

13.08.01 – Reading File

September 2003

Exxon Valdez Oil Spill Trustee Council

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



September 22, 2003

Ms. Patty Brown-Schwalenberg, Executive Director
Chugach Regional Resource Commission
4201 Tudor Centre, Suite 300
Anchorage, AK 99508

Dear Ms. Brown-Schwalenberg:

Re: Your letter of September 3 regarding status of FY 2004 Proposals in the Draft Work Plan

Thanks for taking the time to come and meet here with me and Phil Mundy, and also for explaining your concerns in writing regarding the funding recommendations for your two projects in your letter of September 3.

Rest assured that neither of the decisions on these two projects has to do with lack of support on my part or that of the Trustee Council for meaningful tribal involvement in all aspects of the GEM program. The people of the tribes and villages represented by Chugach Regional Resources Commission were among those most heavily impacted by the 1989 oil spill. The Trustee Council has never forgotten this, and neither will I. As a case in point, the single most expensive project (\$298,000) that I recommended for funding in FY 2004 is a study in which you are one of the proposers, a re-survey of subsistence uses in the spill affected area. This single project represents almost 9% of the total amount we expect to spend on all projects funded under the FY 2004 Invitation. The re-survey of subsistence uses is but one example from the millions of dollars in Trustee Council projects which were the result of tribal initiatives, or in which tribal members participated, or of which tribal members in the spill affected area were the primary beneficiaries. The accomplishments of the Trustee Council in promoting meaningful tribal involvement 1994 – 2001 are detailed in GEM Appendix C, which is available for downloading from our web site, http://www.oilspill.state.ak.us/pdf/gem/Appendix_C.pdf. I believe the recommendation to defer a funding decision on the proposal entitled, *Subsistence and Stewardship Gathering: Fifteen Years after the Spill*, was appropriate because the degree to which this work would serve the interests of the Trustee Council is unclear. I agree with you completely that the tribes' decision to commemorate the 15th anniversary of the oil spill is an issue separate from the plans of the Trustee Council for the commemoration of this event. Nonetheless, the decision on how much funding, if any, the Trustee Council may wish to contribute toward this tribal event depends on the extent to which it would complement and

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enhance Trustee Council efforts. The proposal did not address this critical issue of coordination with the Council's interests. In view of the emphasis in the GEM Program on coordination, partnering, and leveraging of funding by cooperating with others, this oversight is symptomatic of a fundamental misunderstanding of GEM objectives on the part of the proposal.

The recommendation to not fund the proposal entitled, *Tribal Natural Resource Stewardship and Tribal Involvement in the GEM Program*, was motivated by my desire to re-define the means of achieving tribal involvement in the GEM Program. The need for re-definition of approaches was made clear to me by two issues that were identified in the peer review process: the tardiness of the Tribal Natural Resource Management Plans and the lack of proposals from the tribes in response to the FY 2004 Invitation.

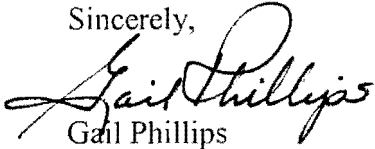
From the Trustee Council perspective, the Tribal Natural Resource Management Plans were to serve as guides in planning tribal involvement in all aspects of the GEM program. Unfortunately the plans were not delivered in a timely manner. Leaving issues of the quality of the plans ultimately provided aside, the tardiness on the part of this project (Tribal Natural Resource Stewardship and tribal Involvement in the GEM Program) forced GEM planners to proceed without needed resources. As a consequence, the Trustee Council process for including meaningful tribal involvement is seriously behind schedule, and other contractors had to be hired to address tribal involvement as part of the broader issue of community involvement in a separate contract.

The lack of proposals from the Tribes in response to GEM's FY 2004 Invitation was a serious disappointment given the long history of Tribal Natural Resource Stewardship and Tribal Involvement in the GEM Program, and especially given the efforts and funds expended on the WisdomKeeper meeting in Tatitlek. The well respected physical oceanographer, Two Crow, was present at the Tatitlek meeting for the purpose of learning about tribal interests in natural resources and how these might result in a successful GEM project rooted in tribal interests, meeting tribal needs. No proposal ultimately resulted from the Tatitlek meeting and only two proposals directly involving and benefiting tribes were received for FY 2004 (Ruesink's and Schoch's), neither of which was facilitated by the project in question or the WisdomKeeper meeting. Despite having a full time position devoted to the purpose during the four years of GEM's development, the project has not been able to produce anything that I can identify as meaningful tribal involvement in the GEM program. This is not to say that GEM does not have any meaningful tribal involvement (c.f. Ruesink's project), but rather that the tribal involvement GEM has not been the result of the project in question.

I think it is time to carefully examine how we are going to achieve tribal involvement in the GEM program. As pointed out by the National Research Council in its review of GEM, despite all the positive accomplishments on behalf of tribes during the Restoration era, a meaningful long-term working relationship that produces tangible results for both parties has yet to emerge. Whatever the reasons for this circumstance, I feel it needs to change. Over the next year I will be

working with the communities and the tribes to forge a community involvement strategy that builds on the community involvement report (Sigman et al.), and which delivers on the Trustee Council's obligation to make meaningful community involvement an integral part of this program. I invite you and your staff to work with me on this.

Sincerely,

A handwritten signature in cursive script, reading "Gail Phillips".

Gail Phillips
Executive Director

Cc: Phil Mundy
Craig Tillery
Trustee Council members



Chugach Regional Resources Commission

September 3, 2003

Chenega Bay

Eyak

Nanwalek

Port Graham

Qutekcak
Native Tribe

Tatitlek

Valdez Native
Tribe

Ms. Gail Phillips, Executive Director
Exxon Valdez Oil Spill Trustee Council
441 West 5th Avenue, Suite 500
Anchorage, Alaska 99501

Dear Gail,

Thank you for taking the time to meet with Mimi Hogan, Dave Daisy, and I last month to provide you with information about our organization and current activities as they relate to your program. I recently reviewed a copy of the Gulf of Alaska Ecosystem Monitoring (GEM) draft FY2004 Work Plan, and was disappointed to see the STAC and Executive Director comments regarding the projects we submitted for funding consideration. After all of these years building what I felt was a strong working relationship between the Tribes/communities and the Trustee Council, there still appears to be a lack of understanding of what our program has done in the past, what it is proposing to do in FY2004, and the importance of Tribal involvement in all aspects of the GEM program.

First, allow me to address the *Tribal Natural Resource Stewardship and Tribal Involvement in the Gem Program* proposal. As stated in our proposal, this project was listed as a "Continued" Plan, and not a new plan. In the Proposal Invitation, there is a category funded through GEM in FY03 listed as Continuing Projects. Page 12 states, "the following FY03 projects proposed multiple-year timeframes, but were funded in FY03 prior to adoption of the multiple-year policy and hence for one year only. Proposals and budgets for the remaining years of these projects (up to three years total) must be submitted in response to this invitation in order to be considered for continued funding." Listed under Continuing Projects by the Trustee Council is 030052, *Tribal Natural Resource Stewardship and Meaningful Tribal Involvement in GEM*. The STAC commented that our proposal was not responsive to the solicitation for new community involvement projects for small-scale science symposiums for smaller communities and coastal mapping. It appears that the STAC did not read this particular section of the Proposal Invitation, so their comments are, I believe, misguided. A further criticism of our proposal is that "The community involvement represented in this proposal is not focused on developing long-term monitoring, but is centered on coordination,

communication, and training.” As we have stated in testimony to the Trustee Council, coordination, communication, and training, are vital components to any research and monitoring program.

The need for developing and maintaining meaningful community involvement in the GEM program was also stressed throughout the GEM Workshop, held in Anchorage in October 2000 (Exxon Valdez Oil Spill Trustee Council, 2001) as well as the GEM nearshore workshop in Anchorage held by the EVOS Trustee Council in January of 2002. The National Research Council also cited the need for meaningful community involvement in their Report (National Research Council, 2002). According to the National Research Council, “The challenge then is not whether community involvement is warranted but how to build such involvement in a meaningful way.” The report goes on to say “Community involvement needs a foundation (simple, robust, and adaptable) that permits the local issues to be addressed in a meaningful way from the very beginning of the program. Communities must have a role in helping define what will be done and where it will be done. They must also be involved in actively conducting the research, analyzing data, and disseminating the results to members of the community.” Finally, to quote your own publication, on page 2 of the Gulf Ecosystem Monitoring and Research Program Invitation Booklet for FFY04, issued May 1, 2003, the Community Involvement section states “Proposals are invited to develop products that will provide a service to communities and stakeholders in the GEM region related to marine ecosystem health and sustainability.” The emphasis here is NOT on developing long-term monitoring as the STAC critique implies.

In the Executive Director’s Recommendation regarding the above proposal, the recommendation to not fund was based on awaiting a review of the Community Involvement Plan commissioned by the Trustee Council. This tells me that all coordination, communication, and Tribal involvement in any of the Trustee Council activities will cease while the plan is being reviewed. I believe that any interruption in community involvement in the GEM program would be quite damaging to both the Tribes and the Trustee Council. I also believe there may be a misunderstanding regarding the difference between this proposal and the currently funded Community Involvement Plan. As you know, the Center for Alaska Coastal Studies (CACS) project is to develop a plan for involving all communities in the GEM Program, including all interest groups as well as physical communities. We have been participating in the working group for this larger plan in order to ensure that the Tribal interests are addressed. The primary purpose of the *Tribal Natural Resource Stewardship and Tribal Involvement in the Gem Program* proposed project is to ensure that the TRIBES are integrally and meaningfully involved in all aspects of the GEM Program and that the scientists conducting research and monitoring activities under GEM have access to the Tribal traditional knowledge on specific species and/or physical landscapes in the oil spill affected area.

Tribes are not just another user group, as is sometimes assumed. They are governmental entities that enjoy a government-to-government relationship with both the federal and state governments, and as such, are involved at a higher level and to a greater degree than those with commercial, recreation, environmental or other interests. This special relationship is derived from 1) the 1995 declaration of federal recognition of Tribes in Alaska by the Assistant Secretary of Indian Affairs; and 2) Presidential Executive Order 13175, Consultation and

Coordination with Indian Tribal Governments. This Order declares that federal agencies have a fiduciary and trust obligation to "... establish regular and meaningful consultation and coordination with tribal officials in the development of federal policies that have tribal implications, to strengthen the United States' government-to-government relationships with Indian Tribes, and to reduce the imposition of unfunded mandates upon Indian tribes;...". Further, the Millennium Agreement was signed on September 29, 200, by Alaska Tribes and the Governor of Alaska, with the following purpose - "Purpose: confirms the commitment by the State of Alaska and Tribes to overcome impediments to a more constructive dialogue and to implement government-to-government relationships".

In addition, in the Executive Director's review, there is a criticism that the Tribal Natural Resource Management Plans funded in prior years by the Trustee Council did not result in community originated GEM projects. First of all, despite numerous requests to the EVOS Science Director, CRRC has never received a review or feedback on the plans in order to respond to expectations. Second, the Tribal Natural Resource Management Plans are intended to identify resource issues, species of concern, traditional harvest areas and areas of critical interest to the Tribes, and other concerns of the Tribes that should be of interest to GEM researchers, even if the Tribes are not yet ready to originate GEM projects. The Plans are to be used as a resource by the Trustee Council and its principal investigators when devising, developing, and/or implementing research and monitoring projects. This comment seems to be a very unfair expectation and criticism of the plans, and certainly insufficient justification for not funding the proposed project.

I spoke with Brenda Norcross, STAC Co-Chair, last week in an attempt to gain a better insight into the reasons for the STAC recommendation on our proposal. Brenda assured me that community involvement is very important, but that the STAC wanted more information as to the benefits of the WisdomKeepers workshops, as an example, as well as more specifics on past accomplishments. I asked her why, then, did we not get a Fund Contingent recommendation if the STAC was only seeking more information. She responded that there is a limited amount of funding, and not all projects could be funded. This tells me that community involvement is not as high a priority as the Trustee Council would like the general public to think. After reviewing the FY04 Draft Work Plan and seeing some of the projects that are recommended for funding, I think it is deplorable that community involvement is not being recommended for funding, while other projects are considered a higher priority, such as projects that are proposing research in an area of work that was not even invited under the RFP process.

As you know, the communities continue to suffer negative effects from the oil spill, physically, psychologically, and through the direct loss of subsistence resources and habitat. To discontinue funding this project that has been a very important part of the Trustee Council's work plans and more importantly, integral to the good working relationship we have enjoyed since 1995, would only further alienate the communities from the Trustee Council. I strongly urge you to reconsider your recommendations to the Trustee Council on this project.

The second proposal I would like to discuss with you is the one entitled *Subsistence and Stewardship Gathering: Fifteen Years after the Spill*. This proposal was responsive to the

invitation for small science symposia. The STAC recommended that it be funded contingent on receipt of a revised proposal addressing reviewers concerns. One of those concerns was that the proposal was weak in providing specifics on which scientists will attend. Looking back at our proposal, I think we could have stated this more explicitly, but it would seem to be common sense that we could not list scientists who would participate until they were identified by the Trustee Council in its FY04 work plan. The FY04 work plan would list those scientists that would be working near the villages and working on GEM projects of interest to the villages. Once the Work Plan is approved and we could review that list, scientists could then be selected to participate in the Gathering.

An additional comment was that the Public Advisory Committee (PAC) should be involved in setting the topic for the symposium, which should not be the 15th anniversary of the oil spill. This proposal requested partial funding for a Tribal symposium that would have benefits to GEM researchers and the GEM Program overall. The PAC would be invited, and perhaps could serve as a member on the planning committee, but setting the topic for the symposium is beyond the scope of their role and infringes on the Tribes' efforts at developing a community based science symposium. The overall recommendation of the STAC was to provide more specific focus on GEM, which is a valid and easily addressed concern. However, the Executive Director recommended that the project be deferred until the Trustee Council determined to what extent they wanted to commemorate the 15th anniversary of the spill. The point here is that the Tribes have expressed a desire to commemorate the 15th anniversary of the oil spill and are asking for partial financial support because it is related to the GEM program. Whether or not the Trustee Council decides to commemorate the 15th anniversary and how they plan to go about doing that is a separate issue and should not be a factor in deciding whether or not our proposal should be funded.

As I was reviewing the FY04 Work Plan and attempting to get a broad overview of what FY04 activities would look like, I felt compelled to comment on a few other proposals that are of interest to CRRC and its member Tribes.

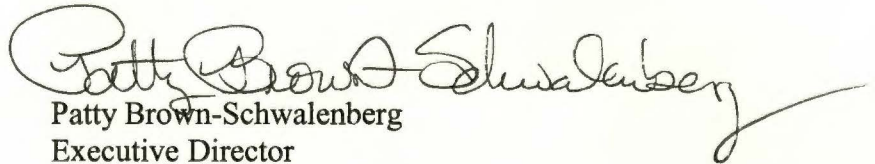
The Fisheries Management Application (\$20,000; Fund Contingent) proposal is submitted under the category of Community Involvement. Among other things, it proposes to develop a mini-symposium of the annual GEM workshop for presentation in small communities. The STAC commented that "this provide provides clear and positive opportunities for the resource dependent community to become involved in GEM and can also help identify how products of GEM can be made meaningful to the community. The STAC is very positive about the proposal and the Principal Investigators. They state that the PI's have been extremely involved in GEM; attending all the public components of the GEM process and relating the knowledge to an interested community. CRRC and its members Tribes have also been "extremely involved" in GEM since its inception, attending meetings, providing testimony, meeting with the NRC, and relaying information to the CRRC Board and village councils; however, this does not appear to be an influencing factor in the review of the CRRC proposals. The contingency attached to this proposal by the STAC and Executive Director is to re-write the proposal and focus on how to extend their "successful formula" for workshops to other localities in the spill affected area. Bringing a GEM workshop to the villages is the core of the *Tribal*

Natural Resource Stewardship and Meaningful Tribal Involvement in GEM proposal submitted by CRRC. However, in that case, the STAC denied it because "the community involvement represented is this proposal is not focused on developing long-term monitoring, but is centered on coordination, communication, and training." No such criticism is aimed at the Adams proposal that is not only inconsistent, but possibly represents a double standard for Tribes. Further, there is no mention in this proposal that endorsement was received by the Tribes to even participate in this effort. All successful projects that involve communities, must involve those affected communities during the development of the project idea and writing of the proposal, not after the funding has been received.

I realize that you are new to the Trustee Council staff and that we are all dealing with a new program (GEM), as well as a new review process. It is with this thought in mind that I provide these comments and am hopeful that you will seriously consider revising your recommendation regarding our proposals. As stated previously, I am very concerned that not funding the *Tribal Natural Resource Stewardship and Tribal Involvement in the Gem Program* proposal will send the wrong message to the Tribes, indicating that the Trustee Council is not interested, nor does it support involvement by the Tribes in this process.

Thank you for the opportunity to express our concerns and offer our views on the Work Plan. I welcome the opportunity to provide you with any additional information on our past accomplishment and/or current initiatives that may help guide you in your decision-making process. Please feel free to give me a call if you have any questions or wish to discuss this matter further. Thank you.

Best regards,


Patty Brown-Schwalenberg
Executive Director

cc: CRRC Board of Directors
Chugach Region Village Chiefs/Council Presidents

Exxon Valdez Oil Spill Trustee Council

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



MEMORANDUM

TO: Judith E. Bittner
State Historic Preservation Officer
Alaska Department of Natural Resources

FROM: Gail Phillips
Executive Director *Gail Phillips*

RE: Project 99154: Authorization to Proceed with Phase III,
Construction, for the Proposed Local Display Facility in Seldovia

DATE: September 29, 2003

In accordance with Appendix B, Section 3.3.1, of the grant agreement between the Alaska Department of Natural Resources and Chugachmiut, Inc., executed on October 14, 1999, I authorize you to proceed with Phase III, Construction, for the proposed local display facility in Seldovia subject to the following condition:

The local display facility must have a secure area to store cultural materials not on display. This requirement could be met through storage equipment installed in a safe and secure room.

For the following reasons, I find that all requirements for this approval have been met:

1. The proposed local display facility satisfies the requirements of the National Environmental Policy Act (NEPA) according to a letter from Joe L. Meade, Forest Supervisor, Chugach National Forest, U.S. Forest Service, dated June 6, 2003;
2. You asked Stephanie Stephens, Acting Senior Curator, National Park Service, to review the design of the facility for conformance with 36 CFR, Part 79, but she was unable to do so because of staff shortages in the agency;
3. You and your staff have reviewed the design for the local display facility and found that it is consistent with the concept design in the approved proposal and, with the condition cited above met, appears to satisfy 36 CFR, Part 79;

4. The business plan and financial guarantee from the Seldovia Village Tribe (Resolution 2000-09) are satisfactory to assure completion of the local display facility and its successful operation for not less than 20 years; and
5. Chugachmiut has completed the Local Display Facility Training Program.

Exxon Valdez Oil Spill Trustee Council

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FAX COVER SHEET

To: J. Bohner
V. Christman Number: 269-8908
269-8908
From: Brenda Hall Date: 10/16/03
Comments: Pages: 3 with cover

Sorry for this taking
some time.

have a good weekend!

HARD COPY TO FOLLOW: No

Document sent by: BAH

FAX COMPLETE



FRANK H. MURKOWSKI, GOVERNOR

DEPARTMENT OF NATURAL RESOURCES

**DIVISION OF PARKS AND OUTDOOR RECREATION
OFFICE OF HISTORY AND ARCHAEOLOGY**

550 W. 7th Ave., SUITE 1310
ANCHORAGE, ALASKA 99501-3565
PHONE: (907) 269-8721
FAX: (907) 269-8908

File No.: 3500 EVOS/Chugachmiut Grant/Seldovia

October 22, 2003

Gerald Pilot
Regional Repository Project Manager
Chugachmiut
4201 Tudor Centre Drive, Suite 210
Anchorage, Alaska 99502

Post-It® Fax Note 7671		Date 10/22	# of pages 2
To GAIL Phillips	From J. B. Hines		
Co./Dept. Exxon VOSTC	Co. History MHA		
Phone # 278 8012	Phone # 269 8721		
Fax # 276 7178	Fax # 269 8908		

Re: Authorization to Proceed with Phase III, Construction, for the Proposed Local Display Facility in Seldovia

Dear Gerald:

In accordance with Appendix B, Section 3.3.1, of the grant agreement between the Alaska Department of Natural Resources and Chugachmiut, Inc., executed on October 14, 1999, I authorize you to proceed with Phase III, Construction, for the proposed local display facility in Seldovia subject to the following condition:

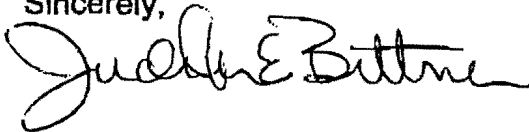
The local display facility must have a secure area to store cultural materials not on display. This requirement could be met through storage equipment installed in a safe and secure room.

For the following reasons, I find that all requirements for this approval have been met:

1. The proposed local display facility satisfies the requirements of the National Environmental Policy Act (NEPA) according to a letter from Joe L. Meade, Forest Supervisor, Chugach National Forest, U.S. Forest Service, dated June 6, 2003;
2. The design for the local display facility is consistent with the concept design in the approved proposal and, with the condition cited above met, appears to satisfy 36 CFR, Part 79;
3. The business plan and financial guarantee from the Seldovia Village Tribe (Resolution 2000-09) are satisfactory to assure completion of the local display facility and its successful operation for not less than 20 years; and
4. Chugachmiut has completed the Local Display Facility Training Program.

Gerald Pilot
October 22, 2003
Page 2

Sincerely,

A handwritten signature in black ink, appearing to read "Judith E. Bittner". The signature is fluid and cursive, with the first name "Judith" being the most prominent part.

Judith E. Bittner
State Historic Preservation Officer

cc: Gail Phillips, Executive Director, *Exxon Valdez* Trustee Council

Exxon Valdez Oil Spill Trustee Council

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September 29, 2003

Ted Otis
ADF&G
3298 Douglas Place
Homer, AK 99603

Ron Heintz
NMFS/Auke Bay Laboratory
11305 Glacier Hwy.
Juneau, AK 99801

Re: Overdue project 02538 - Evaluation of Two Methods to Discriminate Pacific Herring Stocks along the Northern Gulf of Alaska (peer reviewed journal article in lieu of the final report).

Dear Mr. Otis and Mr. Heintz:

This letter is to follow up on the e-mail message you sent Brenda Hall in our office on Friday, September 26, 2003 (e-mail attached).

When you proposed this project, you clearly understood the time frame on finishing the project and on turning in the written report. If Ron's portion was done in April – well before the field season started – it is very hard for me to understand why the final report hasn't been completed on time.

I am not willing to postpone the completion of this contracted work until Christmas. When you agreed to do this project and to receive EVOS dollars for it, it was with the contractual agreement that you would have the final documents to us by September 2, 2003. We have already extended you a postponement deadline of September 30, 2003 which you were not able to meet. Please have all documents to us by November 15, 2003.

In the future, if you are planning on submitting proposals for funding from EVOS, please make sure that your report-writing season coincides with the deadline stipulated in the contract. Every late and overdue report causes a negative chain reaction on our end of things. If you have any questions about our policy or with this decision, please feel free to come and meet with me at any time.

Sincerely,

A handwritten signature in cursive script that reads "Gail Phillips". The signature is fluid and elegant, with the first name "Gail" and last name "Phillips" clearly distinguishable.

Gail Phillips
Executive Director

Cc: Kevin Duffy
✓ Jim Balsiger

Attachments: e-mail message

Brenda Hall

From: Ted Otis [ted_otis@fishgame.state.ak.us]
Sent: Friday, September 26, 2003 2:36 PM
To: Brenda L Hall
Cc: Ron Heintz
Subject: [RE: Annual Reports due - September 2, 2003]

Hello Brenda,

I just returned from a month in the field and found your message awaiting me. Ron and I understand your position, however, there's just no way we can get you a completed manuscript in four days. Now that my field season is finally over, I can devote all my energy to finishing this manuscript, however it will take more time than you've allotted us. All I can do is assure you that we'll get it to you as soon as we possibly can. Thanks for your understanding.

Ted

----- Original Message -----

Subject: RE: Annual Reports due - September 2, 2003
Date: Fri, 5 Sep 2003 14:01:55 -0800
From: "Brenda Hall" <brenda_hall@oilspill.state.ak.us>
To: "'Ted Otis'" <ted_otis@fishgame.state.ak.us>
CC: "'Ronald Heintz'" <ron.heintz@noaa.gov>

Ok a peer reviewed journal article will be expected in our office, on or before September 30, 2002. Unfortunately, because we are making exceptions for anyone regarding funding new or continued projects for those PI's that still have overdue reports. Ron's proposal will be held up until the manuscript gets here. If you are not able to get us the manuscript to us by September 30, 2003, we will have to change the recommendation on Ron Heintz's current proposal, to defer. Best wishes, Brenda

-----Original Message-----

From: Ted Otis [mailto:ted_otis@fishgame.state.ak.us]
Sent: Friday, August 29, 2003 4:28 PM
To: Brenda L Hall
Cc: Heintz, Ron
Subject: Annual Reports due - September 2, 2003

Brenda,

Ron Heintz (my co-PI) and I had arranged with EVOS to write a peer reviewed journal article in lieu of the final report (Project 02538). Ron sent me his component of the results in April and I'd hoped to complete the draft manuscript this past spring but wasn't able to before my busy field season started. I'm still mired in field projects right now, in fact I won't be back in the office until around September 25. I intend to focus on the completion of this manuscript when I return and expect to have it ready for review before Christmas. I apologize for the delay.

9/29/2003

Ted

Dear PI:

Annual reports are due on September 2 this year. Please use the attached template and submit your report to me at brenda_hall@oilspill.state.ak.us with a copy to Phil Mundy at phil_mundy@oilspill.state.ak.us

If you expect to be involved with an EVOSTC funded project in FY 2004, please bear in mind that funds cannot be released to a project where any of the project personnel have overdue Annual or Final reports.

You are encouraged to set up a project web site that displays your progress, and to post your annual report (s) on that site.

Thanks for your cooperation.

Brenda Hall

907-278-8012

9/30/2003

Exxon Valdez Oil Spill Trustee Council

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



September 30, 2003

Gail Irvine
USGS-Alaska Science Center, BRD
1011 E. Tudor Rd.
Anchorage, AK 99503

Re: Overdue report 03656 – A 6,300-Year Old Widow in the Past: Retrospective Analysis of Nearshore Marine Communities Based on Analysis of Archeological Material and Isotopic Analysis.

Dear Ms. Irvine:

We have received your request for an extension of time in which to turn in your reports to EVOS.

As you are very well aware, when you signed the contractual agreement with EVOS for the work and report on your project, there is a due date for that report. Our annual work plan for the following year is based upon the results of the projects for the prior year. Any extension or non-receipt of the contracted-for material from you has specific bearing on how we are able to proceed with our research, monitoring and work plans.

We are instituting a new policy for both an extension request and for funding any future projects for those that have outstanding reports. From now on, only very short-term extensions will be granted and those will only be granted for an unavoidable delay or mishap that has caused the delay. Everyone knows when they sign the contract for doing the projects for EVOS that there are time specific requirements that accompany that contract. I intend to make sure that these requirements are met. The other new policy that we have adopted is that there will be no future funding for any PI, scientist, department or project if there is an overdue report that hasn't been submitted.

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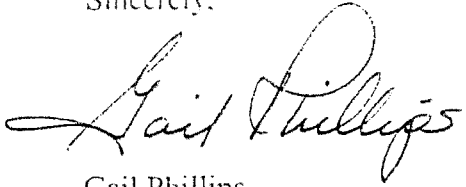
U.S. Department of the Interior
U.S. Department of Agriculture
National Oceanic and Atmospheric Administration

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

If you have any questions regarding our new policies, please feel free to stop in to see me at any time. I know this sounds hard-nosed, but with your acceptance of public dollars to be spent on a public information purpose, there must be accountability.

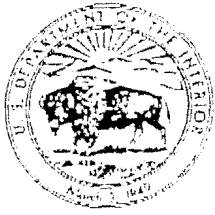
Sincerely,

A handwritten signature in cursive script that reads "Gail Phillips". The signature is fluid and elegant, with a large initial "G" and a long, sweeping underline.

Gail Phillips
Executive Director

Cc: ✓ Drue Pearce, Trustee Council member
Dede Bohn, project manager

Attached: Letter requesting extension



United States Department of the Interior

U.S. GEOLOGICAL SURVEY
BIOLOGICAL INFORMATION OFFICE
Alaska Science Center
1011 E. Tudor Road
Anchorage, Alaska 99503

IN REPLY REFER TO

Sept. 29, 2003

Gail Phillips
Executive Director
Exxon Valdez Trustee Council
EVOS Restoration Office
441 W. 5th Ave., Suite 500
Anchorage, AK 99501

Dear Gail:

I am requesting an extension of our final reporting date for Project 03656 ("A 6,300-Year Old Window into the Past: Retrospective Analysis of Nearshore Marine Communities Based on Analysis of Archeological Material and Isotopic Analysis") from Sept. 30, 2003 to June 30, 2004.

The need to develop a modern baseline has slowed progress and has delayed analysis of archeological material. Developing the modern baseline has entailed extensive analysis of modern material as well as seasonal sampling of the site environment. There have been considerable delays in receiving data from two of my collaborators. With multiple collaborators involved, a delay in one part affects progress in others. The requested delay should allow us to complete the analyses. We appreciate your consideration of our request.

Sincerely,

Gail V. Irvine

Exxon Valdez Oil Spill Trustee Council

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



MEMORANDUM

TO: Craig Tillery, Alaska Department of Law
Regina Belt, U.S. Department of Justice

FROM: Paula Banks *JB*
Administrative Assistant

DATE: September 22, 2003

RE: Court Notice – First Joint Notice from the Investment Fund for FY 04, First disbursement from the Koniag Sub account.

The purpose of this memorandum is to request that the Alaska Department of Law and the United States Department of Justice notify the United States District Court of our intent to expend \$1,944,700 from the EVOS Investment Fund, as follows: \$1,572,600 from the Research Investment Sub-Account and \$372,100 from the Koniag Investment Sub-Account.

Description	From Research Sub-Account	From Koniag Sub-Account
FY 04 Work Plan Admin	\$1,572,600	
Subtotal United States \$ 174,700		
Subtotal State of Alaska <u>\$1,397,900</u>		
Total \$1,572,600		
Koniag (Kodiak Conservation Easement) payment 1 of 20		\$372,100
Subtotal United States \$ 372,100		
TOTAL \$1,944,700	\$1,572,600	\$372,100
Subtotal United States \$ 546,800	To be disbursed as follows:	To be disbursed as follows:
Subtotal State of Alaska \$1,397,900	United States \$ 174,700	United States \$372,100
	State of Alaska \$1,397,900	State of Alaska \$0

There have been three Trustee Council meetings (April 23, July 24-25, and September 3, 2003) since the last court notice March 4, 2003.

The following documents are attached:

- Draft meeting notes for September 3, 2003, with the following attachments:
- September 3, 2003 meeting agenda
- Approved meeting notes for July 24-25, 2003
- Approved meeting notes for April 23, 2003
- Resolution 03-05 including spreadsheet A

If you have any questions or need additional materials, please let me know.

Paula/court notice/FY04/court
notice Admin budget and
Koniag.doc

Exxon Valdez Oil Spill Trustee Council

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TRUSTEE COUNCIL MEETING NOTES

Anchorage, Alaska
September 3, 2003

DRAFT

By Jim Balsiger
Trustee Council Member

DRAFT

Trustee Council Members Present:

Joe Meade, USFS
Drue Pearce, DOI
*James Balsiger, NMFS

Kevin Duffy, ADF&G
Ernesta Ballard, ADEC
Gregg Renkes, ADOL

*Chair

By teleconference: Pearce, Ballard, Renkes

Meeting convened at 11:05 a.m., September 3, 2003 in Anchorage at the EVOS Conference Room.

1. Approval of the Agenda

APPROVED MOTION: Approved the amended agenda for the September 3, 2003 meeting adding discussion of Chair rotation if time permits. (Attachment A)

Motion by Duffy, second by Ballard

Public comment period began at 11:12 a.m.

Public comment received by one individual in Anchorage.

Public comment period closed at 11:23 a.m.

2. Approval of the Meeting Notes

APPROVED MOTION: Approved the July 24-25, 2003 meeting notes. (Attachment B)

Motion by Duffy, second by Ballard

3. Approval of NOAA/NOS Grant

APPROVED MOTION: Approved the motion to accept the NOAA/NOS grant totaling \$745,125 over the next three years (\$248,375 each year).

Motion by Meade, second by Duffy

4. Approval of Science Management Budget 040630/040630A

APPROVED MOTION: Approved the Science Management Budget 040630/040630A for \$391,600.

Motion by Meade, second by Pearce

5. Approval of Administrative Budget 040100

APPROVED MOTION: Approved the Administrative Budget 040100 for \$863,300.

Motion by Duffy, second by Renkes

6. Approval of ARLIS Budget 040550

APPROVED MOTION: Approved the Alaska Resources Library and Information Services' (ARLIS) Budget 040550 for \$160,900.

Motion by Duffy, second by Meade

6. Approval of Data Management Budget 040455

APPROVED MOTION: Approved the Data Management Budget 040455 for \$156,800.

Motion by Duffy, second by Meade

7. Executive Session

APPROVED MOTION: Approved moving to executive session to discuss personnel and litigation issues.

Motion by Duffy, second by Ballard

EXECUTIVE SESSION

Off the record: 2:07 p.m.

On the record: 2:59 p.m.

8. FY 04 Administrative Budgets 040100, 040455, 040550 and 040630/040630A

ADOPTED RESOLUTION: Adopted Resolution 03-05 of the *Exxon Valdez*
Oil Spill Trustee Council regarding FY 04 Work
Plan totaling \$1,572,600.
(Attachment C)

Motion by Meade, second by Duffy

Meeting adjourned at 3:03 p.m. Motion by Ballard, second by Duffy.



Exxon Valdez Oil Spill Trustee Council

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AGENDA EXXON VALDEZ OIL SPILL TRUSTEE COUNCIL MEETING

September 3, 2003 11:00 a.m.
441 West 5th Avenue, Suite 500, Anchorage

DRAFT

Trustee Council Members:

GREGG RENKES
Attorney General
State of Alaska

JAMES BALSIGER
Administrator, Alaska Region
National Marine Fisheries Service

ERNESTA BALLARD
Commissioner
Alaska Department of
Environmental Conservation

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

KEVIN DUFFY
Commissioner
Alaska Department of Fish
and Game

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

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

1. Call to Order – 11:00 a.m.
 - Approval of Agenda
 - Approval of Meeting Notes
July 24-25, 2003
2. Public comment – 11:05 a.m.
3. Executive Director comments – Gail Phillips
 - Domain name change
 - Investment Training Seminar
 - 15th Anniversary (March 2004)
 - Staff vacancies
 - Data Analyst/Programmer recruitment
 - FY 04 Work Plan

- June 6-8 and August 14 PAC meeting summaries – Brett Huber, PAC Chair
- Restoration Office Remodel
- Workshop on the North Pacific Ecosystem Status Report – Phil Mundy

Working lunch (provided)

4. NOAA/NOS Grant*
5. Discussion and approval of Administrative Budgets*

040100	Administrative
040455	Data Management
040550	ARLIS
040630	Science Management

Possible Executive session before adjournment.

Adjourn

Possible Executive session to discuss personnel, financial, small parcel and litigation issues.

* Indicates action items.

Exxon Valdez Oil Spill Trustee Council

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TRUSTEE COUNCIL MEETING NOTES

Anchorage, Alaska

July 24, 2003

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

* Chair

Meeting convened at 9:03 a.m., July 24, 2003 in Anchorage at the EVOS Conference Room.

1. Approval of the Agenda

APPROVED MOTION: Approved the agenda for the July 24, 2003 meeting.
(Attachment A)

Motion by Ballard, second by Balsiger

2. Approval of the Meeting Notes

APPROVED MOTION: Approved the April 23, 2003 meeting notes.
(Attachment B)

Motion by Ballard, second by Balsiger

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

No public comment.

3. Executive Session

APPROVED MOTION: Approved moving to executive session for the
purpose of considering personnel matters.

Motion by Balsiger, second by Ballard

EXECUTIVE SESSION

Off the record: 9:06 am

On the record: 10:20 am

4. Approval of the Agenda

APPROVED MOTION: Approved the agenda for the July 24, 2003 meeting.

Motion by Pearce, second by Ballard

5. Approval to offer executive director position to Gail Phillips

APPROVED MOTION: Approval for Kevin Duffy and Jim Balsiger, as the committee which led Trustees through interview process, be empowered to enter into negotiations with Gail Phillips to serve as next *Exxon Valdez* Oil Spill executive director and report back to Trustees so that they can confirm by consensus the outcome.

Motion by Ballard, second by Renkes

6. Schedule meeting to approve funding for FY 04 project proposals

APPROVED MOTION: Approved scheduling a Trustee Council meeting for October 3, 2003 for the purpose of reviewing project proposals and coming to the decisions on which projects to fund.

Motion by Ballard, second by Balsiger

7. Schedule meeting to review and approve Administrative Budgets

APPROVED MOTION: Approved scheduling a Trustee Council meeting for September 3, 2003 for the purpose of approving four budgets associated with administration of the *Exxon Valdez* Oil Spill Trustee Council.

Motion by Ballard, second by Pearce

Public comment period was reopened at 10:45 a.m.

Public comment received by one individual in Anchorage.

Public comment was closed at 10:50 a.m.

8. Recess meeting until July 25, 2003

APPROVED MOTION: Approved recess of meeting until July 25, 2003,
reconvening by teleconference at 4:00 p.m.

Motion by Ballard, second by Meade

Recessed - Off the record 10:45 a.m.

July 25, 2003 teleconference on the record 4:10 p.m.

9. Reconvene meeting

APPROVED MOTION: Approved reconvening meeting.

Motion by Ballard, second by Pearce

10. Hiring of Executive Director

APPROVED MOTION: Approved hiring Gail Phillips as Executive Director
under the terms and conditions negotiated on July 24,
2003.

Motion by Ballard, second by Renkes

Meeting adjourned at 4:20 p.m. Motion by Ballard, second by Pearce

**RESOLUTION 03-05 OF THE
EXXON VALDEZ OIL SPILL TRUSTEE COUNCIL
REGARDING THE FY 04 WORK PLAN**

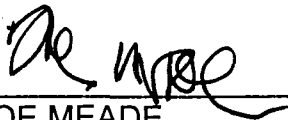
We, the undersigned, duly authorized members of the *Exxon Valdez* Oil Spill Trustee Council do hereby certify that, in accordance with the Memorandum of Agreement and Consent Decree entered as settlement of United States of America v. State of Alaska, No. A91-081 Civil, U.S. District Court for the District of Alaska, and after public meetings, unanimous agreement has been reached to expend funds received in settlement of State of Alaska v. Exxon Corporation, et al., No. A91-083 CIV, and United States of America v. Exxon Corporation, et al., No. A91-082 CIV, U.S. District Court for the District of Alaska, for necessary natural resource damage assessment and restoration activities. The Fiscal Year 2004 Exxon Valdez Oil Spill Trustee Council (040100), Science Management (040630), Science Management (040630A), Data Management (040455), and the Alaska Resource Library and Information Service (040550) funded at \$1,820,900 as described in Attachment A. The monies are to be distributed according to the following schedule:

Alaska Department of Fish & Game	1,542,600
Alaska Department of Natural Resources	103,600
SUBTOTAL TO STATE OF ALASKA	\$1,397,900
U.S. Department of the Interior	174,700
National Oceanic & Atmospheric Administration	0
SUBTOTAL TO UNITED STATES OF AMERICA	\$174,700
TOTAL APPROVED	\$1,820,900

Funds must be spent in accordance with Attachments A . A total of \$1,572,600 of restoration funds will be used. An additional fund source of \$248,300 from a NOAA grant will be used for the 040630A budget.

By unanimous consent, we hereby request the Alaska Department of Law and the Assistant Attorney General of the Environmental and Natural Resources Division of the United States Department of Justice to take such steps as may be necessary for withdrawal of the Fiscal Year 2004 EVOS Administrative Budget (\$1,572,600) from the appropriate account designated by the Executive Director.

Approved by the Council at its meeting of September 3, 2003 held in Anchorage,
Alaska as affirmed by our signatures affixed below.



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



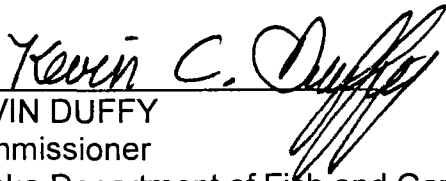
GREGG RENKES
Attorney General
State of Alaska



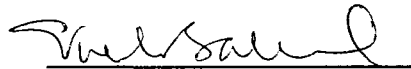
DRUE PEARCE
Senior Advisor to the Secretary
for Alaskan Affairs
U.S. Department of the Interior



JAMES W. BALSIGER
Administrator, Alaska Region
National Marine Fisheries Service



KEVIN DUFFY
Commissioner
Alaska Department of Fish and Game



ERNESTA BALLARD
Commissioner
Alaska Department of Environmental
Conservation

Attachments:
A Funding Distribution

**Attachment A to Resolution 03-05
Exxon Valdez Oil Spill Trustee Council
2004 Federal Fiscal Year Restoration Office Administrative Budgets
October 1, 2003- September 30, 2004**

Agency	cooperating Agency (s)	Project	Project Title	FY04 Court Notification
ADFG	ADNR, DOI	40630	Science Management for GEM and Lingering Oil Programs	\$ 274.1
		040630A	NOAA Grant fund source	248.3
		40455	GEM Data Management	\$ 156.8
	DOI	40100	Public Information and Administration - Trustee Council Office	\$ 702.5
		40550	Alaska Resource Library and Information Service	\$ 160.9
			ADFG Total	\$ 1,542.6
ADNR	ADFG, DOI	40630	Science Management for GEM and Lingering Oil Programs	\$ 103.6
			ADNR Total	\$ 103.6
DOI	ADFG, ADNR	40630	Science Management for GEM and Lingering Oil Programs	\$ 13.9
	ADFG	40100	Public Information and Administration - Trustee Council Office	\$ 160.8
			DOI Total	\$ 174.7
			Total	\$ 1,820.9

Exxon Valdez Oil Spill Trustee Council

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TRUSTEE COUNCIL MEETING NOTES

Juneau, Alaska

April 23, 2003

By Molly McCammon
Executive Director

Trustee Council Members Present:

Joe Meade, USFS
Drue Pearce, DOI
*James Balsiger, NMFS

Kevin Duffy, ADF&G
Ernesta Ballard, ADEC
Gregg Renkes, ADOL**

* Chair

** Present at 10:15 a.m.

Meeting convened at 10:05 a.m., April 23, 2003 in Juneau at the NMFS Conference Room in the Federal Building.

1. Approval of the Agenda

APPROVED MOTION: Approved the April 23, 2003 agenda with addition of briefing on data synthesis.
(Attachment A)

Motion by Pearce, second by Duffy

2. Executive Session

APPROVED MOTION: Approved moving to executive session to discuss litigation items and personnel issues.

Motion by Duffy, second by Meade

EXECUTIVE SESSION AND LUNCH BREAK

Off Record at (12:15 p.m.)

On Record at (2:05 p.m.)

3. Approval of Meeting Notes

APPROVED MOTION: Approved the November 25, 2002 meeting notes. (Attachment B)

Motion by Pearce, second by Duffy

Public comment period began at 2:45 p.m.

Five individuals made public comments.

Public comment period closed at 3:05 p.m.

4. Approval of FY 03 Work Plan Deferred Projects

APPROVED MOTION: Approved the recommendations for FY 03 Phase II deferred projects as outlined in the spreadsheet dated April 9, 2003, with the following conditions: (1) If a Principal Investigator (PI) has an overdue report or manuscript from a previous year, no funds may be expended on a project involving the PI unless the report is submitted or a schedule for submission is approved by the Executive Director, (2) a project's lead agency must demonstrate to the Executive Director that requirements of the National Environmental Policy Act (NEPA) are met before any projects funds may be expended (with the exception of funds spent to prepare NEPA documentation), and (3) the PI for each project must submit a signed form to the Executive Director indicating his or her agreement to abide by the Trustee Council's data and report requirements. (Attachment C)

Motion by Pearce, second by Duffy

5. Approval of the FY 04 Invitation

APPROVED MOTION: Approved the release of FY 2004 Invitation for Proposals on May 1, 2003 and changes to the Financial Procedures to provide for multiple-year funding of proposals.

Motion by Pearce, second by Duffy

6. Approval of ARLIS Librarians

APPROVED MOTION: Approved the Trustee Council's support in Federal Fiscal Year 2004 for one full time librarian (Carrie Holba) for 12 months and a

second full time librarian (Celia Rosen) for 9 months, through June 30, 2004.

Motion by Duffy, second by Pearce

7. Approval of STAC Nominee

APPROVED MOTION: Approved appointment of Dr. Tom Royer to serve out the remainder of Warren Wooster's two-year term (until April 2004), at which time he would be eligible for reappointment to a full four-year term.

Motion by Pearce, second by Meade

8. Approval of Meeting Note Corrections

APPROVED MOTION: Approved corrections to meeting notes for August 3, 2000 and August 6, 2001 as recommended in April 4, 2003 memorandum.

Motion by Pearce, second by Duffy

9. Approval of Kodiak Waste Management – Lapse Date Extension

APPROVED MOTION: Approved an extended lapse date for Project 99304 to September 30, 2004.

Motion by Ballard, second by Duffy

10. Habitat Protection

MOTION: Failed to approve motion to extend the offer on PWS 05/Valdez Duck Flats to October 30, 2003.

Motion by Pearce, second by Duffy

11. Approval of Recruitment for Executive Director

APPROVED MOTION: Approved an effort to seek a new executive director to be coordinated by Craig Tillery and Molly McCammon.

Motion by Ballard, second by Duffy

Meeting adjourned at 5:40 p.m. Motion by Ballard, second by Pearce