

EXXON VALDEZ OIL SPILL TRUSTEE COUNCIL

Public Meeting

Tuesday, April 19, 2011

12:30 o'clock p.m.

441 West 5th Avenue, Suite 500

Anchorage, Alaska

TRUSTEE COUNCIL MEMBERS PRESENT:

U.S. DEPARTMENT OF INTERIOR: MR. KIM ELTON

ATTORNEY GENERAL, DEPART OF LAW MS. JEN SCHORR

AK DEPARTMENT OF FISH & GAME MS. CORA CAMPBELL

U.S. FOREST SERVICE MR. STEVE ZEMKE

AK DEPT OF ENVIRO CONSERVATION MR. LARRY HARTIG (T)

NOAA MR. JIM BALSIGER

Proceedings electronically recorded, then transcribed by:

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ORIGINAL

ALSO PRESENT:

CRAIG O'CONNOR
ELISE HSIEH
SAMANTHA CARROLL
TERRI MARCERON
BARAT LAPORTE
CHERRI WOMAC
LINDA KILBOURNE
CARRIE HOLBA
CATHERINE BOERNER
TOM BROOKOVER
JOE DARNELL
DOUG MUTTER
PETE HAGEN
KRIS HOLLDERIED
MICHAEL SHEPARD
DANIELLE JERRY
ROBIN REICH
VERONICA VARELLA
CYNTHIA BERNIS-LOPEZ
MEERA KOHLER
MOLLY MCCAMMON
ROY JONES

NOAA
Executive Director
DNR
USFWS
Patton Boggs
EVOS Staff
EVOS Staff
EVOS Staff
EVOS Staff
ADF&G
USDOJ
USDOJ
NOAA
NOAA
USNPS
USNPS
CONSULTANT
USFWS
OLD HARBOR NATIVE CORP
ALASKA VILLAGE ELECTRIC CORP
AK OCEAN OBSERVING SYSTEM
Atty

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P R O C E E D I N G S
(Anchorage, Alaska - 4/19/2011)

(On record)

CHAIRPERSON SCHORR: Okay. Good afternoon, everyone, and welcome. And please bear with me because this is my first meeting as chair, so I am a rookie and I may make procedural errors. In the room here we have Jim Balsinger for NOAA. We have Kim Elton for the Department of Interior. Cora Campbell for Department of Fish and Game. Steve Zemke for the Forrest Service. And Elise Hsieh. And on the phone we have Commissioner Hartig from Department of Environmental Conservation. So -- and Larry, we are glad that you were able to join us.

MR. HARTIG: Thank you.

CHAIRPERSON SCHORR: Should I go through who's on the phone? Could people on the phone please identify themselves?

MR. OATES: This is Phillip Oates, the City Manager of Seward.

MS. (Indiscernible): This is (indiscernible) Cordova.

MR. JONES: Roy Jones with Old Harbor Native Corporation.

MS. ANDERSON: Kari Anderson, the Seward Harbormaster.

MS. BOWER: Amanda Bower from the PAC.

CHAIRPERSON SCHORR: Is that everyone on the phone?
Great.

MS. BIRD: Nancy Bird.

P R O C E E D I N G S
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(On record)

CHAIRPERSON SCHORR: Okay. Good afternoon, everyone, and welcome. And please bear with me because this is my first meeting as chair, so I am a rookie and I may make procedural errors. In the room here we have Jim Balsiger for NOAA. We have Kim Elton for the Department of Interior. Cora Campbell for Department of Fish and Game. Steve Zemke for the Forrest Service. And Elise Hsieh. And on the phone we have Commissioner Hartig from Department of Environmental Conservation. So -- and Larry, we are glad that you were able to join us.

MR. HARTIG: Thank you.

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MR. JONES: Roy Jones with Old Harbor Native Corporation.

MS. ANDERSON: Kari Anderson, the Seward Harbormaster.

MS. BAUER: Amanda Bauer from the PAC.

CHAIRPERSON SCHORR: Is that everyone on the phone?
Great.

MS. BIRD: Nancy Bird.

CHAIRPERSON SCHORR: I'm sorry?

MS. BIRD: Nancy Bird from Prince William Sound Science Center.

CHAIRPERSON SCHORR: Hi Nancy. Okay. So our next item on the agenda is approval of the agenda, so do I have a motion for approval of today's agenda?

MR. ELTON: I move that we approve the agenda of the previous meeting.

CHAIRPERSON SCHORR: Is there a second?

MR. BALSINGER: I'll second with the recognition that actually I'm sitting at your table instead of Craig O'Connor.

CHAIRPERSON SCHORR: Turn your mic on, please.

MR. BALSINGER: That was only an administrative matter.

CHAIRPERSON SCHORR: Okay.

REPORTER: Name, yeah.

MR. ELTON: Did.....

UNIDENTIFIED SPEAKER: Just leave them all on?

MR. ELTON: Did you get a.....

REPORTER: No, we can just leave them on, how about that?

MR. ELTON: Well, or we can try and remember what we're supposed to do, too. That might be a.....

CHAIRPERSON SCHORR: That's too complicated.

MR. ELTON: That might be a challenge. I'll repeat the motion. I move that we approve the minutes of the previous

meeting.

CHAIRPERSON SCHORR: Okay. And we did have a second.

MR. BALSINGER: And I seconded with the recognition that I'm actually sitting at the table instead of Craig O'Connor, so I'm not sure whether -- I mean, these are just drafts, but I just wanted to.....

CHAIRPERSON SCHORR: The final agenda will reflect that. So is there anyone that opposes the motion? Commissioner Hartig, I think since you're on the phone it probably would be best if you verbally gave your votes today.

MR. HARTIG: Yeah, I vote in favor.

CHAIRPERSON SCHORR: Anyone opposed?

(No audible responses)

CHAIRPERSON SCHORR: Hearing no opposition, the agenda is approved. Next item is approval of the meeting notes from the meeting of February 11th, 2011. Does anyone have any questions or comments about the meeting notes?

(No audible responses)

CHAIRPERSON SCHORR: Hearing none, is there a motion for approval of the meeting notes?

MR. ZEMKE: I move to approve the meeting notes of February 11, 2011. Thank you. Is there a second?

MR. ELTON: Second.

CHAIRPERSON SCHORR: Commissioner Hartig, do you vote -- move for approval of the meeting notes?

MR. HARTIG: Yes, I am in favor of the motion.

CHAIRPERSON SCHORR: Thank you. Is there any opposition?

(No audible responses)

CHAIRPERSON SCHORR: All right. The meeting notes are approved. Next on the agenda I believe is public comments. Yes. I think we should start with people on the phone. Is there anyone on the phone who would like to give public comment? And we would request that your public comments are limited to three minutes per person.

MR. OATES: This is Phillip Oates, the City of Seward. I would like to make some public comment as soon as possible.

CHAIRPERSON SCHORR: Okay. Go ahead, please.

MR. OATES: Again, this is Phillip Oates, City Manager, City of Seward. My public comments are in reference to a grant application for a vessel wash-down and wastewater recycling facility in the Seward Marine Industrial Center area. This is a grant request that will allow users of our 250 ton travel lift to take their vessels out of the water, wash the vessels down. The water, the sediment of the bottom-paint be captured in a self-contained unit, then the water will be cleaned and recycled for subsequent wash-down use. And then the sediment material will be disposed of by a private contractor. It will certainly do much to protect our waters and improve practices in our Seward Marine Industrial Center area. And I'd just like

to say that the City of Seward is committed totally to the Seward Marine Industrial area. It's been a vibrant part of our community since the middle eighties but we have expansion plans to start bringing the CDQ's fishing fleets back to Alaska and home port some of those fishing fleets here in Seward. We see growing use of our industrial area and I thank you for the opportunity to speak on behalf of this grant application. And I'd be happy to answer any questions, if you have any.

CHAIRPERSON SCHORR: Thank you for your comments. Does anyone have any questions?

(No audible responses)

CHAIRPERSON SCHORR: Commissioner Hartig, do you have any questions?

MR. HARTIG: No, I don't.

CHAIRPERSON SCHORR: Okay. Thank you.

MR. OATES: Thank you, ma'am.

CHAIRPERSON SCHORR: Is there anyone else on the phone who would like to provide public comments?

MS. ANDERSON: Yes, my name is Kari Anderson. I am the PI and also the harbormaster here in Seward.

CHAIRPERSON SCHORR: Great. Go ahead, please.

MS. ANDERSON: Great. Good afternoon. Again, my name is Kari Anderson and I'm also speaking today on behalf of the City of Seward's proposal for a vessel wash-down and wastewater recycling facility. I wanted to thank the members of the

Trustee Council for choosing harbor protection and marine restoration of the focus area for fiscal year 2012. The City of Seward has applied for funding under the storm water/wastewater harbor project area and I wanted to quickly address some questions posed by the Science Panel and by the Executive Director regarding our project.

The concept of a vessel wash-down pad and water recycling facility is not new. These facilities currently exist in Wrangell and also Kodiak, which are two harbors that operate marine travelifts that have vessel wash-down pads. There will be some small differences between the design in these facilities however the engineering and permitting of the storage facilities should be easily accomplished within the proposed timeline of 12 months and outlined in -- on Page 10 of our proposal.

Seward was one of the first harbors to obtain a travelift in the early 1990s and the environmental awareness of the problems with storm water runoff and bottom-paint sediment weren't fully realized at that time. The city currently has an MPS (ph) small water permit similar to the Seward Marine Industrial Center and we are committed to see efficient and environmentally friendly operation of this vessel repair and maintenance area.

Once the vessel wash-down and wastewater recycling facility is constructed, the city will reevaluate the sea

structure for its travelift services. A small environmental fee will probably be added to the travelift rate to cover the maintenance of the facility but not to discourage mariners from using the facility. An environmental fee is currently charged by Kodiak for their travelift services. Any changes to the port harbor tariff are ultimately approved by Seward City Council, however the council has made it a standard practice to include maintenance costs into each operating budget and to plan rate increases according to maintenance and capital replacement needs.

And finally, the City of Seward has qualified and trained staff who will assume the overall maintenance of the facility. Each of our staff has areas of specialization, including hydraulics, electrical certification and construction. I'm confident that our staff will do a good job operating and maintaining this wash-down and wastewater recycling facility. There is strong community support for this program and I believe this initial capital investment will produce environmental benefits for years to come. Thank you again for your time today.

CHAIRPERSON SCHORR: Thank you for your comments. Does anyone have any questions for Kari Anderson?

(No audible responses)

CHAIRPERSON SCHORR: Go ahead, please.

MR. ELTON: Yeah, thanks for your testimony. You had

noted that Kodiak charges an environmental fee for their wash-down facility. Did I hear you correctly?

MS. ANDERSON: That is correct.

MR. ELTON: Okay. And I guess the question that I have is, if you get EVOS funding, I mean, it would seem to me that EVOS is providing a competitive advantage to Seward that could negatively impact Kodiak?

MS. ANDERSON: I would not construe it as that way. The Kodiak facility is a 600 ton marine travelift and they have their wash-down facility in place at this time. I believe they utilize their environmental fee to pay for, you know, some of the annual maintenance and things. What we're trying to do is service vessels of a different size and solve our wastewater collection facility wash-down pad so that we can provide these services and just need to charge at -- still at a competitive rate.

MR. ELTON: Okay. Thank you.

CHAIRPERSON SCHORR: Thank you. Are there any other questions for Kari Anderson?

(No audible responses)

CHAIRPERSON SCHORR: Is there anyone else on the phone that would like to provide public comment?

MS. BIRD: This is Nancy Bird.

CHAIRPERSON SCHORR: Go ahead, Nancy.

MS. BIRD: Okay. I'm speaking as President of the

Prince William Sound Science Center and just want to say how pleased we are that both herring and long term monitoring proposals seem to have been well-received by the Science Panel and the Public Advisory Committee.

CHAIRPERSON SCHORR: Nancy, I'm sorry to interrupt you but we're.....

MS. BIRD: Principal investigators.....

CHAIRPERSON SCHORR: I'm sorry to interrupt you. We're having a difficult time hearing you. Would you mind speaking up a bit? Thank you.

MS. BIRD: Okay. I just will highlight that we're very pleased that the herring and long term monitoring programs have been well-received by the Science Panel and the Public Advisory Committee. The principal investigators we pulled together on fairly short notice for those projects worked very hard to plan them and make the initial five-year program to both build on the foundations of past research. They tried to leverage a lot of resources and integrate programs within themselves. While the proposals submitted were fairly complete, we always accepted that there would be these few months of time between preliminary approval and the final approval -- I understand it's scheduled for August -- to have the further discussion and resolution of the issues that have been identified by the Science Panel, the Public Advisory Committee, and today from you. We've begun responding to some of those issues and we

hope, as I said, to continue that discussion, reach the best resolution as possible.

In regard to the herring program, I just want to highlight our concern that the greatest weakness we think in the program that we proposed is the lack of a modeling component. We couldn't squeeze that in with the limited budget. If, however, there are additional funds made available, we'd like to discuss the possibility of adding a modeling component in this first five-year program anyway.

In regard to the data management concerns, I want to emphasize how important we believe this component of the program for both programs is. We are very committed to insuring that data is made available quickly, that it's secure for the future use, as many generations, and that it's accessible for multiple users.

Finally, I just want to note that Scott Pegau absence today is due to a previous engagement he made months ago, before this meeting was scheduled. He's out on a boat with industry representatives testing a balloon aerial surveillance system for oil spill response, which we think has really good potential for use at night and in bad weather.

I will be on the teleconference for the duration of the meeting if there are any further questions. Thank you very much for the opportunity to comment.

CHAIRPERSON SCHORR: Thank you for your comments,

Nancy. Does anyone have any questions?

(No audible responses)

CHAIRPERSON SCHORR: Okay. Is there anyone else on the phone who would like to give public comment?

(No audible responses)

CHAIRPERSON SCHORR: Okay. It sounds like there are no additional comments from the phone. Is there anyone present in the room who would like to provide public comment? Molly?

MS. MCCAMMON: Thank you, Madame Chair. My name is Molly McCammon and I'm Executive Director of the Alaska Ocean Observing System. I wanted to echo Nancy Bird's comments about the long-term monitoring and herring proposals. We all spent a lot of time putting those proposals together, really looking very closely at the RFP that was put out by the Trustee Council and trying to be responsive to this. And it's gratifying to see the response from the Science Panel and the Public Advisory Committee. So we really appreciate that you're considering us to be a potential implementer of those proposals.

I know that the Science Panel and the Public Advisory Committee had some concerns about data management and I just want you to know that I am here today if there are questions that come up during your discussion, any additional information I can provide you. We did send some additional comments to in the form of a letter from kind of the partners for the program. Nancy Bird, Scott Pegau, Kris Holderied and myself, emphasizing

that we think there's a lot of benefits to working with the Alaska Ocean Observing System for the data management piece. There's a lot of leveraging from a number of different partners that we've been working with, including the Department of Fish and Game, the Alaska Data Integration Working Group, all of the federal and state agencies and research entities that are on our board. We also have access to and participate in all of the interagency, federal interagency data management activities at the national level. So our goal is really to have a data system that meets not only the needs of Alaskans but that is also consistent with all of the federal standards that are developing as we go along.

I know that there were some concerns expressed by both groups and I think those can be addressed in a lot of different ways as we go through this process. Things like a detail work plan, clear deliverables, things like that. I know myself, in the position that I have now and past times at the EVOS Trustee Council and all of you, we've all had kind of issues with the whole concept of data management. I think some of those problems have a lot to do with changing technology, they have to do with different perceptions about what people see as data management and what the expectations are and kind of this lack of clear deliverables. And that's one of the lessons I know that I've learned is to be really clear about what's expected, have very clear timelines. Give the necessary amount of money

to achieve those products and deliverables, which also often kind of get short-changed. And in fact in the last process that the Alaska Ocean Observing System had, we ended up hiring a national consultant to help us write our request for proposals, review our proposals, and then helped develop the final contract with our -- with Axiom Consulting. So any of -- there's lots of things that can be done to ensure that you have a good product and a clear process, a clear transparent process, and that the Trustee Council and the agencies who are working on this program get the end results. And I'd be happy to answer any questions. Thank you.

CHAIRPERSON SCHORR: Does anyone have any questions for Ms. McCammon?

(No audible responses)

MS. MCCAMMON: And I will be here this afternoon for the discussion if you had anything then.

CHAIRPERSON SCHORR: Great. Thank you. Is there anyone else present in the room? Please. Go ahead.

MS. HOLDERIED: Good afternoon. I'm.....

CHAIRPERSON SCHORR: Would -- I'm sorry, would you mind making sure it's on.

MS. HOLDERIED: I think I heard that earlier. Good afternoon, I'm Kris Holderied. I'm the Director of the NOAA Kasitsna Bay laboratory down in Kachemak Bay. I'm also one of the co-PI's on the long term monitoring proposals, the McCammon

et al proposal and here to speak on behalf of that proposal. Molly just outlined pretty well our discussions. What I wanted to add is, first, my appreciation and thanks to the Trustee Council for recognizing the need for long term monitoring as a tool for supporting the restoration, continued recovery and sustained management of resources that have been injured by the Exxon Valdez oil spill. I think that's a really -- our opinion is that's a key tool for that and much appreciate the council's willingness to support that as well.

And to say that in the reviews -- what we had done in putting our proposal together was to look at a balanced program of the monitoring itself, the management of the data from that in a robust way and the synthesis of information to be able to look at things holistically rather than each individual data set by itself. And it was wonderful in the comments both from the Science Panel and from the staff to see the recognition of the need for all those pieces. We had a lot of discussions about how that would be perceived and, you know, whether the balance was something that the council wanted and the reviews from the Science Panel and the staff seemed to indicate that that was the right direction. And that was very gratifying to us because we spent a fair amount of time coming up with that. I also appreciate the recognition of the effort that went into putting together the program for this stage of the proposal and if we're selected as a preferred proposer, really look forward

to working with staff on developing the work plan and the further details of that.

And that I just wanted to say that I appreciate that the -- well, again, there's a recognition of the need to collaborate to do the data management piece of this correct and really take advantage of some of the other resources that we have in the state and we're looking forward to being able to do that as part of this process and appreciate the opportunity that the council is giving sort of the broader scientific community here, the opportunity that we have to do that with the support. So thanks very much for the opportunity to comment and for your time and I'm glad to take any questions. And I will be around for the rest of the meeting as well.

CHAIRPERSON SCHORR: Thank you. Does anyone have any questions for Ms. Holderied?

(No audible responses)

CHAIRPERSON SCHORR: All right. Thank you very much. Is there anyone else in the room who would like to give public comment? Please go ahead.

MS. BERNS-LOPEZ: Hi there. My name is Cynthia Berns-Lopez and I'm here on behalf of the Village of Old Harbor representing the Old Harbor Native Corporation, City of Old Harbor, and the Old Harbor Tribal Council regarding the proposed resolution that would facilitate the construction of a hydroelectric project in our village. This project has been

pursued by our community for over 30 years now and will assist our community to stop the out-migration and initiate an economic development. This hydro project is part of a multi-pronged economic development effort that our community has been pursuing. We are working on building the infrastructure in our community to support a fish processing plant as we have two cannery operators interested in establishing the plant in our village. In addition, AVEC, our electric service provider, has confirmed that this hydroelectric project will eliminate the fuel surcharge that our residents are currently paying, which generally doubles the electric bill for our community residents.

All of the agencies we've been working with see this project as positive and we are very excited to continue this project so that we can have a more sustainable community. I thank you for your consideration and support of the hydroelectric project in Old Harbor. We strongly believe with the collaboration of all that we can make this project a reality. Thank you.

CHAIRPERSON SCHORR: Thank you. Are there any questions for Cynthia?

(No audible responses)

MS. BERNIS-LOPEZ: All right. Thanks.

CHAIRPERSON SCHORR: Thank you very much. Is there anyone else who would like to give us public comment?

MS. KOHLER: Good afternoon. My name is Meera Kohler and I am the President and CEO of Alaska Village Electric Co-op and I just wanted to reiterate the comments that you just heard. We've been working on trying to develop this project for a long time. The trustees council has been very cooperative with us in allowing us access to the reserve and we would like a very slight amendment to that, which you'll be hearing more about a little bit later on. But I'm here to answer questions and to give any support that might be needed as we get consideration of the project.

CHAIRPERSON SCHORR: Thank you. Are there any questions now for -- could you spell your name for us?

MS. KOHLER: M-E-E-R-A K-O-H-L-E-R. Thank you.

CHAIRPERSON SCHORR: Thank you. Is there anyone else in the room who would like to provide public comment?

(No audible responses)

CHAIRPERSON SCHORR: No? Okay. That concludes the public comment portion of the meeting. We will now move onto the PAC comments. We have the PAC chairperson Kurt Eilo here to provide those comments on behalf of the PAC. New? Yes, welcome as chair of the PAC.

MR. EILO: Thank you. It's an honor to be selected for Chair of the PAC and in fact I'm quite certain it was a selection based on appearance and not substance. So, my good looks get me a long way. I'm just kidding. I apologize. My

name is Kurt Eilo and I am currently Chair. I appreciate that Patience Faulkner and Amanda are both on line as well. Members of the PAC.

(Off record conversation)

CHAIRPERSON SCHORR: Okay.

MR. EILO: Okay?

CHAIRPERSON SCHORR: Sorry. Please go ahead.

MR. EILO: Should I go back to the good appearance part? I'd like to just summarize what -- the outcome of the PAC meeting and as short as I can. Basically for all the FY-12 proposed funding recommendations the PAC recommendations follow consistent with the Science Panel across the board. There are a couple of things I'd like to note and highlight these particulars. The McCammon project and the Scott -- the McCammon LTM project and the Pegau PWS herring research and monitoring program, both of those projects were not unanimously voted forward. Primarily concerned, after substantial discussion with the selection of one of their data management subcontractors, and I believe that that was discussed in length at Science Panel as well and we had some testimony previously about that. What I did want to highlight to you is that there were -- it wasn't a unanimous vote to move those projects forward and I think the message, if I were to extrapolate that, is we'd suggest the TC and staff take seriously performance of the subcontractors under those projects.

And with regard to the marine debris proposals, the PAC did support the Gulf of Alaska Keeper proposal by Pallister consistent with the Science Panel. And having discussed that, there was a great deal of appreciation for the proposal effort submitted by the Native Village of Eyak and after some discussion the request went forward to the TC and the staff to see if there wasn't some way to blend community projects where there's public outreach and involvement into some of the Gulf of Alaska Keeper proposal and perhaps expand that proposal in cooperation with the Gulf of Alaska to allow community involvement and outreach.

And with that, I believe that summarizes the extent of the comments I had for the group today and I don't know if it's appropriate to see if Patience, my Vice, had anything she wanted to add.

CHAIRPERSON SCHORR: Sure. Patience, did you have anything you'd like to add to Kurt's comments?

MS. FAULKNER: No, he did quite well. Thank you.

CHAIRPERSON SCHORR: All right. Thank you. Does anyone have any questions for Kurt?

(No audible responses)

MR. EILO: All right.

CHAIRPERSON SCHORR: All right. Thank you. Next on the agenda is the Executive Director's report by Elise Hsieh.

MS. HSIEH: Good afternoon. I also wanted to echo the

PAC and the Science Panel, the long term monitoring, all the proposals. We appreciate everyone's effort. This was a very short period of time to get these proposals in and we appreciate the efforts made by each of the proposers, particularly the long term programs are quite a consortium of groups and individual PI's and we appreciate the effort that went into that. As well as the level of detail in responding to the invitation, which the Science Panel and the Trustees and liaisons worked on the structure and skeleton of that invitation and they answered the call quite well. Again, the data has been an issue but with regard to the remainder of the proposals, there was strong consensus that they were excellent.

In addition, the PAC and Science Panel had meetings over the last couple weeks. They were very productive. The groups were very engaged. Our new lean PAC had a fantastic meeting. Everyone was -- contributed and their comments are greatly appreciated. They had some fantastic suggestions and pointed out other details that they knew, bringing in from their communities, and that was very helpful. Also, I wanted to thank Stacy Studebaker, who stepped down as our Chair for this turn, and Kurt Eilo -- welcome, Kurt -- as our new Chairperson, doing a fantastic job already. Stacy was the Chairperson for six years, so I just wanted to send our thanks her way. She's busy writing books and field guides to wildflowers, which have been doing well.

We here at the Trustee Council, as most people know, over the last two years have downsized quite a bit and have been looking for IT support from a trust agency. Department of Fish and Game has graciously offered to assist us in that way. We're discussing that transition and that will take place July 1st. And so I'm requesting funding for an RSA with the Department of Fish and Game for IT support. We had been using a private contractor, John Wojtacha, who's been great. We may, in August when we come back up for our annual APDI budget, we may also end up keeping him on for some period of time in the short term depending on the Department of Fish and Game and their work load. Our systems here all need to be upgraded, have been neglected for several years, so we'll be looking to John and the Department of Fish and Game to guide us down that path. So I will be asking today for a motion approving, it's \$80,000 which will take -- commence July 1st and take you through -- then through the federal fiscal year 2012, ending on September 30th. So it's funding for one state year plus the tail end through September to get us back on a funding period that runs September, through September for the federal fiscal year. \$80,000 is our estimate of the RSA. We haven't had time to -- we may have to adjust it in the fall but I'll know more then. So this would be \$80,000 plus the G&A for a total of \$87,200 to support IT services until our next federal fiscal year starting October 1st, 2012.

CHAIRPERSON SCHORR: Are there any questions for Elise regarding the IT resolution?

MR. BALSINGER: What does RSA stand for?

MS. HSIEH: You know what, Cora, do you know what R -- I've actually.....

MS. BOERNER: Reimbursable Services Agreement.

MS. HSIEH: Reversible [sic] Services Agreement. It's the way that state agencies transfer funds between them for services. Sorry.

CHAIRPERSON SCHORR: Are there any other questions for Elise?

MR. ELTON: Do we do a motion now or is that going a quick.....

CHAIRPERSON SCHORR: Yes, it is. You can move to authorize the Executive Director on item -- agenda item number 5 to enter into an RSA for information technology support services with the Alaska Department of Fish and Game for the remainder of federal fiscal year 2011 to commence on July 1st, 2011 through federal fiscal year 2012, ending September 30th, 2012 plus applicable G&A in the amount of 87 -- in the total amount for \$87,200.

MR. ELTON: I think to be technical then, Madame Chair, I'll make the motion but I probably should re-read so that the motion comes from a council member.

CHAIRPERSON SCHORR: Please.

MR. ELTON: Okay.

CHAIRPERSON SCHORR: Thank you.

MR. ELTON: I move we authorize the Executive Director to enter into an RSA for information technology, IT support services with the Alaska Department of Fish and Game for the remainder of the federal fiscal year 2011 to commence on July 1st, 2011 through federal fiscal year 2012, ending September 30th, 2012, plus applicable general administration in the amount of 87,200 total.

CHAIRPERSON SCHORR: Thank you. Is there a second?

MR. ZEMKE: I'll second the motion.

MR. EASTON: I would second that. This is Dan Easton. I've got to let you know that Commissioner Hartig got called out and I'm sitting in for him.

CHAIRPERSON SCHORR: Thank you, Dan.

MR. EASTON: Sure. You bet.

CHAIRPERSON SCHORR: Cherri, do we have a standing delegation for Dan Easton in our records? No?

MS. WOMAC: Commissioner Hartig doesn't have an alternate.....

CHAIRPERSON SCHORR: Okay.

MS. WOMAC:on the record.

CHAIRPERSON SCHORR: Okay.

MR. ELTON: So.....

CHAIRPERSON SCHORR: So you may want to hold off on

your motions.

MR. ELTON: Yeah, why don't I withdraw the motion.....

MS. WOMAC: Okay.

MR. ELTON:if the seconder will withdraw his
second.....

MR. ZEMKE: And I'll.....

MR. ELTON:and we can make the motion.....

MR. ZEMKE: I'll agree to that.

MR. ELTON:later.

CHAIRPERSON SCHORR: Thank you. Dan, do you know
whether Commissioner Hartig will be able to rejoin the meeting?

MR. EASTON: No, I don't. In fact, I think it's
unlikely but frankly I'm not sure he knows whether he's going
to be able to rejoin.

MS. WOMAC: Okay.

MR. EASTON: We'll have to.....

CHAIRPERSON SCHORR: Is it possible.....

MR. EASTON: We'll have to play it by ear.

CHAIRPERSON SCHORR: Would it be possible, Dan, for
Larry to just step out for a moment and verbally give his
assent for you to be his alternate during this meeting so that
you may vote so we can move along some agenda items?

MR. EASTON: No, I don't think so. You know, he's just
wrapped up in things. You know, is there a way that he can do
it after the fact?

CHAIRPERSON SCHORR: No. This is Jenn Schorr. We -- because all decisions must be made unanimously, I think what we'll do is we'll continue going through the agenda items, we will hold any votes until later in the meeting in the event that Commissioner Hartig is able to rejoin the meeting.

MS. HSIEH: Or if he could just give.....

MR. EASTON: Hey, Jenn.....

MS. HSIEH:his verbal assent.

MR. EASTON: Jenn, if you don't mind, this is Dan Easton again. If I can just pile on. I understand the delegation has been sent, so you may have that now.

CHAIRPERSON SCHORR: Oh, okay. Thank you, Dan. We will go check and as soon as we have that then you will be permitted to vote for Commissioner Hartig and we will proceed. So let's just standby for just one minute while one of the staff members goes to see whether we've received that.

MR. EASTON: All right.

MS. HSIEH: Dan, was that sent via email?

MR. EASTON: Email to Cherri Womac.

MS. HSIEH: Okay.

CHAIRPERSON SCHORR: She's gone to check.

MS. HSIEH: Outstanding. Thank you.

MR. EASTON: Uh-huh.

CHAIRPERSON SCHORR: Just ask everyone to bear with us for a moment, please. There are cookies in the other room.

MR. EASTON: (Indiscernible).

CHAIRPERSON SCHORR: We have a taker on the cookies.

MS. HSIEH: Dan, is your last name spelled E-A-S-T.....

UNIDENTIFIED SPEAKER: O-N.

MS. HSIEH:O-N?

MR. EASTON: Yeah.

UNIDENTIFIED SPEAKER: Thank you.

MS. HSIEH: Thank you. Can Kim put his motion back on the table without having to reiterate the whole thing?

CHAIRPERSON SCHORR: I think so.

MS. HSIEH: Yeah.

MR. ELTON: Do I need to read anything?

MS. HSIEH: No.

CHAIRPERSON SCHORR: I don't think so.

MS. HSIEH: Yeah.

CHAIRPERSON SCHORR: Dan, this is Jenn again. Just on a procedural note, because you're on the phone, we will be asking you to state your vote for the record, so I'll be asking you.

MR. EASTON: All right. Sounds fine.

MS. HSIEH: We received an email from Claire Fishwick stating that Dan Easton will be asking on behalf of Commissioner Hartig. Dan is delegated the authority to act on any matters brought before the Trustee Council members but it's signed Claire.

CHAIRPERSON SCHORR: Would it be sufficient if Cherri calls Claire and if Claire sends another email saying that Larry Hartig has directed that -- and if for some reason Larry Hartig comes back after this meeting and says that he did not give that direction, then the votes will have to be taken again at a future time. Is the council comfortable with that procedure?

UNIDENTIFIED SPEAKER: Is there any comments or.....

MR. ELTON: Well, I -- I mean, I guess I'm comfortable -- sorry. I will learn. I guess I'm -- I mean, if Claire said the Commissioner directed me, then I'm comfortable at that point and I guess I'd be startled if he did come back and later.....

CHAIRPERSON SCHORR: That would greatly surprise me as well.

MR. ELTON: So I -- I mean, I can't speak for the rest of the council, but I'm comfortable with that.

CHAIRPERSON SCHORR: That would be my suggestion.

CHAIRPERSON SCHORR: Thank you, Cherri.

MS. HSIEH: Thank you, Cherri. Okay. I think Kim Elton can put his motion back on the table and we can proceed. And if there's any other procedural issues with regard to Larry Hartig's delegation then we will take appropriate action at that time, which I don't think there will be.

CHAIRPERSON SCHORR: Okay.

MR. ELTON: Okay.

MR. EASTON: I am sorry that -- you know, I'm sorry to do this, but thank you.

CHAIRPERSON SCHORR: Oh, no. That's okay. Thank you. We appreciate you filling in. So, Mr. Elton.

MR. ELTON: Madame Chair, I resubmit the motion that I recently withdrew and if you want me to read it again I will, but I don't know that it's necessary.

CHAIRPERSON SCHORR: I don't think it's necessary. I think we just clarify that that is the motion regarding the RSA for IT services.

MR. ELTON: That's right.

CHAIRPERSON SCHORR: The Department of Fish and Game. Mr. Zemke, would you be willing to.....

MR. ZEMKE: I guess I'll reaffirm.

CHAIRPERSON SCHORR: We've been cut off. Oh, there we go.

MR. ZEMKE: I'll reaffirm my second.

CHAIRPERSON SCHORR: Okay. Thank you. Is there any opposition?

(No audible responses)

CHAIRPERSON SCHORR: Hearing none, Mr. Easton, would you move to approve the motion for an RSA for.....

MR. EASTON: I do.

CHAIRPERSON SCHORR:IT? Okay. Thank you.

MR. EASTON: Thank you.

CHAIRPERSON SCHORR: Okay. Anything else, Elise?

MS. HSIEH: No, that was it for my report, except one last note is we have sitting in our audience today Craig O'Connor who has sat as an alternate trustee for NOAA for over six and a half years. I just wanted to express our gratitude for a lot of the guidance he's given this group lending his expertise and staff in many different contexts and we appreciate his involvement and we -- he'll be sorely missed. We hope that we'll continue some level of involvement. I'm sure we will, so -- we also have Terri Marceron from the US Forrest Service who is new to the fold and we have also -- she's already added a lot of fantastic information I know for myself in our informal briefings. And so we look forward to continue to work with you.

CHAIRPERSON SCHORR: Thank you. The next item on the agenda is an amendment to a conservation easement. We heard about this previously during public comment in regards to a proposed hydroelectric project by Old Harbor Native Corporation and today we have Joe Darnell, the acting solicitor from Department of the Interior here to present the matter. And I know we also have Roy Jones representing Old Harbor on the phone as well as several representatives from Old Harbor and a representative from Fish and Wildlife here if there are any questions from the council.

MR. DARNELL: Good afternoon. Thank you. The -- as the council knows, back in 1994, 1995, the council authorized the expenditure of spill settlement funds for the purchase of lands and fee by the United States and for conservation easement on additional lands by the United States. Under the terms of the agreement for the sale, purchase and donation of the lands and the conservation easements that accompanied it, the easements generally prevented development of those lands. In 2001 the Trustee Council approved an amendment to that conservation easement which had been conveyed by Old Harbor Native Corporation to the state to permit the construction and operation and maintenance of hydroelectric project. That project was subsequently approved by the Federal Energy Regulatory Commission. The -- in 2001 the amendment was necessary because of -- the amendment to the purchase agreement was necessary because of the prohibition on development. And it identified specific lands through which the -- on which the project would be located and applied that to specific restrictive covenants. The project was never -- was not constructed and it's our understanding that the FERC license subsequently terminated.

Old Harbor has re-approached us, the Fish and Wildlife Service and the state and requested that the amendment, which had authorized the development on these lands, that there -- that it be further amended to relocate the lands that could be

encumbered by the project so that it could then be brought -- be active again. They, we understand, are in the process of securing some additional funds to perhaps bring the project alive again. So what we've got here before us today is a resolution which would authorize an amendment to that original agreement and conditioned on a number of things. The -- it would require still a finding of best interest by the state, issuance of the FERC license, approval by various federal agencies, including the Fish and Wildlife Service and also by state agencies such as Fish and Game, DNR and so forth, as well as the Department of Law and also of my office, the Interior Solicitor's Office and the securing of any permits.

The -- so that's basically what is the -- you have, I think as part of your package, a letter from Old Harbor and I'll draw your reference to the last page attached to that is a map which shows the rerouting. I should note that it's our understanding this is an approximate rerouting. The original amendment did actually identify certain sections that would allow this development. The -- I think what is identified as the pipeline old route, which is in red on the map, is -- traverses that area. They are proposing another route which is a little bit to the north, although it's my -- our understanding is somewhat approximate, therefore the resolution that we're suggesting and the amendment does not yet identify the specific lands that would be -- would -- this activity

would authorized in. But it would be subject to the identification of the exact location.

I'll note one other aspect on the map, since you've got it there, is that you'll see that there's actually three different land categories. If you look on the left hand, the west side, that's actually Fish and Wildlife Service refuge land. The center section, which is Old Harbor land, which is subject to the conservation easement. And then the land to the east is owned by Old Harbor. This resolution only pertains to the lands which are in the center. Those -- that is the lands that are subject to the conservation easement. The Old Harbor will need to secure appropriate right-of-way permits and so forth and approvals from the Fish and Wildlife Service for the lands traverse -- for the section which traverses through the refuge. So that's not involved here, it's just the lands to the south.

Any questions or any information I can provide?

CHAIRPERSON SCHORR: Mr. Elton.

MR. ELTON: Thanks. And this is probably a question for Elise. Elise, before there's a motion, we've got two drafts, one is dated 4/18 and the other is dated 4/19. I think the 4/19 one was just given to us. I'm assuming that the 4/19 is the same as the 4/18. I didn't -- I quickly scan.....

MS. HSIEH: 4/19 is not the same. I'm sorry, this was put together at the very last minute. You'll want to use the

4/19 draft resolution.

MR. ELTON: Could somebody go through what the differences are because I -- I mean, the 4/18 is the one I think.....

MS. HSIEH: And then I sent around.....

MR. ELTON:we got yesterday.

MS. HSIEH: That you got yesterday. And Jenn can go over the differences. We -- they made revisions yes -- late yesterday afternoon after we had already sent you the 4/18 draft. Joe and Jenn, can you summarize the slight additions that were made?

CHAIRPERSON SCHORR: Yes. And I don't have the 4/18 draft in front of me, so I apologize. Those.....

MS. HSIEH: Oh, here.

CHAIRPERSON SCHORR: Thank you. Those changes were not -- no, this is the data management plan.

MR. DARNELL: I think, Mr. Elton, the.....

UNIDENTIFIED SPEAKER: Everybody has the 4/19.....

CHAIRPERSON SCHORR: Everyone has the 4/19 draft.
Okay.

UNIDENTIFIED SPEAKER: Actually I have 4/18 in my briefcase.

MR. ELTON: I've got it. I've got it. Thank you.

CHAIRPERSON SCHORR: Okay. Great. They were non-substantive edits for the most part. A few formatting

issues and a slight change of wording in a few places, but nothing substantive, no requirements added, for example. Did you have anything to add to that?

UNIDENTIFIED SPEAKER: No.

MR. DARNELL: No, I think the main -- as we were developing this, the main -- the only place there were changes, and those were earlier additions, we actually added some additional requirements that they had to be met. But the -- and I think the 4/18 one included all of the same requirements that you see in the 4/19 one.

MS. HSIEH: That's also my impression, that additional requirements haven't been added and there was a footnote that hadn't been formatted correctly.

MR. DARNELL: Right.

CHAIRPERSON SCHORR: Correct. Any other questions? I'm sorry, does that sufficiently answer your question?

MR. ELTON: Yes, thank you.

CHAIRPERSON SCHORR: Thank you.

MR. ZEMKE: Question. Do you know if the 2001 amendment included the penstock and the power house on the conservation easement lands? Where -- looking at the map, we got the new proposed pipeline but then also it shows the powerhouse building and then the penstock on conservation easement lines.

MR. DARNELL: I do not know whether the original plan

had it located in the conservation lands or whether it was -- here's my map. Yeah, I'm not -- I don't know whether it's -- that part of it has changed or not. Well, actu -- yeah, I guess we -- probably we'd need to ask someone. Perhaps AVEC knows. I'm not sure.

MS. HSIEH: But I believe that Old Harbor is just requesting a conditioned approval today from the Trustee Council with regard to shifting the proposed hydroelectric pipe route, not the type of pipe, the penstock or some of the other things which could -- I mean, I assume that if Old Harbor was shifting those, that would also be before the trustees today.

MS. KOHLER: The power plant is in the same location.

CHAIRPERSON SCHORR: Okay. Thank you.

MR. DARNELL: So if it's in the same location then I guess the redline here on our map is not -- does not reflect -- because it doesn't even come close to where they're showing the penstock now.

MS. KOHLER: I can clarify that.

CHAIRPERSON SCHORR: Would you mind coming forward, Ms. Kohler?

MS. KOHLER: I need to call Brent Petrie, who's our project manager.

CHAIRPERSON SCHORR: Okay.

MS. KOHLER: And I can do that right away.

CHAIRPERSON SCHORR: Okay. That would be great. Thank

you. While Ms. Kohler is doing that, are there any other questions? Are there any on this proposed resolution?

(No audible responses)

CHAIRPERSON SCHORR: No? Okay. Mr. Balsinger.

MR. BALSINGER: Madame Chair, if we're trying to fill time, I'm curious, this suggested 95 percent of the fuel costs will be reduced. Is that almost the same as saying this will produce 95 percent of the electricity that is needed?

MR. DARNELL: Actually, I don't know a whole lot about the particulars of the project. I'm -- my office's main involvement has been in the land issues and so we've not been involved in the permitting too much. So I'm afraid we probably -- if we can -- have to hold that. Thank you.

CHAIRPERSON SCHORR: One of the representatives from Old Harbor might be able to answer that question. Is Cynthia still here? Or Roy, are you still on the phone?

MR. JONES: You bet.

CHAIRPERSON SCHORR: Did you hear the question from Mr. Balsinger?

MR. JONES: I did and I think the answer is yes but again when Meera check with Brent, who is sort of an engineer fellow on this thing, she should probably get that one answered too for Mr. Balsinger. But I think the answer is yes.

CHAIRPERSON SCHORR: Okay. Thank you. Any other questions while we're waiting for that?

MR. ELTON: Well, while we're waiting, Joe -- and this is just maybe an explanation of what a conservation easement is, but I mean, I guess I was assuming that a conservation easement provides for transmission of the water from one point to another point. Does a conservation easement also include the construction of a facility within that that goes beyond kind of the pipeline?

MR. DARNELL: Well, actually I think the conservation easement would have prohibited the construction of the pipeline even in its original form. So what the amendment does is to allow development in this particular corridor.

MR. ELTON: Okay. And that.....

MR. DARNELL: Which would include the.....

MR. ELTON: Which includes the pump house then or the.....

MR. DARNELL: The penstock, yeah.

MR. ELTON: Yeah, okay. For the power house -- that would include the power house building then?

MR. DARNELL: Right.

MR. ELTON: Okay.

CHAIRPERSON SCHORR: But essentially limited the development that would otherwise be prohibited by the terms of the conservation easement for the pipeline and associated facilities. Are there any other questions?

MS. HSIEH: Do we make something up?

CHAIRPERSON SCHORR: That's way -- well, then.....

MS. HSIEH: Would you -- we can wait or we could do the Harlequin duck amendment for the Springman/Hollmen.

CHAIRPERSON SCHORR: Why don't we -- unless there are further questions for Mr. Darnell -- thank you very much.

MR. DARNELL: Uh-huh.

CHAIRPERSON SCHORR: And yes, I think we should go ahead and wait on a motion until we receive the information from AVEC. And in the meantime, we will move on to the next agenda item, which is Catherine Boerner, regarding the amendment to Project 0100839, Harlequin ducks Springman/Hollmen.

MR. DARNELL: Madame Chair, unless there is -- you think there are further questions for me, maybe I will exit, if that's all right. Or would you like me to stay until we've done the other part?

CHAIRPERSON SCHORR: I think we're.....

MS. HSIEH: It's up to the trustees.

CHAIRPERSON SCHORR: I'm comfortable with.....

MR. DARNELL: Okay.

CHAIRPERSON SCHORR:Mr. Darnell leaving.

MR. DARNELL: All right. Thank you.

CHAIRPERSON SCHORR: Thank you. Go ahead, Catherine.

MS. BOERNER: Good afternoon. Again, I'm Catherine Boerner, I'm serving as the council's Science Coordinator. And

the project is project 10100839-A, it's an amendment to an existing project and they're evaluating injury to Harlequin ducks at the Alaska SeaLife Center. They're requesting at this time for the rest of fiscal year -- this actually -- and I apologize should be fiscal year 11 on your work plan, not fiscal year 12. They're requesting \$42,400 to cover salary for Dr. Springman, who is the co-PI on the project. They had some extreme difficulties getting appropriate samples in fiscal year 10 and part of 11, which has lead to a much longer timeline than they had anticipated in their proposal. So this funding would expire at the end of fiscal year 11 and it only will cover Katie Springman's salary. It will not change the due date of the project, which will still be April 15th, 2012. Questions?

MS. HSIEH: It was a fund by the Science Panel.....

MS. BOERNER: Uh-huh. (Affirmative)

MS. HSIEH:and the PAC.

MS. BOERNER: The Science Panel did not review this project.

MS. HSIEH: I hope they talked about it, but.....

MS. BOERNER: They did, yes.

CHAIRPERSON SCHORR: Mr. Balsinger?

MR. BALSINGER: I'm sorry, I missed that exchange. It was approved by the Science Panel or recom.....

MS. BOERNER: No. The Science Panel did not review it.

It was not produced in time for their review. It was approved by them or it was recommended for funding by them in its original form, the proposal as a whole. This is just for salary. This propo -- this work has been -- began in fiscal year 10.

MR. BALSINGER: Madame Chair, I'm not sure that there was a description in here, and so can you explain why it was not produced with the amount of money that was originally requested and provided?

MS. BOERNER: Sure. Like I said, they had some issues getting samples from another PI that was supposed to be providing them, samples for the project, and what was coming in was not appropriate to the work, so apparently there was a lot of time sifting through things that weren't appropriate to get to what they did actually need, which was taking far more staff time than they had anticipated and had estimated in their original budget.

CHAIRPERSON SCHORR: Any additional questions for Catherine?

(No audible responses)

CHAIRPERSON SCHORR: Is there a motion on the agenda item?

MR. ELTON: Madame Chair, should I read slowly because we're not ready for the first motion? Madame Chair, I move to approve additional funds in the amount of \$46,000 -- 200 and --

\$46,216, which includes nine percent GA for Project 10100839, evaluating injury to Harlequin ducks.

CHAIRPERSON SCHORR: Thank you. I'm sorry, Catherine.

MS. BOERNER: I thought the funding was \$42,400 including GA.

MS. HSIEH: It is \$42,400. I'm sorry. The motion.....

MS. BOERNER: Including GA.

MS. HSIEH:sheet was put together at the very last moment today and there is an error. I'm sorry.

MS. HSIEH: Would you mind revising?

MR. ELTON: Could you repeat the number?

MS. BOERNER: \$42,400. Including GA.

MR. ELTON: Madame Chair, I amend my motion to reflect that it's 46,4....

CHAIRPERSON SCHORR: 2.

MR. ELTON: 42,000.....

UNIDENTIFIED SPEAKER: 400.

MR. ELTON:400 dollars.

CHAIRPERSON SCHORR: Thank you. Is there a second to the motion?

MS. CAMPBELL: Second.

CHAIRPERSON SCHORR: Thank you. Is there any objection?

(No audible responses)

CHAIRPERSON SCHORR: Hearing none, Mr. Easton?

MR. EASTON: Yeah, I'm fine with that. Thank you.

CHAIRPERSON SCHORR: Thank you. All right. Thank you very much. The motion is approved. We will now circle back to agenda item number 6. I'll ask Meera Kohler to come up and.....

MS. KOHLER: I'm going to defer to Robin. She'll give more technical answers. So Robin, if you wouldn't mind.

CHAIRPERSON SCHORR: Great. And Robin, if you wouldn't mind stating your name for the record, that would be great.

MS. REICH: My name is Robin Reich. Last name is spelled R-E-I-C-H. And I'm the consultant helping on this project. If -- you guys have this figure?

CHAIRPERSON SCHORR: Yes.

MS. REICH: If you look at the border between the Old Harbor Native Corporation lands that have the conservation easement on them and the Old Harbor Native Corporation lands, right where it begins, Old Harbor Native Corporation lands was where the power house was during the last go round with this project. So the power house was actually on Old Harbor Native Corporation land. It's been placed within the area where it is right now because there's a -- you'll see what's called the lake there. It's also called the swimming pond. And the -- you have the tailrace, which is where the water comes out of the penstock, goes through the power house, and then it goes -- the tailrace goes into the lake. This allows the water to have

a place to hang out for awhile before going back into the watershed. And that was one of the issues that came up during the last go around. So that's why it's now in this area instead of in the other area.

CHAIRPERSON SCHORR: And do you have any information on the footprint of the power house building?

MS. REICH: Yeah, I think it's not very big, 20x20 or something like that.

MS. KOHLER: This is a -- it's a 300 kilowatt project, so it's really quite small and imagine it would be somewhat in the order of 40x60 or something like that.

MS. REICH: Yeah, it's not a big.....

CHAIRPERSON SCHORR: Are there any additional questions for -- Mr. Balsinger?

MR. BALSINGER: Well, I guess I'm not really sure this is a good use of this time, trying to make me smart on hydroelectrics, but why does water have to hang around for awhile? Is there something settling out or is it just coming down so it doesn't wash the swimmers away or what?

MS. REICH: Last time there were issues with temperature changes and that effect on fish. Before the water went straight into a creek at the end and some of the regulatory agencies had issues with that.

CHAIRPERSON SCHORR: Because the temperature is elevated when it comes out of the power house. I see.

MR. BALSINGER: Thank you very much.

CHAIRPERSON SCHORR: Thank you. Any additional questions?

MR. ELTON: Just -- I mean, what's the size of the easement? I mean, what's the width of the easement that's proposed?

MS. REICH: Oh, last time -- it would be the same as last time, so -- and I don't remember the exact width.

MS. KOHLER: I would assume it probably 20 feet, 10 feet working on either side.

MR. ELTON: If.....

MS. KOHLER: A standard utility easement.

MR. ELTON: And the reason I'm asking, Madame Chair, is if it is the same as last time and you have a building whose footprint could be up to 40x60 feet, I mean, are we -- is there a problem with that?

MS. KOHLER: I would assume that the footprint of the power plant has been supplied in terms of the total acreage that we required, so it's just a location specific.....

MR. ELTON: Okay. Thanks. Thanks, Madame Chair. I mean, I may be asking questions that are going to be addressed in the FERC application or someplace else, so thanks.

CHAIRPERSON SCHORR: Yeah. Oh, yeah. And is the pipeline elevated or.....

MS. REICH: Uh-huh. (Affirmative)

CHAIRPERSON SCHORR: Okay. Any additional questions?

MR. ZEMKE: Also looking at this it appears that the new pipeline route is actually on primarily the road right-of-way, which it seems like it was actually a positive as far as not having to clear two swaths of land through the.....

MS. REICH: Right.

MR. ZEMKE:through the area, so that would at least limit the impacts on the.....

MS. REICH: Right.

MR. ZEMKE:conservation easement.

MS. REICH: Yeah.

MR. ZEMKE: So I think for that reason I'd vote in an affirmative on this motion. So.....

CHAIRPERSON SCHORR: And just to clarify, there would be areas where the pipeline would be underground and above ground, so yeah. Thank you.

MS. KOHLER: And I believe there was a question earlier about the 95 percent deduction. And yes, it would supply 95 percent of the power in Old Harbor. You'd be able to supply pretty much a hundred percent of the power during the high flow months, which is probably going to be April through October, and then a lesser amount during the winter. But it is a 300 kilowatt project. The average load in Old Harbor is about a hundred kilowatts or a little bit less than a hundred kilowatts, so there's a little -- a leeway in there to allow

for economic development, which is what the community has been hankering for for quite some time.

CHAIRPERSON SCHORR: Thank you. Any additional questions?

(No audible responses)

CHAIRPERSON SCHORR: All right. Is there a motion on this agenda item?

MR. ZEMKE: I move we approve the amendment to the conservation easement on the national wildlife refuge lands as detailed in resolution 11-09.

CHAIRPERSON SCHORR: And I might just clarify that the amendment is -- actually will be made to the original.....

MR. ZEMKE: Okay.

CHAIRPERSON SCHORR:or to the agreements and in addition it's on lands subject to -- Old Harbor lands subject to the conservation easement.

MR. ZEMKE: Okay.

CHAIRPERSON SCHORR: Given that clarification, is there a second?

MR. ELTON: I'll second.

CHAIRPERSON SCHORR: Thank you. Any opposition?

(No audible responses)

CHAIRPERSON SCHORR: Mr. Easton?

MR. EASTON: I would approve the motion. Thanks.

CHAIRPERSON SCHORR: Thank you very much. All right.

Thank you. Moving on to review of FY-2010 proposals. And we have Ms. Boerner back with us. And the first proposal that we will be discussing is the herring proposal from Prince William Sound Science Center. And as you know, we have Nancy Bird on the phone if anyone has questions. So, Catherine, please go ahead.

MS. BOERNER: Okay. I'll actually start just on a personal note by echoing what the Executive Director and the PAC had already commented on. The proposals were very well written, they were well thought out. I think I personally and I think we as a group really appreciate all the effort that went into them. Across the board, I don't think any of the proposals were poor. They were strong, well-written, well thought out. So I wanted to thank all the proposers for their hard work. And it took a long time to go through them because of that. They were very comprehensive.

But as we said, we'll start with the Prince William Sound Herring Research and Monitoring Program that was submitted by Prince William Sound Science Center. The program is going to provide both new information as well as continued data sets that are currently funded as part of the Prince William Sound herring survey projects which you began funding in fiscal year 10 and will run through fiscal year 13. The primary goal of their program here is to provide predictive models of herring stocks through observation and research.

They took to heart the trustee's goal with the integrated herring research program, that they wanted to really enhance the monitoring that's currently done on herring in the Sound, and that's exactly how they designed this program. And through that the team has a very long history now of collaboration and coordination and a very strong education and outreach component, which they will continue with this program.

They are requesting \$913,400 in fiscal year 12 and a total five year request of 5,284,000. The proposal was -- or this program was recommended for funding across the board. The Science Panel and the PAC, myself and the Executive Director. Again, as you've heard earlier, there are some concerns regarding the data component and the data management program of this work. Concerns kind of ran the gamut but were definitely included the past performance of the data consultant, the perceived lack of expertise and a perceived lack of scientific guidance.

I would agree and I think everyone else, both the science -- the Executive Director and the PAC agreed that perhaps an outside entity, which would be NCEAS, the National Center for Ecological Analysis and Synthesis, could be brought into play here, could be funded by the Trustee Council to help the data management group with peer review and technical assistance for the program. It's a large program. It's very tightly linked to the long term monitoring program, which we'll

hear about later, and data really is going to be the key deliverable from this -- from all of these programs and we want to make sure it's as absolutely strong as possible and that it has as much input from the PI's and buy-in from the PI's from the moment it begins.

There were 15 projects that they specifically identified in this work and they are in addition to the projects that were funded for the Prince William Sound herring survey for this year. And there's also funding for the coordination and outreach efforts and for the data management program. That was a very brief summary but I'm happy to ask a question -- answer any questions or any information you may need.

MS. HSIEH: I just wanted to add a brief note, that there also was discussion by the Science Panel with regard to the herring spawn survey. Not an absolute unanimous recommendation that we saw with the data but more of a questioning with regard to if adding diverse surveys for two consecutive years would yield data which could be helpful to that. And we have -- our staff has begun some discussion with the Department of Fish and Game with regard to this proposal and if there were additional funding, which, you know, would that be an area in which it should be used or are there other perceived needs by the Department of Fish and Game. So those conversations were started.

CHAIRPERSON SCHORR: Thank you. Are there any.....

MS. BIRD: This is Nancy Bird. We're having a hard time hearing at our end here if whoever is speaking could get closer to the mics. Thank you.

CHAIRPERSON SCHORR: Okay. Thank you. Oh, for the phone.

UNIDENTIFIED SPEAKER: Yeah.

CHAIRPERSON SCHORR: Okay. Oh, so Catherine doesn't have one, so maybe she could have.....

MS. BOERNER: Oh, I apologize, Nancy. We were having some.....

UNIDENTIFIED SPEAKER: Technical difficulties.

MS. BOERNER:issues with microphones, so we'll try to make some changes here and hopefully you'll be able to hear us a bit better.

CHAIRPERSON SCHORR: Are there questions for.....

MS. BIRD: Thank you.

CHAIRPERSON SCHORR:Nancy Bird or for Catherine regarding this proposal? Mr. Balsinger.

MR. BALSINGER: Thank you, Madame Chairman. Just a quick summary then. On the total amount of funds, where's the best place to see that?

MS. BOERNER: The total request would be on -- make sure I give you the right page -- would be on Page 22 of the proposal. Table 1, budget by project and year.

MR. BALSINGER: Those are in thousands of dollars I gather?

MS. BOERNER: Yes. Uh-huh.

MR. BALSINGER: Thank you, Madame Chair.

CHAIRPERSON SCHORR: Thank you. Are there any other ques -- Mr. Zemke.

MR. ZEMKE: I noticed on the budget, unlike the long term monit -- there isn't a synthesis component to this. And we've got 15 separate projects. Is there any idea of how to bring those together kind of in a final consensus?

MS. BOERNER: Well, I will say that this is monitoring work.

MR. ZEMKE: Okay.

MS. BOERNER: They will be sharing and interacting with the data as you'll see by the request for data management program. They also have a line item here called coordination and logistics and that person is the team leader, is Scott Pegau, and he would be responsible for helping the teams coordinate and synthesize.

MR. ZEMKE: And then I would assume and I think one of the items that we were looking at was that -- try to put together a modeling effort and many of these would actually be key to be able to.....

MS. BOERNER: Uh-huh. (Affirmative)

MR. ZEMKE:provide the data information needs for

credible monitoring of herring.....

MS. BOERNER: Absolutely.

MR. ZEMKE:within the Sound. Okay.

MS. BOERNER: Yes.

MR. ZEMKE: Thank you.

CHAIRPERSON SCHORR: Are there any other questions for Catherine.

MS. BOERNER: And again, I should actually reiterate. I know the comment was made earlier that we -- the team did recognize that modeling was an important part but with the fiscal limitations we had, they couldn't fit it into the budget that was allowed.

CHAIRPERSON SCHORR: Mr. Balsinger.

MR. BALSINGER: Thank you. And not to belabor this, but without the modeling do we still believe there will be an effective synthesis and bringing together of all of these 15 different projects? I mean, that's one of the values of a model, of course, is to make things fit together.

MS. BOERNER: Right.

MR. BALSINGER: So now we're going to do it by a narrative description or.....

MS. BOERNER: I will say that there is a cross-cut with the long term monitoring program and there is a model built into that program, so a lot of the basic monitoring data that will be gathered under this will be fed into that model.

CHAIRPERSON SCHORR: Are there any additional questions regarding this proposal or discussion?

(No audible responses)

CHAIRPERSON SCHORR: Elise, do you prefer that we move through all of the proposals or.....

MS. HSIEH: It's up to you guys but it might be helpful, I guess, if Catherine does these two long term programs perhaps and then stops for discussion because they're so intrinsically linked. And again, a reminder that both programs -- year three of the five year contracts which is annually reviewed by the Trustee Council for the next year's funding and the Science Panel and as well as the PAC annually. In year three there would be a workshop funded by the Trustee Council in which the two programs, the Science Panel and some members of the PAC as well as the trust agencies would attend to hear presentations about how the programs were going. And ideally, we'd like to see some elevated synthesis at that time, maybe not in the first five years but some light shown on the data which is being produced and then also discussion about the next five year contract and how to shape that. So that would be the year three review.

MS. BOERNER: And then today you're not voting to fund the projects, you're just voting to select preferred providers who will then -- we can work with to provide you a final proposal in August, September of this year.

MS. HSIEH: Correct. And to highlight any areas in which you'd like additional information.....

MS. BOERNER: Right. Or -- and guidance.

MS. HSIEH:or provide any guidance.

CHAIRPERSON SCHORR: Mr. Balsinger.

MR. BALSINGER: Thank you, Madame Chairman. So this is marked as an action item so at some point there will be a motion to go forward with it, which will probably not be an elaborate motion. So is a discussion hearing enough to take some direction, like I'm concerned about how this comes together without a model, which may be emphasis to make sure it cross-cuts into the other one. Or are we going to have to have a motion to that effect?

MS. HSIEH: Catherine and I will both be taking notes during this conversation and we'll take from this conversation what we should progress to next, but typically even -- when you do make the final motion that identifies a preferred provider, you may also want to briefly review some of the areas, for example, you know, we're moving to identify this proposal as preferred provider in this area. We'd direct the staff to follow up with the PI's with regard to X, Y and Z, for example.

MR. BALSINGER: Well, being lazy, I'd prefer to have the staff just keep track of these comments we make, so later on we can say.....

MS. HSIEH: Yes.

MR. BALSINGER:and referring to everything that we set up until this point in time.

MS. HSIEH: We can do that as well.

MR. BALSINGER: Thank you.

CHAIRPERSON SCHORR: Yes, we can direct the staff to work with the preferred proposers with, you know, particular emphasis towards those questions or concerns that were addressed during the discussions of the Trustee Council. Are there any additional questions for Catherine on the herring proposal before we move onto the long term monitoring proposal?

(No audible responses)

CHAIRPERSON SCHORR: Okay. Next.

MS. BOERNER: Okay. Long term monitoring proposal came in from a consortium of teams, including the Alaska Ocean Observing System, NOAA, Katsina [sic] Bay and Prince William Sound Science Center. Kasitna, excuse me. Molly McCammon, who you heard from earlier, she'll be the -- from AOOS will be the overall team leader and will be coordinating this effort. There are sub-team leaders that will be managing specific areas but Molly will be the primary contact with the council and with the science team.

The program took its direction from our fiscal year 12 invitation from proposals and they're covering monitoring of the benthic, pelagic and environmental driver environments. The proposal includes an ecological model as we discussed with

the herring program as well as a comprehensive data program. As part of their proposal but separate from the proposal they've also included three lingering oil monitoring projects that could potentially be funded if it was something of interest to the council. The funding requests you see here in front of you now does not include those three projects and we can speak of those separately.

The program is going to continue to share data with the proposed herring program and in some cases they are almost intrinsically linked. It's obvious if you're dating -- gathering data for herring that, you know, oceanographic data is going to be incredibly important and vice versa. So they're going to share that data and they're also going to continue several key data sets that the Trustee Council has funded over the years, such as the GAK-1 line and the continuous plankton recorder.

The proposal's requesting \$2,027,000 for fiscal year 12 and a five year total of 10,566,000. The additional three lingering oil projects that I mentioned come in for an additional \$223,832 for fiscal year 12 and 421,340 for all five years of the program.

This proposal was recommended for funding by the Science Panel, the PAC, the Executive Director and myself for funding. Again, as I mentioned with the herring, we have some concerns regarding the data and against the same, you know,

perceived potential lack of expertise, scientific guidance and past performance of the consultant.

That was my -- I think that was my overall -- like I said, this is a very in-depth proposal, so I can answer individual questions or broad questions.

CHAIRPERSON SCHORR: Mr. Balsinger.

MR. BALSINGER: Thank you, Madame Chairman. So can you just go through the budget page real quickly again. We had the two million and ten million and 524,000 more for fiscal.....

MS. BOERNER: Sure.

MR. BALSINGER: And I looked through this, but I didn't see those numbers necessarily.

MS. BOERNER: Uh-huh.

MR. BALSINGER: The additional stuff on the page.

MS. BOERNER: Right. Well, keep in mind the numbers I've given you do include a nine percent GA that all projects are burdened with. So on the budget page you may not see that nine percent GA but you will be funding with the GA. So it kind of gives you a clearer picture of what the money is actually going to -- you know, what it's actually going to cost to fund the project. But on page -- actually the pages aren't numbered. On the budget page of the proposal it includes the long term monitoring, which was the environmental drivers, the pelagic monitoring, the benthic monitoring, as well as the coordination, administration, data and outreach program. So

without GA, year one was going to cost \$2,027,250. And then the total program would be the ten million over five years. The second page of that on the top shows you the lingering oil proposals as three separate items, line items.

MR. BALSINGER: I see. That's what I wasn't tracking.

MS. BOERNER: Right. That's on the second page there. Because those three projects didn't necessarily fit into the budget that we had allowed, but obviously they would be important to monitoring. They still wanted to include them here just for your reference and whether it was something of interest, he wanted to provide funding for that, additional funding for that.

MR. BALSINGER: So, Madame Chair, that -- I'm sorry, I'm a little dense. But that means that's outside of the proposal process, it's outside of this table, it's just something to draw our attention to in the event that we've got 500,000 more dollars?

MS. HSIEH: No. The long term monitoring lingering oil proposals are data sets which we funded in the past and which the Science Panel, et cetera, has expressed interest in keeping up those data sets. It was part of the invitation. There was some confusion, I think, on the part of the proposers with regard to if that section would have fallen into the lingering oil focus point, which the Nixon proposal came in under. And I was asked for guidance on that earlier after the invitation was

released and I indicated it was to be part of the long term monitoring program. I'm guessing that at that point the proposers had added the data piece in, which was not a funded piece, although it is essential to all these programs and we definitely were sort of behind the wheel on what to do with data. And so I'm guessing that the long term monitoring component was added as a sidecar into the long term monitoring proposal that you see here. They just set out the amount as separate, and it would be in excess of the two million dollars per year that was the sort of financial guideline in the invitation. And a data piece was put in, which was not necessarily expected under this invitation

MR. BALSINGER: So if I could, Madame Chair.

CHAIRPERSON SCHORR: Mr. Balsinger.

MR. BALSINGER: So does that explanation mean that if we liked all of the things on the top of the second page, which are the lingering oil monitoring, which in the first year totals around \$200,000, that that means that the total long term monitoring budget will be 2.227 instead of 2.027?

MS. HSIEH: Yes.

UNIDENTIFIED SPEAKER: Yes, it would be used.....

MS. HSIEH: Yes, that's right.

MR. BALSINGER: Thank you.

MS. HSIEH: Plus G&A.

UNIDENTIFIED SPEAKER: Plus G&A.

MR. BALSINGER: Excuse me. So the G&A is already included in the two million on the big proposal but not in either of them. Okay. Thank you.

MS. HSIEH: G&A is not included and with each of these long term programs, nine percent has been the typical GA that we have used through our trust agencies to transfer funds. With each of these programs, if they are chosen as preferred proposers, then our staff will and some trust agency staff will begin to work with these proposers to look at how the money stream should go to try and get an efficient stream so we don't end up paying overhead that's high or in multiple areas. And there's been preliminary discussions with regard to that as well.

CHAIRPERSON SCHORR: I have a comment regarding the data portion of this plan and given some of the concerns that were expressed by the Science Panel that have been referred to here today I would make the suggestion that if the Trustee Council decides to move ahead with these preferred proposers or -- and, you know, and I would also like to, as with everyone else, congratulate the proposers on excellent proposals. They're obviously very well thought out -- but I would strongly encourage Trustee Council staff to work with the lead proposers for both the herring and the long term monitoring to address the concerns of the Science Panel, of the PAC and some of the issues that I have heard raised regarding the data management

portions to make sure that those are adequately addressed before the Trustee Council is asked to vote on funding for these proposals.

MS. HSIEH: And I guess I would request more detailed guidance with regard to -- the concerns that have been raised have to do with the subcontractor, the consultants or subcontractor, actually which is part of this proposal. If the trustees -- are you saying that you're -- what is proposed here is not sufficient with regard to the provider?

CHAIRPERSON SCHORR: I'm just saying that before this comes back in front of the Trustee Council for a vote on funding, I would want to make sure that those concerns were resolved.

MS. HSIEH: So you would want a solution that would be amenable to the Science Panel, for example, and also the staff here?

CHAIRPERSON SCHORR: I'm sorry? I wouldn't want that or.....

MS. HSIEH: No, you would. And what I'm saying is.....

CHAIRPERSON SCHORR: Yes.

MS. HSIEH:the Science Panel and the staff here recommended that we bring in NCEAS, which would require funding to work -- that was the recommendation that was transferred to work with these proposers and come up with a more detailed plan by the end of the summer.

CHAIRPERSON SCHORR: Mr. Elton.

MR. ELTON: Well, I -- I mean, I think that given the fact that concerns have been raised, I mean, I don't feel comfortable giving you a recipe on what a solution should be, but I do think that given the concerns that have been raised, that have been expressed by different parties, that as you work with these potential contractors that you acknowledge those concerns and you come up with suggestions. And I'm not focusing on any other party like NCEAS. I mean I would hope that as you work together to come to a contract with the lead proposers you come to a suggested resolution that could range from a whole bunch of different -- it could -- you'd be selecting from a range. I was struck by the comment by Ms. McCammon that when they did a contract for data management they hired somebody to put language in that prime contract that would govern the deliverables that are expected. That could be a potential solution.

Another potential solution could be, as discussed at the Science Panel, could be another contractor to work with the contractor. But I think that given the concerns that have been raised, I don't want to say that I guess I'm uncomfortable -- for myself, I'm not speaking for other council members -- I don't have a plan for you on how you resolve it. But you know that the concerns are there. There are probably a range of options and those -- I mean, somebody's going to have to come

back to the council and say this option is a good option for this reason and if there's a cost to it, it has this cost. But I don't want to tell you that one solution is better than another at this point in time.

MS. HSIEH: So I guess I have given a recommendation that does have a cost that I'm not saying I'm going to follow at this preliminary time, seeing as we have -- you know, you want something in the door. And it would be beneficial of these programs to have, if we could, something developed in the fall to have in those contracts.

So I do have as a last agenda item requesting funding for me to pursue and develop a data plan. It's a generous amount of funding to allow for one route, but I'm not sure I'll take that route. I still need to do some more information gathering. So.....

MR. ELTON: Well, I will speak for myself, not.....

MS. HSIEH: Yeah.

MR. ELTON:for the council. I'm not prepared to vote on that motion.

MS. HSIEH: Okay.

MR. ELTON: I mean, I need a lot more information before I take that kind of a vote. But I think that we've listened to the concerns that have been raised. I think those concerns need to be addressed. I'm not prepared to say that that is the way I'm comfortable at this point in addressing it.

MS. HSIEH: So if we come back and we are confident that we have come up with a solution and we work with the proposers and we maintain this subcontractor, which is -- has been the focus of the concerns, but in another -- perhaps in collaboration with another group similar to what we've already recommended, that will be amenable to the council at that time or that's something that -- I mean, I'm bringing it to you now and it's not amenable, so you're looking for something different. So I guess I'm.....

MR. ELTON: I will -- at the risk of being too blunt.....

MS. HSIEH: Yeah.

MR. ELTON: I don't know what the final cost of your alternative is. I don't know when the project ends. I don't know what your expectation of them is and until I know what your expectation is, I'm not prepared to vote for money for it.

MS. HSIEH: Okay.

MR. ELTON: And I guess I need to know who else is out there, if in fact we want to hire a subcontractor to work with the subcontractor.

MS. HSIEH: Okay. I'm also hearing from one subcontractor, from NCEAS for example, that they cannot produce -- I mean, they can give you a rough estimate of the architecture of a database but until they talk to the PI's and become more familiar with the data which we produce, it is

again a rough estimate. But if that's what you're looking for, then we can try and work with them to do that. And for example, that was a route that we were taking.

CHAIRPERSON SCHORR: I'm sorry. Go ahead.

MR. ELTON: Well, I -- I mean, I -- there are some mega questions here that have to be answered and they're not answered and so I'm not prepared to vote one way.....

MS. HSIEH: Right.

MR. ELTON:or the other. I mean, if we go with your suggested approach, I mean, is that our contractor, is that the lead proposers contractor? I mean, those kind of questions need to be answered.

MS. HSIEH: Those questions would not be answered at this time. We would have a proposal at the end of the summer for you with those -- with the costs and the contractual relationships that would be formed.

MR. ELTON: I agree with that and that's why I don't want to vote today and that's why I want to leave as broadly as possible a range of options that you in working with the lead agency come back to us and say this is what we both think works and then ask us to fund that approach if in fact funding is necessary.

CHAIRPERSON SCHORR: And just following up on what Kim said earlier, that may be -- you know, these are what we think are the three best options. We've worked with the lead

proposers. These are what we see as the three best options for these reasons and this is the one we recommend and that's what we would ask the council to approve. So does that sort of line up with your thinking on this process?

MR. ELTON: Yeah. I mean if we had three options or four, yeah.

MS. HSIEH: Ten.

CHAIRPERSON SCHORR: Okay. Are there any other questions or comments from the Trustee Council on that topic or any other topic related to the long term monitoring proposal?

(No audible responses)

CHAIRPERSON SCHORR: No? Okay. I might propose that we take a five minute break since we have a four hour meeting scheduled. I'm not sure we'll go that long, but if any -- is everyone else amenable to that suggestion? Cookies?

MR. BALSINGER: How many minutes?

CHAIRPERSON SCHORR: Five.

MR. BALSINGER: I don't think that's enough.

CHAIRPERSON SCHORR: Do you want to make a motion for a longer break?

MR. BALSINGER: Seven.

CHAIRPERSON SCHORR: 7.5. Do we want to make a motion on the two proposals that we've heard about or do we want to wait until we've heard on all of them?

UNIDENTIFIED SPEAKER: Wait.

MR. ZEMKE: Well, I don't care when we do it, whether we do it before the break or after the break, but I think these are two -- the two major components and I think that we probably should have a vote on them separately from the rest rather than a big package.

CHAIRPERSON SCHORR: Okay. Uh-huh.

MS. HSIEH: You might want to make that motion now.

CHAIRPERSON SCHORR: Yes, why don't we just go ahead and hold off on cookies for a few more minutes. Is there a motion regarding the herring and the long term monitoring proposals regarding the request for the EVOS staff to move forward with developing those proposals and gathering more information as discussed previously. Go ahead.

MS. CAMPBELL: I apologize if this is coming late but I have a question. I'm wondering if after that additional information is gathered and perhaps the proposals are revised to address some of these concerns that the Science Panel has identified, will they have another round of review prior to the Trustee Council being asked to approve funding?

MS. HSIEH: With the Science Panel?

MS. CAMPBELL: Yes.

MS. HSIEH: We have -- Catherine and I have talked about bringing in certain members of the Science Panel who are particularly versed in the data part to actually join us in teleconferences that we've been having, trying to find a

solution to these issues. And we could ask them to -- we could ask to see if they have time to review our potential options. Is that -- does that answer your question or were you talking about a review by the.....

UNIDENTIFIED SPEAKER: The whole proposal.

MS. HSIEH:Trustee Council?

MS. CAMPBELL: Well, I think the concern that I have is that these are very significant funding obligations and our Science Panel has identified what I see as a large potential problem with the proposal which they've said that, you know, the contractor in the proposal does not possess the expertise to produce a useable product. I don't want to get to a point in the fall where we're being asked to approve a very significant amount of funding and not have some assurance that that concern expressed by the Science Panel has been addressed by the proposer. So I guess I don't want to specify the mechanism by which you get there, but in my mind, that needs to be part of the review process so that when we come back to approved funding on this, we're clear on whether the proposer has been successful in revising their proposal to address the concern that's been expressed and our Science Panel feels that the end result will be a useable product.

CHAIRPERSON SCHORR: Okay.

MS. CAMPBELL: Yes. Thank you.

MS. HSIEH: I can definitely make that happen, yeah.

CHAIRPERSON SCHORR: Any additional comments or is there a motion on these two proposals? Mr. Elton.

MR. ELTON: And please correct me if I -- my motion needs to be corrected. And I'm assuming in this motion we don't need to put time frame for -- to accomplish this, right? It's just a general motion and we all anticipate that the time frame is for our fall meeting when we -- well, okay. Madame Chair, I move that we request the EVOS staff to work with the following identified lead proposers: Prince William Sound Herring Research and Monitoring and the Long Term Monitoring of Marine Conditions and Injured Resources and Services to develop additional information in the areas recommended by the council. Project Harbor.....

MS. HSIEH: Sorry.

CHAIRPERSON SCHORR: You can stop.

MR. ELTON: Am I on the wrong one?

CHAIRPERSON SCHORR: No.

MR. ELTON: Oh, okay.

MS. HSIEH: I'm sorry, this was a very draft motion cheat or whatever.

MR. ELTON: Okay. So we don't need the Project Harbor Protection.....

CHAIRPERSON SCHORR: No, not yet.

MR. ELTON: Okay.

CHAIRPERSON SCHORR: Thank you.

MR. ELTON: Okay.

CHAIRPERSON SCHORR: Is there a second to the motion?

MS. CAMPBELL: Second.

CHAIRPERSON SCHORR: Thank you. Any opposition to the motion? Mr. Easton?

MR. EASTON: No, no objection.

CHAIRPERSON SCHORR: Thank you. All right. The motion is approved. Let's take a seven minute break, Mr. Balsinger.

MR. BALSINGER: Quarter after.

CHAIRPERSON SCHORR: And return here at quarter after. For those people on the phone, we will be reconvening at quarter after.

(Off record)

(On record)

CHAIRPERSON SCHORR: We are now reconvening and we are moving on to discussion of the storm water proposals. So once again we have Catherine Boerner here to give us the information. Please proceed.

MS. BOERNER: I will do my very best. Okay. We received two proposals in response to the storm water, wastewater and harbor projects section or focus area of the FY-12 invitation for proposals. The first one that you have on your agenda here was sent in by the City of Seward. You heard about this project kind of at length during the public comments earlier this morning, but I'll just do a very quick summary for

you. So this is for a vessel wash-down facility in -- obviously in Seward. They're just requesting one year of funding, one fiscal year of funding, so \$739,100 in fiscal year 12.

The Science Panel, Executive Director, myself and the PAC all recommended this project for funding. And I know that these folks are on the line too if you have any technical questions that I may not be able to answer about the proposal.

CHAIRPERSON SCHORR: I have a question. And this is probably a question for either Phillip or Kari if either are still on the line. My question when reviewing this proposal -- which looks great, by the way -- was how this proposed project ties in with the NPDES permit and the suits and the order by the district court. Is this something that the City of Seward might be legally required to do in any event under the.....

MS. ANDERSON: Great.....

CHAIRPERSON SCHORR: Sorry. Go ahead.

MS. ANDERSON: This is Kari Anderson. I'm on the phone to answer your question.

CHAIRPERSON SCHORR: Great. Go ahead, please.

MS. ANDERSON: Okay. Yeah. No, that is an excellent question. So again, my name is Kari Anderson, I'm the harbormaster here in Seward. I've been with the city for about three years. And the city was engaged in a lawsuit with a group regarding storm water permitting for the facility. That

lawsuit actually has been closed however there is an appeal for attorney fees. So the result of the lawsuit basically said that we had to get an NPDES permit for this facility and we had to pay one dollar. So those options have been accomplished and we've been inspected by the DEC. We are not required to put in this facility, however, you know, it's my personal and professional feeling that this type of facility will be beneficial for the environment and will just sort of go above and beyond, you know, our requirements for our customers right now.

CHAIRPERSON SCHORR: So the operations as they currently exist without the lift in this facility are permitted under the NPDES permit and this would simply help reduce those discharges?

MS. ANDERSON: Yes, that's correct. We require all of our customers to place a tarp underneath their vessels to collect the sediment and if the, you know, bottom-paint or something like that starts to wash off into the ground, they have to boom off their area.

CHAIRPERSON SCHORR: Okay. Thank you. I guess this is a -- just a comment that I would feel more comfortable if we had some written response and information relative to what we just discussed. Sort of a more detailed analysis about why the city isn't -- wouldn't otherwise legally be required to install this facility. Are there additional comments or questions on

this proposal for Catherine or either of the Seward folks on line?

MR. ELTON: Madame Chair, I mean, I'm prepared to vote that the staff go ahead and begin working with them, but I -- I mean, there are a couple of questions. You raised one. I mean, I guess I would be interested in not just what is required by law but I -- I mean, I would be interested -- and I didn't know, for example, that Kodiak and Wrangell had their own facilities. And I didn't realize that Kodiak charged for the use of this kind of an application. So I, as staff works with the city, I'd be interested in actually some kind of a discussion on if Seward doing this and if the council is paying for it while Kodiak is charging users, whether or not we're creating a situation that provides a potential economic advantage to Seward versus Kodiak, which is also a spill-affected area. And I would also be interested in a discussion, but again, I'm prepared to vote that we go ahead with these discussions. But I'd also be interested in a discussion of, you know, why a grant rather than a potential loan that is paid off over time with a fee applied against the people who are using the facility. So those are the kind of questions I would hope would be addressed in this next phase.

MS. HSIEH: Also, I believe there may be a travelift in Kodiak but I don't know the capacity of that lift or whether they charge fees. I think Kari said earlier that Kodiak

does.....

MR. ELTON: Yeah, my impression was that Kari said -- she talked about the capacity and she talk -- and I don't know these things and there may be fundamental differences, but I think those are the kind of discussions that we need to have.

MS. HSIEH: I'm sorry, Cordova. Cordova has a travelift as well. Sorry.

MR. ELTON: Oh, okay. But those kind of discussions I think would be important so that we understand, you know, the effect on other communities in the spill-affected areas.

CHAIRPERSON SCHORR: Thank you. Are there any other questions or comments? Mr. Zemke.

MR. ZEMKE: Are we just discussing the Seward facility right now or also the NOAA proposal as far as the wastewater discussion? You know, obviously, you know, the Seward proposal is a well thought out, actionable proposal, but there's also many other communities out in the spill-affected areas that are -- that the NOAA proposal affects, so it wasn't a really detailed analysis of that, but there's at least 10 other communities out there that probably could benefit from some of this work. And I think that, what, the original invitation was up to 1.7 million dollars or so, if I remember right, and so that would essentially leave some funding available, you know, if we only funded the Seward proposal. At the same time, I think there -- how we could go forward with say the NOAA

proposal to get more information, to be able to actually work with the communities and get additional work done would be in my mind a very beneficial operation that would help clean up the rest of the spill-affected area. So, you know, looking at the NOAA proposal, they had 1.7 was their total. Kind of invitation proposal over the five year period. So, you know, if indeed we did fund 700 thou or 800 thousand for the Seward proposal that it would seem like there would be some available funding to do some of this additional work. You know, I'm not sure exactly how I would recommend that NOAA go and amend their proposal to be able to get more of a definitive work product, that could happen, but I think it would be very beneficial. So.....

CHAIRPERSON SCHORR: Is that something that other Trustee Council members would be interested in pursuing, having those discussions, tasking the staff with pursuing those discussions with NOAA to see whether it would be possible to revise their proposal to potentially use the funding, what might otherwise be a funding surplus in this area?

MR. BALSINGER: Madame Chair, I would be interested in that discussion without commenting whether you'd vote for it eventually. Thank you.

CHAIRPERSON SCHORR: Thank you. Any other comments or questions?

(No audible responses)

CHAIRPERSON SCHORR: Okay.

MS. BOERNER: Would you like me to summarize the NOAA proposal?

CHAIRPERSON SCHORR: Yes, if you could go ahead and summarize the NOAA proposal, that would be great.

MS. BOERNER: Sure. The second proposal that was received was the Prince William Sound Harbor Cleanup Project. And that project, the team leader was Laurel Jennings at NOAA. They were requesting \$135,000 for the first year and 1.7 million dollars over the five years of the program. And they are looking to work with communities to provide methods for handling small spills and also to encourage these groups to continue the work after the five years of the EVOS funding has passed. So that way with the potential hope that the work would continue, it wouldn't just stop after the five years.

But they -- you know, this proposal was not recommended for funding by the Science Panel, the PAC, myself or Elise, the Executive Director. And I think that a lot of the key issues that people had with it is that a very large amount of the funding is going to administrative -- administration and travel cost for a team leader and a team that's based in Seattle. So I think in relation to other project -- or to the City of Seward that didn't have the travel costs, that's in the Sound, that this project does have a large overhead and travel costs. There was also a lot of concern that there really wasn't enough

information in the proposal to determine whether or not these methods would be useful and how outreach would be conducted, which is also not included in the proposal. But if you're guiding us to perhaps go back to them and see if they could work with less funding, we can ask for further detail at that time.

CHAIRPERSON SCHORR: Thank you. Are there questions or comments?

MS. HSIEH: I guess I have a question for the trustees. We can go back and talk to NOAA about if the funding, for example, was more of a million dollars and if they could also address the Science Panel comments. Is that what I'm hearing?

MR. ELTON: That -- Elise, I'm sorry. That -- I'm not sure I understood what you're suggesting. Sorry, I think.....

MS. HSIEH: I just want.....

MR. ELTON:it was very clear but it wasn't clear.

MS. HSIEH: I just wanted to clarify that what Steve Zemke had brought up earlier, was that the City of Seward vessel wash-down was just over \$700,000. That doesn't include G&A, of course, but then the remainder, the million dollars that -- the invitation initially allotted 1.7, so that leaves a million dollars that you want us to go back to NOAA and discuss some of the weak areas of this proposal and also see if they could downsize it to a million dollar budget, for example. That was -- Steve Zemke, was that your interest?

MR. ZEMKE: Yeah, that's my interest, looking at -- certainly we don't want to -- I wouldn't say penalize, but it kind of affects Seward's proposal, but at the same time there's many other communities out there that could benefit and there's probably some available funding here that we could put into action in those areas. Realizing they have the opportunity probably to put in a proposal but I think there was work here done to be able to outreach to those communities to get it done. And so I think there's some benefit by pursuing that and if it doesn't reach fruition, then that's fine, but at the same time I think maybe we could look at by end of August when we have our meeting that whether or not we have a more concrete proposal would be beneficial.

MR. ELTON: I mean, I'm almost sorry we're mic'd because I'm in the process of thinking out loud and that's not often a pretty process. But it would seem to me that if -- I mean, and I think I agree with Steve but I would point out that what we're doing is we're potentially fully protecting the Seward proposal and the proposal at risk here is the NOAA proposal. And if staff is working with both parties, I mean, I don't know that this would work but maybe, you know, funding Seward at 400,000 and if you come up with other alternatives for other communities so that you kind of spread the benefits around, you might then have room for a little bit more under the NOAA umbrella that is more fully formed.

MS. HSIEH: That theoretically is correct if that's something the trustees are interested in. For example, if you give me the guidance today -- it helps when you're -- the more specific you guys can be, the better -- I can give you something that you want in the fall. If you say to me today, I'm -- we're just interested in what say if we funded Seward at \$400,000 and used the remainder 1.3, ask the NOAA to take that amount back and give more specificity and cure some of the weaknesses in their proposal and bring it back. And then of course when you come back in the fall that gives you two menu options, both the entire Seward proposal, the NOAA proposal as is, or this hybridized -- none of these proposers -- and that's why I asked for your direction today. None of these proposers are going to come to me and say, yeah, I'll cut down my funding to 400 and see how we can do. If you give guidance and say we're interested in hearing what the scenario would look like, then the proposers can work with our staff to produce, if willing, what that scenario will look like for you in the fall.

MR. ELTON: Yeah, I -- I mean, I guess I'm hung up on this notion of having a holistic approach to pollution sources in harbors. And if you maintain a holistic source as you work with the proposers on their plans, that what you might come up with is just -- you may not. I mean, I'm almost sorry I said \$400,000 because that wasn't a proposal from my part that we consider \$400,000. I guess we have a pot of money, we have two

proposers, and one of the proposers, you know, the Science Panel and the PAC and staff have said, well, we don't have enough information. I mean, under kind of my holistic approach, you're not saying yes or not to anybody but you have the advantage of being able to kind of mix and match just to make sure that the benefits -- you're shaking your head like I -- and.....

MS. BOERNER: I understand.

MR. ELTON: And it's probably my fault for not being clearer, but it -- if we have a discreet amount of money, a bucket of money and you're going to be working with NOAA, why would we want to limit the review of what comes out of that bucket only to NOAA and not to both of the projects that are being proposed to be funded from that one bucket?

MS. BOERNER: I believe what you were saying is essentially we may have the opportunity to fund complete or in part both proposals that would provide a more comprehensive approach with knowing that there may have to be some compromise between the two proposals knowing that they may not get all that they have requested and to kind of find out where those compromises could be had. Is that.....

MR. ELTON: Catherine, that's exactly it. You should be sitting up here. You did a good job of.....

MS. BOERNER: Never.

MR. ELTON:interpretation. Thank you.

CHAIRPERSON SCHORR: And I would support that approach as well. I mean, I think if it's possible to go to NOAA and say maybe there's a million and is there a way to address some of the Science Panel's concerns about administrative costs or things like that and then -- you know, one thing that's appealing to me about the NOAA proposal is that it proposes working with communities other than Seward. I mean, it mentioned that perhaps Seward would be included as well, but -- and, you know, as Kim was saying.....

MS. BOERNER: Sure.

CHAIRPERSON SCHORR:it's nice from a sort of holistic spreading the benefits around. Go ahead, Mr. Balsinger.

MR. BALSINGER: (Indiscernible - mic off).

MS. BOERNER: I think the only concern will be not to dilute the efficacy of either proposal through the.....

MR. BALSINGER: Right.

MS. BOERNER:with those comprises. To make sure that they still....

MS. HSIEH: Yes.

MS. BOERNER:have what they need. And in some cases, maybe there isn't a compromise, but we can at least tell you that and where there may not be a mesh.

CHAIRPERSON SCHORR: That would be great. Mr. Balsinger.

MR. BALSINGER: Thank you. I agree with all of that but could you explain what you see as the excess overhead costs? I -- other than travel, there's no administration costs.....

MS. BOERNER: It was.....

MR. BALSINGER:or any kind of.....

MS. BOERNER:mostly the travel I understand was the.....

MR. BALSINGER: And you mentioned they're coming from Seattle. I see the team leader's from Seattle.....

MS. BOERNER: Uh-huh.

MR. BALSINGER:but two of the three workers, I believe, are Alaska based so I was just.....

MS. BOERNER: Or Anchorage based, yes.

MR. BALSINGER: Well, one might be Juneau, one might be Anchorage. So again, if it's just the travel you're talking about, I was just curious as to what you were looking at.

MS. BOERNER: Sure. I think when the Science Panel and myself, when we are looking at this, if you look at the first year cost with, you know, a good portion of that just being in travel, where at that point there won't even be any projects going on. That will just be, you know, the \$75,000 for scoping.

MR. BALSINGER: I'm not arguing 40 is too much or too little, I just want to make sure I knew what you were

calling.....

MS. BOERNER: That's.....

MR. BALSINGER:administrative overhead costs.

MS. BOERNER: I'll apolo -- I think it was the incidentals and travel that was. So instead of administrative, perhaps it was the incidentals.

MR. BALSINGER: Thank you.

MS. BOERNER: Uh-huh.

MS. HSIEH: I think it goes on to say that in the Science Panel comments. Travel cost being especially high, especially in the completion phase that does not involve public outreach.

MS. BOERNER: Right.

CHAIRPERSON SCHORR: Well, and I guess one thing that I would be -- following up on the Science Panel's comments, I would be interested in exploring this comment that, you know, is there an overlap with the clean harbor projects and, you know, yes or no; and if yes, are there ways to revamp the proposal so that it would compliment those, you know, areas without having a large amount of overlap.

MS. BOERNER: And I should actually apologize, I should have said at the beginning of this. While the comments are Science Panel, we also went to the managing agencies that would have responsibility for this type of work because the expertise lies there for them to be able to truly review these projects.

So the comments under Science Panel comments are actually a blend of both the management agencies as well as the Science Panel comments.

CHAIRPERSON SCHORR: Okay. Thank you.

MR. O'CONNOR: Madame Chairman, can I ask a question since I was involved in getting in the discussions that (indiscernible - away from mic) behind it?

CHAIRPERSON SCHORR: We will make a special exception for you, Mr. O'Connor.

MR. O'CONNOR: I promise not to interrupt.

MS. HSIEH: You have to come up to the microphone.

CHAIRPERSON SCHORR: And bring a cookie.

MR. O'CONNOR: Cookie. I apologize. I'm just curious why Adak didn't submit anything because we had had conversations with them in the course of developing this approach. What was -- what happened there?

MS. HSIEH: I did communicate with the Department of Environmental Conservation during this proposal period and they believed that small communities would be submitting something. I too was surprised that there wasn't -- Department of Environmental Conservation is the one that facilitated the Trustee Council's earlier oil reduction programs in the Sound around 1995. So when I called to check in on that, I guess I was surprised as well when nothing came in the door. So.....

CHAIRPERSON SCHORR: Mr. Easton, I realize that you're

pitch-hitting, but did you have anything that you wanted to add in regards to.....

MR. EASTON: Yes, ma'am.

CHAIRPERSON SCHORR:that question?

MR. EASTON: Well, thank you. I really -- I don't. I wasn't aware that we had been invited to -- well, just thinking about it, I'm not sure what we would propose. You know, we're not in the business typically of building things. I suppose we could propose some program.

CHAIRPERSON SCHORR: Yeah.

MR. EASTON: But, you know, it's sort of thinking out loud and I really don't know. I appreciate the opportunity. Wish I had a better response to the question, but I don't.

CHAIRPERSON SCHORR: Okay. Thank you.

MR. O'CONNOR: We're trying to pick up the slack, how's that, with our position here.

UNIDENTIFIED SPEAKER: Thanks.

CHAIRPERSON SCHORR: Thank you, Craig. Any other questions or discussion on either one of these projects?

(No audible responses)

CHAIRPERSON SCHORR: Okay. I would propose that we hold the motion until we have discussed the next area, which is marine debris. So, Catherine, if you would like to walk us through those three proposals, that would be great.

MS. BOERNER: Sure. This was -- apparently we got a

lot of interest in this focus area, which was great. We had three individual proposals that did come in. The first one on your agenda was submitted by the Gulf of Alaska Keeper and Chris Pallister would be the team leader for this project. It was a three year marine debris cleanup program. They were requesting \$352,700 the first year and \$1,015,000 over the three years of the program that they had submitted. They are proposing that they're going to be able to match the funds one-to-one and that they'd be able to stretch the funds over three years so that they can continue to raise additional matching funds to clean additional mileage of beaches.

This proposal was recommended for funding by -- unanimously by all groups. They were very interested. The program has been in place for 10 years now. It's had a good success rate. Costs were very reasonable. The only thing we all mentioned was that the outreach efforts seemed to be a little bit weak and the Science Panel had also thought perhaps they could reach out to the Native Village of Eyak who also submitted a proposal here to see if there may be some overlap or opportunities for working together.

MS. HSIEH: In -- I just wanted to add, in addition, although they have been receiving great matching funding, I don't know or I don't have any concrete answer that EVOS funds would be eligible for that matching. I believe the Gulf of Alaska Keeper believes they would be, but I'm not -- you know,

I haven't delved into that in writing, so -- but they do.....

MS. BOERNER: That's something that as we move forward is (indiscernible).

MS. HSIEH: And also the organization itself leverages out quite a bit just with their personnel and equipment, so.....

CHAIRPERSON SCHORR: Are there questions or comments before we move on to the second marine debris proposal?

(No audible responses)

CHAIRPERSON SCHORR: Hearing none, Catherine?

MS. BOERNER: The second proposal came from NOAA's -- their restoration center. Erika Ammann would be the team leader for the project. They're requesting -- for a two year project they're requesting 490,000 for fiscal year 12 and a million dollars for the two years of the program. They're hoping to provide just general debris removal and they also were hoping to provide data to the public via an on line portal and continue their ongoing education and outreach efforts in the spill area.

The proposal was not recommended for funding by the Science Panel, PAC, Executive Director or myself. There were concerns regarding, again, travel costs for an Anchorage and Seattle based team and perceived lack of avenues for meaningful public participation. I know our social scientist who sits on our Science Panel was definitely concerned that there didn't

seem to be a really strong outreach factor here and they didn't -- a web portal she didn't feel was a good avenue for very meaningful participation. However, just as in the similar other -- the prior NOAA proposal, there also wasn't a lot of very specific information to be able to really evaluate the proposal as a whole.

CHAIRPERSON SCHORR: Thank you. Are there questions or comments on the NOAA marine debris proposal?

(No audible responses)

CHAIRPERSON SCHORR: Okay. Hearing none, Catherine, if you wouldn't mind moving on to the third and final marine debris proposal.

MS. BOERNER: Not a problem. Okay. That proposal came from the Native Village of Eyak. John Whissel would be the team leader. They are requesting just one year of funding of \$1,082,830. They are hoping to design and implement a marine debris remediation program. They would remove marine debris from several beaches along the Copper River Delta, so it would be upstream of the immediate spill area. And they were also hoping it would sustain itself through the local selling of the processed plastics. And you'll see that's part of the proposal here.

The proposal was not recommended by funding -- for -- by any of the reviewers. They did like -- they felt it was a very attractive program based on its focus on local community,

but the activity suggested a level of involvement -- current level of involvement did not suggest that the activities would be highly effective. They also felt the single fiscal year would be impractical for all the activities, including planning, marine debris analysis, data collection, cleanup and disposal as well as recycling and public outreach events.

CHAIRPERSON SCHORR: Thank you.

MS. BOERNER: Those are the three.

CHAIRPERSON SCHORR: Any questions about the Eyak proposal or general questions about any of the three proposals?

(No audible responses)

CHAIRPERSON SCHORR: Okay. I can tell it's getting towards the end of the day. Okay. Well, then that brings us to the final subcategory of the harbor protection and marine restoration category, which is response, damage assessment and restoration implications. Catherine, once again to you.

MS. BOERNER: There was one proposal received. It was received by, again, Scott Pegau of the Prince William Sound Science Center but the work would be done in collaboration with OSRI, the Oil Spill Recovery Institute and Alaska Sea Grant. What they're hoping to do in response to the invitation is to develop several monographs and host a technical symposium that would help produce a lessons learned or, you know, the implications of the spill. And I think a lot of it came in response to after the Gulf oil spill we had received so many

requests for information across Alaska. They felt that this would be a good opportunity for us to pass on what we learned, what we didn't learn and how we may have done things differently.

The Science Panel, Executive Director, myself and PAC did not recommend it for funding. There were several -- while it's a very intriguing proposal, it definitely would be something that would be interesting, however we felt that the team leader's time is already stretched over two -- two of the other proposals we discussed earlier and there was not a lot of detail identified in terms of who would the authors be, what would the timeline be. The proposal was just maybe a little too vague to be considered for funding at this time.

Oh, I apologize. And they were also asking for a total budget of \$699,700 with 485,200 being requested in fiscal year 12. And that first year would be mostly to host the technical symposium to identify writers and chapters of the monographs.

CHAIRPERSON SCHORR: Thank you. Other questions for Catherine on the lessons learned proposal?

(No audible responses)

CHAIRPERSON SCHORR: Okay. That brings us to the final area of discussion for the FY-2012 proposals, which is lingering oil. Catherine.

MS. BOERNER: Again, we received one proposal here. And this is from Research Planning, Incorporated. The lead --

team leader would be Zachary Nixon. They are proposing just one year of work for \$177,400 and the goal of this project is to synthesis the Jacqui Michel and Michel Boufadel work that has been done on lingering oil and mapping lingering oil in the Sound. They're hoping to provide insight into the impact of the oil and provide a guide for future remediation efforts. But this is a synthesis effort and would just take place in fiscal year 12. And this was recommended for funding from all the reviewers.

CHAIRPERSON SCHORR: So this is work that's not in any manner encompassed by the current funding that these PI's are receiving?

MS. BOERNER: Unh-unh. (Negative)

CHAIRPERSON SCHORR: Okay. Mr. Balsinger.

MR. BALSINGER: Madame Chair, you probably said this, but I was searching for different number. So what's the product that this will produce?

MS. BOERNER: I want to be sure. I don't have the proposal with me. I apologize. I was wanting to give you the exact answer, but I know that they're looking to provide a data set as well as geographic mapping that would show exactly where the spill areas are and where overlaps were. Yeah, and their -- strength in the spatial correlations between the recent and ongoing impacts.

MR. BALSINGER: And it will result a scientific report

or some such thing.

CHAIRPERSON SCHORR: Are there additional questions for Catherine on this proposal?

(No audible responses)

CHAIRPERSON SCHORR: No? Okay. That brings to a conclusion our discussion of the FY-2012 proposals. Catherine, thank you very much. And are there general questions, comments? Is someone ready to make a motion on the categories of storm water, marine debris, response and lingering oil? Mr. Balsinger.

MR. BALSINGER: Mr. -- Madame Chairman, I'm not prepared to make a motion but I would like to comment on the -- oh, what did we call it, lessons learned or whatever. I think that the Trustee Council was still interested in some work on that but we didn't particularly -- the Science Panel nor the Executive Director were not particularly plea -- enamored by the approach that was proposed. And so I don't know how the motion will go here or how we will vote, but I appreciate the Science Panel's review and the Executive Director's review, but I just want to say we're still interested in some work on this line to be able to demonstrate to the world at large that we actually have over 20 years learned some things and are prepared to be able to make recommendations should such events occur elsewhere. So we probably still want to pursue it, but maybe not in this particular proposal.

MS. HSIEH: Madame Chair.

CHAIRPERSON SCHORR: Yeah.

MS. HSIEH: Perhaps I could make the suggestion that if the trustees are amenable to it, I could work with the trust agencies with gathering initial information for your review -- I'm not sure if it will be ready in the fall -- with regard to the materials that exist currently with regard to response, so that at least we know what the starting point is and how we can then shape our lessons learned to be most helpful to those who would use it in the present.

MR. ELTON: Madame Chair. I -- I mean, I think that's a good approach. I would just expand it a little bit. There are agencies that aren't trust agencies that have a real -- would have a real interest in the lessons learned. And so it may be worthwhile in the course of doing that to reach out to those other agencies, like the coast guard, for example, and say what kind of information from our experience would be helpful to you.

MS. HSIEH: And to accomplish this I probably will be ask -- leaning on a trust agency, for example NOAA and DEC, to help me -- to facilitate those communications and to have their staff assist me with that endeavor.

MR. ELTON: I think that would be great and Department of Interior is a trustee agency and so we would be more than willing to work with, for example, BLM and some of the others.

CHAIRPERSON SCHORR: I agree that that sounds like an excellent approach. Any other comment or questions on that topic or any other proposal?

MS. HSIEH: Madam -- would like me to briefly review the notes that I have for areas of interest that the trustees would like myself and my small staff to pursue over the next few months?

CHAIRPERSON SCHORR: That would be helpful.

MS. HSIEH: With regard to herring, a concern with the lack of the modeling and we continue discussions with the Department of Fish and Game as to their review of those proposals and their interests.

With regard to herring and long term monitoring, to produce a couple of options, maybe two or three options this autumn.

With regard to funding a data piece and the costs or ballpark costs and schedule for that. In addition, another review by the Science Panel or some members thereof of those options and what they recommend at that time.

With regard to the City of Seward, they could submit additional written information with regard to their NPDES permit and their -- the legal requirements under those permits or any other legal requirements that -- and how this -- I'm sorry, the vessel wash-down is not required by law. In addition, from the City of Seward, I think where are the other

travelifts. I think they actually identified two. I've heard there's also one in Cordova. And how this would -- the Trustee Council assisting -- I guess really what you want is the differentiation, if there is one, between how vessel owners use these different travelifts and if there's an economic advantage to our -- to your funding such a travelift in Seward. I know that they do have different capacities and so maybe more information about that.

In addition, there was some discussion at -- you know, that the Trustee Council gave a loan. I'm not sure the Trustee Council is legally able to loan funds. That's something that I can ask the Department of Justice and Department of Law for further information on. My impression is that it's not.

With regard to storm water in the NOAA proposal, if NOAA could work with our staff, if they had a million dollars, for example, if they could both address how they would use that million dollars and also address some of the weaknesses in the proposals. Both the NOAA proposals, both marine debris and storm water had just -- just sort of -- they were weak proposals in general. It didn't seem that they had the staff, they had the technical expertise to really produce a sterling product that really won the groups over. And so if we could validate that perhaps that would assist the reviewers as well.

Gulf of Alaska is -- if this were funded by Trustee Council funds, would those funds actually be eligible for

matching funds of the kind that could be matched. And also reaching out to Eyak with regard to more community outreach. Not necessarily Eyak but also other communities, not limited to Eyak.

With regard to response, damage assessment. Work with trust agencies and non-trust agencies, including the coast guard, et cetera, to start to -- and I don't think I'll have this by the autumn, but we'll try to see how far we can get -- to start figure out what is out there currently with regard to the guidelines for those agencies and oil spill response so that we can find out what their needs are and tailor our lessons learned to be a helpful document that actually is used by those who are currently tasked with that responsibility.

Those were my notes of my to-do list. Does that accurately reflect what you guys are interested in? Did I leave anything off?

MS. BOERNER: I actually have an additional question too. So you are directing us to get full and develop full proposals from all three of the marine debris? You're not going to select a preferred provider or a preferred proposer?

MS. HSIEH: With marine debris I only had Gulf of Alaska Keeper notes, so my assumption was that was the preferred.....

MS. BOERNER: But they didn't -- there wasn't a motion.

MS. HSIEH: No, there's been no motion at all yet.

MS. BOERNER: Yeah. Okay.

MS. HSIEH: So.....

CHAIRPERSON SCHORR: I'm not sure we resolved that question. I do agree that both the City of Seward and NOAA proposals that we were in agreement.....

MS. HSIEH: Yes.

CHAIRPERSON SCHORR:of exploring both those but.....

MS. HSIEH: In the storm water area.

MS. BOERNER: I'm talking about the marine debris....

CHAIRPERSON SCHORR: In the storm water area, correct.
Yes.

MS. HSIEH: And.....

CHAIRPERSON SCHORR: Catherine, did you have anything else to add.....

MS. HSIEH: Okay.

CHAIRPERSON SCHORR:to that list? Or does anyone else have anything to add?

MR. ELTON: I don't know, but I don't know how to respond to Catherine's question about marine debris. I mean, one of the problems we have when we do these kind of things is we get proposals from, in this case, three different entities, all of who I suggest would have a stake in a good program. And so the issue I think is how -- I mean, how do you meld, you know, laudable goals that all three might have. One proposer

might have more laudable goals than another, but that doesn't mean that NOAA doesn't have a stake in this or Eyak doesn't have a stake in this. And so I don't know how you do that and I -- I mean, I suspect there is maybe some kind of a history if you -- if we identify a lead proposer, I mean, does that mean that when you're working with them you would suggest, hey, we like this idea that NOAA had, we like this idea that Eyak had? I mean, how do you do that? I mean, we kind of stovepipe when we ask for responses to RFPs.

MS. BOERNER: But there's very limited funds as well.

MS. HSIEH: There were limited funds. And the issue with these proposals wasn't laudable goals. Everyone had the same laudable goals, which you had already set as priorities. It really was more the strength of the proposals and having the technical strength, and from a practical point of view, if those proposers could really pull it off and how if it was with regard to those goals -- and that seemed to be more of an issue. So it wasn't that one was more laudable than the other, they all had excellent -- the goals which you had set out and is inherent to their institutions as well. So I don't know if that lends any clarity. You don't have to necessarily hit a preferred proposer, or for example in marine debris, that seems like an inappropriate action, as long as you direct us with sorts of information you're looking for. And we obviously in the next five months don't have time to rewrite everyone's

proposals and have people reshuffle. So really I'm looking for targeted answers. You know, two or three options and data. City of Seward, the questions to the three answers we asked.

In addition, we have, with regard to herring and long term monitoring, we have sent other requests for information as well which are of smaller detail that I didn't bring, elevate to this level today. So we're looking for specific answers versus an entire rewriting of people's proposals and a remixing. And you also don't want to ask people to spend a lot of time developing a really comprehensive proposal if the weaknesses now are perhaps so great you don't want them to then put all this time developing another proposal, or you know, if you're not going to truly consider it. I guess I didn't phrase that too well.

MR. ELTON: Well, and I may have -- I mean, when I said laudable goals I may have in one sense misspoke. I mean, I think, for example, under marine debris, I think it is helpful to have a tribal entity involved in marine debris. I think that gives -- I think when you're communicating to people, I mean, that's a new way of communicating to a very important stakeholder. I suspect that no one knows as much about marine debris and marine debris removal as anybody else. So I agree, Elise, that the goals are all the same but I mean each of the entities brings.....

MS. HSIEH: A different strength.

MR. ELTON:something different to it. And I don't know how we do that and I'm certainly not suggesting, Catherine, that we go back and we ask everybody to resubmit. I mean, that's an inefficient use of our time and our resource.....

MS. HSIEH: The Science Panel and the PAC suggested that we ask Gulf of Alaska Keeper to reach out to the communities, including Eyak, and bolster their proposal in those areas and resubmit that section for your review.

MR. ELTON: And work in partnership with NOAA, for example. I mean, do they.....

MS. HSIEH: They don't really work in partnership with agencies.

MR. ELTON: Do they get NOAA funding.....

MS. HSIEH: They do get NOAA funding. They could communicate with NOAA and ask for assistance in that area.

MR. ELTON: Because if they're getting NOAA funding.....

MS. HSIEH: Yeah.

MR. ELTON:you know, for marine debris removal, that needs to be coordinated with the kind of funding that we're giving. I mean, it.....

MS. HSIEH: NOAA has been providing, I believe, matching funds. I don't know if our funds are the type that are eligible for matching under that program, and so they could

communicate with NOAA but I think they already are information sharing. Gulf of Alaska's Keeper appeared to have adequate information about where the marine debris was but with regard to community outreach, that was a weaker point.

MR. ELTON: Okay.

MS. HSIEH: So you can work with NOAA but you won't have the funding or ability to sort of start up and fund perpetual marine debris outreach or programs in all these communities. You're going to have to pick something and give them that direction, so.....

CHAIRPERSON SCHORR: Do we know what will happen to NOAA funding? I mean, is there any prediction about whether it's going to be reduced or eliminated or.....

MR. ELTON: Well, I can say unless NOAA is some kind of super agency that's elevated far above the rest of the federal family.....

MR. BALSINGER: Which they should be.

(Laughter)

MR. ELTON:I would suspect they'd face the same funding challenges as every other federal agency. Is that fair, Jim?

MR. BALSINGER: Yes.

CHAIRPERSON SCHORR: Okay. That was my assumption.

MS. HSIEH: The support for the Gulf of Alaska Keeper, I mean, the matching funding would be icing on the cake, but

they already are a very efficient outfit with a ton of write-offs on their time and people donating boats and armies of volunteers. I mean, they already are very efficient in that respect, even without the matching funding, so the recommendation did rely upon that necessarily. That would be great but.....

CHAIRPERSON SCHORR: Are there further questions or discussion on these proposals or are ready to, with the list of priorities and questions that Elise read a short while ago, are we ready to proceed to a motion on these proposals?

MS. HSIEH: I also have a question of Catherine. Catherine, do we have enough peer review funds to support begging some of the Science Panel members over the summer to re-review some things for us so that we can -- when we come into the fall we have touched stone with them again on what has come in the door. So it will be a briefer review, it won't be a meeting, but just to look at the additions or should we ask for that? Many of our peer reviewers have been.....

MS. BOERNER: I don't where we stand right now, which puts me in a.....

MS. HSIEH: Okay.

MS. BOERNER:position of saying I honestly don't know. I'm sure some of them are going -- are getting close.....

MS. HSIEH: Okay. But we have to name.....

MS. BOERNER:but I simply can't know. I don't know.

MS. HSIEH: And those are contracts which you have to name.....

MS. BOERNER: Uh-huh. (Affirmative)

MS. HSIEH:by name.

MS. BOERNER: If you're looking at doing it in an amendment to those contracts for additional funds, yeah.

MS. HSIEH: Okay.

MS. BOERNER: But without Linda here, I don't know what the -- where those numbers stand. I couldn't even guess.

MS. HSIEH: Right. Our administrative assistant is out right now with regard -- our manager of our finances, so I think that would be important, if we need some peer review funding, I think that would be important for us to get approved at this meeting so that we can pay these peer reviewers.

MS. BOERNER: I would be fully supportive of additional Science Panel peer review once.....

MS. HSIEH: So.....

MS. BOERNER:we've addressed some of the questions.

MS. HSIEH: So if we took a short break, we could have Cherri pull up the prior resolution in which we named our Science Panel -- we don't name all of our peer reviewers on this.

MS. BOERNER: Well, they're not peer reviewers. I mean, we have to differentiate.....

MS. HSIEH: Right.

MS. BOERNER:between peer reviewer and Science Panel members.

MS. HSIEH: Right.

MS. BOERNER: Because Science Panel members, you can pull one, ten, any number of them. They're here -- they serve at your discretion.

MS. HSIEH: Right. So we could name them and authorize funding but then I won't use it unless I have to.

MR. BALSINGER: You would actually have to have the names of the people to make the motion.

MS. BOERNER: Yes.

MS. HSIEH: Yes.

MS. BOERNER: We have to amend existing contracts.

MS. HSIEH: Catherine, are we allowed -- I don't think we're allowed to contract with them up to \$5,000 either because we have already had services in kind.

MS. BOERNER: Yes.

MS. HSIEH: Okay. So perhaps if we took a five minute break and you and Cherri, we could work on pulling our old motion and our old resolution and gin it up for this so that we don't get stuck.

MS. BOERNER: I think that that would.....

MS. HSIEH: Would that be all right?

MS. BOERNER:preemptively be a good idea. That way we have.....

MR. ZEMKE: Could we just go through with the rest of the motions first and they could be.....

MS. HSIEH: Yes.

MR. ZEMKE:developing that rather than taking a break and then coming back. You know, is that.....

MS. HSIEH: Yes.

MR. ZEMKE:essential that we need to have that within the next five minutes?

MS. HSIEH: No, we can have them -- if you don't need Catherine.

CHAIRPERSON SCHORR: So, Catherine and Cherri, if you could go ahead and pull that, that would be usually helpful. Thank you. Okay. Does that mean that you're ready to make a motion, Mr. Zemke?

MR. ZEMKE: Looking at the list that we have, I guess we probably need to separate them out into individual pieces rather than trying to do a comprehensive motion. So to start with, I move that we request EVOS staff to work with the following -- or with the City of Seward for developing additional information in areas recommended for storm water. And then probably for the amount that they have proposed in their proposal and then any additional funds would recommend

that the council staff work with NOAA to see whether they can come forth with a solid proposal for -- to determine our decision in the August meeting.

CHAIRPERSON SCHORR: I will second that motion.

Questions or comments on the motion?

MR. ZEMKE: So.....

CHAIRPERSON SCHORR: Oh, sorry. Go ahead.

MR. ZEMKE: I guess the motion, rather than parceling out the Seward proposal as I think Kim Elton had mentioned, the 400,000, I'd recommend we include the full amount and that way -- because it's kind of a stand alone project. As long as they meet the other criteria that the Executive Director had listed as questions and our esteemed chairperson had brought up. And then also that -- kind of the portion on NOAA is somewhat problematic. We don't really know what the exact proposal is, but they would work forward to be able to include a more comprehensive communities out in Prince William Sound with that portion of the proposal.

CHAIRPERSON SCHORR: Thank you. Is there any opposition?

(No audible responses)

CHAIRPERSON SCHORR: Mr. Easton?

MR. EASTON: No objection. Thank you.

CHAIRPERSON SCHORR: Thank you. All right. The motion is approved. Do we have a motion on the marine debris area of

focus?

MR. ZEMKE: I guess I'll give it another -- I move that we request EVOS staff to work with Gulf of Alaska Keeper to develop as lead proposer for development of marine debris removal in Gulf of Alaska and Prince William Sound. And also within that proposal they would work with the Native Village of Eyak proposer, lead proposer, to incorporate the community involvement section of that work. I guess that's it.

UNIDENTIFIED SPEAKER: Second.

CHAIRPERSON SCHORR: Thank you. Any comments or discussion before we vote?

(No audible responses)

CHAIRPERSON SCHORR: Okay. Any opposition in the room?

(No audible responses)

CHAIRPERSON SCHORR: Mr. Easton?

MR. EASTON: No objection.

CHAIRPERSON SCHORR: Thank you. Thank you, Steve. Okay. MS. HSIEH: Response, damage assessment. Response, damage assessment and restoration implications.

CHAIRPERSON SCHORR: Do we need a motion on.....

MS. HSIEH: Would you like me to suggest a motion?

CHAIRPERSON SCHORR: I move that Trustee Council staff work with trust agencies as well as non-trust agencies to develop possibilities for creating a.....

MS. HSIEH: To gather existing information within those

agencies with regard to their current spill response activities so that we can then take that information and see what exists and then look back at the information we have and try and dovetail it. Ask them whether a document from us would be helpful and what they already have. So that was.....

CHAIRPERSON SCHORR: Yes, what she said. Go ahead.

MR. ELTON: Well, I -- I mean, do we need a motion? I mean, we talked about kind of what we want to accomplish. It would seem to me that, you know, at some point there might be a motion to ask -- you know, to issue an RFP after staff has done work. I don't know, do you feel like you need a motion, Elise, to do what had been discussed?

MS. HSIEH: No, I think that they're just looping back around and revisiting each of the things to make sure that it's.....

MR. ELTON: Yeah.

MS. HSIEH:capsulated. But I think that.....

CHAIRPERSON SCHORR: I think as long as you feel that that's.....

MS. HSIEH:the mission is clear for now. Yeah.

CHAIRPERSON SCHORR:sufficiently clear that we can move ahead without a vote.

MS. HSIEH: Okay.

CHAIRPERSON SCHORR: And finally, in the lingering oil category, is there a motion regarding the preferred proposer

for lingering oil? Or any questions or comments for discussion?

MR. ELTON: I can make a motion and I hope that it kind of encompasses it. I mean, maybe we need a specific mention, but I move that we request EVOS staff to work with the proposers of the synthesis project under lingering oil. Is that -- does that cover everything we need?

MS. HSIEH: It does. I don't -- I believe that -- you know, I will look back at the Science Panel's comments. I believe that that proposal was recommended for fund in the fall and I don't believe there were any additional questions or areas of concern for us to work with.

MR. ELTON: So that's my motion, Madame Chair.

CHAIRPERSON SCHORR: Thank you. Do we need the names of the preliminary or primary investigators in the motion or is that sufficient?

MS. HSIEH: I think that's sufficient.

CHAIRPERSON SCHORR: Okay.

MS. HSIEH: I think I understand which of the proposals you're identifying. And Catherine will be back to ask you to fund each of our Science Panel members at \$5,000 plus G&A and she'll have the list of names which will be read as part of the motion. She's working on that right now.

CHAIRPERSON SCHORR: Okay. I second Mr. Elton's motion. Is there any opposition?

(No audible responses)

CHAIRPERSON SCHORR: Mr. Easton?

MR. EASTON: Not from here, Madame Chair.

CHAIRPERSON SCHORR: Thank you. The motion is approved. So I believe the agenda item number 8 may no longer be necessary at this point in time based on previous discussion, in which case we shall wait for Catherine to address the final request.

MS. HSIEH: And I believe these are the names -- two of our Science Panel members are part of the long term monitoring program.....

CHAIRPERSON SCHORR: Okay.

MS. HSIEH:so they are excluded from.....

CHAIRPERSON SCHORR: Okay.

MS. HSIEH:review but I believe those are the names she'll be bringing you. I can actually -- it's the top sheet. I can actually go show it to her and see if she'll let me just use that.

CHAIRPERSON SCHORR: Okay. Thank you.

(Pause)

CHAIRPERSON SCHORR: Thanks for bearing with us, Dan.
We'll be back with you in just a moment.

(Pause)

MS. HSIEH: So this is the list of our Science Panel who are not. We also have reviewers in trust agencies but they

don't get paid through this.

CHAIRPERSON SCHORR: Got it.

MS. HSIEH: So this is the names that we'd be approve
-- you'd be approving \$5,000 for each of them, a contract to
each of them.....

CHAIRPERSON SCHORR: It's -- the contract I assume
is.....

MS. HSIEH:plus G&A.

CHAIRPERSON SCHORR:up to 5,000?

MS. HSIEH: Yeah.

CHAIRPERSON SCHORR: Okay. I think that we're ready to
proceed with the final agenda item and I have here a list of
Science Panel members for whom we have been asked to approve a
contract of up to \$5,000 each. This would permit additional
review by the Science Panel specific to the preferred proposals
and the questions that were raised today and the response to
those questions. I'll just go ahead and read those names. A
few members of the Science Panel are either proposers
themselves, and so they have not been included. And in
addition there are members of the Science Panel that sit within
the trust agencies and they are reimbursed in a different
manner. So the list I'm going to read here is not the complete
Science Panel and that's why. So if there are questions or
comments or -- if not, I'll go ahead and make a motion.

UNIDENTIFIED SPEAKER: Mr. Elton.

MR. ELTON: Well, just to be clear, so we're not necessarily saying we're going to use all of them but this gives the staff the option to use all of them or several of them or.....

CHAIRPERSON SCHORR: Yes. Yes. Okay. Any other questions or comments?

MS. HSIEH: And also you'd have to add on G&A. And G&A whenever you.....

CHAIRPERSON SCHORR: Okay. I move that we approve or direct the Trustee Council staff to enter into contracts for up to \$5,000 each for Science Panel members Gary Cherr, Charles Peterson, Ron Dor -- is it Ron O'Dor?

UNIDENTIFIED SPEAKER: Dor.

UNIDENTIFIED SPEAKER: O'Dor.

UNIDENTIFIED SPEAKER: Oh.

CHAIRPERSON SCHORR: O'Dor. Robert Spies, Marilyn Sigman and Doug Hay. And that's up to \$5,000 including GA.

MS. HSIEH: Plus GA.

CHAIRPERSON SCHORR: Plus GA.

MS. HSIEH: Plus applicable GA.

CHAIRPERSON SCHORR: Plus applicable GA. Sorry. Okay. Questions or comments on the motion or a second?

MR. ZEMKE: Second. I'll second.

CHAIRPERSON SCHORR: Great. We have a second. Any opposition?

(No audible responses)

CHAIRPERSON SCHORR: Mr. Easton?

MR. EASTON: No. No opposition from here.

CHAIRPERSON SCHORR: Okay. Great. Thank you very much. The motion is approved. Any other final items of business or is there a motion to adjourn?

MR. ELTON: Well, I move that we adjourn. I'd like to adjourn, Madame Chair, so I move that the Trustee Council adjourn.

CHAIRPERSON SCHORR: I will second that. Thank you all very much.

MS. HSIEH: And if I could ask the trustees to stay, we're going to bring in the resolutions for your signature now so that we will have them for later.

CHAIRPERSON SCHORR: Thank you, Dan.

(Off record)

(END OF PROCEEDINGS)

C E R T I F I C A T E

UNITED STATES OF AMERICA)
STATE OF ALASKA)

I, Salena A. Hile, 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 117 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 19th day of April 2011,
commencing at the hour of 12:30 p.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 30th day of April 2011.

SIGNED AND CERTIFIED TO BY:


Salena A. Hile

Notary Public, State of Alaska

My Commission Expires: 09/16/14