

Meeting Summary

A. GROUP: *Exxon Valdez* Oil Spill Trustee Council (EVOSTC) Public Advisory Committee (PAC)

B. DATE: September 22, 2015

C. LOCATION: Dr. Glenn A. Olds Hall Conference Room, 4210 University Drive, Anchorage, AK

D. MEMBERS IN ATTENDANCE: (T = via teleconference)

<u>Name</u>	<u>Principal Interest</u>
Amanda Bauer (T)	Commercial Tourism
Gary Fandrei (T)	Aquaculture/Mariculture
John French (T)	Science/Technical, PAC Vice-chair
Kate McLaughlin (T)	Conservation/Environmental
Angela Totemoff (T)	Public at Large
Patience Andersen Faulkner (T)	Subsistence
Stacy Studebaker (T)	Recreational Users

E. NOT PRESENT:

<u>Name</u>	<u>Principal Interest</u>
David Totemoff, Sr.	Native Landowner
Steven Aberle	Commercial Fishing
Kurt Eilo	Sport Hunting/Fishing, PAC Chair

F. OTHER PARTICIPANTS:

<u>Name</u>	<u>Organization</u>
Elise Hsieh	Executive Director, Trustee Council (EVOSTC)
Philip Johnson	Designated Federal Officer, Department of the Interior
Cherri Womac	Trustee Council Staff
Catherine Boerner (T)	Trustee Council Science Coordinator
Hellen Woods	Trustee Council Staff
Laurie Adams	Trustee Council Staff
Scott Pegau	Prince William Sound Science Center
Tammy Neher	NOAA Kasitsna Bay Lab
Kris Holderied	NOAA Kasitsna Bay Lab
Barat LaPorte	Oles Morrison

H. SUMMARY:

At 9:31 a.m. the Designated Federal Officer (Philip Johnson) opened the meeting and took roll call of PAC members. Seven members participated, establishing a quorum.

Public Comment: The floor was open for public comment, telephonically. No members of the public requested the opportunity for comment.

Executive Director's Report:

Executive Director Elise Hsieh provided an overview of significant activities this past year including the Long-Term Monitoring Workshop and the Draft FY 2017-2021 Invitation for Proposals (Draft Invitation). The Draft Invitation benefitted from review by the public, Trustee Council members, the EVOSTC PAC, the Science Panel and the Invitation Work Group.

The Annual Program Development and Implementation (APDI) Budget is now the "EVOSTC Annual Budget."

The Alaska Research Library and Information Systems digitizing work is now in its fourth year.

The Great Land Trust (GLT) habitat work is gaining momentum. For example the Ouzinke purchase is progressing. Other parcels that are in discussion include Port Graham/Kenai Fjords National Park and Portage Lake.

The PAC was briefed on a Herring Research and Data budget request. State budget cuts resulted in reduced support for the Alaska Department of Fish and Game (ADF&G) herring program. Agency requests for funding must be balanced between the prohibition for funding agency functions and the interest of the Council in facilitating its missions. The ADFG request is currently in the EVOSTC Annual Budget as it was just received. Next year the agency requests will be in proposals in the scientific program that include detail as to the funding requests and deliverables.

Draft FY 2017-2021 Invitation for Proposals:

Catherine Boerner provided a briefing on the Draft Invitation.

Two sets of public comments were received regarding the Draft Invitation. Both sets of comments were from potential Principle Investigators.

The Science Panel met September 16-17, 2015 to discuss the Draft Invitation, making minor changes. The Invitation Working Group also helped clarify issues and wording but no major changes were adopted.

A draft that incorporates comments to date will be available prior to the next Trustee Council meeting in November.

The Invitation for Proposals is anticipated to be issued on December 1, 2015. Program proposers are to submit their contact information and Program of interest by February 1, 2016, with proposals due April 1, 2016. Preliminary review will then take place and any feedback provided to proposers. Final proposals will be submitted September 1, 2016, prior to the next PAC meeting.

Long Term Programs:

Boerner then provided an update on the Long-Term Programs: the Herring Program and Long-Term Monitoring (Gulf Watch Alaska).

The Science Panel is supportive of the progress to date. An emphasis is placed on data analysis and collaboration between these Programs.

Herring Program - In FY 2016, two additional projects are being proposed.

16160111-S Herring Movement Study – This proposal is requesting funds to clarify the annual migration cycle of Prince William Sound (PWS) herring. The objective of the project are to 1) purchase and deploy additional acoustic receivers at the Ocean Tracking Network arrays so that the direction of herring movements (into or out of PWS) can be determined; and 2) purchase acoustic tags.

The acoustic tracking project will fund the purchase of tags and receivers. The Science Panel discussed whether to recommend this project for funding in FY 2016, or whether they should wait until data are analyzed. The Science Panel accepted the justification provided by the Principle Investigator (PI) and is recommending the project for continued funding.

Gary Fandrei asked about the lifespan of the receivers. Scott Pegau (Herring Program PI) responded that the receivers can be used until they are lost to the ocean, but the tags are one-time use only.

16160111-T ASL Study and Aerial Milt Survey - This project will conduct spring aerial surveys to document spawn distribution and biomass as well as process age, sex, and size samples of herring collected by acoustics surveys, spawning surveys, PWS Herring Program disease sampling and genetics collections.

The work would be conducted by ADF&G. Some of this work had in the past been supported by agency funds, but as mentioned above, State budget cuts have resulted in loss of that support. John French noted that the PAC typically has tried to avoid funding requests that could be supported through agency funding.

The Science Panel is recommending continued funding for the Herring Program.

Long-Term Monitoring (LTM) of Marine Conditions and Injured Resources –

The Science Panel noted there had been good coordination following the February 2015 meeting. They did voice some concerns regarding the Hollmen proposal (16120114I), which would fund development of a conceptual model. This project was not recommended for funding in FY 16.

In the Draft Invitation, conceptual modeling is expected to be included.

NOAA Clean Harbor Projects –

The Cordova Snow Management Study project completed its work in FY15 and is preparing a final report for submission. The Cordova Clean Harbor Program completed the construction of an anti-freeze shed and battery storage area in FY15 and will be implementing their outreach program in FY16 on the use of these facilities.

The Science Panel recommends funding to close out this work. The PAC had no additional comments or suggestions.

Pigeon Guillemot Restoration Research Project –

The Science Coordinator provided an update on this project. The number of active nests almost doubled the amount from the previous year following predator reduction in the nesting area. In contrast, nesting activity at a nearby control island did not increase during the same time period.

French asked if the researchers were counting fledglings vs. active nests. It was noted that fledglings would be too difficult to count given the birds nest in cliff habitat.

This project should be viewed as a 5-year demonstration project.

Habitat Program:

Hsieh briefed the PAC on Habitat Program activities.

Termination Point: This 1,060-acre parcel, known as Termination Point, is owned by Leisnoi, Inc. and is located on the northeastern end of Kodiak Island. An appraisal for a purchase of a conservation easement is underway and is expected to be completed by November 1, 2015. The land would be conserved with an easement held by the State of Alaska or the Kodiak Island Borough with additional enforcement rights held by the Bureau of Land Management (BLM). In both scenarios the property will be managed for conservation and public use. Koniag, Inc. owns the subsurface estate below this property. Negotiations with Koniag, Inc. regarding acquisition of the subsurface estate are ongoing.

Long Island is located in the Gulf of Alaska off of the northeastern coast of Kodiak and is owned by Leisnoi, Inc. It is proposed for protection through a conservation easement on 1334 acres. An appraisal for a proposed conservation easement is underway and is expected to be completed by November 1, 2015. As currently proposed, the conservation easement would be held by either the State of Alaska or the Kodiak Island Borough with additional enforcement rights held by the Bureau of Land Management (BLM). The conservation easement would allow public access in either scenario. As the fee owner, Leisnoi, Inc. would retain certain rights on the entire 1,334 acres, such as the ability to install appropriate signage, maintain certain rights to archaeological sites and artifacts, engage in subsistence activities, and maintain ownership of any potential carbon credit value. Additionally on approximately 141 acres on the northwestern point of Long Island, Leisnoi, Inc. will retain additional rights such as the ability to build structures and limit public access. Other uses such as subdivision and timber harvest will still be restricted. Koniag, Inc. owns the subsurface estate below this property. Negotiations with Koniag regarding acquisition of the subsurface estate are ongoing. The protection of this large, ecologically-rich island in the Kodiak Archipelago would contribute to EVOSTC area-wide goals of species recovery and habitat

protection. Species affected by EVOS in the Kodiak Archipelago are dependent on the coastal, wetland, and upland habitats provided by the Long Island parcel. Long Island provides habitat for large populations of sea birds, as well as shore birds and terrestrial and marine mammal species, including those affected by EVOS.

PAC discussion:

Termination Point – Stacey Studebaker indicated that the community of Kodiak is enthusiastic about the potential conservation easement for Termination Point. She had nominated this project many years ago and is thrilled that Leisnoi, Inc. may now be willing to reach agreement on this parcel. Given State budget issues, management by the Kodiak Borough is more likely than management by the Alaska Department of Natural Resources. There will be a presentation to the Kodiak Borough Assembly this Thursday, September 24, 2015.

French also supports the Termination Point project, considering it to be a valuable public asset.

Long Island – French raised concerns about hazardous materials left over from World War II, specifically leakage of transformer oils containing PCBs (polychlorinated biphenyls). He considers the Long Island parcel to also be valuable, but he recommends that the potential liability associated with the very high PCB levels found in a limited number of soil samples needs to be addressed prior to EVOSTC action.

French pointed to information in the Benefits Report regarding Ft. Tidball. Some cleanup has been conducted by the U.S. Army Corps of Engineers (ACOE) from 1986-2003. In 2005 it was determined that no further remedial action would be planned.

French indicated that the area affected by the contamination was relatively small, but concentrations were very high (parts per thousand), and migration of the PCB oil was fairly deep. French advocated for using a precautionary principle standard. French also asked if monitoring wells were still present and if the contaminated area was fenced.

Lauri Adams noted that if a successful purchase agreement is reached, appropriate due diligence would be conducted, including hazmat surveys and fieldwork before finalizing an agreement.

Studebaker agreed with French, expressing concern that the ACOE left high subsurface levels of PCBs in some areas.

The PAC noted the need to document any remaining contamination to avoid potential public exposure.

Hsieh observed that Leisnoi, Inc. may view the two parcels in tandem during the negotiations.

Studebaker asked if there were contamination issues at previously acquired properties. It was noted that due diligence is performed on acquisition for all parcels. And all project acquisitions require the approval of the Alaska Department of Law, U.S. Department of Interior Solicitor's Office and the U.S. Department of Justice.

Studebaker hoped that the two parcels could be considered separately, but recognized that may not meet the willing seller's desires.

It was then noted that a conservation easement differs from taking title to land. It was also noted that Koniag, Inc. owns the subsurface for this parcel. Andersen Faulkner mentioned Alaska native corporation litigation regarding what constitutes surface vs. subsurface rights.

French recommended that the PAC consider two distinct motions for these two sites.

Future Meetings and Activities:

French stated that the February meeting (Science Workshop) was very useful and recommended continuing these meetings in the future.

Hsieh explained that a similar Science Panel/PAC meeting will be held in the 3rd year of the new funding cycle (FY 19).

The next EVOSTC meeting will be on November 12, 2015. PAC members may attend this meeting.

Outside of the regular meeting schedule, PAC members can offer individual comments to the EVOSTC. The TC staff will ensure that Trustees are aware that those individual comments are from PAC member(s).

When the Port Graham appraisal(s) are available, they will be circulated to PAC members.

Under the Draft Invitation, proposals for FY 17-21 will be due on April 1, 2016. Final proposals will be due September 1, 2016.

Hsieh noted that if competing proposals are received, the PAC and TC will need to meet to decide which will be the “preferred proposal.” Under that scenario, it is possible that a June, 2016 meeting will be required.

French strongly encouraged in-person meetings each year, finding value in these meetings. He believes this interaction helps the group function better as an advisory committee. Andersen Faulkner supported French’s recommendation regarding in-person meetings.

Hsieh noted that in-person meetings are held every other year, with the next one planned for October 2016. The Executive Director also noted that the PAC membership has different views regarding the number of meetings.

There was general discussion regarding the EVOSTC staff scheduling both PAC and TC meetings to avoid meeting near the end of the State budget cycle (July 1) and the federal fiscal year (September 30).

PAC Motions:

Motion: Amanda Bauer introduced a motion to approve the June meeting summary. Seconded by Kate McLaughlin. **Motion carried.**

Motion: Bauer introduced a motion to approve the FY16 Annual EVOSTC Budget. Seconded by Studebaker. **Motion carried.**

Motion: Fandrei moved to approve the Draft Invitation, to go forward to the EVOSTC with minor edits. Seconded by Bauer. **Motion carried.**

Motion: Studebaker moved to accept the funding requests for the two new Herring Program proposals. Seconded by Fandrei. **Motion carried.**

Motion: McLaughlin moved to accept the Long-Term Monitoring budget, with the exception of the Hollmen project. Seconded by French. **Motion carried.**

Motion: Bauer moved to recommend the NOAA Clean Harbor projects for continued funding. Seconded by McLaughlin. **Motion carried.**

Motion: Bauer moved to recommend the pigeon guillemot project for continued funding. Seconded by Andersen Faulkner. **Motion carried.**

Motion: French moved that the PAC strongly supported the Termination Point parcel. Seconded by Studebaker. **Motion carried.**

Motion: Andersen Faulkner moved that the PAC offers cautious support for the Long Island parcel, with a strong note regarding remaining contamination and consideration for public and environmental safety. Seconded by Studebaker. **Motion carried.**

Motion: Bauer moved to adjourn the meeting. Seconded by Angela Totemoff. **Motion carried.**

Closing Remarks:

The DFO (Johnson) thanked the PAC for their work.

The meeting was adjourned at 10:55 a.m.

I. FOLLOW-UP:

1. The PAC meeting notes and recommendations will be distributed to the EVOS Trustee Council prior to their next meeting, which will be held on November 12, 2015 in Anchorage. The DFO and/or PAC Chair will plan on attending this meeting, summarizing the outcome of PAC meetings held since the last EVOS TC meeting. The PAC members are welcome to attend in person or telephonically.

J. NEXT MEETINGS:

Trustee Council Meeting (Anchorage on November 12, 2015)

K. ATTACHMENTS (provided to PAC members prior to the meeting):

1. September 22, 2015 *Exxon Valdez* Oil Spill Trustee Council (EVOSTC) Public Advisory Committee (PAC) draft meeting agenda.
2. Draft June 29, 2015 *Exxon Valdez* Oil Spill Trustee Council (EVOSTC) Public Advisory Committee (PAC) draft meeting summary.
3. February 4, 2015 *Exxon Valdez* Oil Spill Trustee Council (EVOSTC) Public Advisory Committee (PAC) meeting summary.
4. October 16, 2014 *Exxon Valdez* Oil Spill Trustee Council (EVOSTC) Public Advisory Committee (PAC) meeting summary.
5. 8/24/2015 – Draft Invitation Comments (emails).
6. 8/17/2015 - *Exxon Valdez* Oil Spill Trustee Council Draft Invitation for Proposals, Fiscal Year 2017-2021.
7. 9/11/2015 – FY 2016 *Exxon Valdez* Oil Spill Trustee Council Annual Budget.
8. 9/4/2015 - ADF&G Herring Funding Request.
9. 9/1/2015 - FY 2016 Great Land Trust Proposal.
10. 9/2/2015 – FY 2016 Alaska Research Library and Information Services Document Digitizing Project Phase 4 Proposal.
11. 9/11/2015 – *Exxon Valdez* Oil Spill Trustee Council Proposal Non-Disclosure Form.
12. 9/11/2015 - *Exxon Valdez* Oil Spill Trustee Council Draft Work Plan for FY 2016.
13. 9/10/2015 – Termination Point Benefits Report.
14. 9/10/2015 – Long Island Benefits Report.

L. CERTIFICATION:

PAC Chairperson

Date