

11.20.03

*Exxon Valdez* Oil Spill Trustee Council

teleconference

March 9, 2009

AGENDA

11.20.03

DRAFT 3/5/09

## Exxon Valdez Oil Spill Trustee Council

441 W. 5<sup>th</sup> Ave., Suite 500 • Anchorage, AK 99501-2340 • 907 278 8012 • fax 907 276 7178



### AGENDA

#### EXXON VALDEZ OIL SPILL TRUSTEE COUNCIL

March 9, 2009, 9:30 a.m. – 12:30 p.m.

Anchorage, Alaska

#### Trustee Council Members:

RICHARD A. SVOBODNY

Acting Attorney General  
Alaska Department of Law

LARRY HARTIG

Commissioner  
Alaska Department of  
Environmental Conservation

DENBY S. LLOYD

Commissioner  
Alaska Department of Fish and Game

CRAIG O'CONNOR

Special Counsel  
National Oceanic & Atmospheric  
Administration  
U.S. Department of Commerce

ROWAN GOULD

Acting Director  
Fish and Wildlife Service  
U.S. Department of the Interior

JOE MEADE

Forest Supervisor  
Forest Service  
U.S. Department of Agriculture

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Meeting in Anchorage, Trustee Council Office 441 West 5<sup>th</sup> Avenue, Suite 500

Teleconference number: 800.315.6338. Code: 8205

**Federal Chair:** Craig O'Connor

1. Call to Order – 9:30 a.m.

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#### Federal Trustees

U.S. Department of the Interior  
U.S. Department of Agriculture  
National Oceanic and Atmospheric Administration

#### State Trustees

Alaska Department of Fish and Game  
Alaska Department of Environmental Conservation  
Alaska Department of Law

## DRAFT 3/5/09

2. Consent Agenda
  - Approval of Agenda\*
  - Approval of Meeting Notes\*January 16, 2009
3. Public Advisory Committee comments Stacy Studebaker  
PAC Chair
4. Public comment – 9:40 a.m. (3 minutes per person)
5. Executive Director's Report Jennifer Schorr  
Interim Deputy Executive Director
  - Investment Working Group
  - Tardy Deliverables Update
6. 20<sup>th</sup> Anniversary Update Rebecca Talbott  
Communications
  - Exhibit Update and Proposal\*
  - Anniversary Events
  - 2009 Annual Status Report update
7. Executive Session – personnel issues

Adjourn – 12:30 p.m.

\* Indicates action items

TC MTG NOTES

DRAFT 3/4/09

# Exxon Valdez Oil Spill Trustee Council

441 W. 5<sup>th</sup> Ave., Suite 500 • Anchorage, AK 99501-2340 • 907 278 8012 • fax 907 276 7178



## TRUSTEE COUNCIL MEETING NOTES

Anchorage, Alaska

January 16, 2009

Chaired by: Denby S. Lloyd  
Trustee Council Member

Trustee Council Members Present:

Steve Zemke, USFS\*  
Randall Luthi, USMMS\*\*  
Craig O'Connor, NOAA \*\*\*

Talis Colberg, ADOL \*\*\*\*  
•Denby S. Lloyd, ADF&G  
Larry Hartig, ADEC

- Chair
- \* Steve Zemke alternate for Joe Meade
- \*\* Hans Neidig alternate for Randall Luthi
- \*\*\* Craig O'Connor alternate for James Balsiger
- \*\*\*\* Craig Tillery participating 9:45 a.m.-12:05 p.m. as alternate for Talis Colberg

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The meeting convened at 8:30 a.m., January 16, 2009 in Anchorage at the EVOS Conference Room.

### 1. Approval of the Agenda

APPROVED MOTION: Motion to approve the January 16, 2009 draft agenda

Motion by Hartig, second by O'Connor

### 2. Approval of September 29, 2008 meeting notes

APPROVED MOTION: Motion to approve the September 29, 2008 meeting notes

Motion by Colberg, second by Hartig

3. Asset Allocation

APPROVED MOTION: Motion to approve the asset allocation as outlined in Resolution 09-01

Motion by Zemke, second by Neidig

Public comment period began at 9:05 a.m.

**Three public comments were received.**

Public comment closed at 9:15 a.m.

**Public Advisory Committee (PAC) comments: in lieu of the PAC Chair (not yet elected), Doug Mutter, USDOl Federal Designated Officer presented a summary of the January 9, 2009 PAC teleconference meeting**

4. 20<sup>th</sup> Anniversary

APPROVED MOTION: Motion to approve the budget of \$15,515 to be used as indicated in the "The 20<sup>th</sup> Anniversary of the *Exxon Valdez* Oil Spill at the new Education Center at the Alaska Zoo, Anchorage" support paper and budget table, as outlined in Resolution 09-02

Motion by O'Connor, second by Hartig

5. Policies and Procedures

APPROVED MOTION: Motion to approve the revision to the EVOS Procedures for the Preparation and Distribution of Reports and revision to the Financial Procedures allowing for 10% of project funding to be withheld pending receipt of final deliverables. For multi-year projects, the 10% withholding will apply to the final year of the funding

Motion by O'Connor, second by Hartig

Off the record: 10:02 a.m.

On the record: 10:17 a.m.

6. Herring Steering Committee

APPROVED MOTION: Motion to approve the following Herring Steering Committee members: Doug Hay, Evelyn Brown, Gary Fandrei, Paul Hershberger, Rob Campbell, Ross Mullins, Jeep Rice, Steve Moffitt, Vince Patrick, and Scott Pegau, authorizing the expenditure of up to \$7,500 per individual for their participation on the herring steering committee during FY 09

Motion by O'Connor, second by Zemke

7. Integrated Herring Restoration Plan

APPROVED MOTION: Motion to request staff with other appropriate entities develop an appropriate solicitation for February's presentation that will focus on the most pivotal studies that need to be done to further inform our decision in the development of a herring plan with an annual spending goal of three million dollars for the first year and up to four million dollars in subsequent years

Motion by O'Connor second by Neidig

8. FY 2010 Invitation for Proposals

APPROVED MOTION: Motion to approve the FY 2010 Invitation for Proposals for distribution

Motion by Colberg, second by Hartig

Adjourn

Motion to adjourn



Motion by Neidig, second by Hartig

Adjourned at 12:17 p.m.

PAC MTG SUM

## Meeting Summary     D R A F T

**A. GROUP:**            *Exxon Valdez* Oil Spill (EVOS) Public Advisory Committee (PAC)

**B. DATE/TIME:**     February 4, 2009

**C. LOCATION:**     Anchorage, Alaska

**D. MEMBERS IN ATTENDANCE:** (T = via teleconference)

<u>Name</u>	<u>Principal Interest</u>
Torie Baker	Marine Transportation
Jason Brune	Public-at-Large
Gary Fandrei	Aquaculture/Mariculture
Jennifer Gibbins	Conservation/Environmental
John French	Regional Monitoring
Amanda Bauer	Commercial Tourism
Stacy Studebaker	Recreation Users
Bill Rosetti	Science/Technical
Patience Andersen Faulkner	Subsistence
Larry Evanoff	Native Landowners

**E. NOT PRESENT:**

<u>Name</u>	<u>Principal Interest</u>
Kurt Eilo	Sport Hunting/Fishing
Sue Johnson	Tribal Government
JoAnn Wright	Public-at-Large
Vacant	Commercial Fishing
Vacant	Local Government

**F. OTHER PARTICIPANTS:**

<u>Name</u>	<u>Organization</u>
Elise Hsieh	Interim Executive Director, Trustee Council
Jen Schorr	Interim Deputy Executive Director, Trustee Council
Doug Mutter	Designated Federal Official, U.S. Dept. of the Interior
Cherri Womac	Trustee Council Staff
Catherine Boerner	Trustee Council Staff
Rebecca Talbot	Trustee Council Staff
Brendan McGee	Trustee Council Staff
Barat LaPorte (T)	Patton Boggs
Steve Zemke	U.S. Forest Service
Nancy Bird	Prince William Sound Science Center
Mike Krause	Portland State University
Dede Bohn (T)	U.S. Geological Survey
Pete Hagan	National Oceanic and Atmospheric Administration

## G. SUMMARY:

At 2:05 p.m. Doug Mutter, Designated Federal Official, opened the session with a welcome and introductions by all in attendance. Mutter took roll call and confirmed that a quorum was present. He explained the duties of the PAC Chair and Vice-chair elected positions as: chairing the PAC meetings in a fair and impartial manner, representing the PAC in media contacts, and reporting PAC recommendations and viewpoints at Trustee Council meetings. The floor was opened for nominations. **Stacy Studebaker was elected unanimously as PAC Chair. Gary Fandrei was elected unanimously as PAC Vice-chair.**

Studebaker stated that the PAC members should remember that their role is as advisor to the Trustee Council. PAC membership requires a fair amount of reading of documents. She encouraged PAC members to speak up on topics. Torie Baker noted that the PAC did not always have to arrive at a consensus position on issues and that the presentation to the Trustee Council of differing viewpoints was useful and desired.

The January 9, 2009, PAC meeting summary was approved.

Elise Hsieh welcomed PAC members and provided a brief Executive Director's report, noting upcoming events. She said the PAC field trip will be in late May, hopefully to Knight Island to view residual oil. The Trustee Council will host, around the March 24<sup>th</sup> anniversary of the spill, public and classroom sessions at the Anchorage Zoo. At the recent Marine Science Symposium, Craig O'Connor, NOAA Trustee representative, gave a keynote address and several EVOS-funded Principal Investigators gave presentations on injured resources. She said that there have been Trustee Council-sponsored sessions at the Alaska Forum on the Environment, including a keynote address by Craig Tillery, ADOL Trustee representative. An anniversary report will be published in March, and will be available on the EVOS Trustee Council web site. Jason Brune inquired about who was on the distribution list for the report. Rebecca Talbot listed several large groups, including some libraries and museums. The group viewed a 13-minute draft video being prepared for the anniversary. It should be final by March and available for others to use. The reaction was positive, with comments suggesting leaving commentary on the reopener in, showing a different type of beach where there was lingering oil, and ending in an upbeat note on the beauty of the sound.

Brune asked if there would be any opportunity for public comment on the reopener question. Mutter replied that it was up to the State of Alaska Attorney General and the U.S. Department of Justice, but that the EVOS Trustee Council had no role in the process, and therefore neither did the PAC. Brune also commented that it was unfortunate that the PAC had little to say about the decision in where to go for the upcoming field trip.

The meeting was opened for public comment:

Nancy Bird offered comments, praising the short video, but noting that it missed the point on long-term impacts of the herring loss to the communities of the Sound. She estimated a \$100 million per year loss due to the fishery closure after the spill. She said the Oil Spill Recovery Institute was preparing a brochure related to the spill and its aftermath, for distribution in mid-March. She recommended the FY 2010 invitation for Proposals be crafted to allow proposals on the use of acoustic tags for tracking herring movements.

Catherine Boerner distributed a draft of the herring section of the FY 2010 Invitation for Proposals. This follows the draft Integrated Herring Restoration Plan. Initial projects are to gather information for use in the remainder of the restoration work. The Trustee Council approved the remaining sections of the Invitation. The estimated budget for projects is \$2-3 million. This will go to the Trustee Council next week and should be issued in late February. Fandrei noted that he had given Boerner a suggestion to meet with local communities and Principal Investigators to discuss projects. Baker said she supported Nancy Bird's recommendation to include acoustic studies of herring. Boerner said she would add a trip for Principal Investigators to make presentations at a Herring Steering Committee meeting. She also said further work would be done on designing community involvement in projects. John French supports improvements over the past SEA program in integrating reports and findings. Jason Brune asked how soon the Herring Coordinator would be hired. Boerner said not until later.

Cherri Womac provided an overview of the PAC Orientation Binder. She reviewed travel cost reimbursement rules and procedures. Womac is the contact for assistance with any travel arrangements or problems. She went over the on-line calendar of events—to post activities contact [brendan.mcgee@alaska.gov](mailto:brendan.mcgee@alaska.gov). She said the hiring process for the new Executive Director was still underway, and she was not sure of the impact, if any, of the State hiring freeze.

Mutter reviewed the role of the PAC in advising the Trustee Council, the PAC charter, and various elements of the Federal Advisory Committee Act, which the PAC operates under.

The proposed PAC field trip was discussed. The proposal is to depart from Whittier and visit Knight Island and a beach with lingering oil, and return in one day. Other EVOS-supported activities in the area would be discussed by a scientist traveling with the group. Studebaker noted that there had been no field trip the last 3 years, and that such a site visit was useful in educating PAC members. Fandrei and Brune emphasized the desire to see and hear about other restoration work, not just lingering oil. Brune said he was frustrated that all the work that went into a Valdez trip last year came to nothing. He further suggested the Trustee Council be invited on the trip and that a community visit be included. Fandrei suggested, if the time is right, to examine herring spawning areas. The group discussed getting a vessel to do the tour; Amanda Bauer said she works with Stan Stephens Cruises and may be able to help.

Studebaker reminded PAC members that they are invited to listen on Trustee Council meetings. They should feel free to contact her. She suggested new PAC members read the EVOS Restoration Plan. She commended Cherri Womac's work with the PAC—she is the “go to” person. The group discussed the value of meeting at the annual Marine Science Symposium or the annual Alaska Forum on the Environment. Most preferred the Forum, but meeting dates need to be coordinated with, and based upon, the need to provide advice to the Trustee Council.

The meeting was adjourned at 4:15 p.m.

#### **H. FOLLOW-UP:**

1. PAC members are to get any additional comments on the draft herring section of the Invitation to Boerner by next Wednesday, February 11, 2009.

**I. NEXT MEETINGS:**

- Trustee Council Meeting end of February
- PAC Field Trip to Prince William Sound the end of May

**J. ATTACHMENTS (handed out at the meeting):**

1. Updated PAC membership information
2. PAC Orientation Binder
3. EVOS 20-year Event Planning Calendar
4. Draft herring section for inclusion in the 2010 Invitation for Proposals

**K. CERTIFICATION:**

\_\_\_\_\_  
**PAC Chairperson**

\_\_\_\_\_  
**Date**

STACY'S COMMENT

## EVOS PAC Report by Stacy Studebaker

Good morning members of the EVOS Trustee Council,

3/9/09

The new PAC had their first face-to face meeting on February 4<sup>th</sup> in Anchorage while attending the Alaska Forum on the Environment. The PAC wants to thank the Trustee Council for making the arrangements for us to attend the first three days of the forum and the excellent workshops organized by this office pertaining to the lingering oil issues. All of the sessions I went to were well attended and the feedback from other PAC members was very positive. The EVOS TC PIs were well prepared and professional, and the technical deliveries flawless.

This is the first time that the PAC has attended the AFE in conjunction with their beginning of the year meeting. We usually attend the Alaska Marine Symposium but because of the 20<sup>th</sup> Anniversary events planned at the AFE, we attended it instead. Most agreed it was a nice change and opportunity to get educated on many different environmental topics, not just marine science.

Between Cherri Womac, Doug Mutter and Craig Tillery's excellent keynote speech at the Forum, the new PAC received a good orientation to the work of the EVOS TC and their role. I've been on the PAC 13-years and have heard Mr. Tillery's EVOS speech many times but I always learn something new with each version. I hope you have a video copy of the address to the Forum because it was a comprehensive classic that should be preserved.

The highlight of the PAC meeting was the viewing of the new documentary and the following critique. The reaction was very positive. A question came up as to whether or not there should be mention of the reopener and most felt there should. Most members also wanted to see a better visual representation of the lingering oil, such as pooled up liquid oil under boulders at Knight Island, rather than Jeff Short's oiled fingers.

We are planning a fieldtrip in May to get the PAC members out into Prince William Sound to visit some of the beaches with lingering oil to see, touch and smell it first hand. I can't think of a better way to educate the PAC on the issue of lingering oil and get the word out to the general public. It was suggested to have as many Trustees accompany us as possible as well as some of the PIs to explain some of the restoration work planned for this summer. Everyone was in favor of that. There will be some good potential photo opportunities and it might also be good to invite the outreach coordinator or members of the press.

I know it is not the duty of the TC to deal with the reopener, but there are many questions about it amongst the PAC as well as the general public and it would be good for State Attorney General and the U.S. Department of Justice to provide a status update since so much effort went into pushing the issue a few years ago. Nobody has heard anything since.

The entire PAC enthusiastically supports the public outreach, communication with the public, and educational programs surrounding the 20<sup>th</sup> Anniversary of the EVOS and would like to see a continuation of this. Getting the "Blackened Waters" display updated, overhauled, and suitable for transport to various communities is a very good idea.

I especially want to thank Rebecca Talbot who has done a fantastic job and hope she could stay on permanently to continue the good work she has started. The public needs to know about all the science and restoration work that has been done and this should continue beyond the 20<sup>th</sup> Anniversary event.

I also want to thank Elise Hsieh and Jen Shore as well as Rebecca for working with me in Kodiak on our own 20<sup>th</sup> Anniversary EVOS event to bring Jeep Rice down for a presentation and provide us with a copy of the new documentary. Attached is a flyer of events planned by a number of groups in Kodiak the weekend of the 20<sup>th</sup>-21<sup>st</sup>.



Thank you,

Stacy Studebaker  
PAC Chair

# EXXON VALDEZ OIL SPILL

# 20

years later



5:00-6:00PM

6:00-7:15PM

7:15-7:30PM

7:45-9:00PM

11:00-12:00PM

7:00-8:00PM

2:00-5:00PM

## MARCH 20

Location: Kodiak College Benny Benson Rm 128-130

**Images of the Exxon Valdez Oil Spill on Kodiak Island**

Community Reception & Photo Display

Food catered by Chef Joel Chenet

**Reflections on a 20-Year Odyssey: Social Science Research on the Exxon Valdez Oil Spill**

Dr. Duane Gill, Mississippi State University

**The Legacy of the Exxon Valdez Oil Spill**  
New 12-minute documentary

**The Exxon Valdez Oil Spill: Long-term Persistence and Long-term Effects**

Dr. Stanley "Jeep" Rice, NOAA, Juneau, AK

## MARCH 21

Location: Kodiak Refuge Visitor Center

***The Spill: Personal Stories from the Exxon Valdez Disaster***

Book Release and Signing

Sharon Bushell and Stan Jones, PWSRCAC

**The Exxon Valdez and Habitat Restoration in the Kodiak Archipelago**  
Tim Richardson, American Land Conservancy

Location: Kodiak College Benny Benson Rm 128-130

**Images of the Exxon Valdez Oil Spill on Kodiak Island**

Photo Display

## SPONSORED BY

Alaska Marine Conservation Council  
Friends of the Kodiak National Wildlife Refuge  
Kodiak Audubon Society  
Kodiak College Community Engagement Committee  
Kodiak Maritime Museum  
Kodiak National Wildlife Refuge & USFWS  
Prince William Sound Regional Citizens' Advisory Council

DARK WATER  
RESO

DRAFT 3/5/09

**RESOLUTION 09-03 OF THE  
EXXON VALDEZ OIL SPILL TRUSTEE COUNCIL  
AMENDING RESOLUTION 08-13  
REGARDING RELOCATION OF THE DARKENED WATERS DISPLAY TO  
ALASKA**

WHEREAS, the *Exxon Valdez* Oil Spill Trustee Council (Trustee Council), at its June 26, 2008 meeting by Resolution 08-13 agreed to convey to the Cordova Historical Society \$15,000 for the relocation of the Darkened Waters Display from Kansas to Anchorage, and for the update of the display by February 2009 for use at various 20<sup>th</sup> Anniversary events during 2009.

WHEREAS, the \$15,000 was approved in EVOSTC project 0808100 Administrative Budget, under the Community Involvement component, and of the \$15,000, \$3,746 has been expended to fund a portion of the shipping costs to relocate the display to Alaska.

AND WHEREAS the Trustee Council has determined, and the Cordova Historical Society acknowledges, that little progress has been made in the update of the display for use by the 20<sup>th</sup> Anniversary, the Trustee Council amends resolution 08-13 and redirects the remaining \$11,254 to apply to the Trustee Council's efforts to create a display for use for the 20<sup>th</sup> Anniversary and for use in venues around Alaska.

DRAFT 3/5/09

Approved by the Trustee Council at its meeting of March 9, 2009 held in  
Anchorage, Alaska as affirmed by our signatures affixed below.

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JOE L. MEADE  
Forest Supervisor  
Forest Service Alaska Region  
U.S. Department of Agriculture

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RICHARD SVOBODNY  
Acting Attorney General  
State of Alaska

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ROWAN GOULD  
Acting Director  
Fish and Wildlife Service  
U.S. Department of Interior

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CRAIG R. O'CONNOR  
Special Counsel  
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