

1 EXXON VALDEZ OIL SPILL  
2 TRUSTEE COUNCIL  
3 Teleconference Public Meeting  
4 February 16, 2007 - 9:05 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 (Chairman): Attorney General  
10 U.S. DEPARTMENT OF AGRICULTURE, MR. STEVE ZEMKE for  
11 U.S. FOREST SERVICE MR. JOE MEADE  
12 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. HANS NEIDIG  
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  
23 Proceedings electronically recorded, then transcribed by:  
24 Computer Matrix Court Reporters, LLC, 3522 West 27th,  
25 Anchorage, AK 99517 - 243-0668

1 TRUSTEE COUNCIL STAFF PRESENT:

2

3 MICHAEL BAFFERY Executive Director

4

5 DR. KIM TRUST Science Coordinator

6

7 CHERRI WOMAC Administrative Officer

8

9 BARBARA HANNAH Administrative Officer

10

11 MICHAEL SCHLEI Analyst Programmer

12

13 SHANE ST. CLAIR Analyst Programmer

14

15 CATHERINE BOERNER Program Analyst

16

17 DEDE BOHN U.S. Geological Survey

18

19 CRAIG TILLERY Alaska Department of Law

20

21 RITA LOVITT Alaska Department of Law

22

23 GINA BELT Department of Justice

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

2 (On record - 9:04 a.m.)

3 CHAIRMAN COLBERG: So we have myself, Talis  
4 Colberg; Larry Hartig; Denby Lloyd; Mr. O'Connor, sitting  
5 in for Mr. Balsiger; Hans Nedig, and then is Joe Meade.....

6 MR. ZEMKE: Steve Zemke sitting in for Joe  
7 Meade. He's out of state this week.

8 CHAIRMAN COLBERG: Steve Zemke. So we are  
9 all present in terms of the Council members. And I'll move  
10 on to the consent agenda. Is there anyone who wants to  
11 amend the agenda or approve it as it's proposed?

12 MR. HARTIG: Move to approve.

13 CHAIRMAN COLBERG: Mr.....

14 MR. O'CONNOR: I'd second that.

15 CHAIRMAN COLBERG: Mr. Hartig moved to  
16 approve. Mr. O'Connor seconds that. Any opposition to  
17 approving the agenda as proposed?

18 (No audible responses)

19 CHAIRMAN COLBERG: Hearing none, we'll move  
20 on to Public Advisory Committee comments.

21 MS. STUDEBAKER: All right. This is Stacy  
22 Studebaker calling from Kodiak. I'm the Public Advisory  
23 Committee Chairman. And good morning, ladies and  
24 gentlemen, the EVOS Trustee Council, and I welcome the new  
25 members whom I haven't had a chance to meet yet but I hope

1 to soon.

2                   For those of you that are new to the  
3 Trustee Council, it is customary protocol for the Chairman  
4 of the PAC to have a dialogue with the Trustee Council and  
5 give a report at the beginning of each Trustee Council  
6 meeting on any PAC business that took place since the  
7 previous Trustee Council meeting. So I'd be happy to  
8 respond to any questions that you may have about my report  
9 or any business of the PAC.

10                   The PAC is made up of 15 people who  
11 represent various communities and/or user groups in the oil  
12 spill region. Cordova has the largest representation. I'm  
13 from Kodiak and I've lived here for 27 years and have been  
14 a member of the PAC for 12 years. I'd first like to say  
15 how much the PAC appreciates Michael Baffrey and his  
16 wonderful, professional staff.

17                   The restoration program was in almost chaos  
18 for close to two years and the public was practically  
19 disenfranchised. However, in the last year, under  
20 Michael's leadership, the Public Advisory Group feels that  
21 things are getting back on track. And we look forward to  
22 working with the new trustees in making this era of  
23 restoration -- of the restoration program productive,  
24 focused, and inviting to the public.

25                   The PAC met on January 25th and reconvened

1 on February 1st to finish the meeting. It was a long  
2 meeting, obviously. We had a great orientation for the new  
3 PAC members by Craig Tillery that included a good summary  
4 of the background and history of the EVOS restoration  
5 program. Most importantly though he encouraged us to help  
6 the Trustee Council redefine what recovery means and that  
7 it would be advisable for us to play a very active role in  
8 clarifying how the restoration program should proceed from  
9 this point forward. And taking that advice to heart, we  
10 are planning a half-day visioning session for our next  
11 meeting on March 2nd.

12                   The PAC also reviewed the Environmental  
13 Education and Community Outreach Committee Report and --  
14 that I wrote as a follow-up to the Education Committee  
15 meeting December 11th -- the committee was formed at the  
16 request of the PAC and the Trustee Council to examine the  
17 best way to approach science, education and outreach in the  
18 spill area.

19                   The PAC supports the efforts in whole of  
20 the education committee and wants to see the committee s  
21 recommendations incorporated into the FY-08 invitation.  
22 And I hope you ve all received your copies of the report  
23 and have had a chance to read it over. I d be happy to  
24 answer any questions that you may have about it now or at  
25 the end of my report. Hearing none, I ll move on.

1                   The PAC also supports the work of the  
2 herring planning work group and concurs with their  
3 recommendation not to start any new projects in the FY-08  
4 funding cycle. Like the herring work group, the PAC  
5 thought it would be smarter to wait and reevaluate the  
6 numerous current projects that were funded before any more  
7 herring work is funded and there is a herring recovery plan  
8 in place.

9                   The PAC also looks forward to seeing the  
10 white paper that Doug Hay has been contracted to write on  
11 international approaches to herring intervention. The PAC  
12 recommends Trustee Council support continuing efforts of  
13 the Herring Work Group.

14                   The PAC then reviewed the addendum to the  
15 FY-07 work plan that included six additional proposals.  
16 Kim Trust provided us with summaries of the five science  
17 proposals while recognizing that the Trustee Council did  
18 not follow our recommendations to only fund priority  
19 proposals and stay within the FY-07 budget limitations of  
20 inflation proofing the reserve fund. The PAC didn't want  
21 to consider any more proposals for this year. They agreed  
22 that all the proposals should be deferred. Mr. Baffrey  
23 asked us to go ahead and rank the proposals anyway based on  
24 their merit and without a budget limitation. We agreed to  
25 do that and made the following recommendations:

1                   Brown-Schwalenberg, do not fund. Irvine,  
2 fund only the mussel survey component. Michel, fund.  
3 Venosa, do not fund. Patrick-Riley, do not fund.

4                   The PAC again agreed that it was difficult  
5 to consider additional proposals for the FY-07 work plan  
6 because of our previous unanimous recommendation and  
7 resolution to maintain the restoration reserve account and  
8 work off the interest. It is the recommendation of the PAC  
9 to not accept proposals after the closing date of the  
10 invitation to avoid the present situation with multiple  
11 late proposals to be considered after the annual work plan.  
12 This year's abnormal situation allowing these different  
13 rounds of proposals to be submitted certainly confused the  
14 process, confused the science community, put extra burdens  
15 on peer reviewers, the PAC, and the staff. We had to call  
16 an extra meeting this year because of that. We recommend  
17 that we get the invitation and review process back on track  
18 for FY-08.

19                   The PAC had a long discussion about the  
20 Cordova Center proposal. Some PAC members felt that  
21 funding very big and costly brick and mortar projects at  
22 this time was an inappropriate use of restoration funds,  
23 being that there was so few left, really, relatively,  
24 compared to what we had in the past. Especially when  
25 there's still so many unanswered questions about the



1 recovery of the ecosystem. And they felt that the  
2 ecosystem recovery should be our highest priority.

3                   Some were afraid of opening the door to  
4 funding big capital improvement projects and that funding  
5 this proposal would lead to more such proposals that would  
6 spend down the remaining restoration reserve funds before  
7 the ecosystem was restored. Some questioned the legality  
8 of using the restoration funds for this kind of project.  
9 Others felt that funding the Cordova Center was a good way  
10 to restore damaged human services, such as tourism.

11                   A motion was made to recommend funding the  
12 Cordova Center proposal. The motion failed.

13                   Thanks and that concludes my comments  
14 today. I would be glad to answer any questions that you  
15 may have.

16                   CHAIRMAN COLBERG: Thank you for your  
17 report and we do have a written copy of your testimony in  
18 front of us. And if -- you passed over it fairly quickly  
19 on the Outreach Committee Report, if there were questions.  
20 Did anyone have a question they wanted to follow-up on that  
21 part of it?

22                   MR. O'CONNOR: No.

23                   CHAIRMAN COLBERG: I'm not seeing any.....

24                   MR. O'CONNOR: I don't think so.

25                   CHAIRMAN COLBERG: Any questions of Ms.

1 Studebaker in general from the committee? All right.

2 Hearing none, thank you for your report.

3 MS. STUDEBAKER: Thank you.

4 CHAIRMAN COLBERG: Now we'll proceed to the  
5 public comment at this.....

6 MR. BAFFREY: Talis.

7 CHAIRMAN COLBERG: Yes.

8 MR. BAFFREY: Normally you invite other PAC  
9 members to speak at that time.

10 CHAIRMAN COLBERG: Oh.

11 MR. BAFFREY: At this time.

12 CHAIRMAN COLBERG: I -- and thank you for  
13 clarifying. Are there any other comments by other Public  
14 Advisory Committee members that would like to be made at  
15 this time?

16 MR. ZEINE: Yes.

17 CHAIRMAN COLBERG: Okay.

18 MR. ZEINE: This is Ed Zeine.....

19 CHAIRMAN COLBERG: Ed.

20 MR. ZEINE: .....from Cordova. A PAC  
21 member.

22 CHAIRMAN COLBERG: Okay, Mr. Zeine.

23 MR. ZEINE: Thank you for hearing me.  
24 Stacy did give a report and she did mention that vote  
25 failed on the Cordova Center. I strongly support the

1 Cordova Center and the vote did fail, but it was a six to  
2 six tie vote, and so you got 50 percent of the people on  
3 the PAC that were in favor and 50 percent against. So it's  
4 sort of even across the board as I see it for funding of  
5 the Cordova Center. And that's my comment.

6 CHAIRMAN COLBERG: Thank you for your  
7 comment, Mr. Zeine.

8 MR. ZEINE: Thank you.

9 CHAIRMAN COLBERG: Does anyone else on the  
10 phone wish to make a comment that's a member of the Public  
11 Advisory Committee?

12 (No audible responses)

13 CHAIRMAN COLBERG: Not hearing anyone  
14 speaking up, I'm looking at the audience that's present  
15 here today. I'm presuming there's no one on the committee  
16 that's there that wishes to speak in the audience today?  
17 Okay. Yeah, someone is coming forward. Please identify  
18 yourself.

19 MR. KING: Yeah, I'm Mark King and I'm on  
20 the PAG and I was -- had some family crisis problems and  
21 was out of town and wasn't able to meet at the last  
22 meeting. So I just want to say that I'm a 52 year resident  
23 of Cordova and Prince William Sound. I was -- went through  
24 the oil spill and all the tragic times that we've had since  
25 then. And I'm neutral on the Cordova Center and I don't

1 really know how -- where the funding is going to come from  
2 to continue to operate the center once it's built, so.....

3                   And as far as the lingering oil issues, I  
4 think they're a problem that's got to be addressed and I  
5 think that future oil spills, if not caused by tenders or  
6 other things other than the pipeline oil, need to be looked  
7 at. And I'm involved with the Native Village of Eyak. I'm  
8 on a tribal council and we do have a response program set  
9 up for oil spills other than pipe -- crude oil coming down  
10 the pipe. And we have responded to I think about five oil  
11 spills so far. But I think it's real important to look at,  
12 you know, to protect the species that are, you know, coming  
13 back since the oil spill, you know, to protect them from  
14 future damage caused by smaller spills in harbors and stuff  
15 like that.

16                   So sorry I missed the last meeting and  
17 that's all I've got.

18                   CHAIRMAN COLBERG: So Mr. King, you weren't  
19 actually present at the meeting where they voted?

20                   MR. KING: No.

21                   CHAIRMAN COLBERG: But you would have not  
22 broke the tie one way or the other, you would have.....

23                   MR. KING: I would have been.....

24                   CHAIRMAN COLBERG: .....abstained?

25                   MR. KING: .....neutral. Yeah, abstained.

1 CHAIRMAN COLBERG: Thank you for your  
2 testimony.

3 MR. KING: Yeah.

4 CHAIRMAN COLBERG: Any other members of the  
5 committee who wish to testify at this point?

6 (No audible responses)

7 CHAIRMAN COLBERG: Seeing or hearing none,  
8 then I'll move onto the public comment section and it's  
9 noted here that there will be no reopener comments accepted  
10 at this time. But testimony will be three minutes per  
11 person. And if you would come forward if you want to  
12 speak. Or if you're on the phone and you want to speak,  
13 three minutes, identify yourself and -- I guess we can  
14 start with the telephone and we'll come back to you after  
15 -- anyone else just to make sure someone hasn't changed  
16 their minds. Anyone on the telephone wish to speak in the  
17 general.....

18 MR. ROMEHILT: Yes.

19 CHAIRMAN COLBERG: Okay.

20 MR. ROMEHILT: Yes, good morning, this is  
21 David Romehilt from Cordova.

22 CHAIRMAN COLBERG: David Romehilt. Please  
23 proceed.

24 MR. ROMEHILT: Can you hear me all right?

25 CHAIRMAN COLBERG: Yes, I can.

1                   MR. ROMEHILT: Okay. Well, very good. My  
2 name is David Romehilt. I'm a lifelong Cordova resident.  
3 I'm a local businessman, a city council member and a  
4 trustee in the Cordova Historical Society. And I'd like to  
5 speak today in regards to the Cordova Center proposal from  
6 a community standpoint and from an economic standpoint.

7                   I encourage you to give the Cordova Center  
8 a real good hard look and I would encourage your support  
9 for it. Before 1989 we used to have a real substantial  
10 bait and roe herring fishery. I took part in that. I was  
11 a processor at the time. And what that did for Cordova  
12 economically is -- yet it spread out our fishing season, it  
13 pushed the beginning and pushed the end. Guys would show  
14 up in the middle of March for herring then it stayed  
15 through the herring fishery, through the Copper River reds  
16 and king season, through seining. And then, instead of  
17 leaving at the end of seining, end of August, beginning of  
18 September and maybe fishing a few silvers, they would stay  
19 for herring again, sometimes as late as the end of October.

20                  Herring really pushed these shoulder  
21 seasons. And at one point, about five years ago, we  
22 crunched some numbers locally on how much of an impact that  
23 was for the community. And I was staggered. I was  
24 collecting those numbers. I was staggered to find that  
25 herring was 20 percent of our economy.

1                    Now since '89, we haven't had much of a  
2 herring fishery and you all there are aware of reasons why  
3 that may be or the mystery around that. But the fact is,  
4 we really don't have it anymore. I expect that we'll have  
5 it someday but since then the City of Cordova, our  
6 businesses, Chamber of Commerce, City Council, has been  
7 trying to find a way to increase business on these shoulder  
8 seasons, in the spring and in the fall. It's critical to  
9 Cordova's economy that we produce commerce and that we sell  
10 things, we bring people into town on those shoulder  
11 seasons. We've done this by emphasizing sport fishing, we  
12 have a shorebird festival that's nationally and  
13 internationally K&M now that's bringing people in every  
14 year. We've made big strides in heliskiing and tourism and  
15 also in developing other fisheries.

16                    So what you have before you in the Cordova  
17 Center project is a way that we can really help to  
18 revitalize and diversify our local economy by capitalizing  
19 on some shoulder season type of activities in tourism, in  
20 conferences. Making it a center piece for the City of  
21 Cordova to build off of. I mean, it's a real good brick  
22 and mortar project in that it's an investment in the  
23 community that's going to spin off a lot more of economic  
24 activity and a lot more commerce around it.

25                    I'm all for making sure the ecosystem is

1 pristine and that it's recovered but we've lost 20 percent  
2 of our economy at least and we need to look at ways to get  
3 that back and this is one of the ways to do it. It would  
4 not only enhance the positive movement toward teaching  
5 science and teaching the importance of the ecosystem to our  
6 children, to those who come to Cordova, but it would really  
7 help revitalize our economy.

8                   So to sum up, I'm sure you have all the  
9 specifics of the project in front of you. That it's been  
10 designed for long term sustain-ability and energy  
11 efficiency. That we've gone through several years of  
12 public process with really not much opposition to it and  
13 that we have a lot of strong support from big players in  
14 Cordova, including the Science Center and the Forest  
15 Services, as well as many businesses and non-profit.

16                   But what it really comes down to, if you  
17 guys can see free to turn some money loose in one -- for  
18 one year, one time only, we'll go away and you won't hear  
19 from us again, because this will be the type of project,  
20 the type of investment that we can run with. We can build  
21 something tangible. I've been here the entire time since  
22 the oil spill and I have not seen a lot of tangible  
23 results, other than negative economic impacts. Give us  
24 something tangible, not just for visitors who come in town,  
25 so they can have a nice place to go sit and drink coffee



1 and look at the window and look at our museum and oil spill  
2 exhibits, but someplace tangible and nice for the citizens  
3 of Cordova. Something that can be the basis, the center  
4 point for economic revitalization and diversification. I  
5 can't stress this strongly enough. If I had an hour to  
6 talk you on it, I could and would love to have that  
7 opportunity some time.

8 But in closing, I encourage you to take  
9 this opportunity to invest in one of the seriously affected  
10 economies in Prince William Sound. I think it's a great  
11 project and I thank you for the opportunity to testify on  
12 it.

13 CHAIRMAN COLBERG: Thank you, Mr. Romehilt.  
14 Thank you for your testimony.

15 I have a question proceed -- do we have a  
16 timer here at all or we just kind of expect me to look at  
17 the clock and interrupt people if it.....

18 MR. BAFFREY: I think it's right up there  
19 on the wall.

20 CHAIRMAN COLBERG: Okay. That's what I was  
21 wondering. And your testimony was fine, sir. Anyone else  
22 on the telephone who would like to comment at this point?  
23 Anyone else on the phone out there that would like to  
24 speak?

25 (No audible responses)

1                   CHAIRMAN COLBERG: Okay. We'll go to the  
2 audience that's present with us today. Anyone want to come  
3 forward and speak on any issue?

4                   MS. SHERMAN: Good morning, I'm Cathy  
5 Sherman from Cordova. I never like following David  
6 Romehilt. And I'm the library and museum director for  
7 Cordova and also the project leader for the Cordova Center.  
8 So it has been my life for the last five years. And we've  
9 spoken before the Trustee Council before but many new faces  
10 now too. So we appreciate the opportunity to review our  
11 project with you.

12                   I just wanted to speak on a couple of  
13 different things. One was the history of the project.  
14 This has been something that the community has been kicking  
15 around for a long time. The oil spill was kind of an  
16 impetus for us to start it and we combined with the Science  
17 Center and the city, Native village, and worked through  
18 lots of issues. So we've been in the planning process for  
19 a long time and finally have reached some consensus with  
20 what the community wanted through a very public process.  
21 And we realize it's something that can add and diversify  
22 our economy but we realize it's not the end-all and we've  
23 been looking at lots of different options, but this is  
24 something that came out of that discussion.

25                   And I just wanted to speak to you on terms

1 of being the museum director and seeing people come into  
2 Cordova all the time. And one of the things that has been  
3 on our exhibit wish list for a long time is to do something  
4 on the oil spill. We have nothing in the museum except for  
5 jars of lingering oil that we get each year. And it's --  
6 yet it's the most frequently asked question from visitors  
7 to the Prince William Sound area. And no other museums in  
8 the Sound or the oiled region are willing to tackle this  
9 issue. It's a little touchy. But we've decided that we  
10 would really like to do it and that we're the place and  
11 appropriate place to do it.

12                   So in our new museum exhibit plan, what we  
13 have done is we have acquired Darkened Waters, which was  
14 the exhibit that the Pratt museum put together years ago.  
15 And so we've acquired that, the rights to the exhibit and  
16 what we'd like to do in the future is take Darkened Waters  
17 and tell the story of the actual oil spill, but also tell  
18 how oil transportation has changed, how oil spill response  
19 has changed, how our community has changed, how the science  
20 of the Sound has changed. All the progress that has been  
21 made. There's a positive aspect to things that have  
22 happened since the spill too and as well as the change to  
23 our fisheries. So those are kind of things that we were  
24 hoping we could use and tell the story of in the new  
25 exhibit plan.

1                   And the other thing is that we're used  
2 heavily by researchers who are continuing to research the  
3 oil spill and we have a lot of local archives. We saved  
4 everything after the oil spill so we have quite a bit of  
5 documentation. And so that's something too that we can  
6 develop more into kind of a research center.

7                   And finally, working closely with the  
8 Science Center, we have -- also have an educational  
9 curriculum, and so in the Cordova Center, one of the things  
10 we really wanted to do was include the science discovery  
11 room program, which the Science Center and Forest are a  
12 sponsor. And they currently don't have a big location to  
13 work in, so one of the components that was important to the  
14 community was to include an educational room. And so  
15 that's something else that we've tied in. So those are all  
16 things that are in here that are important to us on a local  
17 level and a community level and that we see as very  
18 important too so.

19                   And then finally I just wanted to thank the  
20 Trustee Council for the opportunity to review. It was  
21 really great to have the PAC review our project. We've  
22 been wanting that for a long time, just to hear people  
23 review our proposal. And so that was a great process. The  
24 PAC also brought up quite a few questions. We listened  
25 into the whole meeting. And we realize now that many of

1 the trustees are also new and probably the same questions  
2 are coming up. So we're happy to continue to work through  
3 our proposal, to answer questions, to take the time it  
4 needs to go through the proposal. And that was all I  
5 really wanted to add.

6 CHAIRMAN COLBERG: Thank you, Ms. Sherman.

7 MS. SHERMAN: Thank.

8 CHAIRMAN COLBERG: Appreciate that. Anyone  
9 else like to come forward?

10 MS. LANG: Hello, my name is Sylvia Lang,  
11 I'm a lifelong Cordovan, several generational Cordovan  
12 actually. I come before you probably for the third time I  
13 believe to speak in favor of the Cordova Center. It's the  
14 first time, I understand, it's got its full hearing so I  
15 thought rather than reiterate prepared remarks that are in  
16 the record, I thought maybe I could answer some questions.  
17 I don't represent anybody other than a Cordovan, which I  
18 guess is becoming an endangered species actually, or  
19 certainly threatened.

20 I'm a mother of three children. We're  
21 raising our family there. We own -- we -- I've always been  
22 part of the fishing industry but that changed radically at  
23 the time of the oil spill for various reasons. And so my  
24 husband and I made the concerted effort to try something  
25 else. The boat we built was an 80 foot vessel designed for

1 the herring fishery and crabbing and other fisheries that  
2 kind of disappeared. So our boat then went out west and we  
3 participated in a fishery in a different area for awhile.

4                   But Cordova is our home. Cordova is where  
5 we wanted to stay. So recently we sold out of the fishery,  
6 the crab fishery, and we purchased a hotel, bar, and  
7 restaurant in Cordova. And our vision is to participate in  
8 this new industry that's happening or this industry that  
9 was always in Cordova, and that's tourism, our visitor  
10 industry or hospitality industry, whatever you want to call  
11 it. It's always been there but it's been fledgling and  
12 it's also taken a back seat to fisheries. But fisheries  
13 has taken a back seat to everything anymore it seems, so  
14 it's time to give it some attention. And that's where  
15 we've -- I hesitate to call myself a business person  
16 because a business person takes money and puts it someplace  
17 where it's going to make money but we put it in Cordova.  
18 And we like living there and that's where we want to raise  
19 our children.

20                   But getting back to making those decisions  
21 about being in the tourism industry in Cordova, I was  
22 raised in a community that had -- all my life in Cordova --  
23 had lots of opportunity. We had fishing, we had mining, we  
24 had logging. We had remote lodges, we had hunting,  
25 trapping, all kinds of things. It was a very vital

1 community. And we had a great subsistence lifestyle. We  
2 had -- we made our cash money off of fishing. I was raised  
3 in many remote areas of the Sound and Prince -- and Bering  
4 River. I had an idyllic childhood and early adulthood  
5 taking part in the resources and resource use of Prince  
6 William Sound. And that's gone now by a large measure and  
7 my children won't experience the idyllic lifestyle I had.  
8 And it's unfortunate to see them facing something that  
9 isn't going to be as good as I had it, you know. And so  
10 with the buy back of the lands, the private lands in the  
11 area of Prince William Sound, we have conservation  
12 easements. I was -- I'm a member of the Eyak Corporation.  
13 I did vote against accepting the buy back of the -- the  
14 EVOS buy back of 70,000 acres of all the waterfront around  
15 Cordova. Our lands have really been tied up in  
16 restoration, tied up in the Forest Service. And that's  
17 good and it also has some bad consequences. And the bad  
18 consequences are reduced future opportunities for my  
19 children and other generations.

20                   So I think sometimes we're not thinking  
21 generationally on these projects. And so I fully -- I  
22 digressed and I'm sorry -- but I fully support the Cordova  
23 Center because I think it will enhance my children's  
24 lifestyle in Cordova. It will allow another economic  
25 development that has been sorely impacted. And I would

1 like to take my children off the endangered or threatened  
2 species list and allow them to be Cordovans in the future.  
3 Thank you.

4 CHAIRMAN COLBERG: Thank you, Ms. Lane.

5 MS. LANE: Oh, and I can answer any  
6 questions if you have them. I realize so many of you are  
7 new to the Council. Some of these feels like old  
8 information because we've been here a few times before but  
9 I would ask you not to make a quick decision on this. If  
10 you need more time, think about it. We can come back.  
11 We're committed to the process. We've been at this for  
12 four or five years now and we're happy to stretch that out  
13 if need be. We're anxious and we want to get it going but  
14 if it takes the Council longer to familiarize yourself with  
15 the project, I -- we can certainly understand that.

16 CHAIRMAN COLBERG: Thank you.

17 MR. O'CONNOR: I have a question, Mr.  
18 Chairman.

19 MS. LANE: Uh-huh.

20 CHAIRMAN COLBERG: Sure.

21 MR. O'CONNOR: Please.

22 CHAIRMAN COLBERG: Mr. O'Connor.

23 MR. O'CONNOR: The focus of the Cordova  
24 Center and the arguments in support of it in large measure  
25 are directly related to enhancing the tourism business



1 within the community. What brought people to Cordova  
2 before the spill? What was the tourist interest that was  
3 inducing folks to come and visit Cordova? I'm not saying  
4 that in a -- don't take that wrong. What I'm trying to do  
5 is build a....

6 MS. LANE: No, I understand.

7 MR. O'CONNOR: .....record related.....

8 MS. LANE: Yeah.

9 MR. O'CONNOR: .....to this issue. Why  
10 would the.....

11 MS. LANE: We still ask that question,  
12 frankly. And there's probably a -- people talk about eco-  
13 tourists now and eco-tourism and I think that's always been  
14 a real appeal of Cordova because we -- we're fortunate and  
15 why I want to live there and forever live there is it's a  
16 beautiful place. It -- you know, we're just blessed with  
17 this gorgeous place and this -- and we have this -- I've  
18 always thought we were perfectly positioned. We have the  
19 Sound on one -- you know, as our front door. Our back door  
20 is the Copper River Flats and the Copper River Delta. And  
21 then we have the Chugach Mountains. I mean it's just a  
22 gorgeous place and people who come there see that and they  
23 want to participate in it.

24 But we also have some really terrific  
25 history, so we need to tell that story and we need a

1 facility to tell that story. And our history involves the  
2 Aleuts, Tlingits, Eyaks, that first lived there. My  
3 grandmother was Tlingit, my other grandmother was Aleut.  
4 And the immigration of the pioneers to the area. The  
5 railroad and the -- for years whenever I'd refer to the oil  
6 spill I always said the earthquake and then I'd catch  
7 myself because growing up in Cordova you always said,  
8 before the earthquake and after the earthquake because it  
9 just devastated us and raised the land around there six  
10 feet and it changed our fishery and every -- we had to cope  
11 with that.

12                               Now it's the oil spill. Before the oil  
13 spill. After the oil spill. I think it's become part of  
14 our history that's an overriding part of our history. We  
15 need to tell that story. People come to Cordova and say --  
16 they look around -- and this -- some of the questions we  
17 get from tourists is that, you know, it doesn't look oiled  
18 around here and we came across the Sound and we didn't see  
19 any oil. And what's the -- and my husband answered one  
20 time, he says, you're right if you never go ashore and you  
21 never were here before. You're absolutely right, it  
22 doesn't look oiled, but it is. And you have to explain the  
23 story. It -- looking doesn't explain the story.

24                               So we need that interpretive story out  
25 there. And we need to tell our story, that the reason

1 we're still there is things have changed and we're  
2 dedicated to make sure it doesn't happen again.

3 MR. O'CONNOR: Some of us here measure our  
4 lives BE and AE as well, that's before Exxon and after  
5 Exxon.

6 MS. LANE: Yeah, right.

7 MR. O'CONNOR: I understand sort of your  
8 perception. What is going on in the environment aside from  
9 the impact on herring? What is going on with regard to the  
10 natural resources in your area that would be related to the  
11 oil spill or the impact of the oil spill that may today  
12 continue to be degraded and having an adverse influence on  
13 tourism in your area? Do you know?

14 MS. LANE: I'd have to think about that.  
15 People who are more familiar with birds and wildlife would  
16 know more about it. I do know -- I'm not a bird or -- per  
17 say -- but I know the sounds of the Sound and when we'd go  
18 out fishing and, at night, you could -- there were just  
19 certain sounds you were used to. And I remember after the  
20 oil spill, going to the Sound and those sounds were there.  
21 It was eerily quiet. And they were birds sounds and I  
22 didn't realize I had paid attention to birds before but  
23 there's certainly species of birds that must not have  
24 returned. I -- you know, I just don't know enough about  
25 it. But that's there.

1                   MR. O'CONNOR:  If we're successful in  
2 trying to restore herring to pre-spill conditions, will  
3 that in and of itself have a significant impact on the  
4 tourist economy of Cordova?

5                   MS. LANE:  It's hard to say -- it's all  
6 about when.  Timing is everything.  I really worry -- and  
7 maybe I'm just, you know, an alarmist -- but I worry if we  
8 have a year-round community to be there then.  We do need  
9 something in the interim.  We do need something that's  
10 generational and can keep going.  Because frankly, it's  
11 been 17 years.  It's been a long time and we've lost -- a  
12 lot of people have just had to leave town, the economy  
13 isn't there.  And so you talking -- getting back to what  
14 people come to Cordo -- they come to see the fishermen.  
15 They also come to see our working waterfront and it's -- we  
16 are an old time kind of Alaskan town that makes its living  
17 off the sea.

18                   And we don't have tourist shops and we  
19 don't have T-shirt shops and we still retain a lot of what  
20 people maybe romantically think of as a coastal community.  
21 But we still retain that and the only way we're going to  
22 continue to retain that is have a healthy working  
23 waterfront and a healthy fishing fleet out there.  So it  
24 would enhance it because we would have new boats that  
25 aren't swamped and sinking in the harbor and people could

1 upgrade their vessels and we, you know, that would be nice  
2 to see again. Our vessels are about 17 years old.

3 MR. O'CONNOR: Thanks.

4 MS. LANE: You bet.

5 MR. O'CONNOR: I appreciate your answers.

6 MS. LANE: Thanks for the questions.

7 CHAIRMAN COLBERG: Any other testimony?

8 MAYOR JOYCE: Good Morning. My name is Tim  
9 Joyce. And Good morning to all the members of the Trustee  
10 Council and Executive Director Mr. Baffrey. I'm the mayor  
11 in Cordova and I'm here today to testify in support of  
12 project 070800, the Cordova Center.

13 I want to thank the Trustee Council for  
14 giving us the opportunity to address you on this important  
15 project. I know that several of you are new to the EVOS  
16 Trustee Council and I have had -- and have not had the  
17 pleasure of hearing some of the past testimony on this  
18 project. I also know that making a decision on this  
19 project is something that should be well thought out and  
20 based on merit and the restoration plan.

21 I would like to provide you with some  
22 information on other EVOS funded projects that also touched  
23 on restoration of the injured resource of tourism, which is  
24 a resource that the Cordova Center also addresses.

25 The EVOS TC funded project 94199, which was

1 the Alaska Marine Research Institute in Seward, Alaska, in  
2 the amount of \$24,956,000. Another \$12.5 million dollars  
3 of state EVOS restoration funds were appropriated in L993  
4 by the state legislature for the planning, design and  
5 construction of this facility.

6                   The EVOS Trustee Council funded project  
7 93055, the Alutiiq Archeological Repository Center in the  
8 amount of 1.5 million dollars. Within the justification of  
9 the project description  
10 for this repository, it was stated that a downtown location  
11 -- and I quote this -- a downtown location is important to  
12 the long term success of this project due to the fact that  
13 visitors to Kodiak Island seldom bring automobiles with  
14 them and are therefore on foot, unquote. Under the  
15 benefits of the project it states that, again in quote,  
16 exhibits, as well a steady stream of new information based  
17 on excavation results will provide an invaluable tool for  
18 public education. We also would expect beneficial side  
19 effects on the growing visitor industry, unquote.

20                   In the final report for restoration project  
21 99314, the Homer Mariner Park, under section 3.3.4,  
22 Recreation and Tourism, it states that, in quotes, large  
23 numbers of tourist and summer visitors drive along the  
24 Homer Spit during the summer tourist season, and Mariner  
25 Park Lagoon and Mud Bay are very prominent features of the

1 landscape which provide camping, wildlife viewing, birding  
2 opportunities and/or general sight seeing, unquote. It  
3 goes on to say in 3.3.6, Summary of Human Environment,  
4 that, in quote, the project site is located within the City  
5 of Homer, which depends heavily on commercial and sport  
6 fishing, trade and services and a rapidly growing  
7 visitor/tourism industry. It goes on to say that the area  
8 is used for recreational purposes such as camping, birding,  
9 and beach-combing, and there is currently a city-owned  
10 campground located at the southern portion of the project  
11 area.

12                                 Finally, in the conclusions of the final  
13 report for project 99180, the Kenai River Habitat  
14 Restoration and Recreational Enhancement Project, it  
15 states, in quote, achievement of the goal of preserving a  
16 high-quality recreational experience for both residents and  
17 tourists is open to debate. There is no universally  
18 accepted definition for high-quality recreational  
19 experience, end quote.

20                                 It is clear to me that the EVOS TC has used  
21 restoration  
22 funds for a variety of purposes including construction  
23 costs  
24 for buildings and tourism related projects in several of  
25 the

1 EVOS impacted cities. I would like provide an opportunity  
2 for the Trustee Council to do for the oil impacted  
3 community of  
4 Cordova what they have already accomplished in restoration  
5 for the other oiled impacted communities of Kodiak, Kenai,  
6 Seward and Homer. We hope the Trustee Council will take  
7 the time to examine the Cordova Center project and make a  
8 decision on its merits and we are certainly open to  
9 suggestions as to how we can cooperate to make this project  
10 a success. So thank you very much and if you have any  
11 questions, I'll be happy to answer.

12 CHAIRMAN COLBERG: Any questions for the  
13 Mayor?

14 (No audible responses)

15 CHAIRMAN COLBERG: Thank you for your  
16 testimony.

17 MAYOR JOYCE: Thank you.

18 CHAIRMAN COLBERG: Anyone else, would like  
19 to -- yes.

20 MR. CAIN: Good morning, I'm -- my name is  
21 Bruce Cain, I'm the Executive Director for the Native  
22 Village of Eyak. And I appreciate the Trustee Council  
23 taking the time to listen to the testimony this morning.

24 I'm here to just basically explain myself  
25 about the unsolicited proposal we submitted on requesting



1 funding for our Shepard Point oil spill response facility.  
2 That's a project that we've been working on since 1994 and  
3 it will enhance oil spill response in Prince William Sound.  
4 And we filed the final environment impact statement on  
5 January 29th and we're expecting to go into design and  
6 construction within the next two years.

7                   We've requested five million dollars from  
8 the Trustee Council. We're not expecting any action on  
9 that at this time. We submitted it so that you were aware  
10 of it and we'll be developing, you know, a more full  
11 proposal in the future to meet your criteria and your  
12 funding constraints, which at this point we're a little  
13 unclear on. We're not sure whether you're going to remain  
14 restricted within your principal earnings or whether you're  
15 going to fund our of the corpus of the fund.

16                   And, you know, if -- we do have an  
17 expectation to and a goal to develop a long term lingering  
18 oil cleanup crew that we've sent comments in the past to  
19 the Trustee Council that, you know, that cleanup of the  
20 lingering oil is a critical issue to our village. And we  
21 don't want to see anymore research done, we think there's  
22 plenty of research done already. We want somebody out  
23 there with shovels and bags or whatever it's going to take,  
24 using the best technology, cleaning this stuff up.

25                   We feel that's going to be a long term

1 project and we would like to model it after the Hot Shot  
2 Fire Crew program that the Forest Service operates in a  
3 similar manner where we have a crew of highly trained  
4 people working on it and they're on standby to be called  
5 out on oil spills if that's needed. And, you know, go back  
6 to work on the lingering oil on a long term basis. We need  
7 technical assistance to develop this proposal. We don't  
8 have the capacity to really develop a competitive proposal  
9 to meet this need. We have commented in the past we want  
10 to see it happen and we're asking for assistance to work on  
11 that.

12                   So -- and then maybe I could just answer  
13 one of your questions about tourism before the spill. One  
14 of the big things that happened was the Alaska Steam  
15 Company used to bring the big steam ships in, the deep  
16 draft steam ships. And they would go on the railroad up to  
17 the Million Dollar Bridge and the Miles Glacier and Child's  
18 Glacier. And that was a big industry when Cordova was a  
19 deep water port.

20                   And that's one of the things that we're  
21 hoping that, you know, some of the economic impacts of the  
22 Shepard Point deep water port will be to be able to bring  
23 in some of that type of activity again in addition to our  
24 oil spill response capacity. That's all I really had.

25                   CHAIRMAN COLBERG: Any questions for Mr.

1 Cain?

2 (No audible responses)

3 CHAIRMAN COLBERG: Okay. Hearing none,  
4 thank you for your testimony. Would anyone else like to  
5 testify?

6 MR. HEINRICH: Thank you for the  
7 opportunity to speak here today. I see a lot of new faces.  
8 My name is Bob Heinrich, I'm a 64 year resident of Cordova,  
9 Alaska. I'm also President of the Native Village of Eyak.  
10 And I see the senior member here now is Joe. He's been  
11 here longer than any of you guys.

12 I'd like to speak on this project 070828.  
13 It says Brown-Schwalenberg. And if that's her own personal  
14 project, I would oppose it. But if it's from Chugach  
15 Regional Resources Commission, which we are a part of, I  
16 would support it.

17 And I'm certainly in support of the project  
18 that Bruce was speaking on, on Shepard Point oil spill  
19 response recovery.

20 I will touch on the Cordova Center and I  
21 think the Cordova Center is a great idea. As personally I  
22 do and as the President of the tribe. I would like to see  
23 more communication done on the total cost of the project,  
24 where the money is going to come from, and especially where  
25 the money is going to come from to maintain it. I'm 64 now

1 and I don't want to wake up when I'm in my seventies and  
2 find out that things went sideways and all of a sudden we  
3 have to raise our property taxes to pay for the maintenance  
4 of this. But I think it's a great idea. That's all I got  
5 to say.

6 CHAIRMAN COLBERG: Any questions for Mr.  
7 Henry [sic]?

8 (No audible responses)

9 CHAIRMAN COLBERG: Hearing no questions,  
10 thank you, sir. Would anyone else like to testify?  
11 Hearing no further request to testify, we're moving to the  
12 FY-07 draft work plan addendum. Is -- Mr. Baffrey, do you  
13 normally introduce as far as.....

14 MR. BAFFREY: No, we'll let -- Kim Trust,  
15 the Science Director, will lead us through this.

16 CHAIRMAN COLBERG: Okay. Could -- what's  
17 your name again?

18 DR. TRUST: Kim.....

19 CHAIRMAN COLBERG: Kim.

20 DR. TRUST: .....Trust.

21 CHAIRMAN COLBERG: Kim Trust. Thank you.

22 DR. TRUST: And just for the folks here  
23 that are new at the table, the way the process as done,  
24 last year when we went through the first two sections of  
25 the work plan, I usually go through and give a rundown of

1 each of the projects.

2 MR. NEDIG: Hello, Craig or Talis?

3 CHAIRMAN COLBERG: Yes.

4 MR. NEDIG: This is Hans. Could we have  
5 somebody move closer to the mike? We can't quite hear it.

6 CHAIRMAN COLBERG: Okay. Yes, that's Hans  
7 Nedig asking Kim to.....

8 MR. NEDIG: Thanks, Talis.

9 DR. TRUST: Okay. Is this good, Hans?

10 CHAIRMAN COLBERG: Can you hear her now,  
11 Hans?

12 MR. NEDIG: A little better.

13 CHAIRMAN COLBERG: Okay.

14 DR. TRUST: I've got three microphones  
15 about two inches from my face.

16 MR. NEDIG: You're doing good now.

17 DR. TRUST: Okay.

18 MR. NEDIG: Thank you.

19 DR. TRUST: All right. So all I was doing,  
20 Hans, was sort of giving a recap of what we had done  
21 previously, last year, and that was I would give a synopsis  
22 of each of the projects that were before the Trustee  
23 Council, give the science panel's recommendations and then  
24 the final recommendation from a science perspective of each  
25 of these projects. And then the Trustee Council discusses

1 them at the end of my summary.

2                   One thing that I would like to do, if it's  
3 okay with the Trustee Council, is to talk about the Michel  
4 project first and then the Irvine project second because I  
5 think it would make more sense logically, if everybody is  
6 okay with that.

7                   CHAIRMAN COLBERG: Does anyone oppose that  
8 format?

9                   (No audible responses)

10                  CHAIRMAN COLBERG: Okay. That's fine.

11                  DR. TRUST: So the first project is Jackie  
12 Michel's project, assessment of the aerial distribution and  
13 amount of lingering oil in Prince William Sound and the  
14 Gulf of Alaska. And this project, the PI's for this  
15 project want to develop maps showing the probability of  
16 lingering oil in the spill area. They're going to do this  
17 by using some spatial modeling analysis and then ground  
18 truthing of their model to make sure that their model is  
19 accurate. They're also going to be able to estimate the  
20 area and volume of remaining oil in the spill area, both  
21 Prince William Sound and the Gulf of Alaska. They're going  
22 to, in their ground truthing effort, fingerprint all of the  
23 oil to determine its origin.

24                  And in the contrast to what's been done  
25 previously by Jeff Short et al, they're going to also look

1 at lightly oiled beaches, which is something that hasn't  
2 been done in the past. When Jeff and the folks from NOAA  
3 have been doing their projects in the early 2000's, mid --  
4 through 2004, they've been going to heavily and moderately  
5 oiled beaches. Only this project proposes to also look at  
6 those beaches that were lightly oiled, considered lightly  
7 oiled at the time of the spill.

8                   This project is -- I think answers a  
9 fundamental question. Where's the oil and how much is out  
10 there? Jeff Short has gone out and looked at those areas  
11 that were heavily and moderately oiled and in a randomized  
12 fashion estimated what he thought was the remaining amount  
13 of oil in Prince William Sound. He hasn't gone out and  
14 looked in the Gulf of Alaska. And again, they haven't  
15 looked at the lightly oiled beaches. So I think this  
16 project would answer that fundamental question, what is the  
17 problem that still remains out there and how can we -- you  
18 know, what we do about it after that I think is a different  
19 question but that sort of answers that fundamental question  
20 of what's out there and how much is left. Or where it is  
21 and how much is left.

22                   MR. O'CONNOR: Do we ask you questions  
23 individually of the projects or would you prefer to go  
24 through your whole presentation?

25                   DR. TRUST: No, you can ask me questions.

1 That's fine.

2 MR. O'CONNOR: What is the significance of  
3 lightly oiled? It would seem as though this is not  
4 something we should be particularly concerned with if the  
5 decision years ago was that this is a lightly oiled area  
6 and -- what does that mean? Excuse me, what does that.....

7 MR. NEDIG: Hey, Talis. This is Hans  
8 again. Who's asking the question and what are they asking?  
9 I'm sorry.

10 CHAIRMAN COLBERG: It's Mr. O'Connor and it  
11 was about you, Hans.

12 MR. NEDIG: I thought it might be.

13 MR. O'CONNOR: Yes. My question was simply  
14 asking Kim what is the significance of lightly oiled. What  
15 does that mean and how is it something that we should be  
16 looking at right now?

17 DR. TRUST: From my perspective, I think  
18 it's very important to go out and look at those beaches  
19 that were considered lightly oiled. I think in most of the  
20 research and monitoring that has gone on since the spill  
21 has been done in those heavily and moderately oiled areas.  
22 I don't think there's been a very concerted or consistent  
23 effort to go out and look at the impacts of any of the  
24 resources in lightly oiled areas. I also think that given  
25 the fact that we have oil out there on the ground that is



1 essentially, I mean, 11 day old oil, I mean, essentially  
2 the same as it was when it was spilled. I think that  
3 there's just a lack of knowledge of what may be -- you  
4 know, at the time it was considered lightly oiled but there  
5 still may be oil out there that nobody has thought would be  
6 a problem. And it may still remain out there.

7 CHAIRMAN COLBERG: Did you pick that up,  
8 Hans?

9 MR. NEDIG: I did. Thank you so much.

10 CHAIRMAN COLBERG: Okay.

11 MR. O'CONNOR: Do you feel comfortable that  
12 when this project has been completed that we're going to be  
13 able to say there's oil here, here, here, and here, and  
14 that we will be able to present an exhausted inventory of  
15 the sites where there is oil and whether that oil is in the  
16 level or concentration and toxicity that's having and  
17 adverse -- potentially and adverse impact upon resources  
18 frequenting those areas, be they ducks or otters or fish?

19 DR. TRUST: The focus of this particular  
20 study is not on direct impacts to the biota. It's trying  
21 to map where the oil is and the amount that remains. I  
22 think that this is a probabilistic modeling project. They  
23 are going to go out and ground truth their model to make  
24 sure that they are -- have confidence in the information  
25 that they're putting into the model. I think if you wanted

1 to go out and ground truth every mile and shoreline of  
2 beach in Prince William Sound it would certainly cost a lot  
3 more than a million dollars. I think this is a good  
4 attempt at identifying those areas where the oil is likely  
5 to be and I think with their ground truthing effort,  
6 they'll be able to validate their models such that there  
7 will be confidence in the results of their project. Yes.

8 MR. O'CONNOR: Okay.

9 CHAIRMAN COLBERG: Any other questions of  
10 the panel? Are you done with your presentation?

11 DR. TRUST: For that particular project.

12 CHAIRMAN COLBERG: For that particular.....

13 DR. TRUST: Yeah.

14 CHAIRMAN COLBERG: Mr. Hartig, it looks  
15 like you almost had a question.

16 MR. HARTIG: Yeah, almost. I was debating  
17 on it. I'll venture a question. I was wondering, it seems  
18 to me a large task to do an inventory of all the areas that  
19 might have been impacted. And I understand that, you know,  
20 it's going to be a statistical approach with some  
21 validation of the modeling, but I was wondering if on a  
22 project like this if you would focus more on some areas  
23 than others, you know, where there might be a higher  
24 concern? You know, it would be more important to have the  
25 inventory to make sure that the inventory is more accurate

1 in those areas? Is there some prioritization here?

2 DR. TRUST: I think at this point there's  
3 not a prioritization because I think this is sort of on the  
4 heels of what the NOAA folks have been doing in which they  
5 have looked at -- they have gone to focused areas, those  
6 areas that were heavily or moderately oiled and  
7 specifically looked at that. And so in those areas, I  
8 think they have a pretty good handle of where the oil is  
9 and how much is left. I think the remaining question is,  
10 what about those areas that nobody has looked at  
11 essentially since the spill, I mean '91, '92 time frame,  
12 and nobody has gone back and looked at those areas. So I  
13 think there's the question of what is out there in those  
14 areas that nobody has gone back and looked at. Especially  
15 in those areas outside of Prince William Sound. Again, a  
16 lot of the focus, especially a lot of the research focus,  
17 has been in those areas that were heavily and moderately  
18 oiled and not very much work has been done in the Gulf of  
19 Alaska or outside the Sound.

20 MR. HARTIG: And how would you see the  
21 results of this project being used then?

22 DR. TRUST: Well, I think if the Trustee  
23 Council decides to go down the road of remediation in some  
24 way, and I don't -- there's various discussions about that,  
25 how to do that -- I think that this would be able to then

1 pinpoint those areas that needed to be focused on.

2                   MR. HARTIG: What I was getting at is that  
3 if the objective is, is to identify other areas that might  
4 need remediation or restoration, then are we sure that this  
5 project, we give the information that would plug into that?  
6 I mean, would it provide the information as needed to make  
7 that decision?

8                   DR. TRUST: Yes.

9                   MR. ZEMKE: I guess I had a kind of  
10 question on a somewhat similar vein. 1.6 million is pretty  
11 expensive in my mind. But, you know, how confident are  
12 they that this probabilistic model will work and, you know,  
13 obviously there's probably a lot of boat time involved in  
14 this and to be able to ramp the costs up to that amount?  
15 Would maybe a phase process to take a look at -- and first,  
16 whether or not the model is working and maybe a couple of  
17 test sites before they go into full scale production mode  
18 of trying to look at quite a few different sites throughout  
19 the Sound?

20                   DR. TRUST: Well, again, I mean, I think  
21 they're building this project on the work that has been  
22 done where they have looked at few sites. You know what I  
23 mean? This is the sites that Jeff Short went out and  
24 looked at and.....

25                   MR. ZEMKE: So have they looked at lightly

1 oiled sites?

2 DR. TRUST: They have not looked at lightly  
3 oiled sites, no. So I think they've already kind of done  
4 that preliminary work and now they're trying to build on  
5 the work that they have done in the past and try and get a  
6 better handle of geographically how much is out there and --  
7 or geographically where it is out there and how much is  
8 out there instead of the, you know, the estimate that Jeff  
9 had done to date.

10 CHAIRMAN COLBERG: Any other panel  
11 questions? Any questions, Hans? Mr. -- Denby?

12 MR. LLOYD: None for me, thanks.

13 MR. NEDIG: I'm good here.

14 CHAIRMAN COLBERG: Okay. If there's no  
15 further questions -- are you -- you're done with the  
16 presentation on that one?

17 DR. TRUST: Yes.

18 CHAIRMAN COLBERG: And then we would  
19 normally move to act on this at this point. And the  
20 recommendations from the Science Panel, the Citizen's  
21 Advisory Committee, the Science Director and the Executive  
22 Director are all been to fund this. Do we have a motion to  
23 approve the funding?

24 MR. ZEMKE: I guess I need a little more  
25 discussion with Michel's. It says fund contingent.....

1 MR. BAFFREY: Yeah.

2 MR. ZEMKE: .....on what you have and  
3 there's some questions about this overhead of what's 120  
4 and 170 percent. Is that 120 percent of what costs?

5 MR. BAFFREY: I, like you, had sticker  
6 shock when I saw this. The overhead, we did check into  
7 that, and the overhead is customary. So I have -- if I  
8 were to revise this, I would say fund.....

9 MR. ZEMKE: Okay.

10 MR. BAFFREY: .....and not fund contingent.

11 DR. TRUST: What they've done is they've  
12 taken -- they put the overhead on just their salary costs  
13 and so on the salary costs, it's 170 percent. But on the --  
14 the overhead on the indirect costs on the entire amount of  
15 the project is being something like 35 percent. So.....

16 MR. O'CONNOR: Actually, in some worlds  
17 that's cheap, that 170 percent on personnel cost for NOAA,  
18 I wonder why we're giving that away. That's a.....

19 CHAIRMAN COLBERG: Do we have a motion to  
20 approve this one?

21 MR. O'CONNOR: So moved, Mr. Chairman.

22 MR. HARTIG: I'll second.

23 CHAIRMAN COLBERG: Mr. O'Connor moves. Mr.  
24 Hartig seconds. Is there any opposition to approval of  
25 this?

1 (No audible responses)

2 CHAIRMAN COLBERG: Hearing no opposition,  
3 since we need total consent, then it's approved then.  
4 Okay. We'll move onto the next one. Did you want.....

5 DR. TRUST: Okay. The next one that I'd  
6 like to talk about is the Irvine proposal. Gail Irvine is  
7 a long term PI for EVOS and she has historically had two  
8 projects that have gone on. One of them where she goes out  
9 and she looks at the contamination in mussel beds in areas  
10 outside Prince William Sound and the Gulf of Alaska, along  
11 the Katmai coast and the Kenai Fjords coast. She has also  
12 been doing as study looking at the lingering oils in  
13 boulder armored beaches. And this is a habitat type that's  
14 common on -- outside of Prince William Sound and it has  
15 historically held a lot of -- well, lingering oil that has  
16 not been degrading very rapidly.

17 So in this particular project, what they  
18 would like to do is revisit those six sites along the  
19 Katmai and Kenai Fjords coast that they've monitored since  
20 1994. They've been monitoring these sites every three to  
21 five years. And the last time they went out was in 2005.  
22 And then what they want to do is look at the way these  
23 beaches are structured and the dynamics of these beaches  
24 and try and identify those characteristics of the beaches  
25 that make it possible for the lingering oil not to leave.

1                   I think that there had been an expectation  
2 or a conventional wisdom that in many of these areas these  
3 were high action, high energy beaches, and that the  
4 lingering oil would get washed away and that there would  
5 not be a problem. When then went out in 2005, they found,  
6 you know, this was not the case. They have very  
7 unweathered oil in those areas and something about that  
8 particular habitat type is keeping the oil from degrading  
9 or weathering or washing out of the beaches.

10                   So what they want to do is do quite a  
11 variety of measurements on quantifying how the armor  
12 develops, how it moves around. They want to measure some  
13 variables in the microclimate under the boulders,  
14 temperature pressure and moisture, and see if any of those  
15 things affect oil degradation. They also want to see if  
16 there's a little bit of leakage coming out from these  
17 beaches to try and help them determine if and when the oil  
18 might actually weather away.

19                   And then one of the things that they want  
20 to do is go out and actually do some boulder manipulation  
21 on the beaches such that they're going to float -- put  
22 floats on the boulders and have them float up and then see  
23 if the wave action comes in and -- or the water comes in  
24 and takes away some of the oil and measure how fast the oil  
25 degrades after that.



1                   This particular proposal -- the science  
2 panel had quite a few questions for the PI's on this  
3 proposal. They wanted to find out if there was going to be  
4 any sort of biological impacts of the oil as it was getting  
5 released and what sort of work they were doing to boom off  
6 any oil that would be released. They were curious if they  
7 needed to obtain any sort of permits for working in the  
8 national parks. And as it turns out, the boulder  
9 manipulation part of this project was only going to occur  
10 in Prince William Sound. So that ended up not being an  
11 issue.

12                   But one of the bigger questions that came  
13 out of this was this concern that the actual physical  
14 manipulation of these armored beaches would have long term  
15 consequences to biota in the area. And this has been  
16 generated by a project that the EVOS Trustee Council funded  
17 in the past with Dennis Lees. And he was -- he's been  
18 going out and looking at the effects of the oil spill and  
19 oil washing on clams in the area. And what he's come back  
20 with in his summary of his work is that the actual -- you  
21 know, everybody thought it was sort of the washing of the  
22 area had sort of washed away the clams or washed away the  
23 substrate surface that the -- the fine, so that the clams  
24 couldn't come back and re-colonize. And what his  
25 hypothesis is, that the actual physical restructuring of

1 these armored beaches has not returned, and so that it's  
2 this actual physical disturbance of the habitat that is  
3 preventing clams from coming back in those areas where the  
4 habitat has been so disturbed.

5                   And so one of the discussion points of the  
6 science panel was that if a project of this type was going  
7 to go forward, that it would be important to also add that  
8 element of impacts to biota from these changes in the  
9 physical habitat and seeing how long it would take for  
10 these habitats to restructure themselves so that it  
11 wouldn't affect the clams and the biota anymore.

12                   So they asked the PI's to address and which  
13 they did. They said that what they would like to do is add  
14 a year to their project and go out -- one of the things, in  
15 the areas that they're going back to and doing the  
16 lingering oil studies, in a lot of those areas they're in  
17 the very high tidal zone, so there's not a lot of biota in  
18 those areas, so they didn't think that that was going to be  
19 much of a problem with the study as it's proposed now. But  
20 they did recognize that this was an interesting question  
21 about the long term impacts to biota of the restructuring  
22 of these armored beaches and in areas where, if this is  
23 going to be used in the future as a bio-remediation tool,  
24 where you float these boulder armored beaches, obviously  
25 there would be areas where there would be biota and

1 potential impacts.

2                   So what they wanted to do, they came back  
3 with an amendment that said, well, if we could add a  
4 reconnaissance effort this summer where we went and tried  
5 to locate these beaches that had oil and had clams, then in  
6 the future we could propose that we went and looked at this  
7 restructuring of the beaches in relation to the clam  
8 populations.

9                   They were very responsive to the science  
10 panel comment and I appreciated their getting back to us on  
11 that. I think one of the things that I hesitated on on  
12 this proposal is that they -- it's a very expensive  
13 proposal, I think it's around, what, \$823,000. And I think  
14 there is some question about what the geographic extent of  
15 these types of beaches and -- with lingering oil is out in  
16 the Sound. Gail and those guys have gone back to the same  
17 six beaches since '94, so they're very familiar with those  
18 beaches, but the wide scale -- the geographic extent of  
19 these particular types of beaches and how they harbor  
20 lingering oil is kind of unknown. So I think that a  
21 project like this may be premature if we were to go out and  
22 fund something where they were spending so much money  
23 trying to identify ways of remediation in these particular  
24 habitats. But if these habitats weren't widespread, we  
25 might spend a bunch of money on a habitat type or an area

1 that sequestered lingering oil that wasn't very widespread.

2

3                   So I think if a project like this were to  
4 go forward, it would be more beneficial to wait until the  
5 results of the Jackie Michel project come back. We would --  
6 I -- we could see what type of habitats lingering oil is  
7 found in and then we could move forward with a project like  
8 this.

9                   The other thing, I think that it would also  
10 -- oh, one of the questions that were asked of the PI's,  
11 people were concerned in those areas where there may be  
12 biota that if you started moving these boulders around, all  
13 this oil is going to wash off down the beach and how would  
14 -- there could be toxicological impacts to those biota down  
15 the beach of these manipulations. And the answer to that  
16 was they felt like there was going to be a very small  
17 release of oil, in fact, under 10 percent of the oil that  
18 were contained in these sediments was probably going to be  
19 mobilized by just floating off the boulders. And so,  
20 again, it's sort of a cost benefit analysis of such of --  
21 if they're expecting such a little amount of oil to be  
22 removed from their own experiment, I'm not sure that it's  
23 cost effective at this point to spend so much money on a  
24 project that may only leave 10 percent or less of the oil  
25 that's out there.

1                   So that said, I think that one of their  
2 objectives of this project was to continue the long term  
3 monitoring of lingering oil on those sites that they've  
4 been going back to. I think that's very important. Like I  
5 said, in 2005, when they went back there, the oil had not  
6 weathered at all and it still was prevalent. I think they  
7 should -- I think there needs to be sort of a power  
8 analysis done on that part of the project to find out how  
9 often they do need to go back. They've been going out --  
10 back every couple of years but I don't know that -- well, I  
11 know that there hasn't been a power analysis done or any  
12 kind of a statistical analysis done on that project to find  
13 out how many times they need to go back to kind of detect  
14 change over time. So I think that they should do that.

15                   And then I do think that the question of  
16 whether you disturb these boulder armor habitats and is it  
17 the physical destruction of these habitats that is  
18 impacting biota and causing clams not to re-colonize in  
19 some of those areas where clams haven't re-colonized since  
20 the spill. I think that's an important question as well  
21 because clams remains as one of our recovering resources,  
22 but they haven't recovered, and it's in those areas that  
23 been -- you know, were washed and cleaned and manipulated  
24 back at the time of the spill.

25                   So I think that there's elements of this

1 project that should be considered in the future. I just  
2 think it's premature to fund it right now.

3 CHAIRMAN COLBERG: And I have a question on  
4 the advisory committee's recommendation to fund only the  
5 mussel survey component. What would that amount to as part  
6 of the -- has someone analyzed that?

7 DR. TRUST: You know, I'll -- I'm going to  
8 take responsibility for that. When I first presented this  
9 to the PAC, I thought that Gail had combined her two  
10 projects where she went and she did the mussel analysis,  
11 the contaminant analysis on the mussel beds with the  
12 lingering oil. And those are separate projects. There is  
13 a mussel component to this project. What they were going  
14 to do was when they floated off the boulders and the oil  
15 was washing out of the beaches, they were going to go down  
16 beach and collect mussels to see if they were being  
17 contaminated by this oil that was being released. That's  
18 different than her project of going out and doing analysis  
19 of the mussel beds that she's been doing over the long  
20 term. That's not part of this project. So it was actually  
21 a misrepresentation on my part to the PAC because I thought  
22 she had combined those two.

23 CHAIRMAN COLBERG: So you really couldn't  
24 extract the mussel component from this because.....

25 DR. TRUST: No.

1 MR. O'CONNOR: .....that's dependent on  
2 moving the boulders in the first place.

3 DR. TRUST: Right. Right. So.....

4 CHAIRMAN COLBERG: Any questions from the  
5 panel?

6 MR. ZEMKE: So you would recommend to not  
7 fund or to just defer the project until -- you're saying  
8 the Michel project and some of the other information gets  
9 in?

10 DR. TRUST: Yeah, I absolutely think they  
11 should bring this back before the Trustee Council, I just  
12 don't think -- I think it's premature to fund it this year.  
13 So I'm not sure if that's a defer till next year or defer  
14 till the result.....

15 MR. BAFFREY: There is no defer. It would  
16 be, you know, come back in with the proposal with the next  
17 invitation.

18 CHAIRMAN COLBERG: Any further discussion  
19 by the panel?

20 MR. HARTIG: Go ahead, Mr. Zemke.

21 MR. ZEMKE: You mentioned that they need to  
22 do the power analysis. Is that -- do they have the funds  
23 or resources to be able to do that or would they be coming  
24 back to us again to say do this?

25 DR. TRUST: That would be something that we

1 could recommend that they go and do and give them that  
2 funding to do that. I know they haven't done that. I  
3 specifically asked Gail that question.

4 MR. ZEMKE: Do we have any estimate, about  
5 how much that would cost?

6 DR. TRUST: No.

7 MR. BAFFREY: No.

8 DR. TRUST: We don't. I know we went and  
9 asked Dave Irons to do a power analysis on the seabird work  
10 at one point but I don't remem -- I -- that's before my  
11 time and I don't know what those costs were.

12 MR. ZEMKE: I guess that would be something  
13 then they should just incur, it's hopefully not that  
14 significant. So if indeed they want to push this forward,  
15 then they may have to be able to.....

16 MR. BAFFREY: Be part of the proposal.

17 CHAIRMAN COLBERG: Mr. Hartig.

18 MR. HARTIG: Yes. Well, the comments you  
19 made regarding waiting until we had the results of the  
20 Michel study makes sense to me and I was wondering too, in  
21 conjunction with that, if there's a way of scaling this  
22 project again to address specifically the sites or the  
23 types of sites that we're most interested in. And, you  
24 know, I don't know if it.....

25 DR. TRUST: You mean at -- when we get the



1 results of the Michel report and find.....

2 MR. HARTIG: Right, whether it will be a  
3 million dollar proposal or half that or whatever, I don't  
4 know but.....

5 DR. TRUST: Uh-huh. (Affirmative)

6 MR. HARTIG: .....you know, a little more  
7 targeted.

8 DR. TRUST: Yeah, certainly we could ask  
9 them for that.

10 CHAIRMAN COLBERG: Any further questions or  
11 comments before we act?

12 MR. O'CONNOR: Not I.

13 CHAIRMAN COLBERG: Is there a motion for a  
14 course of action?

15 MR. O'CONNOR: I move that we not approve  
16 the project.

17 CHAIRMAN COLBERG: Is there a second?

18 MR. HARTIG: I'll second.

19 CHAIRMAN COLBERG: It's been moved and  
20 seconded. Is there any opposition to the motion to not  
21 fund the project?

22 (No audible responses)

23 CHAIRMAN COLBERG: Unanimous to not fund  
24 this project. Did you want to proceed on any of the others  
25 or -- that you were going to comment on in particular

1 order?

2 DR. TRUST: Oh. We can just go back

3 to.....

4 CHAIRMAN COLBERG: Back to the top.

5 DR. TRUST: .....the order that they're in

6 now. I just.....

7 MR. BAFFREY: And Patrick-Riley is next.

8 DR. TRUST: Yeah. I just thought if I

9 talked about the Irvine proposal before the Michel

10 proposal, it would make sense.....

11 CHAIRMAN COLBERG: Sure.

12 DR. TRUST: .....when I was explaining that

13 I thought deferring it would.....

14 CHAIRMAN COLBERG: Patrick-Riley.

15 DR. TRUST: .....be more reasonable. All

16 right. The Patrick-Riley report was submitted by somebody

17 over at ADEC. A couple of folks from ADEC. And what they

18 want to do is go back out to 23 beaches that they said were

19 impaired from petroleum remaining from the spill and they

20 want to determine if these waters either need a TMDL or if

21 they -- a Total Maximum Daily Load requirement -- or they

22 can develop a rationale that shows that one is not needed.

23

24 They also want to -- they want to go to

25 those 23 beaches. The also want to add seven contingency

1 beaches, and then they want to add four control beaches.  
2 And they also want to expand that over the next number of  
3 years to identify any other beaches that may have lingering  
4 oil remaining in them and do shoreline assessment and then  
5 write contingen -- or not contingency plans, feasibility  
6 studies on what to do about the lingering oil that remain  
7 in these beaches.

8                   This is an interesting project because the  
9 whole impetus behind this project is that EPA is requiring  
10 the State to go back and look at these and determine TMDL's  
11 because they're on the impaired water body list. But these  
12 beaches are not on the impaired water body list, they're  
13 not on the 30D -- 303D list, they're actually on the 4B  
14 list, which is the -- the water bodies are impaired but not  
15 needing TMDL's. So the driver behind this report is not  
16 accurately reflected in their request here.

17                   Also, this project is very focused on  
18 regulatory compliance for water quality. They want to  
19 develop water quality standards and they're equating  
20 regulatory compliance with restoration. And they focus a  
21 lot on water, water is not an injured resource under the  
22 restoration plan. This proposal doesn't really address  
23 restoration of any of the injured resources or services. A  
24 lot of the analytical data that they're going to propose is  
25 all making sure that all of these things are in compliance

1 with water quality standards.

2                   So I'm a little bit at a loss as to what to  
3 do about this one because I don't think it fits into the  
4 guidelines of the restoration plan.

5                   CHAIRMAN COLBERG: Any questions or  
6 comments on this by -- Commissioner Hartig.

7                   MR. HARTIG: Yeah, I think that what DC  
8 needs to do is take a closer look at this and I think this  
9 time, you know, we're not really expecting action on this  
10 proposal.

11                  CHAIRMAN COLBERG: Any other questions or  
12 comments?

13                  (No audible responses)

14                  CHAIRMAN COLBERG: Is there a motion for  
15 action?

16                  MR. ZEMKE: I move that we don't approve  
17 the Patrick-Riley proposal.

18                  MR. O'CONNOR: I would second that but I --  
19 what I just heard from the Commissioner is that ADEC would  
20 like to revisit this contribution and I'm not quite sure  
21 mechanically how we'd do that. Perhaps what I would say  
22 then instead of disapproving, that the Trustee Council  
23 remove it from the agenda for purposes of consideration at  
24 this point.

25                  MR. BAFFREY: Can we vote on the motion?

1                   CHAIRMAN COLBERG: Is that.....

2                   MR. BAFFREY: And you note the.....

3                   CHAIRMAN COLBERG: Is that -- are you.....

4                   MR. BAFFREY: They have to vote on the

5 motion or withdraw the motion.

6                   MR. ZEMKE: Well, that would be -- Craig

7 would be.....

8                   MR. O'CONNOR: Yeah, I -- what I'm trying --

9 what I'm.....

10                  CHAIRMAN COLBERG: Never mind. He's

11 seconding it.

12                  MR. O'CONNOR: I second Steve's motion.

13                  MR. ZEMKE: I guess in discussion then I

14 think in my mind we should probably vote the proposal down.

15 It's gone all the way at this point and it's kind of late

16 to hear.....

17                  MR. BAFFREY: And then come back in.

18                  MR. ZEMKE: ....and then with a -- and a

19 record to say that we realize that ADEC wants to revisit

20 the proposal and looking at next year's invitation or what

21 -- if it meets the invitation requirements, then their --

22 they could put in another proposal at that time.

23                  CHAIRMAN COLBERG: And I would note that

24 the Science Panel, the Advisory Committee, the Science

25 Director, and the Executive Director all recommended not to

1 fund also. Is there any opposition to the motion to  
2 decline this project?

3 (No audible responses)

4 CHAIRMAN COLBERG: Hearing none, this  
5 project is unanimously declined. Thank you.

6 MR. BAFFREY: Brown-Schwalenberg.

7 DR. TRUST: Brown-Schwalenberg. The  
8 proposal by Brown -- Patty Brown-Schwalenberg quantifying  
9 subsistence recovery for -- in EVOS affected Native Alaska  
10 communities using community based knowledge.

11 This project is a great idea. I think the  
12 science panel all agreed that it was a good idea. What  
13 this proposal offered to do was to develop the relationship  
14 -- or determine the relationship among subsistence --  
15 traditional use subsistence areas, lingering oil areas, and  
16 the perceived confidence in food safety. There was --  
17 there quite a bit of community involvement in this project.  
18 They're going to develop maps that show how all of these  
19 areas overlay and they're going to be doing some GIS  
20 analysis of the traditional use areas and these perceived  
21 areas of contamination and how the communities still feel  
22 about areas that may or may not be contaminated.

23 The problem with this proposal came with  
24 the implementation of how they were going to get it done.  
25 There was no detailed methods, I mean, the methods are

1 essentially non-existent. They do identify these four data  
2 collection formats that have been developed for traditional  
3 use and local ecological knowledge, collection of that type  
4 of data, but they don't explain how those different formats  
5 and structures are going to be integrated. They say they  
6 need to go out and collect a lot of information but they  
7 don't tell us what information they're going to collect and  
8 how they're going to collect it. Apparently they're going  
9 to be doing interviews but you kind of have to read between  
10 the lines to figure that out. As a matter of fact, in  
11 their products, they say they're going to provide us with a  
12 report that has a detailed method section.

13                   So, you know, they -- my impression of this  
14 proposal was that they came up with an idea that is very  
15 interesting and if they fleshed it out and made it more  
16 detailed, we could consider it again. But it's just not  
17 detailed enough for us to do a very good evaluation. And  
18 some -- in several instances we have gone back to PI's and  
19 said, can you tweak your proposal a little bit or just add  
20 a section or remove this, you know, small component or  
21 adjust your budget so that we can evaluate it better. This  
22 proposal was not devel -- I mean, it was -- you just need  
23 to sit down with the PI and redo the whole proposal. I  
24 mean, there was just not evidence for us to evaluate. And  
25 the two PI's on this I think are very well qualified. They

1 have a PhD NOAA scientist and Patty Brown-Schwalenberg has  
2 quite a bit of history working with the local communities  
3 in the spill area. And my feeling of this was it was  
4 something that she didn't have enough time to develop very  
5 thoroughly. So great idea but I'm not sure what our  
6 products would be. I'm not sure how they would go about  
7 getting what it is that they were trying to get to us and  
8 how all of the things that they were trying to fit together  
9 would actually fit.

10 MR. BAFFREY: And I agree with that. I  
11 would -- I'm also recommending not funding this but in  
12 response to Bob Heinrich's comment about this project  
13 earlier, I would highly encourage the PI's in the future to  
14 work with the Native Village of Eyak and the other villages  
15 around the spill impacted area and develop this methodology  
16 and partnership, because that's going to be the source of  
17 her information, is the residents of these villages.

18 CHAIRMAN COLBERG: Any comments or  
19 questions from the panel?

20 MR. ZEMKE: Also, I think on this side  
21 about lingering oil, I think the Michel project might  
22 help.....

23 DR. TRUST: Absolutely.

24 MR. BAFFREY: Uh-huh. (Affirmative)

25 MR. ZEMKE: .....them provide more -- at



1 least the background template of what the overall lingering  
2 oil distribution is, and so that would, I think, fit in  
3 very nicely with kind of a repackaged proposal that you  
4 come -- because I do believe the idea about subsistence use  
5 and the uncertainty about the safety of food resources is a  
6 very critical idea that needs to be resolved. And I think  
7 this is a process that leads us down that line but at the  
8 same time, I think it maybe is a little premature, not  
9 being able to fully understand what the -- how they're  
10 going to get to that end result.

11 CHAIRMAN COLBERG: Any further comments,  
12 questions?

13 MR. O'CONNOR: I would move to disapprove  
14 the project.

15 CHAIRMAN COLBERG: Is there a second?

16 MR. NEDIG: Second.

17 CHAIRMAN COLBERG: Moved and seconded. Is  
18 there any opposition to the motion to disapprove the  
19 project?

20 (No audible responses)

21 CHAIRMAN COLBERG: Hearing none, it's  
22 unanimous. Thank you.

23 MR. BAFFREY: So do we want to take a break  
24 before the -- do you want to take a break before the -- get  
25 into Cordova?

1                   CHAIRMAN COLBERG: The question has been  
2 posed, do we want to take a break before we move forward or  
3 not?

4                   MR. O'CONNOR: Only if you want my  
5 undivided attention.

6                   (Laughter)

7                   CHAIRMAN COLBERG: Well, now which way are  
8 you leaning? We'll take a five or 15 minute -- what's your  
9 normal.....

10                  MR. BAFFREY: I think five would be fine.

11                  CHAIRMAN COLBERG: A five minute break.

12                  (Off record)

13                  (On record)

14                  CHAIRMAN COLBERG: Okay. So Hans, you're  
15 there. Denby is there. We're all here again. We'll  
16 reconvene the meeting. I've been gently advised during the  
17 break that it's probably not right to move to not approve  
18 projects in the sense that if the vote wasn't unanimous, we  
19 might create a conundrum of unanimous action. So in the  
20 future, we'll probably just move to approve projects, and  
21 then if there's not a unanimous vote, it dies that way.  
22 And so that's procedurally probably a safer way to approach  
23 any future votes. So.....

24                  MR. NEDIG: Understood.

25                  CHAIRMAN COLBERG: Okay. The next item is

1 the Joyce project. Is there a report?

2 MR. BAFFREY: And I'll present the  
3 background on this. Actually, the Mayor has done a great  
4 job of this over the last three or four years of presenting  
5 it and unfortunately, you know, the body of the council is  
6 mostly new. What the City of Cordova is proposing is a --  
7 to build a town center, actually a town hall, a portion of  
8 which, about 45 percent of that is to be -- they're  
9 requesting Trustee Council funding on. And they're  
10 building a 34,000 square foot -- they're proposing a 34,000  
11 foot -- square foot building and they're -- of that, 14,600  
12 plus, I believe, is -- they're recommending be funded by  
13 the Trustee Council because it is -- has a relation to the  
14 settlement funds.

15 There's several components of that that  
16 they are saying are restoration related, and that being the  
17 library, the conference facility, an archive for back --  
18 legal documents and other documents. And that the basis  
19 for that is what they are judging their cost estimates on.  
20 It's a phase project. They're looking for a small amount  
21 of the monies for this year to pursue their design and  
22 constru -- their design and then the actual construction is  
23 expected to start in the next 14 to 17 months.

24 Some of the comments that -- and I'm the  
25 only one who commented on the addendum on this but some of

1 the concerns that I have is that their -- in their funding  
2 request, they want Trustee Council funding for 7.5 million  
3 dollars with -- to initiate negotiations with other funding  
4 sources. So we would be putting monies into the project  
5 with the community's intent of them pursuing other funding  
6 sources. I am very uncomfortable with recommending that  
7 the Trustee Council do that.

8                   The library is to house documents that are  
9 currently being housed at the ARLIS library and that can be  
10 accessed online through the Trustee Council's website. The  
11 archive, there is a question about whether or not the  
12 archives that are currently being housed under State  
13 statute would be able to be released to the Cordova Center.  
14 So that question is yet to be answered.

15                   Some of the comments that we received from  
16 our architectural review was that there was not enough of  
17 the design to allow for an adequate architectural review  
18 and that project management was not identified at this  
19 point. So from the review point, it was felt that it was  
20 premature to actually make a decision on whether or not  
21 this is viable project.

22                   Some of the other comments that we received  
23 was that it seems like this is a very large facility for  
24 both the population base of the community and the visitor  
25 tourism industry that would be visiting Cordova. That

1 pretty much I believe is where we're at on this. And I --  
2 at this point I would just suggest that we open it up for  
3 discussion.

4 CHAIRMAN COLBERG: Okay. Do we have any  
5 comments or questions from -- yes, Mr. -- Commissioner  
6 Hartig.

7 MR. HARTIG: Yeah, I have kind of a more  
8 basic concern, I guess, is partly just being a new trustee,  
9 but I think -- I get the sense, you know, already from --  
10 that maybe some of the other trustees share this -- and  
11 that is that to fund a project like this in itself is a bit  
12 of a step, as I understand, for the council. And that I  
13 think it would be appropriate for us to have a broader  
14 discussion, more on the future of the trust and what our  
15 goals are and how we think the money should be spent. Not  
16 just dealing in individual projects, but for the type of  
17 projects or, you know, what our goal is, you know, this far  
18 into the spending of the trust monies and what do we have  
19 left to do.

20 So I'd rather have, I guess, a bit more  
21 orientation and discussion among this group about our  
22 objectives before really considering the merits of this  
23 project. And I think if we could table it, that's what I  
24 would propose doing -- and I could put that in a motion if  
25 that's appropriate -- and give it some more thought about

1 the direction of the trust in general, and particularly in  
2 regards to these type of projects before we actually get  
3 down to the merits of this particular proposal.

4 CHAIRMAN COLBERG: And if we're going to do  
5 that, maybe we could wait until we see if there's further  
6 discussion first.....

7 MR. HARTIG: Right. I think we need to  
8 get.....

9 CHAIRMAN COLBERG: .....and then make the  
10 motion.

11 MR. HARTIG: Because I think it would be  
12 good to have some more discussion on this project, just to  
13 help them, if we're going to table it, to come back and  
14 address some of these other issues that we can identify  
15 today, so.....

16 CHAIRMAN COLBERG: Any further questions or  
17 comments at this stage from anyone else on the panel or on  
18 the phone?

19 MR. BAFFREY: If I can respond to  
20 Commissioner Hartig.

21 CHAIRMAN COLBERG: Sure.

22 MR. BAFFREY: I would suggest if you're  
23 going to do that, and just in consideration of the  
24 community, that you table it to a specific meeting into the  
25 future so they can be prepared to be here.

1                   CHAIRMAN COLBERG:  When is our next  
2  scheduled meeting?

3                   MR. BAFFREY:  March 28th.

4                   CHAIRMAN COLBERG:  Is that too soon?

5                   MR. HARTIG:  I think that's too soon  
6  because I'd like to have the discussion at that March  
7  meeting and not feel like we're under the gun.....

8                   CHAIRMAN COLBERG:  What's the next  
9  meeting.....

10                  MR. HARTIG:  .....you know, to make a  
11 decision.

12                  CHAIRMAN COLBERG:  .....after that?

13                  MR. BAFFREY:  We don't have one but I will  
14 definitely let you know when it's going to be.

15                  MR. HARTIG:  I mean, I think we need to  
16 progress as quickly as we can on this, but I think we need  
17 to have -- finish that discussion before we move forward.

18                  CHAIRMAN COLBERG:  Is it generally  
19 understood what month it would be in?  The next meeting?

20                  MR. BAFFREY:  We'll basically decide that  
21 at our next meeting.  Yeah.

22                  CHAIRMAN COLBERG:  I guess then the motion  
23 would be.....

24                  MR. BAFFREY:  I'm going to assume it will  
25 be in April.

1 CHAIRMAN COLBERG: .....to table to this  
2 second meeting that we have.

3 MR. ZEMKE: On a specific question, did you  
4 address the spill response portion of it? You didn't  
5 mention that where -- in your write-up here it says that  
6 you thought that we couldn't spend Trustee Council money on  
7 that kind of.....

8 MR. BAFFREY: You know.....

9 MR. ZEMKE: .....activity.

10 MR. BAFFREY: .....that's the question that  
11 I -- what Steve is referring to is that I had made a  
12 comment that we do not fund spill -- oil spill prevention  
13 and response activities. That I understand subsequently is  
14 not a united position of the Trustee Council members. So  
15 I.....

16 CHAIRMAN COLBERG: It's not necessarily a  
17 policy position.....

18 MR. BAFFREY: Exactly.

19 CHAIRMAN COLBERG: .....it's a divided  
20 question there.....

21 MR. BAFFREY: Exactly.

22 CHAIRMAN COLBERG: .....in the past, the  
23 council has not been unanimous on.

24 MR. BAFFREY: And I thought it was. So  
25 when I wrote this, I was in error, which is why I chose not



1 to say it today. Thanks, Steve.

2 (Laughter)

3 MR. ZEMKE: You should have talked to me  
4 before.

5 CHAIRMAN COLBERG: So that means it should  
6 be in bold print in the official minutes.

7 MR. O'CONNOR: Along with the confession.

8 MR. ZEMKE: Yeah, look -- I guess other  
9 things, but looking at the proposals, I -- obviously the  
10 14,655 square feet of the space, I guess we had questions  
11 about how much we could directly relate back to -- even if  
12 we buy into the arguments that recreation -- there's damage  
13 to recreation tourism services, also passive uses, that  
14 some of those damages could be immediately rated by  
15 construction of a facility. You know, the question is  
16 whether all of it, you know, basically they have that  
17 14,000 square feet, essentially it's a request for a  
18 hundred percent EVOS funding and obviously I think there  
19 would be a lot of activities that wouldn't directly relate  
20 to EVOS impacts or kind of programs. And so I think before  
21 we'd be ready to -- if indeed we went down this path, we'd  
22 need to look at more fine scale delineation about what the  
23 rooms do. You know, what kind of activities are actually --  
24 would be looked at. You know, are they all EVOS related  
25 activities or are there a suite of others and then are

1 those other activities do they -- do have nexus to EVOS.  
2 So the idea about deferring this or tabling it until we get  
3 further along probably makes sense to me.

4                   The other one is I think, you know, the  
5 PAC's comment about Cordova has this proposal, well,  
6 there's potentially one maybe from Valdez, from Whittier,  
7 maybe some other communities, Chenega, Tatitlek, that  
8 haven't had a proposal. And if indeed we do want to go  
9 down this way, and I'm not saying we do, then we need to  
10 have kind of a comprehensive vision if that what we really  
11 do want to do. And I think there's been talk about, you  
12 know, the visioning and the Trustee Council's getting  
13 together and maybe looking -- re-looking at the restoration  
14 plan. And I think we need to probably get that in order  
15 before we really embark on large scale programs that maybe  
16 deviate from past procedures.

17                   MR. BAFFREY: You also heard the Executive  
18 Director Bruce Cain of the Native Village of Eyak, you  
19 know, talk about the unsolicited proposal that we just  
20 received. And the Native Village of Eyak is Cordova, so  
21 they're -- you know, there's two proposals right there from  
22 Cordova.

23                   CHAIRMAN COLBERG: Any further comments or  
24 suggestions or thoughts from the panel?

25                   MR. LLOYD: Mr. Chairman, this is Denby.

1                   CHAIRMAN COLBERG: Yes.

2                   MR. LLOYD: I concur with the comments thus  
3 far that rather than voting this project up or maybe more  
4 likely down at this point, that we ought to consider it in  
5 conjunction with our further thoughts on what the future  
6 progress will be with this group of Trustee Council members  
7 for the remainder of the fund. Thanks.

8                   CHAIRMAN COLBERG: Thank you, Commissioner  
9 Lloyd. If there are no other comments, we can move forward  
10 with a motion to table to the second meeting.

11                  MR. ZEMKE: I had a question, maybe from  
12 Mayor Joyce, about -- if that's okay?

13                  CHAIRMAN COLBERG: Yes.

14                  MR. ZEMKE: Funding-wise, are there any --  
15 of your funding string that you currently have that's going  
16 to expire.....

17                  CHAIRMAN COLBERG: Yes, please, Mayor.

18                  MR. ZEMKE: .....within the next.....

19                  MS. SHERMAN: No, 2010.

20                  MR. ZEMKE: .....year or two.

21                  MR. JOYCE: No, our -- Trustee Council,  
22 this is Tim Joyce, I'm Mayor in Cordova. The funding  
23 sources we have right now, I think they would come due in  
24 2010 basically. We have a few more years of which it's  
25 being held, at which time we either have to be in

1 construction or spending the money or it would be  
2 relinquished.

3 CHAIRMAN COLBERG: And Mayor Joyce, it's  
4 actually your position that you'd prefer that we postpone  
5 action until we have more time to review things as well?

6 MAYOR JOYCE: I would think that it would  
7 be appropriate since there's so many new Trustee Council  
8 members and it is a little bit of a different project. As  
9 you saw, it didn't go through a scientific review process.  
10 It's not a science project. So it would be appropriate. I  
11 have no problem with waiting a little longer, discussing  
12 it. Have a little more discussion and negotiating as to  
13 what's appropriate, what's not appropriate.

14 CHAIRMAN COLBERG: Thank you.

15 MR. BAFFREY: I have a question. Are there  
16 funds available to finish the design phase of this project?

17 MAYOR JOYCE: Yes.

18 MR. BAFFREY: Okay.

19 MAYOR JOYCE: Yes.

20 MR. BAFFREY: Non-Trustee Council money?

21 MAYOR JOYCE: Yes.

22 MR. BAFFREY: Okay.

23 MAYOR JOYCE: We have -- already in our  
24 funds that we have available right now is approaching four  
25 million dollars for this project, of which we have spent

1 approximately a million dollars or thereabouts on.....

2 MS. SHERMAN: But our documents are 85  
3 percent completed at this time.

4 MAYOR JOYCE: Right. That's the design as  
5 well as construction drawings.

6 CHAIRMAN COLBERG: Mr. O'Connor, did you  
7 have a question?

8 MR. O'CONNOR: No, do we have -- I guess we  
9 need the motion to table that.

10 CHAIRMAN COLBERG: Right.

11 MR. HARTIG: Yeah. I.....

12 CHAIRMAN COLBERG: Commissioner.....

13 MR. HARTIG: .....move to table the City of  
14 Cordova proposal until the meeting after next to give the  
15 council more time to consider the future direction of the  
16 council in terms of funding projects like this.

17 CHAIRMAN COLBERG: Okay. Is there a  
18 second?

19 MR. O'CONNOR: I'd second that motion.

20 CHAIRMAN COLBERG: Is it -- any opposition  
21 to this motion?

22 (No audible responses)

23 CHAIRMAN COLBERG: It's unanimous. It's  
24 postponed to our second meeting. Thank you. Okay. That  
25 would appear to take care of the public portion of the

1 agenda. Do we have a motion to move into executive  
2 session?

3 MR. O'CONNOR: So moved, Mr. Chairman.

4 CHAIRMAN COLBERG: Do we have a.....

5 MR. O'CONNOR: I have moved to address  
6 matters both personnel and legal issues to -- that need to  
7 be brought to the council's attention in an executive  
8 session.

9 CHAIRMAN COLBERG: Okay. Do we have a  
10 second?

11 MR. ZEMKE: Second.

12 CHAIRMAN COLBERG: And so with regard to  
13 the public, I'm sorry, we have to ask you to leave the  
14 room, but we're going to go into executive session.

15 MR. TILLERY: Mr. Chairman?

16 CHAIRMAN COLBERG: Yes.

17 MR. TILLERY: I know that in the past  
18 sometimes that the executive session is the last item. If  
19 the council can sort of affirmatively tell the public that  
20 we would only be coming back in a public session in order  
21 to adjourn, then the public doesn't have to hang around.

22 CHAIRMAN COLBERG: Yes, Mr. Tillery is  
23 absolutely correct. There is not likely to be any reason  
24 to hang around unless the executive session were to take  
25 action as a result of the exec -- after the executive

1 session. So it's unlikely there would be any reason to be  
2 here at the end of this process.

3 (Off record -- 11:05 a.m.)

4 (Executive Session)

5 NOTE: The Trustee Council came out of Executive Session at  
6 11:50. Mr. Neidig moved for adjournment and it was  
7 seconded by Mr. O'Connor. No new business was conducted.

8 (MEETING ADJOURNED - 11:50 A.M.)

9 (END OF PROCEEDINGS)

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C E R T I F I C A T E

UNITED STATES OF AMERICA )  
 ) ss.  
STATE OF ALASKA )

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

THAT the foregoing pages numbered 4 through  
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Exxon Valdez Oil Spill Trustee Council's Meeting recorded  
electronically by me on the 16th day of February 2007,  
commencing at the hour of 9:05 a.m. and thereafter  
transcribed under my direction and reduced to print:

THAT the Transcript has been prepared at  
the request of:

EXXON VALDEZ TRUSTEE COUNCIL, 451 W. 5th  
Avenue, Suite 500, Anchorage, Alaska 99501;

DATED at Anchorage, Alaska this 23rd day of  
February 2007.

SIGNED AND CERTIFIED TO BY:

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