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**PUBLIC PARTICIPATION WORK GROUP  
JUNE 12, 1992  
8:00 A.M.**

**Attendees:**

Marty Rutherford  
Moe McGee  
Sandy Rabinowitch  
Tim Steele  
L.J. Evans  
Barbara Iseah  
Peg Kehrer (via teleconference)

**The following agenda items were discussed:**

**Public Advisory Group Operating Procedures**

Marty discussed the general comments in a June 6th memo to her from Pam Bergmann on draft Public Advisory Group operating procedures. The comments differ from what was said publicly at the Trustee Council meeting. Marty stated the group needs to spend several hours on June 23rd at 8:30 going through the comments from Interior and deciding whether to rework the operating procedures. She will review the document for consistency with the transcripts from the May 20th Trustee Council meeting. Marty requested that other group members familiarize themselves with the comments prior to the meeting. Tim stated that Section 14 on financial procedures needs further review.

**Public Advisory Group Nominees**

Tim prepared a list of nominees for the Public Advisory Group. Marty suggested alphabetizing the list.

**Ethics Law**

Marty stated that an analysis is needed on the ethics law request from the Trustee Council. Sandy talked with Interior and was told that the ethics issue is being worked on. The assumption is that the law probably applies. Marty received a copy of the state ethics law but has not received the federal law. Tim stated that a background check might be necessary for members appointed to the advisory group. Moe will contact the federal library to get a copy of the federal ethics law.

**Public Comment**

Peg reviewed the public comments on the 1992 and 1993 Work Plans and Restoration Framework. The public appears to be quite tuned in to what is being done. LJ will distribute a summary of the public comments to the group. Peg noted that some comments were regarding

the need for good notice of public meetings; however, she was surprised by comments that information is not getting out. Tim stated that the specifics need to be checked and requested a name and address of someone who stated that they should have received the framework document and did not. Marty will ask for a report at the next Restoration Team meeting of the distribution of the three volumes. Sandy stated that two possibilities were that the contract was too vague for production deadlines, or that the contract was clear and the contractor just didn't perform. Another comment was a request for understandable damage assessment information. Peg had received calls from legislative staff prior to the Juneau meeting stating they didn't receive books, and she hand delivered copies to them. Tim suggested that the comment period be extended. Mark Fraker will discuss with the Restoration Team the extent of the distribution problem and will ask if they want to extend the comment period. Moe gave Wayne Curtis as a contact at 586-7495 regarding distribution. Marty was concerned whether all the Restoration Team members are on the mailing list. Tim stated that comments by environmental institutions address public participation and also hone in on release of economic studies. Tim stated analysis of some nominations is needed on packages which are incomplete and certain criteria were not addressed. One suggestion was preparing an evaluation sheet for compliance with nomination requirements. A column could be added for missing information. Sandy suggested calling or writing individuals who submitted incomplete information. LJ asked for clarification on whether the list of nominees is releasable to the public, and Sandy inquired about release to agencies. Marty stated that the list is not for public dissemination until it goes to the Restoration Team. Marty suggested analyzing what is missing and calling to request additional information prior to the 28th submission date to the Restoration Team. Marty scheduled a meeting on June 16th at 1:15 to deal with nominations. The evaluation form should contain the following:

- is nomination information complete (yes or no)
- if no, what is missing
- is additional information requested (yes or no)

Sandy inquired whether there is any legal problem regarding nominations of individuals involved in litigation. Marty stated that Charlie Cole could make the calls regarding the legal ramifications of such nominations. The question of the designated seats needs to be discussed and a memo prepared.

### **Symposium**

Peg talked with Bruce Wright and thought the Public Participation Group should be involved in the symposium planning. Marty stated that the Trustee Council gave specific directions to provide a detailed plan, and \$25,000 was provided to put a hold on space for the symposium. A selection committee will review expanded ab-

stracts and decide what can be presented at the symposium. The greatest cost will be incurred in preparing the text of the proceedings. The only per diem picked up will be for the keynote speaker. Sandy suggested calling the symposium a scientific symposium as opposed to a public symposium.

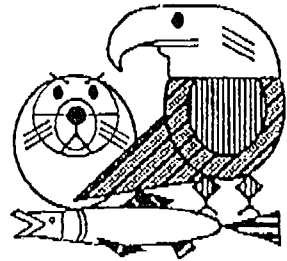
#### **Responsibilities of Group Members**

- attempt to get from Tim expanded form
- attempt to get from Moe the letters

Meeting adjourned at 10:00.



Exxon Valdez Oil Spill Restoration Team  
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June 6, 1992

MEMORANDUM

TO: Marty Rutherford, EVOS Public Participation Working Group  
Chairperson

FROM: Pamela Bergmann, Department of the Interior, EVOS  
Restoration Team Member

SUBJECT: Comments on Draft May 26, 1992 Public Advisory Group  
Operating Procedures

As requested at the May 27-28, Restoration Team meeting, I am forwarding Department of the Interior comments on the subject document. We have two general comments on the document.

First, we believe that the operating procedures should tier off the Public Advisory Group Charter and not simply paraphrase or quote the charter. As shown in the enclosed draft, large portions of the current draft operating procedures do not provide new information. We believe that the operating procedures need to be revised to eliminate this duplication, which in turn, will eliminate problems with inaccurate paraphrasing of the charter.

Second, the description of the duties of the Federal Designated Officer in Section 12 needs to be revised to indicate that staff work required to accomplish the work described in Section 12 will be provided to the Federal Designated Officer by the Administrative Director's Office.

Additional specific comments are provided in the attached copy of the charter. We direct your attention in particular to comments on Section 14, Financial Procedures.

Please call me if you have any questions.

Enc.: as noted

- ① = paraphrases PAA Charter, but is inconsistent →  
 Section is unnecessary  
 ② = inconsistent with PAA Charter  
 ③ = paraphrases, adds no new information → Section is  
 unnecessary

**DRAFT**

May 26, 1992

- ④ = quotes PAA Charter, adds no new information → Section  
 is unnecessary

EXXON VALDEZ OIL SPILL SETTLEMENT

PUBLIC ADVISORY GROUP

OPERATING PROCEDURES

1. MEMBERSHIP:

The Public Advisory Group shall consist of fifteen officio members and have balanced representation from the following Principal Interests; aquaculture, commercial fishing, commercial tourism, environmental, conservation, forest products, local government, native landowners, recreation users, sport hunting and fishing, subsistence, science/academic and the public at large. The Public Advisory Group shall include at least one local government representative and at least one representative of Native interests, both from the spill area. One member each from the Alaska State House of Representatives and the Alaska State Senate, selected by the Speaker of the House and the President of the Senate respectively, shall be ex-officio members of the Public Advisory Group. Other ex-officio members can be appointed at the discretion of the Trustee Council.

2. NOMINATION AND SELECTION:

Nominations will be solicited from the public and groups representing Principal Interests. Recommendations from the Trustee Council will be based upon a demonstrated knowledge of the region

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its peoples and/or principal economic and social activities, or by demonstrated expertise in public lands and resource management. The Public Advisory Group will have, to the greatest extent practical, a broad and balanced representation. Recommendations will be made by unanimous agreement of the Trustee Council and appointment will be made by the Secretary of the U. S. Department of Interior based upon selection by the Trustees. Nomination and selection of individuals to fill unexpired terms will be by the same process used to establish the original membership.

## 3. TERM:

Terms will be staggered and be for two years, after the initial start-up. Eight appointments and the terms of the ex-officio members will expire on December 31, 1994 and seven appointments on December 31, 1995. Members are eligible for renomination and reappointment to additional terms. Appointments to fill an unexpired vacancy will be for the term of that vacancy. Members can be removed by unanimous agreement of the Trustees for reasons of malfeasance or incompetence. All terms will end at the termination of the Public Advisory Group on, January 1, 2002, unless the Public Advisory Group is extended by the Trustees.

## 4. DUTIES AND WORK ASSIGNMENTS:

The Public Advisory Group shall advise the Trustees through the Trustee Council with respect to the following matters:

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(4) All decisions relating to injury assessment, restoration activities, or other use of natural resource damage recoveries obtained by the Governments, including all decisions regarding (1) the planning, evaluation, and allocation of available funds; (2) the planning, evaluation, and conduct of injury assessments; (3) the planning, evaluation and conduct of restoration activities; (4) the coordination of (1), (2) and (3). The Public Advisory Group will report to and be tasked by the Trustee Council and will coordinate with the Restoration Team.

## 5. QUORUM:

A quorum of the Public Advisory Group, which is at least eight <sup>officio</sup> members and the Federal Designated Officer, or his/her designee, is required to convene a meeting and conduct business. Participation in meetings by teleconference is accepted as attendance.

## 6. PRESIDING OFFICER:

? A Public Advisory Group chair and vice-chair will be elected annually by the Public Advisory Group from its voting membership and approved by the Trustee Council. The chair and vice-chair are eligible for election and reappointment to successive <sup>one-year</sup> terms. The Public Advisory Group Chair shall be the presiding officer and conduct all meetings. If the Chair is unavailable the Vice-Chair shall preside. If both the Chair and Vice-Chair are unavailable

Several options

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the Federal Designated Officer shall conduct business as a non-voting facilitator.

## 7. ACTION/RULES OF VOTING:

Matters coming before the Public Advisory Group requiring a vote to make a recommendation to the Trustee Council shall have a majority approval of the ~~officio~~ members present. All action items shall be published, in the advance notice, as part of the agenda. The Federal Designated Officer and ~~Ex-officio~~ members shall not vote on matters before the Public Advisory Group.

## 8. REPORTING TO THE TRUSTEE COUNCIL:

1 The Public Advisory Group shall report to the Trustee Council via the Chair of the Public Advisory Group or his/her representative. Other members of the group may report with the Chair, as appropriate. The report shall include the range of opinion from discussions or votes. The Trustee Council's regular agenda shall include a period during which the Public Advisory Group representative(s) shall report on its activities, ask questions of the Trustee Council, and be available for questioning by the Trustee Council.

## 9. MEETINGS:

4 The Public Advisory Group shall meet no less than four times a year. ~~Except for executive sessions~~ all meetings of the Public



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Advisory Group shall be open to the public. Any member of the public will be given the opportunity to speak at meetings or file a written statement with the Public Advisory Group. Meetings shall be held at a reasonable time and in a place reasonably accessible to the public. All meeting agendas and action items will be published, according to State and Federal regulations (section 12), in advance of the scheduled meetings.

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## 10. MINUTES:

It is the responsibility of the Federal Designated Officer, through the staff of the Administrative Director, to ensure that minutes of each meeting are kept. The minutes should include: time date and place of the meeting, Public Advisory Group members and staff present, an estimate of the number of other public present, description of matters discussed, names of the public who presented oral or written statements, a record of the range of opinion, and conclusions of any vote taken on action items. The accuracy of all minutes shall be certified by the Chair of the Public Advisory Group and entered into the administrative record.

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## 11. PUBLIC NOTIFICATION:

Notice of Public Advisory Group meetings shall be published in the Federal Register and in newspapers of general circulation, within the oil spill area, at least 15 days prior to the scheduled meetings. Meeting notice shall include, among other things, name

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of the group, date, time, place, proposed agenda and action items.

## 12. FEDERAL DESIGNATED OFFICER:

The Federal Designated Officer is a requirement of the Federal Advisory Committee Act (FACA) and shall be an officer or employee of the Federal Government, appointed by the U.S. Department of the Interior, with unanimous consent of the Trustee Council. The Federal Designated Officer or his/her designee shall be present at each meeting of the Public Advisory Group. The Federal Designated Officer or his/her designee shall, in coordination with the Administrative Directors Office, schedule meetings, approve agendas, coordinate meeting arrangements, ensure proper public notification of meetings and proper keeping of the Public Advisory Groups Administrative Record. The Federal Designated Officer or his/her designee shall act as an information conduit between the Public Advisory Group and the Restoration Team.

## 13. ADMINISTRATIVE SUPPORT: *Staff work to accomplish these objectives/work shall be provided by the Administrative Director's Office.*

*1* The Federal Designated Officer in cooperation with the Office of the Administrative Director will ensure the necessary support for the Public Advisory Group. The Office of the Administrative Director shall provide administrative support to the Public Advisory Group. *3* A Public Advisory Group budget will be a sub-project of the Office of the Administrative Directors budget and shall be presented for approval annually to the Trustee Council for

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funding from joint settlement funds. The Public Advisory Group's budget will be administered by the Administrative Director consistent with expenditure and documentation guidelines contained in the Financial Operating Procedures.

## 14. FINANCIAL PROCEDURES:

~~Office and ex-officio~~ <sup>Public Advisory Group (excluding ex-officio members)</sup> members will be reimbursed for per-diem and for actual cost of travel to and from Public Advisory Group meetings per Federal Government Travel Regulations. Reimbursement is authorized for reasonable expenditures by ~~office and ex-officio~~ <sup>(excluding ex-officio members)</sup> members for postage, copying, telephone calls and faxing required to conduct Public Advisory Group business, but, not to exceed \$150 per month per member without prior written approval from the Administrative Director. <sup>(\*)</sup> The office of the Administrative Director will be utilized to provide centralized mailing, copying, faxing and teleconference support to the greatest extent practical. Reimbursement for allowed expenditures will be requested monthly by submitting a reimbursement voucher through the Administrative Director using forms provided by the U.S. Department of Interior. <sup>The Administrative Director will review the submittals for accuracy, completeness, and appropriateness.</sup>

## 15. ADDITIONAL OPERATING PROCEDURES:

The Public Advisory Group may recommend, to the Trustee Council, additional operating procedures they deemed appropriate. Changes to these operating procedures will be made by unanimous consent of the Trustee Council.

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<sup>(\*)</sup> Receipts with justification will be needed for expenditures