

09.26.01

1 EXXON VALDEZ OIL SPILL TRUSTEE COUNCIL

2 Public Meeting

3 Wednesday, February 1, 2012

4 9:30 a.m.

5 441 West Fifth Avenue, Suite 500

6 Anchorage, Alaska

7

8 TRUSTEE COUNCIL MEMBERS PRESENT:

9

10 U.S. FOREST SERVICE: Steve Zemke

11 AK DEPARTMENT OF FISH & GAME: Tom Brookover

12 AK DEPARTMENT OF LAW: Jennifer Schorr

13 AK DEPART OF ENVIRON CONSERVATION: Lynn Kent

14 U.S. DEPARTMENT OF THE INTERIOR: Kim Elton

15 U.S. DEPARTMENT OF COMMERCE, NOAA: Pete Hagen

16

17 Proceedings electronically recorded, then transcribed

18 by:

19 Computer Matrix Court Reporters, LLC 135 Christensen

20 Dr.,

21 Suite 2, Anchorage, AK 99501 - 243-0668

ORIGINAL

1 ALSO PRESENT:

2

3 Elise Hsieh	EVOSTC Executive Director
4 Carrie Holba	ARLIS
5 Linda Kilbourne	EVOSTC Staff
6 Cherri Womac	EVOSTC Staff
7 Catherine Boerner	EVOSTC Science Coordinator
8 Doug Mutter	U.S. Dept of Interior
9 Samantha Carroll	Alaska Dept of Natural Res
10 David Wigglesworth	U.S. Fish and Wildlife Svc
11 Barat LaPorte	Patton Boggs

12 ATTENDEES BY TELECONFERENCE:

13 Laurel Jennings	NOAA
14 Dede Bohn	U.S. Geological Survey
15 Gina Belt	U.S. Dept of Justice
16 Veronica Varela	U.S. Fish and Wildlife Svc
17 Jacque Michel	Research Planning
18 Michel Boufadel	Temple University
19 Stacy Studebaker	PAC
20 Patience Anderson Faulkner	PAC

1	TABLE OF CONTENTS	
2		
3	Call to Order	04
4	Approval of Agenda	05
5	Approval of Minutes	08
6	PUBLIC COMMENT	
7	NONE	06
8	Executive Director's Report	10
9	PAC Charter Renewal	29
10	Boufadel project number 11100836	42
11	Habitat	50
12	Adjournment	69

1

P R O C E E D I N G S

2

(Anchorage, Alaska - 2/1/2012)

3

(On record)

4

MR. BROOKOVER: Okay. Well, I guess we can go

5

ahead and get started then and call the meeting to

6

order. For the record I'm Tom Brookover, I'm with the

7

Department of Fish and Game and maybe we can go through

8

the members that are here in person and then go through

9

the members that are on the phone for starters, for

10

introductions.

11

MR. ZEMKE: This is Steve Zemke, U.S.

12

Department of Agriculture, U.S. Forest Service.

13

MS. KENT: This is Lynn Kent, Department of

14

Environmental Conservation. I'm here for Commissioner

15

Hartig.

16

MS. SCHORR: Jen Schorr, Department of Law here

17

for Acting Attorney General, Rick Svobodny.

18

MR. BROOKOVER: And how about on the phone, do

19

we have other Council members on the phone with us?

20

MR. ELTON: This is Kim Elton at DOI.

21

MR. HAGEN: This is Pete Hagen and I'm an

22

alternate for Jim Balsiger with NOAA.

23

MR. BROOKOVER: Okay. Good morning, Pete.

24

MR. HAGEN: Good morning.

25

MR. BROOKOVER: So is there anyone else on line

1 that hasn't spoken up yet?

2 MS. FAULKNER: This is Patience Anderson
3 Faulkner, I'm Co-Chair or Vice-Chair with -- for the
4 PAC.

5 MR. BROOKOVER: Good morning, Patience.

6 MS. FAULKNER: Good morning.

7 MS. BOHN: And this is Dede Bohn with USGS.

8 MR. BROOKOVER: Morning, Dede.

9 MS. BELT: This is Gina Belt with the
10 Department of Justice.

11 MR. BROOKOVER: Gina. Anyone else?

12 MS. JENNINGS: Hi, it's Laurel Jennings with
13 NOAA.

14 MR. BROOKOVER: Hi, Laurel. Anyone else on
15 line?

16 (No comments)

17 MR. BROOKOVER: Okay. Very good. Well, I
18 guess we'll go ahead and get started then. The first
19 item we have before us is the consent agenda. And
20 there are two items under that. The first is approval
21 of the agenda.

22 MS. SCHORR: I move to approve the agenda for
23 today's meeting.

24 MR. BROOKOVER: Okay.

25 MS. KENT: I second.

1 MR. BROOKOVER: Second. Any discussion on the
2 agenda.

3 MR. HAGEN: This is Pete Hagen. Does the
4 agenda include a habitat item?

5 MR. BROOKOVER: There is an item on there for
6 habitat, Pete, it's item number 7.....

7 MR. HAGEN: Okay.

8 MR. BROOKOVER:and there's one parcel
9 under discussion there for the Chokwak portion.

10 MR. HAGEN: Okay. Okay. Great. Thanks.

11 MR. ELTON: Well, this is Kim and I just -- you
12 know, I just want to -- you know, I appreciate the
13 information that I just got on the habitat issue. This
14 is one that's totally unfamiliar for me so when we get
15 to that item agenda I'd like to have some kind of a
16 discussion on why we need to have it on this agenda and
17 if it can be moved (indiscernible - telephone
18 noise).....

19 MR. BROOKOVER: Kim, I lost you there at the
20 very end. Discussion on why we have it on the agenda
21 and there -- I think there was something else.

22 MS. HSIEH: And if we can move it to a
23 subsequent meeting.

24 MR. BROOKOVER: And moving it to a subsequent
25 meeting?

1 MS. HSIEH: Yes.

2 MR. ELTON: Yeah. I just have some concern

3 that it was such a late addition and the public

4 probably didn't know it would be on there.

5 MR. BROOKOVER: Okay. Very good.

6 MS. HSIEH: And someone joined us on the line,

7 I believe.

8 MR. BROOKOVER: Did someone join us on line

9 just now?

10 MS. STUDEBAKER: Stacy Studebaker from Kodiak.

11 MR. BROOKOVER: Good morning, Stacy.

12 MS. VARELA: Veronica Varela from U.S. Fish and

13 Wildlife Service.

14 MR. BROOKOVER: Was that Veronica?

15 MS. VARELA: Yes, that's right.

16 MR. BROOKOVER: Okay. Good morning.

17 MS. VARELA: Hi.

18 MR. BROOKOVER: Okay. What do we need for

19 approval of the agenda then with the note from Kim?

20 MS. HSIEH: I think the agenda has been

21 approved and a motion and second.

22 MR. ELTON: And I have no -- I have no

23 objection to the motion.

24 MR. BROOKOVER: Okay. Very good.

25 MR. ELTON: This is Kim.

1 MR. BROOKOVER: Okay. We'll just move forward.
2 Roll call vote for the approval of the agenda.
3 Also approve.
4 MR. ZEMKE: Aye.
5 MS. SCHORR: Aye.
6 MS. KENT: Aye.
7 MR. BROOKOVER: Pete and Kim, do you both
8 approve the agenda?
9 MR. HAGEN: I approve. This is Pete.
10 MR. ELTON: I approve. This is Kim.
11 MR. BROOKOVER: Very good. Okay. So the
12 second item under the agenda is approval of the meeting
13 notes from September 15th and I think we have those in
14 our binder -- should all have those in our binder.
15 MR. ZEMKE: I move we approve the September
16 15th, 2011 Trustee Council meeting notes as prepared.
17 MS. SCHORR: I'll second.
18 MR. BROOKOVER: Okay. Does anybody have any
19 comments or other discussion on the September meeting
20 notes?
21 MR. ELTON: This is Kim. I have no objection
22 to the motion.
23 MR. BROOKOVER: Okay. Very good. We'll do a
24 roll call vote then.
25 Kim.

1 MR. ELTON: Yes.

2 MR. BROOKOVER: Pete.

3 MR. HAGEN: Yes.

4 MR. BROOKOVER: Okay.

5 MS. SCHORR: Aye.

6 MS. KENT: Aye.

7 MR. BROOKOVER: Aye.

8 MR. ZEMKE: Yes.

9 MR. BROOKOVER: So approved. Okay. So at this

10 point in the agenda we have a time for public comment.

11 I believe we have some members from the public on line

12 and in the audience. We do have a slot for anyone that

13 wants to speak for up to three minutes to provide any

14 comments you may have. So we'll start with folks on

15 the phone. Does anyone on line have any comment for

16 the Council this morning.

17 (No comments)

18 MR. BROOKOVER: Okay. Hearing none, anybody

19 here in attendance have any comments?

20 (No comments)

21 MS. HSIEH: And, Tom, we'll recheck at 9:45.

22 MR. BROOKOVER: Okay. So I'm not sure if you

23 folks on line heard that, but we'll recheck again at

24 9:45 since that is the slated time for public comment

25 in case anybody else joins us.

1 Okay. Well, in the meantime, Elise, the next
2 item we have is the Executive Director's report.

3 MS. HSIEH: Good morning, everybody. A few
4 things to go through. Just an update, the long term
5 monitoring and herring programs begin today. A big
6 thanks to Pete Hagen of NOAA who's worked with our
7 contracting officers and done a great job getting a
8 cooperative multi year agreement in place. The Trustee
9 Council will be reviewing annual funding in its
10 September meeting coming up the first time here this
11 September which there won't be a lot of products yet
12 since it just started, but that will be an annual
13 review. The programs have been having meetings to
14 organize and coordinate with each other, we've attended
15 those meetings and things are going very well. People
16 are very excited and I've had many members express
17 their appreciation to the Trustee Council for launching
18 these programs and very excited about what this sort of
19 long term monitoring in both herring and in general
20 will bring to the scientific community. So I just am
21 passing on those comments.

22 The first thing on the agenda under my report
23 is the Amended Resolution 11-12. In our very busy
24 September 15th meeting funds were authorized for the
25 Irvine project, additional funds, there was amendment

1 in two different resolutions, in 11-14 and in the
2 original 11-12. The 11-14 has a large chart and it
3 acts like a (indiscernible) chart as well. So this --
4 we're amending Resolution 11-12 so that it's clear that
5 the funds were authorized in 11-14, that there's not a
6 redundant authorization. It's a matter of technical
7 housekeeping. So I just wanted to introduce that
8 resolution which will be sent around for you to sign if
9 you're agreeable to the amendment.

10 MR. BROOKOVER: Okay. And we'll get that
11 sometime here soon after the meeting if that's the
12 case?

13 MS. HSIEH: Yeah.

14 MR. BROOKOVER: Okay.

15 MS. HSIEH: Is there any comments or.....

16 MR. ZEMKE: I guess the only question is on the
17 11-14, do we have to strike that or is it this.....

18 MS. HSIEH: I'm actually -- this is striking it
19 out of 11-12 so that the resolution talks about the
20 authorization of funds, but it will now note in 11-12
21 that it was actually authorized in 11-14. 11-14 was a
22 very complicated resolution that had all of our figures
23 and numbers and so we don't want to touch that
24 resolution because it's like pulling a string and many
25 other strings will come loose so we're amending this

1 resolution.

2 MR. ZEMKE: Thank you.

3 MR. BROOKOVER: Okay. Any other comments from
4 Council members?

5 (No comments)

6 MR. BROOKOVER: Do we need a -- I think we need
7 a vote on this. Okay. All right.

8 MS. HSIEH: To amend the -- oh, I believe you
9 have a draft motion sheet.

10 MS. KENT: Yes, I move we approve amending
11 Resolution 11-12, recognizing the funds are set aside
12 in Resolution 11-14 regarding the 2012 work plan.

13 MS. SCHORR: I'll second.

14 MR. BROOKOVER: Okay. Any further discussion
15 on the amendment?

16 (No comments)

17 MR. BROOKOVER: All right. Why don't we do
18 another roll call vote then.

19 Mr. Zemke.

20 MR. ZEMKE: Aye.

21 MR. BROOKOVER: Aye.

22 MS. KENT: Aye.

23 MS. SCHORR: Aye.

24 MR. BROOKOVER: Kim.

25 MR. ELTON: Yes.

1 MR. BROOKOVER: Pete.

2 MR. HAGEN: Yes.

3 MR. BROOKOVER: Okay. Approved unanimously.

4 So the next item is General Operating
5 Procedures.

6 MS. HSIEH: We have -- we are undergoing
7 reviewing and revamping actually many aspects of this
8 program as we start launching the 20 year -- expected
9 20 year programs and also having winnowed down our
10 staff and part of this is looking at all of our
11 policies and procedures, many of which were -- hadn't
12 been touched in many years.

13 The General Operating Procedures were -- we've
14 tried to format things so it's more consistent. There
15 were some substantive changes made in the General
16 Operating Procedures including language revised
17 regarding Trustee Council materials in advance of a
18 meeting. Trustee Council funded program language was
19 added because the policy did not -- only mentioned
20 special projects. The language was also modified to
21 reflect the issuance of an invitation by the Trustee
22 Council when desired versus on an annual -- a lockstep
23 annual schedule. There were project reports and
24 project data sections which have been removed and will
25 be put in separate reporting. Financial and data

1 policies including a few random provisions in this
2 document was redundant and very confusing. A provision
3 regarding application or notification for disbursement
4 was also removed, it was put in the separate financial
5 procedures. And a provision regarding distribution by
6 notice by radio was removed. This form of distribution
7 stopped in about 1998 due to instability of radio
8 contact and as the public began to access the website
9 as its source of information. Cherri Womac in our
10 office who does an excellent job with the public and
11 the PAC consulted with the PAC which noted they largely
12 rely on our website and emails for information and
13 notice. And as the format of newspapers are also
14 shifting and their paper circulations decline we're
15 going to revisit this section in the future as well.
16 We're relying more and more on electronic notice
17 basically.

18 Those were the substantive provisions that were
19 made to General Operating Procedures.

20 MS. SCHORR: Just to clarify that the version
21 that we will be adopting today will not contain the
22 comment.....

23 MS. HSIEH: Correct.

24 MS. SCHORR:those are simply for
25 informative purposes.....

1 MS. HSIEH: That's correct.

2 MS. SCHORR:during our review. Okay.

3 MS. HSIEH: Our draft motion discusses

4 approving this January 4th draft, including any minor

5 revisions in formatting because once it's approved we

6 probably will format it slightly and if we find a typo,

7 that sort of thing, before we post it on the web and

8 make it official.

9 MR. BROOKOVER: Any other questions or

10 comments?

11 (No comments)

12 MR. BROOKOVER: Kim or Pete, did you have

13 anything on the General Operating Procedures?

14 MR. ELTON: No.

15 MR. HAGEN: I don't.

16 MR. BROOKOVER: Okay. Yeah, I looked through

17 it and I thought the changes made sense and it seemed

18 to make sense to go ahead and revise this to -- at this

19 time to tailor it towards the -- you know, the new

20 strategies that we have in place, changing projects to

21 programs and making the procedures fit the new model.

22 So it looked pretty straightforward to me.

23 So I guess unless we have any other questions

24 or discussions -- discussion items I'd entertain a

25 motion.

1 MS. SCHORR: I move we approve the General
2 Operating Procedures, January 4th, 2012 draft,
3 including any minor revisions in formatting to be made
4 by the Executive Director.

5 MR. ZEMKE: I'll second.

6 MR. BROOKOVER: Okay. Roll call vote.

7 Mr. Zemke.

8 MR. ZEMKE: Yes.

9 MR. BROOKOVER: Yes for me.

10 MS. KENT: Yes.

11 MS. SCHORR: Yes.

12 MR. BROOKOVER: Kim.

13 MR. ELTON: Yes.

14 MR. BROOKOVER: Pete.

15 MR. HAGEN: Yes.

16 MR. BROOKOVER: Motion's approved.

17 Okay. So it's 9:45, I think we'll go back and
18 just check again and see if we have anyone else, we
19 don't have anybody new here in the room. Is there
20 anybody that's joined us on the phone since we started
21 and has not had a chance to provide a comment that they
22 want to provide to the Council at this time, this is
23 the official time on the agenda for public comments so
24 we would entertain any comments that folks have.
25 Anyone on the phone that.....

1 MS. HSIEH: I hate to say this, but I see that
2 there is an error in the motion which was just made, I
3 apologize for that.

4 MR. BROOKOVER: Okay.

5 MS. HSIEH: This was the General Operating
6 Procedures for January 24th draft.

7 MR. BROOKOVER: As opposed to January 4th?

8 MS. HSIEH: Correct.

9 MR. BROOKOVER: Okay.

10 MS. HSIEH: Which, you know, includes some
11 language which was added last week regarding public
12 notice to that.

13 MR. BROOKOVER: Okay.

14 MS. HSIEH: Thank you.

15 MR. BROOKOVER: So let's revisit that. We'll
16 take public comment first though since this is the time
17 for that.

18 Is there anyone on the phone that has a comment
19 for the Council?

20 (No comments)

21 MR. BROOKOVER: Okay. Hearing none, then let's
22 go back to the motion. Procedurally what do we need to
23 do, is that an administrative fix or is that something
24 that we need to actually act on?

25 MS. HSIEH: It's actually something you'd have

1 to withdraw your prior motion and make another motion
2 with the correct date and I apologize for that.

3 MR. BROOKOVER: Okay.

4 MS. SCHORR: So since I made the original
5 motion I will now withdraw that original motion and
6 make a revised motion to move we approve the General
7 Operating Procedures dated January 24th, 2012 draft,
8 including any minor revisions in formatting to be made
9 by the Executive Director.

10 MR. BROOKOVER: Okay.

11 MR. ZEMKE: As the second to the motion I agree
12 with that.

13 MR. BROOKOVER: Roll call vote.

14 Mr. Zemke.

15 MR. ZEMKE: Yes.

16 MR. BROOKOVER: Yes.

17 MS. KENT: Yes.

18 MS. SCHORR: Yes.

19 MR. BROOKOVER: Kim.

20 MR. ELTON: This is Kim. Yes.

21 MR. BROOKOVER: Pete.

22 MR. HAGEN: This is Pete. Yes.

23 MR. BROOKOVER: Very good. So the revised
24 motion is approved.

25 We'll move on to Financial Operating

1 Procedures.

2 MS. HSIEH: The Financial Operating Procedures
3 and actually the Reporting Procedures were also
4 reviewed by our agency staff, Pete Hagen and Dede Bohn,
5 which are intimately involved with the programs and
6 have a lot of experience with project management in our
7 prior projects and programs, as well as the Department
8 of Law, Department of Justice, the long term monitoring
9 and herring team leads, it was also forwarded to our
10 auditor, Bruce Nessler, Department of Interior, and
11 Bob Mitchell of Department of Revenue for review. We
12 received comments back from everyone except our auditor
13 and I can't remember, I don't think Bruce Nessler
14 replied back, but I hadn't given them a timeline. And
15 there were no -- I know that Bob Mitchell of Department
16 of Revenue approved our changes as well. And Pete
17 Hagen, Dede Bohn, Department of Law, Department of
18 Justice and the long term and herring team leads also
19 collaborated with us on these changes. The financial
20 procedures were reformatted extensively and simplified
21 somewhat, but largely their substantive provisions were
22 left intact. So we had discussion and they still serve
23 the programmatic needs so this was largely sort of a
24 cleanup of the draft. There was some changes of dates
25 to dovetail with the programmatic and agency

1 requirements with regard to reporting.

2 I'll go ahead and review the, if it's all right
3 with you, the Reporting Procedures as well.

4 MS. SCHORR: One question first on that.....

5 MS. HSIEH: Oh, yeah. Uh-huh.

6 MS. SCHORR:what is the date of the
7 draft?

8 MS. HSIEH: This would be January 4.

9 MS. SCHORR: Okay.

10 MS. HSIEH: And Reporting Procedures are also
11 January 4th.

12 MS. SCHORR: Okay. Thank you.

13 MS. HSIEH: Thank you. The Reporting
14 Procedures were also cleaned up and overhauled, old
15 language removed. There was some colloquial
16 introductions that were taken away in all these
17 procedures. They were also reviewed by those other
18 parties as we said, Pete Hagen, Dede Bohn, Department,
19 Department of Justice, long term monitoring and herring
20 program leads. There was quite a bit of change, we --
21 it's really quite technical. We added the programmatic
22 language, a discussion of semiannual reports, annual
23 reports, Trustee funded projects versus programs, when
24 things are due and again tried to dovetail those dates
25 with what is required by other entities for the program

1 so that our program -- our researchers wouldn't have to
2 be producing reports every few weeks for different
3 entities. Largely the Financial and the Reporting
4 Procedures were sort of housekeeping and technical
5 fixes, there weren't sort of large substantive shifts.

6 MR. BROOKOVER: And I see these have been
7 reviewed by not only the Staff, but also Pete and
8 Dede.....

9 MS. HSIEH: Correct.

10 MR. BROOKOVER:and the Department of Law,
11 Department of Justice and the long term monitoring and
12 herring program team leads?

13 MS. HSIEH: Yes, they worked with us on the
14 draft because we're trying to make sure that the
15 programs -- that we sort of ease the administrative way
16 so that we have an understanding of when reporting is
17 due. I do -- you know, the programs are new and we're
18 revising these policies which -- many of which hadn't
19 been revised in a long time, you may see them again in
20 the future as we have to tweak things, sort of adjust
21 things, but this is our -- the best draft that we could
22 come up with.

23 MR. BROOKOVER: When were they last revised,
24 it's been.....

25 MS. HSIEH: I -- it's been a while.

1 MR. BROOKOVER: quite a while.

2 MS. HSIEH: Yeah, I think the General Operating

3 Procedures were 2002 and then touched lightly in 2006

4 and the other ones were also fairly old. So this is a

5 good juncture to start cleaning them up.

6 MR. BROOKOVER: Okay.

7 MS. HSIEH: We also need to take a look at

8 our.....

9 MR. HAGEN: This is Pete, a question for Elise.

10 MS. HSIEH: Yes.

11 MR. HAGEN: What's the -- I guess the plans

12 will be to then post these onto the web?

13 MS. HSIEH: Yes.

14 MR. HAGEN: Okay. Could you also maybe make --

15 keep the old operating procedures, you know, maybe

16 somewhere in an archive or identify them?

17 MS. HSIEH: Yes. We actually over the last few

18 months since we launched the programs -- we had a very

19 busy three years here since I came, but actually what

20 we're starting to do is build up electronic files in

21 this organization which really hadn't been organized.

22 So we are starting to try and keep substantive emails,

23 documents, name them correctly and get things up on the

24 web so we can create an electronic presence for the

25 Trustee Council as well.

1 MR. HAGEN: Okay. Yeah, we have -- you know,
2 there's several projects still -- quite a few projects
3 still on ongoing which were approved under the older
4 operating procedures so I just -- it's handy to have
5 those available, I guess, when needed.

6 MS. HSIEH: I would think though if you have
7 older projects which are multi-year, when their funding
8 is reapproved every year they would fall under the new
9 policies. The new policies and procedures we attempted
10 to revise them so that the existing requirements for
11 existing projects would remain consistent. So
12 hopefully there shouldn't be a lot of shift for them
13 either under the old -- you know, the transition from
14 the old to the new policy.

15 MR. HAGEN: Okay. Yeah, I'd expect that as
16 well, but like you said there might be always -- little
17 things tend to pop up sometimes.

18 MS. HSIEH: Right. Right.

19 MR. ZEMKE: I guess on that line would the
20 principal investigators know that they're going to have
21 to operate under the new financial procedures or
22 reporting schedules and that and how will they find
23 out?

24 MS. HSIEH: Yeah, we should probably ask our
25 program managers to forward the new policies to all of

1 their PIs at the very least.

2 MR. BROOKOVER: Anything else on either the
3 Financial Operating Procedures or the Reporting
4 Procedures?

5 (No comments)

6 MR. BROOKOVER: Okay. Well, again I think -- I
7 mean, as with the General Operating Procedures just
8 seems like a great juncture to do this. And, I mean,
9 it's nice that they're being done together too, I would
10 think, you know, it's on the same playing field I
11 think.

12 MS. HSIEH: We will be taking a look at our
13 data policy and also our investment procedures. So
14 those will be coming for you at some point.

15 MR. BROOKOVER: Okay.

16 MR. ZEMKE: Would you anticipate those for the
17 September meeting then or.....

18 MS. HSIEH: I don't know about.....

19 MR. ZEMKE:sooner?

20 MS. HSIEH: No, not sooner. We're going to try
21 and not have a Trustee Council meeting until the
22 September meeting. So and that's about when the
23 investment (indiscernible - voice lowers). And those
24 haven't been updated in a very long time, but I'm
25 hoping to get them ready for you at the (indiscernible

1 - voice lowers).

2 MR. BROOKOVER: Okay. Well, if there's no
3 objection -- is there any objection to taking these two
4 items up at the same time and voting on them together?

5 (No comments)

6 MR. BROOKOVER: And these are both dated
7 January 4th; is that correct?

8 MS. HSIEH: Yes.

9 MR. BROOKOVER: Okay.

10 MR. ZEMKE: Well, Mr. Chair, I thought we
11 already approved the general operating.....

12 MS. HSIEH: You did.

13 MR. BROOKOVER: We did.

14 MR. ZEMKE:procedures. So.....

15 MR. BROOKOVER: Yeah, we're on the Financial
16 Operating Procedures, but Elise also gave an update to
17 the Reporting Procedures. So.....

18 MR. ZEMKE: My draft indicates that it was done
19 on January 12th, that financial reporting.

20 MS. HSIEH: Right. That should be the 4th.
21 We're going to have Cherri check. Sorry, we have
22 rolling changes.

23 MR. BROOKOVER: Okay. And then what I was
24 asking is if there's any objection to taking both --
25 since we've heard a review on both the Financial

1 Operating Procedures and the Reporting Procedures, just
2 taking -- combining both those motions and voting on
3 them at one time. Any objection to that?

4 (No comments)

5 MR. BROOKOVER: Hearing -- I'm not hearing any
6 so I think we'll do that once we have the date --
7 correct date from Cherri.

8 MS. HSIEH: In the interim I can also give you
9 an update on the Cordova Center, funding of which was
10 recently approved through a grant process.....

11 MR. BROOKOVER: Sure.

12 MS. HSIEH:through DCED. And I believe
13 they're just completing their first -- phase one of the
14 project. I know they've excavated and done some
15 pouring and done a lot of engineering work. So we just
16 received our first status update on that construction.
17 So we'll be looking forward to seeing the building.

18 MR. BROOKOVER: Okay. Good.

19 MS. SCHORR: Is it buried in snow right now?

20 MS. HSIEH: They did -- I think they've had --
21 you know, with every construction project, I mean,
22 there's definitely some adjustments and the snow
23 certainly didn't help probably. But luckily they
24 actually hadn't started with the structure, they were
25 doing a lot of the excavating and pouring.

1 MR. ZEMKE: Uh-huh.

2 MS. HSIEH: I can also give an update, we're
3 working here over this next year on working with our
4 documents and looking into digitizing some of our
5 documents and further organizing them. So we'll
6 probably be -- they'll probably be some radio silence
7 from our office over the next year and a half at times
8 where we -- we're really working on our electronic
9 files and our paper documents to try and get what we
10 have here accumulated over the last 20 years organized
11 and slowly create an electronic presence. So and
12 there's pretty much -- we have a small staff so we're
13 individually actually working on it. So.....

14 MR. BROOKOVER: Right.

15 MS. HSIEH:that's going to be a time
16 consuming, technical and fairly boring process for
17 which the Trustees -- we won't have a lot of, you know,
18 information, but we'll -- it'll be a lot of sorting and
19 organizing. So.....

20 MR. BROOKOVER: Just out of curiosity, I mean,
21 how -- what is the timeline on that, do you have one
22 yet?

23 MS. HSIEH: No, we're just starting to look at
24 bids for different sized projects, but we don't have a
25 timeline because once we get into the documents, it's

1 kind of like remodeling a house, we're not entirely
2 sure.....

3 MR. BROOKOVER: Uh-huh.

4 MS. HSIEH:how lengthy a process it's
5 going to be.

6 MR. BROOKOVER: Okay.

7 MS. WOMAC: The Reporting Procedures are the
8 12th.

9 MS. HSIEH: Okay.

10 MR. BROOKOVER: They are. Okay. So the
11 Financial Operating Procedures date is January 4th, the
12 Reporting Procedures date is January 12th. And can we
13 get a motion to approve both, please.

14 MR. ZEMKE: Okay. I move we approve the
15 General Operating Procedures, January 4th, 2012 draft
16 and the -- okay. I move we approve -- strike the
17 previous attempt. I move we approve the Financial
18 Operating Procedures, January 4th, 2012, and the
19 Reporting Procedures of January 12th, 2012 draft,
20 including any minor revisions in formatting to be made
21 by the Executive Director.

22 MS. KENT: Second.

23 MR. BROOKOVER: Okay. So we have the motion to
24 approve. My understanding is they'll be posted on the
25 web once they're approved and the program leads will be

1 asked to distribute those to the project managers.

2 So we'll have a roll call vote.

3 Mr. Zemke.

4 MR. ZEMKE: Yes.

5 MR. BROOKOVER: Yes.

6 MS. KENT: Yes.

7 MS. SCHORR: Yes.

8 MR. BROOKOVER: Mr. Elton.

9 MR. ELTON: Yes.

10 MR. BROOKOVER: And, Mr. Hagen.

11 MR. HAGEN: Yes.

12 MR. BROOKOVER: Okay. So the Financial

13 Operating Procedures and Reporting Procedures are both

14 approved.

15 And we'll move on to item number 5 on the

16 agenda, the 2012/2014 PAC Charter renewal. And I think

17 Mr. Mutter has a report for us.

18 MR. MUTTER: Good morning.

19 MR. BROOKOVER: Good morning.

20 MR. MUTTER: I'm Doug Mutter, Department of the

21 Interior. I'm the designated Federal official for the

22 Public Advisory Committee, that's under the Federal

23 Advisory Committee Act or FACA. And the Trustee for

24 Interior has assumed from day one the responsibilities

25 for the PAC for meeting that Federal requirement. And

1 if you'll recall every two years you have to renew your
2 Charter and the way we've set up our membership is we
3 renew the membership every two years also. So in your
4 packet you have a Charter that needs your approval
5 today and then I'll go through the process of
6 submitting it through the Department of the Interior's
7 channels and then it gets signed off by the Secretary
8 of the Interior. And we try and schedule these so that
9 they get signed about the October 1st start of a fiscal
10 year, but it takes some time to get through the
11 Washington maze.

12 So there's a couple of changes on the Charter.
13 On Page 2 they're minor changes, item number 7 we've
14 reduced the amount of funding and the staff time in
15 keeping with the -- your reduction in the activities of
16 the Public Advisory Committee. And in item 9 it also
17 reflects that change to having the Committee meet
18 approximately once a year instead of twice a year. So
19 that's what that's all about. The change in item 8
20 just allows me to designate someone to sit in since
21 there's only one meeting I may not be available and the
22 scheduling may be difficult so it allows me to
23 designate someone.

24 So those are the only changes to the Charter,
25 otherwise it's the same as the one that was approved

1 two years ago.

2 You also have the process description for
3 nominating members of the Public Advisory Committee.
4 And this is the same process that you've used
5 previously, the only change is we have nominations due
6 on August 3rd of 2012 which should provide enough time
7 for staff to vet those and present them to you for your
8 action at your fall meeting. And again we want to try
9 and get the appointments done around October by the
10 Secretary of the Interior, your nominations go to him.
11 So you need to take action and approve that.

12 I would make one procedural suggestion, it
13 doesn't have to be part of a motion, but many of your
14 PAC members stay in those positions from year to year
15 which is probably a good thing because you have some
16 knowledge that carries over. So one way you might make
17 this more efficient is to ask if any PAC members would
18 like to serve for the next two year period and then
19 just do your advertising for any vacancies that you
20 might have. That's up to you and it doesn't have to --
21 I mean, that can be a direction to Elise and me.

22 MS. HSIEH: I think a footnote to that too is I
23 think it was a couple years ago we advertised and tried
24 to get all new PAC members and it was a very, very
25 lengthy advertising process that yielded no results for

1 us. Because these communities are very small and there
2 tend to be only a handful of people who, you know, are
3 interested, available and active in these areas. So we
4 actually went through an extended exercise in trying to
5 see if there were other people who were interested and
6 it was not very fruitful.

7 MR. MUTTER: So anyway action needs to be taken
8 today on the Charter.

9 MR. ZEMKE: I guess looking at that Charter and
10 that point, there's nothing in the Charter that would
11 prevent that from -- we don't have to actually
12 advertise for the 10 vacant or.....

13 MR. MUTTER: Right.

14 MR. ZEMKE:create vacant positions for
15 all 10 positions. I know there's possibilities of
16 staggering the positions too, but if indeed we can just
17 carryover people it would probably be more efficient.

18 MR. MUTTER: Yeah, if you stagger them then you
19 have to do this more often. That's correct, there's no
20 restrictions in the Charter.

21 MR. BROOKOVER: And, Doug, there's nothing in
22 the Charter that really specifies procedurally
23 advertising for members or anything like that, right,
24 there's membership, you know, clauses of 10
25 representative members and each will serve a two year

1 term. Members are eligible for renomination and
2 reappointment, but it doesn't say anything about how
3 often we advertise, recruit, whether we have to go out
4 and solicit new ones versus whether we can take the
5 liberty to simply extend. Nothing in the Charter
6 administratively or otherwise that provides guidance on
7 that?

8 MR. MUTTER: That's correct. FACA requires
9 that the Committees be evenly balanced and so the 10
10 different subject areas you've got meet that
11 requirement. And that's basically it.

12 MR. BROOKOVER: Okay. So procedurally are we
13 doing two things here, are we approving the revised
14 Charter and also the process for appointment?

15 MR. MUTTER: Yes.

16 MR. BROOKOVER: Okay. Any other questions for
17 Doug or discussion?

18 (No comments)

19 MR. BROOKOVER: Okay. Well, I'd entertain a
20 motion then to do both of those two things. I see on
21 our motion sheet we have moved to approve the Charter,
22 but not the process for appointment. So we need to do
23 that.

24 MS. HSIEH: I don't think you need to include
25 that in the motion, you can just make an informal

1 direction to me to.....

2 MR. BROOKOVER: Okay. Because -- and that's
3 because nothing in the process authorization has
4 changed? Okay. So we don't -- okay. So we're good to
5 go.

6 Well, I'd entertain a motion then to approve
7 the Charter.

8 MS. KENT: I move we approve the.....

9 MR. HAGEN: I just have a question first if
10 that's okay.

11 MR. BROOKOVER: Sure. Go ahead.

12 MR. HAGEN: Yeah, this is Pete. I was just
13 wondering is this -- these changes are fairly minor.
14 This has been discussed with the PAC member as well --
15 the PAC as well? It's a question to Doug.

16 MS. HSIEH: These materials were forwarded to
17 the PAC. The changes that are reflected in the
18 documents are budgetary changes and meeting frequency
19 changes which were discussed by the PAC in their PAC
20 meeting before the last, what was that, in -- maybe
21 even a year and a half ago.

22 MR. MUTTER: In July, I think.

23 MS. HSIEH: It was when we shifted the budget
24 and the number of PAC members which was quite an
25 extended and elongated discussion with the PAC and I

1 think it was in February, spring of 2010 when this
2 discussion started. So yes, it has been, all of those
3 changes which are actually reflected now in this
4 document for the future have already been vetted by the
5 PAC.

6 MR. HAGEN: Okay. Fine. That's all. Thanks.

7 MR. BROOKOVER: Has -- Doug, has your -- I had
8 an additional question. Has the suggestion that you
9 have been discussed with the PAC as well in terms of
10 administratively extending members' commitment?

11 MR. MUTTER: No. No, but I think in the past
12 that we've kind of done the same kind of thing is ask
13 the members if they want to continue for the next two
14 year term. But usually we've advertised all the seats,
15 but I don't think that you need to necessarily do that
16 because as Elise mentioned it's been very difficult to
17 get applicants to apply for one of the seats.

18 MR. BROOKOVER: Okay. And we can do that in
19 addition to the motion to put.....

20 MS. HSIEH: You can actually just.....

21 MR. BROOKOVER:a request to you?

22 MS. HSIEH:tell me now that that -- yeah.

23 MR. BROOKOVER: Okay. Is there -- does any of
24 the Council members have any objection to doing that,
25 taking Doug's recommendation to allow the Executive

1 Director to simply extend PAC member terms rather than
2 readvertise on a two year cycle?

3 MS. KENT: I think what we need to do is ask
4 PAC members if they want to continue.....

5 MS. HSIEH: Right.

6 MS. KENT:only and get that information
7 from them. And procedurally we probably need to
8 advertise for all of them knowing that we're probably
9 going to end up with mostly the same slate, I mean,
10 your -- I think we get to act on that slate, right?

11 MR. MUTTER: And they all have to be appointed
12 even if they stay on, they still have to have a letter
13 of appointment from the Secretary of the Interior.

14 MS. KENT: That list of names will come back
15 before us for approval, but the point is let's just
16 check with them first.....

17 MR. BROOKOVER: Right.

18 MS. KENT:to see if they're interested in
19 continuing. That way if we don't get any nominations
20 for those seats we still have somebody who is willing.

21 MR. BROOKOVER: Okay. Good.

22 MR. ZEMKE: I would think we'd probably want to
23 say -- advertise up to 10 new positions and then not
24 put the burden on PAC members who want to extend it,
25 that's our intent to require them to put in a new

1 application. And that's, you know, a significant
2 burden on those folks and may actually prevent them
3 from wanting to re-up for another appointment. But
4 it's -- I think we're getting somewhat convoluted on
5 what the process is now and what the motion should be.

6 MS. HSIEH: Cherri has handled this for 20
7 years, do you want to.....

8 MS. WOMAC: Generally when it's time for the
9 renominations I just send out an email to all the PAC
10 members to remind them that the term is ending and if
11 they're interested to let me know. If they've had
12 substantial changes in their resume or any of their
13 circumstances I ask them to send me new information
14 which I update in my files. If not, then I use their
15 email to say that they are interested and that there's
16 no new information or conflict or anything and then
17 take the old information they've submitted. There are
18 some members that have been on the PAC for quite a
19 while and I've worked with them and asked them just to
20 send me something new so that it has a new date on it.
21 And generally there are not big changes in that
22 information. But then also when somebody has let me
23 know that they're not interested in their position,
24 they've often given me a referral that I can then
25 follow-up with or they've contacted the person and said

1 contact me so that I can work directly with them and
2 get their information. So it's kind of informal, but I
3 don't think it's inappropriate to have followed up like
4 that because after all these years even the
5 organizations that I send information to, we used to
6 send out to specific organizations the dear citizen
7 letter to see if they had somebody that was interested
8 and I'd get no response back. So it's time that I've
9 spent, postage or email now that we're doing it like
10 that plus I get on the phone and follow-up sometimes to
11 -- you know, because I'll think that somebody's
12 expressed an interest in being in the PAC and then
13 their circumstances have changed, but they haven't let
14 me know. So I make -- I try to make sure and not have
15 any vacancies when it comes to you guys. And I'm
16 comfortable with the -- working with the PAC members
17 that I have and they're more familiar with who in their
18 community would be active and interested.

19 MS. HSIEH: Have we ever -- can you remember
20 the last time we received a response from our
21 advertisements or general solicitations regarding the
22 PAC of someone who actually out of the blue applied and
23 was actually eligible, I know we've had some out of
24 state people, but.....

25 MS. WOMAC: It's been about -- I'd say at least

1 two terms where we had two people that were interested
2 and then we had a vacancy in another spot and we were
3 able to shift them to a different.....

4 MS. HSIEH: So they were produced from
5 advertising?

6 MS. WOMAC: Uh-huh.

7 MS. HSIEH: So when you put out for advertising
8 you'll just advertise everything?

9 MS. WOMAC: Uh-huh. I just put it in the spill
10 (ph) papers.

11 MS. HSIEH: Okay.

12 MS. WOMAC: And we do it electronically to our
13 general list and then word of mouth, the PAC members
14 themselves let others know.

15 MR. BROOKOVER: Okay. Thanks, Cherri. Okay.
16 So just for clarity we -- there are two items under
17 discussion right now, one is an action item for the
18 Charter revision that we do need to take action on, the
19 other is a suggestion from Mr. Mutter that he made that
20 would just be a simple direction, a request to the
21 Executive Director that would not require action by the
22 Council. And so I guess regarding the latter and Doug
23 Mutter's suggestion, I would just ask if there's any
24 objection by Council members and if not Elise can go
25 forward and.....

1 MS. HSIEH: Advertise for the vacant positions
2 for those PAC seats where the current member does not
3 want to extend their term.

4 MS. KENT: I think we need to advertise for the
5 entire membership.

6 MS. HSIEH: Yeah, I mean, if we're going to
7 advertise we might as well just do it all. Doug, is
8 that.....

9 MR. MUTTER: Yeah, anyway you want to do it.

10 MS. HSIEH: Okay.

11 MR. MUTTER: I just think it's good to ask the
12 current PAC members if they want to continue on.....

13 MS. HSIEH: Okay.

14 MR. MUTTER:because that's.....

15 MS. HSIEH: And if there are no -- if they do
16 all want to continue on then would you ask me to also
17 advertise and try and oust the current members?

18 MS. KENT: No, I think we're -- I think we're
19 obligated to advertise for the entire slate.....

20 MS. HSIEH: Okay.

21 MS. KENT:and we may have a new person
22 who's interested in a current seat.....

23 MS. HSIEH: Okay.

24 MS. KENT:and the Council needs the
25 opportunity to consider that.

1 MS. HSIEH: Okay.

2 MR. BROOKOVER: Okay.

3 MS. KENT: Doesn't sound like there's going to
4 be a stampede.

5 MS. HSIEH: No.

6 MR. BROOKOVER: Okay. Very good on that then.
7 If there's no other discussion on that we can move on
8 to entertaining a motion for the Charter revision.

9 MS. KENT: I'll do the motion, but first I
10 wanted to thank Mr. Mutter for giving a redline
11 strikeout so we could very clearly see the changes,
12 that's real helpful.

13 I move we approve the 2012 to 2014 Public
14 Advisory Committee Charter.

15 MS. SCHORR: Second.

16 MR. BROOKOVER: Okay. We have the second. Any
17 further discussion the Charter?

18 (No comments)

19 MR. BROOKOVER: And I'll echo the thanks for
20 the revision, very clear.

21 So roll call vote.

22 Mr. Zemke.

23 MR. ZEMKE: Yes.

24 MR. BROOKOVER: Yes.

25 MS. KENT: Yes.

1 MS. SCHORR: Yes.

2 MR. BROOKOVER: Mr. Elton.

3 MR. ELTON: Yes.

4 MR. BROOKOVER: And, Mr. Hagen.

5 MR. HAGEN: Yes.

6 MR. BROOKOVER: Okay.

7 MR. MUTTER: Thank you.

8 MR. BROOKOVER: The Charter renewal is

9 approved.

10 And the next item on the agenda is the

11 amendment to Boufadel project number 11100836.

12 MS. BOERNER: Good morning. Dr. Boufadel has

13 submitted a project amendment for your consideration,

14 he's asking for an additional field season on his work

15 that would occur this summer of 2012 and he is

16 proposing three specific items to add to his current

17 project. And that would be he's going to continue work

18 at Eleanor Island to determine the maximum amount of

19 enhanced biodegradation achievable; he's going to

20 revise the current bioremediation techniques on Smith

21 Island; and they're also going to conduct field visits

22 to oiled beaches within the sound that have the highest

23 potential for treatment using the current

24 bioremediation technique he's exploring. He's

25 currently asking for \$1,199,218 for this amendment

1 which includes the 9 percent GA for the project. It
2 has been recommended for funding by our Science Panel
3 reviewers and other reviewers and by myself and the
4 Executive Director.

5 And I'll be happy to answer any questions or
6 concerns you have about the project.

7 MS. HSIEH: We've reviewed this project, we
8 also had some excellent Science Panel and technical
9 reviews and support. It is a very substantial amount
10 of money so I was -- I did talk to project manager and
11 ask for additional information and had some further
12 discussions so that I could understand what piece this
13 amendment brought to the original project. I think it
14 does -- it is helpful because it brings in this final
15 stage where they can go in and see what sort of beaches
16 this would really work on and also upping the pressure
17 to see if it's really feasible. They had done a
18 smaller area with a lower pressure so it wouldn't
19 blowout. I'm not sure if I'm using the technical
20 language. So it's expensive work, I think it's -- I'm
21 very interested to see the results and hoping it'll
22 also bring the Council and the public some information
23 to bring us to a juncture about lingering oil with
24 regard to the issues addressed in this project.

25 We did receive a revised budget on Monday. The

1 draft motion for this amendment notes conditioned upon
2 approval by the Executive Director a revised budget.
3 We did receive that budget on Monday and we have
4 revised the number there in your motion so we wouldn't
5 need that extra clause on the motion if you were to use
6 that draft motion.

7 MR. BROOKOVER: Can you repeat the last part,
8 Elise, we would need.....

9 MS. HSIEH: Yeah, your draft motion includes --
10 the last clause is conditioned upon approval by the
11 Executive Director of a revised budget. We have
12 received a revised budget which I have reviewed.....

13 MR. BROOKOVER: Okay.

14 MS. HSIEH:so that number is fine the way
15 it is. We weren't sure if there was going to be some
16 additional last minute changes, but I think we have
17 finally settled on a firm budget.

18 MR. BROOKOVER: Okay.

19 MS. HSIEH: Oh, there's also two other things
20 and maybe this is what Lynn Kent is going to address.
21 There was also discussion with Pete Hagen to
22 communicate with the PIs that we'd like them also to
23 coordinate with Lynn Kent of DEC so that there is
24 communication between DEC and the PIs. DEC's very
25 interested and maybe Lynn wants to address this in the

1 water quality and contamination on those beaches and
2 seeing as Jackie and/or Boufadel's team will be
3 visiting 20 sites there may be information which DEC
4 perhaps could coordinate with them for their cruises.
5 So I don't know if Lynn can speak to the details of
6 that. In addition we've also asked for an interim
7 report regarding the last field season's work by March
8 15th to the Trustee Council to give us just a little --
9 a clear idea, just an interim update before this next
10 field season. There is information in this amendment,
11 but we also wanted to know if there was anything else,
12 any other results that had come up in December or more
13 recently that could be communicated. And I'll also say
14 the work, at least some of it, has been published in
15 scientific literature which is mentioned under your
16 references.

17 MR. BROOKOVER: Any other questions, Council
18 members.

19 MR. ZEMKE: I had a question probably for both
20 Michel and then Jacqui about when are they planning to
21 try to actually get out into the field so that we can
22 work with our Forest Service staff to get necessary
23 permits and environmental documentation done in a
24 timely manner. Knowing that I would also probably
25 request that there be a meeting, kind of work with the

1 PI, the project leader and the Forest Service
2 representative as soon as possible if indeed we do
3 approve the project request so that we can discuss
4 strategies on how we go forward to be able to get
5 needed information and also needed permits done before
6 the beginning of the season.

7 DR. BOUFADEL: Yeah, this is Michel Boufadel.
8 Our goal is to be in the field by May 20, give or take
9 a few days. And yeah, I mean, we are also ready to
10 meet Forest Service's and wanted the contact
11 information to kind of give all of the technology, but
12 then at some places provided to the Department so in
13 case there are other case -- other spills they could be
14 dealing, you know, so that we could -- our goal is, you
15 know, we want to collaborate with the State to transfer
16 our findings to them especially down to the technology
17 and how to respond to the spill.

18 MS. HSIEH: Perhaps, Steve and Lynn, if you
19 could email to Pete Hagen and I the staff contacts for
20 which you would like Michel to communicate then Pete
21 can forward those on to Michel so he has the staff
22 member contact information.

23 MR. ZEMKE: Yeah, I've been in contact with our
24 staff and if indeed we move forward with the project we
25 would, I think, propose just to amend our current

1 environmental documentation and also the current
2 minimum requirements guidance document for work within
3 a wilderness study area. And I think that would
4 expedite being able to complete that, but still being
5 able to get that information as soon as possible and
6 moving this would be helpful for all parties involved.

7 MS. KENT: And we'd just like to have a clear
8 understanding of what will be done on the 20 beaches
9 and whether or not there's any additional pieces of
10 information that might be useful to us that they can
11 collect while they're there.

12 MS. HSIEH: I think that would be helpful to
13 have that coordination. The budget probably won't be
14 shifting after this date so hopefully it's something
15 that can be added on without a lot of extra events.

16 MR. ZEMKE: I guess I would propose that the
17 Forest Service be involved in that coordination also
18 since most of those beaches are probably adjacent.....

19 MS. HSIEH: Yeah.

20 MR. ZEMKE:to Forest Service land. And
21 it's not real clear within the proposal what activities
22 beyond test pits would be done, you know, whether or
23 not there's activity above mean high tide or not. And
24 so just knowing that would be helpful.

25 DR. MICHEL: And I'm sure that we'll be doing

1 -- you know, just test the -- you know, the normal
2 pitting.

3 MR. BROOKOVER: Okay.

4 MS. KENT: And I just have one question, Mr.
5 Chairman. The applicable project management costs,
6 since I'm relatively new to this what are these costs
7 and should the Council be capping that somehow?

8 MS. HSIEH: No, the number you have in your
9 motion and also this is the last revised budget number
10 that we received.

11 MS. SCHORR: Yeah, and the 9 percent is the
12 general administrative cost that is required by any of
13 our trustee agencies to essentially manage the contract
14 and that is a set number at 9 percent of the total
15 project cost.

16 MS. HSIEH: And.....

17 MS. KENT: I'm just reading in the draft motion
18 here it says and for any applicable project management
19 costs. Is that part of the 9 percent or is that in
20 addition to the 9 percent?

21 MS. HSIEH: That's actually -- it includes --
22 the figure you're given in the draft motion includes
23 the 9 percent and any applicable management costs which
24 actually have been waived by NOAA. So but if there
25 were any it would have already been included in that

1 \$1,199,218 figure. Is that -- that's not correct?

2 MS. KENT: It would have been a separate
3 number, but they have waived project management fees
4 for this project. So there are none, just the 9
5 percent.

6 MR. BROOKOVER: Okay. Are there any other
7 questions?

8 (No comments)

9 MR. BROOKOVER: Okay. Well, I'll entertain a
10 motion then.

11 MS. SCHORR: I move we approve additional
12 funding for Boufadel project 11100836-B, pilot studies
13 and bioremediation of the Exxon Valdez oil in Prince
14 William Sound Beaches up to \$1,199,218 which includes 9
15 percent general administration.

16 MS. KENT: Second.

17 MR. BROOKOVER: Any additional discussion?

18 (No comments)

19 MR. BROOKOVER: Okay. Well, hearing none,
20 thanks, Catherine, thanks.....

21 MS. BOERNER: Thank you.

22 MR. BROOKOVER:to the project leaders on
23 the phone.

24 We'll have a roll call vote.

25 Mr. Zemke.

1 MR. ZEMKE: Yes.

2 MR. BROOKOVER: Yes for me.

3 MS. KENT: Yes.

4 MS. SCHORR: Yes.

5 MR. BROOKOVER: Mr. Elton.

6 MR. ELTON: Yes.

7 MR. BROOKOVER: Mr. Hagen.

8 MR. HAGEN: Yes.

9 MR. BROOKOVER: Okay. Project is approved.

10 So the -- I think that brings us to the last

11 item on the agenda which is the habitat item.

12 MS. HSIEH: We have Samantha Carroll here.....

13 MR. BROOKOVER: Samantha.

14 MS. HSIEH:from the Department of Natural

15 Resources. And just by way of history.....

16 MS. CARROLL: Good morning. For the record I'm

17 Samantha Carroll. I'm here on behalf of the habitat

18 protection program. Today I'm asking the Council to

19 reauthorize the purchase of a small parcel known as

20 Chokwak II. It is a 160 acre Native allotment on

21 Kodiak Island and it's owned by the heirs of Phillip

22 Chokwak. In 2007 and again in 2009 this project was

23 public noticed and this body approved the purchase of

24 the Chokwak parcel in the amount of \$160,000. And

25 those funds were transferred to the State of Alaska at

1 that time. In accordance with the resolutions of this
2 body the parties needed to enter into a purchase
3 agreement within a year however due to the passing of
4 an heir and a lengthy and complicated probate involving
5 11 heirs, we were unable to do so. It's -- by that
6 expiration date of 2010, in December of 2010 that was
7 required by that last resolution in '09. Today I'm
8 here because the State just recently received final
9 conveyance documents from the Bureau of Indian Affairs
10 and that are acceptable to all the parties and
11 therefore we are ready to move forward and all of the
12 project is aligned at this time. However to do so we
13 do need a favorable resolution from the Trustee Council
14 to authorize that purchase.

15 So I'm happy to answer any questions about the
16 parcel and any concerns that Kim Elton has.

17 Thank you.

18 MR. BROOKOVER: Okay. Thanks, Samantha. So my
19 understanding is that the Council's already approved
20 the purchase, we've already authorized the
21 expenditure.....

22 MS. CARROLL: Yes.

23 MR. BROOKOVER:this is a reauthorization
24 because of a time expiration.....

25 MS. CARROLL: Correct.

1 MR. BROOKOVER: that's occurred since
2 then.

3 MS. CARROLL: It's a procedural thing.

4 MS. HSIEH: The funds were actually transferred
5 I believe initially after the 2007 resolution, then it
6 was re-upped. And the difficulties that we had
7 contacting all of the heirs and getting the paperwork
8 back cannot be overstated. Because there was some
9 discussion should we keep re-upping this at every
10 meeting because it was taking so long. And there was
11 some discussion of whether we would even get the
12 paperwork back from some heirs so we didn't have the
13 Council look at it and keep re-upping it. So because
14 we weren't actually sure this was going to happen and
15 suddenly the stars aligned and someone sent back their
16 last piece of paper this week.

17 MS. SCHORR: And that was last week, late last
18 week. Yeah.

19 MS. HSIEH: No, it was -- but the funds have
20 already been transferred and the Council had extended
21 it and approved it twice already in the past. There's
22 been no other -- I don't believe our packet commented
23 -- I don't think there was ever any.....

24 MS. CARROLL: I've only been on the project for
25 a year and I've heard no complaints or comments and I

1 haven't found anything in the file either unless you
2 know differently.

3 MS. HSIEH: No. And actually -- I actually
4 worked on this parcel over at the Department of Law on
5 the daily phone calls trying to find heirs and it was
6 publicly noticed and stuff multiple times, there was
7 never any concerns about the parcel itself and I don't
8 believe the status has changed.

9 MS. CARROLL: No, it has not. In fact, this
10 body purchased an adjacent parcel that is also owned by
11 the Chokwak family in 2002 I believe.

12 MS. HSIEH: Before we had the heir issue.

13 MS. CARROLL: Yes. Yes.

14 MR. BROOKOVER: Are there any other procedural
15 or administrative steps that need to be undertaken?

16 MS. CARROLL: Everything is aligned today. If
17 this body does not approve a resolution in favor there
18 will be additional costs for due diligence. The Bureau
19 of Land Management will have to do another site visit
20 because they're only -- they only have a life for so
21 long.

22 MR. BROOKOVER: But that's not required at this
23 time?

24 MS. CARROLL: At this point we're good to go as
25 long as you guys agree.

1 MR. BROOKOVER: Okay.

2 MS. HSIEH: I would guess, being familiar with
3 the capacity of work (ph) there could also be some
4 other things that expire which would start the
5 unraveling of this.

6 MS. CARROLL: By September absolutely. The
7 most immediate thing is that.....

8 MS. HSIEH: Yes.

9 MS. CARROLL:BLM approval for the -- a
10 site inspection.

11 MR. BROOKOVER: Okay. Kim, did that address
12 your questions?

13 MR. ELTON: Well, partly and I will confess
14 that at times the sound kind of drifted in and out. I
15 guess -- I mean, I think I understand why it wasn't on
16 the earlier agenda, but -- and maybe this was addressed
17 during that time where I seemed to be having a phone
18 that drifted in and out, I mean, what is the expect --
19 now that the heirs are now aligned, I mean, what is the
20 expectation, I guess, it's a question I have that
21 remains, it's can't the sale be completed before
22 February 13th or February of 2013 then?

23 MS. CARROLL: Are you asking if it can be?

24 MR. ELTON: Well, yeah, it -- I mean, the
25 motion says that the funding terminates if a purchase

1 agreement is not executed by February 1st, 2013. I
2 mean.....

3 MS. HSIEH: Kim, that year long expiration date
4 which is what kind of got this thing in trouble in the
5 first place is just the standard Trustee Council year
6 authorization. But it should -- this purchase should
7 be complete by end of March.

8 MS. SCHORR: It has to be completed by the end
9 of March, that's when my.....

10 MR. BROOKOVER: 2012?

11 MS. SCHORR: Yes.

12 MS. HSIEH: It has to be completed. So that
13 provision is just our standard, but that date could be
14 moved up to let's say June or July or.....

15 MS. SCHORR: I think in this situation it's
16 best to just.....

17 MS. HSIEH: Leave it.

18 MS. SCHORR:given the history of this
19 project, we have another year, but we do anticipate
20 that this transaction will close in March.

21 MS. HSIEH: The past.....

22 MR. ELTON: And I apologize because I'm -- I
23 guess I'm having a little bit of difficulty here with
24 the timing, the funding -- or the heirs have approved
25 the sale.....

1 MS. CARROLL: Correct.

2 MR. ELTON:the funds have been
3 transferred to the State to complete the sale.....

4 MS. CARROLL: Correct.

5 MR. ELTON:so this motion is needed for
6 what reason?

7 MS. CARROLL: To authorize the purchase through
8 this Trustee Council because the previous resolution
9 expired.

10 MR. ELTON: And when did it expire?

11 MS. CARROLL: In December of 2010.

12 MR. ELTON: Okay. I guess -- and this is maybe
13 101 for me, you know, in a beginning level college
14 course, but if the authorization expired in December of
15 2010, I mean, does that mean you have to go through a
16 whole new process or you were able to -- you were able
17 to keep working with the heirs to get to resolution
18 without -- with an expired authorization?

19 MS. HSIEH: We were. We were able to work
20 towards that agreement, however the last step in
21 completing the project is your approval at this time.

22 MR. ELTON: Okay. I guess, you know, I'm
23 struggling here as you can tell, you know, because I
24 guess I would have assumed that if the authorization
25 expired in 2010, I mean, what was the basis for

1 continued negotiation or continued work on the sale?

2 MS. HSIEH: Probably because then all the
3 heirs.....

4 MR. ELTON: Do we do that without operating
5 under the -- a Trustee Council authorization?

6 MS. CARROLL: It was my direction to continue
7 forward on the project to try to get it aligned for
8 this body.

9 MS. HSIEH: The money had already been
10 transferred and the Trustee Council had already
11 approved the sale and the only reason why it didn't go
12 through was because of the passing of this heir. And I
13 believe this situation where these habitat parcels,
14 where the money gets transferred, it gets approved and
15 then something externally elongates the process, there
16 have been I'm guessing -- I've seen several since we've
17 been here and typically we try and re-up them before
18 the other one expires, but they've also been post
19 facto, it's happened many, many times. I don't think
20 we've ever had a glitch which is probably why the
21 Department of Natural Resources continued with their
22 negotiations because it hasn't been an issue in the
23 past. However if what I'm hearing is that this Council
24 would like us to have you reauthorize them continuously
25 then I think we should make that effort.

1 MR. ELTON: Yeah, it's -- I think it's
2 something to consider in the future because I guess I
3 would have assumed that when the authorization expires
4 without an extension at the -- you know, at the time of
5 expiration or before, that, you know, the money that
6 had been authorized and the ability to continue to
7 negotiate had expired. And it sounds like as if that's
8 not the case. If that's not the case then I'm okay
9 with this, but I do think maybe we ought to think about
10 it in the future. And I'm saying that potentially, you
11 know, as a relatively new Trustee where a lot of these
12 actions occurred before I was a Trustee. And so I was
13 a little bit chagrin when I was being asked to approve
14 something that I had never approved in the past and
15 that, you know, the authorization apparently had
16 expired on.

17 MS. HSIEH: I think that's a fair concern and I
18 think in the past, you know, the Trustees were briefed
19 that the Chokwak was ongoing and it went on and it went
20 on and so, you know, those briefings stopped. And I
21 think it is -- I think it is important that we do keep
22 track of our habitat resolutions and reauthorize them
23 dovetailed as authorization dates. So thank you, Kim,
24 for that discussion.

25 MR. ELTON: You bet. And thank you for

1 answering the questions and working me through the
2 process.

3 With that, Mr. Chair, I -- I'm done with my
4 questions and I'm prepared for voting on a motion.

5 MR. BROOKOVER: Okay. Thanks, Kim, I think
6 that was a good point and I think that that's something
7 that -- it looks like Elise is nodding her head in
8 approval that we'll do that in the future.

9 MR. ZEMKE: It may be something.....

10 MR. HAGEN: This is Pete, I have an additional
11 question.

12 MR. BROOKOVER: Okay. Sure, we've got several
13 hands up here. And, Pete, go ahead.

14 MR. HAGEN: Yeah, I was just maybe -- you know,
15 I guess it was -- so about five years ago it must have
16 been negotiated with -- you know, for the purchase
17 price. I'm just wondering if the expectation is that
18 if it -- you know, the price has probably gone up, I
19 guess, since then or as opposed to going down. If we
20 didn't approve it and restarted the process the --what
21 would be the expectation with respect to the price, is
22 this a good deal, I guess to approve this or not?

23 MS. HSIEH: I think if you don't approve it now
24 and restart the process you will end up with something
25 different on the table five years from now after we

1 recontact all the heirs that is a likely scenario.

2 MR. HAGEN: Uh-huh. And likely more expensive
3 than 160,000?

4 MS. HSIEH: I wouldn't speak to that, but
5 that's definitely in the potential.

6 MR. HAGEN: Okay. Okay. That's all for
7 questions.

8 MR. BROOKOVER: Okay.

9 MR. ZEMKE: I guess I had a couple comments.
10 One is if indeed we are kind of changing or codifying
11 what we're doing with the -- being able to formally
12 extend it each time it probably should be embedded into
13 the -- either the General Operating Procedures or
14 potentially the Financial Procedures, but, you know,
15 that -- it's something to consider.

16 MS. HSIEH: Okay. I think it's already covered
17 in a way because you're making motions that expire and
18 I think technically Kim's discussion is correct. I
19 think what's happened is that in the past our habitat
20 program, you know, had sort of similar staffing for 20
21 years and I think we're shifting our staff and so I
22 think we're going to revisit the habitat program and
23 the way we tickle and track things. And I think we're
24 just going to make an effort to just bring you motions
25 to reauthorize parcels repeatedly over the years

1 because these transactions take so long or have a
2 discussion with legal counsel to see if we can elongate
3 when things expire, when these year long tags go on
4 some of these parcels, it's very clear sometimes even
5 at the time of signature it's not going to happen in a
6 year. So that would have to be a secondary discussion
7 with legal counsel, but I think we're going to explore
8 those options.

9 MR. ZEMKE: Okay. I guess my second point then
10 is a little bit different, about due diligence that's
11 already been done on this and it's probably ripe for a
12 decision right now otherwise we'd incur significant
13 cost for new due diligence, there'd be more negotiation
14 costs and other things that probably would be close --
15 getting close to actually the total purchase price and
16 so it really makes economic sense to actually move
17 forward with this proposal as it's proposed right now
18 at least in my mind.

19 MS. HSIEH: I think it's not desirable that it
20 was added to the agenda so late, but I think it's also
21 tempered by the fact that this parcel has been in front
22 of the PAC and on public notice and in several Trustee
23 Council meetings in the past and we've had no -- it
24 hasn't been controversial, no negative comments, it has
25 been a very standard parcel that we haven't received

1 any inklings that there would be an issue. So that
2 somewhat tempers the unfortunate circumstances.

3 MR. BROOKOVER: Lynn, did you have anything?

4 MS. KENT: I do. I think Elise maybe partially
5 answered my question, but I'll ask it in a more direct
6 way. Are there other parcel purchases that have been
7 authorized by the Council where it has expired and we
8 may still have a purchase in the works similar to this
9 situation?

10 MS. CARROLL: I don't believe so at this time.
11 I think there's some that have been purchased quite a
12 while ago, but we'd be looking at coming back to this
13 body before we started down a new path because things
14 have changed so much in the interim. And.....

15 MS. HSIEH: Things that were authorized by the
16 Council in the past.....

17 MS. CARROLL: Yeah.

18 MS. KENT: Where we didn't completed a
19 purchase.

20 MS. HSIEH:for which the purchase
21 agreement has not been completed?

22 MS. CARROLL: Correct. Correct. Yes.

23 MS. KENT: Okay.

24 MS. CARROLL: So there may be.....

25 MS. KENT: Those won't pop up two years from

1 now.....

2 MS. CARROLL: No.

3 MS. KENT:in a similar way you're aware?

4 MS. CARROLL: No.

5 MS. HSIEH: No.

6 MS. CARROLL: I think that today that we've
7 decided to address those in a more pro active approach.
8 So you'll see those before they're coming up for
9 purchase requests.

10 MS. HSIEH: And also sometimes those parcels --
11 the circumstances do start to change and so even if
12 they're authorized they end up, you know, there's
13 another session.

14 MS. CARROLL: There's a change about -- yeah.

15 MS. KENT: So all previously authorized
16 purchases that were not made by the deadline are dead
17 and we'll see a completely new.....

18 MS. HSIEH: No.....

19 MS. CARROLL: Well.....

20 MS. HSIEH:there are still some that are
21 currently authorized.

22 MS. CARROLL: Yes.

23 MR. BROOKOVER: For which the authorization has
24 not expired?

25 MS. HSIEH: Correct.

1 MS. CARROLL: Correct. Yes. Yes, there are.

2 Yes.

3 MS. KENT: Okay. Yeah, that's fine if the
4 authorization hasn't expired. I'm just saying -- I
5 want to.....

6 MS. HSIEH: Right.

7 MS. KENT:see if I can say it in my own
8 words here that any purchase that has been authorized
9 by the Council where the deadline for completing the
10 purchase has expired we're not going to see again
11 except in the context of a completely new resolution
12 for the.....

13 MS. HSIEH: Correct.

14 MS. KENT:Council.

15 MS. HSIEH: Correct.

16 MS. KENT: There are no more Chokwaks hanging
17 out there?

18 MS. CARROLL: Not to my knowledge.

19 MS. HSIEH: No.

20 MS. KENT: Okay. Thank you.

21 MR. BROOKOVER: Since we're.....

22 MS. CARROLL: English Bay.

23 MS. HSIEH: English Bay is the one.....

24 MS. CARROLL: That is still.....

25 MS. HSIEH:that might be.....

1 MS. CARROLL:coming back around that is
2 growing legs again.

3 MS. HSIEH: That was previously -- this is a
4 transaction that was previously authorized by the
5 Trustee Council, it was designed to be completed in
6 three phases. The third and final phase has taken
7 several years longer than anticipated to be approaching
8 closing. And I've just been recently notified by
9 counsel for English Bay that they're ready to proceed
10 to closing. So that is the sole example.....

11 MS. CARROLL: Remaining one.

12 MS. KENT: Except that the resolution that
13 authorized that prepaid approach, did it have an
14 expiration date?

15 MS. HSIEH: That -- I don't believe so and
16 that's what I need to check, but I just wanted to get
17 it on the record that there is one.

18 MS. KENT: Okay. Because I don't think that
19 had an expiration date.

20 MS. CARROLL: I believe that that's -- that
21 Elise is correct, in that original resolution because
22 the transaction was anticipated to occur in three
23 phases did not contain an expiration date.

24 MS. KENT: If we could just verify that at the
25 Council that would be good.

1 MS. CARROLL: We will, yes.

2 MS. KENT: Thank you.

3 MR. BROOKOVER: I think this is all good
4 discussion and I'm thinking about a couple of things,
5 one of which is with our new schedule of meeting every
6 six months as a rough guideline, this would be
7 something to pay attention to, looking ahead at least
8 six months if not a year so that we can take action to
9 extend any authorization as needed before that actually
10 expires. I mean, that would -- that seems to be the
11 most efficient way to go about dealing with this rather
12 than, you know, have a motion on the table at a meeting
13 for something that expired a month ago. And which
14 could potentially, you know, result in a gap in efforts
15 to, you know, due diligence or whatever.

16 MS. HSIEH: Also what -- I think in the past
17 though was -- I think what -- now that we've revamped
18 the other side of the program I'm turning into the
19 habitat. And I think what I am looking at is having a
20 chart with all -- everything that's in play, that has
21 the date, where it is and what resolution and when it
22 expires so that we have that continuously updated every
23 month so that I can forward that to the Trustee Council
24 as well when you email information to them, especially
25 with only meeting once a year or twice a year so that

1 we all know where things are. So I'm very interested
2 in updating that kind of a chart that I think I saw
3 around 2009.

4 MR. BROOKOVER: And I guess my other comment
5 was just on the timelines themselves, we should
6 consider the new meeting schedule.....

7 MS. HSIEH: Yes.

8 MR. BROOKOVER:and, you know, interim
9 periods.....

10 MS. HSIEH: Doing things way in advance.

11 MR. BROOKOVER:and maybe instead of a
12 year as a general course we may want to make it an 18
13 month. I'm happy just to accommodate the schedule.

14 MS. HSIEH: That's a very good point.

15 MR. BROOKOVER: Very good. Okay. I don't
16 believe we have a motion on the table yet on this, do
17 we, but I would entertain one. I don't think we need
18 the last piece of the draft motion before us that the
19 funding shall terminate, do we, does that need to be
20 part of the motion?

21 MS. HSIEH: It does.

22 MR. BROOKOVER: It does. Okay. Very good. Do
23 we have a motion?

24 MS. SCHORR: I move we reauthorize the purchase
25 of Small Parcel KAP3001, Chokwak or Chokwak II,

1 MR. BROOKOVER: Hearing no request, I don't see
2 one is needed. Can we just adjourn or do we need a
3 motion?

4 MR. ZEMKE: I move that we adjourn the February
5 1st, 2012 meeting.

6 MS. KENT: Second.

7 MR. BROOKOVER: Okay. Hearing so, meeting's
8 adjourned. Thanks, everyone. Thanks, everyone on the
9 phone.

10 (Off record)

11 END OF PROCEEDINGS

1 totalling \$160,000, the funds which were previously
2 disbursed and authorized under Resolution 07-04 and 09-
3 08. This funding shall terminate if the purchase
4 agreement is not executed by February 1st, 2013.

5 MS. KENT: Second.

6 MR. BROOKOVER: Second. Further discussion?

7 (No comments)

8 MR. BROOKOVER: Roll call vote.

9 Mr. Zemke.

10 MR. ZEMKE: Yes.

11 MR. BROOKOVER: Yes.

12 MS. KENT: Yes.

13 MS. SCHORR: Yes.

14 MR. BROOKOVER: Mr. Elton.

15 MR. ELTON: Yes.

16 MR. BROOKOVER: Mr. Hagen.

17 MR. HAGEN: Yes.

18 MR. BROOKOVER: Motion approved.

19 MS. HSIEH: Thank you.

20 MR. BROOKOVER: Okay. Thank you, Samantha.

21 MS. CARROLL: Thank you.

22 MR. BROOKOVER: So I believe that concludes our

23 agenda. We have an item on here for an Executive

24 Session as needed. I have not heard a request.

25 (No comments)

1 C E R T I F I C A T E

2 UNITED STATES OF AMERICA)

3 STATE OF ALASKA)

4 I, Salena A. Hile, Notary Public in and for the
5 state of Alaska and reporter for Computer Matrix Court
6 Reporters, LLC, do hereby certify:

7 THAT the foregoing pages numbered 2 through 70
8 contain a full, true and correct transcript of the
9 Exxon Valdez Oil Spill Trustee Council's Meeting
10 recorded electronically by Computer Matrix Court
11 Reporters on the 1st day of February 2012, commencing
12 at the hour of 9:30 a.m. and thereafter transcribed
13 under my direction and reduced to print:

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

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

18 DATED at Anchorage, Alaska this 8th day of
19 February 2012.

20 SIGNED AND CERTIFIED TO BY:

21

22

Salena A. Hile

23

Notary Public, State of Alaska

24

My Commission Expires: 09/16/14

