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ALASKA OIL SPILL COMMISSION

DECEMBER 6, 1989

ANCHORAGE, ALASKA

OIL SPILL COMMISSION MEMBERS

- Walter B. Parker, Chairman
- Esther C. Wunnicke, Vice-Chairman
- Margaret J. Hayes
- Michael J. Herz
- John Sund
- Timothy Wallis
- Edward Wenk, Jr.

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1 MR. PARKER: The Alaska Oil Spill Commission
2 will now convene. The recommendations from the Staff and
3 yesterday that we were working on response which hopefully
4 we can zip through the rest of them and get back to the
5 key priority items that you wish to address before
6 Commissioner's Wenk and Herz have to leave.

7 I has been suggested that we work through lunch
8 and take lunch at 1:30 when they have to leave, but that
9 is satisfactory to me if it is to the rest of you.
10 Anybody have strong objections to that?

11 Okay, we'll do that. Short breaks will be allowed
12 between now and 1:30.

13 MS. WUNNICKE: Few?

14 MR. PARKER: Few.

15 MS. WENK: Spontaneously or collectively?

16 MR. PARKER: Now, if I can find, once again,
17 the.....

18 MS. WUNNICKE: Mr. Chairman, Mr. Wenk has
19 anticipated, and I made a note to myself that we needed to
20 add Wenk's complacency findings from an earlier memo that
21 I saw and you have restated them in a memo that's on the
22 table today.

23 MR. WENK: Well, this is really fine tuning.
24 The Staff are going to do a lot on their own, but it just
25 struck me that, again, from the point of view of just

1 making as strong a case as we can in the findings.

2 If I said something about complacency it was only
3 reflecting a consensus, because.....

4 MS. WUNNICKE: Yes, but they were well stated and
5 I just thought we should be sure that they are part of the
6 findings.

7 Can I talk about.....

8 MR. PARKER: Yes, go ahead and talk.

9 MS. WUNNICKE: Well, Mr. Chairman, just a
10 comment. Mary Evans' report is excellent and although we
11 might not agree with some of her priorities and some of
12 her conclusions, it is an excellent report. It's well
13 written, it's well organized and it gives us the kind of
14 meat that I think we have to have for our own report.

15 I hope that's conveyed to Mary Evans. I've never
16 met her, but she's.....

17 MR. PARKER: I also wrote her a very nice
18 letter telling her exactly what you just said.

19 MS. WUNNICKE: Good.

20 MR. SUND: Once again, reconfirms counsels'
21 ability to anticipate the Commission.

22 MS. WUNNICKE: It also proves that money isn't
23 everything.

24 MR. SUND: It sure helps, though.

25 MR. PARKER: Yeah.

1 MS. WUNNICKE: That dollars and numbers are not
2 a measure of success sometimes.

3 MR. PARKER: Go ahead.

4 MR. HERZ: Speaking of dollars. It dawned on
5 me -- I know that we are up to ears in other paper, but I
6 felt a responsibility as a Commissioner to have a look at
7 a budget and a set of financials which describe where we
8 are at some point. And, I think it's been several
9 meetings since we reviewed any financial information on
10 the Commission's expenditures and so on. As Commissioner
11 I would like to express my interest in having something
12 before we go out of existence.

13 MR. PARKER: Yeah, can we take care of that,
14 Counsel, the first opportunity and mail out a state of the
15 budge to everyone.

16 MR. HAVELOCK: Is that satisfactory?

17 Oh, okay. I thought you wanted a sort of an oral
18 report now. Things are alright.

19 MR. HERZ: Good. I mean, (laughter) that's
20 the kind of detail I wanted. Thank you.

21 MR. PARKER: Commissioner Herz, when I asked
22 the same question that's the answer I get. That we've got
23 enough money to finish the job, which.....

24 MR. SUND: If we are going to finish the job
25 and this Commission goes out of existence on it's schedul-

1 ed date with something more than a dime and less than a
2 dollar left in the budget, I will consider it a success.

3 MR. HAVELOCK: I think we will probably have some
4 money left over, but I'm not for sure.

5 MR. PARKER: A lot depends on energy. It takes
6 a certain.....

7 MR. HAVELOCK: Depending on whether how much
8 ingenuity there develops and how to spend it. Against the
9 Chairman's very stern view of not wasting public money.

10 MR. PARKER: It takes a certain amount of
11 energy to spend money correctly.

12 MR. HERZ: I've heard there's a very deserv-
13 ing non-profit organization in California in case there's
14 some opportunity.

15 MR. PARKER: I don't think I want to go to
16 Juneau, now.

17 Alright, we are at -- I still have to find the
18 right thing.

19 MS. WUNNICKE: Oh, I'm sorry.

20 MR. PARKER: Oh, okay. Let's proceed with
21 State Agencies or Statewide Functions and hopefully
22 everyone's had a chance to review these a little more.

23 This next one is an important one. It's at the
24 heart of the discussion, we had two days ago. Laying out
25 the duties of the Advisory Commission on Response,

1 Containment, Clean Up, etc.

2 MR. WENK: Top of Page Two?

3 MR. PARKER: Yes.

4 MS. WUNNICKE: Mr. Chairman, I think that why
5 there may be difficulty with this is that entity serves
6 both prevention and response functions and by trying to
7 separate it out between the two divisions is what makes it
8 difficult to handle.

9 I would like to suggest again that we look at
10 those institutional changes within the elements of what we
11 want to achieve and then address this for both prevention
12 and response. I haven't any problem with discussing the
13 response functions, but we didn't give a lot of discussion
14 to prevention functions.

15 MR. HERZ: Where we at?

16 MR. PARKER: Top of Page Two.

17 MS. WUNNICKE: State Pollution Policy, whatever.

18 MR. WENK: Mr. Chairman, the spirit of
19 Commissioner Wunnicke's comment, would this be a good time
20 to rapple with that particular organizational or institu-
21 tional issue once and for. Because it may turn out to be
22 the top of the iceberg or something that has so much
23 relevance to so many other things.

24 MR. PARKER: I don't know. What do you think,
25 Counsel? Should we quickly go through and finish and come

1 back and tackle that? Have to go through the list or
2 would it be better to tackle it now?
3 I mean, this is your list.
4 MR. HAVELOCK: I -- it's your choice. Whatever
5 you feel most comfortable with.
6 MR. WALLIS: Let's take a crack at it. If we
7 get too involved.....
8 MS. HAYES: Okay. Let's put a time limit on
9 how long we chat about.
10 MR. PARKER: Okay. Let's talk about it until
11 10:00 and see what we can come up with.
12 MR. WALLIS: I have a suggestion.
13 MR. PARKER: Yes.
14 MR. WALLIS: To change the name of this outfit.
15 MS. WUNNICKE: Amen.
16 MR. PARKER: Yeah.
17 MR. WALLIS: Just as a suggestion we'll call it
18 the Governor's Advisory Spill Prevention Council -- GASP.
19 MR. SUND: You've been working on that all
20 night, right?
21 (Laughter)
22 MR. WENK: You want to say it again, slowly.
23 MR. WALLIS: Governor's Advisory Spill --- G-
24 A-S-.
25 MR. HAVELOCK: Do you really want GAS?

1 MS. WUNNICKE: No.

2 MR. WALLIS: You don't like that either?

3 MS. WUNNICKE: I would be afraid it would be the
4 last one, Commissioner.

5 MR. SUND: Well, regardless of what the name
6 is, Mr. Chairman, maybe the proponent of this could
7 outline they wanted to work, what's suppose to be on it?

8 MS. WUNNICKE: Yeah. If I may, Mr. Chairman, I
9 would like to.....

10 MR. SUND: What problem is it trying to
11 solve?

12 MS. WUNNICKE: Yeah, I would like to put it in
13 context and I don't, as I say, don't have any pride of
14 authorship. This all came from things we have discussed
15 through the months and that Staff has proposed and
16 contractors have suggested.

17 But, it seemed to me that there was some major
18 elements that were needed and quite frankly, I did not
19 address those at the National Level. But, you needed a
20 shipping industry that was devoted to environmentally safe
21 shipment of oil and I think that in our findings and
22 recommendations we are addressing that.

23 That we needed alert and strong regulatory
24 agencies that were fully funded to oversee oil transport
25 and that we needed local and state and interstate watchdog

1 organizations to guard against shipper and regulator
2 complacency.

3 And, it's within that context that this statewide
4 pollution control council or whatever you want to call it
5 was proposed. You would have as a part of the whole,
6 local state and interstate, you would all of the local
7 groups that are being proposed by the Congress that have
8 been instituted by Alyeska and you have the Coastal Zone
9 Management Districts and so forth and I expressed the
10 concern yesterday that one other aspect of this that we
11 need to address is somehow of making sense out of all
12 those local organizations so that they don't become
13 duplicative and effective.

14 Then at the second level, at the statewide level,
15 it was proposed that this council having the authority of
16 the Governor, but not being an operational agency, at
17 least that was not the way that I saw it, would be made up
18 of the relevant State and, if possible Federal agencies.
19 Even if you could not force the membership of the Coast
20 Guard, for example, perhaps you could have achieved it
21 with an intergovernmental agreement that it would also
22 have representation on it of major shippers. Or represen-
23 tatives of major shippers. Like Alyeska or major
24 shippers out of Cook Inlet, for example. And, it would
25 have representatives on it from these local groups so that

1 you had the citizen, direct citizen, input of the stake-
2 holders, the fishermen and the subsistence users and the
3 recreationist who are the ones immediately affected by
4 castostrophic spill on this body.

5 And, it's main purpose, through whatever means it
6 used and reporting to the Governor, reporting to the
7 Legislature, entering in and being the vehicle through
8 which interstate contacts were entered into, really it's
9 main objection would be to be the focus for safe transport
10 of oil. The whole system. Not just marine transport, but
11 the whole system. And, it could achieve that, I'm sure,
12 but reports or just by recalling to account, it's own
13 members. Because it would have as it's primary focus the
14 safe transport of oil, because one of the things that we
15 determined, I think, in our deliberations, is that there
16 were lots of people who had this responsibility. But,
17 none of them saw it as their primary responsibility and it
18 was easy through the years for that responsibility to take
19 second place, third place, fourth place to other respon-
20 sibilities that each entity had. Whether it was the
21 shipper or the Coast Guard or DEC or whomever. It was an
22 ancillary duty. The environmentally safe transport of
23 all.

24 So, that, I see it maybe too simply and certainly
25 I am opened to what we all think the membership should be

1 or refinement of what it's duties should be. But, that's
2 the simple purpose of it. Is to keep the present climate
3 of focusing on environmentally safe transported oil.

4 And, then the next step, just to flush out things,
5 would be an interstate contact. To give, again, focus and
6 political support to the State of Alaska in dealing with
7 National regulations and dealing with the Congress on this
8 same issue. Same purpose.

9 Then, in sketching out the elements when I talked
10 about prevention, I went through some of these elements,
11 but when I talked about response, then setting this aside,
12 when talked about response, then it seemed what did you
13 need institutionally in terms of response? What went
14 wrong? You needed a single and, my own view, preferably
15 public institution, to take immediate charge of a catas-
16 trophic oil spill. That was one of the continuing themes
17 of testimony before us. As would propose that that entity
18 use the incident command system which could be trained,
19 pre-determined as to the role of each part of it and duty
20 stationed in Alaska. Across the state.

21 And, then we had discussed among us, too, that
22 there are three functions, really that go on when you a
23 responding to a catastrophic spill. The one function of
24 saving the vessel, saving the cargo, saving the crew; the
25 other function of either trying to contain the oil or in

1 a catastrophic spill if you recognize that that's not even
2 feasible protecting the pre-determined and critical
3 environmental areas and resources.

4 Another element of that is that you would need as
5 much pre-planning and as much predetermination of those
6 methods as possible, which you could achieve, I think,
7 through the approval of the Contingency Plans. And, that
8 you needed to be able to use volunteer local units from
9 the affected communities.

10 Again, we received a lot of testimony that
11 particularly out of Cordova, there were a number of
12 vessels in the water in a matter of hours that had the
13 equipment available, had the leadership available and had
14 there not been reluctance to use volunteers for fear of
15 liability that could have perhaps been more affective than
16 was the real case.

17 And, that you also need to get over that hurdle of
18 liability in terms of volunteers for the purposes of bird
19 rescue and animal rescue in the event of a catastrophic
20 spill.

21 And, then, I guess the fourth element of that in
22 terms of response was that you needed a systematic
23 research and prior approval of new and more affective
24 methods of containment and clean up.

25 I then went on in terms of the long-term clean up

1 and restoration and did a similar kind of an analysis that
2 would require strict liability on the spiller and an
3 independent and I know Staff has been working on this to
4 immediately judge and pay damage claims. Because the
5 Exxon Valdez was unique in the sense that Exxon did step
6 up to the plate. Did assume responsibility. Did make
7 some prepayments to people who were damaged by the spill.
8 And, that was not a requirement and they certainly had the
9 option of saying 'I'll see you in Court'.

10 So, I think that to get away from that long delay
11 of court cases, you need an independent board to judge and
12 pay damage claims as rapidly as possible.

13 And then, I thought we needed to address the
14 state's membership or alternative method of damage
15 assessment, then the trustees' system. And, again,
16 recommendation that you need a systematic baseline
17 research in advance of the spills. So, that you can do
18 good damage assessment. And, that you need local and
19 accurate knowledge of the resource concentrations and the
20 critical areas.

21 So, this fits -- I've made a long speech and I'm
22 sorry, Mr. Chairman. This fits as a critical part at the
23 statewide level to address all elements of a catastrophic
24 spills.

25 I'll shut up.

1 MR. PARKER: Thank you, Commissioner Wunnicke,
2 I think you got the pieces there in thinking about this
3 and in the structure and incorporating all the pieces that
4 you've laid out before us. I have been thinking in terms
5 of a public body which could be anywhere from three to
6 seven members would have ex-officio members. The Chairman
7 of the Advisory Committee are the two regions that are
8 under discussion regions now, plus any future regions that
9 might be created and also the Chairman of the State
10 Coastal Zone Management Council as an ex-officio. And,
11 handling the shippers, all the many agencies on both sides
12 concerned with this as another agency committee which
13 would be the served, in affect as staff to the Commission.
14 And, that would be a pretty large group. You would be
15 talking about five state, five federal representatives,
16 whether the shippers go in there, are represented through
17 the Advisory Committees I think can be up to things to
18 fall out. And, having the Chairman of the Commissions as
19 the state's rep on the interstate compact to achieve that
20 tie, but also having one of the Commission serves as an
21 ex-officio member to the State CZM Policy Council to
22 maintain and keep that linkage two ways and start building
23 linkages with existing systems. I haven't got to the
24 stage where I think about the interaction with the
25 hazardous waste operation which is a fairly massive

1 structure all in itself.

2 I don't know if that Commission even is in action
3 yet, or exactly what it's doing, but it can be handled in
4 the same way as having ex-officio representation and to
5 tie all these things together.

6 MS. WUNNICKE: I think that you are absolutely
7 right that why this is so critical is that it is in
8 between the local and the interstate and the national
9 groups. That's certainly an alternative, to make the body
10 itself a citizen's body and use as advisors to the other
11 entities that I described as members.

12 That's certainly an alternative.

13 MR. PARKER: Ed?

14 MR. WENK: Thank you, Mr. Chairman. I want
15 to speak in very strong support of the concept, but at the
16 same time I would like to clarify and put on the table
17 what I think are needed as some separation of different
18 elements that have been proposed here for the sake of
19 coming up with something which is crystal clean and
20 unambiguous to people to whom this report goes.

21 On two counts. Number One. If you invent a new
22 body and you give it too many things to do, it may do none
23 of them. But, secondly, it gets very difficult, I think,
24 for an outsider to understand the authority that is given
25 the relationships that are at stake and so on and so

1 forth.

2 So, I would like to suggest for thinking purposes,
3 we approach this as follows.

4 First of all, it seems to me that Commissioner
5 Wunnicke has outlined why such a body is needed and in
6 short just summarizing some of the things she said. We
7 had evidence of a serious problem. Several serious
8 problems. One, the neglect of prevention. Two, the
9 inadequate preparation for response. Number three, too
10 low a priority in state affairs. Now, we are talking
11 entirely about state, not federal. Number three, a
12 fuzziness of responsibility because it spreads so far.

13 It strikes me that Number One identifying a new
14 element to serve the Governor is itself a virtue, because
15 he is the Chief Executive. He's the only one in charge of
16 all these agencies. It is symbolic in saying that this is
17 a priority for the State and I think there was occasions
18 of discussed before in political terms, the medium is the
19 message, the creation of the new body is itself a flag of
20 importance.

21 To go on from here, however, I suggest, and
22 forgive me, if I have a slight modification of the
23 proposal with regard to the composition. I can imagine
24 this Council and I think we are all using that term now,
25 really being composed Senior Officials from within the

1 state government representing the different agencies which
2 we have already discussed having this, that or the other
3 responsibility, with a very small staff, but high quality
4 staff, with the following:

5 To identify unmet needs of the state. These are
6 the safe oil transportation. This is both water and land.

7 Number Two. To recommend budget priorities.

8 Number Three. To integrate programs among the
9 different agencies. I use the word integrate rather than
10 coordinate because I think there is a subtle difference
11 here that is an important one.

12 Next, to recognize that the safe transportation of
13 oil goes well beyond simply environmental affects to bring
14 into the social economic community interest which at the
15 same time environmental affects have been ignored when you
16 look only at the environmental affects when some of these
17 other affects get ignored. So, I think that that repre-
18 sentation is necessary.

19 And, finally, to have a central point of contact
20 with the outside world. It's been mentioned negotiating
21 a compact with other states. But, having a central point
22 of contact now with the other elements of the outside
23 world, and here I could imagine they are falling into two
24 very clear -- I'm sorry, three categories.

25 Number One. The shippers.

1 Number Two. The stakeholders.

2 And, Number Three, the Federal Government. And,
3 their representation is necessary, but I would suggest
4 that be through some observers status rather than member
5 status. I think that can be spelled out so that nobody
6 gets forgotten. I've witnessed organizations like this
7 before where everybody's present, nothings going on behind
8 the scenes, everybody gets a chance to talk, but there's
9 a difference in responsibility if you are an officer of
10 the state, and presumably when you come in you swear to
11 do this, that and the other, then when you are not an
12 officer of the state, and that's why I put the membership
13 focus on people who are Senior State Officials. But,
14 recognizing the field to link to these other interests and
15 I believe that can be done to satisfy the need for
16 communication to take everybody's interest into account
17 and have high visibility for what's going on.

18 Anyway, I don't think I said anything that was
19 new. It's simply to restate why I think this really would
20 be a great service to the state.

21 MR. PARKER: I think you identified several
22 important points. The federal linkage, especially. When
23 the Chairman of the Texas Railroad Commission used to go
24 to town to Washington when Texas was the leading oil
25 producer, he got everybody's attention.

1 MS. WUNNICKE: But he owned the land.
2 MR. PARKER: Uh?
3 MS. WUNNICKE: They didn't even have control over
4 the leases.
5 MR. PARKER: Didn't even have control over the
6 leasing and, you know, I think that whoever -- whatever we
7 come up with, that focus has to be there. That when Mr.
8 Royal identified, you know Mr. Royal Transportation for
9 Alaska goes to Washington, it is a very high level
10 identification, because that is a missing element.
11 John?
12 MR. SUND: Well, I am going to take a little
13 different twist on this and it comes out of discussions of
14 the last couple of days of some of the findings that I
15 think we have the evidence to make.
16 I think there's, I don't like to get into the --
17 capitalism has some strange underlying hand -- the
18 invisible hand that drives the capitalist system argument,
19 but I think that there's a finding that corporations will
20 be corporations and lacked in their own best interests.
21 I'm beginning to take more and more the Council's position
22 on that.
23 I think there's a finding that environmental
24 protection is a long term non-glamorous issue and will be
25 ignored over time, by citizens, by the executive and by

1 the legislature. And, I think that there's proof that
2 that has occurred.

3 So, the question is how do you treat those two
4 different aspects? How do you try to change that? And,
5 I think the issue I come down is that this Commissioner
6 Council needs to be an advocate. Needs to have an
7 advocacy role rather than a coordinating or conciliatory
8 or meshing of ideas role.

9 I don't think the shipping industry ought to be
10 involved in it on any voting sense. I think they have
11 their own interests to move oil to their own bottom line.
12 And, I don't think protection of the environment is very
13 high on very many corporations' calendar. It might be in
14 the future, but it isn't today.

15 And, I think what we are talking about here --
16 when we say safe transport of oil we are saying don't
17 spill it in the water. I mean.....

18 MR. WENK: Or land.

19 MR. SUND: Or the land. That's the buzz
20 word here when we say safe. I think -- you, say, okay,
21 what do you do to accomplish that? You know, how do you
22 keep citizens in the executive and the legislature
23 involved over a long period of time? And, that's how I
24 kind of approach where this council comes in as it's
25 primary driving force. And, everything else falls under

1 it. So, I don't think it should be very big. I don't
2 think it should have all entities involved in the oil
3 transport on it. I sat on the Federal/State Land Use
4 Commission or something for about three meetings. It was
5 enough to make me sick.

6 MS. WUNNICKE: You mean Council.

7 MR. SUND: Council, yeah. Whatever that
8 thing is out there, now, in existence. Whatever ungodly
9 thing that is. It never has done anything.

10 So, you know, I'm still in the prevention mode.
11 You know, I'm not thinking of this Council from the
12 response side, which maybe I should be, but I'm just
13 trying to think of it from the prevention side. You know,
14 from just taking notes when Esther was talking, right, you
15 need a strong alert regulator agency. You need local
16 people involved. You need an interstate connection to do
17 all that. All of this is just to try to make the industry
18 or the transport of oil in a safe manner.

19 I don't' know. I just toss it on as a little
20 different twist as I see this thing coming down.

21 MR. PARKER: I gather you and I are -- that's
22 exactly how I see the public commission or council operate
23 in that advocacy role. I think one of the reasons -- you
24 know, in order to nail down this and keep from happening
25 to this what has happened to so many other commissions, I

1 think back to when your old boss appointed the senior --
2 the state's senior politicians. John from Fairbanks.
3 Butrefitch (ph) from Fairbanks, Chairman of the Subsis-
4 tence Committee. Which was going to take care of subsis-
5 tence. Nobody ever heard of the subsistence committee
6 again. And, they have had the state's most senior
7 politician as Chairman. Because the subsistence committee
8 was, you know, really given no concrete task to perform.
9 In order to get around that I would visualize writing into
10 the legislation the requirement that this group visit the
11 Alyeska Terminal and Prudhoe Bay and any other site that
12 develops bi-annually. Every six months, you know. On
13 site inspection every six months. Write it in there so
14 that everybody knows that there is a statutory requirement
15 to maintain a presence that they tour the pipeline once a
16 year. Which is not onerous and a nice trip anyway. With,
17 you know, Alyeska, DEC, and whoever else in tow, to, you
18 know, so at least there's a public record on that basis.
19 You know, they report on those particular visits what they
20 find from that so the presence is insured.

21 Because otherwise all the points you made, you
22 know, eventually everything dribbles away unless you
23 insure.....

24 MR. SUND: The point I was trying to answer
25 is Harmond's question yesterday, right?

1 MR. PARKER: Yeah.

2 MR. SUND: You tried to picture yourself sitting
3 in front of the legislature saying 'what problem is this
4 going to solve'?

5 MR. PARKER: Yep.

6 MR. SUND: You know, why is this going to
7 make things any difference than it has? How much is going
8 to cost and why do you think it is going to work?

9 The answer to that question is a real tough one
10 for an executive and a legislator to swallow. Because the
11 answer is that the executor and the legislator in the last
12 ten years in this state has not been doing the job they
13 are supposed to do. And, this Commission's going to be
14 there to remind them of it daily. And, there's one thing
15 most executives and legislators don't like is somebody
16 over there reminding them to do something they don't want
17 to do.

18 So, I think, you know, you are right. You have
19 to somehow convince them, one, that's going to be a good
20 thing, but secondly, that it will function over time and
21 given it assigned duties, I think that's what Ed's
22 bringing out and Walt, you, too. It has to have some
23 assigned functional performance duties to get through.

24 MR. PARKER: Mike?

25 MR. HERZ: It seems to me we've heard a range

1 and I'm not clear on the range, because we need a black-
2 board or something where we can put this up to see who the
3 players are. But, I really would like to echo what John
4 Sund just said.

5 It seems to me that the agencies industry each
6 have their own small constituency that they are serving.
7 And, that really you need an advocacy role that's indepen-
8 dent that's not tied to institutions, either public
9 institutions or private institutions.

10 And, yesterday I made the suggestion that fell off
11 the table and disappeared. Which was the perpetuation of
12 something like this Commission. Because of it's number of
13 individuals that perhaps you might want to tie membership
14 in this council to slots, but, if not all, the majority
15 should be public members and not agency members. Because
16 only if you have people who are advocating for a broader
17 set of stakeholders then their agency or their company or
18 profits, are you going to have this continuous kind of
19 presence that is going to serve the oversight role. And,
20 that's really what we are talking about. I mean, there's
21 no questions about the needs, there's no question -- well,
22 there's some question about the details of what the tasks
23 to be performed by this body are, but in general they're
24 oversight. They are trying to keep before the legislature
25 and the agencies the need for continuous vigilance over

1 this industry, the transportation of oil.

2 And, I have yet to hear an argument that convinces
3 me that public membership approach or majority membership
4 with advisors, you know, flip it around. Instead of
5 having it the way it usually is with their being a
6 commission where the public advisory group is advisory,
7 this one, the decision making is in the hands of the
8 public members and the advisors are the agency members.

9 MR. PARKER: Exactly. I've sat on, you know,
10 a lot of those mixed boards where you got part public,
11 part agency membership and you know once in while you luck
12 out and you got strong public memberships who kind of drag
13 the agencies along with them. But, inevitably they get
14 captured because the public members get worn out.

15 MS. WUNNICKE: I think you have made good
16 arguments for the membership of the council to be public
17 members and to make use of all the others that are
18 mentioned initially and that Ed mentioned ex-officios as
19 advisors.

20 MR. PARKER: Ed? Or Dennis?

21 MR. WENK: From what I have heard, the major
22 distinction that seems to arise out of these four dif-
23 ferent discussions is whether the heart of this council -
24 - the differences do not lie in what's the problem.

25 MS. WUNNICKE: No.

1 MR. WENK: And the differences do not seem to
2 me to lie in what ought to be done. It lies largely on
3 this membership question, but I thought I heard two very
4 different models. With some variations.

5 One, where the formal action role as advocate is
6 going to be led by a new person, but that it will be a
7 council in the genuine sense of a council composed of
8 senior people from the agencies with the non-governmental,
9 state governmental observers.

10 The other model I think I heard was all public
11 members with the state officials as advisors. I heard
12 that term, but anyway, I guess I would just like to simply
13 bring to your attention one of the most affective councils
14 that the federal government ever had. And, I don't use
15 this as a model in terms of the feds, but simply in terms
16 of the council mechanisms.

17 Throughout the early 1960's there was a neglect of
18 attention by the country to the role- to the state this
19 country had in the ocean. Responsibilities at the federal
20 level were spread among 26 agencies, there were 30 coastal
21 states, all of which were are looking at least in 30
22 different directions, maybe 60 different directions. And,
23 there was no center of advocacy at a high enough level to
24 earn not only public visibility, but to be able to get
25 action.

1 The Congress in 1966, created a National Council
2 on Marine Resources and Engineering Development. It was
3 chaired by the Vice-President of the United States and it
4 had it's members the heads of about 8 major agencies
5 having ocean activities. The legislation then joined it
6 through whatever mechanisms were then invented, and
7 several were, to make sure it had contact with states and
8 that it had contact with constituency stakeholders.

9 The council lasted about four years and during
10 that time the fortunes of the marine interest about
11 tripled. Measured by number one, not dollars number one,
12 but number one, the number of times the President of the
13 United States even mentioned the word oceans. I translate
14 oceans to a safe transportation of oil.

15 Sixty-five times. It has hardly been mentioned
16 since. Because there was this advocacy that John Sund was
17 talking about. There were things continuing to go up to
18 the Governor.

19 Number two the budgets did increase, but it was
20 done in a discipline way so nobody could say you're just
21 throwing money at the problem. That's the standard
22 slogan. Because, it was not only carefully tailored, but
23 laid out.

24 And, now coming to the third point. An annual
25 report. I know there's mentioned here an annual report by

1 this body. And, observing this firsthand, I would say the
2 annual report had more to do with this linkage with the
3 outside world than any mechanism that was invented.
4 Because it was the avenue for two-way communication. What
5 got in the report as well as what came out in the report.
6 It forced the Government to say now only what it was
7 doing, but what it was not doing. And, it was forced to
8 do that because of the readers of the report who went
9 around waiving this publicly. The various types of public
10 interest groups, saying 'but, you didn't do this and you
11 didn't hit that'.

12 To summarize. Out of this came the Coast Manage-
13 ment Legislation. Out of this came the first federal
14 interest in contingency planning for oil spills. Out of
15 this came the International Decade of Ocean Exploration.
16 Out of this came a position on the law of the sea, which
17 unfortunately was later neglected.

18 All I am suggesting is that having the government
19 people with that model had some real moxa. But, the
20 outside community never felt short suited.

21 MR. HERZ: With that model how did public
22 non-governmental organizations keep their access to that
23 process?

24 MR. WENK: First of all, let me say that
25 we're three conspicuous groups of outsiders. First was

1 the organization of coastal states. Second was the
2 scientific community mainly through the National Academy
3 of Sciences, and the third were the industrial interests:
4 fishing, oil and minerals. And, I have to tell you that
5 we held public forums in order to get this and everybody
6 felt satisfied, but the oil companies wouldn't play.

7 By that I mean, the oil companies resisted any
8 public discussion of their interests. They preferred to
9 do this privately through their contacts in the federal
10 government and so that part of it did not succeed.

11 MR. HERZ: But, was there a regulatory role
12 that was, I mean, what we are talking about is, it seems
13 to me, is that this council is the generation of policy
14 that is ultimately, hopefully, going to have some sort of
15 a regulatory -- the recommendations are going to affect
16 promogation of some sort of regulation of the industry.
17 And, I'm trying to get a sense -- the model in which you
18 are talking about that.....

19 MR. WENK: Coastal Zone Management had very
20 strong regulatory implications.

21 MR. PARKER: Tim?

22 MS. WUNNICKE: I have a question.

23 MR. PARKER: I thought you raised your pencil.

24 MS. WUNNICKE: May I ask a question of John
25 Havelock?

1 MR. HAVELOCK: Yeah.

2 MS. WUNNICKE: If this body were a private
3 citizen body, would -- could it be the client so to speak
4 to achieve some of the proposals that Sea Grant studies
5 make with respect to petitioning the Coast Guard for
6 example? I mean, could it be the client to make that
7 request, or would that have to come from some agency or
8 from the Governors' Office?

9 MR. HAVELOCK: If you are going to make it a
10 state activity, it would have to be done with the Gover-
11 nor's approval. You can't have it on it's own. In
12 keeping with the -- executive article (inaudible - not
13 speaking in mike).

14 But, I mean you can recommend through the Gover-
15 nor.....

16 MS. WUNNICKE: Yeah, that's what I am getting
17 at. Because a lot of the things I think that we are
18 considering in terms of handle on the federal system would
19 have to do with partitioning the Coast Guard or petition-
20 ing the Court. Something. Thank you.

21 MR. PARKER: Let me talk to, briefly, to Ed's
22 points. One of the problems with doing that with the
23 senior members of the government, in affect to the
24 commissioners, is that their administrative duties consume
25 them almost completely most of the time and very few of

1 them, only those because who because of their own personal
2 -- want to get involved heavily in policy change or if the
3 times demands policy change, get involved with it.

4 We had a recent example of a group similar to what
5 you just described when the Governor formed his Mini-
6 Cabinet, which brought together all the Commissioners of
7 concern with the Governor's Chief of Staff. In other
8 words, the Senior Government Officials in Alaska.

9 According to my best reports from Juneau the group
10 was not an affective part of the operation. It simply
11 didn't have -- after a few meetings there was no par-
12 ticular role for it to play mainly because the members
13 wanted to perform their other duties. And, that's been
14 the historic problem. You can bring the Commissioners
15 together for a short run for a task force for a short run
16 to agree things. But, even the Cabinet Meetings in Alaska
17 as they have at the federal level of somewhat deteriorated
18 as a forum on their problem solving. And, I regret that.
19 I think something needs to be done to make that happen.
20 But, that's the situation as it exist now.

21 MS. HAYES: Another observation I have and I
22 guess this is a personal opinion, but I think that no
23 matter -- that there's a characteristic of our commis-
24 sioners. Our department heads in Alaska that I have
25 noticed for several years. And, it's that no matter where

1 they start out from being in Alaska. When they are
2 appointed to being commissioners, they very quickly get
3 captured by the Juneau and Southeast mind set with due
4 respect to John Sund.

5 UNIDENTIFIED SPEAKER: (inaudible)

6 MR. SUND: Well, there's four of them sitting
7 in this room. I was just looking around -- to check what
8 the reaction was here.

9 MS. HAYES: Well, I was thinking Southeast.

10 MS. WUNNICKE: There's a window right behind you,
11 Meg.

12 MS. HAYES: Well, and I think that that's
13 somewhat the same thing that's being captured by -- I mean
14 I think it's an understandable phenomena. You get
15 captured by an agency when you -- after a certain period
16 of time when you are the director or the commissioner of
17 an agency. You get captured if you're a member of a
18 public and public official commission. By the official
19 point of view. And, I think that same thing happens to
20 the Commissioner level positions.

21 An example of that is, how often Denny Kelso
22 visited Valdez? How many -- how difficult -- how many
23 times we've had meetings in Anchorage where people were
24 unable to attend because they were held up by planes in
25 Juneau.

1 And, I guess I think that some of the things that
2 you are talking about are really -- might even work better
3 if the public officials were advisory to the commission.
4 And part of it, I'm really taken with, is your idea of the
5 annual report. One of the things that has led us down
6 this prime rose path to the Exxon at Valdez was the
7 reduction of DEC budgets.

8 Now, Commissioner Wunnicke certainly was there
9 with the times when those budgets were being cut. And, it
10 was ruthless, about the cuts that were being taken. And,
11 the reasons for it. And, the job of the commission, that
12 senior level position, becomes an apologist for why
13 certain programs are being cut.

14 And, what I think would be more valuable in that
15 kind of a climate, would be a citizen's group that listens
16 to those arguments and then made their own independent
17 judgments about what the effect of this -- of all those
18 cuts being made were on a major program such as preven-
19 tion.

20 MR. PARKER: Dennis?

21 MR. DOOLEY: Well, there's two point. One,
22 again, I guess I'm speaking to the reason for citizens.
23 When we've done some organizational studies of organiza-
24 tional change in state departments, the greatest amount of
25 work is at the commissioner and deputy commissioner level.

1 They don't last full term. They don't have four year
2 terms. They tend to have an average of one and half to
3 two year terms. So, you have a lack of discontinuity and
4 the citizen from public may have the opportunity for a
5 longer length of time to continuity and commissioners.
6 Just in terms of longevities.

7 The other one was a caution. I heard an approach
8 where we are going to select a chairman of each of these
9 advisory groups and a chairman from this is going to do
10 that.

11 MR. PARKER: Ex-officio.

12 MR. DOOLEY: Yeah, well. These chairmans, let
13 say of the regional advisory group you are setting up as
14 a citizen group, he's a volunteer. Then, as you all are
15 volunteers here. You've been in with this exercise. He
16 will be there. Then he's expected that Chairman or that
17 individual -- if he's elected to Chairman, is then
18 selected to go to another group. Pretty soon you have a
19 full time volunteer, because you have mandated that he be
20 the chairman of each group. The chairmans will then be
21 selected on who has the time available to do the entire
22 task rather than doing one or two at appropriate times.

23 I'm suggesting that maybe you leave the represen-
24 tation from each group to that group.

25 MR. PARKER: Tim?

1 MR. WALLIS: Yeah, that's past our time that we
2 were going to either do something or go on. But, just
3 briefly, I'd -- the, I don't know if we are making this
4 too hard. I do have some problems on what this Commission
5 is supposed to do, however.

6 It was my understanding that the philosophy or
7 what we are doing was going to continue on in this type of
8 advisory group. I didn't see us being given the authority
9 to represent the Governor on doing compacts or, you know,
10 anything like that. I think if this group is going to
11 advise the Governor and make recommendations to him as to
12 what needs to be done for the safe transport of oil,
13 that's one thing. If we are going to give them, you know,
14 other duties that I think belong within the existing
15 agencies role, I would have a problem with that.

16 MR. PARKER: Getting back to that in watching
17 the way in which the state is operated on past interstate
18 compacts, whether formal or informal, they simply didn't
19 attend even when there was a lot on the table. And,
20 there's never been a strong desire in the state government
21 in Juneau to involve itself with the problems of the West
22 Coast. Except in this particular area, the oil transport
23 is the only thing that's ever brought it out and the
24 fisheries. Those are the only two areas where you get
25 that kind of interaction. Otherwise, nobody particularly

1 wants to waste their time running down to solve West Coast
2 problems because there's no need to.

3 John?

4 MR. SUND: Yeah, I think like Tim, we are making
5 this a little more difficult than we have to. I think the
6 problem that we are trying to fix here is the failure of
7 the executive and legislature or on a federal level, the
8 President of Congress to maintain an adequate awareness
9 on protection of the environment, i.e., in this case, the
10 safe transport of oil.

11 To me that's the picture of what I'm trying to
12 solve. That's why I'm sitting here arguing with somebody.
13 We've got to solve it. And, if you don't agree with me,
14 obviously we can't get beyond that.

15 And, I think the proposed solution that we have
16 laid on the table here are perhaps four recommended
17 solutions. One, is citizen advocacy groups of some way
18 shape or form. We argue about how they should be made up
19 or whatever. But, I think that's just a class. We put a
20 council headquartered in the Governor's office as an
21 entity. And I would say an advocacy type council, but so
22 be it. We have argued a little bit of how it should be
23 made up, whatever. But, I mean, the fact is that's kind
24 of where we are at.

25 And then, you know, the other two kind of dribble

1 a little bit. One are interstate contacts or relation-
2 ships with other states in the West Coast.

3 And then the fourth category is this, I call it,
4 the intergovernmental category. And, the thing that
5 brings to mind here and Havelock made more knowledge -- it
6 kind of tends to remind me of what we call the Criminal
7 Justice System Task Force that exist. And, I think the
8 court system kind of pulled it together at one time and
9 it's an existing body and they used to produce a report
10 every year, but they don't know. But, it was 'how do you
11 pull all the elements of the criminal justice system
12 together to talk about mutual impacts?' You know, what
13 happens if the legislature adds twenty new troopers to the
14 budget? Right? And it has this ripple affect through the
15 whole system. And, all the guys in the legislature and -
16 - all the guys involved got together and everybody came in
17 and eventually now you get a mutual presentation to the
18 legislature from all of them

19 If you add twenty new troopers you also have to
20 add 4 more DA's, two more judges and 45 more jail cells
21 and 18 more probation officers. So, the cumulative fiscal
22 note writing twenty new troopers is \$15 million. And this
23 is now presented in a joint presentation. These guys kind
24 of banded together and when you want to do that they all
25 come walking in a room together and you sit back and go

1 'Oh, shit'. You know, it's a big impact.

2 I haven't quite figured how I can get it over to
3 oil prevention, but I think it's something there. We have
4 DNR, we've got DEC, we've got Emergency Response, we've
5 got all these things spread through the bureaucracy and
6 they are all kind of related to each other. You know, I
7 could give you an esoteric argument. You are going to cut
8 the vessel inspection team at Port of Valdez out of the
9 budge.

10 My response is it's all the guys in the response
11 side are going to come in and say 'you, better double the
12 response budget, because we are going to have an acci-
13 dent'. That's the impact. You know, you want to save
14 \$300,000 bucks by cutting the salary of these inspectors
15 out, you better add \$4 million over here to the response
16 side and emergency response so we can crank up to get
17 ready to react to this problem that you have created over
18 on the side.

19 Now, to me that's an intergovernmental task force
20 situation and I don't necessarily wrap it into this
21 council or these other issues.

22 MS. WUNNICKE: Mr. Chairman-- oh, excuse me.

23 MR. HERZ: I just want to make an observation
24 that it strikes me that it's extremely diagnostic that the
25 first duty that council put up there is watchdog over the

1 agencies. I mean, I thought that the function was the
2 watchdog over the industry. But, I think that's diagnos-
3 tic over what the problem has become.

4 MS. WUNNICKE: Agencies and industry.

5 MR. HERZ: Well, but, it's -- it doesn't even
6 say agencies up there. It says, I mean, it doesn't even
7 say industry. It says agencies. And that's really become
8 the problem.

9 MR. SUND: The issue, Mike, is how to do you
10 affect the industry?

11 MR. HERZ: That's right. But, problem wise,
12 you can't -- the difficulty has been directly getting to
13 the industry, because the regulatory structure has bogged
14 down intergovernmentally. We've seen an awful lot of
15 examples in the testimony that we have taken and the
16 documents we have had drafted over the past six months
17 that show that there have been failure, after failure,
18 after failure of state and federal agencies, who are
19 charged with doing some function and they are not ac-
20 complishing it.

21 MR. SUND: Two observations and a suggestion,
22 here.

23 One, the citizen group cannot affect how the
24 industry acts. You can have all the citizen groups go to
25 Alyeska and ask them to change their practices till you

1 are blue in the face, but they ain't gonna do nothing
2 unless they want to. And, I'll bring out the premise --
3 counsel's premise that corporations will act in their own
4 best interests.

5 MR. HERZ: If what you're saying is true,
6 this

7 MR. SUND: Now, citizens'.....

8 MR. HERZ:body, this Commission has
9 wasted six months. I mean, I think.....

10 MR. SUND: No,.....

11 MR. PARKER: We are not a.....

12 MR. SUND:I'm not saying that. I'm
13 saying there was a suggestion made in front of this body
14 and I kind of threw cold water on it at the time, but you
15 could turn the statutes around so that citizens could
16 pursue environmental, breaches of environmental law.

17 The private citizen lawsuit routine.

18 MR. PARKER: This is not a citizen commission.
19 I mean in the sense that he used and is talking about it.

20 MR. SUND: The only way a citizen can affect
21 Exxon's behavior is by massive public outcry.

22 MR. PARKER: Ed?

23 MR. WENK: I have listened very carefully to
24 this discussion, because, identifying myself as an
25 outsider, I am listening to how the state of Alaska does

1 it's business.

2 I think that everyone of us has written with
3 plenty of evidence that it didn't do it's business. And,
4 what I have heard here is an explanation as to why it
5 didn't. I mean, all the arguments against having an in-
6 house council, against having an inhouse council, or
7 explanations as to why the state has failed.

8 This turn over of commissioners for example. The
9 fact that you have a regionalism here that is so debili-
10 tating. This Juneau mind set. Take anybody who has been
11 around Washington, D.C. knows there's a potomac fever. I
12 mean, my gosh, it's well recognized as a mind set there
13 and everybody who doesn't live in Washington, D.C. resents
14 what goes on there. So, you know, that is sort of taken
15 for granted.

16 I lived, twice, with interagency coordinating
17 bodies and I guess that's why I was appointed to them,
18 because I found a way of quoting everything I needed to
19 know I learned in Kindergarten, which is one of my
20 favorite books. One of the ten commandments is, when you
21 go out into the world....

22 MS. WUNNICKE: Hold hands.

23 MR. WENK: Look out for traffic and hold
24 hands. And apparently, I was appointed to these posts in
25 the Whitehouse because I had learned how to help other

1 people hold hands. And, I saw two of these operations
2 really work.

3 But, they are only going to work if the Chief
4 Executive wants them to work. The power of these inter-
5 agencies bodies come from being the shadow of the boss and
6 even to use the bosses' name sometimes when he doesn't
7 know what's going on to get things done.

8 But, I am inclined to agree with John Sunds' last
9 comment here that a citizen's group isn't going to move
10 industry. I don't think a citizens' member -- a council
11 made up of citizens is going to be affective in negotiat-
12 ing interstate compacts. And, I surely don't think they
13 are going to be effective in bringing the necessary
14 strength to bear encounters of the federal government.
15 And, that's a group you really have to be down or stimu-
16 lated, whatever.

17 I'm looking at this in terms of what's the most
18 powerful instrument you can invent. Because you are
19 really inventing something new here. The most powerful
20 instrument you can invent to do the things that everybody
21 seems to feel needs doing because the evidence is there
22 weren't done before and it means doing something different
23 than in the past, because we know what happened in the
24 past. And, I think the notion of citizen advocacy is
25 absolutely essential to preserve some way. But, I don't

1 think it is going to achieve these other purposes if you
2 make this council a citizen advocacy or advisory body.

3 MR. PARKER: Well, the reason.....

4 MR. WENK: Anyway, I wanted to share that
5 perspective, because I think I may stand alone at this
6 point of view, but I feel I have to share it with.

7 MR. PARKER: In order to get around the
8 problems you have so accurately described is why I think
9 the duties are critical. This council must have the
10 authority to conduct the major inspections I described and
11 to report on them. And that's what get sat around from
12 just being -- And, to require through the Governor and
13 the Commissioners enforcement of it's report, you know.
14 I think's that's what is I would see distinguishing it
15 from, you know, the Center for the Environment, or
16 trustees for Alaska. One reason the Trustees for Alaska
17 is affective is it uses the courts - the most imperfect
18 instrument. But, it gets there through the Court System.

19 MR. SUND: But,.....

20 MR. PARKER: But, you know, that's a.....

21 MS. WUNNICKE: That's a different thing entirely.

22 MR. PARKER: Yeah.

23 MR. WENK: Let me just add one footnote here.
24 When I was serving in the Whitehouse as Staff Director for
25 these two different bodies, one was the Federal Council

1 For Science and Technology which is science. And the
2 other was the Marine Council.

3 I have to admit I did a little evangelizing there
4 and the metaphor I found from teaching-- being taught how
5 to play golf where the instructor told me 'on a drive you
6 have to hook your mind to the golf club. But, you hook it
7 through your left hand and consciencely swing with your
8 right hand, because your right hand will know what to do'.
9 And, I appealed to these guys from the agencies on the
10 grounds, 'look, everyone of you has got a contingency, you
11 know the iron triangle identification, so you are going to
12 be in a conflict of interest between representing your
13 agency and representing the country'. In this case
14 representing the State, the whole state.

15 Consciencely, the left hand represents the state,
16 because your right hand representing your agency will know
17 what to do without you thinking twice.

18 What I am suggesting here is that there is a
19 mechanism of public administration at state here. This
20 isn't just an organization chart. This is a question of
21 group dynamics and it is going to take some inspirational
22 talk from this Governor, a Governor and from this Staff
23 Director to get these agency people to think about mutual
24 problems, but my final comment would be this organization
25 is going to feed on information and it's going to generate

1 information. An enormous amount that it is going to feed
2 on is going to have to come up through the agencies.

3 Each time they meet, though, there is an interac-
4 tion which itself is important and people going back to
5 their agencies and doing things they wouldn't have done
6 otherwise. That's this lefthand business. And, that's
7 not going to happen if it's a citizen's group. If they
8 are only represented there as a ex-officio observers.

9 I won't happen.

10 MR. PARKER: Okay. Mike, then al wants to take
11 a five minute break.

12 MR. HERZ: Just a quick comment. I think one
13 way out of this is that we are really talking about two
14 different sets of functions. The first three or four, I
15 can't decide about number four, are the functions that
16 could best be served by a citizen based public group and
17 the second, from at least five, six, seven and eight, are
18 more the bureaucratic agency type functions. And, maybe
19 we are talking about two separate bodies here.

20 MR. PARKER: Al?

21 AL: Mr. Chairman, another model that might be
22 used to consider is that of the North Pacific Fishery
23 Management Council and the other councils which are made
24 up of a mixture of government officials and citizen
25 numbers and are staffed by mandatory non-voting agencies

1 representatives at one time or another, plus other staff
2 as well and advisory councils. And, from my observations,
3 least, North Pacific Council functions very efficiently.

4 MR. PARKER: Secretary of Commerce pays less
5 and less attention to them as does the Secretary of State.

6 AL: Well, their sense of international
7 politics perhaps is different.

8 MS. WUNNICKE: Mr. Chairman, we all speak from
9 our own experience and mine is not at the level of Mr.
10 Wenk's, but I have served on, in addition to being a
11 Commissioner for four years, I have served on two bodies.
12 Both were federal/state. One was a citizen body appointed
13 half by the President and half by the Governor. And, the
14 other joint federal/state body was an agency body. And,
15 from that experience I guess I would have to say that if
16 you could not have a mixture, as Allen is suggesting, and
17 as the original proposal suggested, I would certainly go
18 for the citizen -- the independent citizen body.

19 For what that's worth.

20 MR. PARKER: Okay, let's take a five minute
21 break and come back with something resembling a motion.

22 (Off the record)

23 (Break)

24 (On the record)

25 MS. WUNNICKE: Let me get us back to where we

1 started. Which was the most recent debate and one that
2 I thought if it had to go that way I would have to vote
3 for the Citizen Body over the Agency Body.

4 As proposed the Council is a mixture. It is not
5 designed to be a coordinating body for state agencies.
6 That's properly done through the Governor's Office.

7 It was an attempt to get together the people, the
8 major players who had some ability to affect the safe
9 transportation of oil in Alaska. And, it could be
10 tinkered with in terms of membership. But, I would urge
11 you not to make it too large.

12 And, I think the main benefit from it would be the
13 benefit that you have from a body like ours. Everyone's
14 been working the Exxon Valdez problem and it's aftermath
15 from their own perspective. From their own needs. From
16 their own window, so to speak. And, as far as I know,
17 this is the only body in Alaska, at least, that is looking
18 at all of the parts. And, that would be the value of the
19 council as I first proposed it of a mixture. As I said,
20 I would even hope that you could have Coast Guard and EPA
21 or whatever appropriate federal agencies as numbers if you
22 could not have them as members, at least have them as
23 advisors to the body through some intergovernment agree-
24 ment.

25 Okay, now, I'll be a soprano, again.

1 MR. SUND: I recommend that we divide this
2 question and I would move that we as a Commission recom-
3 mend the creation of citizen advocacy groups and the
4 creation of a council headquartered in the Governor's
5 Office.

6 And, then I think a second level discussion is how
7 to make those up. But, I would just say that we ought to
8 recommend those two at this time.

9 MR. PARKER: Is there a second to that?

10 MR. WENK: Yes, I'll second that.

11 MR. HERZ: Point of information. In that
12 proposal is the advisory committees are the regional ones
13 you are talking about now or are you talking about this
14

15 MR. SUND: You can make them whatever you
16 want. I'm just saying there ought to be citizen advocacy
17 advisory groups out there and there ought to be a council
18 headquartered in the Governor's Office.

19 MR. PARKER: Okay. Is there any further
20 discussion on the Motion?

21 MR. WALLIS: What do they do? What happened to
22 all this discussion we had this morning on this group?
23 Are we doing away with this group here?

24 MR. SUND: No. I'm just getting down two
25 generic issues and I think, I feel a consensus here that

1 all we have talked about is how to make these up. So, at
2 least we have agreed that they ought to exist.

3 And then I think the second level of discussion is
4 maybe how they ought to get made up. And, will deal with
5 this issue here -- I'll offer my suggestion on that.

6 MR. PARKER: Local advisory groups and the
7 council in the Governor's Office?

8 MS. HAYES: I'd feel more comfortable if I
9 knew what they were going to do.

10 MR. SUND: Okay. Here's the second part of
11 my plan.

12 I don't know that we can agree, but I think taking
13 Harmond's point of view yesterday that we ought to
14 disclose the options that we have discussed of how you get
15 -- and, if we can get to an agreement at a recommended
16 level that's fine, we'd say here's the three areas that we
17 have discussed and we've gone all citizen, all government
18 and are mixed. Those are three basics. And, then you can
19 get into size or whatever. But, you may just, as a
20 Commission, not be able to decide. And, what we may come
21 down to, is to say okay here's the three options that
22 we've looked at to get to these points. And, then we just
23 leave it at that. I don't know that we have four hours
24 left here, or two hours left, we are going to beat this
25 issue out.

1 MR. WENK: No, this is wrong.

2 MR. SUND: He has the wrong time, Tim.

3 That's why he has to look at your watch.

4 So, I just wanted to get it in a couple of small

5 bites here. One that we can agree as a Commission. We

6 ought to recommend that there ought to be citizen advocacy

7 groups and there ought to be some type of council head-

8 quartered in the Governor's Office.

9 MR. HERZ: Call the question.

10 MR. PARKER: Question's been called for? Is

11 anyone opposed to.....

12 MR. WALLIS: Let me just say one thing.

13 MR. PARKER: Alright.

14 MR. WENK: He just called the question.

15 MR. WALLIS: Discussion takes precedence.

16 MR. HERZ: Not when call for questions takes

17 place. No.

18 MR. WALLIS: No?

19 MR. HERZ: We have different rules.....

20 MR. WALLIS: I'm going to -- just so everybody

21 knows, I am going to vote no on all of these. For the

22 simple reason is I thought, you know, that the group that

23 we were going to recommend basically was going to take

24 over from where our report ends and their's was to begin.

25 And, I think we are getting into a lot of things and a lot

1 of duties that I just don't think the legislatures going
2 to buy it. And, I think we are wasting our time.

3 But, you know, there are some things that we
4 haven't done and just because of time sake. And, primari-
5 ly with the Prince William Sound and Cook Inlet areas, I
6 think there's a lot of areas that somebody should deal
7 with and I assume that that's what this is going to do.

8 And, so to just explain my vote.

9 MR. PARKER: Okay. Anyone else? Questions?

10 MS. HAYES: Well, I would just like to make it
11 clear that we are advocating prevention of oil spills. We
12 are not just talking about generic advocacy groups. We
13 are talking about prevention of oil spills.

14 MR. SUND: Yes, that's.....

15 MR. WENK: On land and on sea.

16 MS. HAYES: On land and on sea.

17 MR. PARKER: Okay. Let's vote on the motion,
18 then. It's been so long since we've had a voice vote I
19 forget my orders. So, I'll start with that end.

20 Commissioner Sund?

21 MR. SUND: Aye.

22 MR. WENK: Aye.

23 MS. HAYES: Aye.

24 MS. WUNNICKE: Aye.

25 MR. HERZ: Aye.

1 MR. WALLIS: No.

2 MR. PARKER: Aye.

3 Okay. It's a six to one for that motion.

4 Commissioner Wallis, no.

5 You have another motion then to follow that?

6 MR. SUND: Well, I don't really have one

7 prepared if you want to go to the next issue. I kind of

8 have difficulty here getting into a lot of specific

9 motions. I thought that would break it open a little bit

10 and let Counsel or the Staff prepare some options. And,

11 I prefer the citizen option myself.

12 MR. PARKER: Yeah.

13 MR. SUND: But.....

14 MR. PARKER: And, you know,.....

15 MR. SUND: Narrow down into these duties and

16 discussions and stuff and I don't know if we can really

17 handle it.

18 MR. WALLIS: Mr. Chairman, let me try. I move

19 that this Commission perform the duties as listed on the

20 board.

21 MR. PARKER: Is there a second to that?

22 MR. HERZ: I second it.

23 MR. PARKER: Moved and seconded. Did everybody

24 have a chance to observe the duties as listed on the

25 board.

1 MR. HAVELOCK: They may want to move to amend
2 that to strike a duty. The procedure -- to waive.
3 MR. WENK: Can we have about sixty seconds
4 to.....
5 MR. PARKER: Yeah, I think -- let's make
6 sure.....
7 MR. WENK: These are not in any priority
8 order, are they, Tim?
9 MR. HAVELOCK: No.
10 MR. WALLIS: I don't know. I didn't put them
11 up there.
12 MS. WUNNICKE: Could somebody read them off,
13 please? My eyes are failing.
14 MR. PARKER: Mine, too.
15 MR. HAVELOCK: Yeah.
16 1) Watchdog over Federal and State Agencies.
17 Watchdog over Industry.
18 2) Safety Advocacy.
19 3) Identification of Unmet needs.
20 4) Annual Reports.
21 5) Budget Review.
22 6) Executive Directors to be state reps at
23 interstate compacts and international meetings.
24 7) Make recommendations on program integration.
25 8) Intergovernmental coordination.

1 And, I suppose you could break that down between intra-
2 governmental, meaning the thing we discussed about state
3 and inter-, meaning federal/state coordination.

4 9) Follow up on the report.

5 MS. WUNNICKE: I have no problems.

6 MR. PARKER: And the powers that you have down
7 there would subpoena?

8 MR. HAVELOCK: The powers are:

9 1) Subpoena.

10 2) To initiate the regulatory process.

11 MR. WALLIS: The motions' for duties only.

12 MR. PARKER: Okay. Sorry, about that.
13 Alright.

14 MS. WUNNICKE: Second the motion.

15 MR. PARKER: Questions?

16 MR. WENK: All of these things give a -- can
17 be thought of as purposes or goals, but I'm having trouble
18 raising the question. Who does this action -- who is the
19 recipient of this council action? Is this now to be
20 represented in communications to the Governor and the
21 legislature?

22 MR. WALLIS: It's my understanding.

23 MR. WENK: But, is this.....

24 MR. HAVELOCK: I think that almost all of them
25 fall into that category.

1 MR. WENK: Well, okay. Well, I just feel
2 that ought to be clear because if there isn't a factor to
3 this it could be just a debating society. And it could
4 just go round and round. If we are saying all of these
5 duties are to facilitate the functions of the Governor and
6 the legislature, I understand a little better how these
7 duties get translated into action.

8 MS. WUNNICKE: Okay. And anyone else who wants
9 to listen.

10 MR. SUND: Is there some interaction with the
11 citizen advisory committees? Is that up there under
12 some.....

13 MS. WUNNICKE: Under one proposal it would have
14 membership. They could have membership.

15 MR. SUND: Well, this is a duty issue. I
16 mean, are they supposed to.....

17 MR. HAVELOCK: Well, that's sort of the issue
18 that Ed just raised in terms that he was talking about
19 responding or relating to the Governor and the legisla-
20 ture and you're saying, also the advisory committees. Is
21 that what you mean?

22 MR. SUND: Yeah, if any ever come into
23 existence.

24 MR. PARKER: Okay. Any further discussion on
25 duties?

1 What's he putting up there?
2 MS. WUNNICKE: I can't.....
3 (Idle conversation between the Chairman and Vice-
4 Chairman)
5 MR. WENK: Call for the motion, Mr. Chairman.
6 MR. PARKER: Okay. Called -- questions being
7 called. Is anyone opposed to this motion?
8 We vote. Commissioner Sund?
9 MR. SUND: Aye.
10 MR. WENK: Aye.
11 MS. HAYES: Aye.
12 MS. WUNNICKE: Aye.
13 MR. HERZ: Aye.
14 MR. WALLIS: No.
15 MR. PARKER: Aye.
16 Six to one.
17 MR. WENK: You know, I thought this might be
18 a six to one meeting, but I didn't know it was going to
19 come out this way.
20 (Laughter)
21 MS. WUNNICKE: You read my mind, Commissioner
22 Wenk.
23 MR. WENK: I'm not mentally prepared for
24 this.
25 MS. WUNNICKE: I thought it would be a six to one

1 meeting, too.

2 MR. WENK: You know the Berlin Wall came
3 down, Esther.

4 MR. WALLIS: Mr. Chairman?

5 MR. PARKER: Tim?

6 MR. WALLIS: I move this Commission or whatever
7 we are going to call it have the powers as stated on the
8 board.

9 MR. PARKER: You heard the motion. Is there a
10 second?

11 MS. WUNNICKE: Could you read them, please,
12 Counsel?

13 MR. HAVELOCK:

14 1) Power of subpoena.

15 2) To initiate regulatory process.

16 3) To employ a full time director. That might be
17 discussed for second in the sense are you going to have a
18 full time director that is employed by the Governor to
19 aide these folks, or are you going to have them hire their
20 own.

21 4) Data collection.

22 MS. WUNNICKE: Initiate the regulatory process I
23 don't understand.

24 MR. HAVELOCK: We are talking about Zig Plotters
25 business there of.....

1 MARILYN: Petition.

2 MR. HAVELOCK: Petition proposal to the federal

3 government.

4 MR. PARKER: Ed?

5 MR. WENK: I'm not sure this is an appro-

6 priate part of the motion. And, if it is appropriate,

7 then I would ask if that person making the motion would

8 permit an addition?

9 MR. PARKER: You still need a second.

10 MR. WALLIS: There's no motions on the board.

11 MR. WENK: Oh, I'm sorry.

12 MS. WUNNICKE: I'll second the motion.

13 MR. WENK: Okay.

14 MR. PARKER: Now we've got a second. Go ahead.

15 MR. WENK: It has to do with the notion that

16 the Chairman of this Council be the Governor.

17 MR. HAVELOCK: That's a membership.

18 MR. SUND: We haven't got to memberships,

19 yet.

20 MS. WUNNICKE: That's a membership you're talking

21 about.

22 MR. WENK: Oh, that's a membership?

23 MR. SUND: Yeah. We're under powers.

24 MR. WALLIS: It's not a power issue.

25 MR. WENK: Okay.

1 MS. WUNNICKE: Mr. Chairman, I move to amend the
2 motion to strike item 2, because, again, I think that
3 depends upon the membership.

4 MR. HAVELOCK: Do you want to do the membership
5 and come back to it?

6 MS. WUNNICKE: I think the membership has a lot
7 to do with whether you would want this body on it's own
8 initiating petitions rather than advising the Governor to
9 initiate.

10 MR. PARKER: Is there any other case -- the
11 Fish and Game or any of the other boards initiate this
12 sort of thing.

13 MR. HAVELOCK: Well, I think Mr. Plotter's
14 recommendations were based on the fact that this is unused
15 lever of powers. So, I guess the answer is no. Nobody is
16 doing that now anyway.

17 MS. WUNNICKE: Mr. Chairman. My point would be
18 I don't quarrel with that and I think it is a recommen-
19 dation we should make to the State of Alaska. But,
20 depending upon the membership of whether or not you want
21 this body initiating the petition or recommending to the
22 Governor that a petition be initiated.

23 MR. HAVELOCK: Why don't you ask that this motion
24 be deferred until you've acted on the membership motion?

25 MS. WUNNICKE: I think we are trying to get in

1 the back door, counsel.

2 MS. HAYES: How about separating that council?

3 MR. HAVELOCK: Who do you want to separate? Just

4 pull that one out for now. Unreserved.

5 MR. PARKER: Is there any disagreement with

6 pulling 2) out?

7 MR. HAVELOCK: Separating the question.

8 MS. WUNNICKE: Yeah. I move that as an amendment

9 to the motion, but let the mover.....

10 MR. WALLIS: You don't need my approval to

11 amend it.

12 MS. WUNNICKE: You don't want to amend it

13 yourself?

14 MR. PARKER: There's a pragmatic matter,

15 Counsel, with the Governor and the AG didn't want to go

16 along with a Council recommendation on that. Would you

17 foresee having a council that would go ahead on it's own

18 on something like that on a -- Coast Guard or what have

19 you, but didn't have the support of the Governor or the

20 AG?

21 MR. HAVELOCK: Well, not with all those ex-

22 officios on it.

23 MR. PARKER: Okay.

24 MS. WUNNICKE: Yeah. That's my point.

25 MR. PARKER: Alright. Any further discussion

1 on this point? Marilyn?

2 MARILYN: I just want to add that the ones
3 that you talked about (away from mike - indiscernible).

4 MS. WUNNICKE: Again, I think that has to do with
5 the membership. Particularly the inspection part, because
6 then you are making an operational agency out of.....

7 MR. WALLIS: Mr. Chairman, I move we delay my
8 motion until after we've dealt with members.

9 MR. PARKER: Is there a second to.....

10 MR. HERZ: Second.

11 MR. PARKER: Okay. Any objection to delay-
12 ing..... MR. WALLIS: Or table it I
13 should say.

14 MR. PARKER:this until we have dealt with
15 membership? Okay.

16 MR. WALLIS: John!

17 MR. HAVELOCK: Yeah.

18 MR. WALLIS: You can't add anything on there.
19 There's a motion for that and it has to be done by motion
20 up here to amend it.

21 (Indiscernible)

22 MR. PARKER: Okay. Hearing no objections the
23 motion is delayed until we deal with membership. Is
24 there a motion on membership?

25 MS. WUNNICKE: Mr. Chairman, I would move that

1 the Oil Pollution Council be made up of representatives
2 from major shippers. The Department of Environmental
3 Conservation, the Department of Fish and Game, the
4 Department of Natural Resources for the State of Alaska
5 and, if possible, members of the -- representatives of the
6 Coast Guard. EPA and at least two members from local
7 advocacy -- local advisory.

8 MR. PARKER: Is there a second to that?

9 MR. WALLIS: Well, I'll second it for discus-
10 sion. Can we appoint federal people?

11 MR. WENK: No, you cannot.

12 MR. HERZ: But, you are saying as voting
13 members now.

14 MS. WUNNICKE: If possible. If not, at least as
15 advisors.

16 MR. WALLIS: No, no, no. But the agency
17 members are voting members. So, you're turning this
18 around such that it's no longer, that there are a minority
19 of the public and a majority of agencies people.

20 MS. WUNNICKE: Well, that's open to discussion,
21 I think on the actual configuration. But, I guess my
22 motion would be a mixture of representatives of the major
23 -- for lack of a better word, players affecting the
24 transport of oil in and through Alaska. And, the attempt
25 being to have representatives of all the people who's

1 actions can affect the safety -- environmental transport
2 of that oil.

3 MR. HERZ: I will have to vote against the
4 motion because my sense of where we were going was -- I
5 mean I don't know whether the Council initially, conscien-
6 cely stated the first duty being watchdog over the
7 agencies, but I still consider the agencies to be the
8 major portion of the problems. And, I think the only way
9 that we will get the kind of oversight that I think we all
10 want is for the board, if it is not just a public board,
11 if it is, as a majority, a public -- the public members as
12 opposed to the agency representation.

13 MR. PARKER: Ed?

14 MR. WENK: I understand the point Commis-
15 sioner Herz is raising, but just let me recall for
16 everybody that the watchdogs of the agencies is es-
17 tablished by state constitution. It's your legislature.
18 And, I think the legislature would be mighty upset if they
19 think that they're being preempted by some citizen
20 advisory or some citizen council whose primary job is to
21 serve as watchdog.

22 That might have been authority in there some kind
23 of a slip to write that up there that way, but I don't
24 interrupt it as seriously.....

25 MR. WALLIS: It's already been adopted.

1 MR. WENK: I beg your pardon?
2 MR. WALLIS: It's already been adopted.
3 MR. WENK: Yeah, but I mean in terms of that
4 being a reason to vote against the Motion. All I'm
5 suggesting is that we be mindful of what is reasonable
6 here in terms of the final performance. I mean, let's
7 talk about improving safety as the ultimate objective.
8 And these duties, collectively, are all oriented towards
9 that purpose.
10 MR. PARKER: The, a.....
11 MR. WENK: One of which is to make the
12 agencies work better.
13 MR. PARKER: But the legislature already relies
14 upon citizen commissions to perform watchdog functions on
15 education on Fish and Game.
16 MR. WENK: With authority?
17 MR. HERZ: But there's no preemption because
18 this commission can't pass any legislation. It still has
19 to make it's recommendations to the Governor and the
20 legislature. So, I don't see any danger of preemption.
21 But, it is in terms of what it identifies and what it
22 recommends, the level of independence and oversight that
23 it performs is preserved by having the agencies either be
24 not dominate or not be there at all.
25 That's my point.

1 MS. WUNNICKE: I think that's a good point.

2 MR. WENK: Well, it seems to me that we are
3 back again to what are the organizational models we are
4 talking about? You would vote against the motion because
5 of the public -- because of the government officials who
6 would be on it. I would like to come back to test, I
7 think the original motion of Commissioner Wunnicke, which
8 is a mixed commission.

9 You see we got earlier, an hour ago we were
10 talking about two models when actually she proposed one
11 which was the third model and somehow or another that
12 slipped out. And, now, back on the agenda.

13 And, I just want to reemphasis the notion of this
14 third model which would include both the government
15 officials and the non-government officials.

16 MR. PARKER: Meg?

17 MS. HAYES: Mr. Chairman, I'd just point out
18 that not necessarily reflected in the duties as we've
19 already accepted them, but in our original motion creating
20 them, the primary purpose of this was advocacy prevention.
21 And, I'm concerned that perhaps in the future administra-
22 tion when given the progressive budget cuts that we can
23 anticipate, that the public members of this commission
24 would find that difficult to do. And, that therefore, I
25 would prefer seeing them as advisory to a council made up

1 of citizens.

2 MR. WENK: Who as advisors? The Government
3 officials?

4 MS. HAYES: The Government officials as
5 represen--- and available for the discussions and for
6 advice and data collection, but not be voting members.

7 MS. WUNNICKE: Mr. Chairman, I think one unfor-
8 tunate thing, and I begin it by using the word watchdog
9 organizations at all these three levels.

10 Rather than watchdog I guess the purpose is to
11 keep a focus and an attention on the problem. And, it
12 seems to me that there is no better way to keep that focus
13 than to involve all of the people who are a part of the
14 problem. Or who may be a part of the problem. But, they
15 also are part of the solution. And, as John Sund has said
16 on a number of occasions at this meeting, it didn't take
17 much for Alyeska to put into affect alot of things that
18 might have taken years to hammer them over the head on in
19 terms of regulations and requirements and inspections and
20 so forth.

21 So, I think maybe my purpose was a naive one to
22 at least get around like this the representatives of the
23 members -- representatives of the organizations who may be
24 a part of the problem or a part of this solution.

25 MR. PARKER: Tim?

1 MR. WALLIS: Yes. You know we have already
2 voted that we are going to have a guy in the Governor's
3 office. We've already created a bunch of local (?) here.
4 I think, really, if we are going to do something, since
5 you got this guy in the Governor's office that's going to
6 kind of be working with this committee, I assume, that it
7 just be all public members. You are going to get input,
8 you know, like the legislation that set up this commit-
9 tee where you're working out of the Governor's office so
10 he is going to mandate that his agencies work with you.

11 So, I think, you know, you are going to have that.
12 I just think it should be a five-member public committee.

13 MR. PARKER: Are you ready to vote?

14 MR. WENK: Well, I was just going to ask, was
15 there a second?

16 MR. WALLIS: Yeah.

17 MR. SUND: Yeah. I'm going to vote against
18 the motion. I would suggest that we follow Tim's public
19 members. I would probably take the language right out of
20 the state bill that created this commission or something
21 like it if you want to go that far.

22 But, my point is, you know, what are we trying to
23 solve. You got to keep that in mind. And, I would say we
24 want to emphasis a position in the Governor's office and
25 you could lay out two or three options of how to get there

1 and, you know, argue for which one you want. But, if
2 there's no consensus for preferred position. But, even if
3 we had a preferred position here, I'd think the options
4 ought to be listed out. Say, here's what we considered
5 and why.

6 I'm....

7 MS. WUNNICKE: I hate to see.....

8 MR. SUND:in favor of the citizen
9 thing. Because it's gonna run on whether the Governor
10 wants it to work or not.

11 MR. HERZ: Two quick points. One, I disagree
12 with what Esther says about it didn't take very much for
13 Alyeska to bring in all that stuff. I think it took a
14 hell of a lot. It took the Exxon Valdez spilling 250,000
15 barrels of oil in Prince William Sound.

16 But, let me just recall and restate what I stated
17 yesterday. I have been impressed with what we have done
18 in six months and we are not -- we do not have representa-
19 tion from the agencies. We have had the agencies all come
20 in here, talk to us, make their cases before us, but the
21 recommendations that this board will come up with will not
22 be influenced in the way that they would be if you had a
23 board that had, you know, all of the agencies sitting
24 here, perhaps overruling or overrunning, outnumbering the
25 public members.

1 I'm basing my recommendation and my vote on the
2 fact that I think this commission has accomplished a
3 tremendous amount. It's model is very similar. We are
4 appointed by the Governor and advisory to him. We are
5 doing, I mean, part of what we are doing is most of the
6 things on that list other than the budget, you know, the
7 first three, at least.

8 MR. WENK: Mr. Chairman?

9 MR. PARKER: Ed?

10 MR. WENK: In no way disagreeing with
11 Commissioner Herz but I can't see in political terms that
12 this commission has yet done anything. I mean the next
13 thing it's going to do is issue a report. It won't have
14 done a thing until there's response to the report and
15 advocacy by the report by the chairman, people up here and
16 so on. This doesn't diminish what this commissions doing.
17 All I am suggesting is that that's not a way to judge what
18 can be done with this body we are talking about.

19 The two points about the body. First we voted
20 earlier to create two organizations. One is a council in
21 the Governor's office and the second is a citizen advisory
22 group. I thought that was a root to in voting for that
23 motion to having our cake and eating it, too, so to speak.

24 And, so I come back again in support of this
25 original motion that's now on the table. In the belief

1 that we ought to put the alternatives to a test. I think
2 that's the essence of the decision anyway. What are our
3 options, but how do we choose among them?

4 And, I think that where we are very clear about
5 our goals, we ought to ask the next question in comparing
6 model A versus B versus C which will be most effective in
7 achieving those goals and how do we know.

8 And, I think, I don't know whether that's going to
9 take some additional staff work, but I think that this is
10 so serious a question that it desires this one addition
11 layer of consideration and this isn't just trying to
12 rationalize something one way or the other. I think we
13 ought to genuinely search for a way of testing the
14 relative impact of each of these. And, I'm still going on
15 the premise that the earlier vote polls that is that we
16 have the two bodies, one in the Governor's office and the
17 other citizen advisory groups, link somehow.

18 MR. PARKER: Having watched the similar body
19 which Mr. Dasiak brought up earlier, the North Pacific
20 Fisheries Council being present at the birth of that
21 council in acting and developing it, I must say it's
22 actions has been one of the great disappointments of my
23 life. Not as a success, but as providing over the
24 decimation of Alaska's Fisheries and the -- You know, I
25 think it's been totally ineffective and influencing the

1 decisions by the Department of Commerce or Department of
2 State on the major issues.

3 Primarily because of the agency made representa-
4 tion on it. Which tends to keep strong public members
5 from going on the council.

6 So, I will vote against it, also.

7 Are you ready? Tim?

8 MR. WALLIS: No.

9 MR. PARKER: Mike?

10 MR. HERZ: Yes.

11 MR. PARKER: Esther?

12 MS. WUNNICKE: Yes.

13 MR. PARKER: Meg?

14 MS. HAYES: No.

15 MR. PARKER: Ed?

16 MR. WENK: Yes.

17 MR. PARKER: John?

18 MR. SUND: No.

19 MR. PARKER: I'll vote no. It's four to three.

20 Motion fails.

21 MR. WENK: Mr. Chairman, could I suggest that
22 where a motion is that close that that in itself is a
23 signal to study this a little bit further?

24 MR. SUND: Mr. Chairman, I would move that we
25 develop three alternative options to staffing this council

1 we proposed.

2 One being the motion that was already on the
3 table. Secondly, an all citizen group and thirdly, and
4 all intra-governmental group.

5 MR. PARKER: You've heard the motion. Is there
6 a second?

7 MS. WUNNICKE: Second.

8 MR. WENK: That the staff study? Did I
9 understand you to say that the staff look at these three
10 models and compare them?

11 MR. SUND: No, my motion was to just flush
12 out those three alternatives in some paragraph.....

13 MR. WENK: Oh, I see.

14 MR. SUND:that's alternative forms and
15 put them in.....

16 MR. WENK: I got ya.

17 MR. SUND:as alternatives that could be
18 considered.

19 MR. WENK: Is the implication then that that
20 will in a sense end the issue... In other words, the
21 commission will help the readers see that there were three
22 options, but we will not then try to resolve this oursel-
23 ves? Okay.

24 MR. SUND: That's my intent.

25 MS. WUNNICKE: Leave that to the appointing

1 authority.

2 MR. WALLIS: Alright. And that's going to be
3 in the report going to the Governor and the legislature?

4 MR. SUND: Yeah.

5 MR. PARKER: What is.....

6 MR. WALLIS: That we are dealing with Valdez
7 Oil Spill and looking out for the State of Alaska and we
8 can't even make a recommendation on a public body?

9 MR. SUND: Well, I think, my point, Tim, is
10 that I think we have to have this level of interest in the
11 Governor's office. But, how it's represented in the
12 Governor's office, you know, I don't think we as a
13 commission are very well decided.

14 I don't mind throwing them up one at a time and
15 voting on them. But, I think that Ed's point that the
16 other ones are four to three or three to four or five to
17 two are so close that you can't say well we are not going
18 to stick them in there.

19 I just.....

20 MR. PARKER: Well, you voted on one which has
21 failed. Why don't you throw the others up so that you can
22 get some sense.....

23 MR. SUND: Okay. I'll withdraw my motion.

24 MR. HAVELOCK: One of the things that I am left
25 in doubt is as to whether it made any difference to any

1 of the voters on the last motion as to what the balance
2 would be. On an intergovernmental -- combined type
3 citizens and ex-officios.

4 The practical matter, of course, to make a very
5 substantial difference. Whether, for example, the public
6 members can outvote the ex-officios. Or whether you just
7 have one or two ex-officios and you got a lot of public.
8 Or you've got a whole lot of ex-officios and just two or
9 three public members. So,

10 MR. PARKER: Well, Counsel, it hasn't made any
11 difference on the North Pacific Fisheries Council.

12 MS. WUNNICKE: Mr. Chairman, the North Pacific
13 Fisheries Council's not before this body. And I'd need to
14 know a heck of lot.....

15 MR. PARKER: Yeah, but it's the example that
16 was.....

17 MS. WUNNICKE:more about it before I could
18 say.....

19 MR. PARKER:brought up that was being
20 used as the -- the example that's brought up that's being
21 used. So,

22 MR. SUND: Mr. Chairman, I would move then
23 that this council in the Governor's office be made up of
24 the voting members be citizens at large.

25 MR. PARKER: Is there a second to that?

1 MS. HAYES: Second.

2 MS. WUNNICKE: The United States or the State of
3 Alaska?

4 MR. HERZ: Call the question.

5 MR. PARKERS: Questions?

6 MR. WENK: Discussion, please.

7 MR. PARKER: Okay. Go ahead.

8 MR. WENK: Forgive me for being stubborn, but
9 I come back to this question of relative effectiveness.

10 Now, we have all agreed that we've got to get a
11 neon signs which says "Spill Prevention". And, we have
12 got to invent a piece of machinery that's gonna get
13 attention and action, by the Governor, by the State
14 Legislature, hopefully by some other states, and certainly
15 by the Federal Government, and not least the oil industry
16 itself.

17 I'm a great believer in being in the perspectives
18 of citizens, but from the point of view of political
19 action, my own experience is limited to not really seeing
20 many that much. And, I'm thinking of this from point of
21 view of all the states I have lived in before and the
22 Federal Government.

23 When I go through that list of duties, I really
24 have difficulty, -- I'm explaining why I'm going to vote
25 against the motion. I really have difficulty seeing how

1 they can be effectively implemented by a group for which
2 the voting members are entirely public members.

3 MR. PARKER: Mike?

4 MR. HERZ: As the other outsider I have got
5 raise what I think is a contrary view. Which is that the
6 one thing that I have learned in the last six months is
7 that Alaskans are a very different lot and Alaska Govern-
8 ment is totally different from the Federal Government or
9 any other state in the union because I have never seen
10 government that is so close to the people where people,
11 you know. There's this, people sit down all the time
12 together. There's hardly distinction when members of a
13 legislature show up in their bluejeans and sit through out
14 meetings.

15 In the usual situation, I agree with everything
16 that you have said. But, I see the situation being so
17 different here, that that has really influenced my
18 thinking and my position heavily.

19 MR. PARKER: John?

20 MR. HAVELOCK: It may or not be relevant. Dennis
21 was reminding me of piece of information that you should
22 be aware of which is that the bill setting up this
23 commission originally included ex-officios and they were
24 struck by amendment.

25 MR. WALLIS: Let me.....

1 MR. DOOLEY: They also include shippers, Coast
2 Guard Federal and State people.

3 MR. PARKER: Tim.

4 MR. WALLIS: Let me ask you a question in
5 regards to the effectiveness of a citizens committee or a
6 committee such as this made up of public.

7 Do you think this committee was ineffective?

8 MR. WENK: Oh, I don't think you can tell,
9 yet.

10 MR. WALLIS: Do you think if we were to carry
11 on, you know, get a life extension, that we would be just
12 as effective in getting input from industry? Getting
13 input from the agencies?

14 MR. WENK: Well, you are putting me on the
15 spot. Let me respond this way.

16 First of all the function of this committee was
17 simply to advise from point of view of what happened, why
18 did it happen and how to keep it from happening from
19 again? It was not assigned or mandated to do any of these
20 functions that are listed up there. Like the watchdog
21 function. Like the annual report. Like serving as an
22 advocate.

23 So, I don't believe.....

24 MR. WALLIS: I guess what I'm trying to get
25 at.....

1 MR. WENK: Commission. Let me put it this
2 way. I believe that organization of this kind made up of
3 citizens are extremely effective in bringing in a set of
4 recommendations for political actions. But, that's very
5 different from having a day to day continuing respon-
6 sibility.

7 For example, on this matter of having an influence
8 on budgets. Everyone of you who had the experience in
9 state government know that you have to be prepared to move
10 on a minutes notice when there's something filtering
11 through the legislature. The toggle switch gets thrown
12 yeah or nay very swiftly. You can't have an outsider
13 having an influence on the decision.

14 The same thing is true and what I guessing is
15 floating up through your office of management and budge
16 and knowing all the people who are trying to put body
17 english on the situation. You've got to have some
18 intimate inside dope as to where the action stands and who
19 has the action and who has access to the guy who has the
20 action.

21 I'm talking real politic now.

22 MR. WALLIS: So, we're talking more than.....

23 MR. WENK: And, I have been involved in
24 this.....

25 MR. WALLIS: budget review. We're talking

1 about lobbying.

2 MR. WENK: You are damn right. That's what
3 advocacy is all about.

4 MR. WALLIS: Let me.....

5 MR. WENK: Advocacy for.....

6 MR. WALLIS: I was going to kind of save this
7 till the end, but let me tell you something.

8 I don't think you are going to do what you want to
9 do here. And, one of the best ways to kill something is
10 to love it to death. And, I think that's what we are
11 doing here, you know. We want this thing to do so much
12 and with great expectations. And, it's going to die. The
13 legislation isn't going to act on it. We are just going
14 to love it to death. And, so, you know, I think with all
15 the great things that we are expecting this new committee
16 to do is not going to get done.

17 MR. PARKER: Mike?

18 MR. HERZ: Let me resuggest something as a
19 way of breaking this impasse.

20 I still see this as having their two separate
21 functions on that list of duties. The first three could
22 well be performed by a public commission, committee,
23 council, board, whatever we call it. And, the ones --
24 well, let's include four. One, two, three and four. And,
25 five through nine seem to be more appropriately carried

1 out by representation from state agencies.

2 And, it seems to me although it's cumbersome to
3 have two separate bodies, that that's what the duties
4 dictate. And, it leaves the government coordination and
5 the things that are truly functions to representatives of
6 government. And, you leave the oversight watchdog safety,
7 advocacy, identification of problems that need resolu-
8 tion.....

9 MR. WENK: I've just Solomon here. Threat-
10 ening to split the baby. But, splitting it may be the way
11 to deal with this.

12 MR. PARKER: Well, that was the first recommen-
13 dation.

14 MR. WENK: That's right. That's already been
15 passed and what you are suggesting is to split the duties
16 to correspond with John's motion. And, that might be kind
17 of interesting to see how we make out, then.

18 MR. SUND: Well, there's a motion to table.

19 MR. PARKER: Are we ready to vote on the
20 motion?

21 MR. HERZ: What's the one on the table?

22 MR. PARKER: Citizens.

23 MR. HERZ: Ah.

24 MR. PARKER: The council be.....

25 MR. SUND: The voting members of the council

1 be made up of just citizens at large. Or.....

2 MR. PARKER: Okay. We'll start at this end.

3 MR. SUND: Yea.

4 MR. WENK: Nay.

5 MS. HAYES: Yea.

6 MR. WUNNICKE: You've put me in a very difficult

7 position, because if I had to choose between purely agency

8 members and public members, I would have to chose public

9 members.

10 MR. WENK: That's not the motion.

11 MS. WUNNICKE: But, adding to -- you said voting

12 members of the council.

13 MR. SUND: I move, Mr. Chairman, to cancel

14 the votes then, I guess, and we will continue discussion.

15 MS. WUNNICKE: I'm sorry. Nay.

16 MR. HERZ: Yea.

17 MR. WALLIS: Yes.

18 MR. PARKER: Okay. I'll vote yes. It's five

19 to two. Commissioner Wenk and Commissioner Wunnicke

20 voting no.

21 Okay. Any.....

22 MR. SUND: I just have a comment, Mr.Chair-

23 man, in response to my colleague, Mr. Wallis, on the

24 ultimate outcome of all of this. I am an optimistic

25 person with a cynical attitude. It's sckzophrenic at

1 times, but I -- regardless of trying to prejudge what is
2 going to happen, I keep reminding myself that doesn't mean
3 I can't try. And, I think it's an uphill battle, but I
4 also don't think the offers in the next legislative
5 session to do things, are going to be beyond what this
6 commission recommends.

7 Another words, we are going to the fringe and
8 everything else, what happens, is going to be something
9 less than what we recommend. I think you need to keep
10 that in mind. We may not get everything, but if you don't
11 ask for it you will not get it at all.

12 And, I think what Mike laid out yesterday that
13 people are looking to this commission to shape the debate
14 and shape the issues of the debate and I think that's
15 what's important. You know, I don't think this is the
16 strongest thing in the world here, but I am having a hard
17 time dealing with the long term complacency issue that
18 will set in and how to structure something in the institu-
19 tion to combat it. I think this one -- I think we have to
20 make that effort on about five different efforts and this
21 is just one.

22 This council in the Governor's office is just one
23 item. It may work, it may not work. I think it's worth
24 a try. And, that's all.

25 MS. WUNNICKE: I think, Mr. Chairman, we are in

1 agreement with the purpose to be served. And, in agree-
2 ment with respect to the need for that statewide function
3 and how it will ultimately be structured. Of course, we -
4 - pointing authority or by the creating authority.

5 MR. SUND: It will be structured by the
6 Governor that is in office at the time.

7 MR. WENK: Mr. Chairman?

8 MR. HAVELOCK: I don't want to interrupt these
9 remarks, but we have a photographer here and I would you
10 to stand easy for a bit and squish in together so he can
11 get you.

12 Do they -- move around. We want to take a picture
13 of the Commission, because you have never had your picture
14 taken together.

15 MR. HERZ: This is the graduation class
16 picture?

17 MR. HAVELOCK: Something like that.

18 MR. WALLIS: Mr. Chairman, for two days I have
19 worn a tie....

20 (Laughter)

21 MR. PARKER: I didn't know Counsel was going to
22 do this. He never tells me anything.

23 MS. WUNNICKE: Mr. T (ph), would loan the commis-
24 sioner a tie.

25 MR. WENK: This is an official Alaskan

1 Commission. There's only one necktie?

2 MR. HAVELOCK: Well, now we will look like an

3 Alaskan Commission with only the Chairman wearing a tie

4 MR. WENK: Oh, look you're about to keep a

5 necktie.

6 MR. SUND: Well, I saw this coming so I

7 didn't wear my Rugby shirt this morning.

8 MS. WUNNICKE: Well, good for you. But the

9 record will show that for two days you did wear a tie,

10 Tim.

11 PHOTOGRAPHER: Okay. Well, since we are disrupt-

12 ing the whole meeting here, if we could just get you

13 together to get a group shot, maybe.

14 MR. PARKER: Okay.

15 PHOTOGRAPHER: Use this as the center. Get a

16 couple of people on the edges. Some standing, some

17 sitting.

18 (A lot of laughter, jokes, etc. while moving

19 around)

20 PHOTOGRAPHER: You're the chairman, you have to

21 sit.

22 MS. WUNNICKE: You have to sit down.

23 MR. PARKER: I have to sit.

24 MR. SUND: Esther, you have to sit.

25 MS. WUNNICKE: I'd rather stand up.

1 MR. SUND: No, you're doing fine.

2 MS. WUNNICKE: I thought all the tall people got

3 to sit down. And short people stand.

4 (Idle conversation among all parties)

5 MR. PARKER: The motion on the powers is back

6 before us automatically. Ed?

7 MR. WENK: Well, I would like to try one more

8 motion with regard to this membership before we get to

9 powers.

10 MR. PARKER: Is that acceptable? Can we hold

11 off on powers? He wants to make one more motion on

12 membership?

13 MR. HERZ: You didn't get a second on that,

14 did you?

15 MR. WALLIS: Yes, we did.

16 It's before us now, so if he wants to move to

17 table it, that's up to him. I assume that we already

18 voted and did away with the membership.

19 MR. PARKER: Your choice, Ed. You can either

20 move the table to get your motion on the table or you can

21 hold on the powers and bring it up after we vote on the

22 powers, whichever.

23 MR. WENK: Move the table.

24 MR. PARKER: Okay. It's been moved to table the

25 motion on powers. Go ahead. Tabling motion is not

1 debatable. Is there any opposition to the tabling motion?
2 MR. WALLIS: Yes.
3 MS. WUNNICKE: Why does the staff dress better
4 than the Commissioners?
5 (*3999) Considerable amount of idle/fun conversa-
6 tion regarding dress among the parties: can be transcribed
7 upon request)
8 MR. PARKER: Anyone else? Let's vote on the
9 tabling motion. Tim? We are voting on the tabling
10 motion.
11 MR. WALLIS: No.
12 MR. PARKER: Mike?
13 MR. HERZ: No.
14 MR. PARKER: Esther?
15 MS. WUNNICKE: Yes.
16 MR. PARKER: I vote yes.
17 MS. HAYES: No.
18 MR. WENK: Yes.
19 MR. SUND: No.
20 MR. PARKER: Motion fails. Three to four so
21 the powers motion is before us. Now, they are hiding the
22 powers.
23 MS. HAYES: Yes. Dennis is hiding the powers.
24 MR. DOOLEY: They are right here.
25 MARILYN: Okay. We've got to go. They need

1 the powers.

2 MR. DOOLEY: Crack the whip, Marilyn.

3 MS. WUNNICKE: That's the longest I've seen

4 Marilyn sit still.

5 MR. PARKER: The.....

6 MR. HAVELOCK: Can you read them there, now?

7 MR. WALLIS: Basically the motion included

8 what? The first four?

9 MR. SUND: The first four, yeah.

10 MR. WALLIS: That's correct?

11 MR. SUND: First four.

12 MR. WENK: But, two got pulled out.

13 MS. HAYES: I'd ask to amend it to take two

14 out.

15 MR. HAVELOCK: Two and five?

16 MR. WALLIS: No, in the original motion -- it

17 was one through four. Is that right?

18 MS. HAYES: Right.

19 MR. WALLIS: There was only four up there. You

20 put five up there later. Two was deleted -- so if you

21 want five to go on there, there is going to have to be a

22 motion to amend.

23 MR. PARKER: Okay. We've got two points there

24 that are not part of the motion. Does anybody want to

25 take any action on either of those?

1 MS. WUNNICKE: Well, in light of the decision
2 with respect to membership I would restore Number Two to
3 Powers. What was the other one?

4 MR. WALLIS: Five. Is that a motion?

5 MS. WUNNICKE: I would move that we restore
6 Number Two to the Powers.

7 MR. WALLIS: I'll second it.

8 What does Number Two say. To initiate what?

9 MR. HERZ: Regulation. Regulatory --
10 regulation process.

11 MR. PARKER: Okay. It's been moved and
12 seconded to restore Number Two. Any further discussion?

13 MS. HAYES: I think it would be worthwhile to
14 clarify what that means. Are we asking by initiate are we
15 saying that the council request the Governor's office to
16 do something? Or the AG's office to do something? Or are
17 we saying that they initiate it regardless of what the
18 Governor or the AG or any kind of support within state
19 government? Is that clear?

20 MR. PARKER: John?

21 MR. HAVELOCK: Well, I would assume that if these
22 powers are not in as powers, they are rated general
23 recommendations. Anybody can recommend anything. So, it
24 seems to me what you are voting on is that they have the
25 power to do that direct -- the executive director can

1 track regulations, send them to the Coast Guard and say
2 under Rule such and such these are proposed Coast Guard
3 regulations.

4 MR. WALLIS: So, what's the answer?

5 MS. HAYES: So, they are simply.....

6 MR. SUND: Yes.

7 MS. HAYES:recommending?

8 MR. SUND: The answer is that if it's not on
9 there as a specific list of power, it's a recommendation
10 and they can recommend anything they want. If it's listed
11 as a power then they have the inherent power themselves to
12 initiate it without going to any other body in state
13 government.

14 MR. HAVELOCK: That's right. That's the motion -
15 - to make it a power that they would have beyond just the
16 power to tell somebody in the executive branch they
17 thought it was a good idea.

18 MS. WUNNICKE: Mr. Chairman, with that explana-
19 tion, I withdraw the motion. Who's my second?

20 MR. WALLIS: I was.

21 MR. PARKER: Is that okay with the second?

22 MR. WALLIS: Well, for discussion purposes, I
23 move to adopt Number Five.

24 MR. PARKER: Move to adopt Number Five. Is
25 there a second?

1 MS. WUNNICKE: I'll second.

2 MR. PARKER: Okay. It's been moved and

3 seconded to adopt Number Five to.....

4 MR. HERZ: I -- discussion?

5 MR. PARKER: Go ahead.

6 MR. HERZ: It seems to me that the two

7 functions are quite different and I think we don't see, as

8 much as I would like have inspections done, I don't see

9 how it could be done by this... Inspection requires a

10 technical staff. And, this body is not going to have a

11 technical staff. The investigation function, yes. I

12 totally agree with. But, I just -- I think it is inap-

13 propriate to have this body as it's envisioned to have as

14 a duty inspections.

15 So, I'll vote against it.

16 MR. PARKER: I think the way I described it

17 before was that the people with the technical expertise

18 would be taken along as a part of it. The main idea in

19 proposing this was to ensure council would have something

20 that would have to do on a regular basis that would put it

21 in contact with the reality of the transportation of oil.

22 Because, it has been my perception that a lot of councils

23 if they don't get brought back into the real world, tend

24 to go off into the halls of the mighty and sit there and

25 suffer from potomac fever, gas fever and so forth and do

1 not get out with -- as Commissioner Kelso never got to
2 Valdez.

3 What was more important in the state of Alaska
4 than Valdez beats me. But,.....

5 MR. HERZ: But, this proposal makes any
6 oversight commission into a regulatory body.

7 MR. PARKER: No, no, no.

8 MR. SUND: No.

9 MS. WUNNICKE: He's talking about visitations
10 rather than inspections. Is that correct?

11 MR. PARKER: Well, we are not talking about
12 making regulations.

13 MR. HERZ: What are you inspecting for?

14 MR. PARKER: Uh?

15 MR. HERZ: What is an inspection for?

16 MR. PARKER: See if the thing is working.

17 MR. HERZ: But, I mean... Isn't there
18 already in the statute inspections of treatment facili-
19 ties, inspection of loading facilities, inspection of
20 transferring?

21 MR. PARKER: It's just really just an exercise
22 of the oversight authority.

23 MR. WALLIS: He's not talking about inspec-
24 tions, per se. He's talking about visitation.

25 MR. HERZ: For motorization.

1 MR. WALLIS: The facility.

2 MR. HERZ: Oh, okay. That's very different.

3 I misinterrupted as a regulatory agency function that I

4 didn't think was appropriate. Well, then I've just

5 changed my vote. Thanks for the clarification.

6 MR. PARKER: Well, I don't want to get into

7 regulations. Questions called for.

8 Is anyone opposed to Five?

9 MR. WENK: Well, Mr. Chairman, I'm have to

10 signal that I'm gonna not vote on the motion all together.

11 And, I'll explain why.

12 I lost on the last one and I still have another

13 motion I want to make and I would appreciate the oppor-

14 tunity of doing that after this vote.

15 MR. SUND: Uh-huh.

16 MR. PARKER: Okay. Go ahead. Tim we are

17 voting on the motion.

18 MR. WALLIS: Do I understand a member is going

19 to abstain?

20 MR. PARKER: Yeah.

21 MR. WALLIS: From voting? Does he have a

22 conflict?

23 Do you have a conflict of interests? Is that why

24 you are not voting?

25 MR. WENK: No. Not that I know of.

1 MR. SUND: I don't know that we have the
2 ability to call the house here.
3 (Laughter)
4 MR. PARKER: Voting on Five.
5 MR. WALLIS: Oh, yes.
6 MR. PARKER: Mike?
7 MR. HERZ: Yes.
8 MR. PARKER: Esther?
9 MS. WUNNICKE: Yes.
10 MS. HAYES: Yes.
11 MR. PARKER: I'm voting.
12 MR. SUND: Yes.
13 MR. PARKER: Six with one abstaining.
14 Okay, five is in there. And, two is out. So,
15 that leaves us -- is there anything else we need to
16 bring.....
17 MR. SUND: I'd vote to add two to the list.
18 MR. PARKER: to the board.
19 MR. HERZ: Yeah, I'll second that.
20 MR. PARKER: You move to add Two to the list?
21 MR. SUND: Yes.
22 MR. PARKER: It's moved and seconded to add Two
23 to the list. Any further discussion above what we had
24 before on that?
25 MR. SUND: Question.

1 MR. PARKER: Start with you.
2 MR. SUND: Yes.
3 MR. PARKER: Ed?
4 MR. WENK: Obtained.
5 MS. HAYES: No.
6 MR. PARKER: Yes.
7 MS. WUNNICKE: No.
8 MR. HERZ: Yes.
9 MR. WALLIS: No.
10 MR. PARKER: Okay. It fails three to four.
11 MR. SUND: Wait a minute. No, no.
12 MR. PARKER: It's a tie. Sorry. Three to
13 three.
14 MR. SUND: Three to three with an abstaining.
15 MR. PARKER: So, what do we do with a tie vote?
16 MR. SUND: Fails.
17 MR. PARKER: Tie vote fails. Thank you.
18 MR. SUND: Piece of cake. Next.
19 MR. PARKER: You have anything more on the
20 board that needs to be taken up.
21 MR. SUND: Ed, had another motion he wanted
22 to make.
23 MR. PARKER: Go ahead with your motion.
24 MR. WENK: I don't know that I can express
25 the explicit language, but I heard some very wise comments

1 made here earlier and I would like to try to put them
2 together. First of all, we did vote, I guess it was 5 to
3 2 for a council in the Governor's Office that was composed
4 of voting members from the public. Earlier we had a
5 motion that past, I can't remember by what. Whereby we
6 said we would have two bodies. One would be in this
7 council in the Governor's office, plus a citizen's
8 advisory committee or council.

9 I have difficulty reconciling the fact that we
10 have those two different one until I know what the
11 difference is in their function.

12 To go on, I also heard a suggestion from Commis-
13 sioner Herz that we recognize the fact that perhaps this
14 collection of duties doesn't fit comfortably either of
15 those bodies individually and that there may be a rational
16 way of dividing these duties into two parts.

17 One set of which are quite harmonious with the
18 notion of an insider group and another group of duties,
19 which are quite harmonious with the outsiders. I think he
20 started to identify this with the top ones being related
21 to the outside advisors and the bottom group inside. I'm
22 not sure if I am getting into the precise split.

23 I think there's some logic in this approach
24 because again, I think all of us are eager to see a way of
25 having our cake and eating it, too. And, I think the name

1 of the game, fundamentally, is how to help the State of
2 Alaska raise it's perception with regard to risk and take
3 the necessary steps in it's own self-interest to reduce
4 it. And, I really believe it needs something in the
5 office of the Governor that's got teeth in it and I eluded
6 earlier to the notion that this unit in the Governor's
7 office be chaired by the Governor himself. I realize all
8 the opportunities that that may fail with certain Gover-
9 nor's. Not presupposing this one in any particular way.
10 But, I realize, like any of these things, it depends upon
11 the will of the incumbent Governor.

12 So, my motion without the getting explicit words
13 is that in light of an earlier motion that we have two
14 groups. That we -- Number One, we split the duties among
15 these two groups. And, Number Two, as part of the motion,
16 that the unit in the Governor's office be chaired by the
17 Governor, be composed as originally proposed of both
18 public -- it isn't public and private members. It's
19 government officials and citizens.

20 And, I am going to duck for the moment what this
21 ratio is, because I think that is getting down to a finer
22 grained detail than we can necessarily settle. But, it
23 will be composed both of responsible officials... How did
24 you say it, Esther? The people who are responsible for
25 the safe transportation of oil and citizens. And that a

1 group of these duties be associated with that function and
2 that there also be a formal mechanism for citizen input,
3 with a set of formal duties that are picked from this same
4 list associated with this second organization.

5 Having said all that, can you mentally transfer
6 that into a motion?

7 MR. PARKER: It seems to the chair that that is
8 the same motion that we voted against four to three with
9 the addition of the Governor's chair.

10 MR. WENK: Well, this splits the duties and
11 it says that we are voting on a package. Because, we did
12 vote, we did vote on having these two different units
13 earlier, but we haven't really moved to the next step of
14 explaining how these interact with each other and what
15 their relative functions are.

16 MS. WUNNICKE: Mr. Chairman, John Sund who made
17 the original motion, I think could respond better, but my
18 understanding of the citizen advisory groups were the
19 local advisory groups who would be established through a
20 number of different mechanisms and would be -- as the
21 original motion was, to sit some representatives of some
22 of those local groups. But, it was not a body as such.
23 The citizen advisory body, am I correct?

24 MR. SUND: The motion was to.....

25 MS. WUNNICKE: Your original motion.

1 MR. SUND: create citizen advisory
2 bodies.
3 MS. WUNNICKE: Bodies.
4 MR. SUND: Plural.
5 MS. WUNNICKE: Not a single advisory body.
6 MR. SUND: No, that was a plural.
7 MR. WENK: I have no problem with that. But,
8 now we have two sets of citizen advisory bodies.
9 MR. SUND: Well, all of this -- overriding
10 has to do with safe transportation of oil. I mean
11 that's.....
12 MR. WENK: Yeah.
13 MR. SUND: kind of shorthanding these
14 motions here. But, that's the general topic we are
15 talking about.
16 MR. WENK: Again, my motion may fail, but
17 I'll try it. I think that instead of having two citizen
18 advisory bodies, that we have a council in the office of
19 the Governor, chaired by the Governor, with one set of
20 duties and a citizen advisory body with the other set of
21 duties.
22 MR. PARKER: I thought we voted on that with
23 the exception of your addition of the Governor.
24 MS. WUNNICKE: Mr. Chairman, just a comment.
25 MR. PARKER: We don't have a second, yet, on

1 that motion. Is there a second?

2 Hearing no second, the motion fails. Or, the
3 motion is not enforce. I'm getting a little rum dum on
4 my.....

5 MS. WUNNICKE: But, Mr. Chairman, I guess the
6 citizen's advisory groups as I understood Mr. Sund's
7 motion is at a local level, whereas the body that we have
8 just agreed to public members is a statewide body. A
9 single body in the Governor's office.

10 MR. SUND: In the Governor's Office.

11 MS. WUNNICKE: In the Governor's Office.

12 MR. PARKER: The idea of the Governor chairing,
13 we have used before. Normally he delegates that, but it
14 does give the position authority. However, when we've
15 used it before it's been with the Federal State organiza-
16 tion and the Governor's been put in as chairman and he's
17 always delegated those duties.

18 But, you know, when necessary the delegee could in
19 affect speak for the Governor or be the one to put his job
20 on the line.

21 MR. WENK: May I make just one observation as
22 an outsider and this has nothing to do with the way you
23 vote. I'll tell you as a student in public administra-
24 tion, the impression that this creates in my mind and I
25 think it will create in the minds of a lot of people, is

1 that you do not have confidence in your government.

2 MR. SUND: I don't -- I disagree.

3 MR. WENK: I know. I'm just saying this is

4 my impression.

5 MR. SUND: Yeah.

6 MR. WALLIS: Did you say Governor or govern-

7 ment?

8 MR. WENK: Government.

9 MR. PARKER: Well, I can say that.....

10 MS. WUNNICKE: There's been times.

11 MR. PARKER: there's a lot of people who

12 don't have confidence in their government, certainly at

13 the national level. Why it's become more and more

14 difficult through the years, so it's...

15 You know, after Exxon Valdez it is very hard to

16 have confidence in large segments of the Government.

17 That's what we are all about.

18 MR. SUND: Mr. Chairman, we had a motion two

19 days ago.....

20 MR. PARKER: Right.

21 MR. SUND: to bring some issues up at

22 a.....

23 MR. PARKER: And, you have them ready for us.

24 MR. SUND: and it's not 11:00 on

25 Wednesday, so maybe we don't have to bring them up, but I