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EXXON VALDEZ OIL SPILL
TRUSTEE COUNCIL
Public Meeting
Friday, December 10, 2004
10:00 o'clock a.m.
EVOS Office
441 West 5th Avenue, Suite 500
Anchorage, Alaska

3 TRUSTEE COUNCIL MEMBERS PRESENT:

4	STATE OF ALASKA - DEPARTMENT	MR. KEVIN DUFFY
5	OF FISH AND GAME:	Commissioner
	(Chairman)	
6	U.S. DEPARTMENT OF INTERIOR:	MS. DRUE PEARCE
7		Senior Advisor to the
8		Secretary for Alaskan
9		Affairs,
10		U.S. Department of Interior
11	STATE OF ALASKA -	MR. CRAIG TILLERY for
12	DEPARTMENT OF LAW:	MR. GREGG RENKES
13		Attorney General
14		State of Alaska
15	U.S. DEPARTMENT OF COMMERCE,	MR. PETER HAGAN
16	National Marine Fisheries Svc:	MR. JAMES W. BALSIGER
17		Administrator, AK Region
18	U.S. DEPARTMENT OF AGRICULTURE,	MR. JOE MEADE
19	U.S. FOREST SERVICE	Forest Supervisor
20		Forest Service AK Region
21	STATE OF ALASKA - DEPARTMENT	MR. KURT FREDRIKSSON
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	MR. RICHARD DWORSKY	Science Coordinator
5	MS. CHERRI WOMAC	Administrative Assistant
6	MS. PAULA BANKS	Administrative Assistant
7	MR. ROD BOCHENCK	Data Systems Manager
8	MR. MIKE SCHLIE	Data Systems Assistant
9	MR. MICHAEL BAFFREY	Department of Interior
10	MS. CAROL FRIES	AKDNR
11	MS. MARIA LISOWSKI	General Council's Office
12		Department of Agriculture
13	MR. STEVE ZEMKE	U.S. Forest Service
14	MS. GINA BELT	Department of Justice
15	MS. DEDE BOHN	U.S. Geological Service
16	MR. BRETT HUBER	ADF&G
17	MR. TONY DeGANGE	U.S. Fish & Wildlife Svc.
18	MS. CARRIE HOLBA	ARLIS Librarian

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P R O C E E D I N G S

(Anchorage, Alaska - 12/10/04)

(On record - 10:05 a.m.)

CHAIRMAN DUFFY: Good morning, everyone.

My name is Kevin Duffy, Commissioner of Fish and Game. I'd like to call the Trustee Council meeting to order, December 10th, 2004, 10:05 a.m. Sitting at the table, for those on the speaker phone, is Craig Tillery representing Gregg Renkes, Department of Law. Pete Hagen is sitting in for Dr. Jim Balsiger. Drue Pearce is to my right. Kurt Fredriksson from DEC, the third State Trustee. And last, but not least by any means, Joe Meade is at the end of the table. Those are the Trustees who are all present and accounted for.

And the first order of business would be to approve the agenda for the Trustee Council members. Gail, did you have a modification?

MS. PHILLIPS: Yes, Mr. Chairman, before we do the approval of the agenda, could we ask everybody on line, please, to identify themselves.

CHAIRMAN DUFFY: Thank you.

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

DR. GERSTER: Dr. John Gerster from the

EVOS PAC.

MS. STUDEBAKER: And Stacy Studebaker from

1 Kodiak on the EVOS PAC.

2 MR. KOPCHAK: R.J. Kopchak from Cordova
3 EVOS PAC.

4 CHAIRMAN DUFFY: Anyone else on line?

5 (No audible responses)

6 MS. PHILLIPS: Thank you Mr. Chairman.

7 Under the approval of the agenda, we did make some slight
8 changes just on how we're presenting items on the agenda.
9 We have one new edition to the agenda that you did not have
10 in your packet. It was an item that was brought to our
11 attention just this week. Under item number 4, the
12 miscellaneous action items, it's the last item there, the
13 DNR small parcel extension. DNR has run into a little
14 problem with getting title transferred from the Nature
15 Conservancy to the State and they've asked us for an
16 extension on the projects. So that's the only new item
17 that you would have on your packet. And I would recommend
18 that we do include that.

19 CHAIRMAN DUFFY: That sounds like a
20 reasonable thing to do from my perspective. Hearing no
21 disagreement from other Trustees, we'll include that. Kurt
22 Fredriksson.

23 MR. FREDRIKSSON: Yeah, I've got a -- I'm
24 just kind of catching up with these changes. I know the
25 agenda kind of came in last. But I might make a motion to

1 adjust the agenda to move the discussion of the science
2 plan revisions and discussion of the GEM science plan. I
3 think we had it down later in the day following the
4 executive discussion and counsel priorities discussion.

5 MS. PHILLIPS: We had them listed as 11 and
6 12 earlier but because they are just such brief topics,
7 they are just a few minute briefings rather than a full
8 discussion of those topics, we decided to put them under
9 the Executive Director's report. It doesn't matter to us.

10 MR. FREDRIKSSON: Yeah, I'm not having a
11 good sense of -- you know, kind of in terms of the brevity,
12 perhaps that would be fine, Gail. And maybe if we need to
13 then have any.....

14 MS. PHILLIPS: Prolonged discussion

15 MR. FREDRIKSSON:fuller discussion we
16 could.....

17 MS. PHILLIPS: Put them later, sure.

18 MR. FREDRIKSSON: I wouldn't have a problem
19 with that.

20 MS. PHILLIPS: That would be fine.

21 MR. FREDRIKSSON: And then as well, I'm
22 wondering if the workshops, where we have a number of
23 different workshops, I know there's some procedural issues,
24 but again, I'm trying to sense the Council work priorities.
25 And the FY06 invitation will deal with so many of these

1 topics, I'm wondering if we might just not move the
2 workshop discussions to follow to -- either prior to or
3 after the executive session, kind of as a number -- you
4 know, adjust it to an eight.

5 CHAIRMAN DUFFY: Okay, Kurt, just to track,
6 there's a couple issues you had recommended, updating the
7 science plan and the GEM science plan book. Were those the
8 two issues?

9 MR. FREDRIKSSON: I had. I was thinking of
10 doing that later but, I mean, if it's going to be a very,
11 just brief, just kind of update as to where they are, if we
12 need to have fuller discussion, we could do that later in
13 the day. My concern was just how all these fit together in
14 terms of Council work priorities in the FY06 invitation.

15 And then secondly, so I accept Gail's
16 suggestion, just to keep that as it is in the Executive
17 Director's report. But I do believe the workshops, in
18 terms of those work group items that are going to be
19 dealing with, what we are addressing in the priorities in
20 the 06, might be better placed after that.

21 CHAIRMAN DUFFY: Okay, so the suggestion is
22 to move the workshop discussions to after the Council work
23 priorities FY06 invitation. And in the agenda in front of
24 us, after executive session. So somewhere down toward the
25 end of the meeting. Is there a second to that motion?

1 MR. TILLERY: Seconded.

2 CHAIRMAN DUFFY: Moved and seconded. Is
3 there opposition to that shift?

4 (No audible responses)

5 CHAIRMAN DUFFY: Hearing none, we'll
6 proceed in that manner. Are there any other modifications
7 suggested to the agenda, Council members?

8 CHAIRMAN DUFFY: Kurt.

9 MR. FREDRIKSSON: Just one. I might --
10 given the agenda doesn't have any time frames on this, I
11 was just wondering, with respect to the executive session,
12 if we might be able to target that, if you will, a working
13 -- I assume we're going to have a working lunch?

14 MS. PHILLIPS: Yes. Yes, we are.

15 MR. FREDRIKSSON: And I was just thinking,
16 you know, for purposes of the people who are sitting here
17 and what have you, we might just try and put some time
18 frames on this and maybe try and keep the executive
19 session, to try and target on our working lunch.

20 CHAIRMAN DUFFY: Okay, so.....

21 MR. FREDRIKSSON: Was that the intent,
22 Gail?

23 MS. PHILLIPS: Yes.

24 MR. FREDRIKSSON: I suspect it was.

25 MS. PHILLIPS: Yeah.

1 CHAIRMAN DUFFY: So I'll take that as a --
2 in the form of a motion to have the executive session
3 during the lunch period. Any additions to that?

4 MR. TILLERY: Mr. Chairman.

5 CHAIRMAN DUFFY: Mr. Tillery.

6 MR. TILLERY: I had a similar reaction that
7 Kurt did with respect with a couple of these items and I
8 think in Gail's explanation, that they're just going to be
9 a very brief overview is helpful. It would be helpful to
10 me in trying to figure out that if there were time frames
11 attached to the agenda items, I know we would rarely keep
12 to them, but if I see that there's five items and they're
13 scheduled for a total of 20 minutes, I know that that
14 that's just the brief overview. If I see an item and it's
15 scheduled for an hour, I know that that's, you know, a
16 longer thing. So I think if you could attach some time
17 frames to those, it would be helpful in future agendas.

18 MS. PHILLIPS: In the first agenda that I
19 sent out, I did put those in. But when we finalized the
20 final firm agenda, it was getting a little risky. But I
21 can do that.

22 MR. TILLERY: Yeah, just.....

23 MS. PHILLIPS: Approximately.

24 MR. TILLERY: We understand they won't be
25 right.

1 MS. PHILLIPS: Sure.

2 MR. TILLERY: I mean, that's not your
3 fault, that's ours.

4 CHAIRMAN DUFFY: Okay, so that's a
5 suggestion for the future agendas, to give your best
6 estimate of the amount of time associated with them, which
7 may help us drive our modifications to the agenda when we
8 start the meeting.

9 From the Federal Trustees, Drue or Pete or
10 Joe. Do you have any suggested modifications to the
11 agenda? Kurt.

12 MR. FREDRIKSSON: Kevin, just one final
13 one. Since we do have a pretty full agenda here, which
14 will probably take us take us clearly up to 5:00 o'clock,
15 one item that had to deal with the STAC SOP operating
16 procedures review and changes to those procedures or
17 suggested changes to those procedures. I know I'm, at this
18 point in time, and I know this was an action item, these
19 are real important, I know, to the Council they are, they
20 are to the department and our Trustee. I'm wondering if we
21 might just delay that to the next meeting in terms of
22 Council action. If perhaps there may be a need for some
23 discussion today, but in terms of an actual action item,
24 I'd feel more comfortable dealing with that at a subsequent
25 meeting of the Council as opposed to driving it today.

1 CHAIRMAN DUFFY: Thanks, Kurt. Joe.

2 MR. MEADE: Discussion?

3 CHAIRMAN DUFFY: Yes.

4 MR. MEADE: I'm in agreement. I felt that
5 it's a strategy we might want to do because of some of the
6 significant edits and changes there as to actually ask that
7 that be withdrawn and turned over to coordination with our
8 liaisons so that a collaborative effort could be
9 accomplished in bringing forward a final proposal.

10 CHAIRMAN DUFFY: Okay, so as chair I've
11 heard two things, perhaps we're not ready to take action on
12 that at this meeting. The STAC SOP operating procedures,
13 and I heard a suggestion that there should be some work
14 with the liaisons in developing that document then bring it
15 back to the Trustee Council at a later date. If we're
16 going to take an action along those lines, I would suggest
17 someone make a motion and we do it officially for the
18 record so the public sitting in the audience as well as on
19 the telephone is aware of our actions.

20 So, Kurt.

21 MR. FREDRIKSSON: Yeah, I'd be happy to
22 make a motion that we withdraw the STAC SOP operating
23 procedures review for this meeting subject to further work
24 between the EVOS staff and the Trustee Council liaison
25 staff for subsequent review and action by the Council at

1 their next meeting.

2 CHAIRMAN DUFFY: Is there a second to that?

3 MR. MEADE: I'd be pleased to second that
4 motion.

5 CHAIRMAN DUFFY: Seconded by Joe Meade. Is
6 there discussion?

7 (No audible responses)

8 CHAIRMAN DUFFY: Is there objection?

9 (No audible responses)

10 CHAIRMAN DUFFY: So moved. Drue Pearce.

11 MS. PEARCE: Thank you, Mr. Chairman. On
12 the second page, late in the day, under number 7 we talk
13 about the 06 invitation but then plan for 9 is an update on
14 additional funding for lingering oil projects and then 10
15 is reconsideration of previously recommended but not funded
16 projects. I'm wondering if it would not make more sense if
17 we pulled the 06 invitation, number 7 down and put it after
18 9 and 10. It seems to me it's going to be difficult for us
19 to talk about specific funding until we know truly what's
20 available. And I don't think we'll know that until we
21 finish 9 and 10.

22 CHAIRMAN DUFFY: So yeah, there are two
23 ways of looking at that, I guess. Just looking at the 06
24 invitation and identifying the amount of funds available
25 could instruct us as to our decision making on the

1 following issues, but either way. So you're suggesting
2 moving the FY06 invitation to after number 9 and 10?

3 MS. PEARCE: Correct.

4 CHAIRMAN DUFFY: Is there a second to that?

5 MR. MEADE: I would second that.

6 CHAIRMAN DUFFY: Discussion.

7 (No audible responses)

8 CHAIRMAN DUFFY: Hearing none, so moved.

9 Are there any other modifications to the agenda?

10 (No audible responses)

11 CHAIRMAN DUFFY: Hearing none, motion to

12 approve from someone, please.

13 MS. PEARCE: So moved.

14 CHAIRMAN DUFFY: Is there a second?

15 MR. FREDRIKSSON: Second.

16 CHAIRMAN DUFFY: Moved by Drue Pearce to

17 approve the modified amended agenda. Second by Kurt

18 Fredriksson. Further discussion? Is there objection?

19 (No audible responses)

20 CHAIRMAN DUFFY: Hearing none, the agenda

21 is modified and approved for today's Trustee Council

22 meeting. With that, the next item on our agenda is

23 approval of meeting notes from our August 23, '04 Trustee

24 Council meeting.

25 MR. FREDRIKSSON: Kevin, I'd move approval

1 of the meeting notes.

2 CHAIRMAN DUFFY: Moved for approval by Kurt
3 Fredriksson. Is there a second?

4 MS. PEARCE: Second.

5 CHAIRMAN DUFFY: Seconded by Drue Pearce.
6 Discussion?

7 (No audible responses)

8 CHAIRMAN DUFFY: Hearing none, is there
9 objection?

10 (No audible responses)

11 CHAIRMAN DUFFY: Okay, the meeting notes of
12 August 23, 2004 Trustee Council meeting are hereby
13 approved. With that, we move to the next item on the
14 agenda and that is the public comment period. I would
15 remind members of the public that they have three minutes
16 to testify. I will go to those that are on line and go
17 through the list, see if any of those, at least the people
18 that I have written down, would like to testify and I'll go
19 down the list of my people that I wrote down. First would
20 be Mr. O'Connor, do you have any comment?

21 MR. O'CONNOR: No.

22 CHAIRMAN DUFFY: Okay. Dr. John Gerster,
23 any comment?

24 DR. GERSTER: Yes, I'm Dr. John Gerster and
25 I serve on the EVOS PAC and the North Pacific Research

1 Board Advisory Council. And I was seriously disappointed
2 at the Trustee's action to select projects for FY 2005
3 behind closed doors on August 23rd and then to take action
4 on those projects without public consideration PAC or STAC
5 input. When I was on the Board of the Alaska Science and
6 Technology Foundations, such actions were strictly avoided
7 out of respect for Alaska's open meetings act. And leaving
8 that aside, I kind of wondered if such an action was
9 consistent with established Trustee Council policy and
10 procedures. So I did some homework. I actually read the
11 October 1994 record of decision of the EVOS restoration
12 plan and EIS where the Council publicly adopted a policy
13 for implementing the restoration plan. And it says quite
14 clearly that the Trustees should select funding by an
15 ecosystem approach based on the advice of independent
16 scientific review with public participation at all levels.
17 I'm reading right from the act. These policies seem to
18 have been ignored on August 23rd.

19 In particular, as a member of the PAC, all
20 of the PAC has been extensively briefed on the GEM program,
21 which I feel should be the major focus of Council efforts
22 now and in the future. And also in particular the
23 synthesis in modeling projects. And I just have a list,
24 Schumacher, McNutt, Weingartner, Edmundson. Those should
25 be a priority. Other worthy projects such as Cooper,

1 Darcy, Loggerwell and Konar's near shore monitoring project
2 also deserve further consideration. Now the Trustees can
3 decided to spend public on anything they want within the
4 law but they should really respect their own policies in
5 doing so. The Council has agreed to be guided by
6 scientific and public input. It seems to me if the Council
7 chooses to ignore the public's advice, the Trustees really
8 should do it in public session, not executive session, and
9 to explain their actions on the record. Let's listen to
10 our scientists and the other members of the public. I hope
11 at your meeting today, you will do so. Thank you.

12 CHAIRMAN DUFFY: Thank you, Dr. Gerster.
13 Next on my list, Stacy Studebaker.

14 MS. STUDEBAKER: Good morning. Yes, I'm
15 here. Good morning from Kodiak. My name is Stacy
16 Studebaker. I've also been a member of the EVOS public
17 advisory committee for the last eight years representing
18 recreational users and the Kodiak archipelago. And during
19 my time on the EVOS PAC, I've been involved in the
20 development of the GEM program from its very beginning.
21 Institutional memory is one advantage I have, having served
22 under two different Executive Directors, two governors,
23 many different Federal and State Trustees and two
24 Department of Interior secretaries. I know and greatly
25 appreciate the magnitude of time, effort, scientific and

1 public review and public funds that have gone into the
2 development of the GEM program as it stands today ready to
3 begin. If implemented the way it has been envisioned, the
4 GEM program stands to serve as a universal model for marine
5 ecosystem monitoring, and that is really noteworthy.

6 But recently I became aware of a departure
7 from the public process by which the funding decisions have
8 been made for launching the GEM program with the 2005, 2007
9 GEM work plan. Some recent actions by the Trustee Council
10 at the August 23rd meeting have jeopardized the restoration
11 and the GEM program as planned, envisioned, published and
12 communicated to the public and scientific communities. I'm
13 here today to voice a number of my concerns and ask for
14 some explanation, which I believe the Trustee Council owes
15 the public advisory committee, the science and technical
16 review committee, the EVOS Trustee Council staff and the
17 scientific community as well as the general public. It's
18 my understanding from some people present at the August
19 23rd Trustee Council meeting that the Council made funding
20 decisions based on deliberations that took place behind
21 closed doors and not in public. I believe this was a
22 violation of process and procedures and would like you to
23 give an explanation for why this occurred.

24 Another rather drastic deviation from past
25 process is that the Trustee Council funded their own list

1 of projects, many of which were not recommended by or even
2 considered by the science director, the science and
3 technical advisory committee, or the public advisory
4 committee because they did not fit the criteria of the GEM
5 program. Those committees had met previously to review,
6 discuss and make their recommendations based on the
7 criteria established in the GEM program. This doesn't
8 include the considerable time each individual took to read
9 every proposal prior to the meeting. The PAC discussed the
10 docket publicly, proposal by proposal, with the science
11 director, the chairman of the STAC, as we have done in most
12 previous years. We rolled up our sleeves and took our task
13 seriously to be sure we representing the injured resources
14 and the public while making our recommendations to launch
15 program that we worked so hard on.

16 And I really want to go on record here that
17 I believe there has been a serious violation of policies
18 and procedures. At the August 23rd meeting, the science
19 director had prepared a presentation to brief the Trustee
20 Council on the 2005-2007 work plan projects that were
21 recommended for funding by the reviewers and committee.
22 The Trustee Council didn't want to see the presentation, so
23 the public never got to see what had been recommended
24 through the established review process. Instead, after the
25 closed door meeting, the Trustee Council presented their

1 own list for funding.

2 So I would like to know how and why you
3 made the decisions you did. What was your rationale for
4 funding these projects? Project by project, we have to
5 justify our decisions and recommendations, so why don't
6 you? Here are some other serious deviations from our
7 recommendations and the established policies. The
8 University of Alaska has been a major traditional player in
9 the research for the restoration plan and for planning and
10 implementing the GEM program. The Trustee Council chose
11 not to fund any of their proposals, many of which were
12 recommended by the STAC, the PAC and the science director.
13 So how do you justify your decision and explain this to
14 university scientists, many of whom have been the core
15 researchers of exemplary EVOS funded work.

16 Community monitoring and involvement has
17 been identified as a major central component of GEM.
18 Considerable time and funds have been spent to establish
19 this component of GEM. It's been recognized as an
20 important way to compile more and expensive data bases on
21 the Gulf of Alaska. Key projects that were identified
22 already, ongoing and recommended by the STAC and PAC were
23 discarded by the Trustee Council. How do you justify this?

24 On page 7 of the policies common to all
25 action alternatives in the 1994 record of decision plan, it

1 says, quote, restoration must include meaningful public
2 participation at all levels; planning, project design,
3 implementation and review, end quote. The key word in that
4 sentence is must. The Trustee Council actions I've
5 described above certainly negate the efforts of the public
6 in this instance and are therefore legally questionable.
7 How can the PAC continue any meaningful participation in
8 the process if their recommendations aren't even considered
9 in the Trustee Council decision making? I don't really
10 think any of the PAC members want to go through the
11 superficial motions at our meetings just to create an
12 illusion of public process for the Trustee Council. We are
13 far too busy and our time is far too valuable to waste.
14 Likewise, how can you expect the staff of this organization
15 to answer to and work with the scientific community and the
16 public when the Trustee Council doesn't follow its own
17 rules. I ask you, do the Public Advisory Committee and the
18 Science and Technical Advisory Committee have a legitimate,
19 worthwhile future role in the public process of this
20 organization. It seems pretty clear that the integrity of
21 this organization has been compromised by these recent
22 actions. I don't know how we gain back the trust of the
23 scientific community and the public. How can we repair the
24 damage done to the GEM program to get it back on track
25 unless the Trustee Council funding decisions for the 2005-

1 2007 work plan are withdrawn and we pretend like the August
2 23rd meeting never happened.

3 CHAIRMAN DUFFY: Stacy, this is.....

4 MS. STUDEBAKER: You could admit your
5 mistake and we could replay the August 23rd meeting the way
6 it was supposed to happen. That would be the most
7 honorable thing to do.

8 CHAIRMAN DUFFY: Stacy, this is Kevin.
9 Could you please summarize? I'm going to stay with the
10 time limit. We've got a lot of people here in the
11 audience, please.

12 MS. STUDEBAKER: Yeah, that's it. I
13 greatly appreciate this opportunity and I look forward to
14 receiving your answers to my questions.

15 CHAIRMAN DUFFY: Thank you.

16 MS. STUDEBAKER: Thank you very much.

17 CHAIRMAN DUFFY: Thank you, Stacy. R.J.
18 Kopchak. Do you want to comment?

19 MR. KOPCHAK: Yes, good morning. This is
20 R.J. Kopchak speaking from Cordova. I'm a member of the
21 PAC and have been representing the general public and have
22 been nominated for reappointment as a representative of the
23 commercial fishing industry. I've been involved in the
24 commercial fishing industry and in Prince William Sound for
25 30 years and in science in the Sound for the last 15, on

1 the PAC for just the last couple of years. I would
2 actually just like to say that I think Stacy Studebaker has
3 stated my concerns rather succinctly, even though her time
4 ran over. These are serious issues and they take serious
5 time and three minutes -- I know you guys have a lot of
6 testimony to hear, but three minutes is insufficient for
7 the level of disappointment to be communicated to you from
8 members of the PAC.

9 It is my understanding that representatives
10 on the Trustees who are appointed or who represent the
11 State of Alaska are bound by the open meetings act of the
12 State of Alaska, unlike the Federal representatives. That
13 requires conduct of business in public as part of a process
14 that's maintained and retained for the trust of the general
15 public in the decision making process. This process was
16 violated by the Trustees. When you go into executive
17 session today, you need to ask yourselves, in relationship
18 to your agenda items, does it deal with personnel? Does it
19 deal with finance that if know would jeopardize the mission
20 of the EVOS fund and the Trustees? If it doesn't fall
21 under either one of those categories, you have a
22 responsibility to vacate the executive session, to
23 reconvene in public and to hold your deliberations and
24 conversations about the fate of science and the fate of the
25 work that's been done over the last three years on GEM in

1 public. To give us an opportunity to hear your decision
2 making process and to see the give and take that is a
3 natural of coming up with good decisions. We want to be
4 included. We've done our job. We've worked hard. We've
5 spent years developing a science plan that has been
6 completely disregarded by the current Trustees. If you
7 have a reason for that disregard, it needs to be voiced in
8 public and it needs to be part of a meaningful dialogue
9 between the public and the Trustees.

10 I appreciate the opportunity to speak to
11 you today. I expect the Trustees to provide serious
12 questions and allegations and for us to move forward in a
13 positive way, consultively, to work together, public,
14 science and Trustees. To have a GEM program that reflects
15 the effort that's put into developing it. Thank you for
16 the opportunity to testify.

17 CHAIRMAN DUFFY: Thank you, R.J. Are there
18 other people on line wishing to testify?

19 (No audible responses)

20 CHAIRMAN DUFFY: Hearing none, we'll open
21 up the public testimony period to the members of the
22 audience. Feel free to just come up for those that want to
23 testify. Ken, come on up. Ken Adams, Prince William
24 Sound.

25 MR. ADAMS: Good morning, Mr. Chairman,

1 Council members. Ken Adams, Cordova fisherman,
2 stakeholder, and the co-PI for successfully funded FY05
3 EVOS project entitled Implementing the Pink Salmon Fry
4 Survival Model, the Planning Phase. I'd like to say right
5 off that I am supportive of the comments made by both Stacy
6 Studebaker and R.J. Kopchak. I think their intention is
7 good. We want to develop a GEM program which is
8 transparent and of service to stakeholders in the general
9 community.

10 I'd like to report, on a positive note,
11 concerning the progress we've made on our project, the Pink
12 Salmon Fry Survival Model Implementation Planning Phase.
13 We've made considerable progress on this project. We have
14 developed a science plan and we look forward to using this
15 plan for developing proposals for the actual implementation
16 of this model, which we believe has significant economic
17 benefit and management potential for the Prince William
18 Sound fisheries, particularly the pink salmon fishery. I'd
19 like to say also that both I and my partner, Mr. Ross
20 Mullins, in this project, we've made a number of
21 presentations in the Cordova community, to the Prince
22 William Sound Agriculture Corporation as well as the
23 Cordova District Fishermen United. All the organizations
24 are strongly in support of this project. So we do have
25 widespread community support.

1 And further, we recognize GEM as one of the
2 positive legacies that has developed from the EVOS event,
3 recall this year, March of this year, we -- I don't want to
4 say celebrated, but we recognized the 15th anniversary of
5 the EVOS bill. And in retrospect, what we have here are a
6 number of assets, these are means for us to have made
7 lemonade, made something positive out of that dreadful
8 event. One of these legacies is the Trustee Council
9 itself. And now in particular, the developing GEM program.
10 And we look upon GEM as a very worthwhile, perhaps an
11 invaluable asset to us stakeholders. And the prospect of a
12 long term monitoring program is perhaps unique in this
13 country and I urge your development and your support for
14 this continuing program.

15 I refer to the NRC document that was
16 released in 2002 that includes the recommendations for the
17 developing GEM program put forth by the NRC. And since
18 ours is a modeling project, I've read a number of things
19 concerning modeling and the NRC's recommendations
20 concerning modeling. And I recognize that our project is
21 not a stand alone project but we can benefit from
22 additional modeling potential and capability within the GEM
23 program. And I see on your agenda later today you will be
24 revisiting projects which had been recommended but not
25 funded. And I would urge your consideration, Council

1 members, for the funding and the blessing on the joint
2 projects of Schumacher and McNutt as providing a greater
3 monitoring capability -- a modeling capability within the
4 GEM program. We want to help make this program responsive,
5 scientifically sound, and a robust program. And I urge
6 your consideration and support for those proposals dealing
7 with the GEM overall modeling component as well as the
8 synthesis project put forth by Mr. Weingartner.

9 And I believe that will do it for me,
10 Council members. Thank you very much.

11 CHAIRMAN DUFFY: Thank you, Mr. Adams.

12 MR. ADAMS: I think I stayed within the
13 three minutes, too. Didn't I?

14 CHAIRMAN DUFFY: Close enough for me.

15 MR. ADAMS: Good enough. Thank you.

16 CHAIRMAN DUFFY: Next testifier.

17 MR. MULLINS: I'll give it the one-two
18 punch here. My name is Ross Mullins, I'm with Ken Adams,
19 so -- I want to thank you all for allowing the public to
20 bring to your attention their concerns. I'd just like to
21 make it known that I fully support the comments of Dr.
22 Gerster, Ms. Studebaker and R.J. Kopchak in Cordova. We
23 were quite distressed at the nature of the outcome of the
24 March [sic] 23rd meeting, a lengthy executive session with
25 actions precipitated from unknown discussions.

1 One of the things I would like to present a
2 case for is to continue your community involvement
3 outreach. Ken and I have just completed a trip to Seward
4 and Homer where we made presentations to the communities
5 there, relating to our project, how it evolved in Cordova
6 and how we arrived at some interaction with GEM. And
7 through a community involvement initiation, we were able to
8 get it to this level where we're doing this planning for
9 the modeling phase. We had a very good turnout in Homer,
10 there's a lot of interest down there and my feeling is that
11 the Council would be well advised to try to consider a
12 small amount of seed money for communities on the coastal
13 regions that have been impacted to maintain some little
14 core groups or something to get people activated that will
15 help them fund some meetings. And, you know, to just get a
16 general discourse going between residents of those areas
17 because a lot are feeling that they're just kind of left
18 out in the cold.

19 And often these folks have issues and needs
20 they can identify that are unique to their area that would
21 be relevant to the GEM long term monitoring concept. So we
22 hope that this -- you know, it appears from the last kind
23 of evolution of the invitation and all that community
24 involvement has receded as a priority. Under the NRC
25 review, they did emphasis the need for community

1 involvement. And I know you have attached to your science
2 request that each proposal include a community involvement
3 component but often those are really not substantial and
4 many science programs don't have any real -- have any
5 opportunity to do that.

6 So I hope that the type of outreach that
7 the Council did in March, going to Seward, and that the
8 support of these coastal communities will be solicited.
9 And I believe in the long run it will be healthy for the
10 Council to get this broad base support. My belief is that
11 the citizens of the region own this Trustee fund. I mean,
12 it belongs to the people of the oil impacted region and
13 they should be treated with respect and try to nurture
14 their involvement so that they can feel like they have an
15 ownership interest and you will get the support that you
16 all would like to have for a program that has tremendous
17 potential for the future. So that's basically my comment.
18 Thank you for listening.

19 CHAIRMAN DUFFY: Thank you, Mr. Mullins.
20 Other public comment? Sir.

21 MR. LAVIN: Thanks. For the record, I'm
22 Pat Lavin and I'm a member of the Public Advisory
23 Committee. As well, I'll be brief because I think all of
24 the speakers coming before me have hit the points that I
25 intended to raise. The transparency is key and it was the

1 manner of the decision -- and I don't think we have to get
2 at the merits of it, really, it's not about particular
3 funding decisions, it's how the decision happened on August
4 23rd that really has the effect of undermining GEM. And I
5 think you're hearing that fairly loud and clear, I just
6 want to convey that again and maybe keep it real short and
7 take a little of the remaining time and just ask whether
8 and how the Council plans to respond or whether you
9 consider this a valid concern. I guess that question is
10 for anybody.

11 CHAIRMAN DUFFY: Well, thank you for that
12 question but this public comment period and it's not meant
13 to be a debate between Council members and members of the
14 public. We've take care your concerns as well as those of
15 others under advisement and hopefully we'll address some of
16 those issues throughout the proceedings today. But this is
17 not an opportunity for a debate with Trustee Council
18 members.

19 MR. LAVIN: That's fine. Thank you.

20 CHAIRMAN DUFFY: Thank you, Mr. Lavin.

21 Further additional public comments?

22 (No audible responses)

23 CHAIRMAN DUFFY: One more time back to the
24 telephone. Anyone wish to comment?

25 (No audible responses)

1 CHAIRMAN DUFFY: Hearing none, the public
2 comment period is closed and the next item on our agenda is
3 the Executive Director's report.

4 MS. PHILLIPS: Thank you, Mr. Chairman.
5 The first item on the Executive Director's report is the
6 liaison hour survey. At our last meeting, the Trustee
7 Council was apprised of the fact that several agencies do
8 put a lot of time into EVOS business and have no -- because
9 they don't have direct projects, they have no chance at
10 being reimbursed for the time that their personnel are
11 putting into EVOS business. So the Trustee Council
12 requested that Paula do a survey of the hours from the
13 different agencies and then we would bring forth a policy
14 proposal to the Trustee Council after we have all the
15 information. I'm going to call Paula forward to give her
16 report on that at this time.

17 CHAIRMAN DUFFY: Okay, thank you. Thank
18 you, Paula.

19 MS. BANKS: Good morning. For the record,
20 my last name is Banks, B-A-N-K-S. I've provided to you in
21 your packet a spreadsheet that just basically -- and it's
22 fairly simple, it outlines the number of hours and -- or
23 the estimated number of hours and the personnel costs and
24 travel associated with those departments that do work on
25 EVOS projects that are not included in a budget that's

1 being supplemented by EVOS, whether it be a project or by
2 project management. Department of Justice, I wasn't able
3 to get information on their wages and travel but I will add
4 that at a later date. I was able to get Maria's estimates
5 just today and if you'll add those to your spreadsheet
6 under personnel costs, the estimate was \$8,700 and under
7 travel it was \$2,500 for a total of 11,200 and
8 approximately 150 hours.

9 It was my understanding that these figures
10 were to make decisions in the future as to whether or not
11 we were going to offer compensation to agencies that aren't
12 normally compensated through project management or project
13 budgets. And that is it for that.

14 MS. PHILLIPS: Mr. Chairman, because we did
15 not get all the information yet from some of the agencies,
16 we wanted to wait until we had it all before we present --
17 made a policy proposal for the Trustee Council. Hopefully
18 we will have it for the next meeting. If you have -- if
19 you can look at the list and see some of your people that
20 haven't gotten back with Paula, please recommend that they
21 do as soon as possible.

22 CHAIRMAN DUFFY: Drue.

23 MS. PEARCE: Gail, is it your intent when
24 you do have all the information to bring a proposal to the
25 Council that we would reimburse those agencies?

1 MS. PHILLIPS: I will give you -- I will
2 offer you two proposals. Most likely one that we will do
3 an amendment to the 250, the management budget,
4 administrative budget, so that they can be reimbursed for
5 this year. Or secondly, we establish a policy for future
6 years out, that they be reimbursed.

7 CHAIRMAN DUFFY: Kurt.

8 MR. FREDRIKSSON: Yeah, Gail, just to be
9 clear in my mind, right now any financial support to the
10 Trustee Council agencies is with respect to management of
11 particular projects that are sponsored by the agency?

12 MS. PHILLIPS: That's correct.

13 MR. FREDRIKSSON: So when we --
14 participation at PAC meetings, participation with STAC,
15 communication with the public on Trustee Council issues is
16 not now reimbursed?

17 MS. PHILLIPS: That is correct.

18 MR. FREDRIKSSON: Nor is the Trustee
19 Council time.

20 MS. PHILLIPS: And it did become a -- it
21 has become a big issue for some of the agencies that don't
22 have projects.

23 MR. FREDRIKSSON: Okay. And so, Paula,
24 that's what you're searching for here with the agencies.
25 It's not just what they're doing with respect to project

1 supervision but actual involvement in the Council business.

2

3 MS. BANKS: Right. And what -- the time
4 that they're spending and they are not receiving
5 compensation for.

6 MR. FREDRIKSSON: Okay, thank you.

7 CHAIRMAN DUFFY: Any questions, Trustee
8 Council members?

9 (No audible responses)

10 CHAIRMAN DUFFY: Okay. Thank you, Paula.

11 MS. PHILLIPS: Thank you, Paula.

12 MR. TILLERY: Mr. Chairman.

13 CHAIRMAN DUFFY: Oh, Mr. Tillery.

14 MR. TILLERY: I wouldn't have, of course,
15 implicit is that there is a third choice, which is to do
16 nothing different and simply leave it the way it is.

17 MS. PHILLIPS: Certainly. I just thought
18 I'd put things in the positive light. The next item under
19 the Executive Director's report is the investment working
20 committee. We do have an investments committee meeting
21 scheduled for this coming Monday, the 13th. It will be --
22 Paula, would you give just a brief explanation to what the
23 agenda for that meeting will be. I'm sorry, I should have
24 just kept you up here.

25 MS. BANKS: The investment working group

1 will get together on Monday and we'll talk about our
2 current allocation policy and our current status of the
3 investments and where we stand. And then bring forward
4 some recommendations on adjusting or not adjusting our
5 current allocation.

6 CHAIRMAN DUFFY: Drue.

7 MS. PEARCE: Who are the members at
8 present?

9 MS. BANKS: Let's see if I can remember
10 them off the top of my head.

11 MS. PHILLIPS: Mike Burns.

12 MS. BANKS: Michael Burns, Peter Bushre,
13 Gary Bader, Jim Balsiger, Bruce Nesledge, Barry Roth, Craig
14 Tillery and I believe Gail. And that's -- I think that's
15 it.

16 MS. PEARCE: So Barry Roth is still on?

17 MS. BANKS: Yes, absolutely. And he does
18 plan to attend.

19 MS. PEARCE: Is going to be on by phone?

20 MR. BANKS: He's going to be on by phone
21 and so is Bruce Nesledge. The only one I think that is not
22 going to be there is Jim Balsiger and I've given him the
23 opportunity to have Pete sit in if he chooses so. And
24 Peter Bushre is not going to be available, but the
25 remainder will be, so.....

1 CHAIRMAN DUFFY: Gail.

2 MS. PHILLIPS: There will be a PowerPoint
3 presentation available for this meeting and we will make
4 sure that that goes out to the Trustees with a report of
5 the meeting as soon as it does occur. Or as soon as the
6 meeting is over. Thank you, Paula. Why don't you just
7 stay. And while we're just discussing the investments
8 committee, I just might remind everybody that we have
9 received the annual audit and Paula sent it out to
10 everybody a couple of weeks ago. We have extra copies
11 here. If you did not get it, make sure you pick one up and
12 that will be a future item for discussion.

13 The next item on the Executive Director's
14 report is an update on the January science symposium and I
15 would like Richard -- Richard just stepped out -- Richard
16 and Paula to report on where we are with the symposium
17 planning.

18 MS. BANKS: I'll give you what I know so
19 far.

20 MS. PHILLIPS: Here's Richard.

21 MR. DWORSKY: And I'm going to bring my own
22 chair.

23 MS. BANKS: The symposium, we're estimating
24 about 350 people, which is typical of what we have
25 annually. Last year I believe we had just a little over

1 400 total. We have sent out a proposal to three different
2 hotels, the Marriott, the Hilton and the Captain Cook.
3 I've got some preliminary numbers but I'm not authorized to
4 give out any information until the contract has actually
5 been signed. So we have contributors that are providing
6 monetary support from all over the different agencies. For
7 example, North Pacific Marine Science Foundation, NPMSF.
8 North Pacific Research Board. Prince William Sound Science
9 Center. Alaska Sealife Center, still waiting on a
10 commitment letter but that should be in soon. AOS, North
11 Pacific Management Council, and of course EVOS is
12 contributing a portion of that.

13 Right now currently we have 190 people
14 registered. There are 88 speakers registered and 35
15 presenters will be presenting posters.

16 MS. PHILLIPS: Richard.

17 MR. DWORSKY: Good morning. As you know,
18 the symposium starts on the 24th of January. We have it
19 broken down into a number of sessions. We have at least 22
20 co-sponsors, this number kind of keeps going back and forth
21 for not very good reasons. Just the people are in or
22 people or out, but it's at least 22 sponsors. We were
23 hoping to have Senator Stevens as a keynote speaker. One
24 of our biggest challenges is to have an evening session
25 with Charlie Cole on lingering oil to discuss that issue

1 and how the settlement came about and at the same time
2 create a larger audience for public participation and
3 public information. Probably get a little bit better press
4 there. I recognize Craig Tillery's name as the moderator
5 in here so as I understand it, we have to keep on schedule
6 on that one also.

7 The topical areas, just for your
8 information, then I'll be done, is climate change, Arctic
9 climate impact, ocean observing, physical oceanography,
10 fisheries oceanography, contaminants, oil impacts,
11 settlement overview, benthic habitat, marine mammals and
12 seabirds, fisheries science and management. We are going
13 to take one little different change, this year we're going
14 to have a panel on decision making, science and politics
15 where we hope to have Ben Stevens, an outside consultant,
16 maybe Paul Easley and several others talk about how we make
17 science decisions that help the political process and
18 decision making processes in government, which I think is
19 kind of a new approach that we're taking. And if I have no
20 more questions, that's it.

21 MR. TILLERY: Mr. Chairman.

22 CHAIRMAN DUFFY: Mr. Tillery.

23 MR. TILLERY: Yeah, just to make sure I
24 understand this, in the past and for many years, this has
25 been an Exxon Valdez Oil Spill Trustee Council symposium.

1 And I'm sort of getting the impression that it's now really
2 just a North Pacific marine science symposium of which the
3 Exxon Valdez Trustee Council is one of the presenters. Is
4 that right or wrong?

5 MS. PHILLIPS: That is correct. It was at
6 first -- the symposium was just the EVOS Council.

7 MR. TILLERY: Right.

8 MS. PHILLIPS: And several years ago, three
9 years ago, it was changed to include all the different
10 science entities as far as marine science.

11 MR. TILLERY: But I think it's been a
12 gradual evolution but we started out just including other
13 people and now it sounds like it's really just -- it's not
14 like it's our symposium anymore. It's just a collaborative
15 symposium at this point, is that right?

16 MS. PHILLIPS: That's right.

17 MR. TILLERY: Okay.

18 MR. DWORSKY: Yeah, we're really interested
19 in the information transfer and between and among parties
20 who are doing very similar type of work across the agency
21 boundaries. So we find this as a way to collaborate and a
22 way to guide some of your further research and techniques.

23 CHAIRMAN DUFFY: Further comments, Trustee
24 Council members?

25 (No audible responses)

1 CHAIRMAN DUFFY: Hearing none, thank you.

2 Thank you both.

3 MS. PHILLIPS: The next item will be Rob
4 Bochenek giving an update on our data management processes.

5 MR. BOCHENEK: Good morning, Rob Bochenek,
6 EVOS TC data systems manager. I understand that you guys
7 have a lot on your schedule today, so I'll try to make this
8 as brief as possible. Basically I wanted to -- Gail
9 approached me two weeks ago and asked me to comment on
10 basic data management endeavors which have taken place
11 since the last Trustee Council meeting. As soon as I get
12 this up, I'll continue. Sorry about the delay. Well, I'll
13 just continue and maybe we'll get on this or not. I don't
14 know, we'll see. A lot of effort has been spent in the
15 last two or three months developing an architectural
16 document and an architectural system for the data
17 management system for EVOS. Included in your packet is a
18 four page white paper kind of detailing some of the
19 structure and specifics of the system. I'd like to really
20 quickly go through that document and just kind of just
21 stress some of the most important points of it.

22 We're taking the approach here of creating
23 some type of centralized data store to serve as both a
24 management tool, an access tool, and also as an archive.
25 This is a central repository that's going to basically

1 store both metadata, data concerning data, and actual data
2 sets themselves. There's been an effort before to discuss
3 ideas of using a distributed system. And we feel that
4 using a distributed system has some serious drawbacks and
5 pitfalls potentially. The issue is that if digital
6 resources are distributed among computers in various PI
7 offices or in various research entities, there's no way to
8 insure the integrity of that data or those digital
9 resources. So what we're basing our system of development
10 on is the web service model.

11 As you're aware, there's a lot of these
12 very successful websites out there nowadays such as eBay,
13 ofoto, and things kind of like that, where basically
14 there's a centralized computer system that performs a
15 service for users. And it's interfaced through an
16 authentication scheme, which gives the semblance of kind
17 of your own private interface. We're developing this
18 system for EVOS and we've presented some of the test
19 applications to some other data collection and funding
20 agencies and they've been very impressed and are interested
21 in possibly utilizing the system. Those are some of the
22 issues that I'm going to present to the Council and ask for
23 some comment on, is creating some type of MOA between these
24 institutions and also determining what type of support we
25 can legally ethically expect from them.

1 The document is broken down into four
2 specific sections. The first one being the application
3 architecture. And that basically discusses how this system
4 is going to be structured and how people are going to
5 interface it. How there's going to be customizable user
6 interfaces and management interfaces. In addition to that,
7 there's going to be access interfaces for the scientific
8 crowd, the management crowd, and also for any other type of
9 just layperson or common user. We are taking a three
10 tiered approach in that we're storing data in a relational
11 database, which is tier one; creating some type of analysis
12 functions, tier two; and then creating presentation tiers,
13 which are tier three. This allows us to build/customize
14 the interfaces very rapidly to the data. And we can, based
15 on user needs, filter the amount of scientific information
16 or technical information that they receive.

17 The second caveat of the system, which is
18 outlined in section two, is our metadata specification and
19 I'm not going to go too deeply into this. But basically,
20 we are employing a pretty expansive metadata tool set know
21 as ecological modeling language. And it complies with the
22 FGDC, which is the Federal Geospatial Data Committee, the
23 spec that was written into law in 1999, I think it was
24 signed by Bill Clinton. And it complies with that but it
25 goes even further in correctly documenting data sets. The

1 fields of the set, lots of descriptors for discovery, data
2 analysis and visualization and data transfer also.

3 The third section, which is a data
4 processing model, basically lays out the strategy that we
5 are going to be taking in acquiring this data in metadata
6 and then analyzing it for homogenies between data sets,
7 reprocessing and aggregating it, and then actually
8 producing synthesis results. The first phase, which is
9 phase one data and metadata harvest, is where we are going
10 to go to data providers and ask them to supply their
11 individual data sets that are collected as a result of
12 funding from EVOS or funding from NPRB or funding from
13 other agencies who are going to be buying in and ask them
14 to submit their data and their metadata in the form in
15 which it was originally collected. A lot of past efforts
16 in terms of data management have revolved around the idea
17 of dictating formats and dictating unit structure and
18 dictating specifications in which to absorb data. And I
19 don't believe that this has been successful in the past.

20 What needs to happen is researchers should
21 be allowed to collect the data in whichever way they see
22 fit to perform the analysis that they need to do. Once
23 that's accomplished, they should be allowed to submit their
24 data to an archive in any form in which it was originally
25 created. By correctly -- the only specifics that we

1 mandate on these researchers is that they correctly
2 document their data. Which means producing general FGDC
3 specific metadata in addition to metadata describing the
4 actual syntax of the information, including file type, unit
5 structure, data type, software, algorithms and so forth.
6 Once we have amassed a large amount of this type of
7 information, we move into stage two, which is autonomous
8 reformatting of the data and aggregation of the data.

9 So through an analysis of the metadata
10 concerning these distributed heterogenous data sets, we
11 have enough information about the data sets where we can
12 draw from multiple data sets and reformat to a homogenous
13 type. Once we perform this operation, we can then move to
14 stage three, which is the production of synthesis OLAP
15 structures. We can go to managers and policy makers and
16 ask them what type of higher level, overall geographic data
17 analysis do they require. These stages, of course, are to
18 be spread out over three to five years. The phase one is
19 generally the data discovery and data simulation of the
20 individual data sets and the metadata is probably going to
21 take about two years. And once we've absorbed and
22 collected enough information, we can actually start
23 aggregating it to common types and common structures.

24 The questions that I have -- and I could go
25 into section four, the technology, but I'm fairly sure that

1 you're not very interested in that. But what I would like
2 to ask the Trustee Council specifically is, as of now, the
3 North Pacific Research Board is utilizing some of our
4 specifications and some of our systems to organize and
5 manage their data. Another agency or entity, the Arctic
6 Yukon Kuskokwin Salmon Initiative has presented some
7 interest in also having us, the data management staff here,
8 assist them in the management of their electronic data and
9 documents and so forth. Is there a potential issue with
10 creating an MOA with these two types of institutions in
11 order to provide them a service? Also, is there a
12 potential issue of transferring funds between agencies to
13 pay for some of these services? In addition, once these
14 funds are transferred and we are providing these services
15 to these other agencies, we made need to hire another staff
16 member in the data management section.

17 In addition to this data management system,
18 which is for completed data sets, we are currently
19 developing a near shore data management system which will
20 assist USGS scientists Tom Dean and James Bodkin in
21 facilitating their near shore monitoring program, which
22 involves a large contingent of PI's and researchers who are
23 collecting data. And this system, though very analogous to
24 the one I just described, deals with data of a different
25 type, which is not complete or dynamic. And that these

1 data sets are continually going to be upgraded, accessed,
2 traded between researchers at different locations. And
3 those changes to those data sets need to be monitored. It
4 ties in with the first type of data system that I
5 described, but the first type of data system is basically
6 projects producing data that have closed out and those data
7 sets have been peer reviewed and finalized and then
8 absorbed into a system.

9 The second system is actually managing
10 living data sets that are growing and changing. This
11 effort is going to require considerable amount of
12 development effort by data management here. And it looks
13 as if we're going to be setting up an MOA between USGS to
14 facilitate this process, and I believe that it's included
15 in the budget of the near shore monitoring program to the
16 USGS proposal. So this is something that is going to be
17 rearing its head, I think, in the future as a good amount
18 of work for data management to do. And I foresee potential
19 of hiring another individual in the section to assist. I
20 think that's it.

21 CHAIRMAN DUFFY: Is that it, Rob? Thanks.
22 Questions? Joe.

23 MR. MEADE: Thank you very much for the
24 presentation. In past I recollect your insightful and
25 technological interests in where we are able to deal with

1 our data stewardship. And I think that's very important.
2 I think that data stewardship and effective stewardship of
3 that data is a critical asset in our responsibility. The
4 question, I guess, I think we need to ask ourselves that
5 helps answer the questions that you're asking of us is who
6 is the proper steward of the data that you're asking about.
7 And I don't have the answer to that, I'm more asking, I
8 guess, the question. For example, the Alaska Ocean
9 Observing System, are they the appropriate steward of a
10 broad database or a broad location for housing such
11 collective data. And then would other agencies in turn
12 work with them for housing, populating, or storing, or
13 accessing and retrieving the data in the type of a
14 technologically advanced solution that you've described.
15 Or are we in our mission?

16 MR. BOCHENEK: Right.

17 MR. MEADE: I guess that's, to me, a
18 question for the Trustees and certainly for you to help
19 shape our insights towards.

20 MR. BOCHENEK: Right.

21 MR. MEADE: But as we look at the role of
22 the Board of Trustees, focusing on our issues with injured
23 species and lingering oil and restoration, is it in the
24 context of our broader role to serve that or I guess my
25 core issue is, we don't want to be duplicative. We want to

1 be sure that we're maximizing the investment of the
2 resources we have to the benefit of Alaskans and not
3 duplicate other things that other entities may be indeed
4 doing.

5 MR. BOCHENEK: Yes, well currently we're
6 working with the data manager of the Alaskan Oceanographic
7 Observing System and the North Pacific Research Board,
8 which is Igor Katrev. We are working in conjunction with
9 him to develop this system. The information that we're
10 dealing -- that we're concerned with with the system I just
11 laid out deals specifically with a style of data known as
12 insitu data. And insitu data is information that's
13 collected by individual researchers at point sources.
14 These include a pretty heterogenous style of information.
15 The information that AOS is concerned with deals more with
16 real time buoy information. Real time data streams coming
17 from oceanographic sensors to power models. And there's an
18 interest in AOS hosting this other type of information,
19 the more point source and historic style that GEM is
20 collecting and managing right now. But there's not effort
21 on that front to create any type of protocols or storage
22 mechanism to store that type of information.

23 AOS itself is a distributed system also,
24 in that they are not necessarily centralized in any way.
25 So AOS can act as a portal to other individual resources,

1 whether they be satellite data, insitu stuff or, you know,
2 this real time data streams. One of the critical parts
3 that I would like to stress is I believe that the
4 management of EVOS sponsored projects absolutely needs to
5 be correctly archived and managed and stored in a way in
6 which it can accessed and synthesized in order to determine
7 if these issues that you brought up such as lingering oil
8 or affected species and so forth can ever come to a close.
9 As of now, data that's being collected -- and this is kind
10 of all across the board in the United States -- is slowly
11 falling into obscurity. It's analyzed very quickly as a
12 project closes out but in terms of doing some type of
13 overall geographic or temporal analysis in terms of a large
14 scale funding scientific effort such as GEM, those types of
15 analyses are very, very, very difficult to perform.

16 CHAIRMAN DUFFY: Kurt.

17 MR. FREDRIKSSON: Kevin, yeah. I think
18 Joe, really at least from where I sit, has kind of hit it
19 on the head. To me it really is the stewardship over what
20 data sets. And what is the responsibility of this Council
21 to the data that has already been collected, to future data
22 that will be collected, and the data that may not be
23 necessarily directly associated with EVOS restoration. And
24 having spent a couple days in a workshop, a lingering oil
25 workshop here recently, I was impressed. I see Jeep Rice

1 in the background. This, the EVOS Trustee Council has
2 invested in the collection of a tremendous amount of data.
3 It would seem to me we have stewardship responsibilities
4 over the data that has already been collected and we will
5 continue that to the extent that we collect additional data
6 under our restoration program. How this -- and Rob, I'm
7 glad you're on our side because you talk about an area that
8 I am very much a novice and I speak in much simpler terms.
9

10 But I can understand the collection of
11 data, the manipulation, the archiving, the storage, if you
12 will, for purposes of analysis, synthesizing that data for
13 policy makers. We have an obligation with respect to the
14 information that's been collected to date. I would hope,
15 because I can't -- it's hard for me to tell right now
16 whether what you're talking about here is directed as a
17 first priority to the management of the data that has been
18 collected over the last 13 years. And if that is not the
19 intent, let me clearly say at least where I sit, that that
20 is a priority that I bring to this table, that if we are
21 going to have a data management architecture, it has got to
22 be applicable to what has been done to date under this
23 program.

24 Having said that, I think -- and this is
25 subject to further Council discussion clearly -- but I

1 think we directly have that obligation to our own EVOS
2 restoration data sets. I start to question, as we go
3 beyond that. And I might say with respect to who you're
4 working with, it was my understanding that to date we've
5 kind of relied on or looked to ARLIS as a repository, if
6 you will, an information storage with respect to EVOS data,
7 EVOS study. And is that something that you're working in
8 conjunction with them through this program? What is that
9 interface?

10 MR. BOCHENEK: ARLIS basically archives and
11 stores our -- some of the EVOS products in addition to -- I
12 mean, the EVOS project products in addition to any type of
13 document, which is the proposal, annual report, final
14 report, kind of electronic documentation. They do not
15 currently host data sets, which are the raw information
16 collected by the researchers. The reason being is, you
17 know, ARLIS is a library and dealing with the management of
18 data that's stored in a multitude of file formats and the
19 scientific, technical kind of specs concerning those pieces
20 of information and the interpretation, the ability to
21 interpret that information is highly technical.

22 We, of course, with the data system that
23 we're developing here, we would like to tie in the
24 contextual information concerning the data sets, which
25 includes the project information, the final report, the

1 annual report, you know, and basically allow people to
2 search for information but also to find related info too,
3 which is electronic documents, such as ARLIS. And if ARLIS
4 is, they are archiving that type of digital information, we
5 could either host it here or create a link to their site.
6 I know that their stuff is on the web. I mean, that's not
7 a big issue. The big issue right now is the information
8 and the raw data sets that have been collected back to when
9 the first restoration began. These data sets are falling
10 into obscurity as we speak right now. They're being stored
11 in locations, kind of forgotten about. The context in
12 which the measurements were taken, the algorithms employed
13 in analyzing the initial primary data is not really
14 documented. The problem is that now you could possibly
15 grab a data set that was produced five or six years ago and
16 really have no idea of what it is or how to interpret it.

17 CHAIRMAN DUFFY: Kurt. Paula.

18 MR. FREDRIKSSON: So Rob, if I'm hearing
19 you correctly, what you're working on here, what you've got
20 outlined here, is a way to take the data that has been
21 collected to date and to be able to restore, synthesize,
22 analyze and present that in a form for policy makers like
23 sitting around the table here.

24 MR. BOCHENEK: Right, right, right. Well,
25 the first step, of course, is creating the archive. Is

1 getting a snapshot of the data as it was originally
2 produced by the researcher and then documenting exactly
3 what that data is. Once that is done, what that allows you
4 to do is, of course, access that information in the context
5 of that experiment. So you're looking for research that's
6 been done on sea lions. Or you're looking for research
7 that's been done on zooplankton. You can bring up these
8 series of data sets and so forth. But associated with
9 those measurements on sea lions and zooplankton and all
10 these various biological quantities are a lot of physical
11 quantities also. What we then want to do is, by going into
12 those individual data sets and pulling out information, is
13 create a secondary higher order data model, physical data
14 model and biological data model describing an over-arching
15 kind of physical or biological data set.

16 So it might be a conglomeration of 600 or
17 700 data sets but it basically describes how the physical
18 or biological parameters in this geographic region have
19 been changing. Once that has been done, we can actually
20 start comparing and analyzing these physical or biological
21 parameters against each other and produce higher level
22 analyses and be able to do large scale trend analysis, you
23 know, basically just produce products that are not just a
24 single researchers efforts that gone on over the last three
25 years but a combination of 400 or 500 projects and millions

1 and millions of dollars of research.

2 But those are things -- the archive first
3 needs to be set up and capture the data and capture the
4 metadata. And once we amassed a pretty large quantity of
5 information and archived it, we can start producing the
6 secondary and tertiary products.

7 CHAIRMAN DUFFY: Pete, question?

8 MR. HAGEN: Yeah, Rob, thanks. I guess
9 getting from here to there sounds like is the challenge and
10 we've kind of described a long term vision and -- I guess,
11 how do you approach -- and it's good that you're working
12 with NPRB, North Pacific Research Board, because they're
13 also a funding entity and.....

14 MR. BOCHENEK: Yeah, very analogous to GEM.

15 MR. HAGEN:so I think that working
16 together with them is well and good. I'm kind of wondering
17 how you'll be approaching the agencies that may be
18 receiving some of these funds. And they're, of course --
19 they may already have a long term time series, they have
20 their own data protocol set up. They're receiving
21 additional funds to augment their research to, you know,
22 add some components that of interest to the different
23 funding groups. How do you see kind of -- you can't really
24 bring all of their existing data in and then there's
25 institutional.....

1 MR. BOCHENEK: Well, no, no, it's a --
2 well, we're talking about individual, like individual raw
3 data research sets. I mean, basically, for instance, the
4 Alaska Department of Fish and Game collects their initial
5 information, produces some type of yearly data product, and
6 then moves that information into management analysis. You
7 know, the data is analyzed and massaged or moved into some
8 type of management product. The problem is that the raw
9 data, the raw physical and biological measurements are not
10 being incorporated into any type of archive.

11 MR. HAGEN: Well, yeah there may be not
12 currently, but there's also efforts and interests within
13 agencies to do a similar.....

14 MR. BOCHENEK: Right.

15 MR. HAGEN:kind of data rescue, data
16 recovery archival. And so there's -- and I image with the
17 University of Alaska, too, which is a big partner as well.

18 MR. BOCHENEK: Right.

19 MR. HAGEN: And so I guess one question is,
20 do you have kind of a -- and obviously this is a highly
21 technical -- discussions need to take place at these
22 different levels. Do you have a group you work with? Is
23 there a statewide IT group that, you know, starting to
24 address archival data?

25 MR. BOCHENEK: Well, I've met with a lot of

1 the technical individuals at ADF&G. And I don't know if
2 you're aware, there's this IT consolidation effort.

3 MR. HAGEN: Yeah.

4 MR. BOCHENEK: And right now the IT
5 consolidation is revolving around the consolidation of
6 technical, physical hardware, creating standards for the
7 purchasing of that hardware, and the consolidation of human
8 resources and effort. But -- and I might be overstepping
9 my bounds here -- there does not seem to be any push in
10 that effort for the consolidation or standardization of
11 information and data. Maybe that is something -- it's
12 something I've talked with Kevin Brooks about and something
13 that he thought was very interesting. I've been working
14 with programmers and database managers at Wildlife
15 Conservation. And we've discussed how there is a serious
16 lack of -- in ADF&G at least, I'm not sure about the other
17 State agencies. I know that DNR and DEC have some data
18 management protocols set up but they're pretty minimal,
19 just basic FGDC metadata requirements. Which is in essence
20 just a library record, like a bibliographic record.
21 There's not really any systematic analysis of the actual
22 data structure itself.

23 MR. HAGEN: Yeah, it seems like -- and you
24 were asking about direction or possible MOA's between
25 entities, it seems like probably be good to have some type

1 of discussion level happening that agency heads could
2 bless.

3 MR. BOCHENEK: This white paper was written
4 basically for non-technical types. And there's going to be
5 a -- there's a draft version of a document that is going to
6 be much -- that is in the works right now, much more
7 technical that I'm sending out for peer review to agency IT
8 folks in addition to just national data managers. And that
9 outlays in more technical detail what's going on. One of
10 the things I'd like to really stress in this approach is
11 we're taking the idea of a web service and it is a
12 different avenue towards producing metadata and archiving
13 information in that you involve the data producer as a
14 stakeholder. They have their own, in essence, web space
15 that they log into and they manage their data set, their
16 metadata and their documents and data products. Of course,
17 there's security levels in there where basically we're just
18 providing a centralized archive that dictates specific
19 metadata requirements for the storage of information.

20 You know, I'm sure that you guys are aware
21 and you've been on these types of websites like ofoto where
22 you store your digital photographs and then you have them
23 produce the prints at a low price and they send it to you
24 in the mail and all this stuff like that. By centralizing
25 the information and storing it in a central location, you

1 insure that the information is not going to be lost, that
2 it's not going to be moved from computer to computer, that
3 you will always be able to access this information, you've
4 got a snapshot of it.

5 CHAIRMAN DUFFY: Joe and then Kurt. Joe.

6 MR. MEADE: Thank you. Again, I don't know
7 how much time we have on our agenda for in detail
8 discussion on this. It seems to me that core to the
9 discussion is the centralized archive responsibility.
10 Certainly, and I think as Kurt reflected earlier too,
11 correct in leadership, stewardship of our own data
12 collection is our direct responsibility and I strongly
13 applaud that. It seems to me what the second question is
14 asking, it's querying about being part of a community or a
15 collaborative stewardship responsibility with a variety of
16 entities and I applaud that as well. As a public servant
17 and representing a Federal agency, I think that's, again,
18 an important role that we can help to host. The query I
19 still have is are we the right source, and perhaps we are,
20 the query is more to insure that we're not being
21 competitive or duplicative. And that would be the issue
22 that I would challenge us to be sure about. Helping to
23 sponsor or foster a collaborative data stewardship
24 responsibility is admirable and appropriate but being sure
25 that we're not being either competitive or duplicative so

1 that we're maximizing the public's assets, if you. Those
2 would be the areas of my interest.

3 MR. BOCHENEK: And that's something that I
4 think once this final -- this technical implementation plan
5 is finished out of draft form and it's sent out for peer
6 review to agency IT representatives, that that will come
7 up. We've tried to do an assessment of data archiving and
8 kind of data discovery services that are out there right
9 now. And it looks like there's the Alaska Geospacial
10 Clearinghouse in addition to CIIMMS. And CIIMMS is the
11 cooperatively implemented information management -- and
12 there's another M in there -- System. I'm not totally
13 sure. CIIMMS itself I think is a great first attempt at
14 providing some type of service for the storage of metadata
15 and information but I think it falls short in a lot of
16 areas in terms of archiving of actual data sets. It just
17 provides like a link to another resource that's
18 distributed. And that brings up the issue of information
19 being moved, changed, and so forth.

20 What we haven't found yet is any type of
21 web -- I mean, any type of archiving service that actually
22 will provide the ability to synthesize information. And
23 that's the critical part about this system and the
24 architecture, is that it's built to produce higher order
25 products from existing data sets.

1 CHAIRMAN DUFFY: Kurt.

2 MR. FREDRIKSSON: Yeah, just a final
3 comment. And I appreciate the -- we're moving out of time.
4 But I would like Rob perhaps, if you would go back and come
5 back to the Council in the future with another report. And
6 what I'd -- I guess I've been in the business a long time
7 and I have been in addressed integrated data sets and
8 systems for integrating data within agencies and across
9 agencies over many, many years. It's a tough one. You
10 know, you've got lots of work ahead of you in this field.
11 But one of the things that I'd really like you to come back
12 and explain to the council is if you took this, without
13 going any farther than our own data sets, without having a
14 mission to figure out how to integrate Fish and Game and
15 DEC data sets, how you could integrate, synthesize and
16 provide information in a more user friendly form for
17 Trustee Council with respect to the restoration studies
18 done to date or in the mill. That would be very, very
19 valuable, at least to myself. And what I fear is if you
20 jump out there, because I've seen many efforts come and go,
21 many of which I have sponsored, that encourage folks like
22 yourself to go out and try and bring together all the
23 agencies, it is difficult at best.

24 MR. BOCHENEK: Right.

25 MR. FREDRIKSSON: I haven't seen it happen

1 yet. But we do have -- I mean, I look -- I just grabbed
2 our summary and this may not be exact, but we've got 16
3 million dollars invested in just herring studies. Eighteen
4 specific studies addressing herring specifically. If we
5 could get that integrated into the system that you're
6 talking about, that would be a great first step. But I
7 don't know what it would take, I don't know what the cost
8 would be, I don't know if it would be this -- it sounds
9 good if it's just an additional staff person, but I don't
10 know if that's it.

11 MR. BOCHENEK: Right, I mean.....

12 MR. FREDRIKSSON: And you don't -- we don't
13 need to belabor it today but I would appreciate you looking
14 at it and reporting back to us.

15 MR. BOCHENEK: Just one thing I wanted to
16 stress before I leave is that, you know, the agencies that
17 I'm talking about first cooperating with and working with,
18 NPRB and AYK, are agencies which are almost totally
19 equivocal to, in terms of their processes, their adoption
20 of a science plan, their RFP, their peer review, to the GEM
21 project cycle. And it would seem that it would be very,
22 very easy to integrate the management aspect of files and
23 data and so forth between these three agencies. I'm not
24 asking to go into State agencies as of now. What I'm
25 focusing on are these entities which are analogous to GEM.

1 MR. FREDRIKSSON: I guess just to make it
2 clear, what I'm asking you to do is to come back to us and
3 drill down into our PI's.

4 MR. BOCHENEK: Okay.

5 MR. FREDRIKSSON: You know, I'm more
6 concerned about the studies that have been done to date by
7 EVOS than I am about NPRB or other organizations that may
8 have good -- and they may even be useful in terms of.....

9 MR. BOCHENEK: Right.

10 MR. FREDRIKSSON:helping you design
11 the architecture, but it's the data that we've already
12 bought, if you will.....

13 MR. BOCHENEK: Right.

14 MR. FREDRIKSSON:invested in, that to
15 me is just of a critical importance.

16 MS. PHILLIPS: And Mr. Chairman.

17 CHAIRMAN DUFFY: Gail.

18 MS. PHILLIPS: Certainly this was just an
19 overview of what our data management people have been
20 working on and we will be coming back to the Trustee
21 Council as we develop each step.

22 MR. FREDRIKSSON: Good. All right.

23 MS. PEARCE: Mr. Chairman.

24 CHAIRMAN DUFFY: Drue.

25 MS. PEARCE: I think that Kurt is wise to

1 say let's first look at our own data, how do we want to
2 integrate and update so that we have the best data set that
3 the EVOS Trustee Council can put together. I agree with
4 Kurt, I spent a lot of years watching as we tried to update
5 computer systems and data delivery at the State level and
6 the Federal is not easier I've discovered. So it's a huge
7 undertaking just for the six agencies that are sitting here
8 and all the information we already have. I am not yet
9 ready to dismiss ARLIS as just a library and not an
10 opportunity to perhaps be the place that some of this
11 should be happening.

12 CHAIRMAN DUFFY: Okay. Thank you. Any
13 other comments? Craig.

14 MR. TILLERY: Mr. Chairman, just to say
15 that while I agree with Kurt about the importance of our
16 past data, we are still collecting data every year. I
17 would not begin to argue that we should try to get DEC,
18 Fish and Game, NOAA to conform to how we use data but
19 entities like NPRB are embryonic. They can create -- I
20 mean, they can change -- we can get similar to them. I
21 think that with those kinds of entities, because we are
22 continuing to do our data, they're starting to do their
23 data, we do need to have similar data techniques,
24 management techniques, so that they can be used together so
25 that they can be used across boundaries. So I certainly

1 agree that one of things we need to bring that past data,
2 but I think the system we need to bring it in to should be
3 one that is compatible with those guys, with the Pacific
4 Salmon Fund, with all these others that are just -- have
5 been starting up in the last five years.

6 MR. BOCHENEK: And one of the -- you know,
7 I wanted to present a little bit of this application right
8 now that we're actually beginning to manage and absorb and
9 document the data and documents and final reports and
10 annual reports of previous years. And the next Trustee
11 Council meeting, I'll present that to you and it will be
12 much -- it will have a lot more information collected and a
13 lot more information uploaded into the system. And it will
14 show the real power of the system. I have met with
15 representatives from those various entities and they were
16 very impressed because right now they don't have any data
17 management really going on.

18 And they looked at the option of this
19 management interface through the web for storing project
20 files, information and data. And we also have the ability
21 to do online peer reviews and automated peer reviews, which
22 they find pretty fascinating, because it's a horrible job
23 trying to do those types of things. But, yeah, within --
24 at the next meeting I will bring up an interface and show
25 what has been absorbed into the system from the past.

1 CHAIRMAN DUFFY: Okay, thank you for that
2 report and Rob, I appreciate that you wrote the text for us
3 Trustee Council members in a user friendly format. And I'm
4 certainly glad that I didn't come of your technical
5 meetings. But thank you for the report, it was very
6 thorough.

7 MS. PHILLIPS: Thank you, Rob. Mr.
8 Chairman, the next item on the Executive Director's report,
9 the workshops we have put towards to the end or down as
10 item number 9 after the executive session, I'm also putting
11 membership on the working groups at that same place, tying
12 those two together.

13 CHAIRMAN DUFFY: Okay.

14 MS. PHILLIPS: So our next item is the 2005
15 Trustee Council meeting schedule. This was presented to
16 you at the last meeting. I would like to get an indication
17 from you today of the three dates that we have selected for
18 Trustee Council meetings in 2005, so we can get those
19 locked onto the calendar. You have a tabbed section called
20 2005 meeting schedule. And the three dates would be
21 February 4th for the approval of the draft invitation,
22 August 10th for approval of final work plan and budget, and
23 December 2nd for project contingencies. The rest of the
24 dates on our meeting dates are things that the staff has to
25 follow in order -- jobs that we have to do in order to get

1 these dates for the three Trustee Council meetings we would
2 like to confirm at this time.

3 CHAIRMAN DUFFY: Gail, just a quick
4 question on the February 4th meeting date. Do you know
5 whether that does or does not conflict with the North
6 Pacific Council meeting?

7 MS. PHILLIPS: Cherri?

8 MS. WOMAC: I don't know.

9 MS. PHILLIPS: Okay. I'm sorry.

10 CHAIRMAN DUFFY: I should know that.

11 MS. PHILLIPS: I'm sorry, I don't know.

12 CHAIRMAN DUFFY: I can check my schedule.
13 Dr. Mundy.

14 DR. MUNDY: I don't know either, Mr.
15 Chairman, but we did check when we put this together the
16 first time, and we'll check it again and see.

17 CHAIRMAN DUFFY: Okay. All right. Thank
18 you. I'm now making that suggestion for others. Thank
19 you. Yeah, I think that's -- management Council is the
20 following week. Okay, thanks.

21 MS. PHILLIPS: It's just -- it's so hard to
22 set Trustee Council meetings so we thought if we could set
23 these for the entire year, maybe we could -- maybe this
24 will work with everybody's schedule.

25 CHAIRMAN DUFFY: You know, Gail, I think

1 that's a great idea because we have a lot of e-mail traffic
2 on trying to set up meeting dates and if we can confirm
3 meeting dates.....

4 MS. PHILLIPS: Right. Right.

5 CHAIRMAN DUFFY: And I think it was Dr.
6 Balsiger that suggested the last time we talked that if we
7 can establish those dates early, we can work to create
8 other meetings around the Trustee Council meetings. So I
9 applaud you in trying to get this done and hopefully we can
10 lock in on some dates.

11 MS. PEARCE: Mr. Chairman.

12 CHAIRMAN DUFFY: Drue.

13 MS. PEARCE: Gail, is it your intent to go
14 to a two day format?

15 MS. PHILLIPS: That would be the next thing
16 that we would discuss.

17 MS. PEARCE: Okay.

18 MS. PHILLIPS: One of the requests that
19 came out of the Seattle meeting was that we would change
20 our meetings rather than one day to two days or a day and a
21 half. And we can just adjust these dates by that if that's
22 what you -- if you folks would like to do that.

23 CHAIRMAN DUFFY: Just my response to that
24 would be given that often times our meetings start at 10:00
25 and are rushed to be done by 5:00, trying to be responsive

1 to public comment on the decision making process we often
2 go through, I believe that looking at a bit longer meetings
3 would facilitate, improve the cooperation and decision
4 making with the STAC and PAC. I also think it would give
5 us more time to adequately explain to the members of the
6 public the decisions we're going through. So I would be a
7 supporter of a day and a half, maybe two days meetings as
8 necessary to make sure that we have adequate time to
9 address all the issues in front of the Trustee Council.

10 Joe, did you have a comment?

11 MR. MEADE: I would certainly support your
12 last remark. I think that giving ourselves adequate time
13 these three or four meetings a year to make sure that we've
14 had opportunity to fully vet discussions and gain insights
15 from our PAC and STAC and fully be able to discuss and
16 disclose our processes in thinking is very important. The
17 other piece I was going to offer as far as looking at
18 scheduling dates, perhaps we can take the dates that Gail
19 has offered and check our calendars and by the time we
20 conclude today, come back and ratify those dates, rather
21 than tie up time right now in deliberating each date. I've
22 already got a conflict with at least one of those. So
23 perhaps the best thing to do is to use some of our break
24 time and then come back at the end of the day and re-
25 discuss rather than tie up.....

1 MS. PHILLIPS: Sure, that would be fine.
2 And keep in mind too that that doesn't preclude us from
3 doing teleconference meetings whenever those are necessary,
4 you know, as things come up, so. But we would like to lock
5 in the main dates for action that is needed for the Trustee
6 Council to take.

7 CHAIRMAN DUFFY: Okay. Thank you, Gail and
8 Joe. We'll circle back to this item at the end of the
9 meeting as you've suggested to confirm the meeting dates.
10 Craig.

11 MR. TILLERY: Oh, I was just going to note
12 that I'm really not in a position to confirm anything for
13 the Attorney General. But that's probably obvious.

14 CHAIRMAN DUFFY: Understood.

15 MS. PHILLIPS: Yeah. Okay, the next item
16 is a brief update on the science plan revisions. Richard.
17 I'm using the operative word brief.

18 MR. DWORSKY: Brief. I have all these
19 papers to talk about. I just have a couple of points to
20 make that will truly be brief. We drafted portions of the
21 science plan as a result of the meeting we had in Seattle
22 and the understanding of the lingering oil issues. We've
23 sent that out for comments so we have got some. I think
24 there will obviously be some discussion about where the
25 Council wants to go. Let me share something with you

1 briefly. As I was listening to the lingering oil
2 especially and the idea of closure on species, I didn't
3 have a sense because there's too many parts out there, so I
4 put together a chart that's in front of you all. You can
5 just -- it's clear this is from reports we've already done.
6 This is from the restoration plan.

7 We have the species on the left, we have
8 the injury and recovery, we have the restoration objective,
9 we have the strategy. And then over in the last portion we
10 have what the status is, what we know. And what are the
11 things that are called for, natural recovery, monitor
12 recovery, protect habitat, ongoing research. So on one
13 sheet we have, at least from my standpoint in taking to the
14 work groups which we may or may not get to later, have an
15 idea of where we're at and where we might want to have
16 closure on species as part of the science plan. I just ran
17 this off the other day so you haven't had a chance to look
18 at it. But at least from my standpoint it gives you a very
19 clear -- it gives me a clear idea of where we're at and
20 where we need to go in terms of species management and
21 ecosystem management. Both of which are called for in the
22 EIS. That's all I have.

23 CHAIRMAN DUFFY: Council members, any
24 comments or questions?

25 MR. FREDRIKSSON: I guess, just Richard,

1 because I just glanced at this, kind of unrolling it, I
2 didn't display it. But what I'm seeing is, this is pretty
3 much a summary from the '02 update?

4 MR. DWORSKY: The '02 and the '04. The
5 restoration plan and the updates we've had and the latest
6 -- yeah, and the latest revisions. Now based upon the
7 meetings we had in Seattle, there might be some ways to
8 address some of these other topics.

9 MR. FREDRIKSSON: But I.....

10 MR. DWORSKY: But this is data that we
11 already have in place and the only thing that we've really
12 done is we've looked at these -- we have the 02-202 status
13 and we have the '06 status as of -- the draft status as of
14 -- what we think today. And the list of the investigators
15 so can at least get an idea that if we're looking at that
16 as an issue.

17 MR. FREDRIKSSON: And I just, I guess
18 because it just kind of caught my eye on pink salmon, you
19 know, in the recovered category, we still have restoration
20 objectives, strategies, end points that speak to it as if
21 it is not recovered. Is that correct?

22 MR. DWORSKY: That's the way I would
23 interrupt this.

24 MR. FREDRIKSSON: Okay.

25 MR. DWORSKY: That gets into the idea of

1 species recovery versus ecosystem recovery. Okay, here's a
2 -- if you look at the larger body in the Sound, you come
3 out with some different answers than a site specific.

4 MR. FREDRIKSSON: Right, but do we have eco
5 -- but we don't have ecosystem on there, do we?

6 MR. DWORSKY: No, no, I've not done that
7 because one of the things is -- that's one of the things
8 we've proposed in the GEM and the long term monitoring as a
9 holistically monitoring system to look at the larger
10 framework.

11 MR. FREDRIKSSON: Okay, thanks.

12 MR. DWORSKY: Okay.

13 CHAIRMAN DUFFY: Other questions?

14 (No audible responses)

15 CHAIRMAN DUFFY: Thank you, Richard.

16 MR. DWORSKY: You bet.

17 MS. PHILLIPS: Thanks, Richard. And Mr.
18 Chairman, our last item under Executive Director's report
19 is a brief update by Dr. Mundy on the GEM science plan
20 book.

21 DR. MUNDY: Mr. Chairman, members of the
22 Council. For the record, my name is Phil Mundy, I'm the
23 science director here. The GEM science book is very close
24 to being ready to be published. We have put the galleys of
25 the chapters in PDF format on the website and we circulated

1 that website to the Trustee Council members. The hold up
2 at this time are illustrations. A good many of the
3 illustrations that were submitted by the authors of the
4 individual parts were too low a resolution for the needs of
5 the publisher. This was something that we didn't foresee.
6 So we've had to go back and gather up these drawings and
7 figures and try to get them in a higher resolution and in
8 some cases, we're having to have them redrawn. So this is
9 a fairly tedious process which is chewing up a lot of time.
10

11 We expect the GEM book to be out probably
12 at the publishers in April. And we should have copies in
13 our hands within six weeks to two months after that. So
14 that project is on track, a little bit behind schedule,
15 about three months behind schedule because of the problem
16 with the illustration. And that's my report. I'll be
17 happy to take questions.

18 MS. PEARCE: Mr. Chairman.

19 CHAIRMAN DUFFY: Drue.

20 MS. PEARCE: Thank you. I know that our
21 DOI agencies sent comments about the draft science plan
22 document and I think starting with, it's not just a GEM
23 science plan, it should be an overall science plan. And we
24 recommended a number of changes, not just to illustrations
25 but to the way the whole plan is laid out, written, and

1 adding pieces, partly from the discussions we had at the
2 earlier meeting but also partly from having them in black
3 and white and seeing them. I don't know if this is the
4 time, Mr. Chairman, to discuss concerns about the science
5 plan. And when we do that, I for one would like to have my
6 staff have an opportunity to make some comments so that the
7 rest of the Trustees will know what the comments that we
8 sent in. But I don't think it's going to be a short
9 discussion. But in it's present form, I don't think it's
10 ready to go to the printers in April.

11 DR. MUNDY: Mr. Chairman, may I?

12 CHAIRMAN DUFFY: Dr. Mundy.

13 DR. MUNDY: I'm sorry, I'm a little lost
14 here. I'm talking about the GEM book, which is the basic
15 science behind the GEM program. It has chapters on birds,
16 fish, mammals, climate. It has a chapter on modeling. It
17 was presented to the Council in a number of different
18 versions between 1999 and 2002. And it was accepted by the
19 Council in 2002 and finalized.

20 MS. PEARCE: Different from the science
21 plan.

22 DR. MUNDY: The science plan is a
23 derivative of the GEM book. The GEM book is basically the
24 science and the approaches, synthesis, modeling and those
25 kinds of things. And we explain in there how we plan to

1 use those approaches in the future. So this is a reference
2 document. It's something that would only be updated say
3 maybe once every 10 years or something like that, if that.
4 So it is a follow-on to -- reference to a book that may
5 people know, Hood and Zimmerman, which was the definitive
6 book on the Gulf of Alaska science that was published in
7 1984. So this is a reference for our contractors, a
8 reference for our Council members. And as the science plan
9 was taken from this and basically is laid out as a matter
10 of what we need to do, where we need to do it, and when we
11 need to do it.

12 MS. PEARCE: I guess I'm still not
13 persuaded. Perhaps we should then go back to it if we're
14 changing -- not so much changing -- well, we are changing
15 direction. We're trying to bring lingering oil
16 administration back into it so that GEM becomes a piece of
17 a larger picture rather than GEM being the primary function
18 of the Council. So I don't know whether it's something we
19 should perhaps look at as we're looking at the -- of the
20 science plan separate from the science plan book.

21 CHAIRMAN DUFFY: Okay. Let's have a little
22 more discussion. Kurt, you had your hand up.

23 MR. FREDRIKSSON: Just a comment, I guess.
24 You know, and what I heard in terms of the public comment
25 today -- and I've heard it before, I heard it in

1 communications I had with President Hamilton with the
2 university -- is the need for clarity between this Council,
3 the staff and the public. And I guess when it comes to
4 some of these significant, salient documents, I think it's
5 real important we understand what we are producing and what
6 we're sending out there. And I was actually not having --
7 unfortunately, Phil and Gail, you sit before a Council that
8 sees changes. There are changing members, but that's life.
9 I deal with oil spills with a coast guard that rotates out
10 every two, you can do it. What I'm concerned about is now
11 we have science book that's apparently going to be
12 published, I don't know if it's for sale or what. But it's
13 going to be a published document. And yet we know we have
14 a science plan that's, if you will, a living document that
15 is being modified on an ongoing basis.

16 And to me it's -- I guess I get concerned
17 in terms of how we capture apparently these desires to have
18 snapshots and times of EVOS Council work and how we put
19 that in a clear perspective that we are not locking future
20 policy, future direction, in a world that is still
21 unfolding. And this document -- really, Phil, I wasn't
22 aware of it until I saw this agenda item and I was kind of
23 going, well, why are we having -- we've got two science
24 plan agenda items. And then I discovered that one was the
25 science plan as we've been talking about revising it, as

1 you have recommended needs to be updated, and yet we're
2 publishing a science book.

3 DR. MUNDY: Mr. Chair.

4 CHAIRMAN DUFFY: Dr. Mundy.

5 DR. MUNDY: Yes, Commissioner Fredriksson
6 points out an important feature, and this is we do have a
7 changing landscape of Council members. We did a
8 presentation to the Council in fall of last year that
9 basically laid out the documents on which the program is
10 based. We laid out the original document, the origin of
11 the program is the restoration plan, and the restoration
12 plan and the accompanying EIS and the record of decision
13 laid out the policies under which the program developed.
14 In putting together the GEM program, which is the --
15 basically what was called for in the record of decision, we
16 laid out a process for benchmarking our level of knowledge
17 at a certain point in time, which is the book. And then
18 through a process of synthesis and modeling, updating that
19 on a regular basis and interacting with this thing we call
20 the science plan. And the science plan is nothing more
21 than our best statement of where we are on the knowledge
22 and what it is we think we need to do next so we can
23 communicate that to the public, we can communicate that to
24 the Council. That doesn't mean that's what we have to do,
25 that's just simply the best information, the best advice

1 that the scientific community can give.

2 The science doesn't change all that fast.
3 If you look at, for example, our 2002 publication on
4 injured resources, this was based on data through 2001,
5 through the 2001 field season. Since that time we've had
6 final data on only an additional two field seasons, so we
7 only have another two points on the graph, if you will, for
8 most of these injured species. So we've laid out in the
9 document a deliberate process of laying out benchmarks from
10 time to time and then updating that through a process of
11 synthesis and modeling. And this also interacts very
12 closely with what Rob Bochenek was talking to you about in
13 terms of data management, and that is, you know, Rob's job
14 is to make sure that when these people are doing the
15 synthesis and they're doing the modeling, reach out for
16 something, that it's there and we don't have to take a lot
17 of time to get the information into their hands, as has
18 been the case with the Spies synthesis book and with other
19 efforts where we've taken too long to get to the synthesis.
20

21 So these are part, you know, of the basic
22 documents that govern the Council, you know, historically
23 from the staff perspective. And I'd be happy to given an
24 additional briefing to any individual Council member or
25 staff at your convenience. CHAIRMAN DUFFY: Joe.

1 MR. MEADE: Mr. Chair. This I think is a
2 discussion that kind of helps frame some of the challenges
3 we have as a board of Trustees. And I think it was
4 iterated by the individual speaking during the public forum
5 today. And that's as we are an evolving board of Trustees,
6 decisions are made behind us, decisions are made by
7 ourselves, and in the future Trustees will make new
8 decisions and perhaps even question some that we have made.
9 And it has left us with an issue to resolve and to address
10 in our past, as was discussed this morning, back to the
11 August session where at times the Trustees are challenged
12 to work within our base of knowledge as well as in coming
13 to our consensus fashion, which we're required to do.

14 That being said as an acknowledgement, that
15 it's just part of the process that we're in, we're put into
16 a board of Trustees forum where that evolution needs to be
17 understood. It needs to be understood by the PAC, by the
18 STAC, by certainly the EVOS group here. And I think we do
19 understand that, perhaps it's just good to remind
20 ourselves.

21 That being said, I'm in a position of
22 suggesting that I think this is a decision that was
23 established prior by Trustees. I respect their decisions
24 and I think we should culminate the public investment
25 that's been made in culminating now and being right at the

1 threshold of going on to that document being published.

2 That being said, I think it is important
3 that it reflects accurately the nature of GEM. I'm a
4 strong supporter of GEM but again, as I think has been
5 expressed by the board of Trustees, we see GEM as part of
6 the overall restoration responsibilities that we've been
7 tasked to do, not the source and direction of where we're
8 going. But again, I don't know that we need to open up
9 that discussion here at this point. I guess the point I
10 was trying to draw, Mr. Chair, is I think as Drue
11 suggested, accurately reflecting for the purpose of fact is
12 important.

13 And aside from that, I do offer my support
14 in encouraging us to respect those decisions reached by
15 past Trustees and if continues to be in that framework and
16 within the guidance that was given then, that was should
17 see this culminate.

18 CHAIRMAN DUFFY: Dr. Mundy, go ahead.

19 DR. MUNDY: Just one additional comment,
20 Mr. Chairman. I just want to assure the Trustees, it's
21 been clear to me from the comments by Council members Meade
22 and Fredriksson, the GEM book is not a policy book. Okay,
23 the GEM book is not a statement of policies of the Trustee
24 Council. It is a science benchmark. We've been very
25 careful in this book to exclude policy conclusions or

1 anything other than economics, social science and physical
2 and biological sciences. So the book itself is a science
3 benchmark. It's an information benchmark and is not in any
4 way going to tie the hands of the Council if it decides to
5 take a different direction on policy. I just wanted to
6 make that clear.

7 CHAIRMAN DUFFY: Thank you, Dr. Mundy. I
8 feel that that's helpful. Kurt.

9 MR. FREDRIKSSON: Mr. Chairman. One, I
10 understand the concern that maybe Drue was speaking to with
11 respect to the new science book and I hope we'll have a
12 little more discussion of that later, particularly with
13 respect to the '06 priorities. With respect to the
14 previous science book, I agree with Joe. I want to also
15 honor the previous Trustee Council's decisions and I think
16 we should move forward as they made a decision to move
17 forward on this book. What I would just like to at least
18 have on the record, if not a disclaimer if you will -- not
19 even a disclaimer but just a matter of fact within in the
20 book, is to recognize that these are snapshots in time.
21 That as you said this is a benchmark of 201 or 202 or
22 whatever -- you know the date, Phil.

23 But that this is not something that then
24 folks should expect to be characterized as something that
25 is a lasting forever document in terms of where we are

1 today or where we will be tomorrow. Such that when we do
2 talk about the next science book, we don't come back and
3 say, well, we can't have a new science book because we've
4 already published the old science book. That's the kind of
5 trap that I'm very fearful of and I think we've gotten
6 ourselves into some of those in the past.

7 CHAIRMAN DUFFY: Pete or Craig, any comment
8 at this point? Pete.

9 MR. HAGEN: No. I think that's fine.
10 Yeah, it's my understanding this book is basically the
11 document that the NRC commented on and it's the corrections
12 and updating, so it's nothing that's new. So I think its
13 going forward is certainly needed.

14 CHAIRMAN DUFFY: Okay. And this is not
15 identified as an action item unless we choose to make it
16 one.

17 MS. PHILLIPS: No, it's just an update.

18 CHAIRMAN DUFFY: Any further Trustee
19 Council comments?

20 (No audible responses)

21 CHAIRMAN DUFFY: Okay, thank you, Dr.
22 Mundy. Thank you, Gail.

23 DR. MUNDY: Thank you, Mr. Chairman.

24 MS. PHILLIPS: Mr. Chairman, the next item
25 on the agenda is miscellaneous action items. And let me

1 just preface, before we get into this by saying, the lunch
2 is here but I think if everybody pays real close attention
3 and we can go through this section number 4 fairly quickly,
4 and then maybe that would be a good time to break for
5 lunch.

6 CHAIRMAN DUFFY: Okay.

7 MS. PHILLIPS: Okay, great. First item
8 under miscellaneous action items that will require action,
9 Phil will talk -- do a little explanation and close out
10 funding for the Konar project. And you have a tabbed entry
11 on that.

12 DR. MUNDY: Mr. Chairman, if I may proceed.

13 CHAIRMAN DUFFY: Dr. Mundy.

14 DR. MUNDY: At the August 23rd meeting, we
15 had the Konar icon project on a much broader form for more
16 money on the table. And the Trustee Council declined to
17 fund it at that time. And this is a very large, intensive
18 data gathering project which is currently providing us with
19 the only systematic look we have at the status of the
20 intertidal and near-subtidal injured resources outside of
21 Prince William Sound. This project works in the nearshore
22 area in the intertidal and subtidal and it's a basic survey
23 and sampling of the intertidal and the near-subtidal. In
24 Prince William Sound, in lower Cook Inlet and on Kodiak.
25 So we work in all of the oil spill effected areas. We

1 focused much of our work on the nearshore, and particularly
2 the lingering oil investigations in Prince William Sound.
3 We do have lingering oil outside of Prince William Sound
4 and we do have injured resources throughout the oil spill
5 effected areas. So this is a project that's certainly
6 useful on a number of different levels. It's also
7 important to the GEM program because it's one of the
8 projects that's providing data for the design of the
9 nearshore monitoring program itself.

10 So the proposals before you today is for a
11 total of about \$50,000 and this is essentially to hire a
12 research assistant, and additional research assistant, and
13 pay them to work up these samples so that we'll have
14 everything that they've got available to us in the coming
15 year. And this is brought to you separately from other
16 reconsiderations because this is a closeout project and in
17 the tradition of the Trustee Council, closeout projects are
18 typically brought separately because they have different
19 issues. So with that, I'll stop and answer any questions
20 that the Council may have.

21 CHAIRMAN DUFFY: Joe first, then Kurt.

22 MR. MEADE: Yes, Dr. Mundy, if I understand
23 right, in the information I've reviewed, this wrap up, this
24 completion of this manuscript work is essential to be able
25 to have the knowledge gained out of the research that was

1 -- the raw work was done and it needs to be synthesized
2 into a useful product? Is that -- so it's work we've
3 already invested into, it just needs to be drawn to a
4 close?

5 DR. MUNDY: Mr. Chairman. Mr. Meade.

6 CHAIRMAN DUFFY: Dr. Mundy.

7 DR. MUNDY: The original project proposal
8 which concluded at the end of September will provide us
9 with a report. There was working up of samples and we will
10 get that. However, there's a much larger body of
11 information that they have that would be available to us
12 and they were planning on having another year funded so
13 they collected extra samples and they were planning on just
14 working it up in the course of this year's work. So what
15 I'm suggesting to the Trustee Council is that closeout
16 funding will get us a bonus on our original investment and
17 that it's money well spent because this is basic data on
18 the intertidal and near-subtidal and the status of the
19 resource.

20 MR. MEADE: Would I be correct in those
21 were plans that were assumed by -- or not even assumed but
22 expected by the STAC when they recommended this back when
23 the original funding was approved?

24 DR. MUNDY: That's correct.

25 MR. MEADE: So this is really drawing that

1 to a close and the August session perhaps didn't recognize
2 the brevity or impact?

3 DR. MUNDY: I.....

4 MR. MEADE: To losing potentially the data
5 that you're discussing here. In other words, even though
6 this will take and reduce some of our.....

7 DR. MUNDY: Right.

8 MR. MEADE:funding available in '06,
9 it's strongly recommended still by the STAC to be able to
10 complete the data capture.

11 DR. MUNDY: Right. I'm sure that the STAC
12 would support this however this is more of an
13 administrative thing, not -- it's just -- it happened that
14 the Trustee Council did not fund.....

15 MR. MEADE: Yeah.

16 DR. MUNDY:the follow-on project,
17 therefore it's our practice, our procedure to come back and
18 ask for closeout if we think we can get -- if we think
19 we've got data that are hanging out that haven't been
20 worked up yet.

21 MR. MEADE: Thank you.

22 CHAIRMAN DUFFY: Kurt.

23 MR. FREDRIKSSON: Now I'm a little
24 confused. So we had an FY04 Konar project that laid out
25 specific expectations which they will fulfill.

1 DR. MUNDY: Which as far as I know, they
2 have fulfilled and we'll get a report.

3 MR. FREDRIKSSON: And then they came in
4 with an FY05 proposal that I guess was the same or was not
5 the same? I mean, I guess I'm trying to find the link
6 between the '04 -- what am I missing? So this is -- you're
7 asking for \$50,000 to fund their FY05 proposal?

8 DR. MUNDY: Mr. Chairman.

9 CHAIRMAN DUFFY: Dr. Mundy.

10 DR. MUNDY: No. What I'm asking for is
11 additional funding for working up samples that they already
12 have in hand as a result of the FY04 project.

13 MR. FREDRIKSSON: Now would that --
14 wouldn't that be additional -- wouldn't that have been
15 covered through a proposal request though?

16 DR. MUNDY: They.....

17 MR. FREDRIKSSON: I'm confused how that
18 fits into.....

19 DR. MUNDY: No, that's -- there are -- the
20 key word here, Mr. Commissioner, is additional. These are
21 in addition to what they owe us. The are samples that are
22 in -- typically when you do these intertidal and near-
23 subtidal projects, and I have had -- we have a requirement
24 that they retain samples and that these samples be stored.
25 And I have been, in the past, active in working with the

1 storage places such as the museum and that. And we have
2 samples that are available to be worked up. We have
3 information that essentially the expensive part has already
4 been paid for, that is, going out, doing the charter, going
5 out and getting your hands on the bugs. And so basically
6 this is a pick the bug project, okay, that's available to
7 us since we're not doing a follow-on, since we did not fund
8 a follow-on to the FY04 project.

9 The Konar project was envisioned as a long
10 term monitoring effort or as part of a long term monitoring
11 effort. So basically what they were investigating is
12 logistics and protocols and so forth, working your sampling
13 in with tidal cycles and things like that, in anticipation
14 of being part of a long term program. Now in the -- you
15 know, and again, in the Council's view, the follow-on
16 project was not appropriate at this time. Therefore the
17 staff brings to the Council the opportunities as they, you
18 know, as they come. And typically what we would provide on
19 a project like this with extensive data holdings it close
20 out funding.

21 MR. FREDRIKSSON: Again, Mr. Chairman.

22 CHAIRMAN DUFFY: Go ahead.

23 MR. FREDRIKSSON: It seems to me we are
24 going to be dealing with -- you will be speaking to the
25 Council later today about an FY05 re-visitation.

1 DR. MUNDY: Of.....

2 MR. FREDRIKSSON: Of '05 projects that
3 weren't funded, which you're -- the implication is we have
4 here, you had expectations that the '05 projects would
5 cover a need through the Konar efforts, that kind of an
6 ongoing monitoring. But yet you've now taken this out of
7 that agenda item and you've made it a separate agenda item
8 and suggested that this actually almost opportunistic
9 because they have data that you want to access. And if
10 that's the case, I'm wondering why we didn't pursue an
11 invitation on that.

12 CHAIRMAN DUFFY: Dr. Mundy.

13 DR. MUNDY: Mr. Chairman, I think I've
14 answered the question. I really don't know.

15 CHAIRMAN DUFFY: Okay, so did -- well, let
16 me ask because I'm a bit confused as well. Did Konar
17 propose this project or is it something you suggested in
18 dialogue with Konar or how did it all work?

19 DR. MUNDY: Konar and Iken called me and
20 said that they had a lot of materials that weren't going to
21 be processed, that were just either going to be archived or
22 under the rules of the Council, eventually disposed of
23 without getting the data off of it. I suggested that they
24 tell me what it would cost for us to get all of the
25 information that they had gathered worked up and into a

1 report, and this was the result of that. The Konar project
2 is not in here twice, I mean, it's not in your book twice
3 because in the reconsideration I've talked about the Konar
4 closeout. And so again, this isn't -- again, under -- this
5 is, in my experience -- that's why I'm having trouble with
6 your questions, Mr. Commissioner, is because we just
7 routinely do closeout fundings on projects like this
8 without having a re-solicitation or putting out an
9 invitation or anything like that.

10 I mean, it's there so it's before you. I'm
11 advising you that we could use the information, it's on the
12 injured the resources and it is in areas where we don't
13 have a lot of recent information. It's in the vein of a
14 bird survey and I'm saying the opportunity is here. So the
15 question to the Council is, do you want it or do you want
16 to pass? So that's really the question.

17 CHAIRMAN DUFFY: So under the '04 project
18 that's currently ongoing, is closed out, you said, in
19 September and I think they're billing through December. We
20 won't get this information unless we endorse another 50,000
21 to the PI's, is that right?

22 DR. MUNDY: Mr. Chairman, we will get a
23 final report and we will get -- and we will, you know,
24 through processing of the final report, we'll make sure the
25 Council got what it paid for. I don't think that the coun

1 -- so that Council will get a report and then we will get
2 inventory information on nearshore and subtidal resources
3 outside of Prince William Sound. They'll be very useful.
4 There is an opportunity here to, at relatively low cost,
5 get additional information and that's why I'm bringing it
6 to the Council.

7 CHAIRMAN DUFFY: So it's a supplement, kind
8 of, from your perspective? It's supplementing the
9 information they're going to provide already?

10 DR. MUNDY: It's providing and orderly end
11 to the project. I mean, as you -- they were somewhat
12 betting that they would get refunded, that didn't happen.
13 Closeout funding is a mechanism that allows us to try to
14 deal with situations like that or provides for an orderly
15 transition and prevents loss of data.

16 CHAIRMAN DUFFY: Okay, thanks. Joe.

17 MR. MEADE: I think the question or the
18 observation I was going to offer has pretty much been
19 answered so perhaps I'll just kind of reframe. If I
20 understand right, prior to my coming to the board, there
21 was a approved project that had the anticipation that it
22 could be a long and ongoing monitoring project. When some
23 of the ongoing nature of that funding was not approved in
24 '05, it left us in a situation where there was some valued
25 data that that does not link to the fulfillment of their

1 '04 project. And it's capturing the benefits of that '05
2 that we can do through these resources, since we did extend
3 that project in '05. In summary, is that in the ball
4 field?

5 DR. MUNDY: Mr. Chairman, that is correct.

6 CHAIRMAN DUFFY: The only thing I would say
7 different, my understanding, and maybe I'm all fuzzy here,
8 is they are fulfilling the obligations of their '04
9 project. Absent this funding, they will in the end.....

10 DR. MUNDY: Yes.

11 CHAIRMAN DUFFY:have fulfilled their
12 obligations.

13 DR. MUNDY: Right.

14 CHAIRMAN DUFFY: This is considered an
15 enhancement to what they are already providing and the
16 Trustee Council need to be aware that we're doing -- we're
17 funding essentially a supplement or enhancement. Dr. Mundy
18 has advised that it's a good idea to get this information.
19 Is that accurate? Okay.

20 MR. MEADE: The piece I was going to follow
21 on with that, if indeed Dr. Mundy, as our science director,
22 feels this is value data and well worth the investment
23 here, I think that it would be my recommendation that we
24 move forward with the proposal. If the funding -- and I
25 don't hear this but I guess I just want to be sure -- if

1 the funding is here to help alleviate impacts because of
2 the lack of the '05 funding, that would be inappropriate.
3 And so just to be clear, it needs to be -- I would want the
4 assurance that this is highly valuable data that will
5 really be worth that 60,000 or \$50,000 investment. And no
6 way is associated -- because it would be inappropriate for us
7 to find alternative ways to fund perceived impacts because
8 of not funding the '05 proposal.

9 DR. MUNDY: Mr. Chairman.

10 CHAIRMAN DUFFY: Dr. Mundy.

11 DR. MUNDY: Mr. Meade is correct. We're
12 very sensitive to that kind of thing. And this basically an
13 opportunity to get data. It's not a -- I believe that
14 they're adding a person not supporting an existing person.

15 MR. MEADE: I would lend my support to it.

16 CHAIRMAN DUFFY: Pete.

17 MR. HAGEN: Yeah, I just had a question. I
18 know the original proposal had a considerable amount of
19 matching fund brought in. I guess that was from the census
20 marine life program. Is that now ceased, I guess, as well?

21

22 DR. MUNDY: It's my understanding that they
23 all -- they're in a similar situation with the census of
24 marine life. They're between funding cycles.

25 MR. HAGEN: Oh, okay.

1 DR. MUNDY: So I believe that they'll have
2 opportunity for census of marine life funding in the future
3 but as far as I know, they don't have census.....

4 MR. HAGEN: Okay.

5 CHAIRMAN DUFFY: Craig Tillery.

6 MR. TILLERY: I think I was originally
7 confused when this was described as a closeout project,
8 which I don't see as a closeout project. I see it as
9 essentially a different project. Now that I understand
10 that, am I correct in thinking then that there was a
11 project, it was a multi-year project. It ended in 2004,
12 fully reviewed and approved by the STAC and everybody else.
13 It is a fine project, it does well, it's going to be
14 completed, it's on time, it's on budget, we're very happy
15 with it. These researchers on their own decided they would
16 get some additional samples or something out there and
17 maybe the Council would be interested in those. And that
18 is -- whether we should or shouldn't be interested in that
19 has not been reviewed by the STAC or the PAC or anybody
20 like that, right? This supplemental project has not gone
21 through any review process.

22 DR. MUNDY: Except to the extent that the
23 original project and the original protocols were reviewed
24 by the STAC and the PAC and recommended. In other words,
25 these data were collected under a peer reviewed project so

1 this is a peer reviewed data set that we're talking about.
2 So while this particular piece of paper has not been passed
3 out among the STAC and the PAC, the data set that we're
4 talking about here was collected. And I don't -- I mean, I
5 do see this as a closeout project and perhaps you have as
6 much or more experience with this as I do, so I would
7 certainly accept your advice on that.

8 MR. TILLERY: Can I understand then that
9 the PAC and STAC would have reviewed the procedures and
10 yeah, this good scientific methodology, et cetera, but it's
11 the need for this. I would have thought that if there was
12 a need for this, that that need would have been expressed
13 when the original project came up and someone would have
14 said, hey, we ought to run this thing to 2005 and get -- or
15 we ought to give it some money and do some more.....

16 DR. MUNDY: Mr. Chairman.

17 MR. TILLERY: It's that need that I guess I
18 don't think is really seen any review.

19 CHAIRMAN DUFFY: Dr. Mundy.

20 DR. MUNDY: Mr. Chairman, as a matter of
21 fact, the PAC and the STAC did say that, they recommended
22 to the Trustee Council that this be funded as a priority.

23 MR. TILLERY: In 2002 or whatever?

24 DR. MUNDY: In 2005, that the same thing be
25 continued. So having the -- so all I'm saying is that

1 here's a chance to get some data for an area that was
2 collected under a peer review protocol that we don't have
3 much information on because most of our efforts have been
4 concentrated in Prince William Sound, inside of Prince
5 William Sound. And the amount of information that we have
6 on the areas outside of Prince William Sound is small.
7 It's a chance to improve it. I call it a closeout because
8 it's using -- it's allowing an orderly transition that will
9 save data that would otherwise be lost.

10 MR. TILLERY: So they -- people have
11 recommended a \$50,000 project to capture this data?

12 DR. MUNDY: Yes.

13 CHAIRMAN DUFFY: Kurt.

14 MR. FREDRIKSSON: Well, to me that's double
15 talk. You've now just told us that in fact the STAC and
16 the PAC approved the Konar project in 2005, which is what
17 you're now requesting to have us approved under this agenda
18 item instead of waiting for the agenda item that's later on
19 in the day. You just told me that in fact that was not the
20 case, that this was a stand alone project. I can
21 understand where if the STAC and the PAC reviewed and
22 approved the 2004 project -- we have now had a number of
23 questions brought before this Council about process and
24 public confusion. We have to remedy that and it is just
25 this kind of situation that I think frustrates those

1 efforts. It could very well sound to me like somebody went
2 out there under an approved PAC/STAC project, collected
3 additional data, called you up and said wouldn't this be
4 nice to have. Well, sure, it would be nice to have. Why
5 would the Council avoid its invitation process to then pay
6 \$50,000 to a private investigator to basically pay them for
7 kind of off line marketing? That's how it could be viewed
8 and that's where I'm confused.

9 DR. MUNDY: Mr. Chairman. I accept the
10 fact the commissioner is confused because I don't engage in
11 double talk. You know, I think I've laid it out as clearly
12 as I possibly can. I don't -- you know, I think that the
13 issue before the Council is clear. If, you know, I hear,
14 in terms of discussions regarding the science plan, that
15 people are concerned about injured resources and they're
16 concerned about injured species and they're concerned about
17 the status. And we have taken steps under the GEM program
18 to see that we have the information that we need to resolve
19 the injured resources list. What I'm looking for here is
20 some insurance. And it's pure and simple. And there isn't
21 any double talk or misrepresentation going on here. I've
22 laid it out quite clearly. Do you want the data or don't
23 you? And we get down to the injured species resolution,
24 when we get down to the end of the resolution of the
25 injured resources list, if we come up short, well, then so

1 be it. But I brought the opportunity to the Council and
2 the Council has had a chance to hear this issue. And I
3 believe that's all I should say.

4 MR. HAGEN: Mr. Chairman.

5 CHAIRMAN DUFFY: Pete.

6 MR. HAGEN: Yeah, I'll probably, you know,
7 vote in favor of funding this. My understanding is so the
8 multi-year program that ended in FY04 ceased, the proposers
9 put in a new proposal for FY05 that would have taken the
10 FY04 field work collection plus add an additional field
11 season, or maybe it was a multi-year. You know, continue
12 it for another.....

13 DR. MUNDY: Right.

14 MR. HAGEN:three years or something.
15 So the decision the Council made was not to fund that
16 additional multi-year program and to cut it off, you know,
17 at FY04. But they have the samples collected and this is
18 an opportunity to at least.....

19 DR. MUNDY: Correct.

20 MR. HAGEN:get a little more. So
21 that's why I would be in favor of supporting this.

22 MR. TILLERY: Mr. Chairman. Are these
23 additional samples from the same areas that are already
24 going to be included in the report or are they samples from
25 new areas that were not included in that report. It looked

1 to me like they were the same areas, reading the report,
2 but I'm not confident that I read it right.

3 DR. MUNDY: I'm not absolutely certain that
4 they are not from any new areas. I think they are from the
5 same areas but at this point in time, on that question, I'm
6 not completely clear.

7 MR. TILLERY: So is the benefit that it
8 increases your confidence level?

9 DR. MUNDY: It also is a matter of the
10 level at which they can go down to. I'd have to check this
11 but I think that they are finding -- you know, at the end
12 of the day we'll get a list and some relative abundance
13 information out of this. And I think that they are finding
14 additional -- as they work up more samples, the probability
15 of -- you know, increases that they will find species that
16 they've missed. And that is, these are relatively uncommon
17 species. It's those kinds of aspects that we're very
18 interested in.

19 This is the group that found the rotoliths,
20 the new species that wasn't supposed to occur in Prince
21 William Sound waters. And again, it's that kind of a
22 serendipitous sort of thing that can happen when they're
23 doing this. But I'm not absolutely certain of the answer
24 to that question but I can find out for you.

25 MR. FREDRIKSSON: Mr. Chairman.

1 CHAIRMAN DUFFY: Kurt.

2 MR. FREDRIKSSON: I guess just to clarify.
3 My concern here -- and I appreciate it, Phil. I mean you
4 have spoken to the injured species and that is our
5 priority. I do not like to pass up data and my concern
6 here has nothing to do with the value or the merit of the
7 data. I will assume at face value that it is needed and it
8 is valuable. My concern here is with process. My concern
9 is with, if this was an FY05 project, I don't understand
10 why it's being addressed in this fashion as opposed to when
11 we get to your discussion of those FY05 projects that were
12 not funded.

13 If this is an '04 project which collected
14 additional information that we now feel is valuable, we are
15 treating this -- and I'll just put it into kind of a State
16 budgetary process. We have a process in State government
17 for an annual budget. We also have a process for a
18 supplemental budget. And that goes through very specific
19 procedures and protocols and opportunities for public
20 involvement. I'm not aware of a supplemental approval
21 process within the annual invitation. I've kind of gone
22 over as much as I can the EVOS procedures and I understand
23 the invitation process and the review by the PAC and the
24 review by the STAC.

25 If this is something that is not an FY04

1 project or not an '05 project but is a supplemental
2 opportunity to gain good data, I am only concerned by the
3 process in which that's brought to the Council for
4 approval. And I want to make sure that that kind of
5 process, if it is a supplemental process, has the
6 opportunity for PAC and STAC review.

7 MR. TILLERY: Mr. Chairman.

8 CHAIRMAN DUFFY: Mr. Tillery.

9 MR. TILLERY: I think there actually -- I
10 mean, I think there is a supplemental process and I think
11 the whole strategy from the beginning has been adapted
12 management. And to the extent that something comes up in
13 the middle of the cycle that is important, that we do look
14 at it and we should and can fund it if it's important. I
15 don't know whether that is -- are these samples such that
16 if this waited for a full review through the 206 or
17 something like that, that it would be problem? Will they
18 disappear? Will they no longer be available?

19 DR. MUNDY: Kind of the issue is will the
20 information be timely. We're looking at an injured species
21 work group process. We're looking at trying to adjust the
22 injured species list. And also you're talking about
23 personnel, you're talking about people. You have
24 specialists. The intertidal has a very, very, large number
25 of species of plants and animals and I have no idea whether

1 these people would be available. I think if the Trustee
2 Council wants to pass on this at this time, I don't think I
3 would bring it back because I just don't think that there's
4 time to get -- I think if the Trustee Council chooses to
5 act on this at this time then I think we'll get some useful
6 information in a timely fashion. If we do wait, then we
7 could and we may but I just don't know. So.....

8 MR. TILLERY: These are relevant to the
9 injured -- I sort of had the impression from what you said
10 earlier, these are kind of -- we're now at the point of
11 looking for fairly rare things down there. Are we
12 potentially looking at adding those to the injured species
13 list and how are we defining the oil impacted at this point
14 if we didn't even know they exist up till now.

15 DR. MUNDY: Well, it's not a matter of
16 injured resources per say because as you're well aware, we
17 look at predators, prey and the other parts of the
18 ecosystem that determine the survival of these species. If
19 you you're looking for -- the intertidal is particularly
20 difficult because there's so much natural disturbance in
21 that environment.

22 So if you're trying to evaluate trends,
23 you're trying to -- you want to say it's more likely than
24 not that the level of abundance of this set of injured
25 resources is as it would have been had it not been for the

1 oil spill, this is information that's useful and it's there
2 in an ecosystem context. We're not talking about oil
3 injury to injured resources per say but evaluating trends
4 in injured resources which are used as criteria for judging
5 whether or not they remain -- they're recovered or they're
6 not recovered.

7 CHAIRMAN DUFFY: Well, Gail was admonishing
8 us to move quickly on these and we haven't really followed
9 through. But I guess, I haven't said any -- little bit on
10 this. But I'm confused about the process this went through
11 to request this funding. And as chair, what I would
12 suggest -- and you don't have to take my suggestion -- but
13 what I would suggest is that we provide an opportunity to
14 take this information back to the STAC and get their
15 comments back to this on this supplemental effort. And
16 assuming endorsement by the STAC, and we should have the
17 PAC review the document as well, we could sign off on this
18 in February. And I don't think we're going to lose
19 anything in three months. That would be my suggestion to
20 the Trustee Council at this point. Kurt.

21 MR. FREDRIKSSON: That's exactly what I was
22 -- that would sure resolve any kind of process concerns I
23 might have. I think we need to observe the process and
24 have this run through the PAC and the STAC quickly. And if
25 we could come back to it, revisit it at our next meeting,

1 that would be my preference.

2 MR. MEADE: I would lend my support to that
3 and I would suggest the chair needs a motion.

4 CHAIRMAN DUFFY: Yes. Kurt, you want to do
5 that one more time, please?

6 MR. FREDRIKSSON: I would move that we
7 direct Konar a supplemental \$50,000 funding request to
8 further review by the PAC and the STAC, subject to our
9 review and reconsideration at the Council's next meeting.

10 CHAIRMAN DUFFY: Is there a second?

11 MR. MEADE: I'll second it.

12 CHAIRMAN DUFFY: Seconded by Joe Meade.

13 Discussion.

14 MR. TILLERY: Mr. Chairman.

15 CHAIRMAN DUFFY: Craig.

16 MR. TILLERY: I'm not sure about the
17 logistics on that. If there is -- I don't know the STAC is
18 going to be getting together between now and then.

19 CHAIRMAN DUFFY: Dr. Mundy.

20 DR. MUNDY: Mr. Chairman, if I may suggest.
21 The Trustee Council has used the contingency funding method
22 in the past in cases where there's some misgiving on the
23 part of a Trustee Council member or any procedural question
24 such has been brought up here. As I understand what you're
25 saying, is that if this closeout is vedded through the STAC

1 and the PAC and receives a favorable recommendation, then
2 the Trustee Council would be willing to consider funding it
3 in February. You may accomplish that same purpose by
4 simply saying that you approve funding for this contingent
5 on a review by the STAC and the PAC and a report thereon
6 that favorably reviews this. And that's again a procedure
7 we've used in the past. Because sometimes there are
8 projects that are not quite right that the Council may want
9 to fund. And for other reasons or maybe some process issue
10 or some content issue. And so the fund contingent method
11 is something that's been used to advantage in the past and
12 it also would take an item off of your plate later on in
13 the year. So that's just a suggestion.

14 MR. TILLERY: Mr. Chairman, I would suggest
15 again that I'm not -- I think this does need some further
16 review. I'm not sure it needs to go -- certainly we've
17 never sent something contingent based upon a PAC review.
18 We have done it based upon sort of satisfying peer review
19 concerns. And I wouldn't necessarily have any problems
20 with that but I don't think necessarily this has to be
21 approved by the STAC. If Dr. Mundy was able to put
22 together like a peer review group, you know, that sort
23 approximately -- because I don't think we're going to get
24 this tied together anyway -- and have that come back to us.
25 I think that would be an adequate.....

1 CHAIRMAN DUFFY: My thought on the STAC
2 review was not that they needed necessarily to have a
3 meeting but that the information was shared by e-mail or
4 whatever method and comments were provided back by the STAC
5 to the science director suggested favorable or non-
6 favorable.

7 MR. TILLERY: I would say that or an
8 appropriate peer review body, either one, and then come
9 back with that in February.

10 CHAIRMAN DUFFY: Yeah, I'd almost be in
11 favor of the fund contingent mechanism that Phil indicated
12 just for the mechanics of it. I certainly don't -- if the
13 STAC has some additional suggestions or want to change
14 things or have a different recommendation, I think that
15 would be good. It's just there's always a delay once the
16 approves something until the actual funding gets to the
17 PI's. And so that would be my only concern, that again,
18 that Phil mentioned, that continuity of keeping people
19 there would be a concern.

20 MR. TILLERY: This is not a field season
21 issue. There's no field season we have with this.

22 MR. HAGEN: For taxonomists it's the field
23 season because they're the ones that are -- this is the
24 time of year they're going through and doing the species
25 identification. From my understanding, that's kind of what

1 this project is really addressing, so.....

2 MR. FREDRIKSSON: My motion was not to
3 encumber this process with meetings and to make this a
4 laborious process. But I am quite concerned that we are
5 working in an area where we have been taken to task in the
6 past for not having that kind of public involvement and
7 communication. I know as I sit here, we're going to engage
8 in a lot more knowledge and a lot more communication with
9 respect to each and every one of these projects as we move
10 forward. That's why we talked earlier about, you know,
11 possibly funding agency involvement with respect to our
12 liaisons. I want to learn more about the Konar project. I
13 think it's important to communicate with those PAC members,
14 maybe it doesn't have to be the whole PAC. I'd sure
15 entertain, you know, something not so onerous. And I don't
16 feel like we should be just delegating the authority to
17 actually fund contingent upon those kind of approvals. I
18 think it's important for this body to retain that approval.
19

20 MR. TILLERY: I agree. In the past where
21 that contingency has been done is because there was one
22 problem with the thing. Because somebody at STAC or
23 somebody identified a problem with the technique and it
24 was, okay, fix this to somebody's satisfaction who knows
25 about those techniques and we're happy with it. This is an

1 entire project, which is why I don't -- I also agree it's
2 not appropriate to fund contingent upon some other -- it's
3 almost like it's an improper delegation.

4 CHAIRMAN DUFFY: Okay, we have a motion on
5 the floor and a second to ask that this information, this
6 request, be brought to the STAC and the PAC for review and
7 comment and then brought back to the Trustee Council for
8 further consideration at the February meeting. Is there
9 opposition to that motion?

10 (No audible responses)

11 CHAIRMAN DUFFY: Hearing none, so moved.
12 Next item, please.

13 MS. PHILLIPS: Thank you, Mr. Chairman. I
14 promise you, these next ones should be a lot quicker.
15 Paula. Paula is on the hot seat because she knows
16 everybody is hungry. And the next one that Paula will go
17 through is a very slight modification in figures on the
18 Hoover-Miller project.

19 MS. BANKS: Okay. The Hoover-Miller
20 project was just a data input error. There were some
21 numbers that were transposed, the amount should have been
22 97.2 but what the Council approved was the 92.7. And so
23 therefore the court notice reflected 92.7. So what I'm
24 asking for is an additional 4.5, that would be 4,500, for
25 project 05-0749, harbor seal monitoring.

1 CHAIRMAN DUFFY: Paula, so this was merely
2 a transposition problem?
3 MS. BANKS: That is correct.
4 CHAIRMAN DUFFY: And the total amount we're
5 talking about here is \$4,700, is that correct?
6 MS. BANKS: 4,500.
7 CHAIRMAN DUFFY: Four thousand -- sorry,
8 \$4,500.
9 MS. BANKS: That is correct.
10 CHAIRMAN DUFFY: Drue Pearce.
11 MS. PEARCE: I move that we approve the
12 additional \$4,500 for project 05-0749.
13 CHAIRMAN DUFFY: Is there a second?
14 MR. TILLERY: Second.
15 CHAIRMAN DUFFY: Discussion?
16 (No audible responses)
17 CHAIRMAN DUFFY: Is there opposition to the
18 motion to fund?
19 (No audible responses)
20 CHAIRMAN DUFFY: Hearing none, so moved.
21 MS. PHILLIPS: Okay, thanks, Mr. Chairman.
22 The next item is the discussion of the reimbursable service
23 agreement between ADEC and Fish and Game. ADEC does not
24 have a way of taking the money that we have appropriated to
25 all the Trustee agencies for travel and this is one way

1 that we have worked out to make this possible.

2 MR. FREDRIKSSON: I make a motion that we
3 approve the administrative procedural correction.

4 MS. PEARCE: I'm for this but why does the
5 Council need to make a motion? Can't the two agencies.....

6 CHAIRMAN DUFFY: Hold it a second.
7 Procedurally we've got a motion on the table, we don't have
8 a second.

9 MR. TILLERY: Second.

10 CHAIRMAN DUFFY: Now we have second, go
11 ahead. Thank you.

12 MS. PEARCE: Okay, sorry. Why do we even
13 need to have a motion and a second? Can't the two agencies
14 just do the RSA?

15 CHAIRMAN DUFFY: My guess is, and I don't
16 know -- Paula, correct me if I'm wrong -- between the two
17 agencies there was some -- we try and follow the rules in
18 terms of procedures and be very transparent in our decision
19 making. And in this, DEC does not have the ability to
20 receive an RSA from the Trustee Council. So this process
21 would authorize that money to come to the Department of
22 Fish and Game, who does have RSA relationship with the
23 Council and then we would reimburse DEC. Do I have that
24 right?

25 MS. BANKS: Yes, in a roundabout way.

1 MR. HAGEN: I don't think so.

2 CHAIRMAN DUFFY: Okay, if I have it wrong
3 then.....

4 MS. BANKS: May I.....

5 CHAIRMAN DUFFY: Go ahead, Paula.

6 MS. BANKS:elaborate on that?

7 CHAIRMAN DUFFY: Absolutely.

8 MS. BANKS: DEC does not have spending
9 authority, EVOS spending authority.

10 CHAIRMAN DUFFY: Spending authority, that's
11 what I got wrong.

12 MS. BANKS: And so therefore Fish and Game
13 does have additional or adequate spending authority and
14 Fish and Game has agreed to administer those funds through
15 an RSA to DEC. But in doing so, originally DEC received
16 our blessing to receive general administration for those
17 funds. And therefore, instead of DEC getting the general
18 administration funds, what we're asking, and this is
19 procedurally, we're asking that those administrative GA
20 funds go to Fish and Game versus DEC.

21 CHAIRMAN DUFFY: Thank you, Paula. I kind
22 of botched it. So Fish and Game has receipt authority and
23 we have excess receipt authority right now, which DEC does
24 not have. And by doing this, the money would come to Fish
25 and Game and through an RSA, we would reimburse DEC for

1 their costs. Now do I have it?

2 MS. BANKS: That is correct.

3 CHAIRMAN DUFFY: Okay, thanks.

4 MS. BANKS: Yes.

5 MR. FREDRIKSSON: Just a comment. I
6 apologize for taking the time of the Council on such an
7 item. And in the future I know Paula and Fish and Game and
8 DEC administrative people will work to prevent these kind
9 of things from coming before the Council in the future.

10 MR. MEADE: And I must add, in all due
11 respect, I appreciate the commissioner -- game and fish for
12 assisting DEC.

13 CHAIRMAN DUFFY: Is there further
14 discussion?

15 MS. PEARCE: Spend that \$400 wisely.

16 CHAIRMAN DUFFY: Is that any objection to
17 the motion?

18 (No audible responses)

19 CHAIRMAN DUFFY: So moved.

20 MS. PHILLIPS: Next item. Thank you very
21 much. The next item is administrative budget amendments.
22 When you passed the budget there was an increase in
23 personnel costs that we were not aware of at the time.
24 Additional cost of \$25,349.22. Paula, if you would just
25 briefly go through the justification.

1 MS. BANKS: Right. Originally when the
2 budgets were created and presented to you and you approved
3 the personnel budgets, I received information after that
4 that there were some employer costs that had increased more
5 so than what we had anticipated. And those increases
6 affect all of our internal budgets where personnel was
7 estimated. And for the record, I should probably State the
8 Alaska -- or the ARLIS project, project 05-0550, requires
9 an additional \$3,565.75 to be added to their personnel
10 budget. Project 05-0630, which is science management
11 budget, requires an additional total of \$6,807.31. And for
12 project 05-0100, which is our internal administrative
13 operational budget, requires and additional \$12,598.63.
14 And for project data management, 05-0455, requires an
15 additional \$2,377.53. For a total of 25,349.22.

16 CHAIRMAN DUFFY: Paula, a quick question by
17 the chair first.

18 MS. BANKS: Yes.

19 CHAIRMAN DUFFY: So essentially then what
20 we're doing is adjusting the budget to reflect in essence
21 merit increases that were not envisioned at the time that
22 the original budget was passed, is that correct?

23 MS. BANKS: No.

24 CHAIRMAN DUFFY: No, okay.

25 MS. BANKS: What this is doing is

1 reflecting an increase of overhead of employer costs that
2 were not anticipated at the time the budgets were created.

3 CHAIRMAN DUFFY: So it's not line 100 then?

4 MS. BANKS: It would be line 100.....

5 CHAIRMAN DUFFY: Personnel costs.

6 MS. BANKS:because employer costs
7 plus personnel costs are all rolled into the same line 100.

8 CHAIRMAN DUFFY: Okay. I'm just trying to
9 seek clarification. Joe and then Drue, please. Joe.

10 MR. MEADE: Would line 100 also include
11 unspent salary from positions that have not been filled and
12 left vacant?

13 MS. BANKS: Yes.

14 MR. MEADE: So what level of surplus do we
15 currently have from vacancies that we've not -- from
16 vacancies?

17 MS. BANKS: We had everyone onboard that
18 was budgeted for and I didn't anticipate for there to be
19 any vacancies. So there really hasn't been any vacancies.

20 MR. MEADE: I guess I was misunderstanding
21 that there had been salary savings captured over vacant
22 positions over the last several years. So what I'm hearing
23 is there is no surplus funds there.

24 MS. BANKS: Correct. Those don't carry
25 forward from year to year.

1 MR. MEADE: Okay.

2 CHAIRMAN DUFFY: Drue.

3 MS. PEARCE: So are these insurance costs?

4 MS. BANKS: Health insurance, cost of
5 living, income tax, and just varied all across the board
6 increases.

7 MS. PEARCE: Okay, but they're increases
8 that roll in that other departments are asked to find the
9 money for without getting increases but they are not --
10 it's not merit, but it does include COLA?

11 MS. BANKS: From what I understand. The
12 information that I've received from headquarters that puts
13 the estimates together, that that was part of the equation,
14 yes.

15 MS. PEARCE: And this is for the budget
16 submission that is made that the legislature will take up
17 the budget?

18 MS. BANKS: That is.....

19 MS. PEARCE: That is not for last year's?

20 MS. BANKS: That is correct. That is
21 correct. All agencies across the board received and
22 increase. And it's actually a moving target from the e-
23 mail I received about three days ago. So we may be doing
24 this again.

25 MR. FREDRIKSSON: Point of clarification,

1 Paula. This is FY06 projected.....

2 MS. BANKS: No, no, no.

3 MR. FREDRIKSSON:increase new -- or

4 this is '05?

5 MS. BANKS: This is FY05 current year.

6 MR. FREDRIKSSON: Okay.

7 MS. PEARCE: So it's the budget that the

8 legislature passed last year.

9 CHAIRMAN DUFFY: Correct.

10 MS. BANKS: You're right.

11 MS. PEARCE: So this will go in as a

12 supplemental re -- I mean, this is just the agency -- if we

13 weren't EVOS, how would we find the money to make this

14 happen? If we were a real department?

15 MS. BANKS: I don't have a complete

16 understanding of how the State personnel is paid out but

17 from my understanding it's kind of a general fund across

18 the board.

19 MR. FREDRIKSSON: I suspect there would

20 probably line time transfers from travel or contractual

21 under your personnel line.

22 MS. PEARCE: Yeah, and the department

23 should have to eat it from somewhere else or have a vacancy

24 or something, right?

25 CHAIRMAN DUFFY: Yes, that's how we would

1 normally do it.

2 MR. MEADE: If I might add, for the purpose
3 of how we, as I understand, that we operate with EVOS, my
4 interest was to see if there were salary savings that had
5 been banked, so to say, collected. If so, those could have
6 covered this cost. In that those are not there, I'm in
7 general support of taking care of this administrative
8 procedure before we end up spending that much -- an amount
9 and considering it. So I would make a motion, if it's not
10 untimely, that we approve this administrative procedure for
11 the budget addressing the shortfall.

12 CHAIRMAN DUFFY: Is there a second?

13 (No audible responses)

14 CHAIRMAN DUFFY: Motion fails for lack of a
15 second.

16 MR. TILLERY: Well, Mr. Chairman, I'll
17 second this motion.

18 CHAIRMAN DUFFY: The motion has been
19 seconded.

20 MR. TILLERY: Can I comment on it?

21 CHAIRMAN DUFFY: Mr. Tillery.

22 MR. MEADE: Sure.

23 MR. TILLERY: So if I'm correct then, this
24 is money for EVOS employees that the agency, which would be
25 Fish and Game, is actually going to have to pay, right? I

1 mean, this is not just some kind of amorphous overhead to
2 Fish and Game, this is money they're going to have to pay
3 out of pocket. And it's occasioned by the fact that at the
4 time we did the original budget, we didn't know that these
5 positions, that health insurance costs were going to go up
6 and some other sorts of things like that?

7 MS. BANKS: That -- may I, please?

8 CHAIRMAN DUFFY: Paula.

9 MS. BANKS: We did anticipate a minor
10 increase in health insurance costs and I did reflect those
11 in my budgets, however, there were other SBS, PERS, other
12 costs that I was not aware of and that obviously or
13 apparently they weren't aware of either. And so this is
14 after the fact.

15 MR. TILLERY: Is this happening across the
16 board, all State agencies or something? Because it seems
17 like if it happened to us, it should be happening to every
18 employee you've got, is it?

19 MS. BANKS: It is.

20 CHAIRMAN DUFFY: If I could, it is.....

21 MR. TILLERY: Is that true?

22 CHAIRMAN DUFFY:happening to every
23 agency but it's still subject to approval by the
24 legislature, funding these kind of activities. Kurt.

25 MR. FREDRIKSSON: Well, I will venture out

1 here. I suspect this will be covered -- I would not expect
2 this to be a supplemental request.....

3 CHAIRMAN DUFFY: No.

4 MR. FREDRIKSSON:to the legislature.

5 This will be covered within the EVOS.....

6 MS. BANKS: Right.

7 MR. FREDRIKSSON:and/or Fish and Game

8 budget. I would imagine that the EVOS budget within Fish

9 and Game is by line item, so I would suspect what the

10 practical effect of this vote, this motion, would be that

11 the 25.4 thousand would be transferred from either an EVOS

12 travel and/or contractual line or equipment line into the

13 personnel services. Assuming Fish and Game doesn't want to

14 take it from one of their other funding services.

15 CHAIRMAN DUFFY: Yes, we don't. That's

16 correct. Pete.

17 MR. HAGEN: Well, I guess I'm not clear on

18 that. I was wondering if this was a request to go to the

19 restoration fund.....

20 MS. PHILLIPS: For additional funding.

21 MR. HAGEN:for additional funding and

22 you're talking about a transfer within appropria -- so if

23 we do not approve this then it will have to be a transfer.

24 Somehow Fish and Game will have to find their own funds for

25 it. If it is approved, then this would go to the course

1 for funds.

2 MS. PHILLIPS: Right.

3 MR. HAGEN: So that's what you're.....

4 MS. PHILLIPS: Right.

5 CHAIRMAN DUFFY: What was that again, Pete?

6 If this approved.....

7 MS. PHILLIPS: This will be an additional
8 money taken out of the restoration fund to cover rather
9 than charging Fish and Game for that \$25,000.

10 CHAIRMAN DUFFY: When did we get into this
11 idea of charging Fish and Game? I don't remember going
12 down that road.

13 MS. PEARCE: When you wanted them to be
14 your employees. Not you but.....

15 MR. FREDRIKSSON: If I might. I think Pete
16 summarized it well. I think what we're speaking here is,
17 are we going to absorb this 25.3 within the EVOS
18 appropriation that is carried in Fish and Game's budget or
19 are we going to, through this action, supplement by going
20 to the reserve for the 25?

21 MS. PEARCE: Which is not clear from the
22 motion.

23 MS. BANKS: May I clarify?

24 CHAIRMAN DUFFY: Sure.

25 MS. BANKS: What the intent of this was,

1 was to request additional funds from the restoration fund.
2 We, even though we are under the umbrella of Department of
3 Fish and Game, we still operate with our own monies from
4 the restoration reserve. So the intent of this memo was to
5 request additional funds from the restoration reserve to
6 add to the operational budgets to cover the additional
7 employer costs that were unanticipated at the time the
8 budgets were prepared.

9 CHAIRMAN DUFFY: That is very clear to me
10 and we have a motion on the table. And I don't remember
11 exactly what it is. Can someone help me? Is it a motion
12 to approve?

13 MR. MEADE: The motion was to approve the
14 administrative procedural being requested.

15 CHAIRMAN DUFFY: And we have a second. Any
16 further discussion?

17 (No audible responses)

18 CHAIRMAN DUFFY: Is there objection to the
19 motion?

20 (No audible responses)

21 CHAIRMAN DUFFY: Hearing none, so moved.
22 Thank you, Paula.

23 MS. PHILLIPS: Thanks, Paula. Next item is
24 a very short change in procedures in procedures and policy.
25 Phil, if you'd come back to the table, please. And this

1 has to do with just changing the annual reporting due
2 dates. So, Phil. Really quick. Thanks. Thanks, Paula.

3 DR. MUNDY: Mr. Chairman, if I may proceed?

4 CHAIRMAN DUFFY: Dr. Mundy.

5 DR. MUNDY: We're talking about a change, a
6 small but significant change to the policies and procedures
7 manual. And we're looking to make dates of annual reports
8 and final reports earlier. Now the annual reporting
9 process was beefed up and substantially revised when the
10 Trustee Council went to a multi-year funding. Annual
11 reports were not important per say in the -- before we went
12 to a multi-year funding because they are projects all
13 basically terminated every year and then restarted.

14 So we went to an annual report to basically
15 have a way of evaluating an ongoing project so that we were
16 sure that they were on track and that their funding should
17 be continued. Now we realized, since the Trustee Council
18 normally meets in the second half of August to consider
19 funding issues, we realized that what, in the event that we
20 make a determination that a multi-year project is not
21 performing or that there's been a -- say a health problem
22 with a PI and they can't proceed. So we wanted to have the
23 annual reports earlier so that we could take a look at them
24 and make sure that the projects were ready to proceed. The
25 final reporting -- so that's a change from September 1 to

1 August the 15th. So that's a change of two weeks.

2 In the case of the final report, we're
3 talking about changing it from April 15th to January the
4 5th and there are a couple of reasons we want to do this.
5 The time lag between the end of the fiscal year and
6 September the 30th and then April the 15th of the following
7 year is a good long ways. And in a lot of cases, this is
8 the electronic age, we have word processors, we have
9 spreadsheets, in a lot of cases the report could be
10 provided in a more timely fashion, such that we would have
11 it ready for the -- for example, for the annual meeting in
12 January. And kind of the other thing that we're looking at
13 here is that we can make allowances for projects that may
14 have very intensive data and analysis and we can get the --
15 we can set those dates up according to what the project
16 needs.

17 So this is a change that gives us the
18 ability to require a final report on January the 5th and an
19 annual report on August the 15th. But it doesn't preclude
20 individual due dates on reports from being negotiated at
21 the time of the review process. So we have projects now
22 that have various due date specified in their scheduled
23 deliverables. Mr. Chairman, I'm -- that's my report.

24 CHAIRMAN DUFFY: Thank you, Phil. Quick
25 question I have of you. Have the PI's -- are they aware of

1 this proposed change and have they expressed any concern
2 with the change in dates, in particular the January -- from
3 April 15th to January 5th?

4 DR. MUNDY: I don't think that the PI's are
5 generally aware of this. We haven't consulted with them on
6 this. Again, Mr. Chairman, if somebody came to us with a
7 -- since we're in a transition period here and since this
8 wasn't published -- I mean, for example, since this wasn't
9 published in our invitation, the projects that are already
10 funded wouldn't be under these rules, they would be under
11 the rules under which they were funded. So this wouldn't
12 have an impact under any ongoing projects.

13 And as I said, if there is a concern
14 expressed and there's a need to have a different due date
15 on a final report, then we could be flexible. The annual
16 report is a different matter because that's an ongoing --
17 that's something the people who have ongoing projects
18 should be prepared for. They should be set up for that.
19 That should be part of their schedule of -- scheduled
20 deliverables. And we need that, we believe, to provide
21 financial advice to the Trustee Council.

22 CHAIRMAN DUFFY: Okay, and a similar
23 question on final reports, given that we are -- you know,
24 we do a lot of things by e-mail and stuff, you could still
25 leave the date of April 15th in if people wanted to take

1 advantage of the fact that there's electronic transfer of
2 reports and stuff, they could certainly turn in a final
3 report earlier than that without us changing this date,
4 correct?

5 DR. MUNDY: Yes.

6 CHAIRMAN DUFFY: Okay. Drue.

7 MS. PEARCE: I know some of our PI's are in
8 the field until the end of August. Now what's the
9 flexibility? They wouldn't be able to meet an August 15th
10 deadline, I don't think.

11 DR. MUNDY: Mr. Chairman.

12 CHAIRMAN DUFFY: Phil.

13 DR. MUNDY: My feeling on that is that they
14 can make arrangements. I mean, the thing -- basically the
15 report format for the annual report is quite simple. In
16 fact, as I recall, a lot of the annual reports we got last
17 year were taken care of in one page. There are some
18 questions, financial questions and so forth and project
19 changes and those sorts of things. It's my feeling that
20 this being the electronic age, that they could make
21 arrangements to have that submitted on time, especially
22 since they know about it a long way in advance.

23 CHAIRMAN DUFFY: Drue.

24 MS. PEARCE: If what we're talking about is
25 just one page, then what is the hardship that you need the

1 extra 15 days. If they're that.....

2 DR. MUNDY: Well, as I've.....

3 MS. PEARCE:short?

4 DR. MUNDY:explained, if there is a
5 financial -- okay, so we've got this project and the
6 project has obligated an out year \$500,000 worth of costs.
7 And then we, for whatever reason, find a need to terminate
8 that project, we're not recommending that it be continued
9 the next fiscal year. That's another \$500,000 that goes
10 into the pot for the Trustee Council to use in its
11 considerations when it votes projects.

12 Another reason is, is that the September 1
13 date, because of the end of the fiscal year coming on, you
14 know, may at times be a little tight for us to get our, you
15 know, all of the projects that need to go forward in
16 funding locked down and moved on. Because each of these
17 annual reports needs to be read, they need to be
18 considered, sometimes people need to be called for
19 clarification. So there's a lot of work that goes into
20 processing those annual reports. We're looking for more
21 time.

22 CHAIRMAN DUFFY: Kurt.

23 MR. FREDRIKSSON: So Phil, if I'm hearing
24 correctly, the change in this policy wouldn't affect
25 anything that's in the mill now, it would really be -- this

1 would be applicable for FY06 projects out?

2 DR. MUNDY: It would as far as the final
3 report goes. As far as the annual report goes, we would
4 inform people. We would inform contractors that they need
5 to get their annual report in on August 15th. But we're
6 not going to go after existing projects on final reports.

7 MR. TILLERY: Mr. Chair.

8 DR. MUNDY: I mean, we just wouldn't.

9 CHAIRMAN DUFFY: Mr. Tillery.

10 MR. TILLERY: So you're saying that someone
11 who has a project that's been approved and has a final
12 report due this next fall, you would apply this to them?

13 DR. MUNDY: No.

14 MR. TILLERY: It would be the following
15 fall?

16 DR. MUNDY: Right.

17 MR. TILLERY: Okay.

18 DR. MUNDY: Yeah, it's basically the kind
19 of -- except for annual reports, which, as I pointed out,
20 is a financial consideration as we want to give the Trustee
21 Council the best information we can on what's available for
22 their -- you know, for funding projects. But it's the
23 invitation under which -- see the invitation is a very long
24 document because it has the formats for proposals and
25 budgets and advice on how those need to be applied. So the

1 rules of the invitation under which the proposal was funded
2 are the ones that we go by. And this is going to be part
3 of the rules, you know, of the invitation. So the
4 invitation will be out there. Everybody knows the game
5 that they're playing, what the rules are. And that's the
6 way we run it.

7 CHAIRMAN DUFFY: Pete.

8 MR. HAGEN: Yeah, I assume on the final
9 reports, I think the January 5th will be difficult for a
10 lot of PI's to do but I presume the same process of
11 requesting a no-cost extension, as long as there's early
12 notice to the Executive Director that the final report, you
13 know, due to whatever reason, may be difficult to meet by
14 January 5th, that, you know, there might be some allowance
15 for it. You know, I presume that process already goes on
16 in a way, so.....

17 DR. MUNDY: As I said, we anticipate
18 needing to use a lot of flexibility on reports, depending
19 on the type of project. On the other hand, monitoring
20 projects, for example, like Steve O'Conan's
21 thermosalinagraph project, I don't understand why he
22 couldn't have his final report in here on November 1st. I
23 mean so, you know, there are -- but on the other hand, you
24 know, there are projects that have a lot of data and a lot
25 of analysis and they don't even get out of the field until

1 late summer. And so we would have to give them, you know,
2 some consideration.

3 CHAIRMAN DUFFY: You could also look at it
4 that, with final reports, you could leave the deadline as
5 it currently is, April 15th, and encourage PI's to provide
6 their final reports as early as possible. So it's kind of,
7 who's responsible for doing what here. So I think there's
8 a couple of ways to look at this, Phil.

9 DR. MUNDY: Mr. Chairman, I think you have
10 more faith in human nature than I do.

11 CHAIRMAN DUFFY: Maybe I am the eternal
12 optimist. Joe.

13 MR. MEADE: I think I'm also hearing that
14 it's important to the extent practicable for the science
15 director to have those reports in January to formulate for
16 feedback for us. So if that is indeed accurate, I would
17 anticipate we'd want to try to encourage or set up a
18 process that gets us that information so it can be
19 synthesized and provided to us in a consistent way.

20 CHAIRMAN DUFFY: Fellow Trustees, further
21 discussion? Kurt.

22 MR. FREDRIKSSON: Kevin, just, you know,
23 the logic behind this makes sense, I just don't know what
24 the impact is going to be. You know, and Phil, maybe I
25 just see here a December 2nd memo to the Trustees, I don't

1 know if there's been any discussion with liaisons and PI's
2 in terms of the impact of this kind of a policy change.
3 You know, I mean I'd prefer to give this a little time,
4 just if it doesn't have a material effect, except really on
5 the FY06 projects, I'd like to, you know, have this
6 revisited at our next meeting after people have a chance to
7 just see if it's a hardship or not. But Phil, I don't
8 know, maybe this has been run by people and you have a good
9 sense of that.

10 DR. MUNDY: Mr. Chairman.

11 CHAIRMAN DUFFY: Phil.

12 DR. MUNDY: The only discussions that I've
13 had with liaisons pretty much focused on they wanted to
14 know, well, if we've got people who are coming out of the
15 field late in summer and if we, you know, we've got other
16 problems, you know, how hard a deadline is this. And, you
17 know, and I indicated just what I indicated to Council,
18 that -- this is -- the final report and the annual report I
19 think are two separate issues, even though they're brought
20 before you together. That this is a matter where we in the
21 past have employed a lot of flexibility and we take care of
22 it.

23 But I would echo Mr. Meade's comment and
24 that is, yes, we would like to get our hands on this
25 information as soon as practical. And our experience is,

1 is that if you don't have deadlines, if you don't have
2 published deadlines, then people will get their information
3 in at the last minute, typically, so.....

4 CHAIRMAN DUFFY: Drue.

5 MS. PEARCE: Mr. Chairman, I would make a
6 motion that we would defer this decision until our next
7 meeting to provide an opportunity for the liaisons and Dr.
8 Mundy to talk to the PI's and the liaisons and give us some
9 additional advice. And when the question comes back, I'd
10 like it divided, please.

11 CHAIRMAN DUFFY: Okay, that's a two-part
12 motion. Is there a second?

13 MR. FREDRIKSSON: I'd second.

14 CHAIRMAN DUFFY: So moved and seconded to
15 defer until the next meeting in order to get input from the
16 liaisons as well as the PI's and to bring this back in two
17 parts with that informed information relative to the annual
18 report and separately for the final reports. Is there
19 discussion?

20 (No audible responses)

21 CHAIRMAN DUFFY: Is there objection?

22 (No audible responses)

23 CHAIRMAN DUFFY: Hearing none, so moved.

24 MS. PHILLIPS: Thank you, Mr. Chairman.

25 And the last item under miscellaneous action items is an

1 item that DNR brought to our attention this week. They
2 need an extension on the closing out the projects on the
3 three small parcels of land that you approved at our last
4 meeting. And I'm going to ask Carol Fries please to come
5 forward. In discussing the problems DNR is having in
6 transferring title from The Nature Conservancy to the State
7 of Alaska, there is a problem there that they need an
8 extension in time.

9 MS. FRIES: When I came before you in
10 August, I suppose I was being overly optimistic since
11 shortly after that meeting, when we had asked for funds to
12 compensate TNC for their expenses, I had also asked that
13 those funds be authorized till December 31st, anticipating
14 that we'd be able to wrap this up very quickly.
15 Unfortunately we lost several tidal folks to the gas
16 pipeline and the Division of Oil and Gas almost immediately
17 after that meeting and we're very short staffed. Haven't
18 been able to complete it and we've also identified an issue
19 with the subsurface on one of the parcels that we'd like to
20 have the opportunity to work on prior to transfer.

21 So I would ask that the approval of the
22 funds be extended from December 31st to September 30th,
23 2005, which brings it in line with other funds that were
24 authorized at the August 23rd meeting.

25 CHAIRMAN DUFFY: Okay, so you're asking for

1 a nine month extension.....

2 MS. FRIES: Correct.

3 CHAIRMAN DUFFY:based on some of
4 these issues you've faced?

5 MS. FRIES: Yes.

6 CHAIRMAN DUFFY: Any questions for Carol on
7 this? Do we have a motion?

8 MR. TILLERY: So it's just the three
9 parcels?

10 MS. FRIES: Right. Correct.

11 MR. TILLERY: Mr. Chairman. I move that we
12 approve an extension of the existing funding authorization
13 for completion of the Knol, Nakada and Thompson parcels by
14 the State of Alaska until September 30th, 2005.

15 CHAIRMAN DUFFY: Is there a second?

16 MS. PEARCE: Second.

17 CHAIRMAN DUFFY: It's been moved and
18 seconded. Just by way of comment, this is not -- there are
19 no new projects being considered here nor no additional
20 funding, this is merely a time extension to complete the
21 contractual task previously identified, is that correct?

22 MS. FRIES: Correct.

23 CHAIRMAN DUFFY: Thank you. Is there
24 further discussion?

25 (No audible responses)

1 CHAIRMAN DUFFY: Is there opposition to the
2 motion?

3 (No audible responses)

4 CHAIRMAN DUFFY: Hearing none, so moved.
5 Thank you, Carol.

6 MS. PHILLIPS: Thank you, Mr. Chairman.
7 That takes care of miscellaneous action items and the floor
8 is yours.

9 CHAIRMAN DUFFY: Thank you. It is five
10 after 1:00. We are now going into executive session. Mr.
11 Tillery.

12 MR. TILLERY: Mr. Chairman, I would like to
13 move that we go into executive session for purposes of
14 discussing matters related to personnel and for discussing
15 proceeding legal advice.

16 CHAIRMAN DUFFY: Is there a second?

17 MR. MEADE: I second the motion.

18 CHAIRMAN DUFFY: Is there opposition to the
19 motion?

20 (No audible responses)

21 CHAIRMAN DUFFY: Hearing none, so moved.
22 Just to inform the public, we will try and wrap up our
23 business and come back on the record for the public meeting
24 at 2:15. That's an hour and 10 minutes from now. Thank
25 you.

1 MR. MEADE: Mr. Chairman.

2 CHAIRMAN DUFFY: Joe.

3 MR. MEADE: I'd like to validate that it's
4 acceptable that I ask my liaison and counsel to join during
5 the executive session, if that's appropriate. I understand
6 that's a normal protocol.

7 MR. TILLERY: Mr. Chairman, I would expect
8 that some parts of the executive session may be appropriate
9 for that and some parts it may not, particularly when one
10 is discussing personnel, it may not be.

11 CHAIRMAN DUFFY: Yes.

12 MR. MEADE: With the -- my counsel who is
13 also my alternate, I felt that having at least that
14 participation during the discussions would be able to add
15 consistency for when I may have to be absent. She's
16 approved as the alternate to my position. If it's not
17 acceptable, that's fine. I just -- that would be my
18 preference.

19 CHAIRMAN DUFFY: The Chair is going to use
20 what little authority he has to authorize that unless in
21 executive session we proceed to different matter. But
22 generally, that's fine. Thank you.

23 MR. MEADE: Excellent.

24 (Off record - 1:07 p.m.)

25 (On record - 2:49 p.m.)

1 CHAIRMAN DUFFY: The next item on our
2 agenda is a presentation of synthesis of the ecological
3 findings from the EVOS damage assessment and restoration
4 programs, 1989 to 2001, introduced by Dr. Mundy. Jeep Rice
5 is going to speak to the issues and I believe that we are
6 attempting to get Bob Spies, who I understand is ill, on
7 line to answer questions to the extent practical. So with
8 that, by way of introduction, Dr. Mundy.

9 DR. MUNDY: Yes, Mr. Chairman, if I may
10 have just a moment.

11 CHAIRMAN DUFFY: Absolutely. If I could,
12 Dr. Mundy, real quickly, I want to mention that we were in
13 executive session till quarter of 3:00, a little bit longer
14 than we anticipated. We were focusing on personnel issues
15 as well as legal matters. We have concluded that
16 discussion and we are now back on the record officially as
17 Trustee Council. Dr. Mundy.

18 DR. MUNDY: Thank you, Mr. Chairman. I
19 just wanted to bring to your attention a memo dated
20 December the 9th, which was passed out just this morning
21 because the information in the memo was only completed last
22 night. And this is something that I wanted to share with
23 the Trustee Council in response to some requests for
24 information we received, in particularly those from Council
25 member peers. And I have access to the website where the

1 authors are writing their book and this is -- let me hold
2 this up so that you can see what this says. This is --
3 it's just on plain paper and it says to Trustee Council
4 from Phil Mundy, cc: Gail Phillips. And the first line is,
5 Spies project, ecosystem change of the Northern Gulf of
6 Alaska. So we're -- everybody has a copy.

7 And in any event, I went on the website and
8 I read through the manuscript. I will admit not really
9 closely. And what it -- I have seen most of this before.
10 And there are at the present time about 246 pages in the
11 manuscript, the actual number of pages in the book of
12 course will depend on the format it's printed in. I have
13 below here an outline where I've characterized the seven
14 chapters of the book in terms of ready or not ready. And I
15 gave it a not ready of any section or any -- was not
16 complete, was not essentially ready to go. And the
17 introduction is ready to go. The second chapter on
18 ecosystem structure is ready to go, meaning it's ready to
19 go out for external peer review. The chapter on agents of
20 ecosystem changes, is not ready. There are a few sections
21 that have yet to be put in shape so they can be sent out.
22 Long term change in the Gulf of Alaska is not ready. The
23 Exxon Valdez Oil Spill chapter is ready and earlier I may
24 have told some of you that I didn't think that the draft
25 report from Bob Spies was in fact a chapter but the outline

1 has changed somewhat and all of these sections that were
2 presented to you are in fact chapter five, and that's
3 ready.

4 Now the discussion section where they pull
5 together the, you know, the synthesis, the effects, and the
6 impacts is unfortunately not ready to go and that was
7 something that a lot of people were interested in. And
8 then the final chapter seven, implications of ecosystem
9 change, that chapter is not ready. Now I went through the
10 manuscript in detail and I found 10 sections from the
11 incomplete chapters that are in various stages of writing
12 and I put those in an attachment to this. So if you want
13 to -- you can see that there are not that many sections of
14 the book that are outstanding at this point in time but
15 they are some fairly critical sections.

16 I put a listing and the head of the listing
17 is entitled incomplete sections and authors as of
18 12/9/2004. This would be on the one, two, three -- oh, the
19 pages are numbered. It's on page number 4 and those are
20 listed. And then following that, you'll see a complete
21 outline of the book as it stands now and the authors are
22 for each of the sections as indicated.

23 So the point I want to make is that the
24 chapter on the effects of oil was not required by the
25 original contract to be submitted separately. This draft

1 was submitted in order to receive an extension on the
2 contract deadline. And although the book will contribute
3 to resolution of the oil injured resources, to the extent
4 that the scientific findings permit, resolution of the oil
5 injured resources list was not its primary purpose. It's
6 primary purpose was to put the findings of the restoration
7 program into an ecosystem context as envisioned by the 1994
8 restoration plan.

9 Now I just want to bring you up to date on
10 the language so that we're clear on why this contract was
11 let. And I'm reading from language that was in Dr. Spies'
12 original proposal. This is from his, I think his '03
13 proposal. It says the effort being proposed is a synthesis
14 of the main scientific findings from the EVOS restoration
15 program with an emphasis on what new has been learned about
16 the affected ecosystem, particularly the variability in
17 this ecosystem in response to the spill and unnatural
18 factors. It will be based mainly on the products of the
19 scientific studies following the spill and will cover the
20 period 1989 to 2001, with reference, of course, to
21 literature covering earlier ecosystem responses and
22 significant findings from non-EVOS studies. Publications,
23 final reports and data will be evaluated to determine what
24 can be learned about human and natural forcing factors in
25 the spill area ecosystem.

1 So the product was designed to support
2 implementation of the GEM program by putting the work from
3 the restoration program into an environmental context.
4 Also in this memo I put down the original schedule as of
5 April 2002 so that you could see what was promised when.
6 And we had originally anticipated this product would be
7 ready to go to a publisher by September of this year and
8 now we anticipate that stage will be put off until June of
9 2005. I would also point out to you that in my opinion,
10 again, I'm not speaking for Dr. Spies here, but in my
11 opinion, part of the reason that we are behind schedule
12 here is that this manuscript now involves 15 different
13 authors. These authors come from government agencies and
14 from academic institutions and from private enterprise.

15 And it is a major task to coordinate this
16 kind of a writing project as I know from managing the
17 production of the GEM book, which had nine authors. So
18 with that, Mr. Chairman, I will stop and see if there are
19 any questions and that's the end of my presentation.

20 CHAIRMAN DUFFY: Thank you, Dr. Mundy. Any
21 questions? Kurt.

22 MR. FREDRIKSSON: Yeah, Phil I'm I guess
23 now just kind of looking at this for the first time because
24 I hadn't seen this. I know you hadn't until.....

25 DR. MUNDY: It was just prepared last

1 night.

2 MR. FREDRIKSSON:last night. It gets
3 -- I guess the heart of my question is essentially what did
4 the Council direct Spies to produce. What were the
5 expectations in our contract and how are you and your --
6 whatever organization you may employ to do this -- how are
7 we going to evaluate whether or not the specifics in the
8 book meet what that Council purchased. And I might just
9 direct -- I mean, very quickly I just -- all of a sudden I
10 -- and as we had communicated -- and the public should be
11 aware, there are many communications between EVOS staff and
12 Council members independently and as a whole that are not
13 -- that don't go through any public review or not shared.
14 So we do have conversations that go on. One of which, in
15 looking at Dr. Spies' book and his conclusions, I was
16 questioning, is that what we were studying. And I think
17 you informed me, no, that wasn't what we were studying,
18 that was an aside. That was something that basically he
19 did on his own time and brought into this book.

20 And I can see now in our resource
21 management, responding to pollution events, agency and
22 institutional governance. Analysis of governance
23 structures is an interesting topic if not a -- could be a
24 very important topic for the Council to take up at some
25 point. But was that, for example, something that Dr. Spies

1 was actually employed to study?

2 DR. MUNDY: Okay, Mr. Chairman, if I may.

3 CHAIRMAN DUFFY: Dr. Mundy, sure.

4 DR. MUNDY: I don't recall that the word
5 governance was in the original contract but it may be
6 because I have not read every word of the original contract
7 recently, although I did go through the outlined
8 objectives. I would say that there are probably quite a
9 few things in there that were chosen -- as I say, you've
10 got a writing team of 15 authors and they are given topics
11 out of the general objectives, the bare bone objectives of
12 the outline of the book. And what any individual author,
13 the slant they're going to put on it or how they're going
14 to deal with it is kind of up to the author. But where
15 this gets shaped, to answer the first part of your
16 question, where this gets shaped is, the reason that I
17 classified these chapters as ready or not ready, because
18 what we envision is that these chapters will go out to
19 external peer review, and at that point in time, that of
20 course includes the Trustee Council agencies, the Trustees
21 and the liaisons. And this is where, including the chapter
22 that's before you in draft now, chapter five, on which
23 we've already had some comments. And we expect the
24 authors, under the leadership of Dr. Spies as the editor,
25 to respond to these comments. So that's where that gets

1 shaped.

2 I think as part of the correspondence we
3 had on the issue that you mentioned, Dr. Spies did respond
4 that, you know, in the end the authors do have their
5 responsibility to their professional ethics and to their
6 professional -- the way they like to write things and what
7 they think is important to be included. So the authors do
8 have, you know, a substantial amount of say in what they
9 include. So that's where it would be shaped.

10 CHAIRMAN DUFFY: Thank you.

11 MR. FREDRIKSSON: Mr. Chairman.

12 CHAIRMAN DUFFY: Kurt, continue.

13 MR. FREDRIKSSON: Just to follow up, and I
14 appreciate that, I think that's clearly an important --
15 particularly in terms of what the Council wanted this to
16 do. And I guess I'll just express a growing concern as I
17 know see the full breadth of this. If the Council directed
18 Dr. Spies to study governance structures, how resources are
19 managed, for example, how the Forrest Service or how Fish
20 and Game or members of the Trustee agencies manage the
21 resource, if that's a subject in here, one, I'd be
22 surprised. If it is not, and I will just kind of postulate
23 that in fact it was not, that isn't what the Council asked
24 him to do. My question to you is, how will you, if you
25 will, evaluate the final report and, if you will, who's

1 paying him to do that if it's not the EVO -- how are you
2 going to basically tease out what we bought from what we
3 didn't buy?

4 DR. RICE: Maybe I can answer that.

5 CHAIRMAN DUFFY: Come on up.

6 DR. RICE: I'll take a stab at it.

7 Basically you bought some.....

8 CHAIRMAN DUFFY: For the record.

9 DR. RICE: Jeep Rice.

10 CHAIRMAN DUFFY: Thank you.

11 DR. RICE: And I'm actually the lead on
12 this chapter five. And Bob is the editor of the whole book
13 and he's participating in writing on that chapter but I
14 have the lead for that chapter. We've met, there's a group
15 of us, Ted Cooney and Gordon Kruse and Tom Weingartner and
16 I'm missing a couple. Anyway, these are all people with a
17 lot of institutional memory, both for the spill itself,
18 like me and Bob from the beginning, and others with
19 institutional memory for Alaska in general in fisheries and
20 whatnot. And we're writing a synthesis but we kind of
21 haven't gotten to the end yet. And these are subject -- so
22 this is really a synthesis or it will be a conceptual
23 discussion. It will not be a study on, you know, how good
24 a job are you doing managing DEC or how should you manage
25 DEC in the future, that won't be part of that issue. But

1 it's just a how does government and public et cetera manage
2 an oil spill and should it do it in some sort of conceptual
3 different way. But that hasn't been written yet.

4 You were talking about how many parts are
5 ready and not ready and whatnot. There are 40 writing
6 units, so to speak, in this outline. Thirty-seven of them
7 are drafted, the majority of those 37 are pretty far along.
8 Three of them are pretty close to zero and we can't really
9 write those until we have us a meeting of this group and
10 really outline those parts and then do it. But I envision,
11 for example, Gordon Kruse is the one slated to write that
12 thick comment that you're addressing. And I'm guessing
13 that that will be two pages long. I mean, it's not going
14 to be an analysis of man years of effort and everything
15 else. It's just going to be a concept, if you will, so I'm
16 not sure if that answers your question but that's what I'm
17 thinking off the top.

18 MR. FREDRIKSSON: And I'll just follow up
19 with Jeep.

20 DR. RICE: Oh, I know what I was also going
21 to say.

22 MR. FREDRIKSSON: Okay, sure.

23 DR. RICE: So you were saying, your
24 question was, how are you going to tease out what we paid
25 him to do and what we didn't pay him. Well, you're paying

1 some of those authors about 10,000 bucks but they're going
2 to have 20,000 bucks worth of effort into it, more or less.

3 DR. SPIES: I'm having a hard time hearing
4 all the comments, Jeep in particular stating.

5 CHAIRMAN DUFFY: We got a mike right here
6 now, can you hear me?

7 DR. SPIES: Yes, I can.

8 DR. RICE: So anyway, my point being that
9 while this effort cost whatever it cost and Bob's paying a
10 few of the authors, he's not paying me a dime for example,
11 so, you know, how are you going to tease out the money that
12 you didn't pay me not to do something, et cetera. It would
13 be pretty tough. But, you know, so I think you'll be happy
14 with the product and you'll certainly have an opportunity
15 to comment on anything that bothers you, for example, and
16 maybe we'll consider that or go forward, et cetera.

17 DR. MUNDY: We manage this as a peer review
18 process.

19 DR. RICE: Yeah.

20 DR. MUNDY: I mean, to answer that
21 question.

22 DR. RICE: Good point.

23 DR. MUNDY: And you can go to the authors
24 and say I think you're off point here, I think this
25 detracts from the manuscript and I don't think you should

1 include it. And then the author can either take your
2 advice or not. And so when you get down to the book
3 itself, the book is not going to be exactly only what was
4 envisioned in the contract. However, there will be a
5 disclaimer in the front of the book that says this is not
6 Trustee Council policy, this was paid for by the Trustees
7 but it wasn't Trustee Council policy.

8 DR. RICE: And if you come up with a better
9 idea than what we got, hell, we'll put your name on it and
10 throw your two pages worth in there.

11 MR. FREDRIKSSON: Well, that would be good.
12 I guess my concern is in terms of -- I mean, I would expect
13 not to disclaim the synthesis of the EVOS studies to date
14 in terms of what was directed to Dr. Spies and others to
15 produce. I mean, I wouldn't -- to me, that science should
16 stand on its own merit. And if it goes through a proper
17 peer review, I'm not sure I'd want to disclaim his
18 conclusions as to what the herring studies demonstrated
19 over the last 13 years. But what concerns me as I look on
20 this -- and Dr. Spies, thanks for joining us, if not in
21 person at least by phone -- but I see a number of topics
22 here that at least speak to me. I don't see topics here
23 that would be generated through studies done through
24 Council investments. They may be through the experience of
25 individuals over the years, you know, for example, if we're

1 looking at resource management, I mean, what is the
2 scientific basis or the studies that might form a chapter
3 on resource management. Maybe it's a survey of resource
4 managers in State and Federal government, I don't know.

5 But I just see a number of topics there
6 that just seem to have all of a sudden gone off into areas
7 that I don't see a direct correlation to studies done under
8 the EVOS studies. And I see -- I guess -- yeah, we might
9 have a peer review and kind of raise questions but how
10 might that, for example, deal with the question of, we're
11 down a path that we didn't direct you to go down and there
12 aren't EVOS studies that would direct you to go down there.
13 But you've basically gone to other sources that may or may
14 not be identified, I just don't know.

15 DR. SPIES: Well, let me answer your
16 questions best I can. First of all, the process was that I
17 proposed to the Trustee Council to write a book on the oil
18 spill and the aftermath of the oil spill and what we've
19 learned from the scientific program. I think it would be a
20 shame if we limited the program only to the impact of the
21 oil spill. There was a lot of things that were found out
22 about this ecosystem and it made sense to cast a broader
23 net, so to speak, about the subjects that were covered.
24 And so there will be materials in there on oceanographic
25 findings and so forth that have occurred that were outside

1 of the Trustee Council, but to try to pull those in, in
2 addition to the material that was looked -- so we could
3 take a broad look at long term change in the Gulf of Alaska
4 and how the spill and its impact compared and contrasted to
5 other sorts of national anthropogenic changes that are
6 taking place in the ecosystem.

7 And so we took a very broad view of that
8 and that's what I proposed to do for the Trustee Council.
9 And that's not to short the oil spill at all. It's a
10 pretty large section you got in section five but we
11 provided the context. And I think you'll find as the
12 Council struggles with the questions of the injured species
13 list and how to resolve those questions, the relationship
14 of other sorts of factors besides the oil spill in
15 affecting species populations that are on the list are
16 very, very important. So we think that in that aspect the
17 book will be very useful in trying to grapple with some of
18 those questions.

19 The Trustee Council did not direct me to
20 write anything, it was a proposal that I put before them.
21 All throughout the program it has been mentioned time and
22 again by advisors and people within the program and fairly
23 senior people that we ought to do something with all these
24 scientific results that we've come up with, both in
25 relation to the spill and what the studies in the spill

1 have told us about the ecosystem. In my view, the silver
2 lining to this scientific program, which was over a hundred
3 million dollars over the years, is the long term benefit of
4 the knowledge that those studies have brought us. The
5 spill will come and go and its effects arguably go to 15
6 years but we've advanced our knowledge of that system
7 significantly.

8 And a similar thing happened with the oxate
9 studies back in the eighties that was initiated under the
10 Nixon administration. There was up to 20 million dollars a
11 year being spent in the Gulf of Alaska and a huge infusion
12 of monies in order to study the potential impacts of
13 increased offshore drilling. Not only in Alaska, it
14 occurred throughout the country. But in Alaska, that
15 information was pooled together into a book on the Gulf of
16 Alaska by Hood and Zimmerman and it's a cornerstone, a
17 building block of our understanding of the Gulf of Alaska.
18 This is an attempt, not exactly the same because we're not
19 quite as ambitious on this, but this is an attempt to try
20 to understand long term ecological change, of which the
21 spill is one source.

22 MR. FREDRIKSSON: Dr. Spies.

23 CHAIRMAN DUFFY: Kurt.

24 MR. FREDRIKSSON: I appreciate that and
25 having been around long enough to remember the oxate

1 studies, there was a lot of good work done back then. I
2 can appreciate that. My concern -- and I won't belabor
3 this because we will have peer review. I understand these
4 things are still in process and there will be lots of
5 opportunity to kind of judge this once we see what we're
6 kind of talking about. But I will put a caution here. I
7 am now seeing that we are not just looking at oil spill
8 impacts at least as these chapters might imply but we could
9 be talking about the impacts on the ecosystem from logging
10 practices.

11 And while I know what the EVOS studies
12 studied over the last 13 years, which was focused on oil,
13 they did not necessarily go into the science of logging
14 impacts or fishery management policies, the impacts of
15 those, and the implications of those actions on the
16 ecosystem. Now that may be an appropriate level for
17 inquiry at some point, but I will just -- I'll kind of
18 reserve judgment but I'll just tell you, I'm going to be a
19 lot more concerned as we go down the path to see what basis
20 upon which we might be doing that kind of an analysis.

21 CHAIRMAN DUFFY: Other comments? Jeep are
22 you taking.....

23 DR. RICE: I can go.

24 CHAIRMAN DUFFY: Yes, okay.

25 DR. MUNDY: I'll be right behind you, Jeep.

1 DR. RICE: Thanks. About 50 feet, I know.
2 I understand your concern, before we get off it I guess,
3 and I don't think we mention logging once in the book, by
4 the way. But your point is well taken too. Our attempt
5 here is really to synthesis the oil spill but synthesis in
6 the context of what else is going on there. And we don't
7 really mess around with logging and other pollution events
8 particularly at all but we acknowledge that they are taking
9 place and that sort of thing.

10 Well, let me cruise through this. In a
11 way, you guys have kind of tromped all over the
12 introduction so thank you.

13 DR. SPIES: Could somebody possibly adjust
14 Jeep's microphone, I'm having a hard time.

15 DR. RICE: Is this any better?

16 DR. SPIES: A little bit.

17 DR. RICE: I can't get it much closer.

18 DR. SPIES: Okay, thanks, Jeep.

19 DR. RICE: But holler at me if you can't
20 hear, I guess. Well, anyway, all right, today's
21 presentation. And basically you just got a flavor of what
22 the number of book chapters and that sort of thing. So
23 this is chapter five, so this is the quote, primarily the
24 oil chapter and is what we'll talk about today. So there's
25 a little bit of introduction; history of the spill; fate of

1 the transport of oil; spill damage, acute; spill damage,
2 short term. And then in big letters there I put spill
3 damage that's long term. And this is the part that's new.
4 You might say that it needs synthesizing. Spills have
5 happened in history before and there's been a couple of
6 books actually produced about this. The '96 -- well, it
7 was the '93 symposium published in '96 by us and an
8 equivalent book published by the Exxon peoples and staff
9 and contractors. So short term has been kind of -- been
10 covered. And this one here will attempt a much longer and
11 harder look at oil in the long term.

12 We've talked about why, Bob said, you know,
13 because it's time to synthesis this stuff. And it is time.
14 And this final report on just this chapter was handed in a
15 few weeks ago. I'm not going to belabor history of the
16 spill. Most of you are all experts on history of the spill
17 in one way or another. '89 is the spill, of course. The
18 book chapter will go through the mind numbing details of
19 this, 12 million gallons spilled, 1,500 kilometers of
20 shoreline and more, two to three years of cleanup, et
21 cetera, yada, yada, yada. A lot of beaches damaged. And
22 it will also present the evidence for 15 years or at least
23 10, over 10 and maybe short of 15 years around that of
24 impacts that have occurred.

25 This diagram here kind of relates to what

1 we were talking about before but it's a brief history of
2 the spill in terms of time lines. For example, in '89 --
3 and of course there's going to be short term damage
4 assessments and then eventually they evolve into long term
5 damage assessment studies. Studies that are looking damage
6 assessment over the long term. The settlement occurred in
7 '91 and then that started a new theme, so to speak, of
8 restoration, tracking the recovery, buying of habitat to
9 protect, replace, et cetera.

10 Then there's this event here, the crash.
11 That refers to the crash of the herring stocks in Prince
12 William Sound in '93 and the resulting sociological event,
13 the blockade of the narrows. And the outgrowth of that is
14 that the fishermen said we'll need to do more to the
15 Trustee Council. And the result of that is more of an
16 evolution into an ecosystem approach. So that gave you the
17 SEA program, the NVP, APEX -- it gave you those three major
18 ecosystem approaches, studies. And these do not have much
19 oil in them. Those three studies are virtually almost oil-
20 less. And so this group of studies was tagged with the
21 concept of looking at anything but oil for the most part.
22 But things weren't recovering all that well and the idea
23 was that it wasn't oil, it must be something else. So
24 thereafter looking at something else.

25 Well, the reason why I'm making a point of

1 this is that chapter five in a way looks at the long term
2 effects of oil and several of the other chapters are really
3 looking at the ecosystem approach there. What has happened
4 with the physical oceanography, what's happened with the
5 biological responses to both nature and to oil. And
6 ultimately when we get to the end of the book, it will try
7 and merge those two in context. And basically was the oil
8 spill in biological time, a big deal in geological time, or
9 not at all. You know, try to put some level of
10 understanding of that. And that's our big time goal.

11 About scientific studies, basically 40 some
12 odd of them started in 1989 and these were very much driven
13 by the different agencies. Fish and Game is driving on
14 their fish type studies and marine mammal were driving on
15 their marine mammal studies, et cetera. And these are done
16 pretty much at the discretion of the individual agencies
17 and what they felt was most important to their specific
18 needs and whatnot. By late '89, a couple things are
19 happening after that summer, which was pretty chaotic and
20 all that. But after that the studies became -- started to
21 evolve in the peer review concept. Bob, for example, was
22 onboard by then. Also the lawyers are driving the boat by
23 then as to what should be funded. And everything was very
24 species oriented. For example, an eagle had some sort of
25 value and some sort of sparrow, of course, wouldn't have

1 much value at all at that time, at least for the lawyers.
2 And so that also had a significant influence on what
3 studies were funded and which studies were proposed.

4 Basically over the next 15 years, another
5 hundred or so of studies, some of them are multi-year
6 studies, some of them are big like the APEX studies, et
7 cetera. And of course simultaneously there's a hundred or
8 more studies of Exxon, doing their own parallel studies.
9 And like I said earlier, two books really came out of this,
10 the book that the Trustees sponsored out of their symposium
11 and the book that the Exxon contractors produced out of the
12 symposium they had. And that covers the short term. So
13 we'll -- and also that's when it became extremely apparent,
14 if you hadn't got hit on the head yet, you certainly did
15 after those two symposiums came out, that there are two
16 different scientific camps. And while they may have
17 studied the same species in the same area, they often came
18 to very different conclusions. And so the book chapter
19 kind of gets into this a little bit.

20 The public was often dismayed and you know,
21 hold scientists to impractical ethical standards, or
22 whatever, that we're always seeking the truth. And of
23 course we always are but if that's the case, then how come
24 we come up with such different points or opposing views.
25 And it has to do a lot with how you start the study, what

1 your objectives are, et cetera. And those are covered in a
2 short discussion. I'll talk about some of these, for
3 example, a time frame of reference or the space of
4 reference for otters, different powers in the study
5 designs, the pink salmon, for example, et cetera. So those
6 two camps differ, they still differ today. And of course
7 there's still money on the table so they're going to differ
8 until there's no more money left to fight about, I suppose.
9 That's the definition of when an oil spill is over, when
10 there's no more money to fight about, I think in reality.

11 Okay -- and I'm sure you'd agree with that.
12 I don't want to put words in your mouth but anyway. Okay,
13 getting back to the oil spill and whatnot. This diagram
14 which, boy, I can't read that. But those are dates of
15 where the spill was. But obviously the spill started at
16 Bligh Reef, oil pooled around for about three days and then
17 the big storm with 60, 70, 80 knot winds came up and blew
18 it from the northeast to the southwest, out around Knight
19 Island on either side and then started leaking out.

20 This map is, if you didn't know it, it
21 might lead you to the conclusion it was just a great big
22 oil spill out here. And of course as the oil started to
23 leak out these different channels and islands it was in,
24 maybe hundreds of yards long up to a kilometer or two long,
25 a couple hundred yards wide maybe of streaks, and these

1 would cruise around and then boom go and hit a shoreline
2 someplace. So it was never a continuous -- as the drawing
3 there kind of indicates. But it would get down to the
4 entrance to Cook Inlet and then boom there would tides that
5 would take a strand of the oil, a kilometer of it, up into
6 it and then of course get into the jar and hit here and
7 then hit over there, that sort of thing. Some of it, of
8 course, went down to Kodiak and ultimately through the
9 straits there. And so that's a pretty fair distance.

10 Obviously the oil chemistry and consistency
11 and whatnot was much different inside the Sound when it
12 made landfall as opposed to where it made landfall at the
13 outer extremes. This gets into a little bit of chemistry
14 and the chapter goes into a little bit of chemistry. You
15 have to have -- you know, people little get gun shy of
16 chemistry, it can be really overpowering at times. But we
17 try to introduce them into some basics and this is basic
18 oil chemistry 101 here. Basically the column on the left
19 is a series of compounds called the mono-aromatics.
20 There's one benzene ring in each of those compounds and
21 then they have different levels of substitution. So you
22 have benzene, toluene, on down through xylene. And those
23 are the mono-aromatics. They're relatively water soluble.
24 They're very mobile at getting through membranes and into
25 tissues. They get into the water, they also evaporate into

1 the air very readily. So when you're smelling gasoline
2 fumes or fumes at an oil spill, the first fumes, if not
3 all, but the first fumes that you'll smell will be these.

4 And that's about the good news and the bad
5 news. The bad news is they will have a vapor pressure, you
6 can inhale them. If you're an otter, for example, or
7 killer whale, something that's inhaling at the surface of
8 the oil, in the first few days of the spill you're going to
9 get a pretty good dose of those. The good news is they are
10 driven off and if you come into contact with oil later,
11 it's not containing those compounds. The other extreme
12 over there is the polycyclic aromatic compounds. And there
13 you see the simplest one there, the diagram of
14 methylnaphthalene right there. And it has one
15 substitution, so if it was just plain naphthalene, that
16 substitution wouldn't be there. And then there's three
17 rings, and there's four rings, and there's five ring
18 compounds. And basically as you go up in -- from one ring
19 to two to three to four to five, you increase the toxicity
20 about an order of magnitude each time. That also means
21 you're decreasing the solubility. And so the most toxic
22 compound here is that largest and heaviest compound. The
23 least toxic would be benzene over there.

24 But we're really talking apples and oranges
25 and the chapter goes into this a little bit. There's acute

1 toxicity and there's chronic toxicity. And the mechanisms
2 are very, very different. Let's just think of benzene as
3 an example. If you inhaled benzene, got into a benzene
4 spill in this room and you took it, you got first a
5 headache and then you got stressed and they you became
6 unconscious and then you would die. That would be acute
7 toxicity and that would be a narcosis mechanism affecting
8 membranes, affecting your respiratory system, et cetera.
9 And that could happen to a fish through the gills, et
10 cetera. Okay, so that's narcosis and it's going to happen
11 fast. And we get four day LC50's out of that. That's what
12 they're measuring.

13 Well, then if you get exposed -- let's have
14 a chrysene spill right here too for example, well, no big
15 deal. We can breathe the hell out of it and we're not
16 going to get a narcosis, we're not -- probably not a
17 headache today. We're not going to go unconscious, it's
18 just not going to happen, okay. You got to ingest it and
19 whatnot. And thing you'd have to worry about there is that
20 you'd get sick a week from now or two weeks from now and
21 then you die of cancer 10 years from now. I mean it's a
22 completely different type of toxicity mechanism. So that's
23 where we get these apples and oranges.

24 In terms of what persists and what doesn't
25 persist, the compounds that are the lightest and the

1 smallest persist the least. The compounds that are the
2 biggest and heaviest and most toxic persist the longest in
3 general. If you're a bacteria and want to chomp on
4 something and degrade it, your prize here would be these
5 alkanes, straight chains, those are nothing but energy and
6 you can consume them with no toxicity. And then you start
7 chomping on other things as you go down. And the biggest
8 and heaviest compounds would be the ones that you would be
9 least effective on chomping on and degrading and the least
10 effective at getting any energy out of.

11 Okay, so that's kind of the background of
12 oil composition and whatnot there. Any questions before I
13 go on? How many did I lose?

14 MR. FREDRIKSSON: No tests.

15 DR. RICE: None of us, good. All right,
16 fate of oil and water. And there's a lot of things that
17 can happen to oil. It can certainly sink if it becomes
18 attached to a sand grain. Most oil is, of course, lighter
19 than water so it usually floats. So there are some
20 exceptions to that but generally speaking it's going to
21 sink only if it comes in contact that's heavy like a sand
22 grain. And that, of course, happens when you bring that
23 oil on shore and it gets stirred up with the sediments and
24 whatnot. Oil, if it's on shore and has oxygen and some
25 nutrients, it can certainly be degraded by bacteria and

1 microbes. And that process is always going on. It doesn't
2 have to be on the beach, it can be on the water. Where
3 microbes don't work is if the oil is buried, there's no
4 oxygen, or you have a big oil glob, the only place bacteria
5 can be is on the surface. So there there's a limitation on
6 what it can and can't do. In Alaska, of course, we always
7 have temperature as an issue and the Exxon Valdez occurred
8 in the winter, temperatures are lower. So even the
9 bacteria that are here and have access to the oil and
10 oxygen, sometimes they're not going as fast as they would
11 in Texas, for example, at higher temperatures.

12 Photo oxidation occurs, UV sunlight that
13 can strike on the surface will certainly degrade it, starts
14 breaking some of the bonds. I talked about evaporation of
15 some of those compounds. Naphthalene has a vapor pressure
16 and you can smell naphthalene, for example. But a few more
17 substitutions after that and the vapor pressure drops off
18 and you just get very, very little evaporation, especially
19 in the three rings and up. Dissolution means it's getting
20 into the water and that's good in one sense. You have
21 access to fish and things that are in the water but it
22 means that there's one, dilution happening but also you're
23 getting exposure of those molecules to other microbes. But
24 you're getting dilution not only in terms of two
25 dimensions, left and right, so to speak, like you do on a

1 surface of a beach, but you're also getting dilution
2 vertically. And if you have a couple of hundred meters of
3 water, then that's a lot of dilution capability. So that's
4 always happening. Emulsification and thinning, those are
5 always ongoing also.

6 Okay, a few pictures here, I'm not going to
7 spend a lot of time. Here's oil in the water and you can
8 see that they're, in '89, trying to skim it but, you know,
9 there's also this oil here on the beach which, you know,
10 pretty hard to start picking up. Here's a boom Bob's got
11 showing the effectiveness of a boom. The positive
12 effectiveness. This is a fair amount of oil here piling up
13 on the boom but there's some leaking underneath the boom.
14 Booms are never a hundred percent effective, there's always
15 tidal currents and tidal currents themselves are enough to
16 drag oil under a boom. Hot water washing, you've heard
17 about. There's bioremediation. But in a pole, for
18 example, is put on in some places, fertilizer with bacteria
19 and that helps. It helps on the surface, maybe. In Alaska
20 that may not be as much help as it would be elsewhere. But
21 it's just not going to have any effectiveness underneath
22 the surface though, down a couple of inches it's not going
23 to do any good at all.

24 Oil on cobble and rock. And let me talk
25 about the mechanism of getting oil into the beach because

1 this is going to have an issue so to speak when we talk
2 about otters and digging and that sort of thing. Well,
3 what happens here is that the oil strands on the beach,
4 gets on the surface. As the tide goes out, the oil then is
5 adhered to the very top of the surface of the rocks and the
6 cracks and the crannies and whatnot. There's also a
7 factor, because the oil has a surface tension, it gets
8 dragged into the cracks through the force there. So it's
9 not gravity that's doing it, it's just the surface tension.
10 And I hate to use the word suck because that implies a
11 vacuum and that's not the process here. But it will go
12 into all those interstitial spaces. And this, of course,
13 will happen repeatedly with the tide going up and down. If
14 you're -- especially like Sleepy Bay and Herring Bay with
15 oil that was in there literally for months.

16 But the catch is, you say well yeah, but
17 the oil is lighter than water, so when the water comes back
18 in at high tide, the oil will float off. Well that's true
19 for the very surface of the oil to some extent but it
20 doesn't affect the oil in those interstitial spaces. So
21 once they get into those interstitial spaces, down about
22 six centimeters through about 24 centimeters, a half a
23 meter, in that neighborhood, they're trapped. And it's
24 going to take some sort of disturbance or force to get them
25 out of those spaces. And that just doesn't happen in the

1 natural environment very easily, not without a special
2 case.

3 So the surface eventually will float off
4 and if not Exxon guys will come along with their hot water
5 treatments or whatever and they'll blast this and get it
6 off the surface. But that cleaning usually doesn't
7 penetrate down into the sediments, not unless you're going
8 to get a backhoe in there and really excavate the heck out
9 of it. And of course, at the time of the spill, we didn't
10 think that was a good idea. We would be doing more harm
11 than good was the thinking then. And I think now in some
12 time there will be a re-evaluation of that and we still may
13 come to that conclusion but they will be more data to think
14 about that in both positive and negative ways.

15 Okay, scene of more cleaning. Let me get
16 to the oiled beaches in the fall of 1989. This is a map
17 coming out of DEC, I think would have been the people doing
18 it, probably Carol back there, were doing this sort of
19 thing. And this was all from beach walks and those beach
20 walks were done for several years and they just picked this
21 one here. The red area down here on LaTouche and this is
22 Sleepy Bay for example, is all red. So the beach walkers
23 would have walked along and they would have seen, in the
24 fall now, after the summer cleaning was over, they were
25 still finding heavy oil. Remember all of this would have

1 been a lot of heavy oil here if you were doing the beach
2 walk in May, for example.

3 And there was both skiff rides going by and
4 beach walking. And a lot of that effort was being done
5 because the main objective of this was, where should we do
6 the cleaning. What's the highest priority for the barges
7 and all this to be doing cleaning. And so they did that.
8 Well, then at the end of that year there was an evaluation
9 done and basically it's this map then that directs the
10 priority cleaning for the following summer. And so that
11 was the pattern it was done. And of course these beach
12 walks, well, they'd dig a few holes once in awhile but the
13 main objective was to getting at the visible oil, the oil
14 that's on the surface and that's what they could easily
15 see.

16 So based on these sorts of walks and
17 whatnot, their estimates of how much oil was on the beach
18 in 1989 that made landfall, up to 42 percent of the spilled
19 oil. And then there's estimates, based on those walks, one
20 on how much oil was on the beach, how many cubic meters.
21 About two percent of what was spilled remain on the beaches
22 in 1992. And the early conclusion was, well, you know,
23 good, we got rid of the bulk of it in the cleaning of '89,
24 '90 and whatnot and nature has gone along now and there
25 shouldn't be any oil left by about 1995. And I'll show you

1 some data here in a moment that says that, whoa, that was
2 wrong. The oil loss rate was slower than we expected.

3 And that data basically comes out of the
4 2001 SCAT that we've talked about before, most of you have
5 heard about. Where we went to beaches and we laid out
6 vertical columns at different horizontal heights of the
7 intertidal zone. And then we would dig holes randomly in
8 various blocks and for a hundred meters of beach, we were
9 digging about a hundred holes. And then we would find oil
10 and then we would dig holes around these and adapt the
11 sampling technique in order to map the patch of oil. Was
12 it just an isolated spot or was it a lot of oil or run-in.
13 This particular beach has a spot of oil that maps out kind
14 of like this. So, you know, that's the sort of thing we're
15 doing in 2001 and then that data led to estimates of how
16 much oil was there.

17 Now focus -- there's two lines there, one's
18 red, one's white. The old one is the data that was guessed
19 at in 1992. So let's look at just the white line here,
20 just the white line. So in 1992, we're guessing that
21 because there's this amount of oil estimated to be on the
22 beach, that by about 1996 and 1997, 1997 we're cruising
23 down to zero. Now remember when those -- the MVP and the
24 APEX and the SEA studies, they're going along, the SEA was
25 the first one about '94 and 5. APEX and MVP are going on

1 strong in '96, '97, '98, in those years. And by then, for
2 the otters and whatnot and the harlequin ducks and pigeon
3 guillemots and whatnots, when those studies of MVP were
4 going on, we were predicting that there was virtually no
5 oil left. And yet those studies were getting effects.

6 So that along with the 10 year anniversary
7 let to the 2001 SCAT survey where we start at the same
8 amount in 1992 but this point right here is a real
9 measurement. I mean, this is our measured estimate of how
10 much oil is remaining in the year 2001. Which in order to
11 get from that point in 1992 to this point in 2001, you
12 would have had this sort of loss rate. And of course if
13 you look at these same years in '96, '97 and '98 when the MVP
14 studies are going, there's certainly not as much oil as
15 there was in 1992 but certainly a significant amount of oil
16 there. And that would then later on support why those
17 studies are finding -- the findings that they found.

18 Okay, I only talked briefly about the
19 distribution of that oil in the intertidal zone. And when
20 we made those SCAT surveys in 2001, we were only going down
21 halfway to the intertidal zone. And so first of all, this
22 says surface. So we're looking at the surface oil and we
23 find that the surface oil is about one-third of the way.
24 So that surface oil that we found was right there.
25 Remember the bathtub ring, we've talked about the bathtub

1 ring. That's where the surface oil was peaking, is right
2 in this area, just about a meter down from the highest part
3 of the tidal zone, but above the fucus and the clams and
4 all that. Well, the subtidal oil though --
5 and this is the big surprise, the big wow that we did not
6 expect and anticipate in 2001 -- is that as we dug pits, we
7 were finding oil with ever increasing amounts all the way
8 down to the middle of the zone, which is where we stopped.
9 Okay, which means that we're guessing there's oil there, we
10 know there is, we just didn't know how much because we
11 didn't carry that quantitative survey all the way down. In
12 2003 we went back to three systems, Herring Bay, Bay of
13 Isles and Lower Pass and we just studied those three areas
14 for a 15 day cruise or so. And in that case we went all
15 the way down to the zero tide level, okay, here. And what
16 we found in just these three areas, about 10 sites in each
17 of those three areas, is that about a third of the oil was
18 in the lower two meters. And the significance of that is,
19 notice where the biology is here. The biology is about
20 halfway. That's where the fucus is, here's mussels, and
21 this where the clams are all at. So when the otters are
22 digging in the intertidal zone, they're digging where about
23 a third of the oil remains in the intertidal zone. And if
24 there's any oil there at all they are anyway. Okay, so
25 that's going to tie into the otter studies when we get

1 there in a little bit.

2 Let's talk about chemical composition.
3 Maybe this slide should have been a little earlier but
4 let's just -- I'd like to have made a building slide of
5 this. But just look at these blue bars here, okay, and
6 these are the naphthalenes. These, on the lower part of
7 the bar, is going from small to benzene rings on up to four
8 and five, five benzene rings here. And so just look at the
9 blue. And as it goes in time, and there's not a day here
10 but there's a weathering number. So as the oil, Exxon
11 Valdez oil weathers, this number here goes from -- I'll
12 have to put on my own glasses to see -- goes from 65
13 percent -- that's how much of the total amount of oil there
14 is naphthalene down to about 13 percent. So most of the
15 naphthalenes have gone.

16 Now let's look at just this green line
17 here, these green, almost chartreuse. And it goes from 17
18 percent and by the time we get down to the heavily
19 weathered oil, it now makes up 55 or so percent of the
20 remaining oil. So that's how the composition of oil
21 changes. The heavier compounds you are, the more -- less
22 likely you are to be lost, degraded, et cetera. The
23 lighter, the more they are. And that was what was
24 happening with the oil.

25 Now I'm going to get into the effects and

1 we kind of divided, for the chapter, divided the effects up
2 into acute, because that's the base, short time. We really
3 don't care too much about that, to be honest. But that's
4 where the big pictures are, that's where the numbers are,
5 et cetera, and that's how we got started with the spill, so
6 to speak. So here's a picture, for example, it shows a
7 bunch of murre on the beach that all -- you know, one
8 flock got all oiled up and washed up ashore. Several
9 hundred thousand seabirds were killed directly with the oil
10 spill in the several months following the spill. Several
11 thousand sea otters, a couple thousand of them died.

12 I've also added in here killer whales. And
13 Bob and I talk about this a lot because killer whales -- it
14 keeps coming up, they're a big species and very emotional
15 and whatnot. And the evidence of their linkage to the oil
16 spill of course is very equivocal. Out of the one pod,
17 there's seven, eight missing animals. They were seen in
18 and around, photographed in the spill directly. But there
19 are no carcasses. If there are no carcasses, we can't get
20 an estimation of how they died, whether it was through
21 bullet holes or through oil. There's no tissue measurements
22 of PAH, for example. So we can't say how those or why, we
23 don't have any good direct evidence of why those killer
24 whales are missing. It seems to many people it's much than
25 coincidence that the ones that are seen the most in and

1 around the oil spill are missing. And that's true but, you
2 know, where's the hard evidence. Well, it isn't and we're
3 never going to get it. It's gone, it's forever.

4 So those are some -- a range of examples of
5 the immediate impact of the spill. Short term effects, I'm
6 going to talk about for the first couple of years, that
7 summer and through the next summer. And, you know, there's
8 a lot of different examples, we're just going to talk about
9 three of them very briefly here and then move on to the
10 long term effects. But Pacific Herring had higher egg and
11 larvae mortalities. These are done by trawls collecting
12 larvae in the field and whatnot. They had much higher
13 genetic and developmental abnormalities, so when you found
14 a larvae from collections in 1989, for example, they had a
15 much higher incidence of abnormalities.

16 The 1989 year class, which you don't know
17 how well it did until it's supposed to recruit into the
18 stock about three years later. Well, three years later
19 it's almost totally absent, so that year class is hit
20 pretty hard. And it's not uncommon for year classes to do
21 poorly but this one did even poorly on a poorly scale, did
22 really bad.

23 And the effects on post-hatched juveniles
24 and adults are really poorly documented. We knew how many
25 herring were there. The eggs we could assess on the beach

1 and then what happens once they get out in water it starts
2 getting anebulus. Both from the laboratory though we could
3 repeat some experiments, we could expose them to oil and we
4 could capture them out in the wild. And the abnormalities,
5 this is an example, the curved spine, there's some messed
6 up parts of the cranial feature here, there's esides going
7 on, meaning a lot of fluid in and around the yolk sac which
8 compresses on the heart and the heart doesn't make blood
9 flow circulate very well.

10 And there's some modern day experiments
11 done on blood flow circulation on zebra fish and some other
12 fish that really show that this is really a bad thing that
13 happens. It's called blue sac disease, it's very a common
14 chemical stress response. For some reason it's a sensitive
15 moment in the development of the animal and it happens
16 across many different species, across many different
17 toxicants. And it was happening in the spill. Some of
18 these guys are collected in the wild and we certainly could
19 reproduce it in the lab at pretty low -- at about a little
20 less than a part per billion exposure.

21 The only exposure also in a laboratory,
22 captive herring experiment, can induce diseases. This V --
23 VHSV, work done by Kosan and whatnot. But if you expose
24 them to low doses of oil, they get a significant increase
25 in disease. And I bring that up because in '93 there's the

1 crash, of course, and then there's the debate as to whether
2 that was caused by oil, was it related to oil. And
3 unfortunately there weren't any Trustee studies in '92 and
4 '93 until after the crash was done. And so there's missing
5 data points there, missing assessments and I don't as if
6 we'll ever know why the herring crashed. The bad news is
7 that they remain depressed and don't show great signs of
8 recovery in the 11 or so summers past that crash.

9 Here's some short term effects of pink
10 salmon eggs and embryos that we exposed in a laboratory.
11 We can get effects on survival at part per billion doses.
12 They can get an increase in abnormalities. We can get an
13 increase in P450, which often happens with exposure to oil.
14 It can happen with PCB's or some other types of
15 contaminants too. But in this case it's correlated with
16 the oil. And decrease in mass. So a lot of different
17 things can happen. These are all, except for the survival,
18 they're all sub-lethal in a laboratory environment but how
19 would they survive in the wild. And I'll show you some
20 data on that a little later.

21 Coded wire tags, juvenile pink salmon
22 studies, juvenile pink salmon were examined pretty hard by
23 two different studies and actually three counting Exxon
24 studies. But two studies by the Trustees. There's wild
25 fry done by Wertheimer, et al and the hatchery fry done by

1 Fish and Game and Willette, et al. And let's just look at
2 the top one to walk you through. So this is 1989 and the
3 second panel to the right is 1990. Okay, so basically
4 there's a difference in survival in oil -- excuse me, a
5 difference in size, growth -- on this case it's a
6 difference in size, body mass here, in the Wertheimer wild
7 fry study. Oiled areas are growing, they're just not
8 attaining the size that the wild fry are in the un-oiled
9 area.

10 And then to back that up, or a similar
11 study, there's an effect on hatchery fry where you know
12 exactly when they were released and you know the size of
13 what they were prior to being released. And then you catch
14 them a week later, a month later or six weeks later. And
15 again, from different hatcheries in the oiled areas there's
16 effects and it's not significant in the following year. So
17 this is an effect in the summer of '89 but not an effect in
18 1990. So a short term type of effect.

19 When we talk about P450, and this happens
20 to be a pink sal -- I guess that's a herring embryo. And
21 this is done through an antibody staining process and it
22 indicates that the animal is being exposed to PAH's. And
23 in the lower corner there you see the red here. And you
24 can red elsewhere, the light is -- see red along the
25 surfaces and elsewhere. And so this is indicating that the

1 antibody is firing and it stains and it says this embryo
2 was exposed to PAH.

3 This is a different shot of a pink salmon
4 kidney but these are tubules and these are from fish that
5 are exposed to part per billion doses of oil. And this is
6 from a -- left side over there where you see virtually no
7 staining at all from animals that were not exposed to oil.
8 So that's the sort of response you can get. Now looking at
9 that P450 is suggesting that there's significant effects.

10 You can also get growth effects on pink
11 salmon fry if you feed them oiled food. And so here's the
12 laboratory experiment showing that you can get a
13 significant difference. Now I didn't give you the doses
14 and parts per billion because those relate to the water,
15 because here it's the food that's contaminated, not the
16 water. But the point is, if you feed them oiled food, you
17 can get an effect on growth.

18 Intertidal communities, short term effect
19 so to speak. This here is an intertidal zone pretty
20 heavily coated with oil and you're just going to suffocate
21 the heck out of it. So fucuses, fucus, barnacles, limpets,
22 all those sort of animals will be affected.

23 I've got here the word cascade effects and
24 actually one of the comments we got back on the chapter is
25 that we were kind of weak in our discussion of cascade

1 effects and I agree. We are a little bit weak. Let me
2 talk about cascade effects and then I'll respond to the
3 comment why we're weak. Basically focus here, this oiled
4 focus, and then this is what it should look like. Well,
5 this dies and gets stripped out and then this provides very
6 good cover though, particularly at low tide when the water
7 it out, for the limpets and barnacles, et cetera. Limpets
8 can dehydrate in direct sun, for example, if they're
9 stranded too high. May not survive. They can certainly be
10 preyed upon, et cetera. So the focus gives them cover. So
11 that's what we mean by a cascade effect. If we knock out
12 the focus then we can knock out secondary animals
13 underneath it just from the pure physical habitat, not a
14 chemical toxicity problem.

15 Well, basically, because most of the
16 studies -- so why is our chapter five a little bit weak in
17 this area? That is that there are very few studies
18 basically directed at the concept of cascade effects. And
19 that's because the studies are driven to be species
20 specific studies. There are very few ecosystem studies.
21 Intertidal zone is the single exception to that basically.
22 There are no ecosystem cascade studies out there that
23 looked at oil. When the ecosystem studies came along, this
24 was after the oil event had pretty much passed, some
25 lingering oil, but they weren't targeted then. If you were

1 going to do cascade effect studies, you should have been
2 doing them in '89 and '90, you didn't do them.

3 Okay, now I'm going to try and spend a
4 little bit of time on part two, long term effects. And
5 several species we could choose from. So here's four: pink
6 salmon, mussel beds, sea otters and harlequin ducks. And
7 what these four species have in common is that they either
8 spawn, like the pink salmon; they live, like the mussels;
9 or they forage, like the otters and the harlequin ducks; in
10 the intertidal zone. So remember when we were talking
11 about that lingering oil and now we're talking about
12 linking it up some animals that have a connection with that
13 intertidal zone.

14 So with the mussels, there's some
15 contamination studies in years after the spill, not '89,
16 but '90 and beyond, that show that the mussels remain
17 contaminated for a significant length of time. As did the
18 sediment beds underneath them. And when we look at this
19 diagram, the top one there is the mussels. And you notice
20 the line, the mean -- and this happens to be for a spot in
21 Herring Bay -- the mean is coming down. Still some
22 outliers up here, it's noisy data but nevertheless the
23 slope is that by oh, roughly '96, '97, it's crossing and
24 the mussels are chemically recovering.

25 When we look at the underlying sediments,

1 we don't get that good of data. It's roughly holding. So
2 the sediments are remaining contaminated. What I now know
3 is happening is the top say two, three centimeters were
4 actually cleaning but when we were taking our samples, we
5 were actually underneath that. And so we were getting
6 chemical measurements of a reservoir of oil under there but
7 the part -- the sediments that are immediately underneath
8 those mussels are getting cleaner and cleaner with time,
9 down to about five or so centimeters.

10 Okay, I'm going to look at salmon. We have
11 a lot of data on salmon, both from the field and lab and
12 along with the otters, makes a pretty good story. At least
13 up through 1993 or so. This is the field mortality data of
14 pink salmon eggs, pink salmon embryos, done in the fall.
15 And this is the data by Brian Bue, et al, from Fish and
16 Game. And they went out and walked a whole bunch of
17 streams and measured, by pumping for eggs, measured how
18 many mortalities were there.

19 And instead of giving you all of the data,
20 I'm just giving you from '89 to '91, because this is a
21 brood year. This is the odd year, run of the stock I
22 should say. And the nineties and whatnot would be
23 genetically a -- well, they're not in the sam lineage, I'll
24 just leave it at that. They should have the same genes,
25 probably. But we have a significant effect through three

1 of the tide levels but not in fresh water in '89. A big
2 difference in '91, okay, including above the intertidal
3 zone where there's no oil. And so it's though,
4 hypothesized that it's the effect coming from the exposed
5 animals in '89, having a reproductive impairment problem in
6 1991.

7 By '93 the effect is coming down so that
8 there's a significant difference at the lower two
9 elevations but not at the upper intertidal elevations and
10 certainly not in the fresh water. And by '95 there's no
11 significant different across. So good news is there was
12 recovery.

13 Pink salmon were not looked at super
14 critically in '89, '90, in that time period. In part
15 because it was thought that those spawning channels, which
16 there is no visible oil in, would be okay. And this study
17 showed that that assumption was not so hot. There's oil
18 along the sides of the stream and we didn't think that it
19 could get down into the salmon beds but it did. And it
20 probably had to do with this sort of mechanism, that on the
21 rising tide, the oil that's in the sediments alongside the
22 stream bank would get hydrated and whatnot and then drained
23 down into below the stream bed. And, you know, that didn't
24 seem very plausible really, you know, kind of doubted it.

25 But when we went and tested it with dyes,

1 we dug some holes and whatnot, this black area is just the
2 wet zone of this creek on a falling tide, it's about 4:00
3 in the morning. And we had put dye in about right here
4 after the water level had dropped a foot and then we had
5 these tubes and whatnot that we were going to sample, both
6 inside the salmon red areas and the stream but also in the
7 surface. And we did this, used green on one side of the
8 stream and red on the other, and anyway, in 20, 30 minutes,
9 it was easy to detect the dye visually. And so we have
10 a camera shot of it.

11 What we also have, what's interesting, is
12 that in these tubes, in this two here, could pick up the
13 dye from the red in about an hour. And the tubes over here
14 in this side could pick up the green in about an hour. And
15 when you think about salmon biology, they have to spawn in
16 very well flowing interstitial water streams. The cobble
17 is one and two inch roughly. It's not fine sand sediments
18 where the flows would be really restricted. The water just
19 flows through these gravels very well. So we believe
20 that's a pretty good mechanism for getting that oil down
21 into the salmon streams and explains Bue's data. That of
22 course is all contrasted or argued with by Ernie Branner
23 from the Exxon side. And he has some measurements he
24 believes that counter that.

25 We then went on to look at pink salmon

1 exposed in a laboratory situation where we could control
2 the dose levels. And this is an example of the different
3 dose levels. This is significantly oiled but it's not
4 dripping. And we could then get oil contaminated water
5 going to the eggs. And we would expose these over the
6 incubation period of the embryo for five, six months and we
7 could easily get effects on survival at the higher doses.
8 At the lower doses we could get effects on abnormalities
9 and whatnot. And that's, you know, not to be unexpected.

10 What was unexpected was the effects that we
11 got from -- that are delayed, that occurred after the
12 exposure zone ended with good looking fry. For example, if
13 we had -- later on you'll -- I don't have a picture to show
14 you but we would only release animals that looked normal,
15 not the other kind, even though they would have been
16 exposed. And this, for example, shows that at different
17 doses, dose of about 18 parts per billion, we could get
18 effects on salmon growth six months after the exposure
19 ended.

20 So when the exposure ended, we kept only
21 the healthy fry. They were tagged, marked, et cetera. All
22 put in one container, one net pen basically and fed. And
23 the ones that were exposed to oil didn't grow as well.
24 They grew, they just didn't grow quite as vigorously. And
25 that, of course, would have implications on survival, on

1 being a prey for a longer period of time.

2 So when we took 70,000 animals, 70,000
3 control fry and released them and had groups of 70,000
4 healthy looking fry that are tagged from a dose of five
5 parts per billion and a dose of 19 parts per billion and
6 released them to the open ocean, the North Pacific, where
7 they went out there for about 16 months, where they had to
8 be predators. They had to find food and prey on it and
9 they had to avoid being a prey item. And they had to
10 migrate out a couple thousand miles. Then they had to
11 sexually mature and then find their way back. And then
12 when they came back the adults were harvested, so to speak.
13 The tag in the nose was then read and we figured out which
14 dose group they came from.

15 And what get is a five parts per billion,
16 about a 20 percent effect on adult survival. And at 18 and
17 19 parts per billion, exposure to the egg or embryo, we're
18 getting a 40 percent reduction. And this was repeated in
19 two or three different brood years. This shows the '93
20 brood year and a '95 brood year. Notice that the blue bar
21 controls have different levels of survival in each of those
22 two different brood years. And that's normal. You get
23 better survival one year than you do another. There's
24 better zooplankton, fewer predators. Whatever the issues
25 are out there, each year is a little bit different.

1 But what's impressive to note is that the
2 group, the cohort that was exposed to 18 parts per billion,
3 came back at 40 percent less than the control cohorts for
4 each of those two brood years. Pretty nifty experiment.
5 And what's that saying is these healthy guys just were not
6 as fit. Were they not as good a predator? Were they not
7 as good at avoiding prey? You know, we don't know those
8 details of why they did not succeed at the same rate as the
9 controls but they didn't.

10 Okay, real quick I'm going to go to the sea
11 otters and the harlequin ducks. Both show poor recovery in
12 western parts of Prince William Sound. Both are showing
13 elevated P450 levels. And I want to remind you back here
14 to that slide I showed you earlier that there's roughly a
15 third of the oil in the lower third of the intertidal zone
16 where the clams are, and that's where the otters dig.

17 This here picture is by Jim Bodkin flying
18 over that beach, that I just showed you. Here's two otters
19 here and they've been digging pits. So there's an otter
20 down there and down there, I think. And they've been
21 digging pits in this intertidal zone. And they dig a lot
22 of pits. And they really dig more pits in deeper water
23 than the intertidal zone. This here is a group of sea
24 otters that had time depth recorders on 14 sea otters.

25 I guess their preferred habitat was about

1 10 meters down -- five to 10 meters down, was for this
2 total group, 100,000 dives roughly greater than. But seven
3 percent of them, seven percent of the dives were judged by
4 the time depth recorder to be in the intertidal zone. In
5 other words they're going to go there and dig when the high
6 tide is in in that lower third. So seven percent of the
7 time they're going to dig in the intertidal zone.

8 Now not every animal is different -- I
9 mean, not every animal is the same, rather. This animal
10 here, for example, digs almost 50 percent of the time in
11 the intertidal zone. And that's the extreme one right next
12 to the next extreme one where it's less than one percent.
13 So this one here is digging 50 times as much as this one in
14 the intertidal zone. So they're all different and they all
15 have different preferences. They all make decisions and
16 make them slightly different.

17 And that leads you to this slide here which
18 is kind of a histogram of the P450 values coming out of a
19 group of 71 otters in the period of '96 to '98 during those
20 MVP years. Remember back, that red line sloping down, you
21 know, when we thought -- later that we found out there was
22 oil there. Well, this shows that, for example, I come over
23 here, that's 13 of the 71 otters, about 20 percent roughly,
24 have extremely high P450 levels. They're really cranking
25 through the P450. So these guys, our assumption is, is

1 that they're being exposed to oil.

2 Another roughly third of the animals are in
3 this zone where they have varying levels of exposure, P450
4 levels elevated. So presumably they're exposing themselves
5 to less oil than this extreme group. And then you've got
6 roughly half the animals here in these two zones are
7 probably not exposing themselves to much at all, to any oil
8 at all. That would be the interpretation anyway from that
9 data.

10 Well, this confused Bodkin, of course,
11 because his assumption going into '96, '97, '98, him and
12 Brendan and the others studying the otters, that it must
13 have been food or something like that that was limiting the
14 recovery. And this, of course, is a piece of data that
15 comes around and, wow, maybe it is oil. And then when he
16 sees the companion data coming later, a couple of years
17 later from the SCAT project showing how much intertidal oil
18 there is, it did cause us to rethink all this.

19 This is the average, the mean P450 down, a
20 group of oiled and un-oiled otters in the same year. So
21 this is the mean and as you see there it peaks there in '97
22 and then it's coming down. Well, it continues to come down
23 and we're probably approaching the time when it's coming
24 all the way down towards zero or towards no significant
25 difference between them and the un-oiled controls.

1 Now what's the population trend been for
2 these otters? And it kind of matters on what scale you're
3 looking at. So here's the western Prince William Sound.
4 It's recovering at a rate of about four percent per year.
5 I don't have the slope on here for Montague Island area,
6 which also was effected by the oil, but much more
7 transiently in the sense that the oil didn't pile up on the
8 shore there and there isn't a continuing exposure. But
9 that population area has recovered at about eight percent a
10 year.

11 And so when you look at the total numbers
12 of otters in the western part of Prince William Sound in
13 the decade to follow, they pretty much recovered in total
14 numbers. When you look at a more restricted area of
15 northern Knight Island, which would be basically from
16 Herring Bay, lower past Bay of Isles and also Northwest
17 Bay, around that area, then the population is struggling,
18 it's not recovering much.

19 And this bar here indicates the number of
20 otters that were in this area here prior to the oil spill.
21 Well, that's how many carcasses were taken out in the
22 spring and summer of '89. So this was the population
23 minimum -- it may have been more -- but this is the minimum
24 population of otters in this area and they haven't
25 recovered. And they're not showing signs of recovery.

1 Okay, so that's a little bit bothersome.

2 And then just to take this scale another
3 scale down, this is Herring Bay. There was some 34-5 otter
4 carcasses taken out of Herring Bay and there are virtually
5 no otters there today. There are otters that will go in
6 there and stay for a week or two, one otter will stay for a
7 few weeks and whatnot, but there are no otters that have
8 re-established and have a home range where they spend their
9 time there now. So that bay, limited 50 kilometers of
10 shoreline, basically has zero recovery.

11 So what scale do you want to talk about,
12 what scale is significant? That is very arguable. Total
13 number of otters pretty much back to normal. One part is
14 not recovering much, another part just flat hasn't
15 recovered at all. So scale is everything when you talk
16 about recovery.

17 Just a few minutes on harlequin ducks here,
18 P450's, kind of looks like the otters. There is -- it's
19 coming down in these later years. This here is the data
20 from the MVP years, '96, '95 -- '95 to '98. This is Dan
21 Esler's work and it's on adult harlequin ducks. Harlequin
22 ducks disbursed all the way to Siberia from Prince William
23 Sound to up into northwest territories and whatnot where
24 they breed in the summer. Mate and breed and raise chicks
25 and fledge them out and then, boom, they come back to

1 Prince William Sound to over winter.

2 So basically these ducks are at the
3 northern most limit of their range where they spend the
4 winter, and it's hard on them. These animals weigh two or
5 three pounds or so. They are thermally challenged. So the
6 consequence, let's look at the green line here, as they go
7 from whatever population base is there in the early winter,
8 October, and about 10 percent of them die by March. And
9 that's normal. I mean, that's just mother nature and
10 weather and whatnot.

11 Well, also compared, you see the yellow
12 line there, and it takes a big time dip there, at the end
13 of December and early January. And of course these guys
14 are visual feeders and they need to feed every day. And
15 when is it the coldest and when is the light the most
16 limiting, December 21 is the least amount of light and
17 you're entering the period of the next month of the maximum
18 cold. These guys are living at the thermal edge and they
19 have an accelerated rate of die-off for the next three,
20 four, five weeks there. And then line gets parallel and
21 they come back with more light and a little bit warmer
22 temperatures, not a lot, they're able to die at the same
23 rate, normal rate, as their un-oiled controls.

24 So this is a good example of an animal that
25 it's fitness is just a little bit challenged by the oil and

1 it's enough to make a difference. Their fitness just isn't
2 quite as good.

3 So in conclusion, the EVOS had a high acute
4 toll on wildlife. Lots of vivid pictures of that. The
5 recovery from the acute injury may or may not be linked to
6 continued oil exposure, it depends on the species and their
7 biology. We think it is, certainly for harlequin ducks and
8 sea otters, that it is limited. Nearshore organism, low
9 level oil exposure, was consequently unexpectedly long.
10 This gap between the persistence of what we find in the
11 SCAT things and the P450 values and the otters and the
12 harlequin ducks, it all points to that those animals had a
13 continuing oil exposure and the exposure was correlated
14 with long term reduction in survival, particularly over
15 winter.

16 And that's going to be Alaska's problem
17 always for wildlife, is can you handle the winter. Whether
18 you're fish, moose, bear or whatever. The over-winter
19 mortalities are going to put you at the edge of survival.
20 And I'm willing to take any questions you guys might have
21 -- or Bob.

22 CHAIRMAN DUFFY: Trustee Council members,
23 questions?

24 (No audible responses)

25 CHAIRMAN DUFFY: Flatterness.

1 DR. RICE: Kind of overwhelmed you.

2 CHAIRMAN DUFFY: It doesn't look like there
3 are any questions.

4 DR. RICE: Okay.

5 CHAIRMAN DUFFY: Any questions for Bob or
6 Jeep?

7 DR. RICE: I want to get back to
8 philosophy.

9 MR. FREDRIKSSON: Maybe since we have Bob
10 -- Bob are you still on the phone?

11 DR. SPIES: Yes, I am.

12 MR. FREDRIKSSON: Okay, Jeep did a real
13 good job kind of giving us an overview and actually it was
14 kind of a nice compliment to what we saw at the lingering
15 oil workshop earlier last month, I guess. One of the
16 questions -- and maybe this is more to you, Bob, just kind
17 of glancing, not so much at the summary, which was a good
18 summary, but in the -- at least the draft report with
19 respect to chapter five. There's a section on recovery and
20 injury revisited that I found pretty interesting. And
21 there was kind of a box, a highlighted box on page 70 of
22 that report, that kind of basically spoke to the yardstick
23 of recovery and spoke to the -- in the restoration plan, as
24 you know, we have restoration objectives, goals,
25 strategies. And kind of, if you will, yeah, as you termed

1 it, the yardstick for recovery. And the yardstick being
2 pre-spill conditions, if you will, or had the spill not
3 occurred. And in both cases, I guess with respect to those
4 two primary measures, you question their effectiveness
5 anymore, if at all, in the first place.

6 I guess if you might just speak to that a
7 little bit because it's my understanding that those are
8 still the yardsticks for recovery and what your thoughts
9 might be with respect to those based on your synthesis
10 report here.

11 DR. SPIES: Well, my thinking there --
12 well, first of all, my thinking and including the
13 recovering injury revisited section was that this book to a
14 large extent is targeted to the public. You know, all of
15 us get approached that -- when people find out that we're
16 involved with this oil spill, they want to know what the
17 state of the environment is and whatever happened after the
18 oil spill and what's going on. So this is an attempt, not
19 a formal analysis of the injured species list but it was an
20 attempt to deal with injury and recovery for some of the
21 major species, most of which are on the injured species
22 list.

23 The conundrum that the Trustee Council
24 faces with this list, I believe, is that if one takes a
25 recovery objective that involves the return of populations

1 to pre-spill conditions, that has an inherent assumption
2 that the ecosystem does not in fact change. But we know
3 from other studies that the ecosystem is changing all the
4 time. That there is massive changes, for instance, in the
5 Gulf of Alaska probably due and certainly are correlated
6 with climate change. And so that's a little bit
7 unsatisfactory but on the other hand you can, if you have
8 the data, you'll know what the pre-spill population of that
9 organism might have been. But there's at least something
10 to hang your hat on, albeit imperfect.

11 The other way of looking at the recovery
12 objective is nicer theoretically, that is, we want the
13 populations to be what they would have been had the spill
14 not occurred. Well that's great theoretically but on the
15 other hand, no one knows how to figure that out. No one
16 knows what the population of those animals would have been
17 had the spill not occurred. You can compare oiled down --
18 oiled areas but populations can do different things locally
19 and so forth, so there's a great deal of uncertainty. And
20 that's the kind of conundrum I tried to outline in that box
21 there. I don't know if this answers your question.

22 MR. FREDRIKSSON: No, Bob, it does. I
23 think that was -- to me it was just -- I thought it was
24 kind of an important point to make. I thought it was
25 interesting to see it in your synthesis and kind of

1 definitely gave me pause in terms of thinking about the
2 restoration plan and where we go from here, so I appreciate
3 that.

4 CHAIRMAN DUFFY: Any other questions for
5 Bob or Jeep or Dr. Mundy?

6 (No audible responses)

7 CHAIRMAN DUFFY: Okay, thank you very much
8 for the presentation.

9 DR. RICE: You're welcome.

10 CHAIRMAN DUFFY: Thank you, Bob.

11 DR. RICE: Bob, are you going to stay on
12 the line or do we have other people on the line?

13 MS. PHILLIPS: I don't know who might be on
14 now.

15 DR. RICE: Bob, are you still on?

16 DR. SPIES: Yes, I am.

17 DR. RICE: Do you want to stay on the line
18 for the remaining of the meeting or -- I'm just checking,
19 we'll keep you plugged in if you'd like.

20 DR. SPIES: Well, I tried to download a PDF
21 from the website and my browser came up with a bunch of
22 goobledy-gook. I'm sure that wasn't your agenda so I don't
23 know what's on next. I'll stay on for awhile and I'll
24 probably hang up if it's not terribly relevant to what I
25 have to do.

1 DR. RICE: Sure.

2 CHAIRMAN DUFFY: Okay, we're on item number
3 6, Council work priorities.

4 MR. FREDRIKSSON: If I might.

5 CHAIRMAN DUFFY: And I'll let Kurt start
6 with that.

7 MR. FREDRIKSSON: Yeah, this was something
8 that I was asked to speak to. I guess one of the concerns
9 that's been expressed or one of the confusions has been --
10 and maybe a plea, if you will, for help from EVOS staff,
11 appropriately so, that the Council provide them with very
12 clear direction as we move forward into the FY06 invitation
13 and perhaps over the next few years. In an e-mail that we
14 were exchanging amongst the Trustee Councils and with
15 staff, I attempted to just enumerate at least for purposes
16 of -- from where my agency comes from, what we considered
17 these priorities to be.

18 I want to emphasize that it would be nice
19 to do all things but we don't have enough money nor time
20 and capability to do all things. We operate within a
21 limited budget, we operate within limited resources. And
22 we consider the issues that we face are really issues of
23 priorities as opposed to something that we are for or
24 against. And so we try to enumerate priorities that we
25 thought would be important to convey to staff.

1 And I might just -- I don't know if we have
2 these in the Council packet. But if I might, just kind of
3 run down the list that at least I had circulated around to
4 the Trustee staff and the other Council members. As we
5 look at the work in the near future, particularly with
6 respect to the FY06 invitation -- we feel information
7 synthesis and we feel much of the dialogue today has
8 underscored this -- we feel there is a great need to move
9 forward on information synthesis and scientific research
10 for unknown and unanticipated impacts as well as for the
11 injured species. Those injured species and services that
12 in particular have not recovered.

13 We also feel that there is a need to
14 address the lingering oil issues. We feel that there is a
15 need to update the injured resources and services that was
16 last done in 2002. And then there's a need to complete the
17 large parcel program and adopt the small parcel program as
18 well as we spoke briefly to today.

19 We think those are driver priorities in
20 that order for purposes of the '05 invitation and really
21 the work effort of this Council and staff over the next
22 year. I think it was interesting and I just kind of tried
23 to capture some notes. And I think actually, Bob, since
24 you're still on, I think the summary we just heard kind of
25 underscores this. I think there has been a good synthesis

1 in terms of the long term effects of the spill but we, as I
2 sit here, I still don't see a good synthesis of what has
3 occurred, what has happened under the restoration program
4 itself. How we might use that synthesis to update our
5 injured species list to determine if those resources that
6 are on the unrecovered list in, over the time since 2002,
7 have in fact recovered. Or whether or not in particular,
8 and I note the answers Bob gave us, whether or not our
9 restoration goals, objectives, strategies and points need
10 to be re-evaluated.

11 I tend to think as I look forward here and
12 I look at -- oh, I guess it was Richard, your chart today,
13 where we have pink salmon recovered and yet our list of
14 active strategies and objectives right now haven't matched
15 that recovery status. Or as you mentioned I believe
16 earlier, we really have -- we need to take a different
17 path, down an ecosystem path when looking at pink salmon.
18 I don't see that path yet drawn out. So we see that as a
19 very high priority for the Council, is to get that kind of
20 synthesis work done, get the update on injured resources
21 and services.

22 In looking at the last 2002 update on
23 injured resources and services, I noted, for example, under
24 the subsistence services, the mention of the last time a
25 subsistence household interview survey was done was in

1 1998. It's interesting, back in 2002, that update
2 suggested that it would be appropriate to do another round
3 of interviews, household surveys, in the year 2005. Yet
4 I've seen nothing come forward that we would do a
5 subsistence survey in 2005. We may not need to do an
6 additional survey, I just would like to see an update that
7 kind of speaks to some of those issues.

8 I guess the -- you know, a couple of other
9 items. At the lingering oil workshop it was interesting to
10 hear Dr. Mundy talk about the herring, which is still not
11 recovered. And I think though you had some ideas as to
12 what kind of -- I think there are strategies that at least
13 Dr. Mundy has in mind that may actually promote or enhance
14 the recovery of our injured herring resources. We need the
15 opportunity to explore those. And I think through a
16 synthesis and through a re-evaluation of the updated injury
17 list, that would provide an opportunity to do that.

18 So I guess I would, in looking at those
19 priorities and clarity of direction to staff, I would just
20 lay those before the Council and suggest we provide that
21 kind of clarity back to staff.

22 CHAIRMAN DUFFY: Thanks, Kurt. Pete.

23 MR. HAGEN: Yeah, Kurt, I don't know, it's
24 got an asterisk on here indicating an action item but
25 because other than an e-mail and some little bit back and

1 forth that I observed, I don't see really anything written
2 to respond to, to adopt as an action item on that. But,
3 you know, I think some of the sentiment you expressed in
4 terms of putting a wrap on things with the injury list and
5 I don't think there's -- I think there's general agreement
6 within our agency on that as an interim, perhaps short term
7 need to address. I did want to mention, you had mentioned
8 the subsistence survey. That was done in 2004, it was a FY
9 2004 project. So that has been done, it's underway. We
10 don't have the final report yet so it's on schedule. So we
11 haven't dropped the ball on that one, certainly.

12 MR. FREDRIKSSON: Thanks, Pete, I think
13 that's real good and we can probably, if you will, any kind
14 of action item might be kind of in terms of what we have on
15 our agenda. I believe what is going to follow, which may
16 be workshops and then the '06 invitation. I think that's
17 real good. I think if we've got that subsistence survey in
18 place, one of the items I think that will help at least
19 myself look at these things is if we can repackage some of
20 our information back into the restoration plan format, we'd
21 be able to track that kind of information and that kind of
22 study. Right now I think it gets -- I think it was that --
23 and Phil, maybe if you could correct -- would that kind of
24 project have fallen under what is now called community --
25 where would that lie in terms of the category of study?

1 Community involvement?

2 DR. MUNDY: Mr. Chairman.

3 CHAIRMAN DUFFY: Dr. Mundy.

4 DR. MUNDY: Lingering oil. It was the Jim
5 Fall.....

6 REPORTER: Thank you.

7 MR. FREDRIKSSON: He keeps us all honest.

8 DR. MUNDY: Thank you, Mr. Chairman. That
9 was the Jim Fall survey and it is part of the GEM program.
10 It was part of the lingering oil investigations under the
11 GEM program. We had, as you noted, we have certain items
12 tagged for follow-ups and follow-ons. And I would point
13 out that Jim Fall will be the lead speaker in the oil spill
14 symposium that Craig Tillery is chairing at our annual
15 meeting. So you will get a chance to introduce the results
16 of the subsistence use survey in your session. We thought
17 we would go with -- this was -- I give all the credit to
18 the Chair to his design of the session.

19 MR. FREDRIKSSON: Thanks, Phil.

20 CHAIRMAN DUFFY: Joe.

21 MR. MEADE: Kurt, you spoke to the large
22 and small parcel programs in your priorities. I think they
23 were in your priorities but the lower level or the lower
24 end. Could you elaborate more on those?

25 MR. FREDRIKSSON: Yeah, I just didn't want

1 to, if you will, kind of overlook that. I think we have
2 our restoration plan and what falls out of that in terms of
3 lingering oil, unanticipated impacts and then the injured
4 species list. Yet we have had in the past and we continue
5 to promote through the small parcel, large and small parcel
6 program activities. And I know we've kind of gone to the
7 small parcel and given up -- or maybe not given up but gone
8 away from the large parcel. And I just thought it would
9 be, in terms of priorities, an area we would need to kind
10 of just lay out where it falls in line. And to the extent
11 that we have brought some of those to closure, we may need
12 to just kind of say that as a priority.

13 MR. MEADE: Thank you.

14 CHAIRMAN DUFFY: Anyone else?

15 MR. HAGEN: Yeah, I just didn't.....

16 CHAIRMAN DUFFY: Pete.

17 MR. HAGEN: Yeah, in terms of, you know,
18 really because I don't have that list in front of me, I
19 think there are other priorities we'd like to see and one
20 of which is somewhere the commitment or continuation of the
21 existing monitoring programs we've embarked on and the need
22 to evaluate those. And so it don't really -- you know,
23 we've got maybe some shorter term interim priorities but
24 there's some long term stuff that we've already engaged on.
25 And so we need a commitment to prior work as well, so.....

1 MR. FREDRIKSSON: Absolutely. And I guess
2 I would just note that I think in our FY05 work plan we've
3 endorsed both long term projects that go into '06 and '07.
4 And we would expect those, you know, to continue. This may
5 have actually, as we move through our agenda now, this just
6 fits into really our next agenda item, I think, and
7 probably would benefit more by hearing where we stand in
8 terms of funding availability. Because priorities always
9 have greater meaning if we recognize how they might be
10 applied to funding availability.

11 CHAIRMAN DUFFY: I think that's a good
12 suggestion unless there's comments from other Trustee
13 Council members. Why don't we move to number 7, which is
14 the discussion of the '06 invitation, funding availability
15 for '06 projects. And I think Phil is going to provide
16 that information to us. And I think that will be
17 instructive, as Kurt said, relative to a set of Council
18 priorities that he stated which are, I say, to some degree,
19 short term in nature with a reaffirmation that some of the
20 longer term projects we've engaged in for '05 through '07
21 and already committed to will be continuing. So I think
22 that was a summary of our discussion. In fact, going back
23 Kurt, I jotted down a few things. Information, in terms of
24 the internal and external projects, recommendations that
25 you made, it's information, synthesis and scientific

1 research, unknown, unanticipated EVOS impacts, continued
2 monitoring research and evaluation of ongoing direct
3 impacts. Was that one?

4 MR. FREDRIKSSON: It was.

5 CHAIRMAN DUFFY: Update on the injured
6 resources and services and synthesis of information on non-
7 recovered species.

8 MR. FREDRIKSSON: Correct.

9 CHAIRMAN DUFFY: And then I think the last
10 one was -- I think your statement was completion of the
11 large parcel program and adoption of the small parcel
12 program.

13 MR. FREDRIKSSON: Correct.

14 CHAIRMAN DUFFY: Something to that effect.

15 MR. FREDRIKSSON: Correct.

16 CHAIRMAN DUFFY: All right. And I'll share
17 my notes with you.

18 MS. PHILLIPS: Thanks. I was just trying
19 to look and see what.....

20 CHAIRMAN DUFFY: Dr. Mundy, I think you're
21 up.

22 DR. MUNDY: Thank you, Mr. Chairman. I'll
23 start by referring to the memo from the Executive Director
24 to the Trustee Council which is behind the tab marked
25 available funding for FY06 projects. And this memorandum

1 is relatively brief. The short answer on our analysis of
2 funds available for restoration projects in FY 2006 and
3 2007 is 1.8 million dollars for 2006 and 2.3 million
4 dollars for 2007. Now as with all sets of figures, they
5 are subject to certain assumptions and caveats and I'd like
6 to walk through those with you so that we're clear on this.
7

8 But first of all, let me just refer to the
9 numbers in the table which is in boldface here, down the
10 middle of the page. And it had columns that are marked off
11 in fiscal years 2003 through FY 2007. There are dollar
12 amounts in millions in these columns. And the first row in
13 here is the cap amount. So this is first of all an
14 analysis that's done under the Trustee Council's cap. Do
15 people not have this memorandum? I'm sorry.

16 MS. PHILLIPS: It's in your book

17 DR. MUNDY: Okay, the memorandum was dated
18 December the 10th. This is, first of all, a number that's
19 based on a cap analysis. The Trustee Council adopted a cap
20 system. Five million dollars a year, FY 2003 through FY
21 2005. And then a number that's provided as an average of
22 the earnings on the fund, and that is in FY 2006 and FY
23 2007. The numbers there are slightly different but these
24 are all rounded to the nearest hundred thousand dollars.
25 So we're looking at five million, FY 2003 through FY 2005

1 for cap amounts and then 4.6 million in FY 2006 and 2007.

2 The next row of numbers there is spent or
3 obligated. And again, this is under the -- these numbers
4 are under the cap. We have 4.4 million spent under FY
5 2003, 4.8 million spent FY 2004, 4.6 million spent in FY
6 2005, so far. And the numbers that are out there in FY
7 2006 and 2007 are amounts that have been obligated but not
8 spent.

9 MR. MEADE: Could you repeat the figure,
10 please, for '05?

11 DR. MUNDY: For '05, spent or obligated is
12 4.6 million. FY 2006 is 2.2 million. FY 2007 is 300,000,
13 0.3 million. Now if you take the difference between the
14 number that we have in the cap amount and the spender
15 obligated amounts for those fiscal years, that's the number
16 that's on the third row there. So five million minus 4.4
17 spent is 600,000 left over not spent or obligated in FY
18 2003 under the cap. Again, this is an analysis that looks
19 only at expenditures under the cap. In FY 2004 the amount
20 was \$200,000. In FY 2005, that was \$400,000. And of
21 course we haven't spent any money in FY 2006 or FY 2007.
22 So the numbers there are 2.4 million and 4.3 million.

23 So now we also brought up the idea in the
24 FY 2005 draft work plan of carry forward. And that is
25 looking at the budget from the standpoint of the Trustee

1 Council obligating to commit five million dollars to the
2 restoration program each year. We average our income to
3 calculate, starting in FY 2006, to calculate the earnings,
4 the amount of money we're going to allocate. What I'm
5 suggesting here is that we basically look at the money that
6 was not spent in past years. Because ultimately this winds
7 up back in the fund and is available to us. So this is
8 the fourth row there, that's the carry forward.

9 In FY 2003, we didn't spend \$600,000 so the
10 carry forward amount for FY 2004 is therefore \$600,000
11 because we're starting everything at zero in 2003. In FY
12 2004, we had \$200,000 not spent and so if you and the
13 200,000 to the 600,000, you can carry forward \$800,000.
14 And in FY 2005 we were \$400,000 below the cap. So in the
15 projected operating expenses, we have laid this out under
16 -- this is the one, two, three, four, five, sixth row
17 there, projected operating expenses. We are looking at 1.8
18 million in FY 2006 and two million in FY 2007. So if you
19 take the total funds, which occurs in the row above, and
20 that is the not spent and obligated plus the carry forward
21 for FY 2006, is 3.6 million less the projected operating
22 expense of 1.8 million and you get 1.8 million funds for
23 projects, which is the figure I quoted originally. And
24 then you take the not spent and obligated in 2007, the 4.3,
25 putting all the carry forward in 2006, we come up with 4.3

1 minus two million projected operating, you get 2.3 million
2 for projects.

3 Now if you look at the FY '05 final work
4 plan, which is on our website and it has a synopsis of the
5 summary, you will see that yes indeed in 2004 and 2005 the
6 Trustee Council spent more total dollars than as shown in
7 this table, and that's what this footnote refers to right
8 here. So again, I want to be clear of what the assumptions
9 are on this table. We're not saying that these are total
10 expenditures by the Trustee Council but expenditures of
11 funds under the cap.

12 Expenditures excluded from the cap by vote
13 of the Trustee Council are not included and those would be
14 the expenditures authorized in February of this year and
15 voted on May the 14th of this year. And those figures are
16 not here. If you add, those figures total 1.8 million
17 dollars and if you add -- in FY 2004 and 2005 is the total
18 of those two -- and if you add those back in, you should
19 get approximately what you see in the FY 2005 final work
20 plan on these numbers.

21 We consider, one point that I have not made
22 that I have here in the preceding paragraph is that these
23 are minimum estimates and the estimates are minimums
24 because obligated funds are not usually completely spent
25 and because operating expenses may be reduced. That is,

1 these operating expenses have not been obligated, they are
2 projections only and the Trustee Council approves those
3 annually. So these numbers in total are estimates in most
4 cases and rely on the assumptions that I presented to you.
5 And that is the item on how much is available and I'll,
6 with your permission, Mr. Chairman, I'll stop at this point
7 and take questions.

8 CHAIRMAN DUFFY: Drue.

9 MS. PEARCE: Well, it's not really a
10 question. We spent an extra million-eight, there may be
11 more to come. While -- and I don't remember the way the
12 motion was made, perhaps we said it was okay to go over the
13 five million and therefore we were outside the cap -- but I
14 certainly don't believe that I thought that meant we could
15 just carry forward funding because we didn't spend it.

16 CHAIRMAN DUFFY: Phil, there was -- I'm
17 just thinking back on some funding decisions we had made --
18 there was a point at which there was some unexpended money
19 and I thought that the Trustee Council agreed to move that
20 money back into the investment fund. And I don't remember
21 specifically when that occurred but sometime in the last
22 couple of years. Maybe one of you here at the table can
23 help me out. But there was a dollar amount that was not
24 expended on funds and we directed specifically, I think it
25 was Jim Balsiger and I, to roll that back into the

1 investment fund. And I don't remember the dollar amount or
2 the exact time but I think that would impact the numbers
3 we're looking at here, if I'm not mistaken.

4 MR. TILLERY: Mr. Chairman.

5 CHAIRMAN DUFFY: Craig.

6 MR. TILLERY: My recollection was that this
7 concept of carry forward was brought forth and the response
8 was we don't carry forward, we never have in the past, it's
9 simply -- money lapses every year, it's always just gone
10 back and used for next year's budget.

11 CHAIRMAN DUFFY: Okay.

12 MR. TILLERY: But it's not a carry forward
13 in the sense that oh, we've got free money now to spend.
14 We just rejected that concept.

15 CHAIRMAN DUFFY: Okay, that's a better way
16 to state it. Joe.

17 MR. MEADE: Perhaps you answered my
18 question, Craig. Could you elaborate on that? I was going
19 to ask the Trustees to help me understand. Do we have a
20 protocol or a process for carry forward. I'm new enough
21 that this is the first time that I've had to be or that I
22 am aware of a concept for carry forward. And so is there a
23 historic usage of that as a mechanism or not. I think I
24 just heard you, Craig, say we've never done that.

25 MR. TILLERY: No, what we've done is when

1 money lapses, which again it does all the time, it ends up
2 staying in the accounts that it's in and then periodically,
3 when there's sort of enough in there -- they don't quite
4 earn as much interest as you get in the investment account
5 -- but it's not worth shifting around for small amounts of
6 money. But once they get to be significant enough we'll
7 take that money and use it to pay for part of the next
8 year's work plan and then we'll bring whatever else we need
9 for the work plan from the investment fund. So they're not
10 really -- nobody has ever treated them as carry forwards,
11 so now we've got more money to spend, simply that we use
12 that as the first source for the next year's work plan.

13 MR. MEADE: Could you relate that for me
14 then to the five million dollar cap, the nature of the cap,
15 when it was set, and what the purpose of the cap was?

16 MR. TILLERY: The purpose of the cap was to
17 establish a spending level that would allow essentially the
18 reserve account of the money to be permanent. And so it
19 was set at -- it was going to be set at, I think, it was
20 four and a half percent of the fund per year. But it was a
21 rolling average and it took us awhile to get to the rolling
22 average. So the five million was essentially a proxy for
23 the first year until we could develop a track record of the
24 amount of money that we had in the account available to
25 expend.

1 MR. MEADE: So I'm trying to relate the two
2 then, the five million cap; the concept of carryover, which
3 has not been used before. Would we have the latitude to
4 spend that carry forward as part of what's been authorized
5 in past by ourselves with a five million cap?

6 MR. TILLERY: The cap was established by a
7 unanimous vote of the Trustee Council. To break the cap it
8 takes a unanimous vote of the Trustee Council. So the
9 answer is yes, you have the authority to do anything you
10 want to do essentially as long as you stay within the legal
11 bounds of the MOA and the clean water act. So you can do
12 it, it just six votes.

13 MR. MEADE: I guess the piece I'm still
14 missing, and I don't want to -- I'm just trying to
15 conceptually understand the idea of carry forward, which
16 was several hundred thousand each year, is that available
17 to us or in the agreement of the Council at the time the
18 cap was established, was it agreed that that money
19 unexpended would go back to the fund and we would always
20 stay within in each annual year's cap without carrying
21 forward any unexpended obligations from the prior year?

22 MR. TILLERY: It is legally available to
23 you, as a matter of practice and what the Council intended
24 at the time that it established this, it did not consider
25 the idea of carry forward. That we would -- you would

1 expend 4.8 one year so the next you'd get 5.2. The Council
2 anticipated -- and nobody verbalized this and I think it --
3 but if you would ask anybody, that's what they would have
4 said, is it is just intended that there's a five million
5 cap each year. We were looking for a consistent program
6 and to stay within budget. If there was lapse, there was
7 lapse, it's back in the principal.

8 MR. MEADE: Okay, thanks.

9 DR. MUNDY: Mr. Chairman.

10 CHAIRMAN DUFFY: Dr. Mundy.

11 DR. MUNDY: Okay, so not using the concept
12 of carry forward, this leaves me with a question for the
13 Trustee Council to which I don't expect an answer, it's
14 just a question that I want to put on the record because we
15 do need to resolve this. Because as a matter of math and
16 as a matter of budget practice, if it was the Trustee
17 Council's intention to spend five million dollars a year
18 and then an average by some method of the income from the
19 fund on the program, with the method you've got in place
20 now, you'll never be able to do that or you most likely
21 will not be able to do that unless you're shooting to
22 exceed the cap substantially.

23 And I point that out to you in that you've
24 got -- if you look here -- and again, this is analysis
25 outside of the cap -- you've got -- you intended to spend

1 five million in 2003, you spent 4.4. You intended to spend
2 five million in 2004, you spent 4.8. You intended to spend
3 five million in 2005, you spent 4.6. So I think, you know,
4 the pattern is clear there because you have -- you can
5 expect that a certain amount of the funds that you obligate
6 the project is going to come back to you. You're not going
7 to -- you're always -- unless you spend over the amount of
8 the cap, you're not going to be able to make this. Always,
9 for example, staff vacancies in salary and things like
10 that. Typically and mathematically you're not going to be
11 able to spend those amounts. So my question as a staff
12 member to the Council is, what is it that you intend?

13 MR. TILLERY: Mr. Chairman.

14 CHAIRMAN DUFFY: Craig.

15 MR. TILLERY: I think Dr. Mundy makes a
16 good point, that there is a pattern that is emerging here.
17 I don't think this is the appropriate time to deal with it
18 because there are a lot of things that we're doing right
19 now that are sort of winding up, that are requiring in seas
20 -- or sort of mid-course changes, mid-course additions and
21 so forth and so on. But if this pattern does persist over
22 time, it's kind of like over-booking with an airline, I
23 think, if you can find out you can reliably budget 5.2
24 million to end up at five million, then perhaps in the
25 future time with some track record behind it, the Council

1 might want to consider that. I just -- I don't think this
2 is the appropriate time to do it.

3 DR. MUNDY: Mr. Chairman.

4 CHAIRMAN DUFFY: So, just real quickly if I
5 could, so if you assume the five million cap and you say
6 the concept to carry forward is not something the Council
7 has been doing, then if that's the case, looking at '03,
8 '04, '05 combined, the carry forward concept, and if you
9 reduce that amount by the number that Phil shows for '06,
10 then my quick calculation is, under that scenario, we'd
11 have about 600,000 available for '06 under that scenario,
12 is that right?

13 DR. MUNDY: Mr. Chairman, I was just going
14 to make a point of information. In terms of the -- the
15 question was asked to us by the Council, how much is
16 available to spend. The only number that changes on here
17 is the number for 2006 and that's zero point -- you are
18 correct, that is 0.6 million. And then the number for 2007
19 stays the same because I didn't apply any carry forward in
20 2007.

21 CHAIRMAN DUFFY: Right. So 0.6 and 2.3
22 with the '06 and '07 under the current -- the way we're
23 doing business. Drue.

24 MS. PEARCE: I think Joe was first.

25 CHAIRMAN DUFFY: Oh, sorry. Joe.

1 MR. MEADE: Again, for point of
2 clarification and perhaps Craig can assist from the history
3 standpoint. Is the cap set as a cap or is the cap set as a
4 goal? Is our goal to expend five million a year or is five
5 million established as a cap that we won't exceed?

6 MR. TILLERY: The five million is a cap but
7 it is, as with any other thing, it can -- that cap was
8 voted in by a unanimous vote of the Trustees, it can be
9 changed by unanimous vote of the Trustees. And when
10 extraordinary circumstances come up, as for example what we
11 had last year where we felt the need to put some additional
12 money into lingering oil, then the Council can say, hey,
13 and if we exercise our Trustee duties, we need to exceed
14 that cap. We would be derelict if we did not. I mean,
15 so.....

16 MR. MEADE: Agreed. The clarification I as
17 looking for is in response to Dr. Mundy's observation. If
18 our direction has been clear that our direction is to
19 expend as close to the five million dollars on an annual
20 basis as can be, that's a direction if that's our goal. If
21 our goal is to establish a program, don't exceed five
22 million, there's a different interpretation there on -- if
23 you anticipate we've got an issue by not having -- you
24 know, a pattern here where we're expending about 4.5, 4.6
25 on an average, perhaps that's comfortable, perhaps it's

1 not. It depends if it's a goal or a cap.

2 CHAIRMAN DUFFY: Drue.

3 MS. PEARCE: I would agree with Mr. Tillery
4 that this isn't the time to try to have a full budgetary
5 and investment discussion but I think in our next meeting,
6 after the investment committee meets, that it would be
7 worthwhile to lay out a history over the past years of our
8 investment accounts. What we've seen in reality in terms
9 of our revenues, interest revenues. How are spending has
10 patterned -- all of our spending, not just the cap but what
11 other outside spending have we done so we can get a good
12 feel for what the trends are to make the decisions for the
13 next few years. I'm feeling like I'm looking at one piece
14 of paper taken a little bit out of context. And I don't
15 question the numbers, I just don't know what the bigger
16 picture is.

17 CHAIRMAN DUFFY: Okay. Other Trustee
18 Council members? Kurt.

19 MR. FREDRIKSSON: Well, just a point of
20 clarification. Now I assume in '06, the 4.6 as opposed to
21 five million, that is to reflect, now that we have some
22 experience, that the five million dollars in terms of a
23 continuing investment should actually be 4.6.

24 MR. TILLERY: That reflects the projected
25 rolling average and then meets with the Council. Or maybe

1 it's the actual rolling average.

2 DR. MUNDY: Mr. Chairman.

3 CHAIRMAN DUFFY: Dr. Mundy.

4 DR. MUNDY: This reflects the amount of
5 money that was spent on projects that were under the cap,
6 okay. So you still have 400 -- you spent a total of five
7 point -- you authorized a total of 5.1 million, okay, and
8 of those, the balance there, it's not five but it rounds to
9 five. The 500,000 was projects that were authorized in
10 FY04 that were executed in FY05, that were under the.....

11 MR. TILLERY: I believe he was referring to
12 FY06.

13 MR. FREDRIKSSON: Right, the 4.6.

14 MS. PEARCE: The 4.6.

15 MR. TILLERY: To the cap amount of 4.6, as
16 to why that was different from five.

17 DR. MUNDY: Oh, 4.6. This is a number that
18 comes to us from the investment people which was relayed to
19 me by Paula Banks, she's the keeper of those numbers.

20 CHAIRMAN DUFFY: Pete, did you have a
21 comment?

22 MR. HAGEN: No, that was just a
23 clarification on that.

24 CHAIRMAN DUFFY: Okay.

25 DR. MUNDY: Sorry.

1 CHAIRMAN DUFFY: Any further discussion on
2 this? On the '06 invitation, the funding availability?
3 Joe.

4 MR. MEADE: For clarification for me then,
5 what is the funding availability in '06?

6 CHAIRMAN DUFFY: I think the range for '06,
7 according to my listening to this discussion, is .6 to 1.8.
8 But .6, if you don't change your policy relative to the
9 carry forward perspective, then we have 600,000 available
10 in FY06. That's my understanding.

11 MR. MEADE: And if we follow the carry
12 forward principle, it goes up to 1.8?

13 CHAIRMAN DUFFY: If you chose the carry
14 forward principle applied to the three previous fiscal
15 years.

16 MR. FREDRIKSSON: Maybe just a question on
17 that then.

18 CHAIRMAN DUFFY: Kurt.

19 MR. FREDRIKSSON: With respect -- and I was
20 just looking at FY05 and you're showing a carry forward of
21 800,000. How was that calculated?

22 DR. MUNDY: Mr. Chairman.

23 CHAIRMAN DUFFY: Dr. Mundy.

24 DR. MUNDY: Yeah, that's the amount that
25 wasn't expended in FY 2003 added to the amount that wasn't

1 expended in FY 2004. That's 0.8, so 0.6, 0.2, 0.8. And
2 that does leave 400,000 not spent under the cap in the
3 current fiscal year.

4 MR. FREDRIKSSON: Okay, thanks, Phil. Do
5 we need to draw to some point a decision on the carry
6 forward principle because it would have a demonstrative
7 effect on our ability to address perhaps lingering oil
8 issues in our next full discussion?

9 CHAIRMAN DUFFY: I believe what -- Drue, if
10 I misquote you, please tell me -- but I believe she was
11 asking for a.....

12 MR. FREDRIKSSON: Delay.

13 CHAIRMAN DUFFY:greater discussion of
14 some of these at the next Trustee Council meeting. The
15 bigger picture on some of these budget items. Or to be
16 instructed by the larger budget items before we make any
17 further decisions relative to going with the 600,000 or
18 considering some carry forward component. Is that fair
19 enough?

20 MS. PEARCE: That is fair enough.

21 CHAIRMAN DUFFY: Okay. Any other comments
22 on this item at this point? If not, we'll move to -- Kurt.

23 MR. FREDRIKSSON: Kevin, if I might. Let
24 me just at least pass out -- I believe it's been
25 distributed out there in the audience. This is just the

1 list of the priorities. I recognize that we'll get the
2 funding levels, whether it's 600,000 or 1.8, the issue
3 really is, once we have that, what the priorities will be
4 in terms of that allocation. And I just wanted Council
5 members to have that in hand.

6 CHAIRMAN DUFFY: Pete.

7 MR. HAGEN: Yeah, I'm wondering if we need
8 to have an action item on this to identify at this point
9 how much should be available. I think that would inform
10 the task of writing the FY06 invitation greatly. But
11 perhaps not, I don't know.

12 CHAIRMAN DUFFY: Drue.

13 MS. PEARCE: I think after we reconsider
14 and decide whether we're going to fund any additional '05
15 projects and look at whether we need additional funding for
16 any lingering oil projects that we need to have those two
17 discussions before we go back to it.

18 MR. HAGEN: Okay, sure.

19 CHAIRMAN DUFFY: Okay.

20 MS. PEARCE: And I don't know where it's
21 going to lead us.

22 CHAIRMAN DUFFY: Hearing that, let's move
23 to number 9, update on additional funding for lingering oil
24 projects.

25 MR. TILLERY: Mr. Chairman.

1 CHAIRMAN DUFFY: Craig.

2 MR. TILLERY: I think that's me.

3 CHAIRMAN DUFFY: Yeah, it is.

4 MR. TILLERY: Okay.

5 CHAIRMAN DUFFY: I was trying to thank Dr.
6 Mundy for the budget information, I didn't get a chance to.

7 MR. TILLERY: Members of the Council, we,
8 the Department of Law was asked to sort of facilitate
9 putting together a group of lingering oil projects about a
10 year ago. And along with some are related to the injured
11 species. We did so, requested a certain amount of funding
12 from the Council. The Council concurred in that and a
13 number of projects were put in the field this past year.
14 In the fall, back in November, we got together to look at
15 the preliminary results of some of those projects. And at
16 that time asked people, based on what you've learned now,
17 what more do we need to do. Is there anything we need to
18 do in the near term to try to -- to wrap these up?

19 We got a list of, I don't know, 12 or more
20 projects and have been through those with the sort of
21 people who have been the principal investigators in this
22 area with Dr. Mundy and with others. And kind of pared
23 those down as to what we feel is important now versus
24 something that can wait for the '06, which really wouldn't
25 put it in the field until the following year.

1 There is a list of concepts for projects
2 that I have that would total about \$315,000. And what I am
3 going to suggest is that much like what happened last year,
4 the Council just give me or us a sense or a request that we
5 go forward and attempt to develop some very specific
6 projects that the Council could then review. And we would
7 have those peer reviewed and have the Council review those
8 at a future meeting, either in February or at an earlier
9 date if necessary. I don't believe it would necessary to
10 do it at an earlier date. And these would be for the '05
11 field season relating to lingering oil and injured species
12 in an amount of approximately \$325,000.

13 And what I'd like to do is just to give you
14 a sense of the kinds of projects that we're looking at.
15 One of them is to conduct a re-analysis of some existing
16 samples of harlequin duck and sea otter P450 analysis.
17 There is an anomaly in the results that we have to date.
18 The belief is it is a laboratory issue and that by doing a
19 re-analysis, that that can answer that question and make
20 that data valid. That's around a \$40,000 project, a little
21 less. We're looking at a project to do a cross comparison
22 between P450 measurements using the existing set of
23 samples. There was a change in the way that these things
24 were measured and they're not -- we want validate -- the
25 labs have been doing something differently, and this is

1 different than getting anomalous results. But they've been
2 doing something differently. We want to be able to assure
3 that we can compare between the years, between what we're
4 getting now and what we were getting then. And that would
5 be about 45, \$46,000.

6 In addition to the P450's, it had been
7 suggested that we try to use DNA addux on existing sea
8 otter samples, liver samples, as another means of
9 confirming exposure to the hydrocarbons that would be a
10 little bit more indicative of a problem with the otters.
11 And that would be about 35, 36,000. A study of the
12 population structure of sea otters around the Knight Island
13 area in order to sort of compare the mortality rates that
14 we're getting now versus the mortality rates we got at an
15 earlier time for around 44, 45,000.

16 And this is one that we really have not --
17 we just -- it actually came up after the -- when we got
18 together. But we're looking for -- Dr. Rice had a chart up
19 here where he had sort of the sea otters and so forth in
20 northern Knight Island. But then he had a small line at
21 the bottom for sea otters in Herring Bay. There really
22 aren't any sea otters in Herring Bay and Northwest Bay. We
23 haven't really had a sense of the movement of oil and oil
24 toxicity in those areas. And we're looking -- we're trying
25 to develop something. And it's very preliminary so we

1 won't have a good sense of it yet. But Dr. Rice estimated
2 that it would probably not cost not more than \$50,000 to do
3 kind of a, what is the loss rate of the oil impact in those
4 two areas.

5 Then there are two other studies, one of
6 which kind of relates to this synthesis that Kurt's been
7 talking about. One is herring has really stood out with
8 us. With some of the other stuff last year, we have been
9 working on herring. Now we got some preliminary efforts as
10 synthesis on that but it appears to us that there is a need
11 for a higher -- to really get a top notch -- some top notch
12 herring people in here and do a synthesis of our previous
13 herring studies, where we are, what if anything -- the
14 connections we can make with the oil spill, what if
15 anything can be done and so forth. Right now we have that
16 one pegged at about \$50,000. And that would compliment
17 that.

18 And to honest, I would hope that it would
19 actually be money that is just being spent now rather than
20 later. If we were to do a full synthesis of all the
21 species, the herring would be done. But it's a species
22 that is of importance right now and we were looking to do
23 that.

24 And then finally we were looking at, given
25 the indications as Dr. Rice talks about, of this lingering

1 oil that has been causing ongoing problems. The question
2 arises, what can you do about that. And we looked at
3 various ways of trying to come up with that and we can
4 certainly talk to and have -- Ms. Belt is talking to
5 Federal people about this right now. But we are looking to
6 do a project that would look at existing options out there.
7 That would do a broad survey of what could be done about
8 that lingering oil if we in fact determine it is a problem
9 and that something should be done about it. It's more sort
10 of a survey to figure out, is there really anything we can
11 do about it and if so, what it is it. How much would it
12 cost and, you know, what kind of results could we expect
13 out of it.

14 So when you add all of this together it
15 comes up, like I said, in the 315,000 plus range. I'm not
16 asking for approval, I guess I'm just asking for a sense of
17 the Council that the Council would encourage us to go
18 forward, pull together projects for a later meeting that we
19 would propose for funding.

20 CHAIRMAN DUFFY: Drue.

21 MS. PEARCE: Would a February decision give
22 you enough time to get legislative approval to get into the
23 field when you need to be there?

24 MR. TILLERY: Well, here's the good news, a
25 lot of these projects wouldn't require legislative approval

1 because they'd be done by the Federal government and they
2 already have legislative approval. To the extent that
3 there is a need for -- that the State would do some of
4 these projects, I have sufficient authority from last
5 session's legislative budget to carry me through end of
6 June.

7 MS. PEARCE: Did you say 315 or 350?

8 MR. TILLERY: 315.

9 MS. PEARCE: Okay.

10 MR. TILLERY: But I'm thinking.....

11 CHAIRMAN DUFFY: 325.

12 MR. TILLERY:325 was my pledge
13 number.

14 CHAIRMAN DUFFY: 350.

15 MR. TILLERY: And I also used the word
16 approximately, which is kind of an additional fudge kind of
17 thing.

18 MS. PEARCE: 350.

19 MR. TILLERY: Certainly no more. But no,
20 the hope is to keep it down in the low 300's, or maybe even
21 less, I don't know.

22 CHAIRMAN DUFFY: Joe.

23 MR. MEADE: Craig, my question is more
24 procedural. Having heard this morning from the -- concerns
25 expressed by public advisory committees and the feelings

1 with our STACs, with our process in August in selectively
2 -- in not moving forward with the full science program as
3 in was recommended, procedurally how would this proposal
4 fit in that. And I presume at this point that's not been
5 vetted through the PAC and the STAC. And I guess the
6 follow-up is if it's not, is that acceptable since this is
7 associated to lingering oil being requested through the
8 Department of Law?

9 MR. TILLERY: Well, it's always
10 appropriate. I mean, but rather than putting it through
11 the STAC process, what we would propose to do is do
12 something like Dr. Mundy convened, sort of the lingering
13 oil subcommittee and some other people and did a peer
14 review of people who are more focused in this area. And we
15 would propose that something similar be done this time and
16 that it come back with that approval and recommendations.

17 MR. MEADE: So that would cover the
18 procedural public engagement, public involvement dimension?

19 MR. TILLERY: It would cover the procedural
20 peer review dimension. It would not necessarily include
21 the public involvement. And that could be handled -- and
22 again, this is a logistics issue -- either by trying to get
23 it -- I don't know if the PAC would be having a meeting --
24 but it's also of course being adopted -- I mean, it would
25 be proposed and if adopted, would be at an open meeting of

1 the Council. It could be provided ahead of time on the
2 website. But if there is an option to get it to the PAC,
3 that would be fine, too. That's good.

4 MS. PHILLIPS: Mr. Chairman. We have a PAC
5 meeting scheduled the end of the symposium, which would be
6 on the 26th of January.

7 MR. TILLERY: That's probably about as good
8 of time as we could hope for, sure.

9 MS. PHILLIPS: Uh-huh, yeah.

10 MR. MEADE: With that in mind, to answer
11 your question from my perspective, I feel the lingering oil
12 issues are core for us to be able to provide some analysis
13 too. So in concept, your proposal sounds as though it has
14 high merit. To me, I just would want to be sure that we
15 followed those procedural elements so that we've done our
16 most to engage our public advisory committee and a peer
17 review process, too.

18 CHAIRMAN DUFFY: Yeah, that's a good point,
19 Joe. I would also point out when we talked earlier about
20 Council work priorities and Kurt identified some short term
21 priorities that he saw as the focus for the Trustee
22 Council. It was then talked about a bit by Pete about
23 certain long term projects that we've committed to, at
24 least '05 through '07, and saying that we're not abandoning
25 those. And that was concurred then this concept of

1 looking at these additional linger oil projects through
2 this peer review committee process I think would be
3 consistent with what the Council is currently stating as
4 our ideas about what we see as the immediate priorities for
5 the Trustee Council that is being used to instruct the '06
6 invitation. So -- Kurt.

7 MR. FREDRIKSSON: Dr. Mundy, maybe -- I'm
8 looking now at the -- I'm going back to our schedule, Gail,
9 of when the Council is going to be meeting. It looks like
10 our next meeting will be on February 4th. And prior to
11 that time I see a target date of January 4th for the
12 initial draft of the invitation. And then the symposium
13 will be on the 24th through the 26th. Was the expectation
14 to share at that symposium the invitation as well or -- I
15 guess I'm just kind of curious as to how that might have
16 been dealt with, if at all.

17 DR. MUNDY: Mr. Chairman.

18 CHAIRMAN DUFFY: Dr. Mundy.

19 DR. MUNDY: Yes, I think in the past, if
20 the invitation was ready to the point -- and we canvassed
21 the liaisons on this -- you know, if we felt the invitation
22 was ready to be brought out to get some public comment, we
23 would. We did that year before last I think. And if we --
24 it depends on where the Council process is on the
25 invitation would be my immediate response to that.

1 MR. FREDRIKSSON: Thanks, Phil. I was
2 wondering if we were -- if we addressed the lingering oil
3 projects and the FY06 invitation, if we could have our
4 staff work with our agency liaisons on the invitation such
5 that we might be able to ved it or at least share it
6 through the symposium process, it would sure be helpful
7 when we get together on the 4th to make a decision on those
8 six invitation. What are your thoughts about that, Craig?
9 Do you think that might be something that would be
10 worthwhile? I don't know how much linkage you were looking
11 at with respect to the '06 invitation on this.

12 MR. TILLERY: Not very much. I mean, there
13 was some of these other projects -- there were several
14 projects that were proposed with respect to this that we
15 thought, hey, nice project proposed in an '06. But it's
16 really not something that, you know, I think is really
17 linked necessarily. If it was linked and important for one
18 of these or to answer sort of these questions out there, it
19 would have been on the list. I think they're separate.

20 MR. FREDRIKSSON: I don't want to confuse
21 the lingering oil necessarily. I'm just -- to me it's just
22 scheduling because I know we're going to want our liaisons
23 to be working with Phil on the '06 invitation and also with
24 respect to the lingering oil. So how those may be dealt
25 with together or separately is just something I just bring

1 up for discussion.

2 MR. TILLERY: I'd rather keep them
3 separate.

4 MR. FREDRIKSSON: Fair enough.

5 CHAIRMAN DUFFY: So the thought is to keep
6 them separate but we all need to be mindful of some of the
7 funding that is potentially identified for the lingering
8 oil projects in relation to the amount of money that is
9 available for '06, as well as looking at the short term
10 priorities as identified by Kurt. I mean, the pie is
11 shrinking in terms of the amount of funding available for
12 the '06 invitation. I think that's the point that we need
13 to get out there to the public. Joe.

14 MR. MEADE: Just to follow up on your point
15 and then a second item. I completely agree. I think we
16 want to be very focused with those six to -- unless we have
17 a large amount of discretion, I think it would behoove us
18 to be able to keep that very focused if our discretionary
19 spending is going to be quite limited.

20 My other observation, just going back to
21 Kurt's observation with February 4, we've not agreed to
22 calendar dates. At this point, February 4 is not a good
23 date on my calendar. So at some point we still need to
24 come back and talk about those calendar dates, too, before
25 our day is up today.

1 CHAIRMAN DUFFY: Any other Trustee Council
2 comments at this point?

3 (No audible responses)

4 CHAIRMAN DUFFY: So Kurt, was it your
5 suggestion that the liaisons work with the EVOS staff to
6 help shape the '06 invitation as the first cut within the
7 context of the Council work priorities, at least short term
8 work priorities, that you identified today? Is that what
9 we're saying? Is that what you were thinking?

10 MR. FREDRIKSSON: Yes, and I recognize the
11 need for separation. Because I believe what Craig is going
12 to be looking for is Council endorsement of the lingering
13 oil commitment and we're going to be at the '06 invitation
14 level. So I recognize the separation on that.

15 CHAIRMAN DUFFY: Okay.

16 MR. FREDRIKSSON: But I do think having the
17 liaisons work closely with EVOS staff on the invitation
18 drafting will be real important.

19 CHAIRMAN DUFFY: Any other comments on this
20 agenda item?

21 MR. MEADE: I'll just reiterate what Kurt
22 has said. I think I already affirmed it but I just, for
23 the matter of the record, state that I feel that the
24 liaisons engagement will really help us be hand in hand
25 with the Trustee staff as that invitation is cast forward.

1 CHAIRMAN DUFFY: Okay. Pete.

2 MR. HAGEN: Yes, speaking with a liaison
3 hat on, I think it would still be good at least to have
4 some sense of direction on funding cap. And I realize that
5 we won't -- that on the Trustee cap, you would like to wait
6 for -- to see what the investment strategy is and look at
7 the bigger picture. But I guess maybe the call would be to
8 consider option A and option B, depending on which carry
9 forward is bought into versus restrictive. So it's either,
10 you know, approximately 600,000 or 1.8 million. And so
11 that makes a huge difference I think on the crafting of an
12 invitation. Or even if it's worth trying to do an
13 invitation.

14 CHAIRMAN DUFFY: And that would also have
15 to be -- the caveat would be whatever commitment the
16 Council may make to lingering oil projects, it would be
17 reduced by that amount.

18 MR. HAGEN: Yes, but that's -- but the
19 lingering oil project, excuse me, isn't that FY05 funds
20 you're looking at immediately? The list you have there,
21 you'd like to turn over and.....

22 MR. TILLERY: It's going to occur in FY05.

23 MR. HAGEN: So that's taking.....

24 MR. TILLERY: And it doesn't necessarily
25 need to be FY05. I don't.....

1 MR. HAGEN: Right. It may be.....

2 MR. TILLERY: Whatever funds it is, it is.

3 MR. HAGEN: Okay.

4 MR. TILLERY: But it's going to occur in
5 FY05.

6 MR. HAGEN: Well, yeah, so I don't think
7 that's necessarily part of what we're looking at for the
8 FY06 if I'm correct, I don't know.

9 CHAIRMAN DUFFY: The way I would look at
10 it, at least running the math that I did, and that's always
11 a little dangerous, but we've got approximately -- the
12 current Council policy is not to use the carry forward
13 concept. And so the current Council perspective on '06
14 funding available would be 600,000, unless the Council
15 chooses to change there perspective by a unanimous vote on
16 the concept of carry forward of funds. And Pete, you
17 described that as a range of 600,000 to 1.8 million. What
18 I would say is the target at this point is 600,000 unless
19 we are willing to make what I consider a fairly significant
20 policy change on how we fund things. Fair enough?

21 MR. HAGEN: Yeah, I guess. I think if I'm
22 -- I mean a policy change is implicit in when you vote for
23 funding for projects. For instance, last year at the May
24 14th meeting there wasn't a separate vote saying let's blow
25 the cap, there was a vote to approve funds. So it's

1 implicit whenever funding comes up. But certainly, sending
2 out an invitation, we need to be -- honor the agreement in
3 that invitation on what to expect, so.....

4 CHAIRMAN DUFFY: Right. I agree with you
5 on that. Okay. Any other Trustee Council comments? Gail.

6 MS. PHILLIPS: Mr. Chairman, I believe that
7 Mr. Tillery asked for a vote, a sense of the Council.

8 MR. TILLERY: I got it.

9 MS. PHILLIPS: You got it already?

10 MR. TILLERY: I got it.

11 MS. PHILLIPS: Okay, thanks.

12 MR. TILLERY: I got the sense.

13 MS. PHILLIPS: Okay.

14 CHAIRMAN DUFFY: Okay the next item then is
15 reconsideration of previously recommended but not funded
16 '05 projects. Phil is here to address those issues,
17 depending on how much we want to discuss these issues. Are
18 there any initial comments from Trustee Council members?

19 MR. HAGEN: What's our time frame? And
20 what else do we have to do after this?

21 CHAIRMAN DUFFY: We've got that issue,
22 we've also got -- we need to circle back to meeting dates
23 and.....

24 MR. HAGEN: The workshops.

25 CHAIRMAN DUFFY:the workshops.

1 MS. PHILLIPS: Maybe we could hold the
2 workshops if you don't need it tonight till the next
3 meeting.

4 MS. PEARCE: But you got some of them
5 planned before the meeting.

6 MR. TILLERY: Yeah, Mr. Chairman.

7 CHAIRMAN DUFFY: Mr. Tillery.

8 MR. TILLERY: I guess just one
9 consideration given the discussion we just have about
10 funding, why at this point would we be going back? I mean,
11 that was one of the considerations in the original concept,
12 was we didn't have enough funding. It seems clear now that
13 there is an issue with funding. So.....

14 MR. FREDRIKSSON: Mr. Chairman.

15 CHAIRMAN DUFFY: Kurt.

16 MR. FREDRIKSSON: I agree. I think that
17 was a consideration that the Council acted on in making
18 their '05 decisions when back in August. I know we're not
19 on the phone, anybody lasting this long would have been
20 above and beyond the call of duty. I do feel that -- and I
21 believe we communicated to President Hamilton and did we
22 not, the Council, communicate to Nancy Byrd of the.....

23 MS. PHILLIPS: And Kachemak Bay Reserve.

24 MR. FREDRIKSSON: I think we need to make
25 sure those communications are also shared with the people

1 who spoke today. R.J. Kop -- I'm sure you have the list.

2 MS. PHILLIPS: I'm sure they were.

3 MR. FREDRIKSSON: Because I think that was
4 definitely part of the Council's thinking, was the
5 limitations on funding and I can't see anything really
6 changing collectively on this at this point.

7 CHAIRMAN DUFFY: Yeah, has that
8 correspondence been shared with the members of the PAC and
9 STAC across the board? I think that would be good to make
10 sure that those letters are distributed to the PAC members.
11 And they may already have them, I.....

12 MS. PHILLIPS: I think some of them that
13 requested it, we did. Like Stacy and several of them. But
14 I can send it out to everybody.

15 CHAIRMAN DUFFY: And the only caveat that I
16 would mention relative to that correspondence is we did
17 say, as a Trustee Council, we have an obligation to be more
18 clear in our decision making when we sit here in front of
19 the microphones and select projects or don't select
20 projects. I would reiterate that in August we did select a
21 subset of all of the projects that came forward through the
22 STAC, PAC, Executive Director and science director process.
23 The Trustee Council does have to operate within fiscal
24 constraints. The Trustee Council have policy
25 considerations to take into account and I think we've

1 talked about those some today in terms of work priorities
2 for '06. And so the process itself, everyone is not always
3 going to be satisfied but it would be my argument that we
4 did in fact fund a reasonable range of projects back in
5 August.

6 Some people were unhappy with that decision
7 and they felt that the justification was thin. Fair
8 enough. You know, I'm not going to be sitting here but I
9 will instruct whoever sits in this seat for the department
10 to do everything they can at Trustee Council meetings when
11 we're making funding decisions to be very clear why we're
12 making our decisions and to elaborate to the extent that
13 people get a sense of where the Trustee Council is going.
14 And I would say that today's discussion is an attempt to
15 explain to the public where we think we are going in the
16 short term for '06 and where our priorities lie.

17 And so I think today is an effort to
18 address some of those concerns relative to '06. That would
19 be my comments on the issue. Given the funding
20 constraints, unless I hear different from other Trustee
21 Council members, I do not feel compelled or the need to get
22 into a lengthy dialogue about reconsidering projects
23 previously recommended but not funded in August.

24 DR. MUNDY: Mr. Chairman, can I make a
25 comment?

1 CHAIRMAN DUFFY: Dr. Mundy.

2 DR. MUNDY: The only comment I have to make
3 on that is that the Council is again on track not to spend
4 its five million under the cap. There is \$400,000 on the
5 table under the cap and we have \$315,000, 325 maximum in
6 lingering oil projects. And one of the things that the
7 peer review process does is ask the question of whether we
8 need that information or not in terms of what we already
9 know. So again, the Council doesn't pay for information
10 that it already has. So again, even if you funded
11 everything on the lingering oil list, you'd still have
12 \$75,000 on the table. So again, my point is that given the
13 way that we go about spending money here, we're not going
14 to get to five million dollars.

15 And again, from a -- the reason that I'm a
16 stickler on this point as a staff member is from my
17 perspective, we need to know what to plan for. We work
18 very hard at planning whatever we're told to do and we try
19 to articulate to the public why we're doing it and where
20 we're going to do it and when we're going to do it so that
21 they have a clear image of what's going on out there. So
22 if we're to plan for an average of 4.7, then that's good
23 and I need to know that. But again, we're on track not to
24 spend the five million under the cap.

25 CHAIRMAN DUFFY: Okay. And there is going

1 to be a decision point relative to that extra 50,000 to the
2 Konar project based on a review by the STAC and the PAC.
3 So that 75,000 you identified could in fact be about
4 25,000.

5 MR. HAGEN: And the administration
6 personnel budget.

7 CHAIRMAN DUFFY: And the administration
8 costs as well were increased, so.....

9 MR. HAGEN: It's gone. We got one dollar
10 for you, Phil.

11 DR. MUNDY: That means the peer review
12 process is going to be very rigorous, Craig, yes.

13 CHAIRMAN DUFFY: Okay, hearing no effort by
14 any Trustee Council members to engage in a lengthy
15 discussion relative to those projects previously
16 considered, the next agenda item is the meeting dates that
17 I think -- thank you, Dr. Mundy -- the meeting dates. Joe,
18 you had a problem with the February meeting date, is that
19 correct?

20 MR. MEADE: The August and December dates
21 can fit in my calendar. I'm already obliged on the
22 February 4 date. I didn't check my calendar. I do show
23 the Friday prior, January 28th or that Thursday the 27th or
24 those two days if we wanted to have a half day on the 27th
25 and a half day on the 28th. Those are open on my calendar.

1 CHAIRMAN DUFFY: Why don't I give the
2 Trustee Council members a minute to pull out their
3 calendars. Joe is suggesting that the proposed February
4 4th Trustee Council meeting be moved to January 27, 28.

5 MS. PHILLIPS: Mr. Chairman, that's right
6 in the middle of our symposium.

7 CHAIRMAN DUFFY: Okay, that's a problem.

8 MS. PHILLIPS: And it's not a good time for
9 the staff.

10 CHAIRMAN DUFFY: The February 4th is a
11 Friday. Is that week gone for you, Joe?

12 MR. MEADE: Actually I have that Friday
13 alone just -- I'm in meetings that Monday, Tuesday,
14 Wednesday and Thursday. And I was supposed keep Friday
15 open or flexible in case we moved into it. I could be
16 available Friday but I could not then open up part of
17 Thursday. It would be Friday only.

18 MS. PHILLIPS: In addition to the
19 symposium, we have the workshops following on the 27th.

20 CHAIRMAN DUFFY: Okay.

21 MS. PHILLIPS: So I would say that maybe
22 then we look a little later in February.

23 CHAIRMAN DUFFY: Yeah, keep in mind the
24 next week is the North Pacific Council. I suspect that the
25 Fish and Game as well as the NOAA fisheries representative

1 would want to be here for this meeting.

2 MS. PHILLIPS: Can everybody else do August
3 and December? Is there any.....

4 MR. FREDRIKSSON: Gail, let me follow up
5 just a second. I'm wondering if we might be able to bump
6 the workshops so that we could have the Council meeting on
7 like the 27th?

8 MS. PHILLIPS: You know, those -- we've
9 already sent out the invitations for those and everything.
10 That's a lot of work.

11 CHAIRMAN DUFFY: Being responsive to the
12 public shaking of heads, that doesn't look like a good
13 idea, looking around the room. Pretty much everybody is
14 saying no, no, no, no, no. I think the dates are set, the
15 speakers and the panels are being lined up and I think that
16 would be pretty tough to do, Kurt.

17 MR. TILLERY: It's certainly also possible
18 to have an alternate sit in on the 4th, is one option.

19 MR. HAGEN: I think Joe is available on the
20 4th, just if it's.....

21 CHAIRMAN DUFFY: Joe -- yeah, that's on the
22 3rd.

23 MR. HAGEN: Yeah, I mean Joe's maybe --
24 Joe, as I understand, you're maybe available on the 4th,
25 it's just a chance you might.....

1 MR. MEADE: If we held it to the 4th only,
2 I could make.....

3 MR. TILLERY: But certainly you would have
4 an alternate who.....

5 MR. HAGEN: Yes.

6 MR. TILLERY: in the -- in case you
7 can't.

8 MR. MEADE: Yes, indeed.

9 CHAIRMAN DUFFY: Perhaps we can rely on Mr.
10 Zemke to insure that the previous meetings you're in
11 conclude on that Thursday, so you're available on the 4th.
12 Steve, could you help us on that?

13 MR. ZEMKE: No, actually.....

14 MR. MEADE: Maria.

15 MS. LISOWSKI: I'm actually being the
16 alternate and I'm currently scheduled to be on travel that
17 week. But I guess Joe and I can talk about that.

18 CHAIRMAN DUFFY: Okay. So I'm getting.....

19 MR. MEADE: The rest of February is not
20 looking good on my calendar so if we're going to do it in
21 February, I would suggest we do it on the 4th.

22 MS. PHILLIPS: Okay. And then is everybody
23 good for August and December?

24 MR. HAGEN: Probably. Between Jim and
25 myself, I haven't checked.

1 MS. PHILLIPS: Okay. I think we're going
2 to nail down those dates and I will send you an e-mail
3 tomorrow to put those on your calendars for next year.

4 CHAIRMAN DUFFY: Yeah, I spoke to this
5 earlier and I think I would encourage you to do that, Gail.
6 Say these are the dates and people can work all their other
7 busy schedules, both personal and professional, around the
8 dates that you established. The earlier you do that the
9 better.

10 MR. TILLERY: And just to reiterate, I have
11 neither authority to commit the Attorney General to this.
12 But if you send the e-mail around, get it to him and he
13 should be able to do it.

14 MS. PHILLIPS: Yeah.

15 MR. TILLERY: And send -- you know to send
16 a copy to Valarie?

17 MS. PHILLIPS: Uh-huh.

18 MR. TILLERY: Okay.

19 CHAIRMAN DUFFY: Okay, but let me ask you a
20 question, Kurt [sic].

21 MR. TILLERY: Who can actually tell you the
22 answer.

23 CHAIRMAN DUFFY: Craig, let me ask you as
24 question. In the absence, you would be available as the
25 alternate, correct?

1 MR. TILLERY: Correct.

2 CHAIRMAN DUFFY: All right, thank you.

3 Anyone else on the meeting dates?

4 MR. FREDRIKSSON: Gail, thank you for at
5 least taking the valiant effort to try and get us nailed
6 down.

7 MS. PHILLIPS: Yeah, and this will help us
8 a great deal.

9 CHAIRMAN DUFFY: Drue.

10 MS. PEARCE: So our plan for February is
11 just a meeting on the 4th, only Friday the 4th?

12 MS. PHILLIPS: Well, what we can do is,
13 I'll look at the two days, the day before and the day after
14 and I'll set something up and get that to you tomorrow.

15 CHAIRMAN DUFFY: Okay. Craig.

16 MR. TILLERY: I understand that in terms of
17 these dates, the critical day, if you have more than one
18 day, is August.

19 MS. PHILLIPS: Yes.

20 MR. TILLERY: That is the one where you
21 absolutely.....

22 MS. PHILLIPS: Yes.

23 MR. TILLERY:should be looking at
24 more than one day.

25 MS. PHILLIPS: Yes.

1 MR. TILLERY: The February could be
2 relatively short.

3 MR. MEADE: And I know I can be -- I can
4 work my calendar to be available on the 4th, the 3rd I
5 could not. Maria sounds like has a potential travel
6 conflict and so I would suggest we try to hold that one on
7 a single day.

8 MR. TILLERY: What day of the week is the
9 10th of August?

10 MS. PHILLIPS: Anybody have a calendar?

11 MR. HAGEN: It's Wednesday.

12 CHAIRMAN DUFFY: 9th and 10th, 10th and
13 11th.

14 MR. TILLERY: You need to send an e-mail
15 that talks about 9/10 or 10/11.

16 MS. PHILLIPS: Right, I will.

17 CHAIRMAN DUFFY: Drue.

18 MS. PEARCE: So to go back to the '06
19 invitation, are we asking to see in February a draft
20 invitation that spends no more than \$600,000 and follows
21 the priorities that we were earlier given by DEC? Do we
22 agree that those are the priorities in priority order for
23 deciding on invitations? Does it make sense to ask to get
24 millions of dollars of invitations if we have chosen to
25 only spend \$600,000? So what are we asking for? Let's not

1 create work.

2 CHAIRMAN DUFFY: Yes, Kurt.

3 MR. FREDRIKSSON: Well, let me ask Phil, in
4 the past, have we put a dollar -- in terms of drafting the
5 invitation, has there been a dollar amount in terms of the
6 invitation?

7 DR. MUNDY: Mr. Chairman. Yes. Sorry,
8 Joe, okay? Did you get that?

9 REPORTER: I got that, thanks.

10 MR. FREDRIKSSON: Well, I would -- I have
11 no problem making a motion that we would instruct staff to
12 work with the agency liaisons on drafting an FY06
13 invitation following the priorities that I've distributed
14 here today with an investment amount of 600,000.

15 CHAIRMAN DUFFY: Is there a second?

16 MR. TILLERY: For purposes of discussion, a
17 second.

18 CHAIRMAN DUFFY: For purposes of
19 discussion, a second. All right, discussion.

20 MR. TILLERY: I wasn't clear, with the
21 600,000, was that including these potential lingering oil
22 projects or not?

23 MR. FREDRIKSSON: It did not include that.

24 MR. TILLERY: Did you intend for it to?

25 MR. FREDRIKSSON: Boy, this is where.....

1 MR. TILLERY: I'm just trying to get
2 clarification here of what your intent was.

3 MR. FREDRIKSSON: No.

4 CHAIRMAN DUFFY: Joe.

5 MR. MEADE: Again, for discussion, would we
6 also with that motion restrict or would it leave the option
7 available to ask the staff to develop, as a first priority,
8 an invitation at a cap of 600,000 but also have the
9 latitude to have a alternative develop that we expend to
10 the higher level based on the discussion we yet need to
11 have in February that Drue had asked for us to be able to
12 have, once we have the right analysis in front of us? In
13 other words, should we ask for an option A and an option B?

14 MR. FREDRIKSSON: Option B.

15 CHAIRMAN DUFFY: And that other level that
16 you're talking about is what, Joe?

17 MR. MEADE: I think earlier we discussed
18 about 1.8, depending on how we felt about the issue of --
19 help me, Drue -- was it the carry forward concept?

20 CHAIRMAN DUFFY: Drue.

21 MS. PEARCE: No, I -- are you asking me
22 about carry forward or.....

23 MR. MEADE: We talked earlier how -- I'm
24 trying to recollect back on the discussion we were going to
25 -- we decided we'd table till February to decide if we

1 would hold ourselves to the 600,000 or if we'd go up to
2 1.8. We were going to have some budget analysis that was
3 going to help us in that decision.

4 CHAIRMAN DUFFY: Joe, my understanding is
5 if you wanted to look at the concept of 1.8 then the
6 Council would have to make a conscious decision.....

7 MR. MEADE: Agreed.

8 CHAIRMAN DUFFY:to carry forward
9 three fiscal years worth of unexpended funds to do that.
10 Drue.

11 MS. PEARCE: And actually, Joe, my quest
12 for the larger picture is more in terms of how we set the
13 cap. I'm a little concerned that we may be too high with
14 4.6. And so it wasn't.....

15 MR. MEADE: Okay.

16 MS. PEARCE: The carry forward question to
17 me is answered. That is not an.....

18 MR. MEADE: Okay, never mind then.

19 MS. PEARCE: I think Craig said it best.

20 MR. MEADE: So it sounds like there is no
21 need for a second -- an alternative B, is that -- that's
22 the clarity I was.....

23 CHAIRMAN DUFFY: I think so. Kurt.

24 MR. FREDRIKSSON: And actually what -- as
25 Drue pointed out to me, the lingering oil is part of --

1 there's five priorities in listed order within the DEC
2 proposal, one of which is under.....

3 CHAIRMAN DUFFY: Number 2.

4 MR. FREDRIKSSON:number 2, continued
5 monitoring, research and evaluation of ongoing direct
6 impact from lingering oil. And we obviously feel the
7 synthesis is critically important. So we would propose --
8 I would continue my motion as proposed for the 600,000 to
9 guide the allocation of FY06 invitation along these lines.

10 CHAIRMAN DUFFY: Further discussion.

11 MR. HAGEN: Well, yeah, I guess I'll agree
12 to the 600,000 cap, you know, pending certainly maybe some
13 more discussion or look in the interim. I don't see
14 including in your motion, I'm not going to be in favor of
15 in terms of adopting the set of priorities. I don't feel
16 -- I think there's really some needs we have out there of
17 continuing projects and nearshore work. There's been a lot
18 of effort on it. I think there's going to be a need to
19 address a little continuation of that and I don't see that
20 on the list.

21 The lingering oil, I guess getting back to
22 the request that's going to come forward, I would say
23 that's better addressed under FY05. That's the fiscal year
24 we're operating on. In the past, Trustee practice has been
25 is you go through a fiscal year, you have phase I, phase

1 II. So I'd consider that a phase II type approach and not
2 really try to assume we're drawing that out of the '06
3 funds. So in any case, I'd be in favor of the motion if
4 you withdraw the priority listing because I don't think
5 we're there yet in terms of the Trustee voice.

6 MR. FREDRIKSSON: Before I withdraw for
7 discussion purposes, I don't disagree with the out --
8 ongoing but I felt that's what the Council did in approving
9 a commitment to '06 and '07, ongoing projects. To be
10 honest, DEC was very surprised to see what was discussed
11 early on as an FY05 proposal that then transformed itself
12 into an FY05, and FY06 and an FY07 commitment. We feel and
13 we will honor those commitments with respect to the '06 and
14 the '07. But that is the continuation. To add yet another
15 layer on that continuation just to me further confuses what
16 is a very confusing situation. What we are hoping to
17 achieve is clarity and direction to staff.

18 So I would stick to the priorities or at
19 least entertain an alternative list of priorities. But I
20 think we need to provide some very clear direction to
21 staff. That is to me -- and unfortunately the lateness of
22 the day, this has been a long day, we need one of those day
23 and a half here, Gail. But I sympathize with the people
24 who were on the phone this morning. There is a real
25 feeling that Council is not being clear and we need to take

1 the time and debate to nail that down. And I think this is
2 -- at least providing the staff and our staff within the
3 liaisons some clear direction in terms of priorities is
4 critical.

5 But Pete, I don't disagree in terms of that
6 out year. But I think we've already -- I think we've made
7 those kind of commitments in the '06 and the '07.

8 MR. HAGEN: No, I'm referring to new
9 projects that are logical continuation of previous
10 commitments. They're not obligations that were done by
11 earlier -- they're not a multi-year project. I think
12 there's one or two at least that would have to come forward
13 if we're going to, you know, do -- you know, not lose,
14 drop, kind of, initiatives that are under way, you know,
15 under -- you know the watershed and the nearshore have been
16 the focus. And so I think, you know, 600,000 is not a lot
17 of money anyway. So it's going to be a very targeted RFP.
18 We're probably going to know what we'd want in a sense
19 from, you know, the type of needs.

20 I just think it's -- we need to have a
21 discussion. I'm just not prepared to say, Trustee -- or
22 liaisons and staff go in and if it's not one, two, three,
23 four, or five, don't consider it. Because I think there
24 needs to be some discussion on that. This is just a list
25 that came through an e-mail. This is the first time I've

1 seen it together as sitting here in this role. I don't
2 want to say this is our policy. So I'll vote against the
3 motion just for that reason.

4 CHAIRMAN DUFFY: We're trying to find some
5 common grounds. We don't have to vote against the motions
6 here. I haven't called the question yet.

7 MR. HAGEN: Okay.

8 CHAIRMAN DUFFY: Joe.

9 MR. MEADE: In response to Pete's interest
10 and being that this is -- recently been just circulated,
11 can we ask the liaisons to look at this list of priorities
12 and come to some common agreement with the liaisons, what
13 the agreement is on those and be in e-mail contact with the
14 Trustees in accordance with that?

15 CHAIRMAN DUFFY: Joe, as an alternative,
16 I'm not sure we want to get into a bunch of dialogue about
17 what the priorities are over e-mail between the Trustees
18 and the liaisons and the staff and Gail. I'm not sure we'd
19 reach resolution by February. What I would prefer to do as
20 a compromise, here's a suggestion. That the list of
21 priorities for the '06 invitation are as identified to the
22 extent -- and there's a dollar amount that we're targeting
23 -- but to the extent that individual liaisons believe there
24 are other things that should be looked at relative to the
25 '06 invitation, they can bring that perspective into that

1 discussion and it will be part of the draft '06 invitation.
2 Is that a reasonable interpretation of what I think we're
3 all trying to say here?

4 MR. MEADE: I'm probably where Pete's at
5 because I don't have that list in front of me and I didn't
6 have it in sufficient time to give it thorough review
7 myself nor to work with my liaison or Council. So I'm at a
8 disadvantage to give you an answer to that.

9 CHAIRMAN DUFFY: Okay. Pete, does that
10 description address the issue that you still have? My
11 interpretation.

12 MR. HAGEN: Yeah, I guess -- since now I
13 kind of lost what the language of the motion was, you know,
14 maybe it could be restated in something that would
15 accommodate some flexibility and discussion. I guess one
16 other point is we've got the PAC meeting that will come up
17 as well. And maybe that will be a target in which the
18 invitation draft can be discussed with the PAC and that way
19 get additional feedback. And so once it comes to the
20 Trustees it's kind of well vedded, so.....

21 MR. FREDRIKSSON: I'd be happy to amend my
22 motion such. And I would move that the Council endorse a
23 \$600,000 target for investing on FY06 invitation. And that
24 the EVOS staff work with the agency liaisons using the DEC
25 priorities as a starting point subject to modification and

1 recommendation back at the next Council meeting. Use it as
2 a working draft. But I expect, I guess -- with that as a
3 motion.

4 CHAIRMAN DUFFY: I appreciate that, Kurt,
5 and I think that's well stated but you cannot amend your
6 own motion. So I will need someone else to propose that as
7 a friendly amendment to your motion.

8 MS. PEARCE: I would propose that as a
9 friendly amendment.

10 CHAIRMAN DUFFY: Is there a second?

11 MR. MEADE: I'll second it.

12 CHAIRMAN DUFFY: Okay, a friendly amendment
13 to the motion has been made and seconded. So the motion is
14 now modified to reflect what you just stated. Gail.

15 MS. PHILLIPS: Mr. Chairman, earlier in the
16 discussion there was discussion about preparing two
17 options, one for the 600 and one for the 1.8.

18 CHAIRMAN DUFFY: Through discussion we
19 backed off from that perspective.

20 MS. PHILLIPS: All right. So the
21 invitation this year will specifically be 600,000?

22 CHAIRMAN DUFFY: 600,000.

23 MR. MEADE: Mr. Chairman, for clarity, it
24 won't exceed the cap.

25 MS. PHILLIPS: No.

1 MR. MEADE: That's basically the.....

2 MS. PHILLIPS: It will be under the cap.

3 MR. MEADE: One in the same, is it not.

4 CHAIRMAN DUFFY: Kurt.

5 MR. FREDRIKSSON: Just as a point of

6 discussion, I feel comfortable with the suggested revision.

7 I just think it's going to be real important, and I just

8 want to emphasize, particularly for EVOS staff and for the

9 liaisons, that when we come together in February the 4th,

10 that as we move forward on the invitation, it clearly

11 articulate the priorities of the Council and that the

12 Council be prepared to vote on those priorities so that we

13 can avoid any kind of confusion at that tail end as to what

14 the Council intended to be accomplished.

15 CHAIRMAN DUFFY: I think that's good advice

16 to the Council, Kurt. Any further discussion on this?

17 (No audible responses)

18 CHAIRMAN DUFFY: Any opposition of the

19 motion?

20 (No audible responses)

21 CHAIRMAN DUFFY: Hearing none, so moved.

22 The last item, I believe, on our agenda is discussion of

23 workshops. The Executive Director suggested that that

24 could be delayed until the February meeting.

25 MS. PHILLIPS: I think that could be --

1 Richard, is there any problem with delaying.....

2 MR. DWORSKY: I can do it in one minute.

3 MS. PHILLIPS: Okay, how about one minute
4 and then we take it off the agenda.

5 CHAIRMAN DUFFY: Gail, is this an action
6 item?

7 MS. PHILLIPS: No.

8 CHAIRMAN DUFFY: Can we discuss a non-
9 action item in the absence of one Trustee Council member?
10 A non-action item?

11 MR. TILLERY: Sure, you just can't take
12 action.

13 CHAIRMAN DUFFY: I'm just -- Pete is, I
14 believe, trying to catch a flight tonight. So if you're
15 concerned.....

16 MR. HAGEN: Do you know what our flight is,
17 Jeep?

18 DR. RICE: Yeah, it's 8:00 o'clock.

19 CHAIRMAN DUFFY: Oh, you're okay.

20 MS. PHILLIPS: Okay, one minute, Richard.

21 MR. FREDRIKSSON: Mr. Chairman,
22 clarification of the agenda item we're on now.

23 CHAIRMAN DUFFY: This is an update on the
24 -- coming from the Executive Director's report, we moved
25 the update on the workshop process that Richard was

1 supposed to give to the Trustee Council, we moved that to
2 the tail end of the agenda following the priority
3 discussion, the '06 invitation, the reconsideration of
4 previously considered projects. That was moved to the end
5 of the agenda. So there at the top of the table it's the
6 series of STAC, nearshore, lingering oil, watershed injured
7 species and modeling workshops. Kurt. Go ahead.

8 MR. FREDRIKSSON: I apologize and maybe it
9 is the lateness of the day, did we hear from Richard on the
10 update of the science plan? I know we heard about the
11 science book but did we have from you Richard an update on
12 the science plan revisions?

13 MR. DWORSKY: I guess.

14 CHAIRMAN DUFFY: We did.

15 MR. FREDRIKSSON: It was late, sorry.

16 MS. PHILLIPS: Yes, yeah.

17 MR. DWORSKY: The workshops are established
18 in the internal documents, project 560. We have a number
19 of work groups. They assist in formulating the invitation,
20 in formulating peer review, in formulating information.
21 They're staffed with people from the agencies and from the
22 public who are experts in the field and give us assistance.
23 These are the dates that we have proposed and were approved
24 by the TC at the last meeting. Any questions?

25 CHAIRMAN DUFFY: Yeah, Richard, I've got

1 one real quick. Is the watershed -- has that workshop -- I
2 noticed December 12th, is that scheduled to occur still?

3 MR. DWORSKY: Yes. Yes, sir.

4 CHAIRMAN DUFFY: Okay, on the 4th. And has
5 there been any workshop meetings so far? Did the nearshore
6 group meet?

7 MR. DWORSKY: The STAC has met, the
8 nearshore has met, portions of lingering oil has met.

9 CHAIRMAN DUFFY: Okay.

10 MR. DWORSKY: And obviously the STAC will
11 meet again when it comes to the invitation.

12 CHAIRMAN DUFFY: Okay. Pete.

13 MR. HAGEN: Yeah, I had a question on --
14 we've got workshops but there's also working groups and
15 maybe you could give some background on what working groups
16 are under -- are being tasked now.

17 MR. DWORSKY: Well, the work groups are
18 synonymous with workshops.

19 MR. HAGEN: Okay.

20 MR. DWORSKY: So we have a workshop -- we
21 have a work group for nearshore, we have a work group for
22 lingering oil. The nearshore and STAC have been approved
23 by the TC. The remainder of the working groups have been
24 approved by the Executive Director.

25 MR. HAGEN: So there's a science plan

1 working group then. Okay, I guess my suggestion -- and
2 there's two working groups I particularly want to address.
3 One is the working group on the science plan development
4 and the other is the working group on the injury list. And
5 I think from what I've read in terms of mapping out where
6 the workshops are, I think that sounds real good in terms
7 of, you know, convening at the symposium, having a couple
8 of other meetings set up and trying to bring the scientific
9 expertise to address those.

10 I guess one of my thoughts are,
11 particularly those groups are going to provide products,
12 one will be the science plan and the other will be perhaps
13 a synthesis of injury or some documentation that will take
14 advantage of the work of Bob Spies and work of other
15 projects. And I know the working group selection process
16 is under the Executive Director. And my suggestion might
17 be that they're also -- the Trustee consider a steering
18 group approach perhaps by asking their staff or signing as
19 needed to work with these working groups, at least to
20 provide some feedback. So as the draft outline or topics
21 are brought forward, the steering group could kind of
22 present a single Trustee position. Because I think that's
23 what we're wrestling with in a lot of areas right now, is
24 what the heck the Trustees want.

25 And I don't think we want to go down too

1 far down a path on producing a written document that we
2 don't have buy in by the Trustees all the way around. So I
3 don't know if that needs a formal motion or if that's
4 something the Trustees can direct to work with the
5 Executive Director on.

6 MS. PHILLIPS: Maybe Richard has.....

7 MR. DWORSKY: I do have a comment on that.
8 In our working group spreadsheet we do have liaisons spread
9 throughout. I know you've been invited. If you want to
10 have more, that's fine. I don't know how you want to frame
11 that but it's not a problem.

12 CHAIRMAN DUFFY: Drue.

13 MS. PEARCE: Specific to the science plan
14 and injured species groups, I want DOI staff on them
15 because we have some specific concerns that we've laid out
16 in a memo but we have some very specific concerns about the
17 science plan draft that we saw that we want fixed. And
18 certainly want to be a part of the injured species
19 discussion well before there's a product produced.

20 MR. DWORSKY: Are you suggesting, ma'am,
21 that I put them on the.....

22 MS. PEARCE: That is my suggestion.

23 MR. DWORSKY:working groups, DOI, for
24 the folks here?

25 MS. PEARCE: Yes.

1 MR. DWORSKY: Okay, fine.

2 MS. PEARCE: And they can.....

3 MR. DWORSKY: Now.....

4 MS. PEARCE: Dede is the one getting
5 pointed to, but they can decide that.

6 MS. PHILLIPS: Drue, I'm sorry, what one
7 was that besides the science plan?

8 MS. PEARCE: Injured species.

9 MS. PHILLIPS: Okay.

10 MS. PEARCE: I frankly think we should have
11 the opportunity to put internal staff on each one if we so
12 desire.....

13 MS. PHILLIPS: Right.

14 MS. PEARCE:and should be asked if we
15 want to.

16 MR. FREDRIKSSON: Absolutely. Absolutely.

17 MS. PEARCE: That's perhaps extra work to
18 ask all six of us but it seems like it could be a pretty
19 quick.....

20 CHAIRMAN DUFFY: How about an e-mail out to
21 the Trustee Councils doing that because I too would like to
22 have the State liaison on those two groups, Richard, that
23 she just mentioned. The science plan and the lingering oil
24 group.

25 MS. PHILLIPS: You'll get an e-mail on that

1 on Monday.

2 MS. PEARCE: And you can consider the
3 direction that it's coming from, the liaisons, to be the
4 direction of the.....

5 MR. HAGEN: Yeah, but I guess that's -- I
6 was thinking maybe a separate group, like a steering
7 committee in a sense that the chairman of those particular
8 work groups would also be a part of the steering committee
9 and it may be able to hammer out some things. But I think
10 that's fine if you think, you know, I think the working
11 group is a more scientific than technical issue. But if
12 you guys think that would work and if there's problems then
13 they could redo it but.....

14 CHAIRMAN DUFFY: Kurt.

15 MR. FREDRIKSSON: I think we all -- we sit
16 here as Trustees, as managers of agencies that have that
17 scientific and technical expertise and I get concerned when
18 there appears to be too much -- there's a science out there
19 that is not part of the agency. I think it is there and we
20 need to get the agencies engaged as much as possible in
21 these work groups. And so I support that. I also support
22 your comment, Pete, to avoid any confusion down the line
23 it's imperative that we get engaged here through our agency
24 liaisons.

25 I might note that with respect to the

1 science plan, as the science plan helps drive, as I
2 understand it, the invitation. We are now going to be
3 working, staff have been directed to develop and clearly
4 articulate the priorities for the FY06 invitation which in
5 my mind -- and let me just make it real clear -- those
6 priorities will also drive the science plan. So these
7 things are not just kind of off as separate items, they are
8 all kind of part of the same.

9 CHAIRMAN DUFFY: Any further comments on
10 this?

11 MS. PEARCE: Anybody for a motion we
12 adjourn?

13 CHAIRMAN DUFFY: Yes.

14 MS. PEARCE: Move we adjourn.

15 MS. PHILLIPS: Thank you, Richard.

16 MR. FREDRIKSSON: Second.

17 CHAIRMAN DUFFY: It's moved and seconded
18 that we adjourn.

19 (Off record - 5:50 p.m.)

20 (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
258 contain a full, true and correct transcript of the
Exxon Valdez Oil Spill Trustee Council's Meeting recorded
electronically by me on the 10th day of December 2004,
commencing at the hour of 10:05 a.m. and thereafter
transcribed by me to the best of my 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 29th day of
December 2004.

SIGNED AND CERTIFIED TO BY:

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