

EXXON VALDEZ OIL SPILL SETTLEMENT  
Trustee Council

Alaska Public Utilities  
1016 West 6th Avenue  
Suite 305  
Anchorage, Alaska  
December 19, 1991  
6:30 o'clock p.m.

IN ATTENDANCE:

State of Alaska	<b>MR. CHARLES COLE</b> Attorney General Council Meeting Chairman
State of Alaska Department of Environmental Conservation	<b>Mr. JOHN SANDOR</b> Commissioner
Alaska Department of Fish and Game	<b>MR. CARL ROSIER</b> Commissioner
USDA Forest Service	<b>MR. MICHAEL BARTON</b> <b>MR. DAVE GIBBONS</b> Regional Forester
National Oceanic Atmospheric Administration	<b>MR. STEVEN PENNOYER</b> Regional Director
United States Department of the Interior	<b>MR. CURTIS McVEE</b> Special Assistant to the Secretary

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P R O C E E D I N G S

1 MR. COLE: Good evening, ladies and gentlemen. This is  
2 the meeting of the Exxon Valdez Oil Spill Settlement Trustee  
3 Council. We're meeting this evening in the offices of the  
4 Alaska Public Utilities Commission, 1016 West 6th Avenue, Suite  
5 305, Anchorage.

6 Initially, this evening I would like to again introduce  
7 the members of the Trustee Council, starting on the left is  
8 Curt McVee, the designee of the Secretary of the Interior; next  
9 is Mike Barton, he's the designee of Secretary Madigan,  
10 Secretary of Agriculture; to my left is Steve Pennoyer,  
11 designee of the NOAA Trustee, Dr. Knauss, Steve Pennoyer; on  
12 the extreme right is John Sandor, Alaska Commissioner of the  
13 Department of Environmental Conservation; and, next to me on my  
14 right is Carl Rosier, Commissioner of the Department of Fish &  
15 Game.

16 This evening, in addition, I would like to introduce  
17 the designee of Administrator Reily (ph) of the Environmental  
18 Protection Agency, Mr. Robert Bird, he's from the Tenth  
19 Regional Office in Seattle. Mr. Bird.

20 MR. BIRD: You will recall, those of who attended the  
21 last meeting of the Trustee Council, that each member of the  
22 Trustee Council was afforded the right to name on designee to a  
23 subgroup, the name of which I obviously have difficulty  
24 recalling, but it's the RRCG group; and I think that stands for  
25 Restoration, Resource, Coordination Group. It is a name which

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this evening I would like to mention or to have consideration  
1 given to simplifying the name; sometimes I read it Resource,  
2 Restitute -- or Restoration Council, and then it's group, and  
3 then it's something else. And, it's really -- I find it very  
4 difficult, I don't know if you ladies and gentlemen have the  
5 same problem with it that I do, but I must say I certainly do.

6 But in any event -- and, also at the last meeting, we  
7 were to hold, as we did, an executive session for the  
8 appointment of, you might say, an acting executive director.  
9 The following day, we met and appointed or elected an executive  
10 director, Dave Gibbons, who will I introduce to you now.  
11 Mr. Gibbons, if you would stand and let these people have a  
12 good look at you, please.

13 Next, is Dr. Jerome Montague, the designee of Curt  
14 Rosier. Dr. Montague.

15 Stan Senner, designee. Marty Rutherford, she's the  
16 designee of Harold Heinz who is the Commissioner of Natural  
17 Resources, as you know, who is my designee; so, she's a sub,  
18 sub-designee. And, lastly, Ernie Piper .....

19 UNIDENTIFIED VOICE: Alternate designee.

20 MR. BIRD: ..... alternate designee of Commissioner  
21 Sander. Thank you, ladies and gentlemen.

22 CONFERENCE OPERATOR: Excuse me. This is the bridge  
23 (ph) operator. Just to let you know, Soldotna, Cordova, Kodiak  
24 and Juneau are on line.

25 MR. COLE: Thank you. Does everyone have a copy of

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this evening's agenda?

1 JUNEAU MODERATOR: This is the Juneau moderator, and  
2 we'd like a copy of the agenda, please.

3 MR. COLE: Sure. Do you have a fax machine there?

4 JUNEAU MODERATOR: The number is 465-2299.

5 KODIAK MODERATOR: This is Kodiak, we would like a  
6 copy, too.

7 MR. COLE: Please give us the fax number.

8 KODIAK MODERATOR: 486-5264.

9 MR. COLE: Would any other station like a copy of the  
10 agenda? It's sort of an nondescript document, but you're  
11 certainly welcome to have it.

12 SOLDOTNA MODERATOR: Could you please send one to  
13 Soldotna at 262-1881?

14 VALDEZ MODERATOR: Can you sent one to Valdez,  
15 835-2097?

16 MR. COLE: Well, in any event, those of you who do not  
17 have a copy of the agenda, the initial item on the agenda this  
18 evening is entitled Opening Statements. Who here this evening  
19 in officialdom (ph) would like to make an opening statement?

20 UNIDENTIFIED VOICE: Homer has none.

21 MR. McVEE: I guess one thing, that .....

22 MR. COLE: Mr. McVee.

23 MR. McVEE: Yes, Mr. Chairman. You guys might  
24 recognize the Interior member on the RRCG, and we've identified  
25 Pam Bergman, but she is acting on leave for some period of time

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here, so we have acting Cornell Roy. Cornell, back there.

1 MR. COLE: Sir, would you like to sit at the table for  
2 RRCG? And, Mr. Pennoyer?

3 MR. PENNOYER: Yeah. Following up on that, Dr. Byron  
4 Morris will be the NOAA representative on the RRCG. Byran.

5 MR. COLE: And, sir, you're welcome to sit here at this  
6 august table. And, Mr. Barton, please.

7 MR. BARTON: Mr. Ken Rice will be the Department of  
8 Agriculture member for the RRCG.

9 MR. COLE: Mr. Rice, if you can find room here, if  
10 that's your wish, you're certainly welcome to sit with your  
11 fellow RRCG members.

12 UNIDENTIFIED VOICE: Mr. Cole, we aren't submitting  
13 anything (indiscernible) so we'll stay back here.

14 MR. COLE: All right. Thank you, sir.

15 Now, opening statements, please. First, members of the  
16 Trustee Council on the Federal side, please. Any opening  
17 statements?

18 MR. McVEE: No, (indiscernible - away from microphone).

19 MR. COLE: And, State Trustees?

20 MR. SANDOR: None.

21 MR. COLE: Are there members of the RRCG who would like  
22 to make an opening statement at this time? No opening  
23 statements. Do we, now, gentlemen, pass to the RRCG member  
24 identification? I think we've done that. And, what about sub-  
25 groups, that's the next agenda. Mr. Gibbons, would you like to

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make a presentation of sub-groups?

1 UNIDENTIFIED VOICE: Get over here by the microphone.

2 MR. COLE: For those listening in on teleconference,  
3 Mr. Gibbons, the Executive Director, has taken the seat at the  
4 special table with the microphone and will now make a  
5 presentation of his sub-groups.

6 MR. GIBBONS: Thank you, Mr. Chairman. At the last  
7 meeting -- public meeting on December 5th, the Trustee Council  
8 requested the initiation of some tasks. And, those tasks were  
9 to initiate a meaningful public participation process,  
10 including the Public Advisory Group; and, secondly, to draft a  
11 restoration framework work plan to start initially.

12 And, in the interim status between the previous  
13 organization that we had, the Management Team and the  
14 Restoration Planning work group, and the new one that was  
15 formed that evening, which was the R2CG (ph) in the Trustee  
16 Council. To get these tasks done, I formed some small work  
17 groups to work on those in the interim until we get a final  
18 organization done. And, I used the existing staff that was on-  
19 hand at the time, and we created four small groups. And, these  
20 groups are our restoration framework group, the damage  
21 assessment restoration work plan group to develop a work plan  
22 for 1992, the public participate group, and finally, a budget  
23 and process group.

24 And, we'll hear from some of the members of those  
25 groups later. And, I just wanted to request the approval to

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continue those groups until a final organization is set; and,  
1 we can move forward with the organization at that time.

2 MR. COLE: How many members are in each group?

3 MR. GIBBONS: Well, right now, it's not firm. We've --  
4 I've got either a chair or co-chair on each one, but the number  
5 of members in those groups are not determined yet at this time.

6 MR. COLE: Does any member of the Council want to make  
7 observations on that subject? Mr. Pennoyer.

8 MR. PENNOYER: Well, Mr. Chairman, as Mr. Gibbons said,  
9 we're going to get reports later in the meeting on the  
10 activities conducted by these groups and might be a little  
11 better able to comment on their adequacy in terms of  
12 composition or what have you. Certainly, the work we assigned  
13 you fell into these areas, and we'd like to hear the work that  
14 has preceded. These are ad hoc groups .....

15 MR. GIBBONS: That's correct.

16 MR. PENNOYER: ..... composed from existing staff on  
17 the current various sub-groups that we've formed. So, this  
18 isn't a new staffing effort, it's basically making use of  
19 existing people?

20 MR. GIBBONS: That's correct.

21 MR. COLE: Will all the members of the sub-groups be  
22 members of the RRCG?

23 MR. GIBBONS: There are members on -- from the RRCG  
24 group on every one of these; yes, that's correct; but they're  
25 not solely only limited to the RRCG group. There's some other

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expertise that we need to accomplish some of these tasks.

1 MR. COLE: Yes, Mr. Pennoyer.

2 MR. PENNOYER: Mr. Chairman. The RRCG, as we assigned  
3 it, has called in expertise from the agencies to assist, which  
4 I think is sort of what we had in mind rather than establishing  
5 permanent groups that for different assignments they do just  
6 that. So, pending hearing the report and seeing where we go,  
7 I'd suggest we just proceed with it.

8 MR. COLE: All right. Mr. Sandor.

9 MR. SANDOR: (Indiscernible - away from microphone).

10 MR. COLE: All right. Thank you. Do you want to  
11 continue then, Mr. Gibbons, please?

12 MR. GIBBONS: Yeah. That's basically -- I just wanted  
13 the approval of the Trustee Council to continue with this  
14 process until a final organization is completed.

15 MR. COLE: Is there objection? All right. It's --  
16 you're so authorized.

17 MR. GIBBONS: The next topic on the agenda is Operating  
18 Procedures. And, we'd like to get the approval of the Trustee  
19 Council to start developing some of those operational  
20 procedures, both perhaps for the Trustee Council, at you wish,  
21 or at the role of the RRCG group, too. We believe that there's  
22 some operation -- operating procedures that are needed, and we  
23 just want your thoughts and/or approval to initiate some  
24 activities in these areas.

25 MR. COLE: Mr. Tillery in the Department of Law has

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done some work on some operating procedures for the Trustee  
1 Council. Have you seen that work product?

2 MR. GIBBONS: Yes, I have.

3 MR. COLE: Okay. Is there any objection by any member  
4 of the Trustee Council to that request? Mr. McVee?

5 MR. McVEE: I just had a couple comments on  
6 Mr. Tillery's product, if those are appropriate at this time.

7 MR. COLE: Sure. Certainly.

8 MR. McVEE: Okay. Thank you, very much.

9 MR. COLE: I mean since they're the Department of Law,  
10 how could I object to it, your comments?

11 MR. McVEE: It's a good effort, and I think basically  
12 that what's been outlined will work. One of the thing -- one  
13 of the areas that was of some concern was that the designation  
14 of a designee, that in case of failure of one of the Trustee  
15 Council members to be available for a meeting -- and, I know  
16 that it's difficult for all six of us to -- schedules to arrive  
17 at a calendar date where we can be present. But it seems to me  
18 like we may want to broaden that out just a little bit, other  
19 than illness, emergency or vacancy, that there could be other  
20 extenuating circumstances such as, you know, the boss calls me  
21 to Washington and I'm not available and yet there's important  
22 matters to be considered.

23 I think there's -- if that is broadened out, there  
24 should be a clear understanding that whoever is designated  
25 would carry the same vote and be able to conduct business. I

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10  
think that would fail if my designee, for example, were to say  
1 well, I've got to wait till Curt returns and talk to him before  
2 I can make a vote on a matter. But I think we should broaden  
3 that out a little bit.

4 MR. PENNOYER: I'll open that.

5 MR. COLE: Yes, Mr. Pennoyer.

6 MR. PENNOYER: I think that Curt's quite right, since  
7 we reach decisions by consensus, if we're continually  
8 frustrated by individual travel plans, we'll probably never get  
9 the job done. But one additional factor I think is that we  
10 probably don't want to see different people at the table every  
11 time you turn around. So, if possible, the suggestion might be  
12 that we designate that alternate up front and in writing or  
13 something so that we know, on some consistent basis, who we'll  
14 be dealing with.

15 MR. COLE: Well taken. Any other comments on that  
16 subject? Did you have other comments, Mr. McVee?

17 MR. McVEE: No, I think that's all at this time.

18 MR. COLE: All right. Mr. Pennoyer.

19 MR. PENNOYER: I have one additional comment that might  
20 be looked at, too, when you're going over this. There is a  
21 concept in here about quorums, and the wording is basically  
22 unanimous approval of all Council members. I think the  
23 decisions are taken by consensus, and I assume consensus means  
24 all six. So, quorums for certain purposes might be all right,  
25 but I assume that that's not what we're going to try to do

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because we're going to reach decisions; we'll have to have the  
1 six seats filled.

2 MR. COLE: Well, I -- .....

3 MR. PENNOYER: Is that correct?

4 MR. COLE: ..... I wouldn't think that a quorum is  
5 equivalent to unanimous vote of all six. I thought that at the  
6 last meeting, we decided that in accordance with MOA that we  
7 would follow the same procedure; that was my understanding, was  
8 I in error on that or does -- you're nodding say I was in  
9 error?

10 UNIDENTIFIED VOICE: No.

11 MR. COLE: No.

12 UNIDENTIFIED VOICE: That was my understanding.

13 MR. COLE: Yeah. All right. Those of you in the back,  
14 I see extra chairs up here in some places, you're certainly  
15 welcome to move up and be seated.

16 All right. Well, they can take a look at that, and  
17 Mr. Tillery is here, and he can address that. Mr. Rosier?

18 MR. ROSIER: Yes. Thank you, Mr. Chairman. I have one  
19 comment, under Item 6, Meetings. We talked about the notice of  
20 each meeting and the proposed agendas being given to the  
21 private sector; and, we specifically mention in there  
22 Anchorage, Cordova, Homer, Juneau, Kenai, Kodiak, Seward and  
23 Valdez. Then, in the next paragraph, we go on to say that the  
24 meeting of the Council shall be public except for matters  
25 concerned in Executive Session; teleconferencing will be used

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to the extent feasible to allow public participation in the  
1 cities listed above.

2 It seems to me that that list should probably be  
3 expanded a little bit. We've got a number of communities like  
4 Tatitlek, Fort Graham and Chenega Bay; these are communities  
5 that were certainly affected by the Spill. Certainly, some  
6 effort should be made to determine what we can do for those  
7 communities in terms of public notice and getting them involved  
8 in the teleconferences as well.

9 MR. COLE: Commissioner Sandor?

10 MR. SANDOR: No comments?

11 MR. COLE: Pardon? Mr. Pennoyer, please.

12 MR. PENNOYER: Just one additional comment, and this  
13 may be a technicality, but on Item 14, Item F, it says  
14 oversight of oil spill information center, including transfer  
15 to an appropriate facility. And, I know that's an item we've  
16 got under consideration, but I'm not sure we've made the  
17 decision relative to the cost of doing that or alternatives.  
18 And, maybe just taking that final phase out, including transfer  
19 to an appropriate facility, we'll leave it open to our choice  
20 in the future, which I don't think we've reached yet.

21 UNIDENTIFIED VOICE: Okay.

22 MR. COLE: Mr. Barton?

23 MR. BARTON: I have no comments that haven't been  
24 raised, Mr. Cole. Thank you.

25 MR. GIBBONS: Well, I'd just like to say that my

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position with respect to notice is that we should not see how  
1 little notice we can give but how much notice we can give, and  
2 how much in advance we can give that notice; I think that's  
3 important, some people may wish to come here. I know that it's  
4 occasionally difficult, but I think we should take steps to put  
5 that on the radio, on Alaska Public Radio, so some of these  
6 outlying areas will have notice. And, I think that since we're  
7 getting a little better organized than last time, that it would  
8 be well to consider having the agenda published in the paper.  
9 And, may be that certain people in these areas have specific  
10 concerns about some subjects and would like to make a special  
11 effort to be present.

12 What is the consensus or the views of the Council on  
13 that, about publishing the agenda, for example? Yes,  
14 Mr. Barton.

15 MR. BARTON: Well, I think we should publish the agenda  
16 presuming that we're organized far enough in advance that we  
17 have the time to do so.

18 MR. COLE: All right. Mr. Gibbons, if you could follow  
19 through on that, please. Any other comments on the work  
20 product of Mr. Tillery? Could we then move on, Mr. Gibbons,  
21 please?

22 MR. GIBBONS: Yes. I want to make one more statement.  
23 Mark Broderson, who's a member of the RRCG group is in the  
24 audience, too, and I'd like to identify him; he's working with  
25 Ernie on this.

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MR. COLE: All right. Mr. Broderson, if you would  
1 please rise so the folks can take a look at you. Thank you.

MR. GIBBONS: Yeah. The first task that was identified  
2 on the -- at the last meeting was meaningful public  
3 participation. And, we've taken that on and come up with some  
4 thoughts on that process, including a public advisory group,  
5 and Ernie Piper is going to share some of those with us.

MR. COLE: Mr. Piper.

MR. PIPER: Mr. Chairman, for the record and for the  
8 teleconference sights, my name is Ernie Piper; I'm currently  
9 the on-site coordinator for the Exxon Valdez Spill for the  
10 State of Alaska, and I am the utility infielder on the RRCG for  
11 DEC. Mark Broderson will be taking the lead. I've been given  
12 this .....

MR. COLE: Do you bat left-handed or right?

MR. PIPER: Actually, I'm switching.

MR. COLE: It's good to know. Thanks.

MR. PIPER: More power from the right side. What I  
17 have before you tonight are really four authorizations,  
18 administrative housekeeping type of things, and suite (ph) of  
19 guidance issues on this matter. And, I will sort of proceed  
20 from the concrete to the abstract, if that makes it easier.

The -- on the back of a memorandum that was passed out  
22 to you today, it's actually the Page 4, the back of Page 2, is  
23 a diagram that outlines some of the most significant ways that  
24 we think that the public can participate. These aren't  
25

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intended to be the entire universe of things, and neither are  
1 they intended to be specific recommendations; but they are  
2 possibilities, and we would like authorization at some point in  
3 the evening to go ahead and make this part of a package that  
4 would be given out for public comment, and I'll get on to that  
5 later.

6 To summarize what is involved in that series of  
7 opportunities, for example, there's -- broken into three  
8 categories; information availability, access to the planning  
9 process and access to the decision-making process. The  
10 information availability would include such things as a  
11 resource center, and that's currently served by the OSPIC, the  
12 Oil Spill Public Information Center. Public outreach done in  
13 the standard ways that we're familiar with in terms of news  
14 releases and so on, and also, in some of the more creative  
15 ways, such as the one that you mentioned in using APRN or,  
16 perhaps, RATNET to get some information out. Mailings, meeting  
17 agendas, and minutes and so on, and also, educational programs  
18 as the agencies come up with information; there are many plans  
19 for those among the agencies.

20 Under the planning process and making sure there's  
21 access there, there would be, of course, community meetings.  
22 We've made -- one option could be that the Public Advisory  
23 Group, when it's formed, have a Staff participant on the RRCG,  
24 since that's such an important part of this process; and, also  
25 of course, review and comment on draft products.

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And as far as the decision-making process, open Trustee Council meetings, such as this; and, also, input from the Public Advisory. And, that is one of the issues on which I'll be asking your guidance as I get to more abstract.

The first thing that we would like to get authorization at some point this evening is authority to take these options, add to them if you wish, and take those out and make them part of a public comment package on public participation between now and the time that the Restoration framework document is prepared. To do that, though, requires some sort of mechanism to get information out and to receive mechanism from the public.

And, what we would also like your authorization to do is to establish an interim public information organ, and we have several options available. One would be to delegate public information duties to the ADEC Oil Spill Response Center, which currently has a full-time public information staff, fax machine, telephone and so on; we could use the existing contractor, which is CACI, to funnel that information. We could also locate a public information specialist in the Oil Spill Public Information center. My personal recommendation is that it would be easier to do it out of our Oil Spill office, because we have the staff, we have the facilities; the public is used to dealing with this, we have that number. So, I would put that before you for consideration.

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MR. COLE: So, would you -- shall we take these things  
1 up as Mr. Piper enumerates them, or do you want to -- does the  
2 Council want to wait until the end? I lose track of these  
3 things, to tell you the truth. Mr. McVee?

4 MR. McVEE: I'd like to kind of, I guess, hear the  
5 whole .....

6 MR. COLE: Okay.

7 MR. McVEE: .....program.

8 MR. COLE: All right. Please continue.

9 MR. PIPER: I shall be brief. The next point that we  
10 would like to bring out is to get a simple authorization;  
11 again, this is one of the housekeeping ones; is once we have an  
12 interim organization in place to get information out, once  
13 we've listed some options that are available for people to  
14 participate, we would like the authorization from you to  
15 conduct some kind of public comment period.

16 Now, Mr. McVee made a specific recommendation in a  
17 letter a couple of weeks ago or last week, which was to hold  
18 public meetings on public participation; that would be one  
19 option. A second option would be to use the existing mailing  
20 list that we have, the existing public contacts that we have  
21 among all our agencies to ask those people in the communities  
22 for written comment or what they think, whether they think some  
23 of these are good or bad, what they think of the Public  
24 Advisory Group, how they think that group should participate  
25 and so on.

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Then, we could collect all that information, whether  
1 taken by meeting or taken by written comment, in January,  
2 revise it in February based on what we hear. And, then, the  
3 intent would be to make a good, strong draft proposal for  
4 public participation part of the Restoration framework  
5 document, which will be going out to public meetings, and the  
6 target for that is March.

7 The pro to having meetings about public participation,  
8 of course, is it's a good populist (ph) way to get out and talk  
9 to people and hear from them in the communities. The downside  
10 to that is it's a very short time frame, it's an extra series  
11 of travel, and it's also a difficult time to set up public  
12 meetings in terms of getting to everybody; we've had that  
13 experience on some of our Oil Spill meetings in the winter.

14 So, I would ask on that measure to consider whether to  
15 have meetings -- if you desire us to take public comment on  
16 this, whether to have meetings or whether to do it with  
17 written, -- conventional written comment.

18 The more abstract, and the issues on which we would  
19 like to get some guidance, refer specifically to the Public  
20 Advisory Group. Obviously, the Public Advisory Group is  
21 supposed to provide meaningful oversight input into the  
22 Restoration planning process, an oversight of the way things  
23 happen.

24 Having made that very simple statement, it's important  
25 to point out that the mission of the Public Advisory Group --

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19  
what you actually expect that group to do and provide to you,  
1 has a very direct affect on the composition of the group and  
2 the way in which you might select them. As a practical matter,  
3 it also determines what a budget might be and how that money  
4 might be spent.

5 Here, following, are some of the real principal ways in  
6 which we think that a Public Advisory Group would participate.

7 And, again, these don't encompass the whole universe of  
8 options; and, they don't -- although, I list them in a  
9 particular order, they don't mean that they're weighted that  
10 way, you can arrange these options with any -- having any given  
11 weight that you like.

12 I would point out, though, that depending upon how you  
13 would weight these tasks, or these missions, from the Public  
14 Advisory Group really would have a very big effect on how would  
15 you put that group together, how many members, where would they  
16 come from, how would they be selected, what kind of a budget  
17 they would have and what kind of activities they would  
18 undertake.

19 I think the most obvious and self-explanatory one is  
20 general oversight of government policy. Obviously, the intent  
21 of having a Public Advisory Group in this kind of role is to  
22 make sure that the Restoration program and the way in which we  
23 implement it are true to the intent of the settlement, and that  
24 the policy choices that are made within that reflect the wishes  
25 of the public.

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ANCHORAGE, ALASKA 99501

The second one, of course, would be advice to Trustees.

1 And, again, that sounds very self-evident, but implicit in the  
2 role of an advisor are two very important things; one is a  
3 mechanism by which the Public Advisory Group communicates  
4 directly and meaningful with the Trustees. If you have, for  
5 example -- pick a number, 18 people on a public advisory group,  
6 whether that's a good number or a bad number, I don't know.  
7 But if you had that number, as a practical matter, it would be  
8 very difficult to have 18 people communicate directly and  
9 effectively to you. It would be a very diffuse sort of thing,  
10 and it may be difficult.

11 So, we need to think of a way, and we have thought of  
12 some options that we've kicked around in our group where you  
13 may be -- where you might have that kind of meaningful and  
14 direct input from a group, depending on its size.

15 The second thing that's implicit in the role of  
16 advisor, and very important, is that the advisors have direct  
17 access to the Staff level deliberations about the Restoration  
18 program. It tends to be complex. It tends to be something you  
19 have to follow closely. And, it tends to be something that in  
20 which you need some kind of technical background. And, for a  
21 public body to have meaningful input and to be able to analyze  
22 and consider the things that the Restoration plan is attempting  
23 to do, they need to have access to someone whom they trust  
24 completely and who answers to them to analyze the information  
25 and synthesize it for them.

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The third one would, of course, be scientific oversight; what weight that gets, I don't know, it would largely depend upon how important the science aspect is there as opposed to the public. A lot of the information, again, is technical and relates to specific scientific studies, and the Public Advisory Group may need some sort of technical assistance, whether that comes from the Staff member or not is another issue.

A fourth would be fiscal oversight, which is again, fairly obvious, making sure that we're spending our money the way we ought to.

A fifth, which I think is not very abstract or a very important point, is what you are seeking from this group, is it -- if it is something like consensus, then a group of 18 of very, very diverse interest, some of which may be very polarized, you may have a very, very difficult time getting consensus and render the group useless. If the goal is access, you can have a very large, diverse group with potentially polarized interests because they would all have that access. And, they wouldn't necessarily be expected to play -- to make political trade-offs among themselves to mollify decision-makers, they could just say directly what it is they wanted to do.

So, what we are seeking at this point is some guidance on the types of things that you're looking for from the Public Advisory Group; and depending upon that guidance, we can pop up

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ANCHORAGE, ALASKA 99501

with some recommendations that we've had about that.

1           The last thing that I've listed here is identification  
2 of principal interest on the Public Advisory Group. This  
3 doesn't necessarily mean that this is a designation for a  
4 special interest group, it doesn't necessarily mean it's the  
5 only interest that would be represented on Public Advisory  
6 Group. But it's clear that if you're going to be dealing with  
7 the Exxon Valdez Restoration in Prince William Sound, Gulf of  
8 Alaska, they're very clear and identifiable interests that  
9 somehow need to be represented from among the group. They  
10 would include, but not be limited to, aquaculture; commercial  
11 fishing; commercial tourism as opposed to recreation;  
12 conservation groups; environmental groups, there are some very  
13 distinct differences between each of those classes, forest  
14 products; considering the level of activity in Prince William  
15 Sound in that respect; local government; Native landowners,  
16 both regional and village corporations or other principal  
17 private landowners in the area; recreational users, which  
18 aren't necessarily represented by tourism; science; sport  
19 hunting and fishing; subsistence.

20           And, what we would ask is authorization to take this  
21 list of principal interests and bring it to the public and ask  
22 them to either add to it, delete from it, comment on those that  
23 we've put on there; split some hairs, if you will. And, that's  
24 where we are on that.

25           If you would like, Mr. Chairman, you can have

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ANCHORAGE, ALASKA 99501

discussion on each of these issues that you wish; and, if you  
1 have questions about some of the approximate costs, or  
2 management options or things like that, I could give some ideas  
3 on that as well.

4 MR. COLE: Does any Council member have any general  
5 comments on Mr. Piper's presentation? Mr. Pennoyer?

6 MR. PENNOYER: Well, this goes back to one of the  
7 options, as well. But in general, the options you're  
8 discussing are then going out, you would envision, to public  
9 review through a series of public hearings after you've  
10 initially canvassed and received input; your total package  
11 would go out as part of the framework plan process to public  
12 hearing. So, you would have extensive public hearings on this  
13 issue before you reached a final decision?

14 MR. PIPER: If hearings were the way that the Trustees  
15 would want to go, that's what we'd do. My personal  
16 recommendation, given the time frame, would be that we get  
17 together a good proposal for public participation with the best  
18 options that we seem to have available among us; put that  
19 together as a package, and then use mailing lists and  
20 conventional communication methods like that to get to the  
21 principal stakeholders, if you will, who could then provide us  
22 with written comment during the month of January and part of  
23 the month of February, perhaps.

24 Then, based on that comment and whatever instruction  
25 that we have from the Trustees, we'd put that together into a

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draft plan, which would have the framework of the Public  
1 Advisory Group proposal in place -- public information proposal  
2 in place. So, that when the hearings on the Restoration  
3 framework came up in March, the public participation process  
4 was largely in place; we could alter it based on the hearings,  
5 obviously. But there would be a mechanism that for the public  
6 to do it, they'd be starting even with us rather than having to  
7 catch up.

8 MR. COLE: Mr. McVee?

9 MR. McVEE: Yes. I guess I'm a little concerned; you  
10 know, the fact that from experience we know that when you hold  
11 a public meeting, that you'll get 40 attendees that will get up  
12 and say something for every one that will write. And, so I  
13 guess it bothers me to go out with just a written inquiry. I  
14 guess I've been a proponent of going out with a one page  
15 listing of issues, an update of injury, maybe an update of the  
16 summary that was done last April, the organization material  
17 that we have prepared, information on kind of what we're  
18 thinking about or just an issue of the Advisory group, the  
19 issue of restoration criteria, you know, and asking people  
20 early on to give us comments of the community; you know, and  
21 conducting a meeting to collect those comments, conducting a  
22 series of meetings.

23 You know, I recognize that January is not maybe a good  
24 month to travel, but generally, it's a pretty good time to  
25 catch people, they aren't out fishing. And, I think that, you

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know, the perception we would convey, a stronger perception, <sup>25</sup> of  
1 what we want and how we intend to operate is with the maximum  
2 input from the public. And, I guess -- you know, I feel that  
3 it would be a very positive thing we could do, followed up  
4 then, of course with the development of the draft and another  
5 series of public meetings. I recognize that this represents  
6 additional cost, but it seems to me like it would probably be  
7 money well spent.

8 MR. COLE: Other comments on that general subject?

9 UNIDENTIFIED VOICE: Go ahead.

10 MR. ROSIER: Mr. Chairman, I had a couple of general  
11 comments in regard to the presentation here. In the first  
12 listing that you ran through under the planning process, I  
13 notice you have a Public Advisory Group staff participation on  
14 RRCG. It would seem to me that that would be a question that  
15 we'd probably want to address within the Council in terms of  
16 whether there would be a separate staff from that of the  
17 Executive Director. That it's not a done deal, as I understand  
18 it at the present time, in terms of a separate staff for the  
19 Public Advisory Group.

20 The other kind of -- it may be a nit-picky point here  
21 on this. But -- and, I certainly agree with your Part A under  
22 the options here, the job of this particular group, where you  
23 talk about general oversight of government policy. The  
24 reference there to Government restoration program, it seems to  
25 me that we're really talking about a restoration program, not a

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Government restoration program.

1 MR. PENNOYER: Point well taken.

2 MR. COLE: Commissioner Sandor?

3 MR. SANDOR: Well, I certainly endorse the utilization  
4 of an existing public information structure, an organization  
5 that has had the experience in the cleanup work on the Exxon  
6 Valdez. And, I think we'd be well-advised to approve the  
7 continuation of that effort.

8 With regard to agency mailing lists as opposed to  
9 public meetings, the timing is bad for -- but I'd like us try  
10 both, that essentially option -- the second option.

11 I do have some concerns, Mr. Chairman, though, about  
12 the Public Advisory Group.

13 MR. COLE: Well, may I say, we .....

14 MR. SANDOR: Yes.

15 MR. COLE: ..... can maybe get to that later.

16 MR. SANDOR: Yeah. Only this one point, and that is  
17 let's look at alternatives to establishing our own public  
18 advisory group or utilizing other existing public advisory  
19 group mechanisms already in place, including community  
20 assemblies and existing structures, as well as the Regional  
21 Citizen's Advisory Councils that are in place. That's all.

22 CONFERENCE OPERATOR: Excuse me. This is the bridge  
23 operator. Could I get Glenda to give me .....

24 MR. COLE: Would you say again, please?

25 CONFERENCE OPERATOR: (Indiscernible - telephone

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cutout) can I get Glenda to give me a call here at the LAO  
1 (ph), we're experiencing little technical difficulties where  
2 some of the sights are having a problem hearing the conference.

3 MR. COLE: I think Glenda is no longer with us or  
4 certainly not with us at the present time. Is it because we're  
5 not speaking clearly or loudly?

6 CONFERENCE OPERATOR: No. It appears they're getting a  
7 little bit of like a snow sound (ph) -- a little snowy sound to  
8 it. And, I'm getting a little bit of feedback, also.

9 (Off record comments)

10 MR. COLE: Well, maybe we can continue to see how it  
11 goes; if you have difficulties, feel free to let us know in a  
12 moment or two.

13 CONFERENCE OPERATOR: Thank you (ph).

14 MR. COLE: Mr. Pennoyer?

15 MR. PENNOYER: Mr. Chairman, I was just going to  
16 suggest that we've made some general statements, that we go  
17 through these items one at a time and try and come -- reach a  
18 conclusion on that.

19 MR. COLE: That's precisely what I had in mind, only I  
20 wanted to make a personal comment about the notice. I've  
21 stated my position on that form of solicitation of comments in  
22 dealing with the Governor's Task Force on the infamous Cordova  
23 Road. At that time, I pointed out that I think it's important  
24 that people who have, you know, the belief that they don't  
25 write well, and an inability to express themselves, at least

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ANCHORAGE, ALASKA 99501

perceived by them, in writing, are hesitant to express their  
1 views in writing. And, that my experience has been that when  
2 people who don't write well but who have the most magnificent  
3 oral presentations stand up and we're able to hear them, and  
4 they can express their views in their own language with their  
5 own syntax; there's just some beautiful expressions of  
6 individual views.

7 And, I agree with Mr. McVee, that we've got to get out  
8 to the Bush, you know; hold meetings there, let these people  
9 talk to you in their own language and express themselves fully.  
10 I think it's just essential that we do that. Can we -- are we  
11 all sort of agreed on that, or does anyone dissent on that  
12 subject? I mean -- you know, so .....

13 MR. PENNOYER: Mr. Chairman.

14 MR. COLE: .....get your airline tickets or .....

15 UNIDENTIFIED VOICE: Yes, sir.

16 MR. COLE: .....ferry tickets and arrange your  
17 schedule, please. Yes, Mr. Pennoyer.

18 MR. PENNOYER: Sir, it's not a dissent, I think the  
19 more often we can do that, the better off we'll be. And, I  
20 think there's probably some confusion as to what this process  
21 is all about out there anyway, that's just in the way we're  
22 organized and what we're trying to do.

23 So, if we did it the way it was proposed, we'd hold  
24 basically two rounds of public hearings; one preliminary one,  
25 kind of explaining the process and talking about we know today,

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what we can explain of what we know today, 'cause even the  
1 (indiscernible) damage assessment stuff won't really be  
2 available until March, if then. And, so -- and, then we go out  
3 and get that input, then we come back and come up with a plan,  
4 the restoration plan, including the public participation plan  
5 and go back out again and hold a second round of hearings.

6 I think that's desirable, the only comment or question  
7 I'd have as Staff, whether we can do it in the time that's  
8 proposed. And, if we can, that, certainly, I think is the more  
9 desirable way to do it.

10 MR. PIPER: Mr. Chairman, we did a series of meetings  
11 exactly this last year on the State Response Plan when it came  
12 out, and in a very short time frame, and we managed to get  
13 everywhere and despite bad weather and everything else. It was  
14 difficult sometimes but we can do it, and that's not a problem.  
15 We're experienced and am prepared to go.

16 MR. COLE: Go hear the people.

17 MR. PIPER: Yes, sir.

18 MR. COLE: Thank you. All right. Shall we go down  
19 these items one by one in which Mr. Piper wants decisions?  
20 List the first issue, please.

21 MR. PIPER: The first one is the diagram on the back of  
22 your memo. This is just meant to visually list some of the  
23 options, give people an idea of some of the options we've been  
24 considering. And, we would like authorization to bring these  
25 out as part of the package for public comment.

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MR. COLE: Comment on that issue?

1 MR. McVEE: I've got (indiscernible -  
2 interrupted) .....

3 MR. COLE: Mr. McVee?

4 MR. McVEE: Maybe it's more of a question than a  
5 comment. But as I understand it, the proposal would be to use  
6 the Resource Center -- Public Access Resource Center as a focal  
7 point for responding to inquiries?

8 MR. PIPER: Actually, the intent -- the Public  
9 Information Center, at this point, functions a little bit more  
10 as a library and an access point for people coming in, getting  
11 materials and things like that. The -- what would be involved  
12 in collecting public comment and synthesizing it all, that is a  
13 little different kind of task, and it's something that we've  
14 done in our organization; and, that's why I would suggest that  
15 it be located within our Public Information staff at DEC. We  
16 wouldn't pretend to have DEC speak for the entire Trustee  
17 Council, we would just be the funnel for public inquiries about  
18 this specific process.

19 MR. COLE: Are you going to charge rent for that?

20 MR. PIPER: No, sir, it's my budget, we're there.

21 MR. McVEE: I guess what I was looking for is maybe the  
22 linkage between the DEC group and our RRCG, our folks sitting  
23 here, that would be representing us, and I guess we could work  
24 that out. But there would need to be a linkage there when it  
25 comes to responding to any issue that has any -- you know, any

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ANCHORAGE, ALASKA 99501

policy, or schedule, or fiscal response.

1 MR. PIPER: Right.

2 MR. COLE: Any other comments on this?

3 MR. PIPER: We've also taken care of one of the other  
4 ones, which was to request authorization to conduct hearings or  
5 meetings in each of the affected communities to collect comment  
6 on this proposal; and, I assume that that's been decided, so  
7 that's two down.

8 MR. COLE: I'd like to say one thing as a matter of  
9 personal request for the uninitiated like me, would you try to  
10 limit the use of acronyms, 'cause I just have a lot of trouble;  
11 I don't know what they mean all the time like this.

12 MR. PIPER: We've had an acronym spill in this  
13 response, believe me.

14 MR. COLE: I mean, you know, just .....

15 MR. PIPER: Yes, sir.

16 MR. COLE: I would appreciate it, I tell you. All  
17 right. The next issue, please.

18 MR. PIPER: The next one would be Letter F under 3,  
19 which was the Public Advisory Group. We were seeking, as also  
20 to make part of this package, using the identification of  
21 principal interests as a discussion point in that package of  
22 public comment. So, that we go out and say here is, as best as  
23 we understand it, the 11 or 12 principal stakeholders, if you  
24 will, in the development of restoration plan among the public.  
25 And, we would like to hear the public comment on whether we've

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got them all, whether we've too many, whether we've gone about  
1 it the wrong way.

2 And, like the little diagram of opportunities, we would  
3 request authorization to make this list of stakeholders a part  
4 of the comment package.

5 MR. COLE: And, do Council members have views on that?  
6 Commissioner Sandor?

7 MR. SANDOR: Excuse me. This may be the time where I  
8 could just raise my concerns or questions about the definition  
9 of this group itself and, perhaps, alternative mechanisms of  
10 identifying interests that would provide the service and  
11 objectives that we're seeking. And, that is this: We had  
12 received one letter, which had suggested that we might want to  
13 consider utilizing community leadership itself; that is mayors,  
14 city councils, such as that. Additionally, we have, as you  
15 know, the Regional Citizen's Advisory Councils, and it seems  
16 like it might be possible to have representatives or a  
17 representative from those councils. There may be other  
18 established groups that are out there that a representative of  
19 which would, by definition, represent either the entire  
20 community or the entire advisory committee that's already in-  
21 place.

22 Have you thought about that possibility in what -- how  
23 might that be involved or integrated into this kind of a public  
24 participation plan, and specifically, this kind of an advisory  
25 group?

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MR. PIPER: This gets back to the point made in  
1 Letter E about consensus or access. If we're looking for  
2 consensus from a group of users and that kind of thing to  
3 provide information to you, then you would want, probably, a  
4 fairly small group; the selection process would have to be such  
5 that you really included on that small group people who  
6 represented five or six of those different interests each, or  
7 three or four each, so that there was overlapping and broad  
8 representation. If the point is access, where you have, again,  
9 stakeholders, people with a real direct and recognizable stake  
10 in how this goes, having that mechanism to get right to you and  
11 give their information right to you in a meaningful way. Then,  
12 you can expand that a lot more.

13 Now, in terms of using existing institutions, we've  
14 kicked around some of the ideas about how you do that. It's  
15 certainly conceivable that the Trustees could say that you've  
16 looked at all the options for meaningful public participation  
17 and figured out about how much it could cost to do that, for  
18 the Government to do it, and that, perhaps, there's an existing  
19 organization; and, I'll just throw out RCAC (ph) as an example,  
20 the Regional Citizen's Advisory Council, that you could  
21 contract out for them to handle a lot of those types of things.  
22 That may or may not be desirable, but the options are there.

23 The problem -- or one of the issues with using strictly  
24 community leadership, the broad leadership, in an access kind  
25 of operation is that community leaders may not always be able

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ANCHORAGE, ALASKA 99501

to hone it directly; they are by nature consensus and  
1 compromised (ph) type of people; that's what it takes to be a  
2 leader in a small community, you have to bring lots of little  
3 things together. That might be desirable, but what the  
4 Restoration group -- planning group may really be looking for  
5 is very specific information and very specific feelings about -  
6 - from the forest products industry, from subsistence users,  
7 that kind of thing.

8 So, those are the two ways that they go.

9 UNIDENTIFIED VOICE: Does that .....

10 MR. SANDOR: Yeah. That answers part of the question.  
11 I guess the interest that I have, Mr. Chairman, is that we not  
12 miss an opportunity to utilize the extensive knowledge that has  
13 been built up over time, since the Prince William Sound and  
14 Cook Inlet Citizen -- Regional Citizen's Advisory Councils have  
15 been functioning with respect to the cleanup work and  
16 associated activities of the Oil Pollution Act, which  
17 established these organization. And, that we ought to take  
18 advantage of that expertise that's available in those existing  
19 advisory councils; although, they were formed for, you know, an  
20 entirely different purpose. I'd like to see a bridging of  
21 knowledge between what those folks had dealt with in the actual  
22 spill and cleanup, and then now, in the restoration work.

23 It just seems to me that we'd be missing an opportunity  
24 if we didn't plan our public participation effort in a way in  
25 which that was assured. One option of doing that is to

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actually designate a member of that group on this Public  
1 Advisory Group. Yet another way of doing it is simply to -- as  
2 a part of the public participation process, to regularly  
3 interface with those groups, and I guess we can do that. I  
4 guess we can go either way, but we do want to take advantage of  
5 that.

6 MR. COLE: Mr. Barton.

7 MR. BARTON: I think Mr. Sandor raises an excellent  
8 point, and I think we need to look very carefully at how we  
9 might use existing institutions, and if, in fact, we can  
10 conclude that there isn't one or some group that provides the  
11 same objective for us; then, we do need to figure out how to  
12 utilize the information and the background that a variety of  
13 organizations, quite frankly, have built up over the course of  
14 the last two and a half years.

15 MR. COLE: Mr. Chairman.

16 MR. COLE: Mr. McVee.

17 MR. McVEE: Yes. Mr. Piper, I don't know whether  
18 you've had some -- you know, some guidance from some of the  
19 Federal members on your group about the Federal Advisory  
20 Committee Act and whether it applies or not. I guess maybe the  
21 jury's out yet on that one. But if it does apply, there are --  
22 there is some specific guidance in that law; one of the things  
23 that I remember it requires a cross-section of all interests to  
24 be represented on an advisory group. But I guess I'd just ask  
25 you to look at that or have the Federal members on your sub-

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group look at that closely and maybe get, even, some legal  
1 guidance in that area.

2 MR. PIPER: Yes, sir. We're in the process of doing  
3 that. As a matter of fact, one of the reasons that -- the  
4 point that you raise is an excellent one because if it does,  
5 indeed, apply -- if the Act does, indeed, apply, the  
6 identification of principal interests becomes a very important  
7 thing for that cross-section, as you said.

8 MR. McVEE: Yes.

9 MR. PIPER: And, it becomes a very definite process.

10 MR. COLE: Other comments on this subject? I have one.

11 MR. PIPER: Yes, sir.

12 MR. COLE: We received, from one of the Legislative  
13 leaders, a Mr. -- Representative Covina from Valdez, in which  
14 he recommends the broad use of elected community leaders; but I  
15 disagree with that, notwithstanding the high regard I have for  
16 Representative Covina and that part he's played in the Exxon  
17 Valdez Settlement.

18 But I think that it's vital that with respect to the  
19 policy decisions which this group makes that we have a broad  
20 range of view by the interest groups in the Oil Spill area.  
21 The concept and this battleground, which anyone who's thought  
22 about it know that we're going to be facing, with respect to  
23 the choices that this Council is going to have to make  
24 regarding the expenditure of funds. We need the views of, you  
25 know, the broad spectrum of these groups out there.

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And, I think to the extent that we get those views to  
1 help us make the choices; I mean do we want more studies, do we  
2 to buy, you know, land or -- et cetera, et cetera; we will make  
3 better decisions. And, I think it's a mistake to try to, you  
4 know, utilize groups which were formed for some other purpose.  
5 And, I just don't have the slightest idea of what -- you know,  
6 I should probably but I don't, what these groups were formed  
7 for and who selected them and why they were selected. And, I  
8 think that we should start afresh; you know, I feel very  
9 strongly about that.

10 Mr. Rosier, Commissioner?

11 MR. ROSIER: A couple of comments along those lines.  
12 It appears to be, in reviewing the list here, at least in my  
13 view, there's pretty good balance in the groups that have been  
14 identified so far. And, certainly, you know, groups such as  
15 local government, Native landowners, certainly subsistence, for  
16 instance, I think that we're going to see leadership from  
17 certain entities, you know, that have participated in this  
18 process to date. And, it would just seem to me that that's  
19 been accommodated to one degree or another within this group.  
20 I personally don't have anything to add to that particular list  
21 at the present time, I think it's a pretty good list here at  
22 the present time, to go out to the public with, anyway.

23 In regards to the consensus or access question, while  
24 my feet certainly aren't stuck in concrete at the present time,  
25 it would seem to me that from the size of the issue that we're

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dealing with here and the types of issues that we're going to  
1 be dealing with, I think we do want specific information, but I  
2 think we want some consensus from the public as well in terms  
3 of the decision process.

4 I would hate to have us go through these processes and  
5 suddenly have segments of the public out there that don't like  
6 what we're doing, which is probably going to occur anyway.

7 MR. COLE: You know that.

8 MR. ROSIER: Yes. And, but it would seem to me that  
9 certainly the consensus type of structure certainly appeals to  
10 me at the present time in terms of how we structure the group.

11 MR. COLE: I just think it's a big mistake if we don't  
12 listen and listen closely to these interest groups, and to try  
13 to make an end run for whatever good purposes in good faith  
14 views would be a mistake. Because if we don't listen to these  
15 people, they will find some mechanism to make their voice  
16 heard, and it's best to have them follow along in the process.

17 So .....

18 MR. PENNOYER: Mr. Chairman.

19 MR. COLE: Yes, Mr. Pennoyer, please.

20 MR. PENNOYER: Yeah. Ernie, one thing I don't see here  
21 is a commentary of how this group relates to other public  
22 access methods to this Council. These groups you've got  
23 probably -- may never represent all of the views out there, so  
24 we're probably going to have an open, public participation  
25 process in addition to this group. Do you view this Public

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Advisory Group as being a funnel for all of that into us, or do  
1 you view it as two separate mechanisms, are we dealing with  
2 just this list here or are we -- it seems to me we can't have a  
3 closed process. We're going to have a group of ongoing  
4 advisors who will have some consistency in their participation  
5 in the process, but we'll still have it open to councils and  
6 other bodies and so forth to comment to us; I don't think we  
7 can force all of that comment or we want to through this group.

8 I'm not sure about consensus versus access, I'm having  
9 trouble envisioning how we get this group to not report to us  
10 unless they have consensus, because I just don't see that all  
11 of these people have the same interests and are probably going  
12 to achieve like comments on our various proposals and actions.  
13 I don't know how that mechanism would operate, but I think  
14 we're going to probably just be open to reports from this  
15 group, which may not be consensus 'cause I'm not sure we're  
16 going to get it.

17 MR. COLE: Any other comments. Mr. McVee?

18 MR. McVEE: Yes. Just a suggestion. You know, maybe  
19 the way to start to get some focus on how the advisory group --  
20 the advisory body would function and what we expect from it  
21 would be to, you know, start to develop some type of charter.  
22 I think there's been a little bit of work done on that already  
23 within our organizations, maybe to, you know, pursue that; that  
24 seems like, you know, something that could be done fairly  
25 quickly and available to the public to take a look at, it would

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be a good item to get response back on.

1 MR. COLE: Any other comments right here? Does that  
2 give you consensus or some views to start with?

3 MR. PIPER: It's very helpful and it really will help  
4 us. The idea of a charter is, as you said, well on the way  
5 among several members of the organization, and we need to that;  
6 and the guidance that we've gotten from you here tonight will  
7 help us do that.

8 MR. COLE: Could we talk just a little bit more about  
9 the public participation policy. What are we going to  
10 specifically expect from this group of diverse interests? And,  
11 what are we going to ask them for? Obviously, there will be a  
12 lot of scientific documents come to us in studies and so forth.  
13 As I visualize it, I think that I would like to see them help  
14 us make these basic policy cuts as I call them. I mean, -- you  
15 know, I mean where do we put the resources, you know, the  
16 monies. I think that's the most important thing that we're  
17 going to want to listen to, not whether, you know, how you deal  
18 with an enhancement of the fish runs and such, but the choice  
19 between enhancement of fish runs and say buying up property,  
20 land, habitat.

21 Do any of the Commission members have views on that?  
22 Mr. McVee?

23 MR. McVEE: Yes. I guess that I would see, you know,  
24 the public and the advisors. I'm a little concerned that the  
25 process of selecting and appointing an advisory group, you

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know, is going to take some time. But it seems to me like that  
1 input into the criteria that we use for selecting further  
2 studies, further monitoring efforts, the resource assessments  
3 or the monitoring of natural resource recovery, but that the  
4 criteria be used for that, the criteria that we use for  
5 selecting restoration projects. It seems like that, you know,  
6 area is very essential. And, granted, you know, they will have  
7 to -- we will have to provide them some background on that.

8 But I would submit that -- you know, that advisors and  
9 the public is probably well-equipped, as some of us, I may be  
10 speaking for myself but, to reach some conclusions on those  
11 kinds of matters. But it seems like that is really an  
12 important area.

13 MR. COLE: Mr. Pennoyer.

14 MR. PENNOYER: Mr. Chairman. I certainly agree with  
15 you, and I think it should be emphasized we're looking for that  
16 type of input. I, from past experience, know that we're going  
17 to get a lot of other input as well from any group we appoint  
18 when they start to talk about where to put a hatchery or what  
19 species go into it. And, I'll guarantee that some of these  
20 groups are going to have an opinion, and I suppose will voice  
21 it and we probably should welcome that expression; although, we  
22 might indicate our primary interest isn't getting help in doing  
23 the type of choices that you've outlined.

24 MR. COLE: Mr. Barton, did you have an observation?

25 MR. BARTON: Yes. I think the advisory group can be of

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1 the most help in dealing with some of the basic policy issues  
2 and the basic cuts. But I think Mr. Pennoyer is right, we'll  
3 get a lot of other advice and help which we should consider and  
4 evaluate as well.

5 MR. COLE: Of course. Of course. Mr. Sandor --  
6 Commissioner Sandor.

7 MR. SANDOR: Well, I agree with Curt McVee that it's  
8 unfortunate that it's going to take some time to get this group  
9 up and rolling. At the same time, this organization is going  
10 to be in operation for some time, and I think, perhaps, as it  
11 gets organized, we ought to listen to it and, in effect, make  
12 some adjustments in our operations.

13 I do think the group is going to be very helpful in  
14 policy issues and in "how to spend the money"; but I think as  
15 well, that we've just got to look to other entities as well and  
16 especially the local communities. And, so we shouldn't --  
17 well, we're going to expect a lot from this public advisory  
18 group, but I think this public participation is so crucial that  
19 we're going to have to cultivate and make it very clear that  
20 we're willing to listen to everyone out there as well.

21 MR. COLE: Do you have a comment, Commissioner Rosier?

22 MR. ROSIER: No.

23 MR. COLE: Well, the reason I brought that up is  
24 because I thought it might give you some help or guidance in  
25 how you approach this principal interest group, and possibly  
composition of those and others.

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I'd like to mention -- or to have your comments on  
1 Subsection D here, Fiscal Oversight. What part do you foresee  
2 this public advisory group playing in fiscal oversight?

3 MR. PIPER: A similar role to what the public would  
4 play in commenting on the regular general fund budget type  
5 proposals, whether it appears that we're spending too much or  
6 too little in a needed area, whether we seem to be placing --  
7 putting importance in one area and then backing it up with the  
8 money necessary to do that, that kind of thing, not necessarily  
9 auditing or accounting.

10 MR. COLE: Okay. And, because oversight might be  
11 perceived to be somebody seeing whether there's an invoice for  
12 each check, .....

13 MR. PIPER: Correct.

14 MR. COLE: ..... and I wanted to get your thoughts on  
15 that. And, what about scientific oversight, that's in  
16 Subsection C, what do you have in mind there?

17 MR. PIPER: Well, clearly the -- whatever the group is,  
18 it needs to have the capability to -- not just to comment on  
19 but understand and come to some good kinds of clear judgments  
20 about whether the science that's being proposed is (A) good  
21 science, and (B) being done -- being put in the proper areas.  
22 You don't need to have, necessarily, some science background to  
23 decide whether it's good or bad, but you do need to have some  
24 kind of technical guidance.

25 There were some comments that we had from among the

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members of the sub-group that worked on this was that whatever  
 1 this group is, and it does have diverse community interest on  
 2 it, that it also have what was termed the Graybeard (ph)  
 3 component of people whose business would do some kind of --  
 4 something akin to independent peer review of what we're doing,  
 5 not necessarily questioning every study that comes up or  
 6 raising every issue, but just making sure that the science is  
 7 good and that we appear to be putting the right kind of  
 8 scientific effort into -- for our money.

9 MR. COLE: That makes me a little nervous. But,  
 10 Mr. Pennoyer.

11 MR. PENNOYER: Mr. Chairman, I think it does me as  
 12 well. I think we are going to want scientific oversight; I  
 13 think we haven't gotten to that yet, but I think we're going to  
 14 want some type of a peer review process that isn't simply the  
 15 participants being part of the peer review. But I'm not sure  
 16 the pag- -- I understand what you're saying, I think, in terms  
 17 of the public advisory group should understand what the  
 18 projects are about, and may want to comment on generally the  
 19 direction they're going. But when you say scientific  
 20 oversight, I have envisions (ph) of people looking at  
 21 statistical procedures .....

22 MR. PIPER: Sure.

23 MR. PENNOYER: ..... and that sort of stuff. So, as  
 24 you send this out, I think to make it clear, we are going to  
 25 have some type of science audit function; and, this probably is

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not the place for that audit function, but they certainly can  
1 contribute and can comment.

2 MR. PIPER: So, clearly, the direction I'm getting here  
3 is that when we say oversight, we don't mean either scientific  
4 auditing or the literal ledger kind of auditing in terms of  
5 financials, correct? Yes. Okay.

6 MR. SANDOR: One other question. Do you have any idea  
7 how much time it's going to take to develop the charter and  
8 actually organize the group?

9 MR. PIPER: The way that we're targeting is that the  
10 comment would be collected during January and probably the  
11 early part of February with actual meetings, we'd probably  
12 spill over into February. And, that we would spend the rest of  
13 the time in February actually revising whatever the charter is  
14 or whatever the proposal is so that when we come to March,  
15 before this goes into the Restoration framework document, that  
16 it has the stamp of approval from the Trustees. We don't want  
17 to have this limping along into the Restoration framework  
18 hearings.

19 MR. SANDOR: Thanks.

20 MR. ROSIER: Thank you.

21 MR. COLE: Commissioner Rosier.

22 MR. ROSIER: Thank you, Mr. Chairman. Question along  
23 those same lines. In regard to the actual recruiting process  
24 for these people, have you given any thought to that at the  
25 present time?

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MR. PIPER: I think the fundamental principle of the  
1 recruiting would be that whatever the interests are that are  
2 identified, and however the seats on this group wind up coming  
3 out, whether it's one seat for each interest, whether it's  
4 clusters, whether it's local government or whatever, that the  
5 nominations come from within the groups that are listed or  
6 within the communities; that it not necessarily be -- that is  
7 some -- the kind of place where we do need some consensus, I  
8 think, from communities and from groups and interest groups  
9 rather than leaving open to the possibility that we somehow  
10 could handpick whomever it was that we wanted without really  
11 making sure they had the endorsement of what the interest  
12 groups or the stakeholders are.

13 MR. COLE: Further comment on that? Well, why don't  
14 you look at that closely and give us some thoughts on that at  
15 the next meeting. I think that's a very important area. And,  
16 Mr. Barton, Mr. Pennoyer, Mr. McVee, do you agree with that?

17 MR. McVEE: Right.

18 MR. BARTON: Yes.

19 MR. COLE: I mean, you know, we could get in -- let's  
20 say we could get in a lot of trouble in that area, so let's  
21 just think about it very closely and give us your  
22 recommendation so that, you know, you don't get ahead of the  
23 Council in that area. Did I express it, I think, reasonably  
24 well?

25 UNIDENTIFIED VOICE: Yes.

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MR. McVEE: Very well.

1 MR. COLE: Okay. Yeah. Thank you. Well, do we have  
2 anymore subjects to address on the public advisory group  
3 segment of Mr. Piper's presentation? If not, does that  
4 conclude your presentation, .....

5 MR. PIPER: Yes, sir.

6 MR. COLE: ..... Mr. Piper? Thank you very much.

7 MR. PIPER: Thank you.

8 MR. COLE: I'd like to mention on other thing before we  
9 go further, it's a quarter to 8:00 now, in session about an  
10 hour and 15 minutes, and how late does the Commission want o --  
11 or the Council want to go this evening? One thing before we  
12 conclude tonight, I would like to reserve time for, you know  
13 you might say, public comment here this evening. And, I know  
14 we did that last time, and there was some incisive comments  
15 made by the people in attendance at the meeting; and, so that  
16 might take -- we should, I think, reserve 30 minutes for that.  
17 And, so how late do we want to go with -- and then, plan on  
18 reserving 30 minutes for comment.

19 Mr. Rosier?

20 MR. ROSIER: Mr. Chairman, I'll take the first cut at  
21 it, I would say now if we go until, perhaps, 9:00 o'clock with  
22 the business session, and then open the floor or the mikes to  
23 the public.

24 MR. COLE: 9:00 to 9:30?

25 UNIDENTIFIED VOICE: That's fine.

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MR. COLE: How does that suit the people here? I mean  
1 do people want to go home and, you know, have a cup of hot  
2 chocolate before that, do you want to stay a little later? You  
3 know, we're public servants, and I think we ought to listen to  
4 the constituents here. It's -- yes, sir.

5 UNIDENTIFIED VOICE: Sir, why don't you see how many  
6 people might want to address you tonight?

7 MR. COLE: Well, it might be premature, they may say  
8 hey, we haven't heard the -- you know, some of the things that  
9 we're interested in, you know, they may pop up here in the next  
10 hour. So -- but nonetheless, does anyone want to express a  
11 thought on it? Yes, sir. Mr. Groh, Council, you know -- the  
12 ladies and gentlemen know Alaska's -- one of her most prominent  
13 attorneys, Mr. Cliff Groh.

14 MR. GROH: I'd like about five minutes of your time at  
15 the end of the hearing.

16 MR. COLE: All right, sir.

17 UNIDENTIFIED VOICE: I'll go for two.

18 MR. COLE: Yes, sir.

19 UNIDENTIFIED VOICE: Right here (ph).

20 UNIDENTIFIED VOICE: One.

21 MR. COLE: Sir. Well, how about 9:00 o'clock, is that  
22 late enough, everybody want to knock it off at 9:30?

23 UNIDENTIFIED VOICE: (Indiscernible - away from  
24 microphone.)

25 MR. COLE: Okay. Yes, Mr. Pennoyer.

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MR. PENNOYER: Mr. Chairman, I think that's agreeable,  
1 I think we should ask Mr. Gibbons, though, as we get down  
2 toward the time if there are any urgent matters that he  
3 requires us to take action on tonight that might take  
4 precedence over something else.

5 MR. GIBBONS: I think we can meet that schedule.

6 MR. COLE: All right.

7 MR. PENNOYER: Thank you.

8 MR. COLE: Thank you. Mr. Gibbons, if you would like  
9 to continue, please.

10 MR. GIBBONS: Yes. Following up with the public  
11 involvement, I'd like to mention to the crew -- the group here  
12 in Anchorage, there is a sign-up sheet at the front desk up  
13 here, I'd like to get you to sign up so we can put you on the  
14 mailing list, if you're not there. And, all the teleconference  
15 facilities, I'd also like to have a list from those folks, and  
16 you can send those to me, Dave Gibbons, at 645 "G" Street in  
17 Anchorage, and I'll make sure and get those over to the Public  
18 Involvement Group of DEC. So, to emphasize that, we need to  
19 get this mailing list going.

20 The next agenda item, 1992 Restoration and Damage  
21 Assessment Activities was split into two sub-groups; it's a  
22 very large task. And, the first group we'd like to address on  
23 that is the Restoration framework, and Stan Senner from the  
24 Alaska Department of Fish & Game is here to talk about that  
25 framework process.

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MR. COLE: Thank you. Mr. Senner, please. Mr. Senner,  
1 do you spell your last name S-E-N-N-E-R?

2 MR. SENNER: That's correct.

3 MR. COLE: All right. Thank you.

4 MR. SENNER: I am the Restoration Program manager for  
5 the Department of Fish & Game. I'll try and move through this  
6 fairly quickly without resorting to acronyms.

7 MR. COLE: Thank you.

8 MR. SENNER: If you'll turn in your -- the materials  
9 that you have to -- there is a page for the agenda item 1992  
10 Restoration and Damage Assessment Activities, and then  
11 following that is an outline that says at the top Draft  
12 Restoration Framework. Has everyone identified those?

13 The -- just to put it before you, the approval item to  
14 be considered on this topic is requesting approval to proceed  
15 with the development of a draft restoration framework document.  
16 And, the outline that you have is a proposed outline for that  
17 document, and what I'm going to do is just address briefly what  
18 the contents are.

19 The framework is a way to brief the public on what we  
20 have been doing and what we propose to do in the way of a  
21 restoration program. We envision really two documents, Volume  
22 I which is what you have an outline for is the framework  
23 itself; secondly, there is a Volume II which is a draft 1992  
24 work plan describing specific damage assessment, restoration  
25 studies and planning activities. These documents would come

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out simultaneously, and the combination of the two of them  
1 would provide a substantive basis to kick off meaningful public  
2 participation. And, we would propose to have them ready for  
3 distribution in March of '92, this coming year.

4 Dr. Montague will discuss, following me, the damage  
5 assessment and restoration studies part of this Volume II, but  
6 I want to at least touch on a few of the key elements of this  
7 outline; and, I won't go into each of these items but just some  
8 highlights.

9 Again, you know, the real purpose here is to provide a  
10 substantive base of public participation and, thus, the  
11 document would open with an invitation for comment on the  
12 entire contents of the document. And, we might look to various  
13 mechanisms to facilitate written comments in addition to what  
14 would happen through the public meetings following release of  
15 the document.

16 The heart of the document begins probably in Section 2  
17 where we would summarize the restoration planning activities  
18 over the last two years, and what we've been doing and  
19 highlights of what we've learned from those exercises. We  
20 would, again, include a summary of injury, which would  
21 represent -- this is Section 3, which would represent an  
22 updated version of the 18 page summary released in April of  
23 1990. And, the key here would be to include in that document  
24 all of the damage assessment results that have been completed  
25 and peer reviewed so that we're not going out prematurely with

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something but our best snapshot of results.

1           The next four sections, IV through VII, cover proposed  
2 criteria for selecting injured resources, some background on  
3 those injured resources, life histories, for example, of some  
4 of the injured species, proposed criteria for selecting  
5 restoration options, and finally, the description of  
6 restoration end points and options that have been identified to  
7 date. These sections represent a mix of reporting on what we  
8 have learned already from restoration planning as well as  
9 proposing to the public criteria for comment.

10           And, so we would both propose and explain the criteria  
11 that may be used to select resources that are in need of  
12 restoration and to -- the criteria to select options for real  
13 evaluation; do we use fish passes, do we build hatcheries, do  
14 we buy habitat, all of these are options. And, we are going to  
15 need criteria to nar- -- relevant to restoration of the injured  
16 species.

17           So, based on a preliminary application of the criteria,  
18 we can then describe options that appear worthy of further  
19 consideration. And, these, in part, are based on the eight  
20 scoping meetings we held in communities in May -- April and May  
21 of 1990; so, we have done one round of scoping meetings, and  
22 got a lot of input there. And, building on that from our  
23 principal investigators, outside experts, we've been able to  
24 identify a number of options that we think are worth  
25 developing. We can present those and invite public comment on

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them.

1 (Tape change)

2 The last section, Roman numeral VIII, implementation of  
3 the settlement, we would describe the structure that is being  
4 set up; the process for evaluating restoration options; a  
5 tentative program for public participation; and lastly, what is  
6 envisioned in the way of a restoration plan which is really the  
7 document that we're ultimately heading toward.

8 Let me just note on public participation, it sounds  
9 from the previous discussion that some things will have been  
10 set up, other things may still be under consideration at that  
11 point, but the framework will just have to capsulize where we  
12 stand right then and invite comment on it and then presumably,  
13 you may want to make decisions to refine things based on that  
14 additional comment.

15 Following the round of comments and meetings, we should  
16 have a solid basis from which to proceed to draft an actual  
17 restoration plan, and our target for that document, just as the  
18 target, would be March of '93, approximately a year after the  
19 framework document is released. I'd like to just explain  
20 briefly the difference between the restoration framework which  
21 we're talking about for this spring and the proposed  
22 restoration plan which is a longer term document.

23 The framework that I've just been discussing is really  
24 a programmatic document. It's a preliminary statement that  
25 provides background to invite and encourage substantive public

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participation, get comments on process and needs and  
1 priorities. The draft of the restoration plan, however,  
2 evolves from this framework and presents -- is a much more  
3 detailed presentation of restoration alternatives and groupings  
4 of specific options that can be employed to address the  
5 restoration needs of the various resources and services. These  
6 options by a year from this March will have had the benefit of  
7 a full round of public participation as well as continued  
8 scientific review and when we present them, and we want to do  
9 it carefully, we need to be able to give the public an idea of  
10 the -- how these options would benefit the resources that have  
11 been injured as well as the environmental and economic  
12 consequences of carrying out those options.

13           The final restoration plan would then be supplemented  
14 we envision by annual work plans and that will then be the  
15 document that will guide implementation of the restoration  
16 program over the life of the settlement.

17           This is no small undertaking. The stakes are high and  
18 there are numerous public or numerous policy questions that  
19 need public input and your resolution as this process moves on.  
20 That is one reason we expect it will take really a full year  
21 after the framework is out to produce a plan. There are a  
22 number of factors that fit in there and you may have questions  
23 or comments about them. I'd just note five of them. The key  
24 variables are the staff resources that are dedicated to the  
25 task; the ultimate nature and degree of public involvement and

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what level of public interest there is in the program. Another  
 1 factor is how quickly we're able to complete and synthesize the  
 2 results from the damage assessment because many of those things  
 3 are still in progress. Another big variable is what are the  
 4 steps necessary to ensure compliance with the National  
 5 Environmental Policy Act, Coastline Zone Management Act and  
 6 other federal and state laws. Lastly, and I think the bottom  
 7 line is that the length of time required to prepare the  
 8 document depends on the level of detail we want to present it  
 9 in and at what level of credibility we want to achieve. So,  
 10 that is a quick overview of the restoration framework and at  
 11 least a little bit of a suggestion of where we would  
 12 recommending heading in the way of a restoration plan.  
 13 Thank you.

14 MR. COLE: Thank you, Mr. Senner. Mr. McVee.

15 MR. McVEE: The volume I outline -- you know, I think  
 16 that's a good outline and probably Mr. Cole could answer this  
 17 specifically, but -- you know, it appears to me from my  
 18 knowledge, that it would meet the requirements that were  
 19 approved by the Court for a framework plan. I think that's  
 20 critical because our ability to get money, actually get money  
 21 approved from the Joint Fund is based upon that plan and its  
 22 acceptance.

23 I think that -- you know, that our policy should be to  
 24 close out the NERDA (ph) studies so that we have the  
 25 information, so it's available to us, and I think that that's

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what's anticipated here and that's information that would be  
1 available -- you know, as soon as possible to the public so  
2 that they can respond from a knowledgeable .....

3 I guess -- you know, we have a sequencing dilemma, and  
4 I'm sure you've struggled with that, but that -- that we're  
5 talking about a 1992 work plan -- you know, so that we can  
6 start to initiate some restoration activities, restoration  
7 plans and there is critical work to do there. The one that I  
8 can recall from briefings is the fact that we've got some  
9 monitoring equipment on otters that is powered by batteries and  
10 those will expire in -- sometime during the next year so we  
11 need to collect that data. But -- you know, we need to, at  
12 some point I guess, inform the public and maybe you don't want  
13 to say solicit projects from the public, but we need to develop  
14 a structure I think as rapidly as possible so that they will  
15 know how to do that. You know, how to submit proposals. I  
16 think there's four or five of them already on my desk, and I  
17 guess -- you know, that should be built into -- into our work  
18 planning activities and maybe considered as part of the '92,  
19 but -- you know, everybody has to have an equal shot when we  
20 start to do that. You know, it has to be in a forum where  
21 everybody has an equal opportunity. But we're going to get  
22 those, so -- you know -- and I can see problems if we just deep  
23 six 'em until next year, until we have -- you know, the final  
24 restoration plan, but we need to have some way to deal with  
25 those.

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MR. COLE: Commissioner Sandor?

1 MR. SANDOR: When you anticipate the completion of the  
2 draft plan?

3 MR. SENNER: Under the scenario that we're proposing,  
4 we would have a draft restoration plan, the target would be  
5 March of '93, so that would be one -- we're looking to this  
6 framework document this coming March, '92 and we're looking to  
7 one year after that.

8 MR. SANDOR: Will it be possible to still ..... I  
9 guess the answer to the question -- the question was when will  
10 the draft restoration plan be completed and the answer was  
11 March of 1993. With the restoration framework completed in  
12 March of 1992, I guess the hiatus that is of concern to me is  
13 what happens in the interim. Is there a process of identifying  
14 projects of high priority need, that the restoration work might  
15 be actually done in 1992?

16 MR. SENNER: Well .....

17 UNIDENTIFIED: Mr. Montague will address that.

18 MR. SENNER: Well, I was going to say there are a  
19 number of policy components to those questions, and one of them  
20 is whether one -- whether you do want to proceed with actual  
21 implementation of restoration work in '92 or limit activities  
22 in '92 only to further studies that would support restoration.

23 MR. SANDOR: That's I guess the point that maybe -- a  
24 question can be reserved until when Dr. Montague makes his  
25 presentation, but I think that needs to be laid on the table,

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Mr. Chairman, and I guess I'll reserve further questions and  
1 comments at this time.

2 MR. COLE: Back to Mr. Barton, please.

3 MR. BARTON: Well, I think I have the same concerns  
4 that Mr. Sandor was going to express and if we're going to wait  
5 to discuss '92 activities for Dr. Montague's presentation, I'll  
6 wait till then.

7 MR. COLE: Commissioner Rosier?

8 MR. ROSIER: Pass.

9 MR. COLE: Mr. Pennoyer?

10 MR. PENNOYER: I'll wait until you get the whole  
11 package.

12 MR. COLE: Let me say this. I have a lot of  
13 reservations about this proposal and it's hard to express them,  
14 but -- you know, I sort of see this big bureaucratic machine  
15 starting to get formulated -- you know, and here is -- you  
16 know, all these things and then we're talking about the studies  
17 we'll do in '92 and the restoration plan in '93 and pretty soon  
18 -- you know, I think I foresee stacks of studies and papers  
19 like this, but not, I'm fearful, a lot of bang out there in the  
20 Sound for the buck and I'm really concerned about that.

21 I'm concerned about the process that we're getting into  
22 here, but I come from a -- you know, a different background  
23 that these scholars and the scientists and government people,  
24 but it just worries me a little bit when I see this. Now,  
25 maybe my fears are ill founded, but I must say I'm

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apprehensive.

1           For example, let me say, I mean I know that Secretary  
2 Lujan has expressed the thought of endowing a chair at the  
3 University of Alaska for certain things, and the Governor has  
4 expressed some views of Prince William Sound, and I just want  
5 to be sure that we don't -- that we husband these resources  
6 which we have very carefully and that we concentrate on  
7 expending them for the restoration of the Sound, and I'm not  
8 talking about -- you know, building roads to Timbukto or  
9 anything, but I'm talking about putting bucks right into the  
10 Sound and not getting awfully deep in -- you know, in the  
11 structure that I sort of foresee developing. Mr. Barton?

12           MR. BARTON: Mr. Chairman, that's somewhat along the  
13 lines that I was going to defer on, but since we've started it,  
14 I'll start it or add my comments. I feel very strongly that  
15 we've got to get the maximum amount of this money into actual  
16 restoration activities on the ground in the Sound and in other  
17 oil spill impacted areas.

18           We can't, I don't believe in good conscience, spend the  
19 bulk of the money on studies and bureaucracy and the lesser  
20 amount of it in restoring resources. The whole purpose that  
21 we're here for is to restore resources. We've got to do it in  
22 a sound manner, scientifically sound manner. I don't think  
23 anybody disputes that.

24           I would -- I don't know when the appropriate time is  
25 going to come, but it's occurred to me that perhaps the

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framework that we're talking about developing with some  
1 modifications or additions might serve the same purpose as the  
2 more comprehensive plan that Dr. Senner's talked about that's  
3 due for development in March of '93. Perhaps there's a way  
4 that this document could serve both purposes with some  
5 additions. I don't know; I think it's something we ought to  
6 consider. I don't know yet whether I advocate it. I do  
7 advocate considering it.

8 MR. COLE: Well, let's see, let's just go back and  
9 forth, one State and one federal. Commissioner Rosier?

10 MR. ROSIER: Thank you, Mr. Chairman. The first thing  
11 I want to do is get you off of the hook because you were  
12 speaking specifically to the expenditure of the money in the  
13 Sound which I'm sure is going to benefit but there are some  
14 other areas of the state that were affected here.

15 MR. COLE: If Representative -- (indiscernible -  
16 simultaneous speech) .....

17 MR. ROSIER: I'm sure you meant the other areas of the  
18 state as well.

19 MR. COLE: If Representative Davidson is listening, I  
20 certainly want to correct that and thank you very much.

21 MR. ROSIER: I would just like to say that I think that  
22 at least based on the information I have right now that I hope  
23 that we are striving for balance here between the research work  
24 and actual expenditures of the dollars. I think that as we all  
25 know, we have to bring that damage assessment work to a logical

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conclusion and that this could prove to be quite important to  
 1 us further down the road in making further determinations of  
 2 damage that we may not sense at the present time. But I think  
 3 that we need the information to make the decision. I think  
 4 that we want to be sure that we have a balanced approach here  
 5 between the actual doing and the research that supports the  
 6 actual doing. In my view, I'm not for building the bureaucracy  
 7 for one minute on this, but I think on the program side, I  
 8 think we've got to be very careful how we approach it.

9 MR. COLE: Mr. Pennoyer?

10 MR. PENNOYER: Mr. Chairman, Mr. Rosier said about what  
 11 I was going to say. We are faced with a dilemma and that is  
 12 that we want as much as possible these resources to go directly  
 13 into restoration of the resources of Prince William Sound and  
 14 other affected areas, but we also want to make sure that we do  
 15 the right thing and we do need to have a good look at the  
 16 damage assessment results so we're not trying to repair  
 17 something that's not broken, for example, or missing something  
 18 that is broken. We need to have a good background on the type  
 19 of things that may be proposed for restoration so we can look  
 20 at the alternatives and assess how great they're going to be.

21 I agree with you. I don't think that we want to wait  
 22 forever and I don't think that we want to build a bureaucracy  
 23 and I'm hoping the work plan shows a real crank down when we  
 24 get to it for '92 on damage assessment except for finalizing  
 25 that the results of it, and increase in the amount of looking

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at the type of restoration that should be done and I hope we  
1 also retain an open mind if a good idea comes along and it's --  
2 (indiscernible) -- that it actually is a good idea and fits in  
3 with what we already know quite well, then we can jump on it.  
4 But I agree with Mr. Rosier that we do have to -- have to look  
5 at the information and make sure we're making the right  
6 choices.

7 MR. SANDOR: Well, I think it might be advisable to  
8 maybe hear Dr. Montague address the issue of the 1992 work  
9 that's planned, but I think before we get off of this subject,  
10 I'd like to at least have a projected fiscal note of what in  
11 effect -- what we expect to be expending on -- in 1992 with  
12 regard to the development of the long range plan and the  
13 studies and so forth because I really am concerned not only  
14 with the question of the bureaucracy but how much funding, in  
15 fact, we're going to be committing to this plan of action.

16 MR. COLE: Commissioner Rosier?

17 MR. ROSIER: I think for the benefit of everyone  
18 concerned here on this, it's not only the expenditure that is  
19 related to the '92 field work, but I think that it's also --  
20 I'd like to have some feel for -- you know, how the total  
21 dollars that we're dealing with this year are, in fact, being  
22 expended.

23 MR. COLE: Yes. How much money do we have available  
24 for expenditure in 1992? How much money is in the bank so to  
25 speak?

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MR. SENNER: I would have to defer that to Dave Gibbons

1 or .....

2 DR. MONTAGUE: Maybe I give the -- no --  
3 (indiscernible).

4 MR. COLE: Okay, but let me say this --  
5 (indiscernible). I would like to comment on Mr. Pennoyer's  
6 comments and Commissioner Rosier's. I mean it's a free  
7 wheeling outfit here and everybody has some strong views, but  
8 look, I mean in the year 2005, there will still be scientists  
9 out there who say we don't have the answer yet; we have to  
10 study this a little more. I guarantee you that will be the  
11 case, not that my guarantee is worth very much, but I mean --  
12 you know, there comes a time, you see, to say the time for  
13 study is passing us by and it's time for restoration and  
14 enhancement. Not that -- of course, we're not going to look at  
15 scientific studies. I mean that would be folly not to have  
16 some sense of what's going on out there, but I just want to say  
17 that in my view at the least, we have to husband these dollars;  
18 we have to expend them very carefully; and not have this huge  
19 bureaucratic framework or structure out there, studying these  
20 problems, writing reports, writing memos, saying we need a  
21 little more, et cetera, et cetera. I mean the time has come in  
22 my view, gentlemen, I mean to get down to the restoration  
23 process now -- you know. Where we make that cut, that will not  
24 be easy. But nonetheless, as the Governor would say, that's  
25 where I'm coming from and I have some very, very strong

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feelings about it, so if you will, maybe we can now pass on to  
1 another more pleasant subject. Thank you. Dr. Montague,  
2 please.

3 DR. MONTAGUE: Thank you. As Charlie stated, my name  
4 is Jerome Montague and I'm the Director of the Oil Spill  
5 Assessment and Restoration Division for the Alaska Department  
6 of Fish and Game, and what I'd like to do is just bring the  
7 Council up to date on where we are in terms of damage  
8 assessment and restoration activities to date and what our 1992  
9 work plan is.

10 And this is a process that's been going on since '89  
11 and it's basically a continuation of '89-'90 and '91 process.  
12 And in order to get ready for the 1992 field season, our  
13 schedule for ending the annual reports and receiving the  
14 proposals for the next year began as early as last August which  
15 was before the settlement, and in September, we asked the  
16 principal investigators to give us -- begin preparing their  
17 actual proposals as well as to prepare their annual reports,  
18 tell us what they found for that year.

19 And then in October when we had the settlement, we  
20 modified our request to the investigators somewhat to shift  
21 attention to bringing about an orderly closure to the damage  
22 assessment process, and which was pretty much as specified in  
23 the settlement. And proposals were received in November as  
24 well as the annual reports from probably something like 40  
25 investigators, and a marathon series or a marathon meeting that

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1 lasted about 12 days at the first part of December, we listened  
2 to the reports of what all the investigators had found in the  
3 1991 period and we listened to all their recommendations for  
4 continued damage assessment work and continued and/or new  
5 restoration activities.

6 And the criteria we used to evaluate the damage  
7 assessment projects are listed there in your hand out, but I'll  
8 just go over them for those in the audience. Immediate injury  
9 was one criteria, meaning that was injury obvious or does it  
10 seem likely that injury would have occurred for a particular  
11 species or resource. The second criteria was long term  
12 alteration of populations. The third criteria was sub-lethal  
13 and latent effects. The fourth was ecosystem wide effects; the  
14 fifth was habitat degradation.

15 And in terms of deciding whether to close out a  
16 particular damage assessment project, the main criteria was has  
17 damage been at least minimally identified. As Charlie was  
18 saying, you can always identify it better, but was it at least  
19 minimally identified. And the criteria that we used for  
20 evaluating restoration science studies and I'd like to  
21 differentiate between a restoration science study and an  
22 implementation study, and for the most part, we are not  
23 entertaining much in the way of implementation proposals. The  
24 1993 draft restoration plan is when an implementation -- the  
25 major implementation efforts would begin. And by  
26 implementation, we would mean buying land, building fish

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ladders or something other than an information gathering  
1 project.

2           And anyway, criteria that we use for evaluating these  
3 information gathering projects is documentation of probable  
4 injury, meaning that the damage assessment studies have already  
5 indicated that there is a damage; an estimated time needed for  
6 natural recovery; a restoration activity or end point that  
7 result from the study; the need for the proposed study with  
8 respect to the ability to carry out future restoration  
9 activities; the technical feasibility and probability for  
10 success; the importance of conducting the study in 1992,  
11 meaning would a delay of a project have serious restoration  
12 effects; that if we -- (indiscernible) -- the year of damage  
13 assessment or restoration activities, would restoration be  
14 hampered; and the last was the cost of the proposed activity  
15 relative to the degree of injury, what were the costs of the  
16 potential restoration outcome.

17           And in terms of damage assessment studies, we, for the  
18 most part, are recommending that they be brought to a  
19 conclusion and this is 75 percent of the projects that are  
20 either already completed or we intend to complete in the 1992  
21 field season, and reports are either available for the Council  
22 now or at various times between now and June of next year.  
23 Well, June of 1993 actually.

24           And our estimate of what the damage assessment  
25 primarily close out for 1992 is about eight million dollars.

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MR. COLE: I'm sorry, I missed that.

1 DR. MONTAGUE: Our estimate of the cost for closing out  
2 the damage assessment, and I say close out, but there is  
3 potential that some of those could continue even beyond 1992 or  
4 even new ones could be started.

5 MR. COLE: And that's eight million dollars for what?

6 DR. MONTAGUE: That's closing out all the damage  
7 assessment projects that we've had to ascertain the damage.

8 MR. BARTON: Mr. Chairman.

9 DR. MONTAGUE: And in a few cases .....

10 MR. COLE: Mr. Barton has a comment, excuse me.

11 MR. BARTON: It's not clear to me, Dr. Montague, are  
12 there no studies done that are being recommended for  
13 continuation or if there are, are they within the eight million  
14 dollars?

15 DR. MONTAGUE: They're within the eight million  
16 dollars, and I think they comprise about 20 percent.

17 MR. BARTON: Of the dollars or the studies?

18 DR. MONTAGUE: Well, of the -- of the studies.

19 MR. COLE: Please continue.

20 DR. MONTAGUE: Okay. And in terms of the restoration  
21 proposals, numerous proposals were received from investigators  
22 and the trustee agencies and a good many of these are logical  
23 extensions of damage assessment activities that were already  
24 ongoing, and these proposals fell under the restoration end  
25 point category such as improved management options, habitat

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protection, natural recovery monitoring, and enhancement.

1 Additional consideration of these proposals for funding is  
2 contingent upon the Trustee Council's request for detailed  
3 study plans.

4 So, as a result, sometime during this meeting or  
5 beyond, we would need an approval to go back to the  
6 investigator to ask for detailed study plans and more detailed  
7 budgets and our estimate for the restoration science proposals  
8 are -- science isn't necessarily the best word, but information  
9 gathering proposals for restoration would be about 17 million  
10 dollars for 1992, and this .....

11 MR. COLE: Is that in addition to the eight million?

12 DR. MONTAGUE: That's in addition and that, as I said,  
13 these are preliminary estimates and especially in the case of  
14 the restoration ones, a good many of the proposals were  
15 duplicative and going back, if we have your approval to go back  
16 and ask for detailed proposals, many of these will be combined  
17 into one project at considerably less expense. So, those  
18 figures should be viewed as higher than actually will be  
19 recommended and this is out of -- less than 24 million out of  
20 the 90 million that was in this first year's payment.

21 MR. COLE: Well -- you know, let's see, of that first  
22 90 million, 24 million, 500 has been paid to the federal  
23 treasury; 29 million has been paid to the State General Fund;  
24 so let's see, that's roughly 30 plus 25. We're about 55  
25 million has gone to the two governments for reimbursement of

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expenses. That would leave what, 35 million? Is that about  
1 what you gentlemen's thoughts are? I'd say about 35 million --  
2 (indiscernible). Have you finished or did you want .....

3 DR. MONTAGUE: Well, basically, yes. Ready to answer  
4 questions.

5 MR. COLE: Mr. Barton.

6 MR. BARTON: On the restoration proposals, are there  
7 actually on the ground implementation activities?

8 DR. MONTAGUE: Well, implementation being defined as  
9 building something or buying land, there aren't any.

10 MR. BARTON: In other words, for 17 million dollars or  
11 whatever it ultimately ends up to be, we wouldn't be able to  
12 walk out on the Sound and say we did this.

13 DR. MONTAGUE: You'd be able to walk out into the Sound  
14 and say you did this, but you might not have a building to show  
15 for it.

16 MR. BARTON: Well, I'm not looking for a building, but  
17 I'm looking for restoration.

18 DR. MONTAGUE: Well, for instance, I kind of know what  
19 you're getting at, but a good many of the projects are  
20 monitoring of damages that have been found in the damage  
21 assessment studies and in some cases, the damages are getting  
22 worse and in most cases or in many cases, they're staying the  
23 same or getting better and a year's breach in monitoring that  
24 we feel would be detrimental to the restoration process. It's  
25 really implemented in a much larger scale in terms of the money

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spent in 1993 and beyond.

1 MR. BARTON: So some on these are then essentially a  
2 continuation of the damage assessment studies that are being  
3 renamed?

4 DR. MONTAGUE: Well, monitoring components -- if any of  
5 the damage assessment studies had monitoring aspects, those  
6 would be the ones that would be continued.

7 MR. BARTON: Well, are we talking about natural  
8 recovery monitoring?

9 DR. MONTAGUE: That's correct.

10 MR. BARTON: Okay.

11 MR. COLE: Commissioner Sandor, did you have questions?

12 MR. SANDOR: The damage assessment of eight million is  
13 just for fiscal -- just for calendar year '92 or does it also  
14 extend to the completion of all of the damage assessment  
15 studies?

16 DR. MONTAGUE: Well, it covers the period March, '92 to  
17 the end of February, '93.

18 MR. SANDOR: And there might still be some damage  
19 assessment studies continuing?

20 DR. MONTAGUE: Right, and 75 percent of 'em, 75 percent  
21 of the damage assessment studies will end for sure in that  
22 period and 25 percent that we're asking to continue right now  
23 may or may not continue.

24 MR. SANDOR: And the restoration science studies of 17  
25 million is from again March or February of '92 to March of '93,

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the same period of time?

1 DR. MONTAGUE: Right, that's correct.

2 MR. SANDOR: And then is the planning, the restoration  
3 planning costs another item?

4 DR. MONTAGUE: Yes.

5 MR. SANDOR: And what might that be?

6 DR. MONTAGUE: The administration, this is the cost of  
7 the project. Again, with -- I'd like to emphasize is on the  
8 high side because of all these combined proposals, but  
9 additional cost would be the administration of the projects and  
10 the restoration framework and planning process.

11 MR. SANDOR: Which might total or add what?

12 DR. MONTAGUE: Well, the administration would be  
13 something on the order of 15 to 20 percent of the projects and  
14 restoration planning would probably be -- depending on -- it's  
15 a hard one to pin right now because we don't know the expense  
16 of the public involvement process, but one to five million  
17 probably.

18 MR. SANDOR: Mr. Chairman, I think we need to spend  
19 some time to -- on this particular aspect. This may not get or  
20 does it, Jerome, include the cost of the overhead management  
21 team itself? Is that one to five?

22 DR. MONTAGUE: Well, that was what I was -- in the 15  
23 to 20 percent of the projects, that would .....

24 MR. SANDOR: Okay. So it appears then we're talking in  
25 the range of at least 25 to 30 million dollars?

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DR. MONTAGUE: That's correct.

1 MR. SANDOR: I guess I restate my concern.

2 MR. COLE: What is your concern?

3 MR. SANDOR: My concern is -- really is as stated by  
4 Mr. Barton earlier that we do definitely want to close the  
5 studies in a scientific manner and not lose that. Nobody is --  
6 I don't anyone is questioning that. I guess a concern is that  
7 we have before us the prospects in 1992 and ending in that  
8 February 28 or March 1, 1992 period, an expenditure of 25 to 30  
9 million dollars and apparently very little restoration work  
10 itself done in 1992. And it'll be interesting to determine  
11 from our public advisory group and from other entities out in  
12 the various areas impacted by the oil spill of whether or not --  
13 -- you know, and it's perceived that, in fact, this restoration  
14 work which must be out there can wait yet another year, and I  
15 guess, Mr. Chairman, the troublesome part of this thing is by  
16 March of 1993, we will have -- four years have passed after the  
17 actual incident occurred and we will have -- and I think we've  
18 spent what, something in the range of 40 million --  
19 (indiscernible) -- studies this past year and -- this current  
20 year, and I'm worried about the time in which we hold ourselves  
21 accountable and the public holds ourselves accountable to what  
22 restoration work we've done with the money that we've spent.

23 MR. COLE: Mr. Barton.

24 MR. BARTON: We -- you know, we've spent I think over a  
25 hundred million dollars on the damage assessment process and

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that began very shortly after the spill. I'm really puzzled  
1 why there aren't some things, and I know this is probably a  
2 frustration we all feel including the public, I'm puzzled why  
3 there isn't -- why there aren't some things that we've learned  
4 in the course of the last three years that we can actually do  
5 to restore the resources of an impacted area. I know that it's  
6 a complex issue and I'm not advocating that we go forward  
7 without a good scientific base, but it just -- it is awful  
8 frustrating not to be able to walk out there and put my hand on  
9 something that we did restore.

10 DR. MONTAGUE: Could I .....

11 MR. COLE: Did you want to make an observation, Doctor?

12 DR. MONTAGUE: Yeah. The .....

13 MR. COLE: Well, let me just say this -- you know. Dr.  
14 Montague is not responsible for the hundred million. And I  
15 haven't been involved in spending a nickel so I'm .....

16 MR. BARTON: I was going to clarify that, Mr. Chairman.  
17 I realize that Mr. Montague hasn't been -- isn't responsible,  
18 but I can say that I've been in this thing since the first day  
19 and I had a big part in the hundred million.

20 MR. COLE: Mr. McVee.

21 MR. McVEE: Comment on a couple of questions. If I  
22 remember right also, coming out of that 90 million is the cost  
23 of any cleanup activities because if we've not closed out --  
24 not .....

25 MR. COLE: Exxon's 1991 cleanup set off, so to speak.

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MR. McVEE: Yeah. I guess the couple of questions

1 .....  
2

MR. COLE: Does that leave us with any money?

3 MR. McVEE: I'm not sure. I guess maybe the first  
4 question would be kind of what has to be done to close out the  
5 NERDA (ph) studies? Is there field work or is it a matter of  
6 writing out a summary report, a close out report? What do we  
7 get for the eight million dollars?

8 DR. MONTAGUE: Okay, for the ..... I could -- trying  
9 to give you more exact figures, but I would think that  
10 approximately half of that is for or less -- somewhat less than  
11 half of that is for actual field work in 1992. The remainder  
12 is for these final reports, then peer review, and a lot of the  
13 backlog on that is analysis of hydrocarbon samples, and that's  
14 a lot of the work that needs to be continued this year. It's  
15 not field work. It's the samples collected in previous years  
16 that haven't been analyzed and until those analyses are ended,  
17 the investigators, they can't prepare their final reports.

18 MR. McVEE: Okay, thank you. I guess the second  
19 question is that we've looked at -- or we looked at restoration  
20 proposals. Is there -- and there have been some -- you have  
21 had some criteria for selecting proposals, but is there any way  
22 to look at the impacted area in a kind of a comprehensive way  
23 so that -- you know, rather than address -- you know, to  
24 address the entire you might say impacted ecosystem, so that we  
25 could get some feel for what really -- you know, has priority

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because I think the studies, as I understand it, were more or  
1 less focused, an analysis more or less focused on species, the  
2 murries; the otters; the mussels; and so on, but is there some  
3 way that -- you know -- and I guess that I would feel more  
4 comfortable in dealing with the budget -- you know, when we get  
5 to that point, of a budget in an overall perspective if we've  
6 looked at the impacted area and we've identified what resources  
7 we really need to evaluate some more in order to -- you know,  
8 have the information we need to develop restoration programs.

9 DR. MONTAGUE: Well, your point about a lot of the  
10 projects being species specific I would grant that that's true,  
11 but I would say that our ecosystem wide picture of what's  
12 damaged and what these damages are affecting or how they're  
13 affecting the ecosystem, we do know quite well and if you need  
14 to know 'em better, it would cost even more. But I think that  
15 we can describe the damages to the ecosystem quite well.

16 MR. McVEE: I can see from that kind of a description -  
17 - you know, we can develop as I say the kind of criteria that  
18 would really be helpful to the Trustee Council in selecting  
19 projects and selecting studies, and that would -- you know, get  
20 us to the high priority which is what we want to take care of.

21 MR. MONTAGUE: I was going to comment to Mr. Barton,  
22 some of his questions, and your statement about this many years  
23 have gone by and we've spent this much money and what have we  
24 done for restoration and actually we've done a tremendous  
25 amount for restoration, particularly with species that are

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harvested species, commercial and sport fishes and huntable  
1 populations for subsistence and sport hunting. The results of  
2 these studies have made dramatic improvements in our ability to  
3 both allow these things to continue, yet protect the resource,  
4 and I would argue that a lot of the management activities are  
5 enhancing restoration at this moment and have been for ever  
6 since new information came in, and as far as bang for the buck,  
7 in many ways, the management actions taken on some of these  
8 species will restore 'em and in some ways, that's probably the  
9 cheapest expenditures. And for some of the species that have  
10 huge commercial harvests, many times without that information,  
11 it would have meant simply closing the harvests.

12 MR. COLE: Let's see, did we want to get Commissioner  
13 Rosier -- (indiscernible). Well, Mr. Pennoyer has been .....  
14 All right, Mr. Barton, please, he wants to have a surrebuttal.

15 MR. BARTON: No, I don't want to rebut and I appreciate  
16 Dr. Montague's amplification and I did not mean to imply that  
17 Dr. Montague had any particular personal responsibility. As I  
18 pointed out, there's two in this group that have been in this  
19 since day one, and I'm one of those so if there's any arrows to  
20 be shot, I can -- I'm one of the targets.

21 MR. COLE: Let's see, Mr. Rosier, Commissioner?

22 MR. ROSIER: No, nothing.

23 MR. COLE: Mr. Pennoyer has the floor.

24 MR. PENNOYER: Well, I guess I'll have to -- Mr. Barton  
25 made an oblique reference to the two of us and I'm the other

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one, I suppose, since I've been involved in the spill since  
1 about the second day after it occurred and in this research on  
2 it.

3 We have spent a lot of money on damage assessment and I  
4 think it is vitally important that we tie that together and  
5 describe what happened and describe what our answers are to  
6 what happened and that also serves as, I think, some guidelines  
7 and mileposts for anything that might happen in the future.

8 Be that as it may, I'm not sure how much that costs and  
9 I'm having trouble with this discussion because I have no  
10 projects in front of me; I have no description of what these  
11 items really mean and what the content is. All I hear is the  
12 total amount of money, and that makes it very difficult to  
13 really comment specifically on what is going to be accomplished  
14 with that money or how it relates to something else we're going  
15 to do with that money.

16 My presumption is that at some point here, you're going  
17 to come back to us with a rather detailed expose of what this  
18 means and why these expenditures in C.G.'s (ph) viewpoint are  
19 appropriate. I don't have that now. I mean I can obviously  
20 say it sounds like a lot of money and I can say if there are  
21 other opportunities we're missing, we probably shouldn't miss  
22 them. If there really are things that we can now evaluate and  
23 say they're the right thing to do, but I have no way of  
24 balancing those and at some point here, before we go out to  
25 public review or before this goes a whole lot farther, we need

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to schedule a session where we spend some time and sit down and  
1 look at the details of what you really are discussing because I  
2 don't think you've presented us a final fait accompli (ph) of  
3 any kind. You've done some preliminary planning. We haven't  
4 signed off on it. We haven't sent it out for public review.  
5 We haven't evaluated it relative to other things we might want  
6 to do. So, I think we need, Mr. Chairman, to do that at some  
7 point fairly quickly, although like everybody else, it sounds  
8 like a lot of money and I think we're going to have to look  
9 very closely at what's proposed.

10 MR. COLE: Commissioner Rosier.

11 MR. ROSIER: Thank you. I would like to say that at  
12 this point, at least to my knowledge, there's been no public  
13 input into the planning process here for the '92 field season.  
14 As I understand it, this is basically a continuation of the  
15 process that was in place up to settlement time on this.

16 Again, I think that we need some further detail in  
17 regards to the total dollars and what those dollars represent.  
18 I think as Dr. Montague indicated, these are maximum figures  
19 at this point in time, and as I understood the request here,  
20 they were interested in some indication from the Council here  
21 tonight as to whether or not they should, in fact, proceed with  
22 development of the specifics to support those figures and  
23 whether we should -- at which time we, plus the public, would  
24 have an opportunity to participate in the evaluations of the  
25 projects.

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1 So, it seems to me that we -- personally I think we  
2 need some further information on this before we get too far  
3 down the road. I would again echo my concern about the total  
4 dollars, and I would hope that in terms of those PI's out  
5 there, that they're dealing with pretty sharp pencils when they  
6 get the go ahead to come back to us with specifics.

6 MR. COLE: Commissioner Sandor, did you want to  
7 comment?

8 MR. SANDOR: I'd like to elaborate on Commissioner  
9 Rosier's last point. I think that as the pencils are sharpened  
10 and that management group and the sub-groups lay out something  
11 for us to really consider, I think this group, this Trustee  
12 Council should actually give some guidance in this effort, some  
13 very specific guidance, and -- you know, certainly from an  
14 organization and process, my recommendation is that it be kept  
15 simple and as lean as possible, and that the organizational  
16 structure itself be minimum in size and that the process cost  
17 be as tight as possible.

18 The second recommendation I would have, Mr. Chairman,  
19 is that we utilize existing agencies and organizations as much  
20 as possible, and I think to some degree, the group has done  
21 that in this public information process and that's a good  
22 example of that. In fact, that activity is going to be done by  
23 an existing agency using its own organization. I think we need  
24 to do more of that, and I think we want to utilize and involve,  
25 of course, the people who have been working on the spill

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cleanup and begin integrating those people into the regular  
1 organization.

2           These folks that have been doing the studies should  
3 have really a preferential opportunity to -- you know, become  
4 employed in the regular organization itself rather than  
5 perpetuating separate organizations. I think there's a time in  
6 which these studies that are ongoing actually achieve other  
7 objectives than those related to the spill itself or the  
8 restoration work. Indeed, I suspect that there may be some of  
9 this work that probably was requested from the general funds  
10 even prior to the spill because this stuff was -- this  
11 information was not available and was needed, and I don't fault  
12 that, but I say the process of integrating this should --  
13 should be kept in mind and the existing organizations that we  
14 represent need to cover some of these activities that are basic  
15 research and maybe only partly related to the spill, and the  
16 spill shouldn't -- funds should not -- you know, pay the whole  
17 bill and I -- this might be a time to again say that as you  
18 look at this, see if there aren't some actual restoration needs  
19 that have been prioritized to the extent that we ought to -- to  
20 begin work on -- begin work on.

21           It's troublesome that we have this restoration  
22 structure that's going to be done in March of 1992, a draft.  
23 The restoration plan is not going to be done until March of  
24 1993 and I forget whether it was Mike Barton or Curt McVee or  
25 Mr. Pennoyer that said well, maybe we can use that restoration

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framework to begin doing some restoration work. I guess at  
1 least those four or five points I would give as guidance.  
2 Whether or not you folks share those or have some others, but I  
3 think rather than just saying to this group hey, go back and be  
4 more specific about your needs, I think they deserve guidance  
5 from us and I think it comes loud and clear that at least from  
6 my position, this 25 to 30 million budget for 1992 is  
7 surprisingly large. It approaches the operating budgets of  
8 many units within the existing State government, and I believe  
9 we want to hear from the public to see if they -- you know,  
10 share that concern or not.

11 MR. COLE: I'd like to make some comments. First, Dr.  
12 Montague, I think your analysis is outstanding and I  
13 congratulate you on the work product you've presented to us  
14 here this evening.

15 I am somewhat stunned over the amount which is planned  
16 to be expended in 1992, and I come at it as Commissioner Sandor  
17 just alluded to. You know, I know what the budget is for the  
18 Department of Law just for one fiscal year. I mean I think I  
19 know, but I don't know it as well as I should. I know that.  
20 But I mean we have 500 employees and we engage in heavy  
21 litigation against -- you know, it seems like everybody in the  
22 world including -- you know, perhaps would say sure, yeah, you  
23 deserve to get sued for what you do all the time. I realize  
24 that. We'll let that go, but -- you know, I mean we have 500  
25 employees, some of these briefs that these people write are

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magnificent work product, and maybe it's about 50 million  
1 dollars. Now -- you know, how come these studies in these oil  
2 spill areas cost -- you know, 6, 8, 10 -- you know, 20 million  
3 dollars, 25 million dollars? I mean it seems to me an ungodly  
4 amount to be paying for studies. I just can't fathom how these  
5 costs for these studies could reach that magnitude, 25 million  
6 dollars when you look at the budget for the Department of Law  
7 and 500 employees. Now -- you know, maybe -- you know, there's  
8 some intoxication in dealing with these monies. I don't know,  
9 but it strikes me as incredibly large sums to get some data  
10 about what the condition is out there in these oil spill  
11 affected areas. I have really a lot of trouble with that --  
12 you know. There's no use talking any more. I guess my  
13 position is clear. Mr. McVee?

14 MR. McVEE: Thank you, Mr. Cole. Yes, it seems to me  
15 like we probably do need some specifics. Steve, I guess,  
16 suggested that -- you know, on what is the -- what can be  
17 closed out, I guess we need to look at that. What needs --  
18 what needs to be continued -- you know, what's essential and  
19 what are the justifications behind that in a public review  
20 fitting in there somewhere. And then, I guess -- you know, we  
21 need to look at restoration proposals from other sources, too,  
22 it seems to me. That becomes part of the total package. I  
23 don't think we can -- the Council evaluate until we have -- we  
24 have that component. So, I think we need to see both  
25 government proposals as well as from other sources before we

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have a package for consideration plus these other elements

1 before we can look at in total.

2 DR. MONTAGUE: Can I comment on that?

3 MR. COLE: Yes, please.

4 DR. MONTAGUE: As I'm sure you're aware, the list of  
5 these projects and all the background details are available and  
6 the reason they're not presented here is because of the  
7 litigation sensitivity of the damages that would be expressed  
8 in looking over those documents, and relative to public  
9 restoration proposals, it would have a hard time being  
10 meaningful if they didn't know the damages. So .....

11 MR. COLE: I'd like to comment on that. I think we're  
12 making great progress along that line and maybe in the next 30,  
13 60 days, we'll have a lot of that behind us. Mr. Tillery, am I  
14 off base on that one?

15 MR. TILLERY: We're making great progress.

16 MR. COLE: Yeah, thank you. Any other comments at this  
17 time. Dr. Mon- -- let's see, Mr. Pennoyer.

18 MR. PENNOYER: Well, just, Mr. Chairman, I think we  
19 kind of need to bring this to closure somehow. I'm not sure  
20 what we're telling them we want them to do with this '92 work  
21 plan or what we'll want to look at or when we want to look at  
22 it relative to even approving it to be part of the public  
23 review package.

24 As I said before, I heard a dollar amount but I have no  
25 concept of what's really envisioned in that, any explanation as

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to concepts, but to evaluate it, some of those projects may be  
1 restoration studies but as Dr. Montague says, those restoration  
2 studies may lead to direct restoration through management or  
3 other actions that we wish to take. So I'm not clear that it's  
4 all just "studies" to be doing studies and I would hope it's  
5 not. I presume it's not.

6 So we need to somehow put a time frame on this and some  
7 decision as to how we can get this type of information, when we  
8 want to make the decision. I think we've made it clear we want  
9 sharp pencils and hard justifications for why things have to  
10 continue or why studies, monitoring studies are appropriate as  
11 opposed to some other activity.

12 We also at some point want to be able to entertain  
13 alternatives for restoration. If the group has ideas that  
14 based on what we've learned so far, there's some preliminary  
15 estimates of the types of things that we might do, we'd like to  
16 at least know those, and I don't think we've had that type of  
17 interaction. Restoration planning has been going on under the  
18 damage assessment process under litigation for quite a while,  
19 and I presume we have some ideas, people have some thoughts,  
20 and I'm not hearing those yet. So, at some point, we're going  
21 to need that type of feedback, how ever it's going to occur.  
22 If we have a litigation problem, maybe we've got to do some of  
23 that in closed session, but some how I need that type of input.  
24 input.

25 MR. COLE: Thank you. Mr. Barton.

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MR. BARTON: I'd suggest that we ask the RRCG to  
1 proceed to develop the detailed study plans given the good  
2 advice they're received from us tonight.

3 MR. COLE: Well, at least advice.

4 MR. BARTON: I would like to see a matrix of the damage  
5 assessment studies, those that are to be closed out and why,  
6 those that are to be continued and why, and approximate costs.  
7 I'd like to see the same thing for the restoration studies.  
8 Just -- not -- I know you can't get into any detail until you  
9 get the detailed study plans back, but some two or three liners  
10 about each of the proposals and what our best estimate of the  
11 cost is right now.

12 I would suggest that if we need to go into executive  
13 session because of the litigation to look at the damage  
14 assessment studies, that we do so. We have done that for the  
15 last three years and it's not anything unusual or mysterious.

16 MR. COLE: Mr. Rosier.

17 MR. ROSIER: Mr. Chairman, let me just -- I think Dr.  
18 Montague made the statement that it might be tough for the  
19 public to make suggestions for restoration. I don't think in  
20 all cases the restoration needs to be species specific the way  
21 we've been working so far on this, but there may, in fact, be  
22 ideas from the public out there for restoration projects that  
23 would, in fact, be worth considering at this point. I mean  
24 perhaps it is a fish ladder, a hatchery or a piece of real  
25 estate or something like that. I think those should be

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considered as part of the '92 work program itself.

1 MR. COLE: Mr. Pennoyer.

2 MR. PENNOYER: I have one last comment. I think in  
3 putting this in a context, I know that Stan Senner in the past  
4 has discussed these in previous times, but the restoration  
5 planning group that did exist had matrixes of damages and  
6 resources and all sorts of things. I think there's information  
7 out there for the Council to use in looking at this for  
8 deciding on the appropriateness of the package or actually the  
9 appropriateness of going forward with certain restoration. I  
10 think some of that does exist, and we have not had the  
11 opportunity; we haven't given ourselves the time to receive  
12 those type of presentations, and I think we have to do it.

13 MR. COLE: Commissioner Sandor, please.

14 MR. SANDOR: Well, I think we've seen this evening  
15 evidence of a high degree of professionalism that has been  
16 apparent in the spill or cleanup work that's been done, and I  
17 think we can take some substantial assurance and be reassured  
18 that, in fact, these pencils are going to be sharpened and  
19 these activities are going to be very closely scrutinized. I  
20 would reiterate to the point that in doing this, we really do  
21 have a test of examining whether or not the project that is  
22 being proposed is one that really is mostly -- not totally, but  
23 mostly related to the spill as opposed to a study that -- you  
24 know, might more reasonably be generated from the General Fund.

25 I thought this was really an excellent session, Mr.

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Chairman. Thank you.

1 MR. COLE: Commissioner Rosier has -- (indiscernible).

2 MR. ROSIER: Thank you. I would like to compliment the  
3 group on their efforts. I think I heard somebody mention 12  
4 days of evaluation that went into bringing the concepts forth  
5 here tonight on this and that had to be quite a session to get  
6 12 days worth.

7 MR. COLE: I can't resist one last comment. On these  
8 studies, I personally would like to request that you look  
9 carefully at the cost of these studies. Is the cost of the  
10 study what it ought to be? Can the substance of the study  
11 material be realized for less money? You know, we don't have  
12 to study these things to the last decimal point, if you know  
13 what I'm saying. I mean -- you know, just please look  
14 carefully at the costs of these studies and beyond that, I,  
15 too, want to add my appreciation for the work that the group  
16 has done. I don't want you to think that this outpouring of  
17 Council this evening, if I can properly describe it as that,  
18 with respect to the amount of the expenditures, has any  
19 reflection on you or the group. It's just that I think it  
20 shows a recognition of the Council that we're very concerned  
21 about maximizing the restoration and the good which can be  
22 achieved from this settlement. If there are no more comments,  
23 thank you, Dr. Montague.

24 DR. MONTAGUE: Okay, so we have approval of the go  
25 ahead for detailed plans at a bare bones effort?

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MR. COLE: Well -- (indiscernible) -- your own good  
1 judgment. Is that the consensus of the Council? Fine, thank  
2 you, Doctor. Mr. Gibbons?

3 MR. GIBBONS: We're -- I told you we'd make it.

4 MR. COLE: We're rapidly approaching the witching hour.

5 MR. GIBBONS: I just looked up and saw -- one point of  
6 clarification. Did we get approval from the Trustee Council to  
7 development of the restoration frame work?

8 MR. COLE: Yes.

9 MR. GIBBONS: Okay, that's all I have.

10 MR. COLE: Thank you. Yes, sir.

11 UNIDENTIFIED: (Indiscernible - away from microphone).

12 MR. COLE: You certainly have the floor. Please be  
13 seated and .....

14 MR. BORDERSON: I am Mark Borderson (ph), jack of all  
15 trades for DEC. I'd like to point out to you on the  
16 restoration plan, the development of that plan would cost less  
17 than one percent of the total funds that are available here.  
18 That's the primary point I wanted to make.

19 Also, in .....

20 MR. COLE: You received sort of a stony  
21 response.

22 Nonetheless .....

23 MR. BORDERSON: Well, I was just trying to put that  
24 into perspective as to the cost of it. The set off for Exxon  
25 in the question that Mr. McVee came up with there, the Exxon

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set off comes in December of '92.

1 We also have the criminal restitution funds that we're  
2 not necessarily addressing here this evening that we should be  
3 considering for funding proposals from sources other than the  
4 agencies here for implementation in '92, as should proposals  
5 from the agencies for funding in '92. We want to make sure we  
6 don't forget those funds, and that's the extent of my chat.

7 MR. COLE: Commissioner Rosier?

8 MR. ROSIER: This, Mr. Chairman, it's not a question.  
9 It's more a comment. We haven't talked about all of the  
10 funding sources, but maybe we have to talk amongst ourselves.  
11 I don't know how you want to handle that.

12 MR. COLE: Well, we can't have any meetings that are  
13 not open meetings. I can assure you of that.

14 MR. ROSIER: I wasn't suggesting that.

15 MR. COLE: No, I know, I know.

16 MR. ROSIER: I was suggesting that we may want to  
17 discuss this amongst us here at the table. I mean there are 70  
18 funds that have been utilized in the past for funding on these.  
19 There has been General Fund dollars that have been spent in  
20 the past on this effort. There has been a lot of different  
21 sources, and so far, all we've talked about tonight is the 90  
22 million as Mark said.

23 MR. COLE: Good thought. Any other parting comments?  
24 Well, the time .....

25 MR. PENNOYER: I'm sorry.

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MR. COLE: I knew I shouldn't have asked that question.

1 Mr. Pennoyer.

2 MR. PENNOYER: I'm sorry, sir, I have to raise the  
3 question administratively. I don't know when the next meeting  
4 is going to be, but Dave, how are we doing with the Spees (ph)  
5 contract? Do we have to make a decision on that tonight in  
6 terms of extension if we're going to or ..... I'm sorry?

7 MR. GIBBONS: Yeah, it expires February 8th.

8 MR. PENNOYER: Mr. Chairman, as I understand it,  
9 currently we're still engaged in the peer review process under  
10 Dr. Spees' direction in trying to get these damage assessment  
11 projects wrapped up and the evaluation of them, and I'm kind of  
12 unclear on this short a time how long we're going to need that  
13 type of a service, but I would hate to see it just drop out of  
14 sight before the peer review process we're engaged in is  
15 completed, and I don't know, Dave, if you want to comment on  
16 that, but we've been sort of thinking about an extension for a  
17 time -- certain period of time until you think that the  
18 synthesis process is going to be done, so we do wrap that up,  
19 and then discuss anything further when we get to the science  
20 audit question.

21 MR. COLE: Preliminarily should we identify Dr. Spees?  
22 I think maybe the people here would be able to follow the  
23 discussion here a little more if we were to give a little  
24 background about Dr. Spees' past participation.

25 MR. PENNOYER: Well, perhaps somebody on the management

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91  
team could better detail what he's done than I could, but he is  
1 our scientist that has been under contract previously with the  
2 Department of -- I think the State maintained part of it and  
3 NOAA has at one stage and I think -- (indiscernible) -- did at  
4 one point, and he's been sort of the focal point for our  
5 science review in getting the peer reviewers brought to bear on  
6 the question of evaluation of their studies.

7 MR. COLE: Thank you. Mr. Gibbons.

8 MR. GIBBONS: Yeah, that's quite correct, and with --  
9 (indiscernible) -- like I mentioned, his contract expires on  
10 February 8th. Until we get this damage assessment process  
11 outlined and when the final reports are going to be -- you  
12 know, done and his involvement is wrapped up, we envision  
13 needing him more than February 8th, but we're not sure how long  
14 we need him into the future after that. So, one proposal we  
15 have would be to extend with an interim contract until we get  
16 this analysis done with your assistance and the public's  
17 assistance, and then wrap up the contract with him.

18 MR. COLE: Mr. Pennoyer.

19 MR. PENNOYER: I don't know how you negotiate contracts  
20 or how to do it, but aren't we going to have this time  
21 specific. Is he going to do -- is he interested in just an  
22 open ended process or how do you have to do that?

23 MR. GIBBONS: Yeah .....

24 MR. COLE: Can I make an observation?

25 MR. GIBBONS: Sure.

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MR. COLE: You may want to consider getting a series of  
1 three months options -- you know, with the option being held by  
2 the Trustee Council, this group, and just extend it in a series  
3 of three months, giving 60 days notice or something along those  
4 lines, see if that's acceptable. Yes, sir?

MR. ALEX: (Indiscernible - away from microphone). We  
5 really have two contracts. One that -- (indiscernible) --  
6 separate contract with the Department of Law. It doesn't have  
7 a termination date.

MR. COLE: Could you work with Mr. Gibbons and you and  
9 Mr. Tillery on that and give 'em your input?  
10

MR. ALEX: Mr. Tillery and I -- (indiscernible) .....

MR. COLE: Because maybe the Department of Law would  
12 want to cancel it and put the expense over on this Council.  
13

MR. BARTON: It's worked very well in the past.

MR. COLE: Is that .....

MR. GIBBONS: One additional item. It's kind of a  
16 housekeeping item also. Would the Council like -- I'll call us  
17 the group, to initiate identification process of a -- for the  
18 recruitment and selection of a final administrative director  
19 for .....  
20

MR. COLE: Can we put that off till the next meeting?  
21

UNIDENTIFIED: I think we should.  
22

MR. COLE: By the way, how much does Dr. Spees get each  
23 month under this contract? I mean I .....  
24

MR. GIBBONS: Maybe I can have the Department of Law  
25

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1 identify that, but it's kind of difficult. I don't have his  
2 contract right in front of me. Maybe Steve might have a better  
3 idea, but he has some assistants and some support and I'm not  
4 exactly sure. I would be guessing 25 to 30,000 a month.

5 MR. COLE: A month?

6 MR. GIBBONS: No, that's too high, excuse me. That's  
7 much too high.

8 MR. ALEX: I think with staff it's about -- and  
9 expenses, it costs 25,000.

10 MR. COLE: A month? And how much .....

11 MR. ALEX: Actually that's the upper limit on --  
12 (indiscernible) .....

13 MR. COLE: And how many staff do we get for that 25  
14 monthly grand?

15 MR. GIBBONS: He's got an assistant and some support  
16 with his organization.

17 MR. PENNOYER: That's -- Mr. Chairman, that's travel  
18 and the whole .....

19 MR. GIBBONS: Travel and per diem and .....

20 MR. PENNOYER: Mr. Chairman, there has been some  
21 discussion about not being in a litigation mode and maybe some  
22 negotiations was appropriate. I don't know if that's come up  
23 or not.

24 MR. COLE: Well, why don't you look at that, but bear  
25 in mind the expressed views of the Council this evening. Yes,  
Mr. McVee.

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MR. McVEE: I think it's reasonable to look at some  
1 term extension for the contract and that at least so we will  
2 have that capability through this initial framework restoration  
3 planning and in preparation of the '92 program, but I think  
4 maybe three months or something like that is realistic.  
5 There's another thing that I think we need to think about for -  
6 - that I'd like to have for discussion in our next meeting on  
7 the agenda would be because we have concern of the size of the  
8 organization that we're creating here, some discussion on how  
9 we go about -- you know, appointing committees, sub-committees,  
10 membership and so on because I think indicative with the  
11 philosophy that's been expressed here is that we need to keep  
12 those committees lean; to limit the number of people that can  
13 get the job done; and have the right -- be sure we have the  
14 right expertise. But I think that we should do some review on  
15 that.

16 MR. COLE: Are you saying that that's -- are those the  
17 series of decisions you think should be held by this Council?

18 MR. McVEE: I think we should have some discussion on  
19 that before we make those decisions.

20 MR. COLE: All right. Any other comments? When is the  
21 next meeting? Let's see if we can get that done before we  
22 hurry off to the citizen's comments. We should have one I  
23 think in January, and I think there's just a lot of work to be  
24 done and we shouldn't postpone it.

25 MR. PENNOYER: Mr. Chairman, from my standpoint, any

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time in the first two weeks of January would be all right.

1 MR. COLE: Representative Cabena (ph) has asked that  
2 the Cordova Road Task Force be present in Cordova on the 9th  
3 and we have accepted his invitation. So, we'll be there on the  
4 9th. I would say it should be after the 9th or that weekend  
5 following the 9th.

6 MR. BARTON: Mr. Chairman, I'm unavailable from the  
7 13th to the end of the month.

8 MR. COLE: Well, what day is the week of the 12th?

9 MR. BARTON: Sunday.

10 MR. COLE: And you won't be available on the 13th?

11 MR. BARTON: No.

12 MR. McVEE: I have a problem that week also.

13 UNIDENTIFIED: I'm not going to be available on the  
14 12th. I've got to leave . . . .

15 MR. COLE: Well, what about on the 8th? The 8th? We  
16 have to get over to Valdez -- to Cordova on the 9th.

17 MR. BARTON: How about the 7th? The 8th I'm supposed  
18 to be in Portland.

19 MR. COLE: You're unavailable?

20 MR. ROSIER: Till the 8th. The 9th I'm with you in  
21 Cordova.

22 (Off record conversation)

23 MR. COLE: Well, I -- gentlemen, I am going to rest up  
24 before the legislative assault, so I will not be available I  
25 think before the 7th.

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MR. GIBBONS: Can I suggest the 10th which is a Friday?

1 Is that a .....

2 UNIDENTIFIED: The 10th would work.

3 MR. COLE: If we get out of Cordova alive, we could be  
4 here on the 10th. It's tough over there, let me tell you; I've  
5 been there. Why don't we make it the 10th, Friday the 10th?  
6 It's a deal, and we'll give public notice of the time and place  
7 I think if that's generally acceptable. All right, we've run  
8 over by 14 minutes, but it's time for public comment. Mr.  
9 Groh, counsel.

10 (Off record for tape change)

11 MR. GROH: Gentlemen, my name is Cliff Groh. I know  
12 some of you. I'm an attorney. I've lived in Anchorage for 38  
13 years and practiced law for that period of time. I am here on  
14 behalf of the residents of Ella Mar which is the smallest,  
15 fastest growing village in all of Prince William Sound and  
16 somebody might ask where the heck is Ella Mar. I'm going to  
17 tell you. It's .....

18 MR. COLE: Tell us where they got the money to hire  
19 you, too, while you're at it.

20 MR. GROH: Well, let's make that clear.

21 MR. COLE: Getting disclosures here what's going on.

22 MR. GROH: Let's make that clear. I don't appear here  
23 on behalf of any of my clients or anybody else. I appear here  
24 on behalf of myself. Ella Mar is a town that is two miles  
25 north of Tatitlik, 22 miles from Valdez, 75 miles from

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Whittier, 45 miles from Cordova, and in 1778 when Capt. Cook  
1 came into Prince William Sound, he went into Snug Corner Cove  
2 at Port Fidalgo and the natives from Ella Mar went down and met  
3 him, and that's some indication of how long the town has been  
4 there. In the early 1900's, some miners came in there and  
5 developed a copper mine and patented the land, some 200 acres  
6 of land. And in the early 1900's, there were 800 people living  
7 there and the steamships from the southland, their first port  
8 of call was Ella Mar and their second port of call was Latouch  
9 and the third one was Seward, and there was no Valdez and no  
10 Cordova at that time.

11 In 1920, the mine as Kennicott slowed down, and in 1940  
12 there was a cannery there. In the early -- in the late 70's, I  
13 decided to acquire some land in Prince William Sound for  
14 purposes of development and so I acquired Ella Mar. There are  
15 now nine full time residents and eight -- add eight in the  
16 summertime or a total of 17 and nobody has consulted us about  
17 anything, but that's okay, because whether you consult us or  
18 don't consult us, the community is going to develop and there  
19 will be one or two lodges built there within the next two or  
20 three years and the cruise boats incidentally in the 20's, from  
21 reading the old Valdez newspapers, went from Valdez to look at  
22 Columbia Glacier and then they had dinner at Ella Mar. Stan  
23 Stevens and all the people in Valdez think they invented this  
24 process but, in fact, it's been in existence for 70 years.

25 I also -- and I speak only for myself and own another

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1 large parcel of property in Prince William Sound and that's at  
2 Horseshoe Bay on Latouch Island, and I own a 315-acre parcel  
3 there. That's two miles south of the Latouch townsite. I have  
4 well over a million dollars invested in these properties, and  
5 what you do here vitally affects my future. Beyond the federal  
6 government, the state government and the native groups, I'm the  
7 biggest single landowner in Prince William Sound, and I have  
8 some suggestions for you as to what you should do.

9 One, is you declare that the damage assessment is over.  
10 You've won the war, and that's how you win it. You just say  
11 it's over, and save eight million dollars. And you start with  
12 the restoration, and I happen to be from the same school that  
13 Mr. Cole -- we both practiced law here about the same period of  
14 time, sometimes on the same side, sometimes on opposite sides,  
15 and he's a very good lawyer by the way. But in any event, if  
16 you're going to preserve and restore the Sound, it becomes a  
17 question of who you're going to do it for. You ought to do it  
18 for the people so that they can enjoy it, and you can't leave  
19 it like ANWR. You know, everybody talks about preserving ANWR.  
20 We can't enjoy ANWR. The years I've lived here, I've never  
21 been to ANWR, and I doubt that there over five people that have  
22 ever been to ANWR or even close to it. You have to develop it  
23 so that some people can see it and so that they can enjoy it.

24 For example, the legislature has authorized the  
25 feasibility study for a Tatitlik ferry terminal and it's a two  
million dollar deal and that's the total cost of the project,

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and what would this do for the people of Tatitlik. It would  
1 allow them to have an ability to go back and forth to Valdez or  
2 to Cordova and it would open up transportation in the Sound. I  
3 respectfully suggest to you that that's a lot wiser than  
4 another eight million in studies or at least to recommend to  
5 the legislature that it be done. Your purpose should be to  
6 enhance the uses of the Sound and make it available to the  
7 public, and I think you ought to work with the federal people,  
8 the state people, the native groups and the private developers  
9 to unlock the Sound.

10 Recently there have been publicity about the  
11 possibility of a road, a tunnel to Whittier. Insofar as the  
12 enjoyment of the Sound is concerned, that makes a great deal of  
13 sense. Now, these would be my suggestions to you. I hope I  
14 haven't used up more than my five minutes. I'll be happy to  
15 answer any questions, and thank you very much for listening to  
16 me.

17 MR. COLE: Well, we'll look forward to hearing from you  
18 in the future. We appreciate your comments and you'll be on  
19 the mailing list.

20 MR. GROH: Thank you very much, sir.

21 MR. COLE: Thank you. Yes, sir.

22 MR. GATES: Mr. Chairman, members of the Council, my  
23 name is Chris Gates. I'm a resident of Seward. I am also  
24 honored by being the president of the Regional Citizens  
25 Advisory Council for Prince William Sound. The RCAC is an

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100  
organization established under federal law under the OPA 90,  
1 the Oil Pollution Act of 1990, signed into law in 1990, signed  
2 by the President. Our RCAC was certified by President Bush a  
3 year ago. It appears to be that we will be recertified in this  
4 coming month for another year.

5 As the designated Citizens Advisory Group for the Exxon  
6 Valdez impact area, I'm here -- I heard your discussion with  
7 regard to wrestling with Citizens Advisory input. How to do  
8 it, the logistics, the mechanics of it. I want to tell you  
9 we're two and a half years into that process ourselves. We've  
10 spent roughly a million and a half dollars trying to do a good  
11 job to make sure that the people of the region are deeply  
12 involved with oil spill prevention and response, what's going  
13 on, how it will not happen again, why it will not happen again,  
14 and the citizens are very much involved with the effort of  
15 evaluating the science that's going on, evaluating the oil --  
16 the prevention efforts that are going on, and they're up to  
17 speed with the vocabulary which took about a year, and they're  
18 up to speed with some of the studies which are very complex as  
19 you say.

20 We have four operating sub-committees with now I would  
21 say trained people on them, trained citizens, housewives; port  
22 people like myself; citizens; Council members from various  
23 communities, but we're deeply involved in oil spill prevention  
24 response, and I guess the learning curve is something I would  
25 like to impress upon you. In your citizens advisory effort or

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your citizen input process, watch out for that learning curve.

1 It is extremely long, and you might trip over it if you're not  
2 aware of how long it takes ordinary people in the area to get  
3 up to speed on these subjects.

4 I bring up the RCAC as a mechanism, as a tool that you  
5 might want to use to provide citizen input. We have a staff.  
6 We have 16 representatives from all the communities in the  
7 Exxon Valdez impact area. They're appointed by City Councils  
8 in the aspect of cities, appointed by mayors. We have  
9 representatives from National Wildlife Federation, from Prince  
10 William Sound Aquaculture, from Cordova District Fishermen's  
11 United, from various groups, interest groups, such as those  
12 mentioned by Mr. Piper earlier in the evening. We are a  
13 functioning team. We try and deal by consensus. We don't do  
14 it all the time, but to organize 16, 18 people on a regular  
15 basis is not easy and we're doing a very good job at it.

16 Again, I offer the RCAC to you as a thought, as a way  
17 to access the citizens of the region. I applaud your efforts  
18 to go out to the citizens themselves and to see how they might  
19 want to interact with the Trustees. I applaud your efforts to  
20 do that, and the RCAC, the members of the RCAC, because they  
21 are so involved with oil spill issues, I'm sure will have  
22 comments in that regard.

23 I would offer the use of our team in the interim. If  
24 you want to do things with monies in the interim before you  
25 establish a formal -- you call it a start afresh team, if you

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will, feel free to call on our team maybe to give you a first  
1 blush look at how you might want to spend monies. That might  
2 be a good way to use our team if you do want to start afresh.  
3 We are up and running. We have a staff here in Anchorage, and  
4 we have excellent communications with our people throughout the  
5 region.

6 I'm going to chop my comments off right there and just  
7 say that the citizens are vitally interested in the work that  
8 you're going to be doing. I am delighted to hear that the  
9 scientific studies are -- we're coming to some resolution on  
10 releasing the scientific studies. We all have been watching  
11 very carefully for when that might happen, and are looking  
12 forward to that. And you've got a good team of people out in  
13 the region. The RCAC itself is probably the best and the  
14 brightest of the region. We have been working as a team for  
15 two and a half years. I think we have over \$600,000.00 of in  
16 kind contribution of volunteer time, volunteer hours. It's a  
17 huge investment of volunteer effort that I just invite you to  
18 take advantage of, and thank you very much for the opportunity  
19 to speak and for the time.

20 MR. COLE: Are there questions, Commissioner Rosier?

21 MR. ROSIER: Question. What's the geographic area that  
22 you cover with this particular group?

23 MR. GATES: We cover the impact area of oil for the  
24 Exxon Valdez all the way from Kodiak. We have representatives  
25 in Kodiak, the Kodiak Island Borough, the City of Kodiak, and

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Kodiak Native Chief. I'm not getting that name right, but  
1 Kodiak Chief's Association, all the way up and through Cordova  
2 with representatives in Cordova from the city, from Cordova  
3 District Fishermen's United and from Prince William Sound  
4 Aquaculture and in between, of course, the City of Valdez,  
5 Alaska State Chamber of Commerce, City of Seward that I  
6 represent, City of Whittier, Chugach Alaska Corporation and  
7 their president is here tonight. We have, again, the region is  
8 very well represented and the representation is established  
9 under federal law to make sure that we are representative of  
10 the region.

11 MR. COLE: Thank you. Mr. McVee?

12 MR. McVEE: Yes, I was wondering if you could share or  
13 send -- have your staff send to Mr. Gibbons the list of  
14 interests that are represented on the group and also, what size  
15 of staff do you have?

16 MR. GATES: Okay, we've got seven full time staff now.  
17 The -- our port operations team is operating in Valdez to look  
18 at Alyeska shipping issues, tanker shipping issues. We have an  
19 oil spill prevention response team operating in Anchorage and a  
20 terminal operation, a terminal pollution team also operating  
21 here in Anchorage. So, we have seven going right now. We have  
22 about -- we have two million dollar a year budget. We have a  
23 contract, a formal contract with Alyeska Pipeline Service  
24 Company. We are a totally independent group that they fund at  
25 that level each year.

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MR. COLE: Commissioner Sandor?

1 MR. SANDOR: Mr. Chairman, I think we want to thank Mr.  
2 Gates for making that offer for our interim use of this group.  
3 This is a proven entity that performs well, effectively, and  
4 we would do well to explore the opportunities for such use.

5 MR. COLE: Thank you, Mr. Gates. Mr. Toma. Oh, I'm  
6 sorry, was there a question? Anybody else? Thank you, Mr.  
7 Gates.

8 MR. TOMA: Thank you, Mr. Chairman. I'll make my  
9 comments brief. I will preface by saying I don't think the  
10 settlement was in the State's best interest primarily because  
11 of the monetary terms and, of course, the litigation  
12 sensitivity has prevented the non-disclosure of economic damage  
13 information and the cutting loose of State citizens such as  
14 residents of native villages and commercial fishermen from  
15 litigation.

16 I had the opportunity in the last year, the last two  
17 years, to observe the settlement meetings and a number of the  
18 other meetings in Juneau having to do with the spill. I read  
19 all the 1990 and '91 damage assessment documents which were  
20 substantive and, of course, the restoration section and what I  
21 gleaned from all of that is the only restoration of any  
22 valuable use is the sowing of beach grass. I think it's a very  
23 valuable thing, but I think that's what it comes down to. We  
24 aren't going to impact wildlife species; we aren't going to do  
25 anything of any substantive manner in a natural way except the

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sowing of beach grass, and I should point out that both DNR and  
1 the U.S. Forest Service have spent tens of millions of dollars  
2 in beach surveys to do precisely this, to find out those places  
3 where beach grass should be sowed and I think those studies  
4 should be brought to the forefront and that that restoration  
5 should proceed.

6 I understand that there is over a hundred million  
7 dollars available from criminal restitution in addition to the  
8 90 million, and I personally think that the bulk of these  
9 monies should be used for the purchase of private land holdings  
10 in spill affected areas and in the Lower 48 where migratory  
11 species, especially bird species, use those areas and then come  
12 to Alaska. I think it's a very, very valuable and a worthwhile  
13 project that the federal government should get very actively  
14 involved in to promote on this Council.

15 The State Trustees, as you know, have opposed this in  
16 the past and I think it's just a very, very valuable  
17 consideration that should be made. We have a lot of money  
18 here, a lot of money that shouldn't be spent -- you know, after  
19 the next year or so for any more studies. I think that we  
20 should look very closely at what we have and look at some of  
21 these areas down south that are being lost because of wetlands  
22 loss and are very, very vital for migratory waterfowl that come  
23 to Alaska.

24 I also think that we ought to look at the  
25 redetermination of future resource uses in spill affected

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areas, specifically on Forest Service lands such as the Chugach  
 1 Forest or Prince William Sound and parts of Afognak and Kodiak  
 2 Islands. So, before these lands are logged, planned for  
 3 logging or hunting lodges are established or fuel depots put  
 4 in, I think the State Trustees should re-evaluate their strong  
 5 position that they took last year not to purchase such lands  
 6 for conservation and preservation purposes. I thank you for  
 7 your time and any questions, I'd be happy to answer them.

8 MR. COLE: Mr. Toma, I want to say this with respect to  
 9 your recommendation or suggestion that some of this proceeds of  
 10 the Exxon Valdez settlement be spent Outside. I was personally  
 11 involved in the negotiations dealing with that subject back in  
 12 Washington, D.C. and I made it very clear that so long as I was  
 13 a State Trustee serving at the grace of Governor Hickel, I  
 14 would never, never, never, never consent to spending one penny  
 15 of that settlement money outside the State of Alaska.

16 MR. TOMA: Well, I guess I'd just have to ask why then,  
 17 Mr. Cole? Why do you take such a strong stand on that?

18 MR. COLE: I will tell you why. The damage occurred to  
 19 the natural resources in the State of Alaska and that's where  
 20 the money to restore those damages should be sent, and I'm  
 21 telling you, I'm never going to change my mind on that, thank  
 22 you very much.

23 MR. TOMA: I'm sure you won't. I can tell from your  
 24 tone, sir. I think you should look into fly ways though as  
 25 biological realities and .....

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MR. COLE: Sure, I understand that, but .....

1 MR. TOMA: You do?

2 MR. COLE: ..... I will never consent to that. I just  
3 want you to know that. This money is to be spent in the State  
4 of Alaska to restore the damaged resources injured in the state  
5 and frankly, I just don't think there's much dissent from that.

6 MR. TOMA: I don't think there is on the State  
7 Trustees' side, no, sir. But if you're going to spend 500  
8 million .....

9 MR. COLE: And we made it clear to the federal  
10 officials that that's the way it was going to be, so .....

11 MR. TOMA: Well, that's why I disagree with this kind  
12 of settlement if the State's going to take that hardline  
13 position on natural resources.

14 MR. COLE: But maybe it's a good thing that there are  
15 hardliners like me around so and maybe there isn't. Thank you  
16 very much, Mr. Toma, for your comments. Yes, sir.

17 UNIDENTIFIED: I have two quick questions. Does Mr.  
18 Gibbons have a phone number that we can use to contact him?

19 MR. COLE: Get the FAX number, too.

20 MR. GIBBONS: 278-8012.

21 UNIDENTIFIED: Are you going to be getting to the rural  
22 areas sometime soon?

23 MR. COLE: Yes.

24 UNIDENTIFIED: I have one more quick question.

25 MR. COLE: Yes, sir.

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UNIDENTIFIED: I appreciated you saying that maybe in  
1 30 or 60 days, the State data would possibly be available to  
2 the public. Is that true with federal data as well or I assume  
3 we're not going to get Exxon's data.

4 MR. COLE: Mr. Barton?

5 MR. BARTON: It's all both data. The holdup though is  
6 because of some litigation that the State is now involved in.

7 UNIDENTIFIED: I understand that, but one problem is  
8 the public is not going to be able to evaluate a restoration  
9 effort as well until they see the data so they know what's been  
10 damaged, what's been documented as damaged.

11 MR. BARTON: I agree with that. It's one body of data  
12 is what I'm saying.

13 MR. COLE: Let me just say, I appreciate your concerns;  
14 we're working on the problem; and maybe we're coming along with  
15 the solution.

16 MR. GIBBONS: My FAX number if anybody wants it is 276-  
17 77178.

18 MR. COLE: Yes, sir?

19 UNIDENTIFIED: I think something that might help this  
20 group would be the definition of restoration be put on every  
21 agenda -- (indiscernible - away from microphone).

22 MR. COLE: All right. The more difficult definition is  
23 enhancement, by the way, but nonetheless we'll try to address  
24 both of those. Thank you. Yes?

25 UNIDENTIFIED: (Indiscernible - away from microphone).

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MR. COLE: Sure. Thank you very much.

1 UNIDENTIFIED: (Indiscernible).

2 MR. COLE: Pardon me? Oh, all right. Well, do we have  
3 any other public comment here this evening? Yes, sir. Would  
4 you mind coming up here so the hinterlands can hear your  
5 comment?

6 MR. HAGENSTEIN: It's Randall Hagenstein and I've got  
7 just three comments. I want to reiterate that you can't have  
8 meaningful public participation without meaningful access to  
9 information. The point's been brought up and addressed. I  
10 just want to hit on that one again.

11 Second, I guess I disagree with Commissioner Sandor on  
12 the point that we ought to be looking at existing agencies to  
13 take over a lot of these functions. I think that's a good way  
14 to spend a lot of money that will just get subsumed by existing  
15 bureaucracy and be used to increase the complexity of existing  
16 bureaucracy. I think we ought to be looking at fresh  
17 organizations that are outside of the existing framework.

18 And finally, I think we ought to be looking at  
19 restoration money to restore the ecosystem and the ecosystem  
20 functions, not to enhance transportation or lodge opportunities  
21 or that sort of thing. Thank you.

22 MR. COLE: Thank you. More comments, please. We have  
23 no further comments at the meeting here in Anchorage. Does  
24 someone in the -- oh, Mr. Tillery?

25 MR. TILLERY: Yes, if I could just -- we received

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comments from the City of Cordova as long as you're moving to  
1 the rural areas .....

2 MR. COLE: All right.

3 MR. TILLERY: ..... and if I could just pass these out,  
4 maybe you could -- (indiscernible).

5 MR. COLE: We received a copy of a resolution from the  
6 City of Cordova, number 91-92 and following the recitals, it  
7 says "Now, therefore, be it resolved as follows: That the  
8 Mayor and the City Council support the concept that the highest  
9 priority use of Exxon settlement monies be the acquisition of  
10 timber assets in and around Prince William Sound in order to  
11 conserve coastal forests for the public good and in the  
12 interest of oil spill restoration, and that the Trustees act  
13 immediately to secure lease option arrangements on these  
14 forests that would fairly compensate timber owners in the  
15 region in exchange for 2-3 year moratorium on all timber  
16 harvesting activities so that the Trustees can methodically  
17 assess all acquisition options and integrate them into a  
18 systematic restoration plan without such options being  
19 foreclosed. Passed and approved this 18th day of December,  
20 1991. Mayor Charles K. Weaverly." Thank you.

21 Does anyone in Cordova wish to comment further on that  
22 subject?

23 MAYOR WEAVERLY: This is Mayor Weaverly from Cordova.  
24 Chairman Cole, can you hear me?

25 MR. COLE: Yes, sir.

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MAYOR WEAVERLY: I'd like to thank you and the other  
1 distinguished individuals around the august table for allowing  
2 us this opportunity to speak.

3 MR. COLE: Yes, sir. Is there anyone there in Cordova  
4 -- did you have further comments, Mr. Mayor?

5 MAYOR WEAVERLY: Just briefly, if I may. I'm pleased  
6 to hear that the Governor's Task Force on the road will be  
7 holding a meeting on the 9th of January in our community.

8 MR. COLE: Yeah, thanks. We've got Commissioner Rosier  
9 straightened out, thank you. Would you like to continue,  
10 please, sir?

11 MAYOR WEAVERLY: I would just like to state that kevlar  
12 jackets and hats are not necessarily required attire in our  
13 community.

14 MR. COLE: That's reassuring. Is there any further  
15 comment in Cordova, please?

16 MAYOR WEAVERLY: That's it in Cordova.

17 MR. COLE: Thank you. Does any other station wish to  
18 comment?

19 MR. SMITH: This is Homer.

20 MR. COLE: Homer?

21 MR. SMITH: This is Larry Smith in Homer, and I  
22 appreciate the opportunity to comment on this and it's  
23 particularly good to be once again in the socratic presences of  
24 the sage of Southeastern, Mr. Toma, and Mr. Groh, the Baron of  
25 Ella Mar. I have some preliminary thoughts on how to devise

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1 this program. I've been involved with a variety of advisory  
2 council activities in the state, and I must say that I think I  
3 prefer what I took to be Mr. Cole's inclination to explore Mr.  
4 Piper's further -- I think that an advisory committee ought to  
5 within policy limits be able to devise its own program, select  
6 its own officers and hire a director, have access to a legal  
7 staff of the Trustee's Council at times, to have a budget for  
8 additional staff, for local clerical support, for advertising,  
9 for public meetings, for monitoring the implementation of  
10 Trustee's policy decisions. I think it -- forest practices --  
11 or a forest products, excuse me, industry representative would  
12 be difficult to select and might have an undiluted economic  
13 conflict of interest which would produce a lot of discord  
14 within the coterie of timber owners that would be interested.  
15 There might also be a modicum of conflict with aquaculture  
16 representatives, but the -- (indiscernible) -- is obviously  
17 better there and regional aquaculture organizations are pretty  
18 likely to be in harmony on the important questions.

19 I would -- Mr. Gates offer was interesting and that the  
20 RCAC -- I happen to serve on that -- (indiscernible) -- form of  
21 RCAC that said these councils could be a source of some support  
22 to what I would rather see is an independent fresh and newly  
23 constructed advisory committee, and I made a chart while I was  
24 listening here and actually sort of selected who our  
25 representatives for the interest groups that you folks  
discussed from -- (indiscernible) -- keeping in mind that it's

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a lot easier for a nine member group to -- or a smaller group  
1 to work than a larger one, I started out with nine and found it  
2 impossible to accommodate the geographic interests as the --  
3 (indiscernible) -- of others identified. But I would be very  
4 happy to fax to Mr. Piper if we can have his fax number, how I  
5 would align these and perhaps he could distribute it to the  
6 Council. I won't take any more of your time, thank you.

7 MR. COLE: Thank you. I would like to say that  
8 Representative Gail Phillips there in Homer has been interested  
9 in this process and I -- so you may want to speak with her on  
10 some of your views because when she is in Juneau, she's very  
11 influential with respect to these matters on the state scene,  
12 and thank you. Any other comments from Cordova? Yes, Mr.  
13 Piper.

14 MR. PIPER: Well, just excuse me, Larry requested our  
15 fax number. It's 563-1325.

16 MR. COLE: I meant to say any other citizen's comments  
17 from Homer?

18 UNIDENTIFIED: Representative Gail Phillips was here  
19 for the first half of the meeting but she had to leave.

20 MR. COLE: Thank you.

21 MR. BECK: This is Carl Beck in Cordova.

22 MR. COLE: Yes, sir.

23 MR. BECK: Do I have the floor or is there someone else  
24 waiting? I .....

25 MR. COLE: No, no, you may have the floor.

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MR. BECK: Thank you. All I wanted to say is just that  
 1 I urge your deep consideration of the resolution issue and just  
 2 a quick comment on -- a public comment. Maybe in the future, I  
 3 realize that you're in the early stages of this process, but in  
 4 the future, it would probably be helpful if you were to break  
 5 your opening presentation some way, maybe mid-way through the  
 6 presentation and allow some input or at least the audience in  
 7 Anchorage and the teleconfererees. It gives people a lot more  
 8 faith that there is a connection there, and I guess that's  
 9 basically all I wanted to say. Thank you.

10 MR. COLE: Thank you. I thought of that, but we'll  
 11 think about that again later. Thank you. Commissioner Sandor,  
 12 did you have a comment? Does anyone else have public comment?

13 MR. JENKINS: This is Valdez.

14 MR. COLE: Yes, sir, go ahead.

15 MR. JENKINS: This is Valdez. This is David Jenkins  
 16 with the Prince William Sound Conservation Alliance, and I,  
 17 like everyone else, I appreciate the input. I also very much  
 18 appreciate the Trustee Council's concern with too big of a  
 19 growing bureaucracy and the continuing studies, especially the  
 20 Attorney General's concerns along those lines and also the  
 21 concerns of Mr. Sandor for the problem that could develop with  
 22 the State agencies doing normal work out of these monies. I  
 23 very much appreciate that.

24 I wish to -- you know, emphasize that we can assess and  
 25 study and gather information and build an -- (indiscernible) --

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system and before you know it, the money will be gone and the  
1 Sound is being further impacted during all this time through  
2 the long term problems from the spill as well as the  
3 deforestation that's taking place and it's -- (indiscernible) -  
4 - further damage being done there. You know, I've got --  
5 (indiscernible) -- information and that is that damage was done  
6 there and is continuing and that didn't cost anything. I do  
7 wish to support the resolution from our neighbors in the City  
8 of Cordova and hope that all of you will realize that whatever  
9 we do, the main reason for it is to heal the environment of  
10 Prince William Sound, Kenai, Kodiak and all affected areas. I  
11 look forward to Chenega and Tatitlik being involved in --  
12 (indiscernible). I'm not sure if -- (indiscernible) -- or what  
13 the problem was. When -- (indiscernible) -- they are and they  
14 don't realize it, but again, thank you very much. I'm looking  
15 forward to the next meeting.

16 MR. COLE: All right, sir, thank you very much for your  
17 comments. Any other community on line?

18 MR. SPICER (ph): This is David Spicer in Homer. I'd  
19 like to comment just briefly in I guess support of Attorney  
20 General Cole's comments about the -- (indiscernible) -- about  
21 spending a lot of the money on studies and not spending it on  
22 actually enhancement and restoration of the spill damage. I  
23 share those fears. I think that as he said, we could study  
24 this for 15 years and still not be done studying it. So, I'd  
25 like to encourage you to wrap up the studies that are ongoing

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and then get on with identifying areas that need to be  
1 protected and restored. Remembering extensive spill damage  
2 that was caused on the outer coast of the Kenai Peninsula and  
3 in Kachemak Bay State Wilderness Park, thank you.

4 MR. COLE: And thank you, sir, for your comments. Are  
5 there further comments on line?

6 UNIDENTIFIED: (Indiscernible).

7 MR. COLE: What did you say again, please?

8 UNIDENTIFIED: Kodiak.

9 MR. COLE: Yes, Kodiak. Come in, Kodiak.

10 MR. PATRICK: My name is Greg Patrick and I appreciate  
11 the opportunity to comment. I also want to support the  
12 resolution from Cordova and I feel that there should be some  
13 immediate effort on lease options on various -- lease options  
14 or conservation easements on areas that based on immediate  
15 threat in terms of habitat development, and these should -- I  
16 guess my main point would be -- (indiscernible) -- these  
17 options at this point.

18 And also, one issue that comes up, the issue of  
19 accountability and for anyone, a representative or a Trustee  
20 who's making decisions based on public comment, I would like to  
21 see all the public comment recorded and published and to see a  
22 system set up where there's ease of accessibility to this so  
23 that this will promote better understanding of what's happening  
24 in other communities and also, generally help the people have  
25 the feeling that there is some accountability.

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MR. COLE: All right, sir. We have and are preparing,  
1 are we not, gentlemen, the verbatim transcript of all of these  
2 proceedings, so I want to assure you that that is available. I  
3 don't know where they are. Mr. Gibbons, where are they being  
4 .....

5 MR. GIBBONS: They're presently housed in the Public  
6 Information Center on 625 D Street.

7 MR. COLE: All right. Any further comments from  
8 Kodiak, please?

9 MR. PATRICK: I appreciate that and this should be  
10 expanded to include written comments, too. Okay?

11 MR. COLE: Include what? Written comment. Yes, sir,  
12 we will have those available at the same repository.

13 UNIDENTIFIED: We have one more person.

14 MR. COLE: All right.

15 MR. HOLM: Mr. Chairman, this is Oliver Holm in Kodiak.  
16 Do you hear me okay?

17 MR. COLE: Yes.

18 MR. HOLM: Mr. Chairman, I'm the advisory board, the  
19 local Fish and Game Advisory Board chairman and chairman of the  
20 board of directors of the Kodiak Regional Aquaculture  
21 Association and a board member of the Herring --  
22 (indiscernible) -- Seiners Association. All three groups have  
23 represented people that have been directly affected by the oil  
24 spill in the Kodiak area, and we want to be involved in  
25 restoration planning and in the other public process, and once

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we're able to listen in to what you're planning here and I

1 guess we'll await an opportunity to participate in the future.

2 MR. COLE: All right. Perhaps sometime we can hold one  
3 of these meetings in Kodiak and Valdez, maybe even Cordova.

4 All right, any other comments from Kodiak?

5 UNIDENTIFIED: No, thank you.

6 MR. COLE: Thank you very much. Any other station on  
7 line have anyone who wish to comment?

8 UNIDENTIFIED: (Indiscernible) -- from Cordova.

9 MR. COLE: What did -- (indiscernible)? Nothing more  
10 from Cordova? Does that conclude all requests to comment from  
11 the on line communities?

12 UNIDENTIFIED: There's one more here from Cordova.

13 MR. COLE: All right, one more from Cordova. Thank  
14 you.

15 MR. ANDERSON: This is Bob Anderson. Amongst other  
16 things here in Cordova, I'm a Cordova City Councilman. I know  
17 there is a possibility of using RCAC as a conduit was discussed  
18 and I don't know that I feel comfortable with that. I know  
19 when I cast my ballot -- (indiscernible) -- representative for  
20 the City here at RCAC, we looked at places to represent us on  
21 spill cleanup and prevention. I would suspect maybe at least I  
22 would go back to my fellow Council members and possibly have to  
23 ask for a reconsideration of that. We feel that or I feel that  
24 we picked a good candidate to represent us in those two areas.  
25 We could envision them representing our community, our end of

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1 the Sound here on this particular issue. I certainly can't  
2 speak for the City, but that's how I feel and I think I could  
3 make a convincing argument to the people I serve the community  
4 with.

5 MR. COLE: Thank you. I think someone here on the  
6 Council this evening expressed the same thought. Any other  
7 comments from Cordova? Anyone else on line?

8 UNIDENTIFIED: This is Cordova clear and out.

9 MR. COLE: Thank you. I think that, ladies and  
10 gentlemen, concludes that -- did those comments prompt any  
11 other request from anyone here this evening to ..... Thank you  
12 for attending. Good night. Merry Christmas.

13 (END OF PROCEEDINGS)

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1 UNITED STATES OF AMERICA) ) ss.  
2 STATE OF ALASKA )

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4 of Alaska and Reporter for R & R Court Reporters, Inc., do  
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6 THAT the foregoing pages numbered 02 through 124  
7 contain a full, true and correct Transcript of Exxon Valdez Oil  
8 Spill Settlement Trustee Council, taken electronically by  
9 Laurel Kehler, on the 10th day of December, 1991, at the hour  
10 of 6:30 o'clock, p.m. at the Alaska Public Utilities 1016 West  
11 Sixth Avenue, Suite 305, Anchorage, Alaska;

12 THAT the Transcript is a true and correct transcript  
13 requested to be transcribed and thereafter transcribed by Donna  
14 Barrington and myself to the best of our knowledge and ability.

15 THAT I am not an employee, attorney, or party  
16 interested in any way in this action.

17 DATED at Anchorage, Alaska, this 9th day of January,  
18 1992.

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