

1 EXXON VALDEZ OIL SPILL
2 TRUSTEE COUNCIL
3 Public Meeting
4 Friday, October 12, 2007 - 9:00 a.m
5 441 West 5th Avenue, Suite 500
6 Anchorage, Alaska
7 TRUSTEE COUNCIL MEMBERS PRESENT:
8 STATE OF ALASKA - MR. TALIS COLBERG
9 DEPARTMENT OF LAW: Attorney General
10 (Chairman) Also MR. CRAIG TILLERY
11 U.S. DEPARTMENT OF AGRICULTURE, MR. JOE MEADE
12 U.S. FOREST SERVICE Forest Supervisor
13 Forest Service AK Region
14 STATE OF ALASKA - DEPARTMENT MR. DENBY LLOYD
15 OF FISH AND GAME: Commissioner
16 U.S. DEPARTMENT OF INTERIOR: MR. RANDALL LUTHI
17 U.S. Department of Interior
18 STATE OF ALASKA - DEPARTMENT MR. LARRY HARTIG
19 OF ENVIRONMENTAL CONSERVATION: Commissioner
20 U.S. DEPARTMENT OF COMMERCE, MR. CRAIG O'CONNOR for
21 National Marine Fisheries Svc: MR. JAMES W. BALSIGER
22 Administrator, AK Region
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1 TRUSTEE COUNCIL STAFF PRESENT:

2

3	MICHAEL BAFFERY	Executive Director
4	CHERRI WOMAC	Administrative Officer
5	BARBARA HANNAH	Administrative Officer
6	MICHAEL SCHLEI	Analyst Programmer
7	SHANE ST. CLAIR	Analyst Programmer
8	CATHERINE BOERNER	Acting Science Director
9	DEDE BOHN	U.S. Geological Survey
10	RITA LOVETT	Alaska Department of Law
11	GINA BELT	Department of Justice
12	STEVE ZEMKE	U.S. Forest Service
13	PETE HAGEN	NOAA
14	ROB BOCHENCK	ADF&G
15	CARRIE HOLBA (Telephonically)	ARLIS Librarian

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1 (On record - 9:00 a.m.)

2 CHAIRMAN COLBERG:and call the meeting

3 to order here. And I'm Talis Colberg, and I guess the

4 first thing we'll do is call the rolls. So myself, I'm

5 here. Larry Hartig.

6 MR. HARTIG: I'm here.

7 CHAIRMAN COLBERG: Denby Lloyd.

8 MR. LLOYD: Present.

9 CHAIRMAN COLBERG: James Balsiger.

10 MR. O'CONNOR: O'Connor is here for Jim.

11 CHAIRMAN COLBERG: Okay. Randall Luthi.

12 MR. LUTHI: Here.

13 CHAIRMAN COLBERG: Joe Meade.

14 MR. MEADE: Here.

15 CHAIRMAN COLBERG: So we're all here. And

16 just announce up front that at 10:00 I will leave and Mr.

17 Tillery will take my chair place at my departure on my

18 behalf. And I apologize for that in advance.

19 So we'll start off with the consent agenda.

20 Do we have any direction to change the agenda as it is or

21 motions to change it?

22 MR. HARTIG: I'll move to approve.

23 CHAIRMAN COLBERG: Motion to.....

24 MR. LLOYD: Second.

25 CHAIRMAN COLBERG:approve by Larry

1 and seconded by Denby. Approval of the agenda. Do we have
2 any motion on the meeting notes of September 13, 2007? For
3 approval of the minutes.

4 MR. O'CONNOR: I move they be approved.

5 CHAIRMAN COLBERG: Mr. O'Connor moves to
6 approve them. Do we have a second?

7 MR. HARTIG: I'll second.

8 CHAIRMAN COLBERG: Larry seconds it. There
9 are no objections, so I'll approve the minutes as prepared.

10 At this point, we'll move into the Public
11 Advisory Committee comments. And who will be speaking from
12 -- yes.

13 MS. STUDEBAKER: I will.

14 CHAIRMAN COLBERG: Okay.

15 MS. STUDEBAKER: Good morning. I'm Stacy
16 Studebaker, the chair of your Public Advisory Committee and
17 the face of the public today. Thanks for the opportunity
18 to comment today. The members of the Trustee Council or
19 their representatives change every time there is a meeting,
20 so I'll begin with a little background.

21 The PAC is a very diverse group of 15
22 people that represent many of the spill area communities
23 and other regions of Alaska. Each comes from a unique
24 perspective on the EVOS and the aftermath over the last 18
25 years. They are a smart, dedicated, fiscally conservative

1 bunch and not afraid to roll up their sleeves and do some
2 hard work to represent the public by scrutinizing the
3 operations of the EVOS restoration program. They volunteer
4 countless hours to be on other EVOS Trustee Council related
5 committees and work groups. They gather information from
6 their constituents, write reports for the Trustee Council
7 and make recommendations. One member of our group has been
8 on the -- was on the original public advisory group and
9 others, including myself, have been on the PAC for 12
10 years, going on 14. What I'm really trying to say is that
11 the PAC has a good grasp of the restoration program from
12 the very beginning to the present day. And so I hope that
13 you will listen to our recommendations today.

14 We also would like to recognize the
15 outstanding job that Michael Baffrey and his staff are
16 doing. In just a little over a year, following a very
17 chaotic two and a half years under the previous
18 administration, Michael has picked up the pieces and gotten
19 the restoration program back on track. The public is very
20 pleased with the openness, professionalism, and good
21 communication of both Michael and his fine staff and we
22 hope that we can continue the positive momentum that is
23 underway.

24 I gave a short report at your last
25 teleconference meeting on the 13th of September about the

1 PAC comments on the FY-2008 administrative budget that you
2 approved. So today I'll focus on the FY-2008 draft work
3 plan before you.

4 As diverse as the PAC members are, we
5 unanimously agree on two things that we use as our guiding
6 principles in making decisions and recommendations to you.

7 Number one, the PAC believes that after 18
8 years there are still many troubling uncertainties about
9 the recovery status of two-thirds of the injured resources
10 and services. Therefore, we believe that until we can say
11 in conscience that our job is done and we've done
12 everything humanly possible to bring about full recovery of
13 all the injured resources and services, the annual budget
14 for the administrative operations plus the restoration
15 activities should stay within the amount of interest that
16 is earned on the principle of the remaining restoration
17 reserve. For the FY-2008 annual budget, that amounts
18 approximately three million dollars total. And after the
19 approximate two million dollars of administrative budget is
20 taken out, that leaves only about a million for direct
21 restoration projects.

22 Number two, the one million should only be
23 used for the highest priority projects. To stay as close
24 as possible to the amount, we identified eight projects
25 that we recommend for FY-2008 funding in addition to the

1 five FY-2007 projects that were carried over. WE are
2 unanimous on what the high priorities for funding should
3 be, and that is, lingering oil and its affects on the
4 ecosystem and herring, herring, herring. And the list -- I
5 listed those for you there.

6 The PAC is very concerned with overspending
7 and dipping into the restoration fund principal to fund
8 lower priority projects not related to the recovering or
9 non-recovered injured resources and services and believes
10 that this is not the time to fund capital improvements or
11 brick and mortar projects. At some time in the future,
12 however, if we can say our job is done and there is money
13 left in the restoration reserve, it could be used for
14 things like that.

15 We believe that it should be high priority
16 to clarify the recovery objectives for all the injured
17 resources and services and we appreciate the work that
18 Michael and his staff and the Science Panel are doing in
19 that direction.

20 At our last meeting, Michael reported that
21 the Federal trustees are concerned about the possible need
22 to update the programmatic National Environmental Policy
23 Act documentation for the restoration program. And Pete
24 Hagen said that NOAA would be the lead agency if NEPA work
25 were done, but it is not clear if this is really required.

1 This generated a great deal of discussion among the PAC
2 members and mostly over the concerns about how costly and
3 time consuming this kind of work is, and that it would
4 divert resources away from the restoration activities. We
5 all agreed that this could stop our good progress dead in
6 its tracks, so we would like to see a briefing paper
7 prepared on the need for NEPA documentation before any
8 action is taken in this direction.

9 The PAC also was briefed on the progress of
10 the Herring Steering Committee that three of the PAC
11 members are also on -- Kopchak, Baker and Fondrei. And we
12 are very pleased that after many months of discussion and
13 research, the technical writing committee -- Spies, Hay,
14 Moffitt, Carls, and Norcross -- has just about completed a
15 draft herring restoration plan that will recommend the
16 specific recovery efforts needed for the recovery of
17 herring stocks in Prince William Sound. The draft should
18 be done soon so that it can be fully vetted by the general
19 public, the larger scientific community, the Trustee
20 Council, and the PAC, before the final plan is completed in
21 2008. This document will help to target and focus the FY-
22 2009 invitation for the highest priority restoration work
23 and serve as a blueprint for the recovery objectives for
24 the rest of the non-recovered resources.

25 And then outreach and education. The PAC

1 is very much in favor of better outreach and communication
2 with the public about the activities and progress of the
3 EVOS restoration program. In the past, newsletters and
4 annual reports kept the public up to date. Today we rely
5 on a website that not everybody looks at, so we are in full
6 support of more face-to-face outreach and the plan for the
7 one-day EVOS track of presentations at the Alaska Forum on
8 the Environment in February that is open to the general
9 public. And you'll be hearing more about that today.
10 Similar participation at the Marine Science Symposium is
11 good, but remember that the general public generally does
12 not attend that event.

13 To this end, we also encourage you to
14 decide on what you want to do for the fast-approaching 20th
15 anniversary of the EVOS. That is an important milestone
16 that other oil spill related groups, such as the Prince
17 William Sound Regional Citizen's Advisory Council are
18 gearing up for with a publication. We feel that something
19 should come from this office as well and in the form of a
20 newsletter or a special report or -- on the restoration
21 progress, or lack thereof, over the last 20 years.

22 In conclusion, I want to emphasize our
23 recommendation to keep a conservative cap on the spending
24 of what remains of the restoration reserve account and keep
25 it as close to the interest as possible. There are simply

1 too many uncertainties about the long-term impacts of the
2 EVOS and too few of the original 30 injured resources and
3 services that we can say are fully recovered.

4 And that concludes my comments today and
5 I'd be happy to answer any questions now or as we discuss
6 things later on.

7 CHAIRMAN COLBERG: Thank you, Ms.
8 Studebaker. Thank you to the Citizen's Advisory Committee.
9 Does anyone on the panel have questions or comments to her?

10 (No audible responses)

11 CHAIRMAN COLBERG: It doesn't appear to be
12 so. I guess we'll move into public comment at this point.
13 I think I'll start with the teleconference folks first,
14 just because it's sometimes harder for them to know how
15 many people are here and if they're on a schedule or they
16 have to leave. And there's five people that have signed
17 up. And I presume this.....

18 MR. ZEINE: I'm on the phone if you're
19 ready to take public comment on the phone.

20 CHAIRMAN COLBERG: That's what I'm looking
21 to on my list. What's your name?

22 MR. ZEINE: I'm Edward Zeine. I'm a member
23 of the PAC.

24 CHAIRMAN COLBERG: Okay. It doesn't appear
25 you're on this list, but go ahead and give your comments.

1 We have a three minute concept here, so if you get to three
2 minutes, try to.....

3 MR. ZEINE: I will just.....

4 CHAIRMAN COLBERG: I'll try to let you
5 know.

6 MR. ZEINE: Thank you. Thank you very much
7 for permitting me to comment. I would ask the Trustee
8 Council to review the actual project 080800, which is
9 sponsored by the local government here in Cordova and my --
10 our mayor, Tim Joyce, may be there to speak on it also.
11 But I would hope that the trustees would consider that
12 program that they have outline which our -- we have given
13 previous testimony on it -- as thinking serious about the
14 funding. And I believe the mayor will probably point out
15 where the funding provided in your work plan is not
16 correct, nor is some of the comments made there. But I
17 would hope that you would take into consideration the
18 actual project itself and what we're actually asking for
19 for the community of Cordova to -- for her habitat sharing
20 here, right in the town where most of the action for the
21 oil spill really took place here in Cordova. And it merits
22 consideration along with prior decisions that the council,
23 the trustees has made.

24 So I would certainly hope that you would
25 consider this and not just overlook it as most of the

1 business of funding from the trustees has been lately on
2 just strictly science projects and this is brick and
3 mortar. And I know that a lot of the science people and
4 those following in that direction just don't want to go
5 that way. They want to be able to do a study and then put
6 it on the shelf. So I thank you very much for letting me
7 comment and I appreciate it.

8 CHAIRMAN COLBERG: Thank you, Mr. Zeine.
9 Any questions or comments from the panel for Mr. Zeine?

10 (No audible responses)

11 CHAIRMAN COLBERG: Hearing none, I'll move
12 to Dawn Germain. Are you on the phone from Juneau? Is
13 that correct?

14 MS. GERMAIN: Yes, I am.

15 CHAIRMAN COLBERG: Would you like to
16 comment?

17 MS. GERMAIN: No, thank you.

18 CHAIRMAN COLBERG: Okay. Thank you. Carol
19 Fries, are you on the phone? Carol Fries?

20 (No audible response)

21 CHAIRMAN COLBERG: Apparently not. Tim
22 Linley from the Alaska.....

23 DR. LINLEY: Yes, I'd like.....

24 CHAIRMAN COLBERG:SeaLife Center.
25 Would you like to comment?

1 DR. LINLEY: Yes, I'd like.....

2 CHAIRMAN COLBERG: Would you like to
3 comment?

4 DR. LINLEY: Yes, I would, please.

5 CHAIRMAN COLBERG: Okay. Thank you. If
6 you could please restate your name for the record and go
7 ahead.

8 DR. LINLEY: My name is Tim Linley and I'm
9 the PI, along with my co-PI, Howard Ferren, who's in the
10 audience today, on project 080821. I apologize for not
11 being able to attend the meeting. There are a couple of
12 points I'd like to address regarding the timing of the
13 restoration plan and the opportunity for collaboration with
14 Japanese researchers, which is part of our proposal.

15 Following our work in 2006, we were asked
16 to submit a revised proposal to extend the studies that we
17 had started relative to developing poucher (ph) techniques,
18 should this be proposed as an aid to stock recovery. And
19 you've got a version in front of you today for
20 consideration.

21 One of the criticisms, consistent
22 criticisms that came out with regard to the proposal for
23 poucher work is that it's premature since the recovery plan
24 has not been finalized. I wish to point out that the
25 recovery plan was originally scheduled to be completed by

1 now to provide guidance options for restoration.

2 The major issue for us, and we hope for the
3 Trustee Council, is that if a decision is made to defer the
4 project until the plan is complete, any subsequent work
5 that we could conduct would not begin until 2009, resulting
6 in the loss of what we think is a valuable opportunity to
7 add to the progress we made in '06. Not only does this
8 affect our progress but quite likely collaboration with the
9 researchers at the Hokkaido National Fisheries Institute,
10 the collaboration which was undertaken as a result of a
11 trustee directive last year.

12 Now the comments by the reviewers related
13 to the limited amount of time that was actually spent in
14 Japan on my part last year, notwithstanding, I want to
15 point out, it took nearly three months to put that project
16 together to get the necessary government approval and
17 coordinate all of the activities and contacts, even for a
18 one week trip. The researchers at the fisheries research
19 agency have agreed to participate in our project on a
20 consulting basis this year, and even expandable in coming
21 years, depending upon the availability for funding and our
22 ability to plan our activities at least a year in advance.

23 I believe this represents a very unique
24 opportunity to engage this expertise on an ongoing basis
25 and we would hope that nothing would affect their potential

1 collaboration or jeopardize their potential collaboration
2 in our project.

3 So in closing, I simply ask that you take
4 these comments into consideration during your deliberations
5 today and I'll be -- remain on the phone here for the
6 morning for any questions.

7 CHAIRMAN COLBERG: Thank you, Mr. Linley.
8 Any questions or comments from the panel for Mr. Linley?

9 MR. BAFFREY: May I ask a question?

10 CHAIRMAN COLBERG: Sure. Mr. Baffrey has a
11 question for you.

12 MR. BAFFREY: Hi Tim.

13 DR. LINLEY: Good morning, Michael.

14 MR. BAFFREY: When do you think the
15 Japanese contingent would be coming to the US?

16 DR. LINLEY: I asked them at the earliest,
17 this year, to be able to be come over for Marine Symposium
18 in January, make a presentation.

19 MR. BAFFREY: And what was their response
20 to that?

21 DR. LINLEY: They would definitely be
22 available to do that.

23 MR. BAFFREY: Thanks.

24 DR. LINLEY: Yep.

25 CHAIRMAN COLBERG: Okay. I have Carrie

1 Holba. Are you on the phone?

2 MS. HOLBA: Yes. I have not comment.

3 Thank you.

4 CHAIRMAN COLBERG: No comment. Thank you.

5 David Irons. Are you on the phone? David Irons?

6 (No audible response)

7 CHAIRMAN COLBERG: Apparently not. Is
8 there anyone else on the phone who would like to speak?

9 MR. MULLINS: Mr. Chairman, can you hear
10 me?

11 CHAIRMAN COLBERG: Yes. What's your name?

12 MR. MULLINS: Ross Mullins in Cordova.

13 CHAIRMAN COLBERG: Okay. Go ahead.

14 MR. MULLINS: Thank you. I want to
15 basically make comment regarding the concept of the herring
16 intervention to physically enhance herring in Prince
17 William Sound. We all recognize that things can be studied
18 forever without any direct contribution to the herring
19 resource. You just heard from Mr. Linley from the SeaLife
20 Center as to their interests. My -- the group here in
21 Cordova, Prince William Sound Fisheries Research
22 application and planning group, submitted a plan for
23 intervention in the '07 -- or actually, '06 round.

24 And we feel this is the appropriate
25 approach, to do a community based intervention utilizing

1 fishermen expertise, local community members that have the
2 knowledge and desire to be out on the water for up to four
3 months during this period of activity. It would take a
4 large number of people over time to make a difference in
5 the herring population and to jump start this population.
6 I think you read the Doug Hay intervention paper that was
7 submitted to the herring steering council. You will see
8 that the ideas embodied therein are very similar to the
9 ideas that were presented in our '06 presentation or
10 submission.

11 We hope that you're not going to go off on
12 some tangent that will give away a lot of money for
13 something that has very little likelihood of success. If
14 intervention, or enhancement as we call it, is going to be
15 targeted, and we certainly hope it will be because it is
16 the only way I believe that herring can help -- we can help
17 herring recover, actually recover. Then I think you have
18 to give this a great deal of scrutiny and look at the
19 various proposals that may come forward. And there will be
20 one from our community to that effect.

21 So before making any drastic decisions on
22 herring culture, et cetera, you should consider some of the
23 things that develop in the Herring Steering Committee
24 that's coming up next week on this. So I hope that you
25 folks don't give up on herring restoration, herring

1 recovery, because from the standpoint of community in
2 Cordova, this is the most important project scope that
3 could be even considered. And it is very important in that
4 herring being a keystone species will definitely, if they
5 do revive, contribute to many of the other injured species
6 that are not currently recovering because a number of them
7 are dependent on herring for food.

8 So I hope this whole concept of
9 intervention gets serious consideration and at some future
10 time, I would very much like the opportunity for us here in
11 Cordova to be able to make a presentation to the trustees
12 so that we can really show what we have in mind and what we
13 think could be done in conjunction with Dr. Hay. These
14 things could be put together. It would not be cheap, but
15 it would be effective in our believe and we would very much
16 hope that you'll give this type of thinking its due
17 consideration, rather than just continuing to do studies
18 that no doubt contribute to knowledge base but do not
19 create one new herring in the water. Thank you very much.

20 CHAIRMAN COLBERG: Thank you, Mr. Mullins.
21 Any questions?

22 (No audible responses)

23 CHAIRMAN COLBERG: It appears not. Is
24 there anyone else on the telephone who would like to speak?

25 MR. KOPCHAK: Good morning.

1 CHAIRMAN COLBERG: Yes.

2 MR. KOPCHAK: RJ Kopchak in Cordova.

3 CHAIRMAN COLBERG: RJ Kopchak. Go ahead.

4 MR. KOPCHAK: Good morning, yes. My name
5 is RJ Kopchak. I am a member of the Public Advisory
6 Committee. I'm a herring fisherman or a Cordova herring
7 fisherman in Prince William Sound. I represent commercial
8 fishermen. I'm also chairman to the Herring Steering
9 Committee. We are scheduled to meet in another week, the
10 18th and 19th.

11 One of the things that you fellows and
12 folks there involved in and the trustees and liaisons are
13 wrestling with is the fact that we are somewhat out of
14 order since the way we're approaching some of our
15 decisions, some of our progress relating to herring and
16 what gets funded and what does not. Here you are today
17 debating during proformatic [sic] funding and in another
18 week the herring steering could be doing ongoing projects
19 and kind of making determinations about the next steps
20 working with the writing recovery team on what are next
21 steps are going to be. So we're a little out of order
22 there.

23 And I encourage you to maybe seriously
24 consider taking a look at the outcome of that particular
25 and some direction that may come to you out of that meeting

1 to provide with some additional -- if I can get it out of
2 order -- so you are challenged in that particular
3 situation.

4 Off of that, I'd like to speak just quickly
5 about a project that ADF&G have been doing in Cordova
6 relating to the herring data consolidation and a herring
7 portal access to that data. Seriously consider how you can
8 continue to support that project. It is a cornerstone to
9 all of the decisions that will be made both relating to
10 enhancement and relating to eventual modeling of herring
11 population to get the enhancement program and to getting
12 the licenses for any enhancement program.

13 So I encourage you again to seriously pass
14 both of the ADF&G programs and consolidate the herring data
15 and to make that data available to the data portal. It's
16 not a model, it's not a modeling enterprise, it's a data
17 enterprise and it is key to us moving forward on the rest
18 of our herring restoration priorities.

19 I also would love you to consider not
20 moving forward on any direct restoration effort funding at
21 this particular point until we -- until the herring
22 committee has had a chance to meet and until you get
23 specific recommendations from the herring committee and out
24 of the herring recovery writing group.

25 Thanks for you time this morning. I

1 appreciate it. You guys have difficult decisions to make.
2 They're going to be based on I think information that's
3 being taken in by you out of work. That doubles your
4 challenge. Good luck today and I look forward to the
5 outcome of your meeting.

6 Thank you.

7 CHAIRMAN COLBERG: Thank you, Mr. Kopchak.
8 Mr. Baffrey, did you want to comment on the sequence
9 of.....

10 MR. BAFFREY: No, he's absolutely correct.
11 You know, you're having your meeting today and the herring
12 meeting is next week. The herring restoration plan is not
13 scheduled to be out in draft until December and finalized
14 until February. And I think that his comments about not
15 partaking in any direct restoration activity until you have
16 that plan as a guide in specific to herring is well done.
17 But I do have a question for RJ if I may.

18 CHAIRMAN COLBERG: Yeah, Mr. Baffrey has a
19 question for you, Mr. Kopchak.

20 MR. BAFFREY: RJ, good morning.

21 CHAIRMAN COLBERG: Can you hear him?

22 MR. KOPCHAK: Good morning.

23 MR. BAFFREY: RJ, can you hear me okay?

24 MR. KOPCHAK: Good morning. Yes, I can.

25 MR. BAFFREY: Okay. The project that you

1 mentioned, the ADF&G project, the Moffitt project, you
2 know, from your perspective, is the data capture and
3 storage and accessibility the most important part of that
4 project to you?

5 MR. KOPCHAK: I think that the project has
6 two priorities, Michael, and they are -- they really share
7 priority and position. Number one, is until that data is
8 done by the department -- and they're the only ones that
9 can QACC that data and certify that data is complete and
10 meeting agency requirements. That step is critical and
11 getting that data geospatially delineated is important.

12 And I think the other part is the data
13 portal of data access. When a data portal is adopted that
14 allows full access, and I was -- it's not finished, but I
15 was able to look at the one in progress. It's an
16 interesting and a promising approach. It's better than
17 most I've seen. The data portal will mean that every
18 single researcher, no matter where they're at, can access
19 that herring data. They know it's been filtered with UACC
20 and they can bring to us additional interpretations and
21 applications to that data to contribute to our efforts on
22 restoration. And until that port -- until the data that is
23 in a portal, the data is like other guys have said, more
24 data on a shelf.

25 So I think those are coincidentally important

1 and I think that they need to be diligently pursued at this
2 point.

3 MR. BAFFREY: All right. Thanks, RJ.

4 MR. O'CONNOR: Michael, this is Craig. Do
5 you mind if I make a comment at this point? I'm somewhat
6 concerned about the sequence of events. And I guess I'd
7 ask RJ at this point, have you had an opportunity to review
8 the projects that we have in front of us today for funding
9 on herring, RJ?

10 MR. KOPCHAK: We didn't -- not in the
11 herring steering group had an opportunity to really view
12 those in full. That's one of the things that we were going
13 to be accomplishing on the 18th and 19th. The first part
14 of that is to take a look at the current status of those
15 projects, both the ones that were funded with
16 recommendations by the steering group and the ones that
17 were funded by the trustees, you know, beyond our
18 recommendation. We're kind of wrestling with two of those.
19 But that's our job on the 18th and 19th, to try to see how
20 the progress of those progress might vest with the current
21 status of the technical writing team and the plan.

22 MR. O'CONNOR: With the -- as Michael has
23 explained to us, the timing on coming out with a herring
24 restoration plan being ultimately, hopefully by
25 February.....

1 MR. BAFFREY: Right.

2 MR. O'CONNOR:if we were to defer
3 moving on any herring projects until that plan was complete
4 had been vetted effectively and we had reached a conclusion
5 as to where we were going with herring, would we be losing
6 anything in terms of the ability to collect information
7 that's going to be critical that any of these projects that
8 we are being asked to fund today, if we were to defer until
9 February, March, whenever we would gather after the herring
10 plan was finalized, are we going to create problems for
11 ourselves or are we going to find ourselves further behind
12 the eight ball on herring? And I probably.....

13 MR. KOPCHAK: I think that's one of the big
14 challenges and I think that's the difficulty right now for
15 you folks. If nothing is funded, then folks that have
16 ongoing programs especially, I think some of the data work,
17 is going languish. So because we're kind of shooting at
18 this out of order, it's an extra tough situation that
19 you're faced with. In my mind we'd have to continue to
20 prepare the analysis and the presentation of data and
21 getting data QACC and carefully, you know, assigned.
22 That's critical to moving forward on virtually every other
23 herring project. The modeling program that has funded a
24 huge amount of money can't move forward unless it has QACC
25 data to run the model. So there are a tremendous amount of

1 things that dependent on the data -- completion of the data
2 consolidation.

3 And on some of the other -- most of the
4 field work on some of the other projects has been completed
5 for the summer. So I think that the big question is,
6 what's critical to make sure you have ongoing work that can
7 be completed and what can be held until February so that
8 you can see what's best for the plan and what's best for
9 the recommendations of the steering group.

10 MR. O'CONNOR: Michael.

11 MR. BAFFREY: Yeah. Can I answer.....

12 MR. O'CONNOR: Please, yeah.

13 MR. BAFFREY:add to that? RJ and
14 Torie Baker and Gary Fandrei are members of the PAC.
15 They're also members of the Herring Steering Committee.
16 And they had the opportunity to address these during the
17 PAC meeting, which was before this and we have the PAC
18 comments which responded to that. The full committee has
19 not looked at it. I think that would be valuable, you
20 know, to have them have that opportunity. Deferring, you
21 know, I'm assuming you mean deferring a vote on the
22 amendments that are before the council today and not
23 deferring to the FY-09 invitation, which basically would
24 defer any of the action until September or October of next
25 year.

1 MR. O'CONNOR: No, I'm just.....

2 MR. BAFFREY: You meant just deferring this
3 decision.

4 MR. O'CONNOR:responding to the
5 sequencing and.....

6 MR. BAFFREY: Right. Right.

7 MR. O'CONNOR: In your -- Catherine, in
8 your evaluation and your recommendations, as you're working
9 with the herring crowd and the science panel and so on --
10 and I apologize, I have read all your comments and now I
11 can't remember the specifics on any of these projects --
12 but did you have where you had recommended deferring or not
13 funding some of these projects with regard to herring?
14 Were you looking at this sequencing issue as well?

15 MS. BOERNER: I was looking at the
16 sequencing issue. I should say I don't think it's horribly
17 out of sequence, which we -- which I keep hearing. It's --
18 the meeting next week is our annual meeting that we've had
19 for three years now and we're bringing all the herring PI's
20 together, having them present their work over the past --
21 over fiscal year '07, so that way we can see for the
22 invitation in FY-09, which will be coming out in February,
23 what needs to be addressed. And also what can be
24 incorporated into the herring recovery plan. So it's not
25 necessarily for them to sit down and make suggestions about

1 projects for this year, because it is too late in the
2 progress. All of the projects that we considered this year
3 for herring and for non-herring were only considered for
4 FY-08 funding. They're just continuations of the FY-07
5 projects that we do feel -- on the ones that I recommended,
6 I do feel that there would be a data gap if we did not fund
7 them through FY-08.

8 MR. O'CONNOR: Well, it's not unique that
9 we don't have a plan but we move out smartly anyway, so
10 it's a.....

11 MS. BOERNER: I think that the content that
12 would come or the data that would come out of these herring
13 projects would be valuable to -- would be valuable and
14 would inform the FY-09 invitation.

15 CHAIRMAN COLBERG: Any further comments or
16 questions?

17 (No audible responses)

18 CHAIRMAN COLBERG: Okay. Thank you, Mr.
19 Kopchak. Is there anyone else on the telephone who would
20 like to comment or testify?

21 (No audible responses)

22 CHAIRMAN COLBERG: Hearing none, one, two,
23 three.....

24 MR. PATRICK: I.....

25 CHAIRMAN COLBERG: Oh, got someone there.

1 Who is this?

2 MR. PATRICK: This is Vince Patrick in
3 Cordova.

4 CHAIRMAN COLBERG: Vince Patrick. Go
5 ahead.

6 MR. PATRICK: I would like to add, I have
7 been involved in the restoration work for over a decade and
8 I would like to second the comments that Mr. Kopchak made
9 regarding the sequence and the information both on the
10 specific project but also from a different perspective. In
11 the upcoming meeting with the (indiscernible) is one of the
12 important events of the year that brings together the
13 people that you expect to produce the work that you need
14 for herring.

15 This meeting of the PI's is more than just
16 informing the committee, it informs each of the individual
17 groups about what the others are doing. Gives them an
18 opportunity to confer and to compare notes onsite and in
19 conjunction with the committee and with the public because
20 there will be a lot of independent people attending that
21 who are interested in the outcome. And there's a three-way
22 communication that is going to happen on the 18th. As a
23 trustee, I'm a person that -- in saying that one of your
24 most important considerations is looking for where the
25 consensus is, and I can see your search for that in this

1 same meeting that we're having today. And some of the -- a
2 lot of consensus will be built in the meeting that the
3 committee will hold on the 18th.

4 I second Mr. Kopchak's request that you
5 will carefully defer any serious decision-making until this
6 three-way conference takes place for information in your
7 deliberations. Thanks very much for the
8 opportunity to testify.

9 CHAIRMAN COLBERG: Thank you, Mr. Patrick.
10 Any questions or comments for Mr. Patrick? Looks like Mr.
11 O'Connor.....

12 MR. O'CONNOR: I have.....

13 CHAIRMAN COLBERG:might have
14 something.

15 MR. O'CONNOR: Yes. Sir, this is Craig
16 O'Connor from NOAA. And RJ, I direct my comments to both
17 of you. At your meeting on the 18th, would you be able to
18 reach conclusions that would be -- that you would be able
19 to communicate to us with regard to the utility,
20 importance, necessity of various projects that we have
21 sitting before us for approval today? Will you have been
22 able to advance your decision process and your thoughts on
23 the subject of herring restoration to the point where you
24 could provide us with definitive guidance with regard to
25 your thoughts on these projects?

1 MR. PATRICK: I certainly would concur with
2 -- yes. The answer is yes from my perspective but RJ
3 should speak to this as well.

4 CHAIRMAN COLBERG: It's possible Mr.
5 Kopchak hung up because there was a click at some point.

6 MR. O'CONNOR: Okay.

7 CHAIRMAN COLBERG: I'm not sure if Mr.
8 Kopchak is still on the phone.

9 MR. O'CONNOR: All right. Is that the
10 posture of the herring committee's work on the 18th, that
11 they would be prepared to give us definitive kind of
12 guidance on the relevancy of this to the ultimate point?

13 MS. BOERNER: That wasn't the ultimate goal
14 of the meeting and we can certainly include that. But
15 right now they were going to be looking at the work of the
16 herring technical writers, discussing that outline, and
17 then seeing how the progress reports in FY-07 feed into
18 that outline. I mean, we could certainly add this but
19 we'll be removing approximately half of the projects from
20 the agenda today. Nine of the 17 considered projects would
21 be deferred.

22 MR. O'CONNOR: I mean, I react to the
23 comment that if you don't care what we're doing, why are we
24 doing it? You know, if you're moving out on your own
25 without waiting for the guidance of the committee that you

1 ordained to give us direction in this process, why should
2 we bother? And I don't mean us, but I mean them. There is
3 some -- that argument resonates with me. It also resonates
4 that we may not know where we're going. It would be nice
5 to know that with regard to herring before we go there. So
6 I just -- I have that reaction to your comment, Mr. Patrick
7 and Kopchak. And we'll defer -- or I'll figure out what I
8 think we ought to do, at least for my voting purposes.

9 CHAIRMAN COLBERG: Okay. One more time.
10 Anyone else on the phone? I gather we may be near the end
11 of the telephone testimony. I'll count to three and if I
12 don't hear any.....

13 MR. LAVIN: I.....

14 CHAIRMAN COLBERG: Oh, okay.

15 MR. LAVIN: I guess I'll feel good -- this
16 is Pat Lavin. I'm the vice chair on the PAC and have been
17 listening to the conversation and not necessarily.....

18 CHAIRMAN COLBERG: Pat Laddin?

19 MS. STUDEBAKER: Lavin.

20 CHAIRMAN COLBERG: Lavin.

21 MR. LAVIN: But if it's okay, maybe I'll
22 just say a couple of words.

23 CHAIRMAN COLBERG: Sure.

24 MR. LAVIN: Just on the latter discussion
25 point, I think, you know, the points are kind of well-taken

1 on both sides. I see why there would be an inclination to
2 defer and see what's been done at the committee meeting and
3 maybe that's the way to go but for a little bit more
4 contact maybe, I think we're -- other than the fact that
5 there happen to be meetings very soon, I think we're no
6 more out of order than when we were last time around on the
7 whole '07 docket where we also said, gee, I wish we had a
8 herring plan before we started funding herring work. But
9 the thinking was, okay, that's true but some of this
10 herring work, we'd feel like we would want to do probably
11 almost regardless of the plan that comes out or the work
12 will very likely play into the thinking in formulating a
13 plan.

14 So that was the criteria at least at the
15 PAC level as we were recommending funding for that '07
16 round, some of which is now before you now for funding for
17 '08. So perhaps that could be -- if you don't choose to
18 simply defer that part of the docket and you do sort of
19 spend some time looking at individual projects today,
20 perhaps that something Michael and Catherine can help you
21 work through. And of those projects, which ones were sort
22 of in that category of very likely to be valuable no matter
23 what comes out of this Herring Steering Committee, I mean,
24 this meeting. And I don't know how high the hopes are for
25 that meeting. I know it's been a slow process so far and

1 I'm sure it is a fairly daunting task. So personally,
2 having nothing to do with the committee myself, I'm not
3 sure how much to expect out of the next meeting. Hopefully
4 really great stuff, but whether it will provide a basis to
5 then turn on a big light bulb and inform all the decisions,
6 I don't know.

7 Well, that's the only one on that, and I
8 thought otherwise our chair did a great report on PAC
9 activity, so I won't speak to that.

10 CHAIRMAN COLBERG: Thank you, Mr. Lavin.
11 Any comments, questions? Anyone else on the phone?

12 MR. BAFFREY: We have a comment, question.

13 CHAIRMAN COLBERG: Oh, sorry.

14 MS. STUDEBAKER: I also should say
15 that.....

16 MR. MULLINS: Mr. Chairman, this is Ross
17 Mullins again. Could I make a brief comment as to what's
18 been just discussed?

19 CHAIRMAN COLBERG: I don't know that I want
20 to get into multiple testimony. We have a room full of
21 folks here. If I start making except -- is it very brief?

22 MR. MULLINS: It's brief.

23 CHAIRMAN COLBERG: Okay. Go ahead. But I
24 hate to start this into multiple presentations.

25 MR. MULLINS: What I would like to suggest

1 for the trustees is that they look at herring restoration
2 in two parts. There is the data collection, the ongoing,
3 on the water work that is being done to try to identify
4 specific problems and gaps within the herring research.
5 That's the one component that's now being discussed for
6 ongoing funding. The other component to restoration of
7 herring is through enhancement or intervention. This is
8 more of an engineering task and this is the problem that --
9 and unless the two things are looked at as separate
10 components, it is easily confused, because the data needs
11 to be acquired but at some point, if it is agreed at the
12 herring committee level and the other levels -- for
13 example, Dr. Haegrem (ph), British Columbia, who has
14 submitted his intervention white paper, and only last March
15 -- I think you don't have a proper perspective on how to
16 proceed. And so I would suggest you defer any enhancement
17 type decisions at this time until the committee finally
18 agrees that some approach is acceptable as opposed to
19 others. So I think you've got two distinct different
20 viewpoints you could take. You could look at your data in
21 acquisition projects and ongoing projects in one light.
22 You should defer enhancement type projects until there's a
23 greater consensus among the steering committee members.
24 Thank you.

25 CHAIRMAN COLBERG: Any other folks on the

1 telephone who haven't testified at this point?

2 MS. SEINER: Yeah, I -- my name is Liz
3 Seiner.

4 CHAIRMAN COLBERG: Who?

5 MS. SEINER: Liz Seiner.

6 CHAIRMAN COLBERG: Ms. Seiner. Oh, go
7 ahead.

8 MS. SEINER: Yeah, I'm from Cordova,
9 Alaska. I'm a herring fisherman and I've been following
10 the herring restoration for quite awhile and I just wanted
11 to echo what RJ said and lend my support to continuation of
12 the computer database project that Rob Bochenek and Steve
13 Moffitt are involved with. Thank you.

14 CHAIRMAN COLBERG: Thank you. Anyone else
15 on the phone? One, two, three. Okay. We'll move to the
16 folks that are in the room that would like to testify. Do
17 we have a list of people who have signed up for the.....

18 MS. BOERNER: I'll just -- actually, I did
19 want to make a quick comment just for clarification. All
20 the projects that you're considering this year, the herring
21 projects, were reviewed in depth last year with the herring
22 recovery committee. There are no new projects on the
23 docket this year. They're all continuations of existing
24 projects. And in fact, many of the projects were adjusted
25 after the herring meeting that we had last year based on

1 comments from the meeting.

2 CHAIRMAN COLBERG: Okay.

3 MR. O'CONNOR: Can I ask Stacy a comment --
4 a question on her.....

5 CHAIRMAN COLBERG: Sure.

6 MR. O'CONNOR:on the PAC comments?
7 Stacy, how did you guys decide which of the herring
8 projects you thought were the most important? Because I
9 know that you only recommended a few of -- or some of them
10 but not all of them. How did you guys pick the ones that
11 you thought were appropriate?

12 MS. STUDEBAKER: I think somebody in their
13 comments just nailed it. I think it was Pat who said that
14 we just pick the ones that we figured would be needed
15 regardless, you know, of a plan. And so that's how we went
16 through the herring projects.....

17 MR. O'CONNOR: Okay. Thanks.

18 MS. STUDEBAKER:that we figured we
19 wouldn't be penalized at all by recommending them now,
20 sooner than later.

21 MR. O'CONNOR: All right. Thanks.

22 CHAIRMAN COLBERG: Okay. First on our list
23 was Mr. French. Is there a Mr. French who has.....

24 MR. FRENCH: Good morning. I'm John
25 French. I'm a retired University of Alaska School of

1 Fisheries and Ocean Sciences professor. I was the science
2 academic advis -- representative on your original public
3 advisory group for the first six years of its existence.
4 I'm here representing myself. I also sit on the board of
5 the Prince William Sound Regional Citizen's Advisory Group
6 Council and chair their oil spill prevention and response
7 committee and sit on their scientific advisory committee.
8 So in that sense, I feel I am very well aware of the many
9 continuing needs for understanding of oil in the
10 environment and I don't think we are really effectively
11 addressing all those.

12 Also, Jeep Rice approached me at a
13 environmental benefit analysis workshop, oh, last fall I
14 think it was, and suggested that I was becoming the
15 institutional memory and conscience for this organization.
16 And after hearing that and after having several past and
17 present members of your public advisory entity contact me
18 about my perception of how the original reserve fund was
19 set forward, I felt it might beneficial to share a little
20 bit of that experience with you. So that's the main reason
21 I'm here.

22 I do believe with respect to the science
23 I've -- although I'm retired, in the last six months, for
24 example, I participated in the international effects of oil
25 on wildlife conference, the aquatic toxicity conference in

1 Halifax, the oil and ice conference that just took place
2 here, so I feel that I have a reasonable pulse of the
3 scientific community and I do not feel that there is
4 necessarily complete concurrence as to the best way forward
5 between the broader environmental science community and
6 your own science advice. So if we ever do go the direction
7 that Stacy and the PAC suggested with respect to NEPA
8 compliance, having gone through the original restoration
9 NEPA compliance, I'd like to suggest that a lot was gained
10 from that. I think the restoration plan that was put
11 together was a lot better because of the widespread advice
12 and recommendations that had to come into the process
13 throughout NEPA compliance. So I guess I'd disagree with
14 the PAC on that. But mostly, I wasn't privy to the
15 comments from the PAC before -- you just got them, so I'd
16 have to admit that I agree with most of them.

17 Back in the days when we first were
18 discussing how to go forward partly with the restoration
19 plan, while there was a general consensus among the people
20 on the PAG at that point that those projects would benefit
21 a lot from a longer term perspective, that there were both
22 confounding factors in terms of the environment and there
23 were longer term potential lingering and chronic effects
24 that might take place beyond that original window for the
25 payments. So we specifically made the recommendation to

1 your predecessors on the Trustee Council that a reserve be
2 set aside for those specific research monitoring a species
3 restoration that wasn't taking place. So I have no
4 problems with herring restoration projects, although I
5 haven't thoroughly reviewed them, so I won't make a
6 recommendation on those at this point.

7 But I strongly encourage you to continue to
8 focus on those direct oil in the environment confounding
9 factors, those things related to a meaningful research and
10 monitoring program and not spend your money that remains on
11 major bricks and mortar projects. That's the main message
12 I want to put forward today. That I think the reserve was
13 set aside with a great deal of thought, both by the public
14 advice and by your predecessors, that it should be a
15 research in the broader sense of research monitoring and
16 restoration reserve fund.

17 So although -- and there's also a history
18 that some of your bricks and mortar projects haven't been
19 -- haven't come through and been really as productive as
20 they were hoped in developing the work plans. So if you do
21 go forward with bricks and mortar projects, I hope you go
22 through with a much more detailed analysis in the detail
23 project descriptions than there have been in the past,
24 because I think those were left wanting. Thank you.

25 CHAIRMAN COLBERG: Thank you, Mr. French.

1 Questions or comments?

2 (No audible responses)

3 CHAIRMAN COLBERG: Howard Weston.

4 MR. WESTON: Good morning. I'm Howard
5 Weston, the City Engineer in Kodiak. I am here this
6 morning to show the city's support for your funding of
7 capital improvement projects and support the mission of the
8 EVOS Restoration Plan. Drinking water, wastewater, and
9 storm water improvement projects directly, immediately
10 provide benefits to communities in the form of good health
11 and safety, support for industry, a clean environment, and
12 a high quality of life.

13 It's very easy to take it for granted that
14 when you turn on your faucet clean water flows into your
15 glass. And when you flip that little lever, wastes leave
16 your home. And that storm runoff falls into those grates
17 and culverts and disappears with no adverse effects on the
18 environment. And I assure you it's not as easy as it
19 appears to make all those things happen. Because it is
20 expensive to build, maintain, and operate wastewater
21 distribution, collection, and treatment facilities. This
22 is the reason why many remote Alaskan communities struggle
23 to have clean water, barely adequate waste facilities, and
24 frankly, storm water collection and treatment borders on
25 non-existent.

1 The City of Kodiak is fortunate to have
2 abundant clean water. We also have a good sewer treatment
3 facility that meets all EPA guidelines, however, we too
4 have much to improve in our handling of storm water.

5 The city has prepared three proposed
6 projects for your consideration. All of these are
7 excellent projects that will benefit our community and the
8 marine environment, but one, a vessel wash-down facility,
9 we believe particularly fits with your mission. Any
10 support you could provide would be very helpful.

11 The city is purchasing a 600 ton vessel
12 lift and constructing docks and upland facilities to
13 support a full service boat yard. An integral component of
14 that boat yard is a vessel wash-down system. The hull wash
15 water is expected to be contaminated with a mixture of
16 organic materials, oil and grease, and heavy metals. We
17 envision collecting the wash water in a 60x180' concrete
18 slab. From the slab it will drain to a gravity separator
19 for immediate removal of heavy metals and floating
20 products. The water will then pass through a commercial
21 treatment unit to reduce the concentration of metals to a
22 level at which that water can then be discharged into our
23 sanitary sewer system for final treatment at our wastewater
24 treatment plant.

25 The storm water crossing this boat yard

1 will be intercepted and passed through a passive oil and
2 grit separator before discharged to the marine environment.
3 This system will improve the quality of the runoff
4 currently leaving the existing quarried site. This boat
5 yard will be a tremendous benefit to the fishing fleet and
6 promote to growth and jobs in the vessel support industry.
7 The storm drain and vessel wash-down systems will keep this
8 industrial boat yard environmentally friendly. And I look
9 forward to providing you more information on this and other
10 projects in the future. Thank you.

11 CHAIRMAN COLBERG: Thank you. Howard
12 Fenner [sic].

13 MR. FERREN: Good morning. That is Ferren,
14 F-E-R-R-E-N.

15 CHAIRMAN COLBERG: Oh, I'm sorry. Okay.

16 MR. FERREN: Not at all. Good morning,
17 Trustee Council members, Mr. Baffrey. I'm Howard Ferren,
18 assistant director for research operations at the Alaska
19 SeaLife Center and co-PI, along with Dr. Tim Linley on the
20 herring project titled develop of culture technology to
21 support herring restoration in Prince William Sound. I'm
22 here to clarify two important mis-perceptions and comments
23 in the draft '08 work plan regarding our proposal. One,
24 collaboration with Japanese herring researchers is not
25 fully established due to your limited number of days in

1 Japan to learn about their program. The facts of this, the
2 PI's limited visit to Japan was the culmination of three
3 months of intensive work involving direct correspondence
4 with multiple Japanese authorities to gain authorization
5 for a limited visit and full sharing of herring enhancement
6 information. The initial inquiries to the Japanese
7 researchers at the fisheries research agency were
8 terminated by the Japanese National Coordinator's Office
9 until we provided detail information on the motivations,
10 intentions, and duration of our visit.

11 The problem was that fisheries research
12 agency protected their herring culture techniques as
13 government intellectual property. From our efforts and
14 relationships with the Japanese, we were able to emerge
15 with a detailed manual of Japanese herring enhancement
16 techniques that we are currently having translated an
17 active collaboration and interest of leading herring
18 scientists, including Dr. Takahiro Matsubara and Dr. Ryuzo
19 Yanagimachi to a portion of our work described in our '07
20 progress report involving the role of calcium receptors in
21 herring restoration conflicted with the directions given by
22 the Trustee Council. The fact, based on issues raised in
23 the '06 proposal review, we resubmitted proposal revisions
24 to the Science Director that included calcium salinity
25 receptor investigations. All work pertaining to salinity

1 sensing in herring and the role of calcium sensors in this
2 process was performed only after obtaining written
3 permission to proceed.

4 Lastly, I'd like to make a comment on the
5 bricks and mortars. You may recall that our original
6 proposal in FY-06 was a three-year, 1.3 million dollar
7 proposal. After our accomplishments this year, we were
8 asked to revise and resubmit. We submitted a two year, 1.9
9 million dollar proposal -- again, two years, not one --
10 that also included a \$600,000 component, which was a
11 ballpark guesstimate from engineers to in fact do bricks
12 and mortar build-out at the Alaska SeaLife Center. That
13 was for a wet lab that would be sufficient to continue
14 herring culture investigations.

15 The work that we did last summer was
16 conducted at the Alutiiq shellfish hatchery in Seward.
17 That was executed at that location, the work was executed
18 there, because we had no space at the SeaLife Center to
19 conduct this culture study. Since our submission this
20 year, we have had a reduction in one program that freed up
21 one of our wet labs. And because of this, I responded to
22 the Executive Director with a subsequent revision, which
23 was a one year proposal with a reduction of that bricks and
24 mortar using the wet lab. And that proposal was \$310,000.

25 In closing, we wish to state our interest

1 to contribute to rebuilding Pacific herring population in
2 Prince William Sound and believe that our proposal is a
3 positive step in that direction. I, along with Dr. Linley,
4 will be available through the day so that if you do have
5 questions about what we've learned, our collaboration with
6 the Japanese which we established at your direction last
7 year, we would be happy to answer questions that you have.

8 CHAIRMAN COLBERG: Thank you. Nancy Bird.

9 MS. BIRD: Good morning. I'm going to try
10 to read from my computer but I also would like to make some
11 comments in response to some of the issues that RJ Kopchak
12 and the Cordova contingents seem to be heavily represented
13 here today.

14 My name is Nancy Bird. I'm president of
15 the Prince William Sound Science Center in Cordova. Also
16 serve as executive director of the Oil Spill Recovery
17 Institute. I came here primarily to comment on -- in
18 support of the recommended projects that Michael Baffrey
19 and the staff, as well as the PAC, are recommending to you
20 for the FY-08 work plan.

21 I'd like to also speak in support of two
22 additional projects, one that has been spoken to, the ADF&G
23 data portal project. Last night as I was preparing my
24 comments I looked at my upcoming calendar and see that next
25 week I'll be participating in the first meeting for the

1 20th anniversary planning sessions. I think Michael is
2 part of that as well and it's hard sometimes for me to
3 believe that we're just around the corner from that 20 year
4 anniversary, but I look forward to it. I think the more
5 important meeting next week however is the one that has
6 been discussed here, the Herring Steering Committee and
7 herring PI team. They're a very diverse group of
8 researchers that have been gathered from multiple agencies
9 and universities. I think we're very fortunate at this
10 stage to have this group as committed as they are. They
11 represent folks who have been working on herring in Prince
12 William Sound for most of the past 15 years. And if
13 anybody can tease out the answers to the questions that
14 still remain about herring and why we need to work on
15 restoring them still, I think they're the group that can.

16 I guess in that light I would say a
17 deferral of decisions that have been recommended to you
18 today would be harmful to the continuation of that project
19 process. I think it's unusual to have a meeting where all
20 six of you are here in the room together. Face-to-face
21 meetings are always better I find but it would I think be
22 harmful to the process that the Trustee Council staff has
23 gotten going over the last couple of years to further defer
24 decisions. It would send the wrong message that we're
25 going to stop and start again. As has been stated, the

1 projects that are being recommended are primarily ones that
2 will collect data that is going to be needed whatever
3 decisions are made in light of the other options you may
4 have before you. So urge you to not defer that decision
5 today.

6 I would also urge continued funding support
7 for the herring data management project. I think that had
8 the Public Advisory Committee had an opportunity to see
9 this, the results of that project that are now at a
10 website, pwsherringportal.org. If you haven't visited it,
11 I'd recommend that you do because it's got some really
12 exciting maps, visualizations, for folks like me who aren't
13 scientists to understand what all of this data means. If
14 we've learned anything over the last 18 years since we
15 started doing a lot of research in Prince William Sound,
16 it's that we need a better system for managing our data. I
17 know that the North Pacific Research Board, the Alaska
18 Ocean Observing System, the Oil Spill Recovery Institute,
19 the EVOS Trustee Council, are all trying to work on that
20 issue with all of our projects but I think that the website
21 that Steve Moffitt and Rob Bochenek have created is a great
22 tool at this point and I think it really needs to be looked
23 at.

24 The second project I wanted to speak in
25 support of is the Cordova Center, one of the bricks and

1 mortar projects. And I'm not one who in the past has been
2 very supportive of bricks and mortar projects from our EVOS
3 Trustee Council funds. I think that it deserves a look at
4 this point. I think there's some funds that you have
5 sitting, that are set aside for habitat acquisition
6 purposes only. I think we've reached a lot of the end of
7 the use of those funds and would urge you to look at the
8 Cordova Center from that project, those funds.

9 Finally, I guess I would say that the
10 budgetary considerations are really important and I applaud
11 the PAC for their focus on that issue. I think though that
12 you haven't spent as much on research in the last few years
13 as was planned in the past. I think we -- you need to take
14 a look at the opportunities before you and fund things like
15 the data portal project as an extra at this point.

16 I think I have reached the end, so thank
17 you very much for your time. I appreciate it.

18 CHAIRMAN COLBERG: Thank you, Ms. Bird. At
19 this point, I'll have Mr. Tillery come up and take my
20 chair, and in the meantime, the next witness would be
21 Jerome Selby. Jerome Selby. Mr. Selby.

22 MAYOR SELBY: Thank you, Mr. Chairman.
23 Members of the committee. I appreciate your time here this
24 morning. I'm Jerome Selby, mayor of the Kodiak Island
25 Borough and we're here to specifically ask that you include

1 the Kodiak Research Center in your FY-08 plan for funding
2 that you're considering today. We provided you with an
3 updated set of information and clear ties of this project
4 to the Trustee Council's restoration plan and goals and
5 objectives. So I'm assuming you all have that. I'd be
6 glad to answer any questions if folks have questions about
7 what's included in that document.

8 But I want to take the time, the little bit
9 of time I've got here today to take a little bit of a look
10 of where we are here overall and urge you folks to fund
11 this project. With regard to artifacts, which was another
12 injured -- part of the injured resources from the oil
13 spill, you folks funded a two million dollar facility which
14 has been a home run and it has spawned an entire extra
15 funded by many sources efforts to take care of the
16 artifacts that were discovered and surfaced out of the
17 results of the oil spill. That's been a great success.

18 With regard to injured species and damaged
19 ecosystems, you folks have bought some habitat. That's a
20 huge success. You folks have done some quality research,
21 and that's been a good success. With regard to the Federal
22 capacity to do research, you folks funded six million
23 dollars of a 22 million dollar facility which primarily
24 houses the Federal researchers but the Alaska Department of
25 Fish and Game does have access to the saltwater lab in that

1 facility. And that has been a huge success. We've seen a
2 huge increase in the effort at the Federal level. The
3 quality of the research has gone up just because they have
4 quality facilities to work with.

5 So that has been a huge success as well,
6 which then brings us to the state responsibility side of
7 taking care of injured species and damaged ecosystems. And
8 I got to tell you, we haven't done anything. The ability
9 of the Alaska Department of Fish and Game to do research
10 today is less than it was in 1989 because we've used those
11 facilities heavily for 18 years to do research on Exxon
12 Valdez oil spill projects. We've used up all the equipment.
13 The facility is getting old and about to cave in on the
14 folks that work there and we haven't done anything about
15 it. That's why we, the Kodiak Island Borough, have brought
16 this project forward and are asking to work with you to
17 address what we consider the big glaring omission in the
18 whole Exxon Valdez settlement process. Because what we
19 haven't done is brought the State of Alaska's capacity to
20 do research up comparable to what we've done with the
21 Federal side. And I think that we should do that. And
22 that's what the folks in Kodiak think, that we should bring
23 this up so that we have the same capacity growth and the
24 ability to take care of our species in the State side as we
25 have in the Federal. And that's the basis for why we spent

1 the last eight years trying to put this thing together,
2 finding funding from the State and other sources to match
3 up with what we've requested from you folks in order to
4 increase that capacity and give the Fish and Game the kind
5 of place they need to be working in.

6 Kodiak Island Borough has brought several
7 quality projects forward to you folks throughout -- since
8 1989. We greatly appreciate the fact that you funded all
9 of those projects because we brought you quality projects
10 that focused on damaged resources and ecosystems. That's
11 the only projects we brought you folks and this is probably
12 the final one we need to bring you in terms of capacity and
13 the ability to take care of these damaged resources and
14 ecosystems for the long haul. At some point in time we're
15 going to have to merge the research that you folks have
16 funded directly back into the agencies who are responsible,
17 either Federal or State, for these species, damaged species
18 and these damaged resources. At some point in time we have
19 to do that. And right now, when you look at merging that
20 responsibility, herring for example, harlequin ducks, those
21 sorts of things at Fish and Game, where's the capacity to
22 do that research? You can't meld it back in there today
23 because there is no capacity to do that. So it's not going
24 to work. We need to ramp that up and that's why we're here
25 asking that you let us get going on this project. You've

1 seen what the inflationary costs are doing to us on
2 construction, so I don't need to go into that unless you've
3 got questions on that.

4 But I would submit to you folks that you
5 will fund no other project in the continued existence of
6 the Trustee Council that will have a more significant,
7 direct impact on the injured species and the damaged
8 ecosystems over the next 50 years than this project right
9 here. This is the one that's going to achieve your
10 objectives no the species and the damaged resources. So
11 please do the right thing. We'd request that you fund this
12 project. I'd be glad to answer any questions.

13 CHAIRMAN TILLERY: Are there any questions
14 for Mr. Selby?

15 MR. BAFFREY: Just I have -- go ahead. Do
16 you have one? I had a question about the -- you had
17 referenced that six million dollars had been given to
18 develop the Federal capacity?

19 MAYOR SELBY: Yes.

20 MR. BAFFREY: I'm not aware of that.

21 MAYOR SELBY: The six million dollars came
22 from the Trustee Council as part of the Shuyak Island sale
23 project. The land was sold for 36 million. Six million
24 was added to that for construction of the Federal facility
25 in Kodiak. So it was a 42 million dollar total deal,

1 so.....

2 MR. O'CONNOR: The Trustee Council put six
3 million dollars into that?

4 MAYOR SELBY: That is correct.

5 MR. O'CONNOR: Is that what you're saying?

6 MAYOR SELBY: That is correct.

7 MR. FRENCH: I was managing that project at
8 the time. I can clarify, if you want me to.

9 MR. O'CONNOR: Well, I'd like to know
10 what.....

11 MR. BAFFREY: Yeah.

12 MR. O'CONNOR: Yeah.

13 MR. FRENCH: This was not one of the better
14 days in terms of above board deals. But part of that
15 money, if I recall correctly -- and Jerome could correct me
16 if I'm wrong -- but part of that money, I think it was a
17 million of it, came from the State's criminal settlement as
18 a direct appropriation from State. But the remainder was
19 indeed a purchase above appraisal on the Shuyak Island
20 purchase. And it went with full knowledge of the trustees
21 and full knowledge of the borough and the other people
22 involved in the project. So that would be the money that
23 was going in there. So it -- I don't know if we want to
24 call it a pass-through or what, but it did come from the
25 pot of money being administered by Trustee Council.

1 MR. BAFFREY: But was it part of the
2 acquisition or was it specifically earmarked for the brick
3 and mortar project?

4 MR. FRENCH: I'd have to look at the actual
5 paper. It was within the allocation from the Trustee
6 Council. And don't know if the money actually ever got
7 transferred over to -- was it Afognak? Who was the
8 landowner?

9 MAYOR SELBY: No, it was -- Kodiak Island
10 Borough was the landowner.

11 MR. FRENCH: No, for -- on that project
12 that you -- you got the check directly, didn't you?

13 MAYOR SELBY: That's correct.

14 MR. FRENCH: Yeah, so it was -- I'd have to
15 go back and look at the paperwork because -- but it was --
16 I think they were all -- it was all approved under a single
17 continuing resolution from the council. As I said, that
18 probably was not the most glowing day in terms of man --
19 fund -- physical management by the council but that's
20 pretty much the way it was.

21 MR. BAFFREY: Well, there should be enough
22 historic memory here that.....

23 CHAIRMAN TILLERY: My recollection is a
24 little bit different. I mean, my recollection is that this
25 was from the Kodiak Island Borough for the sale of the

1 properties on Shuyak Island. That it was not at an above
2 appraised price but in fact was at appraised price. But
3 one of the things, the benefits -- extra benefits that the
4 borough offered was that the money -- it would expend a
5 certain amount of money on the research facility. So
6 that's -- but I -- that was a long time ago, I'd have to go
7 back.....

8 MAYOR SELBY: Actually, you're right. It
9 was.....

10 CHAIRMAN TILLERY:I'd have to go
11 back.....

12 MAYOR SELBY:borough purchased.
13 You're correct.

14 CHAIRMAN TILLERY:and look at that.

15 MR. FRENCH: It was part of the 42 million
16 dollar sales contract with the clear understanding that six
17 million would be used for the construction of the facility.

18 MR. BAFFREY: However, the EVOS monies that
19 were given at that time were for the acquisition of the
20 parcel and not to build a brick and mortar project.

21 CHAIRMAN TILLERY: They were for the
22 acquisition of -- again, my recollection, they were for the
23 acquisition of the parcel but one of the parts of that deal
24 is that Kodiak Island Borough committed to expend them on
25 the facility.

1 MR. BAFFREY: But we didn't give monies
2 earmarked for the development of that facility.

3 MR. FRENCH: I would concur with Mr.
4 Tillery's recollection on that, yeah.

5 CHAIRMAN TILLERY: It depends on your
6 definition of is. What is is. But anyway, I think that's
7 -- was sufficient. Thank you, Mr. French.

8 MS. STUDEBAKER: Can I ask.....

9 MAYOR SELBY: And the other.....

10 MS. STUDEBAKER:a question too?

11 MAYOR SELBY: And just for clarification,
12 the other million dollars that Mr. French mentioned was in
13 addition to the six.

14 CHAIRMAN TILLERY: Oh, that was in
15 addition.

16 MAYOR SELBY: Yes. And that came from the
17 State of Alaska, so there was seven million total from
18 spill proceeds.

19 CHAIRMAN TILLERY: Thanks.

20 MS. STUDEBAKER: I have a question.
21 Jerome, how much money is left of the Shuyak funds in the
22 borough? How much is left from that Shuyak acquisition?

23 MAYOR SELBY: The entire 36 million is
24 endowed.

25 CHAIRMAN TILLERY: So you might explain.

1 Some people don't recall the purpose of that endowment.

2 MS. STUDEBAKER: I think it would just be
3 good for everybody here to know about that.

4 MAYOR SELBY: The purpose of the endowment
5 is for continued maintenance and construction of facilities
6 in the Kodiak Island Borough.

7 CHAIRMAN TILLERY: And that again was part
8 of the understanding at the time. The deal was -- it was
9 quite actually an excellent example of council fiscal
10 management in that we bought habitat at an appraised price
11 and got substantial additional benefits, both for the
12 scientific program and for the community of Kodiak.

13 MS. STUDEBAKER: Right. Well, I guess the
14 point I'm making is that there's still 36 million or do you
15 know what the figure is in that endowment today?

16 MAYOR SELBY: It's more than 36 because
17 it's got interest earnings on it.

18 MS. STUDEBAKER: Yeah. So there's still is
19 that money that's available to the community of Kodiak for
20 facilities, I guess.

21 MAYOR SELBY: The interest is available.
22 The principal is not.

23 CHAIRMAN TILLERY: Thank you. Are there
24 additional questions for Mr. Selby?

25 (No audible responses)

1 CHAIRMAN TILLERY: Thank you very much.

2 And are you going to be available when we start talking
3 with the project.....

4 MAYOR SELBY: Yes. I'll be here.

5 CHAIRMAN TILLERY: About the individual
6 projects. Okay. Thank you.

7 MAYOR SELBY: Yeah. Thank you, Mr.
8 Chairman.

9 CHAIRMAN TILLERY: The next person on the
10 list is Tim Joyce.

11 MAYOR JOYCE: Good morning, members of the
12 Trustee Council and the staff. My name is Tim Joyce. I'm
13 Mayor in the City of Cordova. This is the third year that
14 I've testified to you about the Cordova Center. And I have
15 informed you about the devastation of the economy in
16 Cordova as a result of the EVOS. I've told you about how,
17 in 1988, there were almost 30 major processors operating in
18 the Prince William Sound area and now there's only about
19 10. I've told you that we've had 250 seine boats that
20 fished in the Prince William Sound area in 1988 and now we
21 have between 50 and 60 that operate there. I've told you
22 that we had an estimated 45 million dollars lost in revenue
23 from just the herring fishery collapse in the Prince
24 William Sound area since that time, and that number is
25 growing every year.

1 At a later meeting I read to you parts of a
2 letter from Mr. Baffrey from January 19th of 2006 in which
3 he agreed with the -- Cordova's contention. And in that
4 letter he said that the reduction or loss of services as a
5 result of continued injury to natural resources should be
6 fully considered. And he goes on to say that although many
7 resources appear to be recovering naturally, investments
8 may be needed to accelerate natural recovery of the
9 resources and give full consideration to those services
10 that have been impacted by the oil spill.

11 At another meeting, when you approved the
12 list of species and services recovered or still recovering
13 or not recovering, I reviewed the restoration plan that the
14 Trustee Council is using for their programmatic objectives.

15
16 I brought to your attention the important
17 terms of the memorandum of agreement. And some of those
18 terms, for example -- and I'll read to you from your -- the
19 memorandum of agreement and the restoration plan. For
20 example, restore or restoration means any action that
21 endeavors to restore to the pre-spill condition any natural
22 resource injured, lost, or destroyed as a result of the oil
23 spill and the services provided by the resource or that
24 replaces or substitutes for the injured, lost, or destroyed
25 resource and affected services.

1 Restoration includes all phases of injury,
2 assessment, restoration, replacement, and enhancement of
3 natural resources, and acquisition of equivalent resources
4 and services. Replacement or acquisition of equivalent
5 means compensation for an injured, lost, or destroyed
6 resource -- resource by substituting another resource that
7 provides the same or substantially similar services as the
8 injured resource. In addition to restoring natural
9 resources, funds may be used to restore reduced or lost
10 services, including human uses provided by injured natural
11 resources. Humans use the services provided by resources
12 injured by the spill in a variety of ways: Subsistence;
13 commercial fishing; recreation, including sport fishing,
14 sport hunting, camping, and boating; and tourism. Injured
15 resources also include the value derived from simply
16 knowing that a resource exists.

17 The other thing about the -- within the
18 memorandum of agreement and the restoration plan, it talks
19 about injuries addressed by the resources. And it says,
20 restoration will focus upon injured resources and services
21 and will emphasize resources and services that have not
22 recovered. Restoration actions may address resources for
23 which there was no documented injury if these activities
24 will benefit an injured resource or service. Priority will
25 be given to injured resources and services which have

1 economic, cultural, and subsistence value to people living
2 in the oil spill area as long as this is consistent with
3 other policies.

4 And then under restoring of service, it
5 says if the justification for an action is to restore a
6 service, it is important that the user group that was
7 injured be helped and that projects be avoided -- projects
8 to be avoided rather, are those that create incompatible
9 uses for an area, such as constructing a small boat
10 servicing area facility in an area that is wild and
11 undeveloped. So in other words, you should do things where
12 these are compatible. And I believe you have a study going
13 on right now through the US Forest Service looking just at
14 those sorts of things in Prince William Sound.

15 Lastly, I brought to your attention the
16 projects funded around the state, such as the Seward
17 SeaLife Center, the Alutiiq Heritage Center in Kodiak, the
18 marine park -- the Mariner Park in Homer, and the Kenai
19 Habitat and Restoration Enhancement Plan. You notice there
20 is nothing found under Cordova. And then now, just
21 recently I just today just heard about the research lab in
22 Kodiak that was -- and they now have an endowment, a 36
23 million dollar endowment. We don't have that in Cordova.

24 Your Executive Director compares the
25 Cordova Center with the Seward SeaLife Center in his

1 comments under this project. First the operation of the
2 Cordova Center is not depending on gate receipts that was
3 in the business plan for the Seward SeaLife Center. Since
4 the Cordova Center is designed as a multi-use facility,
5 which includes City Hall -- which the City is paying for,
6 by the way -- includes -- the operational costs will be
7 included in that facility by the City. Since we are
8 combining the library, museum, City Hall and other all into
9 one location, the current operating costs will offset those
10 needed for the Cordova Center.

11 I supplied you with numerous letters in the
12 past of support. I supplied you with petitions from the
13 people of Cordova supporting this project. You've got
14 resolutions from the City. You have letters from the
15 legislators and you have a letter from Congressman Young,
16 all supporting the Cordova Center project.

17 Finally, I also have a letter from a Brian
18 A. Bensokowski with the Office of the Assistant Attorney
19 General in Washington DC, dated October 10th of 2007, two
20 days ago, which describes the consent decree and the
21 memorandum of agreement between the governments and
22 continues on with how decisions are made in this process.
23 In this letter he says, and I will quote, decisions on how
24 to use the EVOS restoration fund are made by unanimous
25 agreement of the three Federal and three State agencies

1 that form the Trustee Council. In evaluating a restoration
2 proposal, the Trustee Council must consider not only the
3 project's legality but also whether the project will help
4 achieve the trustee's overall restoration objectives and
5 whether it represents a wise use of money in comparison
6 with other potential projects including comparative cost
7 effectiveness and the directness of the benefits to injured
8 natural resources. In 1994 the Trustee Council adopted a
9 restoration plan that set programmatic objectives and
10 guides its decision making process.

11 In other words, his response was that the
12 Department of the Assistant Attorney General and the
13 Department of Justice, they do not provide a formal legal
14 opinion outside of the Executive Branch but they are
15 leaving these decisions to you. If you find that it's
16 legal, you find that it meets your goals and your needs,
17 it's your decision to make. They have -- they do not make
18 those decisions; you do.

19 And the other -- finally, the other thing
20 I'd like to say too is I was a little bit surprised to find
21 out today that two-thirds of your operating budget each
22 year is being consumed in overhead. That if you're only
23 going to spend a million dollars a year out of three
24 million, you seem not to be doing what was outlined with
25 the restoration plan and the restoration objectives. I

1 found that a little surprising.

2 And also, before I leave, I also want to
3 comment on the fact that I believe that you have met your
4 statutory obligations with public notice, however, for
5 those of us who do not read the Federal Register every day,
6 when I get a notice of a meeting that says that the
7 restoration plan is going to be on the agenda on Tuesday of
8 the week the meeting is on Friday, I do not consider that
9 of sufficient notice when in fact this is a very major
10 undertaking, a very major part of your process of which
11 you're expending funds.

12 And of the 17 proposals you have before
13 you, I don't know how many of the PI's were noticed. But I
14 got my notice this Tuesday, so I do believe you have some
15 room for improvement on how you notify and how you interact
16 with the public. I received no notice of the PAC meeting
17 when they were having a teleconference on these projects.
18 Didn't know it even occurred. So if that is something that
19 the Trustee Council can deal with and improve upon, I would
20 behoove you to do so. So thank you very much.

21 CHAIRMAN TILLERY: Thank you very much,
22 Mayor Joyce. Are there questions from council members?

23 MR. O'CONNOR: Yes.

24 CHAIRMAN TILLERY: Mr. O'Connor.

25 MR. O'CONNOR: It seems, based upon your

1 comments, the record that's been presented by you and
2 submitted to the council with regard to the Cordova
3 project, the comments from folks in the herring fishery and
4 so on, that the principal issue with regard to the Cordova
5 area is the impact of the spill upon the herring and the
6 herring fishery. Is that safe -- a safe summary?

7 MAYOR JOYCE: The spill impacted herring,
8 yes, but it impacted a whole lot more than herring. As you
9 are certainly aware, the lifestyle, the social structure in
10 Cordova was ripped asunder. We had people going bankrupt.
11 We had people committing suicide. We had all sorts of
12 marriages that dissolved. There was a variety of factors
13 that occurred, let alone the economic loss that occurred
14 just within the city. The city itself had -- is just now
15 recovering from some of the effects of the influx of people
16 that occurred in 1989.

17 Our sewer system was deemed inadequate by
18 DEC and we have just -- the city itself put in six million
19 dollars over the years to bring that system up to now to
20 the standards of which it is. Which we probably have one
21 of the cleanest systems now. It may not have been so 10
22 years ago but we probably have one of the cleaner systems
23 in the state right now. That was all costs borne by the
24 city, not by the Trustee Council, not by others, but by the
25 city. There were certainly state funds that were included

1 in some of the matching monies, but the city put in six
2 million dollars. So it's not just herring. We lost
3 revenue from herring from the raw fish tax and from the
4 economic activity that has not gone on there for the past
5 15 years. And continuing on each year.

6 We had salmon crisis, the collapse -- we
7 had a salmon fishery in 1992 and '93 that collapsed. They
8 didn't come back. I think that has been shown to be as a
9 direct result of the oil spill. Prices collapsed in the
10 mid-nineties. We had processors go out of business. The
11 biggest processor in the entire community went bankrupt.
12 We suffered, and it's just now starting to come back.
13 We're asking for a facility here that will diversify our
14 economy. It will allow us to increase the ability to
15 attract tourists to come to town, which is a recovering
16 resource.

17 Tourism is a recovering resource. We are
18 shooting at that target. It will go a long way in
19 providing a good community solid foundation and it will
20 show where EVOS has actually addressed something that
21 people can point to and say yes, this has been something
22 that EVOS really did to drive tourism in Cordova. We will
23 be able to bring people in in the wintertime. That right
24 now doesn't happen. Many people have moved away from the
25 community in the winter. We will have a conference center.

1 You, your science community can meet in Cordova at a very
2 nice facility free. We'll even let you have it for free if
3 you're putting in funds.

4 MR. O'CONNOR: Wow. If we buy it, we can
5 use it for free?

6 MAYOR JOYCE: You can use it. By golly.

7 MR. O'CONNOR: Wow.

8 MAYOR JOYCE: But you're only buying a
9 portion though. You are not buying -- this is a 17 million
10 dollar project, the lasted engineers efforts -- estimates.
11 When we started this project it was 10. Inflation has
12 eaten it up. It's now up to 17. We were asking for a
13 little over six million dollars. After you put in the
14 overhead, it's now a little over seven. And we will be
15 paying for the rest. So you're not being asked to fund the
16 -- all the building, you're only being asked to fund the
17 portions of the building related to EVOS.

18 There's a difference of opinion between the
19 State and the Federal trustees a little bit as to what
20 those things can be. For example, I know that Mr. Baffrey
21 has indicated that in his comments that the archives in the
22 state are required by statutory law to maintain the records
23 from the oil spill. And he is correct, until the
24 settlement is finalized. Once that money is paid out by
25 the Exxon settlement, the -- whatever the billions it will

1 be when the Supreme Court either takes it or doesn't.

2 After that is completely done, there is no
3 statutory requirement by the State to maintain those
4 records. If they decided that they need room, they can go
5 out and dispose of them. We are offering a facility that
6 could potentially digitize those records and have them
7 available for years into the future. So he is correct,
8 yes, the statutory -- they are obliged to keep them now.
9 But once that settlement is done, that's no longer the
10 case. So it would be shameful if in two years you're
11 looking at your toes going, gee, what happened to those
12 records. Because here we are, we're giving you an
13 opportunity.

14 CHAIRMAN TILLERY: Okay. Are there
15 additional questions? Mr. Hartig.

16 MR. HARTIG: Yeah, I have two questions,
17 Mayor. I know that you've been here before and appreciate,
18 you know, the additional information you provided today.
19 Maybe as an update though, where do you sit on your other
20 funds? You know, if -- I'm trying to get to the timing of
21 this again. You know, when would you need the EVOS funds
22 where it would make or break the project?

23 MAYOR JOYCE: We have right now
24 approximately four million dollars, just under four million
25 dollars of funds that we have acquired through different

1 grants from the State and from Federal agencies. Economic
2 funds, et cetera. Those funds are good until, I believe
3 it's 2010 or 2011 that we will have to -- if we have not
4 used them, we have to return them. So we have a couple of
5 years in which to utilize the funds or to return them. And
6 we're -- the EVOS funds that would be potentially used for
7 this project would give us the ability to lever other
8 funds. It would put us over the halfway mark for the 17
9 million dollars. We would then be able to go to the
10 Rasmussen Foundation and to the Paul Allen Foundation and
11 some of the other groups that are around and available to
12 leverage funds from them to complete the project.

13 As I said, the city is backing -- we've
14 already put a half a million dollars into the project.
15 We're acquired the land. We are willing to -- going to be
16 putting in more money obviously to complete the project but
17 we need to have the commitment. Without that commitment,
18 we can't lever other funds.

19 MR. HARTIG: And another question I have,
20 just a general question, has the Trustee's Council met in
21 Cordova? Ever?

22 MR. BAFFREY: Uh-huh.

23 MR. HARTIG: Or recently?

24 MAYOR JOYCE: They -- the Trustee Council,
25 I think it was in 2005, if I'm not.....

1 MR. BAFFREY: Six.

2 MAYOR JOYCE:mistaken. In the spring
3 of 2005 that we -- that the Trustee Council met in Cordova
4 and you met in the Masonic Hall, I believe it was.

5 MR. BAFFREY: Right.

6 MAYOR JOYCE: And if you've been there, if
7 you've never been to Cordova, it's a very interesting
8 building. Not the best for acoustics, but it was an
9 interesting meeting.

10 MR. HARTIG: Thank you.

11 MR. BAFFREY: I have one question, if I
12 may.

13 CHAIRMAN TILLERY: Mr. Baffrey.

14 MR. BAFFREY: Yes. Thank you. Mayor.

15 MAYOR JOYCE: Yes.

16 MR. BAFFREY: You say you were going to
17 consolidate facilities into the new facility.

18 MAYOR JOYCE: Yes.

19 MR. BAFFREY: The existing municipal
20 offices are sharing a building with the fire department,
21 correct?

22 MAYOR JOYCE: That's correct.

23 MR. BAFFREY: So are you going to -- is the
24 fire department also going to the new building?

25 MAYOR JOYCE: The fire department, what we

1 -- the plan right now, and that has to be finalized, is the
2 fire department and the police department are in a tsunami
3 zone. That's where the City Hall is. And every time there
4 is a tsunami warning, they have to evacuate and get the
5 equipment out, et cetera. So it does make -- it's good for
6 the community not to have earthquakes anywhere on the
7 Pacific Ocean. So this is something where we will be
8 looking at moving those facilities, possibly where the
9 existing library and museum is now, is to be moving the
10 city fire department and police station into the building
11 and then the building that would be down in the tsunami
12 zone would be totally removed.

13 MR. BAFFREY: You had mentioned that the
14 city would be responsible for operation and maintenance
15 costs.

16 MAYOR JOYCE: Yes.

17 MR. BAFFREY: That's really saying that the
18 citizens of Cordova.....

19 MAYOR JOYCE: Yes.

20 MR. BAFFREY:would be
21 responsible.....

22 MAYOR JOYCE: Yes.

23 MR. BAFFREY:for that.

24 MAYOR JOYCE: We are responsible for the
25 operating and maintenance costs right now of our current

1 library and museum and the City Hall and fire and police
2 department, both of which were built about 30 years ago.
3 They're metal butler buildings. I don't know if you're
4 familiar with them, but they're just sheet metal buildings.
5

6 MR. BAFFREY: Right.

7 MAYOR JOYCE: The insulation is sagged, the
8 windows -- some of the windows don't close. The operating
9 and maintenance costs are.....

10 MR. BAFFREY: I've been there.

11 MAYOR JOYCE:horrendous.

12 MR. BAFFREY: Has there been a vote
13 citywide on the support of this?

14 MAYOR JOYCE: As far as a bond issue?

15 MR. BAFFREY: Right.

16 MAYOR JOYCE: No, we haven't put out a
17 bond. We're waiting for the Trustee Council to take
18 action.

19 MR. BAFFREY: Okay.

20 MAYOR JOYCE: That will -- it will do us no
21 good to do a bond if we can't get past the 50 percent mark.

22 MR. BAFFREY: Thanks.

23 CHAIRMAN TILLERY: Are there additional
24 questions? Mr. Lloyd.

25 MR. LLOYD: Thanks. Mayor Joyce.

1 MAYOR JOYCE: Yes.

2 MR. LLOYD: I guess pursuing a little bit
3 on Director Baffrey's comment about a vote. I'm wondering
4 how public sentiment has been described or canvassed in
5 Cordova. And I reference Chair Studebaker's remarks that
6 the PAC is the face of the public with regard to EVOS but
7 we've also had substantial public comment today, let alone
8 at other meetings, in support of the center. But the PAC
9 is telling us, at least in the minutes today, that, you
10 know, not until the restoration work is done basically
11 should the Trustee Council go towards bricks and mortar
12 projects.

13 So with that kind of background, can you
14 briefly describe to me what you think the public sentiment
15 is in Cordova with regard to supporting this facility
16 versus maybe the alternate view that work should continue
17 until such a point as people restoration is complete.

18 MAYOR JOYCE: We have worked for the past
19 probably four to five years, maybe -- at least since 2001,
20 maybe even longer, six years now -- dealing with the
21 public, public meetings. I don't know how many we've had
22 now where we've had actual meetings where people have come
23 in, marked up on the drawings, for example, and looking for
24 locations. The people in Cordova did this. We've had, as
25 I said, I think it was a petition that had over 200 names

1 on it that I dropped off here at one meeting for people --
2 from people in Cordova who supported this building. The
3 City Council has provided a resolution of support for this
4 building. So yes, there is a lot of public support within
5 the community for this building.

6 As far as research, yes, there is a lot of
7 support within the community for additional research and
8 continuing research for -- particularly with herring. As I
9 mentioned in my comments, herring are very viable or a non-
10 viable species at the moment, but very valuable to the
11 community, not only for the economic impacts, but also for
12 the other resources that depend on herring to survive. Sea
13 lions, et cetera, birds, et cetera.

14 So it's good for the community, it's good
15 for the resources. So you will see that there's support in
16 Cordova for all of those things. But this is one of those
17 things, the Cordova Center is one of those things where the
18 community was not able to get their act together, if you
19 will, after the spill. There were a lot of things that
20 happened. There were a lot of things going on. It's take
21 -- it took 10 years before people were able to put their
22 feet on the ground and establish themselves again to figure
23 out where they were going to go and what they're going to
24 -- what they need to do.

25 And we have lost population. You know,

1 it's just that simple. People have decided that they can't
2 make a living there and can't stay there without these
3 other fisheries and without these other things, these
4 opportunities. We need to divest in our economy and this
5 is one way to do that for our community, is with this
6 center for tourism. But we can't do it by ourselves.

7 CHAIRMAN TILLERY: Additional questions?
8 Are there any questions or comments of the council members?
9 I would just like to make one correction, which was you
10 referenced with respect to the documents held by the State
11 in archives, that they were subject to some statutory
12 requirement that would go away. In fact, they're subject
13 to a number of court orders that require that we keep them
14 until essentially the litigation is over. Those court
15 orders will go away at some point, certainly not before, I
16 think, the punitive damages issue is resolved and possibly
17 thereafter.

18 There is however a State of Alaska
19 statutory scheme by which archives does keep certain
20 documents of critical importance to the State. Right now,
21 it is unknown what -- once the court order is lifted,
22 archives will have to make a decision. We don't know what
23 that decision will be. Undoubtedly, some of the documents
24 would be kept but there is no guarantee that it would be a
25 very complete set. For example, things like beach cleanup

1 logs and stuff like that. That's the kind of thing that
2 might be of historical value. Archives may decide to keep
3 them; they may not. So it's kind of an unknown.

4 MAYOR JOYCE: Right. I'm just offering
5 this as a potential source or location.

6 CHAIRMAN TILLERY: Thank you. Thank you,
7 Mayor Joyce. The next person and last person we have on
8 our list is Sylvia Long [sic], I believe. Did I get that
9 right? Long?

10 MS. LANG: Sylvia Lang.

11 CHAIRMAN TILLERY: Lang. Okay, sorry.

12 MS. LANG: That's better than Large, is
13 what's usually said.

14 CHAIRMAN TILLERY: I'm trying to improve
15 each time.

16 MS. LANG: Thanks for the opportunity to
17 speak before you. I've been here as many times as Mayor
18 Joyce. I'm a lifetime member or -- I was born and raised
19 in Cordova. I'm a business person in Cordova, which to me
20 is almost an oxymoron. I mean, if I was a business person,
21 I wouldn't be in Cordova. But I love the place, I live
22 there. I want -- I'm raising three children there. Prior
23 to the spill, I owned and operated a salmon seining vessel
24 and a gill net vessel for 20 years.

25 And a little walk down memory lane, if you're excuse

1 me, is to go to Cordova in 1988. We were at the top of our
2 game. People had -- were investing in the -- the
3 infrastructure of Cordova was investing in \$600,000 seine
4 boats and our permits were worth way too much money and the
5 economy was booming. And it was a vibrant and dynamic
6 place to live.

7 And it wasn't the community I grew up in.
8 I had happened with the economy of Japan and many other
9 reasons. But it was a great place to live, a great place
10 to see some future. And then, you know, fast forward past
11 the oil spill and up until '92, there was so much commotion
12 over the spill and the cleanup and the aftermath. And then
13 the crash of the herring. I'm telling you, that town
14 disappeared. The town I knew all my life just disappeared.
15 The things that make a community disappeared.

16 The interrelationships between the town and
17 its government, the town and its neighbors, marriages. I
18 mean, it was so sad. It was just -- it was gone. And I
19 was asked, the first time we came to the council, where has
20 Cordova been? Why didn't you come here earlier? You know,
21 why talk about this project now? It's like too much too
22 late. And my only response to that is we weren't at any
23 table. I mean, there was 10 years we were decimated. The
24 community fell apart, and that's all -- you know, that's
25 all I want to say about that, because -- I mean, it was

1 very personal and very difficult to deal with.

2 So here we are, we're getting our act back
3 together as a community. We're coming together. This
4 project was untold numbers of meetings with the community.
5 Everyone showed up. I mean, one section or another showed
6 up at different times. We had little sticky notes all over
7 one wall and we had brainstorming sessions. And through
8 that process the building we have designed came about. And
9 in the meantime, the Native Village of Eyak, Chugach Alaska
10 Corporation, Eyak Corporation, Tatitlek Corporation, the
11 Forest Service, the Alaska Delegation in Congress, you
12 know, a really widespread, broad-based group of people have
13 said that they're in support of this project.

14 It's good for Cordova. It's generally a
15 community center. It's multi-disciplinary. It will solve
16 some real serious ills that we have with our infrastructure
17 in Cordova, i.e. our emergency services within the tsunami
18 zone. And just overhead. I mean, just the effect that we
19 would have a state of the art building, built heavily
20 loaded, front loaded in costs so that our maintenance will
21 be low over the next 50 years. We want to be proud of this
22 community, this building, and build it right, and therefore
23 it's not an inexpensive building, and we recognize that.

24 I'm a shareholder of Eyak Corporation and I
25 sit on that board of directors. And I was dead-set against

1 the EVOS Trustee purchase of Eyak lands. But be that as it
2 may, those lands are gone forever for development in the
3 Cordova area. It's 70,000 acres of essentially all of our
4 waterfront on Prince William Sound. That's infrastructure
5 that you have invested in for species. We're asking you to
6 invest in infrastructure for this human species.

7 The Cordova community was impacted and
8 impacted in a very human way and we need infrastructure to
9 get our town back, to get focused again, and this is what
10 our community, in a very broad-based process, has decided
11 it wants. And there's, frankly, as a member of that
12 community, there's not a whole lot else we can point to
13 that would kind of -- would work towards that for us. It's
14 been 18 years and there has been no economic development in
15 Cordova. There's nothing on the table for additional
16 economic development. This is it. And I really feel good
17 about this one.

18 By all means, come to Cordova, have your
19 meetings there. I'm telling you, an organization with a
20 two million dollar budget would make all the difference in
21 the world. Move in. We -- that would be great. Five jobs
22 in Cordova is huge. That's probably -- you know, that's a
23 substantial number of good paying jobs in January, I can
24 tell you that from personal experience.

25 But anyway, as the resident expert of

1 living in Cordova for 55 years, I'd be happy to answer any
2 questions you may have.

3 CHAIRMAN TILLERY: Are there questions for
4 Ms. Lang?

5 (No audible responses)

6 MS. LANG: Okay. Thank you.

7 CHAIRMAN TILLERY: Thank you very much.

8 MR. BAFFREY: Joe had a question.

9 CHAIRMAN TILLERY: I'm sorry. Joe.

10 MR. MEADE: I don't have a question but I
11 feel compelled to offer an observation to my fellow
12 trustees. And I want to appreciate the Mayor joining us
13 this morning and Sylvia as well. As a forest supervisor I
14 have a direct relationship and a significant responsibility
15 as it relates to all of our communities across the -- the
16 5.5 million acres, the forest encompasses many of those
17 small and rural communities, Cordova being one of those
18 very important communities. And I feel that both of you
19 have spoken very well to the importance of the public lands
20 surrounding Cordova and the Prince William Sound to the
21 nature of the economy to the Cordova community as well.

22 And the piece I wanted to share with the
23 trustees, this issue has been percolating for just about
24 the entire duration of the time that I've been a trustee
25 member. And I strongly support the need for the Cordova

1 Center for multiple reasons. The community needs, the
2 recreation, the travel, the tourism nexus. The ability for
3 the Cordova community to move a variety of pieces of
4 infrastructure into a common facility. The library --
5 there are many reasons that this project has very high
6 merit and as a citizen and as a public land partner to the
7 Cordova community, we're as an agency in strong support of
8 the facility and the need as has been framed and discussed.
9

10 The challenge I have as a trustee member is
11 how it relates to the prioritization of our restoration
12 goals. And so I come back to the comments offered by the
13 PAC chairperson earlier this morning and that important
14 discussion about how this relates to our ability to do
15 ongoing research, address lingering oil, and be responsive
16 to the tenants and priorities we have within the
17 restoration plan.

18 The piece that I would ask us to think
19 seriously about as a board of trustees is the strong
20 potential fit with the project as we have in the past have
21 set aside part of our resources for the small habitat
22 purchase component, which has also been spoken about this
23 morning, in fact, just now by Sylvia as it relates to the
24 EVOS or the purchase of the Eyak lands. It's in that area
25 that I believe that we no longer have need to make

1 significant and substantive investments in the small parcel
2 set-aside. And it's in that context that perhaps we as a
3 Trustee Council should look at how we can equitably address
4 the interest in brick and mortar projects to help address
5 these human habitat issues, if you will, and yet not put on
6 on a competitive track our research and restoration aims
7 and objectives.

8 So I wanted to highlight that as something
9 I've mentioned to the Trustee Council in past and wanted as
10 a public record to make the observation here that though I
11 believe we'd still need to look at an equitable approach so
12 that we didn't have many requests coming from many
13 remaining communities, that small parcel habitat set-aside
14 funding mechanism can and could be reconsidered by trustees
15 for investments in human needs. Thank you.

16 CHAIRMAN TILLERY: Thank you. Other
17 comments or questions by council members?

18 MS. LANG: Thank you.

19 CHAIRMAN TILLERY: Thank you.

20 MR. O'CONNOR: Thank you.

21 CHAIRMAN TILLERY: Okay. That's all we
22 have on the list. Are there any -- is there anybody else
23 here in Anchorage that would like to comment?

24 (No audible responses)

25 CHAIRMAN TILLERY: Okay. Is there anybody

1 online who has not previously commented who would like to
2 comment?

3 (No audible responses)

4 CHAIRMAN TILLERY: Okay. Hearing nothing,
5 we will close the public comment. That leads us to the
6 draft work plan. We've been going almost two hours. Do we
7 need to.....

8 MR. LUTHI: I think that leads us to a
9 draft break.

10 CHAIRMAN TILLERY: Do we need to take a
11 draft break?

12 MR. LUTHI: Yeah.

13 CHAIRMAN TILLERY: Okay. So a break and
14 we'll start again in 10 minutes at 11, start at 11:00
15 o'clock.

16 (Off record - 10:50 a.m.)

17 (On record - 11:00 a.m.)

18 CHAIRMAN TILLERY: Okay. If we could --
19 the Trustee Council meeting is back in session. We had
20 just finished with public comment. The next item is the
21 FY-09 draft work plan. Is there any suggestion from the
22 council members on how to proceed with this?

23 MR. BAFFREY: I know I'm not -- I just feel
24 like I'm part of you because I'm up here in front. One of
25 the things -- and Joe actually brought up this suggestion

1 yesterday -- was, you know, let's get the quote/unquote non
2 -- can I use the word controversial? The ones that least
3 had.....

4 MS. BOERNER: Unanimously recommended.

5 MR. BAFFREY: Yeah. That were unanimous
6 for -- you know, through the PAC, you know, through the
7 Science Panel, through the Science Director and through me,
8 either recommend to fund or to not fund. Those are up
9 front and then the ones that we didn't have.....

10 MS. BOERNER: Consensus.

11 MR. BAFFREY:unanimous consensus on
12 through that -- through those four different categories,
13 that those would come second. So that's the way we -- you
14 should have a sheet of paper that looks something like this
15 that lays that out. So that's how we're proposing to
16 proceed here.

17 CHAIRMAN TILLERY: We'll go through them as
18 we've done in the past, one by one, because some agencies
19 may or may not need any or some of the project management
20 fees, which is normally a month's salary per project. That
21 will be a part of the motion, so it will be the project
22 title, you know, the amount approved, and then we'll also
23 find out how much will be needed in terms of project
24 management for each of these projects as we go through
25 them.

1 MR. BAFFREY: Council, may.....

2 MR. HARTIG: Yeah, a question first. The
3 question I have is, is -- you know, there's been some
4 suggestion here and seconded by third, four people support
5 it, deferring some of the herring projects, consideration
6 of those. And I realize that some of the herring projects
7 may be ones that we know we're going to do anyway, they're
8 a continuation of things that have been approved before and
9 we really don't need more input and we don't need -- we
10 shouldn't ask people for more input. But the concern I
11 have is, is if there's some budget here, you know, some
12 limitation on the amount of money that we want to spend,
13 that if we go ahead and approve some projects today and
14 defer others, then we may have approved ones that
15 ultimately we wouldn't have approved because it wouldn't
16 have gotten the priority over the other projects. I wonder
17 if that's a risk.

18 CHAIRMAN TILLERY: Yeah, just sort of to
19 follow-up with that, what is the money situation in terms
20 of our proposed general policy of four percent, I think.

21 MR. BAFFREY: 4.5, based upon your.....

22 CHAIRMAN TILLERY: Yeah.

23 MR. BAFFREY:resolution of, you know,
24 0203 or 0302.

25 CHAIRMAN TILLERY: How much money does

1 that.....

2 MR. BAFFREY: About a.....

3 CHAIRMAN TILLERY:is available?

4 MR. BAFFREY:million bucks. Right at
5 a million.

6 MR. O'CONNOR: That's to be spent on
7 projects?

8 MR. BAFFREY: For consideration. If you
9 want to stay within your cap, you know, the amount of
10 funding that you would put out, that you would consider
11 today, would fall within -- right around a million dollars.

12 CHAIRMAN TILLERY: We've got 100 million,
13 so 4.5 percent of that would four and a half million. So
14 how do we get down to a million?

15 MR. BAFFREY: Yeah, the cap was five -- and
16 Barbara, you may have one with the exact -- but the cap was
17 like 5.3 this year and.....

18 MS. HANNAH: Exactly.

19 MR. BAFFREY: And the administrative.....

20 MS. HANNAH: Almost 5.....

21 MR. BAFFREY:budget was two
22 point.....

23 MS. HANNAH: 2.063269 was what was funded
24 for the annual budget. 2.2865 was funded for.....

25 MR. BAFFREY: Multi-year projects.

1 MS. HANNAH:prior year multi-year
2 projects. They already received their funding for this
3 year.

4 MR. BAFFREY: And that leaves about a
5 million dollars.

6 CHAIRMAN TILLERY: So how much for multi-
7 year?

8 MS. HANNAH: 2,286,500.

9 CHAIRMAN TILLERY: And the multi-year are
10 not any of these that are reflected on this sheet?

11 MR. BAFFREY: That's correct.

12 CHAIRMAN TILLERY: These are all new
13 projects?

14 MR. BAFFREY: They're not new projects,
15 they're FY-07 projects that were only funded for FY-07 that
16 are now being considered for FY-08.

17 CHAIRMAN TILLERY: Okay. And the multi-
18 year ones are ones that we previously had funded for --
19 again, sort of multiple years that did not have to come
20 back to the council.

21 MR. BAFFREY: Correct.

22 CHAIRMAN TILLERY: Okay.

23 MR. HARTIG: Hey, Craig. Joe had a.....

24 MR. MEADE: Craig.

25 CHAIRMAN TILLERY: Joe.

1 MR. MEADE: Just to further the discussion,
2 as a trustee I feel very strong about the caps. I believe
3 that until we've reevaluated that policy that's been
4 established by the Trustee Council, it's established a very
5 important focus on our ability to carry forward a variety
6 of our research components. So for this research piece,
7 I'll leave small parcels set-aside, discussions that I
8 highlighted in the public comment earlier, for a later
9 discussion. Because I do believe there's some options
10 there that we should explore. But as we look at our work
11 plan for '08 in the context of the hundred-plus million
12 that we have available, I advocate that we do stay within
13 those caps.

14 But I would also advocate that we expect
15 compensation for the lingering oil components, and so those
16 -- what, near \$600,000 of lingering oil projects that we
17 continue to have in front of us, I would recommend we can
18 set-aside from caps, knowing that those dollars should come
19 back to our fund in time. That would enhance our -- it
20 would leverage our ability to do about 1.7 million dollars
21 of '08 prioritized work, if I understand my math correctly.

22 MR. BAFFREY: That's correct. Your math is
23 correct.

24 MR. MEADE: And in that, the context of
25 that recommendation, to me the elements captured within the

1 Executive Director's recommendations are very solid
2 projects and in concurring with the real wisdom on my time,
3 in visiting with Steve, we respect the insight put forward
4 as it relates to the herring project and the importance to
5 get the horse in front of the cart. At the same time, each
6 of those items captured within the Executive Director's
7 recommendations seem to be aligning with what we've heard
8 from some of the PAC and from some of the herring
9 restoration committee's work, that these are projects and
10 tasks perhaps Moffitt added that are essential to the
11 outcome regardless.

12 So it doesn't seem as though we're dis-
13 valuing, devaluing the work of the heritage group later
14 this month. We're simply augmenting the importance of that
15 work with the projects we know, data we know, and data
16 portal development that we know is all going to be
17 essential to the final outcome. I would come back then and
18 recommend that we would move forward with the Executive
19 Director's recommendations, recognizing then that the
20 herring components were all those that kind of fit in that
21 category of need to be done, at least for those that are
22 within the recommendation.

23 CHAIRMAN TILLERY: So as I understand it,
24 the -- you're suggesting that we take as a block unanimous
25 recommendations. That's about a million dollars. That

1 meets the cap. And are you suggesting that we could go
2 about 700,000 more? Was that what I heard?

3 MR. MEADE: Yeah, I would recommend that we
4 go to 1.7 by recognizing that the lingering oil projects
5 we're currently funding for about 600,000 are to be
6 recovered funds. And so we should give ourselves the
7 latitude to make that 1.7 million in strategic investment
8 in the '08 program board.

9 CHAIRMAN TILLERY: Mr. Lloyd.

10 MR. LLOYD: Adding on to Joe's comments
11 here. If the spreadsheet is correct here, the total
12 funding recommended by the Executive Director is 1.86. And
13 if you consider the Moffitt portal as in addition to that,
14 which is another 200,000, we're up over two million
15 dollars. So I don't know, Joe, how that comports with your
16 notion of staying down around 1.7 or whether we've still
17 got some work to do to cull back from the ED's
18 recommendations.

19 MR. MEADE: Not having my math numbers in
20 front of me, the -- I had understood that if we went with
21 the Executive Director's recommendations, and Moffitt
22 added, that would be up at about 1.7. So if that's pushing
23 us up to two and our cap is closer to 1.7 with the leniency
24 of the lingering oil, I'd have to confer.

25 MR. BAFFREY: Sure.

1 MR. LLOYD: Okay. Actually, I was looking
2 at yesterday's spreadsheet.

3 MR. BAFFREY: Oh.

4 MR. LLOYD: Which is 1.4 million.

5 MR. BAFFREY: How foolish.

6 CHAIRMAN TILLERY: Okay. Well, if the -- I
7 mean the first group is the one where there's sort of no
8 disagreement, and that's about 979,000.

9 MR. BAFFREY: Right.

10 CHAIRMAN TILLERY: So is the -- what is the
11 council's wish? Do you want to -- it sounds like that
12 generally are in agreement that the herring should not be
13 just deferred as a block but if there are things we need to
14 go forward, they should go forward. So.....

15 MR. LLOYD: I believe that's correct, Mr.
16 Chairman, certainly from my position.

17 CHAIRMAN TILLERY: Would then council then
18 concur that we should first take as a block the unanimous
19 recommendations, go through those, vote on them, and then
20 come down to the remaining items?

21 MR. LUTHI: I'm agreeable.

22 MR. BAFFREY: So just to do the math real
23 quick, what is the total on the.....

24 MS. HANNAH: Well, my understanding was the
25 total was 1,448,600.

1 MR. BAFFREY: Right.

2 MS. BOERNER: Right. That is correct.

3 MS. HANNAH: And so he's changed the.....

4 MR. BAFFREY: It's 448, amount, it's 1.4.

5 MS. HANNAH: That's without project

6 management.

7 MS. BOERNER: Right. Yeah, that number is

8 incorrect.

9 MR. LLOYD: Mr. Chairman, if I could ask a

10 question. So they've changed the number to 14 what?

11 MR. BAFFREY: 48.

12 MR. LLOYD: 1448.

13 MS. BOERNER: 600.

14 MR. LLOYD: And does that include the fund-

15 contingent recommendations from.....

16 MS. BOERNER: Yes.

17 MR. LLOYD:from the Executive

18 Director?

19 MS. BOERNER: Yes.

20 MR. LLOYD: Okay. Thanks.

21 CHAIRMAN TILLERY: But again, just to go

22 back, the question would then be should -- but -- well, my

23 original question is, should we simply go through that

24 first block where we have unanimous recommendations and

25 take a vote on those? Is that a good way to proceed? And

1 then where there's some split, focus more time on those.

2 MR. HARTIG: Okay. So if we go through
3 those that have the unanimous recommendation, those total
4 the 1.448.....

5 MR. BAFFREY: No. Those.....

6 MS. BOERNER: 979.

7 CHAIRMAN TILLERY: No, no that's 979.

8 MR. HARTIG: Okay.

9 CHAIRMAN TILLERY: So that leaves a
10 substantial.....

11 MR. HARTIG: Okay. Now I feel better.

12 MR. O'CONNOR: Yeah, I'm with you, Larry.
13 I get lost in those numbers.

14 MR. HARTIG: Well, I just want to make sure
15 I'm right.

16 CHAIRMAN TILLERY: Is that a good -- that
17 an okay way to proceed? Okay. Michael, who is going to go
18 through those projects?

19 MR. BAFFREY: Catherine.

20 CHAIRMAN TILLERY: Catherine.

21 MS. BOERNER: Good morning. I'm Catherine
22 Boerner. I'm serving as the acting Science Director right
23 now for the EVOS Trustee Council. As you've just directed,
24 we're going to -- I'm just going to read the projects, the
25 PI, and the project title of the projects that were

1 unanimously recommended by the Science Panel, the PAC,
2 myself, and the Executive Director and give a very brief
3 summary of the project. And again, these are all
4 continuing projects from FY-07. At the time they either
5 asked -- they only asked for funding for FY-07 based on
6 coming back in FY-08 for additional funding or they were
7 projects that we voted as two's last year, where we only
8 gave them one year of funding and we're going to re-review
9 them this year to continue their funding. And I'll
10 highlight which of those projects were two projects from
11 last year.

12 So I'll go alphabetically down this list.
13 Project 080814 and the PI is Bishop and it's seabird
14 predation on juvenile herring in Prince William Sound.
15 This was a number 2 project from last year where we
16 provided one year of funding and they knew that in FY-08
17 they'd have to come back with a new proposal. And Dr.
18 Bishop is looking at the, as the project title states, the
19 effect of seabird predation on juvenile herring and they're
20 using visual and hydro-acoustic surveys. and they're
21 specifically looking at winter predation which is something
22 that has not been well studied. And they are also working
23 with several other PI's to share information and to share
24 vessel time. This was a unanimous fund and they are
25 requesting \$204,300 for FY-08.

1 MR. LUTHI: Mr. Chairman.

2 CHAIRMAN TILLERY: Mr. Luthi.

3 MR. LUTHI: Thank you. If I might, could
4 you also, Catherine, add a little bit about what we found
5 in a year.

6 MS. BOERNER: I can. Uh-huh. Oh, in some
7 cases, that's part of the problem, is they've just started
8 to go out. So we had issues with the funding cycle last
9 year. But I can do that. For the Bishop project, they did
10 go out. They have been looking.....

11 MR. BAFFREY: Nancy Bird could maybe
12 address that a little bit.

13 MS. BOERNER: Right. I know Nancy Bird can
14 also help us address that project, because that's being
15 done out of the.....

16 MR. LUTHI: And I'm not looking for 30
17 minutes on each, please. Yeah.

18 MS. BOERNER: It's really just to continue
19 their surveys from last year and unfortunately I guess we
20 are a little bit out of time sync in that next week she'll
21 be here presenting her progress from FY-07.

22 MS. BIRD: They began the project last
23 spring. They went out with the boats that were doing the
24 acoustic survey work and other sampling work and they took
25 surveys of seabirds that they saw at that time. Basically

1 the project was sort of shut down for the summer, since it
2 is a winter emphasis monitoring type project. So there is
3 a -- there are a number of surveys planned this winter in
4 conjunction with the whale monitoring. Jeep Rice will be
5 going out as well as -- with the fish people -- as well as
6 trying to take advantage of that whole opportunity.

7 MR. LUTHI: Mr. Chairman, again, just --
8 and this is just probably because I'm coming to, but it
9 appears we have a project that was meant for winter and we
10 started it in spring and discontinued it till winter.

11 MR. BAFFREY: For FY-07.

12 MR. LUTHI: Yes, okay.

13 MS. BOERNER: They did not receive funding
14 from us until March of '07 last year.

15 CHAIRMAN TILLERY: Okay. And the Science
16 Panel recommended fund.

17 MS. BOERNER: Yes.

18 CHAIRMAN TILLERY: And what did they have
19 in front of them, the activities to date?

20 MS. BOERNER: Yes. They had the progress
21 report from fiscal year '07 and then the new proposal for
22 FY-08. And unfortunately, as Nancy stated, because they
23 did not receive funding from us until March of '07, they
24 were a bit late in being able to get out and do their
25 winter surveys, which is the core of their project.

1 CHAIRMAN TILLERY: Was there any thought
2 expressed by the Science Panel that since this project
3 doesn't occur until the winter that it should wait for a
4 decision.....

5 MR. BAFFREY: Good question.

6 CHAIRMAN TILLERY:until later?

7 MR. BAFFREY: That's a good question.

8 Well, we don't want them to be in the exact same situation
9 they were in last year.

10 MS. BOERNER: Right.

11 MR. BAFFREY: You know, where they didn't
12 get funding in time to set up for that.

13 MS. BOERNER: Right. Yeah, they do need
14 funding in place now, just to make sure that they do book
15 their vessel time, that they do have staff available to
16 complete the project.

17 MR. BAFFREY: That's a good question. But
18 to answer your question, no, the Science Panel didn't
19 consider deferring this until a later time.

20 MS. BOERNER: No, unh-unh.

21 CHAIRMAN TILLERY: Other questions?

22 (No audible responses)

23 CHAIRMAN TILLERY: So just to clarify then,
24 if we were to wait until after they get some results from
25 this year, it would be too late to fund it?

1 MR. BAFFREY: Well, Nancy, you would
2 probably be the best to address that.

3 MS. BIRD: They really have no results from
4 this year.

5 CHAIRMAN TILLERY: You need to come up
6 here.

7 MS. BIRD: I would have to have in front of
8 me what the budgets were and off the top of my head I can't
9 recall when the contracts began. I guess I would also
10 state that this is a project in conjunction with Kathy
11 Kuletz from US Fish and Wildlife Service. So part of that
12 204,000 is a -- it's a combination project. I believe that
13 -- I mean, we have current funding that will continue.

14 What will -- if you defer a decision, I
15 think what will make it difficult is for them to decide at
16 their meetings next week at which they'll both getting
17 progress reports and sort of planning out for the coming
18 year what to do. And if they don't know for sure whether
19 they're really going to have full funding, it's going to
20 make it difficult for them to continue the progress that
21 way. I'm not probably offering as much detail as you would
22 like, but.....

23 MR. LUTHI: But you made the mistake of
24 hanging around.

25 CHAIRMAN TILLERY: Okay. Are there any

1 other -- are there questions on this one?

2 MR. O'CONNOR: I guess I have.....

3 CHAIRMAN TILLERY: A question.

4 MR. O'CONNOR:a question, a comment,
5 something. I'm bothered by the status of the herring, the
6 evolution of herring in our decision making here, which was
7 raised by the -- Mr. Kopchak and others. I have no
8 problems going forward today, recognizing that we need to
9 make commitments if we're going to get projects in the
10 field, such as what you're talking about. I also have the
11 concern that we make a decision today and move out in a
12 direction that tomorrow, meaning next week, we discover is
13 not necessarily the right direction to go in. I would like
14 to, I guess, ask a question of Michael or Catherine. The
15 category of fund contingent have generally been fund
16 contingent upon something, whether it's a report or what
17 have you.

18 Would it make any sense to fund contingent
19 upon the relevancy and the efficacy of the projects after
20 the evaluation that is going to occur next week with regard
21 to our planning, the plan for herring and the direction
22 that the experts think we ought to go. I don't sense in
23 our conversations here that we've had -- we have any
24 significant misapprehensions with regard to the projects
25 that have been unanimously approved other than the fact

1 that we're not quite sure if it's going to comport with
2 what the ultimate guidance is from our experts in this
3 field. So is that a possibility? Does that make any
4 sense, to sort of say okay to this project subject to the
5 evaluation that you guys do based upon what the herring
6 committee comes out with in the next few days. And if you
7 think we should continue to go forward with it based on
8 their recommendations or their position, great. And if
9 not, if they say no, this isn't going to get us anywhere,
10 this is inconsistent, then we pull the plug and you let us
11 know that that's happened.

12 MR. BAFFREY: Yeah, I'll let Catherine
13 address that first.

14 MS. BOERNER: Yeah, my issue with that is
15 the retreat that's happening next week, Thursday and Friday
16 of next week, is not a retreat where recommendations will
17 be issued by the group. It is an information sharing
18 meeting. It's for them to discuss the outline that's going
19 to be -- that's being provided by the herring technical
20 writing team. It's not really a meeting where they're
21 going to sit down and make recommendations moving forward
22 with herring. They'll have recommendations for the outline
23 but they're not going to look at these projects and then
24 recommend projects be funded or not funded or to determine
25 what the future of the program is going to be. I mean,

1 it's really the fir.....

2 MR. O'CONNOR: No, I wouldn't think they're
3 going to do that, but they're going to give us a clue,
4 aren't they, as to what we ought to be doing in at least in
5 the broad sense. Is that coming out next week or -- I
6 mean, I heard.....

7 MR. BAFFREY: There's a couple of things
8 that are going to happen over the next few weeks actually.
9 There's the meeting that's happening next week with herring
10 and also we have the Science Panel meeting, because we're
11 going to kick off looking at the recovery objectives.....

12 MR. O'CONNOR: Right.

13 MR. BAFFREY:and the recovery status
14 categories at the end of the month. So then we're going to
15 have a draft final of the herring restoration plan in
16 December. So there's a lot of input into the decision that
17 you're saying on a fund contingent I would need to make.
18 Plus we would convene the Science Panel before we would do
19 that. So, I mean, there is merit in deferring a decision
20 on this until we have more input from the various
21 components that are dealing more directly with herring.
22 And then the Science Panel is going to deal with the
23 direction that hopefully you as a trustee council is going
24 to be taking into the future.

25 MS. BOERNER: But we'd be deferring into

1 December at that point until the draft restoration plan is
2 available. And in cases like this, they need to be going
3 out in December.

4 MR. BAFFREY: Right. Which with no funding
5 they could not do that on this project.

6 MS. BOERNER: Right. And they can't plan
7 for that today.....

8 MR. BAFFREY: Which is the downside.....

9 MS. BOERNER:to be prepared to go
10 into.....

11 MR. BAFFREY:of this project. You
12 would lose a whole year to do our survey.

13 CHAIRMAN TILLERY: Mr. Lloyd.

14 MR. LLOYD: Thanks, Mr. Chairman. I guess
15 this discussion highlights for me my initial concern about
16 relying on next week's meeting and now we're going to rely
17 on a subsequent month's meeting. And my notion of these
18 other efforts was to provide the Trustee Council with some
19 guidance on the future of the herring program and maybe
20 something that we would take into account not at this
21 funding cycle, which we thought we were at the end point
22 on, but next year's before going out from there. So I am
23 very hesitant to defer these funding decisions,
24 particularly those projects that can be identified as
25 basically ongoing efforts that we -- if we defer, we'd

1 either potentially cripple the project and/or not fund it
2 based on a view from a committee that really wasn't charged
3 with doing individual project review. I'd rather proceed
4 on these based on the information we have before us and
5 hope that we get good guidance from the committee and from
6 the science plan, the herring science plan, for how to
7 proceed next year and the future from there.

8 MS. BOERNER: Yes, exactly. The
9 information that's going to come out of this herring
10 meeting is really to inform the FY-09 invitation with all
11 the work that's been completed today.

12 MR. BAFFREY: Which will be issued in
13 February.

14 MS. BOERNER: And at this point will also
15 include these projects.

16 CHAIRMAN TILLERY: Are there other comments
17 or questions? My concern was that we didn't any
18 information, however, we often don't because a first year
19 project you don't and multi-year project you don't. But
20 more importantly, in this one, it was kind of unique in the
21 timing of it. By definition, you're not going to have the
22 information and because it -- because of that and the need
23 to keep it on and not jeopardize the consecutive years, I
24 believe it would be appropriate in this instance to proceed
25 without that information.

1 Okay. Any other -- anything else on this
2 project?

3 (No audible responses)

4 CHAIRMAN TILLERY: Okay. The next one?

5 MR. BAFFREY: Well, are we going to vote on
6 these on an individual basis or you want to vote as a whole
7 block?

8 MS. BOERNER: We'll vote as a group.

9 CHAIRMAN TILLERY: No, we're going to go the -- look at the
10 block first.

11 MS. BOERNER: Project 080817. The PI is
12 Shelton Gay and the project title is oceanographic factors
13 affecting productivity in juvenile Pacific herring nursery
14 habitats.

15 MR. BAFFREY: Okay. Before we do that,
16 those of you who have turned to Page 29 and looked at the
17 Bishop proposal will see that there was -- FY-09 is FY-10
18 and I think even FY-11 requested, even though there's not
19 FY-09 and 10. We're only looking at FY-08 funding.

20 MS. BOERNER: FY-08.

21 MR. BAFFREY: If it's a multi-year
22 proposal, we're still only looking at one year's funding.

23 MS. BOERNER: And that's based on what
24 we're -- based on the FY-09 invitation, they will come back
25 and resubmit.

1 CHAIRMAN TILLERY: That does actually bring
2 out one point and it's something that I and others have
3 asked for years, which is, when we get to these meetings
4 and we have a -- what are we -- go down -- that we can't
5 find them in the books because they're in a completely
6 different order. When you go to each one of these, like
7 you just said, that was on Page 29, could you give me the
8 page for 817.

9 MR. BAFFREY: Sure.

10 MS. BOERNER: Sure.

11 CHAIRMAN TILLERY: For the abstracts.

12 MR. BAFFREY: We had it nicely set up until
13 we lumped them.

14 CHAIRMAN TILLERY: Yeah.

15 MS. BOERNER: The Gay project is located on
16 Page 34 of the work plan.

17 MR. BAFFREY: I'll make a run through the
18 rest of them.

19 MR. LUTHI: Results in the second one.

20 MS. BOERNER: Right. This project was a
21 number 2 project from last year. They've actually made a
22 lot of progress in looking -- they're specifically looking
23 in hydrographic series and herring nursery base to see how
24 that's affecting the herring nursery base and they're
25 specifically looking at productive versus non-productive

1 habitats and how the factors are different in each. The
2 project has made a lot of progress this year, has a lot of
3 -- collected a lot of data and they've worked really
4 closely with other projects. And in FY-08 they're looking
5 to really kind of begin the power analysis of this project
6 data. This was always -- they had originally submitted
7 this as a two year project. And they are asking for
8 \$70,100 this year. And this was a unanimous fund by all
9 parties.

10 CHAIRMAN TILLERY: Are there questions or
11 comments?

12 (No audible responses)

13 MS. BOERNER: All right.

14 CHAIRMAN TILLERY: Next project.

15 MS. BOERNER: Project 070853a. And the PI
16 is Dr. Irons. And it's pigeon guillemot restoration in
17 Prince William Sound.

18 CHAIRMAN TILLERY: Did you have a page
19 number?

20 MR. BAFFREY: Yeah, it's 38.

21 MS. BOERNER: 38.

22 MR. BAFFREY: However, this project has --
23 you know, the PI's, after responding to the comments, has
24 decided that -- to go back and take another look at the
25 proposal. It's been withdrawn from your consideration

1 today. You know, there's -- there was a much more severe
2 decline in the pigeon guillemot population in the Naked
3 Island complex. The reasons for that, you know, they're
4 sorting through and they want to make sure that the
5 proposal, which will be deferred, will be in response to
6 the FY-09 invitation, is more well thought out. So they've
7 withdrawn this one today.

8 MS. BOERNER: Yes. They do have funding in
9 place for this project as a part of a multi-year project in
10 FY-07. This was a request for additional funding.

11 CHAIRMAN TILLERY: Okay. Then moving onto
12 the next one.

13 MR. BAFFREY: Page 44.

14 MS. BOERNER: Project 080811. The PI is
15 Kline and the project title is the Prince William Sound
16 herring forage contingency. This was also a number 2
17 project from last year. And this project is hypothesizing
18 that juvenile herring are not gaining enough full body
19 energy content from the available of plankton to survive
20 their first winter. They've done a lot of -- again, it's
21 the first year of the project. They went out, they've been
22 measuring zooplankton, they've been taking samples of
23 juvenile herring to measure the whole body energy content.
24 And then the second year of this project will be the
25 analysis of that data and sharing that data with other

1 projects. In FY-08 they're asking for \$353,700 and this
2 was a universal fund for all parties.

3 MR. BAFFREY: Comment.

4 CHAIRMAN TILLERY: Are there questions?
5 Comments? Mr. Lloyd.

6 MR. LLOYD: Well, what does a number 1
7 versus a number 2 project for last year mean?

8 MS. BOERNER: Number 1 were projects that
9 we funding in their entirety. We funded all years of the
10 project.

11 MR. BAFFREY: The Science Panel had rated
12 them number 1 projects.

13 MS. BOERNER: Yeah. As kind of most
14 important and those projects needed to continue in the
15 absence of a herring recovery plan. The number 2 projects
16 were projects we said, well, we need to fund them for one
17 year, review the progress that the projects have made, see
18 if they're applicable to herring restoration, and then come
19 back in FY-08 and review the progress and to get a new
20 proposal.

21 MR. LLOYD: Did I correctly hear you that
22 the Bishop project was a number 1 project?

23 MS. BOERNER: Two.

24 MR. BAFFREY: Two.

25 MS. BOERNER: These are two, yeah.

1 MR. LLOYD: So they're all two's.

2 MS. BOERNER: Yes. All the number 1
3 projects you've already funded in your last meeting.

4 MR. LLOYD: Thank you.

5 CHAIRMAN TILLERY: Are there other
6 questions or comments regarding this project?

7 (No audible responses)

8 CHAIRMAN TILLERY: Okay.

9 MR. BAFFREY: Linley is 6 -- 46.

10 MS. BOERNER: 46. Project 080821. The PI
11 is Linley. And the project is development of culture
12 technology to support herring restora -- the restoration of
13 herring in Prince William Sound. There's been -- you heard
14 a lot of comment about this during the public comment of
15 this meeting and they are looking to develop a herring
16 culture protocol that will eventually serve as the model
17 for the implementation of a pilot and then eventually a
18 full scale program for supplementation of herring in the
19 Sound. They did go to Japan last year as you heard from
20 Howard Ferren and they did gain a lot of information from
21 that. The second year of the project, they're actually
22 looking to utilize space within the science center -- sorry
23 -- to actually -- to advance that technology.

24 To bring the Japanese here to consult on
25 the program and to develop the technology so that way when

1 the herring restoration plan comes out and if enhancement
2 is identified as something we'd want to pursue, that it
3 would be ready to go ahead. They are asking for \$310,000
4 this year and this was a universal do not fund.

5 CHAIRMAN TILLERY: So at the time that we
6 had this originally, it was 1.3 million they were
7 asking.....

8 MS. BOERNER: Yes.

9 CHAIRMAN TILLERY:and they -- in
10 response to the comments, they've reduced it to 310?

11 MS. BOERNER: Yes.

12 MR. BAFFREY: Right.

13 MS. BOERNER: They removed all of the
14 building expense out of the project, the SeaLife Center.

15 CHAIRMAN TILLERY: Questions and comments
16 on this project? Joe.

17 MR. MEADE: Particularly in light of
18 today's comments, I see some relevancy with the
19 relationships that have been fostered and established and
20 keeping that moving forward. I think the -- at least from
21 the Forest Service's perspective as it relates to this, the
22 question was, is this more focused as an '09 project so
23 that we have the restoration plan, going back to the
24 discussion of earlier, is this one that will be most ready
25 in '09 because we'll have our herring plan and restoration,

1 you know, components laid out in front of us. What I heard
2 this morning would compel us to at least ponder at the
3 segment of this is the importance of -- between now and '09
4 we keep moving forward with the very important connection
5 with the Japanese instruction.

6 MR. BAFFREY: So are you going to take
7 comments from.....

8 CHAIRMAN TILLERY: No, not at this time.
9 Not with separate PI's.

10 MR. BAFFREY: Okay. Joe, my comments on
11 this and to Trustee Council members, is that we don't know
12 if enhancement of herring is where we're going to go.

13 MR. MEADE: Right.

14 MR. BAFFREY: And we need to -- I think we
15 need to rely on the work that we've set in motion by the
16 Herring Steering Committee and the technical writing
17 committee to guide us there. So that's the reason I'm
18 recommending do not fund. I mean, FY-09, we will know by
19 that invitation whether or not we want to pursue
20 enhancement. And frankly, it's the State that has
21 governance over herring. And specifically, ADF&G will be,
22 you know, the key decision maker in whether or not we move
23 forward with enhancement of the herring stock in Prince
24 William Sound.

25 MR. MEADE: We are in concurrence with that

1 as well, Michael. The piece I'm asking us as trustees
2 today is based on this morning's interaction. Is there any
3 importance for us to consider the relationships with the
4 Japanese industry and government that has been pioneered
5 this past year under our support, advocacy, and funding
6 that we don't want to see strained or lost as we then
7 prepare for the possibility of a project application in
8 '09.

9 CHAIRMAN TILLERY: Okay. Other comments or
10 questions from council members?

11 MR. O'CONNOR: What's your sense on that
12 question? Do you think we're going to lose what little
13 they gained in terms of a relationship with Japan if we put
14 this off?

15 MR. BAFFREY: I don't think we'll lose the
16 relationship. You've got to remember that the Japanese,
17 their enhancement is specifically commercial harvest
18 oriented. They -- what they put out, they like to get back
19 and then eat it. And I -- that's a little different than
20 trying to enhance a wild stock in Prince William Sound.

21 And the relationship, it sounds like it's
22 pretty well established and Howard could probably speak to
23 that. I don't know again if you're entertaining comments
24 from the PI's, but I don't see a loss in that relationship,
25 you know, in the time period we're talking about.

1 MR. O'CONNOR: With the Chairman's
2 indulgence, I would like to ask the PI to comment on that.
3 If we put -- what's going to happen? Have you got anything
4 worthwhile from it to give me?

5 MR. LLOYD: Two questions.

6 MR. FERREN: I'd also like to ask -- again,
7 I'm co-PI. Dr. Linley is principal investigator. And if
8 Dr. Linley is still on the phone.....

9 DR. LINLEY: Yes, I am, Howard. I didn't
10 quite hear the question, but yes I am.

11 MR. FERREN: Dr. Linley has had the
12 negotiations with the fisheries research agency as well as
13 attended the institute in Hokkaido. So he has established
14 the personal relationships as well as their business
15 relationships through MariCal with the Japanese. And Tim
16 could probably speak to that relationship better than I
17 can, however, there are lots of answers to questions I hope
18 that you ask that I might be able to answer that might
19 provide further background to what we've accomplished this
20 year.

21 But Tim, could you answer that specific
22 question?

23 DR. LINLEY: Again, I didn't quite hear
24 what question was, so.....

25 CHAIRMAN TILLERY: Mr. O'Connor, could

1 you.....

2 MR. O'CONNOR: If we don't give you any
3 money this year, is that going to screw up your
4 relationship with the Japanese?

5 DR. LINLEY: Well, the relationship with
6 the Japanese, when I was there, I -- you know, I was
7 certainly able to have a very good exchange in terms of
8 information, getting information from them wherein you're
9 in receipt of one of their technical reports that
10 essentially details all the work that they have done over
11 the last 20 years related to techniques for herring
12 culture.

13 As far as their specific involvement, the
14 principals that I was able to engage are available to work
15 this year on at least a consulting basis if you like and be
16 able to expand that role in coming years. The issue for
17 them is that this is a government agency and much like NOAA
18 or Fish and Game or something like that, their work plans
19 are laid out, you know, a year or two or three in advance.
20 So that to defer a year is going to I think, at the very
21 least, complicate any effort on our part or their part to
22 plan for this as we go.....

23 (Phone connection lost)

24 MR. O'CONNOR: Japanese technology.

25 MR. BAFFREY: Tim?

1 CHAIRMAN TILLERY: Perhaps you could
2 continue with that explanation until he gets back on line.

3 MR. O'CONNOR: I'll certainly try. Again,
4 Tim had established.....

5 DR. LINLEY: Oh, did I -- I'm sorry, did I
6 cut out?

7 CHAIRMAN TILLERY: Yes, you did. Oh, good.
8 If you need to -- yeah. Please continue.

9 CHAIRMAN TILLERY: You were talking about
10 the planning cycle for government agencies.

11 DR. LINLEY: Right. And when I approached,
12 again, approached the principals there at the Hokkaido
13 National Fisheries Research Institute, they certainly
14 expressed interest and willingness to engage us in that and
15 have an expanded role in the exchange between the program
16 over there and whatever evolves in Prince William Sound.
17 But again, one of the major issues for them is that
18 they're involved in a whole host of activities above and
19 beyond those necessarily related to herring. They've got
20 all sorts of species that they're working on in terms of
21 culture activities, stock enhancement activities, things of
22 that nature.

23 So the longer the lead time we can give
24 them, the better position they're going to be in in order
25 to be able to make decisions about how they're going to

1 participate in any, you know, restoration effort in Prince
2 William Sound and what the degree of that participation is
3 going -- do I think I think we're going -- we'll lose it by
4 doing that in a year? I don't know to be perfectly honest
5 with you. I think, you know, there's some cultural issues
6 here in terms of if you lay the ground work for
7 (indiscernible - telephonic interference) that. I don't
8 think that would sit very well necessarily with, you know,
9 perhaps some cultural attitudes but that's speculation on
10 my part.

11 I would certainly think if I were at the
12 other end of this and we had engaged their assistance and
13 tried to lay out a program for them for the long term and
14 then that was withdrawn, that would make me somewhat
15 skeptical about going forward at some point in the future.
16 But that's speaking on my own behalf.

17 MR. O'CONNOR: All right. Thank you.

18 CHAIRMAN TILLERY: Okay. Other -- Mr.
19 Meade.

20 MR. MEADE: Just to follow up my inquiry on
21 this, which Mr. O'Connor also, you know, further
22 deliberated into. I would wonder if it would be reasonable
23 for us to take the component of this proposal which we
24 believe has, as Michael well stated, optimum application
25 once we know more in potentially '09. Within this current

1 '08 proposal there's about 15, maybe 20,000 in consulting
2 resources with the Japanese. I would recommend or I would
3 suggest we entertain a notion of continuing that consulting
4 relationship in '08, then to help augment the ability for
5 the project in '09, if indeed it's determined that
6 enhancement is desirable.

7 CHAIRMAN TILLERY: Questions? Further?
8 Mr. Hartig.

9 MR. HARTIG: Yeah, I'd like to follow up on
10 that. That seems like a logical proposal, you know, to say
11 well let's continue that consulting relationship, you know,
12 so it doesn't fall apart here, we don't put it at risk for
13 the next year, and what would we need to do that and what
14 would it cost, what would we have to fund here.

15 CHAIRMAN TILLERY: So is that a -- sounds
16 like that's a question for the PI's.

17 MR. HARTIG: Yeah, it is, sorry, a question
18 for the PI's.

19 MR. FERREN: I'm not sure that that
20 question can be answered clearly right at this point
21 because you're asking to do nothing else other than one
22 part of a project, but that means there's no engagement of
23 any of the personnel or relationships other than the
24 Japanese. So unless you go back and reevaluate the
25 program, the multiple organizations that are involved, the

1 cost of their involvement in order to have the
2 collaboration with the Japanese, I can't honestly give you
3 a figure.

4 There are other collaborations that were
5 established this year, including those with the Virginia
6 Institute of Technology on the culture aspects, the larval
7 culture aspects in Artemia as well as the herring larva.
8 That we have in tact and are suggesting in this proposal
9 that we continue. If we discontinue this work, we
10 discontinue those relationships. So I don't want to
11 isolate it to only the Japanese, although there are
12 probably stronger cultural issues there that are sustained
13 if a long term relationship is established.

14 I can't speak for Virginia Institute of
15 Technology, but again, they were consultants, they were
16 onsite in Cordova, we established larva culture facilities
17 last year, we took gametes from Prince William Sound. We
18 incubated those. We reared them through experiments on
19 salinity and feed and we presented those results in a
20 lengthy report of accomplishments. If we discontinue and
21 only focus on the Japanese, understand that we're
22 discontinuing a significant amount of work that was
23 accomplished all for \$85,000 last year.

24 MR. BAFFREY: Howard, may I say something
25 here? You know, what we're focusing on with the Japanese

1 is what they know about stock enhancement. So that's the
2 purposes of continuing that relationship. And we don't
3 want to lose that international tie of a culture that has
4 done herring enhancement. So I'm not concerned about
5 Virginia Tech right now. You know, I'm concerned about a
6 cultural relationship with a group that has actually
7 applied herring enhancement. And that's -- I could -- I
8 totally support, you know, continuing on that relationship.
9 And it's maybe -- well, what I would recommend that the
10 Trustee Council do is direct me to work with the PI's to
11 ferret out what that would entail in terms of cost and make
12 that decision.

13 CHAIRMAN TILLERY: You took the words right
14 out of my mouth.

15 MR. BAFFREY: Thank you.

16 CHAIRMAN TILLERY: That would seem to be a
17 logical step at this point to see if there's not some more
18 minimalist approach we could take that would keep things
19 going. Okay. Is there further on this one?

20 MR. O'CONNOR: Yeah, excuse me. I have a
21 problem with our logic. Last year we chatted about the
22 need to come up with some solutions and this was a project
23 that was designed to look at what is a potentially obvious
24 solution, which is stock enhancement. Now if we put this
25 off and we determine -- we put off reaching a conclusion

1 with regard to the ability to in fact enhance a stock of
2 herring through tools that have utilized other places, I
3 can see what's going to come out of this exercise. We're
4 going to have the hearing and the herring committee say,
5 well, you know, stock enhancement might be a good thing but
6 we don't know whether it works.

7 So what we're in essence going to do is put
8 off, once again, movement forward on reaching conclusions
9 with regard to the tools that are available to us and we
10 will be sequencing those conclusions. I don't have any
11 problem with the idea of actually having an answer sitting
12 there when we reach the point where we ask the question.
13 It would be, I think, beneficial rather than saying, okay,
14 oops, we stopped midstream once again and now we don't know
15 the answer to something as fundamental as whether or not we
16 actually could enhance the herring stock. I think it's
17 stupid -- no, that's a legal term.

18 I think it's illogical to stop along the
19 way answering what I consider to be a fundamental question.
20 Are there tools out there for us to utilize? And I think
21 the herring committee, unless they're more clairvoyant than
22 I have seen any committee be to this point, they're not
23 going to have that answer and they're going to say, well,
24 maybe that's a tool and let's go figure it out now. If I'm
25 making sense, great. But this is just dumb in my opinion

1 to just stop midstream with something that apparently, at
2 least in Japan, has proven to be successful. And last year
3 we thought this was the greatest thing since sliced bread.

4 MR. BAFFREY: Well, actually we didn't.
5 You know, it was ranked a number 2 last year.

6 MR. O'CONNOR: I thought it was the
7 greatest thing since sliced bread.

8 MR. BAFFREY: No, but -- and we are looking
9 at some basic components of that and we're looking at
10 disease. We're looking at predation from seabirds,
11 predation from whales. We're doing that groundwork. You
12 know, you need those in place before you actually do
13 enhancement. And I don't see where we're stopping a
14 process. I see where we're moving forward very, very
15 diligently towards getting to that point where we will --
16 and we have a white paper on enhancement.

17 We have a Herring Steering Committee which
18 will make a recommendation about enhancement or not. It
19 seems to me that's the logic. Those are the steps that you
20 would want in place. You know, can we do it from a
21 regulatory regime? Is disease really the factor? Is
22 predation really the factor? You know, we can -- to date,
23 we don't even know if oil is the factor. You know, so
24 let's answer some basic questions and then, if enhancement
25 is the way we want to go, move forward at that point.

1 MS. STUDEBAKER: Can I.....

2 MR. BAFFREY: We know enhancement has been
3 done internationally. Koreans have done it. The Japanese
4 have done it. Norwegians have done it. You know, the
5 technique is out there.

6 CHAIRMAN TILLERY: Stacy, you had an
7 explanation as to why the PAC suggested do not fund?

8 MS. STUDEBAKER: Well, I -- yeah, a
9 question came up, is would an EIS have to be done before
10 hearing enhancement was done?

11 MR. BAFFREY: It would be NEPA compliance
12 required. I don't know an EIS would be required.

13 MS. BOERNER: I don't think an EIS is
14 required.

15 MR. LLOYD: Yeah, I think that's the
16 answer.

17 MS. STUDEBAKER: That was a question that
18 came up in our discussion, is, you know, if NEPA was
19 required before any, you know, real enhancement was done,
20 that might clear up some of the questions and some of the
21 reservations that people would have about the impacts of
22 herring enhancement in Prince William Sound, which is a
23 concern to the public and to the scientific community.

24 MR. O'CONNOR: And we would have to do
25 that.

1 CHAIRMAN TILLERY: Okay. Are there other
2 comments or thoughts about this one? There appears to be a
3 diversity of views. Mr. Lloyd.

4 MR. LLOYD: Thank you. At risk of falling
5 under Mr. O'Connor's definition of stupid, my logic was
6 exactly the opposite, that this indeed was one if not --
7 well, the only one if not perhaps one of two projects that
8 we had been warned off of by some of the public comment,
9 specifically to ask the committee's deliberations on, that
10 the gap in data gathering was generally supported, but a
11 project that starts anew to operate on a presumption that,
12 for example this case, enhancement were a desired result.
13 Didn't necessarily need to proceed at this point but could
14 wait for guidance from the herring committee and the future
15 work on the herring restoration plan.

16 CHAIRMAN TILLERY: Other.....

17 MR. O'CONNOR: That didn't fall under the
18 stupid category.

19 CHAIRMAN TILLERY: Other comments or
20 questions? Responses? Okay. Shall we.....

21 MS. VLASOFF: Chairman Tillery. I was
22 wondering why a Public Advisory Committee Chairperson was
23 able to make a comment and I'm on the Public Advisory
24 Committee and I wasn't. So I'm just curious.

25 CHAIRMAN TILLERY: Just because the Public

1 Advisory Committee had a vote on this and they have --
2 that's one of the things we're considering, and I was
3 looking for an explanation as to why they voted in that
4 way.

5 MS. VLASOFF: I also would like for you to
6 know that we voted twice on this issue, first of all, to go
7 ahead and fund it and then another resolution was made to
8 not fund it, so that's what I was trying to.....

9 CHAIRMAN TILLERY: Okay. Thank you. I
10 appreciate that. And actually, Michael, that does just
11 remind me, as long as we're mentioning that, next -- when
12 we do these in the future, when we have things where there
13 are votes on them, which is the PAC -- and I'm not sure if
14 it's the Science Panel, where sort of it's a majority rule
15 kind of thing, if you could put down the vote, because
16 there's a big difference between a tie vote and a unanimous
17 vote. That would be helpful information.

18 MR. BAFFREY: Joe has a comment.

19 MR. MEADE: I was just going to observe, in
20 my line of thinking in looking at these, this project
21 intrigues me. It did last year. It continues to do so.
22 But we have a cap. And somehow we have to prioritize our
23 appetite and thus my strategy, if this is a project that
24 will be better in form to carry out in its larger context
25 in '09, is there a segment of it, as Michael better than I

1 kind of articulated, is there a segment of it we can task
2 Michael to work with the PI's on to keep moving forward so
3 that the consulting and the relationship components are
4 relevant for us, depending on then our enlightenment in
5 '09. But in part my interest and concern is we got some
6 caps, and so we got to decide what our priority is going to
7 be within these projects.

8 CHAIRMAN TILLERY: Anyone else on the
9 council? Okay. Let's move on to the next one.

10 MR. BAFFREY: Oh, the page number.

11 MS. BOERNER: Page 48.

12 CHAIRMAN TILLERY: The killer whales.

13 MS. BOERNER: It's Page 48, project 080742.

14 The PI is Matkin and the project is monitoring, tagging,
15 feeding studies and restoration of killer whales in Prince
16 William Sound and the Kenai Fjords. This project, he's
17 continuing his monitoring at AB pod and the AT1 population
18 of killer whales. If FY-07 he was unsuccessful in tagging
19 either one of those populations but did deploy four tags on
20 other whales.

21 Since our comments have come back, he has
22 submitted an explanation of why the whales were not tagged
23 at the time, and it was literally just kind of a natural
24 factors that came into play, where there simply -- the
25 whales weren't there to tag. He is confident that they can

1 tag the identified populations this year, specifically the
2 AT1 population, which is listed on our injured resources
3 and services list. And he's specifically looking at
4 habitat and feeding preferences of killer whales, hopefully
5 to inform the continuing restoration.

6 He is asking for \$129,600 this year and
7 this was a fund although the Executive Director had a fund
8 contingent for this project.

9 MR. BAFFREY: I wanted to make sure that he
10 actually tagged, you know, AB pod and AT1 group whales.
11 It's just not, you know, throwing darts at any killer whale
12 that you see, you know. I think we specifically have a
13 resource that needs to be targeted here and he didn't tag
14 any of those last year. So I would -- I'm recommending
15 funding, although in his response back to us, he talked
16 about the further split of the AB pod.....

17 MS. BOERNER: Yes.

18 MR. BAFFREY:which indicates that --
19 you know, if we're looking at population dynamics as a
20 group, then that may become more and more difficult as the
21 years go on if the group is in fact splitting. I think
22 that that's.....

23 MS. BOERNER: And that's important to know.

24 MR. BAFFREY: Yeah, I think that's merit
25 enough to fund it for this next year, but I think we should

1 take a real hard look at what we'd do in the future with
2 regard to monitoring these populations.

3 CHAIRMAN TILLERY: I'm sorry, so what would
4 your contingency be?

5 MR. BAFFREY: That he, you know -- well,
6 he's already done it. He'd tell me how he's going to tag
7 -- that he's going to focus on AB pod and AT1 group. So it
8 would -- it's a fund.

9 CHAIRMAN TILLERY: Fund.

10 MR. MEADE: So you're removing your
11 contingency at this point, Michael?

12 MR. BAFFREY: Right.

13 CHAIRMAN TILLERY: Okay. Are there
14 questions on this one?

15 MR. LUTHI: Just one. Do we have baseline
16 information from almost 20 years ago where this is
17 relevant?

18 MS. BOERNER: We do have baseline
19 information and Dr. Matkin has been studying killer whales
20 in the Sound for.....

21 MS. BIRD: 30 years.

22 MS. BOERNER:numerous years. Yeah.

23 MR. LUTHI: And will we find something new
24 after 30 years?

25 MS. BOERNER: The satellite tagging that he

1 is employing is new. And it certainly has provided a finer
2 scale of information that we've had in the past.

3 MR. BAFFREY: He also no longer has to just
4 target adult male.....

5 MS. BOERNER: Yes.

6 MR. BAFFREY:whales, that he can do
7 juvenile males.....

8 MS. BOERNER: And females.

9 MR. BAFFREY:and females, which are
10 easier to approach, so that's just -- that's new this year.
11 So -- I -- that's -- I have the same questions you do.
12 Yeah, let's -- but I think it merits one more year of
13 funding to find that out.

14 MR. O'CONNOR: As I recall, weren't we --
15 weren't they looking at -- or using the tags to look at the
16 movement patterns of the whales and where they might be
17 feeding and so on.

18 MS. BOERNER: Feeding habits.

19 MR. O'CONNOR: And how it would -- might
20 play into the work we're doing.

21 MR. BAFFREY: Right.

22 MS. BOERNER: Uh-huh.

23 CHAIRMAN TILLERY: Are there other
24 questions or comments? Okay. The next project.

25 MS. BOERNER: Okay. Page 50. Page 50,

1 project 080834. The PI is Meuret-Woody. The project is
2 identification of essential habitat for Pacific herring in
3 Sitka Sound for comparison to Prince William Sound. Dr.
4 Woody has been collecting otolith in Sitka Sound, which is
5 a stable population of herring, and has been working with
6 Nate Bickford, who is also gathering otolith in Prince
7 William Sound, and they're analyzing them together to see
8 if there are any -- that the comparison will provide
9 insights as to what -- why the herring have failed to
10 recover in Prince William Sound yet are thriving in Sitka
11 Sound. She is asking for \$23,500 this year to complete the
12 otolith analysis, and this was a universal fund.

13 CHAIRMAN TILLERY: Questions? Comments?

14 So we're going to be studying Sitka Sound herring.

15 MR. BAFFREY: Do you want to.....

16 MS. BOERNER: Uh-huh.

17 CHAIRMAN TILLERY: And we have some study
18 we've already done in Prince William Sound that.....

19 MS. BOERNER: They're working together.

20 CHAIRMAN TILLERY: Will then compare and
21 say the difference is this, therefore that means that
22 Prince William Sound must be having this problem? Is that
23 the way this works?

24 MR. BAFFREY: Do you want to address that?

25 MS. BOERNER: It is. It's hoping to

1 explain in the nursery habitats what the difference is and
2 conditions are, what contaminants may be located there,
3 which can be shown by otoliths. What oceanographic factors
4 may be happening and essentially why the Sitka Sound has
5 productive nurseries and Prince William Sound's are
6 unproductive. We're hoping it will provide some further
7 insight to that. And it kind of dovetails with other
8 projects that are happening, such as the oceanographic
9 factors studies and the zooplankton studies.

10 MR. BAFFREY: And maybe ADF&G can speak
11 more to this, but there has also been a direct correlation
12 with what has -- historically had been going on in Sitka
13 Sound with what had been going on herring-wise in Prince
14 William Sound.

15 MS. BOERNER: Yeah, these populations have
16 been tracking for years and then there was a sudden
17 divergence. So we're trying to essentially figure out what
18 -- why that divergence happened.

19 CHAIRMAN TILLERY: And we've expended
20 166,000 last year?

21 MS. BOERNER: Yes.

22 CHAIRMAN TILLERY: On this one?

23 MS. BOERNER: Yes.

24 CHAIRMAN TILLERY: What did we find?

25 MS. BOERNER: She has not completed the

1 analysis of the otolith. She collected them, she mapped
2 where she found them, but the analysis has not been
3 complete. It's at the laboratory now.

4 CHAIRMAN TILLERY: Is the 23,000 for this
5 year to complete the analysis or write the report or what?

6 MS. BOERNER: It is to complete the
7 analysis. Due to some contracting issues last year,
8 Heather's project actually goes on a little bit longer than
9 most. I think her project is in July. Is that right?
10 Yeah, I can't remember. Her project actually instead of
11 ending in September 30th of this year actually went into
12 next year. It was a contracting issue that they didn't
13 pick up at the time. So this is act -- she's only actually
14 asking for approximately five months of funding, and it
15 really is just to complete the laboratory analysis.

16 CHAIRMAN TILLERY: So without the 23,000,
17 we would lose the benefit of the other money we spent?

18 MS. BOERNER: Essentially, yes.

19 CHAIRMAN TILLERY: Any other question?
20 Comment?

21 (No audible responses)

22 CHAIRMAN TILLERY: The next one.

23 MS. BOERNER: What page is Nelson on?

24 MR. BAFFREY: Nelson is 54.

25 CHAIRMAN TILLERY: Nelson.

1 MS. BOERNER: 54. Project 080290. It's
2 Nelson. This is the Exxon Valdez Trustee hydrocarbon
3 database. This is, you know, a long term project that the
4 council has funded and it provides data and sample
5 archiving for all samples collected in hydrocarbon analysis
6 in support of our funded projects. They're asking for
7 \$11,100 and this was a fund for everyone and a fund
8 contingent for the Executive Director.

9 MR. BAFFREY: Which is not fund contingent
10 anymore.

11 MS. BOERNER: Right. They've removed that
12 contingency.

13 CHAIRMAN TILLERY: Okay. Are there
14 questions or comments?

15 (No audible responses)

16 MS. BOERNER: Okay.

17 CHAIRMAN TILLERY: Okay. Next one.

18 MR. BAFFREY: 60.

19 MS. BOERNER: Page 60. The project 080829,
20 Shigenaka Project, is bio-availability and effects of
21 lingering oil to little neck clams and population recovery
22 status in Prince William Sound. This project was
23 originally only funded for one year and they have come back
24 this year based on the information they received in FY-07.
25 They're specifically looking at little neck clams in oiled

1 and un-oiled sites that have been surveyed by NOAA in the
2 past and to see where they are today. The team came back
3 to request FY-08 funding and that they found an incredibly
4 sharp decline in little neck clams in the central and
5 western parts of the Sound. I should say this was a
6 universal do not fund for us in that they do not feel that
7 this decline was linked to lingering oil or to EVOS in that
8 the population had been increasing for quite awhile and
9 then in approximately in 2005 is when the decline began.
10 So there's obviously other factors at work in little neck
11 clams in the Sound. They were asking for \$417,400 this
12 year. And this was a do not fund from everyone.

13 CHAIRMAN TILLERY: Questions or comments?

14 (No audible responses)

15 CHAIRMAN TILLERY: Are these clams a
16 subsistence resource?

17 MR. BAFFREY: Yes.

18 MS. BOERNER: Yes.

19 CHAIRMAN TILLERY: And is the sole basis
20 for recommending do not fund that the clams themselves are
21 not currently injured from the oil, even though they may
22 provide a service that remains injured?

23 MR. BAFFREY: There's no draw -- I mean,
24 there's no direct relationship that's -- the sharp decline
25 has recently happened. There is no relationship to the

1 oil. That's the reason for the do not fund recommendation.

2 CHAIRMAN TILLERY: Well, if they're
3 providing though a service to subsistence users, whether or
4 not they're current problems stem from oil or not would not
5 seem to me to be a factor that would eliminate them from
6 consideration, at least legally.

7 MR. BAFFREY: I'm not.....

8 MR. O'CONNOR: And out of kind restoration
9 basically but not.....

10 CHAIRMAN TILLERY: It's actually
11 specifically in kind restoration because it is a precise
12 resource.

13 MR. O'CONNOR: But not restoration of
14 something caused by the spill itself. But this going on --
15 this is a subsistence use and this is a way, just as
16 building a tourist center, is a way to restore loss of
17 certain services, restoring other critters that might be
18 used for subsistence purposes is a way to restore that
19 service.

20 CHAIRMAN TILLERY: Right.

21 MR. O'CONNOR: Is what you're saying, yes.

22 CHAIRMAN TILLERY: Yes.

23 MS. BOERNER: I should say we have funded
24 in the past some work with little neck and butter clams to
25 actually help seed them for subsistence use and those

1 projects were unsuccessful. So I think that also kind of
2 factored into the decision making, is that we have tried to
3 do this in the past and it has been unsuccessful.

4 MR. BAFFREY: And I have no idea what
5 portion of the subsistence harvest is from little neck
6 clams.

7 MS. BOERNER: Yes. Other clams have
8 actually increased in the absence of little neck clams.

9 MR. LUTHI: Mr. Chairman, if I could
10 the.....

11 CHAIRMAN TILLERY: Yes, Mr. Luthi.

12 MR. LUTHI:ask the Public Advisory
13 Committee what their thoughts were.

14 MS. STUDEBAKER: Well, I think we concurred
15 with the Science Panel's comments that there just wasn't a
16 great enough nexus between the oil and the decline of the
17 little neck to fund it.

18 CHAIRMAN TILLERY: Okay. Absent that
19 consideration, would you have recommended funding this?

20 MR. BAFFREY: The price tag is pretty --
21 from what they're -- and again, we've got history with this
22 not working, you know, to ask for \$417,000. We've been
23 there before trying to.....

24 MR. O'CONNOR: Before is we've been to
25 plant clams.

1 MR. BAFFREY: Yes.

2 MS. BOERNER: Uh-huh. And to help the
3 subsistence harvest by creating a sustainable clam harvest.

4 MR. O'CONNOR: And Shigenaka is asking for
5 money to figure out why the clams have declined, which is
6 something different than planting clams.

7 MR. BAFFREY: Right. Joe.

8 MR. MEADE: Is this decline -- Michael, you
9 may be the best to answer -- to help answer this. Is this
10 decline that this study would address within subsistence
11 harvest areas of interest by subsistence communities?

12 MR. BAFFREY: I cannot answer that directly
13 -- specifically but I assume -- here we go.

14 MS. BOERNER: Yes, they are.

15 MR. BAFFREY: Yes.

16 MS. BOERNER: Absolutely.

17 MR. BAFFREY: Yes.

18 MR. MEADE: That was one part of a question
19 and my other observation would simply have been -- also
20 been caps. You know, we have a half a million proposal
21 here and we're having to struggle to keep our little neck
22 appetite within the caps.

23 CHAIRMAN TILLERY: Mr. Hartig.

24 MR. HARTIG: Yeah, I guess it comes down to
25 -- the question to me is, is was this proposal designed to

1 enhance subsistence opportunities. And if the question is
2 no, then if we're looking for a project that would enhance
3 subsistence activities, we should go for that kind of
4 project and let it compete on that basis and not mix the
5 two. Because I think we might get a better project if
6 we're trying to address subsistence than this one would be.
7 And so I would say that it's not an important issue, but if
8 we're after that and targeting that, let's go after that
9 kind of project and not try to make this one.

10 CHAIRMAN TILLERY: Any other comments or
11 questions?

12 (No audible responses)

13 CHAIRMAN TILLERY: Okay. The next item.
14 Or the last one in this group.

15 MR. BAFFREY: 62.

16 MS. BOERNER: Project 080806. The PI is
17 Vollenweider and the project is are herring energetic in
18 Prince William Sound a limiting factor. Okay. Dr.
19 Vollenweider is going out, she's over FY-07. She's been
20 looking at potential lack of energy, that essentially the
21 juvenile herring are not getting enough plankton to survive
22 over winter and that it's also creating a low reproductive
23 investment by adults. This year they're coming back with
24 the project. They've -- they're going to continue on
25 looking at Prince William Sound, Sitka Sound, and Lynn

1 Canal, which are three kind of control populations.

2 And then they're going to be adding
3 laboratory trials and have a complete bio-energetic
4 analysis, which will be fairly critical for the restoration
5 plan of herring. They made significant strides in FY-07
6 gaining in this and they've also connected with several
7 other projects, such as the disease -- the Hershberger
8 disease project to ensure that they're taking that into
9 account in their energetic model.

10 CHAIRMAN TILLERY: Okay. Are there
11 questions or comments on this project?

12 MS. BOERNER: I'm sorry, they're asking for
13 \$187,300 this year. And this was a fund.

14 CHAIRMAN TILLERY: Okay. Will that -- oh,
15 okay. Questions or comments, council members? None?

16 MR. LLOYD: I guess I do.

17 CHAIRMAN TILLERY: Mr. Lloyd.

18 MR. LLOYD: I may have been distracted, but
19 on the project location, this one talks about Prince
20 William Sound, Sitka Sound, and Lynn Canal. What's the
21 necessity of combining these geographic areas?

22 MS. BOERNER: Well, again, like we've
23 discussed before, she's looking at Sitka Sound, which is a
24 thriving population and which is over-wintering
25 successfully. She's being at Lynn Canal, which is

1 rebounding.

2 MR. LLOYD: Okay. I see it in here.

3 Thanks.

4 MS. BOERNER: Right. Right. Is rebounding
5 and then of course the depressed population of Prince
6 William Sound.

7 CHAIRMAN TILLERY: Additional questions or
8 comments?

9 MR. HARTIG: I just.....

10 CHAIRMAN TILLERY: Mr. Hartig.

11 MR. HARTIG: Kind of curiosity. I've been
12 wondering this for some time for this meeting is, you know,
13 there's a proposed listing of herring there in Brenner's
14 Bay, and I don't know if that is included in Lynn Canal
15 here in this study. But I was curious. You see some
16 populations rebounding, some thriving, some obviously not
17 doing very well. And we have several studies that are not
18 huge amounts of money that are trying to compare these
19 populations. And it just strikes me as that on such a
20 major issue, if we could address it with this relatively
21 small amount of money, why wouldn't we have done it before?
22 Are we really going to gain much by these studies? You
23 know, is it enough to really answer the questions that
24 we're trying to answer?

25 MR. BAFFREY: Good question.

1 MS. BOERNER: I'm confident that it's going
2 to provide insight into it. It may not provide absolutely
3 concrete answers but it's definitely going to provide
4 insight as to why they haven't been done in the past. I'm
5 not entirely sure about that because it does seem fairly
6 obvious that you would compare these populations. But
7 looking back on what we've funded in the past, herring
8 research actually really -- We did not do a significant
9 amount of herring research in the past and I think that may
10 be part of it.

11 So now that we've decided to focus on
12 herring, that these kind of projects are coming forward.
13 From what I also understand, people from, for example,
14 Heather Meuret-Woody, coming from Sitka Sound, I think
15 people were reluctant to come here thinking funding
16 wouldn't be available if they said they were coming -- you
17 know, doing work in Sitka Sound.

18 MR. HARTIG: I'm just wondering on the
19 herring group that's going to give there report here, the
20 draft in December and the final in February, whether
21 they're going to be able to tell us, you know, the scope of
22 the problem and what works and what doesn't in terms of
23 additional research and -- I mean, if we're comfortable
24 that this money will provide something and I -- you know,
25 and I'll take the recommendations and go forward. It's

1 just I get a little skeptical realizing kind of the scope
2 of the issue and how long it must have been around and.....

3 MR. BAFFREY: Right.

4 MS. BOERNER: Of course.

5 MR. HARTIG:that doesn't really
6 accomplish a lot.

7 MS. BOERNER: Yeah, the -- I think the two
8 main goals of the restoration plan are the first, of
9 course, to set us on the path forward. But the second part
10 is also to identify unaddressed questions, which will be
11 hopefully the basis for the FY-09 invitation, is to
12 understand that we don't know enough and we haven't looked
13 closely enough at other populations. So it will provide
14 answers and questions.

15 CHAIRMAN TILLERY: Additional comments,
16 questions on this project?

17 (No audible responses)

18 CHAIRMAN TILLERY: Okay. That takes us
19 through that -- this block of projects that received
20 unanimous recommendations, and so I would at this time
21 entertain a motion with respect to these. Mr. Luthi.

22 MR. HARTIG: Thank you, Mr. Chairman. It
23 doesn't take a -- again, I'm the new kid on the block. Let
24 me try a motion. I would move that we -- that the council
25 adopt the unanimous recommendations of the projects that we

1 have discussed so far, but I'm guessing we're going to pull
2 one of those out. And that's my question. Is there more
3 discussion on the Linley project that want to be had?

4 CHAIRMAN TILLERY: Mr. Meade.

5 MR. MEADE: If that's the project
6 associated to the SeaLife Center, for my clarification?

7 MR. BAFFREY: Yes.

8 CHAIRMAN TILLERY: Yes.

9 MR. MEADE: I would ask that your amendment
10 would incorporate and include the ability for the Executive
11 Director to be so directed to work with the PI's to discern
12 what relevant pieces of that project could carry forward in
13 '08 to be able to keep us prepared for a quality proposal
14 in '09.

15 MR. LUTHI: Okay. I would make that motion
16 then with that addition, if there's a second.

17 CHAIRMAN TILLERY: Is there a second? Mr.
18 Meade.....

19 MR. MEADE: I second it.

20 CHAIRMAN TILLERY:has seconded it.

21 So as I understand the motion then, you have moved to
22 approve 80814, 80817, 80811, 80742, 80834, 80290, 80806,
23 and to -- with respect to 80821, to direct the Executive
24 Director to work with the PI's to determine is some lesser
25 project could be put together to make sure this project is

1 available for funding in '09 or can go forward in '09.

2 Does that capture.....

3 MR. LUTHI: That is correct. And then 29

4 -- 80829 is a do not fund, so.....

5 CHAIRMAN TILLERY: Right. I'm sorry, 80829

6 is a do not -- right. And as is a couple of others -- or

7 one other. Okay. That motion has been made and seconded.

8 Is there discussion? Mr. Hartig.

9 MR. HARTIG: One question. As far as the

10 Executive Director going forward with discussions on the

11 Linley project, I take it that that would stay within that

12 budget that's proposed? Or do we have a cap on that?

13 CHAIRMAN TILLERY: Well, as I understand

14 it, this wouldn't authorize any expenditure of funds. It

15 would authorize the Executive Director to speak with the

16 PI's then come back to the council.....

17 MR. HARTIG: Come back with a proposal.

18 Okay. That sounds good. And then.....

19 CHAIRMAN TILLERY:at a future date.

20 MR. MEADE: Particularly with a focus on

21 that international connection. And that was the piece that

22 I thought we had relevant discussion towards.

23 MR. HARTIG: Right. Or the collaborative

24 in general.

25 MR. MEADE: Yes, indeed.

1 CHAIRMAN TILLERY: Any additional questions
2 about the motion or discussion?

3 MR. BAFFREY: Denby first and then me.

4 MR. LLOYD: Well, Mr. Chairman, just so
5 that we don't find ourselves into a -- in a parliamentary
6 box. If we pass this motion then we will have committed to
7 spend, according to the spreadsheet anyway, just shy of a
8 million dollars. And are we at least tentatively operating
9 under the notion that we are going to abide by a cap and
10 that that cap is what, of 1.9 million, 1.7 million? I
11 guess I'm looking ahead to the rest of the projects and
12 seeing what kind of box we're potentially painting
13 ourselves in.

14 MR. BAFFREY: 1.7 was talked about this
15 morning.

16 MR. LLOYD: 1.7.

17 CHAIRMAN TILLERY: Was what was discussed.
18 Obviously, as a matter of -- legally the council can vote
19 and expend whatever it wishes to.

20 MR. LLOYD: Right.

21 CHAIRMAN TILLERY: I don't think the
22 council -- I don't know that there's any consensus, but
23 there was a general nodding of the heads that we wouldn't
24 exceed 1.7. Council, is there comments on that?

25 MR. MEADE: I don't think we need to

1 shackle ourselves. I think we need to keep in respect our
2 operating principle of operating within our cap and if we
3 go slightly up or slightly down, the relative importance is
4 we're not blowing it out of the water, so.....

5 MR. LLOYD: Thank you for that
6 clarification.

7 CHAIRMAN TILLERY: Okay.

8 MR. O'CONNOR: Well, Mr. Chairman, I have a
9 question on the cap.

10 CHAIRMAN TILLERY: Mr. O'Connor.

11 MR. O'CONNOR: I thought we had made an
12 exception for herring and an exception for lingering oil
13 with regard to constraining ourselves on expenditures under
14 the cap. Had we not done that last year or the year
15 before, whenever we talked about having to deal with
16 herring, particularly in lingering oil, that we wouldn't
17 constrain ourselves?

18 MR. MEADE: Lingering oil I know we did. I
19 would need to consult our record to discern on the herring
20 component. But I -- lingering oil, as I noted earlier, I
21 felt we've already given ourselves that latitude. Herring,
22 I'd need clarification to our own documents to.....

23 MR. O'CONNOR: Yeah, I can't remember.

24 CHAIRMAN TILLERY: Yeah, I believe that
25 what we had indicated in the past was that we viewed

1 herring as something of critical importance, like lingering
2 oil, that we would not arbitrarily not fund herring
3 projects simply to stay under a cap. But I don't believe
4 that we sort of made any kind of a formal decision to take
5 them out of the cap and then, you know, put them in a
6 different spending category. That's my recollection.

7 MR. BAFFREY: That's mine also from last
8 year.

9 MR. O'CONNOR: And we're sort of doing okay
10 with regard to our decisions in the past? We're sort of
11 sticking with what we thought we were going to do.

12 MR. BAFFREY: (Nods affirmatively)

13 MR. O'CONNOR: Okay.

14 CHAIRMAN TILLERY: Are there -- is there
15 other discussion at his point? Mr. Lloyd, are you
16 comfortable then with voting on this block or would you
17 rather.....

18 MR. LLOYD: After Mr. Baffrey's comment, if
19 it's pertinent to this, I'm fine.

20 MR. BAFFREY: Okay. No, my comments would
21 be -- it's specific to project management. We have to.....

22 MR. LLOYD: Okay.

23 MR. BAFFREY:take into -- they'll be
24 another motion dealing with the project management
25 component and we have to look at each one of these to see

1 if in fact the project managers will require a full one
2 month's salary to manage these projects. And that can
3 either be a part of this motion, which I recommend it not
4 be, or a subsequent motion. So it's -- you can move on
5 here. So I would suggest you vote on the motion that's on
6 the table.

7 CHAIRMAN TILLERY: If you add one month of
8 project management fees to the projects that are moved at
9 this point, how much money does that add?

10 MR. BAFFREY: Do you have that yet,
11 Barbara?

12 MS. HANNAH: Yeah, I do. Well, if in fact
13 the trustees are just considering all the projects you
14 said, the 1,440,000.....

15 MR. BAFFREY: No, no. I'm talking -- no,
16 it's just the first block.

17 MS. HANNAH: Just the first one.

18 MR. BAFFREY: This first block right here.

19 MS. BOERNER: The unanimous decisions.

20 MR. LLOYD: 979.

21 CHAIRMAN TILLERY: Yeah, the 979.

22 MS. HANNAH: Oh, not the ones you
23 suggested?

24 MR. BAFFREY: No, the ones I suggested in
25 the first block.

1 MS. HANNAH: Oh. I'm sorry. I was working
2 off of the spreadsheet.

3 MR. BAFFREY: Okay.

4 MS. HANNAH: I'm sorry. Okay.

5 MR. BAFFREY: So that's another good reason
6 to vote on the motion that's on the table and the project
7 management quotient next.

8 CHAIRMAN TILLERY: I guess I would ask, if
9 people are interested in knowing the fine print of the
10 money here before we go on this.....

11 MR. BAFFREY: How many were there? How
12 many were there? One, two, three, four, five, six, seven.

13 MS. BOERNER: Seven.

14 MR. LLOYD: I'm not sure that the project
15 management costs, if it's one month per project, is going
16 to determine my vote one way or the other.

17 MR. BAFFREY: It's -- we're talking maximum
18 of around -- even if they took the full amount, it would be
19 around 63 to \$65,000.

20 MR. MEADE: Okay. I mean, we're talking --
21 we should move forward.....

22 CHAIRMAN TILLERY: Okay.

23 MR. MEADE:with our motion and expect
24 good administration.

25 CHAIRMAN TILLERY: Okay. Well, the motion

1 has been made and it's been seconded. Is there any further
2 discussion?

3 (No audible responses)

4 CHAIRMAN TILLERY: Can you do a roll call
5 on this one?

6 MR. BAFFREY: Sure. I just gave my list
7 away. All right. Joe.

8 MR. MEADE: In support.

9 MR. BAFFREY: Larry.

10 MR. HARTIG: Yes.

11 MR. BAFFREY: Craig O'Connor.

12 MR. O'CONNOR: Boy, I want to say no in the
13 worst way. I really do. Okay.

14 MR. BAFFREY: Denby.

15 MR. LLOYD: Okie dokie.

16 MR. BAFFREY: Randall.

17 MR. LUTHI: Aye.

18 MR. BAFFREY: Craig T.

19 CHAIRMAN TILLERY: Yes.

20 MR. BAFFREY: Okay.

21 CHAIRMAN TILLERY: Okay. So the motion has
22 been approved. That takes us down to the next.....

23 MR. BAFFREY: Actually, now we have to deal
24 with the project management.

25 CHAIRMAN TILLERY: Or project management.

1 Now we do project management.

2 MR. BAFFREY: So and then.....

3 CHAIRMAN TILLERY: And by the way, can you
4 introduce us and explain to us why -- what is the issue
5 here?

6 MR. BAFFREY: Well, the issue is that for
7 projects that -- the formula that we use is normally a
8 month's salary -- Barbara, you can do -- articulate this
9 much better than I can. Do you want to go ahead and do
10 this?

11 REPORTER: Do you want to come up, please.
12 Thank you.

13 MS. HANNAH: The formula in the past has
14 been one month's salary for each funded project. And I've
15 consulted with each of the agencies' liaisons to see what
16 that -- or project manager to see what that figure would
17 be. Fish and Game's is 7700 and all the Federal agencies
18 are 9.....

19 MR. BAFFREY: Thousand.

20 MS. HANNAH: Not hundred, 7,700 and 9,000
21 for the Federal agencies. So when you look at -- well, I
22 think -- is one of the projects being discussed, the one
23 that you were -- the final report one?

24 MR. BAFFREY: No, not yet.

25 MS. HANNAH: No. Okay. It was brought to

1 my attention that possibly one of the agencies might not
2 need additional project management funds, and that's the
3 reason for bringing this issue up. I had kind of hoped
4 that with each project funded, the project management fees
5 would be addressed with it so it was clear in the record,
6 but whichever manner you choose to do that is fine. I'll
7 try to keep it on the spreadsheet and give you a running
8 total.

9 MR. BAFFREY: He's doing the Meuret-Woody.
10 And but -- for instance, the Meuret-Woody one was asking
11 for \$11,000. You know, to tack on another 7,700 or \$9,000
12 on top of that for project management seems a little
13 unnecessary. So in the spirit of trying to help us keep
14 our administrative costs down, you know, this would be a
15 good time to step up and do that.

16 CHAIRMAN TILLERY: Okay. Is there
17 questions?

18 MR. LUTHI: Yes.

19 CHAIRMAN TILLERY: Discussion?

20 MR. LUTHI: And I apologize for spending
21 time on \$7,700 or \$7,700, but again, just put in more
22 detail, what is the purpose of project management funds?

23 MR. BAFFREY: Barbara. You know, I mean I
24 -- or do you want me to go ahead and address it?

25 MS. HANNAH: I'll just come up here.

1 MR. BAFFREY: Yeah, part of our budget
2 process is that there's a time line from deliverables and
3 milestones at task. The project manager makes sure that
4 that project is moving along and coordinates with the
5 contractual component of that to allocate funding.

6 MR. LUTHI: And that's on top of our
7 regular overhead costs?

8 MS. BOERNER: Yes. That's on top of the 9
9 percent GNA.

10 MS. HANNAH: Uh-huh.

11 MR. BAFFREY: Thank you.

12 MR. MEADE: But, if I may, for my
13 clarification, different than the GNA, this is essentially
14 the time that an agency liaison will be spending to manage
15 and to task this project to its appropriate completion,
16 correct?

17 MS. BOERNER: Uh-huh.

18 MR. BAFFREY: Correct.

19 MR. MEADE: So it's compensation, you know,
20 to any one of our employees who are needing to dedicate
21 time to carry out the components of this work requirement.
22 So, yeah, for me it needs to be -- I guess I'd ask, has
23 this been -- are the liaisons in support of the adjustment
24 you're describing? In other words, does it best reflect
25 their program work expectation? If so, there's to me the

1 answer. If there's not agency liaison concurrence, then
2 we've got a gap in my ability to make an employee available
3 to task one of these projects to completion. Am I.....

4 MR. BAFFREY: I did send an email out but
5 that didn't go out until, what, yesterday or day before?

6 MS. BOERNER: Uh-huh.

7 MR. BAFFREY: Yeah, so I don't -- we don't
8 have concurrence on the liaisons.

9 CHAIRMAN TILLERY: Is this -- is to pay for
10 liaisons as opposed to other people within the agencies?

11 MR. BAFFREY: No, project managers.....

12 CHAIRMAN TILLERY: Okay.

13 MR. BAFFREY:and they can be
14 separate.

15 CHAIRMAN TILLERY: Okay.

16 MR. BAFFREY: They are separate in many
17 cases.

18 MR. LUTHI: One more.

19 CHAIRMAN TILLERY: Mr. Luthi

20 MR. LUTHI: And why would this not be in
21 the project itself? Identified as part of its funding?

22 MR. BAFFREY: I like this guy.

23 MS. HANNAH: Well, because sometimes the
24 projects aren't trustee -- then it would be GNA, because
25 sometimes the projects are an outside agency and it's

1 assigned to a lead trustee agency, so then the only
2 compensation the trustee agency gets is the GNA. But is
3 that adequate to cover accounting staff, contracting staff,
4 indirect costs and direct costs, whichever way you want to
5 apply it? I mean, that's an agency call.

6 CHAIRMAN TILLERY: I though that's what GNA
7 covered.

8 MR. BAFFREY: Me too. Apparently it
9 doesn't.

10 CHAIRMAN TILLERY: I don't -- the
11 Department of Law doesn't have any of these, so.....

12 MR. LLOYD: Are these projects.....

13 MR. LUTHI: Yeah.

14 CHAIRMAN TILLERY: Are these projects
15 specific so there's an agency associated with each one of
16 these?

17 MS. HANNAH: Yes.

18 MS. BOERNER: Yes.

19 MS. HANNAH: Yes.

20 CHAIRMAN TILLERY: Can we get down to it?
21 Who's on which project?

22 MR. BAFFREY: All right. Bishop, seabirds.

23

24 MS. BOERNER: Seabirds would be.....

25 MR. BAFFREY: Barbara, just stay up there.

1 MS. HANNAH: I have a list. I was going to
2 grab it.

3 MR. BAFFREY: Yeah, grab it.

4 MR. LLOYD: Yeah, while you're grabbing the
5 list, I guess part of my concern with making an ad hoc
6 answer to this is that similar to overhead or indirect
7 rates, these may be calculated or may have been calculated
8 basically on kind of an average approach to projects. So
9 if you isolate one project, something 1100 -- or \$11,000,
10 sure, in comparison a \$7,000 overhead seems pretty extreme.
11 But if this was calculated more in terms of one department
12 or another typically deals with 10 projects a year and you
13 need a person to track all those projects, then 10 months
14 salary for a person to do that may not be extreme. And if
15 you artificially or arbitrarily cut one month's funding
16 away from that then you're making a different decision.
17 And I don't know right the context of that.

18 MR. BAFFREY: Now for each one of these
19 projects that you're -- just voted on though, they were
20 funded in FY-07 and there was a one month's salary given
21 for each one of these projects already.

22 MR. LUTHI: Okay.

23 MS. BOERNER: Plus the 9 percent GNA.

24 MR. LLOYD: Two different agencies, yeah.

25 MR. BAFFREY: So the question is, you know,

1 do you need that full one month's salary for this amendment
2 request that's been approved today for this coming year,
3 FY-08, so.....

4 MS. HANNAH: I think I need to explain
5 something. I heard you say two different agencies there.
6 Lead agencies, if there's two lead agencies on a project
7 then I've been splitting the project management cost
8 proportionately by whatever percentage of the project
9 funded amount they have within that. Otherwise there's only
10 usually one trustee agency and one month's salary for that
11 project. And if you want to read off the project numbers,
12 I have them in a format where I have them by agency. I
13 misunderstood. I thought we were -- you had looked at all
14 of the ones that Michael had -- the Executive Director had
15 recommended. But I have them by agency.

16 MS. BOERNER: Yeah, every single project
17 that you've looked at here with the requested funds
18 includes the 9 percent GNA, and then on top of that, we'll
19 be adding that one month of project management costs.

20 MR. BAFFREY: Okay.

21 MR. O'CONNOR: I think it should be
22 understood too that this is not a gift to the agency. And
23 in fact, if the money isn't expended, the agency returns
24 it, which we have routinely done. Pete's our guy and if
25 Pete doesn't use the money that he's been given, then we

1 kick it back. So it's not like you get to put it in your
2 pocket and you're not accountable for it.

3 CHAIRMAN TILLERY: Joe.

4 MR. MEADE: I would suggest this is a not a
5 topic for the Trustee Council to address. I would ask the
6 Executive Director to work with each of these projects,
7 with each of the sponsoring agencies, and drive that cost
8 down to be no more than it absolutely needs to be and make
9 it so. You know, that to me, the dollars to get returned,
10 as Craig has noted, let's not -- I'm not informed to answer
11 questions associated, did I need .5 of a year or .8 of a
12 year myself. What I would ask is that I give you the most
13 cost efficient approach to getting any associated projects
14 to the National Forest System executed. I think that would
15 be true with any of the council trustees here. So my view
16 is this is really less a decision here and more asking of
17 the Executive Director to be sure we're driving those costs
18 down to be as efficient as we can be and keep the majority
19 of the resources going towards project activity and
20 outcome.

21 MR. LLOYD: How does that feel, Michael?

22 MR. BAFFREY: Good. I feel like I'm ready
23 to go here.

24 CHAIRMAN TILLERY: Well, I would not that
25 the council does have to approve any expenditure of money.

1 So if what you're saying is the council should approve
2 these but ask the Executive Director to beat people back
3 and spend less than we've approved, that can be done. But
4 the council can't simply say, you the Executive Director
5 decide how much to pay these people.

6 MR. MEADE: But I was understanding it's
7 already an established protocol and the recommendation here
8 was to reduce that protocol potentially. And we should
9 reduce it at every time, every venue of opportunity we have
10 but not exceed a certain protocol.

11 CHAIRMAN TILLERY: We did not approve this
12 money in the prior motion.

13 MR. MEADE: Okay.

14 CHAIRMAN TILLERY: So it has not been
15 approved yet.

16 MR. MEADE: I see.

17 CHAIRMAN TILLERY: It was accepted.

18 MR. BAFFREY: So the motion, the way I hear
19 Joe saying it, the motion will be that, you know, you would
20 approve up to one month's salary for each one of the
21 projects approved just now, you know, but give me the
22 latitude to reduce that amount.

23 CHAIRMAN TILLERY: Yes. Yes.

24 MR. MEADE: No more. Not to exceed than.

25 MR. BAFFREY: All right. If I can work

1 that out with the liaisons, which is.....

2 CHAIRMAN TILLERY: Just to clarify, is it --
3 are you suggesting, Joe that you would give the Executive
4 Director the ability to definitively say I'm reducing yours
5 by 50 percent or would you ask the Executive Director to
6 work with the agencies to get them to expend than the full
7 amount?

8 MR. MEADE: To work with the -- with our
9 counterparts, to work with us through our counterparts to
10 establish the most efficient approach to get that done.
11 Our -- I will expect my liaison to be respected in the
12 dialogue and I would expect, between the Executive Director
13 and the liaison, to come up with the most efficient need
14 associated to the project, which I don't believe we have
15 sitting at the table here right now to make that
16 determination by the project.

17 MR. O'CONNOR: How many years have we been
18 doing it this way?

19 CHAIRMAN TILLERY: Ms.....

20 MS. HANNAH: Well, it's my understanding --
21 since I've been here, at least.

22 CHAIRMAN TILLERY: Can I ask Ms. Belt to
23 come and explain why she's grimacing?

24 MS. BELT: After all these years? Rita and
25 I have an issue with making it open-ended. If we're going

1 to go to the court and ask for money for what you all want
2 to expend money on, we need exact dollar amounts. And
3 leaving it open-ended means that you're going to have to
4 come back and vote on whatever Michael recommends, if
5 that's the path you're choosing, at a later date, which
6 means the money isn't going to be available until then.
7 And maybe that's fine.

8 CHAIRMAN TILLERY: What I understand the
9 suggestion is, and it's in the form of a motion, is that
10 the council approved the full one month for every project
11 but that the Executive Director takes some of his time and
12 work with the agencies to ask them or to try to see if
13 there's ways in which they can become more efficient and
14 expend less than that, thereby returning it to the council.
15 That's what I understand, but our approval would be for the
16 full one month.

17 MS. BELT: That's fine. That's fine.

18 MS. LOVETT: That's the thing that always
19 happens.

20 MR. MEADE: You summarized well, Craig, my
21 intent to try to keep this moving forward, and task the
22 Executive Director to task -- to work with our liaisons to
23 be most efficient.

24 CHAIRMAN TILLERY: Is there a second to
25 that motion?

1 MR. LLOYD: I'll second it.

2 CHAIRMAN TILLERY: Okay. Now is there
3 discussion on that motion. Mr. Lloyd?

4 MR. LLOYD: I just have a question. Okay.
5 Since I'm relatively uninformed on this particular aspect,
6 can we quickly get a sense of what the agency distribution
7 is on the projects in front of us?

8 MS. HANNAH: I'll tell you what it is on
9 the nine projects that.....

10 MR. LLOYD: Yes.

11 MS. HANNAH:the Executive Director
12 recommended. Okay. Just in case -- cover all of them.
13 Two are Fish and Game projects.

14 MR. LLOYD: Oh, I'm sorry.

15 CHAIRMAN TILLERY: No, can you do it.....

16 MR. LLOYD: Just one by one.

17 CHAIRMAN TILLERY:project by project,
18 please?

19 MS. HANNAH: Oh, okay. I don't have the
20 project number in front of me, but I can read off the title
21 and the.....

22 MR. LLOYD: Okay.

23 MS. HANNAH: Identification of the
24 essential habitat for Pacific herring in Sitka Sound.
25 That's a Fish and Game, I believe, trustee agency project.

1 Significance of whale predation on natural mortality rate
2 of Pacific herring in Prince William Sound is also a Fish
3 and Game.

4 MR. LLOYD: Significance. Where's that?

5 CHAIRMAN TILLERY: It's down under split.

6 MR. BAFFREY: We haven't got there yet.

7 MR. LUTHI: That's a different table.

8 CHAIRMAN TILLERY: It's split.

9 MS. HANNAH: Oh, you haven't voted on it.

10 I'm sorry.

11 MS. BOERNER: That's all right.

12 MS. HANNAH: Okay. And then NOAA has five
13 projects, six projects. Acquisition of continuous plankton
14 recorder data. Oceanographic factors effecting
15 productivity in juvenile Pacific herring nursery habitats.
16 Prince William Sound herring forage contingency.
17 Monitoring, tagging, feeding studies. The hydrocarbon
18 database. And the herring energetics in Prince William
19 Sound. And there's one for Fish and Wildlife Service
20 seabird predation.

21 I'd just like to add a comment, because I'm
22 a budget type person. Trustee -- usually agencies prepare
23 their budgets two years out, depending on influx of money.
24 And in some agencies, maybe they don't need additional
25 project management funds, but in some other agencies, maybe

1 they are counting on that money to keep that project
2 manager employed. So it's just kind of a consideration
3 from your own agency perspective. I know some project
4 managers depend on the money and I know -- and I've seen
5 it, but all the trustee agencies are good stewards and they
6 do return money. Money has been returned over the last
7 three years back to the investment trust fund. There's
8 been a real diligent effort on the Federal and the State
9 side to do that.

10 MR. LLOYD: Mr. Chairman.

11 CHAIRMAN TILLERY: Mr. Lloyd.

12 MR. LLOYD: I was wondering if I could add
13 to either the understanding of the motion or to the motion
14 itself. And that is, the Executive Director would come
15 back with a bit more complete description of the use of
16 these funds, his plan, perhaps after discussing with the
17 liaisons, what efficiencies might be achievable prior to
18 any action on -- prior to any actual budgetary action on
19 these.

20 CHAIRMAN TILLERY: Okay. As I understand
21 what -- you're asking that basically we don't vote on this,
22 we don't approve this money today. We get the Executive
23 Director to come.....

24 MR. LLOYD: No, I'm sorry. I would approve
25 all of the money today, but rather than charge the

1 Executive Director to browbeat the agency liaisons, he
2 would come back with a plan on what the use of those funds
3 is and what efficiencies may be possible for our
4 consideration at our next meeting.

5 CHAIRMAN TILLERY: Okay.

6 MR. LLOYD: And sorry for the euphemism of
7 browbeat.

8 CHAIRMAN TILLERY: Mr. Meade, would you
9 accept that as a friendly amendment?

10 MR. MEADE: Certainly I would, although my
11 intent was no browbeating implied either. I thought
12 Michael could work adeptly with our liaisons and put
13 forward good public service for the customers of the Exxon
14 Valdez oil spill recoveries.

15 CHAIRMAN TILLERY: Is there -- are there
16 further comments or questions on this issue?

17 (No audible responses)

18 CHAIRMAN TILLERY: Mr. Baffrey, could you
19 call the roll or.....

20 MR. BAFFREY: Oh, again? Okay. Joe.

21 MR. MEADE: In support.

22 MR. BAFFREY: Larry.

23 MR. HARTIG: Yes.

24 MR. BAFFREY: Craig O'Connor.

25 MR. O'CONNOR: No. I think the status quo

1 is just fine.

2 MR. BAFFREY: Okay. Craig Tillery and we're
3 done.

4 CHAIRMAN TILLERY: We're done.

5 MR. MEADE: He browbeat us.

6 CHAIRMAN TILLERY: That means that there is
7 no money.

8 MS. BOERNER: It means on month.

9 MR. BAFFREY: Yes.

10 CHAIRMAN TILLERY: The motion failed, so
11 there is no one month's salary. No one month's salary.

12 MR. LLOYD: That's what it -- that's what
13 you voted on.

14 CHAIRMAN TILLERY: Right.

15 MR. LLOYD: Mr. Chairman, I'd like to make
16 a motion.

17 CHAIRMAN TILLERY: Mr. Lloyd.

18 MR. LLOYD: I'd like to move that we add
19 the management -- the one month management fee back --
20 well, not back. That we add one month management fee for
21 the appropriate agency for each project within the first
22 block, that we just approve the project funding for.

23 MR. O'CONNOR: Second that motion.

24 CHAIRMAN TILLERY: That motion has been
25 moved and seconded. Is there discussion?

1 MR. O'CONNOR: I will add one comment, and
2 that it is my understanding talking to my project manager
3 that NOAA will not need the full amount of money and that
4 in the end we would not be requesting a full five months,
5 six months, whatever it might be. That makes Pete working
6 about 18 months out of the year with the other things he
7 has to do, and we're routinely returning money. But I
8 think as a threshold position, we should continue with the
9 approach that we've taken with the full understanding that
10 the trustee agencies are doing a good job and where there's
11 money left over, that money comes back to us. There's no
12 need to make any effort to assume in any way that the
13 agencies are not honest, hardworking, and keeping track of
14 actually what they spent.

15 CHAIRMAN TILLERY: Is there further
16 discussion?

17 MR. MEADE: I just want to clarify for Mr.
18 O'Connor that that certainly wasn't the implication of the
19 motion. It was just acknowledging that, as you said, some
20 of the agencies won't need all that time and we just should
21 be working efficiently to drive those overhead costs down.
22 That was the intent of the motion, which essentially is in
23 concurrence with what you're desiring as well.

24 CHAIRMAN TILLERY: Okay. Any further
25 discussion? Mr. Baffrey, do you.....

1 MR. BAFFREY: Yeah, Joe.

2 MR. MEADE: No. No.

3 (Laughter)

4 MR. MEADE: Yes, for Craig.

5 MR. BAFFREY: Larry.

6 MR. HARTIG: Yes.

7 MR. BAFFREY: Craig.

8 MR. O'CONNOR: Yes.

9 MR. BAFFREY: Okay. Well, forget you.

10 We'll get the -- Randall.

11 MR. LUTHI: Aye.

12 MR. BAFFREY: Denby.

13 MR. LLOYD: Yes.

14 MR. BAFFREY: Craig.

15 CHAIRMAN TILLERY: Yes.

16 MR. BAFFREY: Okay.

17 CHAIRMAN TILLERY: Okay. That motion has

18 been passed. That brings us to the projects that are

19 characterized as split recommendations.

20 MR. BAFFREY: And lunch after?

21 MR. LLOYD: Yeah, Mr. Chairman.....

22 CHAIRMAN TILLERY: Mr. Lloyd.

23 MR. LLOYD: I assume that there is going to

24 be, you know, more than just minimal discussion on the rest

25 of the agenda and I wonder if we want to break for lunch.

1 And I also understand Commissioner Hartig has a meeting to
2 go to.....

3 MR. HARTIG: Yeah.

4 MR. BAFFREY:by 1:00 o clock.

5 MR. HARTIG: I was going to say, at least
6 need a break here because I need to make some other
7 arrangements. I was supposed to be at a meeting with Marge
8 -- people expecting me there at 1:00, so.....

9 CHAIRMAN TILLERY: Okay.

10 MR. HARTIG: I'll have to get somebody else
11 to sit in on that one for me.

12 CHAIRMAN TILLERY: What is your will then,
13 that we should break for an hour?

14 MR. HARTIG: I.....

15 CHAIRMAN TILLERY: Or what?

16 MR. LLOYD: I defer to a brief discussion
17 of the council members. I don't need an hour for lunch,
18 no.

19 MR. BAFFREY: Michael, did -- were there
20 any arrangements for food being brought in to.....

21 MR. BAFFREY: It's already here.

22 CHAIRMAN TILLERY: Oh, it is.

23 MR. MEADE: Why don't we just take -- get
24 our plates and come back and meet.

25 CHAIRMAN TILLERY: Well, let me suggest

1 another thing for -- I mean, well, for efficiency sake,
2 sometimes when we're taking that lunch break, we go ahead
3 and do executive session at that time. Is that something
4 that would be helpful to keep us on track?

5 MR. HARTIG: Fine.

6 MR. BAFFREY: Yeah.

7 MR. O'CONNOR: Yeah, that's cool.

8 CHAIRMAN TILLERY: Okay.

9 MR. LLOYD: Is that all right with you,
10 Larry?

11 CHAIRMAN TILLERY: Then.....

12 MR. MEADE: Do we need a motion?

13 CHAIRMAN TILLERY: Yeah, we would need a
14 motion to go into executive session. We would, yes.

15 MR. MEADE: And the purpose is for?

16 CHAIRMAN TILLERY: As I understand, the
17 purposes for executive session would be for a -- for legal
18 discussions and for personnel.

19 MR. LUTHI: So moved.

20 MR. O'CONNOR: Second.

21 CHAIRMAN TILLERY: All in favor, signify by
22 saying aye.

23 . IN UNISON: Aye.

24 CHAIRMAN TILLERY: Okay. We will take a
25 lunch break. Shall we make it -- since we're doing the

1 executive session, an hour or an hour and 15 minutes and
2 just call it straight up 2:00 o clock.

3 MR. O'CONNOR: 2:00 o clock sounds good.

4 CHAIRMAN TILLERY: Okay. 2:00 o clock.

5 MR. O'CONNOR: We always take longer.

6 CHAIRMAN TILLERY: We'll back in at 2:00
7 o clock.

8 (OFF RECORD - 12:45 p.m.)

9 (ON RECORD - 2:00 p.m.)

10 CHAIRMAN TILLERY: So the meeting is back
11 in session. I can report that we just came out of an
12 executive session and during that session, pursuant to the
13 motion, we discussed legal issues and personnel issues.
14 The -- where we are now in the agenda, we're still in the
15 FY-08 draft work plan, and I believe we are at that group
16 of projects called split recommendations. Mr. Baffrey,
17 could you take us through those?

18 MR. BAFFREY: I will not, but Catherine
19 will.

20 MS. BOERNER: Off we go again.

21 MR. BAFFREY: Off we go.

22 MS. BOERNER: Okay. Page -- is that 58?

23 MR. BAFFREY: 58.

24 MS. BOERNER: Page 58, project 080624. The
25 PI is Batten. Acquisition of continuous plankton recorder

1 data. This is a project that we have funded for the past
2 four years and Dr. Batten is requesting.....

3 MR. LUTHI: I think it's.....

4 CHAIRMAN TILLERY: Excuse me.

5 MR. LUTHI:a different page number.

6 CHAIRMAN TILLERY: 58 is not.....

7 MS. BOERNER: Do we have the wrong page?

8 CHAIRMAN TILLERY: 58 is Rosenberg.

9 MS. BOERNER: 27. Let's try 27.

10 MR. BAFFREY: Is this Batten?

11 MS. BOERNER: Yeah.

12 MR. BAFFREY: Well, it wouldn't be.....

13 MS. BOERNER: Yeah, I was going to say, it
14 shouldn't be that far back.

15 MR. BAFFREY: Try 29.

16 CHAIRMAN TILLERY: Actually, 27 works on
17 mine.

18 MS. BOERNER: 27.

19 MR. BAFFREY: 27, okay.

20 MS. BOERNER: Sorry that I knew that.

21 MR. BAFFREY: How did I do that?

22 MR. MEADE: It's okay, I had it on page 50.

23 (Laughter)

24 MS. BOERNER: So we were closer. Okay.

25 MR. LLOYD: Does that work for you, Joe?

1 MR. MEADE: Yeah.

2 MS. BOERNER: Okay. Are we there?

3 MR. BAFFREY: Yeah.

4 MS. BOERNER: Okay. Acquisition and
5 continuous plankton recorder data. Again, this is a
6 plankton sample transect that we have funded for the past
7 four years and Dr. Batten is asking for a fifth year of the
8 transect. She's measuring zooplankton using ships of
9 opportunity going down through the Cook Inlet and down
10 through the Gulf of Alaska and finally ending up in
11 Washington.

12 I think there's been some concern about
13 this project not being directly related to Prince William
14 Sound but it is definitely providing us biomass information
15 of the Gulf of Alaska, which is very important to herring
16 populations in Prince William Sound, since a lot of the
17 zooplankton is affected into the Sound. She's asking for
18 \$141,200 this year. It was recommended for funding by the
19 Science Panel and the Executive Director and not
20 recommended by the PAC and myself.

21 MR. BAFFREY: And my recommendation for
22 wanting this funded initially was that I wanted to make it
23 real clear that I wanted her to look at another funding
24 source besides the Trustee Council next year. And when I
25 went back and looked at my comments last year, I said the

1 same thing. So I'm actually changing my recommendation to
2 do not fund on this one, you know. We've asked repeatedly
3 for this to be -- to tell us how this relates to the
4 restoration activities of the Trustee Council and have not
5 got a sufficient answer to that, at least to my estimation.

6 CHAIRMAN TILLERY: Questions? Mr. Lloyd.

7 MR. LLOYD: Yeah. Can you tell me, first
8 of all, what organization Ms. Batten is with and then is
9 this the only or the major CPR program that's out there in
10 the Gulf? Because I've heard reference in other arenas to
11 this type of project, I just don't know if this is the
12 project.

13 MR. BAFFREY: In the Gulf.....

14 MR. LLOYD: Yeah.

15 MR. BAFFREY:outside of the spill
16 area?

17 MR. LLOYD: Well, outside or inside the
18 spill area.

19 MS. BOERNER: Yes.

20 MR. BAFFREY: Well, this is primarily
21 outside of the spill area.

22 MS. BOERNER: But -- yeah, this is the
23 primary CPR project.

24 MR. LLOYD: Okay.

25 MS. BOERNER: Yeah, she's with the Sir

1 Alistair Hardy Foundation for Ocean Science.

2 MR. LLOYD: Okay.

3 MS. BOERNER: Uh-huh. Who's funding these
4 projects all over the world.

5 MR. LLOYD: May I follow up, Mr. Chair?

6 CHAIRMAN TILLERY: Please.

7 MR. LLOYD: So can I get a sense of the
8 Science Director's do not fund recommendation and the PAC
9 recommendation?

10 MS. BOERNER: Do you want to go first?

11 MS. STUDEBAKER: Yeah, well, you know, in
12 trying to stay within the cap, we felt that this wasn't a
13 high enough priority at the time to put it in our list,
14 being outside the main spill area.

15 CHAIRMAN TILLERY: What was the vote on
16 this one?

17 MS. STUDEBAKER: Pardon?

18 CHAIRMAN TILLERY: What was the -- did the
19 PAC vote on this?

20 MS. BOERNER: Uh-huh.

21 MS. STUDEBAKER: Yeah.

22 CHAIRMAN TILLERY: What was the vote?

23 MS. STUDEBAKER: It was to do not fund.

24 CHAIRMAN TILLERY: No, the numbers.

25 MS. BOERNER: The numbers.

1 MS. STUDEBAKER: Oh, I don't.....

2 CHAIRMAN TILLERY: For and against.

3 MS. STUDEBAKER:recall the numbers.

4 I don't have the numbers in my head.

5 CHAIRMAN TILLERY: Okay.

6 MS. STUDEBAKER: No.

7 CHAIRMAN TILLERY: Mr. Luthi.

8 MR. LUTHI: Thank you, Mr. Chairman,

9 again.....

10 MR. BAFFREY: Actually, there was one more

11 part of that.

12 MR. LLOYD: Yeah, and I had a number of

13 other follow-ups.

14 MR. LUTHI: Oh, well.....

15 MR. LLOYD: I'm kind of roaring, if that's

16 okay.

17 MR. LUTHI: Well, I wouldn't want to

18 interfere with that.

19 MR. LLOYD: The Science Director's

20 recommendation.

21 MS. BOERNER: Right. My concerns about the

22 project are, I see the value of the data. I'm not entirely

23 that's being utilized in Prince William Sound. I'm not

24 sure that our researchers are using it and I don't know

25 that Dr. Batten has made a good effort to connect with our

1 researchers to make sure that her information is being
2 shared.

3 MR. LLOYD: An observation for the rest of
4 the council members and maybe a form of a question to the
5 Executive Director, but it seems like this project and the
6 Gulf of Alaska one-liner, the GAK line, are those types of
7 ongoing projects that have some vested scientific
8 constituency and that constituency tends to want to see
9 those ongoing baseline data project continue without
10 interruption. Now there's a tussle between the various
11 funding groups in that regard and I'm bringing kind of a
12 message back from a recent North Pacific Research Board
13 meeting that I sat through that kind of is trying to punt
14 the GAK line over to the EVOS Trustee Council.....

15 MR. BAFFREY: Right.

16 MR. LLOYD:and I see potentially that
17 this is the punt back for this project to NPRB. And while
18 I don't mind that, I hate to see the ball dropped before,
19 you know, somebody catches the punt.

20 MR. BAFFREY: Okay.

21 MR. LLOYD: And so I don't know if you've
22 had any discussions in this regard with Dr. Pautske, over
23 at NPRB, but is there something you can tell the council
24 here with regard to competing fourth down maneuvers here?

25 MR. BAFFREY: Not that -- definitely not

1 that calculated. I have talked with Clarence about the
2 Batten proposal because she had saw it in NPRB funds last
3 year and did not make it through the proposal process. And
4 I think that was more of a technicality than it was the
5 actual scientific methodology. She just did something
6 wrong with the proposal process. From my point of view,
7 it's strictly isn't data that we can use. You know, I
8 think we need oceanographic data. My preference would be
9 to have it within the area. You know, and in fact the GAK
10 line makes a lot more sense to me. So it's being punted
11 back this way, I really don't have a problem with that.

12 CHAIRMAN TILLERY: Mr. Luthi.

13 MR. LLOYD: I'm done now, thank you.

14 CHAIRMAN TILLERY: MR. Luthi.

15 MR. LUTHI: Well, I don't know if there's
16 anything left. No, I wanted to just, I think, reconfirm
17 what I heard. Again, we got four years of data. There's
18 concern that if we discontinue then we'll then have a gap
19 in the data. So I guess my question is even more basic.
20 So what? Particularly if we're not using the data.

21 MS. BOERNER: Hence my recommendation.

22 MR. BAFFREY: And mine too.

23 MR. LUTHI: And apparently we are not using
24 the data.

25 MR. BAFFREY: Well, we're not getting

1 advice from her on how we are, you know, or how we could
2 even use it.

3 MR. LUTHI: And then again, how does that --
4 yeah, I want to tie it back to, I hope, something in our
5 restoration plan. Is there a direct correlation? I
6 somebody jumping around out there.

7 MS. BOERNER: There is.

8 MR. LLOYD: I see somebody's staff waving
9 for recognition.

10 MR. LUTHI: Yes. Yes, recognition.

11 MS. BOERNER: There is definitely a
12 connection, like I said.

13 CHAIRMAN TILLERY: Mr. Hagen, could you
14 come up here?

15 MR. O'CONNOR: Pete. Yes.

16 MR. HAGEN: Pete Hagen, and I'm a project
17 manager for this project so I'm familiar with it.

18 MR. LUTHI: No wonder you're waving your
19 arms.

20 MR. HAGEN: Yeah. And it's true the -- it
21 was funded last year for one year by the herring group, I
22 guess. And there was an indication about look for
23 additional funds. I think the PI has been trying. I think
24 she's indicated in her cover letter that she is engaging in
25 that effort. NPRB, as Commissioner Lloyd mentioned, is

1 also wrestling with question.

2 The nexus initially was -- certainly is
3 herring, is how it was brought in. And so the reason we've
4 -- it's been funded for several years is it stems back to
5 the original GEM program. And the place it came in is
6 under the '94 restoration plan policy, policy number 1,
7 taking an ecosystem approach. And specifically that
8 document identifies that restoration -- I'm just quoting
9 directly from it -- restoration issues are complex and
10 research must be -- often be taking a long term approach to
11 understand the physical and biological interactions that
12 affect an injured resource or service and that may
13 constrain its recovery.

14 In these long series, there's a real good
15 scientific consensus and I think previous set of trustees
16 that have sat here have heard before the dialogue back and
17 forth recommending these projects for funding. And the
18 concern about if they're discontinued, we've lost not one
19 year but we've lost essentially that time series. And the
20 value in time series on scales that typically aren't under
21 short term planning just aren't budgeted for. And there's
22 a real need for projects such as this and the GAK project
23 to have some security in the long run. And I would
24 encourage the Trustees to work with others to try to seek a
25 mechanism to keep these going. Because in this project in

1 particular, is dealing with lower trophic levels, and
2 that's one of the considerations for herring and for other
3 recovery, that there's limiting factors that may be
4 associated with climatic conditions that are impacting the
5 availability of energy through the trophic system. So
6 there's a need for these projects. There wasn't a lot of
7 advocacy in terms of letters and public testimony on this
8 because I think the folks are kind of burnt out. But they
9 also saw the recommendation from the director was to fund,
10 and in the Science Panel. And these are primarily academic
11 in the research community that are supporting these
12 projects.

13 I do note that the NPRB is going to engage,
14 asking their Science Panel to have a monitoring group to
15 discuss kind of the fate of these projects, which ones are
16 the valuable ones to keep forward. And maybe that would be
17 an opportunity for the Trustees to direct the council staff
18 to maybe engage in that dialogue as well. So I would
19 support at least planning an approach to not dropping the
20 ball as it's punted.

21 MR. BAFFREY: Okay.

22 MR. HAGEN: So thank you for.....

23 MR. LUTHI: Mr. Chairman, may I follow-up
24 with my comments to Pete?

25 CHAIRMAN TILLERY: Yes.

1 MR. LUTHI: Pete, the same question. So
2 what? I mean, I would have loved data, you know, maybe
3 from Cook Inlet, you know, on various things, but how is
4 that going to help us strictly get into our restoration
5 within Prince William Sound?

6 MR. HAGEN: Well, if we're dealing with the
7 restoration of herring, for instance, we don't exactly
8 where herring in Prince William Sound are limited to. We
9 know very little about them. They may intermix out in the
10 gulf. And this transect currently as funded does go
11 through the spill area. It goes up into Anchorage, is
12 where it passes through. And so the lower Kenai, so it's
13 tracking through.....

14 MR. LUTHI: Are we collecting herring?

15 MR. HAGEN: They're collecting the food of
16 herring.

17 MR. LUTHI: All right. So again.....

18 MS. BOERNER: Plankton.

19 MR. LUTHI:we don't know -- herring
20 isn't part of it. It's collecting the food of herring.

21 MR. HAGEN: Collecting the food, a factor
22 that could be limiting their recovery if we decide to throw
23 lots of money into enhancement of herring. But if there's
24 not the natural food source out there, if because of
25 climatic conditions -- we know with warmer changes that we

1 are seeing an increase in zooplankton biomass during warm
2 seasons. So maybe they will be nearing a condition where
3 we can support more herring out there. But there's a lot
4 of -- like any ecosystem consideration, just a lot of
5 detail and a lot of -- it's a very non-linear process.

6 MR. BAFFREY: Joe's got a question over
7 there.

8 CHAIRMAN TILLERY: I know that.

9 MR. LUTHI: I'm through. Thank you.

10 CHAIRMAN TILLERY: I'm waiting for Mr.
11 Luthi to finish. Mr. Meade.

12 MR. MEADE: Yeah, I guess one of the
13 challenges when you get to be the long term member on the
14 board is you remember these cyclic conversations. Two
15 years ago, with a different set of State Trustees, I argued
16 pretty assertively on behalf of these baseline ecosystem
17 measures. When the oil spilled 19, 18 plus years ago, we
18 didn't have a lot of baseline data as I'm led to
19 understand. And over the time I've been associated with
20 the group, almost -- well, right at five years now, the
21 value and the importance of some of our baseline ecosystem
22 data is very high in value if it's carried out in its
23 continuity. Two years ago I think NOAA's researcher, Jeep
24 Rice, several folks were really concerned that we would
25 lose the importance of this time sequence data that you've

1 well, you know, summarized I think here better than I can.
2 To me, I'd rather cut back a hundred thousand dollars in
3 our two million dollar administrative costs of EVOS with
4 our declining program than I would like to see us lose the
5 ability to insure that we're obtaining baseline ecosystem
6 data. So I would challenge us certainly to find trustees
7 to other boards, another board that's willing to help carry
8 forward this legacy data that I believe is part of the
9 important legacy that we can have in place for Alaska. And
10 I think our researchers, our academics are telling us that.
11 So to up and then fund it and put a disruption in the
12 qualitative element of this time sequence data I think is a
13 huge risk. At the same time, I don't disagree we ought to
14 find the right sponsor of it. That's a task in front of
15 us, but I think if we can help afford the data's
16 continuity, we should. And again, I do believe in time
17 we've got to right size our overall program. We've
18 substantially reduced the size and the scope of what we do,
19 and this may be a way to find efficiencies internally to be
20 able to augment the ability to do the program.

21 MR. BAFFREY: Well, two of the -- this is
22 -- Joe, this is Michael. Now two of the projects that we
23 just funded, Kline and Vollenweider.....

24 MS. BOERNER:weider, uh-huh.

25 MR. BAFFREY:are looking at plankton,

1 are looking at the food source.

2 MS. BOERNER: Yeah, and they're looking
3 specifically in the nursery base where the herring are.

4 MR. BAFFREY: So we are having that --
5 we're not -- if we give up the Batten proposal, we're not
6 losing, you know, that component. I do believe though, if
7 we're going to be looking at monitoring, that this is a
8 critical piece, you know. But I have to go back, is that
9 the PI needs to help us here. And we've asked repeatedly,
10 and especially in those, you know, cyclic conversations we
11 had, you know, a couple of years ago, help us, you know,
12 justify continued funding. And the PI did, in fairness to
13 the PI, did go to NPRB and it fell through the cracks in
14 terms of a technical flaw. So, I mean, she did try to find
15 additional funding sources. And maybe, you know.....

16 MR. O'CONNOR: What's the story on that and
17 the utilization of the data she's collecting, what
18 Michael's referring to as far as her telling us what to do
19 with what she's got?

20 MR. HAGEN: Well, there's -- I mean,
21 there's utilization in the scientific community. If you go
22 to the Marine Science Symposium, there's been a number of
23 presentations there. They maintain a website that shows
24 the journal citations that are used by a number of
25 researchers. She's brought in partners from different

1 arenas on -- not the EVOS leg but the leg that goes from
2 east-west that NPRB has helped fund that's had bird
3 observers aboard. And they've been able to associate the
4 plankton with a marine bird distribution. That's been very
5 valuable for understanding patchiness, and particularly
6 when you're dealing with areas at risk for oil spills.
7 That's good to know that type of behavior and association
8 is there. So research-wise, scientific-wise, it's very
9 valuable. In terms of the direct question, it's not a
10 direct restoration, certainly.

11 CHAIRMAN TILLERY: Okay. But is there any
12 EVOS project in the history of this program that has used
13 this data from this project?

14 MR. HAGEN: I would say it's conceptually
15 been incorporated into the work that's being put together
16 on herring and the herring synthesis. I don't know, that
17 paper has just been accepted -- I'm not sure if there's a
18 direct citation in there, but certainly when you start
19 talking about climate, lower trophic level and climate
20 effects as a limiting factor, that's where the connection
21 is. So in the herring steering committee, you know, the
22 writing team, they may have -- you know, I can't really
23 predict what they'll have but initially that -- this idea
24 of the monitoring, I think, is going to be part of their
25 recommendations when they come out, or you know, it will

1 have to be vetted. Whether it's this particular project,
2 but certainly kind of tracking lower trophic changes.

3 MR. BAFFREY: And it's also my
4 understanding that she's going to be at the herring.....

5 MS. BOERNER: Meeting next week.

6 MR. BAFFREY:workshop on the 18th,
7 18th and 19th of next week to talk specifically with the
8 PI's, the herring PI's.

CHAIRMAN TILLERY: As a
9 timing issue, if the council were to defer consideration of
10 this project pending them trying to find another funding
11 source, would that create a problem?

12 MR. HAGEN: I suspect it might. Another
13 option is not to provide the full amount, but simply here's
14 our challenge and -- the way her project is structured,
15 there's four or five transects per year, and each kind of
16 have an associated cost for personnel time and then working
17 up the specimen ID. So, I mean, that would be another way
18 to send a message in terms of co-funding. Certainly.....

19 CHAIRMAN TILLERY: I recall the original
20 discussions, particularly on the GAK line, and at the time,
21 nobody could identify exactly what we were going to use the
22 GAK data for, but the concept was it's important background
23 information, we don't want to lose it, it's lost its
24 funding source, and it was our turn to fund it for awhile.
25 I kind of think it's not our turn anymore.

1 MR. HAGEN: Yeah. Well, it -- like that
2 and the other one, it's not an -- they're not agency
3 projects in the sense that DEC, it's your responsibility to
4 monitor, I don't know, temperature changes or ADF&G or
5 NOAA. I mean, those -- but these are academic researchers
6 that are seeking soft funds. So I can't reconstruct the
7 dialogue.

8 MR. LLOYD: Well, I think eventually it
9 would be nice if AOOS, you know, the Alaska Ocean Observing
10 System.....

11 MR. HAGEN: That's.....

12 MR. LLOYD:if they were to get
13 funding, would take on these types of ongoing.....

14 MR. HAGEN: Yeah.

15 MR. LLOYD:monitoring projects, but
16 of course they aren't funded yet.

17 MR. HAGEN: Yeah, that's been the dialogue,
18 really, as we hold onto it. Same on the NPRB site, because
19 AOOS, once they get funded, this is part of that vision
20 that was created with the oceans.us on the Federal level.
21 But that hasn't been fully funded. So as a result, they're
22 patched together. On the Atlantic side, this particular
23 project, there's dozens of people that feed into it.

24 And so the Alistair Hardy Foundation is
25 able to keep those transects going with, you know,

1 contributions of 20,000 from different entities out there.
2 So they've kind of spread the pain around. I know that's
3 the goal, I think, but in Alaska, we kind of have only a
4 few kind of big funding sources that write with those
5 assets, so -- but that would be one approach, would be to
6 challenge by cutting back the number then say, you know,
7 look for additional funds to carry forward and see what the
8 long term plan is for herring restoration, if there's a fit
9 in here. Or see what the dialogue is with a monitoring
10 initiative study that the NPRB is putting together so see
11 about synergy there and bringing other partners in.

12 Because there's really an interest in the
13 research community to get something in place, and probably
14 from the agencies that are associated with this and looking
15 for this type of information too to get secure funding or
16 at least knowing that we don't have to patch things
17 together from year to year. EVOS funded the GAK line for
18 three years last year, so that's why it's not on the table
19 this year. It was part of the continuing projects that was
20 approved at the last meeting. And this one is only funded
21 for one year.

22 CHAIRMAN TILLERY: Other comments or
23 questions from council members?

24 MR. BAFFREY: Thanks.

25 CHAIRMAN TILLERY: Okay. The next one

1 is.....

2 MR. BAFFREY: How do you want to do this?

3 MR. MEADE: Shouldn't we pass -- make --
4 take action on these as we go through them so they're not
5 grouped?

6 MS. BOERNER: You might want to.

7 CHAIRMAN TILLERY: Do you want to do
8 that.....

9 MR. BAFFREY: Don't they -- do you want to
10 do a block?

11 CHAIRMAN TILLERY:before you have a
12 sense of what all the projects are, given that there is
13 some limited amount of money.

14 MR. BAFFREY: Well, that's interesting.

15 MR. LLOYD: I'd just as soon have the
16 review of all five of these projects.....

17 CHAIRMAN TILLERY: Okay.

18 MR. BAFFREY: Got it.

19 MR. LLOYD:then go back and make
20 funding decisions.

21 MS. BOERNER: I think that's fair.

22 CHAIRMAN TILLERY: Okay.

23 MS. BOERNER: Okay. Page 40, project
24 080751. The PI is Irons and it's Prince William Sound
25 marine bird surveys, synthesis, and restoration. This

1 funding for FY-08 has only been requested to complete the
2 final report for the work that completed with the FY-07
3 funding. He's asking for \$36,000. It was recommended for
4 funding by the Science Panel, the PAC, and myself; and not
5 recommended for funding by the Executive Director.

6 MR. BAFFREY: And why that is, is because
7 the budget justification for the FY-07 project stated that
8 the final report would be required. You know, this is a
9 seasoned PI who knows that, you know, funding is going to
10 result in the final report and that it's -- yeah, it sets a
11 bad precedent. I don't want other PI's to think it's now
12 open season to come back at the end of the project and ask
13 for additional funds to do theoretically a final report.
14 That's the reason for my do not recommend recommendation.

15 CHAIRMAN TILLERY: Questions or comments?

16 MR. O'CONNOR: Was the final report
17 reflected in the '07 request?

18 MR. BAFFREY: Yeah, and if I.....

19 MR. O'CONNOR: The money we gave him then
20 included the final.....

21 MR. BAFFREY: The invitation?

22 CHAIRMAN TILLERY: No, in his.....

23 MR. O'CONNOR: In his proposal.

24 CHAIRMAN TILLERY:proposal.

25 MR. O'CONNOR: In his proposal, did he say

1 it was.....

2 MS. BOERNER: His DPD. His FY-07.....

3 MR. BAFFREY: Yeah, it was in the budget
4 justification.

5 CHAIRMAN TILLERY: That's -- so not what
6 the abstract suggests. The abstract says the cost of
7 report writing was not included in the original proposal
8 because he was told in FY-07 it was only a one year
9 proposal and you can't do it in the same year.

10 MR. BAFFREY: This is a PI that goes -- has
11 been with us before the GEM program when we only did one
12 year programs. And we always have required final reports
13 to be done in the next fiscal year. This PI knew that and,
14 you know, there was reference in the budget justification
15 that a final would be required.

16 MR. O'CONNOR: So how are we going to get a
17 report if we don't give him the money to do it?

18 MR. BAFFREY: The PI can take -- and
19 Barbara can speak more specific to this -- specifically to
20 this, but a PI can take -- you know, the project manager
21 can take monies from another project and pay for this final
22 report. And as we know, there's an ongoing other project
23 that this PI is involved in. So there's other ways.
24 There's the overhead. You know, there's means of paying
25 for this report within the agency. Is that correct,

1 Barbara?

2 MS. HANNAH: An agency can move funds
3 between projects if there is excess funds in one project
4 over another and it's not going to hurt the scope of the
5 project.

6 MR. MEADE: The administrative agency here
7 is.....

8 MR. BAFFREY: USGS, Fish and Wildlife
9 Service.

10 CHAIRMAN TILLERY: Questions about this
11 one?

12 MR. O'CONNOR: So if you gave me a hundred
13 bucks to do project A and you gave me a hundred bucks to do
14 project B as a PI, an agency, and I only needed to spend 90
15 bucks on project A, I can take the other 10 bucks and put
16 it over on project B, even though in essence the Trustee
17 Council said you only get 100 bucks for project B?

18 MS. HANNAH: It's in the policies and
19 procedures. Up to 10 percent.

20 CHAIRMAN TILLERY: Up to -- isn't it 10
21 percent limited and isn't it the Executive Director that
22 has to authorize that? It's not just that the PI can do
23 that.

24 MS. HANNAH: Right.

25 MR. O'CONNOR: So you can tell USGS to take

1 money out of a different pot to pay for this.

2 MS. HANNAH: USGS can't give this to Fish
3 and Wildlife. They're separate agencies.

4 MR. BAFFREY: How's the -- what are the
5 logistics? Is it a request? Barbara, we're actually
6 probably depending on you again.

7 MS. HANNAH: Yes, they would request you --
8 of you.

9 MR. BAFFREY: To do that. My real concern
10 is the precedent and I -- you know, the Science Panel
11 referenced, you know, being held hostage to get a final
12 report. I just don't like that approach.

13 MR. MEADE: The concept, I'm in complete
14 agreement with that observation, Michael. I'm just trying
15 to be consistent. Did we not this morning talk about
16 funding this year the write-up and the completion of one of
17 the tasks analyzed last year?

18 MR. BAFFREY: It was -- we actually were
19 going to fund the analysis of data.

20 MS. BOERNER: The analysis.

21 MR. MEADE: Okay. So it's clear that
22 there's a distinctive difference there that was not part of
23 the original deliverable package.

24 MR. BAFFREY: Correct.

25 MS. BOERNER: Yes.

1 CHAIRMAN TILLERY: That also included
2 write-up. At least I asked that question and I was told it
3 did. The one -- okay. And it's not unprecedented. I
4 mean, we've groused about this before with the PI's and
5 paid them.....

6 MR. BAFFREY: Okay.

7 CHAIRMAN TILLERY:to do reports. I
8 mean we have.

9 MR. BAFFREY: Grouse again.

10 CHAIRMAN TILLERY: You know, it's -- I
11 understand. I feel your pain.

12 MR. BAFFREY: Yeah, I can tell.

13 CHAIRMAN TILLERY: Because I've had the
14 same pain. Any other comments on this one?

15 (No audible responses)

16 CHAIRMAN TILLERY: Hearing none.

17 MS. BOERNER: Okay.

18 MR. BAFFREY: Page.....

19 MS. BOERNER: Page 52. Project 080822.

20 The PI is Moffitt and this is the herring data and
21 information portal. This project is a continuation of work
22 that began in FY-07 and they are consolidating,
23 documenting, and entering data sets into a web portal so
24 that researchers can use this information. The funding
25 requested for FY-08 will further develop the technology of

1 the program and will continue data entry of historical
2 herring data sets. They are requesting \$204,000 and it was
3 recommended for funding by the Science Panel but not
4 recommended for funding by the PAC, Science Director, or
5 Executive Director.

6 CHAIRMAN TILLERY: Questions or comments?

7 MR. LLOYD: I guess I'd like a description
8 of the difference of opinion between the Science Panel and
9 -- at least the Science Director if not also the Executive
10 Director's, you know, comments on the.....

11 MR. BAFFREY: Okay.

12 MS. BOERNER: I'll give you the -- the
13 Science Panel understands the usefulness of having this
14 historical data available to researchers, as do I. I
15 certainly don't disagree with them on that attack and I
16 certainly don't think it's an unimportant project. I do
17 think it's very important. Where I differ from the Science
18 Panel is in the time line of completion, to make sure that
19 this data is available while we are doing the herring
20 restoration program and not after the fact. I also have
21 concerns with staffing, that right now there's a fairly
22 small group of people, two people really that will be doing
23 data entry for this project. And the historical data sets
24 for herring are significant, to say the absolute least and
25 it's going to be a very time consuming project. And that,

1 you know, we're at about a 50/50 split with money going to
2 the technology and money going to the data entry. And that
3 raises concerns for me that to me, at this point in time,
4 the first -- FY-07 funding of this project was to develop
5 the technology to assure that this was in fact possible.
6 And now we're still looking at over 50 percent of the
7 budget going to technology, where I really feel at this
8 point we need to be moving the funds into the data
9 management and data entry portion of the program. Michael.

10 MR. BAFFREY: I agree with everything that
11 Catherine just said. The -- you guys have all been, you
12 know, got the view to the portal. And what we were after
13 initially seems to be what we've gotten. I mean, this --
14 the objectives are, with the exception of one that was
15 added to the FY-08 proposal, the objectives are exactly the
16 same. The portal was to have been developed last year, up
17 and running and apparently that's correct.

18 MS. BOERNER: Uh-huh.

19 MR. BAFFREY: Right?

20 MS. BOERNER: Yes.

21 MR. BAFFREY: So we've got the portal. The
22 focus now needs to be on data entry. The data entry part
23 of this project really fell short. You know, they
24 identified 30, 30-plus data sets to be added. Just of the
25 Cordova data sets, ADF&G data sets, three out of the 11

1 were added. And that's what you -- most of you got a
2 chance to visualize over the past month.

3 We estimate that -- and we talked with
4 Steve Moffitt, the PI on this, that two full time staff
5 over the next year would get those other eight ADF&G data
6 sets entered to this system. Now we have another PI, Dale
7 Kiefer, that we funded to do modeling that has already
8 digitized a lot of the SEA data and the -- Sound Ecosystem
9 Assessment data and the APEC's data. And that's the other
10 missing links of getting data in there. So if they've
11 already digitized that, then this information can be added.
12 The issue is getting those other eight data sets from
13 ADF&G. We -- my recommendation is, we're -- you know,
14 we've got the portal. I don't care about, you know, the
15 bells and whistles that are being proposed. We want data
16 in and data accessible to the public and data accessible to
17 the researchers. We've got that. You know, what we don't
18 have is the standard operating procedures and the
19 architectural documentation of that. You know, I think
20 it's time to move that system either onto an ADF&G server
21 or our server. And for the PI, you know, in this case
22 Moffitt, to focus on getting that remaining data onto that
23 system. Now there's a potential problem there with the
24 delinquent reports in terms of our policies. But that's
25 where the focus needs to be. You know, we're not asking

1 for a data processing model here. We want a data storage
2 and a data accessibility system. And we've got that. So I
3 don't see a need for anymore modeling enhancement. You
4 know, we've got what we need. What we need to know is how
5 is works. We need that documentation. We need that data
6 dictionary. And that was part of -- that was part of the
7 FY-07 proposal. So.....

8 MS. BOERNER: And I will say the team has
9 provided us with an estimated time line for each of the
10 data sets to be incorporated. Right now they're estimating
11 that they will have all of the data sets incorporated by
12 the end of fiscal year '08. But that was an estimate.

13 MR. BAFFREY: And you got to realize that
14 that -- they were supposed to get all that information
15 entered by the end of FY-07. So this is critical
16 information. You know, it needs to be accessible to the
17 researchers. It needs to be publicly accessible.

18 CHAIRMAN TILLERY: Questions? Further.....

19 MR. O'CONNOR: If we don't fund, what
20 happens?

21 CHAIRMAN TILLERY: Yeah. Where does that
22 leave us?

23 MR. BAFFREY: If we don't fund, then we
24 take the model and we put it on our server and we put it on
25 ADF&G's server, then we take responsibility for the data

1 entry in this office. And if we can't do them with our
2 existing staff, then we'll contract out. We will take
3 control over that and we'll be responsible for making sure
4 that that happens.

5 MR. LLOYD: Well, I guess I have to ask, do
6 you have the expertise and the time and the money to do
7 that?

8 MR. BAFFREY: Yes.

9 MR. LLOYD: And expand on that a little
10 bit, please.

11 MR. BAFFREY: Well, we have the expertise,
12 that is for sure. We got, you know, Michael Schlei, is our
13 data manager. He's actually worked with Rob, worked in his
14 office. They worked together so they have that knowledge.
15 We also have Shane St. Clair, which is assistant to
16 Michael. So we've got two staff here. Monies would be --
17 have to be approved by you guys. You'd have to do that.
18 But before we would do that, we'd want to assess what
19 actually needs to be done. We're actually working with the
20 Kiefer team right now to get the SEA data and the APEX data
21 so we have that. And that's something that we can
22 definitely add on to that system and have direct control
23 over that. You know, I fully believe the issue would be
24 the time. But if we couldn't -- didn't have the time,
25 there's always digital contracting that.

1 CHAIRMAN TILLERY: Are you suggesting that
2 it would be cheaper?

3 MR. BAFFREY: To do that?

4 CHAIRMAN TILLERY: Yeah, than to do this --
5 to do it -- to have the council do it than to have this PI
6 do it?

7 MS. BOERNER: I think it's more of a.....

8 MR. BAFFREY: Where's Michael?

9 MS. BOERNER:time issue than a cost
10 issue.

11 CHAIRMAN TILLERY: Is it yes or no?

12 MR. BAFFREY: The answer is yes.

13 CHAIRMAN TILLERY: How much cheaper?

14 MR. BAFFREY: Can you help us out? This is
15 Michael Schlei.....

16 MR. SCHLEI: And the deal now before
17 the.....

18 MR. BAFFREY:who's right now in a
19 position he does not want to be in, but.....

20 MR. SCHLEI: Okay. As I see it, the
21 adjustment in cost would have to be made here with me for
22 essentially doubling the amount of time required in Cordova
23 to actually enter these data sets. Michael mentioned the
24 three of the 11 that are presently entered into the system
25 and I'm hoping that if we double the proposed time for the

1 Cordova data entry that those -- the remaining eight could
2 be completed within FY-08.

3 Essentially the -- we would achieve the
4 cost savings of not continuing to develop a data model. We
5 would essentially be focusing our efforts in this project
6 on getting the data entered into the portal so that it's
7 accessible by the public and by the scientific community.

8 MR. O'CONNOR: So you guys would do the
9 data entry yourselves and we're paying you already so it
10 would be just another duty as assigned to get it
11 accomplished.

12 MR. SCHLEI: Essentially, yes, with the
13 exception of, as I mentioned, the Cordova data sets, which
14 will be digitized by ADF&G staff in Cordova and then will
15 be absorbed into them to do that and we'll work with them
16 to do that.

17 MR. BAFFREY: And we're actually proposing
18 adding -- we actually recommended that -- adding two full
19 time staff to the Cordova office. Now granted, there's a
20 space limitation but Steve Moffitt says that that could be
21 worked out. But that would be paid for through this
22 office. The salaries for those individuals would be paid
23 for through this office.

24 MR. O'CONNOR: So we'd hire two people to
25 sit in Cordova to do this?

1 MR. BAFFREY: Steve Moffitt would hire
2 them. We would pay for their salaries.

3 MR. SCHLEI: We're already proposing to
4 hire two under the terms of the original proposal. If you
5 look at the budget, it shows those two positions that
6 they're intending to hire to digitize this data as
7 currently vacant. They're proposing 12 months of combined
8 salary for these two individuals and essentially we would
9 just be doubling that. We'd be making both of these
10 positions full time positions in Cordova to get those eight
11 of 11 data sets that are not yet digitized, digitized so
12 they can be added to the portal.

13 MR. O'CONNOR: Full time but not permanent.

14 MR. SCHLEI: Full time but not permanent.
15 This would be for FY-08 only.

16 CHAIRMAN TILLERY: So you would have two
17 positions instead of one and we would do it cheaper?
18 That's going to save money? Am I -- I'm missing something
19 here.

20 MR. BAFFREY: Yeah, you're missing the
21 modeling part because we don't need any more on the
22 modeling. We've got the information storage and retrieval
23 system in place. So we don't need to add that component of
24 the salary to this proposal.

25 MR. O'CONNOR: Can we just fund this and

1 say except the modeling? And just -- we excise that and
2 say, okay, you guys go ahead and do the data entry?

3 MR. BAFFREY: No, because right now they've
4 got one -- are they two six month positions?

5 MS. BOERNER: Uh-huh.

6 MR. BAFFREY: Two part time six month
7 positions down there and we're saying you need to double
8 that to do this.

9 MR. SCHLEI: Right. Make both of those full
10 time positions.

11 MR. BAFFREY: Right.

12 MR. O'CONNOR: But if they did that and
13 excised the modeling part, what would it cost us to
14 basically continue to have them do the work.....

15 MR. BAFFREY: Well, half the project,
16 basically.

17 MS. BOERNER: Right now they are
18 requesting, for one FTE, they're requesting \$8700.

19 CHAIRMAN TILLERY: To do modeling?

20 MS. BOERNER: No, to do the data entry.

21 CHAIRMAN TILLERY: How about the modeling?
22 How much of the cost is in the modeling?

23 MS. BOERNER: Like I said, it's
24 approximately 50 percent of the cost -- of the total
25 project cost.

1 CHAIRMAN TILLERY: So about a hundred
2 thousand.

3 MR. BAFFREY: Right.

4 MS. BOERNER: Give or take some money
5 either way, but yes.

6 CHAIRMAN TILLERY: And what does the
7 modeling do for us? Why is it.....

8 MS. BOERNER: It's not modeling. I don't
9 know that we'd want to call it modeling per se.

10 CHAIRMAN TILLERY: Well, whatever it is --
11 that's a term I heard used. This thing that you would say
12 for a hundred thousand dollars they don't need to do,
13 what's the difference between doing it and not doing it?

14 MR. BAFFREY: Address that.

15 MR. SCHLEI: Well, as I see it, the
16 modeling component of this is taking these data sets that
17 are scheduled to be made available via the portal, actually
18 putting them into a combined -- some kind of a large
19 architecture where they could be essentially stored and
20 used for various purposes.

21 MS. STUDEBAKER: Can I suggest -- the
22 computer modeler is in the room and he might be able
23 to.....

24 MS. BOERNER: It's not modeling. We
25 shouldn't call it modeling.

1 MS. STUDEBAKER: Yeah.

2 MR. SCHLEI: It's not mathematical
3 modeling.

4 MS. BOERNER: It's not mathematical
5 modeling.

6 MR. BAFFREY: And we're.....

7 MR. SCHLEI: It cannot forecast into the
8 future.

9 MS. BOERNER: We need to separate that out.
10

11 MR. SCHLEI: We're not that fast.

12 MS. BOERNER: We're talking about a data
13 model versus data entry.

14 MR. SCHLEI: Correct. This is a data
15 model, not a mathematical model.

16 CHAIRMAN TILLERY: Okay. Is -- are there --
17 Joe.

18 MR. MEADE: Two questions that I would have
19 to ask. One is, presuming the PI who developed the data
20 model was saying more investment is needed, so I guess we
21 should find out if there's more investment needed for the
22 model -- for the portal to operate to current or
23 anticipated projected needs. Then secondly, I guess I'd
24 have to ask ourselves -- Michael, you might be the right
25 one to answer this -- is it appropriate to get an '08 work

1 proposal and turn around and say, no, we're going to hire
2 up and have the government do it. Are we on an ethically
3 correct path here in saying that we're not going to go with
4 the PI's recommendation and instead we'll take a proposal
5 and staff up and do that work?

6 MR. BAFFREY: The issue there is whether or
7 not the portal is useable. And which was a part of the '07
8 proposal. You know, my understanding is the portal is
9 useable. It is doing what we wanted. Anything proposed in
10 the FY-08 proposal is embellishment on top of that. We
11 didn't ask for that. We don't want that. We want a basic,
12 simple system for entering data and having it accessible to
13 other researchers and the public.

14 MS. STUDEBAKER: I'd like to ask Rob.....

15 MR. MEADE: The second part of my question.

16 MS. STUDEBAKER:to speak.

17 MR. O'CONNOR: Wait, just hang on, okay?

18 CHAIRMAN TILLERY: Yeah, just -- yeah, do
19 not -- here. Mr. Meade. Go ahead.

20 MR. MEADE: I was just going to ask the
21 second part of my question. Michael, is it appropriate for
22 us to get an '08 proposal and turn around and decide that
23 we'll staff up and do it internally instead?

24 MR. BAFFREY: That's a good question. I
25 guess my response to that would be is that, is this not

1 something we should have been doing anyhow, you know. You
2 know, we have data management within this office, you know.

3 MR. MEADE: I ask innocently. I know
4 within the Federal government, with A76, we would get
5 ripped apart if we turned around and put out a contract
6 request and got a proposal and turned around and hired
7 civil servants to do the work. I'd want to make sure that
8 we're clear and clean if this is a State hired individuals
9 to do work that we solicited a contractual interest with.

10 MR. BAFFREY: Yeah, the way I would answer
11 that is -- the way I will answer that is.....

12 MS. BOERNER: (Whispered conversation).

13 MR. BAFFREY: Right. Is that we already --
14 I think we already have what we need in terms of the
15 portal. So there's no need to pay for that component of
16 the proposal. What we're saying is the proposal is -- has
17 two part time equivalents. We want two full time
18 equivalents who are actually saying we've got one of the
19 components already. It's time to move that portal onto
20 either the ADF&G server or our server. And then we need to
21 really focus on the data entry at that point and how to do
22 that. And we're actually recommending adding more to the
23 FY-08 proposal and -- for data entry.

24 MS. BOERNER: Yes, and ethically I think
25 we're a little bit backwards in that this project was

1 identified while one of the co-PI's was a State employee
2 who then left promptly after that and then proposed this
3 project. So I think there's kind of ethical issues in both
4 directions.

5 MR. BAFFREY: Good point.

6 CHAIRMAN TILLERY: Mr. Lloyd.

7 MR. LLOYD: Mr. Chairman, I hesitate to
8 bring this up, but I guess I will. One ADF&G employee
9 Steve Moffitt is listed as the PI but he's more of a data
10 specialist rather than the designer of the portal. We have
11 in the room a co-PI, or at least a participant of the
12 project, who is the portal architect, as I understand it.
13 And I'm wondering if we want to either bring him or one of
14 the NOAA employees who may know a little bit more about it
15 or have a little bit different view than we're getting from
16 the staff. So.....

17 CHAIRMAN TILLERY: I think and a PI would --
18 if we have a PI, it would help to explain to us why this
19 model, whatever kind of model it is, is actually going to
20 be helpful.

21 MR. BOCHENEK: Absolutely. My name is Rob
22 Bochenek and I'm a co-PI on the herring data portal
23 project. Before I go into the model design, I wanted just
24 to clarify some information that was presented by Michael
25 Baffrey. There was a big issue about distribution of time

1 allocation for the work that's going to be performed on
2 this project. Basically what they were saying is out of
3 all of the staff time, 50 percent was going to go to
4 development of the technology and the other 50 percent was
5 going to go to development of working to data entry.

6 Here is a copy of the budget justification
7 I'm sure you guys have all in front of you. Three months
8 of the 24 months, there's two FTE's associated with this
9 project, split across four positions. Three months of
10 those 24 months is spent developing the technology.
11 Twenty-one months is spent doing direct data entry and data
12 processing. So that's 12.5 percent. It's right on the
13 front page. We are focusing in FY-08 on processing and
14 moving data into the data portal and into the data model.
15 The other three months is to go to further develop the user
16 interface for accessing and querying data from the data
17 portal. And secondly, is for modifying and extending the
18 functionality of the data portal design -- the data model
19 design that's going to hold all this information.

20 Currently we took an existing data set at
21 Alaska Department of Fish and Game, Cordova, an aerial
22 survey data set dating from 1973 to current, and treated
23 that as a candidate data set to work with. We modified
24 this data set to specific parameters that are defined by
25 our standard operating procedures and moved that candidate

1 data set into the data model itself.

2 Now when we start going after these
3 additional data sets that we've isolated in our DPD, we're
4 going to have to modify this data model in order to
5 incorporate these other types of information and data.
6 There is still some engineering that needs to be performed
7 on this data model to make it truly useful. Ultimately the
8 idea with this data model is once this project is done and
9 the herring portal and restoration activities are complete,
10 the idea is for this data model to live onto future
11 opportunities for loading more information into it. It's a
12 standard way -- in essence, it's work that's being
13 developed towards a unified data model as a single data
14 structure that we can store any type of geospatial
15 information associated with any type of scientific
16 measurement.

17 I'm a little bit concerned with talk of
18 removing the creators of this project and this technology
19 from stewardship of it. And I'm very upset.

20 CHAIRMAN TILLERY: Mr. Lloyd.

21 MR. LLOYD: Well, thanks for that. Your
22 obligations under the previous contract presumably involved
23 entering certain sets of data. Would you go through which
24 ones you were able to and which ones perhaps you weren't
25 able to enter into the portal?

1 MR. BOCHENEK: Well, I mean, if you want to
2 go directly to our objectives from the FY-07 proposal, we
3 in no way say that we're going to have every single piece
4 of herring information loaded into a web accessible
5 geospatial database. We say specifically in there that
6 this is a pilot project to show that it's possible to do
7 this. That's why we only sought one year of funding, to
8 show an example of us being able to centrally a bunch of
9 scientific information and then provide access to it.

10 What we were able to do is focus on
11 probably the most important data set to the herring
12 restoration effort, which is this ADF&G aerial survey
13 program that goes back to 1973. It's a continuous, long
14 term data set with observations of biomass and linear spawn
15 extent, which both are critical factors for the herring
16 model that's used in Prince William Sound in addition to
17 the Kiefer project. These are two very critical
18 parameters.

19 We have a lot of additional supplemental
20 data sets but they are no way as important nor they as
21 continuous or spanning certain amount of times as this
22 aerial data set. And those are listed in -- I'm sure if
23 you look at your -- let's see, it's called the status
24 report, which is the first page in your proposal packet
25 there. There's a series of data sets in there listed that

1 we're going to be going after this year in an attempt to
2 process them and load them into the data portal. But the
3 data portal itself, the data model is not complete. It's
4 still in a draft form. The idea is to publish this data
5 model with our final report in April and also to seek
6 publishing in scientific journals also. So that this can
7 be a potentially standard way in which modern data
8 management is done.

9 CHAIRMAN TILLERY: So if you were to decide
10 that you didn't want anymore development of the technology
11 or whatever, all you wanted was the data entered, what
12 you're saying is, that only saves you about 12 percent.

13 MR. BOCHENEK: Yes.

14 CHAIRMAN TILLERY: Okay.

15 MR. BOCHENEK: And, I mean, we have staff
16 that are in place right now that had momentum that had been
17 brought up to speed in terms of the standard operating
18 procedures. Even though they're not physically defined in
19 a book, they're kind of known by the staff right now,
20 including me. And basically we have momentum and we're
21 poised to begin to work on these data sets immediately.

22 CHAIRMAN TILLERY: Mr. Lloyd.

23 MR. LLOYD: I don't have the previous
24 contract in front of me, but was there an expectation that
25 those SOP's would have been written and provided along with

1 the product?

2 MR. BOCHENEK: Yes. They will be with the
3 annual report.

4 MR. LLOYD: I'm sorry.....

5 MR. BOCHENEK: So they have been developed
6 but they have not been formalized into complete document
7 yet. So we have mechanisms and methods for migrating raw
8 data sets into the data model but that is not going to --
9 that will not be published until the annual report.

10 MR. LLOYD: Okay. So they will be in the
11 project completion for the previous project.

12 MR. BOCHENEK: Yes.

13 MR. LLOYD: Okay.

14 MR. BAFFREY: You referenced that it was
15 our understanding that that was a pilot project.

16 MR. BOCHENEK: Uh-huh.

17 MR. BAFFREY: We did not fund the pilot
18 project.

19 MR. BOCHENEK: Oh.

20 MR. BAFFREY: You were given one year
21 funding to do the portal, to do the SOP's, the
22 architecture, and enter the data. So I don't understand
23 your terminology about pilot.

24 MR. BOCHENEK: Did you read the comments of
25 the STC to the initial FY-07 proposal where they.....

1 MR. BAFFREY: That wasn't what was funded.

2 MR. BOCHENEK: You're right, but the STC
3 asked our staff to come back with a larger project that was
4 longer term. We replied that this is a pilot project and
5 we're not sure if we're going to be able to do what we say
6 we're going to be able to do, so we're looking for one year
7 funding.

8 CHAIRMAN TILLERY: But you now think you
9 can do.....

10 MR. BOCHENEK: Yes.

11 CHAIRMAN TILLERY: You know that. And we
12 actually have some of it up and running?

13 MR. BOCHENEK: Yes. I would love to give a
14 demonstration if.....

15 CHAIRMAN TILLERY: And -- well, I don't
16 know, we -- but are people using it?

17 MR. BOCHENEK: Yes.

18 CHAIRMAN TILLERY: Anybody using it happy
19 with it? I mean, do they -- are we -- I mean we actually
20 got a.....

21 MS. BOERNER: I don't know that you guys
22 are using it, but.....

23 CHAIRMAN TILLERY: Are like some of our
24 project people using it? I mean.....

25 MR. BOCHENEK: I would ask the community

1 here. I think you heard during public comment, there were
2 both the public and scientific community who are accessing
3 that information. It provides a way you can quickly
4 visualize large amounts of information in four dimensions.
5 But then once you've assessed that data, it's geospatial,
6 like I said, the type of data, and visualized it, you're
7 able then to download the raw data to your individual
8 analyses. It's a very good model.

9 CHAIRMAN TILLERY: I may be wrong about
10 this, but I thought I heard the suggestion from the EVOS
11 staff that your project is understaffed. That it needs to
12 have more people on it. Is that -- does it? Do you agree
13 with that?

14 MR. BOCHENEK: No. I think that we have 24
15 months split between four different positions and if we
16 were to receive funding, we would not be able to get tho --
17 we would not be able to of course get those positions in
18 place for a 12 month period over FY-08. So splitting this
19 between four individuals where 21 of the 24 months is spent
20 doing direct data salvage and data entry into the data
21 model, we are sure that we are going to be able to process
22 all the data sets that are currently in our queue.

23 We're waiting to present this information
24 to the Herring Steering Committee on October 19th to show
25 them the work that we've completed, also to show the list

1 of data sets that we have currently aggregated together and
2 then get information from them regarding the priority of
3 those data sets. But also to isolate additional data
4 resources that we have not discovered yet that may be
5 important to this effort.

6 CHAIRMAN TILLERY: Questions or comments?
7 Anybody else? Mr. Lloyd.

8 MR. LLOYD: Is there any doubt or
9 misunderstanding about what the -- what would be the term --
10 the ownership of the portal or the intellectual property
11 or whatever? I mean the model itself. That architecture
12 and modeling is going to be the property of the EVOS
13 Trustee Council, correct?

14 MR. BOCHENEK: It's actually going to be
15 the property of the public. It's going to be published and
16 available.

17 MR. LLOYD: Yeah, okay.

18 MR. BOCHENEK: So the method -- the method
19 that's being developed here is really based on methods that
20 were used by IBM in the 1980's to aggregate huge amounts of
21 financial information. It's called a online analytical
22 processing data warehouse design. So it's a new -- it's an
23 applied use of a technology that was used in the '80's to
24 aggregate huge amounts of information but we're applying it
25 to a scientific viewpoint.

1 MS. BOERNER: With Google Earth, yeah.

2 MR. BOCHENEK: With a Google Earth
3 visualization and following a series of standards and so
4 forth.

5 MS. BOERNER: But we would own the portal.

6 MR. BOCHENEK: Of course.

7 CHAIRMAN TILLERY: Follow-up?

8 MR. LLOYD: That's it.

9 CHAIRMAN TILLERY: That's it. Any further?
10 Mr. Meade.

11 MR. MEADE: My observation again would be
12 that we have a '08 work proposal that brings innovation and
13 adaptation to a EVOS need that we've expressed in '07. I
14 would question the ethics and I would question the
15 capability of the bureaucracy to simply resort back to a
16 scan and digitize process in getting data entry in. It
17 sounds to me like there's much more to this than just that
18 and I would caution us to not presume that we can have the
19 bureaucracy step in and do where innovation, completion,
20 and impassioned data stewardship is a key to this project.

21 CHAIRMAN TILLERY: Okay. Anything else?

22 MR. O'CONNOR: Can we move on.....

23 CHAIRMAN TILLERY: No?

24 MR. O'CONNOR:to whale predation?

25 CHAIRMAN TILLERY: Yes. The next one

1 is.....

2 MR. O'CONNOR: Instead of contract
3 information.

4 CHAIRMAN TILLERY: Thank you very much,
5 Rob. Appreciate that.

6 MR. O'CONNOR: Thanks.

7 MR. BOCHENEK: Thank you.

8 MS. BOERNER: It's Page 56 and it's project
9 080804 and the PI is Rice. And the project is significance
10 of whale predation on natural mortality rate of Pacific
11 herring in Prince William Sound. This was a number 2
12 project from last year that was just funded for the first
13 year. And they did go out and they did a very small scale
14 but very intense monitoring of humpback whales in Lynn
15 Canal and in Prince William Sound. And this year they're
16 looking to scale up dramatically and include also Sitka
17 Sound and to look at the number of whales that are foraging
18 in winter specifically and to determine if -- when and if
19 they switch prey to herring and how long the whales focus
20 on herring as prey to determine what kind of impact they're
21 having on the depressed population of herring.

22 This year they're asking for \$327,800.
23 This project was recommended for funding by the Science
24 Panel and myself and was not recommended by the PAC and the
25 Executive Director.

1 MR. BAFFREY: Fund contingent.

2 MS. BOERNER: Fund contingent. I
3 apologize. But fund by the -- do not fund by the PAC, and
4 fund contingent by the Executive Director.

5 MR. BAFFREY: And my fund contingency was
6 based upon delinquent final reports, one of which we have
7 herring synthesis and the other one there's some question
8 as to whether or not -- this is when we were contracting
9 out peer review -- whether or not the peer review comments
10 have actually been submitted to Jeep. So, you know, if
11 they have, then my fund contingent will stand. If he has
12 not received them, then.....

13 CHAIRMAN TILLERY: So your fund contingent
14 would just be the standard contingency.....

15 MR. BAFFREY: Exactly.

16 MS. BOERNER: Exactly.

17 CHAIRMAN TILLERY:of all due final
18 reports have to be in?

19 MR. BAFFREY: Right.

20 CHAIRMAN TILLERY: Questions? Mr. Lloyd.

21 MR. LLOYD: I guess I'd ask the PAC,
22 recommendation for do not fund, can you expound on that a
23 little or a expand on that a little bit, Stacy?

24 MS. STUDEBAKER: Yeah, I think this was one
25 of the ones that we were pretty split on. I remember a

1 vote on this one I specifically -- seven to six, I think
2 the split was. And I -- we don't doubt the validity or the
3 importance of this project at all, it's just that we were
4 trying to keep within the cap, the spending cap, and it
5 wasn't -- it didn't rank as high in our opinion as some of
6 the other ones that seemed to be of more immediate
7 importance.

8 MR. LLOYD: Thanks.

9 CHAIRMAN TILLERY: Okay. Mr.....

10 MR. LUTHI: Standard question. What did we
11 know after one year?

12 MS. BOERNER: Well, like I said, first year
13 was a very targeted, very small focus. They did get the
14 funding late in the year, so I should say it's really just
15 survey work, which they're kind of amalgamating right now
16 and trying to come up with hard data on that. So I can't
17 say we have any definitive data I can hand you.

18 MR. LUTHI: So we don't know if they're
19 eating a lot of herring, two herring.....

20 MS. BOERNER: We know they're eating them,
21 it's just a matter of how many and is it making an impact
22 on the population.

23 MR. LUTHI: Okay.

24 MS. BOERNER: They're definitely eating
25 them.

1 MR. O'CONNOR: Jeep, are you on the line?

2 CHAIRMAN TILLERY: Jeep, are you online?

3 MR. LLOYD: Is anybody online?

4 MR. O'CONNOR: I'd ask if Pete might be
5 available.

6 MS. BOERNER: I think everybody else ran.

7 MR. BAFFREY: Pete might be able to answer
8 it.

9 CHAIRMAN TILLERY: Pete or just who else --
10 do you have somebody else from NOAA?

11 MR. O'CONNOR: Well, I'm really the whale
12 expert. I think it's okay but I'll defer to staff if --
13 just so they have an experience.

14 MR. HAGEN: Okay. What's the question, I
15 guess? Are they accomplishing anything?

16 MS. BOERNER: Now what's the question?
17 What have we learned?

18 MR. BAFFREY: The question is, is Pete on
19 the line.

20 MR. LUTHI: Is Pete on the line was the
21 question, but I don't know. Yeah.

22 MR. O'CONNOR: Yeah. Is Jeep on? Jeep
23 keep his.....

24 MR. HAGEN: Well, yeah, he called just a
25 minute ago asking for the phone line and he was going to

1 dial in and he hasn't yet, so I can get him on.

2 MS. BOERNER: Is that phone on?

3 MR. O'CONNOR: Has he found anything out
4 yet or is it just -- is it too soon to have any.....

5 MR. HAGEN: They're finding out great
6 things.

7 (Laughter)

8 MR. HAGEN: All the rest is technical
9 issues, I'll default to that.

10 CHAIRMAN TILLERY: So I gather Jeep is
11 trying to get online so he can explain what they're
12 accomplishing with this?

13 MR. HAGEN: Yeah, it's in the part of the
14 annual report that was submitted with the proposal and.....

15 MS. BOERNER: And that's why I said most of
16 it is, you know, still yet to be quantified.

17 MR. HAGEN: Yeah.

18 MS. BOERNER: They've gathered the
19 information, they're just trying to quantify it right now.
20 But I know in areas like -- in Sawmill Bay, they were --
21 you know, that the whales were feeding only on herring
22 during the fall and winter, which could be -- you know,
23 have pretty dramatic impacts. But it's just a matter of
24 how much and how many.

25 CHAIRMAN TILLERY: If I can sugg -- do you

1 have a question? I'm going to suggest.....

2 MR. LUTHI: You can.....

3 CHAIRMAN TILLERY:that we move on and
4 come back to this.

5 MR. LUTHI: Absolutely.

6 MR. BAFFREY: Yeah. Good idea.

7 MS. BOERNER: Okay.

8 CHAIRMAN TILLERY: We'll come back to this
9 when we get a hold of Jeep, because he's the one that will
10 be able to tell us.

11 MR. BAFFREY: Right.

12 CHAIRMAN TILLERY: Okay. Rosenberg project
13 on harlequin ducks.

14 MS. BOERNER: Project 58.

15 MR. BAFFREY: Page 58.

16 MS. BOERNER: Page 58.

17 MR. BAFFREY: Dan, you want to come up
18 here? Do you want talk?

19 DR. ROSENBERG: (Indiscernible - away from
20 microphone).

21 MR. LLOYD: You may as well come on up.

22 CHAIRMAN TILLERY: Yeah, you might as well
23 get up here.

24 MS. BOERNER: You might as well come up.

25 MR. LLOYD: Come on.

1 MS. BOERNER: Project 080759.

2 MR. LUTHI: Guess what my question will be?

3 MS. BOERNER: What do we know.....

4 DR. ROSENBERG: Oh no, I need the Kleenex.

5 MS. BOERNER: And the project title is

6 harlequin duck population dynamics in Prince William Sound

7 measuring recovery from EVOS. Actually, I'll let Dr.

8 Rosenberg explain what he's done over the past year since

9 he's here with us. On Page 58. And he's asking for

10 \$117,400.

11 DR. ROSENBERG: This is just the

12 continuation of an ongoing project that we actually began

13 in 1994. So this is nothing new. In 1997, we transitioned

14 from summer surveys to winter surveys. But essentially

15 what we've been doing is we've been trying to monitor the

16 recovery of harlequin ducks. I mean, the restoration since

17 -- for harlequin ducks was really -- I mean, early on it

18 was sort of determined that there isn't a whole lot we can

19 do but monitor and see what happens and let natural

20 recovery take its course and try to document that process.

21

22 So we instituted our surveys and really

23 there's a suite of studies that have been ongoing, all in

24 an effort to document both the physiological reactions of

25 harlequin ducks, the exposure to lingering oil, the

1 population level effects, and now there's even a population
2 modeling effort. So all these essentially feed in together
3 to try and give us some idea of what's going on with this
4 animal.

5 So our component has been the popu -- the
6 demographic monitoring we're looking at. Obviously changes
7 in numbers. We count ducks, okay. It's nothing really
8 complicated in this. It's the most simplest approach.

9 MR. BAFFREY: But you're also doing it in
10 oiled and unoiled areas.

11 MS. BOERNER: Right.

12 DR. ROSENBERG: But what we try to do --
13 you know, the recovery objectives are the 2006 objectives
14 and then there's the Integral suggested changes. So
15 they're very -- actually quite different. But up at least
16 during the 2006 ones, there was a -- one of the objectives
17 was the populations were returned to pre-spill levels,
18 essentially. The catch there, there's almost no pre-spill
19 data.

20 MR. BAFFREY: Okay.

21 DR. ROSENBERG: So our study was designed
22 really to look at it recovering in relative terms between
23 oiled and unoiled. Or oiled change -- is the oiled area,
24 the oiled treatment, the oiled areas of Prince William
25 Sound responding differently than the unoiled. And we look

1 at these in relative terms. So ideally, in terms of
2 recovery, one would hope that the oiled area would increase
3 at a -- would increase relative to the unoiled area. Or if
4 they were both increasing, you know, the rate, of course,
5 would be faster. That's the basic premise.

6 What's happened is, they've been pretty
7 stable. Both have been very stable. The other component
8 that we look at is we look at sex and age structure, the
9 sex and age structure of the population because, you know,
10 the health of the population is more than just the numbers
11 game. So we want to know, A, the age part of it tell us,
12 are there -- is there recruitment. Is there some
13 physiological problem going on that, you know, no new ducks
14 come back into this population. No birds are hatched. No
15 birds come back.

16 The sex part of it is the ratios of males
17 to females, what they should be. Trying to compare the two
18 populations. Maybe females react differently to oil than
19 males and maybe you've got greater mortality among females
20 than males. So we compare all these parameters and we've
21 been doing that, as I said, since '97. And what we have
22 is, we have stable populations in both the oiled and the
23 unoiled. And then we have similar recruitment as measured
24 by young birds in both the oiled and the unoiled. But we
25 do have a slightly lower percentage of females,

1 statistically significant, in the oiled area relative to
2 the unoiled. Whether it's biologically significant, we
3 can't say for sure but it is statistically significant.

4 So we take all this data that we've
5 collected and it goes into -- now it's going into a
6 population model that's being developed by Dan Esler. And
7 then supposedly, you know, that will test the assumptions
8 of -- you know, it will look at recovery from a modeling
9 perspective to try to see if, given the numbers that we
10 have, should this population have recovered by now or is
11 there going to be a long term demographic lag that because
12 of the essentially reproductive potential of a popu -- like
13 given a normal population under their normal behavior,
14 there could be a long time period before the population
15 will recover given a certain injury. And so it feeds into
16 that.

17 So again, you know, it's something that
18 we've been doing. We have done it annually. We sort of --
19 it's been funded in fits and starts, more or less. We've
20 done a survey here, a survey there. But over the years, I
21 think we've done seven surveys. So now we're looking to
22 continue this as part of this whole, you know, effort to
23 document recovery.

24 MR. BAFFREY: I might as well ask you the
25 two questions I left on your voice mail.

1 DR. ROSENBERG: This morning?

2 MR. BAFFREY: Last night.

3 DR. ROSENBERG: Oh. I'll have to go check.

4 MR. BAFFREY: Well.....

5 DR. ROSENBERG: Give me a minute, I'll run
6 out and I'll call.

7 MR. BAFFREY: Wait, yeah. You know, '97,
8 2000, 2001, 2002, 2004, 5, and 7.....

9 DR. ROSENBERG: Yeah.

10 MR. BAFFREY:were your survey dates.
11 And my question -- one of the questions that I left was, if
12 you did that on a two year basis, on a three year basis,
13 you know, '97, 2000, 2003, 2004, 2007, would that trend --
14 would you know as much as you know by doing it annually?
15 And my real question is, and we've talked about this, do
16 you need.....

17 DR. ROSENBERG: Sure.

18 MR. BAFFREY:to do this study
19 annually?

20 DR. ROSENBERG: No, and I think I -- you
21 know, I think I sort of addressed that here in.....

22 MR. BAFFREY: Right.

23 DR. ROSENBERG:what I wrote back in
24 my reply. And I think I just said that more frequent
25 sampling will allow us to detect a population change

1 sooner.

2 MR. BAFFREY: Right.

3 DR. ROSENBERG: Frequency of recovering
4 monitoring, whether it's annual by annual, whatever, you
5 know, depends upon how timely the Trustee Council decided
6 to know if and when full recovery is attained and how much
7 confidence the council would like in that determination.
8 And that's what it gives. You know, this is time series
9 data. You can go out in year one and you can wait a
10 hundred years and come back and see if there's a change.

11 MR. BAFFREY: Right.

12 DR. ROSENBERG: And then you've got every
13 variation in between obviously.

14 MR. BAFFREY: But is there.....

15 DR. ROSENBERG: So it really depends on how
16 much confidence you want in that data and how soon you want
17 to know.

18 MR. BAFFREY: Do you -- is there a
19 statistical difference if you did -- you looked at every
20 three year interval in terms of that confidence?

21 DR. ROSENBERG: That purely depends on what
22 the birds do.

23 MR. BAFFREY: Right.

24 DR. ROSENBERG: But as I said here, you
25 know, what we can do is -- and what we have done in the

1 past, I just haven't done it in awhile is, we can run the
2 power analysis.

3 MR. BAFFREY: Okay.

4 DR. ROSENBERG: So what we can tell you
5 with the power analysis is, okay, if you want to be able to
6 detect -- we can detect a five percent change with
7 confidence 80 percent of the time. You know, we can detect
8 a 50 percent change a hundred percent of the time.

9 MR. BAFFREY: Uh-huh.

10 DR. ROSENBERG: Now, you know, where we are
11 on that continuum, I can't say, but we have -- we do have
12 strong pattern. That's the -- the advantage of this survey
13 over the marine bird survey, which also looks as harlequin
14 ducks, but only looks at pop -- only looks at numbers,
15 doesn't look at the other parameters that I talked about --
16 is that we have greater power to detect that change. So
17 theoretically we can detect a smaller incremental change in
18 numbers between our surveys.

19 MR. BAFFREY: And what would it take to do
20 this power analysis?

21 DR. ROSENBERG: Well, you know, when we --
22 we can have it ready when we do the -- when we -- you know,
23 the final report is due in February.

24 MR. BAFFREY: Okay.

25 DR. ROSENBERG: Hopefully, as I said, we

1 can have it with the final report.

2 MR. BAFFREY: All right.

3 DR. ROSENBERG: I'm not going to -- you
4 know, I don't think I'll be able to get it next week.

5 MR. BAFFREY: It's April, by the way.

6 DR. ROSENBERG: April.

7 MR. BAFFREY: April is when the final
8 report is due.

9 DR. ROSENBERG: April. April 15th, I
10 assume. Tax time, yeah.

11 MS. BOERNER: Of course. That way you
12 don't forget.

13 MR. BAFFREY: Federal taxes in February.

14 CHAIRMAN TILLERY: Do we have questions?

15 MR. LLOYD: I'll start with my standard
16 question. The PAC and the Executive Director's
17 recommendations were do not fund, so.....

18 MS. STUDEBAKER: Once again, this was a
19 pretty split vote on the PAC and I do remember this one
20 because birds -- you know, me and birds. But anyway, this
21 is probably a seven-six split as well, which is really not
22 reflected in do not fund as Craig brought up earlier. But
23 we had to make some hard calls. We had decided that our
24 priorities were fiscal cap and beating the same drum over
25 and over again. But that was our guiding principle with

1 some of the projects. We didn't doubt the merit. We knew
2 we funded them in the past and we know this one in
3 particular has always given good results, great science,
4 and -- the best. But I think the majority of the PAC
5 members felt it wasn't the highest priority of the ones we
6 wanted to fund this time.

7 MR. BAFFREY: And my point of view was that
8 I questioned from a mon -- just from a monitoring point of
9 view, a sampling point of view, was they required every
10 year. And it sounds like, with the exception of the sex
11 distribution within the oiled and unoiled area there is,
12 that it's pretty well met the criteria, the recovery
13 criteria.

14 DR. ROSENBERG: Well, I definitely think
15 we're definitely, you know, close to recovery. The
16 recovery criteria obviously has more than one component to
17 it.

18 MR. BAFFREY: Right.

19 DR. ROSENBERG: And if you're looking at,
20 you know -- so except for that.....

21 MR. BAFFREY: Pre-spill is not going to
22 happen.

23 DR. ROSENBERG: Pardon me?

24 MR. BAFFREY: Pre-spill is not going to
25 happen.

1 DR. ROSENBERG: Oh, I -- yes.

2 MR. BAFFREY: But the differences between
3 the -- the demographic differences between, you know, for
4 non-breeding and breeding.....

5 DR. ROSENBERG: Yeah.

6 MR. BAFFREY:you know, within the
7 spilled and unoiled areas are.....

8 DR. ROSENBERG: The -- yeah.

9 MR. BAFFREY: You know.....

10 DR. ROSENBERG: Exactly.

11 MR. BAFFREY:that's close.

12 DR. ROSENBERG: And they're -- you know,
13 and then the other part of it is of course the exposure
14 part, which is.....

15 MR. BAFFREY: Right.

16 DR. ROSENBERG:not our project. But
17 as far as we can tell -- now the question that's always --
18 you know, that always comes up is of course if you lose --
19 you know, the stock market analogy. If you lose a hundred
20 thousand dollars in the stock market and it went down to
21 \$10,000 and now it's up to \$50,000 and it's stable, have
22 you recovered.

23 MR. BAFFREY: Uh-huh.

24 DR. ROSENBERG: You know, that's the
25 \$64,000 question, not counting for inflation.

1 MR. BAFFREY: \$50,000.

2 DR. ROSENBERG: Yeah, yeah. So, you know,
3 and that we don't know. You know, we just -- we don't know
4 -- I mean, we -- I just don't know, you know. I agree with
5 what you're saying. I don't know if there's truly this
6 very long demographic lag. We don't know if exposure is
7 still having an effect and is suppressing population
8 growth. We don't know if we're just in a period now where
9 things are pretty stable out there and maybe in the future,
10 if there's a little bit of a change, whatever it takes,
11 things will perk up. Lots of unknowns, but yeah.

12 MR. BAFFREY: Your FY-07 work is -- the
13 results of that won't be in until, you know, April,
14 obviously.

15 DR. ROSENBERG: Sure.

16 MR. BAFFREY: But it should be in in time
17 for the 2008 update, the injured resource and services
18 list. And.....

19 DR. ROSENBERG: What we've done different,
20 you know, the only one of the reasons for doing it again
21 this year as opposed to maybe waiting a year, whatever, is
22 that we, last year -- because the criteria had still be
23 this pre-spill, post spill comparison. And because we --
24 we decided to go back and look again that 1972, '73 winter
25 data for harlequin ducks. The only pre-spill data that was

1 out there. We had discarded it in the past just because we
2 thought, gosh, that's years ago and it probably doesn't
3 have a lot of merit this time in the future.

4 But then now we've had these very stable
5 populations and now we know a lot more about harlequin
6 ducks now than we knew a few years ago and exponentially
7 more than we knew at the time of the spill. But we are
8 looking at that '72, '72 data and we are actually for the
9 first time rerunning those identical transects to try to
10 look at the same thing, relative changes between oil and
11 non-oil. Not to give us the answer, but to help us
12 interpret what's going on here now and as to whether, you
13 know, maybe there's still some concern. What we did was
14 took those transects in some areas that were pretty heavily
15 oiled where we hadn't been surveying really that much
16 before because there were no ducks there. And so we
17 thought, well okay, let's go back and just redo those -- or
18 redo a subset of those. There's quite a few. We're
19 redoing a subset. We're redoing all the oiled ones and
20 then a random selection of unoiled ones. And again, it's
21 just -- it is primarily to see if it will shed some light
22 on whether the stability that we're seeing is that we've
23 reached some sort of equilibrium.

24 MR. BAFFREY: Okay.

25 DR. ROSENBERG: Or maybe we should still

1 expect to see some sort of other -- some sort of increase.

2 And we just began -- we just did that in 2007, was the

3 first year, so we only have the one year of that date.

4 CHAIRMAN TILLERY: Okay. If I can kind of
5 cut you here.

6 DR. ROSENBERG: Oh, please.

7 CHAIRMAN TILLERY:this is just
8 continuing on and on.

9 DR. ROSENBERG: I could go on forever,
10 sorry.

11 CHAIRMAN TILLERY: Mr. Lloyd.....

12 MR. LLOYD: Well, I'm done.

13 CHAIRMAN TILLERY:did that answer
14 your question?

15 MR. LLOYD: Yes, thank you.

16 MR. LUTHI: I'm done and ready to vote.

17 CHAIRMAN TILLERY: Mr. Hartig.

18 MR. HARTIG: I'll be short.

19 DR. ROSENBERG: Yeah, but can I.

20 MR. HARTIG: I mean, there's -- and this is
21 to Michael first, is, do we have any other studies that are
22 out there that are going to tell us how close we are or not
23 to recovery for harlequin ducks? I mean, is this what
24 we're relying on that's going to get us an answer whether
25 we try to do more or not?

1 MR. BAFFREY: Well, we've got the -- it's --
2 four people get the.....

3 MS. BOERNER: It's a suite of projects.

4 MR. BAFFREY: Right.

5 MS. BOERNER: We have people doing the oil
6 biomarkers. That's of course -- you know, and that's
7 factoring Dr. Rosenberg's work. That's being done by Dan
8 Esler. And then Dr. Irons is also out doing surveys in the
9 Sound. So it's more of a suite of projects, not one
10 project that's going to identify.

11 MR. HARTIG: I mean, what I'm getting at is
12 it would sure be nice when those species we can -- habitats
13 to say, you know, we're there or we're not there, we're not
14 getting there anytime soon. Because that's what we're
15 struggling with here, you know, in terms of the future.
16 And so if this is -- helps get us closer, you know, by
17 having a few years of data closer together, then, you know,
18 it has value just for that, so we don't -- we're not
19 waiting five years when we could maybe -- another
20 additional five years that we don't need to, to answer this
21 question. It had value to speed it up.

22 CHAIRMAN TILLERY: Okay. Any additional or
23 is that.....

24 MR. HARTIG: No.

25 CHAIRMAN TILLERY: Other questions or

1 comments on this project?

2 (No audible responses)

3 CHAIRMAN TILLERY: Okay. Thank you.

4 DR. ROSENBERG: Thank you.

5 CHAIRMAN TILLERY: We've got five projects.

6 My guess/thought on this is it's going to be difficult to

7 do this in one motion and we.....

8 MR. BAFFREY: We haven't done Rice's yet.

9 CHAIRMAN TILLERY: Oh, we got Jeep. Is

10 Jeep online? Jeep, are you online?

11 DR. RICE: Yes, I am.

12 CHAIRMAN TILLERY: Okay. Mr. O'Connor, I

13 believe you had a question for Mr. Rice.

14 MR. O'CONNOR: Oh. Jeep, how you doing?

15 MR. RICE: Fantastic.

16 MR. O'CONNOR: All right. One of the

17 questions we had with regard to future funding is what have

18 you found so far. Where do you stand on the project as you

19 were engaging it in 2007 on the whale predation?

20 MR. RICE: On the whale predation project.

21 Well, basically what we did is we kind of cheated ahead a

22 little bit and got started on it in FY-06 money because the

23 project is focused on trying to setup whale predation,

24 whether it's significant or not, on herring. And basically

25 the animal starts to switch from more of a deposit or

1 smaller tray type of forage to herring in the fall of
2 winter. And that has everything to do with the herring
3 being a little less dispersed and coming together into
4 larger and more denser schools that they do for the -- to
5 over-winter.

6 So we started on that basically last
7 August/September before you even voted on the very first
8 year and we did that at a local level. And we also had
9 people in Chenega counting whales there, starting about
10 that time period. The whales don't actually appear in
11 Chenega in the Sawmill Bay area until a little bit later,
12 more toward October. So we got counts all winter long in
13 both Sawmill Bay and in the Lynn Canal area. And Sawmill
14 Bay, the counts are pretty significant this winter. And
15 then through well into January, then they start to
16 dissipate and move out and move on.

17 And here in Lynne Canal, we didn't have
18 very many whales this past winter for the very first time,
19 so it was a little bit different. This year, what we've
20 done, we've already gotten a real good start now on this
21 year, so now we're adding Cook as the third area, using the
22 local people there, Jan Straley, to continue in the
23 Chenega, Sawmill Bay area counts. We've had a charter up
24 there looking at whales to find them in two bumped areas,
25 Sawmill Bay area and also Hinchinbrook Entrance area there

1 and a few whales in other areas. So they're just starting
2 that process of where they coalesce into major groups. So
3 we're doing pretty good there.

4 The companion project by Vollenweider has
5 been using both platforms that are in their funding source
6 but also collaborators such as Moffitt and others to get
7 samples of herring energetics and also a few whale
8 observations at the same time. So basically we're off to a
9 pretty good start. Last year was more than ramp-up, more
10 than a pilot study and yet it was an incomplete year,
11 mainly because of the late funding. You guys didn't throw
12 it out until November or so of last year, so the winter was
13 already well into before we could really ramp-up the
14 project.

15 We're hoping that this year's funding cycle
16 will take care of that shortcoming and we'll have the ramp-
17 up as the whales coalesce in the numbers, count them, ID
18 them, compare their forages, if not herring. And then
19 we'll mold that into a model so -- with the current status.

20 MR. O'CONNOR: So at this point you're just
21 engaged in evaluating, if you will, the congregations of
22 whales in various locations but you haven't really begun to
23 focus on their actual predation on herring at this stage?

24 MR. RICE: Well, they kind of go hand in
25 hand. We do evaluate whether -- with acoustics data and

1 also some visual evidence what they are preying on. And so
2 they're in the very begin -- for this winter, they're in
3 the very beginning of that coalescing into those winter
4 aggregation groups that are feeding primarily on the
5 herring. So this is the beginning of it. For us down in
6 Lynn Canal have actually been in about a month ago. And
7 for Chenega, Sawmill Bay, it will begin this month.

8 MR. O'CONNOR: All right.

9 MR. RICE: We're at the beginning of that.

10 CHAIRMAN TILLERY: Questions?

11 MR. LLOYD: I'm okay.

12 CHAIRMAN TILLERY: Question? Jeep, do we
13 have some baseline data on this such that -- do we know
14 that whales did not use to prey on herring?

15 MR. RICE: I guess the answer is no,
16 there's no real baseline data. What we have is a bunch of
17 anecdotal observations so, I guess from that I believe they
18 have been feeding on herring and we just didn't know about
19 it and just didn't really care about it at the time. We
20 have observations just because we're local and onsite. We
21 have observations that whales have been hunkering down
22 behind Benjamin Isles, for example, down here in the Juneau
23 area and feeding. And the only thing there is herring.
24 They've been doing that in the months of November and
25 December and into January. And people have observed that

1 for a number of years but didn't pay too much attention to
2 it.

3 Likewise, we have similar observations of
4 whales appearing every November and December in Sawmill Bay
5 for the last number of years and there wasn't a real keen
6 interest in that. I don't think people perceive that they
7 were as significant a predator as they were. And they
8 weren't looking at those sorts of things to see why these
9 stocks, for example, both in Lynn Canal and the Prince
10 William stock, why weren't they recovering? We were just
11 kind of passively waiting for them to recover and that's
12 generally the case for these types of populations. They do
13 recover over time. Except for these two, for example, they
14 haven't recovered. We're about 25 years for Lynn Canal,
15 it's probably being repressed by whales and other predators
16 and things -- sort of things going on there in Prince
17 William Sound, presumably.

18 As to phasing it in, we'll get to the
19 modeling aspect after we gather this winter's data and
20 we'll try to get an actual assessment of whether this
21 predation is significant. In other words, is it at the one
22 percent level, or the three percent level, or is it at the
23 20 or 30 or maybe 40 percent level. You know, you'll get
24 an idea of just what the consumption is when we pitch the
25 modeling after all these observations.

1 CHAIRMAN TILLERY: If I can just ask one
2 more question, please. I kind of get to the so what
3 question. Even if we find out whales are a significant
4 predator, we're not likely to take them out. So what does
5 that information -- how does that information help us in
6 the herring restoration?

7 MR. RICE: Well, it -- yeah, I know where
8 you're going there. Well, one possible avenue is whether
9 we are going to -- and this is a ways off, I believe, but
10 at some point we'll get to discuss whether it's a good idea
11 to enhance herring or not. If whales, for example, are the
12 limiting factor present for recovery of whales -- or excuse
13 me, of herring, then producing a lot more herring isn't
14 going to do any good. Not unless you can swamp those
15 predators and build a population. So it will tell you
16 exactly what you have to do if you were to take on that
17 sort of strategy.

18 Right now we don't even know if they are
19 the limiting factor or just -- all the predators account
20 for like one percent each and do you have to knock off all
21 the predators. I mean it, you know, it would give you a
22 way of evaluating what you can and can't do.

23 CHAIRMAN TILLERY: Okay.

24 MR. RICE: I think that's where we're going
25 with this project, trying to define what is the limiting

1 factor and whether it's significant to -- in terms of the
2 lack of recovery.

3 CHAIRMAN TILLERY: Any other questions or
4 comments?

5 (No audible responses)

6 CHAIRMAN TILLERY: Okay. That then should
7 I think take us to the end of this grouping.

8 MR. O'CONNOR: Thank you, Jeep.

9 CHAIRMAN TILLERY: Thanks, Jeep.

10 Appreciate it.

11 MR. RICE: You're welcome.

12 CHAIRMAN TILLERY: So I would suggest that
13 we might want to go through these one by one and vote
14 because I'm not sure if we're going to come up with a
15 logical grouping of them, unless somebody wants to make a
16 motion on a group.

17 MR. HARTIG: Well, what I'd like to do too
18 is just get a sense of budget first, where we're at from
19 the first time around and, you know, what we got to work
20 with here. And then rather -- maybe kind of -- where
21 there's a budget limitation, I think what we should do is
22 see if anybody here feels strongly that a particular
23 project, you know, should go and consider those first and
24 then kind of work through them that way.

25 MR. BAFFREY: So you want the total number?

1 MS. BOERNER: If we fund all these.

2 MR. HARTIG: Yeah, how much of these split
3 recommendations, how much money do we have left, and if we
4 want to go above our budget, make that, you know, know that
5 we're doing that, at what point we're doing that and decide
6 whether we want to.

7 MR. BAFFREY: Barbara, would you come up to
8 -- with your calculator?

9 CHAIRMAN TILLERY: Have we so far approved
10 979?

11 MS. BOERNER: Yes.

12 CHAIRMAN TILLERY: Is that correct?

13 MS. BOERNER: Yes.

14 MS. HANNAH: I have a million, 41 for
15 the.....

16 MS. BOERNER: No, for the top part?

17 MS. BOERNER: Yes. I believe -- with the
18 project management.

19 MR. BAFFREY: Oh.

20 MS. BOERNER: Oh, with the.....

21 MS. HANNAH: You don't want that in?

22 MS. BOERNER: Oh, we're not talking.....

23 MS. HANNAH: 979,6 for the projects.

24 MS. BOERNER: Okay.

25 MS. HANNAH: And 61,7 for project

1 management.

2 MR. LLOYD: And what about the next group?

3 MS. HANNAH: Okay.

4 MR. BAFFREY: If they fund all of them.

5 MS. HANNAH: If you fund all of them, with
6 project -- it will be 1,806,000 with project management of
7 102,800, it would come to 1,908,8.

8 CHAIRMAN TILLERY: To help me with my math,
9 what's just the total of that second group?

10 MS. HANNAH: Oh, I don't have it in that --
11 I'm sorry. I'm looking -- I've got it by.....

12 MS. BOERNER: Do you have a calculator?

13 MS. HANNAH:agency.

14 MR. O'CONNOR: Roughly \$826,000.

15 MR. MEADE: Roughly how much, Craig?

16 MR. O'CONNOR: 826.

17 MR. MEADE: 826. That's without project
18 management?

19 MR. O'CONNOR: Right.

20 MS. BOERNER: Right.

21 MR. O'CONNOR: Just adding the numbers that
22 are in the column.

23 CHAIRMAN TILLERY: Okay. And again, the
24 budget legally is we can't spend more than about
25 115,000,000. But the cap that the council has established

1 would have been about one million, but we have generally
2 been considering lingering oil outside of that and Joe's
3 point, I think, was correct, that if you do that, there's
4 actually about another .7 million, it would still be within
5 the cap. I think that's where we've gotten to so far. If
6 you don't consider it, we're already at the cap.

7 MR. MEADE: And if we do, we've got 1.7,
8 so.....

9 CHAIRMAN TILLERY: So about .7.

10 MR. MEADE:and with that 800, 900 with
11 project management in proposals in front of us, roughly.

12 CHAIRMAN TILLERY: So.....

13 MR. BAFFREY: So what's the total right now
14 in.....

15 MS. HANNAH: Where we're at right now?

16 MS. BOERNER: We're at 979,600.

17 MR. BAFFREY: Yeah, almost two million,
18 right.

19 MS. BOERNER: And then 61,7 in project
20 management.

21 CHAIRMAN TILLERY: Is.....

22 MR. LLOYD: Well.....

23 CHAIRMAN TILLERY: Does everybody got their
24 math?

25 MS. HANNAH: Right now we're at 1,041,300

1 with project management.

2 MR. BAFFREY: With -- that's the first
3 group.

4 MS. HANNAH: That's the first group.

5 MR. BAFFREY: And if we add for all of the
6 second group.....

7 MS. BOERNER: 826 for the second group.

8 MS. HANNAH: I'll.....

9 MR. BAFFREY: All right.

10 MS. HANNAH: I got three spreadsheets going
11 here.

12 MR. LLOYD: About 1.9 million.

13 MR. BAFFREY: 1.9. Okay.

14 MS. BOERNER: Yeah, 1.9018.

15 MR. BAFFREY: That's without project
16 management.

17 MR. LLOYD: No, that's with.

18 MS. BOERNER: That's with project
19 management.

20 MR. BAFFREY: Okay. So.....

21 MS. BOERNER: Without is 1,806,000.

22 CHAIRMAN TILLERY: Okay. Does that answer
23 your question?

24 MR. HARTIG: Uh-huh.

25 CHAIRMAN TILLERY: Okay. Is there a

1 preference as to how to go about this?

2 MR. LUTHI: Mr. -- I would suggest we start
3 at the top or at the bottom and make a motion on each one.
4 I assume each one would be a positive motion and then take
5 a vote.

6 CHAIRMAN TILLERY: Okay.

7 MR. LUTHI: With discussion, of course.

8 CHAIRMAN TILLERY: Is that an amenable
9 approach? Just go one by one.

10 MR. HARTIG: Yeah, the only problem I got
11 is -- and I don't feel strongly on this, it's more of a
12 question -- if we're at one point 1,141,300 whatever and
13 the second group totals approximately 126,000 and they're
14 not all lingering oil, addressing lingering oil, then we're
15 going to break the bank if we do all of them.

16 CHAIRMAN TILLERY: Right.

17 MR. HARTIG: And so if we go one by one, I
18 don't know if there's any in this list that have a pretty
19 high priority. We may run out of money before we get to
20 that.

21 MR. LUTHI: Or we could sit here and
22 discuss which ones have a high priority for another hour.

23 MR. HARTIG: That's what I'm thinking,
24 start there first, say we seem to have one here they
25 think.....

1 MR. LUTHI: I don't think it matters. I
2 say we just get moving.

3 MR. LLOYD: There you go.

4 CHAIRMAN TILLERY: Yeah. Okay. So do you
5 want to have a discussion of priority or do you want to
6 bring -- have somebody suggest something?

7 MR. HARTIG: Yeah, I think we could start --
8 I say just take them in order unless somebody says I have
9 one that I think has a high priority, then we'll take that
10 one first.

11 CHAIRMAN TILLERY: Okay.

12 MR. LLOYD: Well, I'm getting a bit
13 confused here.

14 MR. LUTHI: Too many figures?

15 MR. LLOYD: No, actually I think I got the
16 figures right, which is if we were to accept the ones that
17 we already accepted out of the top of the list, and if we
18 accepted all of the split recommendation, we would be at
19 about 1.9 million.

20 CHAIRMAN TILLERY: Correct.

21 MS. BOERNER: Plus project management,
22 right?

23 MR. LLOYD: And we -- I think the earlier
24 discussion was, we want to hover around one million except
25 didn't we have -- didn't we say we had a \$700,000 credit

1 because there had been lingering oil that was supposed to
2 be outside of.....

3 CHAIRMAN TILLERY: That suggestion was
4 made. Right.

5 MR. LLOYD: Okay. So if we accept that
6 suggestion then our quote budget or our cap is 1.7 million
7 right now.

8 CHAIRMAN TILLERY: That's correct.

9 MR. LLOYD: And we've got 1.9 million if
10 everything is on the table. I'd almost like to go
11 backwards and say which ones out of the split
12 recommendation you don't like.

13 MR. HARTIG: That's fine too.

14 CHAIRMAN TILLERY: I kind of think
15 that's.....

16 MR. LUTHI: I don't care.

17 CHAIRMAN TILLERY:a good way to go
18 too.

19 MR. HARTIG: That's fine.

20 MR. LUTHI: The reality is you're going to
21 end up either voting affirmatively.....

22 MR. LLOYD: Correct.

23 MR. LUTHI:or not voting like that,
24 so.....

25 CHAIRMAN TILLERY: Does -- well, does

1 somebody have a motion on one of these that they think has
2 -- it should be eliminated?

3 MR. O'CONNOR: Eliminated.

4 CHAIRMAN TILLERY: Well, voted down. Or --
5 I don't care how we do this, let's just do it though.

6 MR. LUTHI: All right. I'll.....

7 CHAIRMAN TILLERY: In the absence of
8 it.....

9 MR. LUTHI:help you out.

10 CHAIRMAN TILLERY:we can just start
11 with the top.

12 MR. LUTHI: I'll help you out. I move --
13 and since all motions are in the affirmative -- I move that
14 we -- adoption of the funding of -- and I'll say the
15 funding of -- of the Batten proposal 080624.

16 MR. MEADE: I'd second that motion.

17 CHAIRMAN TILLERY: It's been moved and
18 seconded. Is there discussion of it?

19 MR. O'CONNOR: I.....

20 MR. LLOYD: Question.

21 MR. O'CONNOR: Yes, actually I would -- can
22 I propose an amendment to it at this point?

23 MR. LUTHI: Sure. That's when you do it.

24 MR. O'CONNOR: I would propose an amendment
25 to that motion that indicates a reduction in the total

1 funding to be reflective of the discussion that we had with
2 regard to the sequence of activities that are engaged in in
3 this project. And giving the encouragement to get other
4 funding that we fund a portion of the project, perhaps
5 half, three-quarters of what's being proposed here.

6 MR. LUTHI: That's an amendment.

7 MR. LLOYD: Well, I.....

8 MR. LUTHI: Does it have a second?

9 MR. LLOYD: Yeah. I'd second it if you'd
10 specify that it was a half.

11 MR. O'CONNOR: I would accept a half.

12 CHAIRMAN TILLERY: So you have as the
13 amended motion is to approve \$70,000.

14 MR. LLOYD: Uh-huh, roughly.

15 MR. HARTIG: Could I ask a clarification,
16 if that's in order. When you say propose a half, is it --
17 would it then be contingent upon them finding the other
18 half before they would get our half?

19 MR. LLOYD: That's a good point.

20 MR. O'CONNOR: My thought as the maker of
21 the amendment as modified is that we go forward with a
22 continued collection of this information and if it -- if
23 the PI is not engaging in a good faith effort to find other
24 funding or has engaged in such an effort and has failed,
25 that they come back to us, or staff come back to us and

1 tell us that we need to readdress the funding level on this
2 project, particularly in light of what we may hear out of
3 the herring committee and the need by the herring committee
4 or their support for this project. I don't want to let it
5 -- to just go away if for whatever technical reason or
6 otherwise the project doesn't get other funding. I believe
7 in encouraging other funding but not to sacrifice the
8 project if our -- particularly our herring PI's think it's
9 of import -- it's important information.

10 MR. BAFFREY: Here's the concern with that.
11 Is that, you know, over half the cost or approximately half
12 the cost or over half the cost are personnel. So, you
13 know, by cutting it in half, it may not be a viable
14 project.

15 MR. LUTHI: Question.

16 CHAIRMAN TILLERY: Question.

17 MR. LUTHI: Question means vote.

18 CHAIRMAN TILLERY: Oh, well, can I make a
19 comment first?

20 MR. LUTHI: Yes, absolutely. You're the
21 chairman.

22 CHAIRMAN TILLERY: My comment would be that
23 as I look down this list, every project we have on this
24 list has been described and I think correctly has some
25 direct and important relationship to restoration and that

1 one doesn't. It just flat -- nobody's ever identified what
2 we get for it. And it's -- except for some vague, good
3 background science. And I don't doubt it's good background
4 science. But if we've got to eliminate one project here,
5 to me that's the one. It's the project -- and that's the
6 ultimate challenge grant to -- we challenge you to find
7 funding because we're not going to fund it. I don't see
8 what other project we could -- we would eliminate that
9 wouldn't eliminate information that we won't need and
10 that's important for restoration.

11 MR. MEADE: Is Jeep still on the line?

12 MR. O'CONNOR: No. He's smart. He got off
13 the line.

14 MR. MEADE: I knew a couple of years ago
15 Jeep was one of several scientists advocating retaining
16 both this as well as the other we discussed earlier, we
17 both important baseline sets of data for the science,
18 so.....

19 CHAIRMAN TILLERY: But yet no one will come
20 in and say this thing was critical -- the information I got
21 from here was critical to the study I did on X-species or
22 Y-species. I think that's fairly telling. It's good
23 background baseline information. We're not a baseline
24 group. AOOS, that's a baseline group, I think, but we're
25 not. We have a restoration obligation.

1 Now look at these others and the marine
2 bird surveys is directly related to the restoration we're
3 doing. The testimony we got was on herring data portal was
4 that it was important information, it had to be done, the
5 issue is simply who does it, as I understood it, not that
6 we in fact do do it. We're going to pay for that one one
7 way or the other. The whale predation on Pacific herring
8 is a species we're very much concerned with and, you know,
9 seems to be making progress. And the harlequin duck, I
10 know for a certainty is important to what we're doing. So
11 I don't see where else you can cut except for that one.
12 Does somebody have another -- am I missing something on
13 another project?

14 MR. O'CONNOR: I'd call for the question as
15 well on the amended motion.

16 MR. LUTHI: Now it's on the amendment.

17 MR. O'CONNOR: On the amendment.

18 CHAIRMAN TILLERY: Okay.

19 MR. BAFFREY: I'll do it. Joe.

20 MR. MEADE: In support.

21 MR. BAFFREY: Larry.

22 MR. HARTIG: Of the amendment?

23 MR. BAFFREY: Of the amendment.

24 MR. HARTIG: Yes.

25 MR. BAFFREY: Craig O.

1 MR. LUTHI: It's your amendment and you
2 called the question.

3 MR. O'CONNOR: I know. I know. Because I
4 wanted to kill the amendment. I support the amendment.

5 MR. BAFFREY: All right. Randall.

6 MR. LUTHI: No.

7 MR. BAFFREY: Okay. Done.

8 CHAIRMAN TILLERY: Okay.

9 MR. O'CONNOR: Call for the question on the
10 original motion.

11 MR. BAFFREY: You have to vote on the
12 original amendment.

13 MR. LLOYD: I have a point of order, I
14 guess. I understand that our spending decisions require
15 unanimity, but does every vote require unanimity?

16 MR. BAFFREY: Uh-huh.

17 MR. LLOYD: Is that clear? Okay.

18 CHAIRMAN TILLERY: Yeah, for like an
19 amendment vote would.....

20 MR. LLOYD: Right.

21 CHAIRMAN TILLERY:require. I mean,
22 some things don't, like, for example, acceptance of the
23 minutes of the previous meeting don't require unanimity.
24 Anything impacting funding.

25 MR. LLOYD: Okay. Thanks.

1 MR. O'CONNOR: We each have preemptive
2 authority.

3 CHAIRMAN TILLERY: That leaves us with the
4 -- are you requesting.....

5 MR. LLOYD: With the full project.

6 CHAIRMAN TILLERY: So we're not -- are
7 there any other comments or suggestions before we vote on
8 that project?

9 MR. BAFFREY: Denby?

10 MR. LLOYD: No.

11 MR. BAFFREY: Done.

12 MR. LLOYD: I didn't know that.

13 MR. LUTHI: Well, I'm glad. I would have
14 voted aye, I'm sure.

15 (Laughter)

16 MR. BAFFREY: All right.

17 MR. O'CONNOR: Given Mr. Tillery's
18 comments, I would move approval of the remaining four
19 projects.

20 MR. BAFFREY: You know there's a fund
21 contingent on the Moffitt.

22 MR. LUTHI: I'll second.

23 CHAIRMAN TILLERY: It's been moved and
24 seconded. Are there any questions or comments on that
25 motion?

1 MR. BAFFREY: I just need to explain that
2 comment, was that there's a delinquent report by the PI on
3 the Moffitt proposal.

4 MR. LLOYD: In Moffitt? I thought you said
5 on the Rice?

6 MR. BAFFREY: That's -- there's both, but
7 definitely not on the Moffitt.

8 MS. BOERNER: Yes, and he is aware of that.

9 CHAIRMAN TILLERY: Okay. But that's a
10 standard contingency. That's in.....

11 MR. BAFFREY: Right. And they just don't
12 get the money until.....

13 MS. BOERNER: The report's complete.

14 MR. BAFFREY:their final report is
15 in.

16 CHAIRMAN TILLERY: Right. That's in every
17 -- that's a blanket one that goes in the resolution.

18 MR. BAFFREY: Right.

19 CHAIRMAN TILLERY: Okay. Okay, it's been
20 moved and seconded. Additional questions or comments?

21 MR. LUTHI: Call for the vote.

22 MR. BAFFREY: Randall.

23 MR. LUTHI: Aye.

24 MR. BAFFREY: Denby.

25 MR. LLOYD: Yes.

1 MR. BAFFREY: Craig O.
2 MR. O'CONNOR: Yes.
3 MR. BAFFREY: Larry.
4 MR. HARTIG: Yes.
5 MR. BAFFREY: Joe.
6 MR. MEADE: Yes.
7 MR. BAFFREY: And Craig.
8 CHAIRMAN TILLERY: Yes.
9 MR. BAFFREY: Okay.
10 CHAIRMAN TILLERY: Okay. That takes us
11 through.....
12 MR. BAFFREY: So you guys want to take
13 a.....
14 CHAIRMAN TILLERY:our split
15 recommendations. It brings us to building projects. Do we
16 need to take a break before we.....
17 MR. LLOYD: Please.
18 MR. BAFFREY: Yes.
19 CHAIRMAN TILLERY:address the final
20 category?
21 MS. BOERNER: Oh God, yes.
22 MR. MEADE: Yeah.
23 CHAIRMAN TILLERY: We do.
24 MR. O'CONNOR: No.
25 CHAIRMAN TILLERY: Ten minutes?

1 (OFF RECORD - 3:57 P.M.)

2 (ON RECORD - 4:09 P.M.)

3 CHAIRMAN TILLERY: The Trustee Council is
4 back in session. We have just finished with the split
5 recommendations and we are moving onto the final two items,
6 which are the Kodiak ADF&G building and the Cordova Center.
7 We actually had sort of presentations on both of those
8 during the public comment period. Do we have additional?
9 Do you have something planned or something.....

10 MR. BAFFREY: No, no. You know what
11 they're about and they were well presented at the -- at
12 least what the proposals are. I'm the only one on record
13 opposing both of them, so I know I keep -- want my comments
14 now or do you want to start with the ADF&G -- I mean, the
15 Kodiak Island Borough admin building?

16 CHAIRMAN TILLERY: Well, let's start with
17 the Kodiak ADF&G building since it's first on the list and
18 since it's a Fish and Game project, Mr. Lloyd, did you have
19 anything that you wanted to add to what mayor -- or former
20 Mayor Selby said?

21 MR. LLOYD: Well, I have a number of things
22 that I guess I would say in support of a project like this
23 but I'm wondering if maybe more reasonably we should
24 consider under what context we would look at these types of
25 projects. Because I'm concerned that thus far they're been

1 reviewed in the context of kind of the typical RFP and
2 scientific project rationalization and things like that.
3 And we're getting consistent comments back from, you know,
4 the Science Panel and even the PAC in terms of the
5 restoration reserve and the ED that they just don't fit
6 that kind of mix. And I don't know if I -- well, I guess I
7 probably don't agree but even though I don't agree, I
8 imagine there some concerns amongst the other trustees
9 about leaping to these types of large expenditures without
10 better understanding under what context we would do that.
11 And there have been some comments, particularly by Joe thus
12 far, of you know, possibly looking at the small lands
13 acquisition fund. And there has been some discussion back
14 and forth about that. I guess at some point I would argue
15 that these types of projects could and have qualified under
16 restoration.

17 But I'm looking for a little bit of -- more
18 conversation amongst the trustees, if I can get it, about
19 whether there is a construct where these types of community
20 projects -- we can call them bricks and mortar but I'm
21 tending to think that these are what the communit -- some
22 communities have come back with in saying, hey, we'd like
23 some legacy out of this rather than ongoing science that
24 may help but also basically is dissipated once the money is
25 spent. So that is kind of a request for conversation.

1 CHAIRMAN TILLERY: Is there conversation?

2 MR. LUTHI: Good luck. Okay. I will. I
3 will.

4 CHAIRMAN TILLERY: Commissioner Hartig,
5 just to put you on ice for a second.

6 MR. LUTHI: Absolutely.

7 MR. HARTIG: Oh, no, I didn't mean to.....

8 MR. LUTHI: Nope, I'd rather.....

9 MR. HARTIG:jump in front of Randall.

10 MR. LUTHI: Please. I wanted to defer to
11 those with more experience.

12 MR. HARTIG: Oh, come on. I can't -- I
13 don't fit that category. The -- although I -- you know, I
14 -- on the Kodiak proposal, I'm one that's in favor of it.
15 I think it -- I feel like vote would be premature for
16 several reasons. We did get some good guidance I thought
17 when we talked about the DEC projects and we're back --
18 you know, as to what type of thing would be acceptable or
19 not acceptable. And so we're going back and doing --
20 taking a real hard look at it, which I think we should, and
21 see if there's a couple of those that, you know, we think
22 have high merit and then try those as kind of a test case
23 and then go from there.

24 On this one it's a little bit larger expenditure of
25 funds and it's more -- maybe not direct towards restoration

1 in terms of immediate benefit but it does to me fit a very
2 important strategic need, and that is, is passing the baton
3 from when we decide that there is nothing else that, you
4 know, we can do as far as active remediation and it comes
5 down to just managing the resources properly and then
6 providing a method for researching and filling in gaps as
7 those are identified, you know, in the future and have a
8 ready way of doing that. And I don't see a better way of
9 other -- than supporting projects like this, whether it's
10 Fish and Game or NOAA, whoever, to make sure that capacity
11 is there in the future, you know, to do that management and
12 then that fill in research.

13 So I think it fits a need but my concern
14 right now is, is that spending money on those types of
15 projects before we have more definition of what we need to
16 do in terms of herring or lingering oil, I think these
17 people doubt whether we'll ever -- we'll have the resources
18 left to address those, you know, once we identify what the
19 needs are.

20 So I think that maybe some more definition, you know,
21 of what the trustees would want to know before they would
22 approve a project like this is a very good request. And
23 that -- so I would be -- even though I would be happy to
24 vote in favor of it today, I think that it's probably
25 better to give it more time.

1 CHAIRMAN TILLERY: Mr. Luthi.

2 MR. LUTHI: Oh, thank you, Mr. Chairman.

3 And again, I hesitant this with some -- no, I don't. I was
4 going to say some hesitancy but I don't. I do approach it
5 from some newness though and a lack of knowledge. But in
6 the few months that I've been on the council -- and
7 actually, these subjects not new to me. I hate to admit
8 it, but I dealt with them 17, 18 years ago and a lot of
9 them are very much the same. And coming from a farm, I can
10 give you an analogy that I felt once in awhile today.
11 Coming from a dairy farm, I'm even better at giving this
12 analogy. It's like a cow on wet cement. And if you've not
13 seen that, the feet just keep moving and there's no place
14 to go. They just keep spinning.

15 But what concerns me about these two
16 projects is what I heard is largely, especially on the
17 community projects, the herring has taken a big hit. Some
18 of the natural resources we knew has taken a hit. We don't
19 think they've recovered. The services associated with
20 those natural resources haven't recovered. So therefore I
21 do think we need to focus still. Spend some more time on
22 the herring, those other resources that were the basis of
23 that economics, before we actually in my mind somewhat
24 switch services.

25 And instead of say fishing, commercial

1 fishing or local, before we switch to maybe completely
2 tourism. But I -- and that's it. It's more of a timing
3 thing with me. I think we have some other things we ought
4 to do first. But believe me, I come from a small community
5 and I know what -- that's been economically hit at times --
6 and I know what it's like. And I am -- I'm sympathetic or
7 at least empathetic. But I couldn't vote it today. If I
8 were asked -- yeah, at least.

9 CHAIRMAN TILLERY: I just wondered if you
10 were going to get down to pathetic.

11 MR. LUTHI: I'll be pathetic in a minute.
12 One more athletic. But I couldn't vote for either project
13 today if I were asked to do so.

14 CHAIRMAN TILLERY: Comments? Additional
15 comments?

16 MR. O'CONNOR: Well, I want to echo what
17 everybody said thus far, which is surprising, but mostly
18 Larry I agree with. We -- right now, we have got to figure
19 out where we're going and we have some compelling concerns
20 that will need to be attended to first and foremost. And
21 whether -- I don't look at bricks and mortar projects as an
22 anathema or as a -- something unique.

23 What I'm looking for is what will
24 adequately fulfill our responsibilities for restoration.
25 And I don't care what the project looks like, if it's got

1 bricks or if it's got cows on wet cement or whatever, it's
2 -- we have to figure out what we need to do. We've got to
3 get a path forward. We have certain responsibilities that
4 we have to fulfill. One of those responsibilities very
5 clearly is to address the lingering oil problem. I am at
6 this juncture even very concerned that we are not moving
7 out as promptly as we should, even on the lingering oil.
8 We have dabbled in that, we have talked about it. And I'm
9 going to chat with Commission Lloyd because I think that
10 either Denby and I or you and I need to sit and figure out
11 where we should be going, particularly with regard to
12 lingering oil and depositing a package of projects very
13 soon to move out on that even more aggressively than we
14 have.

15 And by way of adding that to the
16 conversation, I'm doing so because I feel guilty in many
17 ways that we have continually put off these projects and we
18 have put off these people and we aren't doing anything but
19 spinning our hooves. And I think we owe it to those folks
20 who have presented these projects to us to get on with our
21 responsibilities to do so promptly and effectively and be
22 in a position sooner rather than later to say, okay, the
23 next step, as Randall is suggesting, is to move to a
24 different order of restoration type project. But let's get
25 the priorities addressed first. And I'm not prepared to

1 say yes to either of these projects at this stage either
2 for those reasons. And I've never been in a small -- I
3 live in a fairly small town myself and I feel particularly
4 concerned with the talk to the hand that we have given to
5 the people from Cordova.

6 And I want -- I would like to follow-up on
7 your recommendation, Craig. I would like to go down there.
8 I would like to sit with those folks and get a very clear
9 sense as to how they feel and what we can do to attend to
10 their needs if it's within the realm of our legal authority
11 to do so. And that's not to suggest what the mayor has to
12 say is wrong or that we're getting, you know, smoke. I
13 think it's very real but I want to be sure that if I'm
14 going to be looking at the needs of the people of Cordova,
15 as those needs were created as a result of the oil spill,
16 that I'm doing the right thing. And I like the idea of
17 going into the context to do -- to have a discussion about
18 that.

19 CHAIRMAN TILLERY: Additional comments?
20 Commissioner Hartig.

21 MR. HARTIG: I am agreeing with Craig here
22 too that it's kind of -- on the harlequin ducks, I would
23 like to see if we can kind of accelerate, if we can, you
24 know, on where we are at, particularly on lingering oil and
25 move that along so that we can kind of get dead center as

1 far as the future of this -- the EVOS trust and -- so if
2 there's things that we can do to kind of get to that point
3 where, you know, are we going to be able to do anything
4 more. You know, what's left as a problem and, you know,
5 what can we address and what resources will it take to do
6 that, to get there. You know, I don't mind spending more
7 money to get there more quickly. Because I think it's
8 really jamming things up now and getting things out of
9 order.

10 CHAIRMAN TILLERY: Mr. Meade.

11 MR. MEADE: I think I should throw my two
12 cents in, just building on my comments earlier as well. I
13 think I should be on the record for being in concept, in
14 support, within our legal authority, within the maximum
15 flexibility of our legal authority, for the project
16 proposal as submitted by Cordova for the human resource
17 reasons as has been highlighted. And the work that the US
18 Forest Service is doing across the Prince William Sound
19 associated to the recreation issues and in part those are
20 being in part funded through the support of the EVOS
21 effort. And data that we'll be bringing forward over the
22 next couple of years.

23 But I also too, while stating my support,
24 need to underscore first, we need to address lingering oil
25 and we need to really position ourselves for what our focus

1 is with the resources yet available to Alaskans through the
2 stewardship of all six of our trustees responsibilities.
3 So to me it does beckon the analysis, be it an
4 environmental or deep analysis; be it a look at our
5 sufficiency from our 15 year old NEPA document we currently
6 operate within from 1994. But that the combination of
7 addressing the lingering oil and then also the next steps,
8 if you will, are the two ingredients to me that will help
9 position us to answer the questions that I think each of us
10 are framing. I would advocate we need to take the time
11 expeditiously to do that so that we can begin to give the
12 affirming signals to the interests.

13 I also am in strong support of going to
14 Cordova and asking the community, as has been discussed, to
15 share with us their ideas, their ideals, and their views.
16 I thought Sylvia's remarks were as insightful as the
17 mayor's. Sylvia speaking about the 70,000 of acres of
18 waterfront that have been tied up through Eyak land
19 easements and purchases, which also has a direct effect to
20 their harbor front. So I think both those insights today
21 were well received.

22 CHAIRMAN TILLERY: To complete the
23 conversation back to you, let me give you my views. Which,
24 with respect to the -- you know, I think we're talking
25 about both of these projects sort of at the same time.

1 With respect to the Fish and Game building, I am absolutely
2 convinced that this is a good project. I think it's an
3 absolute need for the state of Alaska, for the people of
4 Alaska, and for the people of Kodiak. The question to me
5 is, is whether it is appropriately funding from EVOS
6 monies. It's the relationship of what would happen there.
7 Can that -- can whatever would happen there happen
8 somewhere else? Can it happen in the NWFS lab that would
9 essentially be right next door? I think that needs more
10 fleshing out. And for that reason, I too am not prepared
11 to vote on this today.

12 I would however -- I do think it would be a
13 useful idea if the -- and I think for the most part, that's
14 a legal call. If the attorneys, if Gina and Rita or
15 whoever is appropriate could sit down with the project
16 description and work with the project proposers and
17 determine to what extent the project would pass legal
18 muster. Because I think there are some very fine -- we
19 have some very defined lines where things that we can fund,
20 things we can't fund. We may not want to fund all the
21 things that we can fund, but I think we need to know where
22 the boundaries are on the project.

23 The second thing would be respect to the
24 Cordova Center. I personally believe that's a very
25 important project. I think that it is justified as a

1 restoration project but there is -- remains a question of
2 how much of it is justified as a restoration project. And
3 again, I guess I would ask that the lawyers do the same
4 thing with that one, that we try to get some sense of what
5 in that project would be justified.

6 I wholeheartedly agree with the concept
7 that we should take our next meeting, boost the economy of
8 Cordova in the winter, and go there. And listen to the
9 people of Cordova and in ensure ourselves that they
10 genuinely support this. That this is in fact the project
11 that they feel would sort of make them whole from this
12 spill. Or at least would help to bring closure to them.

13 I also think that if we do that, that might
14 be a good time to have the council receive an in-depth
15 report from the herring, these herring workshops and
16 everything. Because everything should have come together
17 within the next month, I think. And we and the people of
18 Cordova are the most interested people. And so we all
19 could receive some kind of a briefing. And so I would
20 suggest that the Executive Director look to schedule a
21 meeting in Cordova that focuses on those two issues, the
22 Cordova Center and herring.

23 And finally, the suggestion that Mr.
24 O'Connor made and that Commissioner Hartig echoed about
25 lingering oil, I would agree with. That is -- it is the

1 keystone that we -- and what we have left to do. We have
2 to deal with that one. I think that moving forward with
3 the projects is a good idea and I would suggest that NOAA,
4 DEC, of Fish and Game or whoever the appropriate agencies,
5 sit down here over the next few weeks or a month and try to
6 come up with any additional projects. Figure out what it
7 is we need to do to lay those issues to rest. So those are
8 my views.

9 MR. LLOYD: Second round. Oh, I agree with
10 a lot of what I heard here. Meeting in Cordova is a great
11 idea. I think getting kind of an affirmation of sorts of
12 the value to the community of the Cordova Center proposal.
13 I appreciate what I've heard in terms of at least keeping
14 open the notion that the Kodiak Island Borough's proposal
15 that would result in a Fish and Game building is not off
16 the table but maybe requires some more pointed
17 justification against the restoration criteria and things
18 like that. And that we need to deal with some immediate
19 issue -- well, more immediate issues for funding, like
20 lingering oil and stuff like that.

21 My one remaining question really is, do we
22 have an idea of how far off some positive funding decisions
23 might be on things other than the type of research we've
24 been looking at and/or lingering oil projects. So more
25 specifically, is there a time frame that we can give the

1 proposers from Cordova and Kodiak in terms of when we might
2 get to a possible vote given our other responsibilities on
3 their proposals? We keep having them come back meeting
4 after meeting, but if we're a year out, maybe we ought to
5 just fess up. If we're a year and a half out, whatever.
6 If indeed that next meeting in Cordova, people think that
7 we're ready for a decision, well, I'm sure they'd like to
8 know that. I don't know if anybody has in mind what a
9 order of magnitude time frame might be.

10 MR. BAFFREY: I do. You know, we talked
11 about.....

12 MR. LUTHI: Beyond the next legislative
13 session. Is that.....

14 MR. BAFFREY: We talked about at the June
15 27th meeting that process of updating the 2000 -- a 2008
16 update and kicking it off at the end of this month with the
17 Science Panel and look at recovery objective and recovery
18 status categories and then vetting that whole process
19 through the public. And that in conjunction with the, you
20 know, the activities associated with your research
21 monitoring and general restoration, that would be -- by
22 then end -- by December of 2008 you'll have a packet of
23 where the Science Panel, the PAC, the liaisons, you, the
24 public, want to see this program go to get the restoration
25 or not. And it seems to me like the decisions that you

1 would make regarding a deviation from what is currently the
2 restoration plan would be made then. So a time frame that
3 I would think logically to give to Cordova, to give to the
4 Kodiak Island Borough, would be calendar year 2009.

5 CHAIRMAN TILLERY: And I don't view these
6 as deviations from the restoration plan and I would hope we
7 don't take that long. Mr. Hartig.

8 MR. HARTIG: My understanding on the
9 Cordova Center is that it's a restoration of a service that
10 we're talking about, tourism here. And I don't know that
11 there's a legal question whether that's -- you know,
12 theoretically an appropriate expenditure. It's just
13 whether this particular project meets that. And then I
14 guess some added questions, whether -- you know, if we put
15 our money there, is it -- is it going to be kept up. You
16 know, are they going to be able to operate the center. Is
17 it going to over time serve its purpose, intended purpose.
18

19 And those I think -- you know, when we
20 answer -- it just depends on when we get those questions
21 answered and feel comfortable with it. You know, I don't
22 know that we can set a date but it's something that could
23 happen, you know, relatively quickly if everything fell
24 into place. That's my impression.

25 CHAIRMAN TILLERY: Yeah, I think it's --

1 that's correct, though I would note that it's not simply a
2 function -- that is not simply a tourist facility and we
3 can say that's okay. That facility has a number of
4 different parts, including the council offices, that are
5 clearly not fundable.

6 MR. HARTIG: Right.

7 CHAIRMAN TILLERY: We can't fund those.

8 MR. HARTIG: That's what I mean. We have
9 to kind of segregate that and say okay.....

10 CHAIRMAN TILLERY: You have to parse that
11 out.

12 MR. HARTIG: And that's what -- get
13 comfortable with -- yeah, there -- theoretically there's a
14 legal basis for funding a portion of it. I think we're all
15 kind of past that, that basic question. It's just how much
16 and is this the right project to fund in this community.

17 MR. LLOYD: That's well said.

18 CHAIRMAN TILLERY: Mr. Meade, did you have
19 a.....

20 MR. MEADE: I was just going to offer some
21 clarification knowing that the city mayors needed to leave.
22 I think 42 percent of the project is what they've
23 identified has a strong nexus from the community's
24 perspective with our legal guidance. And that of course
25 they, as I think was well stated, have multiple plans on

1 how they're going to be able to consolidate, operate, and
2 maintain that facility to standard, I think even a reduced
3 cost over their current infrastructure, which is very dated
4 and in inadequate locations. Tsunami and other issues. So
5 -- but again, I don't want to be speaking here as an
6 advocate for the project. I think we need to discern our
7 latitude within the legal interpretation, because that has
8 been an ongoing question. Kind of that back and forth
9 dialogue that we had, as I understand it, historically with
10 the SeaLife Center. And then begin to reach a reasoned
11 decision as a group of trustees.

12 Again, in concept, I don't hear, you know,
13 a lot of angst against the project where there is that
14 strong nexus, so -- but I think listening to and hearing
15 from the community would be a very important next step.
16 But I would really urge us in that context then for the
17 credibility of our council, that we would then take
18 decisive action. Going and listening to then wait a year
19 might not be a good time frame.

20 CHAIRMAN TILLERY: Are there other comments
21 or other.....

22 MR. LLOYD: One last specific
23 clarification. You mentioned that it might be good to have
24 our legal representatives work with the proposers. Is
25 there any objection amongst the council members to allowing

1 that to happen? Because I'd tend to support that. I think
2 that would help iron out some of the difficulties, if there
3 are any, of comparing the proposals to various legal
4 criteria against which they'll have to be judged.

5 MR. BAFFREY: I didn't hear him say working
6 with the proposers.

7 CHAIRMAN TILLERY: Actually, yes I did.

8 MR. BAFFREY: Did you really?

9 MS. BOERNER: Yeah, he did.

10 CHAIRMAN TILLERY: Yes.

11 MR. BAFFREY: So the legal counsel would
12 work directly with Cordova and the Kodiak Island Borough?

13 CHAIRMAN TILLERY: Which is precisely what
14 we did with the SeaLife Center, precisely what we did with
15 the Alutiiq Museum, it is exactly what we did essentially
16 with all these kinds of projects.

17 MR. BAFFREY: Why don't we do that with all
18 projects. Okay.

19 MR. O'CONNOR: It'd make the meetings so
20 short.

21 CHAIRMAN TILLERY: Because most of them
22 have scientific issues. This one, the real conundrum here
23 is the nexus, the connection. And which there's some pol
24 -- there's a policy part of it, do you want to fund it; but
25 there's this -- so the first thing is the legal connection,

1 can you fund it. And if you can fund it, do you want to.

2 So.....

3 MR. O'CONNOR: I think the Department of
4 Law should provide that assistance as these are projects
5 coming from the state.

6 CHAIRMAN TILLERY: Well, the problem we've
7 had with that is that if we do that, ultimately you're
8 going to ask your legal counsel for advise, are you not?
9 Or are you going to accept the advise of the Department of
10 Law? In which case, I'm with you.

11 MR. O'CONNOR: If I agree with it,
12 absolutely. I just know the Department of Justice is
13 pretty damn busy already. And I would assume the
14 Department of Law is too. But I guess with a request, if
15 you can, could you? But if you can't, let us know.

16 CHAIRMAN TILLERY: Certainly I think the
17 Department of Law could sort of take the lead and then work
18 with the Department of Justice. And that might ease to
19 some extent the burden. Because I do know you are quite
20 busy at the moment. And the record should reflect that
21 Gina was nodding, even as she grimaced.

22 MR. BAFFREY: It should also reflect that
23 Rita left early.

24 (Laughter)

25 CHAIRMAN TILLERY: Which is why she's got

1 the lead. Okay. With that, is there any more discussion
2 needed on these two projects?

3 MR. BAFFREY: So what do we say -- what do
4 you say as council to Cordova and to Kodiak Island
5 Borough? What do you want me to say to them?

6 CHAIRMAN TILLERY: I think you need to tell
7 them that the -- or you can give them a transcript of the
8 meeting -- but you can tell them that the council discussed
9 this, that there were a feeling that the projects were not
10 ready for a vote at this point for a variety of reasons,
11 again, that are probably best reflected in the transcript.
12 And -- but that the council remains interested in them and
13 that among other things, the council would like to come to
14 Cordova and talk to the people.

15 MR. BAFFREY: Okay. Are you going to go to
16 Kodiak also?

17 CHAIRMAN TILLERY: That would -- I don't
18 know that the Kodiak thing is as big an issue of finding
19 out what the people are.....

20 MS. BOERNER: The building will be owned
21 by.....

22 CHAIRMAN TILLERY:are interested.

23 MS. BOERNER:Kodiak Borough, not by
24 ADF&G.

25 MR. LLOYD: I didn't -- well, I don't know,

1 I don't know that we need to think that far ahead. If
2 Kodiak wants to request that kind of thing, they can. If
3 Kodiak representatives want to come to Cordova and talk at
4 the same time that the council is discussing these kinds of
5 community issues, I think we can offer them that
6 opportunity. I don't know that we need to commit ourselves
7 to a meeting in Kodiak. At least not at this point.

8 CHAIRMAN TILLERY: Right.

9 MR. BAFFREY: I'm also going to be going to
10 the communities, so if I can carry that message.

11 CHAIRMAN TILLERY: Okay. Is there anything
12 else on these two?

13 (No audible responses)

14 CHAIRMAN TILLERY: Okay. That brings us to
15 the Alaska Forum on the Environment.

16 MR. BAFFREY: You have a motion on the --
17 in the back tab of your packets. And basically what we're
18 doing is sponsor -- giving \$10,000 sponsorship to the
19 Alaska Forum on the Environment similar to what we do with
20 the Marine Science Symposium. And they will use that money
21 collectively with your other sponsors. We do have a day
22 where we will -- we have a tract, a whole day tract where
23 we'll be talking about, you know, where we're at in terms
24 of restoration and where we're going in terms of
25 restoration. It's a great forum, literally, for the

1 public. You will have strong Native participation, so that
2 addresses things like our traditional knowledge. We'll get
3 great input from the public and I think it's monies well
4 spent. You know, initially when we issued the budget,
5 there was concern that we were going to be using it for
6 travel to bring people to the forum. We're not going to be
7 doing that. You know, we're going to be just giving money
8 to the organizers to help them set up the event to which we
9 have a strong participation.

10 CHAIRMAN TILLERY: Comments? Questions?
11 Mr. Hartig.

12 MR. HARTIG: Yeah, the DEC participates in
13 the forum, and I agree, it brings in a lot of people --
14 many people from around the state and it's a great place to
15 get information and to get information out. Sometimes it's
16 the only place you're going to catch a lot of the people
17 from rural Alaska very easily. The thing that I was
18 wondering about though, is there's not that many
19 communities, you know, in the oil spill area relative to
20 the rest of the state and that most of these people would
21 be coming from elsewhere in the state. And so I don't know
22 what we really gain in terms of getting information from
23 them or getting information out since they aren't the oil
24 spill communities. And so I was trying to judge the value
25 of this, you know, for EVOS. It has great value otherwise,

1 but I didn't know if it had great value for EVOS.

2 MR. BAFFREY: I think it has great value
3 for the restoration program because by February when this
4 will be held, we'll have our herring restoration plan
5 finalized. You know, we'll be well underway in terms of
6 looking at the revised recovery objectives and status
7 categories to which we want to vet through the public. And
8 I think it's -- if anything else, it's information that
9 we'll be able to give and to get feedback on. And they
10 have it structured where they have the breakout sessions
11 and, you know, I think we'll get great input. Even if it's
12 not from people within the spill area area. You know, the
13 state was affected by the spill as well, and we will get
14 community input.

15 MR. HARTIG: Have you -- you did it -- did
16 I -- were you at the forum last year?

17 MR. BAFFREY: Did we participate? No.

18 MR. HARTIG: Have you participated in the
19 past?

20 MR. BAFFREY: Yes, but as Department of
21 Interior.

22 MR. HARTIG: I was just wondering how many
23 people came to the session on oil spill recovery or
24 whatever was presented.

25 MR. BAFFREY: They're actually very well

1 attended. You know, we presented one, it was one where we
2 presented the findings of the cumulative effects of oil and
3 gas development on the North Slope, and that was very well
4 attended.

5 MR. HARTIG: Oh yeah, that would be. Sure.
6 I just was wondering about in terms of EVOS projects
7 or.....

8 MR. BAFFREY: No, I've not been to any of
9 those. Last year we did not.

10 CHAIRMAN TILLERY: Other questions or
11 discussion? Mr. O'Connor, do you.....

12 MR. O'CONNOR: No.

13 CHAIRMAN TILLERY: I was unclear. What
14 information would we impart at this?

15 MR. BAFFREY: Where we're at in terms of
16 recovery.

17 CHAIRMAN TILLERY: Okay.

18 MR. BAFFREY: And the plan that we've got
19 in place to actually move forward to get to recovery. The
20 one that I presented to you back in June, this June
21 meeting. You know, well, like the Science Panel is going
22 to meet at the end of this month, I keep saying that, and I
23 really would like to see Trustee Council participation.
24 It's a public meeting in that meeting.

25 CHAIRMAN TILLERY: Is this like a poster

1 session or is it -- what is it?

2 MR. BAFFREY: No, no, now. This is a
3 panel. We'll be sitting up front and dialoging with the --
4 with members of the audience.

5 CHAIRMAN TILLERY: Okay. And we have to
6 pay -- it's like a \$10,000 entry fee?

7 MR. BAFFREY: We don't have to pay a thing
8 to do that.

9 CHAIRMAN TILLERY: Oh, okay.

10 MR. BAFFREY: But if they're asking for
11 sponsorship, and I think if we're going to play, we ought
12 to pay.

13 MR. HARTIG: As kind of background, it's --
14 if I thought about it, well, I'd give you the whole
15 history. But it started out kind of as military
16 contaminated sites.....

17 MR. BAFFREY: Right.

18 MR. HARTIG:and the Federal -- maybe
19 it was Department of Defense and DOI or whoever got
20 together and they kind of started it, but it -- over time
21 it's evolved into the Federal and State agencies together
22 and some non-profit NGO types out there that annually
23 invite people from rural Alaska in to talk about topics
24 relating to the environment. And it's a way of getting
25 information out there. Like DEC, last year for instance,

1 we had a discussion on contaminants in fish. You know, we
2 talked about the results of our fish tissue surveys that we
3 worked with Fish and Game and others on and what the health
4 impacts of that are to rural -- you know, people who are
5 subsistence users and commercial fishermen. It was well
6 attended and people, they were asking lot so questions, you
7 know, whether they were fishermen or whether they were
8 mothers with small kids. And that was a way of getting
9 information out to them on, you know, what is the status of
10 contaminants in subsistence fish, commercial fish, and what
11 does it mean. And get -- and to answer their questions.
12 And we had other sessions like that and so did the other
13 agencies, you know, about things that we thought would be
14 of interest to the community. And you get a lot of people
15 there. You know, that -- hundreds and hundreds, you know,
16 from rural Alaska. And it's a chance for them as a group
17 there to talk with each other about these issues and you
18 hear from them what's important to them, most important in
19 terms of environmental issues. A great way of getting
20 feedback. And you get it from literally hundreds of
21 communities, you know, but you just don't know -- there's
22 no other way I know of getting that.

23 So it has that opportunity. My question is
24 just, you know, how relevant it is to that, you know, the
25 whole group, you know, when we're talking Prince William

1 Sound primarily. But it is -- does -- is a cross section
2 of Alaska that you're otherwise not going to reach too
3 easily.

4 CHAIRMAN TILLERY: I would not that on that
5 point the spill was a state -- I believe it was a national
6 event.

7 MR. HARTIG: Oh, yeah. No, I agree.
8 That's why.....

9 CHAIRMAN TILLERY: And a statewide event.

10 MR. HARTIG: I agree it's a valid point.

11 CHAIRMAN TILLERY: And most of our -- a lot
12 of our damage claims were based on a statewide basis. I
13 don't have a problem with informing all the public. When
14 we went out with the restoration plan.....

15 MR. HARTIG: Right.

16 CHAIRMAN TILLERY:we went statewide
17 on it.

18 MR. HARTIG: Right. What caught my
19 attention is when Michael said and get the local knowledge.

20 CHAIRMAN TILLERY: Yeah.

21 MR. HARTIG: That's what caught my
22 attention, because the local knowledge you would be getting
23 would be from Barrow to Kotzebue to -- you know, from
24 wherever, the small village in between. And so I -- if
25 that was a big component of it, then this is not the right

1 group. But no, it is a good slice of Alaska public that
2 otherwise are hard to reach. And especially to communicate
3 eye-to-eye with.

4 MR. BAFFREY: I mean, I know we'll get
5 people there from.....

6 MR. HARTIG: And all these -- and they are
7 dependent -- it turned in -- I didn't finish my kind of the
8 history -- is it turned into a non-profit, you know. And
9 actually Kurt Eilo used to be with EPA and now he's -- I
10 guess executive director of this. And he goes out to the
11 various agencies and he relies on grants or funds from them
12 in part to sponsor this event. And then all the different
13 government entities are involved in putting together the
14 agenda so that you -- we can come to them and say, you
15 know, these are the topics we want to present and we get on
16 the agenda.

17 MR. BAFFREY: And they have reached
18 capacity. 1400 is where they're at now, and they use the
19 Egan Center as their venue, and they're already cued up for
20 the new visitor's center when that happens, so they can
21 actually expand. And the reason that they ask for
22 sponsorship is to -- so there will be no entry,
23 registration fee.

24 CHAIRMAN TILLERY: Did the PAC weigh in on
25 this? This is almost peculiarly a PAC kind of issue.

1 MS. STUDEBAKER: Oh, yeah. We're in total
2 support. Unanimous support.

3 CHAIRMAN TILLERY: Any other questions or
4 comments? Mr. Luthi.

5 MR. LUTHI: Oh, a slightly different issue
6 though.

7 CHAIRMAN TILLERY: Sure.

8 MR. LUTHI: Michael, I believe I heard you
9 say you were preparing to go out and visit some of the
10 communities. Do we have product we're presenting them or
11 what is the nature of the presentation?

12 MR. BAFFREY: At the end of the month,
13 September 29th and 30th, the Science Panel is going to
14 meet. So I've said several times today. That's going to
15 kick off the process of, you know, taking a fresh look at
16 those recovery objectives and status categories based on
17 the knowledge we know 18 years after the spill. And we've
18 already got a packet of activities. So I want to see where
19 they go with that, and then we want to vet that through the
20 public. We want to go through to the communities and say,
21 this is some of the things that, you know, the scientific
22 community has presented as where they think we ought to go.
23 What do you think? I mean, where do you think we ought to
24 go, and start getting that type of dialogue going at the
25 local level. Because right now we're really looked at as a

1 science organization that's sitting here in Anchorage and
2 our community outreach or community involvement,
3 environmental education component, is more -- it's been
4 suppressed, you know, kindly over the years. And this is a
5 way to actually get input from communities. And not just
6 to go out with the 2008 update, you know, a year from now
7 and say this is where we're at. This is getting them
8 involved in that process to get to that document.

9 MR. LUTHI: Is there a concept of how we'll
10 use the feedback?

11 MR. BAFFREY: I think we'll just have to
12 play that as it goes. You know, I'm a strong believer in
13 collaboration and so when we hear something that needs to
14 be in there, we'll put it in there and it will just keep
15 building from that point on. And there will be a record of
16 each of the meetings that we go to.

17 MR. O'CONNOR: Sounds like a scoping
18 process for supplemental environmental.....

19 MR. BAFFREY: Don't even go there.

20 MR. HARTIG: I might add one little thought
21 to this, is the thing that sticks in my mind in the forum,
22 you know, of presenting, you know, our -- anything on the
23 oil spill at a -- it's going to -- I assume it's probably
24 going to be viewed in the context of other projects in
25 their communities in kind of a what if scenario. You know,

1 so however it's presented, it's going to have to be
2 presented in the right way otherwise I think it's going to
3 be just sitting there, uh-oh, I need to worry about this
4 happening in my community, you know, and then all the
5 questions are going to be about, well, could this happen to
6 me, you know, a big oil spill. And it's -- you're going to
7 hear that from all your different communities. So you have
8 to figure out what you're going to present and how you're
9 going to present it.

10 MR. O'CONNOR: Yeah, that really should go
11 through us since.....

12 MR. BAFFREY: Yeah, it will.

13 MR. O'CONNOR:it's on behalf of us.

14 MR. BAFFREY: It will.

15 MR. LLOYD: Well, maybe I'm losing track.
16 Do you have a schedule of communities and times.....

17 MR. BAFFREY: Not yet.

18 MR. LLOYD: Okay.

19 MR. BAFFREY: Not yet.

20 MR. LLOYD: So that's something you'll
21 circulate.....

22 MR. BAFFREY: Right.

23 MR. LLOYD:amongst the group here and
24 also some idea of the content of what you're taking out.

25 MR. BAFFREY: Yeah, you'll see the whole

1 presentations.

2 MR. O'CONNOR: Going back to the Forum on
3 the Environment.

4 MR. BAFFREY: Yes.

5 MR. O'CONNOR: Given the attendance, or the
6 demographics of the attendance, is this -- would this be an
7 area where we might have an opportunity to actually have a
8 discussion with regard to subsistence impacts in Prince
9 William Sound as a result of the spill?

10 MR. BAFFREY: Yep.

11 MR. O'CONNOR: Is that part of what we're
12 looking at doing then in that context?

13 MR. BAFFREY: I guess -- well, it's on the
14 agenda.

15 MS. BOERNER: That was one of the planned
16 sessions that we were.....

17 MR. O'CONNOR: Was it.

18 MS. BOERNER:outlining.

19 MR. O'CONNOR: Great.

20 MS. BOERNER: It was a TEK and subsistence
21 workshop.

22 MR. O'CONNOR: Okay. Cool.

23 CHAIRMAN TILLERY: Mr. Meade.

24 MR. MEADE: It seems like there might be
25 two conversations going here and I just wanted to lend my

1 insight to both.

2 (Laughter)

3 MR. MEADE: If I'm keeping caught up.

4 MR. O'CONNOR: You are.

5 MR. LUTHI: And we look forward to it too.

6 MR. MEADE: The Alaska Forum on the
7 Environment, I personally believe is just an excellent step
8 forward. It think the nexus with subsistence is a good
9 observation. I just feel that's a great place for us to be
10 and to be able to continue the conversation.

11 I also think that having it link in to some
12 extent -- and I'm now moving over to the second
13 conversation I think I've been observing going on, and
14 that's the discussion about community meetings upcoming.

15 MR. BAFFREY: Uh-huh.

16 MR. MEADE: Which I also think is an
17 excellent idea. But I -- you know, I come back to the last
18 couple of retreat kind of discussions the trustees have
19 been holding and need to help find an opportunity to help
20 create a compelling discussion about our strong interest in
21 addressing lingering oil, a strong focus in being able to
22 delineate and discern what are the restoration goals ahead
23 of us, you know, 19 years later. What are we looking to do
24 and to be and whatever context that analysis or evaluation,
25 NEPA or not, that it takes as we revise or re-look at the

1 '94 plan. And again, the context of these larger scale
2 investments that we were talking about just a short bit
3 ago. To me, each of those have relevancy in each of these
4 discussion forums, be it scoping or be it not scoping, the
5 reality is it's important that we start that conversation
6 and that we find a way to infuse and engage citizen
7 interests in what we're looking at as we think ahead two,
8 four, and six years at the overall program.

9 MR. O'CONNOR: Bite your tongue.

10 CHAIRMAN TILLERY: Okay. Additional
11 comments? Ms. Studebaker.

12 MS. STUDEBAKER: I would just like to
13 encourage Michael when he goes around in the community that
14 I think the folks in the communities would like to see some
15 examples of products that we have funded. Because there is
16 a lot of criticism about stuff, science stuff that the
17 general public just doesn't get to see. And I keep
18 referring to this particular example because it was so
19 good.

20 Years ago when Molly McCammon was the
21 director, she took Ted Cooney on the road with his
22 excellent PowerPoint, automated, animated PowerPoint on the
23 SEA project and the whole ecosystem and how it worked with
24 ocean currents and the plankton and the deep gullies and
25 the whales and everything. And it was so powerful. You

1 know, I mean, the public felt like, boy, we're getting
2 something for our money here, you know, they're figuring
3 something out.

4 And I think it would be excellent if you
5 could take, you know, a couple of our PI superstars who
6 have really produced some visual products, like Rob's
7 portal study, herring study thing is very visually
8 pleasing, very interesting. And something like that, you
9 know, something to show them, this is what, you know, we
10 are doing some things that are tangible, you know.

11 MS. BOERNER: That's a good idea.

12 MS. STUDEBAKER: Other than just your
13 PowerPoint, which you know I don't have a problem with.
14 But, you know, it's.....

15 MS. BOERNER: Right.

16 MS. STUDEBAKER: It would be nice -- I
17 think you would be able to get more people.....

18 MS. BOERNER: Tangibles.

19 MS. STUDEBAKER: You'd get more people at
20 these presentations if you said, you know, this scientist
21 is going to present this and this is going do this and, you
22 know.

23 MS. BOERNER: Uh-huh.

24 MR. BAFFREY: Okay.

25 MS. STUDEBAKER: Instead of just the

1 Executive Director is going to a PowerPoint.

2 MR. BAFFREY: I was also thinking about
3 taking chairperson of the PAC meeting.

4 MS. STUDEBAKER: Oh.

5 CHAIRMAN TILLERY: Are there other comments
6 or questions at this time? I think the issue is -- that
7 we're -- actually is in front of us is the Alaska Forum on
8 the Environment for \$10,000.

9 MR. LUTHI: Is a motion necessary?

10 CHAIRMAN TILLERY: I believe a motion is
11 necessary.

12 MR. LUTHI: I would so move that we approve
13 \$10,000 for participation at the Alaska Forum.

14 MR. MEADE: I would second that.

15 MR. O'CONNOR: Second.

16 CHAIRMAN TILLERY: Moved and seconded by
17 Mr. Meade. Call the roll.

18 MR. BAFFREY: Okay. Joe.

19 MR. MEADE: In favor.

20 MR. BAFFREY: Larry.

21 MR. HARTIG: Yes.

22 MR. BAFFREY: Craig O'Connor.

23 MR. O'CONNOR: Yeah.

24 MR. BAFFREY: Denby.

25 MR. LLOYD: Yes.

1 MR. BAFFREY: Randall.

2 MR. LUTHI: Aye.

3 CHAIRMAN TILLERY: Yes.

4 MR. BAFFREY: There it is.

5 CHAIRMAN TILLERY: Okay. Let.....

6 MR. BAFFREY: Oh, we got two more things I
7 need to say. First I -- just -- I mean, not knowing if
8 your meeting is still going on but there's.....

9 CHAIRMAN TILLERY: It is.

10 MR. BAFFREY: Okay. Then when you're done,
11 you know, can you give me just a second just to clarify a
12 couple of things..

13 CHAIRMAN TILLERY: Okay. I have one more
14 question here, which is on the project amendment
15 recommendations. We had two additional projects which were
16 both EVOS administration projects which are not on here.

17 MR. BAFFREY: I missed -- I'm sorry.

18 MS. BOERNER: I'm sorry.

19 CHAIRMAN TILLERY: The project
20 administration recommendation in the packet has two
21 additional projects which are EVOS administration projects.

22 MR. BAFFREY: That's already done.

23 CHAIRMAN TILLERY: Okay. So they're.....

24 MR. BAFFREY: Now is it my turn?

25 CHAIRMAN TILLERY: Yes.

1 MR. BAFFREY: Okay. I said this earlier,
2 but I wanted to make sure it was clear, is that we're only
3 funding FY-08 projects this year. Your vote was for FY-08.

4 MS. BOERNER: Only.

5 MR. BAFFREY: Only. And project management
6 is just for split projects.

7 MS. BOERNER: Right. They're for the split
8 projects that you just voted on to approve the project
9 management costs for those projects.

10 CHAIRMAN TILLERY: Oh, that's right.

11 MR. BAFFREY: Split is not -- that was the
12 ones that we didn't have unanimous -- I mean.....

13 MS. BOERNER: The split -- the split
14 recommendation projects.

15 MR. BAFFREY: Okay. Okay. Right. So the
16 last group of four that you funded.

17 MS. BOERNER: Need your approved project on
18 this one.

19 CHAIRMAN TILLERY: That's correct. Is
20 there a motion on that?

21 MR. O'CONNOR: Yes.

22 CHAIRMAN TILLERY: What is.....

23 MR. LUTHI: Second.

24 MR. O'CONNOR: It's that we.....

25 MR. LUTHI: Approve.....

1 MR. O'CONNOR: What he said.

2 MR. MEADE: One month's salary.

3 CHAIRMAN TILLERY: We approve one month's
4 salary for each.

5 MR. O'CONNOR: Yeah.

6 CHAIRMAN TILLERY: It's been moved and
7 seconded. Is there discussion? Could you.....

8 MR. BAFFREY: Oh, here we go again. Okay.
9 Denby.

10 MR. LLOYD: Yes.

11 MR. BAFFREY: Randall.

12 MR. LUTHI: Aye.

13 MR. BAFFREY: Craig O'Connor.

14 MR. O'CONNOR: Yeah.

15 MR. BAFFREY: Larry.

16 MR. HARTIG: Yes.

17 MR. BAFFREY: Joe.

18 MR. MEADE: Yes.

19 MR. BAFFREY: Craig.

20 CHAIRMAN TILLERY: Yes.

21 MR. BAFFREY: Okay. Thank you.

22 CHAIRMAN TILLERY: Thanks for reminding us
23 about it.

24 MR. BAFFREY: Well, yeah, thank you.

25 MS. BOERNER: That was Barbara.

1 CHAIRMAN TILLERY: All right. Is there
2 anything else to come before the council at this time. Mr.
3 Lloyd.

4 MR. LLOYD: I know we're sort of racing for
5 adjournment here, but we have these very specific agenda
6 items on here and I find that we don't leave ourselves time
7 to talk about more general issues. We had a little bit of
8 a general conversation on the bricks and mortar projects
9 and I appreciate that. You know, at some point we may need
10 to engage ourselves a little more directly and a need for a
11 NEPA or some other assessment of our future exercises, but
12 I'm not proposing that we do that now.

13 Also, on habitat purchases, legacy
14 projects, et cetera. But one more immediate issue that I
15 think we want to talk about is the ongoing recruitment for
16 a science director and I some ideas I guess I've heard
17 circulating around of whether we go and look at a model of
18 combining the Executive Director position and the Science
19 Director. And I don't know how much discussion we want to
20 have here or get response from the staff, but before we
21 leave here, I guess I wanted to put that on the table and
22 see if we want to carry that discussion forward a little
23 bit in public here.

24 CHAIRMAN TILLERY: Let me add a historical
25 perspective to that, which is that as much as, I don't

1 know, seven or eight years ago, that was the idea. That
2 was sort of the plan because of the understanding that the
3 program was winding down and you simply had to wind down
4 the administration, and that was one way to do it. Plus,
5 as a program on down, the Science Director doesn't have as
6 many projects that they have to be looking after.

7 The Executive Director doesn't have as many
8 things they have to do. That -- and we didn't find the
9 right personnel at the time to do it. And again, this was
10 back when Molly was still Executive Director and this was
11 kind of one of her pet projects, was the idea -- she wanted
12 to find the right person and then she was gone. She went
13 anyway but without us finding the right person that could
14 do those two things. So that, you know, I could actually
15 tell you that was kind of a -- historically the idea of
16 what we were going to do.

17 MR. MEADE: I guess that begs a bigger
18 question. You say seven or eight years ago, which predates
19 me being on the board, there was discussion this was
20 winding down and for the last five years we've been talking
21 about how does this wind down and we even talked a little
22 bit today about how do we see where the right lingering oil
23 legacy, the restoration -- I guess this is interesting for
24 me Craig to hear that it's been in active discussion for
25 much of a decade.

1 CHAIRMAN TILLERY: Well, it has, and let me
2 give you the context of that, which is that we were getting
3 the last payment from Exxon I think in 2001. From then on,
4 we were going to be living off of the earnings off the
5 reserve. By necessity, the program was going down and
6 we've been bringing it down gradually. We brought it down
7 from 20 million a year to 15 to 12 to 10 to 8 or something.
8 And now -- you know, we knew we were going to continue this
9 draw down. And that was the sort of context, what I meant
10 by reducing the scope of the program, because the money was
11 going to be decreasing, the available money. And that was
12 sort of recognized and we did have this conversation about
13 how to deal with it. That was one of the ideas.

14 MR. O'CONNOR: I would suggest that at this
15 point we may not be winding down but we're certainly
16 approaching bureaucratic fatigue in this whole 20 year
17 exercise. But no, Michael has been -- and sort of biting
18 at us about the issue of the future, administration of the
19 council, and so on. We've heard criticism even as recently
20 as this morning about how much we're spending on
21 administration versus how much we're spending on projects.
22 And I -- you know, I'm going to resonate with Michael's
23 suggestions for, I don't know -- year now, Michael -- that
24 we ought to take at what we're doing and how we're
25 administering this program and that's one approach and I

1 think we ought to evaluate it.

2 I know we're -- we sort of left that fellow
3 hanging that we had interviewed for the science director
4 position, and that's -- I don't know if we -- I can't
5 remember, did we just tell him.....

6 MR. BAFFREY: June.

7 MR. O'CONNOR: June.

8 MR. BAFFREY: June is when we talked to
9 him. And I've been in communication with the individual.

10 MR. O'CONNOR: Can he come to Cordova and
11 we'll kind of -- but I think this is part and parcel to
12 what we need to be doing overall, just figuring out how we
13 go about conducting our affairs, what our restoration goal
14 is, what our objectives are, and how we're going to
15 administer this program.

16 CHAIRMAN TILLERY: Mr. Hartig.

17 MR. HARTIG: Oh, I was just going to say
18 that for the meeting for Cordova, I think we've got enough
19 on our plate already. So I would suggest that we just
20 have, you know, Craig and Denby flesh this out, look at our
21 options. Because the other thing, we don't want to lose
22 momentum on what we're doing now too. So.....

23 CHAIRMAN TILLERY: So I understand, you're
24 suggesting we create sort of a subcommittee with our -- the
25 two people who have been dealing with.....

1 MR. HARTIG: Yeah.

2 CHAIRMAN TILLERY:the personnel
3 issues to just look into the concept, the idea.....

4 MR. HARTIG: Get options. Yeah, and
5 what.....

6 CHAIRMAN TILLERY:and get back to us.

7 MR. HARTIG: And would there be a cost
8 savings? You know, I don't know.

9 CHAIRMAN TILLERY: Yeah.

10 MR. HARTIG: Because if the same person
11 can't hold two jobs and you have to go out and contract
12 somebody out or end up hiring somebody else to.....

13 CHAIRMAN TILLERY: Right.

14 MR. HARTIG: You know, let's just see what
15 the options are and evaluate them in a systematic way.

16 CHAIRMAN TILLERY: Okay.

17 MR. HARTIG: But and I don't know that
18 we'll have time to address in Cordova, my concern that
19 is.....

20 CHAIRMAN TILLERY: Right.

21 MR. HARTIG:and we're going to have
22 to make some decisions soon so we better get some
23 information and some thoughts going now on it. And this
24 would be a way of keeping it moving forward.

25 CHAIRMAN TILLERY: Mr. Meade, do you

1 have.....

2 MR. MEADE: I was just going to say I'm not
3 in any way opposed to the idea of putting forward -- as to
4 a little task group, but I do believe that the board, the
5 trustee group on a whole needs to engage in a broader
6 context through the discussion. And it's a discussion
7 we've been having, that's how do we decide what is the
8 vision for the program over the next two and four years.
9 That piece I do believe we need to set time aside for. If
10 it's an extra half a day or day in Cordova aside from the
11 Cordova engagement and community discussion, or if it's
12 something we have between now and then, but it is a
13 conversation I think will really help inform us beyond the
14 highest priority of our lingering oil.

15 CHAIRMAN TILLERY: Is there any -- oh,
16 there was comments for that. Is there anybody opposed to
17 that notion of creating this subcommittee?

18 MR. LUTHI: I think it's a good idea but
19 I'd like him to actually come with recommendations as well.

20 CHAIRMAN TILLERY: I think that's implicit
21 so I agree with that.

22 MR. LUTHI: Never is too sure.

23 MR. BAFFREY: I have a couple of comments.
24 Is that, I think that, you know, the subcommittee we got
25 right now are the Craigs. And, you know, in all due

1 respect for your professions, you're both attorneys. You
2 know, and it would be nice if you're looking to combine an
3 Executive Director and a Science Director position that
4 maybe you want to expand your committee to have a scientist
5 that's among you, which narrows it down here, I'll have to
6 admit -- you know, to be on that committee also.

7 MR. O'CONNOR: I thought the committee was
8 Denby and I.

9 CHAIRMAN TILLERY: It's just Denby and him.
10 So I'm not on it.

11 MR. HARTIG: Yeah, it's these two. Denby
12 and Craig.

13 CHAIRMAN TILLERY: Yeah.

14 MR. O'CONNOR: Yeah.

15 MR. BAFFREY: Okay.

16 MR. LLOYD: That's what was just proposed.

17 MR. BAFFREY: I was thinking of the
18 interviewing committee that we had for Science Director.

19 CHAIRMAN TILLERY: No, that was just an --
20 that was because we were the only two that showed up. It
21 wasn't -- we weren't appointed by anybody.

22 MR. BAFFREY: Okay. So -- well, that helps
23 then. The other thing is that when I -- we went to that --
24 lessons learned from other large scale ecosystem
25 restoration projects, one thing they highly recommending

1 doing was separating the science from the.....

2 MS. BOERNER: The policy.

3 MR. BAFFREY:policy aspect. And
4 combining an executive director and a scientist director is
5 going against their recommendations.

6 CHAIRMAN TILLERY: And again, that's
7 something that hopefully this subcommittee will be, you
8 know, looking into.

9 MR. O'CONNOR: What is -- what was this?
10 Because it would useful information.

11 MR. BAFFREY: That was what I provided in
12 our first retreat back in.....

13 MR. O'CONNOR: Oh.

14 MR. BAFFREY: April 30th.

15 MS. BOERNER: Lessons learned.

16 MR. BAFFREY: But it's the lessons learned.
17 They just recommended that you don't combine -- you want to
18 keep your science separate from the policy process, and
19 that makes perfect sense to me.

20 MR. O'CONNOR: Larry, our agency has had
21 that issue as well, so.....

22 MR. BAFFREY: Your -- actually, I think it
23 was your agency that sponsored that study, so.....

24 CHAIRMAN TILLERY: Hearing that, is
25 there.....

1 MR. BAFFREY: Do we have -- are we in a
2 position where I can -- well, the Science Director
3 position. Are you -- is that ready for public discussion
4 yet or is this something that.....

5 CHAIRMAN TILLERY: I don't think so. I
6 think this is something we would want to have fleshed out
7 before we get there. Anyway, just to get back to my re --
8 is there any objection to this subcommittee?

9 (No audible responses)

10 CHAIRMAN TILLERY: Hearing none, you're
11 appointed.

12 MR. LLOYD: I guess I don't object so long
13 as it's clear that Larry is teaming with Craig on the
14 lingering oil.

15 CHAIRMAN TILLERY: Yes.

16 MR. LLOYD: Okay. Good.

17 CHAIRMAN TILLERY: If you're looking in the
18 lingering oil, you're looking into administration.

19 MR. BAFFREY: Which Craig?

20 MR. O'CONNOR: I'm an official son of a
21 bitch.

22 CHAIRMAN TILLERY: You are. You're in the
23 middle. Okay. Is there anything else to come before the
24 council?

25 MR. O'CONNOR: I just have one question of

1 Michael. You're not going anywhere, are you?

2 MR. BAFFREY: I think I'm going back to
3 Interior in January. I think it's -- you know, it's what I
4 heard. My IPA is up in January.

5 MR. LUTHI: Unless it's extended.

6 MR. BAFFREY: Unless it's extended.

7 MR. O'CONNOR: All right.

8 CHAIRMAN TILLERY: All right. I'll ask
9 again. Is there anything else to come before the council
10 today?

11 MR. O'CONNOR: No, my fun meter is fully
12 pegged. I can't handle anymore of this.

13 CHAIRMAN TILLERY: Okay. We'll entertain a
14 motion to adjourn.

15 MR. LUTHI: So moved.

16 MR. HARTIG: Second.

17 CHAIRMAN TILLERY: Second. All in favor,
18 aye.

19 IN UNISON: Aye.

20 (OFF RECORD - 5:05 P.M.)

21 (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
310 contain a full, true and correct transcript of the
Exxon Valdez Oil Spill Trustee Council's Meeting recorded
electronically by me on the 12th day of October 2007,
commencing at the hour of 10:17 a.m. and thereafter
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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 24th day of
October 2007.

SIGNED AND CERTIFIED TO BY:

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