

EXXON VALDEZ OIL SPILL SETTLEMENT
TRUSTEE COUNCIL

Egan Civic & Conference Center
550 West Fifth Avenue
Space 4
Anchorage, Alaska
February 6, 1992
8:30 a.m.

TRUSTEE COUNCIL MEMBERS:

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

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P R O C E E D I N G S

1 MR. PENNOYER: Okay. We'd like to go ahead
2 and get started here if we could. If -- if you have further
3 conversations, I'd appreciate it if you'd do it in the hall so
4 we could get going here.

5 We had somebody do the mathematics, and I figure if we
6 went through a project every five minutes today, we might just
7 get there, but we've got a few other things to take care of
8 first.

9 Briefly, yesterday -- yesterday we went through about
10 six pages of this book and deferred about half of it, and
11 we're going to come back this morning and pick up a couple of
12 items I think and then go on with the projects after that.
13 The one thing we deferred or tabled is the public advisory
14 group, and the public outreach part of the budget. And we --
15 we're going to wait for a discussion by Ernie Piper, and I've
16 had the Restoration Team promise us they can lead us through
17 the OSPIC/public outreach part in five minutes.

18 So with that, maybe, Ernie, do you want to go ahead
19 and get started and give us your public outreach summary, and
20 then we'll go on to the summary by the restoration team on the
21 OSPIC or public outreach?

22 UNIDENTIFIED: Steve, it sounds like the
23 microphones are still on some kind of a -- the porous
24 acoustics that we had during the teleconference, and we also
25 have the same quality this morning.

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1 MR. PENNOYER: If anybody here knows anything
2 about the microphones? We're getting feedback or what?

3 MS. BERGMANN: It's just the -- it sounds like
4 the air (ph) supply.

5 MR. MORRIS: Reverberation.

6 (Several people discussing the sound system)

7 MS. RUTHERFORD: I'll go get

8 MR. PENNOYER: Thank you. I think we'll go
9 ahead and proceed. We're having somebody look at the
10 microphones, and we'll try and talk loud until then.

11 Ernie, do you want to go ahead and get started and
12 give us your public outreach summary?

13 MR. PIPER: Thanks, Mr. Chairman, I'll split
14 this into three brief parts. The first part is about the --
15 the public meetings, and I'll explain to you some of the
16 general comments that have come in and some of the specific
17 comments about public participation issues rather than dwell
18 on individual suggestions that have come in at each place,
19 which would be a lengthy discussion. I think I will group
20 these under general headings and tell you the issues that --
21 that the comments addressed. The third part will just be a
22 couple of brief statements before Dave explains the public
23 outreach program and the -- and the library functions and the
24 PAG staffing. And I would base that on the comments from the
25 public meetings.

26 So far we've had six public meetings, the seventh is

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1 in Seward tonight. There are three that are scheduled next
2 week which will close it out. We remarkably have been snowed
3 out of only one, and that was in Chenega, and we're trying to
4 pick that up next week.

5 The general comments, we've tried to make sure that in
6 these meetings, although the focus is on public participation
7 and how that process should work, we've been making sure that
8 we allot a considerable amount of time to general comments and
9 questions about the restoration planning process, proposals
10 and that kind of thing. The general comments have fallen
11 generally into four categories.

12 One is the habitat protection, and you've heard quite
13 a bit about that, both in public testimony here and in
14 proposals that have come in. The -- it's interesting to note
15 that in the habitat protection or acquisition category, the
16 public actually has some very sophisticated ideas about how
17 that should go on. It's not simply purchasing land and
18 locking it away so to speak. They have been very creative in
19 their suggestions about easements, trusts, and other somewhat
20 complicated functions. So there is a high level of
21 understanding I think out there among the public.

22 They focused on short-term questions such as the one
23 the Shearstone data. They've also functioned about (sic) --
24 talked about long-term ones as well.

25 The second one is one also that you're familiar with.
There's been an increasing number of comments asking about

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the release of scientific information that has not been
1 released thus far. I think we're all familiar with that issue
2 and Craig Tillery has addressed it from time to time for this
3 board, but once again this has been a topic of discussion.

4 There also -- in some of the communities there has
5 been support for certain studies. Specifically you heard that
6 in -- in comments from Cordova yesterday. We heard the same
7 thing. I think to generalize, that in the commercial fishing
8 towns, the large commercial fishing towns, there's generally
9 support for certain species -- studies on certain species that
10 are important to those areas. So I think that's interesting
11 to note as well.

12 A fourth category involves prevention and equipment
13 purchases. This is a little more complicated and we heard
14 much of this from Kodiak, although some other areas mentioned
15 it as well, and we discussed the options that are available at
16 both the state and federal level, not necessarily out of the
17 trust fund, but those options that are available, and the
18 State plans in particular for dealing with those.

19 On public participation, the comments have focused
20 largely in these areas:

21 First is access to information. There is a very
22 strong desire to make sure that not just the public advisory
23 group, but members of the public have access to the kinds of
24 information that the staff are dealing with here.

25 Second is access to the Trustees and to the

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restoration team. There have been many suggestions about how
1 they may interact ranging from voting membership to a system
2 in which there's a written finding for each Trustee decision
3 delivered to the public.

4 A third area is accountability systems. This has been
5 mentioned by people who are familiar with the RCAC system, the
6 Regional Citizens Advisory Council System, and this is focused
7 on the question of what do -- what happens if the Trustees
8 choose for various valid public policy reasons to not follow
9 specific advice from the advisory group. And there have been
10 very good suggestions about how you could address that and
11 maintain accountability and trust.

12 A fourth area that has come up at all the meetings is
13 maintaining regional integrity on the public advisory group.
14 Each area has noted that not all regions share -- while they
15 have common interests, there are more specific interests in
16 each area that -- that should not be covered over by a public
17 advisory group, that -- for example, in Kodiak they reformed
18 their shoreline clean-up committee and they presented us with
19 a list of regional priorities, which I think is useful.

20 A fifth area relating to the public advisory group was
21 the public has said they want stability in funding. They want
22 to make sure that they have on a consistent basis adequate
23 funds to do the job that they are asked to do.

24 Stability in membership is another area that was
25 addressed by the groups. This is because all of us who are --

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I happen to be a political appointee, and I know that the --
1 that the trustees are as well, and the people in the
2 communities expressed the thought that they would like to make
3 sure that the public advisory groups serve as the long-term
4 memory, the institutional memory for restoration issues. And
5 that can be addressed through staggered terms and that kind of
6 thing.

7 Lastly, a major area of -- of discussion and comment
8 by the public has been the nomination and selection process.
9 So far the comments from the six meetings have focused on the
10 fact that the specific groups that are named to -- to have
11 seats on the public advisory group have a principal hand in
12 the nomination and/or selection of those who will sit on that
13 public advisory group.

14 Are there any questions from the Trustees about the
15 public meetings thus far?

16 MR. PENNOYER: Any questions? Comment?
17 Ernie, why don't you go ahead.

18 MR. PIPER: Before -- before Dave makes a
19 presentation about -- his five-minute presentation about the
20 -- the public resource center, the fate of the OSPIC and the
21 PAG staff, I should note a couple of things -- well, actually
22 I will hold them, because the -- the questions that may rise
23 up on the budgets may be more -- it might be easier to address
24 those as questions come up.

25 MR. PENNOYER: I think Mr. McVee has a

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question?

1 MR. McVEE: Yes, Mr. Chairman, I have a
2 question. Ernie, do you have any feel now that -- what size
3 of an advisory group that -- that we would have to be thinking
4 about in order to get both regional and -- and interest --
5 specific interest coverage? Are we talking about ten members,
6 12, 15? Have you -- have you given any thought to that as a
7 result of these public meetings?

8 MR. PIPER: I think that the -- the number of
9 -- of seats that we came up with on our original list, 12,
10 which identified those interests, is probably the closest to
11 what the number will be. To preserve the regional integrity
12 that people have mentioned, they have suggested having their
13 -- during the oil spill there were things called the MAC you
14 remember, the multi-agency committees, and shoreline clean-up
15 committees, and they varied from -- from region to region.
16 But to be able to convene those to provide some kind of -- of
17 input to the public advisory group of a regional nature to
18 make sure that that's considered, that -- that's what most
19 people have suggested thus far, rather than having, you know,
20 a congress of -- of 50 people on -- on such a group.

21 MR. PENNOYER: Go ahead.

22 MR. McVEE: Okay. A follow-up comment. It
23 seems to me like it would be appropriate if the Trustees
24 Council would take action to -- to move forward with the --
25 with the charter, you know, get that into the process of --

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the approval process. Of course, the leading question was to
1 settle on a -- on a number, and -- which has to go into the
2 charter, and so it seems like that we should take that action
3 to -- you know, to advise the staff to go ahead and finalize
4 the charter and submit it.

5 MR. PIPER: I -- Mr. Chairman? I would

6 MR. PENNOYER: Yes, go ahead.

7 MR. PIPER: I would suggest that there are --
8 the charter as we've discussed before to conform to the
9 Federal Advisory Committee Act, can be fairly generic in
10 nature. And I think that it would be appropriate to proceed
11 with drafting such a generic charter, and then at the close of
12 the public meetings when we finish those up next week, to
13 then insert the number.

14 MR. PENNOYER: Mr. McVee, did you have in mind
15 we'd adopt something here? We don't have the charter in
16 front of us, or just to instruct them to do something and
17 bring it back to us in a week or two?

18 MR. McVEE: Yeah. I guess -- yes, I guess
19 that is the direction I was headed, is, you know, some
20 instructions to the staff so that -- that we could -- you
21 know, we could come to closure on this issue and get the
22 charter submitted.

23 MR. PIPER: Mr. Chairman, perhaps an
24 appropriate motion may be something on the order that staff be
25 instructed to satisfy the generic require- -- write a charter

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that satisfies the generic requirements of the Federal
1 Advisory Committee Act, and that it be then given to you for -
2 - for final approval.

3 MR. PENNOYER: Move -- do you move that?

4 MR. McVEE: I'll so -- I'll so move.

5 MR. PENNOYER: Do I have a second?

6 MR. BARTON: Second.

7 MR. PENNOYER: Okay. Moved and seconded. Is
8 there any objection? Mr. Cole?

9 MR. COLE: Mr. Chairman, what generally will
10 be the scope of this generic charter, because I would like to
11 get a sense of that before we vote on this motion.

12 MR. PIPER: Mr. Chairman, if I -- if I went
13 back to the -- to some of the original draft work that counsel
14 for the Department of Interior did on this, the principal
15 points that you might mention in such a generic charter were
16 numbers -- number of members, how the meetings are to be
17 advertised, what sort of reimbursement members are supposed to
18 have, for example, travel and per diem. These are things that
19 would attain regardless of -- of how you define the broader
20 mission of the group.

21 MR. PENNOYER: Ernie, do you mean thought that
22 we would not at this point decide on some of the real nitty
23 gritty on how it's going to operate? This would just be a
24 generic charter, would lay out -- you had some suggestions,
25 for example, have regional groups meet separately and provide

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advice. Would that sort of thing be in there, too, or that's
1 just

2 MR. PIPER: I don't

3 MR. PENNOYER: at this stage?

4 MR. PIPER: Mr. Chairman, I don't think that's
5 necessary. I think that the -- the Trustees, once a charter
6 is in place, and it says this group exists and here are the
7 basic outlines of what the members are and everything else,
8 you can then give them specific instructions. Almost the --
9 the sort of relationship if -- as there's a constitution and
10 then legislation. Your secondary instructions would be
11 equivalent to the legislation.

12 MR. McVEE: Fine. Thank you. Mr. Barton?

13 MR. BARTON: I think Mr. Piper has laid --
14 laid out a very logical scenario for us. I think we need to
15 go ahead and develop the charter we need to satisfy the
16 requirements of the Federal Advisory Committee Act and -- and
17 go no further with that. But at what -- at some point, and
18 I'm anxious to learn when, I think we do need to develop a
19 more specific charter, constitution as Mr. Piper calls it for
20 the group.

21 MR. PENNOYER: Operating procedures?

22 MR. BARTON: Operating procedures. When do
23 you envision that would be done?

24 MR. PIPER: As soon as we've closed the public
25 meetings on this process, we can begin work on that, and I --

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because the comments themselves have really fallen into very
1 specific -- into very much the same categories in each place,
2 I think we've got the kind of guidance or we're getting the
3 kind of guidance from the public that will allow us to do that
4 within two weeks from the close of the meetings, to have a
5 proposal ready.

6 MR. COLE: Mr. Chairman?

7 MR. PENNOYER: Mr. Cole?

8 MR. COLE: Here's what's concerning me, and,
9 you know, I've listened to what you say, and I get the sense
10 of what some of the public is saying, but I think it should be
11 clear that -- that the final decisions are made by the
12 Trustees and not by the public group, and that the public
13 group is to furnish advice and comment to the Trustees, but
14 the Trustees are not to account to the public group. Now,
15 that may be a view that's not widely shared, but I think that
16 because we act as trustees, and we look at the memorandum of
17 agreement, that that's a clear import of it, and I would like
18 you to keep that in mind as you reflect upon the content of
19 this charter.

20 MR. PENNOYER: Mr. Rosier?

21 MR. ROSIER: Yes. Thank you, Mr. Chairman.
22 Ernie, perhaps you've mentioned it, but I have -- I missed it,
23 what kind of participation was there in the -- the public
24 meetings that have been held so far? Has it been -- have we
25 been playing to full -- full houses? Or have we been playing

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to a relatively small number of people or -- could you give me
1 some feel for that, please?

2 MR. PIPER: In -- the first meeting was in
3 Cordova. There were about 50 people there, which is a large
4 evening meeting for Cordova. In Juneau there were about 20,
5 and it was primarily legislative staff, and I don't think
6 there were a lot of civilians there so to speak, but that's
7 often -- often the way Juneau is. In Kodiak we had also about
8 20, and there were substantive comments from organized groups,
9 such as Audubon, Afognak Joint Venture, the Borough and so on.
10 We also were on the radio there out to the villages on KMXT.
11 In Homer, Homer is never a problem to get a crowd to a public
12 meeting, and there were about 20 to 25 people in Homer, and
13 many of them, individual citizens, presented specific written
14 testimony about the public advisory group, and that was very
15 helpful. Marty Rutherford was in Tatitlek, there were about
16 15 people in Tatitlek. And in Valdez?

17 MS. RUTHERFORD: There were about 15 people.

18 MR. PIPER: And about 15 in Valdez.

19 MR. ROSIER: Thank you.

20 MR. PENNOYER: Further questions or
21 discussion? Is there any objection to the motion? Then we'll
22 see a generic charter in some recent -- or near future then.
23 Thank you.

24 Before we go back to the budgets on public outreach
25 and PAG, Mr. Gibbons is going to give us a real simplified

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five-minute option discussion on public outreach, including
1 the first floor of the Simpson Building.

2 MR. GIBBONS: Thank you, Mr. Chairman. I'm
3 going to use an overhead. I've -- I've got some copies of --
4 of this one-page summary out on the table out in front so
5 people can -- can follow along.

6 While they're setting that up, if the Trustee Council
7 would turn to the -- to the budget page on public outreach,
8 I'm going to explain a little bit of the -- perhaps the -- the
9 confusion of yesterday. If -- if we look at that budget,
10 there's two functions within that budget. One function is a
11 -- is a public out function, public meetings; and another
12 function is a -- is called, for no other better words, a
13 library function, or a housing where we can put the material
14 that the public can -- can get, which is also a form of public
15 outreach.

16 To go down that budget, you can kind of split that
17 out. The first column, 130 for the -- for the public resource
18 coordinators, we can call those librarians, would be
19 associated with the library function which I'm going to --
20 which is identified up here on the overhead. The information
21 specialist, the next on the -- on the list is -- is the -- not
22 associated with a library function, is associated with -- with
23 the information, the public meetings, and is not -- so it's
24 not associated with the library.

25 Moving down to the public resource center, if we split

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that in half, that represents the -- the space. Half for
1 the library and half for support to the public advisory group
2 meetings, to the Trustee Council meetings and other facilities
3 on -- on half of the first floor.

4 And then the last item there, travel for the public
5 meetings would be associated with the -- with the information
6 specialist.

7 So there's -- there's line items in there that -- that
8 perhaps are confusing.

9 If -- if I can walk you through now just the -- the
10 library or the public resource center function of this,
11 yesterday's options one and two in a -- in a nutshell, options
12 one and two, there's no library at all, it's closed, and
13 another library picks up the present OSPIC functions. And
14 this is the Bureau of Land Management Resources Library.

15 Option 3-a is a scaled-back library with no network.
16 And what we mean by no network, the public has to walk in to
17 gain access to the materials. They can't go to their library
18 say in Cordova and gain access and request -- request the
19 information. We would move the non-Exxon Valdez information
20 out of the library. We would acquire only -- future acquire
21 would only be Exxon Valdez material. It would be walk-in
22 access only like I mentioned. No research capability would be
23 like if a letter from a sixth-grader is -- is obtained and --
24 and asks for information concerning the oil spill,
25 specifically maybe a text on otters or whatever. That -- that

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function would not be associated within option 3-a.

1 The staffing is one. We're very uneasy about the
2 staffing, of running the -- this kind of a facility with one
3 person, but we're -- the plan here is to -- to kind of share
4 this with the information specialist. So it's -- it's a very,
5 very minimal staff.

6 Option 3-b, again scaled-back library, but this one's
7 on a network, so the -- the public can -- can have access both
8 statewide and West Coast-wide to this material. We would keep
9 the present collection that we've spent money on for the last
10 several years and have it there available, such as information
11 on the Amoco Cadiz spill. We would acquire -- new acquires
12 would be Exxon Valdez material only, and again no research
13 capability, but the staff here is two, and we feel more
14 comfortable with the staffing level to -- to meet the demands
15 of the public.

16 Option four is -- is OSPIC as it is. It's material
17 related to the Exxon Valdez oil spill, petroleum related, and
18 oil spills in the marine environment also. It's a larger
19 scope. Acquisition budget to support would -- is -- is
20 larger. The network access would be statewide and West Coast
21 again as in option 3-b. There would be a research capability
22 to -- to meet the -- the needs of the public if they -- if
23 they request those, and the staffing presently is five.

24 MR. PENNOYER: Dave, two questions for
25 clarification. First, why is 3-a considerably more expensive

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than 3-b, even though there's less people and it's scaled
1 back?

2 MR. GIBBONS: Three-a moves the material out
3 of the library.

4 MR. PENNOYER: I see. The first-year costs
5 then?

6 MR. GIBBONS: Yes, that's -- that's -- if
7 that's -- the only number we have to -- to deal with there is
8 -- is the number that we -- we got from the resources library.

9 MR. PENNOYER: Okay. Second question is the
10 public resource coordinator as you said were librarians
11 basically who handle this data outreach, and the information
12 specialist is one and a half positions are not. What's the
13 difference between what they do? Information specialists
14 still provide information, do they not?

15 MR. GIBBONS: They -- they do. The -- the
16 information specialist though we don't see them coding the
17 material, putting them on the network, that type of a detail
18 that -- that the librarians need to do, shelving and that.
19 The -- the information specialists are more public meetings,
20 responding to public letters, those types of activities. They
21 -- they are -- they are linked, and that's why we have them in
22 a -- in a budget presented the way we have.

23 MR. PENNOYER: Questions of Mr. Gibbons?

24 MR. SANDOR: Mr. Chairman?

25 MR. PENNOYER: Yes, Mr. Sandor?

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MR. SANDOR: With respect to another library
1 picking up the function, was the University of Alaska option
2 explored?

3 MR. GIBBONS: Somebody can correct me if I'm
4 wrong here, but I -- I think we looked at the ADEEIC library,
5 and they've closed that down. So that option is not
6 available.

7 MR. COLE: I'm not sure I -- Mr. Chairman?

8 MR. PENNOYER: Mr. Cole?

9 MR. COLE: I'm not sure I understood
10 Mr. Gibbons' last remark.

11 MR. GIBBONS: It's my understanding, maybe Tim
12 Steele can deal with this one, but?

13 MR. STEELE: Yes, we -- we have looked at a
14 number of -- a number of options. This was not done recently.
15 This was done when we were looking at the options last year.
16 The -- the AEDIC is affiliated with the University of Alaska.
17 That -- that facility there, their research portion of that
18 has been closed down. It's under new management. At the time
19 we talked to them, they said, yes, they -- they would be
20 interested in taking some of the Exxon Valdez material, but
21 their interest candidly expressed to me was that they were
22 hoping then that they could use that extended obli- --
23 obligation or work load to -- to increase their budget from
24 the State.

25 But the -- the -- I talked to all of the librarians of

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1 the significant libraries in the State, and if -- if we were
2 to close down the library and lose the collection, all of them
3 said, "yeah, we'd take it," but they all wanted control over
4 what they did with it. Anybody that takes it and is expected
5 to maintain it and do something with it is going to want some
6 money to do that.

7 The librarians in the state are -- are well-organized.
8 They have -- have -- they expressed to me that the best place
9 for the material if the material was to leave OSPIC would be
10 the -- the DOI library in the federal building, so

11 MR. PENNOYER: Mr. Sandor?

12 MR. SANDOR: Well, Mr. Chairman, I would like
13 to suggest that this option with the University of Alaska
14 specifically, perhaps others, but -- be explored in more
15 recent terms to -- to verify what they would be willing to do.
16 It seems to me there's some real merit in integrating this
17 block of very important information into a university system,
18 and it seems to me it would complement what's already in -- in
19 that system, and -- and I believed that we, you know, had
20 enough recent information on that option to be able to take
21 final action on this -- this issue.

22 MR. PENNOYER: Mr. Rosier?

23 MR. ROSIER: Thank you, Mr. Chairman. Yes,
24 last night during the public testimony we heard a fair amount
25 of -- of support for the public resource center and the
26 continuation of that. And perhaps we could call on one of the

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20
staff here to -- to provide some information about the use of
1 the facility, and -- and I don't have a real feel for their --
2 or an understanding of what the public use is of that
3 particular facility at the present time.

4 MR. PENNOYER: Thank you. I guess there's one
5 other -- go ahead, and I'll add -- I'll add one thing to that
6 question now. It seems to me that we're right on the verge of
7 having a whole lot of damage assessment information
8 potentially available to the public, and I think a lot of
9 people want to look at it. And I don't know how this -- the
10 libraries at this end would -- with making that available. I
11 think the current use is okay, but a lot of the things in
12 there are summaries, and are probably of less interest to the
13 public than specific information about injury to resources, so
14 it seems to me we have possibly a burgeoning demand here in
15 the near future. Would you like to comment on that, too?

16 MS. MCGEE: I think that the public is
17 anticipating that that material that will be released will be
18 released in one central place such as the OSPIC.

19 In terms of your question about the use, I might just
20 say that since the Trustee Council meetings have begin in mid
21 December, the increase -- there has been a noticeable --
22 noticeable increase in the request for documents. We have
23 been distributing such items as the minutes from your
24 meetings, as well as the restoration documents from the public
25 participation meetings.

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But you ask about the type of usage. We have patrons
1 that call using the 800 number from all over the country,
2 Canada, and we get letters actually from -- from abroad, from
3 Europe, Australia, Japan. So there is beyond just the U.S.
4 interest in the facility.

5 Many of the requests come from -- I won't -- I'll
6 rephrase that. Requests come from a student in the sixth
7 grade as was mentioned before, which the librarian at the BLM
8 library said they -- they do not respond to a sixth grader
9 asking for information. We -- we respond to that request as
10 well as to assisting the principal investigators with
11 materials that they needed when they began their tasks. We
12 respond to business. We respond

13 Libraries generally have a clientele. The University
14 library, their primary clientele is the staff and the
15 students. The BLM library, their primary clientele is agency
16 personnel, which is true for any agency library. The state
17 library, their principal clientele in this state are the
18 legislators.

19 This library's clientele has been nationwide. It's
20 unique in that aspect. And so define the client base is
21 perhaps something that should come from the Trustee Council.
22 If this is the type of -- if you would like information to be
23 provided nationwide, it takes a unique focus and a unique
24 mission.

25 MR. COLE: Mr. Chairman?

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MR. PENNOYER: Mr. Cole?

1 MR. COLE: Thank you, Mr. Chairman. One of
2 the senses, I -- I think of Commissioner Rosier's question and
3 mine, too, was how many people a day, for a example, or a
4 week, or any quantification you can give, come in and ask for,
5 you know, to make use of the facility, and -- and how many
6 phone calls? It doesn't have to be accurate. Or -- or how
7 many letters? Just a sense of the level of activity that's
8 going on there? Is that the sort of thing you

9 MR. ROSIER: That's part of it. That was part
10 of it.

11 MR. COLE: Yes.

12 MR. ROSIER: I was interested also in the
13 scope of the -- of the -- the public

14 MS. MCGEE: The on-site use I think has
15 probably been less than what was anticipated at the -- at the
16 opening of the facility. The Anchorage on-site use has
17 probably been five to ten people a day. On site.

18 A typical week, we'll probably have 75 to 100 requests
19 for information. And we have responded to those requests by
20 providing packets of information, photocopying information and
21 sending it, if it's not covered by copyright restrictions, as
22 well as working with other libraries for interlibrary loan of
23 materials.

24 The facility to this point has spent -- staff has
25 spent more time than most libraries do on response to

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reference requests, primarily because a lot of those requests
1 come from off-site.

2 MR. COLE: I'd say from my standpoint, answer
3 the sixth grader's request first.

4 MS. MCGEE: We try to do as good a job for the
5 sixth grader as we do for the scientists.

6 MR. PENNOYER: If -- if we didn't have the
7 library, and we put the materials elsewhere, how would we
8 handle the distribution of damage assessment and restoration
9 information? I -- I think that's probably more than just
10 having a library, and that seems to me the key thing the
11 public has requested and I don't know -- how we do that, or
12 what else we would do if -- if we don't maintain this to some
13 level. I'm not saying what level. How would we handle that
14 distribution?

15 MS. MCGEE: I'm assuming that the public
16 information officer would distribute those documents. It
17 would become a document distribution center, but, Dave,
18 perhaps you'd like to comment on that?

19 MR. GIBBONS: Go ahead, Ernie?

20 MR. PIPER: Mr. Chairman, I -- I think if I
21 could put this out of the technical library assessment and put
22 it more into the realm of public policy, maybe this will give
23 you a little more perspective on it.

24 I don't think any of us would argue that the library
25 function is -- is a vital, unmet human need, where -- if it

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1 goes away. I think though it's important to look at it in the
 2 perspective of what the Trustee Council is trying to do, and
 3 what you need to get from the public. Access helps build
 4 trust. Trust helps you do your job. And having a library
 5 function and having information in a central place makes it
 6 easier for the public to get information, to have access to
 7 information, and therefore feel better and more confident
 8 about what it is you're doing. And I think really the way
 9 that this proposal should be looked at is whether it's an
 10 investment, an incremental investment in that trust building,
 11 or whether it's strictly a library function.

11 MR. McVEE: Mr. Chairman?

12 MR. PENNOYER: Mr. McVee?

13 MR. McVEE: Yes. A comment -- excuse me. A
 14 comment and then I guess a question. But the comment is that
 15 when we, you know, when we set up the organization one of the
 16 objectives or one of the goals that we wanted to achieve is to
 17 utilize to the maximum extent possible, you know, existing
 18 agency organizations, so it would seem to me like, and I
 19 assume that this is being done, that -- that some of these
 20 inquiries, specific inquiries say relative to otter studies,
 21 et cetera, are forwarded to, you know, the appropriate or to
 22 the Fish and Wildlife Service, for example, and -- and
 23 answered there utilizing, you know, utilizing the talents and
 24 the capability. That's the comment.

25 The question I guess was that I don't have maybe a

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real good sense of what the -- the non-Exxon Valdez materials
1 are versus the EVOS materials, and maybe some description of
2 that would be useful to me in -- in considering this.

3 MS. MCGEE: This would include CFR, Federal
4 Register, legal materials, Alaska statutes. It would include
5 materials such as the Exxon annual reports, basic texts on the
6 petroleum industry so people can understand how oil gets from
7 the ground to Valdez for example. The emphasis has been on
8 oil spills in a marine environment, so that information that
9 was relevant to a person's concerns about the Exxon Valdez,
10 such as, as I mentioned to Mr. Sandor, the Amoco Cadiz
11 materials, materials from other oil spills in a marine
12 environment. We actually have a number of document from
13 Environment Canada that were given to the library from them on
14 spills in the Arctic and the effects of that. Dispersement
15 use, in situ burning. Items along that -- that line.

16 And in terms of cooperation with libraries, we do send
17 requests to other libraries, because we all cooperate. An
18 example of that was for the DOI library in particular, they
19 subscribe to a journal titled "Marine Biology". It's a
20 rather expensive journal. They -- it did not fall within
21 their specific mission, which is land related, not water
22 related. They asked us if we could pick up that subscription
23 to support that, which we did. They gave us their back
24 issues, and we -- we began that subscription. We try to work
25 very closely with the other libraries in the community as well

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as in -- as well as the state's so that we don't duplicate
1 efforts. We meet regularly and we exchange information.

2 MR. McVEE: Thank you.

3 MR. PENNOYER: Could you answer -- answer that
4 question again about the distribution of information now?
5 We're talking about a scaled-back library with no network,
6 walk-in access only. That would still -- would that still
7 respond to requests for information though? In -- in other
8 words, I think Mr. McVee is right. All the agencies are
9 going to respond to requests, but it's going to get confusing
10 to the public to have to go out to some unknown number of
11 agencies about studies they may not -- not even be aware of
12 their content. So I'm not sure that I'm more concerned about
13 the library function per se or the function of actually
14 providing the data -- well, data is a bad word, but the
15 information from damage assessment in some coordinated
16 fashion.

17 MS. MCGEE: I think you would have to define
18 the extent of what that information is that you want
19 distributed, and that information would have to be organized
20 in some fashion, and a library's usually the best way to do
21 that.

22 MR. PENNOYER: Mr. Cole?

23 MR. COLE: In the light of reason, I've
24 changed my mind on this issue, and I now favor option B.

25 MR. PENNOYER: Three-b?

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MR. COLE: Three-b.

1 MR. PENNOYER: Do I have -- is that a motion?

2 MR. SANDOR: Mr. Chairman?

3 MR. PENNOYER: Mr. Sandor?

4 MR. SANDOR: Yeah. One question on these
5 options and the figures for them. On -- on option 3-b, is
6 this anticipated to be an on-going expense of the fiscal -- in
7 -- in '94, '95, '96? Or -- or how that -- might that trend
8 develop? Might it go up, down or -- or stay about stable?

9 MS. MCGEE: I think the public would like to
10 see it forever, because the interest will be forever, but
11 realistically I think people are talking in terms of ten
12 years, and any library or any operation is evaluated on a
13 yearly basis, and I would expect that the use increase and the
14 need for additional staff or additional materials, that would
15 be brought back to the Trustee Council for their approval or
16 disapproval.

17 MR. SANDOR: Beyond ten years, how might it be
18 funded?

19 MS. MCGEE: Well, that's why I say it would be
20 nice to have it forever, because if you talk to a librarian,
21 they don't like libraries that are set up and closed down.

22 MR. SANDOR: One might have said "endowment".

23 MR. PENNOYER: Well, I -- I sort of heard
24 that.

25 MR. COLE: We saw that coming.

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(Laughter)

1 MR. PENNOYER: Do I have any kind of a motion
2 here?

3 MR. COLE: Well, I move option 3-b with the
4 proviso that we request an expression of interest or
5 disinterest in writing from the University of Alaska so that
6 we'll be able to evaluate that in due course.

7 MR. SANDOR: I second that.

8 MS. RUTHERFORD: Mr. Chair?

9 MR. PENNOYER: Yes, Marty?

10 MS. RUTHERFORD: Could I get a clarification?
11 When we get that indication of interest or disinterest from
12 the University library, should we also try to in- -- get an
13 indication of whether or not there would be a request for
14 funds associated with -- with it, and if so, how much?

15 MR. PENNOYER: Well, I would think we'll need
16 to know a costs to evaluate that versus what we're proposing
17 here. I guess again while the library might want to go on for
18 ten years, we can evaluate the information distribution to the
19 public as we go along. We may not stay with the system we've
20 got currently anyway, and may want to modify it in any
21 direction, so

22 Is there further discussion? Is there any objection
23 to the motion?

24 Mr. Gibbons, where does that leave us relative to the
25 public outreach and -- and public participation budget? Are

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we in a -- in a position now to look at the PAG budget, and --
1 which we tabled, and approve it as sort of a place holder
2 while we get the -- get the further explanation from the
3 hearings that we're engaged in now?

4 MR. GIBBONS: Yes, that's what I'd like to
5 have the Trustee Council view that as. Just as Ernie
6 mentioned the draft generic charter, this is a draft generic
7 budget, and we're -- we're not sure where we are with that,
8 but we -- I would like to see the -- the Trustee Council in
9 the interim just put a -- put a number here so we can -- we
10 can move on.

11 MR. BARTON: Mr. Chairman?

12 MR. PENNOYER: Mr. Barton?

13 MR. BARTON: I have a question about what we
14 just did.

15 MR. PENNOYER: Only one?

16 MR. BARTON: And if I go back to the public
17 outreach budget, did we just approve the two positions, the
18 public -- the public resource coordinator positions for
19 \$130,000.00? The -- that's the first question. Is that what
20 we did?

21 MR. PENNOYER: I believe we -- I believe we
22 did not approve all of it, you're correct.

23 MR. BARTON: Okay. But -- but did we approve
24 that?

25 MR. GIBBONS: Well, Mr. Chairman?

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MR. PENNOYER: Anything that was in option 3-b

1 I assume we approved, which is

2 MR. BARTON: Well, and the staffing, two, is
3 that the staffing, two, that's in the public outreach, first
4 bullet?

5 MR. GIBBONS: Mr. -- Mr. Chair, that's
6 correct. That's -- that's the staffing identified in 3-b.

7 MR. BARTON: Okay. Did we then approve also
8 half of the \$172,000.00 for space, utilities, et cetera?

9 MR. GIBBONS: That's correct.

10 MR. BARTON: Okay. Thank you.

11 MR. PENNOYER: We still have further action to
12 take on that item, if that's your

13 MR. BARTON: I understand.

14 MR. PENNOYER: point, and I think that's
15 correct.

16 MR. BARTON: Right. Yeah.

17 MR. PENNOYER: Mr. Cole?

18 MR. COLE: Mr. -- Mr. Chairman. Did -- did
19 you agree with that when you expressed absence of objection?

20 MR. BARTON: Yes, I -- I do agree with that.

21 MR. COLE: Okay. Thank you.

22 MR. BARTON: But I do think -- you shouldn't
23 have done that, Charlie. You know, we have probably spent as
24 much time talking about this public information center over
25 the past two years as we have on some of the studies. I -- I

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1 just would like some finality brought to that and -- and I'm
2 assuming we did just bring some finality to this for at least
3 this year.

4 MR. PENNOYER: Interim finality.

5 MR. BARTON: Yeah, interim finality.

6 (Laughter)

7 MR. COLE: Well, I applaud that.

8 MR. BARTON: Good. So -- but I -- I

9 MR. PENNOYER: We have two items left in that
10 budget. We could get into those now, or we could go back to
11 the PAG and see if we could clean that up. I had not intended
12 to skip over your -- your question, Mr. Barton, so

13 MR. BARTON: No, I -- I just

14 MR. PENNOYER:

15 I had gone back to the
16 PAG, it seemed to me a matter that we could not come to a
17 final conclusion on, but we could come again to another
18 interim final conclusion and at least get a place holder out
19 there for purposes of -- of requesting funding, so that our --
20 our deposit funding to get things started.

21 MR. COLE: Mr. Chairman?

22 MR. PENNOYER: Yes, Mr. Cole?

23 MR. COLE: Mr. Chairman, I -- I move that we
24 continue until the next meeting this action on the public
25 advisory group.

26 MR. PENNOYER: You mean defer it to the next
27 meeting?

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MR. COLE: Yes.

1 MR. PIPER: Mr. Chairman, you may do it in
2 conjunction with seeing the charter and seeing the summary of
3 public comments and the draft proposal from staff, so that
4 might all fit in together at that time.

5 MR. McVEE: I'll second -- I'll second the
6 motion.

7 MR. PENNOYER: The only question/discussion I
8 would have is where we stand relative to putting together a
9 package to request interim funding to get things started. And
10 if in fact that's going to be time- -- this -- will this come
11 back to us in a timely fashion to reach those decisions about
12 going forward with some type of an interim funding request
13 from the board?

14 MR. PIPER: I can tell you that based on
15 looking at a number of options for the public advisory group
16 and assuming that we wind up choosing from among those
17 options, it's going to be somewhere on the order of 150,000 to
18 \$200,000.00, or the -- the 227 figure, 150, between there.
19 You can go -- it's going to be somewhere in there, and if you
20 want to adopt a place holder, that's where I suggest you --
21 you pick your place holder.

22 MR. COLE: Mr. Chairman, my -- my view was in
23 accord with that expressed by Mr. Piper in his comments. I
24 think it's just premature at this time to say anything. I
25 mean, what are we really saying? We're going to have a public

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advisory group. This says ten members. This refers to a
1 coordinator/liaison for 75,000, et cetera, et cetera. And it
2 just seems to me it's not necessary that we do this now, and
3 we can be more accurate later. We're not going to be spending
4 these moneys or any portion of them until further decisions
5 are made, so why deal with this budgetary matter now?

6 MR. PENNOYER: Any objection to the motion?

7 Okay. We'll defer it to the next meeting then.

8 Do you want to go back and pick up the two items under
9 public outreach -- outreach, Dave, and see if we can reason
10 closure on those?

11 MR. GIBBONS: Yes, I -- I would. Under the
12 public outreach, the information specialists, they're --
13 they're working right now. They're in the middle of the
14 process of the scoping meetings and -- and Ernie's -- Ernie's
15 mentioned that. But the travel for them, we're -- we're in
16 the process of -- of spending that also to these public
17 meetings in Cordova and Juneau and Kodiak and -- and so those
18 are -- those are moving forward at the -- at a fast pace right
19 now at the -- the request of -- of the Trustee Council.

20 The other portion of the budget would be half the
21 first floor of the Simpson Building to cover Trustee Council
22 -- permanent Trustee Council meeting location or semi-
23 permanent whatever the Trustee Council would like, public
24 advisory group support, those types of activities for the
25 other half of the first floor.

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MR. PENNOYER: What is your actual request
1 then in terms of funding? It's the 97.5 for the information
2 specialist, half of the 172 and the 75 for travel?

3 MR. GIBBONS: That's correct.

4 MR. COLE: Mr. Chairman?

5 MR. GIBBONS: Mr. Cole?

6 MR. COLE: What exactly does the information
7 specialist do that Mr. Piper now does not do?

8 MR. GIBBONS: I can try to address that, and
9 maybe Ernie's a little bit better at that, 'cause he -- he is
10 one of those beasts. Ernie, do you want to take that on,
11 or?

12 MR. PENNOYER: Is this you, Mr. Piper?

13 MR. PIPER: Now, this is not me, believe it.
14 The -- in -- in your packet there was -- there was a list of
15 duties in front of you. Essentially what it means is you --
16 you've got numer- -- you have numerous requests coming in.
17 And it's either for paper information, it's for assembling
18 some kind of packet, it's for writing letters, it's coding and
19 tracking those things, it's making sure that when requests
20 come in they go to the right place and that people get answers
21 to their questions.

22 And the way it was designed by Dave and Tim Steele was
23 that these people are not solely don't that. If they don't
24 have a level of interest coming in on a given date, they're --
25 they're working on the library function as well. So it's not

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like they have these two separate animals, the librarians and
1 the -- and the public information specialists who have a
2 divider and don't pay attention to what each other is doing.
3 It's -- it's a lot of time and -- and work.

4 MR. PENNOYER: So in essence you have three
5 had a half positions associated with the public information or
6 librarian duties, plus a one time -- full-time position for
7 the PAG? So you have basically four and a half positions for
8 public information.

9 MR. GIBBONS: Well, if -- if I may add to some
10 of that, part -- part of the -- the duties also are setting up
11 these meetings that we're in now, seeing -- setting up the --
12 the other public meetings. It -- those were -- I just want to
13 -- to highlight those.

14 MR. PENNOYER: Cordell?

15 MR. ROY: Mr. Pennoyer, excuse me, Mr. --
16 Dr. Gibbons, we also have another major work element for the
17 information specialist that hasn't been mentioned in the last
18 day or so, and that's that some group of people, and I
19 presume it will be them, will have to collate and prepare the
20 commenting we receive on our various public involvement
21 packages, our restoration framework plan, our restoration
22 plan. They have to put those in a -- in a sense that can be
23 understandable. There are various processes we've used in the
24 past in the damage assessment process, the Forest Service code
25 involved, for example. That took a lot of time and a lot of

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people to prepare those hundreds of comments we got in.

1 They'll also have to coordinate the specific responses
2 to questions we get during that process, so that -- that
3 requires a fair amount of staff to do.

4 MR. COLE: Mr. Chairman?

5 MR. PENNOYER: Mr. Cole.

6 MR. COLE: You know, if -- if you add up the
7 total expenditures for these information people, it's
8 \$400,000.00. I mean, it's 130 plus 100, 230 plus -- plus 75.
9 I don't -- it just seems like a lot of money to perform
10 functions that although essential, might be cut back slightly.

11 MR. PENNOYER: Mr. Piper, would it be
12 reasonable for one of the information specialists to serve the
13 liaison functions you're talking about,

14 MR. PIPER: I don't think so.

15 MR. PENNOYER: the PAG that you have up
16 there

17 MR. PIPER: Actually I don't think so. I
18 think the liaison with the public advisory group is a very --
19 it's a technical level position. I think that the kinds of
20 information that the public advisory group is going to want,
21 they're going to need interpretive services that aren't
22 necessarily served by a generalist, and I would suggest that
23 -- I agree with Mr. Cole that as a -- as a number itself,
24 one would look and say that's a considerable amount of money.

25 I think two things need to be kept in mind here:

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1 First, I don't think it's an on-going expense. This is a
2 critical time for the Trustee Counsel in terms of
3 disseminating information and getting public comment in, and
4 the development of the plan is really the intense period. I
5 think that you would probably reassess that after 18 months or
6 two years, however you wanted to look at it. Or every year
7 for that matter.

8 The second thing is that should you find that you've
9 shorted yourself in your ability to get information out to
10 people, I will reiterate my point that I think you -- you
11 hamper your ability to develop the kind of trust that you need
12 to have to move forward to do a good job. If -- if the public
13 finds it difficult to get information, it's easier for the
14 public to misunderstand, and consequently to develop mistrust
15 of what the Trustees are trying to do.

16 So the -- the numbers and the -- and the people and
17 the figures that have been arrived here have been -- we've
18 done it by best professional judgment by those of us who have
19 either run these or participated in these kinds of operations,
20 and I -- you can do it with -- with less, believe me, but
21 you've got a consequent -- a consequential drop in services.

22 MR. PENNOYER: Further comment? Do I have a
23 motion for the balance of the public -- Mr. -- Mr. Barton?

24 MR. BARTON: I move that we adopt the half --
25 the other half of the 172, the -- the 75,000 for travel, and
26 finance one position, information specialist position.

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1 MR. PENNOYER: Is there a second? So you're
2 cutting back from one and a half to one on the information
3 specialist?

4 MR. BARTON: Yes. And I will have further
5 remarks when we talk about the public advisory group.

6 MR. SANDOR: Second.

7 MR. PENNOYER: It's been moved and seconded we
8 fund the one information specialist instead of one and a half,
9 half the public resource center, which would be the part of
10 the first floor that we would use for our Trustee Council
11 meetings and PAG meetings and so forth, and the travel for the
12 public meetings. Is

13 MR. BARTON: That's

14 MR. PENNOYER: there any further
15 discussion?

16 MR. BARTON: That's the other half of the 172,
17 because the whole 172 would be financed.

18 MR. McVEE: Mr. Chairman?

19 MR. PENNOYER: Mr. McVee?

20 MR. McVEE: Yes. Before we do this, I think
21 that, you know, it may be appropriate to think about, you
22 know, the space that we're allocating here. The -- each half
23 of the first floor as I understand it would be 2600 square
24 feet, and the fourth floor is 5700 square feet, and basically
25 within that space with this budget, you know, it may be --
26 maybe you would have to minus out the requirement for the

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library, but that -- that -- with the -- with the half of the
1 first floor and the fourth floor, that's -- that's 8300 square
2 feet of space occupied by some five staff people, six
3 restoration team, six restoration planning group, which would
4 total 17 people, plus meeting space, so you, you know, it's
5 quite a -- quite a sizeable space allocation, you know.

6 MR. GIBBONS: I think

7 MR. PENNOYER: Mr. Gibbons, do you want to
8 comment it?

9 MR. GIBBONS: In addition to that we have
10 library which takes up some space, too. That's half of the
11 first floor. So that -- it's -- it's a difficult situation
12 to try to explain, but the library just has shelves and -- and
13 books and -- and information there.

14 MR. PENNOYER: No, Mr. Gibbons, I think
15 Mr. McVee's question is even if you take the library and set
16 it aside as we've already done, what's left on the first floor
17 plus the fourth floor still adds up to over 8,000

18 MR. McVEE: 8,300.

19 MR. PENNOYER: 300 square feet. And the
20 question was is that an appropriate amount of space? You're
21 fulling utilizing the fourth floor?

22 MR. GIBBONS: I can speak for the team and
23 maybe the team would like to speak on this one, too, but I
24 think we are. We have -- the Restoration Team members are not
25 housed there. They come into town, they share offices with --

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with people there and -- and those type of activities. We
1 have people coming and going all the time, and it's -- it's --
2 I -- I think we're utilizing it fully. I don't know if
3 anybody else had any other comments.

4 MR. MORRIS: I -- I do, Mr. Chairman. I think
5 you forgot the purpose of the other half was -- was for the --
6 the meeting space. It's not -- I don't think it's
7 appropriate that as staff office space or work space.
8 Essentially

9 MR. PENNOYER: But you do have a conference
10 room upstairs on the fourth floor as well?

11 MR. MORRIS: Presently do, yes, but I
12 anticipate that would be -- end up being used as staff space
13 myself.

14 MR. GIBBONS: Yeah, including -- another point
15 being the -- the conference room upstairs may have to be made
16 into office space. We're -- we're not sure of that, but
17 we're -- when we -- when we get this -- looking at -- we may
18 lose that space.

19 In addition, there's -- there's a couple of small
20 offices down on -- on the other half of the first floor from
21 the library that we envision that the, you know, people will
22 be there to meet the public as they walk in the door. One
23 librar- -- or a couple librarians can't -- can't meet
24 everybody there, so we'd perhaps have an information
25 specialist down there.

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MR. PENNOYER: Mr. McVee?

1 MR. McVEE: Yes, I -- I guess -- I guess I
2 still feel somewhat uncomfortable that we've got a substantial
3 space assignment for, you know, the -- the staff and the
4 operations that we're anticipating. I realize that there's
5 going to have to be space for files, a xerox room and -- and
6 hopefully a coffee room, but after dealing with GSA for many,
7 many years, I know that this probably wouldn't pass muster
8 with them. I guess maybe -- maybe I don't need to make a big
9 issue out of it at this time, because I rather expect that we
10 may have to look at alternative space in -- in the next --
11 within the next eight month or -- months or so.

12 MR. PENNOYER: Mr. Barton?

13 MR. BARTON: Never mind.

14 MR. PENNOYER: Okay. Once again so we can
15 move forward, is there any problem -- does anybody object to
16 the motion as stated, recognizing that we're going to
17 re-examine these things after we get our PAGs formed and our
18 other teams going adequately?

19 MR. SANDOR: Mr.

20 MR. COLE: Yes.

21 MR. PENNOYER: You object?

22 MR. COLE: Yes.

23 MR. PENNOYER: Okay. We have an objection.

24 Is there a suggested modification of -- of the motion?

25 Mr. Sandor?

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MR. SANDOR: Well, I had a point of
1 clarification or question. It's -- and it stems from a belief
2 that -- that this level of staffing could only be justified
3 during this period of the restoration planning process itself,
4 and that this ought to with the draft being completed in
5 September and the final plan being out by end of February or
6 whenever, earlier hopefully, that we would not need this
7 continued level of -- of funding of -- of personnel. We're
8 talking even with the motion as I understand it is to change
9 that 1.5 to one person, essentially makes that the equivalent
10 of two-thirds of -- of the funding level. We still -- we have
11 the -- we previously approved these two positions. We get
12 back to this public advisory group even with the advice of the
13 -- the team that we need a separate person for that.

14 I -- we've also got on top of this the specialists of
15 the agencies, and I can't believe that we can't work together
16 in a partnership effort to -- to disseminate this information.
17 Every single agency is well versed in the process of
18 processing environmental impact statements, proposals, and
19 that -- you know, that's a very up-standard and effective
20 process.

21 So we're talking then of a full 12 months budgeting
22 of this amount, and -- and these -- the staffing would --
23 would run through the 12-month period, or is there any
24 opportunity for cutting it back come the end of -- when the
25 draft plan is out?

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MR. PENNOYER: Mr. Barton?

1 MR. BARTON: Two comments. I think in answer
2 to your second question, John, that I think we could cut any
3 of this off at any time we care to take the action.

4 Let me just say in reference to your concern about the
5 information specialist, the one position, and then in relation
6 to the PAG liaison, it's my intent to move at the time we
7 discuss the public advisory group that this information
8 specialist identified under the public outreach serve also in
9 that role.

10 MR. SANDOR: Okay. Thank you.

11 MR. COLE: Mr. Chairman?

12 MR. PENNOYER: Mr. Cole?

13 MR. COLE: How -- how many people will be on a
14 daily basis using these leased spaces, that's the first
15 question, bearing in mind that the restoration team as someone
16 said comes and goes into town. That's number one. The
17 restoration team subgroup would essentially I think be in the
18 same fashion. So how many does that leave us occupying this
19 8,000 square feet on a daily basis, where they go to work and
20 spend the day there? On a daily basis?

21 MR. GIBBONS: Well, the -- the numbers that
22 we've come up with in the proposal are 19 on a daily basis,
23 and that's -- I know that's a lot of space, but there -- and
24 then there's restoration team members that are coming and
25 going like -- like you mentioned, but the way -- the way I

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think we counted them up was 19.

1 MR. COLE: And -- and are you talking about
2 the restoration team? Do you include those in there?

3 MR. GIBBONS: No, we did not.

4 MR. COLE: Where the -- we have 19 people
5 working in this building every day, is that what you're
6 saying?

7 MR. GIBBONS: Yes. Yes, that includes the --
8 the restoration subgroup, the administrative director's staff,
9 the public information center staff.

10 MR. PENNOYER: I -- my understanding from what
11 you were saying earlier was that given the cost of the space
12 in the Simpson Building, it was actually going to be probably
13 cheaper to hold the hearings and find a space for the -- for
14 the PAG group to meet, and deal with the restoration team
15 meetings there than it would be to go out and rent space.
16 Wasn't that what you started out discussing?

17 MR. GIBBONS: Yes, that's -- that's what we --
18 we have analyzed. We've analyzed it. It would also
19 facilitate the public. They'll know where the meetings are,
20 instead of bouncing around.

21 MR. COLE: Mr. Chairman?

22 MR. PENNOYER: Mr. Cole?

23 MR. COLE: Well, I -- I have a thought that
24 perhaps we could speak with the Chief Justice of the Alaska
25 Supreme Court and see if it wouldn't be possible to use the

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Supreme Court chambers to hold these public meetings at a
1 considerable savings. I mean, they have a magnificent court
2 room up there that I think stands fallow -- fallow the good
3 part of the time. I think we could perhaps coordinate with
4 them. You know, I mean, we ought to try to save a buck here
5 and there if we can. I would suggest that we see -- approach
6 the administrative director, Art Snowden, and see if something
7 could be worked out in that regard. It would save a lot of
8 money.

9 MR. GIBBONS: One -- one consideration.
10 Would -- Mr. Cole, would you -- would -- the public advisory
11 group meetings. Those -- those are being -- would be
12 occurring also. We're just trying to facilitate that, the
13 ease of that. Just -- just a comment.

14 MR. PENNOYER: Mr. Cole, would your problems
15 be taken care of if we reserved this space for now, but we
16 went out and looked into other options to try and cut it back?
17 Can we do that? What -- what is the leasing arrangement
18 here? Could we start on this basis so we have a place to meet
19 and you have a place to work, and then as we explore other
20 opportunities, cut it back? Is that possible?

21 MR. GIBBONS: Yeah. The leasing arrangement
22 on the first floor of OSPIC is -- is in two leases. It's
23 split under the present

24 MR. PENNOYER: I guess -- I guess I have more
25 of a timing question. If we -- if we did both pieces so you

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can start your meetings and went out and explored alternate
1 space, could we cut back at some future time?

2 MR. GIBBONS: I'll have to defer to somebody
3 who knows that contract more than I do, but

4 MS. SAARI: There's a 30-day notice
5 requirement on the lease.

6 UNIDENTIFIED: A 30-day notice.

7 MR. BRAVADO: You have to give 30 days notice,
8 and that would be enough. That's what we're doing on the
9 second floor right now. My name is Don Bravado (ph) with the
10 Department of Justice.

11 MR. PENNOYER: Thank you.

12 MR. BRAVADO: That's what we're doing on the
13 second floor right now.

14 COURT REPORTER: Up to the microphone, please?

15 MR. BRAVADO: We -- we can give 30 days
16 before giving that up.

17 COURT REPORTER: To the microphone, please?

18 MR. PENNOYER: I think his statement was that
19 -- that it takes 30 days notice to cancel any part of this?

20 MR. BRAVADO: Right.

21 MR. PENNOYER: Mr. Cole, would your objections
22 be taken care of if we so instructed the staff to do exactly
23 what you said, and started them out on this basis, say, using
24 this additional space?

25 MR. COLE: Well, you know, I sort of -- I

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1 don't want to say I give up, but I'm going to defer to the
2 other members of the Council, but I really just want to
3 continue to say, you know, when the -- there's a lot of money
4 going out for administrative costs, and I think what we do
5 today here at this time will set the stage for the rest of
6 this year and for next year and the next and perhaps the next
7 ten years. We all now the government seldom gets smaller,
8 you know. It gets bigger, and, you know, it's my view that we
9 can always, you know, acquire some more space if we find we're
10 short, or we can put on another personnel if people are
11 overburdened. But I -- I think that we should look at these
12 expenditures carefully and see that -- where we can save
13 money. After all, you know, I was thinking about it this
14 morning, you know, every thousand dollars that -- that we cut
15 out of this budget is perhaps another acre of habitat we can
16 acquire and so for those of you who want to acquire habitat,
17 maybe you would like to join me in -- because sometimes I
18 think, woe, the lonely vigil.

18 MR. McVEE: Mr. Chairman?

19 MR. PENNOYER: Mr. McVee?

20 MR. McVEE: I'd like to try a motion, and --
21 and I'd like to move that -- that from a space -- space
22 standpoint we -- we approve the staff to proceed with the --
23 the rental arrangements for half, the library half of the
24 first floor and then the -- then the fourth floor. Eliminate
25 the other half of the first floor, which would be a saving of

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2600 square feet at the \$1.11 per square foot, which gives

1 us, you know, just a few dollars anyway.

2 MR. PENNOYER: Is there a second?

3 Mr. Gibbons, I guess in terms of this cheap space that we have
4 here, if we don't -- we did tie it up now -- if we don't tie
5 it up, do we lose it?

6 MR. GIBBONS: I think there's a real good
7 chance of that, yes.

8 MR. PENNOYER: Mr. Barton?

9 MR. BARTON: I move that we instruct the staff
10 to seek other space and provide that information in terms of
11 cost and -- and what those possibilities are to the Trustee
12 Council, and in the interim rent this other half of the first
13 floor essentially on a month-to-month basis, which I guess is
14 what a 30-day notice is. I think meeting in the Supreme Court
15 chambers is a magnificent idea, and if I may just go on to say
16 that I am concerned about reducing the administrative costs
17 of this whole operation as much as we can, and still do a
18 credible job. So your vigil is not lonely.

19 MR. COLE: Well, I didn't mean to infer that I
20 was not joined in my philosophical approach by others, and if
21 there's any such implication, I beg your pardon.

22 MR. PENNOYER: Mr. Barton, does your motion
23 include the travel and the one position, information
24 specialist position with your proviso that when we get to the
25 PAG group you're going to try and make that same position work

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for the PAG?

1 MR. BARTON: I -- that would be my motion.
2 However, if that would cause the space problem to fail, I
3 would make another motion just to deal with the state -- with
4 the space problem. So I suggest we vote on the motion
5 including the position and the travel and the space and see
6 where that goes.

7 MR. PENNOYER: I don't have a second yet?

8 MR. SANDOR: Second.

9 MR. ROSIER: I would second.

10 MR. PENNOYER: Is there any further
11 discussion? Is there any objection to this proposal? Thank
12 you. So do you understand, Dave, what we're -- we're getting
13 at then? The

14 MR. GIBBONS: I -- I think so.

15 (Laughter)

16 MR. PENNOYER: Okay.

17 MR. BARTON: Let me restate it so you don't --
18 you know so. That is that we are going to rent the other half
19 of the first floor essentially on a month to month basis.
20 That you will seek other accommodations for the Trustee
21 Council meeting and bring those possibilities back to the
22 Board, complete with costs and other advantages and
23 disadvantages so that we might consider them. If we choose
24 one of those, we will terminate the lease on the other half of
25 the first floor. Further, that we will fund one of the

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information specialist positions, and that we will fund the
1 travel identified in the public outreach budget to the tune of
2 \$75,000.00 for the travel. I'm assuming that the information
3 specialist position budget number will be two-thirds of what
4 is presently shown. That's what my motion was.

5 MS. RUTHERFORD: Mr. Chair? The remaining
6 portion of that -- that total is 226.3, that's the portion
7 that was part of 3-b, the -- the research

8 MR. BARTON: Now, wait. Where -- where are
9 we?

10 MS. RUTHERFORD: I just was going to give you
11 the figures of what you just voted on. It was 226.3.

12 MR. BARTON: That -- that is half of the 172?

13 MS. RUTHERFORD: That's correct.

14 MR. BARTON: Plus two-thirds of the 97?

15 MS. RUTHERFORD: That's correct.

16 MR. BARTON: Plus 75?

17 MS. RUTHERFORD: That's correct.

18 MR. BARTON: And -- and in fact if we find
19 other alternatives, the half of the 172 will be saved?

20 MS. RUTHERFORD: That's correct.

21 MR. PENNOYER: Okay. Since hiring will take
22 place, Mr. Barton, before we talk about the PAG group, I -- I
23 understood from the original discussion it was your intent
24 that the three positions we've got here would somehow between
25 them take care of the public outreach questions including at

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some point being able to serve the PAG?

1 MR. BARTON: That's -- I intend to move that
2 when we discuss the PAG group. I would be pleased to move it
3 now.

4 MR. PENNOYER: Well, we've deferred the PAG
5 group discussion until later. I'm just -- in case hiring
6 takes place in the meantime,

7 MR. COLE: I'll -- I'll second Mr. Barton's
8 motion.

9 MR. PENNOYER: Did you motion that in fact the
10 three positions do the public outreach and PAG?

11 MR. BARTON: I -- I so moved.

12 MR. PENNOYER: It's moved and seconded. Is
13 there further discussion of that motion? So we've deferred
14 the PAG budget. We have indicated the three positions should
15 take care of all public outreach, except for that provided by
16 agencies and other -- other means. Any objection? Okay. I
17 think we've moved through this section of the budget.

18 And we had a couple items left, the restoration
19 planning subgroup, which I think we're -- we deferred probably
20 until after we get the restoration program discussions, the
21 staff and agency program support, which we've also deferred
22 and probably need to deal with later in this meeting.

23 So, Mr. McVee, there's another item on here that -- a
24 general item, and -- before we go to our now three minutes per
25 project. Perhaps the NEPA -- do you wish to do the NEPA

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compliance now?

1 MR. McVEE: I'd -- I'd understood that we were
2 going to go back to the lands, habitat protection people also?

3 MR. PENNOYER: The staff recommended that we
4 wait until after we do -- look at the projects that have

5 MR. McVEE: Look at the projects.

6 MR. PENNOYER: been proposed.

7 MR. McVEE: Okay. Yes, I could -- I could
8 discuss the -- the NEPA compliance problem.

9 I guess maybe particularly on the federal side that
10 over the last 20 years we've been sensitized to -- to the
11 requirements of the National Environmental Policy Act, and
12 we've seen -- we've seen various legal actions that have
13 caused us to fall back and regroup and -- and start over again
14 in terms of the -- the actions that delayed projects. So in
15 an attempt to -- to look at the -- the NEPA requirements and
16 the applications of those requirements in conjunction with --
17 with this over-all program or project, and at -- we -- we've
18 come up with a -- with a process, or with a scheme that we
19 think that -- that we can comply with the NEPA requirements
20 with a -- with a fairly minimum kind of effort, and it allows
21 for the '92 program to proceed, you know, on schedule,
22 whatever that is, but immediately, and it -- it also allows us
23 to key into the development of the -- of the restoration plan,
24 the plan that will be out in draft next -- next September.

25 It -- I think that this -- this scheme would, you

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know, reduces the risk of -- and there's no way to eliminate
1 it entirely, of course, and -- and you can't operate -- you
2 know, try and do that, but does reduce the risk of -- of
3 having litigation filed that -- that is solely on the basis of
4 -- of failure to comply with the National Environmental
5 Policy.

6 I think we're involved in a -- in a single project,
7 and that is, you know, the restoration of -- of the oil spill
8 impact area. And that this project has a lifetime of at least
9 ten years, and maybe more. So that it -- NEPA compliance
10 becomes a factor for the term of the project. The link that
11 -- that the federal trustees are -- are forced into basically,
12 or that links us into the NEPA process is that -- that we sit
13 as part of the Trustee Council, and -- and we are involved in
14 decisions concerning this project, and -- and I think that is
15 what links us into -- into the -- the federal requirement, the
16 NEPA requirement. It's not, you know, where the money or --
17 or how the -- how the fund is defined, whether it's state or
18 federal, it's the fact that we sit -- we sit on -- on the
19 Trustee Council, and -- and we're involved in making decision
20 in -- in the project.

21 The proposal therefore is that -- I've got some copies
22 of this, and I guess I probably should scoot these down --
23 that for the work year '92, the proposal would be assessed as
24 separate independent projects. And what that would mean is
25 that -- is that there would be compliance with NEPA, that

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probably a number of those projects are what we call -- or --
1 or can be categorically excluded based upon the criteria that
2 is -- is within the various regulations. So it would only be
3 those that can't be excluded that would have to be -- would
4 have to reach NEPA compliance and -- and in most cases those
5 could be reached through an assessment. And those that have
6 to go to EIS would -- would be a problem, and I don't know
7 that there are any of those at this time.

8 The restoration framework document scheduled for
9 public release in mid March would also become the -- the
10 scoping document and -- for the -- for an EIS, and that -- and
11 this would -- would then follow parallel to and integrated
12 with the -- the restoration plan.

13 Public hearings on the framework scoping document
14 would be noticed -- noticed and conducted, you know, in
15 conformance with -- with the NEPA process, which is not unlike
16 I don't think that -- what we want to do anyway.

17 The draft EIS on the draft restoration plan would be
18 released -- released in mid September on a date currently
19 proposed for release of the draft restoration plan, and I
20 guess my -- my feeling on this is that I visualize that the --
21 the EIS component of the restoration plan really only
22 constitutes maybe one additional chapter, and that's where the
23 assessment or the environmental implications are described of
24 the various alternatives. The -- the plan has to be
25 described, the background, and I would visualize that the --

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the plan would -- whether we're talking about NEPA process or
1 not, would have all -- all those components. So the only
2 thing we're really talking about, you know, the one extra you
3 might say chapter that would have to be drafted, which would
4 be a description of environmental -- environmental impacts.

5 The -- the process then you know, allows for the
6 public review period, the final EIS, which would conform, of
7 course, to what had -- had been proposed by the staff in a
8 timeline on the restoration plan, and the issuance of a -- of
9 a final plan/EIS document.

10 As -- you know, there would be a public comment
11 period. December 1st, '92, the EIS could be filed as final,
12 and a 30-day waiting period, it would become final on December
13 31st. So there would be a final restoration plan with the
14 accompanying environmental impact statement completed by
15 basically the first of the year, and we would have achieved
16 compliance with NEPA.

17 It seems to me like that -- that, you know, this --
18 this added effort and I guess I don't visualize it as being
19 that great, but it is worthwhile in that it -- it eliminates
20 and -- it eliminates the risk and it -- it puts us in
21 conformance with NEPA, which gets at least the -- the federal
22 members off the hook as we make decisions concerning the
23 program.

24 That's all.

25 MR. PENNOYER: Mr. McVee, practically as we go

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through the projects, if in fact some of them, the '92
1 schedule in your view would require an EIS, I presume they
2 would be delayed then?

3 MR. McVEE: If -- if they do, I would -- I
4 would guess they'd be delayed, but, you know, until you --
5 until the projects independently are looked at and -- and if
6 they can't be excluded, categorically excluded, an EA done on
7 those, if there are some of those that -- that don't make the
8 -- the EA test, then they would have to go on to EIS and --
9 and obviously there's no way of doing that before the '92
10 season.

11 MR. PENNOYER: Comments or questions on
12 Mr. McVee's proposal or presentation? What action do you
13 think we need to take relative to your presentation?

14 MR. COLE: Mr. Chairman?

15 MR. McVEE: I guess it would be to basically
16 accept this as -- as our plan, the Trustee Council plan, as to
17 how we deal with the -- the NEPA requirement.

18 MR. SANDOR: Mr. Chairman?

19 MR. PENNOYER: Mr. Sandor, and then Mr. Cole?

20 MR. SANDOR: Mr. Chairman, I was going to move
21 acceptance of this plan.

22 MR. PENNOYER: Mr. Cole?

23 MR. COLE: I -- I would second that motion.

24 MR. PENNOYER: Okay. That motion is seconded.

25 Any further discussion?

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MR. COLE: Could I just say,
1 Mr. Chairman,

2 MR. PENNOYER: Mr. Cole?

3 MR. COLE: that as I understand the
4 motion, it is that it shall be the policy of the Trustee
5 Council to comply with the National Environmental Policy Act
6 with respect to all restoration activities and adopted by the
7 Council?

8 MR. PENNOYER: Any further discussion? Is
9 there any objection? Thank you, Mr. McVee. Shall we -- we're
10 going to launch off now into the studies. Shall we take about
11 a ten-minute break

12 MR. BARTON: Yeah.

13 MR. PENNOYER: quickly and then come
14 back and start the studies?

15 MR. BARTON: I move we break.

16 (Off record)

17 (On record)

18 MR. PENNOYER: If we could come back to order,
19 we've got a long, long ways to go before 5:00 o'clock this
20 afternoon.

21 Okay. I believe what we're doing now is starting on
22 the project proposals for the '92 season for damage assessment
23 continuation, damage assessment close out, and restoration.
24 Mr. Gibbons, do you want to start us through that process?

25 MR. GIBBONS: Yes, what we're going to do is

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we're going to first have a brief overview of the process that
1 we've been -- been working under, move on to a timeline for
2 1992 activities, and then -- then slide over into an injury
3 overview by Dr. Spies and then in- -- into the specific
4 studies. Mark Broderon will handle the first part on the --
5 the process overview. Mark?

6 MR. BRODERSON: Is this microphone going to
7 work where I try to talk or not here.

8 Basically what this is is if you live in the best of
9 all worlds, this is how you get from an oil spill to restored
10 resources and services. The -- some of the headings here
11 refer to individual budget headings in your packages there
12 that are just in front. There's a three-page package of all
13 the projects that's just in front of where all the projects
14 start, and I was trying to show how these various parts fit
15 together.

16 After you have -- excuse me. After you have in this
17 case an oil spill, you do a natural resource damage
18 assessment. This was what we've been doing basically for the
19 last three years. I'll abbreviate it to damage assessment for
20 these purposes. And in -- in that -- in your package there,
21 you will see both damage assessment close out and continuation
22 studies. That's in the -- right -- right here. That's what
23 we're at here now.

24 If you have no injury, no demonstrated injury from
25 these damage assessment studies, you're done. You stop. If

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you have injury, then the next step is to drop down to the
1 development of a restoration plan. And out of this plan you
2 then do natural recovery monitoring. You do studies for the
3 plan for natural recovery monitoring to determine whether your
4 rate of natural recovery is sufficient to allow you to do
5 nothing else, that there's no cost-effective means of speeding
6 up natural recovery. So that's another heading in your -- in
7 your budgets there, you'll see the natural recovery
8 monitoring.

9 You also do restoration technical and feasibility
10 studies to know what types of actions can be taken to do
11 actual restoration implementation. Some things that work down
12 south, for instance, don't work up here and vice versa. But
13 we've been doing a small number of these in years past.

14 Once you have the restoration plan, which will be
15 talked about here by Stan Senner as Dave was saying earlier,
16 in more detail, once you have your restoration plan, you then
17 drop down to restoration implementation, where you take
18 management actions, manipulation and enhancement projects,
19 habitat acquisition and protection projects, and then to make
20 sure that what you're doing works, you do project monitoring.
21 Now, with any luck all that then leads to restored resources
22 and services.

23 It should be noted here that -- that the habitat
24 acquisition and protection as an action does not come
25 immediately so not shown on here, back up under restoration

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planning, which we'll -- not -- not even under restoration
1 planning, is the need as some of the public have been telling
2 us lately of the need for a three-year moratorium, two-year
3 moratorium, whatever it happens to be after we figure that
4 out, to allow us to get through to knowing what it is we want
5 to acquire and/or protect, what methods are available, what
6 management actions can be taken to do this.

7 I think that's all I want to say on that, unless
8 there's questions, I'll pass right on here, but I wanted to
9 get this process up to show where the various parts of this
10 budget fit together.

11 MR. PENNOYER: Questions on this part of the
12 presentation?

13 MR. SANDOR: Yeah.

14 MR. PENNOYER: Mr. Sandor?

15 MR. SANDOR: Well, perhaps you or Dr. Senner
16 was going to deal with this matter of critical habitat
17 identification and -- and acquisition, but could you -- could
18 either you or he identify at these various levels how the --
19 the question of critical habitat is -- is to be identified and
20 how or at what stage the option for protection of critical
21 habitat acquisition, easements, memorandums and so forth are
22 developed?

23 MR. BRODERSON: Yeah. If -- if you don't
24 mind, I'd like to put that off until -- until Stan can come up
25 and give a discussion of the restoration plan. That fits in

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perfectly into that.

1 MR. SANDOR: Okay.

2 MR. BRODERSON: I have two other real quick
3 ones here. In terms of expenditures over prior years, and
4 what I would perceive it's like in coming years, the point
5 that I want you all to go away from here is that we're in a
6 transition mode right now, and that we are looking at moving
7 from one type of expenditure to another, that the overhead
8 that you're seeing for this year does not go on forever.

9 What we have here are -- on -- on the top there is the
10 response costs that we've been spending. As you can see,
11 everything else, damage assessment, restoration planning,
12 restoration implementation, overhead, everything else
13 disappears in the noise compared to response. This is
14 slightly misleading in that we still don't know what Exxon has
15 spent on its damage assessment studies. We definitely know
16 what they're going to spend on restoration for us.

17 Now, if you take the Y-axis and expand the bottom
18 part of it so that you can actually see the thing that earlier
19 were just down in -- in the X-axis here, what we have in the
20 blue line, this is damage assessment in the earlier years,
21 which we now see trailing off, and I -- and -- and '93 here is
22 my wild guess. Please don't blame anyone else for these, but
23 I was trying to show what I thought would happen in -- in
24 coming years on some of these actions. It basically shows
25 that your damage assessment is more or less over.

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The yellow line, or orange line here, is your overhead costs, that it's -- it's gone up a little bit, but it should also continue to trail off here as we get on with this process and get into implementation, once we get past the restoration plan development.

The red line there is restoration implementation. All I was trying to show was that it's going to go up in future years. That's going to become our primary expenditure. One shouldn't put any faith at all in the number I've got there. It's just to make the curve go up. Please note the question mark there.

The restoration plan and studying -- studies should also go down in future years, and that number I have there may still be way too high in '93. It could conceivably go a whole lot lower. So what I -- what I want to leave you here with is that damage assessment is decreasing, restoration planning is high this year because we're trying to do a restoration plan. When the plan is completed, that expense disappears. Our overhead with any luck at all will also go down in future years.

So I -- I think that's the point I want to make with that graph, and I'll stop with that, and Marty Rutherford will come up and talk about timeline.

MS. RUTHERFORD: On Monday you all I believe received a fax, or you should have, talking about the different options and a recommendation from the Restoration

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1 Team and -- as well as a timeline. For the public we have it
2 here on the charts, and the timeline is up here also on the
3 wall.

4 The Restoration Team recommendation is that the
5 Trustee Council review the '92 work plan, which includes the
6 damage assessment close out projects, damage assessment
7 continuation projects, and '92 restoration projects, and make
8 your decision on which projects to proceed with on these -- in
9 this series of -- within this series of meetings. Once public
10 comments are received, projects will be modified as you deem
11 it necessary.

12 Public comments and 30-day review will be solicited in
13 conjunction with the concurrent publication of the restoration
14 framework plan, and the '92 work plan scheduled for March
15 16th. To reiterate, these comments may result in further
16 modification to the projects that you approve in this -- in
17 this series of meetings.

18 The consequences of this option are -- the positive
19 ones are that the time -- there will be a timely close out of
20 the damage assessment studies, and release of reports on
21 injury determination, which will result in report availability
22 to the public as quickly as possible. That's allowing them to
23 fully comprehend the injury and evaluate the potential
24 restoration projects.

25 Number two, which I don't believe is on the one -- the
26 packet that was faxed to you, it was added by the Restoration

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Team on Tuesday, is immediate restoration needs would get
1 attention.

2 Number three is data collection would be maintained on
3 schedule.

4 Four is that there would be no loss of critical data.

5 Five is there would be no layoff or reassignment of
6 current project personnel.

7 And six, allows for timely development of
8 comprehensive restoration options by the Restoration Team and
9 the Trustee Council based on sound injury information.

10 The negative aspects are that there would be limited
11 public comment prior to the initial expenditure of funds. And
12 a second one is the -- the potential early expenditure of
13 public funds on projects not carried forward as a result of
14 public comment.

15 At this point in time, I'd like to run through the --
16 the time line, and, Carol, maybe if you could point out where
17 we are as we go through it?

18 MR. PENNOYER: Marty, before you go forward,
19 do we have this in front of us somewhere?

20 MS. RUTHERFORD: You should have received it
21 in fax -- I know you were travelling. Could somebody -- could
22 one of you give him your copy?

23 MR. GIBBONS: Yeah, I just passed one on. It
24 should be in the package right before the criteria.

25 MR. BARTON: We have a place holder.

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MR. COLE: Could we have a minute while we try
1 to locate it, Mr. Chairman?

2 MR. PENNOYER: Certainly.

3 MS. RUTHERFORD: Carol is looking to see if
4 there's more on the back table.

5 MR. PENNOYER: Well, I see the chart, but your
6 other options, I'm not sure I -- I

7 MS. RUTHERFORD: I -- I think you were
8 travelling when they were faxed out, and that's why -- Dave,
9 do you have any extra? Could you give him your copy?

10 MR. GIBBONS: I -- I've already passed mine
11 down.

12 MR. GIBBONS: Sandy's got one.

13 (Off record discussions)

14 MS. RUTHERFORD: Mr. Pennoyer I think doesn't
15 have them. The rest of you should have received them in a fax
16 package on Monday.

17 MS. GORBICS: Does anybody still need them?

18 MS. RUTHERFORD: They -- they need the -- they
19 need the written recommendations, too.

20 MR. PENNOYER: Well, let's just hold off half
21 a second while we get organized, have the same thing in front
22 of us that you're referring to.

23 (Off record discussions.)

24 MS. RUTHERFORD: Would you like me to go
25 through the recommendation one more time since you all did not

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have it in front of you?

1 MR. PENNOYER: I think that would be helpful.
2 Why don't you do that?

3 MS. RUTHERFORD: The Restoration Team
4 recommendation is -- is that the Trustee Council review the
5 '92 work plan which includes damage assessment close-out
6 projects, damage assessment continuation projects, and '92
7 restoration projects and makes a decision on which projects to
8 proceed -- proceed with in this two-day meeting session. Once
9 public -- public comments are received, projects will and
10 could be modified as you deem it necessary.

11 Public comments in the 30-day public review cycle will
12 be solicited in conjunction with the concurrent publication of
13 the restoration framework plan and the '92 work plan scheduled
14 for March 16th of this year. To reiterate, these comments may
15 result in further modification by you to projects that you
16 would approve today.

17 The consequences of this option are, the positive ones
18 are that the -- there would be a timely close-out of damage
19 assessment studies and release of reports on injury
20 determination resulting in report availability to the public
21 as quickly as possible, thus allowing the public to fully
22 comprehend the injury and evaluate potential restoration
23 projects.

24 I'm not sure if your -- the ones you have in front of
25 you indicate this -- this second number, but we added it on

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1 Tuesday, and that is immediate restoration needs would get
2 attention.

3 Number three is data collection maintained on
4 schedule.

5 Number four is there would be no loss of critical
6 data.

7 Number five, there would be no layoff or reassignment
8 of current project personnel.

9 Number six, allows for timely development of
10 comprehensive restoration options by the Restoration Team and
11 yourselves based on sound injury information.

12 The down side of this option is that there would be
13 limited public comment prior to the initial expenditure of
14 funds. Now, you could always stop the projects or amend them,
15 but it -- there would be limited public comment before the
16 initial expenditure of funds.

17 Number two is potential early expenditure of public
18 funds on projects that are not carried forward as a result of
19 public comment.

20 I thought I would now walk you through the timeline,
21 and again, Carol, are you back there so you could point it out
22 to the public?

23 In this session, the -- on February 5th and 6th, the
24 Trustee Council approval on all '92 restoration projects and
25 authorize agencies to begin '92 restoration work plans.

On February 21, the draft framework would -- plan will

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come to you.

1 Something that's not on the timeline in front of you,
2 but I think I'd better point it out is that on February 28th
3 all funding ends for staff and projects.

4 On March 16 we -- you -- we would distribute the
5 framework plan and the '92 restoration work plan to the
6 public.

7 On April 27 comments would be due from the public on
8 the draft framework plan and on the '92 restoration work plan.

9 On May 1, the Trustee Council would review the '92
10 restoration work plan and make modifications to the -- the
11 projects as needed and as called for by the public comments.

12 Between April 15 and May 15 there would be a collation
13 of comments and development of request for proposal criteria.

14 On May 15 request for proposal would be sent out to
15 the public and the agencies for restoration projects for '9-
16 -- for the '93 field effort. On August 15, proposals would
17 be due from the agencies and the public for '93 field effort.

18 On September 16 proposals will be put out on public
19 notice to public and the peer reviewers.

20 Also on September 16 we would distribute the draft
21 restoration plan to the public.

22 I think it's important to note here that at this point
23 in time the EIS effort begins to kick in. The draft EIS on
24 the restoration plan would be released in mid September, on
25 the date concurrently proposed for release of the draft

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restoration plan.

1 MR. SANDOR: Can I interrupt with a question,
2 Mr. Chairman?

3 MR. PENNOYER: Certainly.

4 MR. SANDOR: I think that really kicks in with
5 the restoration work plan as a framework for scoping session.
6 Was that not your intention, Curt?

7 MR. McVEE: Yes, that's right.

8 MR. SANDOR: Thanks.

9 MS. RUTHERFORD: I apologize. I haven't had a
10 good chance to review this in relationship to the document. I
11 think you're right.

12 I think it's important here to note that on September
13 -- the September 16th date the public will be able to view
14 the -- the draft restoration plan, and the proposals together
15 so that they can get a good feel for what's -- what's
16 necessary.

17 On November 1st the peer -- there would be a peer
18 review and public comments due for the '93 field effort
19 proposals.

20 Between August 15th and mid to the end of November,
21 the restoration team would review the proposals, apply the
22 criteria, incorporate the public and peer review comments and
23 prepare recommendations to the Trustee Council.

24 End of November the -- is a multi-day Trustee Council
25 and public meeting to review and select restoration activities

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for the '93 field effort.

1 Between November 30 and March 1, the transfer of funds
2 from the settlement account to the agencies for project
3 implementation and contract administration.

4 Around the middle of January would be the deadline to
5 finish the preparation and publication of the '93 work plan.

6 Approximately two weeks later would be the final
7 reports due on the '92 work activities.

8 And then between February -- February 15th and the end
9 of the month, the Restoration Team would hold public meetings
10 presenting the results of the '92 field season.

11 I'm going to go back now to options one, two, and
12 three, but I think it's important to note here that regardless
13 of the option that you choose today, there will be a '92
14 restoration work plan published in conjunction with the
15 restoration framework plan which goes out to the public on
16 March 16th.

17 Option number one would be that the Trustee Council
18 makes decisions to proceed on only damage assessment close-out
19 projects and '92 time critical restoration projects and damage
20 assessment continuation projects. You would be doing that
21 again today, and again that's only for damage assessment
22 close-out and time critical restoration projects and time
23 critical damage assessment continuation projects. Maybe it's
24 -- it's important to note also that all projects may be
25 equally important, but these are just those that are time

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critical for start-up in -- in early spring of this -- of this '92 season.

The remainder of the restoration projects and damage assessment continuation projects would be considered on a schedule resulting in a Trustee Council decision no earlier than March 30 of this year. The length of additional review process by the federal and state entities, such as the state legislature, and Office of Management and Budget, and Congress, other than the Trustee Council and the time necessary to receive monies from the fund is unknown.

The consequences of this option, the negative consequences are that -- or, excuse me, the positive consequences are that it allows for a full public review and comment on some '92 restoration projects.

The second one is that there would be minimal delays in project implementation for those projects on time critical lists.

And the third positive -- positive aspect is that there will be timely close-out of damage assessment studies resulting in report availability to the public as quickly as possible, thus allowing the public to fully comprehend injury and evaluate the potential restoration projects.

The negative aspects are it allows for limited public review and comment on the time critical list and the damage assessment close-out projects.

The second negative is that there will be possible

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1 cancellations and delays in implementation of certain '92
2 restoration projects that could result in a compromise of data
3 collection, a loss of critical data, lay off of -- or
4 reassignment of current project personnel after March 1 of
5 this year, and delays due to remobilization, retraining, and
6 hiring new personnel, things of -- of that nature.

7 The

8 MS. GORBICS: I'd like to make a correction on
9 that date of the Trustee Council decision would be no earlier
10 than April 30th rather than March 30th. There'd be a document
11 printed on March 16th,

12 MS. RUTHERFORD: Oh, that's right.

13 MS. GORBICS:, 30-day public comment and
14 two weeks for collation of public comments and a decision. So
15 it would be April 30th.

16 MS. RUTHERFORD: Thank you, Carol.

17 The '92 time critical projects include those
18 activities would -- that would actually be in the field in
19 March, April or May of '92. It's important to note that
20 restoration projects that are not on the '92 time-critical
21 list may also have crucial planning needs that must be
22 undertaken March, April or May in order to go into the field
23 at a later date. So timing is in our opinion of the essence
24 on -- on many of these projects and that's why our
25 recommendation is to proceed with all the damage assessment
26 close-out, damage -- damage assessment res- -- continuation

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projects and the restoration projects.

1 Are we ready to move on to option number two?

2 MR. PENNOYER: Please.

3 MS. RUTHERFORD: This option is that the --
4 that the Council makes decisions to proceed on damage
5 assessment close-out projects only in this session of
6 meetings. Once the public comments are received, projects
7 again on the damage -- the damage assessment projects could be
8 modified as you deem it necessary.

9 Damage assessment continuation projects and '92
10 restoration projects are considered on a schedule resulting in
11 Trustee Council decision no earlier than April 30, '92. The
12 length of additional review process by federal and state
13 entities other than the Trustee Council and the time necessary
14 -- necessary to receive the money from the fund is again
15 unknown.

16 The positive consequences of this option are that it
17 allows for a 30-day public review and comment on damage
18 assessment continuation projects and the '92 restoration
19 projects.

20 Number two is it allows timely close-out of damage
21 assessment studies resulting in report availability to the
22 public as quickly as possible.

23 The negative aspects are the probable cancellation and
24 major delays in implementation of certain '92 restoration
25 projects, resulting in compromise of data collection, loss of

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critical data, lay off or reassignment of project personnel
1 and major delays due to remobilization, retraining, hiring new
2 personnel.

3 Second negative aspect is it -- it allows for limited
4 public review and comment on damage assessment close-out
5 projects.

6 And the third negative aspect is that there is a delay
7 or cancellation of restoration proj- -- a delay or
8 cancellation of restoration projects will result in delay in
9 the development of comprehensive restoration options by the
10 Restoration Team and Trustee Council.

11 Moving on to option number three, and that is that the
12 Trustee Council would make no final decisions on damage
13 assessment close-out projects, on damage assessment
14 continuation projects, or '92 restoration projects in this
15 series of meetings.

16 Damage assessment close-out projects, damage
17 assessment continuation projects and '92 restoration projects
18 are considered on the same schedule as the restoration
19 framework plan, resulting in a decision no earlier than May
20 18th of '92. And that might be later also?

21 MS. GORBICS: Well, that was concurrent with
22 the completion date of the restoration framework comment
23 period.

24 MS. RUTHERFORD: The length of the review
25 process again by the federal and state agencies is unknown at

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this time.

1 The consequences of this option, the positive ones are
2 that it allows for a 30-day public review and comment on all
3 '92 activities.

4 The negative aspects are that there would be a delay
5 of close-out approval will result in a delay of availability
6 and release of reports on injury determination to the public,
7 thus allowing the public to -- thus not allowing the public to
8 fully comprehend injury and evaluate potential restoration
9 projects.

10 The second negative aspect is a delay of close-out
11 approval result in delay in the development of comprehensive
12 restoration options by the Restoration Team and yourselves.

13 And the third is it will result in cancellation and
14 major delays in implementation of certain '92 restoration
15 projects resulting in a compromise of data collection, loss of
16 critical data, lay off or reassignment of project personnel,
17 and potential major delays due to remobilization, retraining
18 and hiring of new personnel.

19 I think the team as a whole is available to answer
20 any questions that you have.

21 MR. PENNOYER: Is the team recommending one of
22 these options?

23 MS. RUTHERFORD: Yes, the first one, which is
24 to proceed with -- to receive your approval to proceed with
25 damage assessment close-out projects, damage assessment

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continuation projects, and '92 restoration projects. And
1 those could then be at a later date changed or stopped once
2 you have received public input.

3 MR. GIBBONS: One additional point there, Mr.
4 Chair, let me?

5 MR. PENNOYER: Go ahead.

6 MR. GIBBONS: Is that not all projects would
7 start. We would only start the ones that were -- that are
8 needed to -- to start is all.

9 MS. RUTHERFORD: Yes. Some of them do not go
10 -- don't -- don't have any necessary components that have to
11 have money committed at this point in time, but many of them
12 do, so that, you know, there is the potential loss of -- of
13 dollars if you at a later date stopped or amended a project
14 significantly.

15 MR. PENNOYER: But for our benefit then there
16 would be a 30-day public review process under this scenario,
17 it's just for some projects you couldn't wait that long.
18 You'd have to go ahead and start them anyway?

19 MS. RUTHERFORD: That's correct.

20 MR. PENNOYER: Okay. You would identify as we
21 went through the projects which ones fell into which
22 categories?

23 MR. MONTAGUE: Yes, we -- speaking from the
24 state, we can. We can.

25 MS. RUTHERFORD: Yes, I believe that both

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1 federal and state can identify time critical projects as we
2 move through the -- the discussion of the projects.

3 MR. PENNOYER: So as we run through the
4 projects, we'd have a better idea of what the options due to
5 consideration of those projects are?

6 MS. RUTHERFORD: Yes.

7 MR. PENNOYER: Would it be better not to make
8 this decision up front then, but rather to let you go through
9 the projects and identify the timelines, so

10 MS. RUTHERFORD: Yes.

11 MR. PENNOYER: we can then evaluate what
12 we lose or gain by

13 MS. RUTHERFORD: Yes, but please

14 MR. PENNOYER: choosing an alternative?

15 MS. RUTHERFORD: as you're going through
16 them, bear in mind that we are recommending, you know, an up-
17 front approval so that we can get started on those absolutely
18 necessary at this time.

19 MR. MORRIS: Mr. Chairman, just to make a fine
20 distinction, we -- we identified time critical projects as
21 those that needed to go in the field during March, April or
22 May. However, other projects that may not need to go in the
23 field until June will -- will need some maintenance costs
24 under our preferred option to avoid the loss of personnel or
25 -- or what have you, until they would need to go in the
26 field. That's -- that's the

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1 can

2 MR. MORRIS: distinction between option
3 one

4 MS. RUTHERFORD: get detailed comments -
5 - I'm sorry, Byron. I think we -- we'll have detailed
6 discussion of that as we move through the -- the projects
7 discussion.

8 MR. PENNOYER: So your suggestion again would
9 be that we move through the projects you identify, how they
10 would fair under these different options, and would decide at
11 the end of that point which option or mixed options we may
12 want to adopt?

13 MS. RUTHERFORD: That's correct.

14 MR. PENNOYER: Any more questions

15 MS. RUTHERFORD: We just wanted you to
16 know

17 MR. PENNOYER: at this time on the
18 timeline or the options?

19 MS. RUTHERFORD: We just wanted you to know
20 before we went into the projects what our recommendation was.

21 If you don't have any questions, then I'd like to turn
22 it over to Chief Scientist Bob Spies to provide an injury
23 overview and following that we'd like to have Stan Senner
24 provide you some input on how we take this injury assessment
25 information, and how this leads us into restoration

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implementation.

1 MR. PENNOYER: Okay. That's fine.
2 Mr. Gibbons, as we go through this, we need to look at the
3 time that's left and help us structure out time that we have
4 left after these general presentations to go through the
5 projects. Okay.

6 Dr. Spies?

7 DR. SPIES: Can everybody seen the screen?
8 Just -- should I turn it a little bit more this way or

9 UNIDENTIFIED: How about moving it

10 MR. MORRIS: I'll get it, Bob.

11 UNIDENTIFIED: back to the wall?

12 DR. SPIES: Yeah. Can everybody see the
13 screen?

14 Well, thank you. I'm very pleased to be here again,
15 essentially the first public presentation on the summary of
16 the injuries that's identified in studies from the Exxon
17 Valdez spill. I've been acting as chief scientist for about
18 18 months for the Trustees, and it's been my -- part of my job
19 at least to try to keep the big picture in mind as -- as to
20 what the effects of the spill are and to integrate the -- have
21 the studies reviewed and come to some conclusions about what
22 the injury from spill actually was, how long it may last and
23 -- and how that information might feed into restoration
24 options.

25 What I'd like to do today is to take a little bit of

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an usual approach in that I'll be emphasizing some of the
1 uncertainties involved, and the reason I'm doing that is there
2 are certain injuries that are really evident out there, on the
3 other hand, we still don't know a lot about some aspects of
4 injury, and the reasons for that is we don't have a complete
5 historic record. We don't have a baseline data, for instance,
6 on a lot of resources, and that -- those hamper and we can't
7 reconstruct that information. Now, it does hamper our
8 interpretations somewhat, so -- and if you have a certain
9 amount of uncertainty about an injury, it opens up a variety
10 of restoration options from some very conservative options to
11 some very liberal options depending on how you interpret the
12 uncertainties.

13 So I thought the best way and most objective way is to
14 describe to the best of my ability what I know about the
15 injury, what's apparent from the comments of the peer
16 reviewers, and what we really don't know yet.

17 Not to belabor this point too much, but there's kind
18 of three sources of -- generic sources of uncertainty in this
19 damage assessment process. I already mentioned lack of
20 baseline data for many species of resources. Let me give you
21 three quick examples. The last sea otter census done in
22 Prince William Sound was done in 1984 and '85. And depending
23 on what your assumptions are about what that population was
24 doing between that time and -- and 1989 when the oil spill
25 occurred, you could come to completely different conclusions

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about the effect of the spill, whether it was -- the
1 population was remaining the same as a few biologists might
2 hold, or the population was in fact expanding, which would
3 give you a much larger injury impact.

4 Let me give you a second example. Another species
5 very hard hit in the Gulf of Alaska was the sea bird, the
6 Murre, the -- particularly at the Barren Islands. The last
7 census of Murres in the Barren Islands were done during the
8 70s. There are some -- a few photos just before the spill,
9 but essentially there's a large period of time between that
10 and the spill with good quantitative data. There are many,
11 many other examples in other sea bird colonies of that sort of
12 gap in the data.

13 Another hard hit area, the intertidal area where the
14 baseline data essentially wasn't enough to be able to
15 construct a good study of before and after.

16 So if you don't understand what the state of the
17 resource was right before the spill hit, and right afterwards,
18 it very difficult to -- to -- you've lost on your strongest
19 ground in a sense, and the -- you've got to fall back on an
20 approach of looking at oiled versus unoiled sites. And when
21 you do that, it opens the door to certain amount of
22 uncertainty, because there's natural variability in -- out in
23 that environment, and, for instance, comparing the eastern
24 side to the western side of Prince William Sound, you'll
25 perhaps see some differences, and there may be some natural

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variability there that you don't -- may not understand that
1 may -- you may use (ph) a little uncertainty as you come to
2 conclusions about the nature of the injury.

3 Another area of uncertainty is the on-going declines
4 and increases in some populations. Many of the sea birds have
5 declined since the 70s, very good data on that. Harbor seals
6 have been in a decline in the 70s. Well, that may be
7 reversing in Prince William sound.

8 Another area that really deserves some open discussion
9 here is species that lay lots of eggs. These are may fishes
10 and some invertebrates, where we have a very fair (ph) injury
11 rate to the young state, either in -- in reproductive
12 impairment of the adult, producing eggs that are not viable or
13 else the -- there is some kind of abnormality that develops in
14 the embryo or the larvae as -- as it is developing. The
15 question is, what impact is this actually going to have on the
16 adult population? And there's a lot of different opinions
17 depending on who you talk to, particularly in fisheries. Some
18 people think that the oil mortality is additive to any sources
19 of natural mortality. Other people think there may be some
20 compensatory mechanisms. And the fact is it's a -- it's an
21 area of very hot scientific debate, and we don't have a lot of
22 certainty about the species for which we've seen that sort of
23 injury from after the spill.

24 Even if there is an effect on the population, can we
25 really measure it? And let me give you an example here from

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one of the species, the herring in Prince William Sound. This
1 pie chart on the right is the contribution of different age
2 classes to the spawning biomass in 1991 of herring in Prince
3 William Sound. What you can see there is that the -- fish
4 that were hatched in 1984 and 1988 are -- are very predominant
5 year classes, very strong year classes. You contrast that
6 with 1987 or 1983 where there was no oil spill, you see that
7 those -- those contributed very little. And if you look at
8 whole 11 or 12 years of year classes that actually go into
9 this sort of thing, you'll see that it ranges from more than
10 40% contribution to less than 1% contribution, so that the
11 question is if you keep measuring a population, what can you
12 really detect about the effect of oil? And I think the
13 reality is there would have to be almost complete failure of
14 the '89 year class in order to measure some sort of -- have
15 any certainty that the oil was having an effect on the
16 population.

17 What I'd like to do is very -- give you in this slide
18 a very brief picture of some of the main natural resources
19 that were damaged. And we can start just on the bottom there,
20 that's the oiled shoreline, the coastal habitat if you will.
21 We've got hundreds of miles of oiled shoreline and we've got
22 an injury to the intertidal, some indications of injury to the
23 subtidal, an ecosystem component of the injury that the --
24 this process has been criticized many times for not addressing
25 the ecosystem of this, but these are very complex communities

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that are being studied in great deal of detail over the last
1 three years.

2 We've also got contam- -- that -- that little white
3 bar above the -- the bottom box is this contaminated mussels
4 and shellfish and other source of invertebrates from which the
5 species in the upper part of the graph are -- it's meant to
6 represent sort of the -- the main predator -- predatory
7 species, the birds and mammals and -- and fish of -- of some
8 importance in the system, and those are being contaminated by
9 forward (ph) species. We've got pretty good evidence of that
10 in -- in many cases.

11 So we -- I'll be talking mainly about harbor seals and
12 sea otters and not on there is some information on injury to
13 killer whales among the marine mammals. Among the birds, the
14 bald eagles, murre, harlequin ducks, mention of the marbled
15 murrelets, and some of the other species, but those are the
16 main ones we're focusing on today. And then the herring, pink
17 salmon, sockeye salmon, dolly varden and cutthroat trout. We
18 have indications of injuries in all those species as well.

19 Let's move into the marine mammals for a moment. This
20 is a haul-out for harbor seals in Herring Bay taken from an
21 airplane by Kathy Frost. The Department of Fish and Game has
22 done an excellent job in this study. The haul-out in Herring
23 Bay in April 1989. You can still see the sheen of oil coming
24 off the rocks there and some harbor seals on the left side of
25 the rock that are -- that have hauled out.

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1 If you look a little closer, we can see that they're
2 hauled out in the -- in the intertidal zone. It's -- if you
3 could look between the seaweed, you can see black there. This
4 is a pretty heavily oiled area. It looks like it hasn't been
5 cleaned yet in any kind of thorough manner.

6 And the normal color of these harbor seals is fairly
7 light. You can -- you can see that some of those, like the
8 individuals on the left are fairly light. This is -- very
9 dark individuals, this guy right here, this one here, here,
10 here and so forth, very heavily oiled.

11 In fact, observations on the main haul -- haul-out
12 trend (ph) sites were counted to -- in this study, they didn't
13 include all of Prince William Sound, but these main haul-out
14 sites indicated that as -- as often as 78% of these animals
15 were oiled through the spill.

16 The question is what kind of an effect did this have
17 on the harbor seals? Well, we can see an immediate effect on
18 this guy. He's got a little bit of mucus dripping from his
19 nares, and that's a very common type of a situation with
20 animals exposed to hydrocarbons. Their mucus membranes start
21 producing large amounts of mucus, and also these animals are
22 quite approachable as they normally are not. And this is sort
23 of a behavior that was seen repeatedly by people out in the
24 area after the spill.

25 And we think we understand possibly how this could
26 have -- the -- the mechanism of damage here in terms of -- of

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what happened to the physiology of the animal. I won't give
1 you a lot of detail here, only to mention that in the brain in
2 the -- in the thalamus area in there, which is important for
3 trans- -- transmitting information and control of some
4 involuntary -- or -- or control of things like breathing and
5 so forth in the harbor seal, we've got indications of damage
6 in some of the nerve tissue. These open, clear areas you see
7 right here are edema. They're in the nerve fibers, and this
8 is such a -- in this particular individual they're so well --
9 so prominent, so well developed that the -- in the opinion of
10 the veterinary pathologist that we -- one of our experts, they
11 think that this in fact could have explained the behavior and
12 in fact the death of -- of about 200 harbor seals is what the
13 principal investigator has come to the conclusion we have in
14 this case.

15 In terms of the harbor seal, to put this in context,
16 there's a population of perhaps in the early 80s of about
17 5,000 animals in Prince William Sound. Again these studies
18 were exclusively Prince William Sound, because the baseline
19 data in the Sound was much better than elsewhere. We had in
20 fact, I apologize again for the faint nature of the labels
21 here. They didn't -- they looked a lot better on my computer
22 screen before I sent them to get developed.

23 This is '84 data here. This is '91, '90, '89 and '88,
24 so we have one year of pre- -- two -- two years of pre-spill
25 with a gap in here. We can see this decline that we -- that I

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talked about in the harbor seals, and then this difference
1 here in '89, post spill, was about 100 animals in the trent
2 (ph) counts, which we think represent about half of the -- of
3 the injury in Prince William Sound. We think perhaps there's
4 another 100 conservatively, so that gives us an estimate of
5 about 200 animals out of 5,000 that may have existed before
6 the spill. And then there's a -- it looks like some
7 indication of increase and recovery, although in -- in '90 the
8 -- the injury has certainly persisted in terms of pure numbers
9 of animals within the oiled area.

10 I already mentioned lethargy. And the recovery.
11 Okay. That -- let's go on to the next species.

12 The next marine mammal would be the harbor seal --
13 excuse me, the sea otter. It's probably hard to tell from
14 this photograph what it is. Harvest -- the sea otter was very
15 hard hit by the spill as -- as many people realized.

16 They have very poor insulating capabilities. If -- if
17 a little oil gets on their coat, -- essentially they -- they
18 rely on the air in -- pockets in their -- in their fur to give
19 them insulation from the cold Alaskan waters. And when that
20 starts to get matted down, more than about 20% of their body
21 becomes covered with oil, you get a grave situation of
22 hypothermia and -- and pretty certain death.

23 The -- we can't be too exact, but we think the pre-
24 spill population of sea otters in Prince William Sound was
25 about 10,000 animals, another 20,000 out in the Gulf of

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Alaska, and the populations were probably expanding.

1 The immediate impact was that we have about 1,000
2 bodies recovered from the -- mainly from the beaches that are
3 in the morgues, and we think this may represent like 20 to 25%
4 of the total number, just based on the bodies recovered from
5 some other sorts of information.

6 Based on the boat surveys that Fish and Wildlife
7 Service has done, and some of the work of the experts,
8 particularly Bob Garrett and Lee Eberhart in conjunction with
9 Doug Berm (ph), they think the estimated mortality is about --
10 ranges between about 3500 and 5500, with 4600 about their best
11 estimate of the total mortality based on the -- these boat
12 surveys that they've done post-spill, and than that compared
13 back to the '84 data that I had mentioned earlier in the talk.

14 The estimated Prince William Sound population now is
15 about 6,000 otters. So otters took a major hit inside of
16 Prince -- Prince William Sound, and also on the outside, along
17 the Kenai and so forth.

18 There's a couple of troubling bits of data as what the
19 chronic impact to the -- the otter population, and this --
20 this comes in two sources. On the bottom, those two bar
21 graphs represent the age distribution of sea otters on beaches
22 pre-spill, the -- the pre-spill data. This is from one to
23 about ten years. You can see there that the distribution is
24 dominated by both young animals and very old animals, typical
25 of a -- of a healthy population of sea otters which you might

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expect.

1 This is the 1990 data. These are carcasses recovered
2 on the beach. A fewer number, but still a large -- much
3 larger proportion of prime age animals than you see over here.
4 And my understanding is, 'though I haven't looked at the data
5 in detail, that '91 shows a relatively similar pattern. So
6 there's one indication -- this is work by Fish and Wildlife
7 Service, one indication that there's something going on with
8 the sea otter population out there that's abnormal.

9 On the top is -- and again I apologize for the faint
10 nature of the data -- the faint nature of the labels here, but
11 on the top is -- is the results of work done on regselemered
12 (ph) animals that Chuck Monet and Lisa Rotterman have -- have
13 done, and this is western Prince William Sound. These are
14 missing and dead sea otters compared to eastern Prince William
15 Sound, and essentially if you look conservatively just on the
16 numbers that are dead here, you can see that there's about --
17 I think it's about 68, 69% that are known dead compared to the
18 eastern side of Prince William Sound that was not oiled,
19 something around 44%. And -- and it depends on how you
20 interpret the missing ones. Chuck probably disagrees somewhat
21 on this interpretation.

22 But anyhow, there's -- there's -- there appears to be
23 something going on with the sea otters of -- of somewhat
24 chronic nature in the population.

25 I'd like to just briefly mention the killer whales.

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This is a shot taken of a killer whale in Prince William Sound
1 in 1984 from AB Pod. I think it's AB-34. I don't know if you
2 can see it, but I think there's some indications of bullet
3 holes in -- in this guy which is a problem that they've
4 suffered at least during the middle 80s.

5 After the -- there's about 180 killer whales that
6 frequent Prince William Sound. About 150 of these roughly are
7 in what are called pods of transient animals. This is
8 groups, family groups of -- excuse me, of resident animals,
9 and they pretty much come back to the same place every summer.
10 Come back in the Sound every summer, and they form tight
11 family groups and -- and through photo identification, they've
12 got names and -- and -- for all of these and numbers, so they
13 know the individuals pretty well, and they can understand
14 something about the population, biology, dynamics of these
15 things over the years.

16 And at the -- the AB pod is of particular concern,
17 because it has gone -- 13 animals have been lost from that
18 pod, seven in '89 and another six in '90, so that the -- it's
19 the rate of decline that is beyond what is known from studies
20 of killer whales in other parts of the Pacific, in particular
21 British Columbia. It's -- it's a rate much greater than the
22 natural mortality, of -- about 19 or 20%.

23 And so it -- it coincided with the -- with the period
24 of spill. There's still some question as to what the exact
25 mechanism of death is, because the seven animals that went

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missing after the spill were -- went missing within less than
1 a week, and they were missing from an area that didn't have a
2 lot of heavy oiling, and were not out in the passage. And
3 there's some question in some people's mind about how to
4 interpret the mechanism of death of this one, but it's -- I
5 thought I'd mention the killer whales anyhow.

6 I covered most of that information already.

7 Let's turn now from the -- well, let -- we've covered
8 the marine animals. Let me just quickly say something about a
9 couple of terrestrial mammals. There have been studies of a
10 number of terrestrial mammals. I'll mention in particular the
11 brown bears and the river otters. The brown bears, because
12 they come out in the spring and forage very heavily in
13 intertidal areas, some individuals at least, and particularly
14 along the Kenai Peninsula and the Alaska Peninsula, often on
15 razor clams, and the razor clams have been contaminated with
16 oil to fairly considerable concentrations. There was some
17 concern about whether they may be picking up enough
18 hydrocarbons to cause them sort of -- some sort of harm.

19 There's been some radio tag studies, some analysis of
20 fecal material in some females have shown the presence of
21 hydrocarbons. There was one dead cub found with a radio
22 collared female, in which the fecal material of the female
23 contained petroleum hydrocarbons. The cub bile sample
24 indicated -- analysis indicated there were hydrocarbons
25 metabolized in the bile, and -- although there was -- balance

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1 that on the other hand with the fact that there's a fairly
2 high mortality rate among young brown bears. I think it's
3 something like 50% the first two years.

4 So the -- to my mind, the brown bear studies are --
5 are somewhat -- there's a certain amount of uncertainty that
6 remains as about whether they were affected or not.

7 With the river otters, we do not have really good
8 population data on river otters, although there have been
9 modelling efforts to try to reconstruct the size of the
10 populations in two study areas in Prince William Sound.

11 We do have information on river otters, however.
12 There were some -- there are a few bodies that were recovered
13 apparently from the spill. The size of the foraging age is
14 different between the oiled and non-oiled areas, and the
15 activity patterns appear to be more intense in the animals
16 from the oiled areas. And this would be consistent with the
17 possible interpretation of -- of more activity needed to get
18 food in areas on the -- and -- and the oil study was in a --
19 on Knight Island, the area was heavily cleaned, so perhaps
20 there's not as much food for these animals.

21 Let's move on then from the mammals into the birds
22 and the murre are the most hard-hit species among the birds,
23 and this injury took place mostly in -- almost exclusively in
24 the Gulf of Alaska. There are not many murre in Prince
25 William Sound. There's many, many millions of murre in
Alaska and we're talking about injury to colonies here that's

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particularly intense in some areas, such as the Barren Islands
1 and apparently in the Chiswells as well. So in -- in terms of
2 the total number of animals that were lost, it may not be
3 significant in terms of the populations, but in terms of
4 particularly col- -- particular colonies, some of them are --
5 are of interest to -- to the tourist industry. There are some
6 severe problems in those colonies with the murre.

7 They're a highly social animal. They congregate in
8 the colonies in the spring and the social interactions are
9 very important in the mating of this species and production of
10 -- successful production of young and the fending off of
11 predators. So when a lot of the adult murre were hit by the
12 spill and lost, it disrupted the breeding synchrony, disrupted
13 the social interactions, opened the colonies to predation to
14 a much higher extent than it -- than normally happens, and the
15 result is that the chicks were produced late in the season
16 from inexperienced breeders. The chicks that did survive the
17 increased predation from the time of hatching through --
18 through rearing left the colonies, those are still probably
19 open to a poor survival rate in the Gulf of Alaska, because
20 they were so young when the winter storms hit, so murre were
21 -- definitely took a big hit.

22 Here's an oiled individual. Here's a worker, Wally
23 Day, counting the murre carcasses on the beach. There's about
24 120,000 birds were lost from the colonies, and -- and maybe
25 from the breeding colonies and the over-all loss may have been

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something between 200, 300,000 perhaps of murre. This --
1 there's a lot of uncertainty over the -- over this number,
2 because we don't really understand where the juvenile birds --
3 how -- how heavily hit the juvenile birds were. We don't in
4 fact have a good way to age the carcasses that are laying on
5 the beach, or at least we haven't done a lot of that work.

6 I already mentioned loss of production from the
7 colonies, maybe as many as 60,000 eggs per year were not laid
8 after the spill, so we have a loss of reproductive -- of
9 reproductive output in the species.

10 Recovery could be fairly slow and difficult -- may be
11 dif- -- very difficult to predict. Some people say as long as
12 100 years. It depends on where the -- when these colonies get
13 back in synchrony and start producing, and that's -- that's a
14 difficult thing to predict. Most of the models don't -- any
15 mathematical model that it -- they -- it's -- it's a difficult
16 issue to deal with and to -- there's a lot of research there.

17 Let's turn down -- turn now to the eagles. The bald
18 eagles as everybody knows were hit by the spill. The
19 pre-spill populations in Alaska, there were about 38,000 in
20 Alaska, something like 4,000 in Prince William Sound and maybe
21 10,000 in the northern Gulf of Alaska. This was -- work was
22 done by the Fish and Wildlife Service, Phil Shemp in
23 particular, and the -- he -- the investigators that have
24 worked with him.

25 There was an immediate impact of something like 120 to

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150 carcasses that are in the morgue, and there may be up to
1 500 dead. Now, the way that number was arrived at had to do
2 with the rate of telemetry of animals after the spill and
3 looking at where the carcass is recovered. Many of those were
4 recovered back of the beach. If you accept that sort of
5 thing, then perhaps as -- as many as -- accept that as a good
6 model of -- of mortality and the state of bodies, then there
7 may have been as -- as many as 500. The thing that limits the
8 upper end in the estimate is the -- there's a certain estimate
9 involved in the population here and we did in fact see a
10 significant difference in the population in Prince William
11 Sound based on the post-spill surveys.

12 We do see a general increase from the early 80s and
13 this is I think '90, '89, -- that's '89, '90, and '91 I think.
14 Those are the population numbers. There -- there was a
15 slight dip pre-spill, but gone back up. This is not
16 statistically significant. See, the arrow bars there
17 indicates that there's a fair amount of uncertainty associated
18 with these -- with these estimate due to natural variability,
19 not due to any fault of the investigators.

20 There was also a loss of -- of young from these
21 species because of the failure of nests. In the oiled areas,
22 about 85% failure compared to unoiled areas of about 55%
23 failure in '89 in Prince William Sound. Productivity did
24 return to normal in 1990, and so there -- the recovery as far
25 as we can measure it may -- probably is under way, and we

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don't know yet whether the sort of impact that may have had --
1 there may have been on chick numbers will in fact be reflected
2 in future population surveys of this species in Prince William
3 Sound.

4 Move to the sea ducks. There -- about 2,000 carcasses
5 of sea ducks in the morgues and there's a number of different
6 species and the species that we focused more attention on
7 than others has been the harlequin ducks. These are the birds
8 in the foreground here. There's very little pre-spill data to
9 my knowledge of harlequin ducks in Prince William Sound.

10 There is some population data from the mid 70s that indicate
11 that they're -- there may have been 6,000 resident birds at
12 that time. Again, a fair number of birds moved through
13 Prince William Sound. There may be as many as 10,000 in that
14 bird that used Prince William Sound at some time of the year.

15 The immediate impact on harlequin duck was that about
16 a tenth of those carcasses were harlequin ducks. That's the
17 largest number I believe of -- of any of the sea ducks. And
18 the reason this bird was of more concern than the others is it
19 feeds very high in the intertidal where most of the oil was --
20 was deposited, and they're apparently ingesting a fair amount
21 of the soil, because the studies we've done with the -- that
22 Sam Patton and the U.S. Department of Fish and Game has done
23 has found petroleum hydrocarbons in the liver and also in the
24 bile of the species feeding intertidally. And we think that
25 maybe in fact there is continuing exposure from the mussel

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beds.

1 One of the -- the main effect that we've seen here
2 beside initial mortality appears to be a reduced reproductive
3 success of harlequin ducks in 1990 and 1991 in Prince --
4 western Prince William Sound. We don't have pre-spill
5 information on reproduction of the species, but if we assume
6 that it's -- that things were normal, that they were -- the
7 ducks were normally reproducing on the western side of Prince
8 William Sound before the spill, there's a real evident injury
9 to harlequin duck reproduction is -- is going on. And we
10 haven't seen any indications that there's any reversal of this
11 reproductive effect.

12 The harlequin ducks that -- that are on the eastern
13 side congregate at the mouth of these anadromous streams and
14 fly up and build nests in the upland areas, and this is one of
15 the links to the -- to the habitat argument for -- for
16 restoration. In the western side of Prince William Sound,
17 they just sit around the mouths of these streams and nothing
18 happens. They -- they don't ever get into the reproductive
19 mode at all.

20 Aside from the murre, this is a list of the birds in
21 the morgues where there's 100 -- greater than 100 bodies.
22 There's about 35,000 bodies I believe in the morgues. Just to
23 show you some of the other species that are involved here. I
24 won't go through them all. I did highlight in red the marbled
25 murrelet. This is another species like the river otter and

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like the harlequin duck that links the injury to an upland
1 area, because marbled murrelets do in fact nest in old forest.
2 We're just getting to find out where these nests are through
3 these studies, and it does provide that -- that link for
4 restoration.

5 Let's turn now to the -- the fisheries, and I've
6 already talked briefly about the -- some aspects of the
7 herring studies. The studies that were done by Evelyn Biggs
8 and -- and Tim Baker and others at Alaska Department of Fish
9 and Game, very well carried out studies. They've contrasted
10 the -- a couple of oiled areas, although they were lightly
11 oiled, in the tip of Montague Island here, and a little bit
12 heavier oiling around Naked Island, but still not hit heavily.
13 The -- the historical spawning sites were kind of in the
14 margins of the spill area. These oiled areas were contrasted
15 with areas up in the northeast for controls.

16 Herring are an extremely important species in the --
17 both from the fisheries point of view and for the ecosystem
18 point of view. This is an aerial view of a spawning area.
19 You can see the large congregations of birds and probably
20 some marine animals mixed in there as well. And that white
21 material is the milt of the -- of the male spawning herring.
22 There's about a billion fish that return to Prince William --
23 or that's -- that are in Prince William Sound. And they're
24 very important not only for the fishery, the sac roe fishery
25 in particular, but also they're an important prey species for

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a lot of higher predators.

1 And this is an intertidal area that -- where the algae
2 is -- practically covered with their eggs.

3 The herring spawn in oiled areas, just shortly before
4 the spill, they spawn in -- in March and early April and the
5 spill occurred, as you know, at the end of March, so they --
6 they spawn just before the spill or just after. And we have
7 indications of -- of immediate impact of greater egg mortality
8 in '89, greater larval and sydogeneric (ph) abnormalities in
9 '89 as well.

10 The chronic impact that we have been able to document
11 in these studies is a continuation of more differences between
12 oiled and unoiled areas in egg mortality in 1990 and 1991 and
13 presydogeneric (ph) and larval abnormalities in '90.
14 However, as I mentioned earlier, there is no effect of it on
15 the population, and I think it's going to have to be
16 catastrophic to be shown as a -- something on the '89 -- as an
17 effect on the '89 year class, the adult population.

18 That's just attorney markings on the bottom there.

19 Pink salmon are a big deal in Prince William Sound,
20 all right? There's hundreds of streams, 8 million fish I
21 think has been the average return to Prince William Sound.
22 This is an aerial view of a stream. You can see the -- if you
23 look carefully in the water, there's -- there's hundreds if
24 not thousands of pink salmon.

25 The main effect on pink salmon is illustrated by this

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slide. This is the results of egg digs that were taken in the
1 -- that are taken in the fall every year. It's been -- work
2 been by Sam Sharp, Alaska Department of Fish and Game. This
3 is a small part of a much larger salmon program. But what
4 has been seen, if you can see these -- the healthy looking
5 pink eggs here, and then you can see these white ones, these
6 opaque ones. They're essentially dead eggs. Didn't survived.

7 Either they're laid and poorly organized, or they weren't
8 fertilized or something. We don't really understand in detail
9 what has gone on with these, why they died. But there is a
10 much greater proportion of these dead eggs in the -- in the
11 oiled streams as compared to unoiled streams, and that's been
12 evident in '89, '90 and '91.

13 There's also -- was in '89 an effect on the growth of
14 -- of the young marine stages that were released from a
15 hatchery, and some of these tag losses they're called were
16 recovered in oiled areas and some in unoiled areas. Those
17 that were recovered in oil -- oiled areas have a lower growth
18 rate than those recovered in unoiled areas. Some of those
19 fish subsequently migrated out to the Gulf of Alaska, grew up,
20 came back last year. The data is just available now on the
21 returns from last season, and we see that there is a
22 significant effect. And again I apologize for the weak
23 drawing -- labelling on the axis, but there's a relationship
24 between growth rate and the number of -- of surviving
25 returning pink salmon here. This has been I guess based on --

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on these tags. And you can see that those that grew --
1 hopefully you can see those that grew slower didn't survive
2 as well.

3 So it's -- this is one indication of a potential
4 effect on the population. However, preliminary data as I
5 understand from Sam Sharp, my conversations with Sam Sharp,
6 preliminary data on the comparison of survival rates and pink
7 salmon coming back to weired streams in oil areas and unoiled
8 areas, I think there's three of each, indicates that the
9 survival rate -- at least the preliminary analysis indicates
10 the survival rate aren't different between those streams. So
11 you can draw what conclusions you might make on the -- on that
12 basis, what the effect might be on the population of pink
13 salmon. In my view, we don't yet have a really sustained,
14 demonstrated effect on the population of adult pink salmon.
15 We have that early life stage history of injury that is
16 continuing.

17 And this graph shows in '91 that -- the very large
18 difference between oiled streams and mortality, that's about
19 0.5 there. That's about half of the eggs. In the highest tide
20 zone, this is the lowest tide zone where they spawn. Must
21 be larger than in the unoiled streams, and this is based on a
22 large number of streams.

23 The curious thing was that we've got a greater effect
24 apparent in this year than we do in '89 and -- and in '90, so
25 we don't -- I don't we really understand this yet. There some

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hypothesis that are -- we're dealing with on this.

1 Let's turn now to two species that were studied
2 together: the dolly varden and cutthroat trout. They were
3 studied on the eastern side here in a couple locations and --
4 and in the western side. I won't dwell on the locations.

5 Work done by Kelly Heppler and the spill workers at
6 the Alaska Department of Fish and Game. This is a dolly
7 varden. That's a cutthroat trout.

8 Pre-spill population data, not too much available in a
9 great deal of detail. Not as much as we'd like anyhow to --
10 to make these kind of comparisons.

11 The immediate impact was there was a poor survival of
12 both species in oiled areas compared to unoiled areas in '89
13 and '90. This is contrasting oiled streams and unoiled
14 streams. The cutthroat trout data indicate that the growth
15 was also effected, and these are based on tagging and returns
16 between '89 and '90 and again in '90 and '91. And we know the
17 dolly varden from other studies that we've done with troll- --
18 trolling and -- and analysis of fishes that the hydrocarbon
19 metabolites that are evident in bile were highest -- were very
20 high in this species in '89; however they did decrease
21 dramatically in 1990, although the injury is still with us.
22 The apparent injury is still with us. So based on a
23 definition of injury, we don't really know that there's been
24 recovery evident.

25 Let's turn now to the more ecosystem oriented types of

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studies, in particular the -- the coastal habitat, near stidal
1 (ph) -- near tidal studies. First of all, these are carried
2 out over extensive areas of the spill area. This is one
3 worker in the intertidal zone at a low -- at a low tide
4 measuring the density of animals and plants with a quadrack
5 device. This is a close up to show you some of the organism,
6 the barnacles and fucus that's evident in this, the rock weed
7 at the top. Both of these species were affected by the spill.

8 There's a set-aside area. I think -- believe that's
9 in Herring Bay, an oiled area where it was not cleaned.

10 Again, there's little pre-spill data on intertidal
11 communities in -- in the spill zone, and the design therefore
12 that was used in the study comparing the unoiled versus the
13 oiled areas, and the -- to summarize very briefly. The
14 impacts, and -- and still -- I'd like to emphasize we do not
15 have a complete set of results from this study yet.

16 We only have a complete or a near complete set of
17 results from the sheltered rocky type of environment. This is
18 a rocky beach that is somewhat sheltered. It's not open to
19 complete heavy wave action. And in this type of sheltered,
20 rocky area we have a lower production of vegetation in the
21 supertidal zone, and that -- that result in fact may a little
22 wider than just a sheltered rocky, but if we look at the

23 There was a big effect on fucus, the second point
24 there. The -- the numbers, the biomass, the condition and the
25 reproductive potential of fucus was depressed in the oiled

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1 areas. These areas got heavily oiled and vigorously cleaned,
2 and -- and there was -- there was a big impact.

3 You've got lower densities of barnacles, mussels,
4 limpets, and amphipods and some other organized, and
5 experimental work that's been done in Herring Bay for the last
6 two years indicates a retarded settlement of barnacles and
7 limpets on rocks in oiled areas.

8 There is some recovery occurring. And anybody that
9 goes out and looks at these zones can see some recovery, but
10 they're still not fully recovered, especially in the upper
11 part of the tide zone, and it may be related to the re-
12 establishment of the fucus canopy there.

13 This is an up-close shot of a mussel bed. Jeep, are
14 you here?

15 MR. J. RICE: Yes.

16 DR. SPIES: Help me out. I just put this
17 slide in there. I haven't ever looked at it on a screen, Jeep
18 gave it to me this morning. Is this -- is this the oil pocket
19 of -- in -- within the mussel bed?

20 MR. J. RICE: Yeah, it is. There's -- there's
21 -- the hole there is mussels that have been removed and on
22 the surface the mussels look more or less like other mussels,
23 but basically that's oil has pooled the hole where the mussels
24 have been removed.

25 DR. SPIES: Right.

MR. J. RICE: And the oil is bleeding out from

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the underlying substrata.

1 DR. SPIES: All right. The important part
2 here is that the -- the mussel beds were not cleaned during
3 the spill. They were set aside, because there was worry that
4 if you got all the mussel -- rid of all the mussel beds you'd
5 be essentially eliminating the food for a lot of animals to
6 feed in the intertidal, so left them in. Now we think maybe
7 there's been an effect of these oiled mussel beds on things
8 like harlequin ducks and sea otters and other things, and we'd
9 like to evaluate that, and I think that would be a very good
10 type of study to do, to understand whether we need to -- to go
11 in and make some further changes, but I think it has to be
12 done with great deal of caution as far as any alteration of
13 existing communities out there.

14 There's a close-up of that oiled mussel bed again,
15 inter- -- intertidal zone. A lot of sheening still on the
16 rocks.

17 I'd turn now for -- to the subtidal studies. A
18 variety of different studies that were carried out, and just
19 to give you a few highlights. This is a diver in an eelgrass
20 bed, a subtidal bed that occurs around the zero tide mark in
21 areas of Prince William Sound, and there has been injuries,
22 apparent injuries found here. In other words, contrast
23 between oiled and unoiled areas have indicated that the --
24 there's -- first of all, there's -- there's a lower density of
25 these plants, not a great reduction, but a (indiscernible,

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coughing) lower density of these plants in the oiled areas

1 versus the unoiled areas, and also there's fewer of these
2 guys, which is a crab called telemesis, fewer of those found.

3 There's a reduction in amphipods, these are little
4 beach hoppers. Amphipods are well known from other oil spills
5 in the past to be sensitive to oil. We did work around
6 natural petroleum seeps in Santa Barbara and found out that
7 these animals are pretty much depleted. Certain kinds of them
8 were depleted in early sediments.

9 Again, very little pre-spill population and community
10 data on subtidal areas, and most of the impact has -- that has
11 been apparent has been associated with eelgrass beds, and it's
12 not known yet if there's been recovery. The only data that's
13 been analyzed in any detail are those from the 1990 field
14 season.

15 What I'd like to do now for the benefit of the -- of
16 the Trustees and the public that's here is -- is to -- and
17 others -- I hope this is of some help to you. What I've
18 tried to do is -- is give some relative to the injuries seen
19 in different resources and species here. And if you look at
20 the top, what I've -- I've broken down some injuries, category
21 injuries of sublethal, and this would be kind of a passing
22 sublethal effect; effect on eggs and larvae and -- and the
23 reproduction of species, perhaps a little bit more serious; a
24 chronic sublethal effect, even more serious, and -- and we're
25 kind of moving in that way, in the direction of more serious

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injury. If we have an adult loss, we've got a fair number of
 1 carcasses or something indicating there's an adult loss,
 2 that's a little bit more serious injury perhaps. This is one
 3 way to look at this thing again. And a significant population
 4 decline has been picked up by census would be probably a
 5 further indication of more serious injury. And finally if we
 6 have a chronic population decline, it doesn't seem to be
 7 reversing or -- or -- then that is the most serious injury of
 8 all.

9 And you can play your various restoration scenarios
 10 into this, but I think it's important to -- to understand some
 11 -- some of the relative weights that we might give to these
 12 species.

13 The sea otters, for instance, are a qualifier for most
 14 of these categories. And we do have chronic population
 15 declines.

16 Again, with the murrets we have the same thing, chronic
 17 population declines.

18 And with the killer whales, we have a significant
 19 population decline. Whether that's caused by oil is a matter
 20 of perhaps argument. There is a -- some indication of
 21 reversal in the killer whales.

22 With the eagles we have an effect on reproduction. We
 23 have adult loss. We don't know if there's a significant --
 24 there hasn't been any indication of significant population
 25 decline by the methods we use. Again there's uncertainty

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associated with eagle populations in the future.

1 Harlequin ducks, sublethal reproductive effects.
2 Probably chronic sublethal. There's been some adult loss
3 here. This -- this should be actually filled in. Whether a
4 significant population decline, is somewhat questionable. The
5 data is a little bit shaky.

6 With herring we've got a sublethal effect. We've got
7 an effect on eggs and larvae, reproductive effect. There's a
8 chronic sublethal effect apparent in the contrasts that we're
9 making. However we have not seen either an indication of
10 adult loss, significant population decline or chronic --
11 chronic population decline.

12 Sockeye salmon, and I apologize for not -- I had to
13 take the slide out of sockeye salmon, because I said some no-
14 nos on it and I skipped it in my mind. Let me just stop here
15 for a minute and describe very briefly the injury in sockeye
16 salmon.

17 There was essentially a closure of fishery in '89 in
18 the upper Cook Inlet. Because of this, the escapement goal of
19 about 600,000 fish in the Kenai River was exceeded, and it was
20 about double that number, about 1.5 million. And the results
21 of that on top of some earlier large escapements to that
22 system in the prior two years was that there has been a
23 drastic reduction in the number of smolt that are migrating
24 out to sea from the rearing areas in the Skilak and -- and
25 Kenai Lake, and this may well have a pretty drastic effect on

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1 the -- on the return in '94 or '95. So we have then sort of
2 an early life history and perhaps some kind of chronic effect
3 on -- on the population here. Again, it's kind of hard with
4 the sockeye salmon, because it was a special case, to -- to
5 fit it into this kind of dimension and this scheme. But I
6 made an attempt anyhow.

7 With the supratidal plants, we have a significant
8 adult loss and a loss of production.

9 Near tidal communities, again limited only to
10 sheltered rocky shores, we have some indications in some
11 species, I didn't talk about it, but a reproductive larval
12 effects, some chronic sublethal effects and some adult loss,
13 but some indications of recovery have certainly started at
14 least in the lower tide zone.

15 In the subtidal communities, the -- the injury's
16 mainly in the eelgrass bed and we're having indications of
17 adult loss and some perhaps chronic sublethal effects.

18 So it -- I hope that this -- this kind of analysis is
19 -- is useful in -- in making some interpretations about the
20 importance of the injury as we move into consideration of the
21 -- the restoration projects.

22 That concludes my comments, and I'd certainly take any
23 questions.

24 MR. PENNOYER: Questions for Dr. Spies?
25 Mr. Barton?

MR. BARTON: How do you -- what was the

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distinction between chronic population decline and significant
1 population decline?

2 DR. SPIES: Chronic would be one -- one that's
3 persistent for more than a year or two. As of -- as of this
4 date, the sea otter population is down, and there's no
5 indication that -- that we're replacing that loss that
6 occurred during the spill.

7 MR. PENNOYER: Other questions for Dr. Spies?
8 Mr. Sandor?

9 MR. SANDOR: Dr. Spies, how do you deal with
10 these situations where there have been multiple causes to the
11 problems, like the -- the over-escapement one? And is it
12 possible to quantify, or will it be possible to quantify the
13 extent of damage?

14 DR. SPIES: I think it's -- in that case
15 according to our experts, it's going to be hard to -- to do
16 any kind of division of the injury. It -- it could -- well,
17 it probably is a cumulative effect of several years of over-
18 escapement, and I think in legal -- if you look at it from a
19 legal point of view, it -- I guess there's an argument, an
20 analogy about it. If you're going around hitting people on
21 the head with a hammer, and if they've got thick, normal
22 skulls, you don't kill them. But you happen to run across one
23 guy that's got a thin skull and you kill them, then you're at
24 fault, because you gave less than lethal blow to most things,
25 but you -- it's kind of the straw that broke the camels back

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concept.

1 MR. PENNOYER: Yes?

2 MR. SANDOR: Well, there's a lot of questions.

3 I -- I guess I would ask -- on killer whales, what -- you --
4 you indicated some perhaps other causes as well of -- of
5 declines. What might be done in -- to restore or to -- to
6 correct this damage of killer whales?

7 DR. SPIES: Well, leave them alone. Let them
8 reproduce and -- I can't

9 MR. SANDOR: And then

10 DR. SPIES: I can't think of a lot that would
11 be done for killer whales. Maybe better -- get a little bit
12 better knowledge of their -- of how they use the habitat,
13 where they go in the Gulf of Alaska and so forth may be
14 helpful to some extent.

15 MR. SANDOR: I -- I guess a final question.
16 Have -- have you seen this list of proposed studies or had a
17 change to evaluate them? Why I ask that question,
18 Mr. Chairman, is I'd be very comfort- -- comforting to know
19 that -- and -- and be willing to support those projects which
20 the chief scientist concludes, you know, have cause to direct
21 damage and -- and merit -- merit support, and I just wonder to
22 what extent you have had a chance to see those?

23 DR. SPIES: Yeah. I've spent some time in
24 several -- in several meetings probably over the last couple
25 months, and I'm aware of most of -- of the proposals, could

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(ph) comment on them individually.

1 MR. PENNOYER: Other questions for Dr. Spies?
2 Carl?

3 MR. ROSIER: Yes. You mentioned on the pink
4 salmon situation that there were some hypothesis about the --
5 the chronic continuing effects. What -- what do you mean?
6 What -- what kind of information is there?

7 DR. SPIES: Well, I -- I don't really know
8 what level of comfort the attorneys have here with me talking
9 about this stuff. There's some ideas about -- I mean, it's --
10 it's obviously, as far as we could tell, related to oil.
11 Exactly why those are happening, what the exact mechanism is
12 -- is difficult to say right now.

13 MR. ROSIER: But there is something there?

14 DR. SPIES: It's just based -- it's based on a
15 number of oiled and a large number of unoiled streams and the
16 contrast.

17 MR. ROSIER: Thank you.

18 MR. PENNOYER: Further questions? Okay.
19 Then, Stan, are you next? Can you finish? Dave?

20 MR. GIBBONS: Yeah, we need to -- I'm sure as
21 -- as the Trustee Council is aware, we need to move on, but,
22 Steve, can you do it in several minutes?

23 MR. PENNOYER: Well, I don't want to shut him
24 off. I think the restoration planning and how it fits into
25 this process is extremely important, but certainly we

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encourage you to not wander. Not that you would.

1 MR. SENNER: I'm doing this at the suggestion
2 of Dave and the Restoration Team, so this will be real short.
3 The -- I guess Mark's going to put up the overhead that he
4 used before. I just want to note that Mr. Sandor before
5 conferred on me a doctor's degree that I -- I don't have. I
6 seek neither the

7 MR. SANDOR: The Trustee Council

8 MR. SENNER: benefits nor burdens
9 associated with -- with that degree.

10 (Laughter)

11 MR. PENNOYER: I've been taking them away from
12 people right along, so go ahead.

13 MR. BARTON: We just awarded you one.

14 MR. SENNER: But I -- I have a master's degree
15 from the University of Alaska Fairbanks, so

16 Very briefly, the -- I think there's perhaps the
17 notion that restoration planning here, the box between damage
18 assessment and implementation is sort of a black box, and that
19 people don't understand what's inside it. And really the
20 purpose of restoration planning and the role of the
21 restoration planning subgroup is to take this information
22 we've got from Bob Spies on damages and from our -- our
23 agencies' principal investigators, that that information and
24 try in some common sense, logical, systematic, objective way,
25 arrive at a blueprint for a restoration implementation

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1 program, and the charge that we set out with three years ago
2 and two years ago when restoration planning formally began is
3 to restore the -- the injuries, and I don't see that that
4 charge has -- has changed. And to put the house back
5 together, we need a blueprint, and that's what restoration
6 planning does.

7 So we -- we take information on damages and we
8 integrate that with the recommendations that come from the
9 public and the recommendations and expertise from our own
10 agencies and technical experts.

11 The -- in its basic form, the process is real simple.
12 We ask what was injured, what are the life history
13 characteristics of that organism, that resource, what are the
14 opportunities we have to restore it? We try and get all of
15 those opportunities on the table, and then we apply criteria
16 that you will be acting on and -- and the public will be
17 commenting on, and out of that comes a recommendation.

18 The primary vehicles for doing this over this next
19 year, and this is really the critical time in restoration
20 planning, are this restoration framework document that hear
21 about and a plan. And I just want to briefly characterize
22 those -- those in case there's uncertainty about what they
23 really are.

24 The framework is that the -- the document that
25 initiates the substance of public participation. We'd like
to tell the public, "this is what's in the settlement. This

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is what was injured. This is the structure and process that's
1 been set up to respond.

2 And then lastly and -- and perhaps most importantly is
3 over the last two years we have received hundreds of
4 suggestions from the public and from technical experts in our
5 agencies about different actions that can be taken for
6 restoration. We want to distill those down to several basic
7 approaches and then a number of -- of options or concepts that
8 can be considered to respond to the injuries. There will be
9 probably 50 to 70 of those options that are laid out under the
10 heading of -- of several broad approaches.

11 With public input and policy decisions that the
12 Trustee Council will make, those will then be reformulated in
13 a restoration plan. And what that restoration plan really
14 will enable us to do is rather than say "here are your -- here
15 are the options, and they're all of equal benefit or equal
16 weight," we'll be able to take the priorities and the policy
17 decisions so the public can view and say, "here's -- here's a
18 mix of options that we think provide the most cost effective,
19 biologically defensible way to proceed." And we'll get, of
20 course, another round of public comment on that draft
21 restoration plan, and then ultimately have a final.

22 The final document gets implemented and updated on an
23 annual basis through the work plan.

24 I'm not getting into NEPA questions and other things,
25 but that needs to be integrated into this whole process.

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So, Mr. Sandor, you particularly raised a question
1 about the land/habitat type questions, and the -- the process
2 which I think Ken Rice started to discuss last night is again
3 pretty straight forward. We need to know what are the
4 universe of lands, both public and privately owned that bear
5 on the recovery of injured species or resources and services?
6 We -- Bob Spies didn't talk about injured services this
7 morning, but that -- they're very much an issue here. We need
8 to know what the universe is that -- that bears on -- on
9 recovery.

10 We then need to evaluation, well, how strong are those
11 link- -- linkages? How do they really relate to the recovery
12 of -- of injured resources? And we need to explore the
13 options. Is fee simple acquisition appropriate? Does an
14 agency perhaps need to fine tune its management practices on
15 lands it already owns? Are there cooperative management
16 projects that are possibilities? Various acquisition
17 opportunities that are less than fee simple title, easements
18 is an example.

19 That level of detail and discussion of those specifics
20 is going to come through the restoration plan, not in this
21 framework document so much, but in the restoration plan. And
22 it is very much of a long-term, sort of systematic exercise
23 so that we don't make rushed decisions, imprudent decisions
24 that we'll regret later on. By long term, I don't mean ten
25 years. I'm talking two to three-year kind of exercise here.

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Now, one real important caveat though is that there is
1 very clearly interest in some areas that -- that the public
2 and others believe are very much a part of restoration for
3 which decisions are going to be made that might change the
4 land uses there, that might bear on the recovery of injured
5 species and other resources.

6 The notion has been put forward of -- of buying
7 options, buying time that would enable us to look at these
8 properties in the more deliberative context, and not rush into
9 decisions there one way or the other. That's something the
10 Trustees are going to have to consider.

11 Ken Rice's document that he prepared yesterday did
12 have a timeline that would enable some fast track
13 considerations of those kind of questions this -- this spring,
14 some sort of timely -- give you a process within a time frame
15 that is responsive to the public interest in that area.

16 So the habitat stuff is long term. It is a long-term
17 process, but we can have a fast track component that puts some
18 things on your table more quickly.

19 Mark or Ken, do you want to add to -- to any of that?

20 MR. BRODERSON: Mr. Chairman?

21 MR. PENNOYER: Go ahead.

22 MR. BRODERSON: Yeah, I would like to add
23 just a little tiny bit to that. Basically I think what we're
24 trying to do here is make sure that we're in a position to
25 spend the money just as wisely as we possibly can and not get

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panicked into doing something that two or three years down
1 the road we'll regret, find out we wished to spend the money
2 somewhere else. We really would like to do this in a -- in a
3 reasoned approach. I see moratoriums that have been suggested
4 as one possible way to buy us the time basically to go through
5 to make this reasoned approach. At the same time end up
6 having value for the money we spend now at -- at the end of
7 the moratorium period. I think that's really the direction we
8 should be looking at going at this present time.

9 MR. PENNOYER: Thank you. Ken?

10 MR. K. RICE: As we discussed yesterday, there
11 are a small suite of studies that we'll be evaluating later on
12 that are linked to any land or habitat protection. What we
13 need to be aware is that depending on the level of decision or
14 at least the confidence in -- that we want in linking those
15 injured resources to any upland habitat will depend on -- on
16 how much money we want to spend on getting that information.
17 It's not a short-term thing. We can't have answers this
18 summer, for example. It may take two or three years as Stan
19 had suggested.

20 MR. SENNER: And -- and that's the need to at
21 least consider whether you want some sort of interim measures.
22 So

23 MR. SANDOR: What -- this addresses the -- the
24 question I have, but not completely. On restoration planning,
25 it would seem to be what I heard you say was that habitat,

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1 evaluations of data at that point, and in that restoration
2 planning process, that critical habitat is identified, and
3 then it's the critical habitat acquisition, protection of
4 various forms that takes place, and so I assume we -- we add
5 or include in that restoration planning process that -- that
6 element. I'm concerned about the sense of urgency or time
7 that's involved, but perhaps it's -- it's also a question of
8 what you call implementation, restoration implementation
9 versus planning, but what I heard you say is that in fact that
10 acqui- -- that -- that habitat evaluation actually takes place
11 in the -- in that earlier planning process

11 MR. SENNER: Yes, but

12 MR. SANDOR: and is now under way?

13 MR. SENNER: That -- that's right, in -- in --
14 certainly in its initial stages, it is underway and we are
15 getting information about habitats in a number of forms.
16 There are essentially nominations from the public, there are
17 proposals from land owners, there are our own agencies
18 evaluations of what habitats are important, and then lastly
19 Ken mentioned some of the studies that -- that would gather
20 additional habitat information.

21 All of those need to -- the results of all of those
22 need to get integrated in a restoration planning exercise that
23 would then move us to that implementation stage. And -- and
24 under that heading of habitat acquisition and protection
25 projects, that can cover a multitude of -- of things, whether

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it's again an agency perhaps adjusting its own management
1 practices, entering into a cooperative agreement, easements,
2 fee simple acquisition. All of that would come under that
3 heading.

4 MR. PENNOYER: Mr. Barton?

5 MR. BARTON: I -- I assume we're going to have
6 a fuller discussion of this project this afternoon as we go
7 through the studies?

8 MR. SENNER: On the specific habitat ones,
9 yes, sir.

10 MR. PENNOYER: Mr. McVee?

11 MR. McVEE: Yeah. Mr. Chairman, I guess I
12 concur, you know, that we -- we would proceed, you know,
13 expeditiously, but also fairly deliberately, and whether we
14 can do those two at the same time is -- is maybe a problem,
15 but -- well, from the standpoint of the Trustee Council, I --
16 I think that we need to establish our policies relative to the
17 acquisition program, and -- and with some well thought out
18 criteria before, you know, we ask for nominations. Otherwise
19 it seems to me like the -- the public, those folks out there
20 that have proposals may -- may have expectations that won't be
21 fulfilled, so it seems like as quick as possible that we --
22 we should develop these policies, and -- and I guess that my
23 thought is that one of the policies should be to -- to tie
24 back or establish a direct relationship between damaged
25 species and service and the -- and the oil spill impacts. And

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then you -- you go on from that point to identifying the
1 upland components and habitat requirements for those damaged
2 species and -- but a very systematic kind of process.

3 And then also there are several steps I think, and you
4 outlined some of those that can go through and -- we can to
5 through in terms of -- of applying a program, or developing a
6 program.

7 MR. SENNER: Mr. McVee, just to note that in
8 the timeline that Ken Rice prepared yesterday, one of the very
9 first steps was to focus on those objectives and criteria
10 before -- and provide those to the public.

11 MR. COLE: Mr. Chairman?

12 MR. PENNOYER: Mr. Cole?

13 MR. COLE: Thank you, Mr. Chairman,
14 Mr. Senner, to help my thinking in evaluating the magnitude of
15 this exercise, how many acres in the oil spill affected area,
16 not simply Prince William Sound, but this vast area affected
17 by the spill, how many acres are within that area that we
18 must evaluate in your view or in the -- in the view of
19 Mr. Rice?

20 MR. SENNER: I'd be hard pressed to give you
21 that -- that actual acreage. What's the -- just for
22 comparison, what's the Chugach Forest acreage?

23 MR. K. RICE: The whole forest is around four
24 and a half million acres. I think Prince William Sound we
25 could say -- say three, three and a half million acres of --

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of private and public lands within that. When you include
1 Afognak, the Alaska Peninsula, all of that, I guess 16 million
2 acres just off the top of my head.

3 MR. SENNER: The -- I think if you boil that
4 down though, Mr. Cole, to the -- if you just want to talk for
5 the moment of -- of what's in private ownership, because
6 there's all the -- the consideration of acquisition, the
7 acreage that has some relevance to oil spill injury in my mind
8 can't be more than hundreds of thousands of acres. We're not
9 talking, you know, multi-millions of acres when you boil it
10 down to that universe. And -- and I would not stand here and
11 even remotely suggest that you'll want to acquire every acre
12 of -- of that habitat (ph).

13 MR. COLE: I'm just trying to get an idea of
14 what -- it -- it must be that a lot of this habitat that we
15 wish to protect is also in public ownership, is that what
16 you've said?

17 MR. SENNER: Certainly some of it is.

18 MR. COLE: And would you say we would have to
19 evaluate the strength of the publicly owned habitat at the
20 same time we consider the acquisition of private hab- --
21 privately owned habitat. But I -- I have -- have a sense that
22 we would evaluate

23 MR. SENNER: I think

24 MR. COLE: you know, what's really most
25 important.

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MR. SENNER: I think that's only fair that we
1 would look at our own house so to speak before we look at that
2 -- beyond that, and that -- that needs to happen concurrently,
3 and I don't -- we're not going to get into a situation where
4 the -- I would not envision a situation where the Trustee
5 Council tells an agency how to manage it's own land, but
6 certainly we may be able to recommend some -- some changes in
7 management actions that would be beneficial.

8 MR. COLE: Thank you.

9 MR. PENNOYER: Mr. McVee.

10 MR. McVEE: Mr. Chairman? Yes, in -- you
11 know, in looking at private lands and acquisition of private
12 lands though, there's a hierarchy of protective measures
13 starting maybe with -- as Stan had mentioned, with management
14 agreements going on, you know, down through -- through
15 numerous alternatives to fee acquisition. But it seems like
16 one thing that needs to be considered is that -- that the --
17 the reason for proceeding with an analysis of some form of
18 protection is that there -- there is a threat or that public
19 ownership, it will secure faster recovery of a damaged
20 species. And I think we need to recognize in this process
21 that if those -- those activities on private lands are -- are
22 regulated by a whole series of -- of laws and if those are
23 inadequate to cover, then we need to take some action. If
24 they are adequate to cover, maybe then we don't need -- need
25 to, but, you know, the Clean Water Act, Forest Practices Act,

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the Migratory Bird Treaty Act, Coastal Zone Management and so
1 on, but -- that protect or apply to -- to the private lands.

2 MR. SENNER: I can -- I can give you an
3 example of that if it would be helpful. Bob Spies talked
4 about the harlequin duck, they nest along anadromous streams.
5 However, the State Forest Practices Act was intended -- the
6 protections there are intended to protect the salmon, not
7 things like harlequin ducks, and if our own work indicates,
8 for example, that harlequins nest say 100 feet from streams
9 rather than within 66 feet, well, then you have a situation
10 here one might want to look at some additional protection for
11 harlequin ducks. That's the kind of thought process that one
12 would need to go through.

13 Although I would say, Mr. McVee, I do not envision
14 that protection or acquisition of land in itself accelerates
15 the recovery of an injured species. It -- it may prevent
16 changes which could further slow the recovery of an injured
17 species, but it's hard to envision it actually can make it go
18 faster. I mean, Mother Nature moves as -- at its own pace,
19 and the best thing we can do is just to make that possible.

20 MR. K. RICE: Mr. Chairman?

21 MR. PENNOYER: Yes, Mr. Rice?

22 MR. K. RICE: The answer -- just to expound a
23 little bit on -- on Mr. McVee's statement, the Federal
24 Register notice that we had in March 1 of 1991 did as one of
25 its components outline a requirement that we would look at

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existing law and regulation and policy as -- and how it
1 related to the recovery and -- and barring the Trustee Council
2 giving us different instructions, we would continue to follow
3 the step outlined in the Federal Register Notice.

4 MR. PENNOYER: Further questions of
5 Mr. Senner?

6 It's now five after 12. How long a lunch break would
7 you like? We felt yesterday we did not need an hour and a
8 half. Can we be back by one o'clock?

9 MR. COLE: Make it 1:15.

10 MR. PENNOYER: We'll try and convene back here
11 at 1:00 o'clock. Thank you.

12 (Off record)

13 (On record)

14 MR. PENNOYER: I think we'll go ahead and get
15 started now if we could. We've got a long ways to go this
16 afternoon. We have a teleconference scheduled for five.
17 Maybe after we get people in line, if we've still got a few
18 things left to do, we'll go ahead and -- and finish them.
19 We'll cross that bridge when we come to it, but right -- for
20 right now the job in front of us to look at the '92 work plan
21 as presented to us by the Restoration Team, and hopefully Dave
22 Gibbons can take us through this package in a reasonable
23 period of time.

24 MR. MONTAGUE: Mr. Chairman, it probably would
25 be worthwhile to describe the make-up of the book, and it

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makes it a lot easier for you all to follow through.

1 MR. PENNOYER: You can lead us through any way
2 you think you've got to take it.

3 MR. MONTAGUE: And it's set up in -- in three
4 levels of information. The first is a three-page table that
5 just has a brief title of the project and the cost, and -- and
6 all the other infor- -- all the rest of the information is in
7 that same order as that first three-page table.

8 The next table is quite a bit longer. It has the full
9 title, the cost and five or ten lines that describe why they
10 need to do the project and what it's going to do.

11 And following that is another section of the same
12 projects in the same order that gives a full-page description
13 of what they're doing and the detailed budgets which are in
14 order from one to 20 pages.

15 And for ease of keeping track, it might be a good idea
16 to -- to take out the three-page summary at the beginning and
17 set it in front of you and then follow the projects by the
18 second table, which is the summary table. It has the ten-line
19 description.

20 MR. PENNOYER: Commissioner Sandor?

21 MR. SANDOR: I'd like to, Mr. Chairman, with
22 your approval, I'd like to talk a little bit about the process
23 or clarify a point or two about the process itself. I'm aware
24 the restoration team has done a tremendous amount of work in
25 putting a great deal of -- of information together in a

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relatively short period time, and I'm -- and I'm also aware
1 that we're running out of time with respect to the necessity
2 of planning for our 1992 program of work. And reflecting on
3 Dr. Spies excellent presentation and the fact that he -- while
4 he's been involved in some of the processes that have led up
5 to the definition of these specific projects, that he has not
6 yet had the opportunity to or given a direction to
7 specifically review, suggest modifications in specific
8 projects and to endorse or not endorse such projects. So --
9 so I'd like to suggest that -- that maybe before we go through
10 these projects on a one-by-one basis, that we looked at that
11 question and to put this issue on the table.

12 I -- I'd like to actually move that -- that our
13 meeting today, this afternoon be focused on these damage
14 assessment projects and the critical other projects that must
15 be undertaken this -- as quickly as possible, that are -- that
16 are time critical, and that we direct that each of these
17 projects be submitted to Dr. Spies for formal review and that
18 those that are endorsed, and only those projects that are
19 endorsed by the -- our chief scientist be actually forwarded
20 for public comment and presented back to -- to the Trustee
21 Council for -- for action, but to give the Restoration Team
22 the direction that they need to get a 1992 work program
23 underway. I would move that we, one, focus on the damage
24 assessment projects, the critical other projects that need to
25 be dealt with this year, and that in every case no projects be

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gone forward either to the public or be brought back to the
1 Council without the specific endorsement of -- of our chief
2 scientist.

3 MR. PENNOYER: Second? Any discussion?

4 MR. McVEE: I'll -- I'll second the motion.
5 Mr. Chairman, if I may comment? Yes. John, what -- what
6 were you thinking in terms of critical? Would that be those
7 projects where field work, for example, would have to be
8 initiated, be- -- say, before the 1st of May or -- or, you
9 know, as -- do you -- do you have a date in mind? You know,
10 I know that -- that Interior has a number of projects that --
11 that need to get rolling right now. I guess, you know, a
12 half dozen or eight, something like that, because of the --
13 the activities that are involved in the -- and -- and the
14 resources that are involved, but were you thinking that we'd -
15 - we'd look at and get a sign-off on the -- on the close out
16 and then on -- on these projects that we'd want to start, we
17 have to get started in the field before the first of May,
18 or?

19 MR. SANDOR: Yes, Mr. Chairman. I think the
20 definition of a critical project would be those that each of
21 the -- any of the agencies might identify as being critical,
22 and -- and, of course, not that the Restoration Team, but the
23 -- the point is, the green light would -- would come on only
24 with that designation, and more importantly still, endorsement
25 of the chief scientist.

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MR. COLE: Mr. Chairman?

1 MR. PENNOYER: Mr. Cole?

2 MR. COLE: Could we have an expression from
3 the chief scientist as to how long it would take him to review
4 these proposed projects and give us his recommendation on
5 them? I have in mind that if you could do that, you know,
6 fairly soon, we could schedule another meeting in two weeks,
7 ten day, whatever he may reasonably require, if that turns out
8 to be feasible.

9 MR. PENNOYER: Bob, before you do that,
10 perhaps, Dave Gibbons, do you want to comment on the
11 involvement of peer review in the assembling of these projects
12 to start with, and how much has already occurred? Do we have
13 an indication of which ones the peer reviewers like and
14 which one -- and Dr. Spies, and which ones they didn't?
15 Additionally I'm not -- I know time critical projects have to
16 be in the field by a certain date, early date, but they're all
17 time critical in terms of getting in the field in '92 at all,
18 if we don't send it out fairly soon, so I'm not sure how all
19 the timing fits together?

20 MR. GIBBONS: Yeah, it -- excuse me. In -- in
21 our initial meetings in December we had a two-week session
22 there. The appropriate peer reviewers were brought in at the
23 discussions of each one of the -- the damage assessment
24 projects, and in regard to some of the restoration projects.

25 The ones that I feel that have not had peer review are

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the restoration implementation projects, and we might have
1 some question of what kind of a review we need here. Some of
2 these projects take the form of fish ladders or -- or those
3 types of activity where we feel that we have the expertise
4 within the respective agencies to design those effectively.
5 The review might be to link -- link the injury, but not
6 perhaps the design of the project or -- or that. But we've
7 had review on -- on most of these projects.

8 The peer reviewers' comments were -- were noted in all
9 of them. I'm not quite sure what to go further than that.
10 Maybe Bob can add something to that, but they were brought in
11 during that period in December when we -- these -- these
12 initial proposals were laid on the table.

13 MR. PENNOYER: Bob, do you care to comment?

14 DR. SPIES: Yeah, as Dave said, the peer
15 reviewers were brought into -- in the Dec- -- end-of-the-year
16 meetings and were -- I've got their comments now, almost all
17 of them back on -- on the studies and -- that were submitted,
18 mainly the damage assessment studies, the -- and some input,
19 of course, on the restoration proposals as well. None of the
20 peer reviewers nor I had -- had a direct vote, of course, this
21 was -- this was decided by the -- the restoration group, and
22 so we -- we made our input and then they -- they took our
23 input into consideration before their votes.

24 MR. PENNOYER: I guess maybe Commissioner
25 Sandor's comment has to do with how many times the end (ph)

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vote (ph) was used, and which ones you saw a strong
1 disagreement with?

2 MR. SANDOR: Well, also, Mr. Chairman, whether
3 in fact the peer review comments and your comments were
4 actually endorsed by -- I -- I would feel more comfortable,
5 Mr. Chairman, if -- if we had a, quote, formal endorsement of
6 -- of the chief scientist on the project proposals that went
7 forward, tracking this along the way. One, we just want to
8 make darn sure that -- that they're -- they're scientifically
9 sound, that -- that they will -- are in fact directly related
10 to the -- to the injury from the Exxon Valdez spill and it has
11 a chance for recovery and -- I -- I don't want to go -- look
12 back at these projects in -- in the course in the midst of
13 them or at the conclusion of them and say, "Hey, they should
14 have been fine-tuned in this way," and -- and we want to take
15 full advantage of your skills. Or I want to take full
16 advantage of them.

17 MR. PENNOYER: Commissioner Sandor, is the
18 idea though that we would not take action here, and

19 MR. SANDOR: No.

20 MR. PENNOYER: that we wait for two
21 weeks to?

22 MR. SANDOR: No, the -- the action is we would
23 -- we would go forward with the -- but with the qualification
24 that only one that -- that achieved the endorsement would
25 actually be pursued. If for some reason he had second

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thoughts or -- or whatever else, we would put them on hold and
1 -- and cover them at a later meeting.

2 MR. PENNOYER: Does everybody have that
3 understanding?

4 MR. COLE: No.

5 MR. PENNOYER: Okay. Mr. Cole?

6 MR. COLE: I don't, Mr. Sandor, quite grasp
7 how you propose to do this, sir. You're suggesting that this
8 afternoon we discuss these projects item by item and -- and
9 subsequently receive the written approval of the chief
10 scientist?

11 MR. SANDOR: I would discuss only item by item
12 those -- those projects that need to be covered at this
13 meeting as opposed to the ones that -- ones that could be
14 delayed until our meeting the last week of February or
15 whenever, and also those time critical projects, and presuming
16 that it would not certainly be fair or reason for Dr. Spies to
17 be able to sign off on these projects in this short period of
18 time, that the assumption will be made that he would sign off
19 on them. But if after review the chief scientist was --
20 did not sign off on them, or suggested some modification or a
21 question, then this could be deferred. But the bottom line on
22 this is whatever comes back and whatever goes out to the
23 public should have the endorsement of the chief scientist.

24 MR. COLE: So this afternoon you would propose
25 that we receive the nominations as it were of the Restoration

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Coun- -- Team

1 MR. SANDOR: Right.

2 MR. COLE: for those projects which are
3 so critical in light of the time, and then we would deal
4 with them this afternoon as the Trustee Council and then we
5 would defer the remaining proposed projects until a later
6 meeting this month or early in March?

7 MR. SANDOR: Right.

8 MR. COLE: Mr. Chairman, could we ask the
9 chief scientist if in his view that's feasible?

10 MR. PENNOYER: Dr. Spies?

11 DR. SPIES: Yes.

12 MR. COLE: Thank you.

13 MR. PENNOYER: Mr. Sandor, Mr. Gibbons, could
14 I ask for a clarification then of what time critical is?
15 There are two types of time critical here. In the
16 presentation to us by the Restoration Team there were time
17 critical projects that had to go in the field or have some
18 funding put into them in the very near future, but to get in
19 place for '92, they're sort of all time critical to get them
20 out in this plan -- implementation plan cycle. The ones that
21 are not time critical are those I suppose that are totally
22 optional and are not dependent upon being done in '92. Are
23 you referring to the ones that have to have an early start-up,
24 or you're referring to time critical ones being those that
25 have to be done in '92.

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MR. SANDOR: Do you want to go first?

1 MR. GIBBONS: Yeah. I -- I think the
2 restoration team discussed this earlier in the week, and we
3 felt that the time critical definition was in response to the
4 near term, the March/April/May work with a caveat that if --
5 if the work was going to go on in June and July perhaps that
6 the contracting for that work may have to start before. You
7 -- you've got a time period for -- for boat contracting and
8 that, and so that would -- that would play into the critical
9 portion.

10 MR. SANDOR: That -- and that would be fine,
11 and if one of the Trustees or one of the agencies felt that
12 something had been overlooked, they could add that.

13 MR. COLE: Mr. Chairman?

14 MR. PENNOYER: Mr. Cole?

15 MR. COLE: Thank you. I -- I mean, I still
16 remain troubled. What do we have that's so crucial it cannot
17 wait two weeks? That -- I mean, you know, am I missing the
18 boat or is there's something that's critical in this period
19 of time or isn't there? Just tell me if there is, and I'll
20 accept your response.

21 MR. PENNOYER: Mr. Gibbons, isn't it critical
22 in terms of preparation in time to get it out with the
23 implementation plan and put it out for public review in March?

24 MR. GIBBONS: Yeah, it's -- it's critical --
25 but some of them -- we just -- you know, some of the projects

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1 need to get out in March and if you tell them the first of
2 March, they're not going to make it. It's just -- I don't
3 know how else to explain.

4 But we have some other critical projects, too, that --
5 like the damage assessment close out, that if they can be
6 dealt with before the first of March, that's adequate, but if
7 they can't be dealt with before the first of March, there's
8 some penalties and -- and adverse effects.

9 MR. PENNOYER: So is the first of March kind
10 of the deadline for giving you work for preparation to get out
11 in time with the framework plan? In other words, if we
12 scheduled a meeting the last week in February, is not having
13 -- knowing for the next two weeks what's going to be in the
14 package an acceptable thing to do?

15 MR. GIBBONS: I'll defer that to some of the
16 Restoration Team members who are more familiar with their
17 projects and the -- on the time critical line. Could

18 MR. MONTAGUE: Yeah. Mr. Chairman, could I
19 have the floor for a moment? One negative thing about that is
20 that it would further limit the opportunity of the public to
21 comment on them. That would have even more projects beginning
22 -- I mean, if you're not even making this public until March
23 1st, then -- then we're losing 22 days or whatever we have if
24 we made it now. So that's one aspect of it.

25 And knowing on March 1st isn't having the money on
26 March 1st, and I think some of these contracts will even- --

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essentially unravel if they don't have approved funding for¹³⁶

1 March 1st.

2 MR. PENNOYER: Well, maybe the way to resolve
3 this is to start down the list and give us examples.

4 Mr. McVee?

5 MR. McVEE: Yeah, Mr. Chairman, yeah, that's
6 what I was going to suggest. I was going to introduce Carol
7 Gorbics, Fish and Wildlife Service, just ask her to -- to
8 illustrate through one or two of the Fish and Wildlife Service
9 projects why timing is so -- so critical.

10 MR. PENNOYER: Ms. Gorbics?

11 MR. McVEE: Carol, pick out a couple of them
12 and just very briefly tell us why you have to be in the field
13 when you do?

14 MS. GORBICS: The first one I'll talk about is
15 the boat surveys. We have a boat survey that goes out in
16 March and July. We've had -- we've done these surveys since
17 '89.

18 MR. PENNOYER: Pardon me, Carol. Where is the
19 boat survey on our list so we can identify it

20 MR. McVEE: Which project?

21 MR. PENNOYER: by number.

22 MS. GORBICS: R-13. It's -- it's the forth
23 down on your list of restoration recovery monitoring projects.

24 MR. PENNOYER: Okay. Would you go ahead?

25 MS. GORBICS: The boat surveys would go out in

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March and July. To actually make them happen in March, we're
1 -- we're at a very critical date. We're concerned that we
2 won't be able to get the staff on board even now. We would
3 have to scramble to make these in the field in March.

4 If we don't do it in March, that means a loss of data.
5 That data we would -- we would not be able to retrieve at --
6 by doing something different in April. The March is a
7 critical time frame for the birds and the otters to compare
8 with previous surveys.

9 MR. PENNOYER: Well, do you need permission to
10 go ahead, or do you need up front funding of some kind?

11 MS. GORBICS: Both.

12 MR. PENNOYER: So that would have to be part
13 of a package, for early earnest money type agreement to work
14 (ph) then? We'd have to go for that shortly?

15 MR. McVEE: Yes. Yes.

16 MR. PENNOYER: I don't know how to do this
17 except to go down through this list of projects. We could
18 talk about the generalities here for another half hour or so,
19 and I think we need to go down through the list and have
20 people identify the vagaries and what we're looking at.

21 I think Mr. Sandor has a motion on the table. I don't
22 know exactly how to deal with that motion, because I'm not
23 sure it still fits the circumstances of some of these
24 individual projects.

25 As a general principle, do we want to okay that motion

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and go forward in that vein, but realizing that some of the
1 delays may not be possible and we have to come back and
2 revisit it project by project?

3 MR. McVEE: Mr. Chairman?

4 MR. PENNOYER: Mr. McVee?

5 MR. McVEE: It seems to me like that -- that
6 we deal with the motion and it -- you know, it -- if it
7 passes, that then what we would have to do is -- is pick out
8 the -- the time critical projects and address those first.
9 Those would be our priority considerations today, other than
10 if we want to do something with the -- you know, a block, with
11 the close out projects, but that we'd have to pick out the --
12 the time critical projects, and list those and deal with them
13 one by one.

14 MR. PENNOYER: Okay. Is there any more
15 discussion on Commissioner Sandor's motion? Is there any
16 objection on that motion? Okay.

17 MR. MONTAGUE: Mr. Chair, as -- as a
18 housekeeping matter, and -- and trying to keep the budget
19 straight of what we're adding and subtracting, would there be
20 an additional charge for the chief scientist for these
21 quite extensive additional duties? It seems like there would
22 be.

23 MR. PENNOYER: Peer review doesn't come free,
24 Bob, and at some point you're going to have to tell us
25 what's involved in doing this process that we've dropped on

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you.

1 DR. SPIES: I've got more work than I can do
2 in the 60 hours a month right now anyhow, but I'm going to
3 try to get this done in a reasonable amount of time. As we
4 go through, I mean, the boat surveys, for instance, is
5 something that should probably be done. The otters, obviously
6 damage was done, (indiscernible) February, and although the
7 surveys do have their shortcomings, I think they
8 (indiscernible, coughing) ask for those things (ph). A good
9 example of (indiscernible) since the peer reviewer may

10 MR. PENNOYER: Any further discussion, or
11 shall we start down the list?

12 MR. COLE: Well, I'd still like

13 MR. PENNOYER: Mr. Cole?

14 MR. COLE: Are -- are we going down -- just so
15 I understand what we're going, we're -- we're going to go
16 down the whole list and just go down the list, is that what
17 you're doing? Just so long as I understand.

18 MR. BARTON: But to do what at this point?
19 Discuss each project going down the list or just identify
20 those that will be discussed, to make that sort of

21 MR. PENNOYER: Well, we'd go -- go down,
22 discuss each project and discuss whether they're -- how
23 they're time critical. I guess we could do that. It's going
24 to take us a while, and I think we're going to rediscuss them
25 a second time, but

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MR. SANDOR: Mr. Chairman, it was -- it --
1 it's probably more practical to do this on an exception basis,
2 and that is to go down as I think Mr. McVee identified, those
3 projects that are proposed as being time critical, and if --
4 if they are, then make the case for them.

5 MR. PENNOYER: Good. Okay. Why don't -- why
6 don't we try that? Dave?

7 MR. GIBBONS: Mr. Chair, I've got a
8 suggestion, too. I think the Restoration Team has prepared --
9 has a list of these projects which are time critical by agency
10 that we might just go down through and have each agency
11 identify those. We can tick those off and then work our way
12 right down that list.

13 MR. McVEE: There you go.

14 MR. PENNOYER: Good. Do you have such a list?

15 MR. GIBBONS: We have it by agency.

16 UNIDENTIFIED: Individually.

17 MR. PENNOYER: Do we have it or are you just
18 going to tell it to us, Mr. Gibbons?

19 MR. GIBBONS: Well, we don't have a composite
20 list. I -- what I'd just suggest is -- is to have the
21 Restoration Team member just identify those time critical
22 ones.

23 MR. PENNOYER: Okay.

24 MR. BARTON: Let's do it.

25 MR. PENNOYER: Let's do it.

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MS. BERGMANN: Mr. Chairman, Department of
1 Interior would volunteer to go ahead and start this process.

2 MR. PENNOYER: Pam, why don't you do that?

3 MS. BERGMANN: Okay. Actually I'm going to
4 let Carol Gorbics begin from Fish and Wildlife Service.

5 MR. PENNOYER: Okay. Thank you. Carol?

6 MS. GORBICS: I'm assuming that we're talking
7 about the restoration projects right now, is that correct?
8 Not close out or damage assessment continuation?

9 MR. PENNOYER: Well, I think we're talking
10 about all the projects to decide whether they're time critical
11 or not.

12 MS. GORBICS: Okay.

13 MR. MONTAGUE: Mr. Chair? Based on the fact
14 that the -- that we've always had the goal to try to finish
15 out damage assessment, We would like the Trustee Council to
16 consider damage assessment close out projects in total as
17 being time critical.

18 MR. BARTON: Is that then table one you're
19 talking about?

20 MR. GIBBONS: That's -- that's correct, it's
21 the top -- top of the table that's just titled closeout.

22 MR. MONTAGUE: No. Well, it's actually
23 table

24 MR. K. RICE: Two. Page two.

25 MR. MONTAGUE: Well, it's still table one, but

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it's page two.

1 MR. PENNOYER: So your proposal is we accept
2 that in a block rather than discuss the individual projects?

3 MR. MONTAGUE: Well, we recommend you -- if --
4 - if you wish to discuss the individual projects on their
5 merit, but to whether they're time critical or not, we would
6 like to make the assumption that they're all time critical.

7 MR. PENNOYER: Questions? Dave?

8 MR. GIBBONS: Yeah. The reasoning behind
9 that, Mr. -- Mr. Chair, is that there's two points. We -- the
10 Restoration Team felt they were critical to get information in
11 a usable form to the public, and secondly that -- to provide
12 -- provide timely information to the restoration program that
13 we're trying to build. And that's the basis for our -- for
14 our decision for considering damage assessment close out as --
15 as time critical.

16 MR. PENNOYER: So your idea to proceed then
17 with -- that we accept those as time critical, we'll put them
18 in a pile, and we are going to go through those a project at a
19 time sometime today? Okay. So we would accept those as time
20 critical, and we're going to review the individual projects.
21 Okay. Is that acceptable to everybody? We are going to come
22 back and do the list, that this is part of our list to do
23 today then?

24 MR. BARTON: Yeah.

25 MR. PENNOYER: It's listed (ph) by close out.

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MR. COLE: Is that what we're going to

1 MR. PENNOYER: So on our agenda today is this
2 total list of close out projects, correct? This is all

3 MR. COLE: Mr. Chairman?

4 MR. PENNOYER: time critical?

5 MR. COLE: How

6 MR. PENNOYER: Mr. Cole?

7 MR. COLE: I'm -- I'm really just -- how could
8 every one of those close out projects be so time critical as
9 to require immediate decision this afternoon? Are there not
10 other proposed projects which -- for which we must make
11 contracts and supply funding before March 1? I mean, that's
12 what I understand as to be the most important thing is to get
13 this underway, and -- and to defer some of the close out
14 projects until a couple weeks later. Am I missing something
15 or -- or is everything -- as I understand, that everything is
16 equally critical today? That's what I understand.

17 MS. GORBICS: Mr. Chairman, could I address
18 that to some extent?

19 MR. PENNOYER: Sure.

20 MS. GORBICS: We have staff on board that are
21 currently finishing out the oil year. It ends on February the
22 29th of this year. That -- those staff will be reassigned or
23 given other jobs or they'll go away if we don't finish the
24 process, and I think that that is another -- Dave mentioned
25 two things. I think that's a third thing that makes these

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important to consider immediately.

1 MR. MONTAGUE: If it's a goal of the Council
2 to finish damage assessment as quickly as possible and -- and
3 we understand that it is, that based on what Carol said, and I
4 -- between the contracts and the agency support, I would say
5 that most of them actually do fall into that category, that
6 all the outside contracts will end February 29th, and all the
7 staff can no longer receive funding from this process without
8 the approval of the Council on the 29th.

9 MR. PENNOYER: So maybe as we come back to the
10 individual projects, Mr. Cole, you can see whether they
11 really are or not, but at least on our agenda this afternoon,
12 we're going to start down through that list at some point.

13 So I guess the next question was of the continuation
14 projection, recovering monitoring, technical support,
15 restoration implementation, which one of those -- which of
16 those are time critical? How about the -- the damage
17 assessment continuation?

18 MS. GORBICS: On -- for Department of
19 Interior, for damage assessment continuation, we don't
20 consider those time critical. It's our GIS mapping and our
21 hydro- -- hydrocarbon analyses. Again we have the staff
22 problem that -- that we would have to address.

23 MR. PENNOYER: I'm not sure I understood that.
24 They're not time critical, but you have a staff problem?

25 MR. BARTON: I think the point is that they

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feel they have a staff problem on all these studies.

1 MS. GORBICS: Right. But these aren't
2 something that would be in the field in March where we'd have
3 a loss of data because we weren't able to get into the field.
4 They're office activities.

5 MR. MORRIS: I -- I think that -- I would
6 consider hydrocarbon analysis time critical though.

7 MR. PENNOYER: Okay.

8 MS. GORBICS: On the -- the second table,
9 called recovery monitoring,

10 MR. MONTAGUE: It probably would be good for
11 all of us to finish continuations for damage assessment, or --
12 or do you want to do it all by agency?

13 MR. PENNOYER: Well, they're different
14 categories. Why don't we go ahead and finish the continuation
15 projects, and I want if there's some reason some agency thinks
16 they're time critical and some agency doesn't, I'd like to
17 know the difference.

18 MR. MONTAGUE: Okay. For ST-5, injury to
19 shrimp, it's in two components. One of -- basically the way
20 we set this up was don't do field work in 1992 until you
21 finish damage assessment and determine the damage is there.
22 And May is the contract deadline for beginning the field
23 season if we do find injury, so the \$20,000.00 component to
24 finish damage assessment needs to be finished in the next
25 couple of months, and then the decision can be made about

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whether to proceed with the field season.

1 And we think that this project may fit into the
2 category of -- of a new post settlement injury that could --
3 could be cause to look into the re-opener clause in the
4 settlement.

5 The

6 MR. PENNOYER: So you think injury to shrimp,
7 at least in part is time critical then?

8 MR. MONTAGUE: Yes, the first 20,000. Okay.

9 Then the four -- the river otter study, the field
10 date is May 1st and the drop dead date is April 1st. Now, we
11 were originally considering time critical as the first three
12 months of the oil field, so if we're just talking about March,
13 this one wouldn't fit that category. It's April 1st, the
14 drop dead date.

15 FS-27, the drop dead date is March 15, so I would
16 consider that time critical.

17 Run reconstruction, the field season is June, the drop
18 dead date is April 1st. It could wait a few weeks.

19 And database management is an on-going support program
20 for about 22 projects, and actually needs funding beginning
21 March 1st.

22 MR. PENNOYER: Okay. NOAA?

23 MR. MORRIS: The -- we feel that the
24 hydrocarbon analysis is time critical. There's a steady
25 stream of samples that have been collected over the -- over

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three years, including field work that was conducted this past
1 summer. NOAA's been the sponsoring agency for most of the
2 other agencies' chemical analyses of materials for petroleum
3 hydrocarbons. We have a backlog of samples, plus about 1,000
4 samples for 1991 that we feel if we don't continue the
5 analysis, it will simply delay the close out of these projects
6 that -- that depend on those analysis for writing the final
7 reports. And there are -- there are a large number of
8 projects that are still awaiting full chemistry analyses. So
9 we think that should continue, starting in March.

10 In the subtidal four and all subsequent NOAA projects
11 that we have, none of them are time critical except for the
12 element of chartering vessels. We don't expect to be in the
13 field until June on any of those projects, but we need to have
14 commitment for vessel chartering at least by the first of May.

15 MR. PENNOYER: And that's ST-4 and ST-8,
16 correct?

17 MR. MORRIS: No, I'm sorry. No, ST-8 is not
18 time critical. That's an exception. I was referring to three
19 restoration projects that are -- come up later.

20 MR. PENNOYER: Yeah, if you would use the
21 numbers as you refer them in your analyses. Who else? A --
22 ADNR? GIS mapping?

23 MS. RUTHERFORD: I'm sorry.

24 MR. PENNOYER: Marty?

25 MS. RUTHERFORD: Under continuation for DNR,

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the only -- it is not -- the GIS mapping is not time critical
1 except for the -- everyone's problem with the March 1 date of
2 funding running out. So it is not -- it can wait a couple of
3 weeks.

4 MR. PENNOYER: Well, I guess one area of
5 confusion is when you say it can wait a couple of weeks, just
6 the fact that we approve it the last week in February doesn't
7 generate any money. You have to

8 UNIDENTIFIED: That's right.

9 MR. MORRIS: We could I -- I think take an
10 IOU.

11 MS. RUTHERFORD: Yeah, the -- most of the
12 agencies, I know DNR can -- can deal with it through
13 just

14 MR. PENNOYER: Reimbursement? Okay. Fine.

15 MS. RUTHERFORD: That's correct.

16 MR. PENNOYER: Thank you. Okay. Of the --
17 so that adds to our list this afternoon. We got rid of about
18 three projects out of that whole list I think. Okay.
19 Recovery monitoring? Technical support and restoration
20 implementation. Fish and Wildlife Service?

21 MS. GORBICS: Under recovery monitoring, R-6,
22 several components of the sea otter study are time critical.
23 We will actually have personnel out in the field on March
24 18th. In addition we -- we need to start contracting
25 immediately, because we have approximately a six-month lead

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time for getting radios for the radio portion of the project.

1 They need to be specially built.

2 For murrees, we need to start the contracting for the
3 boats immediately, and the personnel will be in the field --
4 R-11, the personnel will be in the field on April 30th.

5 For R-13, the boat surveys, I discussed that
6 previously.

7 MS. BERGMANN: Why don't you recap that?

8 MS. GORBICS: To recap, we would have
9 personnel in the field by March 5th. We are actually
10 concerned that we've already gone too far on that one. We --
11 we will try to pull it off if we get approval.

12 GIS hydrocarbons, again we -- we will potentially
13 lose the staff we have on board, but it's not a time critical
14 in-the-field activity. That's -- I've jumped down to R-92,
15 I'm sorry.

16 R-17 I skipped. Black oystercatchers isn't -- is not
17 time critical. We wouldn't need to start contracting until
18 May. May 1st.

19 MR. ROY: Mr. Chairman, for the National Park
20 Service projects, the first one, R-5, the brown bears, we feel
21 it is time critical, because there are two reconnaissance
22 flights, one to be -- one to be in early March of -- and one
23 to be in early April. If the study is not funded on a time --
24 time critical basis, it will not irreparably harm the study,
25 but we need those early flights to see how the bears are doing

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when they come out of the dens.

1 R-104, the archaeology project has a field work date
2 which trains agency monitoring people of -- of sites which
3 may subsequent -- which may potentially be subject to
4 vandalism, the field work date is June 1st, but the contractor
5 to provide that training would require initiation of
6 contracting activities on April 15th.

7 And the information education project, R-118, which is
8 at the bottom of the management actions list, we feel it's
9 time critical, because this project will prepare public
10 information materials, interpretive programs, brochures and
11 the like that need to -- the work needs to be -- the planning
12 work and the -- the contracting for the preparation of those
13 documents needs to begin as soon as possible in order for
14 those materials to be available to the public during the peak
15 visitor season. If we delay at all, this work will be --
16 we'll stand a good chance of -- of missing the peak visitor
17 season, not being available until maybe September or October.

18 MS. GORBICS: Mr. Chairman?

19 MR. PENNOYER: Okay. Yes?

20 MS. GORBICS: I have two more on the
21 restoration implementation. R-20, bald eagles, that work
22 would be in the field March 16th, and our contracting for work
23 to occur later in the summer would need to start March 16th.

24 And R-15 at the bottom of the page, the marbled
25 murrelets, we'd be in the field on April 30th, the contracting

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date would be March 2nd.

1 And I'll let Fish and Game deal with harlequin ducks.

2 MR. MONTAGUE: Relative to the projects that
3 we have under our responsibility, ST-2A and 2B near the top of
4 close outs. Those are contracts with the University of
5 Alaska, and they're good through April so that will not be
6 time critical.

7 The next one

8 MR. PENNOYER: I'm sorry, Jerome, I thought
9 you asked us to accept all of the close outs as time critical.

10 MR. MONTAGUE: I thought some of them were
11 that we

12 MR. PENNOYER: I'm not sure they are, but that
13 -- that was the original request.

14 I guess -- I hope when we get done with this we've --
15 we've accomplished something for the time spent, but I'm
16 adding a lot of stars to this list, and I'm not sure we're not
17 going to have to go down at least -- take each one in order
18 and just have somebody comment on it as we get to it, is this
19 time critical or isn't it? When do you need the money by?
20 Am I wrong?

21 MR. BARTON: Well, we haven't eliminated but
22 about ten.

23 MR. PENNOYER: I know, and we've spent a lot
24 of time.

25 MR. BARTON: Well, we could have talked about

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the ten faster than we identified them.

1 MR. PENNOYER: I guess, Mr. Montague, when you
2 come back and identify two of them on the -- on the close out
3 that might not be time critical, I guess we practically have
4 to go through the list.

5 Does the Trustee Council have any feeling on that, or
6 should we start at the top and go down and -- and as we get to
7 the project, if it's not time critical, tell us and we won't
8 discuss it? Okay?

9 Well, then let's -- let's go back to this close out
10 and the surface oil maps. Department of Environmental
11 Conservation, \$15,000.00. Can we just -- and I'm getting
12 confused about time critical, too, because some people are
13 talking about losing personnel, making it time critical, that
14 you've got to do something, and some people are talking about
15 going in the field. Some people are talking about just a
16 continuation of background monitoring, like one agency --
17 agency thinks hydrocarbons are time critical, another agency
18 doesn't. And I don't know what criteria you're using, so as
19 we get to a project, tell us and give us your reason of why
20 you think it's time critical or not.

21 So I guess maybe we'll just start down through the
22 list. AW-1, surface oil maps. DEC?

23 MR. BRODERSON: Mr. Chairman, this one is
24 critical in the sense that several other studies need the
25 results from this, but it's not critical in the sense that if

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it waited two weeks, we can take it up at that time. So I --
1 judging from how little time there is left today, I'd suggest
2 passing this one over.

3 MR. PENNOYER: That's a good criteria. If we
4 can do this the end of February instead of right now, that's
5 kind of appropriate. Okay. Pass that one over. Anybody
6 object?

7 ST-1A, petroleum hydrocarbon induced injury to
8 subtidal marine sediment resources. NOAA?

9 MR. MORRIS: I guess what Mark said would --
10 would apply to all the NOAA studies as well. We -- we can
11 continue with -- on March 1st with a decision as late as
12 February 29th. Nothing will change until March 1st, so we
13 could put all of ours off for two more weeks.

14 MR. PENNOYER: All of them in the -- in the
15 category of close out could be put off for two weeks?

16 MR. MORRIS: Because the people are -- are
17 still continuing to work on, still have funding to work on
18 them, but

19 MR. PENNOYER: They're time critical, but not
20 for the next two weeks?

21 MR. MORRIS: Well, I would like Jeep -- just
22 to have Jeep Rice who's -- who's one of our major program
23 leaders to briefly make a statement if you will on the impacts
24 of -- of the lack of funding after March 1st to these
25 programs.

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MR. COLE: Could I make a statement?

1 MR. PENNOYER: Mr. Cole?

2 MR. COLE: Mr. Chairman, I -- I would like
3 him to address if he -- if he cares to the fact that -- I mean
4 if we have these people go right up 'til the 29th and then
5 there's sort of no money for them the next day, it seems
6 hardly fair to these people who don't have any notice about
7 they're apt to get a pink slip the following day. Am -- am I
8 on the track on that or?

9 MR. J. RICE: You're very much on track. Also
10 there's also a thing about my own acid secretion in my own
11 stomach right now.

12 (Laughter)

13 MR. COLE: You're not the only one.

14 MR. J. RICE: I realize that. You know,
15 you're talking about your own salaries, and you don't need
16 reimbursement. I -- my salary is covered also, I do not need
17 reimbursement. But the majority of our projects within our
18 agency and at my own laboratory, for example, have acquired
19 people for the last two and a half years. They are not
20 covered on March 1, and so you would -- if you guys do not
21 approve funds at some point in the next couple weeks, then
22 what do we tell these people? Do we tell them on March 1
23 that "you may or may not have a job. You may or may not be
24 funded"? And how do the agencies handle that? Ours right
25 now is suffering from lack of funds you might say in a general

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1 sense. In other words, I would guess that our laboratory will
2 probably lose about three or four bodies in its normal base
3 projects within the laboratory during this year, so absorbing
4 ten or 15 people approximately added onto that burden, those
5 people are gone. I mean, there is not other base projects
6 from which they will be reassigned, so if you do not tell us
7 that these people have some level of security, then when I get
8 back to the laboratory tomorrow, I have to give them a
9 tentative notice I would guess. I can't -- I have to be fair
10 to those people.

11 MR. COLE: Yeah. That's what I'm concerned
12 about.

13 MR. J. RICE: Yeah.

14 MR. MORRIS: Could you also address what --
15 what it does to your capabilities to subsequently be able to
16 produce a final report?

17 MR. J. RICE: Yeah. Okay. We do have some
18 permanent people that are attached to -- to the project, but
19 if we do not have the support staff, if they leave, that
20 permanent staff will be reassigned to other fisheries
21 projects, so basically we would be left holding the bag. We
22 have analyses -- hydrocarbon analyses and mountains of data.
23 Basically I would guess that the close out projects would --
24 would be severely damaged in terms of getting done in a timely
25 way. Right now it's going to be a very big struggle to finish
these projects in a timely way if there is no interruption of

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funds and no interruption of staffing.

1 MR. PENNOYER: Thank you, Jeep. I guess it's
2 a very good point, Mr. Cole, and I've heard some people say it
3 doesn't make any difference in -- in terms of getting funding
4 within that -- sure funding in the next two weeks. And as
5 each of you get to your projects, you need to consider the
6 very thing that Jeep is talking about, so -- are you still --
7 DEC still recommend that surface oil maps can wait for two
8 weeks?

9 MR. BRODERSON: That one, there are -- the
10 people that are on it can be shifted to other duties at that
11 point, so, yes, we can still let that one go by, but not the
12 other ones on DEC.

13 MR. PENNOYER: Okay. Petroleum hydrocarbon
14 induced injury to subtidal marine sediment resources? ST-1A.

15 MR. MORRIS: In the extent of -- of the
16 uncertainty to -- to the people that work on the projects,
17 that would be time critical, yes, I think they all would.

18 MR. PENNOYER: Do we want to -- since that's
19 time critical, is there any further discussion on the content?
20 Can we get a brief description and decide whether we want to
21 pass on here or not?

22 MR. MORRIS: Yes, I can -- I can try and very
23 briefly capsule this study.

24 We have essentially data -- this -- this requires
25 analysis of sediment samples that have been taken these past

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three years, so essentially you're only half way through 1990,¹⁵⁷
1 and our -- getting data back, or the analyses. But the
2 pattern that we've observed was that the oil has spread from
3 -- from the shorelines in the first year into the shallow
4 subtidal areas. We've got as much as 20 meters in many
5 locations, and then through the winter and into the summer of
6 1990 this oil has spread in some areas to -- to depths as --
7 as deep as -- as 100 meters. This is based on only partial
8 information that we have. We don't know what the pattern will
9 look like in -- in 1991 yet, but we -- we expect this oil is
10 going to be very persistent over a course of -- of several
11 years, and it's -- I think it's very important for us to -- to
12 get the complete picture of the extent of -- of the subsurface
13 sediment oil in the -- in the first three years of the spill
14 to go on to address the questions of -- of recovery and -- and
15 restoration options.

16 MR. PENNOYER: Questions of Mr. Morris?

17 MR. COLE: Mr. Chairman?

18 MR. PENNOYER: Mr. Cole?

19 MR. COLE: Yeah. I -- I sit here thinking
20 about a lot of -- a fairly large number of people, employees
21 whose livelihood you might say hinge on decisions here, and
22 I'm wondering whether, you know, that we shouldn't be fair to
23 them. We must be fair to them. We should think about
24 changing our schedule a little bit, and making these decisions
25 before the 29th -- what is this, 28th or 29th date. Twenty-

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-- you know, before the last day of February, for example.

1 It just seems to me that we have -- we -- we just have to
2 think about that here today, that we're dealing with a lot of
3 people's livelihood and -- and maybe we just have to work
4 Saturday or Sunday and plow through these things. I mean, am
5 I off base there or -- don't we have to consider that? I
6 mean, I hate to see people get notice here Friday or next week
7 or two weeks, layoff notice and then, you know, whatever. I
8 think the

9 MR. McVEE: Mr. Chairman?

10 MR. COLE: You tell me, this is not
11 exactly my field, but I think that there's something we have
12 to think about.

13 MR. PENNOYER: Mr. McVee?

14 MR. McVEE: Just -- Mr. Chairman. Yes, I -- I
15 visualize or see these close out projects as the transition
16 from the damage assessment into the restoration program, and
17 that as I understand it, not having been here that long with
18 the -- with the Trustee Council, but that these projects have
19 all been through previous reviews, one year, two years, three
20 years, and so that you have -- you have -- we have had the
21 scientific input, we have had the peer review. They have --
22 they have been audited or -- or critiqued in terms of budget.
23 I guess it seems like that -- that, you know, with those
24 things in mind, it -- it could be appropriate to -- to handle
25 them as a package.

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MR. PENNOYER: Mr. Barton?

1 MR. MONTAGUE: Well, Mr. Chairman,

2 MR. GIBBONS: In fact they -- it seems to me
3 on the close out studies, there are really only two issues,
4 one is the amount budgeted, and whether that's in the ballpark
5 or not, and the second is whether there are any of these that
6 we would just want to chop off without bringing them to some
7 logical conclusion. Aren't those really the two questions in
8 terms of the close out studies?

9 MR. MONTAGUE: Yes.

10 MR. PENNOYER: Yes.

11 MR. McVEE: Yes.

12 MR. BARTON: Yeah. Okay. So can we identify
13 any here that we would just like to chop off and say we're not
14 going to put another dime in?

15 MR. PENNOYER: Well, I guess we could go down
16 the list and see if people have -- I -- I guess not asking
17 questions about the content. I'm sure that we're all familiar
18 enough with the title to make that judgment without hearing an
19 explanation.

20 MR. BARTON: Well,

21 MR. ROSIER: Mr. Chairman?

22 MR. PENNOYER: Mr. Barton and then Mr. Rosier.

23 MR. BARTON: I -- yeah, except that this is
24 the third time through on several of these, you know. We
25 reviewed these in oil year one, and then oil year two and oil

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year three, and now we're doing it for oil year four.

1 MR. PENNOYER: Mr. Rosier.

2 MR. ROSIER: Well, that was kind of the point
3 that I was getting at, too. It seems that we've been -- been
4 through these a number of times, but I would ask, you know,
5 on the -- the Restoration Team, who I think put several good
6 options before us here in terms of how we should deal with
7 this whole process, I would ask them if they had in fact
8 looked at that particular question as they reviewed this, see
9 what their recommendation is.

10 MR. PENNOYER: Dave?

11 MR. GIBBONS: Yeah. We -- well, we've gone
12 over I think as -- as Mr. Barton has stated, we've -- we've
13 been over these many, many times, and the peer reviewers spent
14 quite a bit of time on these also. We have reduced budgets
15 on them, we have -- we've asked for detail, and it -- it
16 really comes down to two questions: Do -- do you want to
17 expend a little bit of money now to get a product that -- that
18 is usable by the public, or is the option to shut them off now
19 and have incomplete products? And that's -- that's to me --
20 the budget, I feel pretty comfortable with. I don't know what
21 the Restoration -- rest of Rest- -- rest of the Restoration
22 Team feels, but I feel pretty comfortable with the numbers on
23 this page.

24 MR. BARTON: Mr. Chairman?

25 MR. COLE: Mr. Chairman?

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MR. PENNOYER: Mr. Barton and then Mr. Cole? ¹⁶¹

1 MR. BARTON: Well, it -- I think if we could
2 sort these into those two questions, we could at least deal
3 with the uncertainty that would be created in the -- in the
4 employee's mind. If, in fact, we're going to fund these at
5 some level, we can either -- you know, then they're not time
6 critical, assuming we're going to deal with them in a couple
7 weeks. We don't have to go home and give out pink slips.
8 That's where I was coming from.

9 MR. PENNOYER: Mr. Cole?

10 MR. COLE: My sense is that, you know, the --
11 dealing with the public interest is fine, but I think as a
12 basic proposition, we -- surely we should wind up some as a
13 matter of good administration, contract administration. But I
14 think that to the extent that, you know, they drift along a
15 ways, we should have only those projects which are directly
16 related to the restoration process, you know, 'cause data for
17 data sake is fine, but we should have as much available data
18 as we can from the studies for restoration. With -- having
19 said that, I'd like to ask Dr. Spies, the chief scientist if
20 he could -- plans to stay here another day or so or any plans
21 to leave? I suspect that he could go through these in two
22 hours and -- and give his views or red line and be done with
23 it and we could put it behind us. Is that within your
24 capabilities, Doctor?

25 DR. SPIES: I'm trying to understand exactly

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what you're asking me to do is to go through the

1 MR. PENNOYER: Come up to the mike, please,
2 Bob?

3 MR. COLE: What I'm asking you to do is just
4 this: Look at these close out studies and say are there any
5 on there that in your professional judgment you would red line
6 and just reject and be done with it? Is that what,
7 Mr. Barton, you're

8 MR. BARTON: Yeah, are there any studies on
9 here that we should not invest any more money in, that they're
10 just utterly not

11 DR. SPIES: I'd -- I'd be pleased if the
12 Trustee Council wishes to do that, I'd be pleased to make an
13 effort to do that, and I think I could probably reasonably
14 get it done in several days, and could alter my plans and work
15 through the weekend.

16 MR. PENNOYER: Let's -- if we're going to do
17 that, let's talk about timing them. I -- I have to be back
18 for a meeting in Juneau tomorrow morning.

19 DR. SPIES: I can come back and -- or I could
20 meet again, not next week, but the following week.

21 MR. COLE: Or we could do it by telephone,
22 because this should be a fairly simple process, it shouldn't
23 us more than

24 MR. PENNOYER: That's fine.

25 MR. COLE: 15 or 20 minutes just -- just

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to say, "Dr. Spies, which ones do you propose red lining," and
1 he'll say maybe none, maybe he'll say two or three, and we
2 say, "Thank you very much" and hang up and get on with our
3 business. That's it.

4 MR. PENNOYER: Is that acceptable to
5 everybody? So we will take the close out studies then and
6 finally accept them as projects we think we're going forward
7 with, pending some evaluation by Dr. Spies as to whether any
8 should be specifically dropped for the reasons state. Is that
9 okay?

10 MR. BARTON: It's fine with me.

11 MR. PENNOYER: Fine. We'll put all this aside
12 then. Thank you. Okay. I -- I take it the continuation
13 studies are not in that category, however, and -- or are they?
14 Continuation I presume are studies that also have had a
15 review over a long period of time, several cycles, and are
16 being proposed to continue because we're not yet done
17 assessing injury. Do we want to put that group of projects as
18 well in Dr. Spies' kit and ask him if there are any in that
19 list that he thinks are really not leading to injury and
20 should be dropped?

21 MR. COLE: Where's Commissioner Sandor? He
22 got us into this mess.

23 MR. BARTON: He got called away by a higher
24 authority.

25 MR. COLE: It may be well to ask the chief

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scientist about that, too.

1 MR. PENNOYER: Bob, do you want to come up to
2 the mike one more time? Go ahead.

3 DR. SPIES: I have a dental appointment I'm
4 looking forward to.

5 (Laughter)

6 MR. PENNOYER: Do you know -- do you know the
7 list we're referring to? The continuation projects on damage
8 assessment?

9 DR. SPIES: I was -- didn't catch the first
10 part of Mr. Cole's question. Which group of projects was this
11 one?

12 MR. PENNOYER: We have a list -- we just got
13 done with the close out projects. And you're going to look at
14 those and comment back to us on whether you think any should
15 be redlined and taken out for the reasons stated.

16 We also have a list that's continuation damage
17 assessment projects. Again, continuation to me infers they're
18 not new. They're things we have looked at before, they're on-
19 going projects. Would you take the assignment and add these,
20 about ten projects to the list of those you're going to
21 comment to us on

22 DR. SPIES: Sure.

23 MR. PENNOYER: in the teleconference?

24 DR. SPIES: Yeah.

25 MR. PENNOYER: Is that acceptable?

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DR. SPIES: Acceptable.

1 MR. PENNOYER: And when would -- when would
2 you be free to do so, by next week or?

3 DR. SPIES: At your pleasure.

4 MR. COLE: How soon can you complete it I
5 think is the critical question.

6 DR. SPIES: I could be available next week. I
7 don't think it would be unreasonable to work through the
8 weekend.

9 MR. COLE: Tuesday?

10 MR. BARTON: Monday would better.

11 MR. COLE: Monday?

12 MR. PENNOYER: What do you think, Bob?

13 MR. COLE: I pushed it as far as I could, you
14 know.

15 DR. SPIES: That's fine. I -- I can do that.

16 MR. PENNOYER: Monday? Monday afternoon.

17 Okay. So we will set the teleconference for Monday afternoon
18 to talk about the content of these two lists on damage
19 assessment close out and continuation.

20 MR. BARTON: And at that time

21 MR. COLE: Is that agreeable, Carl?

22 MR. ROSIER: Yeah, I'm going to be out of the
23 country, so

24 MR. COLE: Well, -- well, you'll be out of
25 the country?

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MR. ROSIER: Yeah.

1 MR. COLE: Oh. Well, will you be available by
2 telephone?

3 MR. ROSIER: Yeah, I'll be available by
4 telephone.

5 MR. COLE: You'll be available by telephone,
6 although out of the country.

7 MR. ROSIER: Yeah.

8 MR. COLE: How about you, Curt?

9 MR. McVEE: Yeah, I'll be here.

10 MR. PENNOYER: Pending approval by
11 Commissioner Sandor, since he's not here, shall we go ahead
12 and proceed on?

13 MR. COLE: He's forfeited his vote.

14 (Laughter)

15 MR. PENNOYER: Can we do that, be consensus on
16 motion?

17 MR. BARTON: You're a hard man.

18 MR. COLE: I'm sure that

19 MR. PENNOYER: Okay.

20 MR. COLE: or I'm reasonably confident
21 that he will approve. But I would like to say that I think
22 one of the critical things is -- there is to the extent that
23 this is your judgment, Dr. Spies, is key to the restoration
24 process, I think that that's something that will be important
25 to the State trustees. At least to me.

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MR. PENNOYER: Mr. Barton?

1 MR. BARTON: Yeah. On Monday we will get
2 Dr. Spies' input as to rele- -- as to whether these are
3 meritorious or not, but will we then deal with the budget
4 estimates or do we accept those budget estimates as being
5 reasonable?

6 MR. COLE: Mr. Chairman?

7 MR. PENNOYER: Mr. Cole?

8 MR. COLE: I -- I understood, Mr. Barton, your
9 earlier remarks or those of Commissioner Sandor, that we're
10 not necessarily approving the budget amount, we're
11 simply

12 MR. BARTON: Okay.

13 MR. COLE: the main thrust is to
14 accommodate these people so we can assure them that they will
15 be on the payroll or not in a timely fashion, and then we can
16 deal with the numbers later.

17 MR. BARTON: At a later meeting. Okay.

18 MR. COLE: Is that what you had in mind?

19 MR. BARTON: Well, I just wanted it to be
20 clear that we were all sitting on the same sheet of music.

21 MR. PENNOYER: Well, I think we are, only in
22 some cases there are quite a few people involved, and if you
23 approve it now at -- for it to go ahead and later decided to
24 reduce it to half or a third, you might leave the process
25 awash as well, so

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MR. BARTON: Well,

1 MR. PENNOYER: Yes, Mike?

2 MR. BARTON: Well, I just -- I didn't mean to
3 interrupt, but we need to make that decision very soon. We
4 had talked about a subsequent meeting later in the month,
5 presumably the 29th, since that seems to be the magic date,
6 and I think that -- that's, you know, -- you know, then --
7 then we can deal with the budgets. I think Monday we should
8 be able to provide assurances or some -- some certainty into
9 the future employment process for a number of people.

10 MR. PENNOYER: Okay. Between now and Monday
11 you might look at the amounts, too, and see if you have any
12 real problem with it, because again if we came back after --
13 on the 29th and reduced it way down, we would still leave some
14 people behind in the storm (ph).

15 MR. COLE: Well, I -- I would say,
16 Mr. Chairman, that Dr. Spies would probably be able to give us
17 some insight on the -- that subject, too, you know.

18 MR. PENNOYER: Thank you. All right. Any
19 further comment on these two tables then at this time?

20 DR. SPIES: I'd just like to make one comment.

21 MR. PENNOYER: Would you come up to the mike,
22 Bob. She can't get you on the recorder.

23 DR. SPIES: I really haven't been involved on
24 -- you know, pretty much on a superficial level with
25 estimation of the appropriateness of the budgets for these

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1 projects, and I don't feel that -- that I would really have
2 time to go through in --in any detail with these budgets and
3 -- and give you an estimation whether the numbers are
4 correct or justified.

5 MR. COLE: Mr. Chairman?

6 MR. PENNOYER: Mr. Cole?

7 MR. COLE: I -- I would just say, you know, a
8 very, very ballpark figure, should it be cut back or kept
9 about the same. We can deal with the numbers later.

10 MR. PENNOYER: Sort of is it -- is it way out
11 of line.

12 DR. SPIES: Okay.

13 MR. PENNOYER: Thank you. Okay. Well, we've
14 narrowed the list down to the last 30 projects, and do you
15 want to start on recovery monitoring? Are there -- I assume
16 that on recovery monitoring like the other projects, time
17 critical also includes employee considerations, so can we start
18 down the list on recovery monitoring, perhaps, and try it at
19 least? Brown bear monitoring? Is that an acceptable way to
20 proceed?

21 MR. BARTON: Sure.

22 MR. PENNOYER: Brown bear monitoring?

23 MR. ROY: Mr. Chairman, we feel brown bears as
24 I said before is a time critical project. There are
25 monitoring flights that must take place in March and in April.
The bulk of the work will be performed later in the summer,

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but those early reconnaissances are necessary to see how --
1 how and when the bears are coming out of the den.

2 We feel this study is important, because the -- the
3 bears in Katmai did show effect from -- from the -- from the
4 oil that was received on the Katmai shoreline. The -- the
5 monitoring that we did showed that of the -- the radio
6 collared bears, some 27 bears, 15% of them showed varying
7 amounts of -- of evidence of -- of oiling. There was the one
8 cub that was found to be dead with very high levels -- among
9 the highest levels of -- of hydrocarbon in the -- in the
10 system of any -- of any of the species we've monitored in the
11 damage assessment.

12 We feel this population of bears in Katmai is an
13 internationally significant population. It's a protected
14 population, true, but we feel that if we pick up in this
15 monitoring any additional evidence of injury, that will give
16 the Park Service justification to take what in the Park's
17 views could be relatively severe restoration measures such as
18 closure of areas, restriction of public use in -- in certain
19 areas where the bears -- that the bears habit.

20 Also, although we haven't coordinated this with ADF&G
21 at all, there may be if we pick up additional injury, the need
22 to extrapolate the injury to other coastal bear populations
23 which are -- which are hunted, those bears outside the park.
24 So we feel there's some potential for -- for injury
25 information transfer there.

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We -- I would add that this is a relatively small
1 request to the restoration fund, \$60,000.00, but there will be
2 additional donation by National Park Service and ADF&G of
3 approximately -- well, it's over 60,000 additional dollars to
4 do additional works for this study. So we're asking for 60,
5 we're going to at least match that with agency input and
6 donation.

7 MR. PENNOYER: Dave, in terms of these
8 projects, are we signing off in principle? We don't have --
9 as we've stated before, we haven't had our budget committee
10 actually meet and go through this and look at consistency and
11 overhead and all that type of stuff, so this is a general
12 indication of the amount? We're not signing off on the exact
13 budget, we're signing off in principle to go ahead with public
14 review at about this level, but we're going to come back and
15 look at the budget again?

16 MR. GIBBONS: Yeah. We've got detailed
17 budgets for all these, if the Trustee Council would like that,
18 we could have those detailed budgets reviewed by a budget --
19 budget group to make sure that there's uni- -- uniform costing
20 and that -- that the detail for personnel and -- and all that
21 we have identified for these.

22 MR. PENNOYER: Okay. It was at one time
23 proposed that perhaps next week the budget team be assembled
24 and start to look at the consistency in budgeting and give us
25 some feed back on -- on the appropriateness of the way it was

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-- the way it was put together.

1 MR. ROY: Well, you have the budgets before
2 you in your -- in your booklet, of course, for all of these
3 studies, the detailed budgets.

4 MR. PENNOYER: I understand.

5 MR. McVEE: Mr. -- Mr. Chairman?

6 MR. PENNOYER: Mr. McVee?

7 MR. MONTAGUE: Mr. Chairman?

8 MR. PENNOYER: Mr. McVee?

9 MR. McVEE: Yes. It seems to me like that the
10 tentative sign-off, you know, would be appropriate, because
11 like this project, I think that it will -- could very likely
12 qualify as a categorical exclusion, but we need to complete
13 that record, and that it's better to do that before we make a
14 decision then -- then after the fact, so I think

15 MR. PENNOYER: So when are you suggesting a
16 decision be made then?

17 MR. McVEE: As soon as possible, because I
18 think that that analysis, the NEPA analysis could be done in a
19 matter of -- of the next day or two.

20 MR. ROY: Sure.

21 MR. PENNOYER: So we tentatively would approve
22 the project perhaps to go ahead, and then at the meeting later
23 this month we'd finally sign off?

24 MR. McVEE: Sign off on it, yes.

25 MR. PENNOYER: Any further discussion of the

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first project on brown bear monitoring?

1 MS. RUTHERFORD: Mr. Chair?

2 MR. PENNOYER: Yes?

3 MS. RUTHERFORD: I'm -- I'm just curious.

4 When you talk about the budget committee or the budget
5 subcommittee looking at these, you are talking about
6 consistency in overhead or direct or indirect costs basically?
7 The overhead issue?

8 MR. PENNOYER: Yeah, basically. I don't know
9 if we're going to get anybody to do a better job of deciding
10 how many samples you've got to take or how many collars you've
11 got to put on.

12 MS. RUTHERFORD: Okay. Thank you.

13 MR. PENNOYER: Further discussion of this
14 project? Is there any objection to sending this project
15 forward? Commissioner Sandor?

16 MR. SANDOR: (Shakes head negative)

17 MR. PENNOYER: All right. Thank you. The
18 next project of sea otter monitoring project? Sea otter
19 restoration project, 687,000, U.S. Fish and Wildlife Service?

20 MS. GORBICS: Dr. Spies has already summarized
21 the injury to sea otter and I -- I won't go over that again.
22 The previous work that we've done on sea otters has included a
23 number of different components. We've done estimates of
24 distribution and abundance through aerial and boat surveys,
25 radio telemetry work to estimate reproduction and document

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survival rates, recovery of carcasses in the spill zone,
1 toxicological and patholog- -- or pathology work. Some prey
2 -- some prey species work and some modelling work to
3 estimate the numbers of otters that were exposed to oiling.

4 Now that we're out of the damage assessment mode,
5 we've -- we've changed our focus to be more of a monitoring of
6 the population. We will -- since we're still concerned about
7 whether this species is recovering or not, we only -- we want
8 to do not only population assessment, looking at the over-all
9 population, but also looking at various life history stages in
10 -- in the species, reproduction, mortality and wingling
11 survival. We think that those are all-important factors in
12 understanding whether the species is recovering.

13 And additional element of what we proposed is to pull
14 together much of the habitat work that's been done to date.
15 There would be no additional field work on that question, but
16 to compile it, analyze what we've got so we can identify areas
17 of importance to sea otters throughout the spill zone.

18 This project has some components that will be in the
19 field relatively quickly. We'll have people on the beaches
20 looking for sea otter carcasses as early as March 18th, and
21 then in April we'll -- we will start our population assessment
22 surveys, doing aerial surveys in the sound and the -- the
23 field work continues throughout the summer.

24 MR. PENNOYER: Questions on the sea otter
25 restoration project?

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MR. COLE: Mr. Chairman?

1 MR. PENNOYER: Mr. Barton and then Mr. Cole.

2 MR. BARTON: Yeah. Are we still finding
3 carcasses that are related to oil spill?

4 MS. GORBICS: What we've done, prior -- prior
5 to the spill, we have about ten years of records of beach-cast
6 carcasses, and we know that those are primarily old and young
7 carcasses. Since the spill we are also collecting carcasses
8 and we're finding not only old and young carcasses, but prime
9 -- also prime age carcasses. In most cases we can't
10 conclusively say those are a result of the spill. We don't
11 know why they're dying, but the abnormality of these
12 additional carcasses of breeding age is unusual and we
13 continue -- well, we'd like to continue monitoring it -- to
14 monitor that.

15 MR. PENNOYER: Mr. Cole?

16 MR. COLE: Mr. Chairman, is -- is my -- am I
17 correct in my understanding that the chief scientist will also
18 be reviewing these in -- in response

19 DR. SPIES: Did I miss something when I was
20 out?

21 MR. COLE: Well, this -- this, no, as a matter
22 of fact. I don't think. But in the -- in -- pursuant to
23 Commissioner Sandor's motion here earlier right after lunch,
24 what was -- is that still going on or am I missing that?

25 MR. PENNOYER: Mr. Cole, I think that is still

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covered by Mr. Sandor's request. I'm not sure these are ones
1 -- do these have people already on so we -- we have a
2 personnel problem, or are these things we could actually take
3 up at the end of the month and get further input on them?

4 MS. GORBICS: This is a study that we've done
5 in the past three years, and, yes, we have personnel on board
6 to do this work. And we have funding for them through the end
7 of February.

8 MR. PENNOYER: Well, these can't wait two
9 weeks then. It's our decision. It strikes me we're setting
10 Dr. Spies a rather large agenda by Monday afternoon.

11 MR. BARTON: Yeah. They are. They are.
12 Maybe

13 MR. J. RICE: Give him another couple days on
14 this.

15 MR. BARTON: You had better.

16 MS. GORBICS: I would like to point out that
17 the Restoration Team has gone through these budgets, not just
18 to see our project, but all of these projects pretty
19 rigorously. They have received a lot of review to date.

20 MR. BARTON: Are -- which of these projects
21 that are listed here do not presently have the personnel
22 consideration associated with it? Any?

23 MR. ROY: Brown bears does not.

24 MR. BARTON: Okay. I'm talking about the
25 whole page one of table two, recovery monitoring, technical

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support, restoration implementation?

1 MR. MONTAGUE: Okay. R-101 does not at this
2 time.

3 MR. PENNOYER: R-101 has no personnel?

4 MR. MORRIS: It does for NOAA. The NOAA
5 component does. Speak for yourselves, folks.

6 MR. BARTON: Well, what I'm getting at, that
7 would tell us the ones that we could postpone until the end of
8 the month. But I

9 MR. PENNOYER: Okay. That's good, doing fine.
10 By agency let's just quickly go down the list and identify
11 for us the ones that don't have current personnel problems so
12 we -- so we could deal with them at -- at the end of the
13 month. U.S. Fish and Wildlife Service?

14 MS. GORBICS: The black oyster pro- -- black
15 oystercatcher project, are personnel would not come on board
16 until -- I'm guessing April.

17 MR. PENNOYER: Okay. How about restoration
18 implementation? The whole list, please.

19 MS. GORBICS: That -- that's it.

20 MR. PENNOYER: All the rest have personnel?

21 MS. GORBICS: All the rest have personnel on
22 board.

23 MR. PENNOYER: Includes

24 MR. BARTON: On the entire page?

25 MR. PENNOYER: Marbled murrelet restoration,

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too?

1 MS. GORBICS: Yes, the -- the projects
2 themselves might include ten FTE and probably only two are on
3 board right now, the principal investigator primarily and
4 maybe a full-time tech, but the rest are all personnel that
5 would be hired throughout the summer. So -- but there are
6 people here doing the report to date.

7 MR. PENNOYER: We just asked the question.

8 MS. GORBICS: Okay.

9 MR. PENNOYER: NOAA?

10 MR. MORRIS: NOAA projects

11 MR. ROY: There's another Interior.

12 MS. BERGMANN: Oh, I'm sorry.

13 MR. PENNOYER: I'm sorry?

14 MR. ROY: There's another Interior agency with
15 -- but before I respond, Steve, can I ask are -- you're asking
16 for the projects that have personnel that

17 MR. PENNOYER: We're trying to decide if you
18 had personnel problems March 1st versus start-up problems a
19 little later. We're trying to find the ones that -- we're --
20 we're tentatively planning on meeting the last week in
21 February.

22 MR. ROY: Okay. All of the

23 MR. PENNOYER: I'm trying to find out which
24 we can put off until that time.

25 MR. ROY: All of the park Service projects

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will -- are conducted by permanent personnel, so we don't have
1 any seasonal or term people, so that's

2 MR. PENNOYER: Thank you.

3 MR. ROY: R-5, R-118, and R-104.

4 MR. PENNOYER: Where is R-104?

5 MR. COLE: It's down here in management.

6 MR. McVEE: I see R-105.

7 MR. ROY: In the middle of the page.

8 MR. PENNOYER: Okay.

9 MR. MONTAGUE: Mr. Chairman?

10 MR. PENNOYER: NOAA?

11 MR. MORRIS: NOAA's killer whale project has
12 personnel associated with it. That's R-82, recovery
13 monitoring.

14 MR. PENNOYER: Well, wait a minute. The
15 killer whale project has personnel associated with it right
16 now, March 1st, that aren't permanent personnel?

17 MR. MORRIS: That aren't permanent, no.

18 MR. PENNOYER: Well, if you've got permanent
19 personnel on the payment, then it's not critical. You're not
20 going to let Marilyn Doberman (ph) go.

21 MR. MORRIS: I -- I didn't understand. I
22 misunderstood the

23 MR. PENNOYER: That is, we have time critical
24 personnel decisions to make, and somebody who's permanent on
25 the payroll anyway, it's a reimbursable question, and are

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going to shift to something else, then I don't think we have
1 a time critical decision on the project. The killer whales
2 can be put off, right, to the end of the month?

3 MR. MORRIS: The -- yes, 'til the end of the
4 month.

5 MR. PENNOYER: How about oiled mussel beds?

6 MR. MORRIS: The R-101 subtidal recovery, NOAA
7 has a major part of -- of that study, and I'd guess -- I
8 believe there are temporary personnel involved in that
9 project.

10 MR. J. RICE: One.

11 MR. MORRIS: One person. R-102, coastal
12 habitat study, we have an involvement. That study is yet to
13 be planned, and -- and, no, there are no -- no time critical
14 aspects to it.

15 MR. PENNOYER: Okay.

16 MR. MORRIS: And then for R-103, the oiled
17 mussel beds, again I'll defer to Dr. Rice. One person. So
18 it would be time critical. That's all of the NOAA projects.

19 MR. PENNOYER: Okay. U.S. Fish and Wildlife
20 Service, did we go through yours?

21 MS. GORBICS: Yes, we did.

22 MR. BARTON: What did we get on 92? R-92?
23 The GIS mapping?

24 MR. PENNOYER: I must have missed it. Are
25 these time critical?

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MR. BARTON: Yeah, it's

1 MS. RUTHERFORD: That's -- Mr. Chair?

2 MR. PENNOYER: Yes?

3 MS. RUTHERFORD: That's a technical support
4 project, and it is not time critical.

5 MS. GORBICS: For the Fish and Wildlife
6 Service, our personnel are funded entirely by this funding and
7 we will have no funding for them after March 1st.

8 MR. McVEE: So it is.

9 MR. BARTON: So it is for them,

10 MR. PENNOYER: So it is.

11 MR. BARTON: but not for them?

12 MS. GORBICS: Yes. Right. That's a portion
13 of that total.

14 MR. PENNOYER: Where -- where do we get on
15 this? ADF&G?

16 MR. MONTAGUE: And under the recovery
17 monitoring category, all the Fish and Game ones would have
18 staff that would be laid off on March 1st if they did not get
19 approval, so they're time critical in that regard, except
20 for R-101, which the contract portion between Fish and Game
21 and the University of Alaska has not been established yet, but
22 would need to be by April 1st.

23 Okay. Under the restoration implementation projects,
24 R-52, 53, and 58 all have personnel on it that are time
25 critical, that would be laid off on March 1st. R-59 is a new

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one and it is not in that same personnel category right now. ¹⁸²

1 R-60A and B are time critical relative to personnel as is
2 R-73. R-106.

3 And then under manipulation enhancement, R-105,

4 MR. PENNOYER: R-105 is time critical?

5 MR. MONTAGUE: Time critical. I'm -- I'm only
6 talking time critical in terms of people being laid off March
7 1st.

8 MR. PENNOYER: That's correct.

9 MR. MONTAGUE: Many of the other of these are
10 time critical for other reasons.

11 MR. COLE: Mr. Chairman?

12 MR. PENNOYER: Mr. Cole?

13 MR. COLE: How -- how many

14 MR. MONTAGUE: One more.

15 MR. COLE:

16 personnel -- excuse me. Have you finished up?

17 MR. MONTAGUE: No. R-96 is also -- not R-96,
18 but R-71 also has a March 1st staff lay off.

19 MR. PENNOYER: R-47 does not?

20 MR. MONTAGUE: It's a new project and isn't
21 in that same category.

22 MR. COLE: Mr. Chairman? How -- how many
23 people are collectively involved in these personnel
24 evaluations? Is that the word?

25 MR. PENNOYER: Considerations?

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MR. COLE: Consideration. I mean, how many
1 people are we talking about? One for each for each study or
2 ten on some of them or

3 MR. MONTAGUE: Are you talking about people or
4 full-time equivalents?

5 MR. COLE: People. These people who be laid
6 off as you put it?

7 MR. MONTAGUE: Well, for instance, I think
8 R-60A and B, if you counted all the temporary and seasonal,
9 and that would be a lot of people in Cordova and Valdez that
10 might only work two weeks, but there's probably, oh, between
11 that and R-60C, 120 people in those communities that work on
12 those projects, and probably three or four senior level staff.

13 MR. COLE: That they would -- who currently
14 are on the payroll and be laid off, that's the question, by
15 March 1 if we don't act before March 1?

16 MR. MONTAGUE: Okay. Well, no, not -- not on
17 all of them. Not on those seasonal ones, but on the -- and
18 it's just hard to pull together an answer like that. I'd say
19 probably all in all within the Department of Fish and Game
20 probably, in terms of full-time equivalents, about 35 people.

21 MR. COLE: And another -- another 100 would be
22 -- involves seasonal?

23 MR. MONTAGUE: Well, for all the projects, it
24 would be more than that seasonally, but it wouldn't amount to
25 very many FTEs.

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MR. COLE: How many more?

1 MR. MONTAGUE: Well, we went through an
2 exercise early on that counted full-time equivalents for
3 everybody, you know, from Trustee Council on down and it came
4 up to a figure of around 250 FTEs.

5 MR. COLE: In the -- in the Department of Fish
6 and Game?

7 MR. MONTAGUE: No, that's for all agencies.

8 MR. COLE: Okay. But -- And FTE's a full-time
9 equivalent?

10 MR. PENNOYER: It's 12 months.

11 MR. COLE: And that -- and that figure
12 includes part-time, translated into FTEs? Okay.

13 MR. PENNOYER: Just to finish us out, U.S.
14 Forest Service? They have three projects down there, fish
15 ladder projects under -- under manipulation enhancement?

16 MR. K. RICE: Mr. Chairman, R-37, R-41, R-45
17 and R-115 do not have time critical personnel. R-115 has some
18 contracting requirements that make it critical.

19 MR. PENNOYER: Okay. Well, we took about 10%
20 of the list, maybe 15%. I don't know how to do this except to
21 go back down through the projects. Okay. We've got sea otter
22 restoration, U.S. Fish and Wildlife Service. We've had some
23 discussion on that. We've had some comments from Dr. Spies on
24 injury. Is there any problem with including that one in the
25 packet, again recognizing this can be fine-tuned after it

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comes back from public review. Any questions?

1 MR. COLE: No objection.

2 MR. BARTON: What number are you on?

3 MR. PENNOYER: I'm on R-

4 MR. COLE: Six.

5 MR. PENNOYER: Six. We put off the brown bear
6 monitoring until the later meeting, because there were no
7 personnel involved right now, but sea otter restoration
8 project did have personnel. We received a review of it. Does
9 anybody have any further questions on that one? Am I wrong on
10 the brown bear monitoring?

11 MS. GORBICS: I think you agreed that it would
12 go ahead.

13 UNIDENTIFIED: You were in agreement that it
14 would

15 MR. ROSIER: Mr. Chairman,

16 MR. PENNOYER: Okay.

17 MR. ROSIER:

18 I'm thoroughly confused as
19 to exactly where we're at at the present time.

19 MR. PENNOYER: Going down the list, recovery
20 monitoring projects, and we came back and found out that the
21 National Park -- Park Service didn't have any personnel
22 involved in the brown bear monitoring, but we had previously
23 agreed that it could go ahead, so is there any change in view
24 on that? In other words, it was one we didn't have to do for
25 two weeks, but we already it, so

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1 MR. ROSIER: Are we now going to go back
2 through the list and determine what other time critical
3 elements by agency are

4 MR. PENNOYER: We've done that.

5 MR. ROSIER: part of the consideration?
6 We haven't done it on all of these. We didn't get through
7 that project entirely, through all of the agencies, I don't
8 believe, the first time through, did we?

9 MR. PENNOYER: I think we did, but I may be
10 mistaken.

11 MR. ROSIER: No.

12 UNIDENTIFIED: No, they did the U.S. Forest
13 Service.

14 MR. PENNOYER: U.S. Fish and Wildlife Service
15 reported that sea otter restorations were time critical. The
16 murre restoration project was time critical. Boat surveys
17 were time critical, as I -- as I recall. As we get to each
18 one of them, rather than go through the list again, just tell
19 us whether they're time critical or not so we don't have to go
20 through the whole list one more time. The sea otter
21 restoration project is time critical. Are there any further
22 questions about it? Does anybody object to it going forward
23 in the package for public review?

24 Okay. The murre restoration project, U.S. Fish and
25 Wildlife Service, 571,000. Do you want to briefly tell us
about that so the Council can ask questions?

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MS. BERGMANN: Could we just, Mr. Chairman,
1 get a clarification on the brown bear study? The -- the
2 problem with the brown bear study was in terms of getting
3 flights in the air in early March. It wasn't a personnel
4 problem. And I'm unclear as to whether or not we -- I
5 thought we did vote to go ahead on that. Is that?

6 MR. PENNOYER: Yes, I think we did.

7 MS. BERGMANN: Okay.

8 MR. PENNOYER: But -- before we adopted these
9 new criteria, we had voted to go ahead.

10 MS. BERGMANN: But I think we're saying let's
11 -- so we're standing on that decision?

12 MR. PENNOYER: You've got it. It's in the
13 list.

14 MS. BERGMANN: Okay.

15 MR. PENNOYER: Okay. Unless you want to do it
16 again?

17 MS. BERGMANN: No.

18 MR. ROY: No, thank you.

19 MR. PENNOYER: Murre -- murre restoration
20 project, 571,000, U.S. Fish and Wildlife Service?

21 MS. GORBICS: Dr. Spies has already discussed
22 the injuries related to murre. I won't go back over those.
23 Over the past three years to determine those injuries, we've
24 -- we've looked primarily at numbers of breeding adults at the
25 breeding colonies and reproductive success. We propose to do

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1 that again. We've got several locations that we -- that we've
2 done that in, we propose to repeat those. In addition we've
3 got a portion of this project to refine some techniques, to
4 refine some areas that -- that only boat-based service --
5 boat-based censusing is good enough. We think we can develop
6 some additional techniques to improve our accuracy.

7 MR. COLE: Mr. Chairman?

8 MR. PENNOYER: Mr. Cole?

9 MR. COLE: What troubles me about this type of
10 study is what information are we obtaining from this study
11 which will enable us to make decisions on restoration? If I
12 understood Dr. Spies right, the experts say that it will be
13 ten to 100 years before the murre population will regenerate
14 or whatever you call it. Now, is there some -- some
15 reasonably feasible actions -- which we can take follow the
16 completion of this study which would further the restoration
17 of that species? That's what I'd like to know.

18 MS. GORBICS: We think there may be. One way
19 to do that will be to reduce human disturbance at the
20 colonies, trying to reduce other perturbations to their
21 recovery, for instance, keeping people at certain -- tour
22 boats at a certain distance from the colonies, people --
23 keeping people from shooting halibut right next to the
24 colonies. Things that disturb them.

25 Japan has done some very innovative work on murre
colonies that have been totally decimated. Ours aren't not --

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ours are not totally decimated, so we don't know if this is a
1 reasonable approach yet, but in the future if the population
2 isn't recovered, we could consider the use of decoys or
3 recordings to try and enhance the -- the recovery of the
4 population.

5 At this time we think that -- that any drastic measure
6 is not warranted. We don't know enough. We would like to
7 monitor the recovery of the population. I think the
8 restoration team in whole agrees that monitoring the natural
9 recovery of a population is very appropriate and murre is one
10 example of that kind of activity.

11 MR. COLE: See, I -- I agree that there's
12 value to monitoring this. You see, I understand that. I
13 think we all understand that. And, you know, if there's some
14 question. But why don't we just keep the people away from the
15 murre and, you know, it doesn't cost us anything, and it
16 doesn't disturb them, and, you know, we save, you know,
17 \$571,000.00. And that's what a simple lawyer from Fairbanks
18 would do and try to save, a half million dollars, and say,
19 well, you know,

20 MS. GORBICS: I don't think it's as simple as
21 that. It would be nice if it were. This is a -- sea bird
22 colonies throughout the Kenai Fjords National Park are heavily
23 visited. If we were to tell tour operators to stay away from
24 all sea bird rocks, we would have an impact on an economic
25 portion of our -- our tourism. I don't know that that's

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warranted. I think that would be a pretty radical step to
1 take without further determination that natural recovery
2 won't be sufficient. Natural recovery will be very slow with
3 this species.

4 MR. COLE: Okay.

5 MR. PENNOYER: One additional question. I
6 guess I -- I see a need to do recovery monitoring on some of
7 these species even if we don't have a clear-cut way yet of
8 restoring them. We need to know -- have an idea of -- of what
9 happens there over time. But there's some question in
10 recovery monitoring as to whether you do it every year, or you
11 skip a year or two, or how you do it, and is it going to be a
12 \$571,000.00 expenditure every year, or do you envision some
13 periodic monitoring? I mean, if it's going to take ten years
14 to do, do we have to go back and reverify that every year?

15 MS. GORBICS: I -- I think that that's a point
16 that is not fully decided. We have proposed some various
17 ways to deal with that. One would be to -- to survey some
18 colonies one year and other colonies the next. Looking at
19 more cost effective ways to do surveys, not in this particular
20 study, but another study that we're working on, would do those
21 kinds of things.

22 For this year, for 1992, we think it's still crucial
23 to understand if reproduction is -- is occurring there,
24 successful reproduction is occurring there. We are -- the
25 increment of -- of recovery for this particular species is --

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is slight if at all. And I -- I think, and the -- the Fish
1 and Wildlife Service thinks that it's important to continue to
2 monitor this species this year. We may reconsider that in
3 other years.

4 MR. PENNOYER: Further questions about this
5 study?

6 MR. COLE: I move we defer this study until
7 next year. There's no second, so let's go on.

8 MR. PENNOYER: Mr. Barton?

9 MR. BARTON: I don't know whether I would
10 agree with that motion or not, but I -- I do -- I am concerned
11 about recovery monitoring and the need to do it on an annual
12 basis, particularly when in the case of the murrelets where we --
13 the population has been apparently really devastated. I could
14 see, for example, doing it every other year, or doing it
15 every third year until we saw -- began to see some sort of
16 recovery, and perhaps then there will be a period of annual
17 monitoring or something like that. I don't know, but I hate -
18 - I -- I thought -- I think we need to look at this from a
19 standpoint of what additional knowledge are we gaining by the
20 activity that we're doing, and if we're just re-affirming what
21 we already know year after year after year, I don't think we
22 should be doing that.

23 MS. GORBICS: At this point we don't have a
24 clear indication that the population has even recovered at
25 all, and

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MR. BARTON: That's my -- exactly my point.

1 MS. GORBICS: that's still an unknown
2 question we -- we need to answer. And I think we can start
3 answering that question or provide some more information to
4 answer that question by monitoring this year.

5 MR. BARTON: But it would seem to me that if
6 -- and -- and this may be a matter of semantics, I'm not
7 sure, but until we detect through some survey technique rather
8 than some monitoring technique, and I'm making a distinction
9 there that you may -- already may have made, I don't know, you
10 know, instead of sampling every tenth cell, sample every
11 hundredth cell until we see the population begin to recover,
12 and then go to a more intensive sampling scheme. Have -- have
13 you all considered that? Has that been thought through?

14 MS. GORBICS: In order to compare between
15 years, we need to follow the same conventions. To change the
16 statis- -- statistical design of the study would make it even
17 more difficult to detect changes, particularly if we're
18 talking about small changes. I don't think -- you know, we
19 have sea bird censusing conventions. They are published by
20 the Fish and Wildlife Service, or at least available from the
21 Fish and Wildlife Service. We follow this conventions, not
22 only on this study, but any sea bird study that we do.

23 MR. BARTON: Is this an internationally
24 recognized protocol?

25 MS. GORBICS: It's recognized within the Fish

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and Wildlife Service, certainly.

1 MR. BARTON: Yeah.

2 MR. SANDOR: Mr. Chairman?

3 MR. PENNOYER: Commissioner Sandor?

4 MR. SANDOR: Well, Mr. Chairman, this is a
5 good illustration of why I was, you know, hoping that -- that
6 the chief scientist would have had the time to carefully
7 review and endorse or not endorse, modify each of these
8 studies. It's not -- it's difficult, if not impossible, for
9 -- for individuals who are not scientists to -- to make a
10 judgment like that whether they be a lawyer or a forester or
11 whatever. But -- and this -- this is a good example and does
12 have a big price tag on it. And there's some with 750,000.
13 It would be very reassuring, you know, to -- to me and I think
14 the other Trustees if it had -- if it had -- had endorsement.
15 And I realize time was a pressure and there wasn't an
16 opportunity to do this, but -- and I can't believe actually
17 that we can't take the time to -- to give Dr. Spies an
18 opportunity to review these. It's -- it's strange for me to --
19 a week or two weeks is -- is so -- is going to be so
20 critical for 240 full time or 110, but if it is, you know, --
21 and I guess we're going to have a teleconference call or
22 something next week. I'd suggest we table the Attorney
23 General's motion until Dr. Spies gives an opinion on this
24 particular project, and

25 MR. PENNOYER: The center of the discussion we

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had previously was that Dr. Spies probably can't give us an
1 opinion on all of these projects by next week. There were --
2 he's going to basically do these two lists for us on
3 restoration -- or on damage assessment close out and
4 continuation, but he probably can't get through this file by
5 next week, so what we're looking at is the time critical
6 element here, was whether we had personnel that were going to
7 get pink slips on March 1st if we didn't take some action to
8 assure them that the projects would be on-going.

9 MR. SANDOR: Yeah, and there, my fellow
10 members and -- is -- is a potential conflict of interest and
11 problem. If in fact that is the basis on which we're making
12 decisions, whether some people are going to get pink slips or
13 not as opposed to whether or not the project is sound
14 scientifically and should go forward, is -- are two different
15 issues, and -- and so that's a problem.

16 MR. PENNOYER: I agree with you fully, and I
17 guess the criteria to look at them in more depth at this
18 meeting was whether there were going to be personnel problems
19 if in fact we didn't take some action. The Restoration Team
20 has looked at these. Have they had peer review, Mr. Gibbons?

21 MR. GIBBONS: My understanding, the -- the
22 natural recovering monitoring and restoration implementation,
23 some of these have and some of them haven't.

24 MR. SANDOR: I was afraid

25 MR. MORRIS: I would say

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MR. SANDOR: he would say that.

1 MR. MORRIS: any -- any of the ones that
2 were numbered 100 or higher haven't. Most of the ones that
3 are numbered lower than that were reviewed in December.

4 MR. PENNOYER: This one was not reviewed then?

5 MS. BERGMANN: This was reviewed.

6 MS. GORBICS: Yes, this was.

7 MR. MORRIS: That was reviewed.

8 MR. PENNOYER: It was. Okay. Oh, no higher
9 -- you mean on the numbers, not the dollar amount.

10 MR. COLE: I consent to tabling my motion.
11 Let's move forward a little bit.

12 MR. PENNOYER: Are we going to move this
13 project forward then pending review and -- final review in --
14 in two weeks time or how

15 MR. COLE: Mr. Chairman, what troubles me is
16 applying sort of a little legal logic. I think we'd be better
17 off spending this \$571,000.00 next year so we get a little
18 interval so we can see what's going on in the restoration
19 process. Now, I'm sitting here with a bunch of people who are
20 -- a number of gentlemen, let me put it that way, who -- this
21 is their area of expertise, and so maybe I am dead wrong on
22 that, but I -- I think if we looked at the murre in '89 and
23 '90 and '91, maybe we could take a year off, save this
24 571,0090 and look at them next year. It seems to me like it
25 make sense. But if it doesn't, you gentlemen tell me and then

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we can get on it. That's enough for me.

1 MR. PENNOYER: Mr. Rosier? Further comment?
2 Mr. Rosier?

3 MR. ROSIER: Well, Mr. Chairman, I guess I
4 have a difficult time of not accepting the review process that
5 has already gone on. I understand that there has been a lot
6 of time that's gone in the review of these from a technical
7 standpoint, and the only way that I can really see that we
8 might be able to solve the problem of what we're trying to
9 deal with here at this time, is to bring the -- the members of
10 the -- the team before us and let them in fact put forth the
11 thought processes that they've in fact put into these. I'm
12 not convinced that even -- well, I would certainly endorse the
13 idea of the -- of a review by the chief scientist here, I have
14 no problem with that. Again, we're kind of put our -- we've
15 kind of put ourselves into a time bind out of our own making.
16 We set it up this way, and now we're ignoring it. We're
17 going on our own path away from the advice that we've had from
18 a large number of people that have spent a lot of time on it.
19 Now, that really distresses me.

20 MR. COLE: Well,

21 MR. PENNOYER: Further comment?

22 MR. COLE: Well, sure.

23 MR. PENNOYER: Mr. Cole?

24 MR. COLE: I think I can respond to that
25 quickly.

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(Laughter)

1 MR. COLE: No, what distresses me is we have
2 agencies essentially passing on their own budgets and then
3 we're supposed to say, well, that's what the agency and their
4 own budgets recommended. We should not take a careful look at
5 them. We should accept their determination. And -- and I'm
6 just not sure that that's what we ought to do. So, there. I
7 mean, if you look at these budgets, and you look at where
8 these monies are supposed to be spent, every one of them is a
9 government agency. And, sure, then they subcontract out. I
10 understand that. But, you know, that's why I think that we
11 should be very careful in this area, you know, and -- and not
12 say, well, you know, it's your project, it's all right. We'll
13 let it go. You recommend it, you're experts. I know that.
14 But I'm not sure the public would be satisfied if -- if we
15 simply do that. Now, there -- that's my response to my State
16 Trustee colleague.

17 MR. PENNOYER: Mr. Rosier.

18 MR. ROSIER: Mr. Chairman, in this regard, I
19 don't disagree with my colleague regarding the -- the look by
20 this group at the dollar -- the dollar figure. As I
21 understood the exercise that we're currently going through is
22 whether this go forward for public review, which is exactly
23 what I think that we're all striving to do, give the public as
24 much involvement in the process as we possibly can. But at
25 this point, it was my understanding that basically we were

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pulling away from that, and that if it didn't get at least
1 conceptually the -- the blessing at this point, it did not in
2 fact go forward, is that correct?

3 MR. PENNOYER: That's correct.

4 MR. ROSIER: Okay. Well, I say that, you
5 know, that conceptually unless we could in fact draw on the
6 expertise of our staff that have already gone through this
7 process, we're really kind of spinning our wheels here, that
8 we're really -- we -- we need that Restoration Team up here to
9 talk to us one on one and go through each one of these
10 projects.

11 MR. PENNOYER: Well, Mr. Rosier, I think they
12 are here, and we did hear a review of this project. I guess -
13 - I think any of us can sit here and second guess whether it
14 should be 571,000 or 380,000 or 520,000, and decide whether
15 we'd have to do two surveys or three surveys or four surveys
16 to be statistically reliable. The question's more of a policy
17 question of recovery monitoring, whether we should do it every
18 year, or whether in fact there's a need to do it this year as
19 opposed to next year, or whether we do it this year and drop
20 it next year, or how we do it. And that was the question I
21 think originally asked, and we don't necessarily have an
22 answer to it yet. It's a -- we know the murrens have not
23 recovered yet. We know from the past three years studies that
24 they have not been recovering. And I think it's important
25 that we determine the point at which they do start to recover,

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but whether you have to do a \$600,000.00 study every year or
1 whether in fact you can do a lesser monitoring program as Mr.
2 Barton said until you detect that recovery and then go out and
3 do a more detailed study is -- I think is one of the
4 questions. So it wasn't trying to nitpick the statistical
5 reliability or the methodology or the cost of that
6 methodology. It was I think more trying to decide what the
7 appropriate way of handling recovery monitoring is. And with
8 some of the other projects, we'll have the same questions we
9 got into. So it's an important question to deal with
10 initially.

11 MS. BERGMANN: Mr. Chairman, I think it's
12 important to have people recognize that when the studies were
13 examined, they did look at whether or not -- or we looked at
14 whether or not you could postpone them, and if they were
15 necessary to do in 1992, because we realized that, you know,
16 that there wouldn't be -- if it -- if it went forward in 1992,
17 we might not have as much opportunity for public involvement,
18 and we wanted to make sure that we could do that to the
19 greatest extent possible, so wherever we could postpone
20 something and -- into the next year, we did that.

21 And I might say with murrelets if you recall the
22 presentation by Dr. Spies that they were of all of the
23 migratory birds that were affected by the spill, about 80% of
24 all the birds that were killed were murrelets, and that we feel
25 that this is a very critical and important species to continue

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monitoring.

1 MR. MONTAGUE: Mr. Chairman, if I may, I'd
2 like to further address some aspects of the selection process.
3 First of all everything that was on here came by a majority
4 vote of the six restoration team members, so even though six
5 agencies submitted ideas, there was five people potentially
6 against them, so I think that we could be pretty sure that
7 what's represented here was viewed as important by six very
8 divergent agencies, and trying to recognize that what may be
9 important to one agency might not be to another. And
10 something of the tenor of the meetings needs to be remembered,
11 that we were sent back to cut budgets, and we cut budgets and
12 we cut projects, and it was hard on everybody. And we feel
13 that this is the -- the best program we could put together. I
14 don't know if any of the other restoration team members want
15 to address that, but I certainly feel that critical -- a
16 critical look has been given at these for about two months.

17 MR. PENNOYER: Further discussion on this
18 project? Is

19 MR. GIBBONS: Mr. Chair? I've -- I've
20 got

21 MR. PENNOYER: Mr. Gibbons.

22 MR. GIBBONS: a point here to make.
23 Before this package there's three pages of criteria that the
24 restoration team used to evaluate these projects, and they're
25 split up into the evaluation of damage assessment projects,

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evaluation of restoration science projects, and criteria for²⁰¹
1 restoration implementation projects. And we tried to run
2 these projects through this criteria, and we tried to use a
3 screen as best as possible. Sometimes it was not the best.
4 But we tried to use these criteria to -- to evaluate the
5 projects. And that might -- that might help the Trustee
6 Council some to look at these.

7 MR. PENNOYER: Thank you. Do we send the
8 murre restoration project on out to public review?
9 Mr. Barton?

10 MR. BARTON: Yeah. I move that we include
11 this in the package to be reviewed by the public.

12 MR. McVEE: Second.

13 MR. PENNOYER: Any objection to including this
14 in the package for public review?

15 Would it be possible in the interim period of time
16 while the public review process is going on to get Dr. Spies
17 to look at these projects before we get them back from the
18 public and have to make a final decision on their
19 implementation? Is that more along what you had in mind?

20 MR. COLE: Well, I think that was just

21 MR. PENNOYER: John?

22 MR. SANDOR: Mr. Chairman, my motion
23 explicitly was to have the public as well as the Trustee
24 Council have the benefit of -- of our chief scientist's
25 endorsement, modification or -- or rejection of the proposals.

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You know, I think this is a very instructive session
1 we've had, and, of course, if we had it to do over again, I
2 think what we would have done was to have the chief scientist
3 review this, but we just didn't have enough time, so we
4 didn't. But I -- I still don't understand why if it takes two
5 weeks, three weeks, four weeks, why we cannot in this instance
6 get an opinion from Dr. Spies, and if it takes two weeks,
7 three weeks, four weeks, we'll wait, but I -- I think it would
8 be a mistake to send to the public this total listing of
9 projects without the benefit of the chief scientist's point of
10 view, and that was behind -- the thought behind my motion
11 after lunch.

12 MR. PENNOYER: When -- Mr. Gibbons, when --
13 when would this package actually go out to public review?

14 MR. GIBBONS: The

15 MR. PENNOYER: At what point was the
16 restoration implementation plan and this '92 work plan to go
17 out for public review?

18 MR. GIBBONS: Well, that -- that was a
19 decision that the -- that we had in the options of the
20 timeline. We recommended that this package go out I believe
21 in March -- March 16th, was it? And with, you know, -- to
22 public review.

23 MR. MORRIS: But however it would have to go
24 to the printer on March 1st, or -- or earlier.

25 MR. COLE: Mr. Chairman?

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MR. PENNOYER: Mr. Cole?

1 MR. COLE: I move that each and every one of
2 these projects be referred to Dr. Spies for review and that
3 they be sent out to the public for their comment, 'cause
4 there's no use going through this same exercise all afternoon
5 on each one of these projects. I mean, you know, it's sort of
6 the die is cast, isn't it? And I just don't see what can be
7 gained by having this same discussion on each and every one of
8 these proposed projects. We just as well, you know, cut it
9 short and get on with it so to speak.

10 MR. PENNOYER: So you're proposing concurrent
11 review by Dr. Spies and the public then, and when it comes
12 back to us for a final decision, we would have the benefit of
13 both -- both inputs,

14 MR. COLE: Yes.

15 MR. PENNOYER: is that correct?

16 MR. COLE: Yes.

17 MR. PENNOYER: And maybe that doesn't go along
18 completely with Commissioner Sandor's original proposal, but
19 from a timeline standpoint, that may be the best we can do at
20 this point.

21 MR. SANDOR: Mr. Chairman, can someone explain
22 to me why Dr. Spies, and maybe Dr. Spies can do that, if this
23 thing is to go out March 15th, it's not possible to -- to go
24 through these projects and to flag those that need question or
25 study? It seems to me the -- the public would -- could be

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assured that the chief scientist who had been following this
1 project, has been in on some consultation of it, has had a
2 final review of the package that's -- that's being sent out.
3 And it seems to me that the public as well as we deserve that
4 -- that benefit and -- and if this is to go out March 15, got
5 to go to the printer March 1, is it not possible to -- to have
6 Dr. Spies screen these and either these are -- have the
7 endorsement or do not, or to have a category that needs
8 further study. It -- it seems -- when we covered this
9 earlier, this -- these projects were down to -- to I think
10 about 17 million, more recently this -- eight new projects as
11 I have it tagged from my representative on the -- on the
12 Restoration Team, has been added. Not all of these have had
13 peer review as Dave Gibbons has pointed out. And the process
14 is, you know, not completely -- it hasn't gone through the
15 same complete process. So I -- can someone under- -- someone
16 explain why -- why this can't be done? Why must we rush this
17 thing out without having the -- the review of our chief
18 scientist?

19 MR. PENNOYER: Marty?

20 MS. RUTHERFORD: Well, I think that I need to
21 make a point of clarification. Basically the way you are
22 proceeding is sort of like option one in -- in the
23 presentation I made, and if -- if that -- if that is what is
24 decided and that's the time critical issues and some of the
25 close out -- or damage assessment close out and continuation

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1 projects, basically we'll be -- we'll be producing a rather
2 down and dirty work plan publication that will go out between
3 the 19th of -- of February and -- and for a 30-day review
4 until the 19th of March.

5 But I guess I'm a little confused, and I think I need
6 some clarification as to whether or not -- I thought you were
7 dealing with time critical projects right now, and that was
8 the reason that they weren't going to have the opportunity
9 maybe for some input by the chief scientist, and -- or maybe I
10 have gotten lost?

11 MR. PENNOYER: No, I think you were right.
12 The motion from Mr. Cole was to go ahead and just do them, but
13 we did have some of these that said they could be put off.
14 Unfortunately it's not a large number. Most of the ones as we
15 went down through this page people identified as being time
16 critical at least relative to personnel decisions. And again,
17 Mr. Sandor, that didn't mean we're going to approve them just
18 because of personnel decisions and that we had to consider
19 them here.

20 MR. SANDOR: Well, I guess, you know, a
21 compromise, Mr. Chairman, on this is simply to -- to send this
22 out and to say, you know, in bold print, "This has not had the
23 chief scientist's review and -- and chief scientist's review
24 will be based on public comment," and then that's fine. The
25 expectations aren't -- aren't there, but it seems to me it
26 would have been more systematic and desirable if we had come

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1 to this meeting and that these projects would have not only
2 had the review and endorsement of a majority of the members of
3 the Restoration Team, but also had the review and formal
4 endorsement of the -- of the chief scientist, and if that's
5 not possible, and it's got to be sent out, we can put a
6 heading on it, "This has yet to have the chief scientist
7 review, and that will take place and the projects will not
8 proceed without the chief scientist's review."

9 MR. PENNOYER: Marty, would you clarify for us
10 so we can confuse each other again? Time critical elements we
11 have now: We had close out on the damage assessment, and we
12 have the continuation on damage assessment. Now those are
13 time critical and next week we're going to have a
14 teleconference to get advice from Dr. Spies on those projects?

15 MS. RUTHERFORD: That's correct.

16 MR. PENNOYER: Your intent then is to put
17 these out sometime after February 19th?

18 MS. RUTHERFORD: That -- we -- that was the
19 intent, sort of a down and dirty publication.

20 MR. BARTON: I'm not sure I like that phrase.

21 MR. PENNOYER: Is there a need to do that?

22 MS. RUTHERFORD: I think there's difference of
23 opinion I note here. I -- Carol Gorbics is saying one thing,
24 and Jerome and I are saying another, and it disturbs me, so I
25 think I'd like to

MR. BARTON: Why don't we take a ten-minute

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while

1 MR. PENNOYER: Why don't you -- why

2 MS. RUTHERFORD: May we?

3 MR. PENNOYER: don't you discuss this.

4 We'll

5 MR. BARTON: a restoration break.

6 MR. PENNOYER: take a ten-minute break,

7 and you can tell us

8 MR. BARTON: Yeah.

9 MR. PENNOYER: how we ought to proceed

10 timing wise

11 MS. RUTHERFORD: Thank you.

12 MR. PENNOYER: in putting this out.

13 (Off record)

14 (On record)

15 MR. PENNOYER: Okay. Can we go ahead and get
16 started? After some intense meetings with the Restoration
17 Team over the break, I think we've figured out a course of
18 action that may get us by this roadblock and get the type of
19 review we think is necessary on these projects.

20 For starters, we are going to go ahead as planned with
21 the damage assessment close out and continuation. Dr. Spies
22 is going to review -- review those. We will have a
23 teleconference on Monday, and it's a continuation of this
24 meeting, and make our decisions on those at that time, so
25 there will be some green lights, red lights on the table in

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front of the Restoration Team.

1 Now, in terms of restoration and recovery monitoring,
2 technical support and implementation, Marty, would you please
3 give me your -- what your Team discussed?

4 MS. RUTHERFORD: Yes, the Restoration Team is
5 recommending at this time that we not consider any more of
6 the restoration projects today, that we take those back, we
7 work with chief scientist Bob Spies, that we work out a
8 presentation and come back to you at a meeting at the end of
9 February, and at that point in time you give us an up or down,
10 and we go forward. And those projects that you give us the
11 head -- head's up on, we will go out with that -- with them as
12 part of the 3/16 publication as well.

13 MR. SANDOR: I so move.

14 MR. PENNOYER: We'd

15 MR. BARTON: And I second.

16 MR. PENNOYER: Okay. So we only -- we would
17 only have one public mail out then

18 MR. BARTON: Call for the question.

19 MR. PENNOYER: and that -- that would
20 occur

21 MS. RUTHERFORD: March 16th.

22 MR. PENNOYER: You guys aren't giving me a
23 break. Okay. There -- there would be only one -- we wouldn't
24 have this double mail out you talked about earlier.

25 MS. RUTHERFORD: No, we would not.

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MR. PENNOYER: There would be one restoration
1 framework and '92 work plan would go out with the projects
2 that we had reviewed and had approved?

3 MS. RUTHERFORD: That's correct.

4 MR. MORRIS: I -- I missed about the damage
5 assessment continuation though. Did you mention those?

6 MS. RUTHERFORD: It would go as we had
7 previously discussed earlier in the day. Bob Spies will get a
8 comment back to the Trustees by Monday and there will be a
9 teleconference, a continuation of this meeting to make a
10 decision. We'll get a thumbs up or thumbs down at that point
11 in time.

12 MR. MORRIS: Okay.

13 MR. PENNOYER: I think that's liable to cause
14 a little bit of problems in some area for people's being
15 concerned about time critical decisions, but I don't how we're
16 going to do it and still review these projects in the way we
17 have wanted to do.

18 Is there any further discussion on the motion?

19 MR. McVEE: I guess -- Mr. Chairman?

20 MR. PENNOYER: Mr. McVee?

21 MR. McVEE: I guess my comment is similar to
22 yours is that we probably will -- we probably will be -- we'll
23 have some projects drop out because of the -- of timing if --
24 if we do this, unless -- unless we -- we're successful in
25 finding intermediate -- some intermediate funding that we can

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cover.

1 MR. PENNOYER: Yes. Okay. And I -- I guess
2 we will still try to make that decision on the 29th or the
3 27th or whenever our meeting is and we will have the green
4 light to go to public review on those projects. And again
5 that does not mean still that we have finally adopted either
6 the projects or the amounts in a final form. This will be our
7 package to go out to public review, get public comment and
8 have on-going review internally before we make a final
9 decision on them, so at -- at worse we will have committed
10 some funds to up-front, start-up projects that we may decide
11 at some point to either reduce or change. But

12 Mr. Cole?

13 MR. COLE: Mr. Chairman, I -- I don't want to
14 make this more difficult than it is, but it suddenly occurred
15 to me that this meeting on Monday, which is in some ways a
16 critical meeting is subject to the open meeting statute. And
17 I -- I would not like my name bandied in the local newspapers
18 that the Attorney General violates Open Meeting Act by secret
19 meetings of Trustee Council, so, you know, maybe we should
20 give some thought to that. It's all right if you do it,
21 but

22 (Laughter)

23 MR. PENNOYER: Mr. Cole, I had no intention of
24 doing that. In fact my note to you is how do we accomplish
25 that? And I think our teleconference is going to have to be

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public. We're going to have to have folks perhaps here on the
1 teleconference, and have it available for folks in the room to
2 hear what we're doing, and we're going to have to make it a
3 continuation meeting. I think that's -- that's clear, because
4 we are going to make some decisions. So we'll have to work
5 that out.

6 MR. COLE: Have -- have we fixed a time for
7 this meeting Monday?

8 MR. PENNOYER: Well, Dr. Spies had not said
9 when he was going to get done. We're going to give him all
10 the time we could, so, what, 2:00 o'clock Monday afternoon
11 Alaska time?

12 MS. RUTHERFORD: Mr. Chair, perhaps before you
13 make a final determination on a time, we should have someone
14 check with teleconferencing to make sure that -- that there
15 are times available.

16 MR. PENNOYER: That's good. Thank you. And
17 you will do that then

18 MS. RUTHERFORD: Yes.

19 MR. PENNOYER: before the meeting
20 adjourns? Okay. Okay.

21 That -- if we have reached a decision for the moment
22 on how to proceed on this, we -- I know we had some items we
23 still have to clean up and -- yes, Mr. Broderon?

24 MR. BRODERSON: I'm sorry to

25 MR. PENNOYER: You object to the whole

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process, right?

1 MR. BRODERSON: No. No. I'm sorry to slow
2 things down here, but I'm not quite clear on funding here.
3 Are you saying that after March 1st that we will go ahead with
4 funding of these projects on an interim basis until such time
5 as a final decision is made on them? Did I hear that
6 correctly?

7 MR. PENNOYER: Those that between now and
8 March 1st are given a green light, that's correct. Now, on
9 Monday we're going to look at the damage assessment
10 continuation and close out and if some of those don't get the
11 green light, then you're knowing we'll not go ahead with the
12 funding.

13 MR. BRODERSON: But -- but everything else,
14 all the restoration studies and everything else, the damage
15 assessment close out, the continuation we're to assume interim
16 funding until a final decision is made?

17 MR. PENNOYER: The final decision on what's
18 even going to go out to public review on restoration will be
19 made on the 28th or 29th, and I assume if the decision was
20 negative, we wouldn't go ahead.

21 MR. BRODERSON: But that then leaves us
22 needing roughly two weeks to a month's worth of money to give
23 (ph) people pink slips. I'm still back to the question we had
24 earlier about employees without funding come March 1st.

25 MS. RUTHERFORD: For restoration projects,

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Mr. Chair, that is the prob- -- that is the probable, Mark.

1 MR. PENNOYER: I guess I don't know any way
2 around it unless we try and meet earlier than that and then
3 take the -- I'm amenable to a meeting of some kind, by
4 teleconference or otherwise the week of the 18th, which would
5 be -- still would give you two weeks lead to -- to March 1st.

6 MR. BRODERSON: Well, what I'm suggesting, a
7 possibility is that you just assume interim funding on this
8 until the project is cut off and then you have two weeks after
9 that to close it down.

10 MR. PENNOYER: Oh, I see what you're saying.
11 Yeah. Okay. That probably would be a reasonable -- but you
12 wouldn't go out and fly a bunch of surveys, or put a bunch of
13 collars on or something, (indiscernible, simultaneous
14 speech)

15 UNIDENTIFIED: I would hope not.

16 MR. PENNOYER: Gives employees two weeks to
17 tie up their business.

18 MR. BRODERSON: We have no projects in that
19 category, so I can categorically state we would not, but I
20 would hope the other agencies would not also.

21 MR. PENNOYER: Further comment from the
22 Restoration Team? Marty, do you have an answer -- another
23 answer for that?

24 MS. RUTHERFORD: No, I just -- I think that
25 whatever date you set towards the end of the -- of this month,

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1 you need to make sure that -- that Mr. Spies will be able to
2 respond with his review, working with us on the restoration
3 projects.

4 MR. PENNOYER: Dr. Spies, did you hear that
5 conversation?

6 DR. SPIES: I came in a minute or two ago,
7 and

8 MR. PENNOYER: Okay. Then let me review for
9 you then where we are right

10 DR. SPIES: I want to be clear exactly what's
11 being asked of me.

12 MR. PENNOYER: Before you run out of the room
13 screaming, we're still on board for a Monday teleconference,
14 time still uncertain, on the damage assessment close out and
15 continuation projects, and we're going to do a green light/red
16 light on those on Monday.

17 DR. SPIES: Understood.

18 MR. PENNOYER: The current plan because we
19 can't get to it here, and can't get your review with the
20 Restoration Team on the restoration projects, is to go and
21 look at the restoration projects, Trustee Council will look at
22 them probably the last week in this month, although we haven't
23 set the date, and the hope would be that you could get
24 together with the Restoration Team and provide us an input
25 before that time. And then on that date we would make a
thumbs up/thumbs down, taking into account consideration of

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what Mr. Broderon has said in terms of employees and not --
1 hopefully not -- if we have a thumbs down, it's not going to
2 mean you're just gone right away. There will be some close-
3 out period. We probably -- we need to consider some close-out
4 period on each project if we decide to terminate it.

5 Anybody have any further comment at this time?
6 Please, if you have a problem with that, let me know. Mark?
7 Do you have any further comment?

8 MR. BRODERSON: I -- I think that's fine. I
9 just wanted to make sure that we weren't leaving people in
10 the lurch or needing to give pink slips next week.

11 MR. MORRIS: I would think we would need to be
12 able to present some interim budgets to the Council members on
13 these projects so they know what they're buying in the
14 meantime.

15 MR. PENNOYER: In the meantime? Before
16 February 29th?

17 MR. MORRIS: No, I mean while -- while some of
18 these are out for public review, that -- that face layoffs of
19 -- of staff.

20 MR. PENNOYER: You mean during the times --
21 before the final decision is made, what we might spend between
22 February 29th and April 1st or whenever we get the public
23 review back?

24 MR. MORRIS: Yes, the

25 MS. RUTHERFORD: Maybe you mean -- maybe you

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mean by just the close out? What it would take to close down
1 the projects they

2 MR. MORRIS: No, I was -- I was referring to
3 what Mark was saying, March 1st, some interim funding of --
4 for these projects before the

5 MR. PENNOYER: I'm lost again?

6 MR. MORRIS: You were worried -- concerned
7 about if -- if you approve them conditionally -- conditionally
8 approve them that people will go out and fly surveys that they
9 don't need to fly. That -- that's a legitimate concern, they
10 could be spending money full speed ahead. I -- I think what
11 we're saying is that these projects just need to -- to be
12 maintained, personnel kept on board, nothing done that doesn't
13 need to be done until you get the final approval. What would
14 that be the -- the cost of that project say maybe for the
15 months of March, April and -- and May or so.

16 MR. PENNOYER: Well, my assumption is you're
17 going to have at least interim approval on -- from the Trustee
18 Counsel on February 29th. Now, in fact if something does
19 come back that dissuades us from that in the final assessment
20 in April, whenever we make it, yeah, I guess I assume you're
21 only going to do critical activities until the final approval
22 was completed. In other words, if you don't have to go out
23 and buy a boat, don't go out and buy the boat.

24 MR. MORRIS: But you'll need to know how much
25 that should cost I think.

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MR. COLE: Mr. Chairman?

1 MR. PENNOYER: Yes, Mr. Cole?

2 MR. COLE: You know, I sort of see where we're
3 going. We're going to be virtually locked into these projects
4 come May or decision date, we would have had major expense
5 March and April and some of May. There will be equipment
6 purchased I presume. There will be other work done, and then
7 we'll be in a position of saying, "look at all this waste. We
8 really -- to get our money's worth, we should finish up the
9 projects which are half done now." I mean, you know, we
10 should see that coming, because that's likely the way it will
11 be, you know, so you just as well recognize that right now and
12 not kid ourselves.

13 MR. McVEE: Mr. Chairman?

14 MR. PENNOYER: Well, Mr. Cole, I guess the
15 only comment would be is if -- maybe if we do what Byron says,
16 on February 29th we look at what the expenditures might be
17 between March 1st and May 1st or whatever, and that will be
18 part of our decision matrix in approving or not approving the
19 project. If we think we would get backed into something we
20 might not like, maybe we'll take a different view of it. At
21 least we would have that information in front of us, so I
22 think what Mr. Morris has proposed is probably appropriate.

23 Mr. McVee?

24 MR. McVEE: Yes. On -- on a number of these
25 projects where there's contracts involved, that may be the

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most time critical element is starting that contract process,
1 to contract for boat, aircraft or -- or whatever kind of
2 service is necessary to -- to for the -- the project, and I
3 don't think that at least in Interior that we can get a
4 contract officer to -- to sign off and -- and move a contract
5 without certification that there's funds available. And so,
6 you know, in -- in some of our projects, for example, I know
7 that unless we can come up with alternate -- alternative
8 funding sources, we're probably dead on a couple of these even
9 waiting until the February date. I -- I guess -- you know, we
10 may have to fact that as the -- as -- as the ultimate, but
11 that is a problem.

12 MR. PENNOYER: Mr. McVee, I guess I don't
13 totally understand that, because we've always assumed that we
14 were going to send these projects out to public review,

15 MR. McVEE: Uh-huh.

16 MR. PENNOYER: and if in fact we got
17 compelling information back, we might still terminate them, so
18 how do you issue contracts in any case when you don't
19 know

20 MR. McVEE: Yeah.

21 MR. PENNOYER: absolutely, positively
22 the total amount of the budget until

23 MR. MORRIS: Yeah.

24 MR. PENNOYER: May.

25 MR. MORRIS: Mr. Pennoyer, though -- some --

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some contracting people will not -- will not initiate a
1 contract if they don't know the funds are available; however,
2 the contract can be cancelled if -- if the -- the project does
3 not need the contract and the money isn't spent. But it has
4 to be somewhere available in some circumstances or you -- you
5 can't start the contract procedure, say, for a charter vessel
6 or something like that.

7 MR. PENNOYER: Well, I -- I guess again as you
8 originally proposed, if we come back February 29th and approve
9 something and you give us what interim cost

10 MR. MORRIS: Yes.

11 MR. PENNOYER: would be, we will have
12 approved that interim cost, because we're not going to change
13 our minds until we get it back from public review. So you'd
14 have that anyhow.

15 Is there further discussion on this? Is there any
16 objection to proceeding in this fashion?

17 MR. COLE: I'm having -- I'm having big
18 trouble.

19 MR. PENNOYER: I would welcome -- welcome any
20 suggestion to change that. I don't know right now how we get
21 the review that Mr. Sandor's notion implies -- requests and we
22 all approved unless we do something like this as we've just
23 discussed.

24 MR. COLE: Well, then, Mr. Chairman, we should
25 ask Mr. Sandor that question.

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MR. PENNOYER: Mr. Sandor?

1 MR. SANDOR: Well, Mr. Chairman, all we can do
2 is the best we can do and I'm confident that this meeting, the
3 teleconference on Monday that we'll, you know, get that
4 segment of these projects out of the way. Under this process,
5 people are on notice that -- that these projects are to be --
6 the remaining ones are to be, you know, reviewed again on the
7 -- the last week of -- of February and they -- they know that
8 this is going out for public review and there may be comments
9 coming from that that's -- that's going to take these things
10 off the track or modify them in some way. I'm an optimist and
11 -- and I think this is going to work.

12 MR. MORRIS: Mr. Chairman.

13 MR. PENNOYER: Mr. Morris?

14 MR. MORRIS: Since -- since we had the -- the
15 review in December, we've -- we've developed additional
16 information, materials on these projects. One is the detailed
17 study budgets and now we have for most projects detailed study
18 plans which could be available for Dr. Spies to have in his
19 hands when he -- he does this review. They're -- they're at
20 CACI right now. If that would help.

21 MR. PENNOYER: I think that was Marty -- Marty
22 Rutherford's part of the -- the recommendation was that they
23 do -- the Restoration Team do provide Dr. Spies with those
24 materials, and he would have that

25 MS. RUTHERFORD: That's correct.

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1 MR. PENNOYER: and include those
2 discussions before our meeting on the 28th or 29th of
3 February.

4 MR. MORRIS: Well, it's -- some of it could be
5 useful for him this weekend as well.

6 MR. COLE: Mr. Chairman?

7 MR. PENNOYER: Mr. Cole?

8 MR. COLE: Is -- are we going to execute -- or
9 the agencies execute binding contracts between now and March
10 1? That's what I would like to know. Is it the intent of
11 any agency to do that?

12 MR. PENNOYER: The question was would you
13 execute any binding contracts on these studies before March 1?

14 MS. RUTHERFORD: For the -- for the damage
15 assessment continuation close out, potentially, yes, after you
16 give us the indication on Monday.

17 MR. COLE: Yeah, Monday, but

18 MS. RUTHERFORD: But for restoration

19 MR. COLE: for other than that, there
20 will be no binding contracts entered into by any agency prior
21 to what, final approval in May?

22 MR. GIBBONS: Mr. Chair?

23 MR. PENNOYER: Dave?

24 MR. COLE: And that

25 MR. GIBBONS: I might help to clarify this.
The damage assessment projects, both -- both close out and the

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continuation are funded I understand through March 1st, so
1 there should not be any new binding before the -- the end of
2 that -- that period.

3 MR. COLE: Well, what -- what I'm getting at
4 is I -- I just want to make sure that where we are is that if
5 -- if these -- because I think Mr. Morris brought this
6 question up, if -- if these projects are subject to
7 cancellation following public -- public review, then we -- we
8 potentially have contract problems between March 1 and final
9 approval following public review. And that's what I just --
10 you know, just thought I'd bring up to make sure we're (sic)
11 all have an understanding of what will happen. If we have
12 those contracts and then it's not -- following public review
13 the project is not approved, we'll have cancellation of those
14 contracts and we'll be subject to -- to actions for breach of
15 contract. I mean, I -- I just bring it up so we recognize
16 that that's what we will be faced, likely be faced under those
17 circumstances. And then when we get to that point or
18 decision, we'll -- we'll have to say, well, you know, do we
19 want to get sued on all these breaches of contract, you know,
20 if we don't go ahead with the project, so as long as we think
21 about that and the staff's addressed it, I'm comfortable.

22 MR. PENNOYER: Would the R.T. make sure they
23 address that as part of their information to us on the last --
24 whenever we meet the last week in February regarding the cost
25 of projects that might be incurred between March 1st and

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whenever we finally get them back from public review?

1 MR. MONTAGUE: Yes, we will.

2 MR. PENNOYER: You'll include that as part of
3 it? Okay. Thank you.

4 MR. COLE: That -- thanks.

5 MR. PENNOYER: Any objection to proceeding at
6 this time with our -- with what we've laid out? Okay.
7 Everybody clear on where we are as we can be? Okay.

8 Dave had some additional items that we either skipped
9 over and have to come back to, or some additional things he
10 needs to do. Dave, why don't I just turn it over to you and
11 lead us back through the appropriate sections.

12 MR. GIBBONS: Okay. I -- I know yesterday we
13 -- we deferred the decision on the restoration planning
14 subgroup, and I'd like to bring that -- that discussion back
15 to -- to the floor. We've had quite a bit of discussion the
16 last couple days on what this planning subgroup is going to
17 do, the framework plan, the draft restoration plans, so I -- I
18 think revisit that -- that budget again if -- if we could.

19 MR. PENNOYER: Okay. Fine. Do you want to
20 lead us through it again, or do you just want us to review it
21 and talk it up?

22 MR. GIBBONS: Well, I -- I guess I can't add
23 anything new to what was stated yesterday with -- with the
24 presentation of the budget with the six full-time FTG's and
25 all. We just -- I just need some -- some guidance from the

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Trustee Council on this subgroup and -- and the workload. The

1 -- the NEPA I think would come into play, too.

2 MR. PENNOYER: Mr. Barton?

3 MR. BARTON: Again, what is our target date
4 for having a final restoration plan?

5 MR. GIBBONS: A draft restoration plan is in
6 September. I think the final, we're shooting for January.

7 MR. BARTON: I move we approve five-sixths of
8 this budget.

9 MR. PENNOYER: Five-sixths?

10 MR. BARTON: We're going to have the plan the
11 first of January.

12 MR. PENNOYER: Do I have a second to approving
13 five-sixths of this budget?

14 MR. McVEE: I'll second.

15 MR. PENNOYER: Would you elaborate on how you
16 got the five-sixths, please just for elaboration?

17 MR. BARTON: Ten months out of 12.

18 MR. GIBBONS: Mr. Chair?

19 MR. PENNOYER: Yes, Mr. Gibbons?

20 MR. GIBBONS: If -- if we get the plan out and
21 it's finalized, I -- I think that -- we -- don't have to --
22 because the budget's -- budget's approved, we don't have to
23 spend it all. We can -- we can put the money back into the
24 joint account if -- when that plan is completed, so what --
25 these are estimate now with -- with -- on the framework and

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1 the draft and when the final is, and -- and if it were done
2 in -- in January and we have one-sixth of the budget left, we
3 can move that back into the -- into the joint account if
4 that's what the Trustee Council likes.

5 MR. PENNOYER: Mr. Barton?

6 MR. BARTON: I would rather approach it the
7 other way. If you need more, we provide more.

8 MR. PENNOYER: Further questions or
9 discussions?

10 MR. ROSIER: We're talking -- Mr. Chairman?

11 MR. PENNOYER: Does anybody have an
12 amend-?

13 MR. ROSIER: Mr. Chairman, we are talking
14 five-sixths of nine -- the budget for 949.3? Okay.

15 MR. PENNOYER: That's correct. So you're
16 including the need for 4.25 FTEs, but at five-sixths of a
17 year? Further amendment or discussion or comment?

18 MR. COLE: Mr. Chairman?

19 MR. PENNOYER: Mr. Cole?

20 MR. COLE: Do -- do we need six people to
21 prepare the restoration planning subgroup along with six
22 people on the Restoration Team? That's 12 people. It would
23 seem that -- if I'm firmly assured that it's necessary, you
24 know, that's good enough, but it seems like a lot of people to
25 prepare this plan, but

MR. K. RICE: Mr. Chairman?

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MR. PENNOYER: Mr. Gibbons, did you want to
1 elaborate on the difference between the -- or, Mr. Rice, the
2 difference between the restoration planning work group
3 and

4 MR. COLE: Excuse me.

5 MR. PENNOYER: the Restoration Team?

6 MR. COLE: Just let me say this, I

7 MR. PENNOYER: Charlie?

8 MR. COLE: missed it a little bit.

9 There were six people on the Restoration Team, six people on
10 the restoration planning subgroup, plus 4.25 FTEs for
11 technical support, plus another 135,000 for contract services?
12 That's -- comes large to a million and a half. It seems like
13 that's a lot of people to me, but maybe I don't have a sense
14 of the work involved?

15 MR. K. RICE: Mr. Chairman, I'll -- I'll try
16 and take a stab at that. We -- we do have a lot of people in
17 there. They're doing a multitude of jobs. Some of them are
18 working on the restoration framework plan right now. That's
19 due out in March. We had an additional task added on to do a
20 NEPA document which is going to require additional effort
21 beyond what we had anticipated in getting a draft framework,
22 or getting a draft plan out. I don't know how -- you know,
23 how to -- how to display without some effort of all of the
24 steps that go into putting a plan together and the reviews and
25 the re-writes and the -- the thought processes that have to go

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into that. The evaluation of all the restoration options that
1 are out there. It -- it takes a lot of work, and frankly in
2 my mind this is a minimal budget to get a -- to get a
3 framework plan out, or to get a framework plan document out,
4 to get a '92 work plan out, to respond to the '91 comments and
5 get a draft EIS out.

6 MR. PENNOYER: I think the sense of the
7 Council, too, is that we want to push this plan forward as
8 quickly as possible, and I suppose if it takes extra people to
9 do that, that's fine, but I think Mr. Barton's notion is
10 clearly saying we don't want this to go on forever. This is a
11 crash process to get this restoration plan out to form the
12 basis of our future actions, and we're going to have to
13 reserve judgment on what's required to maintain that plan. I
14 assume the plan is a living document and it doesn't just quit
15 when we get the first one in place. But it is our hope that
16 -- that you're closely looking at ways that we can maintain
17 that plan without necessarily having somebody from every
18 agency. And so, you know, if -- if this is what it takes to
19 gear up to do it in the short term, okay.

20 Mark?

21 MR. BRODERSON: Mr. Chairman, one more task
22 that the Restoration Team has before them during this exact
23 same time period is trying to put together the '93 work plan
24 which will start earlier this coming year than it did this
25 last time around so we don't find ourselves in this bind. And

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we're also going to try with Trustee Council concurrence to --
1 to pull in all of the public into this development of this
2 work plan, which we're not doing for '92. The Restoration
3 Team I suspect will be totally swamped just preparing the '93
4 work plan, considering it will be the first year of public
5 participation in that work plan as far as both reviewing
6 proposals and also putting proposals in. I don't see that
7 there will be much time for the Restoration Team other than on
8 an over-sight basis to participate in the development of the
9 restoration plan.

10 MR. McVEE: Mr. Chairman?

11 MR. PENNOYER: Mr. McVee?

12 MR. McVEE: Yes. I guess I don't want to be a
13 nuisance but, you know, this -- this was the subgroup where I
14 felt like that because of -- of the -- the lands involved that
15 we needed to have both -- both of the -- the Bureaus, agencies
16 within DOI, and -- and, well, that flies in the -- in the face
17 of a critical discussion about six versus seven, I guess.

18 MR. PENNOYER: Mr. McVee, are you proposing we
19 raise it to seven, and -- and raise the budget a commensurate
20 amount?

21 MR. McVEE: I don't -- I don't know whether we
22 need to raise the budget, but I think that we need to
23 recognize that there would be seven people I think, but we can
24 probably -- we can handle the budget aspect. I see Cordell
25 shaking his head, so I'm getting some confirmation there, but

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1 I think that -- that we wanted to be sure that both the --
2 that Fish -- Fish and Wildlife Service and Park was
3 represented on the subgroup.

4 MR. ROY: Right.

5 MR. PENNOYER: Mr. Sandor?

6 MR. SANDOR: No, Mike was first.

7 MR. PENNOYER: Mr. Barton?

8 MR. BARTON: Could you elaborate on the
9 135,000 for contractual services?

10 MR. K. RICE: Mr. Chairman?

11 MR. PENNOYER: Yes, go ahead.

12 MR. K. RICE: Some of the costs that are
13 identified in that 135,000 may be involved in, for example,
14 contracting out to put a monitoring program together. We feel
15 that going through a contract on that and -- and pulling in
16 the services of somebody who's -- and through developing a
17 large monitoring plan, would give us a good basis for
18 identifying what the monitoring needs are over the year and
19 the long term.

20 MR. BARTON: I guess -- and you have cast
21 about and 135,000 is what you determined was a likely figure
22 to do that, or?

23 MR. K. RICE: I think that's the majority of
24 it. I -- I don't think that's all of the -- all of the 135,
25 and I -- I can't remember what other components we had in
there. Maybe some of the other team members?

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MR. PENNOYER: Is it your -- go ahead. Go²³⁰

1 ahead, Mark?

2 MR. BRODERSON: Mr. Chairman, there -- there's
3 also a small amount of month that's left in here to take care
4 of things like workshops that we bring together. An example
5 of that this year that happened was the workshop where we
6 hired Joe Stokes to take care of the workshop on looking at
7 management alternatives that existed within both the state and
8 federal governments for land management that either exist --
9 for -- for lands that either exist now or for lands that might
10 be -- be acquired by the government in the future or
11 cooperative measures. We've actually spent a fair amount of
12 time looking at that already. Those kinds of projects of --
13 of any scale before they were actually spent will be brought
14 back to the Trustee Council for approval of actual
15 expenditure. Small projects on the order of a couple thousand
16 dollars we would probably just tell the Restoration Team and
17 allow them to go ahead at their discretion.

18 MR. PENNOYER: Mr. McVee has brought up the
19 fact that he needs two members from Interior on the
20 restoration planning group. Is it still your sense, Mr.
21 Barton, that we leave the budget at the same level? Are
22 these both full-time members that have to be on there, or is
23 it

24 MR. McVEE: Yes, I think that -- I think --
25 yes, I think the -- I think they would -- it would be best to

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1 have them full-time members. If the -- if the committee's
2 going to operate on a -- or subgroup is going to operate on a
3 vote basis, we've always expressed the opinion that there
4 would only be one vote, however, for Interior.

5 MR. PENNOYER: Mr. Barton, is the sense of
6 your motion to keep the total the same and you could sort of
7 mix and match with them there?

8 MR. BARTON: I understood that the Department
9 of Interior had no trouble absorbing the seventh position, so
10 I would not change the bottom line in my motion.

11 MR. PENNOYER: The only thing that would
12 change would perhaps be the guidelines for the work
13 (indiscernible, coughing)?

14 MR. BARTON: Yeah.

15 MR. STEELE: The space requirements.

16 MR. PENNOYER: Is that the sense of the group?
17 Is there further discussion?

18 MR. BARTON: We don't have

19 MR. PENNOYER: Mr. Sandor?

20 MR. SANDOR: Well, the -- I want to I guess
21 make just a point of clarification. On the next page of the
22 budget items, the agency program support, which is 3,267,000,
23 this -- that coupled with adjusted 3,834,000 and -- brings
24 that -- although five-sixth of 949 reduces that some, we still
25 have essentially then \$7 million in overhead. It -- it --
overhead for this activity in '92? Is that what this -- is

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that what we're saying?

1 MR. BARTON: Just about.

2 MR. PENNOYER: As I understand it, the agency
3 program support is project overhead,

4 MR. SANDOR: Well,

5 MR. PENNOYER: and the restoration
6 planning subgroup is administration of the program.

7 MR. SANDOR: I wonder if

8 MR. PENNOYER: And I -- we have not signed off
9 on the agency program support yet.

10 MR. SANDOR: Well, I -- I guess that's what
11 concerns me, because in addition to this over- -- overhead
12 item, and then if we approve the next overhead item, which
13 will be 7 million, it's my understanding that there's a
14 number of projects, how many, that have overhead built into
15 them. I don't know if that's case -- if that's the case. But
16 even at the 7 million level, that's an overhead of a total of
17 three -- 30 million, and about 23%, and we heard last night
18 and in -- in earlier public comment section that, hey, we, you
19 know, ought to reduce the amount of overhead, and I'm not sure
20 we're listening. I'm not sure we -- what we can do about it.
21 But I think we've got a problem. May- -- and I'll -- but --
22 so we have not yet approved the second overhead item of -- of
23 3,267,000?

24 MR. PENNOYER: I think, Mr. Sandor, I -- I
25 believe our instructions, and -- and maybe it hasn't been

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1 formalized yet, is that next week a budget team is going to
2 meet and start looking at the question of consistency in
3 budgeting in the projects. That would include the overhead
4 in the projects, and also I would hope that we get a layout of
5 what this program support overhead is. On the 29th we can
6 come back and look at both of those and make up our minds as
7 to how to proceed.

8 MR. SANDOR: Okay. Thank you.

9 MR. PENNOYER: Further comment? Mr. Cole?

10 MR. COLE: Mr. Chairman, are we going to
11 address the agency support program this afternoon?

12 MR. PENNOYER: Mr. Cole, I think the -- what
13 we're going to do on that is next week have the budget team
14 come together and look at the projects, determine what
15 overhead is in the projects versus what's in these budgets,
16 get a detail on these budgets, and then hopefully on the 29th
17 we need then to make a decision on this agency program
18 support. At least that's what I understood we were going to
19 do.

20 MR. COLE: Is any of the agency program
21 support going to be directed to the restoration planning?

22 MR. PENNOYER: Since I don't know what's in
23 those budgets, I -- I guess I can't tell you that. Do any of
24 the agencies want to comment?

25 MR. ROY: Yes, in one instance, Mr. Cole, the
26 second Interior member is a full-time -- to the restoration

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1 planning subgroup is a full-time oil spill division manager in
2 the Fish and Wildlife Service, and that person is fully funded
3 and their -- their funds are represented in that agency
4 overhead. That doesn't mean they work 100% of their time on
5 restoration planning with that subgroup, however. They are
6 also supervising projects and providing managerial support to
7 their agency.

8 MR. PENNOYER: So in effect the restoration
9 planning subgroup budget we just are -- are talking about
10 signing off on is not the whole restoration planning subgroup
11 expenditure. Some of it is also over

12 MR. ROY: You could look at it -- at

13 MR. PENNOYER: in agency project
14 budgets?

15 MR. ROY: it that way, in that one -- in
16 that one very small instance.

17 MR. PENNOYER: I guess I had assumed that the
18 agency program support budget was primarily support for
19 project monitoring, whereas restoration planning was mostly
20 over here. That's not correct?

21 MR. ROY: No, not in that one.

22 MR. MORRIS: That's -- that may be the
23 exception of Interior. With NOAA it's the rule that program
24 support was taken out of the NOAA budget and put into the
25 restoration subgroup for any restoration planning effort.

MR. PENNOYER: So as you come back to us with

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a breakdown on the agency program support, we could see that?

1 That would be part of what would be shown to us?

2 MR. ROY: We could project that.

3 MR. K. RICE: Mr. Chairman?

4 MR. PENNOYER: Mr. Rice?

5 MR. K. RICE: There is one other instance at
6 least in Interior -- or I mean in Agriculture where there is
7 some program support that the agency is providing, that is an
8 assistant to the restoration planning subgroup. It's a co-op
9 institute. So there -- there are some -- there are some
10 agency program support dollars that -- that are in assistance
11 to the -- the restoration subgroup, and -- and we'll be able
12 to display those for you later at our next meeting.

13 MR. COLE: Mr. Chairman?

14 MR. PENNOYER: Mr. Cole?

15 MR. COLE: Assigned to what agency are these
16 six full-time restoration planning subgroup individuals?

17 MR. GIBBONS: They're -- Mr. Chair?

18 MR. PENNOYER: Mr. Gibbons?

19 MR. GIBBONS: There's one from -- from each
20 Trustee agency.

21 MR. PENNOYER: And then there are some
22 additional ones from each Trustee agency that are over under
23 agency program support?

24 MR. GIBBONS: Yeah. I think that the way to
25 deal with that is just to let us come back in February with a

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great amount of detail on what this agency program support is,
1 and in -- if you would like, we could even -- we could provide
2 names, the -- the tasks, everything associated with -- with
3 that program -- agency program support. And it will help
4 clear the situation up.

5 MR. PENNOYER: Okay. I -- I guess I'm --
6 Mr. Sandor, go ahead.

7 MR. SANDOR: Well, I was going to say that
8 perhaps what we should do is give no more than conditional and
9 -- and temporary approval until this process is evolved. I
10 think what we really need to do is look at the total
11 administrative costs of running this total program, and if we
12 approve this 383 or 3834 or whatever now and then come back
13 and -- and we're dealing with the 3267, and then we find
14 these -- yet there's some administrative costs -- costs in the
15 projects, we should really have a sense of -- of how much
16 administrative costs this -- this is running and, you know,
17 maybe 23 is -- is defensible. Perhaps 15%, you know, would
18 have been more reasonable. But I -- I'm troubled that we
19 would make a permanent long, binding commitment that we're
20 going to go with these six personnel and then come back two
21 weeks later and then approve this other segment, which is the
22 other half of this \$7 million, and -- and I don't feel
23 comfortable quite frankly with a \$7 million administrative
24 services overhead package. And that's the problem. I will go
25 along with this with an understanding that when we get back

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together and look at this total administrative cost package
1 that we may want to make an adjustment. Is that in keeping
2 with your motion, Mike?

3 MR. BARTON: I think we need to keep in mind
4 that we've asked this group to produce a restoration framework
5 by when?

6 MR. GIBBONS: March 15th.

7 MR. BARTON: Given that, then subject to that
8 then, yes, that's in keeping with my motion.

9 MR. SANDOR: Okay. I -- you

10 MR. PENNOYER: Mr. McVee?

11 MR. McVEE: Yes, Mr. Chairman, you know, it
12 seems to me like that -- that just reiteration of guidance
13 that was provided earlier concerning, you know, costs and --
14 and the -- the size of this budget, that there needs to be a
15 direct relationship between this overhead and -- and the level
16 of project work that's being conducted by -- by each entity,
17 by each agency, because here we're talking about basically
18 program management type people in the agencies that are
19 managing the program for that -- for that agency. So I think
20 there needs to be a relationship illustrated that -- in -- in
21 that respect. In -- in some degree it should be consistent I
22 think, you know. Granted that maybe some programs might
23 require more management than others because of the number of
24 contracts and so on, but there should be some consistency in
25 that -- in -- in those numbers.

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MR. PENNOYER: Mr. Barton?

1 MR. BARTON: But that's exactly the problem at
2 the moment, that I don't think there is consistency, and
3 that's what the restoration team is going to identify for us
4 and give us an opportunity to deal with and -- and to bring
5 some consistency to that.

6 I think the thing we need to be very careful about is
7 that we don't end up shifting reductions say in the
8 restoration planning subgroup budget over to additions in the
9 agency, whatever we call that other budget, agency program
10 support budget, and we -- I think that may be what's bothering
11 a number of people is that we just can't make that kind of
12 shifting around. And I -- perhaps that's at the bottom of
13 your suggestion, John, about needing to look at this bottom
14 line. We've looked at this piece by piece, but I think that
15 we need to aggregate it all up and I've been operating under
16 the assumption that once we see the whole package, that we
17 then are free then to go back and adjust pieces of it if we
18 choose to.

19 MR. PENNOYER: I have a -- before we finalize
20 the motion one way or the other, I have a question, too, and
21 that is what are we going to go forward with on an interim
22 basis to get some money into the administration of this
23 project, which is going to include at least to start with
24 these items that we've passed here today so these groups can
25 continue working? Mr. Barton?

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MR. BARTON: Well, yeah, I -- I think that we
1 -- we need to get some money into this process and those
2 budgets that we have approved, I think we should consider as
3 authorized. That does not mean that we won't modify them or
4 refine them later, but for the purposes of the present, I
5 think that the group should go ahead as we've authorized them.
6 But I -- are we not still dealing with the restoration
7 planning subgroup budget?

8 MR. PENNOYER: That was your motion, yes.

9 MS. RUTHERFORD: Mr. Chair? Could -- could
10 the motion be restated? I -- I missed it and I'm supposed to
11 be trying to keep track of the dollar here.

12 MR. PENNOYER: As I recollect, the motion was
13 that we fund the restoration planning subgroup at five-sixths
14 of the indicated amount of 949.3 thousand.

15 MS. RUTHERFORD: Thank you.

16 MR. PENNOYER: And the intent was that the
17 plan would be written and completed in ten months and we would
18 somewhere along the line review where they are and decide if
19 in fact it should be either contracted or expanded.

20 MS. RUTHERFORD: Thank you.

21 MR. PENNOYER: Any further discussion? Given
22 Mr. Sandor's caveat that we're going to come back and review
23 the agency program support, and sort of make sure we don't
24 have apples and oranges here, can we proceed with the items
25 that we -- we have approved -- I mean, the -- with the motion

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as seconded?

1 Okay. Dave, what's -- what's next? Why don't we go
2 back to Mr. Rice's presentation?

3 MR. GIBBONS: Yes. Why don't we move to the
4 habitat/

5 MR. PENNOYER: You had a question?

6 MR. GIBBONS: protection of lands
7 discussion?

8 MR. PENNOYER: Mr. Cole?

9 MR. COLE: Before we do that, can I bring up
10 another lingering issue, and that's

11 MR. PENNOYER: Sure.

12 MR. COLE: do we have any money in the
13 bank account now? A small matter. Maybe Mr. Tillery could
14 give us a -- or somebody -- is Mr. O'Connor here today?

15 MR. PENNOYER: No.

16 MR. McVEE: Regina has some -- Regina?

17 MR. TILLERY: The answer is we've got 36 and a
18 half million dollars in Texas. We have no money here. We can
19 get money within -- the best estimate of the clerk of the
20 court, they haven't done this before, but she's estimating
21 five days from the time we present the order to the judge and
22 he signs it, which should be -- I think Judge Holland's acting
23 quickly.

24 MR. COLE: And -- and once that money gets
25 here?

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MR. TILLERY: We don't -- we have to have a
1 place to put it, because we want to do it by electronic
2 transfer, and to some extent the question raised by
3 Mr. O'Connor yesterday creates new problems that have to be
4 resolved at the same time.

5 MR. COLE: Just -- just one second.

6 MR. PENNOYER: Okay.

7 MR. COLE: Just one second.

8 MR. PENNOYER: Go ahead.

9 MR. COLE: Well, where does the money go once
10 it leaves Texas?

11 MR. TILLERY: Well, electronically it will
12 flow into the court registry in Anchorage, and then
13 electronically it will flow into some account. And the
14 question is whether it's going to be a bank account
15 established by this group, or a bank account established by
16 the federal government, or one established by the state, or
17 what.

18 MR. PENNOYER: Yes? Yes. Do you want to
19 speak into the microphone?

20 MS. SLAETER: In terms of where the money
21 could go as opposed to where it will go, the Congress of the
22 United States passed a law which the President signed on
23 December 12th, which created an account in the Department of
24 Interior called Natural Resource Damage Assessment and
25 Recovery Fund. It's a revolving, interest-bearing, and it's

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been designated to be the depository of funds received by the
1 federal government for use in oil spill recovery work. And it
2 is our understanding that for projects administered by the
3 federal government in this process, those monies must flow
4 through the NRDAR account. That account is established, it
5 does have an electronic number. I -- I have worked under the
6 assumption that the Attorney General's Office would be
7 designating an account for their money, for the monies for the
8 projects administered by the State. And I think that -- that
9 that is the basic scheme that Mr. O'Connor was -- would have
10 been leading up to yesterday if we'd got into the discussion
11 of where the fundings go, and I'll put in a plug for the NRDAR
12 account, which is -- not only is it interest-bearing, but it's
13 revolving. Monies that aren't used in there don't go any
14 place and expire at the end of the year or anything else.

15 MR. PENNOYER: Mr. Cole?

16 MR. COLE: Well, is it your conception that
17 we're somehow dividing this money now or just dividing it on
18 the basis of to what federal agency it goes?

19 MS. SLAETER: I would say the later. I don't
20 think we're dividing the money so much as, as you've seen, the
21 projects are proposed by the various agencies, and this is a
22 mechanism for getting the monies to the federal agencies.
23 This was something that -- that dealt with this fall in D.C.
24 and it's something we can work with, which is if it's going to
25 be a Department of Agriculture led project, the Secretary re-

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-- the NRDAR account in Interior is set up to transfer the funds out to the Department of Agriculture to administer their project. If it's a NOAA project, it could go out. If, for example, for convenience's sake the rental of the Simpson Building is carried by the Department of Justice as it is now, the money can be transferred to Justice out of that. You don't have the Clerk of the Court writing -- setting up 15 different transfers. There's basically a single transfer for the United States and then the other mechanism is handled internally.

MR. COLE: But it's the theory that all money then that comes from this fund has to go through this federal Congressional bank account?

MS. SLAETER: No, sir.

MR. COLE: How -- how would it otherwise go? Suppose we said, well, let's send the money out here to North Pacific Aerial Surveys, for example, how would the money flow then?

MS. SLAETER: Well, I think it would -- I think you will run into something that hasn't been resolved yet, that the Trustee's Council will have to resolve, which is, one, you have the projects coming not from an agency, how is the monitoring going to be done of that project? How are you going to establish compliance of that project? I don't think the Trustee's Council have resolved that yet.

I believe one way of handling it, which would be

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1 sufficient is if one's being monitored, is that the
2 responsibility of a given agency, say ADF&G, which has a lot
3 of expertise in fish management, and there's a project that
4 the public has proposed that deals with fish, the logical
5 monitoring place for that project is with the staff, with the
6 agency expertise that already exists in ADF&G. Therefore the
7 administration of the whole contract would logically flow to
8 ADF&G.

9 MR. COLE: So are you saying that all monies
10 that are in the trust fund therefore are required to flow

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