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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.

VOLUME II OF III

PARALEGAL PLUS

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1 have.....

2 MR. PARKER: Oh, great.

3 MR. SUND:prepared a piece of paper

4 that has some writing on it to offer an option that people

5 tried to change. I hope Counsel kept a copy. I don't

6 know if he did or not, but.....

7 MR. WALLIS: I can't read your writing, John.

8 MR. SUND: That's okay.

9 MR. WALLIS: Can you read it for us?

10 MS. HAYES: He'll explain it.

11 MR. SUND: I'm just -- we are talking about

12 how to publish this thing and get this thing out and put

13 it out. My recommendation is we try to get an executive

14 summary together somewhere around the 3rd or 4th of

15 January. That we ask the Chairman and whoever is around

16 to make that presentation to the Governor. To see if the

17 Governor wouldn't include portions of whatever he wants

18 out of our recommendations in his state of the state,

19 state of the budget addressed to the legislature.

20 I think that's on the 10th and 11th of January.

21 It's usually on the first Wednesday and Thursday following

22 the commencement of the legislature. And, that we as a

23 commission request a time to present our report to the

24 legislature in that there's between the 16th and 19th of

25 January, which is the middle part of this second week of

1 this session.

2 And, my recommendation is to the joint house
3 senate and finance committees.

4 And, I don't know staff wise, I'm just - timing
5 wise, whether what we have ready to go by then, hopefully
6 we have our report, and then we follow in with appendixes
7 or whatever we are going to do later through February to
8 bring those onboard. So.

9 MR. PARKER: For purposes of flexibility, would
10 it be alright to include the next week and that January
11 16, 19th framework to -- it that's what was worked out.
12 You want to be locked into the 16th/19th for your presen-
13 tation?

14 MR. SUND: Oh, I just threw the dates in.
15 I'm just trying to say here's a level of methods to get
16 from A to Z and just to put something on the table so we
17 have something to bounce.

18 MS. WUNNICKE: What days are you talking about?

19 MR. PARKER: Oh, I'd say we might have to do it
20 the next week. I just don't want to.....

21 MR. SUND: I don't know, I'd ask John or
22 Steve.....

23 MR. WENK: Just a quick question.

24 MR. WALLIS: Let me throw one more thing in
25 there. I think, you know, if we are going to -- what

1 we're basically talking about advance copies here to the
2 Governor. And then explain it to him. I think if we are
3 going to do that, I think that it would be wise that you
4 also submit an advance copy to the speaker of the house,
5 and president of the senate.

6 MR. PARKER: Oh, yeah.

7 MR. SUND: Yeah.

8 MR. PARKER: We wouldn't consider doing
9 anything else.

10 MR. WALLIS: Well, you know, it shouldn't be an
11 oversight.

12 MR. PARKER: No.

13 MR. WENK: Just a quick question.

14 MR. SUND: I guess my distinction was, is
15 that other than, you know a full fledged presentation to
16 the public before you even give it to the legislature.....

17 MR. WALLIS: No, I agree with you. You know.

18 MR. PARKER: The main key is getting whatever
19 is necessary to get the Governor to devote as much of the
20 state of the state to this as we can convince him to do.
21 It's the proper way to highlight an issue in this state.
22 Ed?

23 MR. WENK: Mr. Chairman, this sounds fine.
24 I would only have this question. In terms of what happens
25 between now and January 31st. Would it be correct to

1 assume Staff taking into account all the discussion that
2 has gone on in the last couple of days is going to draft
3 a summary, I don't know whether you call it an executive
4 summary. A findings and recommendations to circulate to
5 commission members for comments.

6 MR. HAVELOCK: Let me respond to that. I intend
7 to do that and there will be a finding for recommendation
8 saying (inaudible) -- for the drafting of a narrative
9 report.

10 STEVE: This idea, John, I think is a good one
11 for a couple of reasons. We will be able to refine the
12 report a lot better. And we will also be able to give all
13 of you more time and opportunity to review the drafts
14 between now and the time we have to present it to someone.

15 I've been, I guess, desperately concerned about
16 how little opportunity we were planning to basically have
17 a report out the door by January 3rd. And, that, this
18 meeting has given us a lot direction on, you know,
19 intellectual content of that report and how we will
20 proceed. But, between now and about December 15th I was
21 basically planning to have a draft ready. Well, if we are
22 going to produce something by January 3rd, you would all
23 get about one crack at reviewing it and it's contents and
24 that make me nervous. Because, you know, we might miss
25 some important concerns that way.

1 So, this schedule gives us a lot more time, I
2 think, to refine the drafts. It also should give us a
3 little more opportunity to produce a backup graphics and
4 things that will support the report in more detail.

5 So, I think it's a pretty good idea and gives us,
6 also, I hope, a better chance to refine the narrative and
7 descriptive parts of the report. Whereas, with an earlier
8 January 3rd or so deadline we would focus quite a lot more
9 on basically the findings and recommendations and the
10 backup to those.

11 So, I guess that's my basic.....

12 MR. HERZ: What's your timetable in terms of
13 when we will see a first cut at the integration of the
14 findings and recommendations for our review?

15 MR. HAVELOCK: I'll do that and it'll be before
16 Christmas or two weeks.

17 STEVE: I was going to say the end of next week.
18 And, I think it's an important task to leave those things
19 into narr-- that we are going to produce.

20 MR. HERZ: It seems to me that's the most
21 critical task. Is, I mean, we've got one set -- we've got
22 the findings here, recommendations here, and they have got
23 to be interdigitated.

24 MR. SUND: I like that.

25 UNIDENTIFIED SPEAKER: Inter -- what?

1 MS. WUNNICKE: Inter.....
2 MR. SUND: In-ter-dig-i-tated.
3 MR. WALLIS: Interdigitated.
4 MS. HAYES: He's from California. That's a
5 good word, you know. You'll be the first in your block.
6 MS. WUNNICKE: Mr. Chairman, can I ask Counsel?
7 With respect to findings and recommendations, it's been
8 difficult, I think, in this meeting to handle findings.
9 Separate from the recommendations. Are you going to
10 present them to us as the findings and recommendation that
11 follows from it and so forth? In that format?
12 MR. HAVELOCK: That's right.
13 MS. WUNNICKE: Thank you.
14 MR. WALLIS: John, on your schedule here, on
15 January you have legislature convenes. I thought that was
16 when the report had to be submitted.
17 STEVE: That was my understanding. It's in the
18 legislation, I think. January 8th.
19 MR. SUND: I think that's what I am kind of
20 getting at. The executive summary. I actually -- my
21 schedule here is to put the executive summary out ahead of
22 time and to the leadership of the House and Senate and to
23 the Governor on the 3rd and 4th for other reasons. And,
24 then you could hand it all out on 8th. That's fine there.
25 And, I was just hoping that we could schedule in the next

1 week or the week following a full presentation from the
2 commission -- perhaps we would have the full report by
3 then.

4 MR. PARKER: It might be a thirty page execu-
5 tive summary.

6 MR. SUND: I don't know that you couldn't go
7 to the leadership of the House and Senate and get that
8 January 8th date put back a week. I'm not sure there's
9 any real...

10 There's so many reports in your box on January 8th
11 that it would get lost. I mean, there must be 50 that are
12 due on the convening of the legislature every year.

13 STEVE: One thing I would like the Commission to
14 think about I guess, what weight they want to put on
15 various functions of the report. If we are trying to
16 create an impact in the legislature and other legislative
17 groups. Then the focus on the recommendations and
18 findings and backup is important. But, -- it's most
19 important.

20 If we are trying to sort of create a document of
21 record that has a narrative flow and descriptive impact -
22 - for lack of a better phrase I'd call them a literary
23 purpose. Then, that will take more time and energy at the
24 report level.

25 MR. SUND: Both.

1 MR. PARKER: Yeah.

2 MR. WALLIS: Yeah, everybody wants everyth-

3 ing.

4 MR. PARKER: Yeah, we want a nice concise

5 document that sets out the findings and recommendations

6 with a nice narrative flow that will keep the readers'

7 interest peaked as he goes -- turns the pages rapidly

8 enough to.....

9 MS. WUNNICKE: With pictures.

10 MR. PARKER: With pictures, yeah.

11 MR. WALLIS: Graphically striking.

12 STEVE: Wait a minute. You told me you didn't

13 need pictures.

14 MS. WUNNICKE: No, I said we didn't need adjec-

15 tives.

16 MR. HERZ: Pictures, graphs and maps.

17 MS. HAYES: Mr. Chairman, based on -- I mean,

18 there's been lots of suggestions here and I guess I would

19 just be somewhat disappointed if upon the broadcast

20 distribution of our report there wasn't a lot of discus-

21 sion based on that. I think that that's one of our jobs.

22 Is to sort of resurrect that as Mike was saying, or

23 somebody was saying, the Exxon Valdez was a big to do some

24 six months ago, and now maybe it's not quite as interest-

25 ing as it was on the while ago.

1 And, I'm a little nervous about sending out our
2 recommendations and findings without having a full report
3 as the basis for that. I'm afraid of having too much
4 discussion proceed without having the documentation for
5 why we think that. And, if it's possible to do them as
6 close together as we can, I think that that would be a
7 preferable situation.

8 And, I guess getting to that is that if the
9 question is whether we send it out for all the legislators
10 on December 8th or January 8th by itself, rather than
11 waiting a week for the full report, I would rather wait a
12 week for the full report.

13 And, on Steve's second question about emphasis.
14 I myself, am concerned about spending a great deal of our
15 efforts on documenting exactly what happened on the Exxon
16 Valdez. Because an awful lot of people have done that and
17 I think we need to lay out the facts as they relate to our
18 investigations.

19 But, I think it would be erroneous to imply that
20 too much of our investigations were focused on the Exxon
21 Valdez. Many of our recommendations are actually based on
22 things that the Exxon Valdez, by itself, was not either an
23 example of or any don't flow from the Valdez Exxon.

24 So, I would probably soft pedal that aspect of it
25 and emphasize more the other things that we -- the other

1 observations we have made as a basis for our findings.

2 STEVE: That's really a question of whether is the
3 report focused on the event as many reports have already
4 been or on the work of the commission, which has had
5 specific purposes that weren't necessarily to describe the
6 events.

7 MR. PARKER: Well, in that case, you know
8 focusing on the work of the commission it's going to focus
9 on the, you know, the marine transportation system that
10 delivers crude oil. Primarily. And, you know, that's
11 the proper focus.

12 Tim?

13 MR. WALLIS: Mr. Chairman, if you would? On
14 any of the good things and positive things that you write,
15 if my name could follow shortly after that.....

16 (Laughter)

17 STEVE: I wanted to make one more point about.....

18 MR. SUND: You'll be on the front page.

19 STEVE:graphics and photographs. I've sort
20 of informally talked with most of the commissioners about
21 the format of the report six weeks or so ago. And, one of
22 the constraints in looking at the time schedule we had and
23 the commission schedule we decided to produce it basically
24 in house and not go to a printer. And, one of the
25 problems with that would be that we don't have any

1 photographs at all.

2 If we put things back, we could probably arrange
3 to go to a printer and take the time that it takes to do
4 that. But, that's.....

5 MS. WUNNICKE: That was a facisous remark, Steve.

6 STEVE: Oh.

7 MS. WUNNICKE: I think you've made the right de-
8 cision. I would second what Tim Wallis is getting at,
9 though. And, that is in looking at the aftermath of the
10 Exxon Valdez and the work of the commission that we give
11 due notice to reactions to the Exxon Valdez from as many
12 of the parties as possible. Both, positive and negative.

13 But, certainly I am concerned that the report be
14 a balanced report.

15 MR. PARKER: Ed?

16 MR. WENK: I don't know whether this is a
17 piece of business we transacted and completed or whether
18 it was left to still be decided in this process.

19 The issue arose probably Monday and again yester-
20 day in terms of re-enforcing competence within the State
21 of Alaska. I think there was a good deal of discussion
22 agreeing that if there is going to be this emphasis on
23 prevention it's going to take some additional muscle in
24 one of the state agencies.

25 It's at that point my recollection gets a little

1 hazy, because I think there was a uncertainty as to which
2 of several state agencies should be the lead agency, so to
3 speak, for prevention. I think we all agreed that no
4 agency had evidence of having developed that interest,
5 much less expertise up to this point.

6 We have a long inventory of steps toward improved
7 safety. Each of which suggest certain types of expertise
8 necessary to bring into the picture, but now my question:
9 did we resolve which agency the commission is counting on
10 to carry the freight on prevention?

11 MR. PARKER: No, we didn't.

12 MS. WUNNICKE: No.

13 MR. PARKER: We still have to resolve, in fact,
14 how the agencies are going to fit in the response. And,
15 is there anything more that we need to discuss on the
16 report? Do you have what you need on the report? Because
17 these are important points that we need to address in the
18 next hour and half.

19 STEVE: I just want to say one thing. Stress.
20 Please, any of you that have comments on the outline or
21 the memo that John will put together on the recommenda-
22 tions and findings, please get them back to us as soon as
23 possible so we can incorporate them.

24 MR. PARKER: Meg?

25 MS. HAYES: I guess I have concern about

1 resolving any issues that develop after these meetings.
2 As I understand it, we are not meeting as a body again.
3 And, I'm wondering if there are schedules, people have
4 schedules that would permit us to pencil in, at the very
5 least, a teleconference time. That, if needed, we may
6 never need it, but if we need it we would know where we
7 were to get together.

8 I'm very concerned about last minute glitches
9 based on you haven't gotten the information in the most
10 organized fashion, misunderstandings as related just
11 happened this morning about advisory groups or advisory
12 group.

13 And, I would just like to have some opportunity to
14 think we are all going to be in a place with a telephone
15 and have a date scheduled for when yo think that's going
16 to be.

17 MR. SUND: I give my proxy to the Chairman.

18 MR. PARKER: You're going to be in New Zealand.
19 Yeah, we can't afford a New Zealand phone call.

20 MR. HAVELOCK: There's a middle ground which is
21 that if it appears that there is a difference of opinion,
22 we can just ask people to vote individually without trying
23 to get together a teleconference. Where everybody's on at
24 once.

25 I realize you don't have the opportunity for

1 discussion, but at least you get the opportunity to vote.

2 MS. HAYES: Well, I guess I would say that

3 that would be a poor alternative if that's the only thing

4 we had, but I've gained an awful lot from hearing the

5 discussion and I'm sure other people have taken that into

6 account in making their choices.

7 MR. PARKER: I think, you know, teleconferences

8 are to resolve anything really knotty that comes up --

9 where our most rational fall back.

10 MR. HERZ: The big question. Does anybody

11 except John going to be out of touch for long chunks of

12 time during the next month?

13 MS. WUNNICKE: I'm going to be gone for next

14 week. But, other than that, I'll be in town.

15 MR. WENK: I'm essentially off the circuit on

16 December 26th on.

17 MS. HAYES: December 26th on till when?

18 MR. WENK: January 7th, 8th.

19 MS. HAYES: Do you think you will have a draft

20 of all that to us before Christmas so that we can.....

21 MR. HAVELOCK: Draft of all what?

22 MS. HAYES: I think the recommendations and

23 the findings is what we have been.....

24 MR. HAVELOCK: We will have that well before

25 Christmas.

1 MS. HAYES: Okay.

2 MR. PARKER: Okay. Anything else on the
3 document?

4 MS. WUNNICKE: Good luck.

5 MR. PARKER: Yes. Okay. Do we want to tackle
6 the lead agency prevention? Go back to that? Or do we
7 wish to go ahead and tackle the response side of it?

8 MR. SUND: Mr. Chairman, I would maybe just
9 see how -- where the bodies lie here. In last year's,
10 they past a bill, Senate Bill 260, which sets out the Oil
11 and Hazardous Substance Response Office. With the
12 emphasis on the word response. That's within DEC.

13 I guess, I'll just maybe make a motion here that
14 we recommend that that office be expanded to be the oil
15 and hazardous substance prevention and response office.

16 And we put our prevention related activities, as
17 we have identified them throughout this commission, --
18 gives staff a lot of leeway to take them out in DEC.

19 MS. WUNNICKE: Second.

20 MR. PARKER: Moved and seconded. Any discus-
21 sion on that?

22 MR. WALLIS: Yes.

23 MR. PARKER: Tim?

24 MR. WALLIS: I thought that the response
25 function was going to move to emergency services. And, I

1 thought I read a recommendation where that happened.

2 MR. WENK: Page Two of the Response document.

3 MS. WUNNICKE: We are speaking of prevention,

4 though.

5 MR. SUND: I'm working on prevention.

6 MR. WALLIS: But, you said prevention and

7 response.

8 MR. SUND: Well, it's an existing entity that

9 was created last year. I was just gonna expand the duties

10 of that entity to include prevention.

11 MR. PARKER: Then if you want to move response

12 we'll just take it out and remove it again.

13 MR. WALLIS: Well, you know. I was just

14 wondering why we were doing it the long way.

15 MR. SUND: I just was specifying my motion a

16 place to put it. I could just simplify my motion and say

17 that we recommend that the prevention activities iden-

18 tified by this Commission be placed in the DEC.

19 Is that simple, Mr. Wallis?

20 MR. WALLIS: That's Jim Dandy.

21 MR. SUND: I move to modify my motion to

22 include that.

23 MR. PARKER: We move the motion is now under-

24 stood that we put the prevention functions in DEC.

25 MR. HERZ: Questions.

1 MR. PARKER: Any further discussion on that?
2 Questions been called for. Is anyone opposed to that
3 motion?

4 Motion carries.

5 MS. HAYES: I have a question. A discussion
6 question.

7 MR. PARKER: Okay. Go ahead.

8 MS. HAYES: Does that include the office
9 responsible for the state port authority? Or whatever we
10 have talked about. Some responsibilities of vessel
11 traffic lanes, and all that kind of thing?

12 Is that all -- when we talk about prevention, are
13 we taking this whole body of things that we've talked
14 about and any state responsibility for it shipping to DEC?

15 MR. PARKER: Unless we recommend to put them
16 somewhere else, that's where they would reside.

17 MS. HAYES: That's what I am trying to find
18 out.

19 MR. PARKER: Yeah.

20 MR. SUND: That would get us started.

21 MR. WALLIS: So the harbormaster concept that
22 we adopted last night or yesterday goes, is that right?

23 MR. PARKER: It goes there unless we put it
24 with some municipal entity or something in further
25 discussion, yeah.

1 You know, there's no place else.

2 MR. SUND: At the moment.

3 MR. PARKER: At the moment. Dennis?

4 MR. DOOLEY: I need to bring up an old chest-

5 nut. But, it's largely a traffic and technical inspec-

6 tion. And, that may fall within the (inaudible)

7 MR. WENK: More than what?

8 MR. DOOLEY: More than DEC.

9 MR. PARKER: Thanks. Meg?

10 MS. HAYES: Mr. Chairman, I guess that my

11 memory banks have it that DOT already has a certain amount

12 of statutory authority for managing ports and harbors.

13 And, while it hasn't been exercised in the past, I believe

14 that they are doing one down at (?). Although, they might

15 have been taken over by the borough by now.

16 But, I think that I would suggest that those

17 duties relating to ports and harbors and vessel traffic

18 lanes and things would be more appropriate.

19 MR. PARKER: Okay. How do you want to handle

20 that?

21 MR. HERZ: I want to make a substitute, I

22 mean, modification of the motion is that the mover and the

23 seconder accept it.

24 MR. WALLIS: There's no motion on the floor, is

25 there?

1 MS. WUNNICKE: Yes, there is.
2 MS. HAYES: To put it in DEC.
3 MR. WALLIS: And I was going to propose that
4 the mover and seconder accept it that we put all preven-
5 tion things, other than the port authority traffic and
6 inspection into DEC.....
7 MR. PARKER: Is that an amendment?
8 MR. WALLIS: Yeah.
9 MR. PARKER: Is there a second to the amend-
10 ment?
11 MR. WALLIS: Second.
12 MR. PARKER: Okay. We are voting on the
13 amendment right now. Is there any discussion on the
14 amendment?
15 MS. WUNNICKE: Yes, sir. Just a question of the
16 mover in terms of inspection.
17 Do you mean.....
18 MR. PARKER: Vessel inspection.
19 MS. WUNNICKE: Vessel inspection, okay.
20 MR. WALLIS: Everybody knows that if the
21 amendment passes, it carries the main motion.
22 MR. WENK: Well, Mr. Chairman, I don't think
23 I know enough to vote on the motion. I have no conflict
24 of interest.
25 MR. PARKER: Weekly, as Meg pointed out, the

1 DOT has substantial statutory response abilities in this
2 area. It is not exercised because it didn't have the
3 internal one to get up and go to define a role for itself
4 in this area and none from the outside ever asked them to.
5 So, they (inaudible - bumped mike).....

6 MR. HERZ: That's part of the motion?

7 MR. PARKER: Oh, no.

8 MR. HERZ: And what we do with those func-
9 tions is yet to be determined. The substitute of the
10 amended motion just pulls those two activities out and
11 doesn't reassign them.

12 MR. WENK: Okay. Fine, but let me suggest
13 what I am hearing in anticipation of stuff ahead having to
14 do with the Department of Environmental Service.

15 It sounds like to me that different elements
16 related to oil transportation safety are once more being
17 spread out through initiatives of this commission, agency,
18 and I am concerned about the dilution of that effort, the
19 lack of integration, so on and so on. That's my concern.

20 MR. SUND: I guess, -- I'm going to argue
21 against the amendment on the same basis that I think we
22 are trying to spend a lot of time trying to focus the safe
23 transportation of oil in Governor's office. I don't, you
24 know, some of the things we are recommending do not exist
25 in state government today.

1 So, I'm trying to look around and see which
2 department has the best current availability to add to the
3 situation. I'm not sure. It's really a relevant ques-
4 tion. I don't think any of them do. In terms of vessel
5 inspection and other aspects.

6 And, I am concerned about dilution of spreading
7 all these responsibilities among a lot of agencies. So,
8 I -- not necessarily to say that DEC is the best equipped
9 or the best home for it, or wherever. I just think that
10 it can fit there. It has been there in the past. And,
11 the expertise that Ed brought yesterday will have to be
12 brought into the State to accomplish a lot of these
13 things.

14 For that reason, I'm gonna oppose the amendment on
15 the delusionary arguments.

16 MR. HERZ: I'll withdraw it. I'll accept
17 your arguments.

18 MS. WUNNICKE: Mr. Chairman, I just might
19 comment, too, that DEC could through RSA get those.....

20 MR. WALLIS: I don't concur -- the motion is
21 still on the floor.

22 MR. PARKER: The second does not concur. So,
23 we are still voting on the amendment.

24 MR. WENK: The seconder of the amendment?

25 MR. PARKER: Yes.

1 MR. WENK: I see, okay.
2 MR. SUND: Questions.
3 MR. PARKER: Okay. The question has been
4 called for on the amendment. The Chair thinks we are
5 getting into very deep water for several reasons very
6 rapidly here.
7 Let's go ahead and vote and see what we can work
8 out later. Tim?
9 MR. WALLIS: Yes.
10 MR. PARKER: The amendment. Right?
11 MR. WALLIS: No.
12 MR. PARKER: Esther?
13 MS. WUNNICKE: No.
14 MR. PARKER: The Chair votes yes.
15 MS. HAYES: Yes.
16 MR. WENK: No.
17 MR. SUND: No.
18 MR. PARKER: The amendment fails three to four.
19 MR. SUND: Mr. Chairman, maybe at this time
20 it is worthwhile to take time out here.
21 MR. PARKER: I think so. Let's take a five
22 minute recess.
23 (Off the record)
24 (On the record)
25

1 MR. PARKER: The commission will reconvene.
2 John.

3 MR. SUND: Based upon the State's finding
4 that there is a major role for the State of Alaska to play
5 in preventing oil spills in the oil transportation system
6 and that we had identified some specific items that could
7 be done under state law, that would help to lead to or
8 help lead to the prevention of oil spills.

9 Inspection of vessels, monitoring of the vessel's
10 monitoring system. Court systems and a lot of other items
11 that the motion was to put all of that within the Depart-
12 ment of Environmental Conservation.

13 MS. HAYES: Let's vote now.

14 MR. PARKER: Yeah, I think, would we have a
15 quorum was we plow ahead here.

16 MR. SUND: I guess one of the reflections I'd
17 have on that is I think there is a finding the state
18 should be involved. I think we've made a finding that the
19 state effort in response has been minimal a best -- or at
20 prevention it was minimal at best. The -- and that
21 whatever it is is divided among several agencies or
22 entities now and we should try to focus it.

23 And, I'd like to hear the other commissioners
24 point on it, but I guess you can leave it at that. I
25 think we should make some recommendation as to where to

1 place this entity. The other option is just to say here
2 are the basic criteria that we think any decision should
3 make or meet and leave it up to somebody else to find a
4 way to put those pieces together.

5 MR. PARKER: I think the point that you made
6 earlier, that this would enable the 470 funds to be used
7 to get inspectors on the tankers now to get the state
8 inspectors back at work, again, is a good one.

9 And, probably the critical one is to get that
10 state presence immediately backboard the funding mechanism
11 which does exist to do this if we can convince the
12 legislature they should expand the 470 funding to include
13 this.

14 I think, you know, the other position we get into
15 is trying to re-structure the whole state government at
16 this table, which is something that probably should be
17 resolved for another commission to do at some future time.
18 Because if we try to do it here, why the re-structuring of
19 the state government will obscure our primary purpose. It
20 will get into the same thing we got into in our discussion
21 of the division of creating a department of oil and gas
22 and so forth.

23 MR. SUND: Well, Mr. Chairman, I think for
24 the record I'd better make the comment I think I spoke
25 while we were at ease, that one of my hopes or something

1 like that, my original motion was to put it into the oil
2 and hazardous substance response office to add that to
3 prevention so that moneys from the 470 fund or this fund
4 that was created last year could be used not only for
5 response, but could be used for prevention.

6 And, my basic argument is that it's a major
7 finding of this commission that there is not an adequate
8 way to respond to catastrophic oil spills and that primary
9 thing is you got to work on prevention and that if we are
10 willing to set up a special fund to respond, that there is
11 a logic to saying it's cheaper to prevent then to respond.
12 And that maybe some of those funds should be used in the
13 prevention mode.

14 And, I guess I'm not making part of my motion how
15 you fund prevention, my point was just focused to preven-
16 tion activities and I still think they should be focused
17 in one department or the other. And, I don't have a
18 better one than DEC at the moment.

19 MR. PARKER: Okay. Any other discussion on
20 that. Dennis?

21 MR. DOOLEY: I think it might be useful that
22 somewhere the commission have a finding and a maybe a
23 direction that DEC is going to encompass this if they look
24 at a range of further skills than they currently employ.
25 And, I think it's important. When they went out and

1 recruited, the positions they filled were Ecologist III.
2 It did not reflect the goal of getting people with
3 technical expertise or orientation. What they got was
4 more of their own. And, I think it's important that some
5 subsequent declaration be made in terms of an orientation.
6 MR. PARKER: Yeah, that's an important point.
7 There's many of the shippers and the pilots made the point
8 in their discussion, both off and on the record, that the
9 state inspectors, when they did exist, in their later
10 years were not very competent in what they were doing.
11 So, hopefully, we will be able to convey that to the
12 commissioner that if he's going to have inspectors go on
13 board those vessels, why we want somebody who knows.....
14 I think I said this yesterday.
15 MR. SUND: It's hard to mandate competence.
16 MR. PARKER: Yes, it is. Make a suggestion is
17 all. Okay. Any further discussions. The motion on the
18 floor is to the original one to put it back in these --
19 put prevention in DEC with the intention of revising the
20 470 funding to make that available to hire the necessary
21 people to do it.
22 Okay. Are we ready to vote on that particular
23 motion? Okay. Tim?
24 MR. WALLIS: Yes.
25 MR. PARKER: Mike?

1 MR. HERZ: Yes.
2 MR. PARKER: Esther?
3 MS. WUNNICKE: Yes.
4 MR. PARKER: I vote yes.
5 MS. HAYES: No.
6 MR. WENK: I missed -- I thought we voted on
7 this already.
8 MR. PARKER: No, no.
9 MS. HAYES: We voted on the amendment.
10 MR. PARKER: We voted on the amendment. And,
11 it failed.
12 MR. WENK: Oh! Yes.
13 MR. PARKER: John?
14 MR. SUND: Yes.
15 MR. PARKER: Six to one. Motion passes.
16 Okay. Is there any follow up on prevention before
17 we move to response. I would suggest we move to response
18 with the idea that we can go back and follow up on
19 prevention if it appears any great ideas hit us.
20 MR. WENK: Mr. Chairman?
21 MR. PARKER: Yes?
22 MR. WENK: Just a footnote. I think you made
23 an observation just a minute ago that could be converted
24 to a theme and that is that the commission is not getting
25 into micro-managing.

1 MR. PARKER: Uh-huh.

2 MR. WENK: That dealing with prevention there
3 are certain fundamental concepts which the commission has
4 discovered from evidence. Has been revealed through
5 findings and which underpen the recommendation. But, to
6 keep these at the highest level of management, and I think
7 this is the point that Commissioner Wallis has made, to
8 keep the highest level of management without getting down
9 into this micro-level. I think your point really deserves
10 to be emphasized in the way the report comes through to
11 the reader.

12 MR. PARKER: Yeah. Thank you. In dealing with
13 the legislature on this they know their state government
14 very well and it's a proper level for them to get into.
15 Micro-management, if they choose to and they and the
16 Governor can work it out how they ought to move things
17 around. As long as the main function is maintained. As
18 long as state inspectors -- competent state inspectors are
19 going on those vessels.

20 Okay. We are moving into response, then. And,

21 MS. HAYES: Mr. Chairman?

22 MR. PARKER: Meg.

23 MS. HAYES: In the light of brief time, I
24 would appreciate it if Mike, who was on the response
25 committee, would identify for us the critical response

1 recommendations that he would like to have some say on
2 before he has to leave?

3 MR. HERZ: Well, I think the biggie is going
4 to be the Emergency Services. You know, the structure of
5 the body. And, since there is going to be a fair amount
6 of discussions, I would like to see us get through that.

7 MR. HAVELOCK: Mr. Chairman, that's Item 3, I
8 think on Page Two.

9 MR. PARKER: Okay. The Alaskanized Spill.

10 MS. WUNNICKE: Mr. Chairman, just before we begin
11 that discussion, just to remind everyone that I think we
12 made a finding that we should distinguish between garden
13 variety and catastrophic spills in terms of the structure
14 to respond.

15 MR. HERZ: Yeah. I would like to discuss
16 that a bit. Because it seems to me inconsistent with what
17 Ed was saying about spreading responsibility and so on.
18 That if we choose a structure and a leadership for
19 responding to spills, then we don't want to have two.
20 Because, it's confusing enough in the heat of the spill to
21 get your courses deployed.

22 It would be doubly hard to have to decide which
23 size spill it is and have one contingency plan and
24 response incident command system for one size spill and
25 another for another. And, I think that's an unnecessarily

1 cumbersome system.

2 MR. PARKER: Let me see how, you know -- based
3 on the discussions that we've had so far on this issue,
4 how I see it at the moment working.

5 DEC continues to have response, has the response
6 for insuring that there is a spill response capability
7 available. And, for determining that a spill condition
8 exist and for, in affect, they continue to be the regula-
9 tor and the trip wire on spills.

10 If in the case of a minor spill, the -- whoever is
11 doing it at the moment, would continue in that role,
12 whether it is the co-operative, in the case of Alyeska and
13 CURO (ph), whether it's in the case of Port of Anchorage,
14 or whoever and DEC would have responsibility to insure
15 that they were in a ready response situation.

16 In the case of a major or catastrophic spill, the
17 whole thing of military affairs would then come into bear
18 and DEC would bring military airs in as the spill respond-
19 er and they would in affect take command of those elements
20 of the spill that were theirs. DEC would retain the
21 general oversight.

22 What's not clear so far in this is where the
23 onsight coordinator for the major spill resides.

24 MR. HERZ: That's my concern. My con-
25 cern.....

1 MR. PARKER: Yeah.

2 MR. HERZ: My concern is that if you have, I
3 mean, it's confusing enough and worrisome enough, that
4 you've got this dual system under the Clean Water Act,
5 with the Coast Guard, which is a response agency with
6 facilities to do some responding at least, for ocean
7 spills and you've got EPA which clearly after this
8 incident is not a response organization in charge of
9 onland spills. If you set up yet another kind of decision
10 points and command structures, it just gets very confus-
11 ing.

12 I'm not disagreeing with how you structure it.
13 It's just -- I think it makes the most sense to keep one,
14 one body in charge of the decision making, you know. If
15 you have a command structure that -- if you change it
16 under different conditions, inland versus ocean, big
17 versus small, willing spiller versus non, it is going to
18 take you the first day to decide who's in charge.

19 And, that's what we saw with Exxon Valdez. And,
20 what I'm trying to do is make sure we don't go through
21 that again.

22 MS. WUNNICKE: I think we're all in agreement.

23 MR. HERZ: So, DEC stays in charge up to a
24 point, though. I mean, then it's not clear to me what the
25 point is. You say, if it's a catostrophic spill, military

1 affairs takes command. And, it's -- that's the concern.

2 MR. PARKER: John?

3 MR. HAVELOCK: I don't see DEC as being charged,

4 anyway. That is, the step one is a private spiller is in

5 charge. The DEC is advisor. It doesn't seem to me the

6 DEC is ever going to move out of that role and be in

7 charge of operations. It will always be the specialist

8 giving specialized advice on spill containment and

9 recovery, but not doing.

10 MR. HERZ: I thought one of our concerns,

11 though, was that putting the spiller in charge raises alot

12 of questions with that decision, then.

13 MR. HAVELOCK: You talking about 10 gallons. I

14 mean, you know, you certainly don't want to bring in

15 either DEC or military affairs. The DEC comes in and

16 looks and says you haven't cleaned this mess up. But,

17 they don't come in with their own buckets.

18 MS. WUNNICKE: Mr. Chairman, I think that, at

19 least as I heard the discussion that within the -- that it

20 was possible to do a contingency plan and for the spiller

21 to be in charge of the clean up of the more likely spills,

22 the less catastrophic spills. But, when you ran into

23 difficulty in something of a magnitude of the Exxon Valdez

24 where necessarily the first objection of the spiller was

25 to safe cargo and crew and vessel. And, at the same time

1 you needed someone who had as their first priority the
2 protection of the critical areas. And, I think as I heard
3 the discussion that if we made clear to the public at
4 large that you couldn't use conventional clean up contain-
5 ment responses in that kind of spill. That your whole
6 response had to be quite different. And, that, one of
7 protecting critical areas in critical resources -- that's
8 where the person having that first priority would be the
9 DEC as advisor to Department of Military Affairs as the
10 after.

11 MR. PARKER: Meg?

12 MS. HAYES: My thinking has changed listening
13 to Mike and Esther. I think yesterday we made the
14 recommendation that the presumption change from being the
15 spiller in charge of a spill to being the state in charge
16 of a spill or somebody else in charge of a spill, unless
17 the spiller could demonstrate clearly that they had the
18 capacity to deal with it.

19 And, I think that that's the one decision point
20 that I think we have. If you've got 10 gallons and
21 Alyeska is there to start whatever they do or you have
22 200,000 gallons and people are set with the dozers and the
23 capability of taking care of it, you've got DEC in an
24 advisory role and a regulatory role, but you don't have
25 military affairs involved with it.

1 If you have any size spill that is -- that the
2 spiller is not capable of it or a surprise spill or an
3 orphan spill that you don't have anyone responsible for,
4 think that military affairs should be in charge of it.
5 And, I would speak for that partly because the way you
6 learn expertise about dealing with big spills, partly, is
7 the familiarity and the responsiveness. And, that far
8 from being -- trying not to bring in military affairs on
9 small ones, perhaps we ought to be trying to bring them in
10 on small ones so that that readiness and preparations
11 always there. And that DEC remains in an advisory
12 capacity and you only have that one decision point of
13 who's in charge. We're in charge unless you can demon-
14 strate that you've got all the facilities and capacities
15 to do it.

16 MS. WUNNICKE: So, what you are saying is that
17 whenever you Alaskanize the spill, the Department of
18 Military Affairs would be the operating arm?

19 MS. HAYES: Even if it's a bucket.

20 MS. WUNNICKE: I would say the same thing for
21 land. Getting back to our discussion of yesterday.

22 MR. WENK: Thank you, Mr. Chairman. I think
23 our counsel has got a very powerful statement here under
24 Number Three that I suggest we take a hefty look at before
25 time runs out. Not so much on who within the State does

1 it, but to what degree. The sentence that I am hung up on
2 is under his Item Three Page Two.

3 "The single most important initiative on the part
4 of the State should be the development of a capacity to
5 take over from the spiller". Now, that's a loaded
6 statement. I mean loaded. And, I just have a feeling
7 this is the most potent issue that we need to discuss.
8 More than who. Is the state going to develop a capacity
9 to take over in the event of a catastrophic spill?

10 MR. HERZ: No, it's the capacity to take over
11 the management.... I mean, I thought it was primarily a
12 management function. Not a response function. Which is
13 it?

14 MR. PARKER: I don't know. The legislation
15 already in place, you know, if we can carry out we'll have
16 a very strong response state funded response.....

17 MR. HERZ: How well funded is that?

18 MR. PARKER: \$50 million with plenty (?) with
19 \$.5 a gallon from now till the oil runs out. Dennis?

20 MR. DOOLEY: There is a couple of things.
21 Number one, I think I would like to caution the commission
22 about characterizing this as 10 gallon spills and 11
23 million gallon spills. There's a whole range of spills in
24 between there in which there may well be a spiller who is
25 incapable of doing and we do not need to jump to clean one

1 extreme or the other just to make this case.

2 The other one is, I'd like to emphasize again --
3 when we had a case with the St. Matthews incident, it was
4 not used as a spill drill opportunity by the Coast Guard
5 and/or DEC. That opportunity existed. It did not use
6 that as an opportunity to get resources marshalled from
7 California or anything else, even though all their
8 existing resources and been deployed.

9 They knew they had a barge lost with 5 million
10 gallons of fuel and it had been lost for 15 hours and it
11 still had not made a call to California to have equipment
12 to come up in the event there was going to be a spill.

13 They were going to wait till one happened before
14 they made that call. There needs to be some sensitivity
15 in that response agency in responding to emergencies on a
16 repetitive basis in order to build that skill.

17 Also, on contractors. If, for instance, you have
18 a standby cleaning for small spills, let say in Port
19 Valdez. When you are thinking about catastrophic spills,
20 you have a wide range of contractors. You may put them on
21 a one week or two week contract each year in order to
22 refine their expertise just in handling booms. That's
23 part of your standby contingency.

24 There's all sorts of tools given there. I think
25 the only reserve, whoever that response agency is,.....

1 MR. PARKER: Okay. Tim?

2 MR. WALLIS: Mr. Chairman, I don't think that

3 we need to get into declining what they are going to

4 respond to, be it small or catostropic. Once they give

5 them the duties, they are going to work that out among

6 themselves and come up with an old plan. I don't think we

7 need to tell them what to do, when to respond and that.

8 That's something they will do themselves.

9 MR. WENK: Does that adjust the question of

10 capacity to take over? I don't feel at all clear about

11 what is intended, either with the existing legislation and

12 the fund that's been referred to, or the commission's

13 intent as.....

14 MR. WALLIS: I wasn't talking to your point of

15 capacity.

16 MR. WENK: Right. I.....

17 MR. WALLIS: I was talking to.....

18 MR. WENK: I understand. Right. I under-

19 stand.

20 MR. DOOLEY: Mr. Wenk, I.....

21 MR. WENK: Ed.

22 MR. DOOLEY:think if you dealt with a

23 regional response plan, what you're saying is the state

24 has the capacity to administer that regional response

25 plan. No matter from which source those resources come

1 from. And you develop the capacity to administer and
2 enforce the link of communications.

3 MR. WENK: But, you've said something quite
4 important. When you say capacity to administer, that
5 versus capacity to take over. I mean this.....

6 MR. DOOLEY: Well, to me, maybe we are playing
7 semantics, then.

8 MR. WENK: No.

9 MR. DOOLEY: Whatever it means is I know who
10 the hell is in charge, and he has the State of Alaska on
11 his paycheck.

12 MR. WENK: I'm talking about capacity to take
13 over which is talking skimmers and booms and.....

14 MR. DOOLEY: That's right.

15 MR. WENK:store disbursants and so on.
16 Now,.....

17 MR. PARKER: That's what we're talking.

18 MR. DOOLEY: That's exactly what we're talking
19 about.

20 MR. SUND: Yeah.

21 MR. WENK: So, the state is going to have
22 this capacity.

23 MR. DOOLEY: They've assigned \$20 million
24 already to build it.

25 MR. WALLIS: They are going to develop it.

1 MS. HAYES: They don't have.....

2 MR. WALLIS: They don't have it. They are
3 going to develop it.

4 MR. HERZ: That's not very much money. If
5 you look at Alyeska, they just spend 20, I can't remember,
6 23 or 27 to beef up and respond to the requirements of the
7 state.

8 MR. PARKER: \$20 million buys a lot of boom and
9 skim work. It doesn't buy many response vessels.

10 MR. DOOLEY: No one is making the entire
11 investment for capacity and I suggest the federal govern-
12 ment hasn't done -- They are counting on benefits from
13 everyone's investments being brought. Whether they are
14 private or public and in a variety of different agencies.

15 MR. SUND: Mr. Chairman?

16 MR. PARKER: John?

17 MR. SUND: Maybe, we're kind of in the same
18 issue we just went through with prevention and that's the
19 finding is by the commission, you know, what's broken
20 here? What are we trying to fix? And that's a failure of
21 the state to focus it's response activities in a single
22 entity. I guess that's what we are trying to fix.
23 Correct me if I'm wrong.

24 With that, then the finding is -- that's the
25 finding, then the recommendation is that the response

1 activities or the response abilities of the state and I
2 think Ed's hit on a very good point here -- what are we
3 exactly talking about with that? The wording we have here
4 is that means the capacity to take over from a spill or
5 the management in control of the spill. Which has not yet
6 been federalized.

7 That's a fairly definitive statement. It should
8 be focused in a central department of state government and
9 maybe we are down to recommending.

10 I'm really tossed. I don't really know which way
11 it goes. I don't think you can take over the management
12 and control of the spill from a technical point of view
13 without DEC involved.

14 MR. PARKER: They are involved.

15 MR. SUND: You know, I guess the question is
16 who calls the shot. Is the guy in charge of logistic
17 calling the shots or is the guy in charge in citing what
18 ought to be done at the site in charge?

19 MR. PARKER: I think once the determination of
20 the.....

21 MR. SUND: What the logistic.....

22 MR. PARKER:spill is made, why logistics
23 are the entirety of it. You've got to get men and
24 equipment in place.

25 MR. SUND: To do what?

1 MR. PARKER: To contain, to disburse, to co-
2 agulate, to burn,.....

3 MR. SUND: Well, that's what I am saying.
4 The important thing, I think, is to do what. I mean, the
5 Commander will also revert to these military termi-
6 nologies, but the.....

7 MR. WENK: The onscene coordinator?

8 MR. SUND: onscene coordinator makes a
9 shot to do something and he's got to have the horses there
10 to get it done. The logistics, the payroll guy, the
11 claims guy, the whatever. But, I think logistics is a
12 tool to solve the problem. It's not the solution in
13 itself.

14 MR. PARKER: Meg?

15 MS. HAYES: Well, I'm just bringing to your
16 mind, again, for discussion we had with the MAC committee
17 in Seward. And, if you remember right, the agencies on
18 the MAC committee advised the logistic guy who, you know,
19 this is his first oil spill, about what to do. About what
20 the priorities were. And, he was the guy whose job was to
21 figure out where the boom was, how to get it out, where to
22 do it to the best of his ability. And, I see that
23 relationship very similar. I'd see that DEC is advising
24 and is spending it's time and it's energy on doing the
25 shoreline work, the assessments, the scientific stuff that

1 gives this guy the information he needs about how to do
2 it. But, he's the guy that knows whether he's going to be
3 able to get that load of boom here in 13 hours or whether
4 it's going to be 15 hours. And, he's the guy who has to
5 decide whether he's going to do this one or the next one
6 based on his best expectation of what he is going to have
7 available.

8 MR. SUND: Okay.

9 MS. HAYES: I see those as two very dif-
10 ferent.....

11 MR. SUND: I think maybe I could put it in my
12 mind that you have a, you know, a whole system here. You
13 have prevention and to the degree with people under
14 prevention entity you have works. You hopefully don't get
15 into it. Then you have this planning farm, i.e. contin-
16 gency planning to plan what to do once the prevention
17 breaks down or fails and now we have the response entity.

18 Does it make any sense that those three items
19 ought to be in the same entity?

20 Or should they be three separate arms of the
21 octopus some place?

22 MR. PARKER: Mike?

23 MR. HERZ: I, once again, find myself in
24 agreement with John Sund about.....

25 MR. SUND: I pose a question. Not a state-

1 ment.....

2 MR. HERZ: Yeah, well.....

3 MR. SUND: It's hard to agree with a ques-
4 tion.

5 MR. HERZ: Well, I thought you were -- the
6 thing that I heard coming off was a concern about spread-
7 ing these things. The same point that Ed raised earlier.
8 That it seems more to be gained in terms of management and
9 coordination and maximizing your effectiveness of your
10 bureacracy. If it's housed one place rather than three.

11 I've got a second concern, though, that I want to
12 discuss and that is this -- I agree that Emergency
13 Services, Department of Military Affairs, but what worries
14 me is the decisions regarding the protection of sensitive
15 resources.

16 For example, Item C gives to the Emergency
17 Services people depart and (indiscernible) the allocations
18 of (indiscernible) resources.

19 Alright. Does that mean -- what's their priority
20 going to be? Is their priority going to be what the Coast
21 Guard is? Is it going to be crew first, vessel second,
22 cargo third and then resources? I mean, I worry about the
23 resources. And, I think what we've talked about is this
24 is the public domain that is supposed to be protected and
25 the Coast Guard has as it's responsibility this dual

1 environmental -- I should say, private property, and then
2 environment.

3 The military, we don't even have any track record
4 to make an assessment of what their priority system is
5 going to be and if they only have an advisory capacity
6 that means the way it is now, there's certain conditions
7 under which the Coast Guard can overrule the other members
8 of the RRT. He gets the final say in some of the decision
9 making.

10 If that's the case with this structure, then I
11 worry about the degree to which the publicly owned
12 resources are going to be protected. And, I don't have
13 the solution. I'm just raising that as a very real
14 concern.

15 MR. PARKER: Tim and then John.

16 MR. WALLIS: Yeah. Just again as a reminder
17 that AMS or Military Affairs already has a response duties
18 and hazardous waste. This is just an expansion of their
19 duties.

20 As far as the statement perhaps made by -- if it's
21 reworded it may make a little more sense. And, what we
22 are trying to do here, in my opinion, and that would be
23 the single most important initiative on part of the state
24 should be to develop the ability to protect the resource
25 in the event of a spill.

1 MS. WUNNICKE: So that the other responsibilities
2 with respect to cargo and ship remain with the Coast Guard
3 so you don't have one person having two number one
4 priorities.

5 MR. WALLIS: Yeah. And, you know, who knows
6 what the priorities are going to be from one emergency to
7 another?

8 MS. WUNNICKE: Sure.

9 MR. PARKER: Okay. John?

10 MR. HAVELOCK: Well, I was just thinking that
11 Commissioner Herz's comments he probably wouldn't have
12 made them had he been out and visited with Military
13 Affairs. And, in indeed it strikes me that they don't
14 make sense in terms of what we heard of other relation-
15 ships with EPA and the Coast Guard.

16 The fact that Military Affairs might be in charge
17 does not mean that Military Affairs fits priority. Under
18 the incident command system that is structured so that the
19 agency that has the knowledge about that particular
20 matter, that is protection of the environment, sets those
21 priorities.

22 You can sort of imagine the scenario at sea for
23 example. If you decided that EPA was the onscene coor-
24 dinator, what happens? You get somebody who has never
25 dealt with a Military Structure or with a major logistic

1 structure, telling people what to do and where to go.
2 And, all those people are going to say who is this guy?
3 He's not my regular commander, he's not somebody I've ever
4 seen before, he's some person from some other agency I
5 don't have a lot of confidence in.

6 So, that's why staff supports this recommendation,
7 because we see that it works both in the way divisions,
8 Department of Military Affairs now responds to emergen-
9 cies. They basically are the commanders, but they take
10 their policy advice from other agencies.

11 MR. PARKER: Yeah, there's a reason why most
12 organizations that have to do with response to disasters
13 of whatever kind seem to fall into a military structure.

14 MR. SUND: Just a question. Does the MS use
15 the incident command system?

16 MR. WALLIS: Yes.

17 MR. DOOLEY: The confusion is that there is a
18 lot of people using that terminology and there is a little
19 bit of variance between the three major forms that are
20 using it.

21 MS. WUNNICKE: They speak the same language.

22 MS. HAYES: We'd like to clarify that.

23 MR. DOOLEY: But, this discussion appears to be
24 getting people closer and closer together as a real unit.

25 MR. SUND: Well, I just.....

1 MS. WUNNICKE: Mike.

2 MR. PARKER: Mike, did you want to say someth-
3 ing on this?

4 MR. HAMMOND: Yeah, I wanted to try to give you
5 a little background on the legislation that past 1 a s t
6 year. It was the ORCA -- clearly intended that this not
7 be a primary response. That it was only a back up
8 response in case the spiller could not -- did not have the
9 capability or did not respond. Right?

10 It was never really figured out when that cutoff,
11 when you make that decision the state responds. So, if
12 you read the legislation the last section of it says it
13 does not relieve -- nothing in this act relieves the
14 responsibility parties for responding to oil spills.

15 So, I think you must calculate that into your
16 recommendation to go to a legislature and have a proposal
17 that makes the state of Alaska the primary -- responsible
18 for the primary response is the going to be, you know,
19 really difficult. If not impossible.

20 This bill here, I believe this bill passed not
21 because the majority of the legislature was persuaded by
22 the arguments of the sponsor, but because they were afraid
23 to vote no.

24 MR. PARKER: I think we've -- that's the way
25 we've factored that perception into our discussions. And

1 the way this read is to take over from the spiller.

2 MS. HAYES: Mr. Chairman, I just remind
3 everybody that if there was anything that we got loud and
4 clear out of those community meetings was people being
5 irate about the spiller being in charge of the spill clean
6 up and containment.

7 MARILYN: Can I just clarify one thing?

8 MS. HAYES: We're not talking financial
9 responsibility.

10 MARILYN: Right. But, I think you have to
11 decide with each of these discussions, when you talk about
12 the state you have to clearly say are they in charge of
13 making the decisions of what has happened, or they in
14 charge of actually doing the spill response?

15 Everytime you make a statement each one of you
16 have to say which one of those things? Because those are
17 two very different things. And, I think the critical
18 thing is that first statement that Mr. -- that Walt Parker
19 mentioned which was the tripping mechanism. How does it
20 get decided on the very place? Because you said there's
21 two things and I forget the first one. But, the second
22 one was the one that made the most sense to me. Because
23 you may have a catastrophic spill that's very small,
24 because it's in a very critical area, that all of a sudden
25 is a logistical nightmare and these are logistical

1 supports, etc.

2 But, DEC is going to responding to every single
3 spill. Whether it's a, you know, right now. The situa-
4 tion is they are responding to every single spill. At
5 some point they have to make a decision. We need someth-
6 ing else here. Because this is not working or it's too
7 big, but there's no clear line you can draw. You need one
8 resource, one entity, and I guess I'm concerned that
9 Emergency Services doesn't go out and look and make
10 decision that oversee something about what kind of
11 response it really is going to take. At the very first
12 site, when people come right on site. Okay. What is
13 going to happen here with this spill?

14 And I just want to make sure those things are
15 clear. I'd rather not put in my views about who's doing
16 it. The two aspects: the actual response and the
17 oversight. And, sometimes -- not oversight, the decision
18 making. Telling the industry what you want done. Because
19 maybe they are doing everything, but we're telling them
20 and maybe we are supplementing it with things they are not
21 doing, too. You know, by saying we're going to put them
22 out here, we're going to do other things in other places
23 to protect the environment that the industry is not doing.
24 Even though their spill -- you know, they're making these
25 other decisions about how to protect the resources.

1 MR. PARKER: Let me say how I view the ideal
2 situation in this developing. DEC for the state, you
3 know, retains control oversight on contingency planning
4 and everything that blows from that. And, planning for
5 contingency planning EPA remains in that role for the Feds
6 and hopefully does something about it.

7 We have a single contingency plan for each area,
8 each terminal and so forth which both the Feds and the
9 State hopefully can coordinate together to ensure that the
10 resources are actually available to respond.

11 Well, that role takes them right up to the back,
12 when the oil spills then it's DEC who does, you know,
13 respond to the spill and notifies the response organiza-
14 tion of the magnitude of the response that's necessary to
15 initiate. And, the response organization will continue to
16 be composed of private, federal and state responder.

17 Yes?

18 MR. DOOLEY: Commissioner Parker, I think it
19 would be useful to look at this in sort of a profile.

20 There's been some conflict of roles and respon-
21 sibilities in Exxon, DEC, on the Exxon Valdez incident.
22 Being upset that there wasn't an air permit issued ahead
23 of time to attempt (indiscernible). They don't require
24 their own state department (indiscernible - not speaking
25 in mike).

1 But here DEC was quick to deal with -- I'd like
2 to put DEC in the context of quality assurance. That's
3 what they bring. That is the expertise they bring. They
4 do not bring the expertise of responsiveness, demand
5 organization, initiate knowledge of the localities on a
6 variety of different structural context. Or the ability
7 to draw better expertise. Their training and whole
8 professional careers are distinctly spent in quality
9 assurance. And, that is again what their role is in here.

10 And, I think that's their role in an advisory role
11 as is EPA's to whoever is in charge of that spill. But,
12 I don't know where -- and they are doing that with the
13 private person. They are offering some quality assurance
14 that this is being cleaned up adequately or inadequately.

15 But, that's the division and there's those that do
16 and then there's the quality auditors. They have the
17 quality auditors.

18 MR. PARKER: And they are the quality auditors
19 of the contingency plan.....

20 MR. DOOLEY: That's correct.

21 MR. PARKER: Yeah. Alright.

22 MR. WALLIS: Let me just say.

23 MR. PARKER: Go ahead.

24 MR. WALLIS: Dennis is absolutely right and I
25 think he explained it very well. The fact that, you know,

1 I don't envision DEC treating Emergency Services any
2 different than they would treat the spiller, you know, in
3 that regard.

4 And, I really don't, you know, see where Emergency
5 Services is going to be going and doing this all that
6 often.

7 MR. PARKER: No, I don't either.

8 MS. WUNNICKE: Let's hope not.

9 MR. PARKER: Yeah, I mean, that's what we are
10 all about on the other side of this. Is to make sure that
11 they don't have to do it very often. John?

12 MR. SUND: Well, I still see some connection
13 between what you're plan is in terms of what you want to
14 do and your ability to perform on that plan and that you
15 got DEC involved in drawing up a state master plan,
16 clarifying the responsibilities of each agencies of the
17 state, and municipalities, federal agencies, operators
18 facilities regarding their containment and clean up of a
19 catastrophic oil discharge or significant discharge.

20 And, you know, so you have drawn up this plan, how
21 do you draw up the plan or allocate in the plan what your
22 response capability is going to be if you don't have a
23 handle on your response capability?

24 MR. PARKER: Well, the same problem exist with
25 hazardous waste and you know, a lot of work has been done

1 on integrating Emergency Services and DEC roles on
2 hazardous waste. And, hopefully they have it worked out
3 better than they had it worked out at Crown Point.

4 MARILYN: It's still being developed.

5 MR. PARKER: Yes. And, so I see, you know,
6 this is just a logical continuation of what they have
7 already got working in hazardous waste and hazardous
8 materials.

9 MR. WENK: Just a quick point and I may have
10 missed something earlier in discussion. I've been reading
11 into the capacity of the state, etc., etc., largely with
12 regard to spills outside of Prince William Sound. That is
13 I've mentally, it hasn't been put in writing, but I have
14 mentally been taking into account Alyeska's new prepara-
15 tion and the oversight of that by state agencies, with
16 regard to a capacity. But, you've got all of Southeast
17 Alaska, you've got, you know...

18 And the implication is that that's a capacity that
19 the state is going to provide in its own self-interests.

20 MR. PARKER: Tim?

21 MR. WALLIS: I.....

22 MS. WUNNICKE: That's a good point.

23 MR. PARKER: Yeah. That's one of the reasons
24 for involving Military Affairs. I mean, you know, if
25 their C140's aren't available from the Air Force or the

1 Navy or the Coast Guard to go bomb a spill, why the
2 state's C130's in the Air Guard would take the same thing
3 for those distant spills which are only going to really be
4 handled by air interdiction. Which is the way St.
5 Matthews could have been handled if there had been.....

6 MR. SUND: We're not.....

7 MR. PARKER:if the National Contingency
8 Plan hadn't been a total failure and completely dis-
9 regarded the fact that an oil spill might occur in the
10 Bering Sea despite the fact that they occur all the times.

11 MR. WENK: Perhaps that amplification here
12 would help, though.

13 MR. SUND: How does Military for your C130
14 get into Emergency or EMS here?

15 MR. PARKER: It's under the Department.

16 MS. WUNNICKE: It's in the same Department.

17 MR. SUND: So, do they have the same ICS
18 system, then, and the same.....

19 MR. PARKER: Yes.

20 MR. SUND:control system?

21 MR. PARKER: That's their basic control system.

22 MS. HAYES: That's one of our recommendations
23 that they develop it if they don't already.

24 MR. WALLIS: Mr. Chairman, let me just say one
25 thing. Maybe I can clear a lot of things up.

1 In any situation. You know, DEC and Department of
2 Military Affairs talk quite a bit. And, if there is a
3 need to respond it's going to be them that respond anyway.
4 And the only difference that we are talking about, really
5 is with the onscene coordinator being somebody from the
6 Department of Military Affairs.

7 Now, nothing's really going to change. It's just
8 that the people that's kind of giving orders on what to do
9 is somebody from that department rather than from somebody
10 else's department. Somebody that they have confidence in
11 taking orders from.

12 That's really the only difference that we are
13 talking about here.

14 MR. HERZ: Have there to date been any
15 discussions either between staff and DEC and Military
16 Affairs together or between DEC and Military Affairs at a
17 high enough level that there's a sense between the major
18 players that they can work out a compatible system and
19 response capability. Because it seems to me that if that
20 hasn't happened that that would be very useful for us to
21 facilitate that meeting in trying to gather some informa-
22 tion that could go into our recommendation.

23 Because I don't have any sense that -- maybe we
24 are being overly paranoid about how that relationship will
25 work. I'd like to know if those conversations have

1 appeared.

2 MR. SUND: I, you know, I guess I come down
3 on the side and say 'what are we protecting?' We are
4 protecting the environment. Who should be responsible in
5 controlling the clean up or containment of a spill in the
6 environment. And, I think the person, the agency and this
7 state that's been given a responsibility for the en-
8 vironment ought to be in control of that situation.

9 MR. PARKER: Yeah, but I don't see the dif-
10 ference between that and what exist in hazardous mater-
11 ials.

12 MR. WALLIS: The difference is, in John's case,
13 is who's in control. I think the difference is that who
14 says it's clean.

15 MS. HAYES: Yes.

16 MR. PARKER: Well, who says it's clean is the
17 same in both cases. Hazardous materials or oil. Why DEC
18 says it's clean.

19 MS. HAYES: Mr. Chairman,.....

20 MARILYN: Experience has been, I think up to
21 now, most times that the industry is responding and DEC is
22 overseeing it, or making recommendations, I just want to
23 clarify that. There have been cases where that has
24 happened, but still I think that the person in charge of
25 making the call you have fire or you have an oil spill,

1 the person who is calling out the shots as to what is a
2 priority, what kind of skimmers, what kind of disbursants,
3 should we use this, has to be DEC or the environmental
4 entities and those logistic people, have as soon as the
5 need is there, have got to be employed.

6 The problem is what's broken is, we didn't call in
7 logistic people. Or we didn't embrace them as well as we
8 should have in this last spill. I think that was what was
9 wrong.

10 MR. PARKER: Yeah, and where does DEC come with
11 the call, because they have an adequate contingency plan
12 that tells them, you know, what disbursants are available
13 in their arsenal to respond to.

14 MARILYN: But you can't write on paper.....

15 MR. PARKER: Which, of course, at St. Matthews
16 they did not.

17 MARILYN: But you can't write.....

18 MR. PARKER: Nor did the Coast Guard nor did
19 the EPA or anyone else. So, here we are a short six
20 months after Exxon Valdez.....

21 MR. SUND: Well.....

22 MR. PARKER:eight months really.

23 MR. SUND: I think the Matthews' call was
24 made by the Governor. The Governor decided is wasn't an
25 emergency. The Governor decided that the state should not

1 respond to St. Matthews. Not DEC, Commissioner.

2 MR. DOOLEY: No, the Coast Guard made that

3 decision.

4 MR. PARKER: Yeah, the Coast Guard made that

5 decision. The Governor didn't intervene in that.

6 MR. SUND: That's what I said. The Governor

7 didn't intervene.

8 MR. PARKER: Because, you know, why intervene

9 when there's obviously no capacity at any level to respond

10 to a spill like that?

11 MR. SUND: But, I don't think that's an

12 example in this. Especially because.....

13 MR. PARKER: Well, it's an example of an oil

14 spill that needs to be taken care of. We can't allow

15 people to go running on the rocks all over the Bering Sea

16 and the Gulf of Alaska just because they are not easily

17 accessible like the Exxon Valdez was and the ideal place

18 to have an oil spill. That doesn't mean we don't want to

19 have a system for responding to them. Of course, we want

20 to have a system to respond to spills like that.

21 And we can have.

22 MR. DOOLEY: I think there's a capacity here of

23 making an error. Because the word environment is in the

24 department's title doesn't give it -- and you look at it's

25 charges. It does not do things. It assures things.

1 Again, it's an authoritative after the incident measure-
2 ment. It goes into the kitchen and measures bacteria and
3 cleanliness. It doesn't do it. It does that in virtually
4 everyone of it's functions. To put it in an operation
5 mode would be inconsistent with the rest of it's mode.

6 MR. PARKER: The great bulk of the environ-
7 ment's in DNR and Fish and Game.

8 MS. WUNNICKE: That's right. The landowners and
9 the resource managers. I would say that John, it seems to
10 me that this is a means that the incident command system
11 through the Department of Military Affairs is just an
12 operational means and you can either get it through
13 contracting with somebody or you can get it through using
14 something that is readily at hand which is the Department
15 of Military Affairs. That knows the territory, by the
16 way, which is important. It's important that their
17 members have an acquaintance with all of the shorelines
18 of Alaska. And, don't come out of New Jersey or some
19 place.

20 MR. PARKER: Does anybody have major problems
21 with what staff has defined under the Alaskanized spill
22 other than what Tim brought up earlier about protecting
23 resources.

24 MR. HERZ: My question with these elements is
25 that they seem to be all over the map and I don't know who

1 is going to be responsible for providing the various.....

2 MR. SUND: Your question is to Paragraph 3?

3 MR. PARKER: Yeah.

4 MR. SUND: I don't have any problem with

5 Paragraph 3, except for the last fragment of the sentence.

6 MR. HERZ: Oh, you don't mean the sub part?

7 You just mean that paragraph?

8 Is that what you are saying?

9 MR. PARKER: Well, the whole thing. Sub-parts

10 are part of the paragraph.

11 MR. HERZ: Okay. Well, I.....

12 MR. PARKER: That's what I'm asking.

13 MR. HERZ: I feel as if we are leaving these

14 tasks dangling unassigned. And I think we should, at

15 least,.....

16 MR. PARKER: Yeah, but some of those tasks

17 won't be assigned until the contingency -- the new

18 contingency plans are developed and.....

19 MR. HERZ: No, no. But, Item D for example,

20 is adequate resources to review private contingency plans.

21 C is the power to direct allocations of resources. E is

22 a plan to direct state response. I mean, who.....

23 MR. PARKER: Well, I think we did discuss all

24 that, you know. D is DEC, C is part of the shoreline or

25 whatever the same groups that did the shoreline assessment

1 have to come together to work into the contingency plans.
2 That allocation and protection. I'd view that as a part
3 of the.....

4 MR. HERZ: The issue is power to direct and
5 that's one of the principle, that's one of the things I
6 was worried about earlier. Because.....

7 MR. PARKER: I think that's DEC, too. If they
8 are contain control of the contingency plan, finally.

9 MR. HERZ: Well, but no. If you are giving
10 the.....

11 MS. HAYES: I think that's the incident
12 command team.

13 MR. HERZ:super.....

14 MR. PARKER: Yeah.

15 MR. HERZ: That's right. But, I guess I
16 still have not, I mean, nobody answered my questioned
17 about has DES and DEC had any discussions about how they
18 are going to allocate and how they are going to make these
19 decisions. How they are going to prioritize. Somebody
20 said the incident command system takes care of that
21 prioritization. But, I haven't seen demonstration of it
22 and so I ask whether those agencies.....

23 MS. HAYES: Well, that's because you weren't
24 at -- that's because you weren't at Seward, though. I
25 mean, were you at Seward? I can't remember. But.....

1 MR. HERZ: No.

2 MS. HAYES: Seward was where the demonstration

3 of how the incident command team works.

4 MR. HERZ: But, did they have a resource --

5 what.....

6 MS. HAYES: Yes, they did.

7 MR. HERZ:was the resource?

8 MS. WUNNICKE: The MAC Committee.

9 MS. HAYES: The MAC Committee was the resource

10 group that included all the federal agencies and the state

11 agencies.....

12 MS. WUNNICKE: And the local. Yeah.

13 MS. HAYES:and the local agencies into

14 a single comprehensive group that gave advice to the

15 incident command team. And, that might be part of our

16 problems. We've been talking Military Affairs and charge

17 and in actuality we are talking about the incident command

18 team in charge.

19 And, there's no reason on earth that somebody from

20 DEC can't become a group of them, a gillion of them,

21 become qualified to become incident command commanders.

22 MR. HERZ: Again, that's why I ask my

23 question about the degree to which there had been any

24 discussions between those two agencies.

25 MS. WUNNICKE: In Seward there certainly was.

1 MR. HERZ: But, I mean.....
2 MS. HAYES: Yeah, in Seward.
3 MR. HERZ: I mean with a.....
4 MS HAYES: From out discussion. But, we are
5 pointing out to them, I mean, at least I am hoping, that
6 our recommendations will be to point out to them that DEC
7 need to have that.
8 MR. PARKER: Yeah, we have talked to both
9 agencies, to their commissioners and both in hearings and
10 in private whether they have got together on their own
11 beats me. Have they, Mar...?
12 MARILYN: Yes. They are working on that?
13 That's what they are working on.
14 MR. SUND: Mr. Chairman, maybe a couple of
15 clarifying questions in this. There's a recommendation
16 here to move the oil where spill response cord that was
17 established in the last legislature and DEC over to
18 Miliary Affairs. Is that the only thing you are talking
19 about moving out of DEC, then? Just the corp or the
20 volunteer corp, so that establishment of the emergency
21 response depots and making contracts with federal and
22 private people in requiring supplies and adequate supplies
23 and all that stuff's gonna stay in DEC?
24 MS. WUNNICKE: No, they should go, too.
25 MR. HAVELOCK: Everything that is regulatory

1 stays in DEC. What we are talking about.....

2 MS. HAYES: The pre-contracting should move.

3 MR. HAVELOCK:being in DMA is operational
4 activities.

5 UNIDENTIFIED SPEAKER: That logic depot can come
6 out.

7 MS. WUNNICKE: Yes.

8 MR. SUND: It just wasn't stated here. It
9 wasn't specified before, that's why I was just asking
10 trying to clarify what the motion was.

11 MR. HAVELOCK: Yeah. We think that -- two of us
12 on the staff. I should say Marilyn has different views on
13 these things, but Dennis and I think that the DMA is a
14 better outfit to manage those people. It's more likely to
15 make sure that their kept up, simply because of the
16 personnel that are available to do it. And, the way it
17 will tie in with the National Guard and everything else.

18 MARILYN: May I say.....

19 MR. PARKER: Yeah.

20 MARILYN: One thing that I want you to
21 remember where I discussed the creation of a state
22 response team with all the entities. DEC, DNR, Fish and
23 Game, DES and maybe Coast Guard and EPA. But, I sort of
24 left the MAC Committee at the top level that you are
25 talking about. Because, really, you guys are talking

1 about one person in charge and then you talk about a lot
2 of people in charge. But, what you are saying is the
3 incident command is the one the person in charge with
4 advisors from several different places. And, I think you
5 have to clarify that

6 Secondly,.....

7 MR. PARKER: Alright. Are we viewing the
8 incident commander as the onscene coordinator?

9 MS. WUNNICKE: Yes.

10 MR. PARKER: Okay.

11 MARILYN: Well, then I guess what I would
12 clarify there, is that usually when you call the onscene
13 coordinator, there's usually (inaudible) -- in spills
14 throughout the country. There's been federal government,
15 state government and the spiller.

16 You have to clarify that you are talking about
17 some sort of different structure at the top if you make
18 that determination.

19 MS. HAYES: That obviously didn't work for us.

20 MR. PARKER: You know, when you are trained in
21 the incident command system, speaking as one who is not
22 trained in it, -- anybody who's trained in ICS want to
23 take over? Dennis? Is it logical that the onscene coor-
24 dinator.....

25 MS. HAYES: I'm a plans officer.

1 MR. PARKER: would and the ICS commander
2 would be the same person?

3 MR. DOOLEY: That's correct.

4 MR. PARKER: Alright.

5 MARILYN: But, I think we have to clarify
6 that if we have the spiller in charge, you want a dif-
7 ferent incident... You get one person to stand up there
8 with the Federal government and the spiller, you need to
9 make sure that state person has a little more understand-
10 ing of resource.....

11 MS. WUNNICKE: We are going to get that under-
12 standing from their advisors.

13 MR. PARKER: Yeah, that's what the whole
14 systems' designed to do.

15 MS. WUNNICKE: And you are going to have as much,
16 we hope, as much pre-agreement as possible as to what the
17 critical areas are, where the logistical support's going
18 to be located.....

19 MARILYN: Let me just..... On my spill
20 response I gave it to General Shaffer, that proposal. He
21 made some comments. One of his comments was he did not
22 just to clarify a point I think Commissioner Herz was
23 saying, he did not think it was possible, logistically or
24 otherwise to protect critical habitat areas with depots
25 around the state.

1 And, so that is a (?) -- resource, how do you get
2 a logistically support military oriented system to take
3 into consideration those things?

4 MR. PARKER: Well, that's part of the contin-
5 gency planning. When you've got 2,000 spawning streams
6 and you know, etc., to protect, why you are going to have
7 to do some prioritization as part of the whole contingency
8 plan.

9 MR. HERZ: I hope that that's.....

10 MR. DOOLEY: And that primary.....

11 MR. HERZ: I hope that's not his decision to
12 make.

13 MR. PARKER: Why, no, of course not.

14 MR. DOOLEY: Yeah, but the primary.....

15 MR. HERZ: Why should.....

16 MR. DOOLEY: advice for that comes from
17 DNR and Fish and Game. It doesn't come from DEC anyway.

18 MR. WALLIS: Let me just say one thing, you
19 know. Is the fact that -- is he right when he says that?
20 Or do we disagree because we don't like what he said? ~~MR~~
21 PARKER: Boo.

22 MR. HAVELOCK: There's critical habitat and
23 there's critical habitat. We can do depot.

24 MS. HAYES: Yeah.

25 MR. HAVELOCK: We can do depots on fishing.....

1 MR. PARKER: John, just recognizing.....
2 MR. HAVELOCK:hatcheries...
3 MR. PARKER:the reality of the extent of
4 Alaska.
5 MS. WUNNICKE: Yeah. And I think that's all that
6 John Shaffer was responding to is Number Six.
7 MR. PARKER: Yellow run.
8 MS. WUNNICKE: Protection of critical habitat
9 areas by making equipment depots accessible.
10 MR. WENK: Thirty seconds before we go.
11 MR. PARKER: Okay.
12 MS. WUNNICKE: And, he's just saying you can't
13 do it by that means alone.
14 MR. PARKER: Go ahead, Ed.
15 MS. WUNNICKE: You got a song? You gonna sing?
16 MR. WENK: No, first of all I'm not very good
17 at that anyway, but speaking for myself, Mike may have a
18 final comment.
19 I just want to say what a delight it was we didn't
20 come out six to one. And, I think that metaphor of the
21 Berlin Wall is very applicable here and some of us know
22 what we are talking about. And, those who don't know what
23 we are talking about, we'll just leave you in the dark.
24 Anyway, I leave here really with a great deal of
25 satisfaction in seeing this product. I think that's what

1 we were all trying to do and it took a little Indian
2 wrestling, but the main thing is, it's in the public
3 interest and that's really where our heart is.

4 I'm just glad to have met all of you. And, I am
5 going to write the Governor and thank him for putting me
6 on here.

7 MR. HERZ: I echo the sentiments and say that
8 I would love to come back up here to celebrate the day the
9 legislature passes all the enabling legislation following
10 up all our recommendations.

11 MR. PARKER: That will be in May. The legis-
12 lation never passes anything until May.

13 MS. WUNNICKE: He said all, Mr. Chairman.

14 MR. WENK: Oh, give him just a percentage
15 batting average. I, you know.....

16 MR. HERZ: I cannot be an optimist. Not even
17 a.....

18 MR. PARKER: Well, I'll come down to Sacramento
19 and celebrate when the California assembly passes their
20 big bill. If they are going to do it.

21 MR. WENK: Anyway, there's some bonding that
22 took place this past few days. It's a damn shame to break
23 it up, you know.

24 MS. HAYES: Thanks for coming.

25 MR. WENK: Well, thank you for everything.

1 Thank you, Mr. Chairman.

2 MR. WENK: Good luck in that sales job.

3 You've got a good product.

4 MR. PARKER: Well, you never know when you go

5 down to Juneau what is going to be waiting for you.

6 MR. WENK: Yeah, but it won't happen without

7 you.

8 MR. PARKER: Well.....

9 MR. WENK: Goodbye, Esther. Come by and see

10 us in Seattle, all of you.

11 MR. PARKER: We will see you in San Francisco

12 sometime in the spring.

13 MS. HAYES: Thank you, Michael. It's been

14 good knowing you.

15 MR. WENK: Well, I'm going out that way, if

16 you are coming.

17 I know the job isn't done yet. My fax agent there

18 is entitled "Pony Express" so.....

19 (A lot more goodbyes by staff, etc.)

20 MR. WALLIS: Mr. Chairman, can we go back and

21 revisit and revote on all the issues?

22 (Lots of laughter)

23 MS. WUNNICKE: They didn't hear that, Tim.

24 MR. PARKER: Don't use that adopted clinket

25 strategy on my.