

1 EXXON VALDEZ OIL SPILL  
2 TRUSTEE COUNCIL  
3 Public Meeting  
4 Wednesday, May 19, 2004  
5 9:30 o'clock a.m.  
6 EVOS Office  
7 TRUSTEE COUNCIL MEMBERS PRESENT:  
8 STATE OF ALASKA - DEPARTMENT MR. KEVIN DUFFY  
9 OF FISH AND GAME: Commissioner  
10 (Chairman)  
11 STATE OF ALASKA - MR. CRAIG TILLERY for  
12 DEPARTMENT OF LAW: MR. GREGG RENKES  
13 Attorney General  
14 U.S. DEPARTMENT OF COMMERCE, MR. JAMES W. BALSIGER  
15 National Marine Fisheries Svc: Administrator, AK Region  
16 U.S. DEPARTMENT OF AGRICULTURE, MR. JOE MEADE  
17 U.S. FOREST SERVICE Forest Supervisor  
18 U.S. DEPARTMENT OF INTERIOR: MS. DRUE PEARCE  
19 Senior Advisor to the  
20 U.S. Department of Interior  
21 STATE OF ALASKA - DEPARTMENT MS. ERNESTA BALLARD  
22 OF ENVIRONMENTAL CONSERVATION: Commissioner  
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1 Trustee COUNCIL STAFF PRESENT:  
2 MS. GAIL PHILLIPS Executive Director  
3 DR. PHIL MUNDY Science Director  
4 (Telephonically)  
5 MS. CHERRI WOMAC Administrative Assistant  
6 MS. PAULA BANKS Administrative Assistant  
7 MR. PETER HAGEN NOAA  
8 MR. DOUG MUTTER Department of Interior  
9 MR. MICHAEL BAFFREY Department of Interior  
10 MS. MARIA LISOWSKI General Council's Office  
11 Department of Agriculture  
12 MR. STEVE ZEMKE U.S. Forest Service  
13 MS. GINA BELT Department of Justice  
14 MS. DEDE BOHN U.S. Geological Service  
15 MR. BRETT HUBER AK Fish and Game  
16 MR. TONY DeGANGE U.S. Fish and Wildlife Svc.

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P R O C E E D I N G S

(On record - 9:34 a.m.)

CHAIRMAN DUFFY: Good morning, everyone.

I'd like to open up the Exxon Valdez Oil Spill Trustee Council meeting. This is Kevin Duffy, Alaska Department of Fish and Game. I'm chair for this session. With me are all of the Trustees. Dr. Jim Balsiger with National Marine Fishery Service. Craig Tillery, Office of the Attorney General. Drue Pearce, secretary of interior -- or the Department of Interior, excuse me. Ernesta Ballard, DEC Commissioner and Joe Meade with the U.S. Forest Service.

And to start things off, I would like to ask for those people on line to identify themselves, if they would please?

DR. MUNDY: Yeah, this is Phil Mundy, Science Director for the Trustee Council.

CHAIRMAN DUFFY: Good morning, Dr. Mundy.

DR. MUNDY: Good morning.

MS. HOLBA: This is Carrie Holba, librarian over at ARLIS.

CHAIRMAN DUFFY: Okay. Anyone else on line today?

(No audible response)

CHAIRMAN DUFFY: It sounds like we've got two people on line. I would entertain a motion to amend

1 and approve and/or approve the agenda in front of us.  
2 Trustee Council members, any modifications to the agenda in  
3 front of us?

4 MS. BALLARD: You're looking for an  
5 amendment that we're supposed to know about?

6 CHAIRMAN DUFFY: No, not necessarily. I  
7 just wanted to give you some flexibility.

8 MS. BALLARD: I move approval of the agenda  
9 in that case.

10 MR. MEADE: I second.

11 CHAIRMAN DUFFY: It's been moved and  
12 approved. Is there opposition?

13 (No audible response)

14 CHAIRMAN DUFFY: Hearing none, so approved.  
15 That moves us to the first item, and that is approval of  
16 meeting notes, March 1st, 2004 and May 14th of 2004. The  
17 Chair is looking for a motion to modify, amend or approve.

18 MS. PEARCE: Is that for the March 1st, Mr.  
19 Chairman?

20 CHAIRMAN DUFFY: For the March 1st meeting  
21 first.

22 MS. PEARCE: Mr. Chairman, I would move to  
23 approve the minutes of the March 1st meeting.

24 MS. BALLARD: Second.

25 CHAIRMAN DUFFY: Move to approve by Drue

1 Pearce, seconded by Ernesta Ballard. Is there a comment  
2 from Trustee Council members?

3 (No audible response)

4 CHAIRMAN DUFFY: Hearing no comments, is  
5 there opposition?

6 (No audible response)

7 CHAIRMAN DUFFY: Hearing none, the minutes  
8 of May 1 are approved. March 1, excuse me. And the second  
9 set of minutes in front of us?

10 DR. BALSIGER: Chairman, I move we approve  
11 the minutes of May 14th Trustee Council meeting.

12 CHAIRMAN DUFFY: It's been moved by Dr.  
13 Balsiger. Is there a second?

14 MS. PEARCE: Second.

15 CHAIRMAN DUFFY: Is there any clarification  
16 or modification to the minutes from the May 14th meeting?

17 (No audible response)

18 CHAIRMAN DUFFY: Hearing none, is there  
19 opposition to approval?

20 (No audible response)

21 CHAIRMAN DUFFY: Hearing none, so approved.  
22 Council members, that takes us to the agenda item public  
23 comment. I would open it up first to anyone on the line.  
24 Ms. Holba, did you wish to comment at this time?

25 MS. HOLBA: No, I'm available for the

1 Trustee Council if they have questions on items that are  
2 farther down on the agenda.

3 CHAIRMAN DUFFY: Okay, thank you.

4 Participants in the room, would anyone like to come forward  
5 and comment as part of the public comment period?

6 (No audible responses)

7 CHAIRMAN DUFFY: I see no takers. Public  
8 comment period is closed and we'll move to agenda item  
9 number 3, which we will get some action on. Dr. Balsiger.

10 DR. BALSIGER: Mr. Chairman, I perhaps  
11 should have asked this as we approved the agenda, but there  
12 was some expectation or talk about having this be an  
13 interaction meeting -- allowing some interaction between he  
14 PAC and the Trustees at this meeting, I believe. Did I  
15 misunderstand that or is that actually going to occur  
16 somehow in this agenda?

17 CHAIRMAN DUFFY: Dr. Balsiger, my  
18 understanding was under agenda item number 8, PAC guidance  
19 discussion, I believe that the intent -- at least my intent  
20 as chair -- was to have a free flowing back and forth  
21 discussion with PAC members either in the room or on line.

22 DR. BALSIGER: Thank you, that's great.

23 CHAIRMAN DUFFY: Okay. Then we're under  
24 agenda item number 3, Executive Director's report. Ms.  
25 Phillips.

1 MS. PHILLIPS: Thank you, Mr. Chairman.  
2 First item on my Executive Director's report is a report on  
3 our presentations to the various organizations and chambers  
4 around the state on the 15th year anniversary. And in  
5 front of you, we have give you a copy of the brochure that  
6 we have published and the CD that we took to most of the  
7 spill affected communities. We actually did presentations  
8 in Seward, Kodiak, Soldotna, Cordova, Valdez, Homer and  
9 Kenai. And we do have an invite to come up to Fairbanks  
10 later in the summer and make a presentation there. We  
11 also, in -- locally in Anchorage we made presentations to  
12 the Air Cargo Association, the RDC. We had a college  
13 classroom, Alma College in -- somewhere. Where? Michigan,  
14 yes -- in Michigan -- came and met with us.

15 So we have distributed this material quite  
16 fully around the spill affected area. And we will be this  
17 week mailing it out to all the libraries, the schools, the  
18 museums, and any other organizations that we have on our  
19 mailing list that would be interested in finding out where  
20 the Trustee Council is and where we are today with the oil  
21 spill issues.

22 We also kept a list of all the press and  
23 media that contacted us early and they'll be receiving  
24 copies of this. It was very successful and during our time  
25 in our public presentations, we actually picked up three

1 very, very good ideas for community involvement projects  
2 that we are going to be starting to work on. So I think we  
3 got the good message out about the progress that has been  
4 made in the 15 years since the spill.

5                   The next item that I do want to talk to you  
6 about is the community involvement. We had a meeting  
7 scheduled earlier in this month and did not continue with  
8 that meeting. I want to bring your attention to the very  
9 back of your folder. We have a matrix, a community  
10 involvement matrix listed under miscellaneous that  
11 Commissioner Ballard put together. It's quite extensive  
12 and quite involved. And at the time of our meeting on May  
13 3rd, we determined that we needed to sit down and meet with  
14 the Trustee Council again on community involvement, which  
15 we hope to do before our next meeting. And probably have a  
16 workshop with the Trustees before our next meeting on the  
17 whole issue of community involvement and where we -- where  
18 the Trustees want to go with that.

19                   Next item is the small parcels working  
20 group update. And I would ask -- Paul Banks is our staff  
21 person that will be monitoring and working on this issue  
22 and I would ask her to give us a report. Paula, if you  
23 would come up forth.

24                   MS. BANKS: Good morning. For the record,  
25 my name is Paula. Last name is Banks, B-A-N-K-S. And we

1 have met with the Department of Fish and Game, DNR, and US  
2 Fish and Wildlife Service regarding the small parcel  
3 habitat group that the Trustee Council had decided on March  
4 1st to put together a habitat task group. And what we'd  
5 like to do or what I would like to do at this time is to  
6 ask for recommendations from the Trustee Council. If there  
7 are any Council members that are interested in serving on  
8 the committee or.....

9 DR. MUNDY: Could the speaker move closer  
10 to the microphone, please?

11 MS. BANKS: Or if they have any  
12 recommendations -- is that better?

13 DR. MUNDY: Yes, thanks.

14 MS. BANKS: Sorry. If they have any  
15 recommendations for agency staff to participate on the  
16 committee.

17 MS. PEARCE: Mr. Chairman.

18 CHAIRMAN DUFFY: Ms. Pearce.

19 MS. PEARCE: Thank you. I had asked Rowan  
20 Gould, our Region 7 Director, who he would like to have  
21 appointed from Fish and Wildlife Service and I'll be  
22 honest, I'm not sure that I ever got a name back through.  
23 Did he give one to you or could we ask Tony, do you know  
24 who Rowan.....

25 MR. DEGANGE: I don't know but Steve Shuck

1 is on his way here, I think, and he's in our real estate  
2 division, so he might know.

3 MS. PEARCE: Okay.

4 MR. DEGANGE: But I don't know for sure.

5 MS. PEARCE: I know we have someone from  
6 Fish and Wildlife Service.

7 MS. BANKS: Okay, great.

8 MS. PEARCE: I don't know yet who it is.

9 MS. BANKS: Great. Gary Goldberg, we met  
10 with.....

11 MS. PHILLIPS: Excuse me, Mr. Chairman.  
12 Commissioner Ballard -- Commissioner Meade.

13 MR. MEADE: I just had an additional  
14 question. I was going to -- or a query. I was going to  
15 suggest -- and I might ask Steve Zemke if he would affirm  
16 this. It seems this could be a role we could ask our  
17 liaisons to the Council to take on from each of our  
18 relative responsibilities. That way each agency here at  
19 the table has a staff representative to assist in the  
20 effort.

21 CHAIRMAN DUFFY: If I could, Joe. I think  
22 that's a good idea. I'd want to think about that a little  
23 bit and make sure we don't get into a situation where if  
24 the liaisons -- I just don't want them to get into a  
25 conflict type situation so I would have to look at exactly

1 what the committee is doing before I would agree that our  
2 person would specifically do that task. However, I don't  
3 know if you have any meetings planned in the near future,  
4 but if you would contact me I would, for the Department of  
5 Fish and Game, I will identify either myself or someone  
6 else to participate in that effort. So I'm very  
7 supportive, I've got some detailed information and I think  
8 we're making some progress.

9 I think we did a good job as a Trustee  
10 Council here a couple of months ago in kind of cleaning the  
11 slate of some issues that were hanging and now we're ready  
12 to move forward in a coordinated fashion. And to scrub the  
13 approach and to move forward is a good concept and I  
14 support that. So -- Ms. Ballard.

15 MS. BALLARD: Paula, for the time being, if  
16 you schedule a meeting, Joanie Slemens of my staff would be  
17 the person I would want to attend to then advise us how we  
18 best staff or cooperate through shared staffing with Kevin.  
19 Joanie is here in Anchorage, which recommends her, and she  
20 is responsible for our non-point source pollution program,  
21 which is the appropriate link with habitat. So that would  
22 be the person from us. I don't know if you know Joanie,  
23 but she's here in our office.

24 MS. BANKS: Okay. All right.

25 MR. MEADE: And for clarification, Paula,

1 Steve will serve in that role on my behalf.

2 MS. BANKS: Steve Zemke?

3 MR. MEADE: Yes.

4 MS. BANKS: Okay.

5 DR. BALSIGER: Mr. Chairman.

6 CHAIRMAN DUFFY: Dr. Balsiger.

7 DR. BALSIGER: For putting this on the  
8 record, I guess, Dr. Hagen would be the contact. I expect  
9 most of the action would be in interior -- in the state  
10 agencies. But to the extent that we should be involved,  
11 he'd be the person.

12 MR. TILLERY: Mr. Chairman.

13 CHAIRMAN DUFFY: Mr. Tillery.

14 MR. TILLERY: Actually, we have two people.  
15 Alex Swiderski from my office does most of the legal work  
16 on these kinds of issues. But also I think Carol Fries  
17 from DNR would need to be included.

18 MS. BANKS: Okay. I would like to  
19 recommend Gary Goldberg also, with the US Fish and Wildlife  
20 Service. He has been dealing with the grant program  
21 through the federal agencies and he brings a lot of history  
22 and I believe he would be good to have as part of the group  
23 as well.

24 At this time, I know that part of the group  
25 you wanted represented was one of the NGO's. And I believe

1 at this time, to prevent any future conflicts, that we ask  
2 for advice from the NGO's but not actually include them as  
3 part of the working group as it may keep them from bidding  
4 on any possible future positions as an NGO for the program.

5                   CHAIRMAN DUFFY: Okay. And given the list  
6 that has been forwarded, I'm going to, on behalf of the  
7 Department of Fish and Game, I would have Brett Huber fill  
8 this role for the department. And if situations arise that  
9 appear uncomfortable in terms of the relationship of what  
10 he does here versus his, he'll let me know. Otherwise, he  
11 would be the department designee. Ms. Banks has suggested  
12 Gary Goldberg from the US Fish and Wildlife Service. Drue  
13 Pearce.

14                   MS. PEARCE: I have no problem with that, I  
15 just want to double check with Rowan Gould, our regional  
16 director, that he's comfortable with that.

17                   CHAIRMAN DUFFY: Okay. All right.

18                   MS. PEARCE: We'll do that and.....

19                   CHAIRMAN DUFFY: Okay.

20                   MS. PEARCE: .....get back to you, Paula.

21                   MS. BANKS: I also have.....

22                   MS. PEARCE: I think Rowan is in -- I know  
23 he's in town this week.

24                   MS. BANKS: Okay. I have one more  
25 recommendation, it's Mark Kowata with Fish and Game. And

1 he has a great deal of history with the parcel program as  
2 well.

3                   CHAIRMAN DUFFY: I think that's a very good  
4 idea. I know that Mark has an extensive history in this  
5 program. So those two would be our contacts. The other  
6 suggestion that Ms. Banks had was that we not actually have  
7 the NGO's be a part of the work group but that they advise  
8 the work group and they consult with the work group as  
9 required. And I can understand how she would make that  
10 recommendation, given that the NGO's often times are those  
11 that come forward with proposals that lead to small parcel  
12 acquisitions. So unless I hear opposition from the Trustee  
13 Council members on that approach, that seems to make sense  
14 to me.

15                   MS. BANKS: And Mr. Chairman, there was  
16 also -- a part of that group was a person from the Public  
17 Advisory Committee. There's been some interest expressed  
18 -- and I've heard from other PAC members that Stacy  
19 Studebaker and Chuck Meacham have some interest in being  
20 part of that group as well. I don't know if there are any  
21 other PAC members that had shown some interest.

22                   CHAIRMAN DUFFY: Is Stacy available here?  
23 Stacy?

24                   MS. STUDEBAKER: Yeah. Yes, I volunteer.

25                   CHAIRMAN DUFFY: Okay. She's confirmed and

1 -- Chuck Meacham?

2 MR. MEACHAM: Stacy certainly wants to be  
3 involved and if it's appropriate and there's space, I would  
4 participate as well. But she would first choice.

5 CHAIRMAN DUFFY: Okay. I'm supportive of  
6 that approach.

7 MR. MEADE: Mr. Chair.

8 CHAIRMAN DUFFY: Mr. Meade.

9 MR. MEADE: One thing I would perhaps ask  
10 the Board and perhaps Ms. Banks as well, is have we, in  
11 addition to the discussion we did have in March, have we  
12 provided clear and crisp, a guidance or a charter to this  
13 effort so we have a good sense of what we're asking this  
14 group to do on behalf of the board of Trustees? As I have  
15 grown to understand it in the 15 months that I've been a  
16 member of the Board of Trustees, much of the habitat needs  
17 for addressing and mitigating impacts for the oil spill  
18 have occurred.

19 And by and large the focus today is not on  
20 securing more habitat in small parcel issues. And I would  
21 feel it would be real important that we have a discussion  
22 if further clarification is needed as a board so we have a  
23 sense of clarity that we're chartering this group and  
24 asking this group to focus towards.

25 CHAIRMAN DUFFY: Ms. Phillips. Comment.

1 MS. PHILLIPS: Those comments are  
2 absolutely correct and one of the things, we put together a  
3 small working group before we do the final one, to kind of  
4 put together what we feel that the Trustee Council wants to  
5 address with the new small parcels working group. And once  
6 we get that all put together and confirmed, we'll bring  
7 that back to you and see if that is acceptable. And then  
8 the new group, the big group, will have all those names  
9 confirmed also for our next meeting for you folks.

10 CHAIRMAN DUFFY: Okay, so from a timing  
11 perspective then, probably late summer, early fall.....

12 MS. PHILLIPS: Right.

13 CHAIRMAN DUFFY: .....when we would have  
14 the next Trustee Council meeting, would be the time where  
15 we would review this.....

16 MS. PHILLIPS: Right.

17 CHAIRMAN DUFFY: .....and make sure that we  
18 provided adequate direction for the group to go forward,  
19 okay?

20 MS. PHILLIPS: Yes.

21 CHAIRMAN DUFFY: Dr. Balsiger.

22 DR. BALSIGER: Mr. Chairman, at the last --  
23 not the last meeting but I believe March.....

24 MS. PHILLIPS: March 1st.

25 DR. BALSIGER: March 1st meeting, we had a

1 specific motion relative to this working group, I believe,  
2 which motion included a recommendation -- motion included a  
3 inclusion of NGO's on this and a member of the PAC. So I'm  
4 wondering if we're deviating from that, whether we need to  
5 take formal action or whether that's trivial and we don't  
6 have to worry about it. And my thought is, not to blame  
7 Commissioner Ballard, but I know that she's looked for  
8 consistency through the processes that the Trustees have  
9 gone through and part of which led to the matrix, I  
10 believe, that we make it to later. So I just assume be  
11 consistent and not catch ourselves at this later.

12 CHAIRMAN DUFFY: I think that's good  
13 advice. Any suggestions?

14 MS. PHILLIPS: I would recommend that you  
15 do a motion that clarifies that you -- rather than putting  
16 the NGO's on the working group, that you will seek  
17 information from the NGO's but leave them the flexibility  
18 of being able to bid on these issues in the future. So it  
19 would be like putting a contractor onto your bid selection  
20 committee.

21 CHAIRMAN DUFFY: Okay.

22 MS. PHILLIPS: Who has a bid -- you know,  
23 who is submitting a bid. So maybe if you could just make a  
24 motion and make that clarification.

25 CHAIRMAN DUFFY: Okay, so looking back in

1 the meeting minutes of March 1st, it did say that there  
2 would be an NGO representative as part of this small parcel  
3 working group. So a.....

4 MS. PHILLIPS: And Mr.....

5 CHAIRMAN DUFFY: .....motion from the  
6 Trustee.....

7 MS. PHILLIPS: And Mr. Chairman.

8 CHAIRMAN DUFFY: Yes.

9 MS. PHILLIPS: And you could also add, and  
10 at least one member from the PAC.

11 CHAIRMAN DUFFY: Yeah. And the PAC, excuse  
12 me. Dr. Balsiger.

13 DR. BALSIGER: Well, Mr. Chairman, I'd try  
14 to -- since I caused this trouble, I'd try to make that  
15 motion that following the general guidance of the motion  
16 taken at the last meeting, after doing some work, we  
17 believe that it's more appropriate to have the NGO's as an  
18 advisory capacity and not members of the working group and  
19 that PAC representation of at least one person is  
20 important.

21 MS. BALLARD: Second.

22 CHAIRMAN DUFFY: It's been moved and  
23 seconded. Is there comment from Trustee Council members?

24 (No audible response)

25 CHAIRMAN DUFFY: No comment. Is there

1 opposition to the motion?

2 (No audible response)

3 CHAIRMAN DUFFY: Hearing none, so moved.

4 MS. BALLARD: Mr. Chairman.

5 CHAIRMAN DUFFY: Ms. Ballard.

6 MS. BALLARD: Without wanting more motions,  
7 I do hope, after working on the matrix -- and thank you for  
8 mentioning it -- I'll certainly add this particular effort  
9 as item whatever, 26. But I think it's key that this  
10 working group determine what standards we will use to judge  
11 an application in the future for a small parcel. And it  
12 can't be any longer that it's just a good habitat piece or  
13 just an extension of a piece that already exists.

14 Because if we're in general agreement that  
15 we have accomplished the habitat goals of the restoration  
16 program, then additional habitat acquisitions are going to  
17 have to be judged by some standard that isn't articulated  
18 and clear at this point. And it seems to me that that's  
19 what this working group needs to be about. To help us  
20 before we have three parcels before us to consider. To  
21 determine what screen we're going to put them through. How  
22 are we going to decide whether one is better than the  
23 others or whether all three are equally good, by what  
24 standard.

25 CHAIRMAN DUFFY: Any comments, Trustee

1 Council members? Ms. Banks, anything further?

2 MS. BANKS: Yes, Mr. Chairman.

3 CHAIRMAN DUFFY: Go ahead.

4 MS. BANKS: And I would also ask for  
5 clarification from Gail as far as the staff member to staff  
6 this. The EVOS staff member.

7 MS. PHILLIPS: And that would be Paula.

8 MS. BALLARD: You got it.

9 MS. BANKS: Thank you. And that's all.

10 CHAIRMAN DUFFY: Hearing no aggressive  
11 opposition, that seems to work. Okay. Thank you for your  
12 report.

13 MS. BANKS: Thank you.

14 MS. PHILLIPS: Thanks, Paula. And the last  
15 item under my remarks are the discussion on the NOS grant.  
16 And as you know from the last -- the March 1st meeting  
17 regarding the NOS grant and all the information that you  
18 have received, since that time, we have -- it has been  
19 determined that EVOS is not the proper entity for accepting  
20 the NOS grant. And I have a statement I'd like to read  
21 into the minutes and then it may require an amendment -- or  
22 I mean it may require a motion for clarification.

23 Among the items covered by the March 1st  
24 Trustee Council meeting notes before you -- our approval,  
25 is item number 5 pertaining to the NOAA, National Ocean

1 Systems grant. While it is not necessary to amend these  
2 notes, I would like to provide some clarification for the  
3 record. Review following the Council action on this issue  
4 has indicated that acceptance of these grant funds would be  
5 outside of the Trustee Council authority. Therefore, the  
6 Alaska Department of Fish and Game will be the entity  
7 making application for this grant and subsequently entering  
8 into the grant agreement with NOAA/NOS. ADF&G will act as  
9 the intermediary in this grant process and in turn provide  
10 a contract for the Prince William Sound Science Center to  
11 carry out the Hinchbrook/Montague project. This  
12 administrative change will not materially change the scope  
13 of the project from what was previously detailed to the  
14 Trustee Council.

15                   So if you want to make a motion to clarify  
16 the action taken in the March 1st meeting, a motion would  
17 be appropriate that upon legal research it was determined  
18 that the Trustee Council could not be the entity to receive  
19 this money and we're making the recommendation that Fish  
20 and Game be that entity.

21                   MS. BALLARD: Kevin, do you have.....

22                   CHAIRMAN DUFFY: Ms. Ballard.

23                   MS. BALLARD: .....enough receipt authority  
24 to do this?

25                   CHAIRMAN DUFFY: Yes.

1 MS. PHILLIPS: I have both Phil and Brett  
2 on line to answer any questions about the process. The  
3 process has already started with working with Fish and Game  
4 on it.

5 CHAIRMAN DUFFY: Yeah, in response to Ms.  
6 Ballard, yeah, we got the receipt authority for this.

7 MS. BALLARD: You got more squirreled away  
8 over there at Fish and Game?

9 CHAIRMAN DUFFY: For the record, the  
10 Department of Fish and Game receives very little from this,  
11 except for some minor charge for the administrative fee  
12 associated with it. I was involved in some of these  
13 discussion in the intervening period since the last meeting  
14 when it was brought to my attention that there are some  
15 issues associated with the Trustee Council themselves  
16 acting as a recipient of grants. And given that a number  
17 of the projects that flow through the Trustee Council  
18 process do go through the Department of Fish and Game, we  
19 had a discussion with the Executive Director. We were  
20 advised by the staff to the Department on this issue here  
21 at the Trustee Council and it seems to work in a much more  
22 uniform, consistent legal fashion than it would if the  
23 Trustee Council was acting in this. We were advised by the  
24 attorney general's office as well as the solicitor  
25 general's office. So -- or Department of Justice, I should

1 say.

2 MS. BALLARD: Kevin.

3 CHAIRMAN DUFFY: Ms. Ballard.

4 MS. BALLARD: If I could add to this  
5 general discussion, I want to personally thank the members  
6 of your staff and NOAA and Department of Law and Gail's  
7 staff who really dug into this and made sense of it. When  
8 this first came up 18 months ago with the first grant, the  
9 Council expressed bafflement, I think would be the only  
10 phrase I could use. And I'm glad we finally now seem to  
11 understand what the program is, understand what the source  
12 of the money is, understand what it's intended for and have  
13 moved beyond it. But I know that it took a lot of personal  
14 effort on the part of a lot of people to dig into it. And  
15 I appreciate that because I was one of the most baffled.

16 CHAIRMAN DUFFY: There are some items that  
17 were originally envisioned as being part of this agreement  
18 that will no longer be in effect. One was -- because I  
19 remember us specifically talking about it -- and that was  
20 an MOU between the Trustee Council and the Prince William  
21 Sound Science Center detailing some of the projects, the  
22 things that were going to be accomplished, who owned the  
23 equipment, all of the details. And although that was being  
24 negotiated, that -- and then I as a department person had  
25 some comments on that MOU. Given this change in

1 relationship where the department is now going to the lead,  
2 it's my understanding that that MOU will not be in effect  
3 between the Trustee Council and the Prince William Sound  
4 Science Center. Is that correct?

5 MS. PHILLIPS: That is correct. I believe  
6 that -- and maybe Phil or Brett could verify -- I believe  
7 that there will be a contract between the department and  
8 Prince William Sound Science Center. But the MOU is not  
9 valid at this point.

10 CHAIRMAN DUFFY: That's correct. And we're  
11 doing -- the Department of Fish and Game is doing  
12 everything we can to move quickly on this contract, so as  
13 to not jeopardize the funds and.....

14 DR. MUNDY: Mr. Chairman.

15 CHAIRMAN DUFFY: Dr. Mundy.

16 DR. MUNDY: Thank you, Mr. Chairman. Yes,  
17 I just want to point out that the concerns that were raised  
18 by the Trustee Council when they originally considered  
19 this, such as the not committed to long term maintenance of  
20 the observing system and those kinds of issues, will be  
21 preserved in the agreement between Fish and Game and the  
22 contractor. And I discussed this with Kevin Brooks at the  
23 Division of Administration, he's well aware of it. So I  
24 just want to say that the -- everything -- the substance of  
25 the agreement will be maintained.

1                   CHAIRMAN DUFFY: Okay. And I will do what  
2 I can to ensure that understanding that we previously had.  
3 Other comments from Trustee Council members on this?

4                   (No audible response)

5                   CHAIRMAN DUFFY: Does anyone feel -- with  
6 the clarification from Gail, is anyone inclined to do a  
7 motion to this effect? I really don't think it's  
8 necessary.....

9                   MS. BALLARD: It isn't.

10                  CHAIRMAN DUFFY: .....given the  
11 clarification.

12                  MS. BALLARD: We have no role.

13                  CHAIRMAN DUFFY: No, the motion would have  
14 been to clarify that we have no role, but given that Gail  
15 has clarified that.....

16                  MS. PHILLIPS: Just in the future, because  
17 we are running into things that aren't -- in past records  
18 -- that aren't clear in this day and age. But just for the  
19 record, because the March 1st meeting, you took the action  
20 and you agreed to enter an MOU, maybe there should be a  
21 very simple motion now that says, due to extenuating  
22 circumstances, new information, legal information that we  
23 have found out, we are not going to be a party of this.  
24 Just so that somewhere down the line people have that.

25                  MS. BALLARD: I move we accept.....

1                   CHAIRMAN DUFFY: Ms. Ballard.

2                   MS. BALLARD: .....the Executive Director's

3 recommendation of a reorganization of the relationship that

4 excludes the Trustee Council.

5                   CHAIRMAN DUFFY: Is there a second to that

6 motion?

7                   DR. BALSIGER: Second.

8                   CHAIRMAN DUFFY: Seconded by Dr. Balsiger.

9 Comment, Trustee Council members?

10                   (No audible response)

11                   CHAIRMAN DUFFY: Is there opposition to the

12 motion?

13                   (No audible response)

14                   CHAIRMAN DUFFY: Hearing none, so moved.

15 Thank you, Ms. Phillips.

16                   MS. PHILLIPS: Thank you, very much. And

17 that concludes my Executive Director's report.

18                   CHAIRMAN DUFFY: Thank you. The next

19 agenda item is -- Ms. Pearce.

20                   MS. PEARCE: If you wouldn't mind, could I

21 ask a question of the Executive Director?

22                   CHAIRMAN DUFFY: Yes, absolutely.

23                   MS. PEARCE: You, Mr. Chairman, brought up

24 the -- or maybe it was Jim -- brought up the role of the

25 liaisons. And I'm wondering what's happening with the

1 funding by EVOS of the liaisons in our departments. I  
2 understand that it has been perhaps being -- pleading isn't  
3 the right word but that we're doing less funding for  
4 liaisons and that began a few years back. And I'll be  
5 honest, while I should have been aware, I wasn't. With the  
6 -- all the pressures on budgets on both the state and  
7 federal side, I wonder if that's something that we should,  
8 at our next meeting perhaps, bring back to the table with  
9 an explanation of what we used to have, what we have now  
10 and some justification for why we chose to make the changes  
11 and a discussion of whether we should look at that again.

12                   CHAIRMAN DUFFY: I think that's excellent  
13 advice. I'd give the Executive Director an opportunity to  
14 respond to that.

15                   MS. PHILLIPS: I will put together the  
16 historical recap for our next meeting and include that on  
17 the agenda.

18                   CHAIRMAN DUFFY: Okay. Thank you.

19                   MS. PEARCE: Thank you.

20                   MR. MEADE: I just would like to lend Mr.  
21 Chair my support to that notion. Both for the historical  
22 role and perhaps a visioning for the role of the liaisons,  
23 an important visioning, as we look forward in helping to  
24 provide program management and oversight with the  
25 activities that we all carry out in our contacts to board

1 representatives.

2                   CHAIRMAN DUFFY: Okay. Any further  
3 clarifications with the Executive Director before we move  
4 to the next agenda item?

5                   (No audible response)

6                   CHAIRMAN DUFFY: Hearing none, the next  
7 agenda item is the ARLIS library and a request of the  
8 Trustee Council to amend a project budget to increase it by  
9 20,000, which would be the Trustee Council's contribution  
10 to the move where the ARLIS library is being physically  
11 relocated to the university system.

12                  MS. PHILLIPS: Thank you, Mr. Chairman.  
13 And the Trustees Council's portion of the move expense --  
14 the move expense being about -- approximately \$130,000, the  
15 Trustee Council's portion of that is \$20,000. Our  
16 librarian, Carrie Holba, is on line. We do have adequate  
17 funds in our contractual budget, Project 100, for this --  
18 for the \$20,000 appropriation. And I would recommend that  
19 we do approve that. If you have any questions, I would  
20 like Carrie to make the responses.

21                  CHAIRMAN DUFFY: I'll start out, if I  
22 could, as Chair. I think the explanation was very clear.  
23 I reviewed the contributions from the other agencies, in  
24 particular BLM at a tune of over \$200,000 this year. I  
25 think the explanation in our notebook as to what

1 specifically the \$20,000 in the amended budget, if so  
2 approved, would be going forward for. One question that I  
3 had is there's a statement in here about -- the move itself  
4 is going to save cost, save money in the long run. And I  
5 -- does anyone have a handle on the difference between the  
6 annual lease costs where we were at as an ARLIS library  
7 versus what the annual lease cost will be out at the  
8 university?

9 MS. PHILLIPS: Carrie, would you please  
10 respond?

11 MS. HOLBA: Certainly. We will be paying  
12 our lease cost at the university, 175,000, and that's  
13 approximately half of what we're currently paying.

14 MS. PHILLIPS: And I might bring to the  
15 Trustee Council's attention too that we must give a six  
16 month notice, evacuation from our current space, which is  
17 considerably more costly than the university space will be.  
18 And we need to do that fairly soon.

19 CHAIRMAN DUFFY: I think that's -- the cost  
20 savings are, especially in this day and age, catch my  
21 attention. I'm very supportive of that. One other  
22 question that I had before I open it up for other Trustee  
23 Council members, there's a statement in here somewhere  
24 about the library will have unsupervised access. Are there  
25 any security issues associated with this that was should be

1 aware of?

2 MS. PHILLIPS: There are, Mr. Chairman, and  
3 that is something that the founder's board has been  
4 wrestling with very much for the last three or four of our  
5 meetings. And it was my intention at first to require that  
6 our library space be enclosed with glass doors. It is  
7 absolutely taboo by the university's library policy that  
8 any part of the library be closed off. So we did reach a  
9 compromise with them that we will have security -- we will  
10 have more locking cabinets that we can lock up when we are  
11 not manning our space. But we will also have security  
12 cameras put in too, which will be manned constantly while  
13 the library is open. We will have security cameras into  
14 our space location. So that seemed to be, at this point in  
15 time, the best compromise that we could get the university  
16 to agree to.

17 CHAIRMAN DUFFY: Okay.

18 MS. PHILLIPS: Carrie, would you like to  
19 expand on that any?

20 MS. HOLBA: I think you've covered it very  
21 well, Gail. Basically the university had their design for  
22 the building and felt that the doors for ARLIS did not fit  
23 into that open floor plan design.

24 CHAIRMAN DUFFY: But there is -- Carrie,  
25 this is Kevin.

1 MS. HOLBA: Uh-huh.

2 CHAIRMAN DUFFY: Are you relatively  
3 comfortable that the volumes of documents associated with  
4 this process are going to be adequately protected from a  
5 security standpoint under this new arrangement?

6 MS. HOLBA: I think at this point, yes.  
7 The librarians here on the management team and I spent a  
8 lot of time looking through our collection, identifying  
9 those items that are particularly at risk. Items that  
10 cannot be replaced. Items that are rare or particularly  
11 valuable. And we determined that the high density shelving  
12 that we have on order and that will be installed prior to  
13 our move will be adequate at this time. We also need to  
14 keep in mind that we are acquiring materials all the time  
15 and we will continue to monitor the amount of space that we  
16 need for security and will continue to present that  
17 information to our founder's board as needs change.

18 CHAIRMAN DUFFY: Okay. Thank you, Carrie.  
19 Other Trustee Council members? Ms. Ballard first.

20 MS. BALLARD: A quick question. On the  
21 project budget justification, it's listed as a GEM project.  
22 Is this not beyond GEM, more than GEM? Is that just  
23 somebody used a template and didn't take the header off?

24 MS. PHILLIPS: Yeah, I think that is  
25 correct.

1 MS. BALLARD: I think the header should  
2 reflect.....

3 MS. PHILLIPS: Right.

4 MS. BALLARD: .....that it's an EVOS.....

5 MS. PHILLIPS: Right.

6 MS. BALLARD: .....issue.

7 MS. PHILLIPS: Paula, would you make that  
8 correction, please?

9 CHAIRMAN DUFFY: Okay. Mr. Tillery.

10 MR. TILLERY: Mr. Chairman, the memo  
11 suggests first that the \$20,000 is some kind of a  
12 percentage agreed to by people -- by the various entities.  
13 Then it suggests that it equals two pieces or two groups of  
14 equipment, which suggests that we're actually buying those.  
15 And my question would be, which of those is correct. And  
16 the equipment, it's set out in the motion as the equipment,  
17 and how does that interact with our procedures that require  
18 us to retain ownership of that equipment or have it  
19 returned to us, that sort of thing.

20 I guess what I'm wondering is, wouldn't it  
21 be more straightforward to acknowledge this for what it is,  
22 our percentage of the moving costs? I mean, apparently  
23 we're buying some filing cabinets where some of it really  
24 isn't being used by us. Why don't we just say \$20,000 is  
25 our costs and not get into the whole equipment issue?

1                   CHAIRMAN DUFFY: Okay. First Gail, then  
2 Carrie.

3                   MS. PHILLIPS: I would like to ask Paula to  
4 come and explain on the allocation of the -- how we're  
5 using the funds. Where we're taking the funds.

6                   CHAIRMAN DUFFY: Okay. Paula Banks.

7                   MS. BANKS: Okay, the policies and  
8 procedures on the equipment, the \$7,000 for the shelves,  
9 needs to remain as equipment because we are utilizing the  
10 funds from project 100 and transferring them over to the  
11 ARLIS project. They need to stay within those categories.  
12 Now if we were going to support them by, you know, a  
13 contract or an RSA, then I believe that we could do it that  
14 way. It just depends on how you want to transfer the  
15 monies.

16                  CHAIRMAN DUFFY: So if we chose the more  
17 generic route, which I believe would be an RSA, would it be  
18 to the university or how would we do that?

19                  MS. BANKS: I'm not sure. Carrie, how  
20 would you normally receive funds through us?

21                  MS. HOLBA: We can spend money on the  
22 university side, we can spend money on the federal side,  
23 and we can also spend money through ADF&G. What we would  
24 prefer in this particular instance is to do an RSA with  
25 ADF&G, that allows us the maximum benefit of the moving

1 funds that the Trustee Council would approve. Anything we  
2 transfer to the university, they take an 18 percent  
3 indirect right off the top.

4                   CHAIRMAN DUFFY: Thank you for that  
5 clarification, that's helpful. Mr. Tillery.

6                   MR. TILLERY: What does that mean then? Is  
7 it somehow to our financial benefit to buy shelves and  
8 filing cabinets rather than simply giving \$20,000 to ARLIS?  
9 Is that what that means?

10                  MS. BANKS: Right.

11                  MR. TILLERY: Okay, we should buy shelves  
12 and filing cabinets.

13                  DR. BALSIGER: Mr. Chairman.

14                  CHAIRMAN DUFFY: Dr. Balsiger.

15                  DR. BALSIGER: I had a few picky questions  
16 that probably have easy answers, but if the cost is 130,000  
17 shared amongst eight partners, or maybe seven since BLM did  
18 something else, 20 times seven is 140, so I don't know why  
19 our share is 20,000 instead of 16,650 or something.

20                  MS. PHILLIPS: Carrie, can you respond to  
21 that, please?

22                  MS. HOLBA: Yeah, let's see. I'll have to  
23 check the math here. We've always estimated our moving  
24 costs at 130,000. And.....

25                  DR. BALSIGER: I'm not quibbling the money,

1 but just to make the math work right in the paragraph, if  
2 there an explanation. Maybe just find it, we don't have to  
3 have it right now.

4 MS. HOLBA: I believe originally MMS was  
5 going to contribute 10,000 and they upped their  
6 contribution at the last -- or at the city wide founder's  
7 board meeting to 20,000.

8 CHAIRMAN DUFFY: Dr. Balsiger.

9 DR. BALSIGER: And a different issue, if I  
10 could.

11 MS. HOLBA: Uh-huh.

12 MS. PEARCE: That didn't answer it.

13 MS. BALLARD: That didn't answer it.

14 DR. BALSIGER: I'm not sure that got to it,  
15 but a different issue, Mr. Duffy pointed out that we look  
16 forward and appreciate the fact that there will be savings  
17 on rent in the future. However, as I see our budget, we  
18 pay salary of -- to librarians, which probably will not go  
19 down, so I'm not sure if any of those savings come back to  
20 us. I expect that they don't, so where do those savings --  
21 I mean, we should understand that, I guess, is that we pay  
22 the salaries.

23 And the third part of that question is, I  
24 notice in the projected budgets for the out years that the  
25 contract for the second librarian is not included. So

1 would we expect not to have to pay that second librarian in  
2 the out years? I've forgotten what understanding we had  
3 when we came into the terms of that contract for '04.

4 MS. PHILLIPS: Carrie, can you respond?

5 MS. HOLBA: If I could respond to that.

6 The second librarian's time was paid for in '04 to assist  
7 with the increased activity as a result of the 15th  
8 anniversary of the spill. Each time there's a major  
9 anniversary, we get a lot more reference requests and the  
10 work load goes up. So that was the justification for that.  
11 It's my understanding that that librarian's funding will  
12 come through ADF&G in the next fiscal year.

13 In terms of where the savings will go, this  
14 year we had to pay a penalty of about \$92,000 to break our  
15 lease. And so some of that money will be absorbed by that.  
16 In the future, we're working on the FY '05 budget at this  
17 time. I'm not the budget coordinator so I can't respond in  
18 great detail. But library costs do continue to go up,  
19 especially subscription costs, which go up typically 15  
20 percent a year. So we don't have any sense at this point  
21 of how we'll be able to pass the savings on but we know  
22 that some of it will be used up in increasing costs.

23 DR. BALSIGER: Thank you, that's fine on  
24 that.

25 CHAIRMAN DUFFY: Thank you. In terms of

1 the cost savings -- and the reason I ask that question is I  
2 wanted some clarification. We're talking about lease  
3 payments that are basically reduced by 50 percent. That  
4 is, although it may not be directly beneficial in terms of  
5 more operating money for the Trustee Council, there are a  
6 number of agencies involved in ARLIS, as you mentioned, Dr.  
7 Balsiger. So I'm assuming that their costs or contribution  
8 on an annual basis would decline with this new leasing  
9 arrangement.

10 I'd like to go back to the issue raised by  
11 Mr. Tillery because we didn't get any clarification on that  
12 from my perspective. And his question had to do with,  
13 wouldn't it be easier to do a straight generic RSA of  
14 \$20,000 rather than identifying specifically the purchase  
15 of the file cabinets and the other document that was listed  
16 in here, specifically equipment. And that got a bit  
17 confusing.

18 MS. PHILLIPS: Carrie, is there any reason  
19 why that couldn't -- that wouldn't work just as well?

20 MS. HOLBA: It would be fine. We were just  
21 trying to give you examples of what some of the move  
22 expenses would be. And since our money comes from a number  
23 of different directions, it's difficult at times to make  
24 purchases in a rapid manner. If an RSA is easier for you,  
25 to Fish and Game, that would be fine.

1                   CHAIRMAN DUFFY: Stalemate.

2                   MR. TILLERY: Mr. Chairman.

3                   CHAIRMAN DUFFY: Mr. Tillery.

4                   MR. TILLERY: And it wouldn't cost us more  
5 money if we just did a straight, just \$20,000 through Fish  
6 and Game to you for generic moving expenses?

7                   MS. HOLBA: That's correct.

8                   MS. PHILLIPS: And Carrie, would it slow  
9 down the process at all in purchasing the necessary  
10 equipment that you need for the move?

11                  MS. HOLBA: No, it should not.

12                  CHAIRMAN DUFFY: Okay. Ms. Ballard.

13                  MS. BALLARD: My understanding, Craig, what  
14 your point is, is that we don't want to own equipment and  
15 have to deal with that at some time in the future?

16                  MR. TILLERY: Yes, ma'am.

17                  MS. BALLARD: Yeah. Well then, whatever  
18 motion would be necessary to recommend that the transfer be  
19 made through the RSA, I make. I don't know how to.....

20                  MS. PHILLIPS: And I would just like to  
21 verify with Paula that that's not going to cause any  
22 bookkeeping problems or.....

23                  MS. BANKS: So the monies would be  
24 transferred over as a moving contribution, not specific for  
25 any equipment or any specific item. It's just assistance

1 in moving.

2 CHAIRMAN DUFFY: Right. And the total  
3 contribution is 20,000 from the Trustee Council.

4 MS. PHILLIPS: And that still can come out  
5 of Project 100?

6 MS. BANKS: Yes.

7 CHAIRMAN DUFFY: Does that create any  
8 administrative problems for you?

9 MS. BANKS: I don't believe so.

10 CHAIRMAN DUFFY: Ms. Ballard.

11 MS. BALLARD: Actually on another topic. I  
12 wanted to go back to Jim's points. Let's vote on this.

13 CHAIRMAN DUFFY: Yes, we've got a motion on  
14 the table.....

15 MR. MEADE: I move to second.

16 CHAIRMAN DUFFY: .....did I hear a second?  
17 Joe Meade seconded the motion. Any further comment from  
18 Trustee Council members?

19 (No audible response)

20 CHAIRMAN DUFFY: Is there opposition?

21 (No audible response)

22 CHAIRMAN DUFFY: Hearing none, so moved.  
23 Next item, Ms. Ballard.

24 MS. BALLARD: If we could go back to the  
25 points that Dr. Balsiger raised. I'm a little confused,

1 and Gail, I don't think we need to take the time today, but  
2 clearly there's a savings to the ARLIS project in the rent.  
3 Jim's point was that apparently through whatever prior  
4 arrangements, the EVOS Trustee Council bears the cost  
5 responsibility for the salaries and the rent savings don't  
6 accrue to the salary line item. I guess someday it would  
7 be worth, perhaps even through memorandum, not through  
8 another Trustee Council agenda item, to kind of review per  
9 -- just do a review of what's the arrangement, who pays for  
10 what, how are savings shared, how are increased costs born  
11 that are beyond the budget expectation. It's just not -- I  
12 don't think we really got the answers we needed today.

13 MS. PHILLIPS: All right, I will.....

14 MS. BALLARD: But I know we have people  
15 here with whom we want to speak later, so I'd rather move  
16 on.

17 MS. PHILLIPS: Sure.

18 MS. BALLARD: But I hate just leaving that  
19 because I.....

20 MS. PHILLIPS: I think it was all in the  
21 briefing book that you did receive but I will go back and  
22 do a.....

23 MS. BALLARD: If it is, just tell us.....

24 MS. PHILLIPS: Yes.

25 MS. BALLARD: .....it's in the briefing

1 book.....

2 MS. PHILLIPS: Yes.

3 MS. BALLARD: .....go back and read, you

4 know.....

5 MS. PHILLIPS: Right.

6 MS. BALLARD: .....that book is awesome.

7 MS. PHILLIPS: And I will -- I'll do a

8 clarification memorandum on that.

9 MS. BALLARD: Yeah.

10 CHAIRMAN DUFFY: Thank you. Further

11 comments, Trustee Council members? Further issues on this

12 agenda item?

13 (No audible response)

14 CHAIRMAN DUFFY: Hearing none, thank you,

15 Ms. Banks. Thank you Ms. Holba, for your input on this

16 issue.

17 MS. HOLBA: Thank you.

18 CHAIRMAN DUFFY: And the next agenda item

19 is the Public Advisory Committee nomination process. Ms.

20 Phillips.

21 MS. PHILLIPS: I would like for us to call

22 on Doug Mutter to come and just briefly make the report on

23 this whole process.

24 CHAIRMAN DUFFY: Okay. Thank you. Good

25 morning.

1                   MR. MUTTER: Good morning, I'm Doug Mutter  
2 with the Department of the Interior and I'm the designated  
3 federal officer under the federal advisory committee act  
4 for your public advisory committee.

5                   The package that you received includes a  
6 proposed recommendation for moving ahead with nomination  
7 for appointment of 2004 to 2006 members of the Public  
8 Advisory Committee. Currently the way the PAC is set up  
9 is, there's a renewal every two years and there's an  
10 automatic renewal clause in FACA that requires this to  
11 happen. They've made some amendments to FACA recently so  
12 we might be able to pursue seeing if we can get out from  
13 under that two years. But for the past -- since 1992,  
14 every two years we've had to go through a renewal process.  
15 And at the same time, you've elected to also do the  
16 reappointment or seek nominations for new members of the  
17 Public Advisory Committee.

18                   So the process set up is consistent with  
19 past years. It's basically, we make an announcement in the  
20 federal register and a lot of the local media. Also word  
21 of mouth, let people know that you're looking for  
22 nominations. There's a direction for what nominees need to  
23 submit to the Trustee Council. It includes some  
24 disclosures of potential conflicts of interest. That  
25 doesn't throw people out, that's just to clarify where

1 people are coming from.

2                   Currently the charter has established that  
3 you have 20 members to the PAC. So you'll be -- none of  
4 those are staggered, so you'll be looking for nominees for  
5 all 20 positions. Current sitting PAC members can also  
6 reapply. In the past you've had a lot of people have been  
7 on the PAC for many years. Sometimes you have new faces.

8                   The schedule is pretty tight. The  
9 Secretary of the Interior is the actual appointing  
10 authority for your Public Advisory Committee members and  
11 also the signator on the charter renewal. So we like to  
12 get those in tandem and we're shooting for this October,  
13 which is when the current charter expires. And it takes a  
14 little time to get through the Washington D.C. hoops to get  
15 all this stuff done. You got to send letters to Congress  
16 and GSA and all sorts of people. And just getting it  
17 through the Secretary's office is a maze sometimes.

18                   So right now is a good time to take action  
19 on this and call for nominations. We've got about 60 days  
20 built in. I see Cherri's got a due date of July 20th for  
21 nominations to come in. That gives you some time to put  
22 together a package, review the qualifications of the  
23 nominees and then take action so that we can put that  
24 package forward in August or September, in time for an  
25 October approval. Any questions?

1                   CHAIRMAN DUFFY: Council members, questions  
2 for Mr. Mutter?

3                   (No audible response)

4                   CHAIRMAN DUFFY: Hearing none, no questions  
5 at this time. Discussion, Council members?

6                   (No audible response)

7                   CHAIRMAN DUFFY: This item is an actionable  
8 item, according to the agenda.

9                   MS. PHILLIPS: You do have a motion right  
10 after your -- right behind your tab on the nominating  
11 process to set the time frame for soliciting membership to  
12 the PAC.

13                  MS. BALLARD: I do have a question, Kevin.

14                  CHAIRMAN DUFFY: Ms. Ballard.

15                  MS. BALLARD: If we proceed with the  
16 motion, I asked Cherri for a list of PAC membership and  
17 maybe, actually, the PAC chair would answer this, and it's  
18 because of my newness on the Trustee Council, not because I  
19 think there's anything wrong that I ask the question.  
20 Would the solicitation be to fill the category of the  
21 vacancy or are the allocation of category slots slightly  
22 arbitrary. There's some categories where there are two  
23 slots and some where there are -- how did that happen and  
24 are we -- would we be soliciting nominations in all  
25 categories or in categories considered vacant?

1 MR. MUTTER: Perhaps I can answer that.

2 CHAIRMAN DUFFY: Go ahead, Mr. Mutter.

3 MR. MUTTER: Right. The way the membership  
4 was set up the last time was that there were -- could be  
5 multiple appointments for some of the categories. So what  
6 you're doing is, currently the PAC is up, all the  
7 memberships expire this fall. So you're replacing  
8 everyone.

9 MS. BALLARD: Oh.

10 MR. MUTTER: So they're all vacant.

11 MS. BALLARD: Oh.

12 MS. PHILLIPS: Because of that two year  
13 time frame on the.....

14 MR. MUTTER: Right.

15 MS. BALLARD: I'm sorry, I -- well, I'm  
16 glad I asked. At least now I understand.

17 MR. MUTTER: Hopefully a lot of people will  
18 re-up but that's up to them.

19 CHAIRMAN DUFFY: Dr. Balsiger.

20 DR. BALSIGER: But as I recall, there are  
21 -- there's 20 members and there are not 20 categories. So  
22 there is some arbitrary mix as the package comes in that I  
23 believe that the Trustee Council them self dealt with two  
24 years ago as we tried to match -- make sure everything was  
25 covered.

1                   CHAIRMAN DUFFY: This discussion brings up  
2 a question in my mind, and that is, you mentioned some  
3 possible amendments to FACA requirements. Would those  
4 amendments create some more flexibility in terms of time  
5 frames or what do you envision that we might be able to  
6 take a look at as Trustee Council?

7                   MR. MUTTER: I don't think they'll change  
8 the time frame at all. What I was thinking was that there  
9 may be an opportunity -- see, last time the charter was  
10 done, it wasn't clear how the Trustee Council was moving  
11 forward on the long term with GEM and -- because there's a  
12 settlement agreement between the governments that  
13 establishes the Trustee Council, it also establishes the  
14 public advisory group. So we had some language in there  
15 that was trying to deal with, is this coming to an end, is  
16 there going to be an new agreement. So I think the dust  
17 has probably settled on that, if I'm not mistaken. And so  
18 there may be an opportunity to get out from under the two  
19 -- you have to terminate it two years automatically.  
20 That's all I'm thinking.

21                   CHAIRMAN DUFFY: Okay, so does the charter  
22 for the PAC drive the two years? Is that where they're  
23 defined as two years or is it defined.....

24                   MR. MUTTER: It's the FACA. It says.....

25                   CHAIRMAN DUFFY: It is in -- okay.

1                   MR. MUTTER:   .....they terminate every two  
2 years automatically.

3                   CHAIRMAN DUFFY:  Okay.  All right.  Thank  
4 you.  Mr. Meade.

5                   MR. MEADE:  I would anticipate it's the  
6 FACA restriction that prohibits us from using the logic of  
7 having staggered appointments, then?

8                   MR. MUTTER:  No.

9                   MR. MEADE:  No.  So we could actually in  
10 spite -- outside of the two year restriction, have  
11 staggered appointments?  It seems to me the continuity  
12 would bring strength to the Public Advisory Committee.

13                  MR. MUTTER:  The discussion in the past has  
14 been, then you have to do -- you're constantly doing  
15 nominations and advertising and federal register notices  
16 and going through appointments.  So I think the thought  
17 process was it's easier to do it at one fell swoop and not  
18 have to mess with it over a period of time.

19                  MR. MEADE:  And the logic then or the  
20 expectation is, we'll have a lot of individuals who will  
21 reapply so the continuity is carried through by the  
22 assumption that we'll have an applicant full of existing  
23 individuals?

24                  MR. MUTTER:  That's happened in the past.  
25 We've had people that -- how long have you been on, Chuck?

1 Ten years?

2 MR. MEACHAM: Not quite.

3 MR. MUTTER: Not quite, so.....

4 MR. MEACHAM: It seems like it.

5 MR. MEADE: It's working. So it seems like  
6 it's working though. In many other situations like this in  
7 the past where I've been involved with a federal advisory  
8 committee or a similar type of role, we'll have those  
9 staggered so that you ensure you don't lose the knowledge,  
10 skill and experience that folks like Chuck bring to the  
11 process. But if the process is working, I don't need to  
12 throw a monkey wrench in it.

13 MR. MUTTER: In the past it's worked so  
14 you've had a fair amount of continuity.

15 CHAIRMAN DUFFY: Other comments, Trustee  
16 Council members?

17 (No audible response)

18 CHAIRMAN DUFFY: Anyone prepared to make a  
19 motion on this issue at this point in time?

20 MS. PEARCE: Mr. Chairman.

21 CHAIRMAN DUFFY: Ms. Pearce.

22 MS. PEARCE: I would move that we approve  
23 soliciting for nominations for the Exxon Valdez Oil Spill  
24 Trustee Council's Public Advisory Committee. For their  
25 next term, which would be October 2004 through September

1 2006 as outlined. The solicitation would be open for 60  
2 days, May 21st, '04 through July 20th, '04.

3 CHAIRMAN DUFFY: Thank you. Is there a  
4 second?

5 MR. MEADE: I'd be pleased to second.

6 CHAIRMAN DUFFY: Seconded by Mr. Meade.  
7 Discussion.

8 (No audible response)

9 CHAIRMAN DUFFY: I have a question for the  
10 Executive Director. So under this scenario where we're  
11 soliciting for 60 days through July 20th, the Trustee  
12 Council will then take action on a new slate of -- or a  
13 renewed slate, whatever the decision is, at the fall  
14 meeting of the Trustee Council, is that correct?

15 MS. PHILLIPS: That's correct.

16 CHAIRMAN DUFFY: Okay. All right. Any  
17 comments from Trustee Council members on the motion in  
18 front of us?

19 (No audible response)

20 CHAIRMAN DUFFY: Is there objection?

21 (No audible response)

22 CHAIRMAN DUFFY: Hearing none, so moved.  
23 Thank you, Mr. Mutter.

24 MR. MUTTER: If you'd like, I'll stay here  
25 while you talk about the charter, which I believe is the

1 next agenda item.

2 CHAIRMAN DUFFY: Yes, I think that would be  
3 advantageous. Thank you. The next agenda item is the PAC  
4 charter renewal. Ms. Phillips, we'll start with you, then  
5 Mr. Mutter.

6 MS. PHILLIPS: We do have to review the PAC  
7 charter for another two years. In going through the  
8 charter, we did find that between the two -- and you have a  
9 packet of information in front of you and it's called  
10 amendment to PAC charter, effective with the 2004 charter.  
11 In going through the 2002 charter, we found information  
12 that probably needs to be removed from the charter or  
13 significantly changed. We tried to go back through all the  
14 records to find out how this was put into -- how the change  
15 was put into the 2002 from the 2000 charter and could find  
16 no official record in the minutes or the -- or anything as  
17 to how this statement was put in. But I would just bring  
18 to your attention.....

19 CHAIRMAN DUFFY: Dr. Balsiger.

20 DR. BALSIGER: Mr. Chairman, I don't find  
21 anything that says amendment to.....

22 MS. PHILLIPS: It's this packet right here  
23 that I gave you.

24 DR. BALSIGER: Probably Mr. Tillery took my  
25 copy.

1 MS. PHILLIPS: Okay.

2 MS. BALLARD: Gail, for Joe's sake, would  
3 you read.....

4 MS. PHILLIPS: Yes.

5 MS. BALLARD: .....the sentence and  
6 the.....

7 MS. PHILLIPS: I'm going to.

8 MS. BALLARD: Yeah, then I don't have to  
9 whisper.

10 MS. PHILLIPS: If you would just go to the  
11 charter itself, paragraph three. And the title of that  
12 paragraph is period of time necessary for the committee  
13 activities. It runs through the different settlement --  
14 different reasons for the PAC committees and how they're  
15 appointed. It adds a statement in it between the 2002 and  
16 2000, this statement was added new. A four year period  
17 allowing for the opportunity for the Trustees to reopen the  
18 agreement, to possibly receive additional compensation for  
19 injuries beginning October 1st, 2002 and end September  
20 30th, 2006. There's nothing in the previous record to show  
21 how that statement was added. The statement is incorrect  
22 in that it states that -- giving the authority to the  
23 Trustees to reopen -- to make the decision for the  
24 reopener. So you can take -- handle it one of two ways.  
25 You can either remove that statement completely from the

1 charter, which I would recommend, or you can amend it to  
2 say that it would be the government's. But I think -- I  
3 mean, it's up to you to see how you want to handle that.  
4 There is nothing in the past record to show us how it was  
5 put into there. And I would have Doug make further  
6 comment.

7 CHAIRMAN DUFFY: Doug, go ahead.

8 MR. MUTTER: Right. As I recollect, it  
9 related back to the issue of the transition between the  
10 Trustee Council restoration and the GEM program and how is  
11 that all going to be scheduled. And I guess I, as I  
12 mentioned earlier, the settlement agreement that the  
13 government signed that established you as a Trustee Council  
14 also says you'll have a public advisory group. So I guess  
15 -- and maybe Craig or Gina can correct me -- I guess that  
16 that means that as long as you exist, the public advisory  
17 committee exists. So maybe you can eliminate the whole  
18 rest of that paragraph, because it's a moot point.

19 CHAIRMAN DUFFY: Okay. Works for me.

20 MS. PHILLIPS: Yeah, the Trustee Council  
21 needs to approve the charter and then we send it on to the  
22 Secretary of Interior for her concurrence and confirmation.

23 MS. PEARCE: Is that the only rec -- I'm  
24 sorry, Mr. Chair.

25 CHAIRMAN DUFFY: Ms. Pearce.

1 MS. PEARCE: Is that the only recommended  
2 change?

3 MS. PHILLIPS: That's the only one I could  
4 find. I went through it. And I know Ernesta might have  
5 had one other but I didn't get the information.

6 MS. BALLARD: I never got back to.

7 MS. PHILLIPS: Right.

8 MS. BALLARD: No, I never got back to you  
9 because I didn't have the notebook.

10 MS. PHILLIPS: Yeah.

11 MS. BALLARD: Mr. Duffy, if I could.

12 CHAIRMAN DUFFY: Ms. Ballard.

13 MS. BALLARD: It may just be a question  
14 but, in reading the charter, I always read about minutes  
15 because I'm interested in minutes. And I was interested in  
16 the specific direction in paragraph 8(b) that the minutes  
17 include the discussion, a description of each matter  
18 discussed and each matter resolved, if any. It wasn't  
19 clear to me how extensively this paragraph really intended  
20 a detail of discussions be kept. I'm a minimalist when it  
21 comes to minutes. I believe that minutes should record  
22 actions taken. And I believe that because I think it's  
23 important that people work through an issue in the  
24 discussion and that ultimately the minutes reflect what  
25 they finally agreed to, not the positions that they took as

1 they went along. I think it really hinders the open  
2 communication in a group to record the discussions. And I  
3 just -- this is a -- it's a very broad statement to me and  
4 I was surprised to see it here. I mean, it's -- I wrote in  
5 the margin, why so much detail? Why not the conventional  
6 actions? Which is what I think our minutes generally  
7 reflect, the actions we took.

8 MR. MUTTER: Right, I'm a minimalist too.  
9 However, I believe that this language is from FACA, about  
10 what should be in the minutes. And previously we actually  
11 took a transcription and printed out a transcription of the  
12 PAC meetings. But for various reasons, quit doing that.  
13 So now we have a meeting summary and I work with Cherri and  
14 produce the summary and produce the summary and we usually  
15 just summarize the topics of discussion. But we're trying  
16 to meet the letter of FACA here and that's -- they're  
17 requiring a list of items discussed. We try and keep it  
18 short.

19 CHAIRMAN DUFFY: So in your minutes that  
20 come out of the PAC meetings, you don't get into the level  
21 of detail where you provide minority reports and that kind  
22 of stuff or you do?

23 MR. MUTTER: If people have a minority  
24 report that they want in the minutes, yes we do. And the  
25 discussions of the Trustee Council in the past is that

1 you've said you want to know what those views of people  
2 are. So by including information like that in there, you  
3 get not just the PAC as a group but you get the views of  
4 different representatives.

5 CHAIRMAN DUFFY: Okay. Mr. Meade.

6 MR. MEADE: Point of clarification for me  
7 from the DFO. You mentioned in addition to the sentence  
8 that the Executive Director highlighted, which I'm, by the  
9 way, in support of striking that. We don't have any role  
10 as to the reopener as a board or as a PAC. We simply have  
11 a role to help make available the knowledge to the  
12 governmental entities that will have a role. You also went  
13 on -- the DFO went on to outline the potential of striking  
14 the rest of that paragraph. I've read the charter prior to  
15 this discussion and I have general background. I think the  
16 charter is a very important document because it provides  
17 clarity of expectation. Before we would move or take and  
18 strike that full paragraph, I'd like to see if we could  
19 recite that paragraph so I could be in concurrence with  
20 what's being removed.

21 MS. PHILLIPS: After removing this, the one  
22 statement, the following sentence is included, it is  
23 expected that the need for the public advisory committee  
24 will continue until at least September 30th, 2006.  
25 Extension of the committee beyond such date is subject to

1 the unanimous written consent of the designated Trustees.

2 MR. MEADE: And I would concur with what  
3 you outlined, and that's that, as I understand it, out of  
4 the consent decree, that the PAC and the board are kind of  
5 synonymous as far as the intent and directions.

6 CHAIRMAN DUFFY: Other Trustee Council  
7 members? Mr. Tillery.

8 MR. TILLERY: Just a question on that.  
9 There's a heading for that called period of time necessary  
10 for the committee activities. Is that some kind of a FACA  
11 requirement that it be in the charter?

12 MR. MUTTER: Yes, they've requested that we  
13 specify. One of the purposes of FACA was to eliminate the  
14 proliferation of all these advisory committees to the  
15 federal government and all their expenses. So you -- it's  
16 set up to really justify, what are you doing, why are you  
17 doing it and how long do you need to do it.

18 MR. TILLERY: Well, I guess my question  
19 then is, if you eliminate the last sentence, have you met  
20 the requirements of FACA for what needs to be in the  
21 charter?

22 MR. MUTTER: I would recommend that you  
23 change it and leave in this modified sentence to end that  
24 paragraph that would say, it is expected that the need for  
25 the public advisory committee will continue throughout the

1 life of the settlement agreement.

2 MS. PEARCE: Mr. Chairman, is it a need or  
3 a requirement?

4 MS. BALLARD: Right.

5 MR. MUTTER: It's a requirement of the  
6 agreement.

7 MS. BALLARD: Right. Mr. Chairman.

8 MS. PEARCE: Go ahead.

9 CHAIRMAN DUFFY: Yes, Ms. Ballard

10 MS. BALLARD: Well, yeah, I guess Drue and  
11 I are saying the same thing. I don't think that was should  
12 flinch from our responsibility. It's not that we expect  
13 the need, it's that we will fulfill the terms of the  
14 settlement agreement, which require that there be a PAC.

15 CHAIRMAN DUFFY: And I believe that Mr.  
16 Mutter's suggested modification would address that issue  
17 directly, with his language, is that correct?

18 MS. BALLARD: Well, he -- no.

19 MR. MUTTER: And we could substitute  
20 requirement for need.

21 MS. BALLARD: Yeah, he said need. I wanted  
22 requirement.

23 CHAIRMAN DUFFY: Okay.

24 MS. PEARCE: Mr. Mutter, would you restate  
25 it?

1                   MR. MUTTER: The sentence from a four year  
2 period, just delete the rest of the paragraph and then have  
3 this sentence left in, it is expected that the requirement  
4 for the public advisory committee will continue throughout  
5 the life of the settlement agreement.

6                   MS. BALLARD: Mr. Duffy.

7                   CHAIRMAN DUFFY: Ms. Ballard.

8                   MS. BALLARD: I don't think that it's  
9 expected, it is. I mean, I'm not trying to quibble with  
10 you, Mr. Mutter, but it's a statement of fact. It's in the  
11 -- I think we need to be clear, it's a requirement of the  
12 settlement agreement and we'll fulfill it. And if this  
13 particular paragraph heading is a FACA requirement, then we  
14 ought to stick in here language which accurately reflects  
15 our acknowledgement of the requirement.

16                  CHAIRMAN DUFFY: So in order to accomplish  
17 that, we could merely state, just a suggestion from the  
18 chair, that the public advisory committee will continue  
19 throughout the life of the settlement agreement. That  
20 would clarify this issue.

21                  MS. BALLARD: I believe that's an accurate  
22 statement. I don't know if Craig or Gina.....

23                  CHAIRMAN DUFFY: I want to comment on this  
24 before we move any farther. From my perspective as one  
25 Trustee Council member, I don't want any PAC member to

1 think that there is any intent here to second guess the  
2 need for the Public Advisory Committee as part of this  
3 Trustee Council process. I feel very strongly that the PAC  
4 as well as the STAC and other advisory groups associated  
5 with our efforts need to continue as long as we're in  
6 business. So from my perspective as chair today, I just  
7 want to reinforce that so there's not fear among PAC  
8 members that I as a chair -- and I'm not sure the other  
9 Council members -- but since it's a requirement of the law,  
10 that we're not trying to eliminate the role of the PAC.  
11 We think the PAC is a very important part of this process.

12

13                               Second, the agenda is -- the primary  
14 purpose of this meeting was to have informal dialogue with  
15 PAC members. To get into detail about our relationship  
16 with the PAC and to see what we could do to improve that  
17 relationship. We're talking about a number of issue here  
18 and drawing conclusions about a number of issues and then  
19 leading to a discussion with the PAC members. So I would  
20 just suggest to those PAC members that want to participate  
21 in the discussion that we're going to have fairly soon that  
22 any issues we've talked about up to that point are open for  
23 discussion between the Trustee Council members and the PAC  
24 members. Mr. Meade.

25

MR. MEADE: A couple thoughts. One, is as

1 you stated, I too am strongly in support of the role of the  
2 advisory committees. I think they fulfill a very important  
3 obligation that we have as public servants and as board of  
4 Trustee representatives. In that, the one -- you had  
5 offered a summary of how this might be stated. I would  
6 still like to see the word required retained in that. So I  
7 think it's important that we acknowledge in this paragraph,  
8 taking out the word it is expected and to simply state it  
9 is required that we will have a public advisory committee  
10 throughout the life of the settlement agreement. That to  
11 me is very clear.

12                   However, I might suggest that we table a  
13 motion and reopen this discussion as we conclude our  
14 dialogue with the public advisory committee so we can take  
15 in the wisdom and the knowledge and the advisory capacity  
16 that's here and then come back and draw this to a  
17 conclusion.

18                   CHAIRMAN DUFFY: Okay. So Mr. Meade, was  
19 that actually in the form of a motion and then before you  
20 got a second, you further suggested that it be tabled until  
21 we have the discussion with the PAC.

22                   MR. MEADE: I would make a motion that we  
23 would table this discussion, enjoy the dialogue and the  
24 wisdom we'll gain through the conversation with the public  
25 advisory committee and at the conclusion of that period of

1 time, conclude our business on this matter.

2 CHAIRMAN DUFFY: Is there a second?

3 DR. BALSIGER: Second.

4 CHAIRMAN DUFFY: Dr. Balsiger seconded.

5 And the motion was to table discussion on this specific  
6 item until such time as we conclude our discussions with  
7 the public advisory committee. Is there discussion about  
8 that?

9 (No audible response)

10 CHAIRMAN DUFFY: Is there opposition to  
11 that?

12 (No audible response)

13 CHAIRMAN DUFFY: Hearing none, so moved.

14 MR. MUTTER: Mr. Chairman.

15 CHAIRMAN DUFFY: Mr. Mutter.

16 MR. MUTTER: There was one other change  
17 from the previous charter that you approved, and that's a  
18 requirement of the Department of the Interior, and that's  
19 section 6(e), which says ethics responsibilities of  
20 members. And that's exact language the department requires  
21 in all of their FACA charters now. So that's the only  
22 difference.

23 MS. PHILLIPS: Between the 2002 and 2000.

24 MR. MUTTER: Right.

25 CHAIRMAN DUFFY: And that is required by

1 FACA.

2 MR. MUTTER: Right.

3 CHAIRMAN DUFFY: Okay. Any comment on  
4 that?

5 MS. BALLARD: Required by the department.

6 CHAIRMAN DUFFY: Required by the  
7 department.

8 MS. BALLARD: Not actually by FACA.

9 MR. MUTTER: Right.

10 MS. BALLARD: By our ethics.

11 CHAIRMAN DUFFY: Thank you for that  
12 clarification. Any other comments? Dr. Balsiger.

13 DR. BALSIGER: If I understand, we've  
14 tabled this discussion so I'll just note that when we get  
15 back to it, on paragraph five, I have a question about  
16 whether the \$55,000 includes actually half of the staff  
17 time -- a staff person as it says or whether or it's 55,000  
18 plus staff time. And whether or not we actually account  
19 for staff time per project like this. But I'm happy just  
20 to wait till we get back to that.

21 CHAIRMAN DUFFY: Sure, I think my  
22 understanding of that, and it can be corrected when we get  
23 to it, is that the 55,000 goes specifically for the  
24 operation of costs associated with the PAC. The point five  
25 staff time I think is a separate issue that's included

1 under the administrative budget for the Trustee Council but  
2 we'll get clarification on that. Okay. I would suggest a  
3 15 minute break for the Trustee Council. We'll reconvene  
4 at 11:00 o'clock.

5 MS. PHILLIPS: Mr. Chairman, before we  
6 leave, I just would like to announce too that we will have  
7 lunch brought in about 11:30 and perhaps when we do bring  
8 the lunch in, we could just -- everybody could go get lunch  
9 and then come back and we do a working lunch.

10 CHAIRMAN DUFFY: Okay.

11 MS. BALLARD: On that same subject.....

12 CHAIRMAN DUFFY: Ms. Ballard.

13 MS. BALLARD: .....Mr. Chairman, could we  
14 agree -- other than if there is an issue of such pressing  
15 importance that it would be inappropriate to adjourn, do we  
16 have a generally agreed upon adjournment time?

17 CHAIRMAN DUFFY: No later than 5:00  
18 o'clock.

19 MS. BALLARD: I was hoping for no later  
20 than 2:00 o'clock, if people thought that was adequate. I  
21 don't know how, Chuck, you would feel.

22 MR. MEACHAM: 1:45.

23 CHAIRMAN DUFFY: I'll take the Chair on  
24 this. Given we're out on the agenda with two items left,  
25 the first one, I think, will not take a long period of

1 time. And that would, with a working lunch, I think would  
2 give us ample opportunity for interactive discussion with  
3 PAC members. So concluding that by 1:30, 2:00 o'clock and  
4 coming back and addressing the tabled motion, I think  
5 should be very doable. Okay, we're on break until 11:00  
6 o'clock. Thank you.

7 (Off record)

8 (On record)

9 CHAIRMAN DUFFY: All right, we're back in  
10 session. Five of six Trustee Council members. Drue Pearce  
11 will be with us momentarily. The next agenda item is a  
12 proposed amendment to policies and procedures manual  
13 regarding confidentiality forms for PAC and STAC members.  
14 It's brought forward by the Executive Director to the  
15 Trustee Council and I'll go to Ms. Phillips.

16 MS. PHILLIPS: Thank you, Mr. Chairman. We  
17 are making a request to change to amend the policies and  
18 procedures regarding project reviews. Right now when the  
19 STAC committee reviews the projects or goes through the  
20 projects, they need to sign and they must sign a  
21 confidentiality or a non-distribution agreement with us  
22 that they will not disburse that information or print it  
23 out and pass it out to other people. We're requesting that  
24 the same kind of an agreement be given to the PAC members  
25 that want to review the projects ahead of time before the

1 Trustee Council takes them up for consideration.

2                   That they have the ability to see the  
3 projects that are turned in. They have the ability to  
4 review them but not to make copies and distribute them.  
5 They certainly are able to speak with other people about  
6 them and get more information but not to distribute the  
7 confidentiality of the projects before the Trustees review  
8 them. And I would request Dr. Mundy to speak further on  
9 the issue.

10                   CHAIRMAN DUFFY: Dr. Mundy.

11                   DR. MUNDY: Mr. Chairman. Yes, we do the  
12 best that we can to try to maintain the confidentiality of  
13 proposals, even though we understand that they are public  
14 information. So the -- what we ask the STAC and the PAC to  
15 do, is to not share the text of proposals with anyone after  
16 they're given them for review. They are free to discuss  
17 these proposals with anyone that they want to get, for  
18 example, expert advice. We certainly do that. But they  
19 are held as close as we possibly can until after the  
20 Trustee Council has made its decision. And once the  
21 Trustee Council has made its decision, we post the  
22 successful proposals on the website. They become freely  
23 available to the public. And the other proposals, we  
24 simply don't do anything with.

25                   MS. PHILLIPS: Phil, would you clarify

1 please that non-awarded projects, those are not made pub --  
2 the information in those are not made public, is that  
3 correct?

4 DR. MUNDY: That's correct. We don't pass  
5 those out or hand those out in any way.

6 MS. PHILLIPS: Thank you.

7 CHAIRMAN DUFFY: Dr. Balsiger.

8 DR. BALSIGER: Thank you, Mr. Chairman.  
9 That all made sense except for the part you said that the  
10 proposals are public information. And I thought that we  
11 had some ability to treat them as sort of proprietary  
12 information. That may be the wrong term but at some level  
13 other than public information until they're funded. And  
14 maybe that's a misunderstanding of mine but if they're  
15 genuinely public information, I don't think we can admit  
16 that. I don't think they can have any protection.

17 CHAIRMAN DUFFY: Dr. Mundy.

18 DR. MUNDY: Mr. Chairman. Perhaps we could  
19 get a legal opinion on this. I'm not saying that -- I'm  
20 not giving you any kind of a legal opinion on whether they  
21 are public information or not public information. What  
22 we've been told is that we -- is that they could be public  
23 information, that we should assume that they're public  
24 information. My -- for example, the reason that we have  
25 the BAA process, the reason that the BAA process was

1 installed, is that we -- if people sent us proposals and  
2 the Trustee Council accepted them otherwise, then we would  
3 have to put those ideas out for bid and give the contract  
4 to the lowest bidder.

5                   So we put the BAA process in to, in some  
6 sense, protect people from having their ideas publicly  
7 auctioned off. So the -- but I would ask -- I would defer  
8 to counsel on the fine points of whether they're public  
9 information or not. We have not disclosed any proposals  
10 prior to their being adopted by the Trustee Council and we  
11 do not give out the proposals that are unsuccessful. Now I  
12 don't know if somebody came -- I mean, since we're not a  
13 federal agency or a state agency, if somebody came at us  
14 with a FOYA, I don't know what would happen. But we're --  
15 again, I'm not speaking legally here, I'm just talking  
16 about the way we treat these.

17                   CHAIRMAN DUFFY: Mr. Meade.

18                   MR. MEADE: I would be right where the  
19 point that Jim raised and my thinking would be that they  
20 should be treated as an RFP, much in the government  
21 institution as we would where they would be pre-decisional  
22 information and not subject to public disclosure because  
23 they are inherently the property of the individual  
24 submitting the proposal. I would be concerned if they were  
25 considered public property.

1                   The second piece that I was also wanting to  
2 comment to, and I'm making an assumption so I thought I  
3 should clarify that my assumption is indeed true. My  
4 assumption would be that if any of the individuals on the  
5 STAC or the PAC had a interest in submitting a proposal or  
6 a bid or a project, that there would be conflict of  
7 interest issues that would avoid their participation in  
8 that process of review and selection. So they were not  
9 reviewing pre-decisional information in a way that could be  
10 a conflict of interest. And perhaps individuals in the PAC  
11 and STAC don't fill those roles in their citizen lives but  
12 I was making the assumption they likely do.

13                   DR. MUNDY: Mr. Chairman.

14                   CHAIRMAN DUFFY: Dr. Mundy.

15                   DR. MUNDY: Yes, I can address that. The  
16 members of the STAC are ineligible to be -- PI's are  
17 ineligible to receive money through the grant and contract  
18 process. And as far as the PAC goes, I'm -- we've never  
19 had that happen in the past however I'm not aware of any  
20 rules that would preclude that. However we do have  
21 conflict of interest procedures in place that go along with  
22 every proposal. In other words, they're people who receive  
23 any proposal from us also receive a conflict of interest  
24 statement. And they're asked to evaluate the proposal in  
25 terms of the conflict of interest statement and to sign it.

1 MR. MEADE: Thank you, Dr. Mundy.

2 CHAIRMAN DUFFY: Mr. Tillery.

3 MR. TILLERY: Yeah, Mr. Chairman. I think  
4 I'm a little -- this is a little clearer to me now with Dr.  
5 Mundy's explanation. This change does not, as I understand  
6 it, make any comment really on confidentiality. It simply  
7 says that the PAC is not to distribute these, the actual  
8 document. It may talk about the document in order to gain  
9 more information, but it may not itself distribute the  
10 document. That doesn't make a judgement on whether if we  
11 received a public records act request or a freedom of  
12 information act request, we would give out this document.  
13 That decision would be left for the instance in which it  
14 happened. I can tell you it would likely be very case  
15 specific and it would be referred to the Department of Law  
16 and the Department of Justice or to the agency attorneys,  
17 if such a request were received. But this doesn't do  
18 anything more than say the PAC shouldn't give it out.

19 DR. MUNDY: Mr. Chairman.

20 CHAIRMAN DUFFY: Dr. Mundy.

21 DR. MUNDY: That's exactly my  
22 understanding.

23 CHAIRMAN DUFFY: Okay.

24 MS. BALLARD: Are you looking for a motion,  
25 Kevin?

1                   CHAIRMAN DUFFY:  Yes.

2                   MS. BALLARD:  I move the motion that's in  
3 the packet, which would be, if I can get back there, to  
4 approve amending the EVOS policies and procedures to  
5 include a paragraph regarding a non-distribution agreement  
6 under proposal solicitation and review.

7                   CHAIRMAN DUFFY:  Is there a second?

8                   MR. MEADE:  I second.

9                   CHAIRMAN DUFFY:  Discussion.  Mr. Tillery.

10                  MR. TILLERY:  Mr. Chairman.  The one thing  
11 that would concern me about this is it does actually  
12 directly impact the PAC.  Our next matter is going to be to  
13 have a discussion with the PAC.  They might want to weigh  
14 in on whether they feel that this is a requirement that  
15 would inhibit their ability to review proposals and so  
16 forth.  So it might be useful to do another tabling motion  
17 until after the PAC.

18                  MS. BALLARD:  Friendly amendment, I accept  
19 that.

20                  MS. PHILLIPS:  Mr. Chairman.  There were  
21 four or five members of the PAC that wanted to see the  
22 projects and they all -- with not -- you know, just  
23 clarification, they all signed the agreement to do this,  
24 exactly this.  So for anybody that wanted to see them, they  
25 were in agreement.

1                   MR. MEADE: I would second the amendment to  
2 table until post-discussion with the PAC.

3                   CHAIRMAN DUFFY: So it's been moved to  
4 table this decision point until after our discussion with  
5 the PAC. Is there opposition?

6                   (No audible response)

7                   CHAIRMAN DUFFY: Hearing none, so tabled.  
8 So I remind the Trustee Council we've got two items to go  
9 back to at the conclusion of our discussion with PAC  
10 members today. And I will look to the Executive Director  
11 to make sure that I cover those two items.....

12                  MS. PHILLIPS: Yeah, we will.

13                  CHAIRMAN DUFFY: .....before we conclude  
14 today. And with that, we are now at the point on the  
15 agenda, which was the primary purpose of this meeting, and  
16 that is a interactive discussion between PAC members and  
17 the Trustee Council. And I would like to start off by  
18 inviting the chair of the PAC up to the table to provide  
19 some opening remarks just to set the stage for this  
20 discussion. That's Mr. Chuck Meacham.

21                  MR. MEADE: Mr. Chair.

22                  CHAIRMAN DUFFY: Mr. Meade.

23                  MR. MEADE: At some point I would also  
24 value some introductions as well since I, in the 14 months  
25 I've been here, I've met individually with some of the PAC

1 members but it would be good to know who's in the room with  
2 us and.....

3                   CHAIRMAN DUFFY: I think that's an  
4 excellent suggestion and if I could, Mr. Meacham, I would  
5 -- are there any PAC members on line at this point?

6                   (No audible response)

7                   CHAIRMAN DUFFY: Okay, and then I would ask  
8 that the PAC members in the audience stand up and identify  
9 themselves. Or Mr. Meacham, if you'd like to take us  
10 through the members in the audience, we'd appreciate that.

11                  MR. MEACHAM: My name is Chuck Meacham and  
12 I'm currently chair of the PAC. And I will let the  
13 individual members here introduce themselves.

14                  CHAIRMAN DUFFY: Okay.

15                  MR. MEACHAM: Stacy.

16                  MS. STUDEBAKER: I'm Stacy Studebaker from  
17 Kodiak. I've lived there for about 25 years. I'm a  
18 retired high school science teacher. I represent the  
19 recreational user group on the PAC and I've been a member  
20 of the PAC for -- I was here eight years, is it? Going on  
21 nine. Almost as long as Jim Kake. That's my goal.

22                  MS. PHILLIPS: Before we continue, could we  
23 have the mikes just handed to the people?

24                  REPORTER: Hold on. We need like two.....

25                  CHAIRMAN DUFFY: Technical stand down.

1 MS. PHILLIPS: Yeah.

2 (Off record)

3 (On record)

4 REPORTER: We're ready to go, Mr. Chair.

5 Thank you.

6 CHAIRMAN DUFFY: Proceed please.

7 MR. LAVIN: I'm Pat Lavin. I'm here in  
8 Anchorage with the National Wildlife Federation and I  
9 manage our Prince William Sound project so the Sound proper  
10 is kind of a focus of my personal attention. And I'm on  
11 the -- just completing my first two year term on the PAC.

12 CHAIRMAN DUFFY: Thank you.

13 DR. NORCROSS: I'm Brenda Norcross. I'm a  
14 professor of fisheries oceanography at University of Alaska  
15 Fairbanks. And if you read the list, it says I'm a science  
16 and technical person on the PAC, which I am, but officially  
17 I'm the STAC member on the PAC.

18 MR. FANDREI: My name is Gary Fandrei and  
19 I'm the Executive Director of the Cook Inlet Aquaculture  
20 Association and I serve on the Aquaculture/Mariculture  
21 representative for the public advisory committee. I'm also  
22 involved in some other opportunities down on the peninsula  
23 with the Cook Inlet branding program and the Cook Inlet  
24 Regional Citizen's Advisory Council. So I try to get out  
25 and represent as best I can. Thank you.

1                                   MR. ZEINE: My name is Ed Zeine, I'm from  
2 Cordova. I'm also on the science center board. And I have  
3 been mayor of Cordova, I've lived there about 26 years.  
4 I've been retired for about 10 years and I have just  
5 recently been called back to help them out, administer the  
6 hospital now because they went on vacation to Texas and  
7 stayed there. I've been on the PAC board for quite a  
8 number of years here. And in that, I'm a representative of  
9 the state government and that's been involved for years.  
10 I'm also on the Prince William Sound Aquaculture Board.  
11 Been on that for, oh about 15 years. So keep involved in  
12 the activities, thank you.

13                                   MR. MEACHAM: Thank you, Ed.

14                                   MR. PAGE: I'm Captain Ed Page, Coast  
15 Guard, retired. Spent 30 years in Coast Guard, but  
16 presently, since the last three years, I've been the  
17 Executive Director for the Marine Exchange of Alaska, which  
18 is a non-profit maritime organization with the goal of  
19 insuring -- find information and services to help ensure  
20 safe, secure, efficient and environmentally sound maritime  
21 operations. And I did work the Exxon Valdez spill for  
22 several years as a chief of operations and chief of staff,  
23 so I'm familiar with what happened during that time frame.  
24 I was chief of marine environmental protection for Alaska  
25 during that period. And retired a couple of years ago as

1 chief marine safety environmental protection and chief of  
2 staff. So in the marine exchange capacity, I represent the  
3 marine industry, maritime transportation groups on the  
4 public advisory Council.

5 MR. MEADE: Where are you located, Ed?

6 MR. PAGE: Juneau.

7 MR. MEADE: Juneau. Thank you.

8 MR. PAGE: Where it's sunny today, I might  
9 add.

10 UNIDENTIFIED SPEAKER: No.

11 MR. PAGE: Yes, it is. And I came up here  
12 to fog.

13 DR. GERSTER: I'm Dr. John Gerster and I  
14 was on the board of the Alaska Science and Technology  
15 Foundation for 10 years. Oversaw the giving out of about  
16 30 million dollars in fisheries grants over those 10 years.  
17 I'm on the North Pacific Research Board Advisory Council  
18 and a medical doctor here in Anchorage.

19 CHAIRMAN DUFFY: And that appears to be it.

20

21 MS. PHILLIPS: We might -- you might want  
22 to check and see if anybody came on line. I heard.....

23 CHAIRMAN DUFFY: Are there any PAC members  
24 that have come on line for this discussion?

25 (No audible response)

1                   CHAIRMAN DUFFY: Hearing none, Mr. Meacham,  
2 please proceed.

3                   MR. MEACHAM: Thank you. We definitely  
4 appreciate your making us such a large part of your agenda  
5 today in a number of agenda items. Our objective with this  
6 particular agenda item is to be of better service to the  
7 EVOS Trustees. And we're all volunteers and are in the PAC  
8 basically because we want to see the right things done for  
9 both the resource and the resource users within the oil  
10 impacted areas especially.

11                   I briefly refer you to our charter, which  
12 you have. And as you've been told, we were created by the  
13 memorandum of agreement and dissent decree -- a consent  
14 decree. The task of the public advisory committee is to  
15 again advise the Trustees through the Trustee Council with  
16 respect to the following matters, and they're identified.  
17 All decisions relating to injury assessment and restoration  
18 activities or other use of natural resource damage  
19 recoveries obtained by the governments. Including all  
20 decisions regarding, and these are my words, basically  
21 allocation of funds, the conduct of projects, long term  
22 monitoring and research activities and the coordination of  
23 those items.

24                   Based on my past experience with the PAC, I  
25 would say most often we undertake activities through the



1                   CHAIRMAN DUFFY:  If I could first, Chuck,  
2 the system in place here with the tables and the chairs and  
3 stuff does not lend itself to kind of, you know, casual  
4 constructive discussion.  It's a bit formal from my  
5 perspective for the purpose of this session.  So I want to  
6 emphasize that I think we should have open dialogue.  I  
7 would like to hear from PAC members if they, over the last  
8 at least -- almost two years that I've been here -- year  
9 and a half on the Trustee Council -- if there are issues  
10 that you have with the Trustee Council and things we're  
11 doing, I think you should be direct and I think you should  
12 be honest in your assessment of how you think we can do a  
13 better job as a Trustee Council too.

14                   So I appreciate Chuck's focus of the  
15 objective being how can the PAC better serve the Trustee  
16 Council but I truly believe this is a two way relationship.  
17 And so with that in mind, perhaps what we can do is hand  
18 the microphone around or individuals could come up and just  
19 feel free to.....

20                   MR. TILLERY:  Move their chairs up  
21 around.....

22                   CHAIRMAN DUFFY:  Or you could all move your  
23 chairs up here and sit down with us, that would be fine  
24 too.

25                   MS. BALLARD:  Why don't they do that?

1 There are only.....

2 CHAIRMAN DUFFY: Yeah.

3 MS. BALLARD: Are there seven of you here?  
4 Would you be willing to come forward? And maybe use those  
5 chairs there which are.....

6 (Off record)

7 (On record)

8 (Off record comments)

9 MR. MEACHAM: Okay, I think we're ready to  
10 proceed, Mr. Chair.

11 CHAIRMAN DUFFY: Thank you. Mr. Tillery.

12 MR. TILLERY: Just a quick response back to  
13 Chuck. Is it a good thing for a Trustee Council member to  
14 attend a PAC meeting or does that inhibit your discussion?

15 MR. MEACHAM: I think if there are  
16 opportunities for a Trustee to sit in, that would be  
17 beneficial. It may, to a very limited degree, but I think  
18 the individual PAC members are sufficiently motivated in  
19 their thoughts that they will share whatever they are,  
20 regardless of who's present.

21 DR. GERSTER: I would echo that. I would  
22 look for any kind of dialogue to increase between the  
23 Trustees and the PAC.

24 MR. LAVIN: I think it would add to the  
25 sense that -- care about that or are paying attention to

1 that thing rather than quiet us down or something.

2 CHAIRMAN DUFFY: Okay. Let's open it up.

3 MS. STUDEBAKER: Well, I'll start.

4 CHAIRMAN DUFFY: Feel free.

5 MS. STUDEBAKER: I have lots of things to  
6 talk about today but I'll start out with thanking Gail and  
7 Phil for coming to Kodiak and giving a fine presentation to  
8 our Chamber of Commerce. It was not real well attended. I  
9 wish we had had more public notice and more time to get the  
10 word out. I was just notified a few days ahead of time so  
11 I made some quick phone calls. But still it was during the  
12 day and it was a time when a lot of people who probably  
13 would have liked to have been there couldn't be there. So  
14 it wasn't real well attended.

15 And as a result of that though however, the  
16 people that were there expressed to me, knowing that I've  
17 been involved with the group for quite awhile -- there is a  
18 perception, there's a public perception that the small  
19 parcel program has gone away. And there is a concern about  
20 that since there was really nothing mentioned about it in  
21 the presentation. They talked about North Afognak and some  
22 of the big deals in that part of the archipelago but didn't  
23 mention anything about the pending small parcel proposals  
24 of Long Island and Termination Point, which have been on  
25 the back burner for quite a long time, as you know. But

1 have been put on the back burner because of an ongoing  
2 litigation between the land owner and the Native  
3 corporation that owns -- who has clear title to the  
4 parcels.

5                   But anyway, people did ask me afterwards,  
6 what's happened to Termination Point and Long Island. Two  
7 very, very important small parcels to our community for  
8 recreation. And both parcels were oiled in the oil spill.  
9 So there was habitat damage. And both were very highly  
10 rated during the small parcel proposal process when they  
11 were nominated. They rose way to the top because of the  
12 huge amount of public support in Kodiak for these parcels.

13                   So anyway, I just wanted to mention that.  
14 That I would appreciate an update. And if there's anything  
15 that Gail's office can do to just get out some public  
16 information to Kodiak about the status of those parcels, it  
17 would be very good. It would be very, very good. Maybe an  
18 article in the newspaper or a public service announcement  
19 on the public radio or something.

20                   I'll leave it at that and come around the  
21 second time.

22                   CHAIRMAN DUFFY: Pat.

23                   MR. LAVIN: Thanks for doing this  
24 constructive thing and I welcome the opportunity to have  
25 this discussion. Stacy mentioned the small parcel program

1 and I was just going to lay out that discussion around that  
2 was probably the impetus for the PAC initially suggesting  
3 we have a conversation like this because it was an example  
4 of where at least some of the PAC members felt out of the  
5 loop or out in the cold on what was happening with the  
6 small parcel program. Because we saw it on a few different  
7 Council agendas or at least draft agendas. And it looked  
8 like it was on the next meeting or maybe had the star that  
9 looked like an action item and we hadn't heard what was  
10 happening or might be happening or under discussion at that  
11 time.

12                   And so, you know, through the -- you know,  
13 not so much through the grapevine but upon a little bit of  
14 looking into it, we learned about the -- you know, the  
15 contract was expiring and such. And I guess the prospect  
16 of losing the program was sort of out there and I don't  
17 think the Council necessarily initiated that but it was  
18 kind of out there. And so I think the PAC felt like that  
19 was an example of where better communication just  
20 internally, internally meaning between the Council and the  
21 PAC, about where that was may have been helpful. Instead  
22 of us, you know, seeing it on the agenda and wondering  
23 about it.

24                   And more generally, I guess the -- I think  
25 that may have been a specific example that some PAC members

1 had in mind but I think the general premise behind it,  
2 there's a thought behind it to nail down, and I think it's  
3 there, is that the PAC, I think most of the members are  
4 hoping that before any significant -- you know, before  
5 significant program decisions are made, that we do have  
6 wind of it coming and a chance to hopefully meet as a PAC  
7 or at least speak among ourselves as a PAC.

8                   And then through our -- through a mechanism  
9 of at least at a meeting like this or even informal contact  
10 back to the Council to express some kind of sense of the  
11 group and preferably a chance for us to meet and pass a  
12 resolution if it's a significant program decision, such as  
13 whether and how to continue with the small parcel program.  
14 Or whether and how to continue with say an entire chunk of  
15 GEM. Say for example if that were -- something that big  
16 were up, it's the kind of thing that I think people want to  
17 feel included in and that our input on is valued.

18                   And I have some other more specific  
19 comments too but in the spirit of at least some opening  
20 marks and then moving on, I'll stop there.

21                   CHAIRMAN DUFFY: Gary.

22                   MR. FANDREI: Yes. The first thing I'd  
23 like to -- I have a couple of points I wanted to make. And  
24 the first thing I'd like to say is, you know, this is my  
25 second term as a PAC member and I do plan on reapplying for

1 a third term. I think it's a worthwhile effort and would  
2 like to continue to be involved.

3                   The other thing is, is I think, you know,  
4 as a group we do recognize that we are an advisory group  
5 and as such there's certain limitations that come with an  
6 advisory group. But we hope our advice is taken and we  
7 actually hope that, I think, the advice is sought in some  
8 instances. And I think some of our best discussions have  
9 come when there's been direction from -- either through the  
10 staff or from the Trustee Council directly to address  
11 specific issues. And I think that's helpful from the PAC's  
12 perspective to hear that once in awhile. That there are  
13 some issues that you want to see our involvement in on and  
14 make that request.

15                   Much of our communication or much of our  
16 contact is with the staff. And one of the things I wanted  
17 to say is that the staff here is very good. And every time  
18 I've worked with the staff on any of these issues, they've  
19 been very good at providing the information that we were  
20 looking for or I was looking for and it's been very  
21 helpful. So I commend the staff for doing a good job.  
22 They haven't overwhelmed us with too much material but  
23 they've given us what I consider to be just about the right  
24 amount of information.

25                   And there's also some questions about

1 projects and how involved the PAC is in project reviews and  
2 that sort of thing. I've been involved in that for a  
3 couple of years and have found it, you know, you can be as  
4 involved in that as you really want to be. And it's just a  
5 matter of coming forward and putting that effort into it.  
6 And I think the opportunities are out there, you just have  
7 to go out and get them.

8                   And the last thing I wanted to -- point I  
9 wanted to make was, I think over time some of the best  
10 opportunities that I've noticed for communications with the  
11 Trustees has been when there's some joint programs going  
12 on. And what I'm thinking of is the community involvement  
13 workshop that was held where there was a couple of Trustee  
14 members there. And there was a trip to Cordova, I think,  
15 too, about a year ago. Those kind of things I thought were  
16 very helpful in getting to know what the Trustee Council is  
17 thinking and how they're operating. And I really  
18 appreciated those opportunities and hope those kinds of  
19 things continue.

20                   And I guess that's all I have for right  
21 now, so thank you.

22                   CHAIRMAN DUFFY: Thank you, Gary. Brenda  
23 Norcross.

24                   DR. NORCROSS: I would say that the part  
25 that I've been involved in the most since I'm crossing over

1 STAC and PAC is looking at the review of the proposals.  
2 And I was a bit dismayed at some point in time in the fall  
3 when the Trustee Council seemed to think there hadn't been  
4 consideration of the community involvement in the proposals  
5 that were recommended to be funded. Because there were PAC  
6 members who read every proposal, who sat in on the STAC  
7 deliberations of every proposal, had an input. And then  
8 the following week the PAC went over each proposal  
9 individually and made a recommendation.

10                   So we're planning on doing the same thing  
11 this year but what I'm trying to tell you is, the PAC was  
12 really involved last year. So when things appeared to be  
13 community involvement but were not recommended to be  
14 funded, it had been discussed very thoroughly. And there  
15 was bas -- I don't remember anything we didn't have a  
16 unanimous decision on, actually. But they were very  
17 involved and I'd like -- I've been urging -- as Gary said,  
18 you can be as involved as you want. So I keep saying,  
19 would you guys read more of these.

20                   That's all for now, thank you.

21                   CHAIRMAN DUFFY: Thank you. Dr. Gerster.

22                   DR. GERSTER: I'd like to address more of a  
23 larger picture here. And I'm not a fisherman and I'm sorry  
24 that our fishermen couldn't be here because they provide a  
25 tremendous wealth of knowledge in our PAC meetings. But

1 what I'd like to do, and I went back and I just read the  
2 employ again, and the PAC's purpose is to advice the  
3 Trustees on decisions of planning, allocation of funds,  
4 conduct of injury assessment, restoration activities.  
5 We're not doing that. And what I'd like to do is think of  
6 ways that the Trustees can actually interact much more on a  
7 personal basis. I mean, I have never met you guys before.

8                   And I'd like to look at planning because  
9 here we have a tremendous resource that could be  
10 sustainable for the future. And I see the GEM project as a  
11 wonderful way to use the legacy of the oil spill funds.  
12 But instead of just reviewing proposals and buying parcels,  
13 I'd like us to get together and let you learn from the guys  
14 who are out there doing the fishing and work more on  
15 planning for the future how this oil spill fund can best be  
16 used for all of Alaska.

17                   CHAIRMAN DUFFY: Okay.

18                   MR. ZEINE: My name is Ed Zeine.

19                   CHAIRMAN DUFFY: Ed, go ahead.

20                   MR. ZEINE: Thank you. Earlier when I said  
21 that I was retired, that means I don't get paid anymore.  
22 That's all that meant. I'm so busy it's pathetic it's  
23 pathetic in what I'm doing. But I think, from my  
24 standpoint of being on the PAC board for quite a number of  
25 years, I believe the Executive Director has done a very

1 good job and the staff, in keeping the PAC involved in the  
2 process. We've been involved in discussions in the various  
3 appropriations that are made out for individuals. We have  
4 come to meetings, we've been involved in the GEM program.  
5 I can't recall how many meetings we had discussing the GEM  
6 program and recovering that input on that.

7                   So I think that we've done a real well and  
8 good job on it and I appreciate the opportunity to be  
9 involved in that.

10                   As far as the confidentiality clause, I  
11 have no problem whatsoever with that and I think it should  
12 be done. I think it would be inappropriate for someone to  
13 speak out if they got a bid for the project and someone  
14 else is telling stories on what that bid might be. So I  
15 think it's very appropriate to do that. So I think the  
16 process has been working very well and I don't have much  
17 problem with it. And I appreciate the Trustees listening  
18 to the PAC input before you make your decisions, as well as  
19 staff has been doing that, by the way. When we sit down in  
20 the PAC and discuss the various proposals that are made,  
21 there have been changes by staff in view of the proposing  
22 comments made. So I think overall it's working out. We've  
23 had a lot of good input.

24                   The GEM program I think is a wonderful  
25 opportunity for all of us to be involved in. And the

1 community input, I appreciate the Executive Director coming  
2 to town and giving the community an opportunity to have  
3 their input was very good. And of course, I can't pass it  
4 up, I've been mayor of Cordova, I've been interim city  
5 manager about three different occasions and interim city  
6 hospital administrator a couple of times and I'm also on  
7 the Science Center. Which the climate between EVOS and the  
8 Science Center has really changed in the past couple of  
9 years. I don't think they were working too well together  
10 but now I think the climate has improved. The Executive  
11 Director and the new head of the Science Center are working  
12 closely together and doing a fine job.

13                   In front of you you have a little brochure  
14 here for the -- the head of the Science Center has asked to  
15 make sure the Trustee Council and the PAG are notified of  
16 this. It's the Copper River Nova and it's June 12th, on  
17 Saturday starts. And this is the primary fund raiser for  
18 the Science Center. So they give a beautiful dinner by a  
19 gourmet chef and you can see all the activities on the it.

20                   And I appreciate Chuck asking me to tell  
21 you about this. Thank you.

22                   CHAIRMAN DUFFY: Thank you, Ed. Mr. Page.

23                   MR. PAGE: Yes, sir. Well, I'm actually  
24 new guy on the block. It's my first term and coming up on  
25 two years. So still getting my training wheels and

1 learning what's going on. And I see my role from  
2 representing the marine industry is to kind of looking at  
3 -- and to some extent, I guess you could say the marine  
4 industry has a need for a lot of us, the Council funds and  
5 what have you.

6                   To that end, I see my role as just ensuring  
7 it's good stewardship of the funds today and I've learned a  
8 lot. I do think that it is a good program. I'm shocked at  
9 some of the findings. As much as I thought I knew about  
10 Prince William Sound and the area and some of the issues,  
11 but I learned a lot more just in this tour last summer we  
12 took through the Sound. And which one of the Council  
13 members went, Drue Pearce went with us, which is good.

14                   So that was a good dialogue, as mentioned  
15 beforehand, as far as interaction with the Council and it's  
16 a brutal ride too, I might add. You're a great sport --  
17 she's a great sport because it wasn't one of those idyllic  
18 cruise to the bay that -- real salt spring type of thing so  
19 -- but I have learned a lot and I personally feel  
20 comfortable with those type of interactions. I can also  
21 the merit of something like this, in the two years I think  
22 it's the first time we had, unless I missed that  
23 opportunity, to have face to face with the Council, so I  
24 think that does make sense so there is some nexus between  
25 the two of us, if you will, and we're not just chattering

1 in the background, there is no relationship.

2                   But I didn't feel like a real chasm per  
3 say, I think our input was provided and also we did have  
4 some one on one interactions. And we were certainly  
5 involved in the science projects as far as betting them, or  
6 looking at them, evaluating them and advise and input. And  
7 I think there were a couple of issues that some members of  
8 the PAC had some concerns about they were all brought  
9 beforehand with the land parcel, the reopener and I think  
10 some of the science project. But all those have actually  
11 been resolved. We got answers to them and I think  
12 acceptable answers.

13                   And so my gut feel is that we do have  
14 input, I think we are heard. Obviously we're just  
15 advisories so everything we say is not going to go to the  
16 bank, so to speak. But I feel comfortable enough that it  
17 is heard, it is considered and it is incorporated as  
18 appropriate. And that -- and I'm -- the whole process, as  
19 far as I'm concerned, from my perspective, looks like a  
20 good process. People are sincere about what they're trying  
21 to do and good stewards of the monies.

22                   CHAIRMAN DUFFY: Thanks, Ed. Chairman  
23 Meacham, did they miss anything?

24                   MR. MEACHAM: Oh, I think they covered a  
25 fair amount of ground here but I know there are a few

1 additional comments to come forward so.....

2 CHAIRMAN DUFFY: Okay.

3 MR. MEACHAM: .....we'll take another  
4 round.

5 MS. STUDEBAKER: Round robin here, okay.

6 CHAIRMAN DUFFY: Apparently the food has  
7 arrived. Do we want to take a 10 minute break, grab a meal  
8 and then come back?

9 MS. PHILLIPS: Maybe take a 10 minute  
10 break, everybody get their plates and come on back.

11 CHAIRMAN DUFFY: All right. We're taking a  
12 10 minute break and we'll reconvene in at 12 minutes, at  
13 noon. And the Trustee Council is up next for discussions.

14 (Off record)

15 (On record)

16 CHAIRMAN DUFFY: I believe we were with you  
17 Chuck for -- some kind of summary of first round comments  
18 or anything you thought that we missed.

19 MR. MEACHAM: Thank you. I think there  
20 were a few more comments to be made. And I know Stacy has  
21 a couple of comments. I don't know about others but let's  
22 go ahead and have a second round.

23 MS. STUDEBAKER: Okay. All right.

24 CHAIRMAN DUFFY: Stacy.

25 MS. STUDEBAKER: I'll be glad to start. I

1 think I might have the longest longevity on the PAC  
2 representative right now. And I'm a big person on process.  
3 I mean, I figure if I'm going to spend my time coming up  
4 here and putting my time into this, it's got to be really  
5 worthwhile for me. And in the early years, it was. We had  
6 a very set agenda, it was very clear what our role was. We  
7 felt like we really accomplished things. We interacted  
8 with the Trustee Council. And I think I, at least in the  
9 last, you know, recent history of this, I'm experiencing a  
10 bit of a breakdown in the process. And I think one of the  
11 places where the breakdown -- I've experienced the  
12 breakdown is in the review of the science proposals.

13                   The way we used to do it is the public  
14 advisory group would receive the whole docket basically  
15 after it had been reviewed by staff. And with  
16 recommendations from staff. And we would get that docket  
17 and we were asked to read through it, make notes, and come  
18 prepared to a meeting prior to the Trustee Council review.  
19 And at that meeting which I think usually took place in  
20 June, if I'm not mistaken, we would meet for at least a  
21 day. Maybe -- it might have been even a day and a half  
22 meeting where the science coordinator, Phil or his  
23 predecessor, Stan Senner, would review the entire docket  
24 with us. He's go through it proposal by proposal.

25                   And if we had then made notes about it or

1 had concerns about any of the -- questions or concerns  
2 about any of the proposals, we discussed them proposal by  
3 proposal by proposal. And that was long and gruelling but,  
4 you know, we felt like we really had some understanding of  
5 the scientific review and some participation in the  
6 scientific review. And I very much appreciated that, even  
7 though it was long and gruelling at times, we got through  
8 it. And I would like to see that process re-instituted.  
9 The timing being before your meeting so that if we have  
10 recommendations or changes we'd like to make, we can make  
11 them.

12                   Somebody mentioned that some of the other  
13 PAG members are commercial fishermen and have been in  
14 Prince William Sound for all their lives or a good portion  
15 of it. And they, you know, weathered the oil spill and  
16 just had such great input in those discussions. So it was  
17 not only good process but very educational for those of us  
18 that didn't live right in ground zero. Even though we got  
19 the oil in Kodiak and I had, you know, my own experience  
20 with the oil spill as well. So it was valuable and I think  
21 those discussions were in those transcripts that we're  
22 referring to. They were transmitted to the Trustee Council  
23 in whole, in entirety. So you knew what kind of wisdom and  
24 detail was being shared by the PAC members. And I thought  
25 that was valuable as well. So I would definitely like to

1 see that part of the process kicked in again. And even if  
2 it's this summer, that would be next month I guess, if the  
3 process is still in line with the same schedule, that would  
4 be fine with me.

5                   CHAIRMAN DUFFY: Stacy, let me ask you a  
6 question. The thorough review that used to be done where  
7 the scientific staff from the Trustee Council sat down with  
8 the PAC and went through these in detail and took notes and  
9 dialogue, how long has that process been absent? Has that  
10 been a couple years or five years or.....

11                   MS. STUDEBAKER: Well, it -- I think we did  
12 we did it last year but.....

13                   MR. MEACHAM: We did.

14                   MS. STUDEBAKER: .....it wasn't as.....

15                   MS. PHILLIPS: We did it last year.....

16                   MS. STUDEBAKER: Yeah.

17                   MS. PHILLIPS: I mean, we did it since I  
18 came on last year.

19                   MS. STUDEBAKER: Yeah.

20                   CHAIRMAN DUFFY: That's why I'm asking.

21                   MR. MEACHAM: I don't really think it's  
22 been dropped. Maybe the focus has shifted a little from  
23 what it was when you were involved earlier but.....

24                   MS. STUDEBAKER: Right.

25                   MR. MEACHAM: .....it's still there and we

1 still do it.

2 CHAIRMAN DUFFY: Okay.

3 MS. STUDEBAKER: I didn't feel like we had  
4 as much opportunity to interact with the science staff as  
5 we had in the past, and that was really valuable. And  
6 since that time, since the beginning, also we now have the  
7 STAC, which is another layer in all this as well. So I'd  
8 like to see -- really figure a format in which we can  
9 interchange and interweave all those different layers in  
10 one meeting. So we're all together at one meeting.

11 CHAIRMAN DUFFY: Okay. Brenda, you want to  
12 respond to that in some way?

13 DR. NORCROSS: Yes.

14 CHAIRMAN DUFFY: Yeah.

15 DR. NORCROSS: I'm agreeing with Stacy that  
16 I think that the PAC needs more meetings, which I realize  
17 is -- you know, I'm not asking like to get on a plane one  
18 more time in a year, all right. That's not my goal. But I  
19 -- the PAC was involved last year -- if there was a way to  
20 put the STAC and the PAC together after everybody reviewed  
21 the proposals, that's really good. Half of the STAC is  
22 outside but even if we had some of the members, I think  
23 that would be helpful.

24 And I think one of the ways that I got my  
25 own personal impression and from some other members of the

1 PAC who aren't here last year, that the process fell apart  
2 is when the STAC went through and made recommendations of  
3 what should be funded. The PAC went through and made  
4 recommendations of what should be funded and maybe the  
5 priorities weren't identical but they all came out to be  
6 the same ones. And then when we had the Trustee Council  
7 meeting in October, things showed up to you that were  
8 changed at the staff level that said fund this, don't fund  
9 this, that none of the STAC members and none of the PAC  
10 members had an input to.

11                   And it was -- you know, the Trustee Council  
12 meeting is very formal. It wasn't like I could stand there  
13 and say, wait a minute you guys, where did this -- I was  
14 just totally taken aback and so were several of the other  
15 members because I heard about it later. That, I felt like  
16 the process fell apart, but it -- so then it makes you feel  
17 like, wait, I've spent all these -- I mean, that took me a  
18 lot of my time to do that, to go, what happened? How come  
19 somebody at the staff level went like this and just  
20 switched the order of things?

21                   CHAIRMAN DUFFY: Okay. So just on that, so  
22 you're saying at the PAC and the STAC level there was some  
23 homogeneous -- synonymous thought between the STAC and the  
24 PAC. But before the information rolled forward to the  
25 Council, there were modifications made that you don't think

1 accurately reflected or brought forward the thoughts from  
2 the PAC and STAC?

3 DR. NORCROSS: Right.

4 CHAIRMAN DUFFY: Okay.

5 DR. NORCROSS: And if you have a list, I  
6 recognize the Executive Director can go like this and  
7 change them, but I would like to make sure that you see  
8 this is the STAC's recommendation, this is the PAC's  
9 recommendation, this is the Executive Director's  
10 recommendation, so you can evaluate if there's a  
11 difference.

12 MR. MEADE: If I may, I would just add, I  
13 think, what you just outlined is indeed the right  
14 procedure. I don't feel that it would be considered by my  
15 view as a Trustee and I assume it would true with Gail's  
16 viewpoint as well. Gail has the ability to recommend to us  
17 a set of priorities but the ability for us to hear from the  
18 STAC, the PAC and the Executive Director's positions and  
19 viewpoints is essential. I appreciate that.

20 MR. TILLERY: Was there a misrepresentation  
21 of the STAC's and the PAC's views or are they simply not --  
22 or they're just simply something different produced. Or is  
23 it.....

24 DR. NORCROSS: Is that different, a  
25 misrepresentation in terms of.....

1                   MR. TILLERY: Yeah, well did somebody say  
2 the STAC said this was the most important project ever when  
3 in fact the STAC said we don't want the project or is it  
4 simply that somebody said, this is the most important  
5 project in my view, disregarding a STAC recommendation?

6                   DR. NORCROSS: Well, I'm looking at the  
7 notes from your March 1st meeting, too, at which I was not  
8 present, and I'm still confused when I see where it says,  
9 Saupe and Couvillion's shoreline work was at high priority.  
10 And I still haven't figured out why those haven't been  
11 funded. When it left -- when they both left the STAC and  
12 the PAC last year, they were on the definitely fund list.  
13 When it got to you, they were on the defer list and I can't  
14 understand why they still have never been brought up again  
15 when there was no input from the STAC or the PAC.

16                   Those are just a couple of examples that I  
17 know that we all ended up going, huh? And I try and send a  
18 memo to the STAC to say this is what happened at the PAC or  
19 this is what happened at the Trustee Council meeting. And  
20 obviously everyone in the room has a different job and it's  
21 not our only priority. And if I don't do it at that  
22 minute, it doesn't happen. But I try and keep them  
23 apprised because I still have never figured out what  
24 happened.

25                   MR. TILLERY: Mr. Chairman, if I can

1 interject one thing. I actually think the whoa, wait a  
2 minute, is perfectly sort of appropriate. It's not within  
3 the formal meeting rules but if you do like this, I mean,  
4 somebody's going to see you and say, wait a minute, is  
5 there an issue here. I mean.....

6 DR. NORCROSS: Yeah, because I sat.....

7 MR. TILLERY: .....you should bring that  
8 up.

9 DR. NORCROSS: Okay.

10 MR. MEADE: Thank you. I agree.

11 MR. TILLERY: It shouldn't -- this isn't  
12 that formal. The point of -- our point is to do things  
13 right. And if you're involved in this and you know what's  
14 going on and you see a problem, tell somebody. I mean,  
15 tell whoever, Paula or Brenda or somebody or Alex Swiderski  
16 here and he can come up and tell me. Or if I'm here, I can  
17 come up and tell Greg if there's an issue here or something  
18 like that. Don't assume we don't want to hear from you.

19 CHAIRMAN DUFFY: Pat, do you want to add to  
20 that?

21 MR. LAVIN: I was just -- was going to jump  
22 in and say that that was really helpful to hear because it  
23 might -- these meetings might not seem formal to you but  
24 they have this sense of formality. I don't know, you know,  
25 lots of times I'll sit there and feel like I maybe could be

1 of use but it doesn't seem appropriate to raise the hand  
2 and shout from the balcony or whatever. So it's good to  
3 know.

4                   CHAIRMAN DUFFY: Yeah. I also think in  
5 that process, if those kind of issues arise, I think you  
6 should -- assuming that the chairman is here from the PAC,  
7 you should talk to him and he can bring it even more  
8 directly to us.

9                   MR. LAVIN: Right.

10                  CHAIRMAN DUFFY: Just -- I don't want to  
11 get into a situation where we're refereeing differences of  
12 opinion among PAC members but if it was a consensus opinion  
13 and then it's been modified. One way to get at this issue  
14 next year in reviewing proposals would be to have a pretty  
15 simple matrix in front of Council that would have the PAC  
16 recommendations, the STAC recommendations, the Executive  
17 Director recommendations. Now there are -- and that may  
18 already be in there, but it's not simple. It's not a  
19 matrix.

20                  MR. LAVIN: Okay.

21                  CHAIRMAN DUFFY: It's for each proposal and  
22 you have to look them. Maybe a matrix structure. There  
23 are situations that arise where there are reasons why the  
24 Executive Director is advised that certain things should be  
25 deferred. They may not have worked out all the components

1 of the arrangement with the contractor. There are issues  
2 that arise that lead to deferred recommendations which may  
3 have nothing to do with the merit of the project. It may  
4 be a process type issue.

5                   But I agree with Mr. Tillery that we want  
6 to hear from the PAC if their perception of how things are  
7 going is distorted. Under the rubric, as we all  
8 understand, that the PAC is advisory to us as the decision  
9 makers. I welcome that kind of input too.

10                   MR. MEACHAM: Mr. Chairman.

11                   CHAIRMAN DUFFY: Mr. Meacham.

12                   MR. MEACHAM: Yeah, I don't think there has  
13 been any misrepresentations at all. I think what has  
14 occurred is that the PAC input is one place and some of the  
15 other evaluation processes in groups, they're located in a  
16 different place.

17                   CHAIRMAN DUFFY: Right.

18                   MR. MEACHAM: And so you don't necessarily  
19 -- unless you go the effort of looking at what the PAC  
20 thinks should be done and then going to this other source  
21 and seeing the Executive Director to STAC and whoever else  
22 comments, it's not easy to understand unless you jump all  
23 over the place. So as you brought out, a formatted  
24 approach I think will solve the problem.

25                   CHAIRMAN DUFFY: Right.

1 MS. PHILLIPS: Mr. Chairman. And I might  
2 just interject one other factor. The Executive Director  
3 position recommendation has to deal with the amount of  
4 funds available also rather than.....

5 CHAIRMAN DUFFY: Right.

6 MS. PHILLIPS: .....just the merits of the  
7 project. So there will be differences at times because of  
8 that.

9 MR. TILLERY: Mr. Chairman.

10 CHAIRMAN DUFFY: Mr. Tillery.

11 MR. TILLERY: It would seem to me like when  
12 we get that big spreadsheet -- and I think in the past  
13 we've had this sort of science review which is reflected  
14 peer reviewers. And then we had the Executive Director's  
15 recommendation really too. It wouldn't hurt to have that  
16 matrix expanded to be the PAC, the STAC, the Science  
17 Director and then Executive Director who actually might  
18 have reasons that none of the other -- I mean, the PAC  
19 might have their own reasons that are maybe not even  
20 scientific but are based on what people want. The two  
21 science people will probably have more scientific merit  
22 type things but the Executive Director has a whole lot of  
23 other variables, like amount of money or feasibility in  
24 terms of contracting arrangements or something like that.

25 MR. MEACHAM: Late reports.

1 MR. TILLERY: But if you had all four of  
2 those.....

3 MS. PHILLIPS: Late reports, right.

4 MR. TILLERY: .....it might be easier.

5 MS. PHILLIPS: Yeah.

6 MR. TILLERY: This really helpful, that  
7 spreadsheet that's got about that much. And if it said PAC  
8 really thinks this is important to the people of the Kodiak  
9 region, that would be helpful to know. And then of course  
10 the science guys can trash it and the Executive Director  
11 say we don't have enough money to spend, but that's -- at  
12 least we got the information.

13 CHAIRMAN DUFFY: So your suggestion would  
14 be really a four-column matrix that would have the PAC, the  
15 STAC, the Science Director and then the Executive Director.

16 MR. TILLERY: Executive Director.

17 MS. PHILLIPS: We can do that.

18 CHAIRMAN DUFFY: Each with different  
19 responsibilities and everyone.....

20 MS. PHILLIPS: Yeah.

21 CHAIRMAN DUFFY: .....recognize that.

22 MS. PHILLIPS: Right.

23 CHAIRMAN DUFFY: But that would be a clean  
24 way to do it. Brenda.

25 DR. NORCROSS: I agree. I think that would

1 be great. I do want you to know that when the STAC and the  
2 PAC reviewed them last year, we very carefully added up  
3 budgets. I mean, we considered budgets and we also  
4 considered things like late reports. Which is why those  
5 lingering oil people all came up with defer because we  
6 looked at people who had not turned in their reports. And  
7 I also want to point out that there's a bit of a conflict  
8 in the system because the Science Director sits in,  
9 theoretically, as a non-voting member of the STAC. Only he  
10 has a lot of influence. And so you would get the Science  
11 Director's influence twice.

12 DR. BALSIGER: Are you a non-voting member  
13 of the PAC?

14 DR. NORCROSS: No, I'm an official  
15 appointee of the PAC.

16 DR. BALSIGER: So you have two bullets too  
17 then?

18 DR. NORCROSS: Oh, you know, I didn't vote  
19 again on the proposals though. So I only voted once on the  
20 proposals.

21 MR. TILLERY: But the Science Director  
22 wouldn't necessarily write the STAC viewpoint. Wouldn't  
23 the chair of the STAC be the one that put that together?

24 DR. NORCROSS: Well, you see, the Science  
25 Director is the co-chair of the STAC. So yes, I could put

1 it together, so that's not the one -- I mean, we rotate  
2 chairmanships just like you do.

3 CHAIRMAN DUFFY: Yeah, but.....

4 MR. TILLERY: But you would put it  
5 together. I'm guessing that you would put -- you  
6 would.....

7 DR. NORCROSS: The whole.....

8 MR. TILLERY: This whole stack you would  
9 have.....

10 DR. NORCROSS: The whole group puts it  
11 together.

12 MR. TILLERY: .....this is our view of what  
13 it is.

14 DR. NORCROSS: Right.

15 MR. TILLERY: Then the Science Director may  
16 have a -- sort of a minority report almost, you know.....

17 DR. NORCROSS: Right.

18 MR. TILLERY: .....these people said this  
19 but I don't agree for these reasons. And that's fine,  
20 that's a viewpoint we want to hear.

21 DR. NORCROSS: And I think that it would be  
22 very informative to see that and to see the Executive  
23 Director -- you know, it's not like everybody says, oh, you  
24 have to do what we say. But if you can see a reason, you  
25 go, oh okay.

1                   CHAIRMAN DUFFY:  Okay.  Joe, I had your  
2 hand up.  Joe Meade.

3                   MR. MEADE:  Yes, I just was going back to  
4 the comment about the formality of the board, this table,  
5 these microphones.  And I just wanted to underscore the  
6 comment that my hope is -- in Forest Service meetings, this  
7 is very contrary.  We don't meet this way.  You know, ours  
8 is informal dialogue in communities -- rural communities  
9 scattered across our areas where we connect land and  
10 people.  So I just wanted to underscore the comment that  
11 Mr. Tillery made, that -- in fact, I think you've all heard  
12 me stumble through the things of Robert's Rules.  That's  
13 again foreign to my language.  So I really hope that you'll  
14 take -- I hope we will collectively take to heart an  
15 opportunity to be sure you have easy access to feel like  
16 your viewpoints are engaged and contributed.  And that  
17 there is a very appropriate way that you can break the  
18 austere ice of the formality of this type of a setting.

19                  CHAIRMAN DUFFY:  The other thing I would  
20 encourage is, I know that Ernesta as well as I, if you want  
21 to talk to either of us or Craig in the intervening  
22 periods, we don't meet all that often -- phone calls to me,  
23 I return phone calls if I can't talk to you directly at the  
24 time you call.  And I -- you know, there can be dialogue in  
25 between, just discussions if you want to talk about how

1 things are going or what the Trustee Councils are thinking.

2 I think we would all probably encourage that dialogue.

3 Drue Pearce, you had your hand up, then Ernesta.

4 MS. PEARCE: Thank you. I wanted to go  
5 back to Stacy's comment because we kind of flew by it  
6 really quickly. And I -- what I thought I heard you say,  
7 and that's why I'm asking you this again, was that you  
8 don't feel that the group has as much interaction with the  
9 science staff as you previously had. And without  
10 discussing personalities, is that a function of just the  
11 difference in the people involved or is there something  
12 different about the meetings you have, or you don't have as  
13 many meetings or.....

14 MS. STUDEBAKER: Well, we had.....

15 MS. PEARCE: .....what causes that?

16 MS. STUDEBAKER: In that meeting, it listed  
17 -- I'll just stick with this particular component of our  
18 duties with the science review. We had the science  
19 coordinator in the office here as well as the Science  
20 Director.

21 MR. MEACHAM: Bob Spies.

22 MS. STUDEBAKER: Bob -- yeah, Bob Spies as  
23 well. And the two of them presenting the docket, to me, I  
24 felt like I was getting a really thorough presentation of  
25 the docket. And that, I think, is what the difference was.

1 Is that, you know, we had both of them involved in the  
2 presentation and I don't believe we did that last summer.  
3 And that was another layer, to have Bob there, that was  
4 important. And also in the past, we've also had some of  
5 the grantees at some of these meetings as well. And  
6 they're invited to sit in the audience and interact with  
7 our discussion. Which, you know, there are always a lot of  
8 questions that come up about proposals. And to have them,  
9 representatives from the science center, where there's, you  
10 know, some projects going on or whatever, it was valuable  
11 to have them. I just felt that I just got more out of the  
12 process. It felt like it was more engaging and it was more  
13 true to what we were supposed to be doing. And I don't  
14 know if it's personalities or structure, what's up.

15 CHAIRMAN DUFFY: Okay.

16 MS. PEARCE: Thanks.

17 CHAIRMAN DUFFY: Ernesta.

18 MS. BALLARD: I wanted to go to the several  
19 of you that brought up the small parcel program and urge  
20 you, in your meetings, to help us with this issue that I  
21 raised in the meeting earlier. And that is, it was a  
22 previous Council actually, but I think our Council has more  
23 or less concurred that from the point of view of the  
24 recovery that was contemplated by the original program for  
25 recovery, the recovery plan, that we have accomplished a

1 good percentage, a high percentage of that.

2                   And before I joined the Council, the  
3 Council had begun to turn its attention to the future. And  
4 what I said in the meeting was that it -- I think it's  
5 important then that we have some standards before we look  
6 at any parcels. Whether we look at these ones that you  
7 brought up, the Long Island and the Termination Point ones,  
8 or new ones that come up. That before we look at anything,  
9 we agree, what would be consider a successful transition in  
10 small parcels that would be similar to the transition that  
11 we're trying to make in the other parts of our program. We  
12 really need to pin that down or else it's sort of like a  
13 beauty contest. And that's not what I want.

14                   And I would really value -- obviously  
15 there's plenty of time, but in your -- it was on the minds  
16 of at least three of you as I wrote my notes down. I think  
17 the two of you -- somebody else also brought it up. Oh, Ed  
18 Page.

19                   MR. PAGE: Yeah, I did mention it.

20                   MS. BALLARD: Yes, you did.

21                   MR. PAGE: But it actually wasn't a concern  
22 with me, it was just one of the issues.....

23                   MS. BALLARD: You were -- yeah.

24                   MR. PAGE: Yeah.

25                   MS. BALLARD: And it is on our minds, too.

1 And I think that's an area where we would really benefit  
2 from advice not about the parcels yet, but about how we  
3 would determine any parcel, much less three or four  
4 parcels, would fit some goal that we would articulate. And  
5 it can't just be because the community wants it for  
6 recreation because, good heavens, then we'd be swamped.  
7 Everybody can -- every community will find a place that  
8 they want for recreation. We've got to have a bigger  
9 picture in mind than that.

10 So I really hope that we could -- that's a  
11 place where we could seek your advice. We need advice on  
12 how to put that together. And since we're just starting  
13 the new committee, it's a good time to work on it.

14 MS. STUDEBAKER: So what you would like to  
15 see is a series of lenses or criteria to review.

16 MS. BALLARD: A screening, yeah.

17 MS. STUDEBAKER: Yeah.

18 MS. BALLARD: Yeah. What will the screens  
19 look like? The first screen, the second. You're think of  
20 lenses, I'm thinking of screens. Whatever.....

21 MS. STUDEBAKER: That's a good concrete  
22 task for us, yeah.

23 MS. BALLARD: Yeah, it is a good concrete  
24 task and I don't really know that we have among ourselves,  
25 even two of us, a clear idea, much less six of us, of what

1 we would identify as the right way to go forward. There  
2 are certainly times when some of us say no more land. I  
3 mean, you've heard us say it. I've said it in meetings, we  
4 need to go beyond buying land. That isn't what we were set  
5 up to do. But then you hear that little voice that says  
6 but there's this piece of land and this piece of land.  
7 Well, how would we make sense of that? So.....

8 DR. BALSIGER: Mr. Chairman.

9 CHAIRMAN DUFFY: Dr. Balsiger and then back  
10 to Joe.

11 DR. BALSIGER: Thank you, Mr. Chairman.  
12 I'm a little bit nervous about the idea that we would solve  
13 the need for greater input at the meetings from the STAC  
14 and the PAC by having them stand up in the audience and  
15 wave their arms. I don't think that serves them well or us  
16 well. So I think we need to work on a little bit more  
17 structured way to do that, whether it be the method of  
18 having a spokesperson for the PAC and the STAC available to  
19 feed things through. I don't have a plan but I can say  
20 that it probably wouldn't be satisfying to anybody, in  
21 order to get your input, you're going to have to stand up  
22 and get the chairman's attention. Because that just isn't  
23 going to work right and it probably won't work right for  
24 the meeting either.

25 MS. PHILLIPS: Mr. Chairman, may I -- could

1 I just interject.....

2 CHAIRMAN DUFFY: Yes.

3 MS. PHILLIPS: .....on Jim's point. For  
4 the agenda on each meeting, we have a place for the PAC  
5 chairman to make his report. And that's a standard part of  
6 our agenda. So certainly whatever.....

7 MR. TILLERY: Well, that's true but I think  
8 the situation here was you had already been past that  
9 point, then there came to be an issue that somebody said,  
10 wait a minute, that's not what happened. And at that  
11 point, you need -- and I think the appropriate way to do it  
12 is, Pete Hagen is there, Brett Huber is here, Brenda is  
13 here. There are a lot of people -- Greg's up here, I'm out  
14 there usually in the audience. There are a lot of people  
15 who are sort of liaisons to the individual Trustee Council  
16 members. If you just grab them, pull them outside the room  
17 for a second, explain the problem, then they can bring a  
18 note or do whatever, but we can -- it can be communicated  
19 up here.

20 DR. BALSIGER: I think that's quite  
21 satisfactory. I just didn't want Mr. Lavin to think he had  
22 to stand up to get his attention. Even if though you're  
23 sort of -- if we said it's okay, you still probably won't  
24 think it's right and I wouldn't either so I.....

25 CHAIRMAN DUFFY: Yeah, that's good advice,

1 Jim. Thinking of some of the public testimony we have at  
2 times, there's a bit of crowd control already and I think  
3 we want to do it in a professional manner, organized. And  
4 your suggestions are appropriate. Joe Meade.

5 MR. MEADE: Before I move to my comment,  
6 I've got to acknowledge the wisdom in Jim's suggestion.  
7 Because if I was to be chairing, I wouldn't be noticing any  
8 arms raised.

9 DR. BALSIGER: Oh, there's a solution, I'm  
10 sure. They can.....

11 CHAIRMAN DUFFY: And by the way, Joe, you  
12 were talking about your misunderstanding or non-  
13 understanding of Robert's Rules of Order. Apparently you  
14 didn't get the memo from Gail that said you're the  
15 permanent federal chair.

16 MS. PHILLIPS: And I did buy a new Robert's  
17 Rules of Order book.

18 CHAIRMAN DUFFY: Drue, did you have a  
19 comment?

20 MR. MEADE: Well, I did actually have a  
21 serious comment.

22 CHAIRMAN DUFFY: Oh, go ahead.

23 MR. MEADE: But now I've got to recollect  
24 what it was. What were we talking before just commen.....

25 UNIDENTIFIED SPEAKER: Small parcels.

1 MR. MEADE: Oh, small parcels, thank you.

2 MS. BALLARD: Small parcels.

3 MR. MEADE: Because I have spoken up on  
4 small parcel, I wanted to offer, from a Trustee  
5 perspective, my perspective for the advisory committee.  
6 Representing the secretary of agriculture and more directly  
7 the under secretary of agriculture, the wisdom shared with  
8 me in taking on the responsibility on their behalf was that  
9 near 15 years into the recovery, the feeling in the  
10 Department of Agriculture is the principal habitat,  
11 securing habitat is part of the public estate to mitigate  
12 lingering effects of the oil spill, had likely run its  
13 important course. Not to say that there are not options  
14 when there is a compelling reason to continue to look at  
15 habitat or small parcel securement for habitat restoration.  
16 But principally to look to the future and look at how the  
17 remaining assets available can be used to really help to  
18 benefit the state of Alaska.

19 And so when I speak to it, it's not that my  
20 mind is closed, and I wanted to share that with all of you,  
21 it's that I'm looking very much as Ernesta is so well  
22 articulated, I'm looking for those criteria that would give  
23 me an ability to share with the Secretary of Agriculture or  
24 the under secretary why this is a circumstance that is  
25 unique and important to the state of Alaska for addressing

1 the issues of habitat restoration. So I just wanted to add  
2 to that discussion since a couple of time in meetings I  
3 have spoken up on the issue. I don't feel because of the  
4 formality that the setting usually has that one can often  
5 convey all of your thoughts behind the reason you might  
6 suggest something.

7 I thought I'd share that with all of you  
8 because I -- perhaps the second item I'll share very  
9 briefly, Mr. Chair.....

10 CHAIRMAN DUFFY: You got the floor.

11 MR. MEADE: .....is my real fundamental  
12 value for what each of you do. The agency I work with very  
13 much relies on direct communication and contact with  
14 communities. So for me, the benefit, the unique  
15 opportunity to have a public advisory committee formally  
16 sanctioned and available to us is a gem of an opportunity.  
17 So I look for every opportunity to engage and carry forward  
18 because you bring perspectives, viewpoints and ideals that  
19 represent the many affected communities. We don't. I  
20 don't. I live in Anchorage. Anchorage wasn't too  
21 affected. So it's very valuable for me to be able to hear  
22 and to understand and be appraised of the insights that --  
23 particularly each of the communities you all represent and  
24 the skills, the disciplines and the individuals that are so  
25 vested in either the communities or the livelihood for

1 areas affected by oil spill. It's just extremely  
2 important. So I just wanted you to know that, on the Board  
3 of Trustees, and I know from talking to other Trustee  
4 members, that that -- much of that same feeling is valued.  
5 I wanted you to hear it from me personally, so -- thank  
6 you, Mr. Chair.

7 CHAIRMAN DUFFY: Thank you, Joe. Drue  
8 Pearce.

9 MS. PEARCE: Thank you. It's my  
10 understanding that as part of the development of the  
11 original restoration plan, at some point during that  
12 process there was a set of criteria put together that --  
13 which Dede's got in her hands -- which laid out the  
14 criteria for small -- for parcel -- for purchasing land,  
15 small and large, as part of the restoration process. And I  
16 would just commend that criteria to the group as you look  
17 at whether or not it should be modified, updated in light  
18 of the fact that many of the purchases have been  
19 consummated. And I would also assume that the working  
20 group of staff will be doing the same thing.

21 What I think we do need to do is figure out  
22 how we want our PAC group that's going to be looking at  
23 this to work with, alongside or doing once a month in their  
24 own orbit from the working group of staff that we have put  
25 together.

1 MS. BALLARD: Didn't we put a PAC  
2 representative on the working group?

3 MR. TILLERY: Yes.

4 CHAIRMAN DUFFY: Yes.

5 MS. BALLARD: So that, to me, that's the  
6 link, yeah.

7 MS. PEARCE: Okay.

8 CHAIRMAN DUFFY: Well thank you, that's  
9 helpful to know that that information is out there as kind  
10 of a baseline by which to reevaluate where we're at.

11 MS. BALLARD: And that information, in all  
12 fairness, was at the time when we were fulfilling the need  
13 to do the habitat component of the original restoration  
14 plan.

15 CHAIRMAN DUFFY: Right. Okay, let's go  
16 back to some PAC members. Chuck.

17 MR. MEACHAM: Yeah, I'll take my PAC  
18 chairman's hat off here for a moment.

19 CHAIRMAN DUFFY: Okay.

20 MR. MEACHAM: Since we're talking about  
21 small parcels, share with you my views on that subject. I  
22 think the structure of things is such that you've got, you  
23 know, the GEM program and then a separate pot of money, not  
24 necessarily for small parcels but for habitat protection.  
25 I think that's kind of the umbrella that it falls under.

1 And in that regard, I think a lot of those monies can be  
2 spent on habitat protection in many ways other than through  
3 parcel acquisition.

4 My personal feeling is that there's more  
5 than enough government land in Alaska and that, you know,  
6 there are certainly some unique parcels here and there and  
7 I think it's very prudent when we see an opportunity that  
8 we can take an advantage of in acquiring those that we have  
9 the ability to do so. But just to go out and buy more land  
10 because we've got a small parcel program, I disagree with.  
11 And I think with this working group being put together, you  
12 know, if you're able to establish some criteria, you know,  
13 what's really, really important and how you want to  
14 proceed, that's a good way to do it.

15 But back to the overall perspective of  
16 habitat protection other than through small parcel  
17 acquisition. It seems to me that, you know, through any  
18 number of programs, there are other ways to protect  
19 habitat. You know, one might be in your department,  
20 relating to oil dumps in harbors. You know, any -- who  
21 knows, the opportunities are unlimited.

22 MS. BALLARD: Could I just jump in on you?  
23 I agree with you entirely. If we had a fraction of that  
24 money and we could do a two stroke engine buy back on the  
25 Kenai River, we would do a great deal more for habitat. I

1 mean, I agree. Hi Brett.

2 MR. MEACHAM: Well, that's kind of my  
3 personal perspective and in no way reflects the consensus  
4 of the PAC.

5 MS. BALLARD: If we could think outside  
6 that box a little, I agree with that.

7 MR. MEACHAM: Yeah. So I would just again  
8 offer that my view, is it's habitat protection, that's the  
9 category you're working with and it's not just parcel  
10 acquisition.

11 CHAIRMAN DUFFY: Thanks, Chuck.

12 MR. TILLERY: Mr. Chairman.

13 CHAIRMAN DUFFY: Mr. Tillery.

14 MR. TILLERY: I think that -- I agree with  
15 you that it is a habitat protection program and not just  
16 small parcel. In that regard, for some of the legal  
17 requirements we have to meet for how we use that money.  
18 Examples of using money to deal with banks on the Kenai  
19 River, when we deal with jetties or we put in the log  
20 things, that recreate the banks and so forth, is, I  
21 believe, a perfectly acceptable use of them. There are  
22 points at which I think you may get beyond. If you want to  
23 start talking about land fills because it's leaching  
24 something potentially into the waters, I'm not, you know,  
25 sure that's really within the spirit of that. But it's way

1 beyond just buying land or easements on land or something  
2 like that, it clearly involved direct work on land to  
3 improve habitat.

4 MS. STUDEBAKER: Yeah, I think one of the  
5 criteria for the lenses for small parcel or habitat  
6 protection should deal with short and long term ways to  
7 protect habitat. I mean, one -- you know, restoring river  
8 banks is a short term, for instance. Long term would be  
9 parcel acquisition. So, I mean, we have to look at -- that  
10 might be something the public might want to be more aware  
11 of, you know, that there are short term ways to fix -- to  
12 protect the habitat and long terms ways to protect habitat.  
13 So, you know, how do we decide what to spend that money on?  
14 What does the public want? You know, do they want a short  
15 term fix that has to be constantly upgraded? For instance,  
16 river bank restoration probably would have to be redone  
17 every so often and additional monies. Whereas have a small  
18 parcel acquisition would be more long term.

19 MR. MEADE: Might I offer just a -- if it  
20 would fit your discussion, the idea of parcel acquisition  
21 could be broadened, for example, in the Forest Service we  
22 have authorities in different stewardship approaches for  
23 easement acquisition to where you're securing the  
24 vegetation or the habitat value over a long time, though  
25 you may not actually secure the parcel. The parcel may

1 stay private but you secure an easement or you ensure the  
2 ability that fragmentation of a piece of landscape doesn't  
3 become un-fragmented. So I would suggest that there's a  
4 variety of tools to preserve or enhance the habitat that  
5 may not necessarily need to just be focused on land  
6 acquisitions.

7 CHAIRMAN DUFFY: Drue Pearce.

8 MS. PEARCE: Thank you. In my previous  
9 life, I always advocated for risk reduction as being a long  
10 term measure of -- or a long term way to get to habitat  
11 protection. It might be useful for the PAC to contact both  
12 the Cook Inlet and the Prince William Sound RCAC's as well  
13 as the Coast Guard, all of whom have done at various times  
14 since the spill, risk analyses and looked at what the  
15 highest risks are and where in the waterways are the  
16 particular groups. There might be in those lists and in  
17 that data, some projects that we would find could lend  
18 themselves to habitat protection under the rather strict  
19 language of the consent decree and the restoration plan.

20 Over the years it's been tough to always  
21 make those fit but it's worth looking to see anything has  
22 come up lately. We did -- we ended up using state funds.  
23 Actually Exxon Valdez interest off the criminal settlement  
24 for the range light at Nikiski. Which, according to the  
25 Coast Guard, dumped the risk in Cook Inlet by some huge

1 percentage overnight once that range light went up, because  
2 it was one of the risks to marine traffic. So maybe  
3 talking to the exchange, talking to the Coast Guard,  
4 talking to the two RCAC's, there may be some opportunities  
5 out there that none of us have even dreamed about because  
6 we're focused on small parcels.

7                   CHAIRMAN DUFFY: Gary or Ed or any of you?  
8 Go ahead.

9                   MR. LAVIN: Maybe just a quick point on --  
10 if the premise is that the habitat acquisition goals have  
11 mostly been met, I guess in context of title or actual  
12 small parcel purchase? Maybe -- and I think this is maybe  
13 implicit already in the task of the group, just to be sure,  
14 something I'd like to see come out of it is a tally of  
15 that. You know, here's what the plan kind of was and the  
16 goals of the program and here's what we've done and that's  
17 why we think we're basically done with that. So the public  
18 can see what the program has achieved to date and  
19 understand why we feel it's a good time to maybe move on or  
20 adjust goals and such.

21                   CHAIRMAN DUFFY: The brochure does touch on  
22 that issue and gives you kind of an overview of both of  
23 those but it may not be -- I haven't read, to be honest  
24 with you, yet. I looked at the video and it's excellent  
25 but it may not be conclusive as you're asking for about why

1 we think it's time to move on from that. Maybe we can look  
2 at that as a Trustee Council. Gary.

3 MR. FANDREI: Yeah, I wanted to make one  
4 comment. We seem to be popping around here, different  
5 topics and stuff like that, and I think there's a reason  
6 for that. And it's not all any one individual's fault or  
7 any one part's fault, but I think the PAC has some  
8 responsibility in that they haven't really got together and  
9 sat down and come up with a real clear vision themselves as  
10 to where they want to go with this issue or where they  
11 really want to be on a number of different issues. And I  
12 think that discussion needs to come out amongst the PAC.  
13 And we have to, as an organization, as a PAC, need to do a  
14 little bit better job because several meetings we've been  
15 struggling just to get a quorum in place.

16 So we need to recognize that as an  
17 organization and as a PAC to work on that direction as  
18 well. And I think I wanted to make that point because it  
19 sounded like, you know, there was kind of a one sided deal  
20 here. And I wanted to make sure people recognized, both  
21 the PAC and the Council, that, you know, we have some  
22 responsibilities. We need to be forthright in asking what  
23 we think is important and come up with a conclusion and put  
24 forward on that so that you can respond appropriately as  
25 well. So I think there's a give and take on that and I

1 just wanted to make that point, bring it out, so.....

2 CHAIRMAN DUFFY: Okay. Drue Pearce.

3 MS. PEARCE: Thank you. If I could ask the  
4 chairman, since we are in the process of looking at  
5 renewing the charter, should we have a discussion about  
6 size and difficulty in getting quorum and is that an  
7 ongoing struggle. And if so, should we look at doing  
8 something about it so that we don't exacerbate an  
9 ineffectual grouping that we've created.

10 MR. MEACHAM: We made changes either a year  
11 or two years ago.

12 MS. PHILLIPS: 2002.

13 MR. MEACHAM: And I think that will  
14 probably help us. I believe we have a quorum of 11 now, is  
15 what it takes to join -- is it 10 or 11?

16 UNIDENTIFIED SPEAKER: Ten.

17 MR. MEACHAM: Ten. Okay, okay. Out of 20.  
18 And I think that will be more easily achieved in the future  
19 than it has been in the past. But having said that, you  
20 know, these PAC members are all over the state and  
21 elsewhere doing all kinds of things and I'm sure it will  
22 always be somewhat of a challenge to put us together when  
23 can function as a quorum group.

24 MR. TILLERY: Mr.....

25 CHAIRMAN DUFFY: Mr. Tillery.

1                   MR. TILLERY: Just to kind of put one thing  
2 to rest. I got edgy on this, but does anybody have any  
3 problems with that confidentiality paper?

4                   MR. MEACHAM: I do not.

5                   MR. TILLERY: No? Okay, good.

6                   CHAIRMAN DUFFY: Dr. Balsiger.

7                   DR. BALSIGER: Thank you, Mr. Chairman.

8 I'm going back a ways in this conversation with what I  
9 think that Dr. Norcross said, that -- well, perhaps you'll  
10 tell me what you said about who's co-chairing these  
11 meetings.

12                   DR. NORCROSS: The way the STAC was written  
13 up to be structured, the way -- is that there's six voting  
14 members of the STAC and the Science Director. And that the  
15 Science Director was set up to be the permanent co-chair.  
16 And then the co-chair from the STAC is voted on.

17                   DR. BALSIGER: That's what I thought. So  
18 you're suggesting that by nature of controlling the agenda,  
19 the Science Director in the role of co-chair -- maybe you  
20 didn't suggest it, I recall hearing someone -- that because  
21 the Science Director is a co-chair, he can control the  
22 agenda or the bully pulpit thing or something, had an undue  
23 influence on the outcome of the STAC. I understand this is  
24 a PAC conversation so I'm probably out of order.

25                   CHAIRMAN DUFFY: No, you're not. Continue.

1 No, I don't think you're order and here's why, because....

2 MR. LAVIN: No, because we rely on the STAC  
3 recommendations, so if there's a problem in what's getting  
4 to us, it's relevant.

5 CHAIRMAN DUFFY: Yeah, it's the greater  
6 role of the PAC and its relationship to the STAC as well as  
7 the Trustee Council. So don't think you're out of order at  
8 all. I will exercise my authority as chair if I think we  
9 get too far into the structure of the STAC. But I think  
10 it's important to have the discussion.

11 DR. BALSIGER: So that's my concern, I  
12 guess. If there's a way to perhaps just instruct the staff  
13 that they'll have to vote with the co-chair or something or  
14 whether we have to do something more formally to make sure  
15 that they understand they're autonomous. Because we  
16 don't.....

17 DR. NORCROSS: And obviously this is not a  
18 personality thing with -- you know, this has got nothing to  
19 do with the person who is in that position. But there has  
20 been -- and perhaps there's less now because we've been  
21 operating for two years, but there was in the past, just a  
22 deference by many of the members of the STAC to do whatever  
23 the Science Director said because they'd say, but he has  
24 the expertise, he has the background, he has -- for  
25 instance when we had a debate one time about which one of

1 us to go over the proposals could be in town because of a  
2 conflict, me or the other co-chair, the other guy said, oh  
3 well, you know, he knows what's going on. And I'm saying,  
4 he's not supposed to vote. And he said, well, we need him  
5 to tell us what we should do.

6 DR. BALSIGER: I understand the issue  
7 now.....

8 DR. NORCROSS: This is prior to -- this was  
9 a couple of years ago.

10 CHAIRMAN DUFFY: Could we.....

11 DR. NORCROSS: And I'm not saying I want  
12 more influence, that it not -- I just want to make sure --  
13 you know, and we never like hold up our hands and vote.

14 DR. BALSIGER: I guess my point is if we're  
15 going to have a matrix that suggests here is the PAC, here  
16 is the STAC, here is the Science Director's opinion, we  
17 want the STAC to know that that their opinion should be  
18 developed independently to the Science Director's, if  
19 that's what we're looking for. Maybe it's just enough to  
20 say that's what we're expecting.

21 DR. GERSTER: Mr. Chairman.

22 CHAIRMAN DUFFY: Yes, doctor.

23 DR. GERSTER: I'm not a stakeholder, I  
24 don't live in a small community but the emperor is not  
25 wearing clothes and I would echo what Joe Meade and Ernesta



1 mean that?

2 DR. GERSTER: I don't think we're blind. I  
3 think we don't really have a direction. And I would like  
4 us to perhaps think of ways that we can perhaps use oil  
5 spill funds to not only protect the Prince William Sound  
6 but to learn from it.

7 MS. BALLARD: I don't think anybody  
8 disagrees with that. I think that's exactly why we have  
9 engaged in the conversation today about wanting to look at  
10 habitat protection in a broader sense.

11 CHAIRMAN DUFFY: Mr. Tillery.

12 MR. TILLERY: I would agree with you that  
13 there are probably, in the great scheme of things, regime  
14 shifts and so forth going on in the Sound are probably the  
15 most important thing, that we could learn about. But the  
16 fundamental function of this money and the Council and so  
17 forth has to do with the oil that was spilled.

18 And I think we have to address things like  
19 lingering oil and lingering injury. And I am hopeful --  
20 and that's one of things that we are trying to do with this  
21 -- with some of the money that we spent this year, is to  
22 try to bring that to an end, and then perhaps we can move  
23 on and make decisions. But until we do bring that to an  
24 end, we can't leave it. We can't say something is more  
25 important because it may be, but it's not our mission. And

1 it's not the mission of this money. That's just my view on  
2 that.

3 CHAIRMAN DUFFY: Yes.

4 MS. STUDEBAKER: Speaking of lingering oil,  
5 last year we went on a field trip with Drue accompanying  
6 us, it was great. We went to Prince William Sound and took  
7 a boat ride to Hyde Island with Chief Rice, one of the  
8 principal investigators who's done a pit study on lingering  
9 oil. And we go to a beach and it looked great on the  
10 surface, you know, just wonderful, and we all roll over  
11 rocks and you look beneath the surface, there's pools of  
12 oil still there. And that was a really good thing, I mean,  
13 we read that and we know that there's lingering oil, we  
14 hear that. But to actually be on the ground and for us to  
15 see that was a very, very valuable experience. I can't  
16 tell you how many times I've shared that experience, the  
17 story of that experience with other people.

18 And I would hope that we could do something  
19 similar maybe next year, do another field trip to Cordova  
20 and Tatitlek, visit some of those areas, especially those  
21 oiled beaches. And talk, interact on a boat, closed boat,  
22 you know, with some of the PI's, you know, some of the  
23 principal investigators. You know, to have them along on  
24 the field trip and go to the place where they're actually  
25 doing some of their research. Because each one of us

1 represents a community. We go back to our communities and  
2 we talk at dinners and pot lucks and presentations about,  
3 you know, our involvement in this whole process. And that  
4 -- those field trips are very, very valuable. Extremely  
5 valuable.

6                   And as a result of that also, I just got  
7 back from Cordova, I was there for the last week for a  
8 meeting for another group that I'm a part of. And I talked  
9 to -- in the course of the week, I talked to fishermen, I  
10 talked to people at the Prince William Sound Science  
11 Center. I talked to, you know, people in stores and I  
12 really got around. And, you know, everybody -- you say,  
13 what do you think about the lingering oil and they say,  
14 well duh, of course it's lingering. There still are  
15 effects. And it's on everybody's mind, you know. I mean,  
16 that was my take on it, is the problem is not fixed, it's  
17 not over. It's still ongoing and it's morphing in many  
18 ways that we can't anticipate.

19                   And as a part of the agenda of a meeting  
20 that I was at, two high school juniors were invited to come  
21 and do a presentation that they had prepared for their  
22 science fair, which was so good they ended up taking it to  
23 Washington D.C. and they've given it to legislators and  
24 high school groups in Washington D.C. Their names were  
25 Rory Merit and Zachary Jacobs. They're both Cordova High

1 School students. And they had a PowerPoint presentation  
2 that addressed the short term and long term effects of the  
3 oil spill. It was about a 45 minute presentation. And I  
4 -- you know, I've been on the PAG for eight years and been  
5 to the science symposiums and sat through days and days and  
6 days of, you know, science presentations. And I'll tell  
7 you, I mean -- and it's not just because I was a high  
8 school science -- but these kids, they had done so much  
9 research and had worked with so many scientists to help  
10 them on this presentation that they just knocked my socks  
11 off and everybody else at the meeting as well. They were  
12 able to communicate and can concentrate a lot of the work  
13 that has been done by our funding in the Sound and make it  
14 palatable to the general public. And I've never seen this  
15 done before. Never. In eight to ten years. It took two  
16 high school students with some coaching, you know. Some  
17 technical as well as some science coaching.

18                   And I would just hope that we could invite  
19 them to a meeting of some kind, either connected with the  
20 symposium, you know, in January or I would say in a shorter  
21 term thing. You know, maybe for the PAG meeting this  
22 summer or one of your meetings. Because we do that often  
23 times, we invite some of the PI's to give PowerPoints. And  
24 anyway, that was -- they are ambassadors for the Sound like  
25 there have been no -- I mean, like nobody has been before.

1 And these two individuals also are going to be interns this  
2 summer. They're coming up to Anchorage. They're going to  
3 be interns with the group called Alaska Community Action on  
4 Toxics.

5                   And they'll be given a stipend to continue  
6 work on studying the low and residual long-term effects of  
7 the oil in Prince William Sound. On the biological effects  
8 as well as the human health effects. Which is a part of  
9 their presentation they didn't get into but they're going  
10 to expand upon this, this summer with some of the new  
11 research that's coming out now. And.....

12                   MS. BALLARD: Stacy, where's the money  
13 coming from for the interns?

14                   MS. STUDEBAKER: For those interns, I think  
15 prob -- from ACAT, from that group. From Alaska Community  
16 Action on Toxics. And they're.....

17                   DR. BALSIGER: What do you mean for the  
18 produc -- for the PowerPoint?

19                   MS. BALLARD: There must be a grant  
20 somewhere.

21                   MS. STUDEBAKER: They were passing the hat.

22                   MS. BALLARD: Oh, okay. I'm sorry. I  
23 walked in right in the middle of what you were saying.

24                   MS. STUDEBAKER: And they have gotten  
25 grants. They've gotten some grants. Alaska Conservation

1 Foundation has kicked in. Prince William Sound Science  
2 Center, I think, has given them some money. And the whole  
3 community of Cordova really supports these kids, big time.  
4 Some of the fishermen's groups, I think, are supporting  
5 them as well. So they have a far range. And anyway, it's  
6 something that you should be aware of, that that  
7 presentation is out there. We could probably get them to  
8 come up. Another thing too is I talked to their science  
9 teacher at the high school and the science teacher has  
10 arranged for these two kids to do independent study for two  
11 periods a day in their senior year, which is next year, to  
12 continue their work on this. Which I think is just  
13 fabulous and will result in many good things.

14                   CHAIRMAN DUFFY: Gail, a question to you.  
15 Just -- I found this discussion to be valuable and I know  
16 we've covered a range of issues. We jump back and forth a  
17 little bit and I'm not sure as chair that I would be able  
18 to accurately summarize on the fly right here all the  
19 important things we've talked about. I'm just trying to  
20 think of a way for us to capture these discussions, maybe  
21 just in a set of informal notes or something.

22                   MS. PHILLIPS: I have them -- I've pretty  
23 much written down what each person has stated and I can put  
24 that into note form.

25                   CHAIRMAN DUFFY: Okay. That would be very

1 helpful for me to reflect back on, thank you. Trustee  
2 Council members, any other comments at this time? Dr.  
3 Balsiger.

4 DR. BALSIGER: I guess I'm -- you're  
5 probably going to do this better than me, but thanks for  
6 coming to the meeting. It puts you out a little bit of  
7 your normal schedule so we appreciate the -- this  
8 additional input. So it was useful to  
9 me.

10 MR. PAGE: I think we should give them the  
11 cookies, after they've been so good to us. We'll give you  
12 the cookies, how's that for -- we appreciate your  
13 listening.

14 CHAIRMAN DUFFY: A question to the chair  
15 first. But we had some discussion earlier about a proposed  
16 modification to the charter, the charter as it's currently  
17 written and was amended a couple of years ago, seems to be  
18 an inaccurate portrayal of the role of the PAC and the  
19 Trustee Council. And there was an intent on the Trustee  
20 Council to make sure that was clear. What was your sense  
21 on that? Did anybody have a problem with that  
22 clarification that we were looking at?

23 MR. LAVIN: Getting rid of the language,  
24 tying the existence of -- continued existence of the PAC to  
25 the -- basically the reopener window?

1                   MR. TILLERY: Or to just a date generally.  
2 Or to anything and just saying, we're here, you're here.

3                   UNIDENTIFIED SPEAKER: I don't have any  
4 problem with that.

5                   MS. BALLARD: Can I.....

6                   CHAIRMAN DUFFY: Ernesta.

7                   MS. BALLARD: .....tie on that. And I  
8 think again it was Ed's comments about the two issues that  
9 seem to be kind of burning. One was the habitat parcels  
10 and the other was the reopener. Is it fair for us to  
11 assume then that the PAC members understand now the  
12 relationship of the Council to the governments with respect  
13 to the reopener. That the reopener is the government's  
14 responsibility? And I think that was creating a lot of  
15 tension and confusion.

16                  MR. PAGE: We've got Gail's memo, I think  
17 made it -- clearly resolved it. We knew where our role  
18 was, which was not, I think it's fine.

19                  CHAIRMAN DUFFY: Go ahead.

20                  MR. LAVIN: If I can go. I think that's  
21 accurate but I don't think that was -- for me anyway, that  
22 wasn't so much the question. I think that in the  
23 settlement it would be hard to read it such that it would  
24 be the Trustee Council's role and responsibility to deem  
25 that appropriate to invoke that. So that wasn't so much

1 the question that I had. For me it's the silence from the  
2 Council on the issue and/or maybe complicated silence from  
3 all the individual agencies that comprised the Trustee  
4 Council, who in their individual capacities would  
5 presumably be the ones asking either the Department of Law  
6 or the Department of Justice to do something on this that  
7 creates the problem.

8                   So for me it's not come on, Trustee  
9 Council, do something about it when you don't have sort of  
10 the legal role in that under the agreement but some  
11 statement from either the Council or at least as individual  
12 agencies comprising the Council that of a sense of that  
13 issue would be very illuminating. Because I think the --  
14 short of that, the impression is given that it's not an  
15 issue because the main Trustees for the area don't say  
16 anything about it and just say it's not for us.

17                   Which technically is true but I don't think  
18 you need the legal authority under the settlement to do  
19 something in order to say, you know, we think -- it appears  
20 there are damages or our reports, you know, are suggesting  
21 continued damage, if in fact that's your sense of the  
22 reports. But so some statement either from the Council or  
23 from the individual members I think is -- would be helpful  
24 to educate the public a little bit. But I do understand  
25 where you're coming from as far as what the settlement

1 agreement says.

2 CHAIRMAN DUFFY: Go ahead.

3 MS. STUDEBAKER: I think the public wants  
4 to know who is looking at the reopener clause. I mean,  
5 I've had so.....

6 UNIDENTIFIED SPEAKER: Thank you.

7 MS. STUDEBAKER: Yeah, who -- yeah, that it  
8 -- what's the role of the public, what can the public do,  
9 what is the role of the public? What's the role -- what --  
10 where does the buck stop? You know, who is looking at it  
11 and who's looking into it? That would clarify a lot, to  
12 get some messaging out about that at this point in time, I  
13 think.

14 CHAIRMAN DUFFY: I'm going to ask Craig  
15 Tillery if he has any particular comments on this. But I  
16 would suggest the -- we're getting very quickly into a  
17 discussion that was not part of today's agenda so I'm going  
18 to exercise my chairmanship very firmly here. But I'll see  
19 if Craig wants to summarize anything from the state's  
20 perspective before we move on.

21 MR. TILLERY: Well, I think from the  
22 government's perspective, the governments are looking into  
23 this. I can assure you of that. And the governments is  
24 comprised of the Departments of Law, the Department of  
25 Justice, as well as affected state and federal agencies.

1 But it is -- as we said, it is not a Council decision. Any  
2 Council member undoubtedly will have input into that  
3 decision, but not in their -- in this role. So if you want  
4 to talk to them about it, you know, go talk to them about  
5 it but not here. I mean, just outside of this role.

6 MS. STUDEBAKER: But if the public wants to  
7 have some input into the government process, how do they --  
8 what's the vehicle for that?

9 MR. TILLERY: Well, so far it's been mostly  
10 newspaper articles as near as I can see and interviews and  
11 so forth. But there isn't a defined public role in making  
12 litigation decisions.

13 MS. STUDEBAKER: Okay.

14 MR. TILLERY: I don't know -- Ernesta, I  
15 don't anticipate that there is going to be any kind of a  
16 public process for this but I don't -- I wouldn't say -- I  
17 couldn't say to that. I mean, that's really kind of a role  
18 for the governments.

19 MS. BALLARD: I'm amazed to hear a lawyer  
20 turn the floor over to a non-lawyer at a time when we're  
21 verging on items which have legal implications. But this  
22 is a serious responsibility. These are legal documents.  
23 The resolution of them has to be done according to the  
24 rules that are played out in -- with respect to legal  
25 documents. And there isn't usually a public participation

1 process in those actions.

2                   Now, as Craig said, Kevin and I and the  
3 others who are members of the Council have within our  
4 regular duties, we have many, many opportunities to be  
5 engaged with the public as we form opinions about water  
6 quality or about habitat or about -- well, habitat, he's  
7 not here -- but about fish and game issues. I don't think  
8 we're far enough along in this process to figure out how  
9 and under what circumstances we might solicit public  
10 participation. But we are engaged in fulfilling the  
11 requirements of a set of very well structured legal  
12 documents.

13                   And we're doing it under the leadership of  
14 the two appropriate -- the Department of Justice and the  
15 state Department of Law. And it's a very thorough and  
16 comprehensive effort. And if it has been invisible to the  
17 public, I regret that, but that doesn't mean it isn't  
18 happening.

19                   MS. STUDEBAKER: It's very invisible.

20                   MS. PHILLIPS: Mr. Chairman.

21                   MR. TILLERY: Well, that kind of the way we  
22 work.

23                   CHAIRMAN DUFFY: Gail Phillips.

24                   MS. PHILLIPS: Mr. Chairman, in all of our  
25 public presentations that we made, the question of the

1 reopener came up always in the question and answer. And at  
2 that time we very clearly stated to the public how they  
3 could give their input, who they could give it to, where  
4 the responsibility lay with the Department of Law and the  
5 Department of Justice. So it -- for everybody that we  
6 spoke to in the last two months, those people -- and it  
7 came up at every meeting -- those people do know where to  
8 put their input if they want to.

9 MS. STUDEBAKER: Yeah, but that's one  
10 thing, is to say just write a letter and contact this and  
11 that but, you know, for the public to truly participate  
12 genuinely, there has to be some kind of real avenue for  
13 that. I mean, there has to be a public meeting or a public  
14 hearing or some place -- you know, an announcement, where  
15 to send your comments. You know, an overall comment, an  
16 overall announcement in the oil spill area. Otherwise  
17 people aren't going to do it, you know, unless there's a  
18 legitimate structure set up for them to reveal their points  
19 of view and their perceptions of it.

20 MS. PEARCE: Mr. Chairman.

21 CHAIRMAN DUFFY: Drue Pearce.

22 MS. PEARCE: I think if we all think back  
23 to the original settlement, there was not frankly a public  
24 component that I remember. Certainly there wasn't public  
25 testimony to the judge nor to Exxon nor to the state or the

1 feds in terms of what anybody thought a settlement -- if  
2 they even did a settlement -- should look like. And the  
3 lawsuits moved forward after the attorneys in both cases  
4 decided that they had a case. That's almost like the grand  
5 jury process and then the process of pulling your case  
6 together and so on. That's what frankly is going on at the  
7 moment.

8                   It's that same sort of behind the scenes  
9 work where people decide whether there's a case. And at  
10 some point in time the Department of Justice may ask the  
11 solicitors and the Department of the Interior and the  
12 Department of Commerce and the Department of Agriculture  
13 for advice or recommendations on whether or not to move  
14 forward. At which time the solicitors may ask the Joe  
15 Meades and Drue Pearces and Jim Balsigers and whoever is  
16 here at the time for our advice to them. But that's not  
17 written anywhere that it has to happen.

18                   The Department of Justice can make this  
19 decision because it's a legal decision of whether or not to  
20 do -- move forward on a lawsuit. It's not a public sort of  
21 decision like we all wish we had in a big round table like  
22 this. It's very different. And if you go back and read  
23 the consent decree or read the agreement, you see that it's  
24 outside of the process that we're in now. And so from the  
25 federal standpoint, I have no idea whether the Department

1 of the Interior is ever going to be asked or the secretary  
2 or those solicitors are ever going to be asked to give  
3 input.

4                   And I suppose we could send a letter over  
5 saying, hey, when you look at this, we'd like you to do X,  
6 Y and Z. But I don't even know frankly that that's  
7 appropriate. I've come to find out that we apparently  
8 don't send letters to justices.

9                   MS. BALLARD: Are you just learning that  
10 now, Drue?

11                   MS. PEARCE: I'm a slow learner.

12                   MS. BALLARD: She's a slow learner.

13                   MS. PEARCE: Why can't we tell them? So  
14 this is a unique situation. But what the -- and it's been  
15 very difficult to explain to the public what -- the  
16 situation that we're in but frankly, it isn't our decision  
17 and it's not a public process that you go through to decide  
18 whether to take the case to the -- go ahead and actually  
19 file the case, so to speak. The jury comes after you file  
20 the case.

21                   CHAIRMAN DUFFY: Joe Meade.

22                   MR. MEADE: My comments were really quite  
23 similar to what Drue has shared. As an agency, as a -- for  
24 a supervisor, not as an agency, but a leader within the  
25 context of this issue, we actively do public involvement,

1 public engagement in the areas of public policy. But when  
2 we need to go to court, all that public policy, public  
3 debate and dialogue is left in the hands of our attorneys.  
4 And when the public disputes something that we are taking  
5 litigation on, what I -- once the appeal process that we  
6 have within our own structure is exhausted, the response  
7 that I will provide, and it's very appropriate, and that's  
8 that we have -- the citizens still have access to the  
9 decision-makers. In this case it will be letters to  
10 Governor Murkowski, governors to President Bush, and  
11 appropriate correspondence to the delegation. So the  
12 citizenry still has that opportunity and always does in our  
13 system of government. But I would not be able to --  
14 influencing me won't help influence the outcome, just as  
15 Drue has underscored. Even if I am asked, it will be asked  
16 in the context of attorney/client privilege because it's an  
17 issue under litigation. So the reopener is just something  
18 that I have no decision space in. Now my insight is sought  
19 and asked for, it will -- in the light of litigation, it  
20 will be done in a client/attorney confidentiality  
21 component, simply because of the fact that this isn't a  
22 public policy debate, this is an issue of litigation,  
23 so.....

24                                   CHAIRMAN DUFFY: Thank you, Joe. I think  
25 that's a good summary of this particular discussion item.

1 We're going to seque back to any final comments from the  
2 PAC members. Doctor.

3 DR. GERSTER: Mr. Chair, although we're not  
4 here to debate the reopener, our funds are limited. And as  
5 we consider project proposals, we should realize that the  
6 public is very concerned about the reopener and we should  
7 carefully prioritize research proposals that can help us  
8 direct in the future.

9 CHAIRMAN DUFFY: That's good advice. Thank  
10 you, doctor. Ed Zeine.

11 MR. ZEINE: I just had one comment on this.  
12 I think there's been confusion in the PAC about the  
13 responsibilities of the reopener business. I think the  
14 letter that Gail sent out helped a great deal on that. And  
15 I assume from the PAC's position when we're questioned on  
16 it, our response should be that the government, as Mr.  
17 Tillery has mentioned, is looking at it and, we can say at  
18 this point, the court will make that decision.

19 CHAIRMAN DUFFY: Yeah, that's correct.

20 MR. ZEINE: But they are -- somebody is  
21 looking at it. And I think that was the confusion part  
22 that everybody's forgotten about.

23 CHAIRMAN DUFFY: Okay. Well on behalf of  
24 the Trustee Council, I think this has been time well spent.  
25 I would like to personally attend a PAC meeting. I can

1 tell by the nature of this discussion that you wouldn't be  
2 shy if I was sitting in the audience. I would look forward  
3 to interacting with you so I will see what I can do to  
4 attend one of your meetings. We do appreciate the input  
5 from the PAC, they're an integral part of our process.

6 I think there's a series of items that we  
7 discussed today where we can all improve our business and  
8 our working relationship. And Gail is going to try and  
9 summarize those in the form of informal notes as opposed to  
10 meeting minutes. And we can share those among the PAC  
11 members and the Trustee Council members.

12 Any further comments from the Trustee  
13 Council members?

14 MS. BALLARD: Do we need to go back to  
15 those action items?

16 CHAIRMAN DUFFY: Yes. Joe.

17 MR. MEADE: Just in closing comments to  
18 what you just shared. I presume in our ongoing business we  
19 have opportunity either through public comment or other  
20 forums for interaction. I guess I would hope that at least  
21 on a yearly basis we'd ensure this kind of a forum with the  
22 PAC exists. I don't know that we need to formalize that or  
23 have the expense of the travel that may be associated, not  
24 that that's an inappropriate expense either. I just would  
25 like to be sure that things don't get to enough of a level

1 of concern that the PAC has to formally request of us a  
2 session to visit. I would hope on an annual basis, Chuck,  
3 that this kind of a forum is available to us as well as to  
4 the PAC for the two way dialogue.

5 CHAIRMAN DUFFY: I would concur with that,  
6 thank you, Joe. And I headed toward that issue by saying  
7 that, you know, I'm available outside the confines of this  
8 meeting room and if people want to talk to me individually  
9 on any issue, feel free to contact me and I'll do  
10 everything I can to get back with you and have that  
11 discussion. And I'm sure the other Trustee Council members  
12 feel the same way.

13 So thank you.

14 DR. BALSIGER: Except I don't want to talk  
15 about wolf control.

16 CHAIRMAN DUFFY: And I'm not doing fish  
17 stuff, though it's one of the things that I do.

18 (Laughter)

19 CHAIRMAN DUFFY: Okay. We have two items  
20 that were tabled prior to this discussion. The first is  
21 the -- was it the committee charter renewal and proposed  
22 amendment.

23 MS. BALLARD: So, Mr. Chairman.....

24 CHAIRMAN DUFFY: Ms. Ballard.

25 MS. BALLARD: .....I move that we amend the

1 charter draft that is before us with the language that we  
2 agreed to before the break.

3 MS. PHILLIPS: So in item number 3, the  
4 period of time necessary for the committee activities would  
5 read then, by order of the district court of the district  
6 of Alaska, the public advisory committee is to advise the  
7 Trustees appointed to administer the fund established in  
8 the settlement of United States v. Exxon Corporation civil  
9 action, so and so, in the State of Alaska v. Exxon  
10 Corporation civil action, so and so, both in the United  
11 States district court for the district of Alaska in all  
12 matters prescribed in paragraph 5(a)(1) of the MOA  
13 referenced above. Final payment of the -- into the fund  
14 was September 1, 2001. The requirement for the public  
15 advisory committee will continue throughout the life of the  
16 settlement.

17 CHAIRMAN DUFFY: Do I have a second to  
18 that?

19 MS. PEARCE: Second.

20 CHAIRMAN DUFFY: Seconded by Drue Pearce.  
21 Thank you, Ms. Phillips for that. That's right on point  
22 with where we are going. Is there discussion about that  
23 amendment?

24 (No audible response)

25 CHAIRMAN DUFFY: Hearing no discussion, is

1 there opposition?

2 (No audible response)

3 CHAIRMAN DUFFY: Hearing none, approved.

4 The second issue is.....

5 DR. BALSIGER: Mr. Chairman.

6 CHAIRMAN DUFFY: Dr. Balsiger.

7 DR. BALSIGER: On that charter, the  
8 paragraph five has a reference to administrative support  
9 which I think needs to be there, including an estimate of  
10 the cost. I wonder if we could just ask the staff to  
11 review or certify or clarify or assure that the estimate of  
12 55,000, whether that includes the staff -- half staff years  
13 or is in addition to it. And we don't need to know right  
14 now, just so that's straightened out.

15 CHAIRMAN DUFFY: Thank you. I bet we could  
16 get that clarified right now if we ask.

17 MS. PHILLIPS: We can. Thank you.  
18 Cherri's staff time, one half year, 31.8. Doug Mutter's,  
19 one half month, 3.0. Travel between 20 and 35,000 for  
20 35.8. A total of \$70,600 annual PAC support.

21 CHAIRMAN DUFFY: Okay, so that should be  
22 changed.

23 MS. PHILLIPS: But you have -- according to  
24 Doug -- we have to list the amount of the money and the  
25 amount of the money and the amount of staff time for the

1 federal requirements.

2 CHAIRMAN DUFFY: Okay. But just the  
3 numbers that you gave us would indicate that perhaps this  
4 55,000 should be modified to reflect what you just stated,  
5 is that correct?

6 MS. PHILLIPS: Paula, can you -- would you  
7 come forward, please. Where we have 55,000 including an  
8 estimated .5 staff years, but this comes out to 70,600.

9 MS. BANKS: That is correct.

10 MS. PHILLIPS: And that's what we're  
11 spending today?

12 MS. BANKS: Right, right. The original  
13 number, the 55,000, included half a year of Cherri's time  
14 and then half a month of Doug Mutter's time and travel  
15 associated with that. The travel costs have, of course,  
16 inflated, increased, and so has Cherri's time. And so has  
17 Doug Mutter's.

18 MR. TILLERY: So what should the number be,  
19 70.....

20 MS. BANKS: Seventy point.....

21 MS. PHILLIPS: 71,000.

22 MS. BANKS: Is it 71? Okay.

23 MS. PHILLIPS: Roughly.

24 CHAIRMAN DUFFY: Do you want to move to --  
25 move?

1 DR. BALSIGER: Oh, did this require a  
2 motion?

3 CHAIRMAN DUFFY: Yes.

4 DR. BALSIGER: Well, Mr. Chairman, I would  
5 then move that we correct that last sentence to the figures  
6 just given to us, which I understand is 71,000, including  
7 an estimated .5 staff use.

8 CHAIRMAN DUFFY: Including.

9 MS. PEARCE: Second.

10 CHAIRMAN DUFFY: Okay, thanks. Seconded by  
11 Ernesta Ballard.

12 MS. BALLARD: Actually it was Drue.

13 MS. PEARCE: It was me.

14 CHAIRMAN DUFFY: Oh, I'm sorry. By Drue  
15 Pearce. Is there discussion? Joe Meade.

16 MR. MEADE: Discussion. Just I think there  
17 also was a couple of other or at least one other  
18 administrative detail that DFO had highlighted for us  
19 before we broke. So could this motion be inclusive of each  
20 of the procedural amendments or corrections that are being  
21 discussed? Do I recollect correctly that Doug had another  
22 item he drew our attention to?

23 MS. PHILLIPS: He brought to your attention  
24 the ethics responsibility paragraph that is included in  
25 this one. It had not been in the earlier one.

1 MR. MEADE: I see.

2 MS. PHILLIPS: But it's already there so we  
3 don't need to do anything on it.

4 MR. MEADE: Very good.

5 CHAIRMAN DUFFY: All right, is there  
6 opposition to the motion?

7 MS. BALLARD: If I could amend the motion  
8 to be comprehensive to the adoption of the entire charter  
9 with that amendment?

10 MS. PHILLIPS: Right.

11 CHAIRMAN DUFFY: Okay, so the motion.....

12 MS. BALLARD: If Drue has no objection.

13 MS. PEARCE: No objection.

14 CHAIRMAN DUFFY: And chair consider that a  
15 friendly amendment and therefore the amendment is now the  
16 55,000 goes to 71,000 and it is to adopt comprehensively  
17 the entire motion for the entire charter as modified. Is  
18 there opposition?

19 (No audible response)

20 CHAIRMAN DUFFY: Hearing none, so moved.  
21 The final action in front of us has to do with the proposed  
22 amendment to the policies and procedures manual regarding  
23 confidentiality forms for PAC and STAC members. I  
24 think.....

25 MS. BALLARD: I think we're ready to vote.

1 We have a motion on the table.

2 CHAIRMAN DUFFY: We have a motion on the  
3 table.

4 MS. BALLARD: Don't we?

5 CHAIRMAN DUFFY: Is there further  
6 discussion?

7 MS. PEARCE: You're right.

8 CHAIRMAN DUFFY: Let's be clear about what  
9 the motion was, the motion was to incorporate this language  
10 relative to the role of the PAC's, is that correct?

11 MS. PHILLIPS: Correct.

12 MS. BALLARD: Correct.

13 CHAIRMAN DUFFY: Okay. Is there further  
14 discussion on the motion?

15 MR. TILLERY: Mr. Chairman, it's not so  
16 much on the motion but just that I would request that when  
17 a confidentiality agreement is developed, that it be run by  
18 the departments of law and justice before it's utilized.

19 MS. PHILLIPS: Didn't we do it?

20 MR. TILLERY: Not that I've seen. No, I'm  
21 not talking about the -- the language here is fine.

22 MS. PHILLIPS: Right.

23 MR. TILLERY: I'm talking about -- but when  
24 the actual agreement.....

25 MS. PHILLIPS: Oh.

1 MR. TILLERY: .....that we would like  
2 to.....

3 MS. PHILLIPS: Oh, right. Sure, sure,  
4 sure.

5 MR. TILLERY: .....look at that.

6 MS. PHILLIPS: I thought we had run this  
7 language by you guys.

8 MR. TILLERY: Yeah.

9 CHAIRMAN DUFFY: Okay, so the actual  
10 agreement will be shared in draft form with the appropriate  
11 legal advice before moving forward. Further discussion?

12 (No audible response)

13 CHAIRMAN DUFFY: Is there opposition?

14 (No audible response)

15 CHAIRMAN DUFFY: Hearing none, so approved.  
16 Madame Chair, according to my assessment, we've reached the  
17 end of our agenda. Were there additional agenda items?

18 MS. PHILLIPS: No, that's all we have. And  
19 we're on time.

20 MS. PEARCE: Are we going to talk about  
21 dates of future meetings or expectations?

22 MS. PHILLIPS: Not yet because I do have to  
23 -- we have to figure out more work on the budget process  
24 and we will get back with -- between Cherri and Paula and  
25 I, we will get back with several ideas for meetings to you

1 very soon.

2 MS. PEARCE: Okay. Could I ask for one  
3 clarification?

4 MS. PHILLIPS: Sure.

5 MS. PEARCE: Do we know yet whether we're  
6 talking about a meeting in July and a meeting in late  
7 August or was Cherri trying to just do one meeting and  
8 she.....

9 MS. PHILLIPS: We're trying to do.....

10 MS. PEARCE: .....at the six week window?  
11 Trying to get just one.....

12 MS. PHILLIPS: Just one meeting and we're  
13 just trying to figure out how we can take all the different  
14 component parts that need to be addressed at that one  
15 meeting into one time frame.

16 CHAIRMAN DUFFY: On that particular issue,  
17 it would seem to me that if you move it too far away from  
18 toward the fall, if you move it back into the middle of the  
19 summer, you're seriously compressing the time frames that  
20 are required that allow for the PAC and the STAC to  
21 actively engage in that. So I would encourage late August  
22 or later if -- at least from my perspective, to allow our  
23 process to work. Drue Pearce.

24 MS. PEARCE: Thank you. I think it might  
25 be useful if you and staff would look at what field work is

1 going on in the summer funded through the Council of  
2 various sorts and see if there are a couple of  
3 opportunities that we might provide for PAC members, STAC  
4 members, PI's and whichever Council members might be  
5 available. And that's why I say pick a couple. And we're  
6 not going to ever get everybody but opportunities for some  
7 sub-group of all of us to get together to see on the ground  
8 some of the work that's being done. Be able to talk to the  
9 people who are actually doing it. But have that  
10 opportunity to interact in a less formal way with the PAC  
11 and the STAC and us and whomever.

12 CHAIRMAN DUFFY: That's a very good  
13 suggestion. Mr. Tillery.

14 MR. TILLERY: There is actually lingering  
15 oil work being done in the field this year and I was  
16 actually wondering myself, if that wouldn't be an  
17 opportunity to -- for people to see what's going on out  
18 there and perhaps get together. And maybe somebody could  
19 talk to Jeep or find out what would be a good place, time  
20 and so forth.

21 MS. PEARCE: Yeah, I think that would be  
22 great.

23 MR. MEADE: That would sure make a lot of  
24 this a lot more relevant for me. So I would vote -- I  
25 would support that.

1 MS. PHILLIPS: Just keep in mind it will be  
2 an increase in budgetary -- bottom line, but you know, fun.  
3 Just want to remind you.

4 MR. TILLERY: Always the bad news.

5 CHAIRMAN DUFFY: Thank you, I appreciate  
6 that fiscal focus.

7 MS. PEARCE: Those big boats cost a lot of  
8 money.

9 CHAIRMAN DUFFY: Does the PAC have a  
10 meeting scheduled?

11 MR. MEACHAM: We do not at this point but  
12 anticipate one here late June, July, but we've got to work  
13 out those dates as well.

14 CHAIRMAN DUFFY: Okay, thanks. Chuck, on  
15 behalf of the Trustee Council, I'd appreciate you letting  
16 us know when that is through the staff here because I'm  
17 going to see what I can do to attend and other members, if  
18 possible. I would encourage their attendance was well to  
19 continue with this dialogue.

20 MR. MEACHAM: Thank you.

21 CHAIRMAN DUFFY: The chairman is willing to  
22 entertain a motion to adjourn.

23 MS. PEARCE: So moved.

24 CHAIRMAN DUFFY: Is there a second?

25 MR. MEADE: Seconded.

1                   REPORTER:  Who seconded, sir?  
2                   CHAIRMAN DUFFY:  Joe Meade.  
3                   REPORTER:  Thank you.  
4                   CHAIRMAN DUFFY:  Thank you, Joe.  
5                   REPORTER:  Thank you.  
6                   (Off record)  
7                   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 160 contain a full, true and correct transcript of the Exxon Valdez Oil Spill Trustee Council's Meeting recorded electronically by me on the 19th day of May 2004, commencing at the hour of 9:30 a.m. and thereafter transcribed under my direction to the best of our knowledge and ability.

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 1st day of June 2004.

SIGNED AND CERTIFIED TO BY:

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