

1 EXXON VALDEZ OIL SPILL

2 TRUSTEE COUNCIL

3 Teleconference Public Meeting

4 Friday, July 28, 2006

5 8:00 o'clock a.m.

6 441 West 5th Avenue, Suite 500

7 Anchorage, Alaska

8 TRUSTEE COUNCIL MEMBERS PRESENT:

9 U.S. DEPARTMENT OF AGRICULTURE, MR. STEVE ZEMKE for

10 U.S. FOREST SERVICE MR. JOE MEADE

11 (CHAIRMAN) Forest Supervisor

Alaska Region

12 U.S. DEPARTMENT OF COMMERCE, MR. CRAIG O'CONNOR for

13 National Marine Fisheries Svc: MR. JAMES W. BALSIGER

14 Administrator, AK Region

15 ON THE PHONE

16 STATE OF ALASKA - DEPARTMENT MS. HEATHER BRANDON

17 OF FISH AND GAME: MR. McKIE CAMPBELL

18 Commissioner

19 U.S. DEPARTMENT OF INTERIOR: MS. DRUE PEARCE

20 U.S. Department of Interior

21 STATE OF ALASKA - MR. DAVID W. MARQUEZ

22 DEPARTMENT OF LAW: Attorney General

23 STATE OF ALASKA - DEPARTMENT MR. KURT FREDRIKSSON

24 OF ENVIRONMENTAL CONSERVATION: Commissioner

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1 TRUSTEE COUNCIL STAFF PRESENT:

2

3 MICHAEL BAFFERY Executive Director

4

5 KIM TRUST Science Director

6

7 CHERRI WOMAC Administrative Officer

8

9 MICHAEL SCHLEI Analyst Programmer

10

11 CARRIE HOLBA ARLIS Librarian

12

13 CRAIG TILLERY Alaska Department of Law

14

15 GINA BELT Department of Justice

16

17 DOUG MUTTER Department of Interior

18

19 ON THE PHONE

20

21 JENNIFER KOHOUT U.S. Fish & Wildlife Svc.

22

23 CAROL FRIES ADNR

24

25 LARRY DIETRICH DEC

1	TABLE OF CONTENTS	
2		
3	Call to order	08
4		
5	Approval of Agenda	13
6		
7	Approval of 5/23/06 Minutes	14
8		
9	Public Comment	15
10		
11	Mr. John French	15
12	(Written remarks attached)	
13		
14	Executive Director's Report	23
15		
16	Building Lease Renewal	42
17		
18	Report Writing Procedures	48
19		
20	Adjournment	50

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 - 5/3/05)

(On record - 1:35 p.m.)

CHAIRMAN ZEMKE: Welcome to the July 28th, 2006 Trustee Council meeting. We'll start, I guess, with a call to order. It's a little after 8:05 by my watch. And so I guess I would like to first call -- start with the Federal Trustee Council roll call. This is Steve Zemke, sitting in for Joe Meade, Forest Supervisor of USDA Chugach National Forest.

MR. O'CONNOR: Craig O'Connor from NOAA.

CHAIRMAN ZEMKE: Those on the phone?

MS. PEARCE: Drue Pearce, DOI.

CHAIRMAN ZEMKE: How about for the Department of Environmental Conservation?

MR. FREDRIKSSON: Hello?

CHAIRMAN ZEMKE: Hello. Is Kurt Fredriksson there?

MR. FREDRIKSSON: This is him.

CHAIRMAN ZEMKE: Okay. And for -- Commissioner of the Department of Environmental Conservation. How about for Alaska Department of Fish and Game?

MR. MARQUEZ: Heather Brandon who will be here shortly.

1                   CHAIRMAN ZEMKE: Okay. And then for the --  
2 I guess is that you David?  
3                   MR. MARQUEZ: Yes.  
4                   CHAIRMAN ZEMKE: Okay. So David Marquez.  
5 I guess before we start, I'd like to go around and have  
6 people identify themselves here that are at the table.  
7                   MR. BAFFREY: Michael Baffrey.  
8                   CHAIRMAN ZEMKE: How about in the audience?  
9                   MS. HANNAH: Barbara Hannah.  
10                  MR. SCHLEI: Michael Schlei, EVOS staff.  
11                  MS. TRUST: Kim Trust, Science Director.  
12                  MS. LOVETT: Rita Lovett, Department of  
13 Law.  
14                  MS. SAUNDERS: Marlene Saunders, one of the  
15 building owners.  
16                  MR. SAUNDERS: Michael Saunders.  
17                  MS. HOLBA: Carrie Holba. EVOS at ARLIS.  
18                  MS. PEARCE: Steve, we can't hear anybody  
19 since they're all in the back of the room and not near a  
20 mike.  
21                  CHAIRMAN ZEMKE: Okay. We're kind of off  
22 the record here I guess for this part. Okay.  
23                  MR. FRENCH: John French. I guess I'll  
24 claim to have been a BHE member, science academic  
25 representative back years ago.

1 MS. LAPORTE: Barat LaPorte, Patton Boggs.  
2 MR. TILLERY: Craig Tillery.  
3 MR. MUTTER: Doug Mutter, DOI.  
4 CHAIRMAN ZEMKE: Okay. Thank you very  
5 much. Could those online identify themselves.  
6 MR. FREDRIKSSON: Yeah, Steve, this is Kurt  
7 Fredriksson, Commissioner of Environmental Conservation.  
8 CHAIRMAN ZEMKE: Okay.  
9 MR. MARQUEZ: David Marquez, Attorney  
10 General.  
11 CHAIRMAN ZEMKE: Next.  
12 MR. DIETRICH: Larry Dietrich, DEC.  
13 MR. MARQUEZ: And Steve, Heather Brandon  
14 was here but I think she stepped out to go to the restroom  
15 for a minute.  
16 MS. FRIES: Carol Fries, DNR.  
17 CHAIRMAN ZEMKE: Okay.  
18 MS. KOHOUT: Jennifer Kohout, Fish and  
19 Wildlife Service.  
20 CHAIRMAN ZEMKE: Thank you.  
21 MS. BRANDON: Heather Brandon with Fish and  
22 Game.  
23 REPORTER: I don't know, but that one is  
24 going to drive me crazy.  
25 CHAIRMAN ZEMKE: So what should we do?

1                   REPORTER: I don't know. Somebody's got  
2 some real bad connection. They need to call in again,  
3 somebody does. And I think it's the guys at DEC.

4                   CHAIRMAN ZEMKE: Hey Kurt, do you want to  
5 call in again.

6                   MR. FREDRIKSSON: Yeah, we can call in  
7 again.

8                   CHAIRMAN ZEMKE: Yeah, we got a real bad  
9 connection somewhere and it's a lot of background noise and  
10 we're trying to figure out where it's coming from.

11                  MR. FREDRIKSSON: Well, I'll hang up and  
12 try again.

13                  CHAIRMAN ZEMKE: Okay. We'll wait.

14                  MS. FRIES: Steve, this is Carol. Is my  
15 line clear or do you want me to hang up and try again?

16                  REPORTER: No, you're fine.

17                  MS. FRIES: Okay, thanks.

18                  MR. MARQUEZ: We're back on.

19                  REPORTER: Okay. That's better. Thanks.

20                  CHAIRMAN ZEMKE: What about Kurt?

21                  MR. FREDRIKSSON: I'm here.

22                  CHAIRMAN ZEMKE: Okay.

23                  MR. MARQUEZ: We're all together.

24                  CHAIRMAN ZEMKE: Okay.

25                  MR. MARQUEZ: Carrie, Heather, Kurt and I

1 are all on the same phone.

2                   CHAIRMAN ZEMKE: All right. Sounds very  
3 good. So I guess we have the quorum. I guess looking at  
4 the agenda we have -- so call to order has been done.  
5 Number 2 is the agenda so I guess everybody does have the  
6 July 28th, 2006 agenda. I'd like a motion for approval of  
7 the agenda.

8                   MR. O'CONNOR: I would like to propose an  
9 amendment to the agenda. This is Craig. I would like to  
10 convene an executive session after the public comments.  
11 Actually, we could probably do it after the Executive  
12 Director's report. Get those matters dispatched. And I'm  
13 particularly concerned that we have a discussion, sort of a  
14 status update on the litigation and implications of our  
15 litigation with Exxon before we move into some of the other  
16 discussions. So I would move that we establish and  
17 executive session. Amend the agenda to have an executive  
18 session after the Executive Director's report.

19                   CHAIRMAN ZEMKE: Is there a second?

20                   MR. FREDRIKSSON: I would be happy to  
21 second that amendment. I do have an amendment as well to  
22 the agenda I'd like to introduce.

23                   CHAIRMAN ZEMKE: Okay. Let's deal with  
24 this amendment first, motion. So you, Kurt Fredriksson,  
25 seconded?

1 MR. FREDRIKSSON: Yes.

2 CHAIRMAN ZEMKE: Discussion?

3 (No audible responses)

4 CHAIRMAN ZEMKE: Okay. Hearing no  
5 discussion, I guess I need to call.....

6 MR. FREDRIKSSON: I'd vote yes.

7 CHAIRMAN ZEMKE: Okay.

8 MR. BAFFREY: You need me to call?

9 CHAIRMAN ZEMKE: Pardon?

10 MR. BAFFREY: Do you need me to.....

11 CHAIRMAN ZEMKE: Pardon?

12 MR. BAFFREY: Do I need to do -- you doing  
13 this by voice or just.....

14 CHAIRMAN ZEMKE: Yeah, we need to get a  
15 voice.

16 MR. BAFFREY: Okay. Kurt?

17 MR. FREDRIKSSON: Is this for the.....

18 MR. BAFFREY: Yeah, it's for the vote.

19 MR. FREDRIKSSON: Okay. Yes.

20 MR. BAFFREY: Drue?

21 MS. PEARCE: This is the agenda, right?

22 MR. BAFFREY: This is the agenda.

23 MS. PEARCE: Yes.

24 MR. BAFFREY: Okay.

25 CHAIRMAN ZEMKE: Well, no this is on the

1 motion to go into executive session after.....

2 MR. BAFFREY: Right.

3 CHAIRMAN ZEMKE: .....the Executive  
4 Director's report.

5 MR. BAFFREY: To amend the agenda.

6 CHAIRMAN ZEMKE: Yes.

7 MR. BAFFREY: So you want me to start that  
8 over?

9 MS. PEARCE: I don't think we have to amend  
10 the agenda for that, but yes.

11 MR. BAFFREY: Okay. David.

12 MR. MARQUEZ: Yes.

13 MR. BAFFREY: Heather.

14 MS. BRANDON: Yes.

15 MR. BAFFREY: Craig.

16 MR. O'CONNOR: Yes.

17 MR. BAFFREY: Steve.

18 CHAIRMAN ZEMKE: Yes, sir. Okay. Now Kurt  
19 you said you had another amendment?

20 MR. FREDRIKSSON: Yeah, Steve, what I'd  
21 like to amend the agenda is to -- just to include under the  
22 Executive Director's report, I'd like to hear from Michael  
23 with respect to the status and schedule for completing the  
24 final Integral report, where we're at on the 2006 update of  
25 injured resources and services and then get a sense of

1 where we're headed on the '07 invitation.

2 CHAIRMAN ZEMKE: Okay. Is there a second?

3 MR. MARQUEZ: Second.

4 CHAIRMAN ZEMKE: Okay. Discussion?

5 Hearing no discussion, I guess we'll look at, I guess.....

6 MR. BAFFREY: Call again?

7 CHAIRMAN ZEMKE: Yeah.

8 MR. BAFFREY: Okay. Drue.

9 MS. PEARCE: Aye.

10 MR. MARQUEZ: What?

11 CHAIRMAN ZEMKE: She said aye.

12 MR. BAFFREY: Aye, okay. David.

13 MR. MARQUEZ: Yes.

14 MR. BAFFREY: Heather.

15 MS. BRANDON: Yes.

16 MR. BAFFREY: Kurt.

17 MR. FREDRIKSSON: Yes.

18 MR. BAFFREY: Craig.

19 MR. O'CONNOR: Here's my problem with your

20 motion, Kurt. Some of what is going to be discussed with

21 regard to the status of those -- of the synthesis report I

22 think bears on what I want to talk about in the executive

23 session and the litigation. So I have difficulty saying

24 yes to beginning that kind of a discussion because I'm very

25 concerned with the implications of that discussion. So I'm

1 going to vote no.

2 MR. FREDRIKSSON: I guess, Craig, just for  
3 purposes of discussion, is it -- what I've thrown out there  
4 is kind of three separate topics that, you know, I'm most  
5 interested in. I think we've said for a number of months  
6 now, in fact it was in our 2004 annual report, we're really  
7 looking to complete the update of the injured resources and  
8 services. That's one topic. The other is that I continue  
9 to be just kind of concerned with is, I haven't heard a lot  
10 on the '07 invitation, which of course I've always felt  
11 should be preceded by the update on the injured status.

12 And then I had, you know, kind of wanted to  
13 know where the Integral report is. I've recently seen a  
14 journal article that comes out dealing with some private  
15 -- well, some other scientists in a peer review journal  
16 article that have come to some conclusions about the status  
17 of the -- our restoration efforts. And of course the  
18 Integral report would be one of those pieces that would  
19 then be used by our staff to come out with an update.

20 So I don't know if it's all three of those  
21 that are problematic for you or if any individual one. If  
22 there's an individual one that is something you thought  
23 might be addressed in executive session, I'd be glad to  
24 kind of consider, you know, amending that.

25 MR. O'CONNOR: If we can just keep the

1 discussion to what the Executive Director perceives to the  
2 be time line, what the time line is that's established, and  
3 just answer those specific administrative questions, I'm  
4 fine with your amendment.

5 MR. FREDRIKSSON: Okay. That's what I'm  
6 after, Craig.

7 MR. O'CONNOR: Okay. Fine. I vote in  
8 favor then.

9 CHAIRMAN ZEMKE: Okay. I vote in favor  
10 also, so the agenda has been modified to meet those two  
11 items. So the next item on the agenda is approval of the  
12 May 23rd, 2006 Trustee Council meeting notes. If there are  
13 any suggested changes to the notes.

14 MR. BAFFREY: The meeting minutes have been  
15 changed and -- would you like to proceed?

16 MS. LOVETT: I just wanted to point out  
17 that there's a different graph that's gone around so be  
18 sure that you take a look before you approve.

19 MR. O'CONNOR: We have the 7/27, 8:07  
20 version. Is that the most current? Is that the one?  
21 Okay.

22 CHAIRMAN ZEMKE: 7/27/06 draft. Do I hear  
23 a motion to approve the meeting notes?

24 MR. O'CONNOR: I would so move.

25 MR. FREDRIKSSON: Second.

1 CHAIRMAN ZEMKE: Second. Discussion.

2 (No audible responses)

3 CHAIRMAN ZEMKE: Hearing none, I guess  
4 approve the meeting notes. Okay. With that then we're on  
5 to item number 3, the Public Advisory Committee comments.  
6 I guess -- who is -- is there a chair for the Public  
7 Advisory Committee? Michael?

8 MR. BAFFREY: He'd have to be online. I  
9 didn't know -- where's Cherri? Did anybody call in and say  
10 that.....

11 MS. WOMAC: None of the PAC responded.

12 MR. BAFFREY: Okay.

13 CHAIRMAN ZEMKE: So there are no comments  
14 from the PAC. Okay. The next item is public comment. Is  
15 there anyone here in the audience? Come to the table,  
16 please. Identify yourself again.

17 MR. FRENCH: Okay. I have a five page  
18 detailed comments here that I would like to enter into the  
19 record if at all possible. I will try to give you a short  
20 synopsis thereof. I apologize to those of you present that  
21 I didn't distribute this to you prior to this meeting. I  
22 also apologize to those of you out in telephone land that I  
23 didn't realize this was going to be a teleconference and  
24 send you an electronic copy. I will do that as soon as I  
25 return to Seward.

1                   MR. FREDRIKSSON: Steve, could we have the  
2 speaker identify himself?

3                   CHAIRMAN ZEMKE: Yes, he's going -- he's  
4 sitting down right now.

5                   MR. FRENCH: Sorry, I was distributing some  
6 paperwork. Actually, pass those around, if you want. I'm  
7 John French. I reside at 506 Fourth in Seward. As I  
8 mentioned when I introduced myself, I'm the former science  
9 academic member for the -- for six years of the public  
10 advisory group back when the Alaska SeaLife Center was  
11 being discussed and funded. My other credentials and  
12 background are given in the first two paragraphs of my  
13 extended notes and I would rather not take the time to  
14 repeat them unless somebody has specific questions.

15                   My concerns -- the urgency for my concern,  
16 the reason I'm here today was only brought to my attention  
17 by the City of Seward administration Thursday. So  
18 apparently we're on a real short time line in terms of the  
19 action I refer to at the end of the paper, so hence I'm  
20 here trying to urge urgency on your part. I watched with  
21 increasing concern as the Seward Association for  
22 Advancement of Science, better known as SAAMS, who as you  
23 probably know is the contracted management for the Alaska  
24 SeaLife Center in Seward through a series of agreements  
25 with the City of Seward which did so wonderful -- these

1 agreements on behalf of the Trustee Council with the Alaska  
2 Department of Fish and Game.

3                   My submission refers to specific details of  
4 those agreements, and again, I will not take your time to  
5 repeat those. They are down there in writing. Recently it  
6 has -- well, my concern over the years I've brought to some  
7 of your -- the Trustee's attention previously, and that is  
8 that when the Center was formed and when the decision of  
9 the Trustee Council was made to fund the research portion  
10 of the SeaLife Center to the tune of 25 million dollars,  
11 there had been an accurate and very detailed assessment of  
12 the needs for a facility and infrastructure to support  
13 restoration, EVOS restoration research in the state. I  
14 think those needs are still valid. The mission statement  
15 of -- for the Alaska SeaLife Center was spelled out in  
16 detail in the full environmental impact statement that was  
17 done in the agreements in those citations I've cited within  
18 the paper.

19                   Clearly Alaska SeaLife Center was intended  
20 to have a major emphasis on EVOS restoration research. The  
21 state criminal restitution monies also add language that  
22 indicated that they were supposed to have missions related  
23 to the EVOS spill, although they included amelioration and  
24 mitigation and some of the things that are not allowable  
25 under the consent decree for the Trustees.

1                   It has also been brought to the public's  
2 attention in Seward that SAAMS believes they are no longer  
3 subject to public oversight. It's my understanding that  
4 the Trustee Council, again acting through the Department of  
5 Fish and Game, had specifically required an agreement  
6 between SAAMS and the City of Seward so that the City of  
7 Seward would provide appropriate public oversight to assure  
8 that public process was followed. They also assured that -  
9 - they also required an agreement with the University of  
10 Alaska to provide scientific -- to assure scientific  
11 quality and provide scientific oversight. Both of those  
12 agreements again restated the mission that was identified  
13 in the funding documents, in the EIS, and many other  
14 places. That mission is totally absent from the activities  
15 of the SeaLife Center presently. Even when I walk the  
16 floor and talk to the interpretative staff they have there,  
17 why very few of them even know anything more than the fact  
18 the oil spill occurred, let alone being able to provide  
19 interpretative or public education information to the  
20 visitors to the Center. I'm very concerned about the  
21 direction it's been going.

22                   But I'm also very concerned that SAAMS is  
23 not only not following public policy with respect to  
24 procurement and hiring but they are also flaunting the fact  
25 that they don't feel they are responsible for following

1 public policy. Most recently they have used earmarked  
2 Federal appropriation in the name of the Alaska SeaLife  
3 Center to purchase land adjacent to the SeaLife Center and  
4 then have claimed to the public and to the city that that  
5 land is then SAAMS land, not SeaLife Center land and it's  
6 not covered by the covenants affecting the SeaLife Center.  
7 Not only that, but it was purchased from a partnership that  
8 included members of the board of directors, past and  
9 present, for SAAMS. A clear conflict of interest, which  
10 they did not recognize and did not go through a competitive  
11 procurement process.

12                   With respect to their marine science  
13 cruises, which they now have non-competitively sole source  
14 to Northern Outfitters, which again is a partnership  
15 including past and present members of the board of  
16 directors of SAAMS, that organization is now providing  
17 exclusive tours, cruises, to visitors of the SeaLife Center  
18 and providing unfair competition to the other cruise  
19 operators in Seward in addition to violating public  
20 procurement policies requiring competitive bidding.

21                   Similarly there have been serious  
22 deviations from public hiring policy with respect to their  
23 hiring of people. It seems to be much more prevalent and  
24 important who you know and who you are related to in terms  
25 of their hiring decisions, not your knowledge skills and

1 abilities which are required by normal hiring procedures  
2 required by public policy.

3                   SAAMS seems to be committed to the concept  
4 that these public monies that were given to them came  
5 without strings. That they do not have to deal with the  
6 requirements of the EVOS funding for the state criminal  
7 restitution money or even for the congressionally  
8 appropriated earmarked non-competitive grant funds. They  
9 are running amuck as a loose cannon at this point. The  
10 Vice-Mayor of the City of Seward, who happens to be Willard  
11 Dunham, who is a past president of the board of SAAMS,  
12 refuses to recuse himself in the debates on this issue.  
13 And he has mobilized a majority of the city council to  
14 instruct the city's attorney to draft an amended agreement  
15 with the city which remove all city oversight from SAAMS.  
16 I believe that's in a direct violation of the agreements  
17 that were -- the city undertook with the Department of Fish  
18 and Game on behalf of this Trustee Council. And I think  
19 it's imperative that the Trustee Council go forward in the  
20 short term and reiterate to the City of Seward and to the  
21 University of Alaska that they do have regulatory  
22 agreements that require they provide public oversight of  
23 process in the part -- and finances on the part of the city  
24 and scientific oversight on the part of the University of  
25 Alaska.



1 think it could be. I sit on -- well, I'm involved with  
2 several other groups, Prince William Sound RCAC whose board  
3 I sit on and whose scientific advisory council committee I  
4 sit on, has regularly issued RFP's looking for restoration  
5 related research and we haven't got any responses from the  
6 SeaLife Center. NOAA has the center for -- the Coastal  
7 Resources Response Center, sorry -- CRC -- CRRC -- which I  
8 sit on their working group for dispersants. We recently  
9 finished the report on a workshop that I -- a 24 page  
10 report on a workshop that identified unfilled needs for  
11 research, just with respect to the management decision  
12 making on the use of dispersants.

13                   There are many, many more examples of  
14 unfilled needs in the research area with respect to the  
15 effects of oil in the environment. Many of those are  
16 consistent with the EVOS restoration mission. I'm not  
17 saying that the SeaLife Center should have that as its sole  
18 mission, but I think if it made it an emphasis and made  
19 itself a clearinghouse, a facility that was available to do  
20 these works and help try to facilitate and provide an  
21 emphasis on those, we could see a lot more work being done.  
22 It's not currently being done to a great extent in the  
23 nation and especially not in the high temperate sub-Arctic  
24 weathers that we have around here where we're likely to see  
25 spills. There's a lot of unique aspects to the Gulf of

1 Alaska environment, as I'm sure you're all aware.

2 CHAIRMAN ZEMKE: Mr. French.....

3 MR. FRENCH: I'm.....

4 CHAIRMAN ZEMKE: .....could you.....

5 MR. FRENCH: .....about finished.

6 CHAIRMAN ZEMKE: .....just kind of sum up,  
7 please.

8 MR. FRENCH: Sorry. Sorry. No, I  
9 appreciate your indulgence. All I'm saying is the needs  
10 are still there and I don't think that the SeaLife Center  
11 is on an appropriate course at this point. It needs  
12 corrective action with respect to SAAMS. I think we need  
13 to do that before it drifts into waters -- into shoals  
14 where it's even in more danger. And I appreciate your time  
15 and consideration. Thank you.

16 CHAIRMAN ZEMKE: Thank you very much, Mr.  
17 French. Are there other public comments?

18 MR. BAFFREY: See if somebody from the PAC  
19 came on.

20 CHAIRMAN ZEMKE: Oh, they did.

21 MR. BAFFREY: I thought I heard Stacy's  
22 voice.

23 CHAIRMAN ZEMKE: Well, let's finish up with  
24 public comment then we'll go back to the Public Advisory  
25 comments.

1 MR. BAFFREY: Okay.

2 CHAIRMAN ZEMKE: Okay. Are there other  
3 public comments? On the line?

4 (No audible responses)

5 CHAIRMAN ZEMKE: Okay. Hearing none, who  
6 was the PAC member that.....

7 MR. BAFFREY: Just ask if somebody from the  
8 PAC came on. I thought I might have heard Stacy's voice.

9 CHAIRMAN ZEMKE: Is there another member of  
10 the PAC that has come on?

11 (No audible responses)

12 CHAIRMAN ZEMKE: Hearing none, no. Okay.  
13 I guess we're on to, hearing no other public comments,  
14 agenda item number 5, the Executive Director's report.

15 MR. BAFFREY: Okay. You may have seen at  
16 the front desk an actual body there for the first time in a  
17 long time. Colleen Keane is our new admin clerk III. And  
18 she comes -- she's a recent grad from the Seattle  
19 University with her degree in environmental studies and she  
20 did so with a mere grade point average of 3.92. So we've  
21 also tapped her -- she's great. We've also tapped her for  
22 helping us, specifically Kim, with the proposals that we're  
23 receiving in response to the '07 invitation and we kind of  
24 have her acting as the program coordinator role, in the  
25 program coordinator role. She just started this week but I

1 encourage you to say hi to her on your way out.

2                   We are near selecting a program coordinator  
3 and Michael and company are currently interviewing for the  
4 program analyst III position. So hopefully in the next  
5 couple of weeks we'll be fully staffed. Thank you God on  
6 that. We really needs some help around here.

7                   I had said at the May 23rd Trustee Council  
8 meeting that I would give you just a brief status of where  
9 we're at with delinquent reports. At the May 23rd meeting  
10 we had identified 11 delinquent reports. That number is  
11 down to five and one of those, we've been promised a  
12 submission in the very near future. So we're making some  
13 great progress on that.

14                   Let's get into the audit a bit and Barbara  
15 will help me if I say something incorrect. The combined  
16 audit for the Trustee Council funds for the fiscal years  
17 2004 and 2005 were finalized earlier this month and we are  
18 currently underway to conduct the audit for the FY06 year.  
19 That should start next month?

20                   MS. HANNAH: August.

21                   MR. BAFFREY: August. Next month. The  
22 audit report provided us with specific guidance on  
23 financial management priorities which we are already  
24 implementing. The good news is that the audit report  
25 concluded by stating there were no matters involving the

1 Trustee Council's internal control over financial reporting  
2 and its operating considerations to be -- I'll say it over.  
3 The audit report concluded by stating there are no matters  
4 involving the Trustee Council's internal control over  
5 financial reporting or its operating considerations to be  
6 material weaknesses or instances of non-compliance. So we  
7 did quite well actually.

8                               On to the STAC. On July 14th I informed  
9 both the STAC and the PAC of my intent to dissolve the  
10 STAC, the Science and Technical Advisory Committee. On  
11 July 20th I followed that up with a letter to the STAC  
12 members. The STAC is a standing committee that was formed  
13 under the GEM program and collectively I felt that they  
14 were not meeting our science needs. To meet that need, I  
15 have put together a core group of scientists to help us  
16 with evaluating the proposals that we receive in the FY07  
17 invitation. There were three STAC members that actually  
18 made the transition to this new group. We are one or two  
19 members from formalizing that group.

20                               On to the PAC. The PAC member nominations  
21 are due August 4th and you will formally recommend these  
22 members to their two year terms in your September Trustee  
23 Council meeting. And Cherri just stepped out, correct?  
24 Most of the 14 categories, member categories, have received  
25 nominations, so we should have a good representative for

1 the entire STAC.

2                   Cherri, how many of the member categories  
3 have received nominations out of the 14?

4                   MS. WOMAC: I thought you told me you were  
5 going to wait until after the executive session.

6                   MR. BAFFREY: Oh.

7                   MS. WOMAC: I have 11 candidates for 15  
8 positions and I would say half of them at least are  
9 qualified in more than one field.

10                  MR. BAFFREY: Okay. So we have yet another  
11 week to beat the bushes to make sure we have nominations in  
12 all of those categories. That -- there is one other item I  
13 want to talk about and then I'll address the schedules,  
14 that is the herring restoration plan we discussed back in  
15 May, at the May 23rd meeting. At that meeting you passed a  
16 motion funding \$75,000 to develop a herring restoration  
17 plan for Prince William Sound. The funds were to be used  
18 to support travel and the logistics for work sessions  
19 conducted by a six to eight member herring restoration  
20 team. And to pay for the services of non-agency personnel  
21 to write, edit, and review drafts of the herring  
22 restoration plan.

23                  Efforts were to -- this was to be done this  
24 summer. Well, we have a conflict. We have a timing  
25 conflict due to the FY07 invitation. It has been --

1 assembling a team is difficult because -- has proven  
2 difficult given that most of the potential candidates for  
3 the team have a vested interest in the outcome due to their  
4 submissions under the FY07 invitation. I suggest, in order  
5 to avoid any conflict, it is better to pursue a herring  
6 restoration plan effort through open forum meetings using  
7 the approved funds for meeting logistics.

8                   With regards to timing, we would begin  
9 preparing the draft but not hold the actual meetings,  
10 public meetings until after the Trustee Council meeting in  
11 November and the FY07 work plan has been approved. I have  
12 not discussed this the PAC. I have not discussed it with  
13 the liaisons and I have not discussed it with the Trustee  
14 Council members. This action is going to take Trustee  
15 Council approval to amend the decision that was made back  
16 in May 23rd. I recommend that we put it on the September  
17 agenda.

18                   Are you ready for schedules?

19                   CHAIRMAN ZEMKE: So we don't need to take  
20 action right now on that, so.....

21                   MR. BAFFREY: Well, I don't want you to  
22 take actions right now.

23                   CHAIRMAN ZEMKE: So I guess we're -- before  
24 we go on, I guess, Trustee Council, are there any questions  
25 to Michael on any of the topics he's gone through so far?

1                   MR. FREDRIKSSON: Steve, this is Kurt.  
2 Maybe just two. One, to go back to the status of the STAC  
3 and the fact that, Michael, you've dissolved the STAC and I  
4 understand that. I concur with your reasoning for doing  
5 that. I would just -- as a result of your report here  
6 today, there are various documents out there that make  
7 reference to the STAC and on our -- on your web page, our  
8 web page. And I would just ask that you go back and make  
9 sure and clean that up so there's no confusion generated by  
10 the composition or the status of the STAC.

11                   And then along those lines, you had  
12 mentioned kind of creating -- I appreciate you having  
13 reached out to previous members of the STAC and the  
14 scientific community for purposes of assisting you and Kim  
15 Trust, our science director. I guess I would just caution  
16 before we -- my concern is, if you formalize that too much  
17 I guess we're -- you're dissolving the STAC only to create  
18 the STAC and I think you need the flexibility there with  
19 respect to seeking scientific advice. In fact, I just  
20 recently had a meeting with a fellow, Warren Muir, who's  
21 with the National Academy of Sciences, who educated me as  
22 to what the National Research Council does and what the  
23 academies can provide in terms of scientific advice,  
24 assistance, peer review.

25                   I think -- Michael, I recommended that he

1 talk to you but I think you should be -- have very open  
2 arms and be very flexible in terms of how you seek our  
3 scientific advice. And I think the academies in particular  
4 provide you with a resource that I wouldn't want you to be  
5 constrained from using because of something that's more  
6 formally created that might tie your hands. So just a  
7 comment on that.

8 MR. BAFFREY: Thanks, Kurt. Actually I had  
9 a very, very lengthy conversation with Warren Muir  
10 yesterday afternoon and you're right, he's a wealth of  
11 knowledge.

12 One thing that I forgot to say was that  
13 this science group that I formed is on an ad hoc basis.  
14 They're not going to be a standing committee. I formed one  
15 specifically to help us with the proposals and that's when  
16 their task will end. If we have another specific need for  
17 a scientific group, then I will tap as many of those  
18 members as I need to that are specific to that task.

19 MR. FREDRIKSSON: Thanks, Michael.

20 MR. BAFFREY: Okay.

21 MS. PEARCE: Steve, could -- this is Drue.

22 CHAIRMAN ZEMKE: Sure. Drue, go ahead.

23 MS. PEARCE: Just on that point, I have no  
24 problem with working with the National Academy any time  
25 that it makes sense. The only experience I've had with

1 them was, I believe it was they who did the report on the  
2 North Slope about cumulative impact and it certainly took  
3 what we thought was a mole and turned it into a mountain.  
4 So I guess I wouldn't want us to -- I would just want us to  
5 proceed cautiously.

6 CHAIRMAN ZEMKE: Thank you.

7 MR. BAFFREY: And it was the National  
8 Research Council that actually conducted that study. So  
9 you're correct, Drue.

10 MS. PEARCE: Well, I remember that.

11 CHAIRMAN ZEMKE: Any other questions or  
12 comments?

13 MS. BRANDON: Yes, Steve, this is Heather.

14 CHAIRMAN ZEMKE: Sure. Heather, go ahead.

15 MS. BRANDON: Michael, who are the  
16 scientists in your ad hoc group?

17 MR. BAFFREY: Steve Braund, Leslie Holland-  
18 Bartels and Ron O'Dor. They are former PAC members. They  
19 were the remaining PAC members after Brenda and Tom Royer  
20 had resigned.

21 MS. BRANDON: Thank you.

22 MR. BAFFREY: Pete -- there's a couple  
23 more. Pete Peterson, Tom Dean. And that's the ones that  
24 we have confirmed. I don't want this to be more than six,  
25 seven max. This is going to be a small group of people.

1 And they will function very much -- and you're right, Kurt  
2 -- they will function very much like the STAC but it's  
3 definitely going to be on an ad hoc basis.

4 MS. BRANDON: And are they being monetarily  
5 reimbursed for their.....

6 MR. BAFFREY: Right.

7 MS. BRANDON: .....work? Okay.

8 MR. BAFFREY: They will get the same daily  
9 compensation that the STAC got, which was \$500 a day plus  
10 expenses.

11 MS. BRANDON: Okay. Thank you.

12 MR. BAFFREY: Uh-huh.

13 MR. O'CONNOR: Where do I sign up?

14 MR. BAFFREY: Right here, so.....

15 CHAIRMAN ZEMKE: Any other comments?

16 (No audible responses)

17 MR. BAFFREY: All right the schedule for  
18 the FY07 invitation and work plan. We issued the  
19 invitation in June. The proposals are due August 4th. The  
20 remainder of August will be evaluating proposals and having  
21 the proposals peer reviewed. The first two weeks in  
22 September we will get the proposals and the peer review  
23 comments into the hands of the liaisons and the core  
24 scientists that I just mentioned and they'll -- may -- and  
25 we will draft the 2007 work plan.

1                   The week of September 18th we will have the  
2 core scientists sit around in a round table discussion and  
3 make their -- add their recommendations to the work plan.  
4 The month of October our plan is to hit the streets with  
5 the work plan and have PAC and public meetings. You, the  
6 Trustee Council members, will approve -- will address  
7 approval consideration at your November meeting. That's  
8 the schedule for the invitation and the '07 work plan. Any  
9 questions on that?

10                   MR. O'CONNOR: When you say peer review,  
11 are you -- that's the core group that you.....

12                   MR. BAFFREY: Correct.

13                   MR. O'CONNOR: .....that's what you.....

14                   MR. BAFFREY: No.....

15                   MR. O'CONNOR: That's not what you.....

16                   MR. BAFFREY: .....no, no, no, no.

17                   MR. O'CONNOR: Okay.

18                   MR. BAFFREY: No, no. I'm sorry. We have  
19 a database of peer reviewers that have already cued up --  
20 we've already cued up. They actually look at the  
21 proposals. That will go out for peer review. That will be  
22 coordinated through this office. We'll send the proposals  
23 out for peer review, we'll get those comments back. Those  
24 comments then will be given with the proposals -- the peer  
25 review comments will be given to the core scientists and

1 the liaisons. That will happen the first two weeks of  
2 September.

3 MR. O'CONNOR: What is the focus of the  
4 contribution by the core scientists? What are they going  
5 to be giving us?

6 MR. BAFFREY: The core scientists that I  
7 have, have history with this program.

8 MR. O'CONNOR: Uh-huh.

9 MR. BAFFREY: And they will contribute not  
10 only in terms of science and in their technical expertise  
11 but they'll also say this the direction we think the  
12 program ought to go and help us shape the work plan, the  
13 draft work plan.

14 MR. FREDRIKSSON: So Michael, we're -- if  
15 I'm hearing this correctly, you're looking then -- the  
16 deadline is August 4th, you're looking at the month of  
17 August and September or just August for the peer review and  
18 then within the first two weeks you'd then take those peer  
19 review comments and send those to the liaisons and your  
20 core group of scientists?

21 MR. BAFFREY: The latter. So August is  
22 peer review. The first two weeks of September, those  
23 comments will be given to the liaisons and the core group  
24 of scientists and we will, you know, modify the -- we will  
25 prepare the draft work plan at that time. The third week,

1 the week of September 18th, the core group of scientists  
2 are actually going to meet. I'll put them in a room and  
3 lock the door and we will add their recommendations to the  
4 work plan. And then the week of -- I mean, the month of  
5 October is when we will do our public meetings.

6 MR. FREDRIKSSON: Michael, just to follow  
7 up, so peer review process usually has peer review comments  
8 going back to the proposer for adjustment. And I know  
9 we've run into this before where we've had people who have  
10 proposed, they've seen peer review comments or comments  
11 come back from the PAC or STAC, and then they've been given  
12 the opportunity, although awkwardly so, I think, because  
13 it's -- we've had some awkward positions sometimes. But  
14 the proposer has been allowed to adjust their proposal.  
15 Have you built in anything where if the peer reviewers say  
16 look at a proposal and question the methodology that the  
17 individual investigator making that proposal could consider  
18 those comments and make adjustments?

19 MR. BAFFREY: I know that internally when  
20 we evaluate the proposals for completeness and what they're  
21 actually saying, we will -- we in this office will go back  
22 to the proposers. I'll have to defer to somebody --  
23 Michael, will the peer review comments go actually back to  
24 the potential PI's?

25 MR. SCHLEI: Well, that's going to be up to

1 you as far if you want that to happen. That could  
2 certainly happen if desired.

3 MR. BAFFREY: I would -- I think that's  
4 only fair.

5 MS. TRUST: Yeah, the peer reviews come  
6 back about.....

7 CHAIRMAN ZEMKE: Can you come.....

8 MS. TRUST: .....September 1st.

9 CHAIRMAN ZEMKE: .....to the mike so.....

10 MR. BAFFREY: Yeah, come up -- both of you  
11 guys come up to the table.

12 MS. TRUST: I don't exactly have the  
13 schedule in front of me. This is Kim Trust but the peer  
14 reviewers come back -- the peer reviews come back on  
15 September 1st and I believe that they go back out to public  
16 comment some time around the 18th of September. So I think  
17 there's something like 10 days in there for work within  
18 this office to collate those peer reviews, look through  
19 them. If we need to go back to the PI's to get them to  
20 adjust their proposals, there's about a 10 day working time  
21 in there for this office to help adjust those proposals.

22 MR. BAFFREY: Yeah, in response to you,  
23 Kurt, yeah, we want these proposals to be as tight as  
24 possible. So, you know, anything that we can get back to  
25 the applicant, we certainly want to do that.

1                   MR. FREDRIKSSON:  And your peer review  
2  group again is off your database, it's -- this -- could you  
3  just give us a little bit of a run down on your peer review  
4  database right now?

5                   MR. BAFFREY:  Go ahead, Michael.

6                   MR. SCHLEI:  This is Michael Schlei, I'll  
7  address that.  We have currently in our peer review  
8  database about 4,000 people that we send out a survey to  
9  once per year.  We gather information about their  
10 scientific specialties.  We, through that survey -- we send  
11 the same survey to the principal investigators who are  
12 proposing projects for us.  They take the same survey and  
13 we create sort of a match up between those two specialty  
14 categories.  Based on that the computer makes  
15 recommendations on who review for each proposal.  But the  
16 actual assignments of peer reviewer is conducted within  
17 this office, usually by the science director.

18                   Once that's completed, they're sent a link  
19 to complete the peer review, to review the DPD, and to file  
20 their comments electronically.  Once those are submitted  
21 we'll print a report of those for the PAC, the STAC, you  
22 guys certainly, and anyone else that the Executive Director  
23 wants them printed for.  Does that address your concern?

24                   MR. FREDRIKSSON:  Yeah, I just needed to  
25 know how that -- how those peer reviewers are selected and

1 where they come from.

2 MR. SCHLEI: Okay.

3 MR. O'CONNOR: That's kind of the eHarmony  
4 of peer review. Is that what you guys meant?

5 MR. BAFFREY: That's it.

6 MR. SCHLEI: In a way, yeah that's good  
7 description. In terms of where they've come from, I think  
8 they've come from recommendations by past science directors  
9 for people to be added, they've come from the American  
10 Fisheries Society convention and various other scientific  
11 groups that have met that we've obtained lists of people  
12 from. So they're many scientists from all over the country  
13 and all over the world in some cases that have been added.  
14 So, not all of them choose to contribute to our process  
15 here but we've surveyed them for this peer review cycle and  
16 we have about 160 that have indicated they're willing to  
17 participate in our process this time.

18 CHAIRMAN ZEMKE: Thank you very much,  
19 Michael.

20 MR. BAFFREY: So -- ready?

21 CHAIRMAN ZEMKE: Yes, if we're done with  
22 that topic.

23 MR. BAFFREY: Just stay there.

24 MS. BRANDON: This is Heather. I have a  
25 question.

1                   CHAIRMAN ZEMKE: Sure. Go ahead, Heather.

2                   MS. BRANDON: So what will the charge to  
3 the peer reviewers be for the individual projects that they  
4 are reviewing? For example, you know, I have youth herring  
5 watch on the brain right now so it's -- you know, this  
6 youth herring watch proposal comes in, I assume that a peer  
7 reviewer for that would be a marine science educator. And  
8 I have hard time -- I mean, the reviewer might be able to  
9 review the individual proposal but they wouldn't have a  
10 bigger prospective of what the Trustee Council is trying to  
11 do. I imagine they wouldn't. So what is the charge of the  
12 individual peer reviewers and also are they compensated for  
13 their peer review?

14                  MS. TRUST: The review for the proposals,  
15 they are not compensated. This a volunteer exercise.  
16 There is a -- in the back of the FY07 invitation, there's a  
17 discussion of what the peer review of the proposals consist  
18 of. There's a technical review and there's a programmatic  
19 review. The peer reviews that we use for the proposals  
20 through our database system, they're asked to provide  
21 technical comments on the proposals and there's specific  
22 questions that are asked and there's different percentages  
23 or weights given to each of the way they answered the  
24 question.

25                               So are the people that are proposing the --

1 there's resumes that are included in our proposals and so  
2 one of the questions, for example, is are the people that  
3 are proposing the work, are they competent and are they  
4 reasonable people to be conducting this work. And they go  
5 through the resumes and just make sure that they're able to  
6 do the work that they propose. And I think another  
7 question is, does it respond to the criteria outlined in  
8 the '07 invitation. So in other words, is it going to  
9 address what the Trustee Council asked for in the '07  
10 invitation or is it out in left field and does it really  
11 have anything to do with what the Trustee Council wants to  
12 do. So there's a list of questions in the back of the  
13 invitation that I encourage you to go back and look at that  
14 whole list if you have specific questions about what  
15 they're asked to review.

16 CHAIRMAN ZEMKE: Okay, that seems.....

17 MR. BAFFREY: Moving on?

18 CHAIRMAN ZEMKE: Yes. Are there any other  
19 comments on that?

20 (No audible responses)

21 CHAIRMAN ZEMKE: Okay. Hearing none, I  
22 guess right now we will, Trustee Council will breaking  
23 in.....

24 MR. BAFFREY: No.

25 CHAIRMAN ZEMKE: Or I guess -- are you done

1 yet?

2 MR. BAFFREY: Got two more schedules to  
3 give. Kurt, you had asked for the status of the project  
4 06-0783, which is Integral's information synthesis and  
5 recovery recommendations for the resources and services  
6 injured by the Exxon Valdez oil spill. We received that  
7 draft final report on June 2nd and it was in peer review  
8 through the second week in July. And currently the PI,  
9 Lucinda, is responding to those comments, the peer review  
10 comments, and we anticipate -- and this is definitely a  
11 moving target -- but we anticipate getting the final  
12 report, you know, available and published and released to  
13 the public the end of August.

14 CHAIRMAN ZEMKE: Okay.

15 MR. BAFFREY: And that report will be the  
16 basis for your -- the next schedule you requested, which is  
17 the update to the -- 2006 update to the injured resources  
18 and services list. So that's going to -- that time period  
19 when we get the final report is going to kick off the  
20 meetings that we have with the liaisons and the core group  
21 and drafting -- and currently we're compiling background  
22 information. Publications, reports, previous updates to  
23 the injured resources and services list. And we are in the  
24 process of preparing a draft update. Once we get Lucinda's  
25 report we will dress that up more specifically and that

1 will happen in the month of September, October.

2                   The staff, with additional support from the  
3 Trustee Council members and the liaisons, will conduct a  
4 series of community and PAC meetings and we will prepare a  
5 draft final for Trustee Council consideration at your  
6 November meeting.

7                   CHAIRMAN ZEMKE: All right.

8                   MR. BAFFREY: Uh-huh.

9                   CHAIRMAN ZEMKE: I guess that's -- any  
10 questions?

11                   (No audible responses)

12                   CHAIRMAN ZEMKE: I guess hearing none we'll  
13 be breaking into executive session at 8:56.

14                   REPORTER: You need a motion.

15                   CHAIRMAN ZEMKE: Yeah, oh thanks.

16                   MR. O'CONNOR: I would vote.....

17                   CHAIRMAN ZEMKE: Thank you.

18                   MR. O'CONNOR: I would second.

19                   CHAIRMAN ZEMKE: Who moved? Is there a  
20 motion to break into executive session? I guess I move.

21                   MR. O'CONNOR: I second.

22                   CHAIRMAN ZEMKE: Okay. All right.

23                   MS. PEARCE: What's the phone number? Are  
24 you emailing us a number?

25                   CHAIRMAN ZEMKE: Cherri?

1 MR. BAFFREY: Drue, I'll call you.  
2 (Off record / On record - 8:55 a.m.)  
3 MR. O'CONNOR: Oh, I did, earlier.  
4 CHAIRMAN ZEMKE: Earlier.  
5 UNIDENTIFIED SPEAKER: Craig actually said  
6 it earlier but just say it again.  
7 MR. TILLERY: Not again, say it in the  
8 motion.  
9 MR. O'CONNOR: Oh, I move we move -- I --  
10 whatever. We're going to go in and -- to discuss the  
11 implications of the ongoing litigation with regard to our  
12 decisions on science studies and their direction. Is that  
13 adequate for the record?  
14 MR. TILLERY: Yeah.  
15 CHAIRMAN ZEMKE: Yeah, okay.  
16 MR. O'CONNOR: I moved it, he seconded it.  
17 We're done.  
18 (Off record - 8:56 a.m.)  
19 (On record - 9:30 a.m.)  
20 CHAIRMAN ZEMKE: We're all here so the  
21 Trustee Council will be coming back into session. While we  
22 were in executive session we discussed legal matter. So  
23 with that, I guess we'll be moving on to the -- through the  
24 agenda. And the next item is item number 6, the building  
25 lease renewal. Would you like to introduce that, Michael?

1                   MR. BAFFREY: Sure. I know there's been  
2 some -- there's been questions raised about have we  
3 actually looked at other sites and the answer to that is  
4 yes. I've had conversations with Tanci Mintz at the  
5 Department of Administration about space in the Atwood  
6 Building. Also we toured the old Federal Building with GSA  
7 staff. The space in the Atwood was too small. The space  
8 in the Federal -- the old Federal Building would require  
9 extensive renovations at our expense and still wouldn't  
10 meet our minimum needs.

11                   Our current lease is good through the end  
12 of this calendar year. It's a topic on your agenda because  
13 if you decide to stay in this location, the renewal option  
14 and occupancy agreement needs to be prepared by USGS and  
15 GSA and then submitted to the building owners by -- 120  
16 days prior to the end of this year, that date being  
17 September 1. That gives USGS and GSA the month of August  
18 to do the work that they need to do.

19                   Dede and Barbara prepared a memo, I think  
20 it was June 26th, and it laid out three options for your  
21 consideration. Option one, remain in the current space,  
22 renew the lease, which has 120 day lease cancellation  
23 clause. The annual cost with the ever-increasing  
24 Department of Homeland Security fees is approximately  
25 \$160,000. That works out to approximately \$26 per square

1 foot.

2                   The option two is to stay here, remodel,  
3 and downsize the current space and forfeit the lease  
4 cancellation clause.

5                   MR. MARQUEZ: On the cancellation clause,  
6 Michael -- this is Dave -- is there a penalty for invoking  
7 that 120 day cancellation clause?

8                   MR. BAFFREY: No. No, there's not.

9                   MR. MARQUEZ: Okay. Good. Thank you.

10                  MR. BAFFREY: Uh-huh, thank you. And that  
11 annual cost for the downsized area would be approximately  
12 \$110,000 annually. And because of the restroom locations,  
13 building security would not meet federal standards.

14                  Option three, find a new space. Current  
15 office space ranges, in this area, from 38 to 42 dollars  
16 per square foot. GSA estimated our space needs to be  
17 around 4100 square feet. At 4000 square feet, taking in a  
18 mid-range figure of \$40 per square foot, that works out to  
19 \$160,000, which is comparable to our option one.

20                  GSA staff and the USGS space management  
21 staff recommended option one, and I agree. We get the  
22 cancellation clause and with the future disposition of the  
23 Trustee Council somewhat in question, it doesn't make sense  
24 to have a major staff disruption or to -- or the added cost  
25 of moving and possibly office renovations.

1 CHAIRMAN ZEMKE: Okay.

2 MR. MARQUEZ: This is Dave. I concur with  
3 option one and, you know, I think what I like about it is  
4 the fact it gives us more flexibility with the 120  
5 cancellation and in fact it would allow us the flexibility  
6 for you, you know, not to spend a lot of time but kind of  
7 keeping your eyes open for more appropriate space. And if  
8 something were to come up that would allow us to do it, if  
9 appropriate, later and it would also allow us the  
10 flexibility to cancel for other reasons. So if it's  
11 appropriate, I would move that we approve option one.

12 CHAIRMAN ZEMKE: Is there a second to that  
13 motion?

14 MR. O'CONNOR: I second it.

15 CHAIRMAN ZEMKE: Okay. Discussion on the  
16 motion?

17 MR. O'CONNOR: I just have one question.  
18 Do we feel a lot more secure now that we're giving Homeland  
19 Security 160,000 bucks?

20 MR. BAFFREY: Actually it's -- we're not  
21 giving Homeland Security that much, we're giving them I  
22 think it's around \$180 per month.

23 MS. HANNAH: 157.

24 MR. BAFFREY: 157, which.....

25 MS. HANNAH: A month.

1 MR. BAFFREY: And it goes up and.....

2 MS. HANNAH: 170 -- oh, 178. You're right,  
3 178.

4 MR. BAFFREY: And to answer your question,  
5 yes, I feel much more secure.

6 MR. O'CONNOR: Okay. Good, good.

7 CHAIRMAN ZEMKE: Can GSA contract a space  
8 if they don't meet the Homeland Security standards?

9 MR. BAFFREY: I don't believe so.

10 UNIDENTIFIED SPEAKER: It's Federal.

11 CHAIRMAN ZEMKE: Okay. So the State would  
12 probably have to take over the lease if.....

13 MR. BAFFREY: If we moved to another  
14 location.

15 CHAIRMAN ZEMKE: If you moved to the other  
16 location. Any other discussion or questions?

17 MS. BRANDON: This is Heather. McKie  
18 stated to me that he would like Michael to keep his eyes  
19 open for space that is a more appropriate size and lower  
20 cost, whether that be in downtown Anchorage or midtown. So  
21 if we go with option one and we have the opportunity to  
22 invoke the 120 day cancellation with no penalty that we'd  
23 be able to do that in the future if Michael would be able  
24 to find something more appropriate.

25 MR. BAFFREY: Well, I'll definitely keep my

1 eyes open.

2 MS. BRANDON: Thank you.

3 CHAIRMAN ZEMKE: Looking at it, it seems  
4 like that the option one provides certainly the most  
5 flexibility and given what's coming up within the next  
6 several months, I think the disruption to the staff was a  
7 very critical idea that we need to try to keep that to the  
8 minimum. And so option one provides, I think that best  
9 opportunity. Any other discussion?

10 (No audible responses)

11 CHAIRMAN ZEMKE: Hearing none, I'd like I  
12 guess call for a question on the motion.

13 MR. BAFFREY: All right.

14 CHAIRMAN ZEMKE: Go ahead.

15 MR. BAFFREY: David.

16 MR. MARQUEZ: Yes.

17 MR. BAFFREY: Drue.

18 MS. PEARCE: Yes.

19 MR. BAFFREY: Kurt. Kurt, are you there?

20 MR. FREDRIKSSON: Yes.

21 MR. BAFFREY: Heather.

22 MS. BRANDON: Yes.

23 MR. BAFFREY: Craig.

24 MR. O'CONNOR: Yes.

25 MR. BAFFREY: Steve.

1                   CHAIRMAN ZEMKE: Yes.

2                   MR. BAFFREY: Thank you.

3                   CHAIRMAN ZEMKE: So the motion has passed.

4 Okay. From there we'll move onto agenda item 7, the report

5 writing procedures. Michael, I guess you could address

6 that or I guess.....

7                   MR. O'CONNOR: Drue, is this the one you

8 were talking about to me?

9                   MS. PEARCE: Just a minute, I'm shuffling

10 papers.

11                  MR. O'CONNOR: Okay.

12                  MS. PEARCE: Yes, I think so. I think

13 that's how we've got it here. Right.

14                  MR. BAFFREY: Do you want me to give any

15 background or are you guys good to go on this one?

16                  CHAIRMAN ZEMKE: I guess I'm all right.

17 How about any other council members?

18                  MR. O'CONNOR: Well, Drue, what did you --

19 did you want to -- I don't know why -- did you want to make

20 a motion on this, on the agenda or something, or what did

21 you want to do? Because you had brought up something that

22 we needed to chat about or not chat about at this point.

23                  MS. PEARCE: Well, I just think -- I don't

24 know if anybody is going to make a motion but it's sounding

25 like perhaps we're not at the moment, that we may not

1 address this at this meeting. So I.....

2 CHAIRMAN ZEMKE: Would you like to make a  
3 motion?

4 MR. O'CONNOR: We can do it one of two  
5 ways. We can -- I can just make a motion that we remove  
6 this from the agenda or that we table it until the next  
7 meeting. Mr. Chairman, how would you like me to do it?

8 CHAIRMAN ZEMKE: I guess it's your  
9 deference, would you like to make a motion to table or  
10 defer? It's -- I guess it's up to you.

11 MS. PEARCE: And why don't we do this, why  
12 don't I move that we defer item 7, report writing  
13 procedures, until such time as the Executive Director feels  
14 it's ready to be brought back to the agenda.

15 CHAIRMAN ZEMKE: Is there a second to that  
16 motion?

17 MR. O'CONNOR: I second that motion.

18 CHAIRMAN ZEMKE: Okay. Discussion.

19 (No audible responses)

20 CHAIRMAN ZEMKE: Okay. I guess hearing no  
21 discussion then I guess we'll call for the question.

22 MR. BAFFREY: Drue.

23 MS. PEARCE: Yes.

24 MR. BAFFREY: Kurt.

25 MR. FREDRIKSSON: Yes.

1 MR. BAFFREY: David.

2 MR. MARQUEZ: Yes.

3 MR. BAFFREY: Heather.

4 MS. BRANDON: Yes.

5 MR. BAFFREY: Craig.

6 MR. O'CONNOR: Yes.

7 MR. BAFFREY: Steve?

8 CHAIRMAN ZEMKE: Yes. I guess the.....

9 MR. BAFFREY: Good that they didn't ask us.

10 CHAIRMAN ZEMKE: So the report writing

11 procedures distribution reports is being deferred. With

12 that, there's nothing else on the agenda, and so are there

13 any other comments?

14 (No audible responses)

15 CHAIRMAN ZEMKE: Hearing none, the meeting

16 is adjourned at 9:50.

17 (Off record - 9:50 a.m.)

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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 50  
contain a full, true and correct transcript of the Exxon  
Valdez Oil Spill Trustee Council's Meeting recorded  
electronically by me on the 28th day of July 2006,  
commencing at the hour of 8:00 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, 441 W. 5th  
Avenue, Suite 500, Anchorage, Alaska 99501;

DATED at Anchorage, Alaska this 5th day of August  
2006.

SIGNED AND CERTIFIED TO BY:

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