May 19, 2004

Exxon Valdez Oil Spill Trustee Council Meeting

Exxon Valdez Oil Spill Trustee Council

441 W 5th Ave , Suite 500 • Anchorage, Alaska 99501-2340 • 907/278-8012 • fax 907/276-7178



EXXON VALDEZ OIL SPILL TRUSTEE COUNCIL

MEETING

May 19, 2004 9:30 a.m. 441 West 5th Avenue, Suite 500, Anchorage

DRAFT

Trustee Council Members:

GREGG RENKES Attorney General State of Alaska

ERNESTA BALLARD Commissioner Alaska Department of **Environmental Conservation**

KEVIN DUFFY Commissioner

and Game

Alaska Department of Fish

JAMES BALSIGER

Administrator, Alaska Region National Marine Fisheries Service

DRUE PEARCE Senior Advisor to the Secretary for Alaskan Affairs U.S. Department of the Interior

JOE MEADE **Forest Supervisor** U.S. Department of Agriculture Forest Service

Meeting in Anchorage, Trustee Council Office, 441 West 5th Avenue, Suite 500 State Chair

- 1. Call to Order - 9:30 a.m.
 - Approval of Agenda
 - Approval of Meeting Notes March 1, 2004 May 14, 2004
- Public comment 9:35 a.m. 2.
- 3. Executive Director's report
 - Presentations to Chamber of Commerce in spill area
 - Distribution of 15th Anniversary CD and brochure
 - Community Involvement report on March 10 workshop and May 3 teleconference
 - Small Parcel working group update

Alaska Department of Law

- NOS Grant discussion
- 4. ARLIS \$20,000 for move*
- 5. Public Advisory Committee (PAC) nomination process*
- 6. Public Advisory Committee Charter renewal*
- 7. Amendment to Policies and Procedures Manual regarding confidentiality forms for PAC and STAC project proposal reviews*
- 8. PAC guidance discussion

Adjourn

* Indicates action items

Exxon Valdez Oil Spill Trustee Council

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Anchorage, Alaska March 1, 2004

DRAFT

DRAFT

By Kevin Duffy Trustee Council Member

Trustee Council Members Present:

Joe Meade, USFS Drue Pearce, DOI*** James Balsiger, NMFS Kevin Duffy, ADF&G Ernesta Ballard, ADEC Gregg Renkes, ADOL**

- ** Craig Tillery alternate for Gregg Renkes
- *** Participating by teleconference

Meeting convened at 10:05 a.m., March 1, 2004 in Anchorage at the EVOS Conference Room.

Trustee Meade presented a commemorative tribute for Ken Holbrook, USFS, who is retiring in April. Ovation by all present followed.

1. Approval of the Meeting Notes

APPROVED MOTION:

Approved the February 9, 2004 meeting notes

as amended. (Attachment B)

Motion by Balsiger, second by Tillery

2. Approval of the Agenda

APPROVED MOTION:

Approved the agenda for the March 1, 2004 meeting as amended to hold the Executive

Session during a working lunch. (Attachment

A)

Motion by Balsiger, second by Meade

Public comment period began at 10:10 a.m.

National Oceanic and Atmospheric Administration

Public comment received from 4 individuals in Anchorage, Kodiak, and Homer.

Public comment period closed at 10:30 a.m.

3. Policies and Procedures

APPROVED MOTION:

Approve revision to the EVOS Policies and Procedures General Operating Procedures: "The Executive Director shall provide a proposed agenda and appropriate briefing materials to the Trustee Council members at least 10 days in advance of the meeting. All materials from the public or from agency personnel for inclusion on that meeting's agenda shall be turned into the Executive Director at least 15 days prior to the meeting." (The remainder of the language in the policy remains intact and in place.)

Motion by Ballard, second by Meade

4. FY 04 Work Plan Administrative Budget

APPROVED MOTION:

Approve Trustee Council Travel be included in FY 04 Work Plan Administrative Budget. "All Trustee Council member's (including designated alternates) travel expenses directly associated with attendance at all Trustee Council business shall be reimbursed out of EVOS TC funds. Reimbursement shall include transportation, overnight accommodations and per diem specific to the Trustee Council business only. EVOS TC funds will not reimburse expenses for lodging for other meetings scheduled in conjunction with Trustee-related business and meetings."

Motion by Ballard, second by Pearce

National Ocean System (NOS) Grant

APPROVED MOTION:

Approve EVOS staff applying NOS grant funds for Hinchinbrook-Montague Project.

Motion by Meade, second by Balsiger

APPROVED MOTION:

Approve entering into a MOU with other partners in this project that would clearly outline the responsibilities of all parties. Negotiations with the others involved need to clarify that the TC will not be responsible for large amounts of money for operating

expenses.

Motion by Ballard, second by Meade

6. Executive Session

APPROVED MOTION:

Approve moving to executive session to

discuss litigation issues.

Motion by Ballard, second by Pearce

EXECUTIVE SESSION
Off the record: 11:53 a.m.
On the record: 1:25 p.m.

7. <u>FY 04 Work Plan</u>

APPROVED MOTION:

Approve for funding FY 04 deferred projects: Walker - \$18,800, Bechtol - \$37,600, and Mann - \$46,600 (revised budget for \$45,000 was received after the March 1, 2004 Trustee

Council meeting).

Motion by Ballard, second by Meade

APPROVED MOTION:

Approve modification of FY 04 Work Plan by \$1,500,000 to establish a contingency fund allocated to the Department of Law to address the issue of lingering oil and form a working group to review other unfinished business and remaining deferred projects, including lingering oil, giving Saupe and Couvillian mapping

projects priority.

Motion by Balsiger, second by Ballard

APPROVED MOTION:

Approve lapsing remaining \$607,310 from FY

03 funds for additional FY 04 Work Plan

projects.

Motion by Tillery, second by Balsiger

8. FY 05 GEM Invitation for Proposals

APPROVED MOTION:

Approve adoption and release of FY 05 Invitation with the addition of a Community Involvement component in every project and plantifying the linguistic still language.

clarifying the lingering oil language.

Motion by Meade, second by Ballard

9. Small Parcel Program

APPROVED MOTION:

Approve reimbursing \$202,756.59 outstanding debt to The Nature Conservancy and The

Conservation Fund.

Motion by Ballard, second by Meade

APPROVED MOTION:

Approve establishing a Small Parcel Working Group. "The Trustee Council instructs the Executive Director to convene a working group to address the EVOS Habitat Protection Small Parcel Acquisition Program. Membership of this group should include interested federal and state trustees and/or their staff. appropriate agency staff, and non-government organization (NGO) representatives, as well as a representative from the EVOS Public Advisory Committee. The charge for this working group includes the review of current and past processes and procedures for the Habitation Protection Small Parcel Acquisition Program and formulating recommendations for future program implementation. The product of this working group is to be prepared by the Executive Director and provided to the Trustee Council for review and consideration " Amended to include: The Nature Conservancy to proceed with negotiations on the McGee

parcel. Further amended to include: reimbursement of \$10,355 to Alaska

Department of Natural Resources for costs associated with the purchase of the Thompson, Knol, Nakada and McGee properties.

Motion by Ballard, second by Meade First amendment to motion by Balsiger, second by Ballard Second amendment to motion by Ballard, second by Meade

Meeting adjourned at 2:50 p.m. Motion by Meade, second by Ballard

Exxon Valdez Oil Spill Trustee Council

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TRUSTEE COUNCIL MEETING NOTES Anchorage, Alaska May 14, 2004

By Drue Pearce Trustee Council Member

DRAFT

DRAFT

Trustee Council Members Present:

**Maria Lisowski, USFS *Drue Pearce, DOI James Balsiger, NMFS

Kevin Duffy, ADF&G

***Kurt Fredricksson, ADEC

****Craig Tillery, ADOL

*Chair

** Alternate for Joe Meade

*** Alternate for Ernesta Ballard

****Alternate for Gregg Renkes

Meeting convened by teleconference at 8:35 a.m., May 14, 2004 in Anchorage at the EVOS Conference Room.

Approval of the Agenda

APPROVED MOTION:

Approved the amended agenda for the May 14, 2004 meeting, moving discussion and approval of Science

and Technical Advisory Committee (STAC)

appointments to the first agenda item, as requested

by the Executive Director. (Attachment A)

Motion by Duffy, second by Lisowski

Public comment period began at 8:36 a.m.

No public comment was received.

Public comment period closed at 8:37 a.m.

2. Approval of the STAC appointments

APPROVED MOTION:

Approved the appointment of Leslie Holland-Bartels for four years and the reappointment for four more

Exxon Valdez Oil Spill Tru

441 W. 5th Ave., Suite 500 • Anchorage, Alaska 99501-2340 • 90

TRUSTEE COUNCIL N Anchorage, May 14, 2004

By Drue Pearce Trustee Council Member

DRAFT

DRAFT

Trustee Council Members Present:

**Maria Lisowski, USFS *Drue Pearce, DOI James Balsiger, NMFS Kevin Duffy, ADF&G

***Kurt Fredricksson, ADEC

****Craig Tillery, ADOL

*Chair

** Alternate for Joe Meade

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APPROVED MOTION:

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appointments to the first agenda item, as requested

by the Executive Director. (Attachment A)

Motion by Duffy, second by Lisowski

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No public comment was received.

Public comment period closed at 8:37 a.m.

2. Approval of the STAC appointments

APPROVED MOTION:

Approved the appointment of Leslie Holland-Bartels for four years and the reappointment for four more

Alaska Department of Law



years of Brenda Norcross and Tom Royer to the Scientific and Technical Advisory Committee (STAC)

Motion by Balsiger, second by Lisowski

3. <u>Approval of STAC alternates</u>

APPROVED MOTION: Approved the appointment Bill Streever and Douglas

Segar as alternates on the Scientific and Technical Advisory Committee (STAC) for a period of four

years.

Motion by Duffy, second by Balsiger

4. Approval of addition funds for KBRR mapping project

APPROVED MOTION: Approved addition of \$15,000 EVOS funds for the

Kachemak Bay Research Reserve mapping project.

Motion by Duffy, second by Lisowski

5. Approval of addition funding for the FY 04 Work Plan Phase III

APPROVED MOTION: Approved the additional funds for lingering oil studies

in the FY 04 Work Plan Phase III, with the correction

in the amount in project 040772.

Motion by Fredriksson, second by Duffy

Meeting adjourned at 9:30 a.m. Motion by Duffy, second by Lisowski.



Memorandum

To:

Paula Banks

From:

Carrie Holba, ARLIS Management Team

Copy:

Gail Phillips, Executive Director Exxon Valdez Oil Spill Trustee Council

Subject:

EVOS TC portion of ARLIS moving expenses

Date:

April 19, 2004

Founders Board move decision: At the February 10, 2004 meeting of the ARLIS Founders Board, of which the EVOS TC Executive Director is a member, the Board decided unanimously that ARLIS will move into renovated space on the UAA campus in August 2004. Originally, the tentative move date was early 2005. However, building and renovation proceeded faster than initial estimates. An August move will 1) provide rent savings sooner; 2) inconvenience fewer library users, since library use is typically lowest during August due primarily to the agency field season and the break between academic semesters; and 3) take advantage of more favorable weather conditions. According to the current lease requirements, ARLIS must to give six months notice prior to moving. Notice was given to the current building owner on March 1, 2004.

Moving costs: Moving costs are estimated at \$130,000, which the Founders Board agreed to divide among the partners, with each partner, except BLM, contributing \$20,000. BLM has already provided \$210,000 in FY 03 year end funds, in addition to their regular FY 03 contribution, to pay for high density shelving in the technical services area to house uncataloged materials and staff time to prepare the collection for the move by adding tattle tags and ARLIS stamps to each book. The tattle tags allow ARLIS to take advantage of the book security gates in the new building and each ARLIS book must be tagged with a strip that will trigger an alarm if the book is not checked out properly. In addition, bright yellow stickers are applied to every ARLIS book to make it obvious the book belongs to ARLIS and not the UAA Consortium Library, and thereby reduce confusion during reshelving.

The \$130,000 in moving expenses includes the contract with the moving company, the installation of hanging artwork and mounted specimens, cost recovery software for the

public computer printers and microform reader/printers, a telephone system, and other furniture items.

The EVOS TC portion of the move expenses will be used to purchase the move related items described below. To maximize funding, I recommend these purchases be made through ADF&G, rather than transferring funds for these purchases to the university, which will charge an indirect fee of 18%.

Items to purchase: ARLIS will need 29 vertical file cabinets to house the 285 linear feet of materials currently stored in the Power Files, which are too old to withstand another move without incurring damage. Due to their age, the Power Files are costly and time consuming to repair. Most of the contents of the Power Files are EVOS materials, including the EVOS TC public record, EVOS Restoration Planning Work Group administrative record, EVOS Restoration Plan EIS administrative record, NRDA data files, GEM and restoration project reprint files, camera-ready copies of EVOS final and annual reports, chronological files of newspaper clippings, and collections of court documents. The cost of 29 locking 5-drawer file cabinets is estimated at \$13,000.

A glass display case is needed to house the circulating collection of 28 mounted birds. This collection has been in need of proper storage for some time. In the new ARLIS space, the open floor plan design does not allow for locking the library when ARLIS staff are not present, and library users will have unsupervised access to the ARLIS collection and materials during evenings and weekends. To protect the mounts while displaying them for patron selection, a custom sized, (6 ft high x 14 ft wide x 3 ft deep), locking glass display case will be placed across the ARLIS front window. The cost of the case is estimated at \$7,000.

EVOS TC portion: Had the Founders Board made a decision on the move date prior to the submission of the ARLIS FY 04 proposal and budget, funding for move expenses would have been included in the original budget. To provide the EVOS TC's portion of the moving expenses, I am requesting an additional \$20,000 over and above the previously approved FY 04 budget for ARLIS, Project 040550, for the purchase of the items described above. An amended FY 04 budget and budget justification are attached for your review.

Please let me know if you have any questions or comments. You may reach me at 271-4511 or via email at carrie@arlis.org.

GEM PROJECT BUDGET JUSTIFICATION Amended April 2004

TITLE: Alaska Resources Library and Information Services (ARLIS)

PROJECT: 040550

This budget is for the Trustee Council contribution to funding for the Alaska Resources Library and Information Services (ARLIS). With the exception of Fiscal Year 1994, this activity has historically been funded under the Public Information, Science Management, and Administration Budget (Project /100). Funding as a separate project began in Fiscal Year 2001, as Project 01550.

Established in 1997, ARLIS is a consolidation of eight libraries focused on Alaska natural and cultural resources, including the former Oil Spill Public Information Center, and is funded by contributions from its founding agencies: Alaska Department of Fish and Game, Bureau of Land Management, UAA's Environment and Natural Resource Institute, *Exxon Valdez* Oil Spill Trustee Council, U.S. Fish and Wildlife Service, Minerals Management Service, National Park Service, U.S. Geological Survey, and the University of Alaska Anchorage. The U.S. Army, Fort Richardson Environmental Division is a contributing partner.

Amendment:

Since February 2000, it has been the intention of the ARLIS Founders Board to move ARLIS to the University of Alaska Anchorage campus upon completion of the new library complex. According to the original construction and renovation schedules, the new ARLIS space was scheduled for completion in early 2005. Construction and renovation proceeded ahead of schedule and the ARLIS space will be ready for occupancy in June 2004. At a February 2004 meeting the ARLIS Founder Board scheduled the move to the new space for August 2004. The moving expenses are estimated at \$130,000 and will be shared by the ARLIS partners. With the move scheduled to fall within FY 04, this amendment requests \$20,000, in addition to previously approved FY 04 funding, for the EVOS TC portion of moving expenses,. The funding will be used for move related purchases described below under "Equipment".

FY 04 Project 040550

Personnel: Funding covers salary and employer costs through the Alaska Department of Fish and Game, Division of Administration, for one FTE Librarian III, Carrie Holba, at Range 19, \$7,500 per month for 12 months, for a total cost of \$90,000.

Travel: None.

Contractual: Funding covers salary and employer costs through the Alaska Department of Fish and Game, Division of Sport Fish, for one FTE Librarian II, Celia Rozen, at Range 17, \$6,400 per month for 9 months, for a total cost of \$57,600.

Commodities: None.

Equipment: \$20,000 for the purchase of 29 locking file cabinets to house EVOS materials (\$13,000) and a glass display case to house the bird mounts collection (\$7,000).

General Administration: \$15,084 (9% of the subtotal).

FY 04 Project Total: \$182,684.

EXXON VALDEZ OIL SHILL TRUSTEE COUNCIL DETAILED BUDGET FORM FY 04 - FY 06

	Proposed	Proposed	Proposed	TOTAL
Budget Category:	FY 04	FY 05	FY 06	PROPOSED
Personnel	\$90.0	\$90.0	\$90.0	\$270.0
Travel	\$0.0	\$0.0	\$0.0	\$0.0
Contractual	\$57.6	\$0.0	\$0.0	\$57.6
Commodities	\$0.0	\$0.0	\$0.0	\$0.0
Equipment	\$20.0	\$0.0	\$0.0	\$20.0
Subtotal	\$167.6	\$90.0	\$90.0	\$347.6
General Administration (9% of Subtotal)	\$15.1	\$8.1	\$8.1	\$31.3
Project Total	\$182.7	\$98.1	\$98.1	\$378.9
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Cost-share Funds:

This budget is for the Trustee Council contribution to funding for the Alaska Resources Library and Information Services (ARLIS). With the exception of Fiscal Year 1994, this activity has historically been funded under the Public Information, Science Management, and Administration Budget (Project /100). Funding as a separate project began in Fiscal Year 2001, as Project 01550.

Established in 1997, ARLIS is a consolidation of eight libraries focused on Alaska natural and cultural resources, including the former Oil Spill Public Information Center, and is funded by contributions from its founding agencies: Alaska Department of Fish and Game, Bureau of Land Management, UAA's Environment and Natural Resource Institute, *Exxon Valdez* Oil Spill Trustee Council, U.S. Fish and Wildlife Service, Minerals Management Service, National Park Service, U.S. Geological Survey, and the University of Alaska Anchorage. The U.S. Army, Fort Richardson Environmental Division is a contributing partner.

This amended budget includes the EVOS TC portion of expenses to move ARLIS to the UAA library complex in August 2004. The move date was unknown when the original 040550 proposal and budget were submitted, nor was the move anticipated in FY 04. The funding will be used for the purchase of move related items listed under "Equipment".

FY 04-06

Date Prepared:

Project Number: 040550

Project Title: ARLIS - Alaska Resources Library &

Information Services

Agency: Alaska Department of Fish and Game

FORM 3A TRUSTEE AGENCY SUMMARY

EXXON VALDEZ OIL SHILL TRUSTEE COUNCIL DETAILED BUDGET FORM FY 04 - FY 06

Personnel Costs:		GS/Range/	Months	Monthly		Personnel
Name	Description	Step		Costs	Overtime	Sum
C Holba	Librarian III	19	12.0	7.5		90.0
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	Subtotal		12.0		sonnel Total	\$90.0
Travel Costs:		Ticket	Round	Total	Daily	Travel
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FY 04

Project Number: 040550

Project Title: ARLIS - Alaska Resources Library &

Information Services

Agency: Alaska Department of Fish and Game

FORM 3B Personnel & Travel DETAIL



E Rozen Librarian II 17 9.0 6.4 57.6 f a component of the project will be performed under contract, the 4A and 4B forms are required. Commodities Costs: Commodities Costs:	Contractual Costs:					Contract
f a component of the project will be performed under contract, the 4A and 4B forms are required. Contractual Total \$57.6 Commodities Costs: Description Contractual Total Str.	Description					Sum
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Commodities Total \$0.0	Description					Sum
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					Commodities Total	\$0.0

FY 04

Project Number: 040550

Project Title: ARLIS - Alaska Resources Library &

Information Services

Agency: Alaska Department of Fish and Game

FORM 3B Contractual & Commodities DETAIL

EXXON VALDEZ OIL SHILL TRUSTEE COUNCIL DETAILED BUDGET FORM FY 04 - FY 06

New Equipment	Purchases:		Number	Unit	
Description			of Units	Price	
	ng 5-drawer file cabinets to store		29		13.0
custom sized	, locking glass display case to ho	use bird mounts collection	1	7.0	
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FY 04		Project Number: 040550 Project Title: ARLIS - Alaska Resources Library Information Services	y &		ORM 3B Equipment DETAIL

Agency: Alaska Department of Fish and Game

EXXON VALDEZ OIL S-ILL TRUSTEE COUNCIL DETAILED BUDGET FORM FY 04 - FY 06

Personnel Costs:		GS/Range/	Months	Monthly		Personnel
Name	Description	Step		Costs	Overtime	Sum
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FY 05

Project Number: 050550

Project Title: ARLIS - Alaska Resources Library &

Information Services

Agency: Alaska Department of Fish and Game

FORM 3B Personnel & Travel DETAIL



Contractual Costs:		<u>. </u>			Contrac
Description					Sun
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If a component of the project wi	ill be performed under contract, the	4A and 4B forms are required.	Cont	ractual Total	\$0.0
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FY 05	Project Title:	ARLIS - Alaska Resources	Library &	•	ractual &
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Agency: Alaska Department of Fish and Game

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New Equipment Purchases:		Number	Unit	Equipment
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EXXON VALDEZ OIL SPILL TRUSTEE COUNCIL DETAILED BUDGET FORM FY 04 - FY 06

Personnel Costs:		GS/Range/	Months	Monthly		Personnel
Name	Description	Step	Budgeted		Overtime	Sum
C Holba	Librarian III	19	12.0	7.5		90.0
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FY 06

Project Number: 060550

Project Title: ARLIS - Alaska Resources Library &

Information Services

Agency: Alaska Department of Fish and Game

FORM 3B Personnel & Travel DETAIL



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FY 06		Project Title: ARLIS -	Alaska Kesc	ources Libra	гу &		
		Information Services					Commodities
		Agency: Alaska Depai	rtment of Fis	h and Gam	е		DETAIL



New Equipment Purchases:	Number	Unit	
Description	of Units	Price	Sum
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Project Number: 060550			ORM 3B

FY 06

Project Number: 000500
| Project Title: ARLIS - Alaska Resources Library &

Information Services

Agency: Alaska Department of Fish and Game

FORM 3B Equipment **DETAIL**

Motion to approve soliciting for nominations for the *Exxon Valdez* Oil Spill Trustee Council's Public Advisory Committee's next term October 2004 through September 2006 as outlined. Solicitation is open for 60 day, May 21, 2004 through July 20, 2004.

Process for Appointment of 2004-2006 Members Exxon Valdez Oil Spill Public Advisory Committee

The term for all 20 members of the Public Advisory Committee (PAC) ends October 2004. The PAC Charter will be renewed as of October 2004, and it is desirable to have the two-year membership synchronized with the two-year Charter period. The process for selecting PAC members for the next two-year session follows the process the Trustee Council used for past membership selection. This process is based upon the requirements set forth in the PAC Charter. The process involves notifying the public and compiling a list of potential nominees for Trustee Council consideration. Current members of the PAC are eligible for re-nomination and reappointment. The Trustee Council will review the nominations and recommend membership to the Trustees, and upon their approval, to the Secretary of the Interior for official appointment (the Department of the Interior is the designated Federal agency for ensuring compliance with the Federal Advisory Committee Act (FACA)).

Nominations will be solicited using a wide range of media, including newspapers in the affected area, the <u>Federal Register</u>, the Trustee Council newsletter/website, public service announcements, flyers posted in communities in the affected area, the present PAC membership, and persons having expressed an interest in serving on the PAC. About 60 days should be allowed for response. Nominations are due July 20, 2004.

The "request for nominations" will ask for information presented in the attached solicitation and instructions.

The Trustee Council staff will compile a list of nominees and a summary of information about them, including name, address, telephone number; principal interest; committee affiliations; who they were nominated/endorsed by; if their information packet is complete; and if additional information is required.

The Trustee Council will meet to review the nominees and make their unanimous recommendation for the PAC membership.

The nominees will be notified of the recommendations of the Trustee Council by the Executive Director.

The Designated Federal Official will forward the information for recommended members to the Secretary of the Interior for official appointment (letters will be sent to each appointee). The Designated Federal Official will also submit appropriate reports to the Federal government pursuant to the FACA.

Dear Interested Citizen:

The Exxon Valdez Oil Spill Trustee Council is soliciting nominations for the Public Advisory Committee to serve a 24 month term from October 2004 to October 2006.

Interested persons should follow the instructions on the attached. Be sure to submit a complete packet of the information requested. Nominations are due to the Trustee Council Office by close of business on Tuesday July 20, 2004.

Nominations are being solicited using a wide range of media, including newspapers in the affected area, the <u>Federal Register</u>, the Trustee Council newsletter/website, public service announcements, flyers posted in communities in the affected area, the present Public Advisory Committee membership, and persons having expressed an interest in serving on the Public Advisory Committee.

The process is expected to be completed and the appointment of Public Advisory Committee members made in October 2004.

The Exxon Valdez Oil Spill Trustee Council consists of: <u>Joe Mead</u>, Forest Supervisor, Chugach National Forest, Forest Service, U.S. Department of Agriculture; <u>Gregg Renkes</u>, Attorney General, State of Alaska; <u>Drue Pearce</u>, Senior Advisor to the Secretary for Alaska Affairs, U.S. Department of the Interior; <u>Jim Balsiger</u>, Administrator, Alaska Region, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, U.S. Department of Commerce; <u>Kevin Duffy</u>, Commissioner, Alaska Department of Fish and Game; and <u>Ernesta Ballard</u>, Commissioner, Alaska Department of Environmental Conservation.

For more information on the role of the Public Advisory Committee or the nomination process, or copies of documents relating to the Public Advisory Committee or the work of the Trustee Council, contact Cherri Womac at the Trustee Council Office, 907/278-8012 (e-mail: cherri womac@evostc.state.ak.us).

Sincerely,

Gail Phillips
Executive Director

Enclosure

Exxon Valdez Oil Spill Public Advisory Committee Procedure for Member Nomination and Appointment

All Public Advisory Committee members must be unanimously approved by the *Exxon Valdez* Oil Spill Trustee Council. The information described below should be prepared by the nominee and submitted to the Executive Director of the *Exxon Valdez* Oil Spill Trustee Council at the following address:

Executive Director

Exxon Valdez Oil Spill Trustee Council
441 West 5th Avenue, Suite 500

Anchorage, Alaska 99501

Email: cherri womac@evostc.state.ak.us

Fax: 907/276-7178

Nominations for membership may be submitted by any source. From these nominations the Trustee Council will make recommendations for membership and forward their recommendations to the Trustees. Following approval by the Trustees, the Secretary of the Interior will officially appoint those members approved by the Trustees. When appointed, members serve for a term of two years.

Questions should be directed to Cherri Womac, Trustee Council Staff, at 907/278-8012 or 800/478-7745; or to Doug Mutter, Public Advisory Committee Designated Federal Official, at 907/271-5011.

The Public Advisory Committee

The October 1991 Memorandum of Agreement between the State and Federal governments mandated formation of a public advisory committee. The Public Advisory Committee advises the Trustee Council on decisions relating to the planning, evaluation, allocation of funds, and conduct of injury assessment and restoration activities related to the T/V *Exxon Valdez* oil spill of March 1989.

The Public Advisory Committee consists of twenty members to reflect balanced representation from each of the following principal interests:

aquaculture/mariculture commercial fishing

commercial tourism marine transportation

conservation/environmental tribal government

local government native landowners

recreation users sport hunting & fishing

subsistence science/technical

regional monitoring public-at-large

Information Packet

Nominees for membership to the Public Advisory Committee should provide the following information:

- A biographical sketch (education, experience, address, telephone, fax, email);
- Information about the nominee's knowledge of the region, peoples or economic and social activities of the area affected by the T/V *Exxon Valdez* oil spill, or expertise in public lands/resource management/research;
- Information about the nominee's relationship/involvement (if any) with the principal interest to be represented;
- A statement explaining any unique contributions the nominee will make to the Public Advisory Committee and why the nominee should be appointed to serve as a member;
- Any additional relevant information that would assist the Trustee Council in making a recommendation; and
- Answers to the conflict of interest questions listed below.

Conflict of Interest Disclosure

Public Advisory Committee members are chosen to represent a broad range of interests. It is possible that action could be taken by the Public Advisory Committee when one or more of the members have a direct personal conflict of interest which would prejudice and call into question the entire public process. To avoid this and to enable the Trustee Council to choose appropriate individuals as members, it is necessary that each nominee provide the following information with their information packet. If the answer to any of these questions is yes, please provide a brief explanation of your answer. A "yes" answer will not necessarily preclude any nominee from being appointed to serve on the Public Advisory Committee.

- Do you, your spouse, children, any relative with whom you live or your employer have, or are you defending, a claim filed before any court or administrative tribunal based upon damages caused by the T/V Exxon Valdez oil spill?
- Do you, your spouse, children, any relative with whom you live or your employer own any property or interest in property which has been, or is likely to be, proposed for acquisition by the Trustee Council?
- Have you, your spouse, children, any relative with whom you live or your employer submitted, or likely will submit, a proposal for funding by the Trustee Council; or be a direct beneficiary of such a proposal?
- Do you know of any other potential actions of the Trustee Council or the Public Advisory Committee to have a direct bearing on the financial condition of yourself, your spouse, children, other relative with whom you live or your employer?

Motion to approve request for renewal of the Exxon Valdez Oil Spill Trustee Council's Public Advisory Committee's Charter effective October 2004 through September 2006 from the Secretary of the Interior.

CHARTER EXXON VALDEZ OIL SPILL PUBLIC ADVISORY COMMITTEE

- 1. <u>Official Designation</u>: *Exxon Valdez* Oil Spill Public Advisory Committee.
- 2. Objectives and Scope: In accordance with and pursuant to Paragraph V.A.4 of the Memorandum of Agreement and Consent Decree entered into by the United States of America, through the Department of Justice, and the State of Alaska, through the Attorney General, on August 27, 1991 and approved by the United States District Court for the District of Alaska in settlement of United States of America v. State of Alaska, Civil Action No. A91-081 CV, hereinafter referred to as the MOA, the Public Advisory Committee shall advise the Trustees (State of Alaska Department of Law, State of Alaska Department of Fish and Game, State of Alaska Department of Environmental Conservation, U.S. Department of Agriculture, the National Oceanic and Atmospheric Administration of the U.S. Department of Commerce, and the U.S. Department of the Interior) through the Trustee Council with respect to the following matters:

All decisions relating to injury assessment, restoration activities, or other use of natural resource damage recoveries obtained by the Governments, including all decisions regarding:

- Planning, evaluation, and allocation of available funds;
- b. Planning, evaluation, and conduct of injury assessments and restoration activities;
- c. Planning, evaluation, and conduct of long-term monitoring and research activities;
- d. Coordination of a, b, and c.
- 3. Period of Time Necessary for the Committee Activities: By order of the District Court for the District of Alaska, the Public Advisory Committee is to advise the Trustees, appointed to administer the fund established in settlement of United States v. Exxon Corporation, Civil Action No. A91-082, and State of Alaska v. Exxon Corporation, Civil Action No. A91-083, both in the United States District Court for the District of Alaska, in all matters described in Paragraph V.A.1 of the MOA referenced above. Final payment into the fund was September 1, 2001. A four year period allowing the opportunity for the Trustees to reopen the agreement to possibly receive additional compensation for injuries begins October 1, 2002, and ends September 30, 2006. It is expected that the need for the Public Advisory Committee will continue until at least September 30, 2006. Extension of the Committee beyond such date is subject to the unanimous written consent of the designated trustees.

*Changes suggested by
US Trustees

- 4. Official to Whom the Public Advisory Committee Reports: The Public Advisory Committee shall report to the Exxon Valdez Settlement Trustee Council through the Chair of the Public Advisory Committee at Trustee Council meetings. Other members of the Committee may report with the Chair, as appropriate. The Trustee Council's regular agenda shall include a period during which the Public Advisory Committee representative(s) may report on its activities, ask questions of the Trustee Council, and be available for questioning by the Trustee Council. The U.S. Department of the Interior is the designated Federal agency to which the Public Advisory Committee reports to ensure compliance with the Federal Advisory Committee Act, including the responsibility of ensuring the necessary support for the Public Advisory Committee. The Designated Federal Officer is the Alaska Office of Environmental Policy and Compliance's Regional Environmental Assistant, or his/her designee.
- 5. Administrative Support: Administrative support for the Public Advisory Committee shall be provided by the Trustee Council's Executive Director. The Executive Director shall prepare an annual budget for the Public Advisory Committee. The budget shall provide the Public Advisory Committee such funds as the Trustee Council deems appropriate for administrative support for the Public Advisory Committee, from the Exxon Valdez Oil Spill Investment Fund established as a result of the settlement of United States v. Exxon Corporation and State of Alaska v. Exxon Corporation. The estimated annual operating cost for the Public Advisory Committee is \$55,000.00, including an estimated .5 staff years.
- 6. <u>Public Advisory Committee Membership, Selection, and Service</u>: The Public Advisory Committee shall consist of 20 members, including a Chair and Vice-Chair. At least one member will be appointed to represent one of each of the 14 interests identified below, but no more than three members shall be appointed for any given interest.
 - a. Qualifications for Service Representatives 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, roughly the northern Gulf of Alaska, or by demonstrated expertise in public lands and resource management or research as it relates to restoration, as applicable. Members shall be appointed to represent a balanced representation of the following interests/qualifications that are prevalent in the affected area:
 - (1) aquaculture and mariculture: organizations and individuals involved in these industries, including fish hatcheries and oyster/shellfish farming, etc.
 - (2) commercial fishing: organizations and individuals involved in commercially fishing for salmon, halibut, herring, shellfish and bottom fish; including boat captains and crews, cannery owners/operators, and fish buyers, etc.
 - (3) commercial tourism: organizations and individuals involved in promoting or providing commercial travel or recreational opportunities, including charter boating,

guiding services, visitor associations, boat/kayak rental companies, etc.

- (4) recreation users: organizations and individuals involved in the broad spectrum of recreation activities that occur within the area, including kayaking, power boating, sailing, sightseeing, etc.
- (5) conservation and environmental: organizations and individuals interested in the wise use and protection of natural resources.
- (6) local government: representatives of the incorporated cities and boroughs in the affected area.
- (7) Native landowner: representatives of the regional or village corporations established by the Alaska Native Claims Settlement Act in the affected area.
- (8) tribal government: representatives of federally-recognized tribes in the affected area.
- (9) science/technical: organizations, institutions, and individuals involved in, or with expertise in, scientific and research aspects of the affected area/resources and/or the effects of the oil spill and/or the technical application of scientific information.
- (10) sport hunting and fishing: organizations and individuals involved in hunting and/or fishing for pleasure.
- (11) subsistence: individuals who customarily and traditionally use wild renewable resources for direct personal or family consumption as food, shelter, fuel, clothing, tools or transportation; for the making and selling of handicraft articles; and for customary trade.
- (12) marine transportation: organizations and individuals involved in transport of goods and services in marine waters, including piloting, tug operations, barge operations, oil tankers and pipelines, shipping companies, etc.
- (13) regional monitoring programs: organizations and individuals involved in monitoring and reporting on environmental conditions in the affected area, including monitoring for pollution and the status of biological resources, etc.

(14) public-at-large: individuals who meet the general qualifications in paragraph 6.a, and may or may not meet additional interest qualifications.

- b. Nomination and Selection Nominations for membership may be submitted by any source. The Science and Technical Advisory Committee shall nominate at least one, but not more than three, members to represent science/technical interests. From these nominations the Trustee Council will recommend membership to the Trustees, and following selection by the Trustees, the Secretary of the Interior appoints those selected by the Trustees.
- c. Minimum Term Each member may serve two years from the date of appointment. Members are eligible for renomination and reappointment at the close of their terms. With consent of the Trustees, the Secretary of the Interior may remove a member or officer of the Public Advisory Committee.
- d. Officers The Public Advisory Committee shall have a Chair and a Vice-Chair elected by the membership.

e. ETHICS RESPONSIBILITIES OF MEMBERS

A member may not participate in matters that will directly affect, or appear to affect, the financial interests of the member or the member's family or minor children, unless authorized by the Designated Federal Officer. Compensation from employment does not constitute a financial interest of the member so long as the matter before the Public Advisory Committee will not have a special or distinct effect on the member or the member's employer, other than as part of a class. The provisions of this paragraph do not affect any other statutory or regulatory obligations to which a member may be subject.

- 7. Expenses: Travel, per diem, and administrative support shall be borne by the Trustee Council using funds from the Exxon Valdez Oil Spill Investment Fund established in settlement of United States v. Exxon Corporation and State of Alaska v. Exxon Corporation. While away from home or regular place of business in performance of business of the Public Advisory Committee, members shall receive travel expenses, including per diem in lieu of subsistence, at the applicable government rate. Members will not receive compensation for their time spent on Public Advisory Committee business.
- 8. <u>Public Advisory Committee Meetings and Records</u>: The Public Advisory Committee shall meet no less than two times per year.
 - a. All Public Advisory Committee meetings will be open to the public. Any member of the public is permitted to file a written statement with the Public Advisory Committee and any member

of the public may speak at a Public Advisory Committee meeting.

- b. Detailed minutes of all meetings, including the time, date and place of the meeting, names of the Public Advisory Committee members and other staff of the Trustee Council present, names of the public who presented oral or written statements, an estimate of the number of other public present, an accurate description of each matter discussed and each matter resolved, if any, by the Public Advisory Committee, shall be prepared and made available to the public through the Executive Director. The Chair shall certify to the accuracy of all minutes of the Public Advisory Committee.
- c. Meetings of the Public Advisory Committee shall be held at a reasonable time and in a place reasonably accessible to the public. Notice of meetings shall be published in accordance with AS 44.62.310(e), AS 44.62.175 and 41 CFR 102-3.150.
- d. All accounts and records of the activities and transactions of the Public Advisory Committee shall be kept and maintained by the Staff of the Executive Director and, subject to the provisions of 5 U.S.C. section 552, such accounts and records shall be available for public inspection at the offices of the Executive Director.
- e. All rules and procedures governing the proceedings of the Public Advisory Committee must be approved by the Trustee Council.
- 9. <u>Administrative Authority</u>: The Public Advisory Committee functions are advisory only, and its officers shall have no administrative authority by virtue of their membership. The Trustee Council, through the Executive Director, shall procure all needed space, supplies, equipment, and support for the Public Advisory Committee.
- 10. <u>Termination Date</u>: The Federal Advisory Committee Act, as amended (5 U.S.C. App. 2), requires that the Public Advisory Committee shall terminate two years from the date of filing of this Charter unless the Committee is renewed before that date in accordance with the requirements of that Act.
- 11. <u>Authority</u>: This Public Advisory Committee is established as mandated by Paragraph V.A.4 of the MOA and shall be located in Alaska. Additional authority for its creation is found in the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended, 42 U.S.C. subsection 9601 et seq.

Secretary of the Interior	
Date Signed:	
Date Filed:	

JUSTIFICATION STATEMENT

Renewal of the Charter of the Exxon Valdez Oil Spill Public Advisory Committee.

On March 24, 1989, the T/V Exxon Valdez ran aground on Bligh Reef in Prince William Sound in Alaska spilling approximately 11 million gallons of North Slope crude oil. Oil moved into the Gulf of Alaska, along the Kenai coast to Kodiak Island and the Alaska Peninsula--some 600 miles from Bligh Reef. Massive clean-up and containment efforts were initiated and continued to 1992. On October 8, 1991, an agreement was approved by the United States District Court for the District of Alaska that settled claims of the United States and the State of Alaska against the Exxon Corporation and the Exxon Shipping Company for various criminal and civil violations. Under the civil settlement, Exxon companies agreed to pay to the governments \$900 million over a period of 10 years. The agreement allowed an additional 5-year period for making additional claims.

The Exxon Valdez Oil Spill Trustee Council was established to manage the funds obtained from the civil settlement of the Exxon Valdez Oil Spill. The Trustee Council is composed of three State of Alaska trustees (Attorney General; Commissioner, Department of Environmental Conservation; and Commissioner, Department of Fish and Game) and three Federal representatives appointed by the Federal Trustees (Secretary, U.S. Department of Agriculture; the Administrator of the National Oceanic and Atmospheric Administration; and the Secretary, U.S. Department of the Interior).

The Public Advisory Committee was created pursuant to Paragraph V.A.4 of the Memorandum of Agreement and Consent Decree entered into by the United States of America and the State of Alaska on August 27, 1991 and approved by the United States District Court for the District of Alaska in settlement of <u>United States of America v. State of Alaska</u>, Civil Action No. A91-081 CV. The Public Advisory Committee was first chartered by the Secretary of the Interior on October 23, 1992, as the Public Advisory Group, and functions solely as an advisory body in compliance with the provisions of the Federal Advisory Committee Act, as amended (5 U.S.C. App.).

The Public Advisory Committee was established to advise the Trustee Council, and began functioning in October 1992. The Public Advisory Committee consists of 20 members representing the following principal interests: sport hunting and fishing, conservation and environmental, public-at-large, recreation users, commercial tourism, local government, science/technical, subsistence, commercial fishing, aquaculture and mariculture, marine transportation, regional monitoring programs, tribal government, and Native landowners. Members are appointed to serve a two-year term.

To carry out its advisory role, the Public Advisory Committee makes recommendations to, and advises, the Trustee Council in Alaska on the following matters:

All decisions related to injury assessment, restoration activities, or other use of natural resource damage recovery monies obtained by the governments, including all decisions regarding:

a.

- b. Planning, evaluation and conduct of injury assessment and restoration activities;
- c. Planning, evaluation and conduct of long-term monitoring and research activities, and
- d. Coordination of a, b, and c.

Trustee Council intentions regarding the importance of obtaining a diversity of viewpoints is stated in the <u>Public Advisory Committee Background and Guidelines</u>: "The Trustee Council intends that the Public Advisory Committee be established as an important component of the Council's public involvement process." The Council continues, stating their desire that ". . . a wide spectrum of views and interests are available for the Council to consider as it evaluates, develops, and implements restoration activities. It is the Council's intent that the diversity of interests and views held by the Public Advisory Committee members contributes to wide-ranging discussions that will be of benefit to the Trustee Council."

In order to ensure that a broad range of public viewpoints continues to be available to the Trustee Council, and in keeping with the settlement agreement, the continuation of the Public Advisory Committee for another two-year period is recommended.

Adopted Policies and Procedures

- 2. Exxon Valdez Oil Spill Public Advisory Committee. By order of the District Court for the District of Alaska, the Public Advisory Committee is to advise the Trustees, appointed to administer the fund established in settlement of United States v. Exxon Corporation, Civil Action No. A91-082, and State of Alaska v. Exxon Corporation, Civil Action No. 091-083, both in the United States District Court for the District of Alaska, in all matters described in Paragraph V.A.1 of the MOA referenced above. The overall procedures for the Public Advisory Committee are contained in a Charter unanimously approved by the Trustee Council and signed by the Secretary of the United States Department of the Interior. The Public Advisory Committee consists of members recommended by the Trustee Council and appointed by the Secretary of the United States Department of the Interior.
- 3. Public Notice. Reasonable public notice shall be given for all meetings of the Trustee Council. The notice shall include, when possible, publication in one or more newspapers of general circulation in the following communities: Anchorage, Cordova, Homer, Juneau, Kenai, Kodiak, Seward, and Valdez and distribution of the public notice to radio stations broadcasting to these communities as well as in Chenega Bay, Tatitlek, Whittier, Seldovia, Port Graham, Nanwalek, and Kodiak area villages. To the maximum extent possible, reasonable public notice shall also be provided to other communities within the spill area. The public notice shall identify the purpose of the meeting and include a reasonable opportunity for public comment.
- 4. Access to Information. Except where documents are confidential under state or federal law, the public shall have access to the official record of the Trustee Council's actions and information regarding proposed or completed projects or other activities funded by the Trustee Council.

AMMENDMANT TO PAC CHARTER Effective with the 2004 Charter

To:

Trustee Council

Doug Mutter, PAC Representative

From:

Gail Phillips, Executive Director

Date:

5-18-04

The 2000 Charter for the EVOS PAC was changed in the 2002 Charter agreement.

New language was added under Paragraph 3, on line 7.

After the sentence that reads "Final payment into the fund is scheduled for September 1, 2001.", a new sentence was added that reads: "A four-year period allowing the opportunity for the Trustees to reopen the agreement to possibly receive additional compensation for injuries begins October 1, 2002 and ends September 30, 2006.".

I would strongly recommend that the Trustee Council remove this language from the Charter document before sending it to the Secretary for her approval. The justification for removing this sentence is the fact that under the settlement agreement, it is not up to the Trustee Council, but rather to the Department of Law and Justice Department to make the determination regarding a reopener.

If you decide to make this change to the Charter, a motion will have to be made and approved to remove this sentence before you vote on approving the Charter.

Thanks.

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2000

CHARTER EXXON VALDEZ OIL SPILL PUBLIC ADVISORY GROUP

2000

- 1. Official Designation: Exxon Valdez Oil Spill Public Advisory Group.
- Objectives and Scope: In accordance with and pursuant to Paragraph V.A.4 of the Memorandum of Agreement and Consent Decree entered into by the United States of America, through the Department of Justice, and the State of Alaska, through the Attorney General, on August 27, 1991 and approved by the United States District Court for the District of Alaska in settlement of United States of America v. State of Alaska, Civil Action No. A91-081 CV, hereinafter referred to as the MOA, the Public Advisory Group will advise the Trustees (State of Alaska Department of Law, State of Alaska Department of Fish and Game, State of Alaska Department of Environmental Conservation, U.S. Department of Agriculture, the National Oceanic and Atmospheric Administration of the U.S. Department of Commerce, and the U.S. Department of the Interior) through the Trustee Council with respect to the following matters:

All decisions relating to injury assessment, restoration activities, or other use of natural resource damage recoveries obtained by the Governments, including all decisions regarding:

- a. Planning, evaluation, and allocation of available funds;
- b. Planning, evaluation, and conduct of injury assessments;
- c. Planning, evaluation, and conduct of restoration activities;
- d. Coordination of a, b, and c.
- 3. Period of Time Necessary for the Group's Activities: By order of the District Court for the District of Alaska, the Public Advisory Group is to advise the Trustees, appointed to administer the fund established in settlement of United States v. Exxon Corporation, Civil Action No. A91-082, and State of Alaska v. Exxon Corporation, Civil Action No. A91-083, both in the States District Court for the District of Alaska, in all matters described in Paragraph V.A.1 of the MOA referenced above. Final payment into the fund is scheduled for September 1, 2001. It is expected that the need for the Public Advisory Group will continue until approximately September 30, 2002. Extension of the Group beyond such date is subject to the unanimous written consent of the designated trustees.
- 4. Official to Whom the Public Advisory Group Reports: The Public Advisory Group will report to the Exxon Valdez Settlement Trustee Council through the Chair of the Public Advisory Group at Trustee Council meetings. Other members of the Group may report with the Chair, as appropriate. The Trustee Council's regular agenda will include a period during which the Public Advisory Group representative(s) may report on its activities, ask questions

- of the Trustee Council, and be available for questioning by the Trustee Council. The U.S. Department of the Interior is the designated Federal agency to which the Public Advisory Group reports to ensure compliance with the Federal Advisory Committee Act, including the responsibility of ensuring the necessary support for the Public Advisory Group. The Designated Federal Officer is the Alaska Office of Environmental Policy and Compliance's Regional Environmental Assistant, or his designee.
- 5. Administrative Support: Administrative support for the Public Advisory Group will be provided by the Trustee Council's Executive Director. The Executive Director will prepare an annual budget for the Public Advisory Group. The budget will provide the Public Advisory Group such funds as the Trustee Council deems appropriate for administrative support for the Public Advisory Group, from the joint fund established in the registry of the United States District Court for the District of Alaska in settlement of United States v. Exxon Corporation and State of Alaska v. Exxon Corporation.
- 6. Public Advisory Group Membership, Selection, and Service: The Public Advisory Group will consist of 17 members, including a Chair and Vice-Chair.
 - a. Qualifications for Service Members will be appointed to represent the following interests: aquaculture; commercial fishing; commercial tourism; conservation; environmental; forest products; local government; Native landowner; recreation users; science/academic; sport hunting and fishing; subsistence; public-at-large (5).
 - Representatives will 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.
 - b. Nomination and Selection Nominations for membership may be submitted by any source. From these nominations the Trustee Council will recommend membership to the Trustees, and following selection by the Trustees, the Secretary of the Interior appoints those selected by the Trustees.
 - c. Minimum Term Each member may serve 2 years from the date of appointment. Members are eligible for renomination and reappointment at the close of their terms. 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.
 - d. Officers The Public Advisory Group will have a Chair and a Vice-Chair selected from the membership and approved by the Trustee Council in consultation with the members of the Public Advisory Group.

EVOS

- e. Alternates to Members Nominations to designate an alternate will be submitted to the Trustee Council by each Public Advisory Group member. From these nominations, the Trustee Council may select a designated alternate for each member or the Trustee Council may solicit additional nominations. The Trustee Council will forward its recommendations to the Trustees. Following approval by the Trustees, the Secretary of the Interior will officially appoint those alternates approved by the Trustees. When appointed, alternates may substitute for the official Public Advisory Group member at a particular meeting and will have all the responsibilities of the member they represent
- 7. Expenses: Travel, per diem and administrative support will be borne by the Trustee Council using funds from the joint fund established in settlement of United States v. Exxon Corporation and State of Alaska v. Exxon Corporation. While away from home or regular place of business in performance of business of the Public Advisory Group, members will receive travel expenses, including per diem in lieu of subsistence, at the applicable government rate. The estimated annual operating cost for the Group is \$153,400 including an estimated 1.1 staff years.
- 8. Public Advisory Group Meetings and Records: The Public Advisory Group will meet no less than four times per year.
 - a. All Public Advisory Group meetings will be open to the public. Any member of the public is permitted to file a written statement with the Public Advisory Group and any member of the public may speak at a Public Advisory Group meeting.
 - b. Detailed minutes of all meetings, including the time, date and place of the meeting, names of the Public Advisory Group members and other staff of the Trustee Council present, names of the public who presented oral or written statements, an estimate of the number of other public present, an accurate description of each matter discussed and each matter resolved, if any, by the Public Advisory Group, will be prepared and made available to the public through the Executive Director. The Chair will certify to the accuracy of all minutes of the Public Advisory Group.
 - c. Meetings of the Public Advisory Group will be held at a reasonable time and in a place reasonably accessible to the public. Notice of meetings will be published in accordance with AS 44.62.310(e). AS 44.62.175 and 41 CFR 101-6 1015(b).
 - d. All accounts and records of the activities and transactions of the Public Advisory Group will be kept and maintained by the Staff of the Executive Director and, subject to the provisions of 5 U.S.C. section 552, such accounts and records will be available for public inspection at the offices of the Executive Director

- e. All rules and procedures governing the proceedings of the Public Advisory Group must be approved by the Trustee Council
- 9. Administrative Authority: The Public Advisory Group functions are advisory only, and its officers will have no administrative authority by virtue of their membership, except to recommend the Public Advisory Group budget needs to the Executive Director. The Trustee Council, through the Executive Director, will procure all needed space, supplies, equipment, and support for the Public Advisory Group.
- 10. Termination Date: The Federal Advisory Committee Act, 5 U.S.C. App., requires that the Public Advisory Group will terminate 2 years from the date of filing of this Charter unless the Group is renewed before that date in accordance with the requirements of that Act.
- 11. Authority: This Public Advisory Group is established as mandated by Paragraph V.A.4 of the MOA and will be located in Alaska. Additional authority for its creation is found in the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended, 42 U.S.C. section 9601 et seq.

Secretary of the Interior

Date Signed: NOV 2 9 2000

Date Filed: DEC 7 2000

2002

CHARTER EXXON VALDEZ OIL SPILL PUBLIC ADVISORY COMMITTEE

1 Official Designation Exvoir Valdez Oil Spill Public Advisory Committee

2. Objectives and Scope In accordance with and pursuant to Paragraph V A 4 of the Memorandum of Agreement and Consent Decree entered into by the United States of America, through the Department of Justice, and the State of Alaska, through the Attorney General, on August 27, 1991 and approved by the United States District Court for the District of Alaska in settlement of United States of America v. State of Alaska, Civil Action No. A91-081 CV, hereinafter referred to as the MOA, the Public Advisory Committee shall advise the Trustees (State of Alaska Department of Law, State of Alaska Department of Fish and Game, State of Alaska Department of Environmental Conservation, U.S. Department of Agriculture, the National Oceanic and Atmospheric Administration of the U.S. Department of Commerce, and the U.S. Department of the Interior) through the Trustee Council with respect to the following matters:

> All decisions relating to injury assessment, restoration activities. or other use of natural resource damage recoveries obtained by the Governments, including all decisions regarding:

- Planning, evaluation, and allocation of available a. funds;
- Ъ. Planning, evaluation, and conduct of injury assessments and restoration activities:
- Planning, evaluation, and conduct of long-term c. monitoring and research activities;
- Coordination of a, b, and c. d.

Period of Time Necessary for the Committee Activities: By order of the District Court 3. for the District of Alaska, the Public Advisory Committee is to advise the Trustees, appointed to administer the fund established in settlement of United States v. Exxon Corporation, Civil Action No. A91-082, and State of Alaska v. Exxon Corporation, Civil Action No. A91-083, both in the United States District Court for the District of Alaska, in all matters described in Paragraph V.A.1 of the MOA referenced above. Final payment into the fund was September 1, 2001 A four-year period allowing the opportunity for the Trustees to reopen the agreement to possibly receive additional compensation for injuries begins October 1, 2002, and ends September 30, 2006. It is expected that the need for the Public Advisory Committee will continue until at least September 30, 2006. Extension of the Committee beyond such date is subject to the unanimous written consent of the designated trustees.

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- 4. Official to Whom the Public Advisory Committee Reports The Public Advisory Committee shall report to the Evron Valdez Settlement Trustee Council through the Chair of the Public Advisory Committee at Trustee Council meetings. Other members of the Committee may report with the Chair, as appropriate. The Trustee Council's regular agenda shall include a period during which the Public Advisory Committee representative(s) may report on its activities, ask questions of the Trustee Council, and be available for questioning by the Trustee Council. The U.S. Department of the Interior is the designated Federal agency to which the Public Advisory Committee reports to ensure compliance with the Federal Advisory Committee Act, including the responsibility of ensuring the necessary support for the Public Advisory Committee. The Designated Federal Officer is the Alaska Office of Environmental Policy and Compliance's Regional Environmental Assistant, or his/her designee.
- 5. <u>Administrative Support</u>: Administrative support for the Public Advisory Committee shall be provided by the Trustee Council's Executive Director. The Executive Director shall prepare an annual budget for the Public Advisory Committee. The budget shall provide the Public Advisory Committee such funds as the Trustee Council deems appropriate for administrative support for the Public Advisory Committee, from the *Exxon Valdez* Oil Spill Investment Fund established as a result of the settlement of <u>United States v. Exxon Corporation</u> and <u>State of Alaska v. Exxon Corporation</u>. The estimated annual operating cost for the Public Advisory Committee is \$55,000.00, including an estimated .5 staff years.
- 6. <u>Public Advisory Committee Membership, Selection, and Service</u>: The Public Advisory Committee shall consist of 20 members, including a Chair and Vice-Chair. At least one member will be appointed to represent one of each of the 14 interests identified below, but no more than three members shall be appointed for any given interest.
 - a. Qualifications for Service Representatives 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, roughly the northern Gulf of Alaska, or by demonstrated expertise in public lands and resource management or research as it relates to restoration, as applicable. Members shall be appointed to represent a balanced representation of the following interests/qualifications that are prevalent in the affected area:
 - (1) aquaculture and mariculture: organizations and individuals involved in these industries, including fish hatcheries and oyster/shellfish farming, etc.
 - (2) commercial fishing: organizations and individuals involved in commercially fishing for salmon, halibut, herring, shellfish and bottom fish; including boat captains and crews, cannery owners/operators, and fish buyers, etc.
 - (3) commercial tourism: organizations and individuals involved in promoting or providing commercial travel or recreational opportunities, including charter boating,

guiding services, visitor associations, boat/kayak rental companies, etc.

- (4) recreation users: organizations and individuals involved in the broad spectrum of recreation activities that occur within the area, including kayaking, power boating, sailing, sightseeing, etc.
- (5) conservation and environmental organizations and individuals interested in the wise use and protection of natural resources.
- (6) local government: representatives of the incorporated cities and boroughs in the affected area.
- (7) Native landowner: representatives of the regional or village corporations established by the Alaska Native Claims Settlement Act in the affected area.
- (8) tribal government: representatives of federally-recognized tribes in the affected area.
- (9) science/technical: organizations, institutions, and individuals involved in, or with expertise in, scientific and research aspects of the affected area/resources and/or the effects of the oil spill and/or the technical application of scientific information.
- (10) sport hunting and fishing: organizations and individuals involved in hunting and/or fishing for pleasure.
- (11) subsistence: individuals who customarily and traditionally use wild renewable resources for direct personal or family consumption as food, shelter, fuel, clothing, tools or transportation; for the making and selling of handicraft articles; and for customary trade.
- (12) marine transportation: organizations and individuals involved in transport of goods and services in marine waters, including piloting, tug operations, barge operations, oil tankers and pipelines, shipping companies, etc.
- (13) regional monitoring programs: organizations and individuals involved in monitoring and reporting on environmental conditions in the affected area, including monitoring for pollution and the status of biological resources, etc.

(14) public-at-large individuals who meet the general qualifications in paragraph 6.a, and may or may not meet additional interest qualifications.

- b Nomination and Selection Nominations for membership may be submitted by any source. The Science and Technical Advisory Committee shall nominate at least one, but not more than three, members to represent science/technical interests. From these nominations the Trustee Council will recommend membership to the Trustees, and following selection by the Trustees, the Secretary of the Interior appoints those selected by the Trustees.
- c. Minimum Term Each member may serve two years from the date of appointment. Members are eligible for renomination and reappointment at the close of their terms. With consent of the Trustees, the Secretary of the Interior may remove a member or officer of the Public Advisory Committee.
- d. Officers The Public Advisory Committee shall have a Chair and a Vice-Chair elected by the membership.

e. ETHICS RESPONSIBILITIES OF MEMBERS

A member may not participate in matters that will directly affect, or appear to affect, the financial interests of the member or the member's family or minor children, unless authorized by the Designated Federal Officer. Compensation from employment does not constitute a financial interest of the member so long as the matter before the Public Advisory Committee will not have a special or distinct effect on the member or the member's employer, other than as part of a class. The provisions of this paragraph do not affect any other statutory or regulatory obligations to which a member may be subject.

- 7. Expenses: Travel, per diem, and administrative support shall be borne by the Trustee Council using funds from the Exxon Valdez Oil Spill Investment Fund established in settlement of United States v. Exxon Corporation and State of Alaska v. Exxon Corporation. While away from home or regular place of business in performance of business of the Public Advisory Committee, members shall receive travel expenses, including per diem in lieu of subsistence, at the applicable government rate. Members will not receive compensation for their time spent on Public Advisory Committee business.
- 8. <u>Public Advisory Committee Meetings and Records</u>: The Public Advisory Committee shall meet no less than two times per year.
 - a. All Public Advisory Committee meetings will be open to the public. Any member of the public is permitted to file a written statement with the Public Advisory Committee and any member

of the public may speak at a Public Advisory Committee meeting

- b. Detailed minutes of all meetings, including the time, date and place of the meeting, names of the Public Advisory Committee members and other staff of the Trustee Council present, names of the public who presented oral or written statements, an estimate of the number of other public present, an accurate description of each matter discussed and each matter resolved, if any, by the Public Advisory Committee, shall be prepared and made available to the public through the Executive Director. The Chair shall certify to the accuracy of all minutes of the Public Advisory Committee.
- c. Meetings of the Public Advisory Committee shall be held at a reasonable time and in a place reasonably accessible to the public. Notice of meetings shall be published in accordance with AS 44.62.310(e), AS 44.62.175 and 41 CFR 102-3.150.
- d. All accounts and records of the activities and transactions of the Public Advisory Committee shall be kept and maintained by the Staff of the Executive Director and, subject to the provisions of 5 U.S.C. section 552, such accounts and records shall be available for public inspection at the offices of the Executive Director.
- e. All rules and procedures governing the proceedings of the Public Advisory Committee must be approved by the Trustee Council.
- 9. Administrative Authority: The Public Advisory Committee functions are advisory only, and its officers shall have no administrative authority by virtue of their membership. The Trustee Council, through the Executive Director, shall procure all needed space, supplies, equipment, and support for the Public Advisory Committee.
- 10. <u>Termination Date</u>: The Federal Advisory Committee Act, as amended (5 U.S.C. App. 2), requires that the Public Advisory Committee shall terminate two years from the date of filing of this Charter unless the Committee is renewed before that date in accordance with the requirements of that Act.
- 11. <u>Authority</u>: This Public Advisory Committee is established as mandated by Paragraph V.A.4 of the MOA and shall be located in Alaska. Additional authority for its creation is found in the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended, 42 U.S.C. subsection 9601 et seq.

Secretary of the Int	terior
Date Signed:	
Date Filed:	

Copper River Nouveau

Saturday, June 12, 2004

Orca Adventure Lodge Cordova, Alaska

Benefiting the
Prince William Sound Science Center

Honorary Host US Senator Lísa Murkowskí

Gourmet Dinner prepared by Visiting Chefs Van Hale and Jack Amon, Marx Brothers Café' Anchorage Cooking class Saturday afternoon



First

Southwest Crabcake with Chipoltle Aioli and orange Jicama Slaw *Trimbach Pinot Gris, 2001*

Second

Russian Fish Chowder

Halibut, scallop and crab in a rich tomato broth
with leeks olives and capers, garnished with caviar

Geyser Peak Sauvignon Blanc, 2003

Third

Copper River Sockeye Gravlax
with mesclun greens, lemon dill vinaigrette, pickled red onion
Chateau St. Michelle Gewurztraminer, 2002

Entree

Filet of Copper River King Salmon
Pepper crusted, on king crab infused mashed Yukon gold potatoes,
with shellfish essence and foie gras-tarragon butter

Mirassou Pinot Noir. 2002

Dessert

Raspberry Almond Bread Pudding
With Frangelica Crème Anglaise and warm berry compote

Dows Boardroom Port

Copper River Nouveau is more than a wildly exciting gourmet seafood dinner with wine and entertainment, right here in Cordova. This event is a delightful opportunity to support the Prince William Sound Science Center. The Science Center is a non profit research and education facility dedicated to the understanding and monitoring of the sound, the Copper River Delta and the Gulf of Alaska. The Center employs oceanographers, fishery biologists, geochemists and ecologists among its research staff. Education programs include K-12 science enrichment with the Discovery Room, community education, summer

Advance tickets are necessary Come by or call the Science Center to purchase yours. Thank you!

camp, and outreach instruction to

Tatitlek and Chenega Bay.



Sunday June 13, at Hollis Henrichs Park
The Prince William Sound Science Center
Board of Directors sponsors a community
salmon barbeque, free and open to all.



P.O. Box 705 Cordova, AK 99574 (907) 424-5800 nancyd@pwssc.gen.ak.us



Copper River Wild Salmon Festival weekend June 11-13, 2004 - Schedule of events

Featuring the

COPPER RIVER NOUVEAU 2004

Gourmet feast prepared by Jack Amon and Van Hale, of Anchorage's Marx Brothers Café!

Celebrating marine science, Cordova and world famous wild Copper River Salmon!

Proceeds support the Prince William Sound Science Center.

Honorary Host: US Senator Lisa Murkowski

Friday, June 11, 2004

7 - 11 pm	Salmon Jam Music Festival	Henrichs Park
· ·	featuring the Domino Kings at 8pm	next to the hospital
	More info: (907) 835-5080	

Saturday, June 12, 2004

Morning	Alaska Salmon Runs (Marathon, 10K, 5K, 1K)	Finish line is at Hollis Henrichs Park,
	More info: (907) 424-3500 Optional activities: kayaking, fishing, rafting, sightseeing, cannery tour More info: (907) 424-5800, 424-7260	7am King Marathon 9am Sockeye ½Marathon 10-10:30 Coho, Humpy & Chum runs
Noon - 1 pm	Science Center Open House More info: (907) 424-5800	PWS Science Center Cordova Harbor
4-8 pm	Salmon Jam Music Festival, featuring local and regional jam sessions	Hollis Henrichs Park
5:30 - 6:30 pm	Copper River Nouveau Opening Reception* hosted by the Prince William Sound Science Center	PWS Science Center ticket or invitation required
7 pm	Copper River Nouveau 2004 Gourmet 5-course Dinner* featuring Copper River Wild Salmon!!!	Orca Adventure Lodge Advance tickets required You won't want to miss Jack and Van's feast!!!
8 pm - 10 pm	Salmon Jam Music Festival Domino Kings	Hollis Henrichs Park

Sunday, June 13, 2004

Noon - 2 pm	PWSSC Community Seafood	Hollis Henrichs Park
	Barbecue, hosted by	Open to EVERYONE
	PWSSC Board of Directors	

Motion to approve amending the EVOS Policies and Procedures to include a paragraph regarding a non-distribution agreement under Proposal Solicitation and Review.

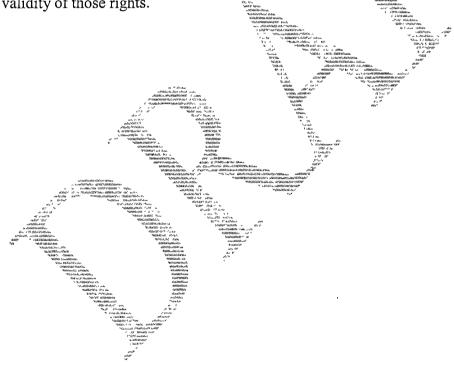
Addition to EVOS Policies and Procedures

II. General Operating Procedures, page II-3

PROPOSAL SOLICIATION AND REVIEW

2. Review. Proposals received....

A. Non-distribution Agreement. Project proposals received in response to the *Invitation for Proposals* each year are closely held within the review process until Trustee Council approval is complete, at which time funded proposals are released to the public. The Scientific and Technical Advisory Committee (STAC) reviews the project proposals and makes recommendations to the Executive Director as a part of the funding process. Members of the Public Advisory Committee (PAC) and other Trustee Council designees may also be asked to review the project proposals. A non-distribution agreement will be signed by each reviewer stating that they will not provide the project proposal to anyone else. The agreement does not preclude the reviewer from discussing the project proposal with an individual or group for clarification. The test of compliance with the request is whether or not the reviewer gives a copy, paper or electronic, to another individual or group. The spirit of the non-distribution agreement is to protect the intellectual property rights of the proposer without debating the extent or validity of those rights.



MEMORANDUM

State of Alaska

Department of Environmental Conservation
Office of the Commissioner

TO EVOS Trustee Council Members

DATE April 26, 2004

PHONE NO 465-5065

Wheh. Ballard

FROM. Ernesta Ballard

Commissioner

SUBJECT

EVOS Community Involvement

I found that in reading the many different EVOS documents there were many references to public and community participation. In order to make better sense of the commitments we have made I prepared the attached matrix.

The matrix presents the source document and specific reference for the major types of public and community involvement. I drafted a narrative standard by which we might determine success in each type of community involvement. Finally, I suggested some questions we might address in evaluating our success in each area. I left blank two columns that might be used to describe corrective actions we could take, and the expected benefits to the community.

There is a clear pattern to the evolution of our commitment to community involvement. In the early years we focused on the conventional activities: advice, review and structured participation (PAC). In the late 90's, when the Council was considering the development of a long range research program in lieu of continued restoration, the concept of community stewardship was emphasized with awareness, education, field projects and solicitation of traditional ecological knowledge. The GEM program added yet another dimension to community involvement, challenging the scientific community to involve those with personal and historical knowledge to formulate research questions. Finally, the congressional act that allowed the Council to move funds from the federal to state treasury for management added the concept of community economic development to this growing list of definitions of community involvement.

It is important that we are clear which aspect of community involvement we are addressing. When we say that all proposals in the GEM program are expected to have a community involvement component, do we mean community involvement in the sense of information exchange, stewardship and field work, research question formulation, or economic development? If we evaluate our performance in community involvement, which element are we evaluating?

Perhaps you will find the matrix helpful in gaining a better understanding of the many commitments we have made, and how our direction in community involvement has changed. I believe we would benefit from completing the matrix with edits from those with more experience, and a group evaluation of our performance to date. We would then be able to set goals for corrective action where indicated and be more clear what benefits we intend to deliver with our community involvement program.

cc: Gail Phillips, Executive Director, EVOSTC

Attachment: EVOS Community Involvement Matrix

#4 *#4	Type of Participation	Source Document	Reference	Narrative Standard Describing Acceptable Performance	Prelim Evaluation	Corrective Action	Benefits to Community
1	Public Advisory Committee		"the Trustees shall agree to an organizational structure for decisionmaking under this MOA and shall establish procedures providing for meainingful public participation to the injury assessment and restoration process, which shall include establishment of a public advisory group to advise the Trustees with respect to the matters described in paragraph V.A.1."	decisions relating to injury assessment and restoration.	Does the PAC have a history of providing input into the Council? What is the composition, continuity, and selection process of the PAC? Is it representative or an institution of its own? Has turnover unduly impacted PAC's effectiveness?		
2		Settlement	(b) for meaningful public participation, including the receipt of advice by the Council of advice from the public advisory group on behalf of the Trustees."	Standards and procedures are established to provide for the exchange of advice from the PAC.	Do procedures work?		
3	and comment	General	Proposal solicitation and review. Prior to Trustee Council action, a reasonable period of time shall be provided for the public to review and comment on project proposals.	Fulfills restoration plan obligation for public review and comment.	See above. Public review/comment = involvement?		

	Type of	Source	Reference	Narrative Standard	Prelim Evaluation	Corrective	Benefits to
#	Participation	Document		Describing Acceptable Performance		Action	Community
4	Public Participation	operating procedures	process. 2. The overall procedures for the PAC are contained in a	Trustees meetings and agendas are properly noticed and records of actions are available for review.			
5	Public Participation		incorporating public preferences and information into any project is likely to improve its cost-effectiveness, take advantage of available knowledge, and help ensure that the restoration program is understood and accepted by the public."		Is public asking the questions? Is participation meaningful if no one takes advantage of the opportunity?		
6	Public review, partcipation resulting in ownership, public participation by way of comments, education.	Plan		Public reviews, comments and participates in restoration activities. There is broadbased support for the restoration program.	Does public review equal public involvement? What has the Council done to measure "public acceptance"?		

#	Type of Participation	Source Document	Reference	Narrative Standard Describing Acceptable Performance	Prelim Evaluation	Corrective Action	Benefits to Community
7	based	Resolution	"remaining balance of funds managed so that work plans includekinds of community-based restoration efforts such as subsistence restoration, Traditional Ecological Knowledge, Youth Area Watch, cooperative management, and local stewardship efforts, as well as local community participation in ongoing research efforts."	raising stewardship.	What is the relationship of stewardship to restoration? How should the council budget funds for stewardship vs. research?		
8	Meeting	1	"Whereas, the Trustee Council has sponsored an extensive public involvement process to provide opportunity for comment on possible future uses of the restoration reserve including public meetings in communities throughout the spill impact region and also in Anchorage, Fairbanks, and Juneau."	Each community has an opportunity to make recommendations to the Trustees on how to use the restoration reserve to best advantage in their community.	Trustees obtain 2,500 public comments; what is done with information?		
9	1	Act of Congress	community and ecological restoration projects and facilities (including projects proposed by the communities of the EVOS	Restoration and facilities projects promote the economic development of the impacted regions.			
9		2002 July GEM Program Document	"Conducting two workshops to develop tribal management programs and bringing several scientists to spill area communities to share information."	Research results are shared with tribes to develop proposals for restoration activities.	Did the workshops happen? Is the research shared with tribes in a way that is meaingful to their communities?		

#	Type of Participation	Source Document	Reference	Narrative Standard Describing Acceptable Performance	Prelim Evaluation	Corrective Action	Benefits to Community
10	Ask questions, incorporate Traditional Ecological Knowledge (TEK)	1 -	major strategies: incorporating community involvement and traditional knowledge and focusing on resource management applications. Communities and stakeholders must be involved in	Community residents with personal knowledge of natural cycles, patterns, wildlife, and their trends participate in developing research questions.	Council developed TEK protocols, handbook and reference guide for biologists. Contracted with TEK expert to work directly with elders, hunters, scientists.		
11	Inform	2002 July GEM Program Document	"Inform: Provide integrated and synthesized information to the public, resource managers, industry and policy makers in order for them to respond to changes in natural resources."	Decisions about resource management are informed by EVOS actions.			
12	Community involvement plan (Chugach Regional Resources Commission) long term project	2002, July GEM Program Document	"Increase meaningful involvement of spill area communities in restoration efforts/process. Provide information. Improve communication of findings and results. Promote the inclusion of community-based projects, as well as community involvement in science projects throughout the life of the restoration effort. Work with the formation of local natural resource management programs, and develop a means to compile and utilize western science and traditional wisdom in a cooperative manner to further restoration process"	See #7, 11 and 13.	Youth Area Watch; volunteer monitoring, observation; memberships on committees; shoreline mapping, TEK handbook and reference guide; surf scoter study; TEK videos, interviews.		
13			"the Trustee Council believes that the program must be justified on what it can teach policy makers, resource managers, and the public about options for directing human behavior to achieve the GEM mission 'to sustain a healthy and biologically diverse marine ecosystem and the human use of the marine resources in that ecosystem."	Human behavior is directed to achieve GEM mission of healthy and biologically diverse marine ecosystem.	Videos about TEK and subsistence are developed to be distributed to all Alaska schools. This is a very lofty goal and probably impossible to achieve.		

#	Type of Participation	Source Document	Reference	Narrative Standard Describing Acceptable	Prelim Evaluation	Corrective Action	Benefits to Community
14	Research	2002, July GEM Program Document	The GEM Program will use the tools of gap analysis, synthesis, and modeling to develop a series of initial research questions and to continually refine and implement GEM's long-term core monitoring program.	Performance Research that is developed is relevant to both ecological and community needs.			
15		2002, July GEM Program Document	"Involve other government agencies, non-governmental organizations, stakeholders, policy makers, and the general public in a collaborative process to achieve the mission and goals of GEM."	Collaborations are developed that provide scientific knowledge as well as community education and local support of science.			
16	Stewardship	2002, July GEM Program Document	"Work with the formation of local natural resource management programs that will focus on the stewardship and management of injured resources and lands. Increase community involvement and local and traditional knowledge in order to enhance the long-term stewardship of living marine resources."	well as community involvement in science projects are included	Involvement generally blend of employment opportunities and peripheral advisory roles.		
17	PAC	Charter (Renewed) to	(20 members, at least one member representing each of following interests: aquaculture and mariculture, commercial fishing, commercial tourism, recreation users, conservation and environment, native landowner, tribal govt., science/technical, sport hunting/fishing, subsistence, marine transportation, regional monitoring programs, public at-large.) Minimum 2 year terms; eligible for reappointment or renomination.	for the Council's consideration as it evaluates, develops, and		FY 2002-03 Trustee Commitment includes expanding the PAC to allow greater stakeholder and community participation.	

5

#	Type of Participation	Source Document	Reference	Narrative Standard Describing Acceptable Performance	Prelim Evaluation	Corrective Action	Benefits to Community
18	Workshop	Trustee	The Trustee Council plays an important role, often through the use of workshops or reports, in bringing together federal and state agencies, NGOs, academics, and stakeholders to share information and develop recommendations for action."	nared and recommendations r action are followed through.	500 attend in 2003; conduct two workshops to develop tribal management programs and sharing of information with scientists; fund elders and youth conferences in 1995, 1998; shoreline mapping workshop in 2003; Remote Sensing 2003.		

Exxon Valdez Oil Spill Trustee Council

441 W. 5" Ave., Suite 500 • Anchorage, Alaska 99501-2340 • 907/278-8012 • fax 907/276-7178



MEMORANDUM

TO: Exxon Valdez Oil Spill Public

Advisory Committee Members

FROM: Gail Phillips

Executive Director

DATE: April 5, 2004

RE: Trustee Council Role

in Assertion of Reopener

Claim

You have asked about the role, if any, of the Public Advisory Committee (PAC) with respect to the Reopener For Unknown Injury (Reopener Provision) is contained in the Agreements and Consent Decrees between the governments and Exxon Corporation. The answer is clear. The authority to decide whether and when to utilize the Reopener Provision to seek additional natural resource damages from Exxon resides in the United States and the State of Alaska. Neither the Trustee Council nor the PAC has any role in this decision.

Naturally, the governments' decision would likely rely on work that the Trustee Council has undertaken, with the advice of the PAC, particularly with respect to proof of injury and development of projects to address that injury. However, the Trustee Council itself has no direct role in deciding whether the governments should demand additional monies from Exxon pursuant to the Reopener. Rather, its role is limited to decisions concerning the use of natural resource damages that the governments have already obtained. By extension, the authority of the PAC, a non-governmental group organized to provide public input into the decisions of the Trustee Council, does not extend to the Reopener decision.

If the governments invoke the Reopener and receive additional monies from Exxon to undertake restoration projects, then the projects will certainly be managed through the Trustee Council. However, because the nature of the Reopener is that restoration projects are determined in advance, there will be relatively few implementation decisions that would need to be made by the Trustee Council and thus reviewed by the PAC.

I hope this answers any questions you have about the role of the PAC with respect to the pursuit of additional natural resource damages from Exxon. Please feel free to contact me if you have any additional questions.

Thank you.

Cc: Trustee Council members