

1 EXXON VALDEZ OIL SPILL  
2 TRUSTEE COUNCIL  
3 Teleconference Public Meeting  
4 March 9, 2007 - 10:37 o'clock a.m.  
5 441 West 5th Avenue, Suite 500  
6 Anchorage, Alaska  
7 TRUSTEE COUNCIL MEMBERS PRESENT:  
8 U.S. DEPARTMENT OF COMMERCE, MR. CRAIG O'CONNOR for  
9 National Marine Fisheries Svc: MR. JAMES W. BALSIGER  
10 (Chairman) Administrator, AK Region  
11 U.S. DEPARTMENT OF AGRICULTURE, MR. STEVE ZEMKE for  
12 U.S. FOREST SERVICE MR. JOE MEADE  
13 Forest Supervisor  
14 Forest Service AK Region  
15 STATE OF ALASKA - DEPARTMENT MR. DENBY LLOYD  
16 OF FISH AND GAME: Commissioner  
17 U.S. DEPARTMENT OF INTERIOR: MR. HANS NEIDIG  
18 U.S. Department of Interior  
19 STATE OF ALASKA - MR. TALIS COLBERG  
20 DEPARTMENT OF LAW: Attorney General  
21 STATE OF ALASKA - DEPARTMENT MR. LARRY HARTIG  
22 OF ENVIRONMENTAL CONSERVATION: Commissioner  
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1 TRUSTEE COUNCIL STAFF PRESENT:

2	MICHAEL BAFFERY	Executive Director
3	DR. KIM TRUST	Science Director
4	CHERRI WOMAC	Administrative Officer
5	BARBARA HANNAH	Administrative Officer
6	MICHAEL SCHLEI	Analyst Programmer
7	CATHERINE BOERNER	Program Analyst
8	CARRIE HOLBA	ARLIS Librarian
9	DEDE BOHN	U.S. Geological Survey
10	CRAIG TILLERY	Alaska Department of Law
11	RITA LOVETT	Alaska Department of Law
12	GINA BELT	Department of Justice
13	JENNIFER KOHOUT	U.S. Fish & Wildlife Svc.
14	PETE HAGEN	NOAA
15	CAROL FRIES	ADNR
16	HEATHER GRAHAM	ADF&G

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1 P R O C E E D I N G S

2 (On record - 10:36 a.m.)

3 CHAIRMAN O'CONNOR: All right. I'm Craig  
4 O'Connor. I will be functioning as the Federal Chair this  
5 time.

6 The first item of business, after calling  
7 us to order, which I just did, is to go over the agenda and  
8 be sure we're comfortable with what is on the agenda. Does  
9 anybody have any issues with it? Any changes they'd like  
10 to propose?

11 (No audible responses)

12 CHAIRMAN O'CONNOR: Well, are we good?

13 MR. BAFFREY: I'm good.

14 DR. FRIES: Michael, this is Carol. I  
15 thought you were going to request a change?

16 MR. BAFFREY: Yeah. Thanks, Carol. There  
17 is a change. The Mineral Creek proposal has been withdrawn  
18 from consideration.

19 CHAIRMAN O'CONNOR: Okay.

20 MR. BAFFREY: Thanks, Carol.

21 DR. FRIES: Sure. It.....

22 CHAIRMAN O'CONNOR: All righty.

23 DR. FRIES: We're deferring, yeah.

24 MR. BAFFREY: and it's not withdrawn from  
25 consideration permanently, it's withdrawn from

1 consideration until a later time when -- after the April  
2 30th meeting that the Trustee Council is going to.....

3 MS. BRANDON: Michael, it's really hard to  
4 hear you.

5 MR. BAFFREY: Okay. Can you hear me now?

6 MS. BRANDON: A little bit better.

7 MR. BAFFREY: How about now?

8 MS. BRANDON: Even better.

9 MR. BAFFREY: Okay.

10 CHAIRMAN O'CONNOR: We're trying to get  
11 microphones aligned here.

12 MR. BAFFREY: Heather, the -- all I was  
13 saying about Mineral Creek is it's been deferred from  
14 today's meeting.

15 MS. BRANDON: So not withdrawn, just  
16 deferred.

17 MR. BAFFREY: Correct.

18 MS. BRANDON: Thank you.

19 CHAIRMAN O'CONNOR: All right. Any other  
20 changes to the agenda?

21 (No audible responses)

22 CHAIRMAN O'CONNOR: Hearing none, I will  
23 assume the agenda is approved as modified by the Executive  
24 Director. We can proceed. The item is the comments from  
25 the Public Advisory Committee.

1 MS. STUDEBAKER: Yes, I'm here, Craig.  
2 This is Stacy Studebaker, PAC Chair, calling from Kodiak.  
3 MR. BAFFREY: Stacy, we can barely hear  
4 you.  
5 MS. STUDEBAKER: Okay. How's this?  
6 MR. BAFFREY: That's much better, thanks.  
7 MS. STUDEBAKER: All right. Good morning,  
8 ladies and gentlemen.  
9 CHAIRMAN O'CONNOR: Good morning.  
10 MS. STUDEBAKER: The PAC, as you know, met  
11 on March 2nd in a work session to discuss our vision for  
12 the future of EVOS restoration work and to get a briefing  
13 on the science related FY-07 pre-proposals. Unfortunately  
14 our meeting had to be a work session since it was not  
15 noticed in the Federal Register within the regulated time  
16 frame.  
17 To start the visioning session, we  
18 reviewed, discussed, and edited the mission statement from  
19 the 1994 restoration plan with the intent of making it a  
20 more -- a little more reflective of the present restoration  
21 program and where we hope to go in the future. And we  
22 offer these comments and suggestions to you and hope you  
23 will consider them during your retreat and visioning  
24 session later on in April.  
25 And here's -- we came up -- we really honed

1 in on the mission statement a bit, and this is what we came  
2 up with:

3                   The mission of the Exxon Valdez Oil Spill  
4 Trustee Council is to restore the environment injured by  
5 the Exxon Valdez oil spill to a healthy, productive  
6 ecosystem able to contribute to sustainable human uses.

7                   The following assumption was also added by  
8 the group:

9                   Restoration and full recover may take  
10 decades.

11                   The following draft text was discussed by  
12 the group as a preamble to the restoration plan policies,  
13 which were not discussed in detail:

14                   Restoration of injured resources and  
15 services will accomplished by planning activities that  
16 incorporate ecologically meaningful time frames specific to  
17 individual species and their habitat. This will be  
18 accomplished through the development and implementation of  
19 a comprehensive interdisciplinary recovery and  
20 rehabilitation program that includes natural recovery,  
21 monitoring and research, resource and service restoration,  
22 habitat acquisition and protection, resource and service  
23 enhancement, replacement, meaningful public participation,  
24 fiscal accountability, efficient administration. We added  
25 education and outreach. It was not on the original list.

1 And resource management.

2                   We then brain-stormed a wide-ranging list  
3 of possible guiding principle and/or questions to consider  
4 for the future of the restoration program, which could or  
5 may feed into a rewrite of the restoration plan if the  
6 Trustee Council wishes. We prioritized them by placing red  
7 dots by an item. Each person had 10 red dots to distribute  
8 among the items on the list. The list was also distributed  
9 to PAC members not in attendance so they could also place  
10 their dots on the list.

11                   The entire list is in the minutes from Doug  
12 Mutter from our meeting for you to review. I won't go over  
13 the entire list but I'll hit some of the highlights. The  
14 four items that scored as highest priorities has seven or  
15 more dots in the following order:

16                   Measurable recovery criteria should be  
17 established for those injured resources and services that  
18 remain not recovered or recovering.

19                   Keep the priority of restoration of non-  
20 recovered, including recovering, resources and services.

21                   Work at public awareness and outreach of  
22 the lessons learned from the spill and its restoration.

23                   And the last one is, hold off on issuing  
24 the FY-2008 invitation for proposals until there's a clear  
25 vision of where the restoration plan is going.

1                   And there are many items on this list and  
2 there were various reasons why some of them on the list  
3 scored very low or didn't have any dots on them. Some  
4 items were considered administrative and given, so no one  
5 really wanted to waste their dots on them. For instance,  
6 participate in the annual marine science symposium.  
7 Include a public component to the marine science symposium,  
8 which is a recommendation of the education and outreach  
9 committee, if you've seen that. And ensure the Trustee  
10 Council operates consistently within the public process and  
11 listens to PAC input. Implement the education outreach  
12 committee recommendations through future invitations for  
13 proposals.

14                   Other items were considered bad ideas,  
15 inappropriate use of EVOS funds, and not supported by the  
16 PAC, such as:

17                   Funding upgrades of sewer and water  
18 projects in the spill impacted regions. Funding upgrades  
19 for harbor facilities in the spill impacted regions.  
20 Provide for community preparedness to know what to do if  
21 there's another oil spill. And the reason this scored low  
22 is this is really a function of other organizations, such  
23 as the RCAC. Brick and mortar projects. Reinstating the  
24 large parcel habitat protection program. The rest you can  
25 evaluate yourselves as you have a copy of that list. I

1                   In the afternoon, Kim Trust briefed us on  
2 the four proposals remaining to be decided on for the FY-04  
3 work plan and noted the science panel and her own  
4 recommendations for each proposal. The general sense of  
5 the PAC in discussing the addition of yet more projects to  
6 the FY-07 work plan is one of great reservation. Our  
7 resolution of last October stated a unanimous preference  
8 for keeping the annual spending within the interest earned  
9 on the restoration account. The PAC is committed to fiscal  
10 responsibility and feel we should not even be reviewing  
11 projects that would be funded by the principal.

12                   The PAC doesn't like being put in this  
13 position again and again and encourages the Trustee Council  
14 to avoid this piecemeal work plan approach, stick with  
15 deadlines, and establish a clear limit for future annual  
16 spending. In addition, the infamous oiled mayor's letter  
17 last year raised many false expectations in the spill  
18 region communities that opened a floodgate of many  
19 inappropriate proposals.

20                   Since our meeting was a work session and  
21 not really an official meeting, we could not make  
22 recommendations, as we did the last time, based on the  
23 merit of the projects. Instead I offer only our comments.

24                   The Konar proposal, there were really --  
25 there were not PAC comments on that.

1                   The Irons proposal. Tori Baker noted that  
2 there still were people in Prince William Sound who trap  
3 mink as part of their living and she wondered what the  
4 economic impact might be of eradicating the population of  
5 mink on Naked Island. Fandrei said he liked the proposal,  
6 although it seemed expensive. Robard said it was a good  
7 project but thought they could contract with local trappers  
8 to obtain the minks. Myself and Kopchak said that the  
9 focus of the removal should be only on the introduced mink,  
10 not on native ones, if there are such. Kopchak predation  
11 seemed like a separate topic than feeding pattern. And  
12 Eilo thought that the project could be put off for a year  
13 since we are already spending more than interest earned  
14 budget level.

15                   And the next project was the Boufadel  
16 project. Kopchak said he would not fund this project at  
17 this time. How does it relate to other crews working in  
18 the filed. Baker asked about piggybacking this with other  
19 projects.

20                   And then the final project was the Mineral  
21 Creek proposal, which was discussed, but since it was just  
22 deferred, you can read our comments in the summary of our  
23 meeting.

24                   The PAC encourages you to spend the time  
25 necessary at your April retreat to develop a clear focus

1 and balanced set of priorities for the restoration plan  
2 that is not subject to political whim, that is transparent,  
3 supported by the public, and practical for our great staff  
4 to follow. We look forward to working with you on a more  
5 collaborative relationship. Thank you. Are there any  
6 questions?

7 CHAIRMAN O'CONNOR: Anybody here in the  
8 room, at the table, have any questions of Stacy on her  
9 report. Talis? Steve?

10 MR. ZEMKE: No.

11 CHAIRMAN O'CONNOR: Let me -- is anybody on  
12 the phone? Who do we have as trustees on the phone now?  
13 Is Denby there?

14 MR. LLOYD: Yeah, I'm here.

15 MR. HARTIG: Yeah, Larry's here.

16 CHAIRMAN O'CONNOR: And Hans, are you on  
17 yet?

18 (No audible response)

19 CHAIRMAN O'CONNOR: Not yet. Okay. Well,  
20 as soon as we have everybody I intend to have everyone  
21 identify themselves and sort of announce who's in  
22 attendance as far as the trustees are concerned. Right now  
23 we're proceeding on the agenda without a full compliment.

24 Hans, is that you?

25 ANN: This is Ann and Hans is hopefully

1 going to be on in hopefully about five more minutes.

2 CHAIRMAN O'CONNOR: Okay.

3 ANN: Okay.

4 CHAIRMAN O'CONNOR: Thanks, Ann.

5 ANN: Uh-huh.

6 CHAIRMAN O'CONNOR: Does any -- Denby, do  
7 you or.....

8 MR. BAFFREY: Larry.

9 CHAIRMAN O'CONNOR: .....Larry have any  
10 questions or comments with regard to Stacy's report on  
11 behalf of the PAC?

12 MR. LLOYD: No, thanks.

13 MR. HARTIG: No, this is Larry, I  
14 appreciate -- I haven't met you, but I appreciate the  
15 report and it's nice to have it clear and well set out like  
16 you do when you present it.

17 MS. STUDEBAKER: Is -- I have submitted  
18 written copy of my comments and I kind of do that as a  
19 general rule. Is that something that the trustees like or  
20 would like me to continue?

21 MR. HARTIG: Yeah, this is Larry. I  
22 certainly find that helpful.

23 CHAIRMAN O'CONNOR: Yes. And we got it  
24 this morning -- or at least I got it this morning and it's  
25 very clear and concise. I appreciate it myself very much

1 and then we.....

2 MS. STUDEBAKER: Thank you.

3 CHAIRMAN O'CONNOR: .....have it with us.

4 If there are no other questions or comments on the PAC  
5 report, the next item is public comments and we'll open it  
6 to that at this point. Anybody in the room on behalf of  
7 the public have anything that they would like to bring to  
8 our attention?

9 (No audible responses)

10 CHAIRMAN O'CONNOR: All right. Anybody on  
11 the line that -- the public, that would like to provide us  
12 with any comments or thoughts that they might have today?

13 (No audible responses)

14 CHAIRMAN O'CONNOR: No one on the line has  
15 anything to say? We are hooked up, right?

16 MR. BAFFREY: That must be the first, huh?

17 CHAIRMAN O'CONNOR: Yeah. Okay. Well, you  
18 know, I can filibuster just so long for Hans here. All  
19 right. Well, hearing that there are no public comments, I  
20 am going to temporarily recess the meeting until we have a  
21 quorum available to vote on the projects, which is our next  
22 point of business.

23 MR. COLBERG: Mr. Chairman.

24 CHAIRMAN O'CONNOR: Any object -- yes.

25 MR. COLBERG: Is it appropriate to vote

1 without and then just see what -- polling them afterwards  
2 what.....

3 CHAIRMAN O'CONNOR: Well, I don't -- Craig,  
4 can we do that? I think we have to have the full  
5 attendance of the trustees at the.....

6 MR. TILLERY: Well, there is a provision in  
7 an emergency where you can poll the trustees individually  
8 sequentially. The better practice would be to just have  
9 the trustees, everybody here. He will need to participate  
10 and listen to the discussion and that sort of thing.

11 MR. ZEMKE: Is there an alternate.....

12 CHAIRMAN O'CONNOR: Let's let.....

13 MR. ZEMKE: .....available for the DOI?

14 CHAIRMAN O'CONNOR: I don't believe. I  
15 asked Hans earlier if we had an alternate. His alternate  
16 is with him in this conversation with the secretary, so we  
17 do not have a formerly designated alternate for the  
18 Department of Interior. So I would propose we take a five  
19 minute break and come back and we'll proceed when we have  
20 that -- the appropriate number of trustees here ready to  
21 go.

22 Those of you on the line, if you want to  
23 just stay on, I think that's fine. I will keep this to  
24 five minutes and we'll figure out what we're going to do if  
25 we don't have Hans on at that point.

1 MS. KOHOUT: Craig, this is Jennifer  
2 Kohout. I did -- Hans did stick his head out and thought  
3 they were winding up, so hopefully he'll be.....

4 CHAIRMAN O'CONNOR: Okay.

5 MS. KOHOUT: .....ready to go in five  
6 minutes.

7 CHAIRMAN O'CONNOR: Okie doke. Well, we'll  
8 just standby for the next five minutes, go get a cup of  
9 coffee or whatever we have available. I apologize.

10 (Off record - 10:54 a.m.)

11 (On record - 11:06 a.m.)

12 CHAIRMAN O'CONNOR: And Larry, are you back  
13 on?

14 MR. HARTIG: This is Larry. I'm here.

15 CHAIRMAN O'CONNOR: Okay. Great. We went  
16 through, Hans, the approval of the agenda and the public  
17 comments and the PAC comments. Stacy provided us with a  
18 blow by blow description of what they discussed, their  
19 concerns and so on. And we had no public comments and so  
20 we have been in adjournment until you guys -- you were able  
21 to join us.

22 At this point, what I would like to do is  
23 have the trustees identify themselves so that we know for  
24 the record who's on on behalf of each agency. We'll begin  
25 here. I'm Craig O'Connor with NOAA.

1                   MR. ZEMKE: Steve Zemke sitting in as  
2 alternate for Joe Meade, Forest Supervisor, Department of  
3 Agriculture.

4                   MR. COLBERG: Talis Colberg, Department of  
5 Law.

6                   CHAIRMAN O'CONNOR: And on the line we  
7 have?

8                   MR. NEIDIG: Hans Neidig, Department of  
9 Interior.

10                  MR. HARTIG: Yeah, Larry Hartig, DEC.

11                  MR. LLOYD: Denby Lloyd, Department of Fish  
12 and Game.

13                  CHAIRMAN O'CONNOR: Great. Thank you for  
14 patching in. We're going to try to proceed as quickly as  
15 we can but without a thorough evaluation -- not without  
16 thorough evaluation of the proposed projects. One of the  
17 things that was mentioned this morning, Hans, during the  
18 discussion of the agenda was that the Mineral Creek project  
19 had been withdrawn.

20                  MR. BAFFREY: Deferred.

21                  CHAIRMAN O'CONNOR: Deferred until further  
22 consideration of the types of things that we're going to be  
23 doing after our retreat in April. And so until that time,  
24 we're not going to be entertaining the Mineral Creek  
25 presentation.

1                   At this stage then we have then three  
2 projects remaining for our consideration today. The  
3 Boufadel, Irons, and the Konar projects. And I believe our  
4 science director is going to present to us those projects  
5 for our consideration. Is that correct, Kim?

6                   DR. TRUST: Yes.

7                   CHAIRMAN O'CONNOR: All right. Would you,  
8 please?

9                   DR. TRUST: Sure. Okay. We'll start with  
10 the Boufadel project. The Boufadel project factors  
11 responsible for limiting the degradation rate of Exxon  
12 Valdez oil in Prince William Sound beaches submitted under  
13 the BAA.

14                   This project originally came to the  
15 trustees as one of the deferred projects under Al Venosa.  
16 It has since switched lead PI's to Michel Boufadel of  
17 Temple University. This project was reviewed by the  
18 science panel in January at which time the science panel  
19 had several questions and concerns about the proposal and  
20 asked them to go back and address their concerns, at which  
21 point it came back before the science panel and is now  
22 before the trustees for funding.

23                   The premise of this proposal is the PI's  
24 want to look for causes of the lingering oil that are  
25 remaining in the subsurface of the intertidal zone out in

1 Prince William Sound. And they have two hypotheses for the  
2 cause of the lingering oil staying out in the environment,  
3 one of them being that environmental conditions in the  
4 water are limiting biodegradation. And the other  
5 hypothesis being that the biodegradable components of the  
6 oil can't make it to the surface of the oil such that they  
7 can be degraded by microorganisms. And they start with the  
8 premise then that biodegradation occurs primarily at this  
9 oil/water interface.

10                   And so essentially their first hypothesis,  
11 the one testing the environmental conditions of the water,  
12 you need enough nutrients in the water and you need enough  
13 water flow and you need the correct pH and the correct  
14 temperature for the microorganisms to have what they need  
15 in order to biodegrade the hydrocarbons in the oil.

16                   Their second hypothesis is -- states that  
17 biodegradation could be limited by the inability of the  
18 hydrocarbons to actually reach the surface of the oil/water  
19 interface such that the microorganisms can attack them.  
20 And they're proposing that that could be caused by some  
21 sort of a surface skin on the oil and that could either be  
22 caused by some small but dense layer of minerals from the  
23 oil that just come to the surface of the oil preventing the  
24 hydrocarbons then from breaking through that where they're  
25 available to the microorganisms. Or there could be some

1 sort of viscosity, a high viscosity layer at the surface of  
2 the oil where the hydrocarbons can't break that surface  
3 tension and then be accessible to the biodegradation by  
4 microorganisms.

5                   So what they want to do is go out to Prince  
6 William Sound and they want to go to six beaches. And this  
7 was one of the questions that the science panel asked that  
8 they address. In their original proposal, they had wanted  
9 to go to two beaches, one high energy beach and one low  
10 energy beach. And they want to essentially run transects  
11 on these beaches in areas where there is oil and then where  
12 -- in areas where there is not oil on the same beach. And  
13 they want to take all of these environmental measurements  
14 that they can go into a model which will help them  
15 determine if bioremediation is actually a feasible project  
16 in Prince William Sound.

17                   The science panel came back and did not  
18 think that two sampling sites was going to be -- give them  
19 enough geographical inference and was not going to give  
20 them enough statistical power to validate their models. So  
21 they asked them to go out and increase their sample size.

22                   The other thing that they asked them to go  
23 out and do was go out in the wintertime to identify if any  
24 of these environmental variables that they were measuring  
25 were going to be different in the wintertime, such that it

1 would influence the way their model operated and then would  
2 -- could potentially influence how they crafted this  
3 bioremediation project at the end.

4                   So the PI's went and did that and came back  
5 and determined that they needed to go out to six beaches,  
6 three low energy beaches and three high energy beaches.  
7 And they also were going to go back out in the wintertime  
8 and do some of their measurements in the wintertime so that  
9 they could see how the variables that they measured changed  
10 their model.

11                   The result of that change was an increase  
12 in the proposal by -- oh, I believe it was around  
13 \$800,000. I think the first proposal came in at \$360,000  
14 or something like that and this one comes in at 1.2 million  
15 dollars, which is the addition of those four additional  
16 sampling sites and going out in the wintertime and  
17 measuring those variables.

18                   Scientifically this is a sound proposal.  
19 The science panel agreed that technically this proposal was  
20 well written. I think going back and asking them to focus  
21 their proposal on two specific hypotheses, asking them to  
22 increase their sampling sites, and also asking them to go  
23 back and do some of these measurements in winter, made the  
24 proposal much tighter and much more focused.

25                   The science panel felt that only one year

1 of the study be funded and that you could then use the  
2 information that they gleaned in the first year of funding  
3 to determine if a second year was necessary by  
4 incorporating the information that they get on the first  
5 year into their model to determine if bioremediation -- if  
6 you could either alter the environmental conditions or do  
7 something mechanical to the oil/water interface such that  
8 you could get some sort of a bioremediation project  
9 underway on a large geographical scale.

10                   My opinion on that, I think it would be  
11 challenging to do this project for one year. First of all,  
12 the science panel in their original decision decided that  
13 two sampling sites was not large enough for statistical  
14 rigor or for large scale geographical inference. The PI's  
15 came back and addressed that and expanded the project. The  
16 science panel was a little nervous at the cost of this  
17 project given the fact that the trustees have already  
18 funded projects previously in FY-07. So I think in some  
19 ways they were trying to conserve a little bit of the  
20 funds.

21                   The other issue about separating this  
22 project out into only one year of funding is they're going  
23 to go out this summer, they're going to put their transects  
24 along the beaches, do all their measurements. Then they're  
25 going to actually leave those transects in place so that

1 they can go out in the wintertime and make their winter  
2 measurements, which would happen in December.

3                   The Trustee Council technically makes their  
4 recommendations usually in August or September for the  
5 following fiscal year, so determining whether this project  
6 gets funded in '08 normally happens in August or September,  
7 which would be before these guys would even go out and make  
8 any of their sampling in the wintertime.

9                   So I think just logistically it would be  
10 very challenging to divide this project up into one year  
11 and have them incorporate all of their measurements and  
12 then determine if they need to go back out. I don't  
13 disagree that that information needs to be incorporated  
14 into the project as they progress, but I think in order to  
15 get that geographical scale of inference that we're looking  
16 for, determining if a bioremediation project is feasible  
17 across the Sound and having it be statistically rigorous  
18 enough to validate their model, I think that we need to  
19 support the original science panel conclusion, which was  
20 that the number of sampling sites needs to be increased and  
21 we should support their desire to go back out in the  
22 wintertime and make some of their measurements.

23                   So ultimately what this project will lead  
24 to is a determination if it would be cost effective to do a  
25 bioremediation project and if it is actually technically

1 feasible to do it, given the conditions out in Prince  
2 William Sound in those beaches with lingering oil.

3 CHAIRMAN O'CONNOR: Michael, did you want  
4 to comment? You have your.....

5 MR. BAFFREY: I have my comments. I was  
6 more paralleling the science panel's recommendations. They  
7 did -- they were very responsive to the questions that we  
8 asked and I was pretty happy with the original proposal. I  
9 wanted to find out if in fact bioremediation was feasible  
10 and this was going to give us that indication. So I really  
11 wanted that question answered before we moved forward.

12 I believe -- yeah, and also believe that  
13 winter sampling is valuable. It's a matter of scale for  
14 me. And if they can only do summer sampling this fiscal  
15 year then the alternative is to fund this program from '08  
16 on. It's a three year program and start the funding, give  
17 a -- the first year of funding starting in '08 and allow  
18 them to do the summer and winter sampling then. That's one  
19 alternative.

20 I just believe that we need to know if this  
21 is actually going to be feasible or not before we go ahead.  
22 Another alternative would be to approve the project and  
23 then fund FY-07 similar to what we did with some of the  
24 herring projects and then assess where they're at at the  
25 end of this fiscal year and then go ahead with the

1 programs.

2 I do believe it's a valid program. There's  
3 a valid proposal. I do recommend funding at some level to  
4 get this going. It's going to give us what I believe we  
5 need to know.

6 CHAIRMAN O'CONNOR: Any of the trustee  
7 members on the line have any questions for either Kim or  
8 Michael?

9 MR. HARTIG: This is Larry. I'm still  
10 thinking through this in terms of timing. It sounds like  
11 everybody -- there's a consensus that it's a good project,  
12 tells us something that we need to know regarding the  
13 lingering oil and the feasibility of bioremediation and the  
14 cost effectiveness of that. But on timing, as I understand  
15 it, we can -- if we commit to the full project now, the  
16 full funding, then they would go out and stake the area  
17 that they need for -- would it -- what -- they would start  
18 work immediately.....

19 DR. TRUST: Yes.

20 MR. HARTIG: .....and go out and identify  
21 the sites and stake those. Is that -- measure those -- is  
22 that what they would do first?

23 DR. TRUST: Yeah, the.....

24 MR. HARTIG: And then next summer they  
25 would start actual field work?

1 DR. TRUST: No, this summer they would go  
2 out and they would do the full compliment of measurements  
3 on two beaches, one high energy beach and one low energy  
4 beach.

5 MR. HARTIG: Okay.

6 DR. TRUST: And then what they would do,  
7 they would leave those transects in place, go out in  
8 December, make their winter measurements on water table and  
9 nutrients and pH and temperature and things that they  
10 needed to put into their model. And then next summer they  
11 would actually expand the study, do the same things on four  
12 additional beaches so that you would get an increased  
13 sample size and you would have a wider geographical scale  
14 of inference.

15 MR. HARTIG: Okay. So when we say -- and  
16 I'm trying to figure out how the fiscal years fall, the  
17 seasons fall, and you know, how complete one year would be.  
18 You know, whether at the end of one year, whatever one year  
19 means here, whether it's into the fiscal year or into their  
20 -- or the work season, into the summer, I guess, whether  
21 they would really have enough information to tell us what  
22 we need to say whether this project should continue or not.

23

24 DR. TRUST: Right. I think that was a  
25 stumbling block for me as well, logistically how would that

1 work, because the fiscal year ends in September yet they  
2 would still need to go back out in December of next fiscal  
3 year to collect their wintering samples. So the break  
4 would not occur at the end of the Federal fiscal year, so I  
5 suppose if one entire year of the project needed to be  
6 funded and then the Trustee Council made a decision on the  
7 rest of the project, it would probably occur, you know,  
8 sometime again March or April of next year. And then they  
9 run into the same problem, which I think they're going to  
10 run into this year, which is scheduling boats and charters  
11 and getting people onboard to do the work. And again, the  
12 other thing that they're going to need to do is hire their  
13 staff, their biotechs and things to go out in the field for  
14 the life of the project. And so if they bring on folks for  
15 say the next six months to do the field work, then they  
16 have to let them go until the Trustee Council makes a  
17 decision on the next year. And then do they hire them  
18 again and are they able to get boats and things like that.  
19 It -- I perceive it to be a pretty big logistic  
20 challenge.....

21 MR. HARTIG: Right. And that was kind.....

22 DR. TRUST: .....if it gets broken that  
23 way.

24 MR. HARTIG: .....of the follow-up  
25 question. If we are just concerned about the 1.2 million

1 and we want to phase it, is there a way of casting their  
2 proposal in a different way to phase it, you know, that  
3 would be more logical. You know, splitting it up so that  
4 it may take longer to do the project but we wouldn't waste  
5 money on doubling on logistics or -- you know, if you were  
6 saying we want a phased project, could they rewrite it and  
7 do it in a way that wouldn't increase the cost of it. It  
8 may extend the time of it but it would give us the  
9 opportunity to evaluate the first phase of it before  
10 committing funding for the second phase.

11 DR. TRUST: My personal opinion is that I  
12 think that the original questions that the science panel  
13 had were valid. I think if we only have two sites and we  
14 don't have winter sampling that the ability for them to  
15 tell us what we need to know is going to be stunted. And  
16 they actually agreed with that. The reason that they had  
17 only originally put in for two sampling sites and doing the  
18 sampling in the summer was because they were concerned that  
19 if they put in a project for a million dollars that it  
20 wasn't going to be funded just because it was too  
21 expensive.

22 MR. HARTIG: So why then was the science  
23 panel even entertaining, you know, just doing a first year  
24 of funding? Was it the methods that are being used rather  
25 than the statistics to validate.....

1 DR. TRUST: No.

2 MR. HARTIG: .....the data or.....

3 DR. TRUST: No, I think the science panel  
4 quite frankly just has a little trouble with how much money  
5 has already been spent this year and they're trying to be  
6 fiscally responsible. I don't know, Michael, you were  
7 sitting in on that meeting. Did you have another opinion  
8 about that?

9 MR. BAFFREY: No, I actually -- yeah, that  
10 was part of it, I think. The other part was, they just --  
11 they wanted to get some basic answers before they moved  
12 forward to see if this was actually going to work.

13 MR. HARTIG: I mean it seems to me on the  
14 funding question -- and again being so new to this, you  
15 know, maybe speak with a lot of ignorance here -- but we  
16 don't know what amount -- you know, if we wanted it to be a  
17 sustaining fund, then you need to know how much money you  
18 need to generate each year, you know, and you have to  
19 forecast, you know, what your rate of returns are on all of  
20 that. And it seems -- I don't know of anybody that's done  
21 that. Maybe they have. It seems like that's more of a  
22 question we're going to get in April.

23 So if we're going to fund -- spend money  
24 now, it seems like if later we determine oh, we need more  
25 money in the principal to have him out, kick off each year

1 that we'll need in the future, why don't we just spend less  
2 the next year, you know, until we get to the right amount  
3 of principal we want. You know, let it build up again, the  
4 total amount.

5                   And so I -- I guess I don't have as much  
6 heartburn about spending the money if we see a need right  
7 now.

8                   DR. TRUST: Yeah, I think -- I mean, this  
9 is not a scientific perspective at all but it seems to me  
10 one of the fundamental questions here for this particular  
11 project is if the Trustee Council believes that they may go  
12 down the road of bioremediation, the answers that this  
13 proposal will provide are going to be necessary at some  
14 point.

15                   MR. HARTIG: Uh-huh, right.

16                   DR. TRUST: So if actual cleanup and  
17 bioremediation is not a consideration, then you probably  
18 don't need this project.

19                   MR. HARTIG: Well and what I was hearing I  
20 think at one -- at the earlier meeting is that, you know,  
21 if you're trying to do something on this lingering oil in  
22 the beach and it's hit you, then you -- there's not a lot  
23 of options. You're not going to do something mechanical.  
24 Is that correct? I mean, is it -- that we're ready -- that  
25 in other words bioremediation is the most likely

1 option.....

2 DR. TRUST: Righ.....

3 MR. HARTIG: .....for lingering oil on  
4 these -- some of these beaches?

5 DR. TRUST: Right. When Jackie Michel went  
6 out and did her project a couple of years ago, trying to  
7 identify those different alternatives that could be done in  
8 some environmentally conscientious way, bioremediation  
9 seemed to be -- that or the do nothing alternative, you  
10 know, just natural attenuation were the two alternatives  
11 that she came back with. Recognizing that there needed to  
12 be a lot of scoping work done if bioremediation was going  
13 to be considered.

14 MR. HARTIG: Okay. No, I didn't have any  
15 other questions at this point.

16 CHAIRMAN O'CONNOR: Denby, do you have any?

17 MR. LLOYD: No. Thanks, Craig.

18 CHAIRMAN O'CONNOR: Hans?

19 MR. NEIDIG: No, I'm good at this point.

20 CHAIRMAN O'CONNOR: Okay. Do either of you  
21 gentlemen have any questions?

22 MR. ZEMKE: I had one question. There was  
23 this -- for the PAC comment about ability to piggyback on  
24 another project, and I know that Short and Michel are out  
25 in the Sound this summer looking at beaches. It would be

1 possible that they could piggyback together to be able  
2 to.....

3 DR. TRUST: Short and Michel are actually  
4 -- they're not co-PI's, they're collaborators on.....

5 MR. ZEMKE: Uh-huh.

6 DR. TRUST: .....and these guys are working  
7 closely -- I talked to Jeff about that specifically and  
8 they are -- they have contacted him about locations and  
9 things like that. I think that the way that Michel and  
10 Short's project are traveling around and the way these guys  
11 have to travel around, the logistics wouldn't be such that  
12 they could, for example, be on the same vessel. But they  
13 are collaborating.....

14 MR. ZEMKE: Okay.

15 DR. TRUST: .....with each other.

16 MR. ZEMKE: Well, unless they could get --  
17 be on the same vessel, there probably wouldn't be a  
18 significant savings of costs. I guess that was a question  
19 then, if that's the case then I guess that's probably --  
20 the other one is kind of NEPA. If there's going to be  
21 significant amounts of activity out there, probably need to  
22 at least be able to address that.

23 MR. BAFFREY: All of our projects will have  
24 to have NEPA requirements.

25 MR. ZEMKE: And if there's going to be

1 significant upland activity, then need to be able to  
2 coordinate with the Forest Service Land Management to make  
3 sure that they know that this is going to occur and where  
4 and when and how much.

5 DR. TRUST: I think they make a comment in  
6 here about their permits and -- kind of back in the  
7 personnel section of the budget justification or something.  
8 They talk about permits and things like that.

9 CHAIRMAN O'CONNOR: Anything else, Steve?

10 MR. ZEMKE: No, that's it for now.

11 CHAIRMAN O'CONNOR: I have a couple of  
12 questions.

13 DR. TRUST: I knew that you would.

14 CHAIRMAN O'CONNOR: I'm sorry?

15 DR. TRUST: I said I knew that you would.

16 CHAIRMAN O'CONNOR: Okay. I am concerned  
17 at this point that for better or for worse we have created  
18 a monster of our own in the way we've gone about making our  
19 decisions for funding projects, soliciting projects, and I  
20 feel that being out of sync with the normal budgeting and  
21 requests for proposals, whatever we call our process, has  
22 created a tension and a potential detriment to our  
23 effecting reasonable scientific endeavors. And I am very  
24 concerned that we not continue to screw around with this  
25 system in such a way that we jeopardize the effective

1 implementation of one of the if not the highest priority  
2 undertakings by this council. And that is, to address the  
3 issue of lingering oil. What is it? Where is it? Why is  
4 it? And how do we deal with it?

5                   And with that sort of predicate to my  
6 comment, I want to be sure of two things. The first is  
7 that the project be monitored and that the Science  
8 Director, you pay careful attention to what's going on, and  
9 to be sure that we're getting our money's worth, if you  
10 will. And I'm responding directly to Michael's concerns  
11 that we're writing big checks or we're committing big  
12 amounts of money to projects that may or may not be  
13 worthwhile. I happen to think this one is of critical  
14 importance, but let's be fiscally responsible. I want to  
15 be sure that we don't say, all right, the check for a  
16 million three or a million two or whatever it is, go forth,  
17 do good, call us when you're done. And I don't think  
18 that's our protocol.

19                   And just, I personally as a trustee member,  
20 trust too the work of Trust, Kim, to make sure that things  
21 are going the way they should and that the money is being  
22 spent as effectively and as efficiently as it should be.

23                   The second comment I have or question I  
24 have is, are we, by this project, suggesting that there are  
25 a number of limiting factors at play, potential limiting

1 factors? Whether it's the surface tension issue; whether  
2 it's the oxygenation; whether it's the absence of  
3 microorganisms; whether it's the encapsulation in such a  
4 way that the normal hydraulic processes that are occurring  
5 on a beach are not getting to this oil and sufficiently  
6 weathering it through natural processes. We need to find  
7 out the why, why is it there. And this addresses the why.

8                   But his project also seems to say  
9 regardless of the why, the what we're going to do about it  
10 is one of two things, nothing or bioremediation. And I  
11 don't know that I'm necessarily comfortable with that  
12 decision at this stage. And it seems to be implicit in  
13 this project that it's either bioremediation or it's  
14 nothing. I would think -- and I'm not a scientist -- but I  
15 would think that if the limiting factor is the surface  
16 tension issue that maybe there's a way that we can address  
17 that that doesn't necessarily mean we fertilize the area.  
18 We bioremediate. We may have to do something different  
19 than that.

20                   And if this project is not going to give us  
21 an adequate amount of information to actually formulate a  
22 decision with regard to the appropriate restoration,  
23 restorative action, then I want to be sure that it does.  
24 Because I don't want to spend a million three and I  
25 wouldn't want to spend the next two or three years looking

1 at not all of the issues that we need to be looking at.

2                   So to the extent that we might -- and I  
3 guess this is reacting perhaps to some of the comment -- to  
4 the extent that we are focusing ourselves or it could be  
5 perceived to focus ourselves on bioremediation as the only  
6 solution, I think we are being shortsighted. And I want to  
7 not take an action that is going to close the door on other  
8 potential alternatives. I know the front loader going out  
9 and digging up the beach and causing all kinds of  
10 environmental harm is probably not in the suite of options  
11 that we would entertain, but I have heard discussions with  
12 regard to other potential activities, including the  
13 injection of water, the movement of things in a -- rocks  
14 and boulders and all sorts of different things. In a way  
15 that could perhaps surgically address the problems. And I  
16 want to be sure that we're staged to do that. And I think  
17 this project gives us the background information but I'm  
18 not convinced that we should be focusing solely and  
19 exclusively on bioremediation. And I want to be sure  
20 that's not part of this.

21                   Do we have an -- so that's my statement.

22 Do you have a response to.....

23                   DR. TRUST: I do.

24                   CHAIRMAN O'CONNOR: .....my concerns?

25                   DR. TRUST: I'd like to address your first

1 comment about giving them sort of a check for a million two  
2 and saying to go forth and do good things and hopefully  
3 we'll get an answer at the end. We have a series of checks  
4 built into our process. They -- at the end of the first  
5 year, they must come and present or come to our marine  
6 science symposium. So they have to have at least enough  
7 information to give some sort of an update at the marine  
8 science symposium. We also have an annual reporting  
9 requirement, that they had to produce the results of their  
10 first year so that we can evaluate what we've done. And  
11 then also the Trustee Council does come back, even if you  
12 guys agree to fund the million two, every year you come  
13 back and you reevaluate the projects. I mean, it's not a  
14 blank check for 1.2 million dollars. You'll give them  
15 \$400,000 this year and at any point along the way, if  
16 you're not comfortable with what they're doing, I mean, you  
17 can pull the plug technically.

18                   The second thing that I want to address  
19 about your comments, this project doesn't address  
20 mechanical removal as an option. I mean, that's not within  
21 their purview and I don't think we should make it their  
22 responsibility because that wasn't the project that they  
23 came forth with. They came forth with a project to see if  
24 bioremediation was feasible because that is likely the  
25 least environmentally damaging of the alternatives that are

1 out there. And that is what Jackie Michel came back with,  
2 with her conclusions from the other project that we funded.

3                   But it does, it does address some of things  
4 that you were referring to in that if it is a water flow  
5 issue, if it is a -- if it is some sort of hydrodynamic  
6 issue on the beach, they will be able to identify that. I  
7 mean, it would be great if they just said, well, the  
8 nutrients aren't getting there, so all we have to do is  
9 inject nutrients. But it's a more complex of a project  
10 than that in that they will, if there is some sort of beach  
11 hydrology that needs to be manipulated, and it's possible  
12 to do that with the technology that we have today, I  
13 believe from this project they'll be able to address that  
14 as well.

15                   CHAIRMAN O'CONNOR: I think that exhausts  
16 my -- exhausts me, so do we have a resolution or do we have  
17 a motion from the floor for our consideration? Let me  
18 rephrase the question. Do any of the trustees want to  
19 propose that we approve this project?

20                   MR. HARTIG: This is Larry Hartig. I'll  
21 move to approve.

22                   CHAIRMAN O'CONNOR: Do I hear a second?

23                   MR. NEIDIG: Second.

24                   CHAIRMAN O'CONNOR: All right.

25                   MR. BAFFREY: So the motion is to fund the

1 entire project.....

2 MR. HARTIG: That's correct.

3 MR. BAFFREY: .....as proposed? The motion  
4 also needs to include \$4,900 for project management in  
5 addition to the funds that you see being proposed.

6 MR. HARTIG: Okay. Well, I'll include that  
7 in my motion. This is Larry.

8 MR. ZEMKE: Is that per year or.....

9 MR. BAFFREY: Well, this -- for FY-07.

10 CHAIRMAN O'CONNOR: And we're -- that's the  
11 project management and the project management will be by  
12 what agency?

13 MR. BAFFREY: Is this one shared? Is this  
14 one shared between NOAA and USGS?

15 MS. HANNAH: No, this was just NOAA.

16 MR. BAFFREY: This is NOAA.

17 CHAIRMAN O'CONNOR: Oh, okay. Okay. And  
18 that amendment is acceptable to the seconder of the motion?

19 MR. NEIDIG: Yes.

20 CHAIRMAN O'CONNOR: Does anybody have any  
21 further questions before I call for the question on the  
22 motion?

23 (No audible responses)

24 CHAIRMAN O'CONNOR: I have one, and that's  
25 of legal counsel. Do you ladies feel comfortable with the

1 way this motion is cast so that you can proceed to the  
2 court and get us the money?

3 (No audible responses)

4 CHAIRMAN O'CONNOR: I apologize for not  
5 telling you I was going to do that to you, but I want to be  
6 sure that we're all comfortable, because there have been  
7 some bumps in the road.

8 Hearing no further comments, did anyone  
9 call for the question?

10 MR. ZEMKE: Call for the question.

11 CHAIRMAN O'CONNOR: All right. The  
12 question has been called for. I'll do a roll call because  
13 we don't have folks here. Denby?

14 MR. LLOYD: Yes.

15 CHAIRMAN O'CONNOR: Larry?

16 MR. HARTIG: Yes.

17 CHAIRMAN O'CONNOR: Hans?

18 MR. NEIDIG: Yes.

19 CHAIRMAN O'CONNOR: Talis?

20 MR. COLBERG: Yes.

21 CHAIRMAN O'CONNOR: Steve?

22 MR. ZEMKE: Yes.

23 CHAIRMAN O'CONNOR: O'Connor, yes.

24 MR. BAFFREY: Okay.

25 CHAIRMAN O'CONNOR: We have approved the

1 project as presented for the period of time presented in  
2 the project, full funding. And in addition to that, we  
3 have added four thousand some dollars as project management  
4 costs that will be for for FY-07. Thank you.

5 Moving right along. See Michael the  
6 beatings pay off sometimes. Tell me what to do, I will try  
7 to do it. All right, Kim. The next project.

8 DR. TRUST: Okay. The next project is by  
9 David Irons and Dan Roby, pigeon guillemot restoration  
10 research in Prince William Sound. I am going to describe  
11 this project for the Trustee Council but I cannot make  
12 recommendations for funding because I'm on detail from the  
13 Fish & Wildlife Service and I have to recuse myself from  
14 making any funding recommendations because one of the PI's  
15 also works for Fish & Wildlife Service.

16 And I would also like to point out to the  
17 council that one of the PI's, David Irons, is in the  
18 audience. So I will describe the project to the best of my  
19 ability and then when I say something wrong, I will ask the  
20 PI to make sure I got everything correctly. But if the  
21 Trustee Council has questions directly about the project, I  
22 would encourage you to ask the PI about them.

23 CHAIRMAN O'CONNOR: David, would you come  
24 up to the table here, please?

25 MR. ROBY: And Dan Roby is on the phone,

1 too.

2 DR. TRUST: Oh. All right. Hi Dan.

3 CHAIRMAN O'CONNOR: All right. Good.

4 MR. ROBY: Hi.

5 DR. TRUST: Dan Roby is the other PI on  
6 this project. All right. So briefly this project is a  
7 project to look at the influence of mink predation on  
8 pigeon guillemots in the Naked Island archipelago out in  
9 Prince William Sound.

10 Pigeon guillemots are one of the resources  
11 that are not recovered, we consider not recovered from the  
12 effects of the spill, and this project proposes to do three  
13 things to address that issue. The first thing they propose  
14 to do is look at nest predation by mink and also to  
15 identify the source of the mink, whether the mink on the  
16 island are introduced or are they native.

17 Prior to the spill there was no records of  
18 mink being on Naked Island, and in the late 1990's, when  
19 there was quite a bit of research going on on pigeon  
20 guillemots, the predation rate on pigeon guillemot nests by  
21 mink was very high, as high as 80 percent in some  
22 instances.

23 The last thing that they want to do -- the  
24 second thing that they want to do is look at the diet of  
25 pigeon guillemots in and around the Naked Island

1 archipelago. In the late 1990's they did quite a bit of  
2 forage fish work and determined that the diet of pigeon  
3 guillemots at that time was a very low quality forage fish  
4 and that that was also influencing the ability of the birds  
5 to be reproductively successful.

6                   And then finally the third leg of this  
7 project then would be to develop a restoration plan based  
8 on what they find from this study, which would in -- which  
9 would possibly include a plan to eradicate mink or at least  
10 diminish the number of mink on the island, perhaps increase  
11 nesting success by putting up some sort of predator proof  
12 nest box regimen. But essentially give the Trustee Council  
13 a restoration plan for pigeon guillemots in Prince William  
14 Sound.

15                   They're focusing on the Naked Island  
16 archipelago because that has the highest number of nesting  
17 pigeon guillemots in the spill area. I believe it's  
18 upwards of 33 percent of the birds in Prince William Sound  
19 nest in and around Naked Island.

20                   The science panel, their recommendation was  
21 essentially to fund the mink genetics part of this study.  
22 So in other words, instead of worrying about identifying  
23 the amount of predation by mink and by eliminating the  
24 forage fish component of the project, at least in the  
25 initial stages, if we could go out and just identify the

1 genetic source of the mink, then we could tell whether they  
2 were introduced or whether they were native.

3                   My comment to that is that would be an  
4 interesting thing to know but that would not lead us down  
5 the road to restoration. In order to understand the impact  
6 that mink predation is currently having on pigeon  
7 guillemots and to understand holistically what's still  
8 keeping the pigeon guillemots population numbers low in  
9 Prince William Sound, looking at the issue from a top down,  
10 the forage -- or the predation issue on a bottom up, the  
11 forage fish issue would allow the PI's to present a more  
12 comprehensive restoration plan to the Trustee Council.

13                   So the science panel essentially  
14 recommended funding one year of the project and focusing  
15 primarily on trapping mink and trying to determine their  
16 genetic makeup, if you will. I have opinions, but I can't  
17 give them.

18                   CHAIRMAN O'CONNOR: But your squirming is  
19 telling us a lot.

20                   DR. TRUST: Yeah. So I guess at this point  
21 I'll turn it over to Michael. Unless anybody has any  
22 questions about what the science panel recommended, I can  
23 try and clarify that.

24                   CHAIRMAN O'CONNOR: Can you answer  
25 questions about the project? Are you allowed to do that

1 given your relationship with the agency?

2 DR. TRUST: I think I can. If I'm  
3 uncomfortable with it, I'll defer to David.

4 MR. BAFFREY: But I would think with both  
5 the PI's online and in the room that they would be a good  
6 source of those answers also.

7 DR. TRUST: Yeah. And it would let me off  
8 the hook. Then I would be sure that I was clear in my line  
9 of.....

10 CHAIRMAN O'CONNOR: Wouldn't want you to go  
11 to jail. It just ruins lunch.

12 DR. TRUST: Thank you.

13 MR. NEIDIG: Mr. Chairman, this is Hans.  
14 Can I ask him a question.....

15 CHAIRMAN O'CONNOR: Please.

16 MR. NEIDIG: .....about the science panel?  
17 Kim.....

18 CHAIRMAN O'CONNOR: Yes.

19 MR. NEIDIG: .....why does the science  
20 panel recommendation not include what seems to be a key  
21 component, the availability of key prey in the forage fish?

22 DR. TRUST: Their opinion was that that  
23 work has already been done and it wouldn't add to the body  
24 of knowledge that we have. My answer to that is that work  
25 has -- was done 10 years ago and we don't really know what

1 they're feeding on right now.

2 MR. NEIDIG: So your sense is that by  
3 getting that information we'd be able to actually see some  
4 trends in, perhaps, in the prey fish?

5 DR. TRUST: Yeah, one of the.....

6 MR. NEIDIG: Pro -- you know, positive or  
7 negative.

8 DR. TRUST: Yeah, one of the comments that  
9 the science panel made or one of the reviewers made was  
10 that two years of sampling would -- you know, does not a  
11 trend make. But I think the PI's or Dan did a good job in  
12 answering that particular point in saying that that's  
13 correct, two years of sampling does not a trend make.  
14 However, there's been so much work done on pigeon guillemot  
15 forage behavior and diet from the mid-90's and even  
16 previous to that in the '80s when Kathy Kuletz was out  
17 there, that there's a good amount of data to compare the  
18 information to help, you know, whether the forage -- the  
19 diet of the birds has actually changed substantially since  
20 the late '90s.

21 MR. NEIDIG: Okay. Thank you.

22 MR. BAFFREY: And Hans, I think Dan Roby  
23 can also answer the question about the studies that he did  
24 in conjunction -- well, it was EVOS funded, but with the  
25 SeaLife Center in terms of harvesting eggs, incubating

1 them, and feeding the chicks, a diet. So Dan, can you  
2 address what your conclusions were with that?

3 MR. ROBY: Yeah, one of the main  
4 conclusions of that study at the SeaLife Center was that  
5 depending on what type of forage fish, and specifically the  
6 lipid content of the forage fish that were feed to captive  
7 guillemot chicks that had a large effect on their growth  
8 rates and the size at which they attained a fledging  
9 condition and were able to go to sea. And that in turn  
10 influences their post-fledging survivalship.

11 So with regard to the results of that study  
12 at the SeaLife Center and Naked Island work that was done  
13 by Dave Irons and Greg Golet and others at the Fish &  
14 Wildlife Service, I think it's pretty clear that sandlance  
15 is a key forage fishery source for Naked Island guillemots  
16 and it certainly was back in the '80s when Karen Oakley and  
17 Kathy Kuletz were working there. And after the spill,  
18 there was less sandlance in the diet and I think there's a  
19 good chance that the sandlance have recovered by now, but  
20 if they haven't, I think the guillemots on Naked are  
21 probably still food limited.

22 MR. BAFFREY: Okay. Hans, does that help  
23 you? Hans?

24 CHAIRMAN O'CONNOR: Hans, did you hear  
25 that?

1 MR. NEIDIG: I did, thank you.

2 CHAIRMAN O'CONNOR: Okay. Do any of the  
3 other trustees on the line have any questions with regard  
4 to the science panel's report, recommendation?

5 MR. HARTIG: Yes. This Larry Hartig. I  
6 just had a very basic question here on the pigeon  
7 guillemots on Naked Island. Does that population stay on  
8 Naked Island but -- or if you increase the population  
9 there, would that translate into larger populations in the  
10 area, you know, where they would move into other areas and  
11 -- because I'm wondering if, you know, the objective on  
12 this study is to raise the population in the area or just  
13 on Naked Island.

14 MR. IRONS: I'll take a whack at that.  
15 Basically if you increase the guillemot population on Naked  
16 Island, there used to be about almost 10 times as many  
17 guillemots on Naked Island as there are now, so that  
18 assumption that there's 10 times more nesting area  
19 available on Naked Island -- although maybe not predator-  
20 free nesting area from the mink -- so there's probably a  
21 fair vacuum on Naked Island that they can take a lot more  
22 guillemots if they have food and predator-free area. So  
23 the population would probably increase dramatically on  
24 Naked Island before it would increase many other places.  
25 That said, there is, you know, a factor of

1 the population that will go off and recruit to other  
2 islands, whether Naked Island is at carrying capacity or  
3 not. So I imagine you'd see the effect much stronger in  
4 the Naked Island complex with Peak and Storey, and then  
5 eventually it could flow to other islands also.

6 MR. HARTIG: Thanks. Because I was  
7 wondering if maybe that's why the science panel was wanting  
8 to look at the mink first because if they are limiting the  
9 population on Naked Island, you can't get rid of the mink,  
10 then you can't use that as a source for recruitment there  
11 or in the area. And that then you would look at other  
12 options.

13 But the other question I had is, was I  
14 understood part of this proposal would be looking at, even  
15 if the mink are genetically distinct and -- or I guess it's  
16 the other way around -- aren't genetically instinct, in  
17 other words, they're indigenous to the island, then maybe  
18 you could screen them somehow, prevent them somehow from  
19 reaching some of the nesting site areas. And so if that --  
20 if I was hearing that correct, then maybe it's not that  
21 important whether you can be able to eradicate the mink or  
22 not as long as you can keep them from some of the nesting  
23 area to increase the population. Is that correct?

24 MR. IRONS: Yeah, let me clarify that a  
25 little bit. Generally that's correct. I think if either

1 we cannot determine if the mink were introduced or --  
2 versus native or if they were in fact native, then there  
3 would, you know, probably be -- it would be less likely to  
4 eradicate the mink from the entire archipelago.

5                   However, if it's unknown where they came  
6 from or again if they were native, there have been several  
7 management actions taken by the US Fish & Wildlife Service  
8 and taken by the State Department of Fish & Game, that when  
9 one species is in trouble, they have, you know, reduced the  
10 predation pressure of other species to allow that species  
11 to recoup. And so that could still -- even if they weren't  
12 introduced or we couldn't determine if they were, you can  
13 still -- of course it would be up to the Trustee Council,  
14 but there's precedence for, you know, temporarily reducing  
15 the predation pressure to a species to allow it to recover.  
16 And so that's one avenue.

17                   The other avenue is to provide more  
18 predator-free nest areas by putting nest boxes out there.  
19 The difficulty with that is, as we said earlier, there's  
20 probably maybe 10 percent of the guillemots out there that  
21 were out there 30 years ago. And so there's no shortage of  
22 nest box -- or nesting areas. So if you put some predator-  
23 free ones out, the guillemots are out there have to be  
24 smart enough to go to the predator free ones rather than  
25 just another natural crevice. And we've done some of this

1 in the past and we've had some success with the nest boxes,  
2 but it's -- it was, you know, a low percentage of nest  
3 boxes got filled.

4                   And again, with a declining population,  
5 that's probably what you'd predict. If you had an  
6 increasing population, then you'd be more likely to have  
7 the nest boxes being filled. Does that answer you  
8 questions?

9                   MR. HARTIG: Yeah. No, that's fine.

10                  CHAIRMAN O'CONNOR: Denby, did you have any  
11 questions?

12                  MR. LLOYD: No thanks, Craig.

13                  CHAIRMAN O'CONNOR: Okay. Talis, do you  
14 have -- on the science panel?

15                  MR. COLBERG: No.

16                  CHAIRMAN O'CONNOR: Steve?

17                  MR. ZEMKE: Maybe a question for David.

18 What are the populations throughout Prince William Sound  
19 doing? Are they at the same kind of low level of  
20 productivity as Naked Island?

21                  MR. IRONS: Well, of course we had all the  
22 data for everything all the time and we don't. After the  
23 spill, of course, there was several studies on the pigeon  
24 guillemots and we looked at productivity in the oiled area  
25 and outside the oiled area. We did studies after the spill

1 on populations using data from before the spill and we  
2 showed an oil spill effect, basically the spill -- the  
3 population in the spill area was reduced more than the  
4 population outside the spill area. But, so we -- and we  
5 showed, you know, effect on reproductive success and the  
6 fact that guillemots were eating more oil in the spilled  
7 area, so we showed several definite oil spill effects.

8                   That said, there's been a decline in the  
9 Sound, throughout the entire Sound. You know, probably  
10 before the spill and after the spill. The guillemots are  
11 declining inside the spill and outside the spill. We have  
12 not done other productivity studies outside the spill,  
13 other than the ones that were associated with the spill and  
14 during the APEX years, the late '90s that I just spoke of.  
15 We don't normally monitor pigeon guillemot productivity in  
16 the Sound. And so the only work that's been done there,  
17 except in the early '80s when there was some work done  
18 there but -- so we don't have information on productivity  
19 -- well, we haven't had any information on anywhere in the  
20 Sound since 1999, since the APEX study terminated.

21                   MR. ZEMKE: So if you wanted to institute  
22 say a mink control program or nest box or kind of program  
23 to kind of keep the predation levels down, would you need  
24 new studies from the rest of the Prince William Sound area  
25 where my -- I guess my understanding is pigeon guillemot

1 populations are still down, that you would need to come  
2 back and do further studies?

3                   MR. IRONS: Well, obviously, like I say,  
4 the Naked Island complex is about 60 miles of shoreline and  
5 there's about 4,000 in the Sound. So it's a very small  
6 proportion of the shoreline, but yet historically, you  
7 know, about a third of the guillemots nest on that complex.  
8 So the guillemots really like the Naked Island complex.  
9 And so we feel like if we can go in and have an effect on  
10 restoration on the Naked Island complex, that's certainly  
11 the first place to do it. And then depending on success,  
12 the Trustee Council could decide to go to other islands  
13 that were impacted and have -- try to do similar, you know,  
14 restoration.

15                   But I think the Naked Island complex would  
16 certainly be the place to work first and see if you could  
17 be successful.

18                   MR. ZEMKE: All right. That's all I had.

19                   MR. BAFFREY: I have couple of questions.

20                   CHAIRMAN O'CONNOR: Well, okay, I didn't  
21 mean to cut you off, because.....

22                   MR. BAFFREY: No, that's.....

23                   CHAIRMAN O'CONNOR: .....you have your  
24 thoughts on this as well.

25                   MR. BAFFREY: This is fine. The survey

1 that we have funded you for FY-07, that you have done, I  
2 think FY-05 was your last survey?

3 MR. IRONS: Yes.

4 MR. BAFFREY: Does that also do a count on  
5 pigeon guillemots.....

6 MR. IRONS: Yes.

7 MR. BAFFREY: .....in the spill area? So  
8 I'm assuming that would be your metric of success over the  
9 long term if these -- assuming these surveys will continue  
10 on into the future?

11 MR. IRONS: Well, again, it's all a matter  
12 of scale. That survey that we're out there trying to do  
13 right now -- with the weather it's been -- is a randomly  
14 selected survey and there is like 300 transects randomly  
15 selected throughout the Sound, and by random chance, about  
16 four of them are at Naked Island. Where there are about,  
17 you know, 45 transects, about 30 transects on Naked Island,  
18 we only sample four on that -- with that survey.

19 MR. BAFFREY: Uh-huh.

20 MR. IRONS: So it gives a good idea of what  
21 the entire Sound is doing. If you try to ask how is Naked  
22 Island doing, you really need to go out and survey the  
23 entire shoreline, which isn't a big deal, it takes a day or  
24 two, you know, of Naked Island to measure success there.

25 MR. BAFFREY: And that could be a part of

1 the ongoing study?

2 MR. IRONS: Sure.

3 MR. BAFFREY: Okay.

4 MR. IRONS: Yeah.

5 MR. BAFFREY: The one thing that would have  
6 helped me in your proposal -- and I'm disappointed it's not  
7 there, and I'm not blaming you because I think it's as much  
8 the fault as the council -- I would have liked to have seen  
9 you bring in other research, especially direct restoration.  
10 I know that there's been fox removed with the Alaska  
11 Maritime National Wildlife Refuge.

12 I had a conversation with Steve Everett,  
13 which -- knows you very well. I still don't have a sense  
14 of the success of that program. I also, and this goes to  
15 you, Dan, I don't have the sense of the success -- although  
16 I read your annual report, where of the chicks that you  
17 released back into the wild, you have some reference, I  
18 think 61 percent success rate. Those are both to direct  
19 restoration, you know, efforts. What is the success there?  
20 What -- you know, can you give me some indication of will  
21 this actually work?

22 MR. IRONS: Okay. I'll address the fox  
23 removal and then Dan can address.....

24 MR. BAFFREY: Okay.

25 MR. IRONS: Okay. So, well one thing, the

1 Alaska Maritime National Wildlife Refuge, the Aleutian  
2 Islands had foxes introduced virtually to all the islands  
3 in western central Aleutians. And so 30 years ago, the  
4 refuge started removing foxes as a restoration technique  
5 for seabirds. And when they did that, they went out and  
6 they had surveyed the seabirds and get what the population  
7 level was, and then they'd remove the foxes, and then  
8 they'd go back and resurvey and resurvey and resurvey and  
9 document the effects. And they did that on several  
10 islands. And in fact, when you remove foxes from islands,  
11 ground nesting seabirds and crevice nesting seabirds  
12 increase dramatically because foxes definitely have an  
13 impact on.....

14 MR. BAFFREY: Which pigeon guillemots are  
15 crevice nesting seabirds.

16 MR. IRONS: And which pigeon guillemots are  
17 crevice nesting. So they have demonstrated that over and  
18 over again. They're still removing foxes from islands and  
19 they're not doing the work to show that every island they  
20 remove foxes from has seabirds increase. They've done it  
21 enough times that they can say, we're sure this is going to  
22 have an effect.

23 Now the Exxon Valdez Trustee Council  
24 funded, as a direct restoration, funded them to go out to  
25 the Shumagin islands and remove foxes from two islands for

1 restoration of pigeon guillemots and restoration of black  
2 oyster catchers. Which black oyster catchers are a ground  
3 nesting shorebird that was, of course, prime prey for fox.  
4 And then they went back years later, they surveyed before  
5 the populations there, they had surveys on other islands.  
6 They demonstrated that the islands with the foxes had much  
7 lower densities of guillemots and oyster catchers than  
8 nearby islands that were fox-free, that they had already  
9 removed the foxes on. And then years after they removed  
10 these foxes, they went back and the populations had  
11 increased and so they demonstrated again that that had a  
12 positive effect by -- on seabirds, on the pigeon guillemots  
13 and black oyster catchers by removing the foxes.

14                   There are also studies, not in Alaska, but  
15 in the '30s the great old US imported or exported our big  
16 hefty minks to Europe because they wanted them over there  
17 for -- because our mink were bigger than their mink. And  
18 so they imported mink to Europe and Great Britain and  
19 Scotland. And then of course these mink got out to these  
20 islands where the seabirds were and wreaked havoc. And so  
21 there's been several removals in Scotland and England of  
22 islands bigger than Naked for mink, specifically for mink,  
23 that they've been successful removing them and the  
24 populations have come back when they've removed them.  
25 So.....

1 MR. BAFFREY: Okay.

2 MR. IRONS: .....does that answer that part  
3 of the question?

4 MR. BAFFREY: It does. Now, I'm pretty  
5 convinced that these are either genetically not distinct or  
6 they are introduced mink. So assuming that and assuming  
7 that a mink eradication, whatever terminology you want to  
8 use is an appropriate restoration technique, can that be  
9 successful on an island like Naked Island, which is  
10 forested? You know, the fox studies were done on treeless  
11 islands, and they're a little bit bigger target.

12 MR. IRONS: Well, again, I'm no mink  
13 expert, I've started to talk to some, but my understanding  
14 of mink from whenever I've talked to people is, that their  
15 home range is usually within 200 meters of the shoreline.

16 MR. BAFFREY: Uh-huh.

17 MR. IRONS: And especially in a place like  
18 Prince William Sound that gets 12 feet of snow and that  
19 entire interior becomes just nothing but snow.

20 MR. BAFFREY: Okay.

21 MR. IRONS: Their food is mostly from the  
22 intertidal, especially in the wintertime. And so the  
23 shoreline, I think is a very important habitat for the mink  
24 in Prince William Sound. And so I think, you know, if in  
25 fact the pigeon guillemots had enough food out there to

1 make it go out and reproduce and if mink are in fact  
2 holding them down, if we remove the mink, I think it would  
3 certainly have an effect. But the food question is not a  
4 small question, it's -- you know, we've seen large changes  
5 in food supplies in the northern Gulf of Alaska and in the  
6 Bering Sea over the last 30 years. And we've seen many  
7 different species of seabird populations go down and marine  
8 mammal populations go down, fish populations go down. And  
9 so it's not a small issue, that needs to be addressed too.

10 MR. BAFFREY: Well, I'm in agreement with  
11 the science panel on that. I don't believe that we're  
12 going to get anything new from the food study.

13 Dan, can you help with that, with the  
14 reintroduction of captive bird into the wild as part of  
15 your study?

16 MR. ROBY: I'm sorry, I'm having a really  
17 hard time hearing the gentleman that's asking me a  
18 question.

19 MR. BAFFREY: I just wanted you to address  
20 my other question about the, you know, the reintroduction  
21 of the captive -- of the chicks that you had raised.

22 MR. IRONS: And this is Michael Baffrey,  
23 the Executive Director.

24 MR. ROBY: Oh, okay. All right. Well,  
25 that never -- I mean, the chicks that we raised at the

1 SeaLife Center which was oh, probably close to 250, were  
2 successfully raised. There was very little mortality  
3 during their captive rearing time. And then they were  
4 released at the SeaLife Center and they were essentially  
5 fledged from the SeaLife Center out into Resurrection Bay.  
6 And after that, we have virtually no data on their returns.  
7 The artificial nest sites that have been set up were not  
8 maintained. There was no one at the SeaLife Center who was  
9 making a concerted effort to re-site these chicks that had  
10 been raised there. All of them were banded. And the  
11 individual that was responsible for banding the chicks and  
12 monitoring them never completed a final report, and so I'm  
13 afraid we don't know what the answer is.

14 MR. BAFFREY: All right.

15 CHAIRMAN O'CONNOR: Did we.....

16 MR. ROBY: We know that -- we know just  
17 from anecdotal accounts that some of the chicks that were  
18 raised and released at the SeaLife Center did in fact  
19 survive. We know that at least one bird survived for at  
20 least six years because it was sighted there six years  
21 after that research was done at the SeaLife Center.

22 MR. BAFFREY: Okay. Thanks, Dan.

23 CHAIRMAN O'CONNOR: Do any of the trustees  
24 have any other questions? Steve.

25 MR. ZEMKE: I guess I have one. Do we know

1 whether mink populations were there on Naked Island during  
2 the early '80s when Kuletz was doing her studies, when it  
3 appeared that pigeon guillemot populations were pretty  
4 robust?

5 MR. IRONS: Well that's what -- it's very  
6 interesting that there -- like as you say, many more  
7 guillemots on Naked Island in the '80s than there are now  
8 or even after the spill. And Kathy Kuletz and Karen Oakley  
9 both did their master's thesis there and had many nests  
10 that they were monitoring and they never saw any indication  
11 of mink predation. That does not mean that there are no  
12 mink there but they were not depredating guillemot nests or  
13 eating guillemot adults. It may have been there were no  
14 mink there or it may have been there was so much sandlance  
15 around that they just ate sandlance and didn't bother the  
16 birds. So that's a question we'll never know for sure, but  
17 we do know that there's no predation pressure on guillemots  
18 on Naked Island in the late '70s and early '80s.

19 MR. BAFFREY: would it be an assumption  
20 that if they were introduced that they would introduced  
21 when you the Fish & Wildlife Service introduced mink on  
22 Montague Island? Would it be that same period, back in the  
23 '50s?

24 MR. IRONS: I don't think it was us that  
25 did that.

1 MR. BAFFREY: Yes, it was.

2 MR. IRONS: It was?

3 MR. BAFFREY: Yeah.

4 MR. IRONS: Oh.

5 MR. BAFFREY: Yeah, 24 of them, as a matter  
6 of fact.

7 MR. IRONS: Well, again, we -- the  
8 introduct.....

9 MR. LLOYD: And the Alaska Department of  
10 Fish & Game.

11 MR. BAFFREY: Yeah. Yeah. I didn't read  
12 that part, but I do not doubt it. Okay.

13 MR. IRONS: We haven't gotten into it yet,  
14 but as far as determining if they're introduced, I think,  
15 you know, there's several tools. And one is the DNA; one  
16 is the records of introduction, as you just brought up.

17 MR. BAFFREY: I just want to know if they  
18 were introduced, it would have been back in the '50 era.  
19 So they would have.....

20 MR. IRONS: Well.....

21 MR. BAFFREY: .....been there if they would  
22 have been introduced back in the '80s.

23 MR. IRONS: Well, there's other records  
24 that when the -- there's at least 14 fox farms, good  
25 records of fox farms in the early 1900's in Prince William

1 Sound. And we know who applied for the permit and what  
2 island they were on. And they were on Naked Island and  
3 Peak Island and Storey Island and 10 other islands within  
4 20 miles of that, of Naked Island. There are all these  
5 small islands out in the little sound and they made these  
6 fox farms.

7                                   And that's documented in Jim and Nancy  
8 Lethcoe's book, The History of Prince William Sound.  
9 Unfortunately he wasn't so good about documenting what  
10 happened when the fox farms declined except he said when  
11 many of the fox farms declined, mink and martin were  
12 replaced.

13                                   MR. BAFFREY: Oh.

14                                   MR. IRONS: And so -- but he didn't say  
15 they were replaced on which fox farms and which islands.

16                                   MR. BAFFREY: Uh-huh.

17                                   MR. IRONS: So that would have been back in  
18 the '20s, '30s or '40s. That he's saying that mink were  
19 brought into the Sound at that time to replace -- these fox  
20 farmers brought them in because their foxes died out, and  
21 so they were going to try mink now. And so that's -- if we  
22 could find those records, you know, of which islands they  
23 were brought in, that would be an even earlier link than  
24 the 1952 link to Montague Island.

25                                   MR. BAFFREY: Thanks.

1 MR. IRONS: Uh-huh.

2 CHAIRMAN O'CONNOR: Any other questions?

3 MR. NEIDIG: Mr. Chairman, this is Hans  
4 Neidig. I have a question. I'm not sure who to address it  
5 to. Perhaps a scientist, perhaps to Kim. It seems to me  
6 that the pigeon guillemots are a DOI trust resource that's  
7 still not recovering, right?

8 DR. TRUST: Yes.

9 MR. NEIDIG: So I guess my question then  
10 is, is there some -- is there a better avenue or is there a  
11 better opportunity to address their population and get them  
12 to a point of recovery? Is there something else out there  
13 that we're not seeing or is this a slice of it or is this  
14 the way that we address these populations?

15 CHAIRMAN O'CONNOR: While you're thinking  
16 about that answer, I had a similar.....

17 DR. TRUST: Dave has an answer. Good.

18 MR. IRONS: I'll go for that, Hans.

19 CHAIRMAN O'CONNOR: Okay.

20 MR. NEIDIG: Thank you.

21 MR. IRONS: Unfortunately or fortunately  
22 through whatever, I've been around since the oil spill. I  
23 was working out in the Sound before the spill and so I've  
24 watched this whole process go through and all the different  
25 trustee councils and different executive directors and

1 science directors, and certainly one of the frustrations  
2 for the last 17 years has been how to restore these  
3 populations. Because as we all know today, it's not easy.  
4 And lots of times there is no direct restoration.

5                   And that's why the Trustee Council was  
6 willing to fund a fox removal project way, way, way down on  
7 the Shumigans, which wasn't very close to Prince William  
8 Sound because we could actually get some direct  
9 restoration. And it's always been a challenge. And, you  
10 know, not more has been done because there's -- it's  
11 difficult to do. And so I guess I see this as it is, a  
12 potential opportunity to, you know, make more guillemots.  
13 And the reason for that is, is because there are predators  
14 out there that maybe shouldn't be there and may be holding  
15 them down artificially.

16                   MR. ROBY: And not just pigeon guillemots  
17 but a number of other injured species as well, like black  
18 oyster catchers.

19                   MR. IRONS: All right. And so it's very  
20 difficult to come up with good direct restoration projects  
21 and people have struggled and struggled for the last 17  
22 years on that. And so I know of no other better way to  
23 restore pigeon guillemots and to remove predators on Naked  
24 Island.

25                   MR. NEIDIG: Okay. Thank you. That helps.

1                   CHAIRMAN O'CONNOR: All right. Any other  
2 questions? Comments? Concerns?

3                   MR. ZEMKE: Well.....

4                   CHAIRMAN O'CONNOR: Let's see if I can  
5 summarize where we are. The proposal basically is to go  
6 out and make a number of determinations, focused  
7 principally on the issue of why haven't pigeon guillemots  
8 recovered in the Naked Island area. We know that they were  
9 adversely affected as a result of the spill. The  
10 population declined coincident with that. That population  
11 has not recovered to some level. It certainly remains  
12 very, very low. The determination by the Trustee Council  
13 through our status of resources evaluation was that pigeon  
14 guillemots have not recovered.

15                   At this stage you are proposing to look at  
16 two issues that may be influencing the pigeon guillemot  
17 recovery. The first is the effect of predators,  
18 particularly mink that may or may not have been introduced  
19 onto the island by man. And the second is to make a  
20 determination or evaluation with regard to the food supply  
21 for the pigeon guillemots, both in terms of quantity and  
22 quality of the food supply. Do they have enough fish and  
23 is the lipid level in the fish that they are consuming at  
24 an adequate level so that they're -- can survive once they  
25 have fledged.

1                   If the answer to the second is yes the  
2 problem is food supply, do you antic -- no, if the answer  
3 to the second is the quality or quantity of food supply,  
4 there likely is nothing we can do about it. If the issue  
5 is mink predation, there likely is something we can do,  
6 assuming that we have the legal authority and the political  
7 ability to remove mink from Naked Island and perhaps other  
8 places.

9                   Your study is proposing to evaluate those  
10 issues and you're asking for a certain amount of money to  
11 do that. And failing to undertake your proposal, we will  
12 continue to remain in the condition of not knowing,  
13 continuing to wonder, and not doing anything about pigeon  
14 guillemots, which we clearly have indicated we need to do  
15 something about or at least reach the conclusion that there  
16 is nothing we can do because it's beyond our control or our  
17 influence.

18                   My sense is that your proposal, your  
19 project, will answer two of the most critical questions,  
20 and if we come out of the other end and we throw up our  
21 hands, then the Trustee Council is going to have to answer  
22 the question, are we going to say enough is enough with  
23 regard to pigeon guillemots. Hopefully you will have come  
24 back with a recommendation as to a specific restoration  
25 proposal, which would be the removal of predators that are

1 influencing the survivability of pigeon guillemots.

2                   That is what this is all about. Am I  
3 correct in my description? Do I have a motion? Do I hear  
4 a motion with regard to this particular proposal?

5                   MR. NEIDIG: Mr. Chairman, this is Hans  
6 Neidig. I would move that we fund this proposal in full.

7                   CHAIRMAN O'CONNOR: Do I hear a second to  
8 that?

9                   MR. ZEMKE: I'll second.

10                  CHAIRMAN O'CONNOR: Okay. At this point I  
11 would add a little bit more dialogue, a little bit more  
12 monologue. One of the important considerations is that you  
13 interface effectively with the Forest Service, because  
14 we're dealing in a wilderness area. And if this project is  
15 approved, there are a number of permutations to what you're  
16 proposing to do that will have to be coordinated. And that  
17 has to do with this being a wild -- a wilderness area. And  
18 we need to be sure that what you're doing is consistent  
19 with the parameters with the Forest Service in the  
20 management of this area.

21                  Does anybody have any comments, questions,  
22 anything to add to the discussion before we vote?

23                  (No audible responses)

24                  CHAIRMAN O'CONNOR: Hearing nothing, does  
25 anybody want to call for the question?

1 MR. HARTIG: Question.

2 CHAIRMAN O'CONNOR: The question has been  
3 called for. Roll call vote. Denby?

4 MR. LLOYD: Yes.

5 CHAIRMAN O'CONNOR: Larry?

6 MR. HARTIG: Yes.

7 CHAIRMAN O'CONNOR: Hans?

8 MR. NEIDIG: Yes.

9 CHAIRMAN O'CONNOR: Talis?

10 MR. COLBERG: Yes.

11 CHAIRMAN O'CONNOR: Steve?

12 MR. ZEMKE: Yes.

13 CHAIRMAN O'CONNOR: O'Connor is yes. This  
14 proposal has been approved.....

15 MR. BAFFREY: Wait.

16 CHAIRMAN O'CONNOR: .....as presented.....

17 MR. BAFFREY: Just as second. I forgot to  
18 add the -- is there an assumption there that the \$4,900 is  
19 going to be in project management funds also? Is part of  
20 the action?

21 CHAIRMAN O'CONNOR: I was going to fill in  
22 that blank for you.

23 MR. BAFFREY: Thank you.

24 CHAIRMAN O'CONNOR: Okay.

25 MR. ZEMKE: I guess that's the appropriate

1 amount since it's not dual.....

2 MR. BAFFREY: Yes.

3 MR. ZEMKE: .....agency.

4 MR. BAFFREY: And that's Fish & Wildlife  
5 Service this time.

6 CHAIRMAN O'CONNOR: Yes.

7 MR. BAFFREY: Okay.

8 CHAIRMAN O'CONNOR: This is approved  
9 subject to understanding that the appropriate project  
10 management funds, whatever they are, will be part of that  
11 approval. We don't know the exact amount.

12 MR. BAFFREY: Yes, we do.

13 CHAIRMAN O'CONNOR: Do we? What is that  
14 amount?

15 MR. BAFFREY: \$4,900.

16 CHAIRMAN O'CONNOR: \$4,900. And are the  
17 lawyers comfortable that we have adequate direction with  
18 regard to this project?

19 (No audible responses)

20 CHAIRMAN O'CONNOR: Moving right along.  
21 The remaining project for our consideration -- and I don't  
22 intend to break for lunch.

23 MR. BAFFREY: That's good because there is  
24 none.

25 CHAIRMAN O'CONNOR: Good. And -- but I do

1 intend to get done by 12:30, so let's proceed. Kim, you're  
2 slowing us down.

3 DR. TRUST: Thank you, David and Dan.

4 CHAIRMAN O'CONNOR: Yes, thank you guys.

5 DR. TRUST: The final proposal is by Brenda  
6 Konar, recovery of shallow subtidal communities 18 years  
7 after the Exxon Valdez oil spill. Brenda was funded by the  
8 Trustee Council a couple of years ago to go out and  
9 essentially do an inventory of plant and animal species in  
10 the subtidal areas of Prince William Sound. She did a  
11 random sampling across the Sound. In some of her points  
12 she was in or near oil spill area and in many of her  
13 points, she was not.

14 So building on this essentially list of  
15 plants and animals in the subtidal, she has come back and  
16 put forth a study in which she would be going out to oiled  
17 areas of the Sound and unoiled areas of the Sound and  
18 running transects at similar depths in the subtidal area  
19 and identifying plants and animal communities at different  
20 points along the transect line and then coming back and  
21 determining whether or not those communities were similar  
22 and then by proxy saying that there is or there is no  
23 longer an effect of the oil spill on the subtidal  
24 communities.

25 The Trustee Council has determined that the

1 subtidal communities are in an unknown category with  
2 regards to effects of the oil spill at this time. This  
3 proposal, although scientifically sound, there was no  
4 problem that the science panel or I had with the technical  
5 merits of this study, however, the general consensus was at  
6 this point, given the methods that she was going to use, it  
7 would be very difficult to determine if there were any  
8 effects of the oil spill remaining in the subtidal  
9 community. Not that you couldn't necessarily determine  
10 that there would be differences in plant and animal  
11 assemblages, just that then -- what's the word I'm looking  
12 for here -- determining that it was because of the oil  
13 spill would be difficult.

14                   So when Jeff Short has gone out previously  
15 and he has done some sampling in the subtidal zone and in  
16 the areas that he has looked, he has not been able to find  
17 any lingering oil in the subtidal areas, given that it's  
18 not -- it was not a comprehensive sampling of the subtidal  
19 zone, he just did it serendipitously when he could, when he  
20 has been out there.

21                   And so I think because there would be no  
22 way to identify or no way to correlate the fact that these  
23 differences in plant and animal species could be linked to  
24 original injury of the spill nor to lingering oil because  
25 it's doubtful that it's -- there is any out there, it's

1 probably not a project that would give us any answers with  
2 regard to the current state of the subtidal community as it  
3 relates to the spill.

4                   And even if there were differences and even  
5 if you could say that there was some injuries still related  
6 to the spill, it would be very difficult in the subtidal  
7 community to identify what types of direct restoration  
8 activities we could do because of it.

9                   CHAIRMAN O'CONNOR: And your rec.....

10                   DR. TRUST: So the recommendation from the  
11 science panel, and I concur with them, is that this project  
12 not get funded at this point. However, there was  
13 discussion among the science panel during their meeting  
14 that in the future, when the Trustee Council decides on a  
15 future direction of the program, that maybe some monitoring  
16 of the subtidal community should be incorporated into any --  
17 some kind of long term restoration program.

18                   CHAIRMAN O'CONNOR: All right. And  
19 Michael's comments were to the effect that, don't fund it,  
20 proposal doesn't lead to restoration. It's questionable  
21 whether the findings will add to our existing knowledge.  
22 Are there any questions by the trustees to Kim with regard  
23 to her comments and her recommendation?

24                   MR. LLOYD: Craig, this is Denby.

25                   CHAIRMAN O'CONNOR: Yes, sir.

1                   MR. LLOYD: I guess I just want to ask  
2 clearly whether or not this project has any potential to  
3 help us understand a change in status of the subtidal  
4 community. So are you saying that this study would not  
5 help us change status from recovering to recovered, for  
6 example?

7                   DR. TRUST: It's my -- I don't think that  
8 it would. Back in the mid-'90s when Dean and Jewett went  
9 out and they did similar work to what is being proposed  
10 here, they came back with fairly equivocal findings. They  
11 were -- you know, some things, some animals and plants were  
12 similar between oiled and unoiled areas. Some things were  
13 not similar between oiled and unoiled areas. Because there  
14 was no monitoring prior to the spill in these areas, it was  
15 very difficult to determine whether these differences were  
16 the result of the spill or just natural differences that  
17 occurred because of physical and biological conditions in  
18 those areas at this time.

19                   So like I said, it would -- we would be  
20 able to identify that there may or may not be differences  
21 but it would be difficult to ascribe a reason for those  
22 differences that we were seeing.

23                   MR. LLOYD: Thank you.

24                   CHAIRMAN O'CONNOR: Larry or Hans, do you  
25 have a question or comment?

1 MR. HARTIG: No, I don't. This is Larry.  
2 CHAIRMAN O'CONNOR: Hans?  
3 MR. NEIDIG: And this is Hans. I don't  
4 either.  
5 CHAIRMAN O'CONNOR: Talis?  
6 MR. COLBERG: No.  
7 CHAIRMAN O'CONNOR: Steve?  
8 MR. ZEMKE: No.  
9 CHAIRMAN O'CONNOR: I read your comments  
10 into the record while you were gone.  
11 MR. BAFFREY: Thanks.  
12 CHAIRMAN O'CONNOR: If you'd like to add  
13 anything to them.  
14 MR. BAFFREY: I feel well represented.  
15 CHAIRMAN O'CONNOR: Well, I can read.  
16 That's about the extent of my abilities.  
17 MR. HARTIG: Mr. Chairman, are we making  
18 motions in the affirmative?  
19 CHAIRMAN O'CONNOR: Well, I was going to  
20 solicit a motion in the affirmative. If anybody would like  
21 to move the approval of this project.  
22 MR. HARTIG: I'll move to approve.  
23 CHAIRMAN O'CONNOR: And do we have a  
24 second?  
25 DR. TRUST: You are approving the project?

1                   CHAIRMAN O'CONNOR: The motion is to  
2 approve.....

3                   DR. TRUST: Oh.

4                   CHAIRMAN O'CONNOR: .....the project. I  
5 will second the motion for purposes of advancing it. Do we  
6 have any comments?

7                   MR. ZEMKE: I guess -- well, this -- some  
8 of the information here may be of value, particularly in  
9 future monitoring and given our need to maybe look at  
10 fiscal austerity and kind of some of the discussions that  
11 maybe the science panel or the Public Advisory Committee  
12 talked about. I would say that probably shouldn't fund it  
13 at this period of time. So I'm not going to vote in the  
14 affirmative.

15                  CHAIRMAN O'CONNOR: Any other comments from  
16 trustees members? I'll do a roll call vote. Denby?

17                  MR. LLOYD: No.

18                  CHAIRMAN O'CONNOR: Larry?

19                  MR. HARTIG: No.

20                  CHAIRMAN O'CONNOR: I don't think we have  
21 to go much further.....

22                  MR. BAFFREY: No.

23                  CHAIRMAN O'CONNOR: .....but just out of  
24 proforma, does anybody else want their vote recorded?  
25                  (No audible responses)

1                   CHAIRMAN O'CONNOR: Hearing no one else  
2 wanting their vote recorded, we'll consider that the motion  
3 failed. We have one administrative item that needs to be  
4 attended to and I have not been apprised of the need for an  
5 executive session, so we'll be assuming we have none. So  
6 at this point, all that remains on the agenda, Mr.  
7 Executive Director, I believe is simply an administrative  
8 matter with regard to the Michel project and adjournment.  
9 Is that correct?

10                   MR. BAFFREY: That's correct.

11                   CHAIRMAN O'CONNOR: Okay. Back to the  
12 issue of project management fees, one of the -- this seems  
13 to be a complicated area and we need to get this worked out  
14 because this is a frustration for us. We need to be sure  
15 when we approve a project that we are approving an  
16 appropriate amount of money for the management of that  
17 project. And the management goes to a state or federal  
18 agency.

19                   The Michel project, which we approved at  
20 the last meeting, we did not do that. The project, once  
21 again, has project management fees in the amount of \$4,905.  
22 And we need to approve that money for the management of  
23 that project. Do I hear a motion accordingly from any  
24 mem.....

25                   MR. COLBERG: I so move.

1 CHAIRMAN O'CONNOR: Do I hear a second?  
2 MR. LLOYD: Second.  
3 CHAIRMAN O'CONNOR: Are there any  
4 questions?  
5 REPORTER: Who was the second.....  
6 MR. BAFFREY: Larry.  
7 REPORTER: .....please?  
8 CHAIRMAN O'CONNOR: Oh, I'm sorry. Who  
9 seconded that?  
10 MR. LLOYD: Denby.  
11 CHAIRMAN O'CONNOR: Denby, that's.....  
12 REPORTER: Thank you.  
13 CHAIRMAN O'CONNOR: Okay. I'm sorry. Are  
14 there any questions by any of the Trustee Council members?  
15 MR. NEIDIG: Craig, this is Hans.  
16 CHAIRMAN O'CONNOR: Yes, sir.  
17 MR. NEIDIG: If we are approving the 49 are  
18 we approving the formula that I have a copy of here? Or  
19 are we just approving the 49 to be able to let the  
20 appropriate agencies figure out how to split that, those  
21 funds?  
22 CHAIRMAN O'CONNOR: I believe it's the  
23 latter.  
24 MR. BAFFREY: Right.  
25 CHAIRMAN O'CONNOR: We know how much we

1 need, the formula was run, and this is the answer. You  
2 guys are comfortable -- Gina, Rita -- that we are in good  
3 shape?

4 (Nods affirmatively)

5 CHAIRMAN O'CONNOR: I will call -- someone  
6 call for the question.

7 MR. COLBERG: I'll call.

8 CHAIRMAN O'CONNOR: Okay. Roll call.  
9 Denby.

10 MR. LLOYD: Yes.

11 CHAIRMAN O'CONNOR: Steve.

12 MR. ZEMKE: Yes.

13 CHAIRMAN O'CONNOR: Larry.

14 MR. HARTIG: Yes.

15 CHAIRMAN O'CONNOR: Hans.

16 MR. NEIDIG: Yes.

17 CHAIRMAN O'CONNOR: Talis.

18 MR. COLBERG: Yes.

19 CHAIRMAN O'CONNOR: O'Connor votes yes.

20 MR. BAFFREY: Okay.

21 CHAIRMAN O'CONNOR: I would entertain an  
22 motion to adjourn at this point.

23 MR. NEIDIG: Move to adjourn.

24 CHAIRMAN O'CONNOR: Do we have a second to  
25 that motion?

1 MR. COLBERG: Second.

2 CHAIRMAN O'CONNOR: Anybody opposed to  
3 adjourning?

4 (No audible responses)

5 CHAIRMAN O'CONNOR: The meeting is  
6 adjourned. Thank you all very much.

7 (Off record - 12:29 p.m.)

8 (END OF PROCEEDINGS)

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C E R T I F I C A T E

UNITED STATES OF AMERICA )

) ss.

STATE OF ALASKA )

I, Joseph P. Kolasinski, Notary Public in  
and for the state of Alaska and reporter for Computer  
Matrix Court Reporters, LLC, do hereby certify:

THAT the foregoing pages numbered 4 through  
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Exxon Valdez Oil Spill Trustee Council's Meeting recorded  
electronically by me on the 9th day of March 2007,  
commencing at the hour of 10:37 a.m. and thereafter  
transcribed under my direction and reduced to print:

THAT the Transcript has been prepared at  
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EXXON VALDEZ TRUSTEE COUNCIL  
451 W. 5th Avenue, Suite 500  
Anchorage, Alaska 99501;

DATED at Anchorage, Alaska this 20th day of March  
2007.

SIGNED AND CERTIFIED TO BY:

\_\_\_\_\_  
Joseph P. Kolasinski  
Notary Public in and for Alaska  
My Commission Expires: 03/12/08