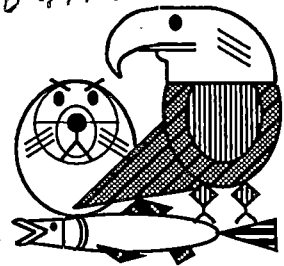


11.04.12

Exxon Valdez Oil Spill Trustee Council

645 "G" Street, Anchorage, AK 99501
Phone: (907) 278-8012 Fax: (907) 276-7178



AGENDA EXXON VALDEZ OIL SPILL SETTLEMENT TRUSTEE COUNCIL

MARCH 10, 1993

TRUSTEE COUNCIL MEMBERS:

MICHAEL A. BARTON
Regional Forester, Alaska Region
USDA Forest Service

CHARLES E. COLE
Attorney General
State of Alaska

PAUL D. GATES
Acting Special Assistant to the Secretary
U.S. Department of the Interior

STEVEN PENNOYER
Director, Alaska Region
National Marine Fisheries Service

CARL L. ROSIER
Commissioner
Alaska Department of Fish & Game

JOHN A. SANDOR
Commissioner
Alaska Department of Environmental
Conservation

MARCH 10, 1993 @8:30am

1. Public Advisory Group Operating Procedures - **Dave Gibbons/Brad Phillips**
2. Negotiating Team Options and Acquisition Guidelines - **Marty Rutherford**
3. 1992 "Carryover" Projects - **Dave Gibbons**
4. 1993 Work Plan - **Dave Gibbons**
 - Deferred Draft Work Plan Projects
 - Public Advisory Group Proposals
 - Prince William Sound Recreation Proposal
5. Review of 1994 Work Plan Assumptions and Framework - **Jerome Montague**
6. Restoration Organization - **Trustee Council**
7. Chugach Resource Management Agency Proposal - **Dave Gibbons**
8. 1992 Annual Financial Report - **Walt Sheridan**

Meeting Notes

TRUSTEE COUNCIL MEETING NOTES

February 16, 1993

By Dave R. Gibbons
Interim Administrative Director

Members Present:

Trustee Council

John Sandor (ADEC)
Mike Barton (USFS)●
Charlie Cole (ADOL)●
Carl Rosier (ADF&G)
Steve Pennoyer (NMFS)◆
Pamela Bergmann (USDOJ)●

Restoration Team

Dave Gibbons (IAD)
Mark Brodersen (ADEC)
Ken Rice (USFS)
Marty Rutherford (ADNR)
Jerome Montague (ADF&G)
Byron Morris (NOAA)

- ◆ Chair
- Alternates:
 - Pamela Bergmann served as an alternate for Paul Gates.
 - Craig Tillery served as an alternate for C. Cole, until 10:30 a.m.
 - Jim Wolfe served as an alternate for M. Barton from 4:00 p.m. until the end of the meeting.

1. Restoration Organization

APPROVED MOTION: Move ahead with screening Administrative Director applicants on State & Federal side to see if they all meet evaluation criteria in the job announcement. Forest Service will do this on Federal side and ADF&G will screen on the State side.

APPROVED MOTION: Defer further discussion of Restoration Organization until 3/10/93 Trustee Council meeting or soon there after.

2. Habitat Protection

ACTION: Revisit willing seller threshold criteria and specifically review the Alaska Lands Settlement Act. Discuss at 3/10/93 Trustee Council meeting the pros and cons of possible condemnation of lands.

APPROVED MOTION: Send letter asking if land owners are willing to participate in the restoration process. This letter is to be sent to all land owners, owning substantial acreage in the oil spill affected area, not only those presently identified in the 2/16/93 Habitat Protection notebook.

ACTION: Continue to address the negotiations options paper and negotiation process development for the 3/10/93 Trustee Council meeting.

ACTION: Begin comprehensive data collection and analysis for the oil spill affected area.

APPROVED MOTION: Keep working on a Restoration Plan with the five alternatives presently developed.

3. 1993 Projects

APPROVED MOTION: 93011 - Not recommended for inclusion in the 1993 Work Plan.
93016 - Deferred until 3/10/93 Trustee Council meeting.
93024 - Deferred until 3/10/93 Trustee Council meeting.
93030 - Deferred until 3/10/93 Trustee Council meeting.

4. Public Advisory Group (Projects)

APPROVED MOTION: Projects #1 and #2 deferred until 3/10/93. Also bring available information on other two Archeological Museum project ideas submitted for incorporation in the 1993 Work Plan.

NOT APPROVED FOR

1993 WORK PLAN: Project #3 (Herring) \$127,000 for data analysis (boat time donated).

NOT APPROVED FOR

1993 WORK PLAN: Project #4 coded wire pink salmon project.
Project #5 coded wire chum, coho, chinook, sockeye salmon.

5. 1992 Projects

ACTION: Progress Report to Trustee Council on status of the preparation of Final Reports at the 3/10/93 meeting.

APPROVED MOTION: Defer Financial Report discussion until 3/10/93 Trustee Council meeting.

APPROVED MOTION: Defer action on the Operating Procedures of the Public Advisory Group until 3/10/93 Trustee Council meeting.

APPROVED MOTION: Defer Prince William Sound Recreation proposal until 3/10/93 Trustee Council meeting.

APPROVED MOTION: Administrative Director work with Acting Director of the Prince William Sound Oil Spill Recovery Institute to potentially develop a cooperative agreement.

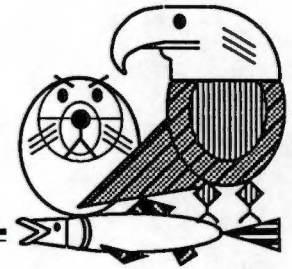
ACTION: By 3/10/93 Trustee Council meeting:

- 1) Review CRMA proposal for PL 93-638 at 3/10/93 Trustee Council meeting (must take some action).
- 2) Annuity concept letter by Chugach Corporation.

Prince William Sound
Recreation

Exxon Valdez Oil Spill Trustee Council

645 G Street, Anchorage, Alaska 99501
Phone: (907) 278-8012 Fax: (907) 276-7178



February 3, 1993

TO: Trustee Council
FROM: Dave R. Gibbons *dig*
Interim Administrative Director
SUBJECT: Prince William Sound Recreation

At the January 20, 1993 Trustee Council meeting, the Alaska Department of Environmental Conservation and U.S. Forest Service representatives to the Restoration Team were directed to develop, for the February 16 Trustee Council meeting, a proposal for implementing recreation restoration options identified for inclusion in the Draft Restoration Plan.

Enclosed is the Restoration Team's proposal for developing recreation project proposals for inclusion in the Draft 1994 Work Plan and beyond.

PRINCE WILLIAM SOUND RECREATION

INTRODUCTION

Prince William Sound, the site of the Exxon Valdez oil spill, is surrounded by the Chugach National Forest. There are seven Alaska State Marine Parks, six proposed marine parks and large tracks of private land, primarily in native ownership within the sound. Prince William Sound offers numerous recreation opportunities, ranging from ocean touring kayaks to large cruise ships. The western part of Prince William Sound lies within the congressionally designated Nellie Juan and College Fiord Wilderness Study Areas and is administered by the Forest Service for its wilderness values.

Both the Chugach National Forest Land Management Plan and the Prince William Sound Area Plan for State Lands emphasize recreation uses within Prince William Sound. Private landowners are also interested in developing recreation opportunities on their lands.

Immediately after the oil spill use by both commercial and non-commercial recreation use decreased. While there is no studies documenting continued reduced levels of recreation use, public perceptions remain that the area has been changed and some tour operators indicate their business has still not returned to pre-spill levels.

WHAT

A small group of recreation experts will be formed to work with the Restoration Team to provide advice and information to the Trustee Council on:

1. Development of an integrated approach for implementing restoration options for recreation in Prince William Sound.

There is an obvious conflict between user groups on the development of any recreation facilities or opportunities that has become apparent in reviewing public input into the development of recreation options for the Restoration Plan. Reaching consensus amongst user groups on appropriate projects and locations is central to this goal. A similar approach to dealing with recreation restoration options for the rest of the oil spill area may be appropriate at a later date.

2. Evaluate recreation management in the Sound to emphasize the world class recreation opportunities available which may include State and/or Federal special recreation designation.

Task 1 objectives:

1. Assemble and evaluate current information and public comment on the recreation opportunities in Prince William Sound.
2. Coordinate opportunities for recreation development with the various public and private land managers, recreation service providers and users in Prince William Sound and build consensus for implementing restoration options.
3. Develop integrated recreation project proposals for FY 1994 and beyond.

Task 2 objectives:

1. Identify the steps and/or procedures for state and federal special designations for any or all of Prince William Sound.
2. Develop goals and objectives for the long term management of Prince William Sound.

HOW

Recreation specialists and planners with site specific knowledge about Prince William Sound will review information collected on recreation as part of the Draft Restoration Plan and other sources. Working with landowners and commercial and non-commercial recreation user groups they will develop an implementation program for recreation restoration. Specific proposals for implementing the restoration options identified in the Draft Restoration Plan will be developed.

A major part of the work will be in developing a consensus amongst recreation users on the best way to implement restoration options. This will involve working directly with user groups. Some of the work will involve travel to local communities to get participation and agreement from the users.

Task 2 will consist of reviewing agency procedures to outline the steps for carrying out a special area designation for Prince William Sound, should the Trustee Council decide to implement this option.

ENVIRONMENTAL COMPLIANCE

This project is categorically exempt from formal documentation in an Environmental Assessment or Environmental Impact Statement under Forest Service regulations [FSH 1909.15 31.1a(3)].

WHEN

Task 1 will be completed in coordination with the 1994 Work Plan. Task 2 will be completed by September 30, 1993.

BUDGET (\$K)

	USFS	ADNR	TOTAL
Personnel	\$ 27.6	\$ 20.0	\$ 42.6
Travel	6.0	3.0	9.0
Contractual	4.0	2.0	0.0
Commodities	1.0	1.0	2.0
Equipment	0.0	0.0	0.0
Sub Total	\$ 38.6	\$ 26.0	\$ 53.6
General Admin	4.1	3.0	5.7
Project Total	\$ 42.7	\$ 29.3	\$ 71.0

Near Island Fisheries
Research Center

EXXON VALDEZ OIL SPILL PROJECT DESCRIPTION

Project Number: 310

Project Source: Kodiak Island Borough & University of Alaska Fairbanks

Project Title: **Near Island Fisheries Research Center**
(expansion of Fishery Industrial Technology Center)

Project Category: Technical Support

Lead Agency: National Oceanographic and Atmospheric Administration

Cooperating Agencies: University of Alaska Fairbanks, School of Fisheries and Ocean Sciences
Alaska Department of Fish and Game
National Parks Service
U.S. Fish and Wildlife Service
National Weather Service

Project Term: March 1, 1993 to September 30, 1993

INTRODUCTION

During the *Exxon Valdez* oil spill many fisheries were closed due to the presence of oil in the water and on the beaches. Major lethal effects on fish were documented for pink and sockeye salmon and herring, chronic and sub-lethal effects were difficult to measure. The planning and design funds for the next phase of the multi-agency fishery technology and research would enable the user agencies to (1) initiate research projects on the efficacy of restoration practices, (2) the enhancement of fishery resources in the effected areas, such as king crab, sea urchins, and molluscan shellfish, (3) the enhanced utilization of replacement fishery resources to those in spill area, such as arrowtooth flounder, and (4) to initiate long term research programs to better understand and ameliorate the effects of oil spills on the fisheries of the western Gulf of Alaska. Seven federal and two State agencies, the University of Alaska Fairbanks, School of Fisheries and Ocean Sciences, Kodiak Island Borough, and the City of Kodiak have all participated in the planning for the multi-agency facility.

The seawater system and associated facilities will be designed to enhance research on fish behavior, physiology and perception, marine biology, and aquatic toxicology of normal and stressed fisheries. Stressed conditions could include other human activities, including fish harvesting, in addition to spilled crude oil. In addition the completed multi-agency fishery technology and research facility will provide a variety of analytical testing and monitoring capabilities within Kodiak Island Borough. These capabilities were severely lacking during the oil spill when all samples had to be sent off-island for analysis.

The first phase of the University of Alaska Fairbanks, School of Fisheries and Ocean Sciences (SFOS), Fishery Industrial Technology Center (FITC) has been completed. It is the

A principal component of the oil spill related portion of these facilities will be a controlled environment behavior and sensory physiology wet laboratory. This will be the core unit which will be used to investigate physiological and behavioral effects of long term low level exposure to hydrocarbons. Central to this laboratory is a large swimming pool tank which will provide capabilities to assess how adult organisms perceive and react to stimuli produced by their environment in conjunction with the presence of hydrocarbons. The main support facility for this system is a running seawater system with associated mechanical support and filter beds. Additional facilities include food safety, physiology and toxicology laboratories.

These enhancements to the state/university/federal fisheries research complex on Near Island would enhance research and development activities related to the restoration, enhancement, and economic value of fisheries resources of the oil spill effected areas, especially through better understanding of the behavioral, physiological, and toxicological responses of targeted species. Research in this facility would also lead to the development of better tools to monitor aquatic toxic responses and other physiological changes resulting from oil spills and other anthropogenic activity.

The expanded fisheries research center will house the Biotechnology, Fisheries Science, Fish Harvesting Technology, Food Safety, and Toxicology programs of FITC/SFOS in addition to significantly expanding the public education activities of all parts of the center. Alaska Department of Fish and Game research efforts will probably focus on shellfish enhancement and rehabilitation. In addition to management data acquisition National Marine Fisheries Service activities are expected to include marine mammal studies and the observer program.

WHY

Commercial fishing was directly impacted by the salmon closures in 1989. The large number of other fisheries were adversely impacted by the unavailability of fishing vessels under contract to Exxon and Veco. Damage to pink and sockeye salmon stocks has been demonstrated. Herring stocks also appear to have been damaged. In addition studies since the spill have shown that 0-2 year old halibut are primarily found in shallow bays, some of which were heavily oiled (Norcross et al). Since we do not have an accurate juvenile index, we will not have accurate assessment of damage to the halibut resource for eight years until they are recruited into the commercial fishery. Pink salmon escapements in the oil spill area were unexpectedly high in 1991 and very low in 1992. Southeast and western Alaska returns were much more normal over the same period. There may be a second generation teratogenic effect as there is with some hydrocarbons such as diethylstilbesterol or polybrominated biphenyls. Few, if any, of these effects are legally proven but there is certainly enough information to justify further investigation.

Some of the highest tissue hydrocarbon and florescent metabolite levels that were seen during the subsistence foods study came from the Kodiak archipelago. This evidence is also strongly suggestive of much broader exposure of finfish to oil-derived hydrocarbons than is legally recognized. The expanded fisheries research center would have the capabilities to test food samples within the community.

BUDGET (\$K)

Personnel	\$ 0.0
Travel	0.0
Contractual	93.0
Commodities	0.0
Equipment	0.0
Capital Outlay	0.0

Sub-total \$ 93.0

General
Administration \$ 7.0

Project Total \$100.0

Contractual is a subcontract to UAF Facilities Planning and Construction

Name, Address, Telephone of UAF contact:

Kathleen Schedler, Director
UAF Facilities Planning & Construction
Butrovich Building, Suite 211
University of Alaska
Fairbanks, AK 99775

Voice: (907) 474-5026
FAX: (907) 474-7554

EXXON VALDEZ OIL SPILL PUBLIC ADVISORY GROUP
Recommendation to the Trustee Council

RESOLUTION NO. 1

WHEREAS, the Trustee Council established the Exxon Valdez Oil Spill Public Advisory Group through the Charter filed by the Secretary of the Interior on October 26, 1992; and

WHEREAS, the Public Advisory Group finds it necessary and beneficial to establish operational procedures as set forth in the Exxon Valdez Oil Spill Public Advisory Group Background and Guidelines; and

WHEREAS, the Charter states that "All rules and procedures governing the proceedings of the Public Advisory Group must be approved by the Trustee Council";

NOW, THEREFORE BE IT RESOLVED BY THE PUBLIC ADVISORY GROUP to advise that the Trustee Council approve the above named procedures (attached) for use by the Public Advisory Group.

ADOPTED the 2nd day of December, 1992, by majority vote.

ATTEST:



Chairperson

EXXON VALDEZ OIL SPILL

Public Advisory Group

Background & Guidelines

December 1992

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NOTE: The ** before a paragraph indicates procedures that are at the discretion of the Public Advisory Group.

I. Introduction

A. Purpose

The purpose of this manual is to provide background information and guidelines for the administration of the Exxon Valdez Oil Spill Public Advisory Group (also know as the PAG).

B. Authority

The Public Advisory Group is established as required by Paragraph V.A.4 of the Memorandum of Agreement and Consent Decree (MOA) between the United States of America and the State of Alaska August 27, 1991 and entered and approved by the United States District Court for the District of Alaska on August 28, 1991, in resolution of United States of America v. State of Alaska, Civil Action No. A91-081 CV. Additional authority is found in the Comprehensive Environmental Response Compensation and Liability Act of 1980, as amended. The Federal Advisory Committee Act of 1972, as amended (5 U.S.C. App.), and the rules implementing the act (41 CFR 101-6) (see Appendix) establishes the overall procedures for the establishment and use of advisory committees. A charter (see Appendix) has been unanimously approved by the Trustee Council and signed by the Secretary of the Interior and filed with the appropriate Federal agencies. The Public Advisory Group is chartered for a two-year period. Renewal of the charter shall be by the same process, and should be initiated six months prior to the termination date.

C. Background

The Oil Spill

The March 29, 1989, grounding of the T/V *Exxon Valdez* on Bligh Reef in Alaska's Prince William Sound caused the largest oil spill in U.S. history. Approximately 11 million gallons of North Slope crude oil moved through the southwestern portion of the Prince William Sound and along the coast of the western Gulf of Alaska (the eastern coast of the Kenai and Alaska peninsulas), contaminating portions of the Kodiak Archipelago and lower Cook Inlet (see map in Appendix). Numerous islands and beaches were oiled, some nearly 600 miles from Bligh Reef. An unprecedented effort to clean-up the oil and rescue birds and wildlife and protect resources from the oil was undertaken by the State and Federal governments, Exxon Company USA, and the public. The spill injured fish, birds, mammals, and a variety of other forms of marine life, habitats, resources, and the services these resources provide. Clean-up activities continued through the summers of 1989, 1990, 1991, and were completed in 1992. Immediately after the spill, as clean-up efforts were underway, a series of Natural Resources Damage Assessment studies were initiated by the natural resources Trustees and the Environmental Protection Agency to determine the extent of injury to resources and services in the area affected by the oil spill.

The Settlement

On October 8, 1991, an agreement was approved by the U. S. District Court that settled the claims of the United States and the State of Alaska against Exxon Corporation and Exxon Shipping Company for various criminal violations and for recovery of civil damages resulting from the oil spill. The appeal period ended December 9, 1991. The settlement imposed criminal fines and restitution of \$150 million and the Exxon companies agreed to pay \$900 million the United States and State of Alaska Governments in the civil settlement over a ten year period. The State and Federal governments serve as equal co-trustees in managing civil settlement funds. The Trustees must unanimously agree to all decisions relating to the use of trust funds. It was further agreed that: "The Governments shall jointly use all natural resource damage recoveries for purposes of restoring, replacing, enhancing, rehabilitating or acquiring the equivalent of natural resources injured as a result of the Oil Spill and the reduced or lost services provided by such resources..."

The Restoration Organization

The *Exxon Valdez* Trustees include the Alaska Attorney General, Alaska Department of Law; Commissioner, Alaska Department of Environmental Conservation; Commissioner, Alaska Department of Fish and Game; Secretary, U.S. Department of the Interior; Secretary, U.S. Department of Agriculture; and the Administrator, National Oceanic and Atmospheric Administration, U.S. Department of Commerce. The Trustees have designated a Trustee Council, located in Alaska, to direct restoration activities. The Trustee Council is made up of the three State Trustees and the Special Assistant to the Secretary of the Interior, Regional Forester of the U. S. Department of Agriculture, and Regional Director of the National Marine Fisheries Service, U. S. Department of Commerce. The Trustee Council has appointed an Interim Administrative Director and a Restoration Team to handle day-to-day management and administrative functions for implementation of the restoration program. Various working groups have been formed from agency staff to work on components of the restoration program, such as the restoration plan, finance, public participation, and habitat protection and evaluation. The Public Advisory Group will provide the Trustee Council its recommendations and advice as well as help to obtain additional public input into the restoration program.

The Restoration Plan

A conceptual Restoration Framework was developed in April 1992 for public review, and a supplement concerning habitat protection was issued in July 1992. A draft and final Restoration Plan and accompanying environmental impact statement (EIS) will be prepared over the next year. These documents will detail the options and alternatives for best achieving restoration of resources and services, based upon scientific and agency recommendations, public comments, and the judgement of the Trustees. The Restoration Plan will present a strategy for guiding restoration projects over the next ten years. It will include monitoring projects to gauge the effectiveness of various restoration efforts, as well as acquisition plans for replacement of lost resources and services.

Annual Work Plans

The Restoration Plan will be implemented through annual Work Plans. These Work Plans will detail the projects to be funded during forthcoming Federal fiscal years (October 1 through September 30), as well as the administrative support requirements for the restoration program.

Sources of Information

Copies of publications, documents, reports, and data may be obtained from various sources. The Oil Spill Public Information Center at 645 G Street, Anchorage (907/278-8012), contains copies of most relevant materials to use as references, including previous annual work plans, the Restoration Framework, the Restoration Plan and Environmental Impact Statement (when available), various damage assessment study reports, maps, and other information.

II. Membership

A. Member Composition

The Public Advisory Group shall consist of 17 voting members appointed to represent the following principal interests: aquaculture, commercial fishing, commercial tourism, conservation, environmental, forest products, local government, Native landowner, recreation users, science/academic, sport hunting and fishing, subsistence, and five public-at-large members. One member each from the Alaska State House of Representatives and the Alaska State Senate, selected by the Speaker of the House and the President of the Senate, respectively, shall be *ex officio* members. Other *ex officio* members may be appointed at the discretion of the Trustee Council.

B. Eligibility

Public Advisory Group members shall be chosen based on their demonstrated knowledge of the region, peoples, or principal economic and social activities of the area affected by the *Exxon Valdez* oil spill, or by demonstrated expertise in public lands and resource management as it relates to restoration, as applicable.

C. Nomination and Appointment

Nominations for membership may be submitted from any source. From these nominations, the Trustee Council will, by unanimous agreement, recommend membership to the Trustees. Following selection by the Trustees, the Secretary of the Interior appoints those selected by the Trustees. Nominees must submit a resume or background information and respond to a conflict of interest request in order to be considered.

D. Term and Removal

Each member of the Public Advisory Group may serve a two-year term from the date of appointment. The first term begins October 23, 1992. Members are eligible for renomination and reappointment at the close of their terms. Appointments to fill the unexpired term of a vacancy will be for the term of that vacancy. All appointments will end at the termination of the Public Advisory Group on January 1, 2002, unless it is extended or terminated before that date. The Trustees may remove a member or officer of the Public Advisory Group for reasons of malfeasance, incompetence, or failure to attend to membership responsibilities.

E. Officers

The Public Advisory Group shall have a chairperson and a vice-chairperson, who shall be elected annually from the voting membership by a majority vote of the membership, and approved by the Trustee Council in consultation with members of the Public Advisory Group. Officers shall serve a one-year term. The chairperson and vice-chairperson are eligible for re-election and reappointment to successive one-year terms.

III. Duties

A. Restoration Advice

The Public Advisory Group shall advise the Trustee Council on all decisions relating to injury assessment restoration activities, or other use of natural resource damage recoveries, including:

- planning, evaluation, and allocation of available funds;
- planning, evaluation, and conduct of injury assessments;
- planning, evaluation, and conduct of restoration activities; and
- coordination of the above items.

B. Program Operations

The Public Advisory Group shall advise the Trustee Council and its Restoration Team on the operation of the restoration program and related activities, including the process for obtaining public input.

IV. Operations

A. Designated Federal Officer

The Designated Federal Officer is a requirement of the Federal Advisory Committee Act (FACA). The Designated Federal Officer shall be the U.S. Department of the Interior, Office of Environmental Affairs - Alaska, Regional Environmental Assistant (or his/her designee). For the Public Advisory Group and its subcommittees, the Designated Federal Officer shall:

- approve or call the meeting
- approve the agenda
- attend the meeting
- adjourn the meeting when such adjournment is in the public interest
- chair the meeting when so directed by the Trustee Council
- review official PAG public announcements and/or news releases prior to their issuance

B. Quorum

- ** A quorum of the Public Advisory Group shall be twelve (12) voting members. A quorum (along with the attendance of the Designated Federal Officer) is required to convene a meeting and conduct business. Participation in meetings by teleconference is accepted as attendance.

C. Presiding Officer

The chairperson shall be the presiding officer and conduct all meetings. If the chairperson is unavailable, the vice-chairperson shall preside. If both the chair and vice-chair persons are unavailable, the Designated Federal Officer shall conduct business as a non-voting facilitator.

D. Rules of Order

- ** The current edition of Robert's Rules of Order Revised will be used as the basic governing procedures of the Public Advisory Group. All provisions of these rules of order will apply to Public Advisory Group deliberations except when they are amended by Public Advisory Group action according to the procedures set forth therein.

E. Action/Rules of Voting

- **** Matters before the Public Advisory Group requiring a vote to make a recommendation to the Trustee Council shall have a majority approval of the voting members present (which must constitute a quorum). The Designated Federal Officer and any *ex officio* members shall not vote on matters before the Public Advisory Group. When recommendations are approved with less than unanimous consent, a minority report(s) indicating the range of opinion on the issue will be submitted, along with the majority recommendation, to the Trustee Council.

F. Subcommittees

The Public Advisory Group may create *ad hoc* subcommittees to review in depth subject matter brought before the Public Advisory Group. Under Federal law, the Designated Federal Officer must approve the agenda and be present at all subcommittee meetings.

G. Public Information

- **** The official spokesperson for the Public Advisory Group is the chairperson, or in his/her absence, the vice-chairperson. All inquiries regarding the official position of the Public Advisory Group shall be referred to these officers.

H. Records

All accounts and records of the activities and transactions of the Public Advisory Group shall be kept and maintained by the staff of the Administrative Director and, subject to the provisions of 5 U.S.C 552, such accounts and records shall be available for public inspection at the offices of the Administrative Director.

I. Amendment of Procedures

The Public Advisory Group may adopt appropriate procedures for operating and decision making consistent with applicable Federal and State law and the Public Advisory Group charter--such procedures require the approval of the Trustee Council. The Public Advisory Group may suggest amendments to their charter to the Trustee Council, who must approve such amendments by unanimous consent. Charter amendments must be submitted by the Trustee Council to the Secretary of the Interior for signature.

V. Meetings

A. Frequency

The Public Advisory Group is required by its charter to meet not less than four times a year.

B. Agenda

The agenda for each meeting will be issued to Public Advisory Group members at least 15 days prior to the scheduled meeting. The agenda will include (see format in Appendix):

- the exact name of the group
- the time, date, place, and purpose of the meeting
- the agenda, denoting action items
- a time for public comment

Background materials for items to be discussed at the meeting shall be enclosed with the agenda or issued to Public Advisory Group members 15 days prior to the meeting at which they are to be discussed.

C. Notices

In accordance with the Federal Advisory Committee Act, 15 days advance notice of meetings of the Public Advisory Group shall be published in the Federal Register. The notice shall include:

- the exact name of the group: Exxon Valdez Oil Spill Public Advisory Group
- the time, date, place, and purpose of the meetings
- a summary of the agenda
- whether the meeting is open to the public

Notice of an upcoming meeting shall also be published in statewide and regional newspapers of general circulation within the oil spill area, as noted below, and a press release issued for use by print and electronic media.

--Anchorage Daily News

--Cordova Times

--Fairbanks News Miner

--Homer News

--Juneau Empire

--Kodiak Daily Mirror

--Peninsula Clarion

--Seward Phoenix Log

--Valdez Vanguard

--Valdez Pioneer

D. Minutes

Detailed minutes of each Public Advisory Group meeting shall be kept by the Administrative Director (see format in Appendix). The minutes must include:

- time, date, place of meeting
- a list of Public Advisory Group members and staff present
- a list of agency employees present
- members of the public who presented oral and/or written comments
- an estimate of the number of other members of the public present
- an accurate description of each matter discussed, and the resolution, if any, made by the Public Advisory Group on such matters
- copies of each report or other document received, issued, or approved by the Public Advisory Group
- a certification of the minutes by the chairperson of the Public Advisory Group

E. Public Participation

By law, Public Advisory Group meetings are open to the public. Meetings shall be held at a reasonable time and in a place accessible to the public. Any member of the public shall have to opportunity to speak at meetings or submit written comments to the Public Advisory Group. (Federal Advisory Committee Act (5 U.S.C., App.), Alaska Open Meeting Act (AS 44.62), and the Federal Disability Act (P.L. 101-336))

F. Executive Sessions

No closed meetings of the Public Advisory Group are permitted.

VI. Reports

A. Trustee Council

The Public Advisory Group shall report to the Trustee Council through the chairperson, or the vice chairperson in the absence of the chairperson, at Trustee Council meetings. Other members of the Public Advisory Group may report with the chairperson, as appropriate. The Trustee Council's regular agenda shall include a period during which the chairperson of the Public Advisory Group may report on its activities, ask questions of the Trustee Council members, and be available for questioning by the Trustee Council.

B. Annual Report

No later than November 1 of each year, the Public Advisory Group shall issue an annual report, through the Trustee Council to the Secretary of the Interior, for inclusion in the President's annual report on advisory committees to the Congress. The report shall include (see Appendix):

- the name of the group
- the date of and the authority for its creation
- its termination date
- its functions
- reference to the reports it has submitted
- a statement as to whether it is an *ad hoc* or continuing committee
- the dates of its meetings
- the names and occupations of its current members
- the total estimated annual cost of the committee

VII. Support

A. Administrative Director

The Public Advisory Group functions are advisory only and its officers shall have no administrative authority by virtue of their membership, except to recommend budget and support needs to the Administrative Director or the Designated Federal Officer. The Trustee Council, through the Administrative Director, shall procure and provide all needed meeting space, supplies, copying, mailing, equipment, and support for the Public Advisory Group. An annual budget to support the Public Advisory Group shall be prepared as part of the Trustee Council regular budget process.

B. Travel and Expenses

Public Advisory Group members are voluntary and do not receive compensation for time and materials used in order to participate on the Public Advisory Group. Actual travel and lodging (to a maximum allowable amount) plus travel-related expenses (eg. taxi cab) and per diem for meals and incidental expenses, are reimbursable (except for *ex officio* members) in the same manner as persons employed intermittently in Federal service. Members must have pre-approved (by the Designated Federal Officer) travel authorizations for any travel related to Public Advisory Group business. Travel expenses and per diem will be reimbursed based on standard Federal government travel regulations and rates. Members should indicate to vendors that they are travelling on government business and request that government rates be applied (show the Travel Authorization form). Forms for reimbursement (receipts are required) are in the Appendix and should be filed with the Designated Federal Officer within 5 days of completion of the trip.

The information on the following pages summarizes the rules for travel and expenses. Any questions and pre-approvals should be directed to the Designated Federal Officer, or as otherwise noted in the following procedures.

C. Non-PAG Events

- **** The Public Advisory Group may recommend that a member attend and report on a Trustee Council sponsored or sanctioned workshop, meeting, or other event within the State of Alaska, and be reimbursed for travel and expenses. Prior approval of the PAG chairperson and the Designated Federal Officer is required. This does not preclude Public Advisory Group members from attending such functions at their own expense.

TRAVEL INFORMATION

This travel/reimbursement information is for the Exxon Valdez Oil Spill Public Advisory Group. Reimbursements will be made in accordance with Federal travel regulations (FPMR 101-7). All travel must be approved in advance by the Designated Federal Officer using the form: Travel Authorization (DI-1020) (see Appendix). A copy of this form will be sent to Public Advisory Group members and the authorized travel agent prior to the date of travel.

Airline Tickets: Travel economy class from the home town by the most direct route. First class tickets will not be reimbursed unless first class is the only means available. Public Advisory Group members should make their own travel arrangements by calling the authorized travel agent (LIFECO) at 800/770-2639. Tickets must be purchased through this agent or they will not be reimbursed. Request the government rate. Save the ticket stub/coupon.

Car Rental: Prior approval must be obtained for car rentals, if this is to be a reimbursable expense. Car rental is not encouraged since it is less expensive to use a taxi cab or shuttle bus. Save receipts.

Mileage: Authorized mileage for use of personal vehicles will be reimbursed at the rate of 25 cents per mile, but cannot exceed the cost of an airline ticket or other common carrier to the same destination.

Hotels: Members should make their own hotel reservations. Accommodations are usually available at government rates, if you request them--show your Travel Authorization form. Save receipts.

Per Diem: The per diem rate (for lodging and meals and incidental expenses (M&IE)) varies by location and is subject to periodic change (see the following excerpt from the Civilian Personnel Per Diem Bulletin).

Reimbursement Process: Travel Vouchers (Standard Form 1012, in Appendix) requesting reimbursement of travel expenses will be prepared for Public Advisory Group members. Members will need to furnish (use the Travel Itinerary form in the Appendix):

- date and time travel commences and ends
- method(s) of travel
- for airline travel, the passenger coupon receipt remaining after travel has been completed
- receipts for lodgings and other reimbursable expenses over \$15.00

From the information and receipts furnished, the voucher will be completed and sent to the member for signature. An addressed envelope will be provided for returning the voucher for further processing. Any questions should be directed to Cathy Miller at 907/786-3467 or Regina Martinez at 907/271-2324. They can also be reached toll-free at 800/478-1456.

Sec. 925 (p. 10)

CIVILIAN PERSONNEL PER DIEM BULLETIN NUMBER 163

EFFECTIVE AUGUST 1, 1992

ISSUED BY:

Per Diem, Travel and Transportation Allowance Committee
 Department of Defense
 Hoffman Building 1, Room 836
 2461 Eisenhower Avenue, Alexandria, Va 22331-1300

The following non-foreign locality rates are not set by the Department of State. They are being listed for convenience. Executive Order 12561, dated July 1, 1986, delegates to the Secretary of Defense the authority of the President in 5 U.S. Code 5702 (a) to set maximum per diem rates and actual expense reimbursement ceilings for federal civilian personnel traveling on official business in Alaska, Hawaii, the Commonwealths of Puerto Rico and the Northern Mariana Islands, and possessions of the United States. When appropriate and in accordance with regulations issued by competent authority, lesser rates and ceilings may be prescribed.

LOCALITY	MAX. LODGING AMOUNT (A) +	M&IE RATE (B) =	MAX. PD RATE (C)	EFF. DATE
ALASKA				
Adak 5/	\$ 10	\$ 34	\$ 44	10-1-91
Anaktuvuk Pass	83	57	140	12-1-90
Anchorage				
(5/15 - 9/15)	174	71	245	5-1-92
(9/16 - 5/14)	85	62	147	5-1-92
Aniak	73	36	109	7-1-91
Atkasuk	129	86	215	12-1-90
Barrow	86	73	159	6-1-91
Bellevue				
(5/1 - 9/30)	93	83	176	2-1-92
(10/1 - 4/30)	80	81	161	2-1-92
Bethel	65	45	110	12-1-90
Camden	62	46	108	6-1-91
Cold Bay	71	54	125	12-1-90
Coldfoot	75	47	122	12-1-90
Cordova	83	77	160	2-1-92
Craig	67	35	102	7-1-91
Dillingham	76	38	114	12-1-90
Dutch Harbor-Unalaska	113	67	180	5-1-92
Etelson AFB				
(5/15 - 9/15)	100	66	166	5-1-92
(9/16 - 5/14)	66	63	129	5-1-92
Elmendorf AFB				
(5/15 - 9/15)	174	71	245	5-1-92
(9/16 - 5/14)	85	62	147	5-1-92
Emmonak	60	40	100	6-1-91
Fairbanks				
(5/15 - 9/15)	100	66	166	5-1-92
(9/16 - 5/14)	66	63	129	5-1-92
False Pass	80	37	117	6-1-91
Ft. Richardson				
(5/15 - 9/15)	174	71	245	5-1-92
(9/16 - 5/14)	85	62	147	5-1-92
Ft. Wainwright				
(5/15 - 9/15)	100	66	166	5-1-92
(9/16 - 5/14)	66	63	129	5-1-92
Homer				
(5/1 - 9/30)	71	60	131	1-1-92
(10/1 - 4/30)	57	58	115	1-1-92
Juneau				
(5/1 - 10/1)	88	74	162	1-1-92
(10/2 - 4/30)	75	73	148	1-1-92
Katmai National Park	89	59	148	12-1-90
Kenai-Soldotna				
(5/1 - 9/30)	94	68	162	1-1-92
(9/16 - 5/14)	69	66	135	1-1-92
Ketchikan				
(5/14 - 10/14)	77	61	138	1-1-92
(10/15 - 5/13)	62	59	121	1-1-92
King Salmon 3/	75	59	134	12-1-90
Klawock	75	36	111	7-1-91

LOCALITY	MAX. LODGING AMOUNT (A) +	M&IE RATE (B) =	MAX. PD RATE (C)	EFF. DATE
ALASKA (Cont'd)				
Kodiak	\$ 71	\$ 61	\$132	1-1-92
Kotzebue	125	72	197	1-1-92
Kuparuk Oilfield	75	52	127	12-1-90
Metlakatla	79	44	123	7-1-91
Murphy Dome				
(5/15 - 9/15)	100	66	166	5-1-92
(9/16 - 5/14)	66	63	129	5-1-92
Nelson Lagoon	102	39	141	6-1-91
Noatak	125	72	197	1-1-92
Nome				
(5/15 - 9/15)	87	72	159	5-1-92
(9/16 - 5/14)	76	71	147	5-1-92
Noorvik	125	72	197	1-1-92
Petersburg	72	64	136	5-1-92
Point Hope	99	61	160	12-1-90
Point Lay	106	73	179	12-1-90
Prudhoe Bay-Deadhorse	64	57	121	12-1-90
St. George	100	39	139	6-1-91
St. Mary's	60	40	100	12-1-90
St. Paul Island	81	34	115	12-1-90
Sand Point	75	36	111	7-1-91
Seward				
(5/1 - 9/30)	107	53	160	1-1-92
(10/1 - 4/30)	61	48	109	1-1-92
Shungnak	125	72	197	1-1-92
Sitka-Mt. Edgecombe	72	69	141	1-1-92
Skagway				
(5/14 - 10/14)	77	61	138	1-1-92
(10/15 - 5/13)	62	59	121	1-1-92
Spruce Cape	71	61	132	1-1-92
Tanana				
(5/15 - 9/15)	87	72	159	5-1-92
(9/16 - 5/14)	76	71	147	5-1-92
Tok	66	55	121	1-1-92
Umiat	97	63	160	12-1-90
Unalakleet	58	47	105	12-1-90
Valdez				
(5/1 - 9/1)	98	53	151	1-1-92
(9/2 - 4/30)	84	51	135	1-1-92
Wainwright	90	75	165	12-1-90
Walker Lake	82	54	136	12-1-90
Wrangell				
(5/14 - 10/14)	77	61	138	1-1-92
(10/15 - 5/13)	62	59	121	1-1-92
Yakutat	70	40	110	12-1-90
Other 3/ 4/	63	47	110	7-1-91
AMERICAN SAMOA	85	47	132	12-1-91
GUAM	112	75	187	5-1-92
HAWAII				
Hawaii, Island of				
Hilo	65	61	126	6-1-92
Other	80	61	141	6-1-92
Kauai, Island of	99	55	154	6-1-92

RULES FOR COMPUTING PER DIEM

INTRODUCTION

Per diem is an allowance paid to an employee in *travel status*. It is intended to cover the additional expenses of subsistence that an employee incurs as a result of, because of or incident to travel in the performance of official business away from the official station or the residence from which the employee commutes to and from work daily.

Travel status

Begins at the time the employee leaves the official station, residence or some other point authorized in the travel order and

Ends when they return thereto at the conclusion of the trip.

Travel time away from the home or office *must be* greater than:

- 10 hours or
- the employee's workday hours plus 2 (§ 301-7.5(b) and (c)).

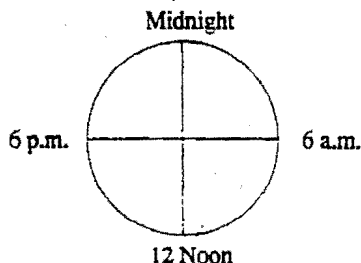
"Workday" means the period of time between the beginning and the end of the principal work activities for that day. (5 CFR § 551.411.)

Subsistence Expenses includes the cost of meals and lodging and other incidental expenses related to obtaining subsistence, such as tips.

No per diem is allowed within the limits of the official station or within the vicinity of the residence and many agencies have defined a mileage radius or commuting area within which no per diem is allowed for travel within a calendar day.

OVERNIGHT TRAVEL INVOLVING LODGING

The calendar day --midnight to midnight is the basis for computing per diem.



Per diem

Starts at the beginning of the quarter in which the employee leaves their home or office on official travel away from the official station or residence and

Ends at the end of the quarter in which the traveler returns to the office or residence at the conclusion of the trip.

Employees should explain the official necessity for departing or returning within the last or first 30 minutes of a quarter day.

The Day Travel Begins

Employees are *entitled to* one-fourth of the M&IE for the quarter in which they depart *plus* all remaining quarters that day *until midnight*.

Per diem is the actual and necessary *cost of lodging* not to exceed the maximum amounts provided for in the **Federal Travel Regulations** for the location(s) where temporary duty is performed or the location where lodging is obtained en route to, from or between temporary duty points, *plus* the appropriate M&IE for the location computed on a quarter-day basis, e.g. one-fourth of the M&IE rate for each quarter day or fraction thereof.

Day Travel Ends

Only M&IE (no lodging costs) is allowed.

One fourth of the M&IE rate for the preceding calendar day is allowed *for each quarter* from midnight to the end of the quarter in which travel ends.

TRAVEL OF LESS THAN A DAY OR TRAVEL WITHOUT LODGING

Travel Within A Calendar Day

Only M&IE (no lodging costs) is allowed.

Per diem is calculated on a quarter-day basis exactly the same as for overnight travel.

Per diem allowed is the M&IE rate applicable to the location where temporary duty is performed or, where more than one location is involved with different M&IE rates, the location with the highest M&IE rate is controlling.

One-fourth (1/4) of the M&IE daily rate is allowed for each quarter or fraction thereof.

En Route Travel Overnight Without Lodging

Only M&IE (no lodging costs) is allowed.

En route travel to or between temporary duty locations.

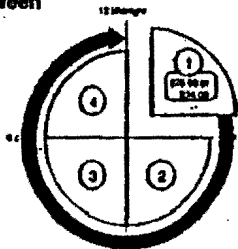
Per diem allowed is based on the destination M&IE rate.

"Destination rate" is the location where the employee will *next* obtain lodging.

En route travel from a temporary duty location is based on the M&IE rate for the location where lodging was *last* obtained.

If an employee **leaves** between midnight and 6:00 a.m.:

The employee is entitled to 4 quarters of the M&IE rate for the temporary duty (TDY) location plus the actual and necessary cost of lodging*. The M&IE rate will be that for either the TDY location or a location where lodging is obtained en route to or between TDY points.



Per Diem Computation

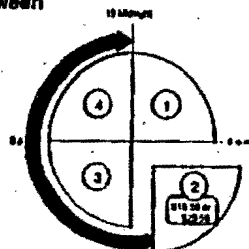
4 quarters = 4/4 or 1.0 per diem day

For CONUS
 $1.00 \times \$26.00 = \26.00
 or
 $1.00 \times \$34.00 = \34.00 + Lodging*

Outside CONUS
 $1.00 \times \text{Locality M&IE Rate}^{**} + \text{Lodging}^*$

If an employee **leaves** between 6:00 a.m. and 12 noon:

The employee is entitled to 3 quarters of the M&IE rate, plus the cost of lodging*.



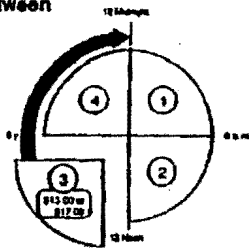
3 quarters = 3/4 or .75 per diem day

For CONUS
 $.75 \times \$26.00 = \19.50
 or
 $.75 \times \$34.00 = \25.50 + Lodging*

Outside CONUS
 $.75 \times \text{Locality M&IE Rate}^{**} + \text{Lodging}^*$

If the employee **leaves** between 12 noon and 6:00 p.m.:

The employee is entitled to 2 quarters or one-half of the M&IE rate, plus the cost of lodging*.



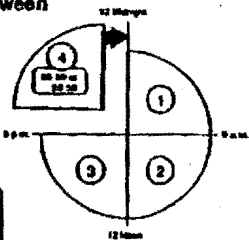
2 quarters = 2/4 or .50 per diem day

For CONUS
 $.50 \times \$26.00 = \13.00
 or
 $.50 \times \$34.00 = \17.00 + Lodging*

Outside CONUS
 $.50 \times \text{Locality M&IE Rate}^{**} + \text{Lodging}^*$

If the employee **leaves** between 6:00 p.m. and midnight:

The employee is entitled to 1 quarter of the M&IE rate, plus the cost of lodging*.



1 quarter = 1/4 or .25 per diem day

For CONUS
 $.25 \times \$26.00 = \6.50
 or
 $.25 \times \$34.00 = \8.50 + Lodging*

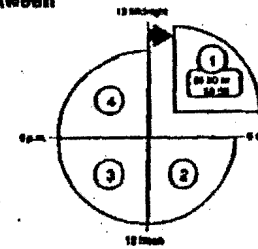
Outside CONUS
 $.25 \times \text{Locality M&IE Rate}^{**} + \text{Lodging}^*$

*The actual and necessary cost of lodging not to exceed the maximum amounts provided for in the Federal Travel Regulations for location(s) where temporary duty is performed or the location where lodging is obtained en route between temporary duty points.

**The M&IE Rate for Locations Outside CONUS varies by location. These rates are prescribed under FTR §§ 301-7.2(a) and (c).

If an employee **returns** between midnight and 6:00 a.m.:

The employee is entitled to 1 quarter of the M&IE rate applicable for the previous calendar day or the location where lodging was last obtained in conjunction with temporary duty (TDY) travel. This M&IE rate will be that for either the TDY location or a location(s) en route to the official station or residence.



Per Diem Computation

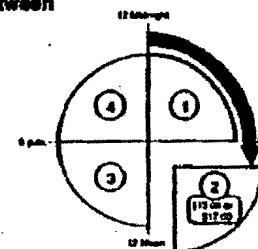
1 quarter = 1/4 or .25 per diem day

For CONUS
 $.25 \times \$26.00 = \6.50
 or
 $.25 \times \$34.00 = \8.50

Outside CONUS
 $.25 \times \text{Locality M&IE Rate}^{**}$

If an employee **returns** between 6:00 a.m. and 12 noon:

The employee is entitled to 2 quarters or one-half of the M&IE rate for the previous calendar day or the location where lodging was last obtained either at the TDY location or a location en route from the TDY site.



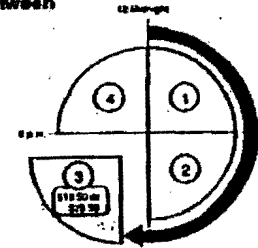
2 quarters = 2/4 or .50 per diem day

For CONUS
 $.50 \times \$26.00 = \13.00
 or
 $.50 \times \$34.00 = \17.00

Outside CONUS
 $.50 \times \text{Locality M&IE Rate}^{**}$

If an employee **returns** between 12 noon and 6:00 p.m.:

The employee is entitled to 3 quarters of the M&IE rate for the previous calendar day or the location where lodging was last obtained.



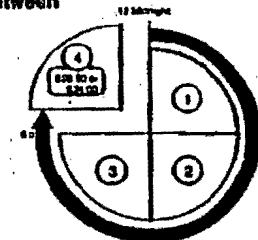
3 quarters = 3/4 or .75 per diem day

For CONUS
 $.75 \times \$26.00 = \19.50
 or
 $.75 \times \$34.00 = \25.50

Outside CONUS
 $.75 \times \text{Locality M&IE Rate}^{**}$

If an employee **returns** between 6:00 p.m. and midnight:

The employee is entitled to 4 quarters of the M&IE rate for the previous calendar day or the location where lodging was last obtained.



4 quarters = 4/4 or 1.0 per diem day

For CONUS
 $1.00 \times \$26.00 = \26.00
 or
 $1.00 \times \$34.00 = \34.00

Outside CONUS
 $1.00 \times \text{Locality M&IE Rate}^{**}$

**The M&IE Rate for Locations Outside CONUS varies by location. These rates are prescribed under FTR §§ 301-7.2(a) and (c).

For further class information, call or write: Concepts in Travel, Inc. (Telephone (503) 241-5399)

X. Appendices

- A. Map of the Oil Spill Area**
- B. Forms and Formats**
- C. Charter**
- D. Basic Information for Members**
- E. Federal Advisory Committee Act**

**COMMENTS REGARDING
THE CHUGACH RESOURCE MANAGEMENT AGENCY**

Over the past two months, Chugach Alaska Corporation, Chenega Corporation, Tatitlek Corporation, Port Graham Corporation and English Bay Corporation have been speaking with individual members of the Trustees Council concerning a methodology for advancing the goal of involving local communities and residents in the restoration process. Our proposal is known as the Chugach Resources Management Agency. The proposal seeks funding in order to assist in locating human resources throughout the Chugach region in order to assist the agencies in providing efficient delivery of restoration services.

We believe that a vehicle for funding exists, both under state law and federal law. That vehicle is an appropriation to the Department of Interior, Bureau of Indian Affairs through a self determination contract, pursuant to the Indian Self Determination and Education Act, PL 93-638, 25 U.S.C. 450a. The state trustees have authority, pursuant to A.S. 37.14.420, which permits an agency of the federal government to expend money received from the trust, "in accordance with... other law applicable to that agency." The Department of Interior clearly has the authority pursuant to PL 93-638, to expend money by sole source contract to a 93-638 contractor.

In addition, at least one federal agency has informed us that it is familiarly with 8(a) contracting. Chugach Alaska Corporation now has 8(a) status, and therefore another direct contract avenue is available.

We therefore request that you revisit the proposal before you.

COMMENTS REGARDING CONTRACTING OPPORTUNITIES

The Pacific Rim Villages Coalition, composed of Chenega Corporation, Tatitlek Corporation, Port Graham Corporation and English Bay Corporation believe that an avenue for direct contracting exists. The Department of Fish and Game, Division of Subsistence has agreed to work with us through the Bureau of Indian Affairs, with regard to this year's subsistence studies activity. We are excited about the opportunity to work on this project of great importance to us, and thank Jim Fall and Rita Miraglia for their time, as well as the Department of Interior, for its assistance.

We believe that other opportunities exist, particularly with regard to any project in which the Department of Interior is either the lead agency or a cooperating agency, in view of the State's mandate under A.S. 37.14.420. At this time, we request the Trustees to direct that appropriations made through the Department of Interior either as a lead agency or a cooperative agency to be made available for contracting services to the PRVC.