

EXXON VALDEZ OIL SPILL SETTLEMENT
TRUSTEE COUNCIL

Simpson Building
645 G Street
Anchorage, Alaska
February 28, 1992
10:00 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 Council Chairman
National Oceanic and Atmospheric Administration	MR. DONALD COLLINSWORTH Deputy Regional Director
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

MR. BARTON: Take seats, I'd like to begin the meeting.

When we recessed for the public comment period last night, we were in the middle of discussing a number of the projects that we had not taken action on, specifically five that we had not taken action on, and we were in the middle of R82A I believe it was. Are there any members of the Council that want to say anything before we resume that discussion?

MR. COLE: Mr. Chairman?

MR. BARTON: Mr. Cole?

MR. COLE: One of the principal reasons yesterday afternoon I asked to continue until today our discussions on these projects was because I wanted to have an opportunity to reflect on where we were and the position which I should take with respect to these projects. I have now done that and I want to express my thoughts.

You will recall that a number of days ago we asked the Restoration Team to re-examine the projects which had been recommended to us initially. And the Restoration (sic) responding to the signal which we gave it re-examined the projects themselves, and the proposed expenditures related to each such project. Correctly interpreting the signal which I think the Trustee Council gave to the Restoration Team, the projects were markedly reduced, and the amount of the

expenditures related to a number of those projects were reduced. And the recommendations have now come back to us following this re-examination which was done, in addition, in cooperation with Dr. Spies and peer reviewers.

We are now in my view at an important juncture in this process which we have embarked upon, because now several of the Trustees have asked that projects which did not make the cut be re-examined by the Council. And I think that that as a matter of process may not be advisable. And why do I say that? Well, first I think it's destructive of the process which we've asked the Restoration Team to follow. I mean, I'm sure that after the acrimonious sessions which I suspect took place in the review, some members of the Restoration Team say "What are they asking us to do and signal are we to take from the Council?" So I think the juncture at which we are now is -- certainly does not further the morale of those working on the Restoration Team if we approve the prospective projects or at least a number of them. That's point number one.

Point number two is that if we proceed in the fashion which we are now embarked upon and we approve any one or more, for example, of these projects which we are now being asked to re-examine, we then place other Trustee Council in a position of being in a position that they must then advance projects which their agency asked to be included and which did not make the cut on the Restoration Team. That much seems

clear to be -- to me to be the case. If we say Agency A has now urged the Trustee Council to reconsider projects number one, two and three, then Trustee Council member representing as it were Agency B will be urged quite naturally I think to support project number 17 being advanced by that Agency. And -- and if that Trustee Council member does not do that, confidence in that member will be lost to Agency personnel. It just seems sort of clear to me. So what this leads to is sort of a possible proliferation of projects which the Trustee Council should reconsider. Be asked to reconsider.

Then what does that do to the integrity of the process? I thought about it very early this morning. Well, it leads to a possible perception by members of the public that -- that there's a whole lot of trading going on among members of the Trustee Council. You know, I don't -- not -- not explicit, not overt, but, you know, sort of lying out there: "If you will support mine, one says, well, I don't want to vote against this one, because, I mean, I have got one coming out for examination, and," you know, I mean -- so how do we really balance that out? And I -- I think there's, you know, a troublesome possibility there that the public may mis-- may lose some confidence in -- in the integrity of the judicial make -- or the -- of the decision-making process which is going on here. If we do that, you know, we're really in trouble. So that helped.

Then what do we do about where we are now? Well, we then have the requirement of the memorandum of agreement or understanding that it takes a unanimous vote. And any one of us, namely me, can, you know, block all of these by just saying no. But that really is not very good to the process either. And why do I think that? Well, you know, there's been comment, at least by one member of the public, who said that's a bad provision. And somebody -- simply any one person can block the whole process by just being obstinate. And -- and I expressed in response the view that -- that requirement of unanimity really should serve to bring us all together or in -- and to prevent divisiveness among the members of the Council. And because if one member of the Council, you know, just sort of becomes bull-headed as I'm often accused of being, then that may lead to retaliation and the lack of congeniality among the members of this Council, which has not surfaced.

So where does that bring me at the conclusion of these remarks? I am concerned about the process that we're about to embark upon at this moment. I think we should preserve the process and reflect carefully on what you're now considering, and I want to retract my statement yesterday that I would vote against each one of these projects which we're now about to consider, to say that I will not singularly vote against any project. If I do not have the support of at least one and

perhaps two other members of the Trustee Council, I will acquiesce. But I am concerned about the process for the reasons I mention.

Thank you for giving me the opportunity to make these not so brief remarks.

MR. BARTON: Thank you, Mr. Cole. Any other member of the Council wish to say anything?

MR. McVEE: Mr. Chairman?

MR. BARTON: Mr. McVee?

MR. McVEE: I guess after hearing Mr. Cole's remarks, I think the points that he raises are very valid, that -- that we do need to honor the process. It was a product of the Trustee Council that we asked the R.T., the Restoration Team, gave them direction to go back as Mr. Cole said and -- and make some cuts. And they did. They did the job, and, you know, with Dr. Spies' help, we have a budget that -- that I personally feel is within, you know, the -- the ballpark of what we were asking them to do.

I guess the other thing is that -- is these projects that -- that we were -- we're talking about now are, you know, are -- are deferrals, and it means, I guess putting the work off for one year. I know that that has ramifications from management standpoint, people standpoint, too, even, but, you know, it may be that -- that maintaining the process is -- and going with the recommendations of the Restoration Team -- Team

and the chief scientist is in my mind probably the best way to go an -- and maybe we should defer this entire slate until -- until -- to be considered in the '93 package.

MR. BARTON: The entire slate being the five projects we've get to

MR. SANDOR: If that's a motion, I'll second it.

MR. ROSIER: Mr. Chairman?

MR. BARTON: Mr. Rosier?

MR. ROSIER: Give us the list of the five that we're talking about?

MR. BARTON: Yes. R6, R6E, R82A, R60AB, and R73. It's been moved and seconded that I -- I guess that would essentially be adopt the Restoration Team's recommendations for those five projects, is that correct, Mr. Gibbons?

DR. GIBBONS: That is correct.

MR. COLLINSWORTH: Can we have the title of those, please? I -- I want to make sure that I understand which projects we're on?

MR. BARTON: Can you find those, Dave?

DR. GIBBONS: Yes, I can -- I can read them off. MM1, humpback whales,

MR. BARTON: We disposed of that one yesterday.

DR. GIBBONS: We did?

MR. BARTON: Yeah.

DR. GIBBONS: Okay.

MR. COLLINSWORTH: What -- what did we dispose
of it at?

MR. BARTON: Didn't we reject that one
yesterday?

MR. COLLINSWORTH: Well,

MR. COLE: Well, Mr. Chairman?

MR. BARTON: Mr. Cole?

MR. COLE: I don't want to complicate where we
are, but I think the sense of my remarks would mean I would
like to afford Mr. Collinsworth an opportunity to have a clean
vote on that. I was the only

MR. BARTON: All right.

MR. COLE: dissenting vote on that, so
I would like to see that that come within whatever we do this
morning.

MR. BARTON: Without objection then the -- the
slate that we're talking about includes MM1. If Mr. Gibbons
would name them for us?

DR. GIBBONS: R6 sea otters, R6E sea otters,
R60AB pink salmon, and R73 harbor seals.

MR. BARTON: And R82A?

DR. GIBBONS: Yeah, killer whale. R82, killer

whales.

MR. COLE: Would you -- Mr. Chairman, would you be good enough to renumber those so we have a clean shot?

MR. BARTON: R6 and R6E, both sea otter, MM1 is humpback whales -- or is that killer whales?

MR. COLLINSWORTH: No, the -- the humpback whale is the

MR. BARTON: Humpback whale. MM1

MR. COLLINSWORTH: MM1 is \$15,000.00 for a close-out, and

MR. BARTON: Right.

MR. COLLINSWORTH: I still would like to have an opportunity

MR. BARTON: Well,

MR. COLLINSWORTH: to deal with that.

MR. BARTON: We'll do that. MM1 is humpback whales, R82A is killer whales, R60AB is pink salmon, and R73 is harbor seals. So those are the six projects under discussion at the moment. It's been moved and seconded that we deal with those as a block, and adopt the Restoration Team's recommendations, which would essentially defer those six projects until subsequent years.

MR. ROSIER: Well,

MR. BARTON: Mr. Rosier?

MR. ROSIER: Yes, Mr. Chairman. That is, if

I'm reading the Restoration Team's recommendation on R60AB pink salmon,

MR. BARTON: That's right.

MR. ROSIER: that is not what they're recommending there.

MR. BARTON: That's -- that's right. I stand corrected. What is recommended on R60AB is a funding at a level of 1.3 million. Now, is the motion -- did the maker of the motion mean to endorse the Restoration Team's recommendation?

MR. McVEE: Yes, it is.

MR. BARTON: All right.

MR. SANDOR: And the second's

MR. BARTON: And the second -- and is that the intent of the second is to endorse the Restoration Team's recommendation?

MR. SANDOR: Yeah, that was the -- Mr. Chairman, that was the intention the exception of that R6 sea otter closure -- no, I guess the 15,000 closure which was not really dealt with yesterday, so I assume it was Mr. Cole's intention as well as Don Collinsworth to revisit that one separately, so I was dealing with the other ones.

MR. BARTON: You were dealing with the five

MR. SANDOR: Yeah.

MR. BARTON: other than MM1?

MR. SANDOR: Yeah.

MR. BARTON: So we've got a motion for six of them, and a second for five of them.

MR. SANDOR: Yes.

MR. COLE: Mr. Chairman?

MR. BARTON: Yes, sir?

MR. COLE: It was not my intent to revisit that one separately. It was more straight forwardly my intent to allow the entire Council to -- or to -- to withdraw my objection and to furnish the Council an opportunity to re-examine that separate project this morning. So I'm just simply withdrawing my objection to it yesterday.

MR. BARTON: Thank you, Mr. Cole. We still have a dilemma with a motion to deal -- there's a motion -- the motion's been made to deal with all six of these as a block and to endorse the Restoration Team's recommendations. Is there a second to that motion?

MR. SANDOR: I'll second that motion,

MR. BARTON: All right.

MR. SANDOR: Mr. Chairman, as I did with the -- with the total block, and I would move to amend that motion to treat MM1 first specifically separately.

MR. BARTON: All right. There's an amendment.

Is there a second to the amendment to

MR. COLLINSWORTH: Second. Second.

MR. BARTON: Okay. It's been moved and seconded that we delete MM1 from the block and deal with it separately. Any discussion on the amendment? Any objection to the amendment? Okay. The amendment -- the motion now reads that -- to deal with the five remaining projects as a block and endorse the Restoration Team's recommendation. Discussion on the motion? Objection to the motion? Hearing none, that -- that motion is adopted.

We now have dealt with all the projects except MM1. Is there

MR. COLLINSWORTH: Mr. Chairman?

MR. BARTON: Mr. -- Mr. Collinsworth?

MR. COLLINSWORTH: Yes, I would like to move the adoption of marine mammal one at the February 5th level, which is the proposed close-out for \$15,000.00. We have spent \$318,000.00 on the humpback whale work, and the request is for \$15,000.00 to close that project out and to prepare a final report. It seems a reasonable investment.

MR. BARTON: Is there a second?

MR. SANDOR: I'll second that.

MR. BARTON: Discussion? Is there objection to the motion? The motion passed.

We've now dealt, if my count is right with all the proposed projects. And those that we have in -- well, the

appropriate action for those that we've accepted is to send them out for public review shortly, and we'll revisit them again following public review.

That brings us to item four on the agenda if I'm not mistaken, and that is the organizational budget. Dr. Gibbons?

MR. COLE: Mr. Chairman, may I

MR. BARTON: Mr. Cole?

MR. COLE: bring up one issue or two?

It -- it's clear, is it not that items which did not make the cut will not be -- we will not seek public comment upon, is that

MR. BARTON: That's my understanding of what we said yesterday.

MR. COLE: All right. That's mine, too. One other thing I have in mind I feel compelled to bring up. It's this: I see that some of these studies provide for, in the expenditures the acquisition of hardware, what I will call hardware, non-expendables. What becomes of the ownership of those expen- -- non-expendables following completion of the study? I mean, you know, who owns this hardware?

MR. BARTON: Dr. Gibbons, can you help with that answer?

MR. COLE: Well, let -- let me express my view perhaps.

(Laughter)

MR. BARTON: I didn't think you had one. Go ahead, Mr. Cole.

MR. COLE: Well, it seems to me, and I like the -- the members of the Council's view is that to the extent that hardware is purchased, it is part of these appropriations you might call it for the studies, that it is owned by the Council, and that a separate record of the ownership of this hardware should be kept and accounted for, and, you know, then we can deal with what becomes of it later, see. I think that's proper, and it's been troubling me a little bit it hasn't been brought up, but I've frankly gone through, you know, all these long pages to see what hardware is being purchased as part of these projects, and I -- I think it should be owned by the Trustee Council, so that's my view. I'd be pleased to hear what views are expressed on that subject by other Council members.

MR. BARTON: Dr. Gibbons?

DR. GIBBONS: That -- we've had some discussions on this. We -- we were trying to make a distinction before settlement and after settlement. I'm not sure if that's appropriate or not, but the Restoration's Team (sic) idea is that the equipment that's purchased after settlement is -- is -- belongs to the Trustee Council. It's a joint process. One project uses it one year and if another needs it by another agency the next year, it can be -- can be

moved back and forth.

We're uncertain about the -- the equipment that was purchased before settlement. We would hope that it was -- it was -- it is the same way, but

MR. BARTON: Well, it seems to me that at the very least presettlement purchases are the property of the -- the agencies who purchased them with public funds, you know, and essentially the lead agency for each project would be the owner of any physical property.

MR. McVEE: Mr. Chair?

MR. BARTON: Mr. McVee?

MR. McVEE: Just one thought I was having is that -- that if there's residual value in the -- in the capital property after the point, you know, where it's -- it's not needed any more for a project or for a series of projects or activities, that that -- that that residual value that would be recovered through -- you know, through sale or disposal process should be -- be part of the settlement fund, and not go where it would normally go, into general treasuries.

MR. BARTON: You're talking presettlement or post settlement?

MR. McVEE: Post settlement, yes. It would seem like that -- you know, that may be -- may be an issue, maybe we need a little assistance on that from -- from, you

know, legal folks or property people, but one thought would be give the R.T. some direction to explore this a little bit first.

MR. COLE: Is that a motion?

MR. McVEE: I'll make that a motion.

MR. COLLINSWORTH: Second the motion.

MR. BARTON: Moved and seconded that we ask the Restoration Team to look into the property question, particularly post-settlement. Objection to the motion?

MR. COLE: Could I make an amendment? And in the meanwhile,

MR. BARTON: Sure.

MR. COLE: in the meanwhile that the agencies receiving these funds establish a mechanism to account for this hardware and its ownership. And the reason I say that is we -- we should give them notice up front so that later on they say, "Well, we didn't know," and all this is gone and shuffled off and, you know,

MR. BARTON: Well, I would -- I would expect that the property has been handled in accordance with existing agency procedures up to this point.

MR. COLE: Well, but what are they? I mean, it's

MR. BARTON: Well, we

MR. COLE: we're not sure we know.

MR. BARTON: We can identify those. We can ask the Restoration Team -- is there objection to the amendment? Hearing none, we'll ask the Restoration Team to compile the existing agency procedures.

Are we ready for item four? Dr. Gibbons?

DR. GIBBONS: Yes. If you'll turn in your package to a page called "budget summary"? It's right after the spreadsheets. We tried to summarize on this one page of -- of where we were with the proposal when we -- when we came in yesterday morning. If everybody's got it, I'll kind of walk down through this and what's -- what's involved here.

The first item is the administrative director. Previously approved has been the office of the director and the public outreach budget without one-half information specialist. The -- the proposal came in at the last Trustee Council meeting for one and a half, the Trustee Council eliminated one-half of that position, so there is one information specialist in that public outreach. A total there of -- of 1.218.7.

The Restoration Team next has also been approved by the Restoration -- by the Trustee Council. That's six members, representing each Trustee agency and travel and per diem, a total of 623.6.

And the next item on the budget sheet is the public advisory group. That has not been approved. This is a place-

holder number. We will have some discussion on the next agenda item that relates to this amount. This amount is with a staff liaison as -- at the suggestion of the Trustee Council at the last meeting. This number is -- is to be determined.

The next item on the budget summary are work groups. These are really projects. The following pages behind the budget summary -- summary sheet will have the -- the details of these working groups or working project groups, and we'll try to go -- go through those on -- on how much time is required by project. But the -- the one that had been approved in here previously by the Trustee Council is the Restoration Planning working group at five-sixths of a year, and the number there is 759.4.

The other working groups, the Restoration Team put together the -- the tasks that we saw that the working groups would be doing in the near future or the next three months. We tried to identify the -- the personnel needed to accomplish those tasks in the next three months and have -- have listed those, and we -- we've come up with a -- with a number. The -- the personnel for those groups have not been solidified at this time. We have an estimate of the total amount of personnel that will be needed, and we've come up with a -- with an estimated budget for a period -- for the first quarter, from March 1st, '92, to -- to May 31st, '92, of -- of 300,000. This is split 50,000 per agency.

The next part of the -- the budget summary is the 1992 work plan. We've been dealing with that for the last -- last day. The senior scientist's budget previously approved at 191 -- up to 191, and the -- the projects below that, the Spies/RT recommended program of 7.2, the RT recommended program alone of 3.7 or 3.8, and then -- then the for further consideration of the coastal habitat projects, that's, you know, the number we came in with. It's been changed a little bit. We'll -- we'll come up with a new number on that. That's -- that totals to about \$17.8 million we need, with uncommitted funds from the December 1991 payment then of 18 and a half million dollars sitting in -- in an account.

Okay. Now I'll walk briefly through the working groups to see how we came up with the -- with the tasks. I won't read every item on here, but I'll just walk through the working groups themselves.

The Restoration Planning Working Group, as -- as I mentioned that was previously approved, and the -- and the tasks are identified under item A. This is for a period I will point out from March 1st to December 31st of '92, five-sixths approval period that the Trustee Council previously approved.

The next working group is the Geographic Information System, and we estimate that the oversight for this will take one month to provide the oversight for GIS products and --

that will be required for damage assessment close-out and any restoration work.

The third group, Public Participation Working Group is presently chaired by Ernie Piper. It's been working since January on scoping sessions, will continue to be working on the -- the restoration framework which will come out the end of March we're estimating now for public, and then we'll need the public -- a series of public meetings on that document. Our estimate here is for a three-month period for six -- six total months for personnel. There's -- there's some personnel identified that -- I don't know -- remember the exact number of people in that group, but it's not -- it's -- I think it's five people for 1.2 months, but

The Financial Working Group, this was established by the Trustee Council at the last meeting, an estimate of time needed between March 1st and May 31st is -- is 14 months.

The Process Working Group that was established in January, in the January Trustee Council Meeting, this will sunset after the end of this period. We're estimating the period from March 1st to May 31st at four months, and then there will be no further need for this subgroup, and so we will expect a reduction in -- in the next quarter.

Item F, 1992 Work Plan Working Group. This again is for a period from March 1st to May 31st, and will be sunsetted after this period. We'll have the 1992 work plan out to the

public and have public comments back, so this is an estimate for getting that document ready to the public and then getting -- getting the document back and making the comments to it and getting the -- the final draft to the Trustee Council for -- for approval.

The next working group is the 1993 working plan -- the -- the Work Plan Working Group. The estimate on the timeline for going to public proposals for the 1993 program is May. We will need to prepare the formats and the information that we'll be requesting from the public pretty soon. The proposals for 1993, an estimate of the time needed from March 1st to May 31st is three months. Three person months.

The next task is Cultural Resources Working Group. This is an archaeological steering groups that's been formed in 1990. It continues to operate. We estimate two months of -- of personnel needs for the period March 1st to -- to May 31st.

The next group is the Environmental Compliance Working Group. This was suggested that the NEPA process and some other things be -- be examined by projects or -- or by plans.

We estimate personnel needs from March 1st to May 31st of one and a half months to do some of this work.

And then the last group is the -- the group that was requested they be formed by -- by the Trustee Council is a Land/Habitat Protection Working Group. We envision a lot of

work for this group. There's a lot of interest by the public. We need to develop objectives and criteria and processes for dealing with habitat protection measures. There's a lot of interest by the various agencies in this group. It affects a lot of people. And we estimate the -- the working time from March 1st to May 31st to be 16 months in this group.

The -- the last page on this adds the -- the working group personnel needs up for a period from March 1st to May 31st, and this is exclus- -- exclusive of the Restoration Planning Work Group, to be 53.5 months, and then the breakdown for the appropriate -- appropriation to the agencies to fund the personnel involved with the working groups. We have various skilled involved in these working groups pulled from the various agencies, such as the habitat -- Lands/Habitat Protection Group may need realty specialists, land specialists, appraisal specialists, a whole myriad of -- of people, so we'd be pulling people from the agencies for these working groups to get -- to get the -- the job done.

MR. BARTON: Questions or comments from the Council? Mr. Sandor?

MR. SANDOR: Dr. Gibbons, am I assuming correctly that these individuals that are assigned to these working groups may often not usually be members of the regular agencies that are on assignment temporarily for specific periods of time, and -- and are not necessarily employees that

are -- that are fulltime to this project?

DR. GIBBONS: Well, we have a mixture. We have people that are pulled from the agencies that we pull as -- as on-needed basis -- at-needed basis, and then we have some other people that were employed for the oil spill that bits and pieces of their time were needed in other -- other areas, such -- such as the GIS specialist. We may spread that person over several of these projects. That was -- and this person was hired strictly for the oil spill, so there's -- there's been a mixture.

MR. BARTON: Mr. Sandor?

MR. SANDOR: Yeah. Mr. Chairman, I -- I think it's important to -- that all the agencies have the flexibility of utilizing the -- not even necessarily the same individual, but to -- to be able to draw on their best expertise to deal with the specific tasks at hand, and that -- that it be understood that the -- the Trustee Council approve an arrangement in which the agencies have flexibility to -- to work with the Trustee Council and the Restoration Team group in getting that best mix of people to work on projects. And I -- I assumed that that was taking place, because I know we have assigned some individuals in that way, and I this gives the Restoration Team the kind of flexibility it needs to get these -- to -- to have a good product. I have no further questions.

MR. BARTON: Other questions or comments?

DR. GIBBONS: Mr. Chairman?

MR. BARTON: Yes.

DR. GIBBONS: Yeah, that was the intent. I heard the direction that -- of Trustee Council that I was use -- supposed to use my good judgment in pulling the -- the appropriate personnel from the agencies to these groups, and -- and that's what we've tried to do.

MR. BARTON: Other comments? Mr. Rosier?

MR. ROSIER: Thank you, Mr. CHairman. I'd just like to complement the working group on this. I think they've done a -- done an excellent job and I would move for adoption of the budget as presented.

MR. SANDOR: Second.

MR. BARTON: It's been moved and seconded that we adopt the budget as presented. Is there further comment or discussion?

MR. COLLINSWORTH: Mr. Chairman, just a point.

In terms of the -- under the work groups, other work groups, from March 1st to May 31st, \$50,000.00 per agency, this seems acceptable at least for the -- the quarter, but I believe that it's important to develop specific agency budgets that can be evaluated by the Trustee Council and approved for the -- for the remaining quarters. I understand that the team can do that and have that information available for the next Council

meeting. And I believe that's appropriate.

MR. BARTON: Okay. Further comment or discussion?

MR. McVEE: Well, Mr. Chairman,

MR. BARTON: Mr. McVee?

MR. McVEE: My only comment would be that we may as we get into later subjects on the agenda refine the public advisory group budget to -- when we discuss membership and numbers.

MR. BARTON: Yeah, I think that's certainly true, and that we should consider this budget amended with whatever action we take on a matter. I think further we have done some things with the projects that may change that figure slightly as well.

Further comments or discussion? Mr. Rosier?

MR. ROSIER: Thank you, Mr. Chairman. On -- and I'm not sure whether this is the place to -- to bring it up, and I -- I think we need to -- to recognize that the -- that the budgets that have been put forth not only for the overhead budget, but as far as the project budgets are concerned as well, in my look -- in my review of these, it appears that we're dealing with rounded figures in many cases, and there may in fact be adjustments to those budgets that are necessary. I think the Council should certainly have some procedure for -- for making modifications in the budget or at

least review those -- those needs in the process.

MR. BARTON: Mr. Collinsworth?

MR. COLLINSWORTH: Yes, just can -- can we vote on this budget -- budget with the understanding that the item that I brought up, that there will be agency-specific budgets developed for the next Council meeting?

MR. BARTON: Are you amending the motion?

MR. COLLINSWORTH: I -- if -- yes, I would

MR. ROSIER: Second.

MR. COLLINSWORTH: amend the motion.

MR. BARTON: Second? Any discussion on the amendment? Is there objection to the amendment? The motion is amended to include that. Any further discussion on the budget? Any objection to the motion? Then the budget is adopted subject to further refinement by the actions we took on the projects and subsequent actions we may take today.

Anything further on organizational budget,
Dr. Gibbons?

DR. GIBBONS: No, that's it.

MR. BARTON: We will then move on to item five, which is public participation. Mr. Piper?

MR. PIPER: Thank you, Mr. Chairman. The -- I've handed out this morning a short decision list to each of the Trustees, and it's going around to the Restoration Team

right now. This is just meant to guide you along on the principal issues that you may or may not want to decide on today.

What you have in your packet and what was referred to yesterday is the draft charter. I think the best way to start here is to explain to you what we've done so far, recap that in terms of public participation, what needs to be done in terms of principal tasks, and where all this goes from here based on what you decide today.

So far you have approved staff and duties for, in the Attorney General's words yesterday, a reasonably adequate public outreach and information program. That's included in the administrative director's budget and structure that was previously approved at an earlier meeting. You've also approved staff on an as-needed basis to be the liaison to PAG.

The understanding was that one of the -- one of the public outreach information staff people will serve as the liaison to the public advisory group.

MR. COLE: Mr. Piper, I'm having a little trouble with that last preceding sentence with respect to (indiscernible, coughing) with whom?

MR. PIPER: The -- the

MR. COLE: I thought I heard something like "PAG" or something like that that shouldn't

MR. PIPER: Oops. Excuse me. I'm

MR. COLE: Are you referring to the public advisory group?

MR. PIPER: I am busted on that one, Mr. Cole. Public advisory group.

MR. COLE: I just wanted to make sure I knew what you were talking about.

MR. BARTON: We could call it public information group.

(Laughter)

MR. PIPER: From here on all my proper nouns will have completed constructions.

MR. ROSIER: I only got three hours of sleep myself.

MR. COLE: Well, like the Governor says, there's some purpose to this -- this job, not many, but

MR. PIPER: The principal things that need to be done from here, and you saw a list of tasks that Dr. Gibbons handed out. To boil that down into -- to general categories. One is approval of a draft charter that would be -- meet the provisions of the Federal Advisory Committee Act, and the second would be select a model for the public advisory group and generally its duties, and that would allow us to refine its (indiscernible, coughing).

Where it goes from here? Whatever you -- whatever you decide will go into the Restoration Framework Document for

comment.

One thing to keep in mind is that a public advisory group is going to exist for the life of -- of the Trustee Council or the projects or a long period of time, and so the -- we view it properly as part of the restoration plan as well.

We also, though, are dealing with the reality that there's going to be a considerable amount of important work done on the restoration plan in this next year, and therefore it's important to have some kind of a public advisory group in place. The -- the Restoration Team has wrestled with this idea at our first meeting and what we came up with generally speaking was that we ought to have -- You ought to approve some kind of an interim group on the expectation that if public comment steers it in a different direction during the public comment period and the restoration framework document, that you can make alterations to that, but we think it's important to have some kind of group in place during that critical period.

The other thing to keep in mind is, of course, the 90-day clock which was specified in the -- in the various settlement agreements that ways that there shall be or should be a meaningful public participation program developed within 90 days of the effective date. That puts us right around the -- the first week of March, which is why I -- I gave you a

decision list to go down.

In terms of the -- the draft charter, which was number one in the list, we were instructed to come up with a generic charter. We tried to be as generic as possible, but we included in that charter those things that -- on which we were able to reach consensus. And the charter does not really do an enormous amount in terms of policy, but I can run down the sections for you very quickly. There are 11 of them.

Number one says that it has a name.

Number two says that it was authorized by the -- the memorandum of agreement and the settlement and the -- and the memorandum of agreement. It also says that it advises you about the things that the Restoration Team does and that you do.

It's -- section three says that it lasts until 2001 unless -- it -- it lasts until the year 2001, generally the -- the life of the project.

Number four says that it reports to you, the Trustee Council, and that members of the public advisory group, however that may be, may report to you at a designated time on -- on the agenda at Trustee Council meetings to tell you what their -- what questions they have or what advice they have.

Then section five says there's administrative support provided by the ref- -- the administrative director.

Number six is probably the -- the section most laden

with policy questions. It says that to be qualified to sit on the public advisory group, you should know -- have a demonstrated knowledge of the region, peoples, or principal economic and social activities of the area, or a demonstrated expertise in -- in those kinds of issues that are coming up: public lands and resource management.

It says that the public shall nominate and that the Trustee Council shall appoint.

It says that each member may serve up to two years from the date of appointment, and they're eligible for renomination or re-appointment at the close of their terms.

Councilwoman Bird from Cordova made reference yesterday to a statement about removal. I sort of threw this in as a very general type of thing that says the Trustee Council may remove a member of the advisory group for reasons of malfeasance or incompetence, but there's -- there's no hidden agenda behind that statement.

Section six also says that there shall be officers. A chair and a vice chair and no others.

Section seven says that the -- whoever serves on this group shall get travel and per diem, and whatever administrative support is -- is approved by the Trustee Council. This was an issue only because there were some questions about whether people would get stipends, and generally speaking we didn't feel that was necessary. That

actually also tracked with the public comment at least from within the region.

Section eight says that they'll keep records according to the various laws that require good record keeping in government.

Section nine says that there -- there's no implied administrative authority over -- over -- in terms of veto votes and that kind of thing over Trustee action.

Number ten once again reiterates the termination date, and section 11 just re-auth- -- reiterates that it's established according to the memorandum of -- of agreement.

There are one -- actually three things that you might do here today. One would be approve the charter for filing in the Federal Register. A second might be to approve it for filing, but only after -- pending a final legal review by counsel, and a third is you could throw it out, of course, but I -- I didn't include that as an option. And depending on the will of -- of the -- the chair, I will either go through these one by one or I shall stop after each, depending on what the Council would like me to do.

MR. BARTON: We

MR. PIPER: In other words, you may debate the charter at this point or decide on it, or I may -- or you may have me continue down my list

MR. BARTON: I see.

MR. PIPER: of -- of five and revisit them as you see fit.

MR. BARTON: What's the will of the Council? It seems -- it seems to me that dealing with the charter would be the appropriate one. Is there objection to that? Why don't we deal with the charter? Any comments from the Council members regarding the charter which Mr. Piper has proposed?

MR. McVEE: Mr.

MR. BARTON: There are several decisions to be made there. Mr. McVee?

MR. McVEE: Mr. Chairman, yeah, looking at the draft charter, there's -- there's some -- I guess maybe just refinements that -- that would need to be made as I understand it to -- to really bring it into, you know, compliance with the Federal Advisory Committee Act. I think that one of the things is that we have to set, you know, some specific membership level to do that, is my understanding. I think we have to I believe have an estimate of operating costs within the -- in the charter. And we may have to designate, you know, because of the federal law some federal agency to -- to be kind of the -- the paper pusher in respect to the charter approval process with GSA. I think, you know, that there's -- and maybe this is what Mr. Piper was -- was alluding is that it probably needed, you know, another -- another legal review,

and I think those things could be picked up and those refinements made.

I guess one other area, maybe we've talked about this some in the past, and -- and -- is a policy area, is -- is the role, you know, of the -- of the advisors. How expansive a role do we want them to play in terms of -- of providing advice. Are we interested in them conducting meetings and hearings and collecting, you know, information which may be useful to us in the public participation process, review process? Or -- or a less-expansive role which would be to review the documents, the proposals that we're developing and comment -- comment upon them at their -- at their scheduled meetings?

I guess those are -- are my comments right now.

MR. BARTON: In fairness to Mr. Piper, as I recall, we asked him to develop this charter sufficiently specific, but not unduly so, in order satisfy the needs of the federal act at this time, and that -- and then subsequently develop a more specific working charter or something of that nature. To merely discuss the role, whether it's in this document or that subsequent document, you know, we could -- we could put it in this document. I -- apparently it's not necessary to comply with the act. Is that correct?

MR. PIPER: Yeah, I

MR. SANDOR: Go ahead.

MR. PIPER: I was just going to point out that some of the -- some of the points that Mr. McVee has raised are -- could be addressed in the list of possible decisions that I have before you, and that the reason for doing that is whatever level of specif- -- specificity that we achieve, the higher the better, and -- and if -- if we can achieve a higher level of specificity by making some decisions on these points, that's fine, but generally again pending final legal review, we've written that draft charter so it would meet the minimums of the Federal Advisory Committee Act, with the exception of member- -- exact membership.

MR. BARTON: But we do have the numbers under that. Mr. Sandor?

MR. SANDOR: Mr. Chairman, I move approval of this charter, pending final legal review and refinement to bring into compliance with federal and state laws, following which the Trustees will authorize this be published in the Federal Register.

MR. BARTON: Is there a second to the motion?

MR. ROSIER: I'll second the motion.

MR. BARTON: It's moved and seconded that we approve the filing after final review. Any more discussion of the motion?

MR. COLE: Mr. Chairman?

MR. BARTON: Mr. Collinsworth, and then

MR. COLLINSWORTH: I would just -- have the agencies had an opportunity to -- to comment to you, Mr. Piper, on -- I -- staff has pointed out some kind of editorial changes. Will there be an opportunity to -- to give you these kind of editorial changes? I -- I don't think they change the substance, but I do think they'd help clarify some of the relationships. If we have an opportunity to do that, then I think the motion is -- is fine.

MR. BARTON: Mr. Cole? Did -- didn't you want to comment, Mr. Cole?

MR. COLE: Pardon me?

MR. BARTON: Did you want to comment?

MR. COLE: Oh, yes. Thank you. I noticed -- a little hard to follow this morning. I notice here that it says of at least nine members, so that's no -- we have no limit then on the number of members by virtue of this proposed charter?

MR. PIPER: (Nods affirmative)

MR. COLE: Thank you.

MR. BARTON: Further comments? Dr. Gibbons?

DR. GIBBONS: Excuse me, Mr. Chairman. One option we might have available to us is to have the Trustee Council review this, submit their comments to me, and then we could have a teleconference on this and then get approval at that time. And we can combine it with -- with the proposed

teleconference to deal with the framework.

MR. BARTON: Does any Council member wish to amend the motion to reflect that? Any further discussion on the motion?

MR. COLE: Yes. Could I have just a moment, please? I'm reviewing the requirements of the Act generally as it relates to this draft.

Section nine of the Federal Advisory Committee Act provides in C, subsection (g) that the manyears for such committee. Is that in here? I didn't see it. I was just wondering if you considered that?

MR. PIPER: I guess I'm not sure what you mean?

MR. COLE: Well, let -- let me just read it. "Such charter shall contain the following information," and then (g), "Estimated annual operating costs in dollars and the manyears for such Committee."

MR. PIPER: That esti-

MR. COLE: Is that in here?

MR. PIPER: The estimated operating costs is not. It was in the original draft, but the numbers didn't quite meet what the Trustee Council had in mind, and that was one of the issues that we were going to discuss. The intent would be to -- to arrive at some kind of number so that we can assert it as part of the final draft.

The -- the many years, I don't know that counsel for Department of Interior is here who did the original draft, but I -- I suspect that her -- well, I don't know.

MR. BARTON: Then it would seem to me to be difficult to do that before we decided on the number of members.

MR. COLE: Yeah.

MR. SANDOR: Mr. Chairman?

MR. BARTON: Mr. Sandor?

MR. SANDOR: It -- it was the intent of the motion with the point that refinements to bring into compliance with federal and state laws would deal with this very specific issue of -- and -- and it absolutely, of course, has to be in compliance and -- and I would I guess make the -- make the point that I understood Dr. Gibbons made is that if in fact in the course of the -- the review, the legal review to -- to see that it was in compliance that it was necessary to -- to assemble the Trustee Council by teleconference to deal with some unforeseen issue or circumstance that -- that merited the attention of Trustee Council, that could take place.

My concern, Mr. Chairman, is that we get this process in place to meet this 90-day requirement which is next week?

MR. PIPER: March 8 or 9, because

MR. SANDOR: March 8 -- 8 or 9,

MR. PIPER: one day's a Sunday.

MR. SANDOR: and -- but the intent is to have this kind of refinement.

MR. BARTON: Thank you, Mr. Sandor. Any further discussion on the motion?

MR. COLE: Yes, Mr. Chairman?

MR. BARTON: Mr. Cole.

MR. COLE: I subscribe to Commissioner Sandor's views, but one of the things is that when we have this short-notice meeting to plug these things in, if required, we have the Open Meetings Act to comply with, too, so it's not unfortunately quite as simple as we would like it to be. Therefore maybe it would be better to take a stab at it this morning and, you know, file it subject to review, but at least try to get in there the basic requirements so we can go ahead. That's just simply a thought. I'd defer to others.

MR. SANDOR: Well, Mr. Chairman, excuse me, I would move to table this until this process actually takes place so

MR. BARTON: A motion to table. Is there a second on the motion to table?

MR. COLLINSWORTH: Second.

MR. BARTON: And any objection to the motion?

MR. COLE: Yeah, well, would you have in mind doing it later today?

MR. SANDOR: No, right now. We've

MR. BARTON: Well, I don't

MR. SANDOR: got -- if we can, or -- or later today.

MR. COLE: Well, once we fix the numbers on the, you know, -- then we could deal with it a little more.

MR. BARTON: All right. I would suggest that we ask our legal folks to -- to work on it a little while perhaps while we proceed through the rest of Mr. Piper's decision list here, and perhaps they can -- they can work rapidly I'm sure and bring this back to the table perhaps before we're even done with the decision list. If not then, perhaps as the last item of business.

MR. SANDOR: Okay.

MR. COLLINSWORTH: Mr. Chairman?

MR. BARTON: Mr. Collinsworth?

MR. COLLINSWORTH: Is there going to be -- will there be during that process the opportunity to incorporate some of the editorial changes?

MR. BARTON: I don't see why not. We'll all have a chance to look at it again. Who amongst our legal crew is here to deal with this? Is Maria -- ? Okay. Would you two work on the legal wording while we're working through this decision list, the -- the legal requirements? Do you -- do you understand what's being asked of you?

MS. LISOWSKI: Yeah, it's -- it's fine if we have the regs. I'm not sure that they're -- they're available to us.

MR. RICE: I can get you those.

MR. PIPER: Yeah, we have them upstairs.

MR. BARTON: The regs are upstairs. Okay. So you'll -- you'll check the legal sufficiency while we proceed on. Mr. Piper?

MR. PIPER: Item number two is prob- -- will probably help you fix some of these things a little better. Two is membership of the public advisory group. We've discussed three different models. The decision that's -- that's necessary here is not so much which model is -- is better, but which one meets the most priorities. All of them have their strong points. It just depends which are -- are -- which of those strong points are most important to you.

The first option listed is "A," a local government or regional model. That would have a compact membership of -- of nine, which is why the charter said at least nine originally.

It deals with existing institutions, meaning local governments. It has a clear and specific base of interest. It could be assembled quickly and it has a high relative cost efficiency, just meaning that if you're using local governments and their institutions, some of the costs that are in our budget would not -- would just not show up. They

wouldn't be incurred actually.

The second point is an interest group model, which is -- which is one of the -- the way -- where we started in our sessions on coordinate -- on the Restoration Team. The strong points of this are primarily that it includes more points of view. It goes considerably outside the region. It -- it is the best -- of the options, it is the best sounding board for the affected interests as opposed to the region. It is -- it gives you -- it makes you more able to get specific views from outside of Government. And generally when we went around, at least in the regional meetings, the regional public comment reflects that the interest list is generally acceptable to the public.

A third option would be to mix the two, and you would once again have a strong regional voice, including local governments and interests, and an opportunity to balance general and regional views.

I can make a more detailed argument for or against any one of the three, but -- and I could say at this point I would say if the -- if the Council has any important views they want to impart on this, to go ahead, but I'm available to say for or against anything at this point.

MR. BARTON: The reason we -- we need to do this before the public review process is what?

MR. PIPER: Well, the -- you don't -- I guess

you don't have to, but the -- the point being that if you're -- if we're going to be having a restoration framework document out for comment, and that is really the basis for developing the restoration plan, that it would seem logical that some kind of public group needs to be in place, or should be in place to meet the -- at least the intent of the settlement.

And -- and by including the model or the plan within the restoration framework document, it allows the public both in and outside Alaska another cut at the idea, and if public comment indicates that there's a strong feeling for or against some of the things that are currently being done, that group can be modified based on that public comment.

And again, the group doesn't just have a life through next year, so if you operated it with an interim or one sort of group for a year, it wouldn't necessarily be a fatal flaw in the whole process. You would have another six, eight, ten, whatever number of years in which your other group would be -- other model would be working.

MR. BARTON: Comments or questions?

MR. COLLINSWORTH: Mr. Chairman?

MR. BARTON: Mr. Collinsworth?

MR. COLLINSWORTH: Would the Chair entertain a motion on this subject?

MR. BARTON: Certainly.

MR. COLLINSWORTH: Mr. Chairman, I would propose that we adopt the 2(c), the model that is local government/interest mix.

MR. BARTON: Okay. Do I hear a second?

MR. SANDOR: Second.

MR. BARTON: Any further discussion?

MR. McVEE: Yeah. Mr. Chairman?

MR. BARTON: Mr. McVee?

MR. McVEE: Is that really much different than -- than (B) I guess in that it represents a mix of views, interest mix? I would see on (B) that one of the interests would be local government. I would expect that, you know, in order to get balanced representation from all those interests in the oil spill area there would have to be -- local government would have to be represented on -- on (B) also.

MR. COLE: Mr. Chairman?

MR. BARTON: Mr. Cole?

MR. COLE: What is the mix proposed on (C)? 50/50? 90/10? 90/10, that has a nice ring to it.

(Laughter)

MR. BARTON: 50/50

MR. PIPER: If -- if I could -- if I could offer the group one of the points of clear consensus among -- among the Restoration Team and -- and also at least regional public comment, there was a strong desire to keep the number

down as far as total representation. And the number 15 seemed to be the edge -- edge of the universe in terms of what a workable group would be, and so if local government itself were to be a strong component and it were 2(C) that was selected, you -- you can have whatever mix you like, but I would think that it would -- probably something on the order of 50/50.

Now, I should also point on Mr. McVee's point, if you want to make regional concerns, not just local government, regional concerns, you can satisfy those regional concerns by making it a high criterion for appointing people from among those interests.

The local government emerges for one reason. The local government idea came up because at the -- the regional public hearings as opposed to broader public comment, at regional public hearings, people said generally from Cordova down through Kodiak, "look, we think your list of draft interests seems to make sense, but we want to make sure that there's some way that we don't lose the regional flavor of -- of recommendations," meaning gear group people from Cordova don't necessarily share the same concerns as gear group people from Kodiak commercial fisheries. And -- and you could go down the list of interests and say that there are a difference in that way.

The -- including the local government just means that

you have some sort of a local council that's dealing with an issue as well, and -- and it satisfies that. But that's not necessarily the best way to go about it. I think that you can satisfy regional interests by -- by carefully using it as a criterion in how you select the people to represent interest groups.

The -- the statement behind this is that local government came up because I suggested it and it -- and that's -- just so everybody knows, it's not something that -- that I would be willing to die for. It's not

MR. COLE: God, I hope not.

MR. PIPER: all that critical. I mean it's not -- it's not a major philosophical point here that -- that I'm debating, and I -- I appreciate Commissioner Collinsworth's suggestion as a way to -- to do that, but it's not something that I think we're going to -- to die for.

MR. SANDOR: Mr. Chairman? As I understand this local government/interest -- dash-interest mix, that this could be a combination of the nine leaders that were identified in your original proposal, plus six or whatever number of at large interest groups that would meet the requirements of the federal or other act?

MR. PIPER: That's true, and I should also point out that two of the nine of local governments were specifically designated for native traditional governments in

the lower Cook Inlet area, and also in the Kenai area. The intent there was to make sure that we covered all the possible necessary basis for the -- the requirements that we have, quote/unquote, native interests properly represented on such a board. So if one -- if one classified those two seats as an interest seat as opposed to government, you'd wind up with about your 50/50 mix with seven local governments, borough or municipal governments and then seven sets of interests, including native traditional governments.

MR. BARTON: Mr. Sandor?

MR. SANDOR: Well, Mr. Chairman, I favor that kind of a mix and I -- I really believe it's important that elected leaders be represented and then I think the two native leadership positions that were identified would also assure the reflection of the people's views as represented through these elected representatives as well, as the leadership of these two native groups. And I would support this motion which is on the table of -- of 2(C) presuming that's the understanding that it's going to include this native -- this nine group -- this group of nine. I don't know whether that's the intent of the motion or not, but -- could we have a clarification of -- of what 2(C) then is? Does it -- would it provide for that option or

MR. PIPER: That's -- that's exactly the point, that it would be the municipal and borough government

in addition to two traditional native governments, in addition to at-large seats that -- that you could designate to interests, specific interests.

MR. COLLINSWORTH: Mr. Chairman?

MR. BARTON: Mr. Collinsworth?

MR. COLLINSWORTH: Two or three thoughts on this proposal. I think that -- that the mix, the concept is -- is a good one. I think we do need the local governments from the affected communities. I have no doubt in my mind that there are interests there that need to be represented to make this process creditable. The two traditional native government representatives, I absolutely feel that's essential as well. So I guess basically I was looking at this as a -- as a group that would be comprised of the nine, the seven, the two, plus other nongovernmental interests.

The regional interests are -- are part of the total over-all interests that we have concerning this spill and the restoration of the resources and the services in the affected area. I think that we need that nongovernmental representation. We have some national organizations that have representatives in Alaska that can represent the concerns of a broader spectrum of -- of folks across the United States that have an interest in this restoration activity. We talked some yesterday about the damage assessment work using various kinds of economic models and much of the value of those models came

from the interest of people outside of just the affected area. I think that also will give the -- the program credibility.

I'm not sure that -- that 15 members is -- is the maximum. I think that a good deal of what we do, the credibility of what we do will be because we have an advisory group that is representative of a broad range of -- of interests. And I know that there's always a concern about keep the group small enough so that we can get our job done. This is not going to be without costs so there is the consideration about the -- the financial aspects of the size of the advisory group. But I -- I do want to make this as open a public process as possible, and participation on the public advisory committee is -- is the vehicle that we have.

An example of other advisory groups, such as the -- the North Pacific Council, has an advisory group that has 21 members, and that -- that functions well. Not all your members will be able to attend every meeting, but that's a fairly large group and it functions well.

So I think that -- that we can set the upper bounds certainly. We don't want to leave it open ended, but we should provide an opportunity for the nongovernmental interests to participate. And if we have to make it 50/50 and talk about 18 people, I don't know exactly how many interests groups have expressed interest, nongovernmental -- on the nongovernmental side, but 15, 18, I don't think is totally

unreasonable for this kind of a committee.

MR. BARTON: Further discussion?

MR. McVEE: Mr. Chairman?

MR. BARTON: Mr. McVee?

MR. McVEE: I'll speak again I guess in favor of -- of the option (B). I think that, you know, by experience with advisory boards, one of the biggest benefits of working with advisory boards comes from the interchange that occurs at their meetings as they address certain issues, problems and subjects. And I guess to -- to get the -- the best -- the best interchange, in my mind, it requires a balanced mix of interests, and that if there are, you know, a number of mayors, or -- or a number of elected officials, I'm concerned that -- that their views might -- might tend to dominate that -- that discussion.

The other problem I have is that -- is that while I recognize that they represent, as elected officials would have to run for office, and have to represent their various constituencies and be sensitive to their constituencies, but also that they have -- they have avenues I think that -- that as a Trustee Council we have to give a certain deference to the mayors of the communities, to the public officials that are responsible for -- for public programs and have public responsibilities.

But I guess I would, you know, opt to try to get the

maximum -- have the maximum balance by -- by having the broadest range of interest and in a balanced form.

MR. BARTON: Further -- further

MR. COLE: Mr. -- Mr. Chairman?

MR. BARTON: comment? Mr. Cole?

MR. COLE: I subscribe to the views of those who I'm suing currently for the exercise of bad judgment, but I -- I tell you, I am leery of too much government in this whole process. I mean, we are all government here, the six, okay? The restoration team is all government, and now the thought is loading as it were this advisory group with more government, and I just am very deeply troubled about that. These people, or these elected officials, ran for election on the ground that they could lead their governmental units and -- and the exercise of traditional and orthodox governmental functions.

That is not the case with what we're dealing with here. I mean, we're dealing with restoration of damaged resources, enhancement, acquisition of alternate resources. I mean these -- these are -- all require, I think, fields of judgment and knowledge which in my view are vastly different from those who normally are elected to governmental positions.

And -- and I join with Mr. McVee about a concern of domination of this group by governmental units. What I would be looking for here are people who have special skills by

virtue of training and -- and experience and records of distinguished service in these various fields to guide us and to furnish us with information which is desirable to enable us to exercise and perform the responsibilities for which we sit here. And so anyway it would be a lot of trouble for me to see more government loaded into this advisory -- public advisory group. I think it's really not a public advisory group, it's sort of a governmental advisory group, you know, if we structure it from the standpoint of, you know, dominating government. That's not public. That's just governmental advisory. So

MR. BARTON: Mr. Collinsworth?

MR. COLLINSWORTH: I have a question of Ernie.

The -- is it assumed that the local government would be represented by their mayors, or would it be that these local governments would be represented by someone chosen by the local government?

MR. PIPER: My assumption would be that it would be someone from that elected base, whether it's a borough or city council or the -- the mayor him or herself.

MR. COLE: That's even worse.

MR. PIPER: The Attorney General's called (ph) theory says that this is worse.

MR. COLLINSWORTH: Well, I guess these

MR. COLE: Well, excuse me, Mr. Collinsworth.

MR. COLLINSWORTH: these local governments, they are certainly community -- in each of these communities there are interested folks that probably should participate on this advisory committee. How do you select them? Are we going to have someone from Cordova -- how do you select someone from Cordova? You're going to get a commercial fisherman? You're going to get a person who represents the tourism and guiding industry in the -- in the Sound? Are you going to select someone from the local -- a member of the Sierra Club? Somebody from the Audubon? Who is going to represent the collective sets of diverse interests for the City of Cordova if it isn't someone that has some accountability to those collective interests? And it seems to me that that would be perhaps one of the elected officials, or someone selected by the elected officials. And so I think that the -- I think that argues for having the governments represented either by an elected official or someone chosen by the -- the -- either the borough assembly or -- or whomever.

MR. COLE: Mr. Chairman?

MR. BARTON: Mr. Cole and then Mr. Rosier.

MR. COLE: I want to respond to that, because I think it's very important. You see, if we allow, for example, the mayor of Valdez to select the person who actually sits on this group, then we appoint, you know, an interest group, commercial fisherman, tour groups, scientists,

environmentalists and so forth, we run a danger that the governmental unit from -- from Valdez will select, for example, an environmentalist, and we already have environmentalists on the group, or you can say commercial fishermen or whomever you want to put in there, and then, you know, we get not a balanced participation group. We run the danger of having an unbalanced group if we permit that.

And -- and it seems to me that if we permit the local government official to select, I mean, we're sort of abdicating our responsibilities and -- and just passing it on to somebody else and letting them make the decision for us.

I think it's vital that -- you know, that we have a broad range of interest groups in the public participation council, and that they be selected for their representation, spokesman as it were, or spokeswoman, for the interest groups.

MR. BARTON: Mr. Rosier?

MR. ROSIER: Thank you, Mr. Chairman. It seems to me that -- that I would certainly agree with -- with Mr. Cole as related to the -- the importance of the decision that we're about to make, but it seems to me that there's -- there's probably some techniques or a system, however, that -- that we as a Council could implement on the selection of the people that could in fact give us the balance that we're looking for. For instance, perhaps we ask for three candidates from each of the communities. Perhaps we ask for

three candidates from the individual groups that are involved.

To my way of thinking, I lean toward the -- the mix on this, because I think that -- that we really do need that -- that information from -- from some of the government people out there in those communities, and we also need it from the -- from the interest groups. It seems to me that if we design the -- the group perhaps with a 50/50 split on this, that -- that we've in fact got the -- the broad group of interest if we're -- that we need if we're careful in how -- how we proceed as a Council to select, to appoint that particular group.

It seems to me that in terms of dominance of government over the interest groups, I've certainly seen nothing quiet or -- or unassuming about the interest groups that have come forth here and participated in the public process here on this, and so I really feel that -- that they can represent themselves, and represent themselves very well.

And I certainly lean toward having a mix myself.

MR. BARTON: Mr. Sandor?

MR. SANDOR: Well, I've been reflecting on this matter of -- of government being represented on the Trustee Council at the federal and the state, and to -- and to what degree they ought to also be represented on -- or whether or not the state -- the local government should be represented on the public advisory group. And it seems to me that there's

such a difference between the feds and the state from the standpoint of their charters and management. In some instances they've been known to sue one another.

(Laughter)

MR. COLE: Sue each other right on this Council.

MR. SANDOR: But I guess, seriously, that the -- the trouble I have and -- and why I strongly believe there should be local government representation here, is that they're not represented on this Trustee Council, and I think their views would be extremely valuable and -- and it would be it seems to me a real problem not to have -- to just have, quote, feds and the state on this Trustee Council and not having these local governments have a very significant voice, at least equal, at -- you know, this is the areas of their own communities. Yet at the same time I recognize the necessity, desirability of -- of having the public interest groups and special interest groups involved. That's why I was so -- it seems to me that (C) was a good way of having the benefits of both. So I suppose we could make this large enough to accommodate both, but I'd hate to see the -- the local government get screwed.

MR. COLE: Mr. Chairman?

MR. BARTON: Mr. Cole?

MR. COLE: Yeah. I don't think anyone

conceives of the exclusion of local governments. I think it's clear that they should be included, and I'm not arguing for their exclusion. I'm -- I'm just concerned about having too many of them on there, that, you know, we don't get the diffused group, and I -- that -- that I think we need. So I would say why don't -- one thing we could start with was, you know, some discussion about how many on this group and get a sense of that, and then how many should be from the public.

See, here, when we did this, as I say, historically, we said, look, we would need, for example, about, as I recall, 11 or 13 people, and here's what the discussion was, and it's certainly not binding or anything like that, but we thought we should have -- there was a discussion, I'd like to put it that way, local government should be on this, the tour groups should be -- representation should be on there, sport fishing should be a member, for example, commercial fishing could be there, a guide representation could be there. As I -- I lose track, but -- if I duplicate these, please excuse me. Native interests should be there. Scien- -- scientists should be with special skills. Maybe an academician should be there from the University of Alaska or somebody. Let's see. An environmental -- I -- I won't forget that, thanks.

I mean, that's the sort of thing we had in mind, and then you put all these people in a room and say, you know, sort of -- and there -- there were some more, I mean, three or

four more, and I don't need to be definitive about this. And then you put them all in a room and you say, "okay, you know, have at it folks, you know, and give us your recommendation."

And I -- you know, I thought that was sort of pretty good, about 11, 13 people, as Mr. Collinsworth says. I -- I don't think we should keep it down to, you know, too few in number.

I think the broader input we have from the public generally, everybody then can say, "Well, I wasn't left out. I had my say. It didn't make the cut, but, you know, we were in it." And that's the way I conceive of this group. So

MR. BARTON: Do I detect that we're really not ready to deal with it?

MR. COLLINSWORTH: Well, Mr. Chairman, maybe I could get the ball rolling in that regard to amend my motion, to amend 2(C) and speci- -- to specify that there shall be 18 members of the advisory committee, and I will be specific that there should be the seven local governments and two traditional native governments plus nine others.

MR. ROSIER: Second.

MR. BARTON: Any discussion on the amendment?
Any objection to the amendment?

MR. COLE: Yes.

MR. McVEE: Yes.

MR. BARTON: The amendment fails.

MR. COLE: Two objections?

MR. BARTON: Two objections. It is now 20 minutes to 12. Let me just say I know of two Council members that need to take a break. Let me suggest we break for ten minutes, come back and finish this discussion on the public advisory, the whole public advisory item on the agenda, and then decide what we want to do from there on. Ten minutes.

(Off record)

(On record)

MR. BARTON: If we could get back together again so we can reconvene the meeting? Ask you to take your seat, please?

There's been a suggestion that the Council might benefit from some public comment on the issue that we've just been discussing. Does any Council members object to taking 15 minutes and

MR. COLLINSWORTH: I'm afraid we may have lost most of our public to lunch.

MR. BARTON: Well, they have better sense than we do. What are you suggesting?

MR. COLLINSWORTH: I -- I see a lot fewer people than -- than when we started our break is the only thing.

MR. PIPER: Mr. Chairman?

MR. BARTON: Mr. Piper?

MR. PIPER: Until people are deciding whether

they're going to comment, would you like me to sort of summarize the -- the regional public comment that led us to certain parts of this suggestion?

MR. BARTON: What I would like is if you have some feeling that it addresses the motion on the floor, that's exactly what we need.

MR. PIPER: That's -- that's what I'm getting at.

In -- in terms of what people said about this kind of -- of thing, what the -- two things to keep in mind is they -- the public comment that we've gotten from this has been regional in nature rather than from the entire broad range of interests that were effected, meaning including interests from outside the state and so on, so whatever infor- -- whatever comment we got on this was restricted to the region.

Now, in public comment in each of the places we went, generally what people said was this: They liked or they approved or they had no quibble with the list of interests that we had laid out, and -- but they wanted to make sure that regional concerns like Commissioner Collinsworth was mentioning, the difference between Cordova commercial fishermen and Kodiak regional fishermen, to make sure that those weren't lumped together in such a way that it diluted their voice. Mayor Weaverling from Cordova specifically recommended that one way out of that was to -- to set up the

council on a regional basis and use local government people. Based on those, and a variety of other both practical and theoretical compromises, that's where the local government suggestion came from.

There -- there was not specific comment from those towns themselves that said they wanted their local elected officials on there, or kind of -- they just wanted to make sure a strong regional presence or regional point of view was represented. They didn't argue specifically for the local government, so that -- that's one thing to keep in mind on that.

MR. BARTON: Thank you.

MR. RICE: Mr. Chair- -- Mr. Chairman?

MR. BARTON: Mr. Rice?

MR. RICE: Is this on?

SOUND SYSTEM OPERATOR: No, if -- if you could borrow one next to you I'm afraid. I'm sorry.

MR. RICE: Just a point of information for the public, the decision list that we're working from at the front table is available in the back table outside the -- in the hall there for those who would like to have a copy of it.

MR. BARTON: How does the Council wish to proceed? We have a motion on the floor to adopt 2(C). Any further discussion? Well, we can't vote without Mr. Cole. Any further discussion?

MR. McVEE: Mr. Chairman?

MR. BARTON: Mr. McVee?

MR. McVEE: Would it help us, you know, I guess to get out of this kind of dilemma if we were to go out and -- and ask for nominations, frame that request, you know, describing what basically we wanted the -- the advisory group to do and -- and, you know, just give us an idea of the kind of interests that are -- that are out there and want to -- that want to serve. I'm just trying to find a way to -- to get a sample of -- of what interests that we should consider as we're -- we're selecting membership.

MR. BARTON: Well, the other thing I think to remember is that is going out for public review and presumably it could go out without a decision on this item. Is that correct, Mr. Piper?

MR. PIPER: It could, but -- but once again I should point out some of my suggestions are -- are based on expediency as well, and

MR. BARTON: Yeah, I understand.

MR. PIPER: and some of the reasons that I felt local government worked well were based primarily on that it skipped a couple of steps and that you could get something in place that provided public review on -- at least on an interim basis to do that. Now, there are some real drawbacks with that, and some of them have been pointed out by

Attorney General Cole and some of them have been pointed out by Mr. McVee.

What -- I really would suggest that based on being in the communities and talking with the people on a consistent basis, and based on the fact that the Trustees have the option of making regional representation a strong criterion for selection, i.e. that no matter what interest you chose, a certain percentage or a strong number if them should be from within the region themselves. I think that you can satisfy the need for regional representation within selection (B), which is, with due respect to Commissioner Collinsworth. I'm -- I'm just looking for a compromise here only because I would -- from -- from our standpoint like to see that we get something up and running fairly quickly.

MR. BARTON: Mr. Sandor?

MR. SANDOR: Mr. Chairman, I wonder if there's another possible approach to -- to resolving this important issue, and that is to -- to have essentially an interim public advisory group that in fact was the -- the group of nine, and have it charged with -- with the process during the public review process that's now underway between now and May I guess to solicit from within their communities the alternative options that's under consideration, including (A), (B) and (C), and target at that time in which we're to make the final decision on these other items, the -- the selection of a

permanent public advisory group. Is -- is that within the -- the bounds of possibility?

MR. BARTON: Mr. Piper?

MR. PIPER: Mr. Chairman, I -- I think that if we -- if we put that -- and again keeping in mind that I'm a strong believer in local government, and I like it and I -- and it's the kind of thing that I see happen, the -- a real downside to that though is that if you put the decision or that type of deliberation at a local government level, you're -- you're bound to get somewhat of a biased result. I mean, your -- your sample that you've selected is -- is automatically biased towards producing a regional result, and whether you like the result or don't like the result, you just have to argue from a logical standpoint, that it started off somewhat biased.

I think that the -- one of the options that we discussed is that if local government was just as important as -- as some had argued, that simply A plus -- plus B produced -- giving you a group of -- of some 20 or 21 or 22 members was an alternative, but it just seemed too big to us.

If size isn't a problem to -- to the Trustee Council, that's an option, but the more members you add and the more travel and -- and kinds of things go with it and it just will then tend to cost more money and be less likely to produce the kind of clean results in terms of consensus or advice that you're

looking for.

MR. BARTON: Mr. Collinsworth?

MR. COLLINSWORTH: Well, I -- I think -- I don't know, I was going to make another point and I will, but Mr. Piper's -- this last comment about consensus recommendations, I don't expect this advisory committee to -- to only give consensus recommendations. I expect that there will be a majority opinion and minority opinion, and I want to hear both. The advisory committees that I have worked with, I find it very valuable not only to hear the majority side, but to hear the minority side as well, and -- because these are -- this is advice to this group that has to make a final policy decision.

The question, Mr. Chairman, is that we are going to go out with this public participation framework and then make a final decision on it,

MR. BARTON: That's

MR. COLLINSWORTH: in terms of which model we're going to use, and the number of participants, is that correct? Or are we supposed to do that today?

MR. BARTON: We can do it either way as I understand Mr. Piper.

MR. PIPER: It would be helpful to have some kind of at least interim public advisory group on the assumption that at the close of comment on the restoration

framework document, and -- that whatever public comment came in that would alter your view of how it was originally set up, that you could do that. There's no reason to suggest that what you decided today or next week would be what you'd have to live with for the next ten years. My concern is that there be some kind of public advisory group in place during a very critical period that's -- that's up this next year.

Now, if -- if I could make a suggestion?

MR. COLLINSWORTH: Well, just

MR. PIPER: Go ahead.

MR. COLLINSWORTH: When you say this next year, I mean, if the -- in terms of public notice and opportunity to comment on this framework, that will be out to the public between now and the next Council meeting? Is that -- would that be the

MR. BARTON: Well, we've not established the next Council meeting, but it -- it

MR. COLLINSWORTH: Well,

MR. BARTON: when is that designed to go out, Dr. Gibbons?

DR. GIBBONS: The -- the charter?

MR. BARTON: The framework.

DR. GIBBONS: The framework? The framework is -- is due towards the end of the -- end of March.

MR. BARTON: To go out.

MR. COLLINSWORTH: To go out for public review?

MR. BARTON: Public -- that's for

DR. GIBBONS: For -- for public review.

MR. COLLINSWORTH: How long?

DR. GIBBONS: Thirty days.

MR. COLLINSWORTH: Thirty days.

MR. BRODERSON: I thought it was 45?

MS. RUTHERFORD: It's 45.

DR. GIBBONS: Excuse me. I stand corrected. Forty-five days.

MR. PIPER: Mr. Chairman, if I could make a conceptual suggestion and -- and just see if that brings us closer to something specific?

MR. BARTON: Would be pleased to have a conceptual suggestion.

MR. PIPER: If -- if one assumed that it was the will of the Council to have more than 15, and if one assumed that local government representation was important to some members of the Council, and less important to others, and one assumed that interest were important to be represented as defined by some of the discussion, that if there were a group of say 18 and that there was some upper limit on what local government representation might be, for example, three or four members, would be -- that be the kind of set up that might be

acceptable to all parties?

MR. BARTON: I don't know. We, however, just defeated an amendment that said an upper limit of five on the -- on local government and a total of 18, so it -- I don't -- any other Council members

MR. COLLINSWORTH: Well, Mr.

MR. BARTON: wish to comment on that?

MR. COLLINSWORTH: Mr. Chairman?

MR. BARTON: Mr. Collinsworth?

MR. COLLINSWORTH: We -- I guess it's the rules of the procedure that we can't conduct any business unless we have all members present, and

MR. BARTON: That's why

MR. COLLINSWORTH: so I think

MR. BARTON: I'm stalling.

MR. COLLINSWORTH: this is -- huh?

MR. BARTON: That's why I'm stalling.

MR. COLLINSWORTH: Well, I -- I don't care to -- to stall and discuss the issue any further until we have all of our voting members, so we might as well either go to lunch or find our other voting member,

MR. BARTON: I understand.

MR. COLLINSWORTH: 'cause we -- I mean, I'm -- I'm prepared to offer a motion, and

MR. BARTON: Well, we have one on the floor.

MR. COLLINSWORTH: And we have one on the floor, so

MR. BARTON: Well, let me ask, unrelated to this subject, how much time do you think we will need, Dr. Gibbons, to go through items six through ten? To finish the meeting in other words?

DR. GIBBONS: The -- the primary items left are items eight and nine. Item seven is -- is a short discussion as -- as item six, and item ten, so I would hope an hour for that -- for those six.

MR. BARTON: Why don't we break

DR. GIBBONS: Optimist.

MR. BARTON: Optimist. Thank you. And then we need to conclude this discussion. Why don't we break for lunch, come back at 1:00 o'clock and perhaps all of us can be present then.

(Off record)

(On record)

MR. BARTON: If we could take our seats, we'll resume the meeting.

When we recessed for lunch, we had a motion on the floor that we adopt option 2(C), and considerable discussion of what -- what the correct balance should be. Was there any enlightenment over lunch?

MR. COLE: I

MR. BARTON: Mr. Cole?

MR. COLE: I -- I will move that the appointment of what might be termed the permanent public advisory group be deferred until the next meeting, and that we request the staff to review the public participation issue from this -- to submit proposals to the Trustee Council that provides for a government -- two local government representatives, two native governmental representatives, for example, one traditional village and -- and the rest composed of broad categories of broad interest groups.

MR. BARTON: Is there a second to the amendment?

MR. McVEE: I'll second.

MR. BARTON: Any further discussion of the amendment? Any objection to the amendment?

MR. COLLINSWORTH: I object.

MR. BARTON: Okay. The motion's still before us then of option 2(C).

MR. COLLINSWORTH: Mr. Chairman, I would move to amend the motion to amend 2(C) to put a limit of not more than 16 persons shall comprise the committee.

MR. BARTON: A second to the motion -- or the amendment? Is there a second? Amendment dies.

MR. COLE: I'll move to amend to a maximum limit of 15.

MR. BARTON: Is there a second to the amendment?

MR. COLLINSWORTH: I'll second.

MR. BARTON: Any discussion of the amendment? Any objection to the amendment? Okay. The amendment is adopted. Is there any further discussion on the motion?

MR. McVEE: The motion as I understand it

MR. BARTON: The motion is 2(C) with a limit of six- -- 15.

MR. McVEE: But it would still be half -- seven and a half representatives from local government?

MR. BARTON: As I understood our earlier discussion, there was some feeling that it would be about 50/50, yes.

MR. COLE: Well, what -- what is the -- what is the issue before the Council at the moment?

MR. BARTON: The motion before the Council at the moment is option 2(C) with a limit of 15 members. In the course of the discussion, I understood the sense of the Council was -- or the sense of the maker was about a 50/50 split between local government and interests.

MR. SANDOR: Mr.

MR. BARTON: Mr. Sandor?

MR. SANDOR: Mr. Chairman, just a point of

clarification, this is -- this is 2(C) and is to be established when? Is it now or is it deferred? Are we having interim or -- or what?

MR. BARTON: The motion as I understand the motion myself, now I'm getting foggy, is that this would be a final decision to adopt 2(C), permanent -- a permanent advisory committee structure utilizing 2(C) until such time in the future as we might change.

MR. SANDOR: Mr. -- Mr. Chair -- Mr. Chairman, I -- I think it's premature to -- to suggest the precise split between -- and I was not aware that we had actually voted on that, but

MR. BARTON: We had not.

MR. SANDOR: Okay. So this -- that leaves that open of the -- of the

MR. BARTON: That's

MR. SANDOR: degree of constitution.

MR. COLLINSWORTH: That's my motion.

MR. SANDOR: I would support the motion.

MR. BARTON: Further discussion on the motion?

MR. COLE: Mr. Chairman, could

MR. BARTON: Mr. Cole?

MR. COLE: Could it be thence re- -- restated so we know precisely what we're dealing with when we vote?

MR. BARTON: It's my understanding -- well,

did you make the motion, Mr. Collinsworth? Would you restate your motion?

MR. COLLINSWORTH: Yes, under -- under paragraph two, the issue sheet that we're dealing with, the membership of the public advisory committee, the motion was to adopt the model that is indicated at 2(C), that the -- that the model would be a local government and other interest group mix. It does not spec- -- the motion does not specify the -- what the mix shall be or the seats that would be dedicated to either local government or other interest groups, but it does set a limit that there shall be no more than 15.

MR. COLE: I have a -- Mr. Chairman, I have a question.

MR. BARTON: Mr. Cole.

MR. COLE: What -- what then is the difference between 2(B) and 2(C) if that is the motion?

MR. COLLINSWORTH: Mr. CHairman?

MR. BARTON: Mr. Collinsworth?

MR. COLLINSWORTH: I chose 2(C) as opposed to 2(B) to explicitly express my interest in this motion that it be clear that local governments would be a part of the model. Under 2(B) you could argue that they are included, but it's not explicit, and I wanted to make it explicit.

MR. COLE: So, -- Mr. Chairman?

MR. BARTON: Mr. Cole.

MR. COLE: Then if I understand the motion, it -- the -- that we have, the motion calls for the appointment of or a public advisory group comprised of 15 members, one or more of whom will be representative of local government? Is that the motion, no more, no less?

MR. BARTON: That's my understanding of the motion. Further discussion on the motion? Is there objection to the motion? The motion's adopted.

Mr. Piper, would you lead us through in an expeditious manner the remainder of your decision list?

MR. PIPER: Certainly will. Three is the acceptable nomination and appointment methods for public advisory group. We now have 15 members, one of which at least is -- is the local government. For -- letter (A) does actually not obtain (ph) under the motion that you've -- you've mentioned, because that was originally intended to refer to a group that was all local government. So we are just dealing with (B) and (C).

For each -- these are the ways that they -- that it could be done, that the restoration team has suggested. First is that for each seat of a designated interest, and let's say it's commercial fishing, environmental organizations, subsistence or so on, the Trustees would select a member for each seat from a list of three nominees submitted by the public, by recognized organizations or a caucus of

organizations.

This is similar to the way in which some selection is done now, at least at the state level, where -- and I'll give you an example. If we were choosing commercial fisheries, the -- a group such as the United Fishermen of Alaska would submit three names that would be acceptable to that group, and the Trustees would select from among those three to represent that interest.

The point here is that it tracks with consistent public comment, that the public wants to make sure that they have a strong direction over who represents -- who represents them in those things.

Letter (C) is that if you had just at-large seats, not a designated seat, but you reserved some seats on an at-large basis to balance things in -- in whatever way you felt it needed to be balanced, those would be selected strictly from individual nominations. A much more straight-forward process.

So the Restoration Team suggests that (B) and (C) be adopted as the models for selecting members.

MR. BARTON: Comments or discussions by members of the Council?

MR. COLLINSWORTH: Mr. Chairman?

MR. BARTON: Mr. Collinsworth?

MR. COLLINSWORTH: There has not previously been any designation of seats, is that correct, although

there's been some discussion, there are not designated seats?

MR. BARTON: No. The group doesn't exist at this point.

MR. COLLINSWORTH: Okay. I -- the -- my only point I guess in asking that question is that it's I think difficult at times to designate seats, you know, this is a -- this is a fisherman's seat, or this is somebody from the environmental community. Just as some people think that everybody in the environmental community are green, there's certainly different shades of green and different interests, and there are -- the same could be said about fishermen's organizations, a fisherman whose experience maybe is a Prince William Sound gillnetter, is not -- is not necessarily well-informed or knowledgeable about the interest of somebody in -- in Cook Inlet who is a setnetter or a seiner in -- in Kodiak.

So there -- when you say a fisherman or an environmental representative, it's difficult to find single individuals who -- who really are knowledgeable and representative of -- of the whole variety of interest. So as you designate not only -- I think if -- if we do get to the process of designating seats, there's also regional differences, and so it's -- it's almost interest-slash-region that will give you the best mix of -- of people.

MR. BARTON: Thank you. Mr. Sandor?

MR. SANDOR: Mr. Chairman, I think we want

both and I say that, because specifically if we -- and maybe Mr. Collinsworth alluded to this, but I think, for example, that we would want in this one or more members of -- of local government, you know, someone from Prince William Sound, perhaps one -- someone from Kodiak or (indiscernible, coughing), and -- and with respect to the native groups, we could have, you know, the council or village corporation, so I -- I would see some opportunity to have a mix, and maybe we don't -- maybe we can just leave this open and agree -- in fact I would move that -- that we consider a nomination with a mixture of both designated seats and at large seats without specifying at this point in time which they would be. Is that -- I would move that. Is that appropriate? Is a motion even appropriate?

MR. BARTON: The motion's in order. Is there a second?

MR. ROSIER: Second.

MR. BARTON: All right.

MR. SANDOR: Well, let's discuss it.

MR. BARTON: Yeah. I have a question, that essentially would make them all at-large seats at this point?

MR. SANDOR: No. The -- it would provide the opportunity for either as we -- we go through, so there might be -- I -- I guess what I'm concerned about is -- is that there actually be a native representation, and some -- and

also a community representative, and -- and can we do that without -- how can we do that without designating? I don't want them all designated, you know. Can't we have a mix of both? That was the spirit of the motion.

MR. PIPER: Mr. Chairman, yes, sir, you -- you certainly could. The -- the point of my number three is to say that "let's assume that you have a designated seat, regardless of how many there are." But in the case where there's a designated seat, such as environmental community, commercial fisheries, or local government, that the Trustee -- that the -- the principal service, trade or public interest organization in the area submit three names. For example, if we're in the local government seat, the Alaska Conference of Mayors, or the Oiled Mayors Group submit three names that would be nominees, and then from that list the Trustees would select one.

The attempt here was to balance the prerogatives of the Trustees to ensure that they have a board that will produce results and that they can work well with and feel comfortable with, with the public interest and making sure that the public is not being given a representative as opposed to choosing a representative. And

MR. BARTON: Other comments?

MR. PIPER: this is a practice that's followed in some boards currently.

MR. BARTON: Other comments from the Council?

I have a question. At what point do we identify the interest? It seems to me that's a pretty significant step.

MR. PIPER: The -- I think it was two Trustee Council meetings ago we had submitted a draft list -- list of interest to be included in the public comment, and that was approved by the Trustees, and it was list of 12. And that list quite frankly was -- there were no significant comments against that list when we went to regional public comment. There were a couple of suggestions to fine-tune it, which I think were good, but generally the -- the list was intact that the Trustees looked at originally.

MR. BARTON: Yeah. I understood at that time though we were going to have another opportunity, and -- and I may have misunderstood that. At any rate, if

MR. PIPER: You -- you certainly -- you can give us

MR. BARTON: Yeah, I would -- I would like one myself.

MR. PIPER: Sure.

MR. COLLINSWORTH: Mr. Chairman?

MR. BARTON: Mr. Collinsworth?

MR. COLLINSWORTH: For the -- the initial appointment of the committee, you might want to just do a broad solicitation asking for nominations from local

governments, from interest groups, and those persons who might wish to seek an at-large position. Find out what array of interest there is, where, you know, the regional as well as kind of the classification of interest, and then at the time you do your selection, you can achieve some, you know, balance in the -- of the committee, and then I think subsequently if you want to establish designated positions, then it could be done later. When the -- for example, when the North Pacific Council formed its advisory committee, it did not have designated positions. It -- it simply took a broad range of nominations, made a selection and in an evolutionary process over a period of time, it became obvious what the -- you know, where the various interest groups -- where they were, who they were, and in fact now there is pretty much a system of designated positions, some still at large, but some designated. For example, a Southcentral/Gulf of Alaska processor would be one of the kind of designated positions, and -- and so on and so forth. So for the first -- for the first go around, you may not want to designate, but in fact you will de facto in balancing the -- the committee at the time the appointments are -- are made do that, and then if you want to, subsequently you can specifically designate that when somebody leaves, that that is a position that's dedicated to that particular kind of interest.

MR. COLE: Mr. Chairman?

MR. BARTON: Mr. Cole?

MR. COLE: Yeah. I -- let me try my motion again. I -- I move that we refer this to the -- to Mr. Piper until the next meeting, have him make recommendations based upon the views expressed by the Council today.

MR. BARTON: Is there a second to the amendment?

MR. SANDOR: Second.

MR. BARTON: Any further discussion of the amendment?

MR. COLLINSWORTH: Mr. Chairman, I guess the -- I thought there was, you know, something of a fairly compelling need to start this process to move forward quickly so that you would get your nominations and be able to appoint a committee and have that committee proactive early on in this process, particularly as the framework restoration document goes out and so on, so I guess that's why I was -- rather than deferring this to some later time, trying to see if we could find a way of fixing it well enough so that that committee could get in place fairly quickly.

MR. COLE: Mr. Chairman, but I

MR. BARTON: Mr. Cole?

MR. COLE: I agree with that view. It -- I thought one way around it would be to appoint an interim advisory group, give us an opportunity to address more fully

the -- the views which the Council has expressed here today. That's my thought on it. I -- I just think we're not quite prepared to make final decisions or cuts that -- that are necessary. And a reason I think that is Mr. Piper has not furnished us with that specific type information. One of the reasons, he hasn't really had, you know, guidance from the Council, which type guidance I think we've expressed today.

MR. BARTON: Further discussion on the amendment? Is there objection to the amendment?

MR. COLLINSWORTH: Restate the amendment, please?

MR. BARTON: The amendment is to -- well, Mr. Cole, do you want to restate your motion?

MR. COLE: It was to recommit to Mr. Piper for his further advice the composition and means of selecting the public advisory group, and to have him furnish us with the -- a report at the next meeting of the Council. And I'll add to that I think, and in the interim for us to appoint a temporary advisory group.

MR. BARTON: Is there objection to the motion? Does the second concur with the amended motion? Mr. Sandor?

MR. SANDOR: Yes.

MR. COLLINSWORTH: Well, Mr. Chairman, I -- I guess I'd like to have a better understanding of how the interim advisory committee would be appointed, how that

committee would be dissolved, the permanent committee put in place, how long they would operate, is there going to be a chance for continuity? I guess if we were going to put this off until the next meeting of the Council, I would have been willing to put off the -- the model that would be used to allow public comment on that as well. But I -- I guess I just have just the mechanics of an advisory committee, selecting -- selecting that advisory committee, getting it started, when does -- you know, when does its task conclude, are the members that you appoint to the interim committee automatically members of your -- of your final group? I don't know quite how that would work, and I would have trouble voting for the motion until I had some explanation. I would be willing to deal with it separately though.

MR. COLE: Then I'll

MR. BARTON: Mr. Sandor?

MR. COLE: then I'll cut back the motion and let's deal with it separately. One -- the first one is -- the first of the motion is to continue it until the next meeting.

MR. BARTON: Does the second accept that change?

MR. SANDOR: Yes.

MR. BARTON: Is there objection to the amendment to the motion which would defer this discussion

until the next meeting at which time we would have the benefit of Mr. Piper and the Restoration Team's advice? Is there objection to that amendment? Okay. And then it passes. Is there objection now to the motion which is essentially the same thing? Or is the same thing. Hearing none, the motion passes. So we're tabling this until the next meeting, the decision on item three on the decision list of Mr. Piper's, at which time Mr. Piper would give us some suggestions about how to go about this, the advantages and disadvantages.

Further discussion on the public advisory group?

MR. COLE: Mr. Chairman?

MR. BARTON: Mr. Cole?

MR. COLE: The -- the concern I have now is do we need in order to comply with the MOA, or U, I'm never sure which it is, an interim group? That's one of the things I think we need some guidance on. I would like to have some guidance.

MR. BARTON: Do you know the answer to that, Mr. Piper?

MR. PIPER: I think that you could fashion a way to -- that by having a generic charter approved and to say that there will be a public advisory group and it generally consists of interests, I suppose one could argue that it -- that it meets it. It would be preferable I think to meet the intent to -- to come up with some interim group of people to

do that, and I think that would be closer to it, but that's just my general opinion.

MR. BARTON: Let me ask a question. As a practical matter, to whom do we send this generic charter that we're developing for approval?

MR. McVEE: Mr. Chairman?

MR. BARTON: Mr. McVee?

MR. McVEE: Those are approved by GSA.

MR. BARTON: All right. And I wonder what time frame we're talking about in securing that approval?

MR. PIPER: The process in a very shorthand way is that the -- first, whichever designated federal agency wants to deal with its Secretary, justifies the need in a letter that -- that you need the advisory group, and then file a charter. It has to be in the Federal Register I think it's 15 days before you intend to meet, and that it's -- it's for review while it's in the Federal Register, and you accept comments on it or whatever, and then it's -- it's either accepted or rejected by the Secretary.

MR. BARTON: So would six weeks be an optimistic estimate of the time that that will take?

MR. PIPER: I would think so.

MR. BARTON: So that we could not even convene an interim group until we had secured that approval, is that correct?

MR. PIPER: If one were going to comply with -- on all matters which apply to the Federal Advisory Committee Act. If one does -- if the Trustee Council decided that it wanted to appoint some kind of interim advisory group to provide it some guidance on -- on a variety of issues, I don't think there's anything that prevents you from doing that. But the issue is whether it would meet the standards that are laid out in the Federal Advisory Committee Act, and if that is -- is a very important thing to the Trustee Council, then it would take six weeks.

MR. BARTON: Has legal counsel got any opinion?

MS. LISOWSKI: I think in my view, even if you had an interim advisory group, you would still have to comply with the FACA, Federal Advisory Committee Act, and that would require filing the charter and as -- as Alex Swiderski and I have gone through here and reviewed the -- the draft charter, you would need to identify a federal agency that would submit the charter to the General Services Administration.

I'm told that it may take up to three months for GSA to be able to approve it, to give its blessing to the charter, so you -- either way you're going to have to file the charter whether it's an interim group to comply with the Act, or whether it's a permanent group.

MR. BARTON: If -- if then we were to comply

completely with the law, we could probably establish the -- the work- -- the permanent group as quickly as we could the interim group. Is that a fair assessment?

MS. LISOWSKI: That's the conclusion I come up with, yes.

MR. BARTON: Yes. Mr. Sandor?

MR. SANDOR: I wanted -- I wanted to ask a question. Why couldn't we when we -- well, we've already voted to submit this charter, and that -- that was good, we're going to go ahead. But why can't in that submission, we -- we say that's what we're submitting, but we're having an interim group to assist in the formulation of that group?

MS. LISOWSKI: I have no problem with you establishing some group that will help you. All I'm saying is that you have to file the charter at the same time, whether you have it as an interim group initially or whether you have a permanent group, the -- the time frame for the approval of the charter is going to be the same.

MR. BARTON: We have to have a charter for the interim group as well as the permanent group, is that

MS. LISOWSKI: Correct.

MR. BARTON: what you're saying? All right.

MS. LISOWSKI: At the same time, just going over the regulations, at the same time that you submit a

charter, the -- whatever federal agency is submitting it to the General Services Administration must also provide a description of how the agency, in this -- in this sense the -- the Council, is -- is planning to obtain fairly balanced membership. To ensure that selection of members of the committee, advisory group, the agency will consider a cross section of those directly affected, interested, and qualified as appropriate to the nature and functions of the advisory group.

And in addition, one thing you may want to consider is that if there's any technical expertise that's required from the advisory group, that you may need to consider having that individual also be a member of the group.

MR. BARTON: A member of which group?

MS. LISOWSKI: The advisory group.

MR. BARTON: It seems to me that -- well, we have a motion on the floor. I can't remember what it is though. Do we have a motion on the?

MR. COLLINSWORTH: No, I don't think so.

MR. BARTON: Oh, okay. Then I -- I move that we -- in view of what we've heard, that it will take as long to establish an interim group as it does a permanent group, that we discuss no further the establishment of an interim group.

MR. McVEE: I second the motion.

MR. COLLINSWORTH: Second.

MR. BARTON: Discussion on the motion?

Objection to the motion?

MR. COLE: May I raise a question?

MR. BARTON: Yes, Mr. Cole.

MR. COLE: I -- Mr. Tillery or Mr. Swiderski, are -- are we in compliance with the -- Judge Holland's order, the 90-day order, if we do not appoint an interim advisory group? You know, Judge Holland is nearby, you know, and he has a way of reaching out, you know, and I -- I am a little more respectful of compliance with his orders. I -- I know he has the power to hold us in contempt for failure to comply and I'm not really quite so worried about these people back in Washington, D.C. But, you know, in all seriousness, I think we should think very seriously whether we're in compliance with Judge Holland's order.

MR. BARTON: I -- I

MR. COLE: And I want to make sure we are.

MR. BARTON: Yeah, I'm anxious to hear the answer to that, but it would seem to me as long as we were proceeding with due diligence, you know, maybe we can get Judge Holland to help hurry up GSA.

MR. COLE: Like I say, Mr. Chairman, I take quite literally orders from federal judges as well as state judges I might hasten to add.

It troubles me a little bit. I would like counsel's advice on that, and then if we sought to be held in contempt, we can say, "Well, we had incompetent legal advice."

(Laughter)

MR. BARTON: Has counsel come to a conclusion as to whether we're in compliance?

MR. TILLERY: The conclusion is that you are going to need to have established procedures, although not perhaps the group itself.

MR. BARTON: The procedures for the establishment of the group,

MR. TILLERY: That's right.

MR. BARTON: the public advisory group?

MR. TILLERY: That's right.

MR. BARTON: In which case

MR. TILLERY: By the 9th if I recall.

MR. BARTON: I take it then that we probably need to deal with item three as one of the procedures that we need to have established, is that correct?

MR. TILLERY: Unless your next meeting is the 8th.

MR. BARTON: I doubt it. It's -- At any rate, by the 9th we would -- would have needed to have dealt with the nomination and appointment methods.

MR. COLE: Mr. Chairman?

MR. BARTON: Mr. Cole?

MR. COLE: In light of -- of the legal view which has been furnished us, I move that we ask Mr. Piper to furnish us with his report by the 7th and that when we adjourn, or when we get to the end of the day we continue this meeting until the 8th, and at that time have -- have either the telephonic meeting, -- continue this meeting with a telephonic meeting or we meet again on the 8th. And -- and at that -- at that occasion adopt the procedures.

MR. BARTON: Is there a second to the amendment?

MR. SANDOR: Second.

MR. BARTON: Mr. Sandor. Any further discussion on the amendment? Is there objection to the amendment? Okay.

MR. COLE: Is -- is the 8th a Sunday?

MR. BARTON: Yeah.

MR. COLE: Well, let's do it on the 9th then, but get -- get the information by the preceding Friday.

MR. BARTON: All right. Moving right along, Mr. Piper, item four?

MR. PIPER: I think items four and five fall into the same category that -- that Attorney General Cole just moved.

MR. BARTON: How about item six?

MR. PIPER: The same. I would suggest respectfully that the Trustee Council move on to the next agenda item.

MR. BARTON: Well done, Mr. Piper. All right. We're now ready for item six on the main agenda. Mr. -- Dr. Gibbons?

DR. GIBBONS: This is a real brief one. Just a report that by the next Trustee Council is set, the day is set, I will have a state/federal draft of job description -- position description for the permanent executive director. There wasn't time to -- to get that prepared between the -- the February 10th meeting and today's meeting.

MR. BARTON: Any questions on item six by the Council? Item seven. Mr. Rice?

MR. COLE: Item seven? Could -- Mr. Chairman?

MR. BARTON: Mr. Cole?

MR. COLE: Well, we're -- Mr. Sandor and I am a little confused here. We don't have an item seven on our agenda.

MR. PIPER: Turn your page over.

MR. BARTON: Well, Habitat Protection/Lands Group is item seven.

MR. COLE: Oh, the other side.

MR. BARTON: Well, we're -- we're back to the main agenda.

MR. COLE: Here.

MR. BARTON: Have you got it?

MR. COLE: We've -- we've located some.

MR. BARTON: We -- we -- having dispensed with items four, five and six on Mr. Piper's list, incorporating that into the material to be provided to the Council for us to deal with on March 9. We went -- item six on the main agenda and now -- now item seven on the main agenda. Mr. Rice?

MR. RICE: Mr. Chairman, a lands working group has been formed with representation from all the Trustee Council agencies. Mr. Gibbons would be able to give you a list of the membership of that working group along with the other working groups.

The working group has met once since the last Trustee Council meeting and we -- and we've discussed approaches to handle the project. We will be meeting in the very near future to develop a process for dealing with the lands/habitat protection option, and develop objectives and criteria for the Restoration Team to review.

I realize we've agreed to provide the Trustee Council at this meeting with a preliminary list of objectives and criteria for -- today, however, we've not been able to put the time into this effort that it -- that it deserves.

Before the working group spends too much effort on developing a process and a realistic timeline criteria, et

cetera, we would like some direction from the Trustee Council on whether we should be out essentially ahead of the restoration plan in formulating a program, or whether we should be in close step with development of a restoration -- with -- with the development of the restoration plan. There's been discussion of a two-step process, one dealing with short-term interests that are out there, and the other a more long-term program, and we'd like some direction from the Trustee Council on it.

MR. BARTON: Comments or questions from members of the Council?

MR. McVEE: Mr. Chair?

MR. BARTON: Mr. McVee?

MR. McVEE: It's my feeling that, you know, we've got a process set up for looking at the -- the framework document that we could -- could we get the lands, you know, habitat protection component within the document, then the public has it all in one package that -- that would be a positive approach.

MR. BARTON: Other comments or questions? As a practical matter, will your work -- is your work very much ahead of the restoration framework package at this point?

MR. RICE: We're -- we're not ahead of the restoration framework plan. We're behind the framework document and I seriously doubt we would have objectives,

criteria, timelines worked out and through a review process that we could get it into the document going out in the framework plan. We could -- we could strive for that if that's the Council's wish, but I -- I'm real reluctant to -- to promise that we could do that. It's -- this is going to take fair amount of effort and a lot of thought.

MR. BARTON: So in reality it would be a matter of incorporating it into the framework at a later point rather than an earlier point?

MR. RICE: In- -- into the restoration plan I think is what -- what we were thinking. Marty, do you have anything to add to this?

MS. RUTHERFORD: Just that the -- the -- the rest- -- the restoration plan itself is due out in -- in August, and that's what we were wondering is if you want these efforts done prior to that? I mean, do you want them available for us to start acting on some applications if you will by May or April?

MR. BARTON: Well, then I guess my question would be as a practical matter, is that possible? I'm not talking about desirable. I'm just asking about possible now.

MR. RICE: I suspect by the end of March we could have objectives and criteria to the Trustee Council. If you were planning to meet in early April, for example, we could have some objectives, criteria, and a time frame

available for you to review at that time, and we might then be able to send that out to the public for comment. That would be after the framework document is out, but, of course, before the restoration plan is out.

The other option would be to put everything onto a time frame, at which -- integrated into a restoration plan, that would preclude I think reacting to any of the -- the proposals we've heard from the public for this summer.

MR. BARTON: Mr. Sandor?

MR. SANDOR: Mr. Chairman, it was my hope or expectation that when we went out for public comments on these different projects that we would have been able to define at least some framework in which this issue of habitat protection would have been dealt with, or at least where this was beginning to focus, because a substantial amount of the public comment dealt with this -- this issue. Even if it was just to narrow it down to areas affected by the spill or critical habitat or -- are -- are we saying we're not going to give anything out with respect to this issue in this -- when this package goes out for public comment now?

MR. RICE: Well, I think that -- Mr. Chairman, I think the framework document does address this as an option, and -- and gives some conceptual ideas with that, but it doesn't necessarily say that here the -- here are the criterion for it. It -- it probably addresses it in terms of

willing -- willing seller basis. It doesn't say what kind of weight would be given to, for example, different values that we might apply to habitats or -- or services that might be out there, how we're going to evaluate the different -- the different areas that are -- that are available. It's -- it doesn't have that kind of direction in the framework document, but it does have -- it does have it identified as an option.

MR. SANDOR: Mr. Chairman?

MR. BARTON: Mr. Sandor?

MR. SANDOR: Then there's -- in a sense this is essentially fairly wide open, this -- that this is what we're soliciting then comment -- comment and -- I guess I don't remember what has already been defined, that's part of the problem, and I think the public is going to be looking for some response to, you know, the information we have gotten from them so far, and -- and I guess I'd like to know what it is we're tell- -- what it is we're putting out there, and I forget what's in that package.

MR. RICE: I -- I think at the start of yesterday you were handed a copy of the framework document. I don't have one here to -- to pull out that section. Perhaps somebody -- somebody has one. Stan, can you help with that?

MR. SANDOR: Mr. -- Mr. Chairman, if everybody else is satisfied with that segment, and it's just me that's a problem, I'm willing to accept what's in that package.

MR. BARTON: No, I'm curious myself. I didn't know about the other Council members.

MR. COLE: Add me to the group.

MR. BARTON: Can you give us a reference, Stan?

DR. SENTER: Yeah, I'm trying to -- I'm trying to locate it myself here. Mr. Chairman, this is -- this is in Chapter Six on "Options," the criteria and evaluation of options. And that's on page 48, up -- you're -- yes, it's -- it's quite -- yeah, if you'll just find page 40

MR. BARTON: Well, there's 32.

DR. SENTER: Yeah.

MR. BARTON: Maybe we could number these.

DR. SENTER: It's -- it is 48, up front. Start -- start from the front. If you go from the rear, you'll be way too far back. Page 48, down at the -- the numbers are on the bottom. I can -- I can steer you to it, if you

MR. COLE: Yeah.

MR. SANDOR: Oh, here it is.

DR. SENTER: Here in -- Yeah, here you go. Just take mine. Okay. It begins right there and then flip over to another page.

What is in there, gentlemen, is right now a very generic description of a habitat evaluation process which is

based on the recommendations or -- or menu that was provided us by the Nature Conservancy. And elsewhere in the document we talk rather specifically about some of the -- the options that have come from the public about different kinds of things we can buy and different resources and services to protect.

What is not reflected in here are actual criteria for making decisions on whether or not to buy or otherwise protect a piece of property. That's not in here. Nor is there a time frame for acting, whether one wants to act on a fast track or a slower track, that information is not in there.

We have probably two or so weeks, maybe three weeks before this thing is going to get put to bed and -- and sent to a printer, and if it's your will and -- and the lands committee doesn't have -- you know, if we can pull it off, we can certainly put more in there for people to sink their teeth into, but right now it's fairly generic.

MR. McVEE: Mr. Chairman?

MR. BARTON: Mr. McVee?

MR. McVEE: It -- it seems to me like since we're also going to use the framework document as a scoping document in preparation -- or in conjunction with the preparation of the restoration plan, that it would be -- it would be desirable to have a first cut at criteria for the public to review, you know, even if it's only 80% you might say, but at least something to -- to comment on, so we get

that input.

MR. BARTON: Criteria specifically as to

MR. McVEE: Land acquisition, priorities, program, or habitat protection I guess I probably should say, because we're looking at, you know, different components of land acquisition.

DR. SENTER: Well, maybe Ken wants to respond to that.

MR. RICE: Yeah, my only -- my only -- Mr. Chairman, my only thought on that is that we would -- we would desire to send those through you for review before that went into the document, and -- and I think it was the intent of this group to get -- to get your review fairly quickly back so that the final changes could be made on that document before it goes out to the printer.

MR. BARTON: Other comments?

MR. COLE: Mr. Chairman?

MR. BARTON: Mr. Cole?

MR. COLE: Well, one of the things that I -- I think about as we get into this habitat whatever, land acquisition thing, but we not adopt too narrow a view of what we're doing. I mean I think we have to look down the road to where we're going to be five, six, seven years from now. As 70 million a year comes in, or -- what are we going to do with

that money? How are we going to think about expending it? And I think we should have an over-all, what I sort of conceive of or think about as a grand plan for this whole area, you know, not just looking at some habitat here and some habitat there, but we should be looking at a plan -- although I hate that word "planning," "government planning," or -- it disturbs me, but nonetheless I -- I just think we -- we should have a broad enough vision and far reaching enough vision to see what we're really going to do with this relatively vast sum of money which we have, and -- and look at it -- look at where we're going at this stage from that standpoint, because I have a sort of fearful sense that our -- our vision, if that's the word, is too narrow. Too narrow. What habitat can we buy now? What little acreage can we acquire now? That's something that I -- I am personally giving a lot of thought to, and I -- I would like to see the people do -- who were working in this area give thought to that, not just the land we can buy with ten million a year, next year and the next. Where we're really going. So I'm -- that's all I have to say on the subject.

MR. BARTON: Mr. Rosier?

MR. ROSIER: Thank you, Mr. Chairman. Well, it seems to me that -- that in terms of the longer -- longer term that -- that we've approved projects during this session where we would be at least developing some of that information

on a longer-term sense.

I guess I feel a bit uneasy. This -- this particular issue has been with us since the first meeting, and we've heard a lot from the public in terms of -- of at least their ideas of -- of land acquisition. We have a number of proposals, some of which I think that the landowners have indicated some immediacy in terms of protecting those lands, or we lose the opportunity, and -- and it -- it seems to me that -- you know, that I'm kind of like the Attorney General there, when we talk in terms of a long-term plan, I'm sure there's some hearts that sink out there in the audience when we say that, as the -- the decision process here on this. I think they're looking -- looking for a signal from us in terms of at least giving some consideration to those proposals, recognizing that there's a need for that criteria for selection to in fact go forward for public review and get -- getting that stuff out of the way, but I really feel that we do need to deal with some of these more immediate issues where we can within the context of a larger plan, but I think we need to deal with it on a short-term -- shorter-term basis here, and at least get the criteria off of the ground and give that a priority in terms of getting it out and letting the public begin to look at it. There's certainly been the demands there for -- for us to look seriously and rapidly at -- at land.

MR. COLE: Mr. Chairman?

MR. BARTON: Mr. Cole?

MR. COLE: I'd -- I'd like to respond to that, 'cause I realize that, you know, when I say that we should take a broad, large view of this that those like Ms. Brodie will have near heart failure and say, "oh, my goodness," you know, the -- but in some ways I -- I think that their view for their -- for what they seek to achieve, is not really broad enough. I mean, I think the vision should be, you know, greater, and I would like to see what agreements we can reach with the Forest Service about what they're prepared to do with their land, what agreements we can reach with the regional native corporations with respect to their land, rather than say, "Here we have some money, let's go buy some habitat." I think that that may be a short-run approach. So I think that there is more to be done, and I think it's one of the great things, perhaps, in a sense we can do is to look at this whole Sound and the future from that standpoint. Thanks.

MR. BARTON: One of the things -- did you

MR. ROSIER: No, that's all right.

MR. BARTON: One of the things that I think we need to think about is, you know, is what our objective is and I don't think our objective is to buy land. I think that is one of the tools with which we can accomplish our

objectives, but somehow we need to deal with this as an integrated package, and examining all the tools that are available to us to -- to accomplish what we're trying to do. And from that point of view, I -- I agree with the grand plan concept of getting the -- getting it laid out so that we know which tools can best be used to achieve the various components. And -- and again as Mr. Rosier points out, there are some opportunities perhaps available at this point in time that may not be in the future, but, you know, we've been concerned about the amount of money and how we are allocating that money, and I would hate to -- to spend some now on something that we later determine to have been perhaps not the best use, or there might have been a more effective use of the money.

So I think Mr. Rosier's suggestion about trying to get the criteria in front of the public by -- in the restoration framework is one that I would agree with. Where we go beyond that, I would -- I would like to see that done in an integrated manner and in a -- in a plan-wise manner so that we all are maximizing our efforts. And if that means the restoration plan itself, I guess that's where I'm at on the issue.

Mr. Sandor?

MR. SANDOR: Well, I agree that at least tentative criteria or criteria ought to be identified. I

also think some reference should be made to alternative mechanisms for protection, and there is a reference to acquisition or protection of -- of strategic habitat, but specifically it seems unlikely that, at least I -- I perceive it to be unlikely that native village or regional corporations which fought so hard to get their heritage would be willing to sell their lands, and I think those alternative mechanisms like scenic easements or moratoriums or whatever else might be identified linked to those strategic habitats.

There is no reference -- I guess we're focusing on the -- the spill area itself, but this is one Trustee Council representative -- or representative, and I think at some point in time we're going to have to focus on -- on that, and I guess that is one of the criteria you're talking about. You know, I -- certainly the Nature Conservancy's input on not (ph) -- in the study and here have been excellent, and that will be helpful, but I wish you can go the step further, not only the criteria, but maybe make reference to a number of mechanisms that could be utilized, and -- and inform the -- the groups of the options, and then they could get input back from them. If those two things could be added, the criteria and then alternative mechanisms that are -- that are under consideration, I think that would be helpful.

MR. BARTON: As I recall, in some document or other we laid out a flow chart process which I think

illustrated that very well. I don't recall what document that is. Dr. Gibbons, can you help?

DR. GIBBONS: I think -- I think the document you're talking about is -- is in the framework plan presently.

It's a decisional information flow

MR. BARTON: Process?

DR. GIBBONS: process. It -- it is in the document now.

MS. RUTHERFORD: Mr. Chair? I think one of the things that I'm a little concerned about is trying to get both a short term and a long done in time to put it into the framework, and the odds are we just couldn't accomplish it,

MR. BARTON: I don't

MS. RUTHERFORD: at least not well.

MR. BARTON: Yeah, I'm -- I

MS. RUTHERFORD: Perhaps would you consider splitting it and allowing us to attempt to get something done for the short term and some that -- so that you would have the opportunity to consider some more immediate options that come forward and try to get that into the framework document and then to take a longer period of time to work out a long-term approach?

MR. BARTON: I think what we -- my understanding of what we've talked about so far in relation to

short term is -- for the framework, is the development of the criteria.

MS. RUTHERFORD: But I -- but we see there might be a very big difference between sort of the short-term approach and a long-term approach, even in terms of criteria and objectives.

MR. BARTON: I see. Comment from the Council?

MR. COLE: Mr. Chairman?

MR. BARTON: Mr. Cole?

MR. COLE: Well, I -- I think that as part of this process, we could also consider, as long as we're in this general area, is what services that these injured resources provide and so we can look at the establishment of alternatives to -- for enhancement of those services, as Mr. Parker mentioned yesterday.

I -- I don't think we should confine our approach simply to -- as we look toward the future, to the acquisition of simply habitat, number one. I think we could look at -- at the adoption or other expenditures for other projects which are broader than simply acquiring habitat or land, and I think we should consider whether other landowners in the Sound are willing to contribute some of their land for the protection of habitat and the environment. You know, we -- we should look some slightly -- well, considerably more broadly than simply acquiring habitat, although certainly that doesn't mean to say

less for that subject. Just look at all the alternatives in this area.

MR. BARTON: And that's what I was -- meant by my discussion about the broad picture in terms of

MR. COLE: Yes.

MR. BARTON: protection of habitat and achievement of our objectives. As I said, I don't think our objective is acquisition. I think it is protection of habitat.

Other comments from the Council members? Have you got as much help as you can stand?

MR. RICE: I -- I think we're a little clearer here. It's -- it's then the intent of the -- of the Council that we should have some objectives and criteria developed and -- and try and get those into the framework document, is that the

MR. BARTON: Is that the consensus of Council? Everybody seems to be nodding.

MR. McVEE: Sure. Get

MR. BARTON: Mr. McVee?

MR. McVEE: Mr. Chairman, I guess the other thing I heard that -- that might be worth addressing, and I guess this would be more in a narrative form, would be, you know, along the lines of -- of Mr. Cole's comments that we were looking at -- at a longer-term program, and that fits

very well in with the aim (ph) and the process we're following, which would be to move from the framework document to a restoration plan. And it starts to give people something to sink their teeth into and comment.

MR. BARTON: Further comment?

MR. BRODERSON: Mr. Chairman?

MR. BARTON: Mr. Broderson?

MR. BRODERSON: Yeah, this topic, as -- especially as outlined by Mr. Cole here, it strikes me as -- as way too important to -- to rush in and try and change the restoration framework at this point, unless we make the conscious decision to delay the framework several weeks. It seems like trying to rush out with more information on habitat protection and the other options which do need to be looked at in conjunction with this, is really going to be a disservice to this whole area, that I -- I think one needs to look at either moving as fast as we can with protection and the other aspects, but not put it in the framework any more than it already is or else make the conscious decision to delay the framework document and not come out with it. Trying to make the two of them mesh at this point would be a disservice to both of them.

MR. BARTON: Do you -- I wouldn't -- if I understand from what you said, you thought -- you think we might be evaluating specific proposals in the framework?

MR. BRODERSON: No, I think just getting to what you're requesting in terms of objectives, criteria, process, et cetera, is going to be a fairly time consuming task judging by the conversations that we've had in the RT already, and also from the guidance that we've gotten from you here today and in previous sessions, that to try and rush ahead at this point, essentially in the next week after having driven ourselves pretty hard to get the budget to you, wouldn't give the protection options and other things the -- the attention that they deserve at this point, that if we could try and have this to you by the next Trustee Council meeting, whenever that would be, assuming that it's a month, month and half from now, that we could do an awful lot better job for -- for you on this and maybe what we want to consider is then having an appendix to the framework that we could take out to the public at -- if I remember correctly, the public meetings that we're going to have to explain the framework and work plan to people, that we could have it ready as an appendix to take out to those public meetings perhaps. But -- otherwise our doing it and getting the proper review by you, et cetera, to include it in the framework at this point really will be difficult to do and do justice to the subject that is probably the -- the meat of -- of what we're trying to do here for restoration. And I'm not saying just habitat protection. I'm also including the things that Mr. Cole was

alluding to, that this is not our only mechanism, and we do have to do this as a package.

MR. BARTON: Well, yeah. Let me just say I think it would be a mistake for us to focus on acquisition and criteria for acquisition. I don't think that's what we intend at all. What we

MR. BRODERSON: Right. Exactly.

MR. BARTON: intended in the broader context of all the options available to achieve the objective.

MR. BRODERSON: Well, that was the point I was trying

MR. BARTON: Yeah.

MR. BRODERSON: to make.

MR. BARTON: Okay. So your suggestion is that it really would be to then issue a supplement at some point after the framework goes out?

MR. BRODERSON: I'm suggesting that as one possible alternative to delaying the framework. Another option is to delay the framework, which I really wouldn't want to see considering that we're two or three weeks behind where we promised it now, but to try and squeeze additional information into the framework at this point, and -- and do justice to both habitat protection and grand (ph) plans, et cetera, it seems that we're having the potential of -- of trying to do too much in too little time and not really do it

justice.

MR. BARTON: Comment? Mr. Rosier?

MR. ROSIER: What kind of a time frame would you envision, say your option of -- of going out with a supplement?

MR. BRODERSON: Thinking back to earlier Trustee Council -- excuse me, Mr. -- Mr. Chairman, may I go ahead?

MR. BARTON: Sure. Yeah. Go ahead.

MR. BRODERSON: Thinking -- thinking back to prior Trustee Council meetings, there -- there was a discussion of having another round of public hearings as was done with the public advisory group hearings, to take the restoration framework and the work plan out to the public. I would hope that we could have -- I'm speaking off the top of my head now, and not necessarily representing the Restoration Team here, but I would hope that we could have a short document in hand by that time that would -- could more fully address the issues that -- that are -- are really pretty important here.

I'm -- I'm not advocating putting off the -- the protection option any longer than we absolutely have to, but I do think it's important that we get it in context of all the other things that we need to be doing for this. I think we can do that. It would really need to have discussion amongst

members of the lands subgroup and the RT to -- to see if that's true, and as you say, I don't want to commit anybody else or myself for that matter to doing that. I'm just concerned about use rushing ahead here or trying to change the framework and then regretting what we came out with just because it wasn't the best job that we could do.

MR. RICE: Mr. Chairman?

MR. BARTON: Mr. Rice?

MR. RICE: I think that the co-chair of this subcommittee and myself certainly like that idea a lot better than trying to get something together in essentially the next seven days.

MR. BARTON: When -- when do you see us able to have the document available to the public if we would follow Mr. Broderon's suggestion?

MS. RUTHERFORD: Mr. Chair?

MR. BARTON: Marty?

MS. RUTHERFORD: We had discussed earlier today, the Restoration Team had discussed when potentially we could get several of the items that we may have to complete for you by the next meeting, and we were going to suggest an early April meeting I believe. I think we could have something available for you folks to review then, and if you approve it or change it, we can have something out by mid April then.

MR. BARTON: So it would -- it would be following on the framework by three weeks or so then.

MS. RUTHERFORD: Right. Uh-huh.

DR. GIBBONS: Mr. Chairman?

MR. BARTON: Dr. Gibbons?

DR. GIBBONS: Yeah, right -- right now for the framework, we were shooting for mid March. I think we're -- we're looking towards the end of March now, that -- that's not too far past that time when the framework plan will be going to the -- to the public, and we could -- could make a -- you know, get that out and -- and during the -- the public meetings concerning the framework have those discussions of criteria.

MR. BARTON: This is as Mr. Broderson pointed out I think a pretty important part of our work. I move that we adopt the suggestion to take a little more deliberate approach and -- and issue then a supplement to the framework by mid April.

Mr. Rosier?

MR. ROSIER: Mr. Chairman, I would -- I would second that -- that motion with the understanding that -- that we do move ahead expeditiously on this as it is an important issue, and it's something that needs to be dealt with as -- really as a priority consideration and -- and activity of the Council.

MR. BARTON: Further discussion?

MR. COLE: Mr. Chairman?

MR. BARTON: Mr. Cole?

MR. COLE: Yeah. I think the greatest risk we face is moving ahead too rapidly. I think the greatest risk we face is moving ahead too rapidly. We're looking at sort of an organic document for the guidance of this commission for the next ten years, and I think that we should proceed deliberately, and I have not been told or seen at least, maybe I missed, that's a possi- -- a good possibility, but if there's any significant danger to the environment which now faces us if we don't act immediately virtually, and if there is, I mean, I would like to be told of -- of that, so that it would perhaps change my thinking. And I don't see that before us. If there were, we should act almost precipitously.

But on the other hand, furthermore, we're still in the process of acquiring information I thought by our studies yesterday which would help us make these decisions, and a lot of those studies will not be completed for a while.

So I mean I -- I won't object to anything that other Trustees think ought to be done here, but I do want to say that I think the greatest danger we face is to -- is -- well, I -- I can't -- the word "stampeding" comes to me, but it may be a little too strong a word to use here. But -- anyway that's my cautionary thought.

MR. BARTON: I wonder -- it would seem to me then we could bring this effort into synch with the restoration planning effort after -- I'm not sure -- you say the public review period on, for example, the framework is 45 days?

DR. GIBBONS: (Nods affirmative)

MR. BARTON: And this would follow three weeks. We -- if we wanted to bring them both to conclusion at the same point, then we'd only have about three weeks on -- on this effort. But even if we didn't bring them both, the comment period to close at the same point, it seems to me that we could then synchronize them later in the process very easily and get it all back together again under the same umbrella, and -- and that's what I sense that you're asking for, Mr. Cole, is that correct?

MR. COLE: Well, suggesting.

MR. BARTON: Dr. Senter?

DR. SENTER: Yes, Mr. Chairman, just a suggestion, and that is that perhaps before one reaches a conclusion that we do in fact need a supplemental document, if you can sometime in the next week take a look at this document and discuss it with your Restoration Team member and then consider whether it is sufficiently broad or too broad or narrow or whatever, and -- and then make a decision about whether we need an additional document. I think my own view

is that we have a good start here and we'd want to make it the document that best reflects what you want to provide to the public, and if that takes an extra ten days or something to accomplish, then we should do that, but it's -- I -- I would -- my only caution I guess is to take a few minutes to look through it and see whether you think it captures your -- your notions of where it should head before we decide whether or not to do yet another document.

MR. BARTON: Further comment or discussion from Council members? Mr. Broderon?

MR. BRODERSON: Yeah, I would like to concur with what Mr. Senter was saying there. I wasn't thinking of -- of a major supplement here and was actually I think in total agreement with the Attorney General on the amount of information we want to put out at this level. I was envisioning maybe four or five pages max on this. It's just that the information that goes into there requires quite a bit of consideration to make sure that what's there is truly representative of what we're all thinking and reaching consensus on it. And maybe we do want to delay the framework document a week or so to get that. That was one of the options I was trying to put out, if as Mr. Senter says, we find that there's not enough information in the framework already.

MR. BARTON: I guess I'm confused. I thought

we were talking about a three-week delay.

DR. SENTER: Mr. -- Mr. Chairman, it all depends on what you think of the draft that you've got in front of you. If

MR. BARTON: Let me just say I don't know whether it's a major or a minor supplement. In my mind it -- it needs to be whatever it takes to get the information out that we want to get it out. If it's four pages, that's twice as bad as two pages, but a hell of a lot better than 30 pages.

MR. ROSIER: And a lot better than none.

MR. BARTON: Yeah.

DR. SENTER: I can say in -- in the appendix to this draft document there are 30 plus options which have come from -- largely from public suggestions, and they range -- a number of them are habitat, but there are endowments in there, monitoring programs, research institutions, testing subsistence foods for contaminant levels, a wide array of things. And -- and undoubtedly there are a number more that could be added in there, so there's a lot in there and we just need to take a look at it and decide whether we can fine tune it and make it what you want, or whether we need to add to it.

MR. BARTON: A motion on the floor. Any further discussion on the motion?

MR. COLE: Would you restate the motion, please?

MR. BARTON: The motion is to essentially follow Mr. Broderson's suggestion that we take enough time to develop the objectives and the criteria properly and then issue a supplement around mid April, a supplement to the restoration framework, with the intent then that this would all come together again as part of the restoration plan. Further discussions? Objection to the motion? Okay. Done.

Item eight, Trustee Council meeting location. Marty?

MS. RUTHERFORD: Mr. Chair. There's a letter in your packet from myself to Dave Gibbons on the subject -- subject of Trustee Council meeting locations.

At the last Trustee Council meeting, you had asked us to look into the potential of using -- using the Supreme Court Chambers as a meeting location for the Trustee Council. You also approved the Restoration Team to lease the second half of -- of this building, the Simpson building, the first floor for -- for the near-term Trustee Council meetings.

We did follow up and contacted Jan Hansen, who's the clerk of the court for the Supreme Court, and she was extremely helpful. She determined that the Supreme Court would allow you to use their facilities. The conditions that they imposed are that when the facility was available -- first of all, that they would try -- they would go out of their way

to determine in four-month period of times when the facility would be available, and once we lock into specific dates, they would not bounce us. They also indicated that any teleconferencing costs would, of course, have to be charged to a Trustee Council number; that the Trustee Council would have to provide an operator and tapes for recording sessions, however, we could use the court equipment; and that the Trustee Council must pay for after 4:30 p.m. security.

Now, the four -- the first four months calendar that she provided us is attached to the letter in your packet. There is somewhat limited time available, however, it's primarily in the first two weeks of each month.

The Restoration Team, however, felt that there were some off-setting issues that were worthy of your consideration. If the res- -- if the Trustee Council decided to continue with leasing the second half of the first floor of the Simpson Building, there would never be any question about dates of availability should you decide to hold a meeting.

This same facility could be used for the public advisory group meetings as they were required and -- and called, and they could be used for Restoration Team meetings.

It would eliminate some fairly significant legwork for Dave Gibbons' administrative staff, because they would no longer have to search for meeting spaces and accommodate to the limitations or the requirements of any of those meeting spaces

for the Restoration Team, or the public advisory group, or for the Trustee Council for that matter.

Neither would the administrative staff have to leave their work areas to set up for any of the meetings that were scheduled. And this becomes somewhat of a significant problem as the administrative staff begin to fulfill dual and sometimes triple functions, such as providing the public participation process, upkeep of the administrative record and staffing the resource center.

There has been in the last couple of weeks additional demand for this second half of the first floor of the Simpson -- Simpson Building. The chief scientist held a synthesis meeting here that coalesced three restoration projects into one. I understand that the Department of Interior has shown an interest in using this area for their rather significant discovery effort. And I'm sure that there are other uses that would make themselves apparent if we were to continue with this base.

And then there's one other thing that I think is worthy of comment. The Supreme Court Chambers are indeed beautiful, and they are extensive. However, they're very formal, and should the Trustee Council decide to avail themselves of the raised dias, which is the best way you would access their teleconferencing equipment, it -- it sort of creates an atmosphere that might not be conducive to -- to the

public participation process.

But that doesn't preclude you maybe from using the Supreme Court Chambers and keeping the half -- this half of the building, so I just wanted to brief you on what we found and ask you for some guidance.

MR. BARTON: Comments from the Council members? Mr. Cole had the most interest in this.

MR. SANDOR: Mr. Chairman?

MR. BARTON: Mr. Sandor, do you have his proxy?

MR. SANDOR: No. Just an observation. As he left he said the -- he said this -- he's reviewed this report by Ms. Rutherford and thought it was fine. Had no comments. There he is.

MR. COLE: Sorry. Excuse me. Thank you.

MR. BARTON: Well, I do appreciate the advantages of this facility here. I think it's been very helpful to have the support staff support, the logistics of this are better in this facility than previous, and I would say the sound system has worked better, although not perfect. Much better here. The temperature can be adjusted. But otherwise, it's pretty -- I found it satisfactory.

Mr. Cole, you had the most interest, raised the -- raised the possibility of using the Supreme Court Chambers for meetings. Any comment?

MR. COLE: I think this is quite acceptable, and we should probably just stay here would be my view.

MR. BARTON: Is there a second to that motion?

MR. McVEE: Second.

MR. BARTON: Objection to the motion? Okay.

Item nine.

DR. GIBBONS: At the last Trustee Council meeting, the -- in the package that was presented to the Trustee Council was a copy of the draft operating procedures for the Restoration Team. During the meeting the decision was reached to -- the Trustee Council members would review the operating procedures and submit any comments to me for the -- another draft.

I have some -- the Department of Interior has submitted some changes. I have a copy of their letter. It was sent to the Trustee council. I have -- I'll pass copies down, these were not available to you.

MR. COLE: Mr. Chairman?

MR. BARTON: Mr. Cole?

MR. COLE: Could we continue this to the next meeting? I mean, when we get these things, you know, really late, I -- it's hard to have an opportunity to review all these things and then assimilate them. We -- well, we would have an opportunity to look at these carefully. Here's, how many pages in this? A number of pages, four, five, six.

Count them. Several pages. And -- and look at them and study them and be prepared at the next meeting. Is -- are they -- is the Trustee -- Restoration Team working effectively now? Or is there any need for immediate action on these?

MR. BARTON: I'd ask, Dr. Gibbons, your view of how the Restoration Team is operating?

(Laughter)

MR. BARTON: I'll -- I'll come to the rest of the members next.

DR. GIBBONS: Yeah, I'm glad you asked me that today and not a couple days ago.

MR. BRODERSON: He only gets to comment if we get to comment about him.

MR. BARTON: You'll get a chance.

DR. GIBBONS: Yeah, the -- the letter we received was dated February 18th. We went through it, the Restoration Team went through it. We agree with some, we don't agree with others of the comments, and right now the Restoration Team is -- is functioning successfully.

(Laughter)

MR. BARTON: Does that answer your question, Mr. Cole?

MR. BRODERSON: It's functioning.

MR. BARTON: I don't know if there -- is there -- would there be a problem if this was continued? Or held

over to the next session? Perhaps this would be substance for the continuation of this meeting on the 9th.

MR. McVEE: Mr. Chairman?

MR. BARTON: Mr. McVee?

MR. McVEE: I -- I think it could be continued over. I guess my only point, or principal point in -- in the -- in our letter was the appointment of committee members. I think that -- think that could be held over for a decision until the next meeting.

MR. BARTON: All right. Any objection to holding it over?

MR. COLE: Will that be then until the 9th?

MR. BARTON: Until the 9th.

MR. COLE: Fine. Thank you.

MR. BARTON: Would any of the Restoration Team members like to comment on the functioning of the Restoration Team?

MS. RUTHERFORD: We're functioning.

MR. BARTON: All right. There seems to be a consensus.

That brings us to item ten.

DR. GIBBONS: This is a real short one. The draft -- a draft -- working draft of the restoration framework was passed out to the Trustee Council yesterday or -- or this morning. And by -- by the Restoration Team. This is a

draft. It has been revised once based on the comments of the Restoration Team members and the respective legal council.

Our goal is to get this document to the public as quick as possible. The process from here is -- is kind of largely up to you. The restoration planning working group suggests that if we can get your comments concerning this document by perhaps the 9th, Monday, March 9th, we will have the teleconference, we can maybe discuss it at the teleconference at that time. If there's any policy questions, we could take your -- your comments and concerns, redraft it and perhaps if -- depending on the -- the extent of the comments and unresolved policies, have another draft by the 17th of March that we could perhaps get your approval on to go to the public, ship -- ship it to the printer and have it out by -- towards the of the -- end of March. That's our goal with -- with the framework plan.

MR. BARTON: You're -- you're suggesting on the 9th that we would discuss our comments, or would we have a redraft to discuss at that time?

DR. GIBBONS: No, have your comments by the 9th. It's -- it's now the 28th, that gives you about ten days to -- to read that small document and -- it's a pretty extensive job.

MR. BARTON: How then would we give final approval to the document that goes out?

DR. GIBBONS: Well, we -- we would take your comments at that time, redraft and then on the 17th, write a final -- final draft for your approval or for further review.

MR. BARTON: So that then we would need to have another meeting?

DR. GIBBONS: We -- we figure this -- this is a working draft that goes to the -- to the public for comment.

We were hoping that perhaps -- this is essentially up to the Trustee Council, that -- that we could have a teleconference on -- on the 17th to get this out to the public.

MR. BARTON: I see. Okay.

DR. GIBBONS: We could arrange -- a mechanism to do that, we could arrange this office -- the meeting room here and a meeting room in Juneau perhaps for the public to sit in and -- and listen if -- they would.

MR. BARTON: Comments from Council members?

MR. McVEE: Mr. Chairman?

MR. BARTON: Mr. McVee?

MR. McVEE: I don't have any problem with the procedures. I will have a problem with dates, and I -- when we get to that part, meeting dates, date availability, but I would assume that almost everyone will have some of those also.

MR. BARTON: All right. Any -- any further discussion on the process that's been laid out by Dr. Gibbons?

Is that acceptable? Any objection to doing that? Okay.
Hearing none, that's what we'll do.

Now let's talk about dates.

DR. GIBBONS: Mr. Chairman?

MR. BARTON: Dr. Gibbons?

DR. GIBBONS: I passed out a one-sheet draft of the next Trustee Council meeting from notes we developed this morning. It's purely draft. There are dates on there I'm -- I'm sure that are incompatible with -- with members, but we thought we'd present you with a starting point anyway, so perhaps with some discussion of the items we hope to have ready for the next Trustee Council and -- and in the process of -- review.

MR. BARTON: I see an acronym on there. The 10th, March 10th meeting, I see. Is that

DR. GIBBONS: That would

MR. BARTON: that's to -- to discuss the comments on this framework, is that correct? And then on the 17th we would do what?

DR. GIBBONS: Yeah. The -- the date now that's been established, that would be -- the tenth would move to the ninth.

MR. BARTON: Yeah.

DR. GIBBONS: And the 17th would be the -- the final draft before final -- before public -- before printing

for a public review.

MR. BARTON: Then we would take action on the 17th to approve distribution?

DR. GIBBONS: That's correct.

MR. BARTON: Any comments on the dates?

MR. McVEE: A comment on the dates,
Mr. Chairman.

MR. BARTON: Mr. McVee?

MR. McVEE: I guess the 9th we have a Federal Subsistence Board meeting the morning of the 9th. If it's an afternoon teleconference or meeting would be -- would be fine. The week of the 16th I'll be D.C. I guess. Maybe there's some way of, you know, of teleconferencing into that meeting if that's the only time we can come up with.

MR. COLE: Mr. Chairman?

MR. BARTON: Mr. Cole?

MR. COLE: With respect to that Subsistence Board meeting there, I mean, Mr. McVee, we'd probably enjoin that anyway, so you needn't be concerned about that.

(Laughter)

MR. McVEE: Look forward to it. I look forward to it.

MR. COLE: Isn't it wonderful we can sit here and go through this for two days and suing each other right and left and nothing really changes?

MR. BARTON: Commissioner Rosier got handed a complaint here. I thought maybe you were suing him, too. I see it was just a copy of the other one.

MR. COLE: No, we -- we served my good Trustee colleagues here, Mr. Barton and Mr. McVee, during yesterday's events. The marshall walked in and handed them his process and the meeting just went on. Lovely.

MR. McVEE: Mr. Chairman?

MR. BARTON: Mr. McVee?

MR. McVEE: What really bothered me, it was my own lawyer who did it.

MR. COLE: Do you want another copy?

MR. BARTON: Well, it sounds like we don't have a conflict on the 9th or won't have a conflict on the 9th. At any rate, I -- I assume we could do it in the afternoon of the 9th in any event whether we're enjoined or not.

MR. MORRIS: You -- you would -- excuse me, Mr. Chairman?

MR. BARTON: Yes, go ahead.

MR. MORRIS: You had already -- you had already -- I -- as I believe, according my notes, set the 9th aside for a decision on the -- on the composition of the public advisory group?

MR. BARTON: That's correct.

MR. MORRIS: Okay.

MR. BARTON: Can we set a time for the teleconference on the 9th? I'll just ask Dr. Gibbons to arrange an appropriate time after checking with all of our calendars. And away (ph) with lawsuits. And also for the 17th. If we don't have a meeting on the 9th, you may not need to go to D.C. on the week of the 16th.

MR. McVEE: That would solve that problem.

MR. BARTON: Mr. Cole's awfully helpful.

MR. SANDOR: Mr. Chairman, what's happening again on the 17th? And can we cover it with teleconference?

MR. BARTON: That -- the intent would be to take -- cover it by teleconference, and then as I understand it will be to give final approval for the distribution of the restoration framework.

DR. GIBBONS: Could -- Mr. Chairman?

MR. BARTON: Dr. Gibbons?

DR. GIBBONS: At the same time we'd -- we'd like to load you down some more. The 1992 work plan, we'd like to have review of that, too. The -- you just approved the last two days. We -- we plan to have that prepared and -- and we

MS. RUTHERFORD: On the 17th.

MR. BARTON: For -- on the 17th?

DR. GIBBONS: That's correct.

MR. BARTON: And is there anything we really need to do with that, or are you

DR. GIBBONS: No, just

MR. BARTON: just giving us the -- what we just did?

DR. GIBBONS: Right. Just

MR. MORRIS: Mr. Chairman?

MR. BARTON: Yes.

MR. MORRIS: There is one question at least we do have about the work plan that we -- I guess we need a little bit further direction on. We understand we -- we will not include the studies that have been deferred. What

MR. BARTON: That's correct.

MR. MORRIS: May we -- or would you like for us to include a list of those studies as a -- as a minimum?

MR. BARTON: I think we've got a list already, don't we? Didn't you prepare one? How does -- yes, and we just incorporate today's action on the document you handed out this morning. Is that -- or

DR. MONTAGUE: Mr. Chairman?

MR. BARTON: am I misunderstanding the question?

DR. MONTAGUE: Yes. Mr. Chairman, the -- is this thing on? The ones that were deferred there are only the ones that were left between the last meeting and this meeting.

At each Restoration Team meeting since December, there's been projects deferred.

MR. BARTON: Does the Council feel a need for that information? I guess not.

Anything further, Dr. Gibbons?

DR. GIBBONS: Yeah, the -- the -- pardon?

MR. BARTON: Anything further we

DR. GIBBONS: Yes.

MR. BARTON: need to discuss?

DR. GIBBONS: No. You'll just notice that we do have habitat protection objectives criteria process to be ready for the next meeting, and -- and that's

MS. RUTHERFORD: But which meeting? When -- when do they?

DR. GIBBONS: Well, we proposed that the Trustee Council meeting be on the -- on the 9th of April. Sometime during that -- during that week, if you could get -- the next face-to-face.

MR. BARTON: We have a Subsistence Board meeting, which Mr. Cole might have taken care of, for that entire week, is that correct?

MR. McVEE: Yes, that's correct. That will at least take three days I'm sure.

MR. SANDOR: What's the dates again?

MR. BARTON: The week of the 6th I guess is

what was being discussed, is that correct, Dr. Gibbons?

DR. GIBBONS: That is correct.

MR. BARTON: That doesn't work for

MR. SANDOR: The 6th of what?

MR. BARTON: April, I'm sorry. If Mr. Cole truly does enjoin us, that's -- then we have an open week.

MR. McVEE: Otherwise we've got -- both you and I have problems.

MR. BRODERSON: Does -- does that carry through the 10th also?

MR. BARTON: Yes. Well, who knows, but we need to block that out as I understand it.

MR. McVEE: Yes, it's

MR. BRODERSON: How about the 13th?

MR. BARTON: The 13th, that -- the following week, you'll have to accept my alternate. Those two weeks are both out as far as I'm concerned. The 6th and the 13th. Well, wait a minute. Now why do I have a Subsistence Board meeting in Anchorage on the 14th to 16th, as well as the previous week? Do we have a

MR. McVEE: No, sir.

MR. BARTON: I need to get my schedule straightened out obviously. It may be possible the -- I mean one-half or the other the following week, and I'm not sure which half.

MR. BRODERSON: Mr. Chairman?

MR. BARTON: Mr. Broderson?

MR. BRODERSON: Might -- might we revisit this subject on the

MR. BARTON: I think that

MR. BRODERSON: next teleconference?

MR. BARTON: I believe that would be highly appropriate, and think it's

MR. BRODERSON: Shoot -- shoot for the 10th or somewhere around in there?

MR. BARTON: Under discussion is the next Council meeting dates. Mr. Cole, at -- at the teleconference on March 9 we'll try to pick a date for the next

MR. COLE: Okay.

MR. BARTON: Trustee Council meeting, and under discussion is the week of the 13th, unless we are indeed enjoined and then the week of the 6th is also wonderful.

Anything further, Dr. Gibbons?

DR. GIBBONS: Yeah, we -- we intend at this time to have the material to you a week in advance, and so I

MR. BARTON: Let -- let me just say though, we all would like that very much, but we also know that the -- the effort that the Restoration Team as well as yourself is

going through to get the stuff to us at all, let alone in advance, and I know it's not been easy, and I sure appreciate that. Any improvement that can be made will be very welcome, but we also understand.

DR. GIBBONS: Thank you.

MR. BARTON: Anything further?

MR. McVEE: Mr. Chairman?

MR. BARTON: Mr. McVee?

MR. McVEE: Yes, I -- I guess I'd just like to recognize the extra time and effort the Restoration Team put into be- -- getting prepared for this meeting and getting material to us. I realize, you know, that we'd like to see it in advance, but I think that -- that they put in a -- they put in a lot of extra time I know, and gave a lot of extra effort, and I think we should appreciate that.

MR. BARTON: Mr. Sandor?

MR. SANDOR: Yeah, I -- I want to second that.

Also, Mr. Chair, when I -- I think the package, the contributions that Dr. Spies made, too, at the meeting is just outstanding and I'd like to add our commendations to include his -- his contributions as well.

MR. BARTON: Thank you, Dr. Spies. Anything else?

MR. COLE: Yes, Mr. -- Mr. Chairman?

MR. BARTON: Mr. Cole.

MR. COLE: One -- one thing, we -- we've had repeated requests to address the Eyak logging situation, and without expressing in any way how I feel on that, would it be possible to have a report from the Restoration Team on that specific issue by the 9th? I mean, I -- I just -- I just don't want to be in a position where, you know, we haven't really addressed it, and -- and to pass it off with -- in a sense without specifically looked at it. I mean, we look at it and say "no dice." I mean, that's -- it didn't make the cut, but on the other hand, they've in quite a number of instances in virtually every meeting presented that subject to us, and I would like to see us address it at least. Is there dissent from that or am I just alone in that view?

MR. SANDOR: Well, I concur.

MR. BARTON: Mr. Sandor?

MR. SANDOR: I concur.

MR. ROSIER: I concur.

MR. McVEE: And me.

MR. BARTON: Mr. Collinsworth?

MR. COLLINSWORTH: I don't know, so

MS. RUTHERFORD: Mr. Chair?

MR. BARTON: Marty?

MS. RUTHERFORD: Could I -- is it possible to give any guidance on some of the things you'd like to see in the report?

MR. COLE: No.

(Laughter)

MS. RUTHERFORD: Thank you.

MR. BARTON: Does any -- any other Council member have any suggestions for the report? It seems to me, you ought to -- we ought to set out the parameters

MR. RICE: Mr. Chair?

MR. BARTON: of the situation in the report. I don't know how far it would be possible to go since we don't have our criteria. You know, I think you could raise is issues that need to be addressed perhaps and generally report.

MS. RUTHERFORD: We'll do the best we can.

MR. BARTON: I have no doubt of it.

MR. RICE: Mr. Chairman?

MR. BARTON: Mr. Rice?

MR. RICE: Yeah, I think -- I think we can probably address some of the facts of the issue in terms of size and -- and land base, that sort of thing. You just have to realize we're not going to have this to you a week in advance.

MR. COLE: And -- and also I -- I would request that it specifically look at the urgency there. How urgent is this thing. Need to be told it's urgent from the standpoint of damaging of the resources, et cetera, et cetera.

I would like it to really focus on that, and as -- as well as the other major issues.

MR. BARTON: Are -- we're -- are we asking the Restoration Team for a recommendation? It seems like -- it seems to me that that's probably premature to do that. Dr. Gibbons?

DR. GIBBONS: Yes, that was a recommendation from the Restoration Team that we would?

MR. BARTON: This is premature.

DR. GIBBONS: I think it's premature. One -- one concern that I have is if we -- if we deal with -- with this particular option and location, should we deal with all urgent options? So I think the way we might deal with it is -- is to generically rather than specific. I don't know how else to do that. If we deal with -- with Eyak's, we -- you know, we -- we may have other requests to meet (ph) when we do. All right. So

MR. COLE: Mr. Chairman?

MR. BARTON: Mr. Cole?

MR. COLE: Just, you know, present, quote, "package," close quote, to us and if you feel that it's premature, just tells us it's, you know, premature and we can act accordingly. But I think as a matter of courtesy we should at least address it.

MR. BARTON: And the Restoration Team's report

will provide -- provide a basis for addressing it.

Is there anything further we need to discuss? Is there a second to the motion to adjourn?

MR. COLE: My acclamation.

MR. BARTON: By attrition somebody said the other day.

(END OF PROCEEDINGS)

