

1 EXXON VALDEZ OIL SPILL
2 TRUSTEE COUNCIL
3 Teleconference Public Meeting
4 Tuesday, May 9, 2006
5 10:00 o'clock a.m.
6 441 West 5th Avenue, Suite 500
7 Anchorage, Alaska

8 TRUSTEE COUNCIL MEMBERS PRESENT TELEPHONICALLY:

9 U.S. DEPARTMENT OF COMMERCE, MR. CRAIG O'CONNOR for
10 National Marine Fisheries Svc: MR. JAMES W. BALSIGER
11 (Chair) Administrator, AK Region

12 U.S. DEPARTMENT OF INTERIOR: MS. DRUE PEARCE
13 U.S. Department of Interior

14 STATE OF ALASKA - MR. DAVID W. MARQUEZ
15 DEPARTMENT OF LAW: Attorney General

16 STATE OF ALASKA - DEPARTMENT MR. KURT FREDRIKSSON
17 OF ENVIRONMENTAL CONSERVATION: Commissioner

18 STATE OF ALASKA - DEPARTMENT MR. McKIE CAMPBELL
19 OF FISH AND GAME: Commissioner

20 U.S. DEPARTMENT OF AGRICULTURE, MR. JOE MEADE
21 U.S. FOREST SERVICE Forest Supervisor

22 Proceedings electronically recorded, then transcribed by:
23 Computer Matrix Court Reporters, LLC, 3522 West 27th,
24 Anchorage, AK 99517 - 243-0668
25 jpk@gci.net

1 TRUSTEE COUNCIL STAFF PRESENT:

2

3 MICHAEL BAFFERY Acting Executive Director

4

5 CHERRI WOMAC Administrative Officer

6

7 CRAIG TILLERY Alaska Department of Law

8

9 GINA BELT Department of Justice

10

11 STEVE ZEMKE U.S. Forest Service

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

P R O C E E D I N G S

(Anchorage, Alaska - 5/9/2006)

MR. MEADE:decide who is going to chair
the meeting.

CHAIRMAN O'CONNOR: All right. Well, I have
a proposition before we get started.

MR. MEADE: Okay.

CHAIRMAN O'CONNOR: I would like us to go
into executive session first. I would like to call this
meeting, the dada, dada, dot meeting of the Exxon Valdez
Trustee Council to order.

MR. MEADE: Okay. Next item is consent
agenda.

CHAIRMAN O'CONNOR: You all have a copy of
the agenda in front of you?

MR. MEADE: I do and I've reviewed it and I
concur.

CHAIRMAN O'CONNOR: Okay.

MR. MEADE: And I was suggesting, if I may?
I was suggesting that we defer approval of the March 29th
meeting minutes, defer that and the PAC comments until the
May 23rd meeting.

MS. PEARCE: So moved.

MR. CAMPBELL: Second.

CHAIRMAN O'CONNOR: All in favor.

1 IN UNISON: Aye.

2 CHAIRMAN O'CONNOR: Okay, so done.

3 MR. MEADE: Okay. And, Drue, you moved and
4 who did the second?

5 MR. CAMPBELL: I seconded, McKie.

6 MR. MEADE: Okay, McKie seconded. Now the
7 public comment period.

8 CHAIRMAN O'CONNOR: Do we have anybody from
9 the public who would like to comment either that's on the
10 line or actually in the room. Is anybody there?

11 MR. MEADE: No.

12 CHAIRMAN O'CONNOR: Okay.

13 MR. MULLINS: Ross Mullins in Cordova.

14 CHAIRMAN O'CONNOR: Okay, Ross.

15 MR. MULLINS: Good afternoon or good morning,
16 gentleman and ladies. I just wanted to speak in favor and
17 commend the workshop that the Executive Director and the
18 Science Director put on, it was about 10 days ago, on
19 herring. We found it very well organized and very
20 educational and appropriate to the issues of herring
21 recovery, so I know they're working hard at getting it
22 organized so that on your May 23rd meeting they will have a
23 good presentation to make to you all. And I urge you to
24 support their recommendations. To my knowledge things are
25 moving along well in that regard, so I just wanted to comment

1 that it was well done and we appreciate that effort that you
2 put forward.

3 Thank you.

4 CHAIRMAN O'CONNOR: Thank you very much,
5 Ross. And do we have anybody else that would like to
6 comment?

7 (No audible response)

8 MR. MEADE: Okay. The next item would have
9 been the Executive Director's report, but this would be a
10 great time for you to go into executive session.

11 CHAIRMAN O'CONNOR: Okay. I move -- wait,
12 does anybody have any objection of going into executive
13 session at this point?

14 MS. PEARCE: Does everybody have the phone
15 number? I do.

16 MR. MEADE: I do.

17 MS. PEARCE: Okay.

18 CHAIRMAN FREDIKSSON: Yeah, we have.

19 MS. PEARCE: And then I would second the
20 motion.

21 MR. TILLERY: I don't.

22 CHAIRMAN O'CONNOR: Who's I don't?

23 MR. TILLERY: This is Craig Tillery, if
24 someone wants me in executive session I don't have the phone
25 number.

1 MR. BAFFERY: Craig, we'll call you.

2 MR. TILLERY: Okay. Are you at your office?

3 MR. BAFFERY: Yes.

4 CHAIRMAN O'CONNOR: That was by design,
5 Craig, we're going to talk about you.

6 MS. PEARCE: And I think that we do have to
7 state the purpose of executive session, which is for
8 personnel reasons, correct?

9 MR. CAMPBELL: Correct.

10 CHAIRMAN O'CONNOR: Yes.

11 MR. TILLERY: But, Craig, you wanted to do
12 that because you have other things?

13 CHAIRMAN O'CONNOR: I would like to talk
14 about both the personnel matters and I want to talk about
15 ongoing litigation.

16 MS. PEARCE: Okay. I second. Do we have
17 Gina on line and/or do we need to find her?

18 MS. BELT: Yes, I am here, Drue, and I do
19 have the number.

20 MS. PEARCE: Okay.

21 MR. MULLINS: Do we leave this line open
22 then? Do we close this line and open it when you guys come
23 back?

24 MR. CAMPBELL: Yes.

25 MR. FREDIKSSON: Yes.

1 MR. MULLINS: Okie-doke.

2 MS. PEARCE: Do you have an estimated time to
3 return?

4 CHAIRMAN O'CONNOR: Let's see, 30 minutes.

5 MS. PEARCE: Okay.

6 MR. MULLINS: So 20 until 11, we'll reappear?

7 CHAIRMAN O'CONNOR: Right.

8 MS. PEARCE: Craig, do you want Michael on
9 any portion of the call?

10 CHAIRMAN O'CONNOR: Yes, I'm going to want
11 him on the litigation part of the call, I think.

12 MS. PEARCE: Can we do that first, so he can
13 be on and then we can let him go?

14 CHAIRMAN O'CONNOR: Yes, that's fine, let's
15 do that.

16 MS. PEARCE: Okay.

17 MR. MEADE: Do we need to take a vote on that
18 vote to go into executive session?

19 CHAIRMAN O'CONNOR: Do I hear any objections?
20 (No audible response)

21 CHAIRMAN O'CONNOR: Hearing none.

22 MR. MEADE: Okay. We off line here.

23 CHAIRMAN O'CONNOR: Thank you.

24 (Off record)

25 (On record)

1 CHAIRMAN O'CONNOR: We're back in session, we
2 just completed an executive session where we discussed first
3 with our attorneys matters of litigation and secondly the
4 selective process for the Executive Director, a matter of
5 personnel nature.

6 At this point we are back on the agenda. We
7 have deferred item three, I'm told, the Public Advisory
8 Committee comments to our meeting at the latter part of the
9 month. We have already had the public comment session. At
10 this stage we're at the Executive Director's report. I think
11 prior to proceeding with that I would ask McKie if he would
12 please.....

13 MR. CAMPBELL: Or I think Joe was going to
14 make the motion.

15 CHAIRMAN O'CONNOR: Or Joe.

16 MR. MEADE: Yes, I'd be pleased to make the
17 motion if the time would be correct to do so.

18 CHAIRMAN O'CONNOR: Would you, please.

19 MR. MEADE: I'd like to make a motion to the
20 Trustees that we extend an offer for our Executive Director
21 position to Michael Baffery. McKie and I both were involved
22 in extensive process on behalf of the Trustees. We received
23 a large number of applicants which were paneled through our
24 State Department of Fish and Game as they have handled
25 personnel practices and procedures for EVOS and those were

1 narrowed down to four highly qualified candidates to which
2 McKie and I then gave personal interviews to and we were
3 impressed with all four applicants, but of the four one
4 individual uniquely demonstrated the knowledge, skill and
5 ability to provide the interpersonal leadership and the
6 connectiveness with our scientists, with our Public Advisory
7 Committee, with each of the Trustees in a manner to which we
8 really feels fulfills the important leadership needed at this
9 time at the Exxon Valdez Council.

10 So I would put forward a motion to extend
11 that offer to Michael Baffery subject to negotiations to
12 bring the adequate compensation package, whether that be
13 through an IPA as Michael is a Federal employee and that that
14 would then carry forward with in Interior and their legal
15 ability to do so. Or absent that a comparable State package
16 with associated benefits.

17 CHAIRMAN O'CONNOR: Do I hear a second the
18 that motion?

19 MR. CAMPBELL: Second.

20 CHAIRMAN O'CONNOR: Do I hear any comments?

21 MR. MARQUEZ: Dave Marquez here. I'd like to
22 thank McKie and Joe for their hard work and diligence and
23 congratulate them on their recommendation.

24 CHAIRMAN O'CONNOR: Hear ye, hear ye, I think
25 that was a good job. Any other comments?

1 MR. MEADE: Just from me and I'd like to say
2 thank you.

3 CHAIRMAN O'CONNOR: We don't care what you
4 have to say, you don't (indiscernible - laughter).....

5 MR. MEADE: Well, the beauty of it is I'm in
6 a room all by myself.

7 (Laughter)

8 CHAIRMAN O'CONNOR: All right. I had a
9 motion and a second. I'd like a roll call on this.

10 MR. MEADE: Okay.

11 CHAIRMAN O'CONNOR: All in favor, let's start
12 with McKie.

13 MR. CAMPBELL: Yes.

14 CHAIRMAN O'CONNOR: Kurt.

15 MR. FREDIKSSON: Yes.

16 CHAIRMAN O'CONNOR: David.

17 MR. MARQUEZ: Yes.

18 CHAIRMAN O'CONNOR: Joe.

19 MR. MEADE: Oh, I'm on the fence. Okay, yes.

20 CHAIRMAN O'CONNOR: Drue. Drue is in
21 mourning. Is Drue back on?

22 MS. PEARCE: Yeah, yeah, I am, Mr. Chair.
23 Yes.

24 CHAIRMAN O'CONNOR: Okay. And I vote yes.
25 Michael welcome.

1 MR. BAFFERY: Thank you.

2 MR. MEADE: Michael, welcome and
3 congratulations.

4 MR. BAFFERY: Thank you very much.

5 CHAIRMAN O'CONNOR: All right. Well, moving
6 right along, Michael.

7 MR. BAFFERY: Okay.

8 CHAIRMAN O'CONNOR: Do you have something
9 you'd like to report to us?

10 MR. BAFFERY: Well, I had planned on
11 deferring most of it until the 23rd meeting, but I'll give a
12 couple of comments. I did want to and I'm looking forward to
13 introducing you to Barbara Hannah who is our new Admin Manger
14 III, she had been a month, has not met you yet, but she is
15 just outstanding and I will introduce her to all of you on
16 the 23rd.

17 CHAIRMAN O'CONNOR: Okay.

18 MR. BAFFERY: On April 24th and 25 we held a
19 very successful herring workshop. Kim did an excellent job
20 developing, coordinating and facilitating the workshop. The
21 general consensus of the participants was for designing and
22 implementing an overarching recovery plan and designing FY07
23 projects to provide information for long-term intervention
24 and restoration. Kim, at the 23rd meeting, she's on the
25 agenda to give you a brief summary of that, you've been given

1 some email exchange on the results of that, but it was just
2 an excellent workshop.

3 CHAIRMAN O'CONNOR: Good. Good.

4 MR. BAFFERY: I'm working on a couple of
5 items and, Kurt, it goes back to the email you sent me last
6 week, but I'm working on a couple of items that I hope to
7 have before the Trustee Council Members for approval in the
8 near future. The first is that I'm revising the roles and
9 responsibilities of the STAC. You're aware that the STAC is
10 a standing committee established under the GEM Program.
11 Logically with the GEM Program on hold, the STAC would also
12 be on hold. I will recommend, however, that we keep the STAC
13 active at least through a transition period. I'm revising
14 their guidelines away from GEM and into a role of providing
15 an objective science base for the invitation process and
16 proposal peer review.

17 I really do believe they will also prove to be of value in
18 updating the 2006 injured resources and services list.

19 We are also nearing completion on the peer
20 review process the Trustee Council Members requested at the
21 August 10th, 2005 meeting. Now that we have a proven Science
22 Director on staff, we're going to bring the coordination of
23 the peer review process back to this office saving us, you
24 know, cost and giving us better control.

25 And those are the items that I wanted to talk

1 about. I did want to give you a heads up on what's becoming
2 a rather full agenda for the 23rd. And some of the items
3 include -- well, the items that I know to date include the
4 summary of the herring workshop, we're going to have Jim
5 Bodkin and Tom Dean present their nearshore restoration
6 ecosystem monitoring projects. We will have yet, again, the
7 four projects that are requesting one year extensions. We
8 will talk about the FY07 process, hopefully that will focus
9 on scope. We would certainly like to get that issued as
10 quickly after the meeting as possible. And then we've got
11 the PAC charter renewal, which you'll need to address. Doug
12 Mutter will talk to you about that. And I just found out
13 from Carol that we have four small parcel in our small parcel
14 program that have made their way through the nomination
15 process and beyond the threshold criteria that we will need
16 you to give your nod to so that they can take the next step
17 and go into the hazmat, go into the appraisal process. So
18 those are items that are on the agenda for the 23rd. It
19 should be a full day, we promise to, you know, give you some
20 nutrients to break the middle of the day.

21 CHAIRMAN O'CONNOR: All right. Wonderful.

22 MR. BAFFERY: And that's it.

23 CHAIRMAN O'CONNOR: Any questions for the
24 Executive Director?

25 (No audible response)

1 CHAIRMAN O'CONNOR: All right. The next
2 agenda topic is number 6. Drue, did you have a suggestion
3 with regard to this particular agenda topic?

4 MS. PEARCE: I do. I move that we defer
5 taking action on the project amendment for Project 050778
6 until a later date when we've had an opportunity to have more
7 discussion of the parameters.

8 CHAIRMAN O'CONNOR: All right.

9 MR. FREDIKSSON: Craig, this is Kurt, I
10 second.

11 CHAIRMAN O'CONNOR: Okay. Do I -- anybody
12 have any comments?

13 (No audible response)

14 CHAIRMAN O'CONNOR: Hearing none, anyone call
15 for the question on that particular motion?

16 MS. PEARCE: I call for the question.

17 CHAIRMAN O'CONNOR: Is there anyone that
18 objects to Drue's motion?

19 (No audible response)

20 CHAIRMAN O'CONNOR: Hearing no objection,
21 consider it passed.

22 The next item on my agenda is to adjourn. Is
23 there anything else that anyone would like to bring up for
24 the good of the order?

25 MR. FREDIKSSON: No, thank, Craig, this is

1 Kurt, I'd move to adjourn.

2 CHAIRMAN O'CONNOR: All right.

3 MR. MEADE: I'll second.

4 CHAIRMAN O'CONNOR: Any discussion?

5 (No audible response)

6 CHAIRMAN O'CONNOR: Hearing none, consider
7 this meeting adjourned. Thank you all very much. To the
8 public I apologize for us taking as long as we did, but we
9 had some heady matter to deal with, so thank you for your
10 indulgence.

11 (Off record)

12 (END OF PROCEEDINGS)

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

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 2 through 15 contain a full, true and correct transcript of the Exxon Valdez Oil Spill Trustee Council's Meeting recorded electronically by Nathaniel Hile on the 9th day of May 2006, commencing at the hour of 10:00 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 17th day of May 2006.

SIGNED AND CERTIFIED TO BY:

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