council will then at that point can make the final decisions with regard to what alternative they will choose. Are we going to continue the course of action we've been under since '94 or are we going to narrow it and whittle down our focus as would be in the preferred alternative.

After that, the decision will then be confirmed by the federal agency, federal departments, the Secretary of Interior, Secretary of Agriculture, and the Secretary of Commerce from NOAA will be the ones making the final decisions under the federal protocols. That would be articulated in a record of decision, which is what we already have in the earlier version of the programmatic EIS. A programmatic EIS is not a definitive document in terms of the bits and pieces that are utilized to implement the overarching goals, and that's part of what our conversation is all about right now on monitoring. So we are not deciding who's going to get what, we are deciding what it is we're going to do in a broad, general way. And what I did at the end of that, there was a couple of questions, a couple of comments, and then I moved the council approve NOAA going forward with the publication of the draft supplemental EIS with the preferred alternative being those five focal points for future council activity. That's where it -- I don't

know what of that you guys got or didn't get, but that's, in a nutshell, what I had to say.

CHAIRMAN HARTIG: Okay. Well, thanks for the go.....

MS. HSIEH: Craig O'Connor. May I.....

CHAIRMAN HARTIG: Thanks for going over that again, Craig.

MS. HSIEH: Can I just add, I took some notes.....

CHAIRMAN HARTIG: Just a minute. Just a minute. We got a chair here. Thanks, Craig, for that and we didn't get any of that except just the very beginning of that before, so if we're going to get into a discussion on it and you want to make a motion, I'd suggest we make the motion again and then get a second and get that on the record.

MR. O'CONNOR: All right. Well, I move that we approve NOAA going forward with publication of the draft supplemental EIS with the five focal points as articulated as the preferred alternative of the draft that I circulated for your consideration today.

MR. LLOYD: And this is Denby. I seconded it and second it again.

CHAIRMAN HARTIG: Okay. Sorry, Elise. Do you want to have other comments then now?

MS. HSIEH: Well, I just wanted to also capture, in case it wasn't heard, Kim Elton raised a question with regard to herring research. I had noted that there has some

discussion of herring research, the outcome can be somewhat speculative. There's been some discussion about rolling some of it into long term monitoring. And Kim Elton had asked if that would be constrained in the future by the decisions made today. And Craig O'Connor had answered that, no, that would not be constrained. I just wanted to make sure Kim Elton's comments (indiscernible) not capture (indiscernible).

CHAIRMAN HARTIG: Yeah, again, assume there's nothing that was captured except, you know, when we started up here again. I apologize for that, but that's just -- you know, so your notes and all of that, I mean, it's not part of the record here.

MR. O'CONNOR: All right. Well, Mr. Chairman, probably the most important thing I said in all of that was that your staff, our staff, and the agency folks and the liaisons have been phenomenal in their support for this undertaking. We have done this in record time. We have done it in what I consider to be a phenomenally effective way. We had good public participation in our hearings and I would like to publicly thank your folks and our staff for the contributions they've made and they have been amazing. And I'm very, very pleased that I had the opportunity to participate with them in this.

CHAIRMAN HARTIG: Well, now we really appreciate everybody's efforts here and thanks again. Okay. We have a motion and a second, as I understand it, for NOAA to go forward

with the draft SEIS as part of the NEPA process that Craig described. Are there any questions or discussion on the motion still? Yeah, Craig Tillery, please.

MR. TILLERY: Yeah, I think I might have kind of the same question, more general though than Kim Elton had, which is the status of this we have a draft EIS. We would be approving that, it goes out for public comment. After that, it can all change. Is that right? This -- the decision today doesn't lock you into anything, it just says what goes out to the public?

MR. O'CONNOR: That's correct. And this -- what we have to do is tell the public what it is we propose to do. What is our preference in future actions. We are not bound to them and they should not -- and they -- it will be made clear that we are soliciting their comments and their contribution will then weigh -- would be weighed by us in our decision in the end whether or not this is the way we're going to go. So this is not final by any means.

CHAIRMAN HARTIG: And as I understand it, it's a decision -- or not a decision document, but it leads to the decision document, the record of decision for the federal agencies. The state agencies, I guess, aren't constrained. I mean, it would be unusual, I think, if we took a different course at the end of all of it, but it's a federal process.

MR. O'CONNOR: That's correct.

CHAIRMAN HARTIG: Any followup questions? Craig.

MR. TILLERY: No.

CHAIRMAN HARTIG: I might ask a question then. Has -- I assume that this has had some kind of legal review -- and I don't know if Gina or somebody else can answer that -- where, you know, looking at what is the suggested course of action under the draft SEIS that that would pass legal muster when you compare that with what the requirements are under the consent decree.

MR. O'CONNOR: Well, I won't speak to the Justice Department but in my other capacity as NOAA's chief attorney on this, I think it passes muster.

CHAIRMAN HARTIG: Okay.

MR. O'CONNOR: But that's just one lawyer.

MR. TILLERY: Yeah, Mr. Chairman, from the state side, my view is that -- or understanding is that this proposed alternative is really simply a subset of what we have already approved, what we've already done, which is in conformance with the consent decree and the Clean Water Act and so forth. So the only, I think, in my view, legal issue could be whether you are constrained somehow from narrowing your focus, which I don't believe is the case certainly as far as the consent decree goes. I won't speak for the feds on the Clean Water Act.

CHAIRMAN HARTIG: Well, what I was wondering is --

yeah, this is Craig. I appreciate this is the broad document, it's a 30,000 foot view, it's not looking at proposing specific projects. And when we get to those specific projects, those might be more constrained in terms of what is appropriate as restoration or whatever requirements they have to make. You know, we're not trying to guess what those might be, and so it probably isn't as big an issue as it might be as we look at specific projects.

MR. O'CONNOR: That's correct.

CHAIRMAN HARTIG: Was there any other discussion when we were offline that you think the trustees here in the room need that we might of missed. I'm sorry, that we didn't.....

MR. O'CONNOR: I don't think so. I think I reiterated everything. When you guys started coming back in was after the second by Denby, so.....

CHAIRMAN HARTIG: So, yeah.

MR. O'CONNOR:I think we're back where we were.

CHAIRMAN HARTIG: Good. I don't see other questions here in the room. I guess it's that you did such a thorough job of capturing everything and reiterating all that we had discussed in the past and -- Steve, you have a lot of notes there on yours. Do you have any questions or.....

MR. ZEMKE: I guess the question is I have is that are we looking at this resolution as the latest -- I think the latest copy I had was 4/29. Is that what we're recommending in

the resolution as approving that exact wording or are we looking at some different -- something different than that?

CHAIRMAN HARTIG: Let's see, Elise, I think the one that you sent out here with the four or five corrections, is that the April 29th version?

MS. HSIEH: Yes, I believe that is correct. That's the most recent. We received this week -- I sent out one last week and then we received the few last pieces of information about a couple of species which were included in this last draft.

CHAIRMAN HARTIG: Right. And there was a summary of those changes in her email transmitting that.

MR. ZEMKE: So what I had is kind of looking at some -- like the lingering oil section and I know there's not been much discussion on that, but like on the second paragraph, it talks about passive and subsistence uses. And no -- looking at the notes from the PAC, there was mention about, well, recreat -- or commercial fisheries, the idea about lingering oil and kind of the status of where they're at hasn't been really studied or done since, you know, the early 90s and so I guess my idea was maybe rather than just taking a look at saying passive and subsistence uses, actually looking at that as being all the human uses, both subsistence, recreational, commercial fisheries and the passive uses. And maybe if we substituted those words we'd get that 30,000 foot look at potential -- that's not saying that we're proposing any projects in those,

but it's just a recognition that all of those uses were impacted, they may potentially be continuing to be impacted by lingering oil, and may warrant additional study in this focal area.

CHAIRMAN HARTIG: So you're looking at Section 2.4.2?

MR. ZEMKE: 2, yeah.

CHAIRMAN HARTIG: Yeah.

MR. ZEMKE: And then the second paragraph.

MR. O'CONNOR: Not a problem, Mr. Chairman. We can do that.

CHAIRMAN HARTIG: Okay.

MR. ZEMKE: Yeah, and I guess the other one was I know there was some discussion on the, you know, the monitoring oceanic conditions and about whether or not we should be adding maybe some management indicator species. I'm not sure if that's the correct term or not to add, but did you guys discuss that while we were offline? I know that there was mention that Kim Elton talked -- or had question about that and I just -- I didn't hear any conversation since we came back online about that. And that would be kind of in the 2.4.3 long term monitoring of marine conditions section.

MR. ELTON: Mr. Chair.....

MR. O'CONNOR: Yes, I had -- go ahead.

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

CHAIRMAN HARTIG: Yeah, go ahead, Kim.

MR. ELTON: Okay. I -- Steve just brought up a term that I think we've discussed earlier, not during this phone conversation but -- I mean, if -- I guess I'd have been prepared to make 25, 30, 35 tiny amendments but I -- I mean, given Craig's statements for the record about, you know, that we're not limited. But I do think it would be important on Page 15 under Section 2.4.3, the very last sentence that begins as part of this effort the council seeks to monitor. I would just suggest that we do is we strike -- that we leave in as part of this effort council seeks to monitor ocean and nearshore conditions, period, and then strike the rest of that sentence. Because the rest of that sentence does narrow -- it does tend to narrow that component down by mentioning (indiscernible).

CHAIRMAN HARTIG: Okay. Does everybody see where that is? Yeah, Craig Tillery.

MR. TILLERY: I'm -- I guess I'm not sure that I see that as accomplishing anything. And particularly what I think Kim may be getting at, it describes what ocean and nearshore conditions are. The whole section is about the monitoring of marine conditions. To my way of thinking, if the point is that we may want to monitor species, I'm just -- I'm not sure that that's captured in this at all and that delet -- is that what we're trying to preserve or to leave in?

MR. ELTON: Yeah, Mr. Chair and Craig. I mean, that's

-- I guess -- I mean, I guess -- that's exactly right, Craig. I don't want to suggest that monitoring of species is not part of monitoring nearshore conditions. And I guess my concern is that because the effects of the spill were dominant in the nearshore area, and because we've got continuing lingering oil, I don't want us to lose that nexus between nearshore conditions that impacts on certain species.

MR. TILLERY: Well, as I read 2.4.3, it talks about long term monitoring as two components. One is monitoring of recovery of species and the second is data on environmental factors that drive the ecosystem level changes. And as I read this, it says we're talking about the latter and not the former. So I think if you want leave in the ability to monitor species, that this 2.4.3 needs to be a little bit rewritten and broadened.

MR. ELTON: Well, and I guess -- Mr. Chair, this is Kim again.

CHAIRMAN HARTIG: Yeah, go ahead, Kim.

MR. ELTON: I guess -- I mean, I think you may be right, Craig, but I'm -- I mean, after kind of the statement for the record that the other Craig gave, I'm not sure that we need to try and micro-manage the language at this point. So, I mean, I'm comfortable with the description by Craig that what we're doing is we're articulating broad roles and nothing in this constrains us from the kind of discussion I think we need

to have about monitoring. So, I -- I mean, I didn't make a motion and I won't make a motion to strike the end of that sentence because I do think that -- you know, I mean, I agree and I appreciate what the other Craig said, but we're starting down a path that we thought was in the (indiscernible). And as long as we're not constrained from figuring out what goes in the (indiscernible), I don't know that we need to micro-manage on the language.

CHAIRMAN HARTIG: I guess -- this is Larry. I'm a bit confused here. 2.4.3 says long term monitoring of marine conditions, and I -- as -- you and Craig Tillery's point is, as you read through it, it's talking about oceanographic type things you can measure physically. And.....

MR. ELTON: Mr. Chair, this is Kim again.

CHAIRMAN HARTIG: Yeah, go ahead, Kim.

MR. ELTON: That -- I mean, the second paragraph says long term monitoring has two components, monitoring and recovery of resources from the initial injury. So, I mean, there is a component that does talk about the recovery of resources also.

CHAIRMAN HARTIG: Yeah, but then it goes on to talk about, again, the collection of physical data, and so I don't -- it recognizes that there's two types of monitoring, but I don't -- it doesn't discuss it again.

MR. TILLERY: And again, the title.....

CHAIRMAN HARTIG: The title to me suggests that we're talking about physical monitoring, marine conditions.

MS. HSIEH: Larry -- Mr. Chair, this is Elise. May I give a brief comment?

CHAIRMAN HARTIG: Yeah, go ahead, Elise.

MS. HSIEH: This section is intended to reflect some of what was in the notes of the 10th which was derived from trustee discussions in the retreat and from other forums, which had -- which were very preliminary discussions in which discussed long term monitoring of marine conditions. And I didn't recall a specific discussion about whether that included species or not. So this wasn't necessarily intended -- it wasn't necessarily included in this 2.4.3. Your reading is correct, Craig Tillery. And thus we have an hour here and I would really like to hear -- I -- in one-on-one discussions with some of the trustees they sort of said, well yeah, actually we'd like to throw in a few of those indicator species. And that may be the unanimous opinion of the Trustee Council, but it's something that has not been discussed and I would like to hear the Trustees' opinion. And these are of course rough, general opinions on whether that's something we should include in the language in this section. I don't think our -- the long term monitoring discussions had reached that corner and I just wanted to shed some light on that.

CHAIRMAN HARTIG: Okay. Well, thanks, Elise. That's

helpful and so it does sound like if we want to indi -- clearly indicate as part 2.4.3 that it could include monitoring of species, indicator species, that we should maybe state that more explicitly there.

MR. TILLERY: I would think at a minimum, Mr. Chairman, we might want to change the title to say long term monitoring of marine conditions and injured resources. And it seems to me that there would necessarily need to be some tweaks or should be some tweaks in the body. And again, I'm not sure where -- if this then plays out later in the document.....

CHAIRMAN HARTIG: Yeah.

MR. TILLERY:but I just -- my view is I tend to agree with Kim that that's something that should be in here.

CHAIRMAN HARTIG: An option.

MR. TILLERY: An option. Yes.

CHAIRMAN HARTIG: Yeah. Now, is there any disagreement on that, that 2.4.3 should contemplate monitoring of insured resources as an option along with the physical measurement of marine conditions?

MR. ELTON: Yeah, Mr. Chair this is -- oh.

CHAIRMAN HARTIG: Yeah, go ahead, Kim.

MR. O'CONNOR: Go ahead.

MR. ELTON: I -- you know, I -- I don't know how Craig Tillery feels about this, but I -- I mean, I like his revised title, and if he would make that as a motion, I would second

it, and then we could just add the conceptual part, that the text under 2.4.3 more fully reflect the title (indiscernible).

CHAIRMAN HARTIG: Yeah. I don't -- do we need a motion on each individual item or can just.....

MR. TILLERY: Let's just do it and then make a motion at the end to approve -- we got the motion to -- well, we got a motion to approve this document, so don't you have to amend -- I don't know. I don't think these.....

CHAIRMAN HARTIG: I mean, I thought the motion was just that we're all comfortable with NOAA going forward with the NEPA process, with the draft, and that we weren't actually approving the draft at this point, we're just saying we're comfortable where they are and keep going.

MR. TILLERY: Mr. Chairman, I thought we were approving this draft going out.

CHAIRMAN HARTIG: Okay.

MR. TILLERY: But maybe I misunderstand the process. Mr. O'Connor might be able.....

MR. O'CONNOR: Let's put it -- let's -- let me respond to here. Let's put it this way. I want to be sure that every word in this document or the concepts in this document are -- that the council is comfortable with them. And this is the point where we've had the greatest amount of conversation and consternation. And what Kim has had to say and what Craig has echoed I think are appropriate changes. I -- even though I was

the, quote, author of this document, I was not comfortable with the way this was presented, but it did accurately reflect the conversation that was had by the council during the retreat. This is an area that I personally believe is the most -- it going to be the most challenging and the most important that we're going to engage in. And I want to be sure that as we develop a monitoring plan that we are looking at key indicator species, we are looking at the recovery status on those critters that have not recovered because that's our responsibility, and that we seize the opportunity to have an effective and integrated oceanic monitoring program as well. So I want to be sure that this document is broad enough to capture -- I felt it was as I understood where were all trying to get to. But if we need to make changes to the document to reflect this, these are pen and ink changes that I'm only too happy to make before we get this out to be sure that everybody is comfortable that the scope of our monitoring undertaking is going to be adequate to respond to the needs of interests of the various agencies involved here.

CHAIRMAN HARTIG: Okay. Well, does the.....

MR. O'CONNOR: You're not offending me by making changes, I can assure you of that.

CHAIRMAN HARTIG: Okay. Well, what I suggest, if this sounds good to the group, is we have a motion right now that what we do is we go through the whole document and we try to

capture all the suggested language and direction, and then we go back and amend the motion to pick all those up, get the second to approve it and vote on it as a package. Does that sound okay?

MR. ELTON: Yeah, and Mr. Chair, this is Kim, and I was only joking when I said I had 25 to 35.

(Laughter)

MR. ELTON: The only component of the draft EIS that I would like some clarity on -- and I, quite frankly, I thought that Craig's suggested change to the title captured my concern. As long as there's some tweaking, then I'm comfortable. The other Craig can accomplish in the text. I mean, I don't know whether we want to -- I mean, I guess I'd come from an environment which when there's a motion on the floor, it takes a motion, you know, to amend. But I'm comfortable if in fact the rest of the trustees just say, hey Craig, try and reflect the discussion that we had on these topics.

CHAIRMAN HARTIG: Okay. Well, what we'll do on 2.4.3, we agree it's long term monitoring of marine conditions and injured resources with the understanding that NOAA will look at what tweaks to the rest of that section that would make it clear that when we're talking about the additional long term monitoring, we are meeting both of those things. And I guess going back, Steve, did you have specific language on 2.4.2?

MR. ZEMKE: I guess it was just a question. If you

look at the last sentence, right above the 4. -- or 2.4.3, the long term monitoring heading, it -- that's back in the lingering oil section -- but it says if there's a need for additional projects these may include proposals to measure the exposure and the effects of recovering or not recovering resources to lingering oil, particularly in a nearshore ecosystem. And so some of the long -- or monitoring that we're talking about maybe in this section is actually covered in that statement too. Maybe something like the harlequin duck situation, but, you know, obviously there's some intertwining between the two, but I think we're -- in this other, the 2.4.3 section, we're probably taking a look at a broader view rather than just the impacts from the lingering oil.

CHAIRMAN HARTIG: Okay. But did you have specific language you wanted -- you were suggesting in 2.4.2?

MR. ZEMKE: No.

CHAIRMAN HARTIG: Okay. Okay, Kim, it's back to you on any other -- of the 25 you do want to bring up right now.

MR. ELTON: There are none, Mr. Chair.

CHAIRMAN HARTIG: I didn't mean to cut you off now.

MR. ELTON: Well, okay, let me pull out my notes.

CHAIRMAN HARTIG: Okay.

MR. ELTON: No, let's move on.

CHAIRMAN HARTIG: Okay. Any other specific amendments to the motion? Which means edits to the draft SEIS.

(No audible responses)

MR. O'CONNOR: Well then, I'm going to be so bold as to call for the question, Mr. Chairman.

CHAIRMAN HARTIG: Okay.

MR. ZEMKE: I guess before the question, we vote on the question, I guess, Craig, when you go back to taking a look at the suggestions I had under lingering oil, are those going to be included under this motion, changing the passive and subsistence uses language to subsistence, recreational, commercial fisheries and passive uses? And then.....

MR. O'CONNOR: As far as I'm concerned, I'm reacting to these as editorial changes that I'm going to incorporate. Because I think everything that's been discussed is consistent with the spirit and intent of the document and the council's interests, so.....

MR. ZEMKE: Okay. I'm comfortable then.

MR. O'CONNOR: Your an -- and in a word, your answer -- the answer is yes.

CHAIRMAN HARTIG: So that's specific language that you had there?

MR. ZEMKE: Yeah.

CHAIRMAN HARTIG: Do you want to give that to us again, please?

MR. ZEMKE: Okay. For the second paragraph under 2.4.2, substituting for passive and subsistence uses, I would

substitute subsistence, comma, recreational, comma, commercial fisheries, comma, and passive uses were and then leave that sentence as to the rest. And then the third sentence, where it says this perception has continued to preclude full recovery for some and then strike passive and subsistence uses or subsistence and just put in human uses.

CHAIRMAN HARTIG: For some human uses?

MR. ZEMKE: Yeah.

CHAIRMAN HARTIG: Okay. So, let's see, Craig, I guess we're back to the amendment here to the motion. The suggested amendments, the one we just had there in 4. -- or 2.4.2, substituting for passive and subsistence at the start of the second paragraph, subsistence, recreational, commercial fishing and passive before uses. And in the third sentence, to read this perception has continued to preclude full recovery for some -- strike passive and subsistence and insert human. And then in Section 2.4.3, change the title to long term monitoring of marine conditions and injured resources. Are those acceptable to you as the one that brought the motion?

MR. O'CONNOR: Absolutely.

CHAIRMAN HARTIG: Are they acceptable to you, Denby, as the one who seconded the motion?

MR. LLOYD: You bet.

CHAIRMAN HARTIG: Okay. So now can we vote on it?

MR. ZEMKE: I guess I had one other question. There

was a comment from Kim Elton about dropping the such as current temperature and climate of those areas that influence the spill area. That was the last sentence of the 2.4.3 section. I'm not sure if that's in or out.

MR. ELTON: Mr. Chair, this is Kim. I -- with the change to the title and with the assumption that the monitoring of ocean and nearshore conditions would include those kind of things, I don't -- I think that we don't need to strike that language.

CHAIRMAN HARTIG: Thanks, Kim. Craig Tillery had a question.

MR. TILLERY: Well, no, just say, just to kind of wrap up that change, and I think as I understand the motion, NOAA is going to look at other tweaks in this to make it consistent, but.....

CHAIRMAN HARTIG: Right.

MR. TILLERY:you could say that sentence as part of this effort, the council seeks to monitor ocean and nearshore conditions such as current temperature and the climate of those areas that influence the oil spill as well as injured resources.

CHAIRMAN HARTIG: Well, as I understood the motion, that NOAA isn't precluded from making additional.....

MR. TILLERY: Exactly.

CHAIRMAN HARTIG:changes.....

MR. TILLERY: Right.

CHAIRMAN HARTIG:you know, that are in the spirit of what we've discussed.

MR. TILLERY: Precisely.

CHAIRMAN HARTIG: So, okay. With that, I guess we'll have a roll call vote. Is that the way you want to do it since we have so many people on the phone?

MR. O'CONNOR: I think that's a good idea, Mr. Chairman.

CHAIRMAN HARTIG: Okay. So we'll go through the roll call. Craig Tillery.

MR. TILLERY: Yes.

CHAIRMAN HARTIG: Craig O'Connor.

MR. O'CONNOR: Yes.

CHAIRMAN HARTIG: Kim Elton.

MR. ELTON: Yes.

CHAIRMAN HARTIG: Denby Lloyd. Denby?

MR. LLOYD: I'm sorry, what was that, Larry?

CHAIRMAN HARTIG: Are you voting for the motion as amended?

MR. LLOYD: Yes, thanks.

CHAIRMAN HARTIG: Thank you. Steve Zemke.

MR. ZEMKE: Yes.

CHAIRMAN HARTIG: And Larry Hartig, I vote in favor of it too, so the motion passes.

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

CHAIRMAN HARTIG: Yes, Kim.

MR. ELTON: I just want to express thanks to -- I mean, Craig O'Connor has thanked everybody else, thanks to Craig on bird-dogging this. Thanks for sitting on the meetings across affected spill areas (indiscernible). Just, Craig, thanks.

CHAIRMAN HARTIG: Yeah, I agree. It was just a great job, and not surprising given your abilities and knowledge in these areas, but it did show an extra commitment on NOAA's part and your part, so thanks very much, Craig.

MR. O'CONNOR: All right. Well, the one who did all the work was Laurel, so thanks to her.

CHAIRMAN HARTIG: And thanks to Laurel too.

MR. O'CONNOR: I'm just a pretty face.

CHAIRMAN HARTIG: Well.....

MR. O'CONNOR: But I appreciate that, Mr. Chair.

CHAIRMAN HARTIG: Okay. And then we have on the agenda going into an executive session. Is that needed today? Elise, do we need an executive session?

MS. HSIEH: No, not unless you feel compelled (indiscernible).

CHAIRMAN HARTIG: I don't -- yeah, nobody has -- everybody is shaking their head no here. Is there.....

MR. O'CONNOR: I don't feel compelled.

CHAIRMAN HARTIG: Okay. Is there anything else to come

before the meeting?

MR. O'CONNOR: I would just make a comment, Mr. Chairman. The other spill that is going on right now may surpass Exxon in terms of its impact and complication and volume, but the lessons learned through this experience with Exxon are serving us very, very well in the Gulf of Mexico today. We are well prepared, we have good coordinated effort by four states and the federal government. We're even getting engagement from folks as far away as Cuba. But it was the lessons we learned in Exxon and the experiences we had there that are serving as the foundation for this -- for the government's response to the Deepwater Horizon spill.

CHAIRMAN HARTIG: Well, thanks, Craig. It certainly is a sobering situation down there and everybody involved we work -- we certainly wish them the best and if there's things, obviously, the state of Alaska can help on too, that we'd be happy to discuss that.

MR. O'CONNOR: Okay.

CHAIRMAN HARTIG: Okay. Anything else to come before the meeting?

(No audible responses)

CHAIRMAN HARTIG: Do we have a motion to adjourn then?

MR. ZEMKE: I move to adjourn the meeting.

MR. TILLERY: Second.

CHAIRMAN HARTIG: Any opposition to the motion to

adjourn?

(No audible responses)

CHAIRMAN HARTIG: Hearing none, we're adjourned.

Thanks everyone.

(Off record - 11:23 a.m.)

(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 2 through 55 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 30th day of April 2010,
commencing at the hour of 10:00 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 10th day of May 2010.

SIGNED AND CERTIFIED TO BY:

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