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**EXXON VALDEZ OIL SPILL SETTLEMENT
Trustee Council Continuation Meeting**

**Juneau - Federal Building, Room 415
Anchorage - Simpson Building
March 9, 1992
2:30 o'clock p.m.**

IN ATTENDANCE:

| | |
|--|---|
| 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 Council Meeting Chairman DR. DAVE GIBBONS Regional Forester |
| National Oceanic & Atmospheric Administration | MR. STEVEN PENNOYER 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

1 MR. BARTON: I'll try to get perfection here, though,
2 Juneau, you aren't coming in.

3 DR. GIBBONS: Who do you have at your end, Mike?

4 MR. BARTON: Pardon me?

5 DR. GIBBONS: Who do you have at your end?

6 MR. BARTON: I still didn't get the question.

7 UNIDENTIFIED VOICE: Who's here.

8 DR. GIBBONS: Who's there at your end from the Trustee
9 Council?

10 MR. BARTON: We have Curt McVee and myself. I was
11 going to ask for Juneau, Juneau identify who's there.

12 DR. GIBBONS: The Trustee Council Members are Rosier
13 and Pennoyer.

14 MR. BARTON: Okay. We don't have Sandor or Cole?

15 DR. GIBBONS: No. We don't even have a quorum.

16 MR. BARTON: Well, I guess we need to recess until we
17 can round them up.

18 DR. GIBBONS: Okay. We're recessing.

19 MR. BARTON: All right. But you'll need to notify us
20 when you get both Sandor and Cole.

21 DR. GIBBONS: Okay. We'll call you back.

22 MR. BARTON: Okay. Thanks.

23 DR. GIBBONS: Do you have your number there?

24 UNIDENTIFIED VOICE: 278-8008.

25 MR. BARTON: 278-8008.

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MR. PENNOYER: Okay. Thank you. We'll be back with
1 you in a couple of minutes I hope.

2 MR. BARTON: Okay.

3 (Off record)

4 (On record)

5 MR. BARTON: (indiscernible) this is a
6 continuation. We have in Anchorage myself, Mike Barton,
7 representing the Secretary of Agriculture, and Curt McVee,
8 Special Assistant to the Secretary of Interior. Would those in
9 Juneau identify themselves for the record? There is a record
10 being kept here in Anchorage.

11 MR. PENNOYER: Steve Pennoyer, National Oceanic &
12 Atmospheric Administration.

13 MR. ROSIER: Carl Rosier, Alaska Department of Fish &
14 Game.

15 MR. SANDOR: John Sandor, Department of Environmental
16 Conservation.

17 MR. COLE: Charlie Cole, Department of Law.

18 MR. BARTON: We all have copies of the Agenda in front
19 of us, items that were continued over from the last meeting.
20 The first item on the Agenda is the review of the Restoration
21 Framework. Dr. Senner.

22 DR. SENNER: Okay. Thank you, Mr. Chairman. Can the
23 people in Juneau hear me?

24 (Indiscernible telephonic responses)

25 DR. SENNER: All right. Thank you. The -- you have

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all been provided copies of a draft of the Restoration
1 Framework document, and this was given to you at the last --
2 the earlier part of this meeting here in Anchorage. The
3 general goal of the Restoration Team is to release a
4 Restoration Framework and the 1992 Annual Work Plan
5 concurrently, and the hope is to do that later this month.

6 The idea, then, is to invite comments from the public
7 on both the Restoration Framework and the Annual Work Plan, and
8 then based on those comments do two things; first, a final 1992
9 Annual Work Plan will be issued. The Framework document,
10 however, is viewed as a one-time document, and the idea is to
11 take comments from the public on that and then use them as the
12 basis for preparing a draft Restoration Plan and Environmental
13 Impact Statement which would come out in the fall; and we have
14 been targeting September, 1992 for that draft document.

15 The Restoration Framework describes the structure and
16 process that is being established to implement the settlement.
17 It gives background on injuries and restoration options and
18 invites comments on issues that are helpful in the development
19 of the Restoration Plan and draft Environmental Impact
20 Statement. In that sense, it's intended to be a scoping
21 document to satisfy the requirements of the National
22 Environmental Policy Act.

23 Today, what we'd like to do is have your comments on
24 the substance and concepts of the Restoration Framework. I
25 think we'd like to avoid, if possible, serious word-smithing.

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I think we need to get your feedback on the concepts and then
 1 spend another week taking your comments and those that come in
 2 from Restoration Team members and legal advisers and produce
 3 another draft of this Restoration Framework for your
 4 consideration. And hopefully, after another draft is completed
 5 and reviewed by you, we would be close to having something that
 6 could be signed off and sent to the printer. But I do want to
 7 stress that we're not seeking approval of this document today,
 8 we want your comments and then we'd like to take it back and
 9 improve on it.

10 Mr. Chairman, I don't have any other presentation than
 11 that. I think we could open it for your comments.

12 MR. BARTON: Comments, discussion from the Council
 13 Members?

14 MR. McVEE: Mr. Chairman.

15 MR. BARTON: Mr. McVee.

16 MR. McVEE: Yes. You know, we have some specific
 17 comments. I guess that some of those we were to get in by
 18 yesterday, March 8th. But I guess two suggestions; one would
 19 be to have some legal folks, some of the legal team, take a
 20 look at the document from the standpoint of the right
 21 nomenclature and how -- whether it reflects, you know, the
 22 technical -- proper technical language relative to those
 23 concerns. And the other thing is a review by the Chief
 24 Scientist of the damage. Maybe you've already done that, I
 25 don't know. If you have done that

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DR. SENNER: I can clarify there. The version in the
1 document you have was not -- did not have the benefit of
2 Dr. Spies' comments. We do now have his comments on that
3 chapter and we would integrate those into the next version.

MR. McVEE: Okay. I think, other than that, that the
4 -- you know, specific suggestions we could just get -- you
5 know, have -- get those to you. So -- but I think the legal
6 review would be worthwhile.

DR. SENNER: I agree. I should say we have had -- we
7 have provided copies to, I believe, five of our different
8 attorneys and have heard back from some of them, but we'd
9 certainly invite additional legal review.

MR. BARTON: Other comments?

MR. PENNOYER: Stan, Steve Pennoyer. How many copies
10 of this do you think you're going to be sending out?

DR. SENNER: Dave might know better than I, but I
11 believe the notion was to print about 3,000, and we have a
12 mailing list on the order of 2,000 or 2,500. Dave, do you --
13 can you clarify further?

DR. GIBBONS: That's correct, Stan.

MR. PENNOYER: Just as a question for the group as a
14 whole, about half of this document is just reproducing the
15 various legal documents that support it. Is there -- do people
16 feel there's a need to send out 2,500 copies of that, just as a
17 question; it's a fairly sizeable amount of the package. And
18 I'm not sure if folks need to read through the whole --

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1 individuals might write and request it, is there some option
2 maybe of allowing that to happen and provide it to those who
3 clearly would be interested rather than sending 2,000 -- 3,000
4 copies of it?

5 DR. SENNER: Mr. Pennoyer, I -- this is Stan, I can
6 just say the -- we'll do whatever the Trustees want on that.
7 The reasoning or logic in putting in the Appendix was to make
8 the original documents as accessible as possible to the public.
9 We simply wanted to go the extra mile and put it all right
10 there in front of them. But it probably has resulted in the
11 loss of some additional trees if we do put them in there.

12 MR. BARTON: Other com- --

13 MR. PENNOYER: You could put a notation in there that
14 reference to the documents that are available and they are
15 available upon request or something.

16 MR. BARTON: Are you making a motion?

17 MR. PENNOYER: Okay. I move.

18 MR. BARTON: Is there a second?

19 UNIDENTIFIED VOICE: Second.

20 MR. BARTON: It's moved and seconded. Anymore
21 discussion? Any objection to the motion? Okay. So moved.

22 DR. SENNER: All right.

23 MR. BARTON: Other comments or questions on the
24 Restoration Framework?

25 UNIDENTIFIED VOICE: He can't see your hand.

MR. SANDOR: Mr. Chairman, this is John Sandor. I have

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just a question on the Restoration Plan schedule. Is that set
1 back a month as a result this is not going -- this was to have
2 gone out for public review -- and then it's going out for
3 public review when?

4 DR. SENNER: Mr. Sandor, we are still basically on
5 schedule. Our target, all along, had been to have this
6 Framework in the mail by mid-March, and we are not going to
7 make that but we're probably only missing it by a couple of
8 weeks. And at this point, I don't think that that would result
9 in a delay in the longer term schedule on the Restoration Plan
10 and the other things that follow. We're certainly trying to
11 hold to the original schedule.

12 MR. SANDOR: We do have -- well, there is some, as you
13 say, word-smithing and some relatively small changes that have
14 been sent to you. And you suppose you can get those out within
15 two weeks? So you'll be on -- the answer to the question is
16 we're on schedule then?

17 DR. SENNER: Yes, we are; and we'll try and keep --
18 stay that way.

19 MR. SANDOR: Mr. Chairman, I move that the Trustee
20 Council authorize the distribution of this Restoration Plan as
21 published, as refined by the comments that comes from this
22 group according to the schedule that's published.

23 UNIDENTIFIED VOICE: Second that motion.

24 MR. BARTON: Was there a second down there?

25 MR. PENNOYER: Yes.

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MR. BARTON: Okay. Any further discussion on the
1 motion?

2 MR. PENNOYER: One question, Mike, (indiscernible).
3 Stan, would you lead me to the section where it points out the
4 acceptability of acquisition of alternative resources as one
5 (ph) restoration?

6 DR. SENNER: Okay. Mr. Pennoyer, if you'll look in
7 Chapter 7 which begins on Page 53 of the document, and the page
8 numbers are down at the bottom, this would be just right in
9 front of the Appendices. Have you got that?

10 MR. PENNOYER: Yes, I do. Thank you.

11 DR. SENNER: Okay. If you look at the bottom of that
12 page, there's a letter "A" that begins "no action" under the
13 heading Possible Restoration Alternatives. And what we have
14 outlined are six alternatives, and these include no action,
15 Letter B is management of human uses, Letter C is manipulation
16 of resources, D is habitat protection at acquisition, E is a
17 combination of the above options, and then the last one,
18 Letter F, would be acquisition of equivalent resources.

19 And the point in having that there is simply to
20 indicate that the Trustees and the public emphasize any one
21 of these several approaches in deciding what are acceptable
22 options. And one could choose to emphasize, for example, only
23 the equiv- -- the acquisition of equivalent resources. That --
24 I would say that the way that little -- that paragraph is
25 written under there probably needs to be broadened slightly

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because it puts it all in terms of property acquisition when,
1 in fact, there may be other things that can be done that come
2 under the heading of acquisition of equivalent resources that
3 are not just property acquisition.

4 But that is the intent, to just indicate there are
5 different emphases one could have in developing alternative for
6 a draft restoration plan.

7 MR. PENNOYER: Mr. Chairman.

8 MR. BARTON: Mr. Pennoyer.

9 MR. PENNOYER: Yeah. Okay. Stan, does that then
10 follow through somewhere under criter- -- how would you
11 evaluate the acquisition of equivalent resources under your
12 criteria section?

13 DR. SENNER: Okay. The

14 MR. PENNOYER: Follow through in the other sections is
15 what I'm sort of getting to.

16 DR. SENNER: Okay.

17 MR. PENNOYER: In what situations would that be the
18 most viable alternative?

19 DR. SENNER: Okay. If you turn back, then, to
20 Chapter 6, it's just the previous chapter, on Options, Criteria
21 and Evaluation, I think it's our view that these criteria, A
22 through K, are really appropriate whether one is talking about
23 something that is direct restoration or replacement or
24 acquisition of equivalent resources. This is -- excuse me,
25 this is on the bottom -- or Page 47, where the options/criteria

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are. Those criteria are really applicable, regardless of which
1 type of restoration you're evaluating.

2 Now, perhaps, it isn't clear, and I would admit I
3 haven't read it from that standpoint, whether -- it perhaps
4 isn't clear that one could apply those criteria to any type of
5 restoration action and maybe there's some clarification there.

6 MR. PENNOYER: Okay. As I read through them, they
7 seemed to be only related to a specific injury or lack of in
8 natural recovery. And that wasn't clear to me, but that's -- I
9 must have quit on Page 53 so thanks for pointing out that last
10 one.

11 DR. SENNER: Okay.

12 MR. SANDOR: Follow-up question, if I can. On Page 56
13 then is a chart which I presume put this in perspective. And
14 the way I interpret that chart is -- that flows (ph), the
15 document is, in fact, places that -- it into that perspective,
16 and it seemed to be a good chart.

17 DR. SENNER: Yeah. Mr. Sandor. There are two charts,
18 in fact, yeah, Page 56 and 57, and they present kind of
19 alternative concepts or ways to approach decisions here. and
20 the -- there's sort of two extremes, one is a very hierarchical
21 way of looking at it and the other is just the opposite.

22 MR. SANDOR: Excuse me. On the other hand, though,
23 they both stem from the injured resource in the process of
24 recovering them (ph)?

25 DR. SENNER: That is correct. And that is because -- I

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mean as we understand it, the Settlement says that all
1 Restoration Funds are to be spent on the restoration of injured
2 resources or the equivalent of, and so we don't get away from
3 connections to injury.

4 MR. BARTON: Well, that's consistent, I believe, with
5 the March 1, '91 Federal Register Notice in the criteria and
6 steps that we adopted in that document.

7 Other comments or questions?

8 MR. COLE: Yes, Mike, this is Charlie Cole. Are we, in
9 any sense, approving anything in this document if we vote now
10 to send it out for public comment?

11 MR. BARTON: No. No, that's all we're doing is
12 approving it to go out for public comment. And my
13 understanding is that upon completion of that process, then we
14 would formally adopt it.

15 DR. SENNER: And I

16 MR. COLE: Thank you.

17 DR. SENNER: Yes. I would say I think the intent of
18 the drafters here is that everything in the document is fair
19 game for public comments, and you've made no final decisions
20 beyond, you know, whatever.

21 MR. BARTON: Any other comments or questions. Was it
22 the intent of the maker of the motion that we would have an
23 opportunity to provide the word-smithing comments that we might
24 have as well as any legal review into this document before it
25 goes out?

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MR. SANDOR: And within a reasonable amount of time.
1 That's why I was asking the question about the time frame.
2 There's some word-smithing and some review, but it's
3 essentially to send -- it authorizes the Restoration Team to
4 send this out for public comment.

5 MR. BARTON: As I understood, and maybe Dr. Senner can
6 clarify this, the intent was to have the Trustee Council go
7 over it one more time, is that right?

8 DR. SENNER: It's whatever your pleasure. But what I
9 had thought we were doing was to take your comments now and
10 whatever written ones you provide, and then give you one more
11 iteration to look at and, perhaps, give your final approval to.
12 And we would hope to have that to you next week.

13 MR. SANDOR: Well, I may have been off base and the
14 motion be amended. But the motion as I made it was to
15 authorize the Restoration Team to send this package out for
16 public comment after this word-smithing and whatever other
17 defects might be noted. But if we're going to stick with that
18 schedule that's published, it has to go out this month.

19 MR. BARTON: That's right. And that's what I
20 understood your motion to be, Mr. Sandor, that's why I asked
21 the question. So right now, we have a

22 UNIDENTIFIED VOICE: Mr. Chairman.

23 MR. BARTON: motion on the table to approve this
24 document subject to word-smithing and legal review without any
25 further action -- and released for public review without any

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1 further action of the Council. Anymore discussion on that
2 motion? Any objection to the motion?

3 Okay. We've adopted it.

4 DR. SENNER: Thank you.

5 MR. BARTON: Moving along to Item 2 on the Agenda is
6 the Eyak proposal. Dr. Gibbons.

7 DR. GIBBONS: Yes. At the February 28th Trustee
8 Council meeting, you directed the Restoration Team to review
9 the issues of and the urgency for addressing the Eyak
10 Corporation/Sherestone timber harvesting -- harvest moratorium.
11 The Habitat Protection/Lands Working Group has been in contact
12 with the principal parties and has obtained additional
13 information. This information has been looked at
14 preliminarily, and in the Trustee Council package there is a
15 draft summary in there and also some material from the
16 Sherestone proposal.

17 The Restoration Team has drafted a letter that's
18 included in the public package as well as the Trustee Council
19 package. And it walks through the procedure that we've done in
20 the last week. The only sequential step presently we have for
21 identifying and protecting the habitats important to injured
22 resources and services is found in the Federal Register Notice;
23 and this is also included in the package with the area
24 highlighted.

25 The Restoration Team feels that these provide the basis
for protecting habitat but need to be expanded. As a result,

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the Restoration Team is developing draft objectives for the
1 habitat protection, evaluation criteria, short- and long-term
2 processes for habitat protection, and a definition of imminent
3 threat. The resulting draft information will be presented to
4 you at the April Trustee Council meeting.

5 The Restoration Team recommends that the Eyak
6 Corporation/Sherestone proposal be considered after an overall
7 habitat protection framework has been established by the
8 Trustee Council.

9 MR. PENNOYER: Mr. Chairman.

10 MR. BARTON: Yes.

11 MR. PENNOYER: Dave, that last sentence, what is after
12 an overall habitat protection framework has been established,
13 that's after the April meeting?

14 DR. GIBBONS: After the April meeting, that's correct.
15 So, we will present you with the objectives, the evaluation
16 criteria and the process and a definition of imminent threat.

17 MR. BARTON: Comments or questions from the Council
18 Members?

19 MR. McVEE: Mr. Chairman.

20 MR. BARTON: Mr. McVee.

21 MR. McVEE: I move we accept the language that has been
22 developed by the Executive Director and Staff.

23 MR. BARTON: Is there a second?

24 MR. PENNOYER: For the purposes of discussion, I'll
25 second it.

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MR. BARTON: Okay. Mr. Pennoyer seconds the motion.

1 MR. PENNOYER: Yes, I second it.

2 MR. BARTON: Discussion or comments from the Council
3 Members.

4 MR. PENNOYER: Question, Mr. Chairman. The motion on
5 the floor is the last paragraph of the March 9 letter signed by
6 Dr. Gibbons?

7 MR. McVEE: Yes. And the motion was to accept the
8 language of the last paragraph that was presented by
9 Dr. Gibbons.

10 MR. PENNOYER: But -- Mr. Chairman.

11 MR. BARTON: Yes.

12 MR. PENNOYER: Implicit in that is what's in the
13 previous paragraph, though, that we will be presented with
14 these criteria, we will have the short- and long-term processes
15 and so forth at the April meeting so a decision could be made
16 at the April meeting about the criteria, and based on that we
17 could either (indiscernible) or get along with discussion of
18 where we go with the Eyak proposal?

19 MR. BARTON: Dr. Gibbons.

20 DR. GIBBONS: That's correct.

21 MR. COLE: Well, this is Charlie Cole. I'm not sure I
22 could go along with the view that we will be in a position to
23 evaluate this or any other proposal at the April meeting.
24 Period. Would you like me to state the reasons?

25 MR. BARTON: Please do.

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MR. COLE: Let me say this, that we will simply have
1 before us the criteria at that meeting which is presented to us
2 by the Restoration Team, that does not necessarily mean we will
3 accept that criteria at that time, Number 1. Number 2 is even
4 if we accept the criteria at that time, we may want to have an
5 overall view of how this criteria will function before we make
6 decisions on specific proposals. That's one of the things I
7 have in mind when I say that we might not necessarily be in a
8 position to act on this Eyak proposal at the next meeting.

9 MR. PENNOYER: Mr. Chairman.

10 MR. BARTON: Yes.

11 MR. PENNOYER: Yeah. I don't think I was -- Step 1 was
12 to say the criteria would be there based on the words in
13 Paragraph 2 of Dr. Gibbons' letter, not that we'd necessarily
14 be able to do it. Step 2 would be to discuss what we do in the
15 meantime, if anything, with the Eyak/Sherestone proposal. And
16 I think it's fairly evident, I don't have a map in front of me,
17 I don't know what the specific areas are, I can't clearly
18 relate yet in my own mind what the values are that are being
19 proposed versus the cost. There are a lot of questions that
20 still have to be answered. And the next step was going to -- I
21 was going to bring up was that we'd agreed that we couldn't do
22 much without, at least, discussing criteria.

23 Are there things we should do with this or other
24 proposals between now and April, or should we wait to even
25 discuss them further until the April meeting? That was sort of

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the direction I was going. I don't disagree with Mr. Cole at
1 all, I'm not clear we're going to be ready to do anything just
2 because we have adopted or maybe haven't adopted criteria at
3 the April meeting.

4 MR. BARTON: Well, I believe the motion is that the
5 Eyak Corporation/Sherestone proposal be considered after an
6 overall habitat protection framework has been established. And
7 I don't see that we're going to do that by the April meeting.
8 We did, I think, last meeting charge the Lands Habitat Work
9 Group with the development of objectives and criteria for the
10 April meeting.

11 MR. McVEE: Mr. Chairman. I guess it was my impression
12 of the language that's in the draft, we talk about, you know,
13 the fact that resulting draft information will be presented.
14 And this is talking about criteria, et cetera, for a short- and
15 long-term process for habitat protection, that this would be
16 presented to the Trustee Council at the April Trustee Council
17 meeting. I guess I understood that language to be informative,
18 you know, and that that would -- you know, that we would have
19 the first look at that kind of information. And then the
20 following paragraph to be, you know, a separate thought that we
21 would not deal with the Eyak/Sherestone proposal until that
22 framework had been established by the Trustee Council. I don't
23 think that -- I didn't read this as saying we were going to
24 have something established in April, you know, or committing to
25 that. But I think that earlier we said that we should, you

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know, get on with this habitat protection criteria and concepts
1 as quickly as possible because of the interest in this area.

2 MR. BARTON: Further discussion or comment?

3 MR. SANDOR: Mr. Chairman.

4 MR. BARTON: Mr. Sandor.

5 MR. SANDOR: This phrase "overall habitat protection
6 framework" is not really defined adequately enough. But I
7 guess what I'm concerned with is several things. What I see at
8 the end of the tunnel or at some point, and hopefully sooner
9 than later, is that this Trustee Council will reach an
10 agreement or an understanding or consensus that what we're
11 willing to do is a more specific thing; like protection of
12 critical habitat. And it's a step to get into that process,
13 the identification of critical habitat. And the Eyak proposal
14 as laid out, as I look at it and understand it, doesn't really
15 do that, and this bothers me.

16 And I think it would be a shame, I think, if we send a
17 signal that somehow this proposal is, you know, close to being
18 approved by adoption of this motion, and that we're set on a --
19 I guess we're set on a path that, in effect, does this, not
20 necessarily at the April meeting or the May meeting. I would
21 have been more comfortable with a motion that describes not
22 only the overall habitat protection framework but the very
23 specific criteria for identifying and protecting critical
24 habitat. Is this overall protection -- habitat protection
25 framework going to do that? And so that's, I guess, the

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question I've asked.

1 MR. COLE: Mr. Chairman.

2 MR. BARTON: Mr. Cole.

3 MR. COLE: I'm a little uncertain, as I think
4 Commission Sandor is, about what the word "framework" means in
5 that last paragraph. Could we have an explanation of what that
6 word means?

7 MR. BARTON: Dr. Gibbons.

8 DR. GIBBONS: The understanding of the Restoration Team
9 and Habitat Protection Subgroup members that are present in
10 Anchorage or here can chime (ph) in more if they feel more
11 definition is needed. But the framework includes, of course,
12 the objectives; why you're doing the activity you're doing. It
13 has evaluation criteria, and that will be detailed enough to
14 evaluate each proposal in a uniform manner. And we've been
15 looking at areas with points -- evaluation criteria with points
16 and these types of things to try to come up with proposals that
17 you can evaluate and one stands out more than another one based
18 on the proposal itself.

19 The short- and long-term process, what we mean here is
20 we feel that the short-term process, perhaps, would deal with
21 the moratorium issue, imminent threat type of issues; and the
22 long-term process would deal with the broader range of things
23 as we move down the road a few year (ph) and it fits true (ph)
24 the long-term process of evaluating the proposals; having a
25 better tie between injured resources and habitats that they

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1 need. And then the last part would be a definition of imminent
2 threat, what is imminent threat and do you link that to the
3 moratorium proposals.

4 So, I'm providing an overall both short-term and long-
5 term process for dealing with this issue.

6 MR. PENNOYER: Mr. Chairman.

7 MR. BARTON: Yes, Mr. Pennoyer.

8 MR. PENNOYER: Dr. Gibbons, maybe if you did include
9 the last two sentences of the previous paragraph as an
10 explanation of what we're really trying to say; it's not as
11 complete but it's certainly more complete than the last
12 paragraph of that letter. It talks about the draft objectives,
13 the evaluation criteria, short- and long-term processes; it
14 says a little more than you've already said. And I think
15 that's really my previous discussion, that that was more what
16 we had in mind than just an overall framework, which won't tell
17 us too much. I would hope in April we'd have practically a case
18 history of looking at things. You have a proposal now and kind
19 of specifics of how criteria will fit into evaluations of such
20 proposals, that's sort of what I had in mind.

21 MR. BARTON: I'm confused.

22 MR. COLE: Mr. Chairman.

23 MR. BARTON: Mr. Cole.

24 MR. COLE: One of the things that I continue to harp on
25 is that I would like to see us have before us, more or less, an
overall plan of what we're going to do with respect to the

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acquisition of critical habitat, et cetera, before we get too
1 far along. And one of the things that caught my eye was the
2 note in this report that there were 46 documented anadromous
3 streams on the Eyak lands; that's 46. And could we have any
4 sense of how many anadromous streams exist within the entire
5 affected oil spill area, since we're looking at the protection
6 of critical habitat?

7 MR. BARTON: I'm sure we must have that somewhere.

8 MR. PENNOYER: (Indiscernible - telephone cutout) that
9 that information could be put together but I'm not sure that I
10 could pick a number at the present time.

11 MR. COLE: Well, it

12 DR. GIBBONS: Well, it'd probably be several hundred.

13 MR. PENNOYER: It'd be -- yeah, I'm sure it would be.

14 MR. SANDOR: Thousand.

15 MR. COLE: Commission Sandor says at least a thousand.

16 MR. PENNOYER: In the whole spill area?

17 MR. COLE: Yes.

18 MR. McVEE: Mr. Chairman.

19 MR. SANDOR: That would probably do it.

20 MR. BARTON: Just a minute.

21 MR. SANDOR: You could probably make it a thousand
22 plus.

23 MR. COLE: Well (indiscernible - interrupted)

24 MR. BARTON: Juneau, we're having a hard time picking
25 you up.

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MR. COLE: Well, if there are 46 on these lands, that
1 would be, essentially, five percent of all the anadromous
2 streams in the entire oil spill affected area. And I would
3 just have sort of a hunch that a thousand, therefore, would be
4 somewhat low but I can't say. But anyway, in a sense, makes my
5 point, talking about a thousand, plus or minus, anadromous
6 streams that we should evaluate for their value as critical
7 habitat.

MR. BARTON: Well, that -- Mr. Cole, that was the
8 source of my confusion; at the last meeting, we said that we
9 intended to bring this habitat restoration effort into synch
10 with the long-term restoration effort. And yet, I thought I
11 heard us -- at least some of us saying that we were going to
12 deal with this issue separately. So, perhaps, somebody could
13 clear up my confusion. Or am I confused?

MR. PENNOYER: Well, Mr. Chairman, I think it has to do
15 with short- and long -- I wasn't at the last meeting,
16 obviously, but I think it had something to do with short- and
17 long-term and immediate threat, moratoria (ph) and whether
18 you're losing opportunities and that type of thing. I don't --
19 as opposed to the longer term consideration -- I think it was
20 looking at lost opportunities wasn't it? That was the reason
21 that there might be some need for a more expeditious look at
22 possible lost opportunities, not to do them in a rushed way
23 without evaluation but to do them first if we suspect there's a
24 lost opportunity, make it sort of a priority.

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MR. McVEE: Mr. Chairman.

1 MR. BARTON: Mr. McVee.

2 MR. McVEE: I thought some of our concern was that Eyak
3 and Sherestone had presented the proposal and had been
4 attending our meetings, I think almost from the very beginning,
5 and that there was a feeling on the part of the Trustee Council
6 that they deserved, you know, some response to those proposals,
7 maybe not in terms of how we were going to deal with it but at
8 least in a time frame of when we would be prepared to deal with
9 it in kind of -- in a manner of fairness.

10 MR. SANDOR: Well, that's true.

11 MR. BARTON: Where does that leave

12 MR. SANDOR: Mr. Chairman, that's true. And you'll
13 recall the question I asked of one of the representatives when
14 he asked about a signal; and I believe the record would show
15 that I said well what would be a signal in dollar value. And
16 the answer to that question is 500,000. And of course,
17 different people would react to that figure in different ways.
18 But the proposal as it's now defined (ph) goes way, way, way
19 beyond that, and is a proposal that seems to me -- goes far
20 beyond protection of critical habitat but goes, in fact,
21 addresses every possible opportunity or chance for protection
22 of critical habitat. And I'm afraid if we give a signal that
23 this proposal is in the ballpark, we'll be flooded with similar
24 proposals elsewhere.

25 And that's why I was hoping you'd -- if we could get

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some consensus at our April meeting about what specifically
1 we're after in the way of critical habitat; somewhat like the
2 next to the last sentence in that second paragraph of
3 Dr. Gibbons' memo, that comes close to doing that. I didn't
4 see that in that last paragraph of Dr. Gibbons' memo and -- but
5 I understand the motion is one of combining both the first and
6 second -- or the second and third paragraphs. But I'm not so
7 sure that would even do it.

8 But I guess in summary, the proposal, as I understand
9 it, from Eyak and Sherestone is way, way beyond what I
10 anticipated. And if we just move forward without giving some
11 kind of -- or reaching some kind of a reaction on this, maybe
12 we'll be creating problems of identifying other proposals,
13 inviting other proposals, 'cause we have to treat all of these
14 potential parties the same.

15 MR. PENNOYER: Mr. Chairman.

16 MR. BARTON: Mr. Pennoyer.

17 MR. PENNOYER: The question I have is somewhat along
18 the line of Commission Sandor's. If -- I'm not sure what the
19 Commission is saying. When we get done with the April meeting,
20 we'd like to be able to be pretty specific about our criteria.
21 And, in fact, not just have general criteria that we would
22 then step back and sort of look at and not know exactly how
23 they fit the bill, but basically (ph) how do -- like coastal
24 buffer zones fit the idea of restoration in our view and as a
25 priority, and the timber holdings around Eyak Lake and areas

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meriting special attention and so forth. There ought to be
1 pieces in there that I'm not sure I understand -- and they may
2 fit, I don't know, but they're not obvious to me how they fit
3 restoration.

4 As Mr. Cole pointed out, we've got a lot of anadromous
5 streams all through the country, and I'm not how they stack up
6 (ph). So, there's just a lot of things. As you go through the
7 criteria, it'd be helpful if we were getting specifics so I
8 understood how that related to the type of things we're seeing.
9 And maybe that's we can do for the present moment.

10 MR. BARTON: Well, I wonder, too, if we couldn't
11 compare the proposal against the March 1, '91 criteria since
12 that's what we have to work with at the moment.

13 Other comments or questions?

14 MR. McVEE: Mr. Chairman.

15 MR. BARTON: Mr. McVee.

16 MR. McVEE: Yes. I guess what I'm hearing from a
17 number of the Trustee Council Members that -- or at least what
18 I'm reading into what I'm hearing is let's get the criteria
19 developed, let's have the program -- habitat protection program
20 developed for our consideration. And, you know, then we will
21 deal with any and all proposals, I guess. I think that, you
22 know, if that's what I'm hearing with the -- and if we want to
23 let the RT reconsider, you know, this draft with the permission
24 of the -- to the second, I'd be willing to withdraw my motion
25 and we could, you know, turn the project back over to the RT

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for reconsideration.

1 MR. BARTON: And what would we expect them to do upon
2 reconsideration?

3 MR. McVEE: Well, Mr. Chairman.

4 MR. COLE: Mr. Chairman.

5 MR. BARTON: Yes, Mr. Cole.

6 MR. COLE: Are you saying that the Restoration Team has
7 already done its work with respect to this proposal?

8 MR. BARTON: No, I'm not saying that at all. I'm just
9 not -- I'm not understanding what we would expect them to do
10 that we wouldn't expect them to do with the present motion.

11 MR. COLE: I have a little trouble following that. You
12 might

13 MR. BARTON: We have a motion on the floor to consider
14 the proposal after the development of the overall protection
15 framework. Prior to that, the development of that framework,
16 it's my understanding that we would develop draft objectives
17 for habitat protection evaluation criteria, short- and long-
18 term processes and a definition of imminent threat. If we're
19 going to ask the -- it seems to me then if we adopted this
20 motion, then we would bring this back and apply whatever it is
21 we approve at the April meeting.

22 I'm having trouble understanding then, given that, what
23 we would expect the Restoration Team to do if we asked them to
24 take this back.

25 MR. COLE: That they haven't already done?

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MR. BARTON: Right. At this time.

1 MR. McVEE: Mr. Chairman.

2 MR. BARTON: Mr. McVee.

3 MR. McVEE: I guess my thought there was that on the
4 basis of the discussion that the Trustee Council have had that
5 they could clarify this draft that's before us and some of the
6 timing and, you know, that aspect of it as to when we might get
7 to the point of dealing the proposal; something positive, you
8 know, to give to Eyak and Sherestone.

9 MR. PENNOYER: Mr. Chairman, I guess the --
10 Mr. Chairman.

11 MR. BARTON: Mr. Pennoyer.

12 MR. PENNOYER: I guess the proposers are operating from
13 the same vacuum we've got, they don't have any idea for sure
14 what our criteria are going to be. And I think the number of
15 things they've got in here illustrate that. I don't know what
16 the Restoration Team or the proposers are going to do with this
17 if some were -- some of their signals don't go until after the
18 April meeting. I mean I think that's your guideline, you're
19 going to have to wait until you have the criteria in-hand
20 before you do very much with it, unless you're willing to send
21 some signals out now and ask them to come back with something
22 different, and even then it may not fit what you adopt in April
23 -- we adopt in April.

24 MR. BARTON: I'll withdraw my second. Is there a
25 motion?

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MR. McVEE: Are you going to move to reconsider?

1 MR. SANDOR: Maybe another point of clarification or
2 information. I'm not sure that these March 1, 1991 criteria
3 are what the Restoration Team is working with. Maybe that
4 would be the point to start, at simply, in effect, resigning or
5 signing off on these criteria. But if you look at the Federal
6 Register in what we're dealing with now, the Trustees have
7 developed the following preliminary sequence of steps for use
8 in identifying or protecting strategic fish and wildlife
9 habitats and recreation sites. And it goes on to describe the
10 criteria -- is, in effect, the Restoration Team operating from
11 the basis that those are the criteria that are to be used in
12 the process and to apply, that in the previous section of that
13 Register? (Indiscernible - interrupted)

14 MR. BARTON: Well, I think that maybe that is a good
15 starting point and that that is the criteria against which the
16 proposal could be evaluated. I don't -- I'm not sure of the
17 answer to your specific question; if Dr. Gibbons cares to help
18 us out.

19 DR. GIBBONS: Yes, Mr. Chairman. I think the
20 Restoration Team feels that this is the basis but we need more
21 detail than what's described in the Federal Register Notice;
22 some of the things that were talked about earlier, costal
23 buffers or some of these things. And how do you evaluate
24 proposals and make priorities; this one's higher priority than
25 this area. And so, it provides the basis but it doesn't

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provide the entire process.

1 MR. SANDOR: Mr. Chairman. As a starting point, I mean
2 this would be helpful to have, at least, a reaffirmation or, in
3 fact, any modification extension or elaboration of these
4 criteria. But that would get to a major problem I have is with
5 the motion that was on the floor that was now withdrawn,
6 apparently, is this Restoration Framework is so broad. This
7 would help, I guess, to get -- to maybe try to discuss this
8 point.

9 Like at first (ph) a question, would -- is it the
10 intent of the Restoration Team then to, at the April meeting --
11 or was it the intent at the April meeting to take these
12 criteria and if, in fact, they needed refinement to actually
13 propose them to the Trustee Council?

14 MR. BARTON: Dr. Gibbons?

15 DR. GIBBONS: Yeah. I think the intent of the
16 Restoration Team was to take these five criteria or sequential
17 steps and expand upon them, providing more detail and the
18 process for dealing with proposals, and come back to the
19 Trustee Council at the April meeting with this greater detail
20 and bigger framework.

21 MR. SANDOR: Well, Mr. Chairman, I would move
22 endorsement of that proposal; in effect, directing that the
23 Restoration Team do that for the Trustee Council's
24 consideration as a part of whatever it presents in April.

25 MR. BARTON: Is there a second?

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MR. McVEE: I'll second.

1 MR. BARTON: Any further discussion of that motion?
2 Any objection to the motion?

3 MR. COLE: Mr. Chairman.

4 MR. BARTON: Mr. Cole.

5 MR. COLE: I would like to comment briefly on this very
6 troubling issue in the possibility that my views would be
7 considered by the Restoration Team. But underlying the -- much
8 of the support for the Sherestone proposal, which comes from
9 the public, is the desire to halt logging on these lands. I
10 think that's clear; we read it in written comment and we hear
11 it in oral comment. And yet, it seems to me that the United
12 States of America, through its Representatives in Congress, has
13 expressed a policy of the United States that these lands are
14 available for logging; otherwise, the Congress would not have
15 enacted legislation granting these lands to private landowners
16 without limiting logging on them.

17 So, now we as Trustees of the Exxon Valdez funds are
18 being asked, broadly speaking, to overrule, as it were,
19 congressional policy and to halt logging on these lands by
20 buying them back or acquiring the easements. It troubles me
21 that that result will flow if this Council is largely guided in
22 acquisition of lands or habitat to thwart that congressional
23 policy. So, therefore, I conclude my remarks on this
24 subject

25 MR. BARTON: Thank you, Mr. Cole.

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MR. COLE: with respect to my views of the
1 fundamental approach to be taken by the Restoration Team are.

2 MR. BARTON: Thank you, Mr. Cole. Other comments,
3 other discussion?

4 You know, we've been talking about identifying critical
5 habitat and the various ways to protect that habitat; one of
6 the threats being logging. But I presume that if we're really
7 concerned about acquisition to protect critical habitat, that
8 we're really more concerned -- or concerned more -- about more
9 than just logging, too. The item under discussion has been
10 logging, but it seems to me that there are other threats in the
11 future, and that we need to be talking about maybe development
12 rights as a body or fee simple for those critical habitats. I
13 guess that's my comment.

14 The other -- another comment I have relates to Mayor
15 Weaverling's letter that he introduced I think on the 27th of
16 February regarding mitigation for loss livelihood, and we have
17 not dealt with that question either.

18 MR. COLE: Mr. Chairman.

19 MR. BARTON: Yes.

20 MR. COLE: Let me respond, I think in the interests of
21 expression of my views is that Congress surely knew when it
22 conveyed or authorized the conveyance of these lands to private
23 landowners without any prohibition of logging on them that
24 logging on those lands would be apt to destroy critical
25 habitat. I mean surely Congress was aware of that. So, I am

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1 simply saying that as we think about mandate in the expenditure
2 of the Exxon Valdez funds, we must bear in mind that the
3 expenditures should be related to the acquisition of habitat to
4 restore damaged resources owing to the Exxon Valdez spill, not
5 simply to acquire habitat to protect resources in the broad
6 sense.

7 MR. BARTON: That, I think, has been my working
8 assumption, and I think that is also embodied in the March 1
9 Federal Register Notice.

10 MR. SANDOR: Mr. Chairman. That's really the way I
11 interpreted that. And I guess as a specific example, that I
12 presume that Congress would accept and understand if Harlequin
13 duck nesting areas are found -- are known or are found to be
14 present in limited numbers, and if, as I understand is the
15 case, that these nests are critical to the restoration of the
16 damaged resource, then that I think that test would be met of
17 identifying and protecting those rights (ph). And that's
18 partly what led for me to make the motion of defining those
19 kind of critical habitats, but that isn't related (ph) to
20 damage to resources or

21 MR. COLE: Well, Mr. Chairman.

22 MR. BARTON: Yes, Mr. Cole.

23 MR. COLE: In the interest of sharpening this
24 discussion, perhaps, a little bit. You see, we much be careful
25 that the fact that logging would damage Harlequin duck habitat,
per se, is not the critical test. Because Congress had said

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it's all right to log these lands, if you damage Harlequin duck
1 habitat. And that's the narrow focus of which I'm trying to
2 get to. We surely do not want to thwart congressional policy.

3 MR. PENNOYER: Mr. Chairman.

4 MR. BARTON: Yes, Mr. Pennoyer.

5 MR. PENNOYER: Yeah. I guess I agree with Commission
6 Sandor about the linkages. And of course, in the current
7 proposal in front of us, as I pointed before, it's a little
8 hard to see some of the linkages. But in any private property
9 or even on National Forest lands there, of course, can be laws
10 and determinations made that govern that habitat use. So,
11 while the land was certainly made available to private
12 ownership, I'm not sure that any -- that that rules out
13 subsequent protection of some kind if there's an over-arching
14 (ph) concern.

15 So, I think I'll wait to see the specific application
16 of either Mr. Cole's discussion or Commissioner Sandor's in the
17 criteria that are put in front us, hopefully related in some
18 way so I can relate to the specific proposals that we've seen
19 here.

20 MR. BARTON: Do we have a motion in front of us, does
21 anybody know?

22 MR. SANDOR: Yes.

23 UNIDENTIFIED VOICE: Yes, you do.

24 MR. McVEE: Yeah.

25 MR. SANDOR: The motion, Mr. Chairman, I believe was

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that -- I thought I made is some time ago.

1 MR. PENNOYER: Is there a second to the motion.

2 MR. SANDOR: Maybe I'll restate it and if there's no
3 second, it can die for want of second. And that was that the
4 Restoration Team at the April meeting would develop -- would
5 present to the Trustee Council for approval the March 1, 1991
6 criteria related to the habitat protection, and refine it if it
7 feels necessary to do so for consideration and possible
8 approval by the Trustee Council. That was the motion I had
9 intended to make would thus (ph) make it.

10 MR. BARTON: Was there or is there a second?

11 MR. McVEE: There was a second.

12 MR. BARTON: There was a second. Any further
13 discussion on the motion?

14 MR. MONTAGUE: Mr. Chairman.

15 MR. BARTON: Yes.

16 MR. PENNOYER: Mr. Montague is asking.

17 MR. MONTAGUE: This is Jerome Montague.

18 MR. BARTON: We can't hear you.

19 MR. PENNOYER: He's coming to the speaker.

20 MR. BARTON: Fine.

21 MR. MONTAGUE: This is Jerome Montague, Mr. Chairman.
22 We've interpreted, as Dave has indicated, a short-term and a
23 long-term approach. The short-term approach we're generally
24 interpreting as meaning something on which we would take action
25 before the Restoration Plan is completed. And on that point, I

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would like to bring your attention to Criteria 3 of the 5 that
1 are listed in the Federal Register Notice. And at the end of
2 the 3 it says: This would include evaluation of other
3 restoration alternatives these resource injuries. And I would
4 just like to point out that action before the completion of the
5 Restoration Plan would preclude a very complete evaluation of
6 the alternative restoration measures, which I thought you
7 should be aware of, of why you're voting on this motion.

8 MR. BARTON: Okay. Thank you, Mr. Montague. Any
9 further discussion from the Counsel?

10 MR. PENNOYER: Mr. Chairman, one quick question.

11 MR. BARTON: Mr. Pennoyer.

12 MR. PENNOYER: Commissioner Sandor, as I understand it,
13 you have really (ph) substituted what's in the Federal Register
14 Notice as a basis for these determinations. But don't we still
15 want them to look at the things that are in the end of the
16 paragraph, the second paragraph -- excuse me -- of Dr. Gibbons'
17 letter which say that they're going to look at the evaluation
18 criteria, short- and long-term processes using as a starting
19 point or basis the items presented in the Federal Register
20 Notice?

21 MR. SANDOR: Yeah. Mr.

22 MR. PENNOYER: You want them to do more if needed (ph).

23 MR. SANDOR: Yeah. Mr. Chairman, the motion was to
24 essentially start with what was in the March 1 Federal Register
25 and to add whatever additional criteria or information that

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they want to present to the Trustee Council for consideration
1 and proposed approval.

2 MR. PENNOYER: At the April meeting.

3 MR. SANDOR: At the April meeting.

4 MR. BARTON: Further discussion? Is there objection to
5 the motion? Hearing none, it's adopted.

6 Item 3, the Public Advisory Group. Mr. Piper.

7 MR. SANDOR: Mr. Chairman.

8 MR. BARTON: Yes, Mr. Sandor.

9 MR. SANDOR: We took part -- took care of one part of
10 Item 2. A related (ph) item of Item 2, if it meets with
11 Trustee Council's pleasure, it seems to me that the Restoration
12 Team in dealing with this issue might benefit by follow-up work
13 that was performed by the Nature Conservancy in a previous
14 contract. And I guess in relation to this, I would move to
15 authorize the Restoration Team to be in contact and possibly
16 work with the Nature Conservancy in reaching a definition of
17 critical habitat and a process of this.

18 So, the motion is that (1) authorize the Restoration
19 Team to contact the Nature Conservancy and explore the
20 possibility of developing a proposal that could be considered
21 at the April 9 meeting, of utilizing their expertise.

22 MR. BARTON: Is there a second? I'll second the
23 motion.

24 MR. COLE: Well, I'll second it to have a second on the
25 floor.

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MR. BARTON: I bet you to it, Mr. Cole. Discussion.

1 MR. PENNOYER: Well, I'd ask Dr. Gibbons, you have what
2 they prepared before, is that one of the bases for what you're
3 doing -- the Nature Conservancy study contract is one of the
4 bases for what you're doing not?

5 DR. GIBBONS: That's correct. We had a close-out
6 meeting with the Nature Conservancy on the document that we had
7 prepared -- requested prepared by them. They have given us
8 recommendations on how to approach criteria and processes, and
9 we will use any information we have to build a framework for
10 dealing with this. We hope to use their expertise whenever
11 possible to help us out. They're very good at this type of
12 thing, they've done it a lot, so we plan to use their
13 expertise.

14 MR. PENNOYER: So -- Mr. Chairman. So, you basically
15 were going to follow-through with what Commission Sandor --
16 therefore, his motion fits into what your plan was anyhow, is
17 that in essence?

18 DR. GIBBONS: In essence, that's correct.

19 MR. BARTON: Further discussion? Is there objection to
20 the motion? Hearing none, the motion's adopted. Further
21 discussion on Item 2, the Eyak proposal.

22 MR. COLE: Yes, Mr. Chairman.

23 MR. BARTON: Mr. Cole.

24 MR. COLE: In looking through these materials which
25 were furnished us, and as I recall someplace in here there was

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a note that 96% of the land in Prince William Sound is
1 government owned, is that true? Did I

2 MR. BARTON: I believe that figure is in here.

3 MR. COLE: Do you say that's right?

4 MR. BARTON: I believe that figure is in here.

5 Dr. Gibbons, can you -- do you know?

6 DR. GIBBONS: I'm just trying to put my finger on it
7 now.

8 MR. BARTON: It's a substantial amount of land, there's
9 no question about that.

10 MR. COLE: Well, the question that I have is this: Are
11 there any plans from the Department of Agriculture, Forest
12 Service to permit logging on any of these lands in Prince
13 William Sound owned by the United States and under the
14 stewardship of the Forest Service?

15 MR. BARTON: Not at this time.

16 MR. COLE: Is that sort of a plan that's under review
17 or -- by the Forest Service?

18 MR. BARTON: Yes. The Chugach Forest Plan is currently
19 being amended as a result of the oil spill to evaluate the
20 management activities that have been proposed in the 1984 Plan.

21 MR. COLE: I wonder if it would be in order to request
22 the Restoration Team to look into that plan and the review and
23 furnish us with information on that as well as any such
24 proposed or contemplating practice -- contemplated practices on
25 State land. So, this sort of goes along with my view that we

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should look at Prince William Sound, and Afognak, and Kodiak
1 and downwind as an integral unit.

2 MR. BARTON: I think that would be appropriate. Is
3 there a second to that motion?

4 MR. SANDOR: I'll second it.

5 MR. BARTON: Okay. Any further discussion? Any
6 objection to the motion? Hearing none, the motion's adopted.

7 Further discussion on Item 2?

8 Item 3, Public Advisory Group. Mr. Piper.

9 MR. PIPER: Mr. Chairman. There are two pieces of
10 paper that we'll be working off here, I think both of them are
11 in your packet. The first is a memorandum dated March 9,
12 signed by Dr. Gibbons on behalf of the Restoration Team about
13 the Public Advisory Group. The second piece of information
14 that should be attached to it is a brief legal opinion and
15 analysis of the requirements of the Federal Advisory Committee
16 Act done by State and Federal legal counsel.

17 The over-arching purpose behind discussing this today
18 is so that

19 MR. BARTON: Mr. Piper, let us find that, first.

20 MR. PIPER: Okay.

21 MR. BARTON: What I have is a March 7 letter, is that
22 the same letter?

23 MR. PIPER: Dr. Gibbons, is that the same one? My is
24 dated March 9?

25 DR. GIBBONS: No. There's a few changes in it.

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There's a March 9th newer version.

1 MR. BARTON: Okay. Is there a way to get a copy of
2 that?

3 DR. GIBBONS: There should be copies available there at
4 the meeting.

5 MR. BARTON: Okay. We have it or I have it, others had
6 it. Go ahead, Mr. Piper.

7 MR. PIPER: The over-arching purpose in considering
8 this today is to adopt the basic procedural requirements for a
9 Public Advisory Group so that the Trustee Council would be in
10 accord with the court order requiring that requirements like
11 this be in place within 90 days of the affective date of the
12 Settlement.

13 The first on the list is a charter. We've -- Staff has
14 taken a cut, of course, at a generic charter, but because of
15 the time that it will take to put a charter through the
16 approval process, we propose that we draft a very specific
17 charter based on the action that you take today on the
18 procedural requirements.

19 If you take that action, this is what it will pretty
20 much allow you to do. First, it will allow us to write that
21 specific charter and through the designated federal agency deal
22 with that federal secretary who does the approval and oversight
23 of the Public Advisory Group for this purpose. And it would
24 also allow you to solicit nominations from the public. And as
25 a practical matter, this would be going out for a second round

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of public review in conjunction with the Framework document so
1 that the public, not just in the spill area but outside of the
2 spill area, would get a crack at reviewing this.

3 At the close of that 45-day Framework comment period,
4 what would likely to do is that you could make whatever charter
5 amendments you felt were necessary based on public comment.
6 You could go ahead and appoint that group, and you could have
7 it in-place and functioning during the writing of the actual
8 Restoration Plan, which Dr. Senner has discussed that would be
9 coming out in September is the target date. So, the goal here
10 is to have the group functioning during the writing of that
11 plan which would guide restoration activities off into the
12 future.

13 As I said, the first item is the charter, and that
14 deals with the subsequent items on this list. Membership, the
15 Public Advisory Group should contain 15 members; that was the
16 upper limit that the Trustee Council put on that in a motion
17 last week. The Restoration Team decided to go with all 15
18 because it gives you the maximum amount of flexibility for
19 balancing that. It also optimizes or maximizes the potential
20 for the public to be involved in a variety of ways.

21 Balance and representation, the Public Advisory Group,
22 according to the Federal Advisory Committee Act, must be fairly
23 balanced is the legal terminology. We propose that it's fairly
24 balanced among at least the following principal interests;
25 aquaculture, commercial fishing, commercial tourism,

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environment, conservation, forest products, local government,⁴³
1 landowners -- or Native landowners, recreational users, sport
2 hunting and fishing, subsistence and science and academic.
3 This is, essentially, the list that went to the public and this
4 is the one that you reviewed that went out. Mr. Barton
5 indicated a desire to take a second look at it, and this is
6 your chance to do so.

7 Also, by Trustee action last meeting the Trustee
8 Council voted to reserve at least one seat for local
9 government. Another special provision would be required under
10 the Settlement -- the Chenega Settlement, which would be that
11 Native interests be represented. What the Restoration Team has
12 proposed is that Native interests other than subsistence shall
13 be represented by at least one traditional or Indian
14 Reorganization Act Village Council, essentially, one of the
15 village governments and ANCSA corporation.

16 Nomination and selection, fairly simple. The public
17 would nominate, organizations would nominate and the Trustees
18 would appoint.

19 Powers and duties would be that the Public Advisory
20 Group is supplementary to the public process as a whole, that
21 it has a non-binding role in its advice, and that its principal
22 interaction with the Trustee Council is presenting its views
23 during Trustee Council meetings in whatever form it chooses.

24 Support would be provided through Staff through the
25 Administrative Director's Office. Currently, the proposal --

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the approval of the Trustees is that one of the information officers be the liaison on an as-needed basis. We -- the Restoration Team does note that the public comment has requested Staff -- you may want to revisit this as time goes by, depending upon the work load. It's based on the models of other advisory groups the State and Federal government deals with. There's often a fairly substantial care and feeding aspect to it, and down the road, if it appears that the work load is heavy, you may want to revisit this.

In terms of budget, the Trustee Council would approve a list of spending guidelines, such as meetings, reimbursements and so on. And the Public Advisory Group would allocate its approved budget among those items as it saw fit, with a cap established by the Trustee Council. The current suggested budget, based on 15 members, is \$106,000.00 for this planning year.

MR. BARTON: This planning year being?

MR. PIPER: Well, the original one was for an entire year, I think one of the reasons it may be reduced is that we're looking at the Federal fiscal year and Tim Steele may help me on that.

MR. STEELE: The -- yeah, Dave, you may want to elaborate or certainly catch me if I'm wrong here. But the Restoration Team took another look at the comments from the Trustee Council and the guidance was being developed by the subgroup and revisited the budget, basically, to 106,6 is what

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they put on as a recommendation.

1 MR. BARTON: Is that for a normal fiscal year or the
2 residual part of a fiscal year or is that an annual budget
3 figure, I guess is my question?

4 MR. STEELE: That's through the rest of this oil year.
5 We're going to be changing from that, but basically through
6 that year.

7 MR. BARTON: Okay. So, it's not an entire -- do we
8 have

9 MR. STEELE: It's an entire year but they will not be
10 in-place for that entire year because they haven't been
11 appointed yet. And so, it's through the end of February of
12 '93.

13 MR. BARTON: Do we have an annual cost for this
14 operation?

15 MR. STEELE: For this year, the recommended cost

16 MR. BARTON: No. No, no. An annual cost.

17 MR. STEELE: You do not have it yet, you have a
18 recommendation for this 12-month period.

19 MR. PENNOYER: Well, it should -- yeah, annual cost, it
20 should be the same, it's through the end of February of '93,
21 which is 12 months, that's an annual cost no matter when you
22 start it or end it, is it not; or do you anticipate the cost to
23 go up or down?

24 MR. STEELE: That's the rec- --

25 MR. PENNOYER: Is that start-up costs, buying

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(indiscernible) stuff or is for other meetings that you

1 UNIDENTIFIED VOICE: No.

2 MR. STEELE: That's the recommended annual cost.

3 MR. PENNOYER: Okay. Thank you. Mr. Chairman.

4 MR. BARTON: Yeah, Mr. Pennoyer.

5 MR. PENNOYER: Mr. Piper, maybe you can help me out
6 here. We have a memo of March 9th, which is a general
7 discussion of various aspects of the Public Advisory Group. We
8 have a memo from legal counsel of March 5th that gives specific
9 corrections to, I think, a charter document that I have dated
10 February 25th. You say the first item's the charter, is that a
11 more detailed document with the legal counsel's corrections
12 what we're really looking at?

13 MR. PIPER: That's right. The other -- if you'll
14 notice, there are certain blanks in the legal analysis as well,
15 because those questions simply aren't answered, such as the
16 budget.

17 MR. McVEE: Mr. Chairman.

18 MR. BARTON: Mr. McVee.

19 MR. McVEE: Isn't it easier if we deal with the charter
20 and those elements that have to go into the charter sort of
21 independently from some of the procedural items such as which
22 interests are represented and so on. It seems to me like that
23 there's only a few elements now left to deal with in order to,
24 you know, get the charter approved or get it in the process.
25 One of them was the 15 members, which I think we have dealt

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with; another one is the cost -- the annual cost, which I
1 understand now, you know, we basically have a recommendation
2 on. And I think there was a third one which was the

3 MR. PIPER: Man years.

4 MR. McVEE: man years that would be involved.
5 And okay, then there's a fourth one which is, you know, who's
6 going to push the paperwork through the federal process, a
7 designated agency to do that.

8 And I think those about the only four items we need to
9 deal with in order to get the charter. The other elements, you
10 know, the balanced representation and so on are things that we
11 need to deal with but they don't have to be in the charter.

12 MR. BARTON: I move the Department of Interior push the
13 paper through, is there a second?

14 MR. COLE: Second.

15 MR. PENNOYER: Second.

16 MR. BARTON: Any further discussion? Any objection?

17 MR. PENNOYER: Don't you dare, Curt.

18 MR. PIPER: If I could just elaborate on the charter
19 one moment. At the last Trustee Council meeting, the Trustees
20 approved the first cut of the charter based on a legal review
21 and word-smithing. We have the legal review, which essentially
22 upgrades the specificity of that charter, and any decisions
23 that you make about some of the other items like the budget
24 will upgrade that specificity further.

25 MR. McVEE: Could we do a com- --

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MR. PENNOYER: Mr. Chairman.

1 MR. BARTON: Mr. McVee.

2 MR. McVEE: Yes.

3 MR. BARTON: And then Mr. Pennoyer.

4 MR. McVEE: Yeah, one thought just -- you know, that it
5 seems like we're getting close to closure on this, maybe a
6 comprehensive motion which would be to adopt -- a motion to
7 adopt the draft generic charter and with those four blanks
8 filled in; the 15 members, the -- what was the other one --
9 the

10 MR. PIPER: Man years and budget.

11 MR. McVEE: man years and budget and

12 MR. PIPER: The Department of Inter- --

13 MR. McVEE: If you want to volunteer the Department of
14 Interior to push the paperwork through, that would be the
15 fourth item.

16 MR. BARTON: I thought we just did that.

17 MR. McVEE: Okay. I would so move that's in (ph)
18 order.

19 MR. BARTON: All right. Is there a second to the
20 motion?

21 MR. PENNOYER: Second.

22 MR. BARTON: All right. Mr. Pennoyer.

23 MR. PENNOYER: I was just going to ask Mr. McVee, that
24 then, basically, includes -- your motion includes all the
25 various word-smithing and changes that are in the March 5th

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1 legal counsel memo as corrections to the generic charter you
2 approved before?

3 MR. McVEE: Yes. That was the intent.

4 MR. PENNOYER: Thank you.

5 MR. BARTON: Further discussion?

6 MR. SANDOR: Mr. Chairman, a question.

7 MR. BARTON: Mr. Sandor.

8 MR. SANDOR: The March 9 memorandum, I presume, was
9 summarized, essentially, the charter changes and what's
10 intended in that -- I guess the question is are we -- is this
11 motion of adoption of this charter and changes recommended by
12 counsel in the March 5 memo also, essentially, adopt this
13 March 9 -- the content in this March 9 memo as well?

14 MR. BARTON: Mr. McVee?

15 MR. McVEE: Yes, Mr. Chairman. No. It only addresses
16 those four elements that are necessary for the charter.
17 There's no intent to address in this motion the balanced
18 representation, the nomination and selection of empowered (ph)
19 duties and support; although, that's maybe inherent in the
20 budget item, but I think those are operating procedures which
21 don't have to be addressed in the charter.

22 MR. BARTON: Further discussion? Is there objection
23 to the motion? Hearing none, the motion's adopted. Any
24 further discussion on the Public Advisory Group item?

25 MR. PENNOYER: Mr. Chairman. I think there's a couple
of items that need -- I notice in the legal memo it states that

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well, does not appear the means for ensuring a fairly balanced
1 member- -- are you talking about just the charter or the whole
2 item?

3 MR. BARTON: I'm talking about the whole item, but the
4 charter's certainly fair game.

5 MR. PENNOYER: I noticed the legal memo says well, it
6 does not appear the means for ensuring a fairly balanced
7 membership on the Public Advisory Group must be included in the
8 charter. The procedures used to comprise the group should be
9 clearly stated by the Council to allow the designated agency to
10 describe to the GSA (ph) the plans for obtaining balanced
11 membership. So, I presume we still need to talk about how
12 we're going to go out and nominate or seek nominations.

13 MR. BARTON: Where are you reading?

14 MR. PIPER: If I

15 MR. PENNOYER: Mr. Piper, did you

16 MR. PIPER: If I could

17 MR. PENNOYER: Mr. Chairman.

18 MR. PIPER: I think I understand what Mr. Pennoyer is
19 saying. But what -- the items in the March 9th memo that you
20 need to get at now are as follows: Letter B, which is balance
21 and representation; Letter C which is nomination and selection;
22 Letter D, in some part, their powers and duties; specifically
23 Dii). I know that's sort of a bad number to deal with here
24 so

25 MR. COLE: Mr. Chairman.

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MR. BARTON: Mr. Cole.

1 MR. COLE: Let us address 2.B. entitled Balance and
2 Representation.. I think that we should discuss that, and if
3 you don't mind, I would like to propound a question to
4 Mr. Piper.

5 MR. BARTON: Please do.

6 MR. COLE: What is the difference between the category
7 Environment and the category Conservation?

8 MR. PIPER: There are lots of different kinds of groups
9 that deal with issues in the environment and conservation;
10 sometimes, they take on different functions. I hate to pigeon-
11 hole a group for itself, but let me use examples from Southeast
12 since they're out in the spill area. One might argue, for
13 example, that something like territorial sportsmen would be a
14 conservation group; they undertake specific kinds of actions or
15 cite (ph) specific sorts of proposals; an advocacy group or a
16 group that works on a broader spectrum of environmental issues
17 may be similar to the Southeast Alaska SEAK (ph).

18 MR. COLE: Mr. Chairman.

19 MR. PIPER: Sorry, I'll go through the whole acronym
20 but

21 MR. BARTON: Yes, Mr. Cole.

22 MR. COLE: What troubles me is that this listing there
23 of the groups, 12 as I hastily count them, is not specific
24 enough to give me comfort; for example, as I have just
25 mentioned the difference, possibly, between environment and

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conservation. It seems to me if we're not very careful we
1 would get, you know, two -- an individual or the same general
2 category representation in the environmental listing as well as
3 the conservation listing. And I think we have to be careful
4 about that.

5 The same comment applies to the forest products
6 category. Who is in the forest products category; loggers or
7 landowners desiring to sell their forest products?

8 The same thing troubles me slightly with respect to the
9 categories Native landowners and subsistence. Now, we -- I'm
10 not saying there's not a distinction between those groups
11 because I full well recognize there is. But I don't -- I think
12 we must be very careful about overlaps.

13 And then I think that I'm a little bit (indiscernible -
14 telephone cutout) on those categories to be little i) one and
15 little ii) two. There's -- ii) is special provision for Native
16 interests, which indicate that there should be at least one
17 traditional or Indian Reorganization Act village council and at
18 least one ANCSA corporation. Well, that would be two Native
19 interests, and are those Native interests both within the
20 category of Native landowners?

21 You see, I'm just a little troubled that these are a
22 little too terse designation of the principal interests. And
23 lastly, I would say that we should give very serious
24 consideration to putting two members of the legislature on this
25 group. I suspect that they would -- Staff could very quickly

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say look, I mean I see you have provision for at least one seat
1 for local government, how about state government? They will
2 certainly make that observation; therefore, I would suggest we
3 might want to say two from the state government and one from
4 the Senate and one from the House (indiscernible -
5 interrupted)

6 MR. BARTON: Two from the Federal government?

7 MR. COLE: I was afraid you were going to say that. I
8 saw that one coming, I must say. But at any rate, you know,
9 whatever. But I think when you start putting local government
10 in there and not state government, we're heading for trouble.

11 MR. McVEE: Mr. Chair- --

12 MR. COLE: So, that's my comment. Thank you.

13 MR. BARTON: Mr. McVee.

14 MR. McVEE: Yes. Charlie, I served on an advisory
15 board for the Land Use Council, and we had two Legislators on
16 that at one time. And I don't recall the statutory problem,
17 but they were told they could not serve on that advisory board
18 for some reason; I don't remember all the details, but they had
19 to step down and we lost that contact.

20 MR. COLE: Maybe we could ask our learned counsel to
21 look into that. I mean I think it's, you know, something that
22 we need to give a lot of thought to. Because I'm here
23 responding to their requests daily that I appear before them,
24 and I have a good sense of how they feel about this.

25 MR. BARTON: Further discussion or comments.

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MR. PENNOYER: Mr. Chairman.

1 MR. BARTON: Mr. Pennoyer.

2 MR. PENNOYER: Maybe the way we go about this will say
3 something about the decision we have to make here today. Are
4 we actually having to pick the specifics of the categories
5 today, or the specifics of the numbers of people in each
6 category, or are we indicating the people we will accept
7 nominations from and based on the quality of the nominees we'll
8 try and achieve a broad interest across these representative
9 categories? Are we really saying we're going to have at least
10 one from each one of these? I have the same problem Mr. Cole
11 has about environment and conservation, to some degree
12 recreational users and sport fishing and hunting; they may be
13 the same people; maybe we'll get a really good candidate that
14 can represent two of those interests together.

15 So, are we having to decide without seeing the nominees
16 at this time, how many are in each category specifically, or
17 are we going to send something out saying these are the
18 categories we're going to look at and achieve a balance between
19 them? We made a couple of minimum things in here we've said,
20 but do we really have to go beyond that?

21 MR. BARTON: Mr. Piper.

22 MR. PIPER: Mr. Pennoyer, Mr. Chairman. No, sir.
23 There's -- the Restoration Team specifically avoided the issue
24 that each of these had a designated seat. The intent is that
25 the interest be represented, whether they're -- whether one

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individual represents two or three interests is, basically as
1 you said, a call of the quality or the qualifications of the
2 individual. The only seats that we've actually designated for
3 interest are those that either (A) were designated by specific
4 Trustee Council action being the local government seat, and the
5 second one being the fact that there be a meet of interests
6 seat as required by the Chenega Bay Settlement.

7 So, these are not designated seats for each of these
8 groups, that's not the intent of the recommendation.

9 MR. BARTON: Well, do we need to identify the interests
10 or at all or try to list the interests?

11 MR. PIPER: Well, what you have to be able to do in
12 your -- to get your charter approved and to get the paper
13 pushed properly and pushed out the other side in Interior is
14 that it be that you show that you're trying to fairly balance
15 among the interests and that you have a plan to do so. And I
16 would anticipate that that would include explaining what those
17 interests were that went into your consideration.

18 MR. McVEE: Mr. Chairman.

19 MR. BARTON: Mr. McVee.

20 MR. McVEE: Yes. I guess it's very helpful to have
21 some type of a listing that seems like it could be identified
22 as these would be the possible interests that would be
23 considered; that would serve as a basis then in the nomination
24 process for groups to target, you know, on some possibilities.
25 We might find that there are some others that we want to

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consider before we make the final cut, but I think we have some flexibility there. But I think it's useful to have some type of a listing, maybe it doesn't have to be all inclusive.

MR. BARTON: But I wonder about 2(B) or not to be, and 2(C) and the juxtaposition of those. If I interpret 2(C) correctly, are we -- well, let me ask the question. Are we saying that the nominations must come from public interest groups, among others, and then what are those public interest groups; and is that question then answered in 2(B)?

MR. PIPER: The -- Mr. Chairman.

MR. BARTON: Mr. Piper.

MR. PIPER: The intent of 2(C) is merely to say that the -- and it's largely in response to public comment, that if the Trustees are balancing the Board and they get to the issue of commercial tourism, for example, that the Trustees do not select someone from out of the blue, so to speak, but rather it be from a recognized, active professional group in the area, such as the Alaska Visitors Association or Prince William Sound Tourism Coalition, that kind of thing.

It would -- one of the reasons that we went to the maximum of 15 members was to give you that flexibility, also, of balancing things as you saw you needed to. You might draw two people from one segment or not, but you're not specifically targeting individual groups and certifying them as able to give nominations.

MR. BARTON: But the implication

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MR. COLE: Mr. Chairman.

1 MR. BARTON: Yes, Mr. Cole.

2 MR. COLE: I think that this is a very, very critical
3 area because much of the public confidence in the, you might
4 say, integrity of this group dealing with the Public Advisory
5 Group rests on how these people are selected. Because if we're
6 not extremely careful, and fair and balanced, the charge
7 against us will be that we hand-picked the members of this
8 Public Advisory Group to sort of stack the deck.

9 And so, I think, first, in addition to that, that in C
10 we should say, instead of a recognized professional, service or
11 public interest groups, we have to key (ph) those people to the
12 cate- -- the principal interests listed in category B. So, I
13 think that the Public Advisory Group members from nominees
14 presented by the public -- or by, you might say, members of the
15 principal interest groups listed in B. I mean otherwise, if
16 you don't do that, C is sort of meaningless. Or maybe it isn't
17 C that's meaningless but B is meaningless.

18 MR. BARTON: Well, that implication is reinforced by
19 the fact that if we took one person from each of those interest
20 groups and the other three, we come up with 15.

21 MR. COLE: That assumes that we don't deal with the "at
22 least" language in (i) and (ii).

23 MR. McVEE: Mr. Chairman.

24 MR. COLE: Of course

25 MR. BARTON: Mr. McVee.

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MR. McVEE: Yes. I think that it's been pointed out to
1 me that the (ii) language should be, you know, one traditional
2 or Indian Reorganization Act village council or one ANCSA
3 Corporation; that the requirement is that there would be one
4 representative from that -- representing those three entities.

5 MR. BARTON: Which three entities?

6 MR. McVEE: Well, it would be the traditional or Indian
7 Reorganization Act village council or one ANCSA Corporation; I
8 guess maybe there's two entities here. Yeah.

9 MR. BARTON: Is that consistent with the Chenega
10 Settlement? I mean does -- is the Chenega Settlement
11 structured in such a way that that seat is already
12 predetermined to eliminate one of those two groups? So which
13 group does not get a seat?

14 REGINA: My recollection of the Chenega Bay Settlement
15 is that one seat on any Public Advisory Group, at least, is
16 guaranteed for the Native interests, which is defined as
17 Class I and Class II of the Chenega Bay thing. So, it's -- the
18 Native interest is defined as a conglomerate of the traditional
19 or the Native vil- -- or the Reorganization Act village or the
20 ANCSA Corporation. So, you've only promised one seat for those
21 three interests. That doesn't answer your question of how do
22 you choose it. And I assume that you will receive nominations
23 from their lawyers or from them or

24 MR. BARTON: I doubt that we'll ask the lawyers.

25 MR. McVEE: Thanks, Regina.

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MR. BARTON: Is there a motion?

1 MR. COLE: Thanks.

2 MR. BARTON: Is there a motion?

3 MR. COLE: Well, consistent with -- Mr. Chairman.

4 MR. BARTON: Mr. Cole.

5 MR. COLE: I move that request -- we request the
6 Restoration Team to furnish us with greater specificity of the
7 principal interests listed in B and to elaborate on the
8 nomination and selection process shown in Paragraph C.

9 MR. BARTON: Is there a second? I'll second that.
10 Further discussion?

11 MR. SANDOR: Question, Mr. Chairman.

12 MR. BARTON: Is there objection to the motion? Hearing
13 none, the motion's adopted. Further discussion of the Public
14 Advisory Group?

15 MR. PENNOYER: We have some discussion here,
16 Mr. Chairman; when Mr. Sandor -- Commissioner Sandor said
17 question, he wasn't calling for the question, he had a question
18 for the maker of the motion.

19 MR. SANDOR: Yeah.

20 MR. BARTON: I apologize. Mr. Sandor, please ask your
21 question.

22 MR. COLE: You were right the first time.

23 MR. SANDOR: That's all right, Mr. Chairman. I just --
24 the question I had was I presume that since we've adopted the
25 charter and meet our obligation for the 90 day requirement and

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that the motion is perfectly in order, we do not have to do the
1 specificity by today, is that true?

2 UNIDENTIFIED VOICE: That

3 MR. BARTON: That's not my understanding. I thought we
4 needed to deal with -- I'm looking at the legal advice offered
5 in the March 5 memo on Page 32, Paragraph 6. I thought we were
6 -- we had to -- well, let me read it: The Federal Advisory
7 Committee Act regs provide that the designated agency, the
8 Department of Interior, shall describe the GSA, the plan for
9 obtaining a fairly balanced membership. So, we need to do
10 that; now, whether that means what we're -- if there's another
11 way to do it other than what we've been discussing, perhaps.
12 Is that right, Mr. Piper.

13 MR. SANDOR: Mr. Chairman, my question was just to make
14 certain that we leave this meeting today with our obligation on
15 that 90 day requirement. And the presumption is that we can
16 deal with the specificity as outlined in the motion on the
17 floor, and deal with what other remaining issues that must be
18 dealt with in that March 5 memo. I just wanted to make that
19 clear.

20 MR. COLE: Mr. Chairman.

21 MR. BARTON: Mr. Cole.

22 MR. COLE: Mr. Chairman.

23 MR. BARTON: Mr. Cole.

24 MR. COLE: With the consent of the second, I would like
25 to amend my motion to say roughly as follows: Move that the

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Public Advisory Group required to be formed under the terms of
 1 the Memorandum of Understanding be comprised of at least the
 2 principal interests listed in Paragraph B of the March 9
 3 memorandum, that one seat on that group be reserved for a local
 4 government representative within the area of the Exxon Valdez
 5 oil spill, that the group be represented by one Native
 6 individual from a traditional or Indian Reorganization Act
 7 village council or one Alaska Native Claims Settlement Act
 8 corporation, that the Trustees publicly solicit nominees from
 9 each of the principal interests listed in subparagraph B, and
 10 that following receipt of nominees from the principal interest
 11 groups the Trustees appoint to membership on the Public
 12 Advisory Group those individuals whom the Trustees decide will
 13 most fairly represent each of the principal interests groups,
 14 and that care be taken in those appointments to avoid
 15 overlapping representation of the principal interests.

16 MR. BARTON: Is that the end of the motion?

17 MR. COLE: Yes.

18 MR. BARTON: Discussion? Let me -- I have a question.
 19 Is it your intent to limit the nominations to the interests
 20 that are identified?

21 MR. COLE: Yes.

22 MR. McVEE: Mr. Chairman.

23 MR. BARTON: Mr. McVee.

24 MR. McVEE: I guess my question is along the same
 25 lines, Mr. Cole, in that if we in our wisdom have missed some

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1 interest group here, and we find out through, you know, the
2 nominations process that that is true, we would not have an
3 opportunity, as I understand it then, to reopen consideration
4 of the list.

5 MR. COLE: That is not my understanding.

6 MR. McVEE: Okay.

7 MR. COLE: I think that we could always correct
8 grievous errors. And I also think that if we're judicious in
9 the appointments, we will find that no -- or that it's unlikely
10 that any single individual will be so narrow as to not have
11 some shade of representation of other interest groups within
12 himself or herself.

13 MR. BARTON: Further discussion?

14 MR. PENNOYER: Mr. Chairman.

15 MR. BARTON: Mr. Pennoyer.

16 MR. PENNOYER: The intent of the motion is something
17 about no duplication, but there are basically 1, 2, 3, 4, 5, 6,
18 7, 8, 9, 10, 11, 12 listed categories and we have 15 members.
19 So what did you mean by no duplication, Mr. Cole?

20 MR. COLE: Mr. Chairman. My thought was to avoid the
21 appointment of an individual who might be both an
22 environmentalist and a conservationist.

23 MR. PENNOYER: So, we'd still would stay with 15
24 members, the total (ph).

25 MR. COLE: Yes.

MR. PENNOYER: Thank you.

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MR. COLE: Yes.

1 MR. PENNOYER: In other words, he is (indiscernible -
2 telephone cutout) overlapping representation?

3 MR. COLE: Pardon me?

4 MR. PENNOYER: Overlapping representation?

5 MR. COLE: Yes. That was the concept, an overlapping
6 representation.

7 MR. PENNOYER: More than one (indiscernible).

8 MR. COLE: We don't get say two environmentalists, one
9 who represents the environment interests and then another
10 environmentalist -- well, self-proclaimed environmentalist, for
11 that matter, who says -- is the conservationist category is my
12 -- what I had in mind there. And the same is true dealing with
13 rec- -- the category recreational users and sport fishing or
14 sport hunting; you know, it's a pretty thin line what's
15 recreational user as distinguished from a sport fishing user.
16 But that's the concept that I intended to convey when I used
17 the term overlapping interest.

18 I just think that if this is going to work, we must
19 very fairly and balancelly form this Public Advisory Group so it
20 represents a very broad spectrum of the interest groups in this
21 process.

22 MR. McVEE: Mr. Chairman.

23 MR. BARTON: Mr. McVee.

24 MR. McVEE: I would like to offer up an amendment to
25 the motion that would broaden out the nomination process to

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include, I guess, nominations from the public. And while I
1 think it's important to solicit the various interest groups,
2 that I think it's also worthwhile to offer or to accept
3 nominations from the public. I realize that this might give us
4 more applications to sort through, but that I believe that it
5 conveys, you know, the fact that we're trying to select a broad
6 range of interests from all those that have an interest in the
7 area and in the programs.

8 I'd like to offer up an amendment to include public
9 nominations.

10 MR. COLE: Mr. Chairman.

11 MR. BARTON: Mr. Cole.

12 MR. COLE: The maker of the motion consents to the
13 amendment

14 MR. BARTON: Okay.

15 MR. COLE: with the consent of the second.

16 MR. BARTON: Are you asking if we have a second
17 or

18 MR. McVEE: Or we can amend

19 MR. BARTON: did somebody there second one --
20 second that? Well, to clear up

21 MR. COLE: I'm simply saying I consent to the proposed
22 amendment.

23 MR. BARTON: Okay.

24 MR. McVEE: Mr. Chairman.

25 MR. PENNOYER: To consider a friendly amendment, if the

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second agrees.

1 MR. BARTON: Mr. McVee.

2 MR. McVEE: Mr. Chairman. With that acceptance then
3 there is a place in the proposed motion that where we could put
4 that language, and I guess it's down about -- I'm not sure of
5 my punctuation, but third or fourth sentence where Mr. Cole was
6 saying that the Trustees publicly solicit nominees from each of
7 the principal interests in Paragraph 3. And, this would be the
8 additional language, and the public. And following receipt --
9 and go on then, following receipt of nominees, so on and so on.

10 MR. BARTON: The second agrees.

11 MR. COLE: That's acceptable. I meant to punctuate
12 that motion by a comma preceding each that which is contained
13 in the motion.

14 MR. BARTON: The second agrees to that too, whatever it
15 was. Further discussion?

16 MR. SANDOR: Mr. Chairman. I speak in favor of the
17 motion with a point of clarification. And this was raised
18 originally with the definition of environment and conservation
19 groups, and I think Mr. Piper pointed out that one such group
20 was the Southeast Alaska Conservation Council, which in its
21 name would suggest that it's a conservation group, which it
22 professes to be but it also professes to be a coalition of the
23 environmental groups in Southeast and points to the problem of
24 definition of those two terms. And I think that's going to be
25 a point of possible confusion. I think this can be dealt with,

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with my understanding that simply the Trustee Council will have
1 the opportunity, when it gets all of these nominations, to come
2 up with a fairly balanced list. And I, therefore, speak in
3 favor of the motion.

4 MR. BARTON: Further discussion of the motion?

5 MR. SANDOR: Call for the question.

6 MR. BARTON: Okay. Any objection to the motion?

7 Hearing none, the motion's adopted. Further discussion of
8 Public Advisory Group.

9 MR. COLE: Mr. Chairman.

10 MR. BARTON: Mr. Cole.

11 MR. COLE: I move that one member each of the Alaska
12 House of Representatives and of the Alaska Senate be appointed
13 as ex-officio members of the Public Advisory Group.

14 MR. SANDOR: I second that motion.

15 MR. PENNOYER: Mr. Chairman. Could you define ex-
16 officio? They don't participate in the votes?

17 MR. COLE: I'll have to go look that up in Black's Law
18 Dictionary, but I have a sense that if they can't be there, as
19 a matter of law according to Mr. McVee, that we could have them
20 get -- receive notice of the meetings, participate in the
21 discussions of the meeting, and not vote. I think that's what
22 I would view as an ex-officio member, but I'm not schooled in
23 this type of thing so I really don't

24 MR. PENNOYER: Mr. Chairman. I was more interested in
25 the maker of the motion's intent. I don't care what ex-officio

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means unless it was -- the intent was

1 MR. COLE: Well, that was my intent. I think they
2 should have, you know, a voice in this process.

3 MR. PENNOYER: Thank you.

4 MR. BARTON: Any further discussion of the motion?

5 MR. PENNOYER: Mr. Chairman, one other question came
6 up.

7 MR. BARTON: Mr. Pennoyer.

8 MR. PENNOYER: Would these ex-officio members be
9 selected by the Trustees like everybody else, have lists
10 presented or

11 MR. COLE: Well, I would have in mind -- thank you for
12 calling that to my attention -- to be selected by the President
13 of the Senate and by the Speaker of the House.

14 MR. PENNOYER: Thank you.

15 MR. COLE: I mean that's just my thought.

16 MR. PENNOYER: Thank you.

17 MR. BARTON: Is that an amendment?

18 MR. COLE: I'm not going to say another word 'cause
19 I'll get in trouble if I do.

20 MR. PENNOYER: I wasn't trying to get you in trouble,
21 Mr. Cole.

22 MR. BARTON: The motion now reads that we'll add as ex-
23 officio members one member of the Alaska State Senate and one
24 member of the Alaska State House to be selected by the
25 President of the Senate and the Speaker of the House.

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Further discussion? Any objection to the motion?

1 Hearing none, the motion's adopted. Further discussion of
2 Item 3?

3 DR. GIBBONS: Mr. Chairman.

4 MR. BARTON: Yes.

5 DR. GIBBONS: This is Dave Gibbons, I just need a point
6 of clarification to the Trustee Council on this. What was
7 approved here today will -- for the Public Advisory Group will
8 be reflected in the Framework document that will be going to
9 the public at the end of the month. So we just want to make
10 that clear to the Trustee Council.

11 MR. BARTON: Further discussion of Item 3, the Public
12 Advisory Group?

13 MR. PENNOYER: Mr. Chairman, Dr. Gibbons. When do we
14 actually start the request for nomination process and look (ph)
15 for names?

16 DR. GIBBONS: We've been collecting names through the
17 public scoping sessions along. The formal request, we haven't
18 done that yet, the formal request.

19 MR. PENNOYER: Would that happen before we get all the
20 Frameworks back from the public and the comments on the
21 Restoration Plan and everything else? I mean this is a
22 separate action that will occur quicker -- more quickly, better
23 term (ph). What was your intent?

24 DR. GIBBONS: The Restoration Team hasn't discussed
25 this yet. I would think it would be helpful, you know, if we

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include these comments in there, that we can solicit, perhaps,
1 at the same time.

2 MR. PENNOYER: So when you send out the request for
3 comments, you would send out a request for nominations?

4 DR. GIBBONS: Yes.

5 MR. PENNOYER: And not wait until we get all the
6 comments back. Thank you.

7 MR. BARTON: Further discussion of Item 3? Well, my
8 compliments, Mr. Piper, I only found one acronym and no
9 abbreviations.

10 Are we ready for Item 4 of the Agenda, the Restoration
11 Team Operating Procedures?

12 DR. GIBBONS: Mr. Chairman.

13 MR. BARTON: Dr. Gibbons.

14 DR. GIBBONS: Let me preface my comments to say that
15 the Restoration Team is still functioning.

16 MR. COLE: That's good to know.

17 MR. BARTON: Yeah. We're heartened.

18 DR. GIBBONS: This was first presented to the Trustee
19 Council on February 5th -- the February 5th and 6th meeting.
20 At that meeting, it was requested that the Trustee Council
21 supply any written comments to me by the next meeting. I
22 received comments from the Department of Interior concerning
23 the operating procedures. The Restoration Team reviewed those
24 and incorporated -- agreed with some of them and disagreed with
25 others, and has provided another draft of this document at the

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28th meeting. And basically, the document has not been changed since the draft that was presented to you at that meeting.

MR. BARTON: And the date of that draft is what?

DR. GIBBONS: That draft is dated February 25th, 1992.

MR. BARTON: Thank you. Comments or discussion on the Restoration Team operating procedures?

MR. PENNOYER: We're getting a copy.

MR. BARTON: Mr. Pennoyer.

MR. PENNOYER: I said we're just getting a copy, Mr. Chairman, it just got handed to us.

MR. BARTON: All right.

MR. COLE: Could -- Mr. Chairman.

MR. BARTON: Yes. Mr. Cole.

MR. COLE: Are there any issues in this operating procedures which -- or about which there is substantial dispute?

MR. BARTON: Does any member have substantial dispute with the February 25th operating procedures.

MR. McVEE: Mr. Chairman.

MR. BARTON: Mr. McVee.

MR. McVEE: I guess -- and I don't have a copy of that right in front of me at that time, but one thing that I have felt pretty strongly about is that the Trustee Council should, you know, certify or confirm or whatever the right word is the appointment to the subgroups. And I guess I've spoken about this in the past, the reason is that we want to get, you know,

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the best talent possible, and this would be a way of kind of
1 having a second look at those appointments and seeing that
2 within our respective organizations that we have tapped the
3 right person for those subgroups.

4 So, I guess with that, I would move that the RT
5 identify, recommend to the Trustee Councils the necessary
6 subgroups and chairmanship and membership; and that the Council
7 will, you know, approve the membership of the subgroups.

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

9 MR. COLE: Second.

10 MR. BARTON: Mr. Cole seconds the motion. Discussion?

11 MR. PENNOYER: Mr. Chairman. Mr. McVee, can you tell
12 me what the intent is? In other words, we're going to vote on
13 the people, different agencies that say they're going -- let's
14 say the RT proposes a particular subgroup, plans, planning or
15 whatever, we're going to then have to sign off on who -- the
16 agencies that will be on. Are we going to sign off as a group
17 then by unanimous consent on each individual appointment of the
18 people that go in those subgroups; is that your intent?

19 MR. McVEE: Mr. Chairman.

20 MR. BARTON: Mr. McVee.

21 MR. McVEE: I guess it would be my intent that we would
22 have an opportunity to review, you know, the appointments so
23 that we could be assured that we have the best talent possible.
24 I believe that -- you know, that's what we've talked about in
25 the past, that there be one representative from each of the

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Trustee agencies on the subgroups, generally; sometimes that
1 might get split between, you know, two people within an agency
2 or within subdivisions that that might happen. But that the
3 Trustee Council, itself, should have some interest, my feeling,
4 in, you know, basically who's being appointed to the subgroups;
5 and this would be one way to keep track of those assignments.

6 MR. BARTON: Further discussion?

7 DR. GIBBONS: Mr. Chairman.

8 MR. BARTON: Yes. Dr. Gibbons.

9 DR. GIBBONS: Under Number 8, work assignments on
10 Page 2, Mr. McVee, are you recommending then a change of the
11 wording to the second to the last sentence? Let me read it.
12 There's an acronym right off the bat. The RT shall, at the
13 discretion of the Trustee Council, assign work group members
14 with subsequent -- we have notification. You would like to
15 change the wording approval of the Trustee Council, would that
16 meet the intent of

17 MR. COLE: Well, Mr. Chairman.

18 MR. BARTON: Mr. Cole. And let -- why don't we get
19 Mr. McVee to answer the question first, and then you can speak.

20 MR. COLE: Yes.

21 MR. McVEE: Mr. Chairman. Yes. I believe the word
22 "approval" at that point would do it.

23 MR. BARTON: Mr. Cole.

24 MR. COLE: I'm sorry, where are we looking at?

25 MR. BARTON: Page 2.

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MR. COLE: You mean you want (ph) to change subsequent
1 notification to approval?

2 MR. BARTON: Yes, I believe that's the intent of
3 Mr. McVee's motion, is it?

4 MR. McVEE: Yes.

5 MR. BARTON: Yes.

6 MR. McVEE: That's true.

7 MR. BARTON: Further discussion of the motion?

8 MR. COLE: Well, could we just think about that for a
9 minute, please?

10 MR. BARTON: Certainly.

11 MR. SANDOR: Mr. Chairman.

12 MR. BARTON: Mr. Sandor.

13 MR. SANDOR: In thinking about that and the impact of
14 that is just to say that if the Restoration Team if they were
15 working on an activity and decided a working group was
16 appropriate, they would have to seek the agreement of the
17 Trustee Council before that group could be convened or
18 identified, is that what's intended?

19 MR. BARTON: Mr. McVee?

20 MR. McVEE: I guess my feeling is that, you know, that
21 if they had been given direction -- if the RT had been given
22 direction to form a subgroup, that they could proceed with that
23 and function on an interim basis, but then at the earliest or
24 next Trustee Council meeting, they would identify and ask for
25 approval of the membership on that list.

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MR. COLE: Mr. Chairman.

1 MR. BARTON: Mr. Cole.

2 MR. COLE: I think what we should do is sort of put a
3 period after assign working group members. And then say: Each
4 member of the working group must be approved by the Trustee
5 Council at its next regular meeting.

6 MR. BARTON: Does the maker accept that?

7 MR. McVEE: That's acceptable.

8 MR. BARTON: Does the second accept that? Who seconded
9 that motion?

10 REGINA: Mr. Cole.

11 MR. BARTON: Oh, Mr. Cole seconded it. I assume that's
12 acceptable then. All right. Any further discussion of the
13 motion?

14 MR. PENNOYER: Mr. Chairman, just one question.

15 MR. BARTON: Mr. Pennoyer.

16 MR. PENNOYER: There are two separate thoughts here;
17 one is who forms working groups and the other is who assigns
18 the members. And I assume that we're not saying -- we're
19 leaving in here the thought that working groups will be
20 basically approved by the Trustee Council as well as the
21 members, so there's no formation of working groups by RT; that
22 both the working group itself and its membership are both
23 approved by the Trustee Council at the next available meeting,
24 is that correct, Mr. McVee?

25 MR. McVEE: Yes, that's correct.

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MR. PENNOYER: The wording is a little bit
1 (indiscernible - interrupted)

2 MR. COLE: Mr. Chairman.

3 MR. BARTON: Mr. Cole.

4 MR. COLE: The RT shall at the discretion of the
5 Trustee Council assign working group members. One could do a
6 little better, say assign members of each working group. But I
7 think it's clear from the language if once we put a period
8 after members that the Restoration Team will assign members to
9 the working group. That's clear.

10 MR. BARTON: I think it is. I understood
11 Mr. Pennoyer's question to be, though, who authorized the
12 formation of the working group in the first place; who
13 identified the need for a working group. Is that your
14 question, Mr. Pennoyer?

15 MR. PENNOYER: Yeah. I thought it was more critical to
16 us that we didn't want working groups that will proliferate,
17 and we definitely wanted any new working group to be cleared
18 with the Trustee Council. And my second thought was did we
19 also want to approve the members that different agencies
20 assigned to them, that was the subsequent question I thought.
21 And the wording ought to reflect both if we want both to be
22 true.

23 MR. BARTON: Yeah.

24 MR. PENNOYER: And I certainly want it clear that we're
25 not authorizing working groups to be formed and start work and

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be funded unless we've actually talked about it.

1 MR. BARTON: And at the present time,

2 MR. PENNOYER: I think

3 MR. BARTON: the motion just deals with the
4 second question.

5 MR. PENNOYER: Well, I think the intent is here. Dave
6 -- Dr. Gibbons is nodding his head at me. The intent was never
7 here to have the RT form its own working groups; and obviously,
8 if you have to approve membership, you really going to approve
9 the working group, too. It just needs to be a little better
10 worded, I think.

11 MR. COLE: Mr. Chairman.

12 MR. BARTON: Yes, Mr. Cole.

13 MR. COLE: May I restate the motion again?

14 MR. BARTON: You certainly may. If we have time.

15 MR. COLE: Yeah. Well, thanks. Well, I'm trying to do
16 something but I'll do it quickly. Each working group and each
17 member of each working group must be approved by the Trustee
18 Council at its next regular meeting.

19 MR. BARTON: Does the maker accept that?

20 MR. McVEE: Yes, that language is acceptable.

21 MR. BARTON: Okay. The second offered it. Any further
22 discussion?

23 MR. COLE: I could do better if I had more time, but
24 thank you.

25 MR. McVEE: You were cut short, yeah.

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MR. PENNOYER: The intent is clear, the wording could
1 be changed later.

2 MR. BARTON: Any further discussion? Any objection to
3 the motion? Hearing none, the motion's adopted. Any other
4 Council Member have further concern?

5 MR. ROSIER:

6 MR. PENNOYER: I have one

7 MR. ROSIER: Go ahead.

8 MR. PENNOYER: Mr. Chairman, Mr. Rosier -- Commission
9 Rosier yielded the floor to me. I have one additional question
10 on the action rules of voting. And we have here that -- and I
11 guess you acted on this last time, that it required five of six
12 RT members to bring a recommendation to the Trustee Council.
13 Then down below, it says: Dissenting views shall be included
14 if requested by an RT member. I guess this is a recommending
15 body and we're the decision body, and I have a little trouble
16 for a 4/2 vote not being brought to my attention if it's that
17 dominant, 2 to 1, in essence, for approval or something. I
18 don't mind working with this, but I guess I'm a little
19 concerned that I never did like the old thing of 3/3 and the
20 one guy breaking the tie, I think that's too close. But 4/2,
21 it still strikes me as I'd like some record of it. So, I'd
22 like to know there was that level of disagreement so I could at
23 least ask a question.

24 So, I think I'd prefer to have that dissenting views --
25 something to the effect that if a vote is 4/2, the matter will

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be, at least, brought to the attention of the Trustee Council

1 or something like that.

2 MR. BARTON: Second to the motion?

3 MR. ROSIER: Mr. Chairman, I think Mr. Pennoyer has hit
4 on the same issue that I was going to speak to on this. My
5 preference, of course, was for a quorum before we conduct
6 business. It seems like the 5/6 votes (ph) that we're talking
7 about here on this is quite a departure from the norm
8 associated with conducting business in such a group. And from
9 my standpoint, I would very much like to hear views but it
10 seems to me that a minority view should really be more than two
11 people in my estimation. We should always be striving for
12 consensus here, but it certainly be my view that a simple
13 quorum is a better way to do business.

14 MR. PENNOYER: Mr. Chairman.

15 MR. BARTON: Mr. Pennoyer.

16 MR. PENNOYER: Commissioner Rosier, I'm not sure I
17 understood what you said entirely. A simple quorum is the best
18 way, you mean in terms of a positive vote or just

19 MR. ROSIER: Yes. A Positive vote.

20 MR. PENNOYER: conduct -- so you're talking about
21 4/2 being still positive?

22 MR. ROSIER: That's correct.

23 MR. PENNOYER: Believe me, Mr. Chairman, I'm not trying
24 to get killer whales back,

25 MR. BARTON: We're comforted.

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1 MR. PENNOYER: even though I know that the
2 Restoration Framework goes on at great length about how they
3 were damaged -- potentially damaged by the spill.

4 MR. BARTON: That was before the review.

5 MR. PENNOYER: I haven't heard a second to either one
6 of the two motions so do we have -- are these separate motions?
7 Certainly, your motion, Commissioner Rosier, wasn't the same
8 as mine.

9 MR. ROSIER: No, that's correct.

10 MR. PENNOYER: You're saying to bring any vote 4/2
11 forward, and I simply said that if it gets 4/2 I want to make
12 sure that it's brought to my attention so we make the decision
13 not the RT; there's that level of disagreement.

14 MR. BARTON: Can we deal with Mr. Pennoyer's motion
15 first? Is there a second to Mr. Pennoyer's motion? The
16 motion dies for lack of a second. Mr. Rosier's motion, is
17 there a second to Mr. Rosier's motion.

18 MR. SANDOR: Could the motion be restated? I'm not
19 sure I understand the motion.

20 MR. BARTON: Mr. Rosier.

21 MR. PENNOYER: There are two motions made with
22 one

23 MR. SANDOR: The second motion.

24 MR. ROSIER: The second motion was

25 MR. BARTON: We're having a difficult time

MR. ROSIER: a quorum.

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MR. BARTON: hearing you, Mr. Rosier.

1 MR. ROSIER: I say the motion was that a simple quorum
2 be provided for the conducting of business within the RT. And
3 that would actually -- voting, it would take a positive vote of
4 a minimum of four to, in effect, carry the business of the
5 Restoration Team.

6 MR. COLE: Didn't we vote -- Mr. Chairman.

7 MR. BARTON: Mr. Cole.

8 MR. COLE: Didn't we already -- the second part of that
9 failed for lack of a second, wasn't that Mr. Pennoyer's motion?

10 MR. PENNOYER: No. The difference between the two
11 motions was mine a vote of approval would still require five of
12 six, but that if it was 4/2, it would at least be brought to
13 the attention of the Trustee Council so we could ask questions
14 if we wanted to. Mr. Rosier's motion is that a 4/2 vote
15 actually passes the motion.

16 MR. BARTON: Is there a second to Mr. Rosier's motion?
17 The motion dies for lack of a second. Further discussion of
18 the February 25 operating procedures.

19 MR. McVEE: Mr. Chairman.

20 MR. BARTON: Mr. McVee.

21 MR. McVEE: A couple thoughts, and I don't know whether
22 these need to be in the procedures. But I guess that in most
23 cases it will be helpful for me to have the minutes of the RT
24 meetings; you know, particularly those that just precede the
25 Trustee Council meetings, because from that I feel like I can

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get a sense of what the minority positions are and some of the
1 positions. So, you know, I'm going to request from Pam
2 Bergmann that she get me copies of those, and one possibility I
3 guess would be just making those available for the various
4 Trustee Council Members if they have similar interests, if not,
5 I can deal with that.

6 The other one is that I think we should set a goal or
7 kind of the RT should set a goal for getting agenda items and
8 materials out in advance. And I certainly appreciate why, you
9 know, there was a problem this week in getting items out very
10 far in advance because the meeting was of very short notice.
11 But I think we should, you know, try to establish some type of
12 goal there that we can shoot for in the long run, of maybe
13 having materials in-hand, you know, seven days in advance or
14 something like that.

15 MR. BARTON: Further discussion. Further -- any
16 motions?

17 MR. COLE: I would like to comment, Mr. Chairman.

18 MR. BARTON: Mr. Cole.

19 MR. COLE: I'd just like to say if we could at least
20 have them over a weekend, that's about the only time I think I
21 find that I have an opportunity to review this type of
22 material; and I have no doubt that each of the other Council
23 Members are in the same situation. So, irregardless, as my
24 father would say, of whether we get them seven days in advance,
25 if we could at least get them the weekend in advance, that

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would be very helpful.

1 MR. BARTON: Is that a

2 UNIDENTIFIED VOICE: Second.

3 MR. BARTON: motion to add that to the duties of
4 the Administrative Director? Is there a second?

5 MR. PENNOYER: Second. Administrative Director second.

6 MR. BARTON: Any further discussion? Any objection to
7 the motion? Dr. Gibbons.

8 MR. COLE: Well, I would simply say I don't think we
9 real- -- I didn't have in mind styling it as a mandate, it's
10 just simply a request to try to deal with it, if possible. So
11 whatever.

12 MR. BARTON: Is that an objection?

13 MR. PENNOYER: Mr. Chairman.

14 MR. BARTON: Yes.

15 MR. PENNOYER: Mr. McVee a question?

16 MR. BARTON: Sure.

17 MR. PENNOYER: What you said you were going to do with
18 your RT members is perilously (ph) close to what my motion
19 said, which was simply that I wanted it brought to my
20 attention. Now, you're going to have it unofficially brought
21 to your attention, I guess each one of us can do the same; is
22 that basically sort of what you're saying?

23 MR. McVEE: That's basically what I was saying. That I
24 think it would be useful for me to see the RT minutes.

25 MR. PENNOYER: Well, let me ask a question then. Would

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the RT minutes contain dissenting views which it says shall be included if requested by an RT member?

DR. GIBBONS: The -- Mr. Chairman.

MR. BARTON: Dr. Gibbons.

DR. GIBBONS: Right now, the RT minutes are -- records all motions, records the voting and then the final action of that vote; we don't take verbatim transcripts.

MR. PENNOYER: No. But

DR. GIBBONS: And it will be there. That information will be there.

MR. ROSIER: Mr. Chairman.

MR. BARTON: Yes. Mr. Rosier.

MR. ROSIER: Yes. In terms of the minutes, do they reflect the votes by agency?

DR. GIBBONS: We can do that. To date, they've reflected a general -- you know, a total vote, but if it's the pleasure of the Trustee Council, we can record by agency.

MR. BARTON: Mr. Rosier.

MR. ROSIER: Yes. I would certainly request that.

MR. BARTON: Is there agreement? Is there objection?

MR. COLE: I move we adjourn.

MR. BARTON: Is there a second?

MR. PENNOYER: Second that (ph).

MR. BARTON: Are we ready to do anything with these operating procedures? The Chair would entertain a motion to adopt them as we've amended them.

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MR. PENNOYER: So moved.

1 MR. COLE: Second.

2 MR. BARTON: Any further discussion? Any objection to
3 the motion? Okay. The operating procedures dated February 25
4 are adopted as we've amended them here today.

5 Item Number 5 on the Agenda. Dr. Gibbons.

6 DR. GIBBONS: Yes. Very, very short item. I put this
7 on at the request of Mr. Pennoyer, and I think it's timely.
8 What I'd propose that the Restoration Team do is to pull the
9 records from the Trustee Council meetings on approval for the
10 budgets of this year together by agency and initiate the
11 process to petition money from the courts, allowing for the
12 appropriate notification in the paper and OMB and the various
13 stipulations.

14 MR. PENNOYER: This sort of -- Mr. Chairman.

15 MR. BARTON: Mr. Pennoyer.

16 MR. PENNOYER: Sort of following the budget operating
17 procedures you looked at last time with the diagrams and so
18 forth in it? Yeah.

19 MR. COLE: Mr. Chairman.

20 MR. BARTON: Mr. Cole.

21 MR. COLE: Are we going to get a bank account for this
22 Trustee Council?

23 MR. BARTON: I think we need to refer to the Financial
24 Management Team's report on that question. I don't know
25 whether it's a bank account or what is proposed there at this

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point.

1 MR. PENNOYER: Mr. Chairman, that's why I had monitored
2 (ph) the agenda items, it says process for and initiation (ph),
3 so I'm not clear we have actually -- I'm sorry, I missed your
4 discussion at the last session, but I'm not sure we totally
5 understand what we're doing here yet. And I had more in mind
6 more somebody that's actually getting this ready and might
7 bring it back to us on the 17th or something to take a look at,
8 but I want to know if somebody is actually preceding with
9 definitively looking at that process and the manner in which we
10 get the request. 'Cause I suspect there's some folks out
11 there, you know, (indiscernible - telephone cutout).

12 MR. BARTON: The Financial Management Team is looking
13 into that matter, if I understand what they're doing correctly,
14 along with the whole procedure and process that needs to be
15 gone through in terms of actually accessing the money and
16 getting the necessary approvals or notifications, at least on
17 the Federal side and I understand on the State side that's a
18 little unclear at this point, so I don't know that we can
19 resolve it. Is that an accurate representation of the
20 situation on the State side?

21 MR. PENNOYER: Well, Mr. Chairman, we don't have to
22 resolve this here today, I just wanted to make it an item and
23 get it definitively scheduled so whoever -- I'm not sure who it
24 is out there that's working on it -- they know they're supposed
25 to come back to us in the near future and tell us where we are.

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MR. BARTON: And I believe that's on their

1 MR. PENNOYER: Maybe reschedule it for the next meeting
2 and send this request to whoever is working on it out there.

3 MR. BARTON: That

4 MR. PENNOYER: (Indiscernible - interrupted)

5 MR. BARTON: I believe that's underway, Mr. Pennoyer.

6 MR. PENNOYER: Okay. Fine.

7 MR. BARTON: The Financial Management Team, which
8 consisted of State representatives as well as Federal
9 representatives.

10 MR. PENNOYER: I guess the question (ph) -- I'm not
11 sure what their time schedule is, I haven't seen a report from
12 them on how they're proceeding, I don't know when it's going to
13 be done. I just would like some feeling for the timeliness and
14 relative to the needs of the system.

15 MR. BARTON: There was a NOAA representative on that.

16 MR. PENNOYER: Oh, that's good. But I still would like
17 the group as a whole to understand where the timing is on it,
18 and from the feedback I got I'm not sure they had a scheduled
19 one. So, I think if we schedule something for the next meeting
20 and give us a progress report, a definitive idea of where they
21 are of where we are, that should be adequate, and then at least
22 we can comment relative to what's happening.

23 MR. BARTON: We'll schedule it.

24 MR. PENNOYER: Thank you.

25 MR. BARTON: Any further discussion on that item? Is

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that it then?

1 MR. COLE: Move we adjourn.

2 MR. PENNOYER: Second. How about the last item on the
3 agenda?

4 MR. BARTON: It's moved and seconded that we adjourn.
5 There's one item left on the agenda about the next meeting, is
6 there objection to the motion to adjourn?

7 MR. SANDOR: I would like to know when we're meeting.
8 Are we meeting on March 17, Mr. Chairman? If so, that's fine
9 with me. But I do have a Senate (ph) Committee meeting in the
10 evening, 7:00 to 9:00, so -- and I have a Cabinet meeting is in
11 the morning. So, the time that would be really good for me
12 would be some time between 1:00 and 5:00.

13 MR. COLE: Other than being on the 17th of March, when
14 is that?

15 MR. SANDOR: That's a Tuesday.

16 MR. COLE: Next Tuesday?

17 MR. SANDOR: No, no.

18 MR. PENNOYER: Yeah.

19 MR. BARTON: Yes. Dr. Gibbons, do you want to
20 enlighten us on the need for this meeting at this point? One
21 of the

22 DR. GIBBONS: Yes. Hopefully, it'll be a short
23 meeting. We want to present to you the 1992 Work Plan that you
24 approved at the February 27th and 28th Trustee Council meeting.
25 Present the revised Restoration Framework Plan to you. And I

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just picked up the third item on the agenda would be the joint
1 -- release of the joint Settlement funds; that would be the
2 three topics.

3 UNIDENTIFIED VOICE: That is did they approve the plan
4 for the Framework.

5 MR. BARTON: All right.

6 MR. McVEE: Mr. Chairman.

7 MR. BARTON: Mr. McVee.

8 MR. McVEE: I'll be in Washington, but my alternate
9 would be available, I believe, for that date.

10 MR. BARTON: Yeah. I'll be unavailable on the 17th and
11 the 18th, otherwise, I'm free; but I have a very competent
12 alternate also.

13 MR. COLE: Well, Mr. Chairman.

14 MR. BARTON: Mr. Cole.

15 MR. COLE: Do we need to have a meeting to receive
16 this? Why can't it just be, you know, delivered to us and
17 that's it, you know.

18 MR. BARTON: Dr. Gibbons.

19 DR. GIBBONS: That's acceptable with the Restoration
20 Team unless I hear anything different.

21 MR. BARTON: Well, and as I understood it, you weren't
22 proposing a sit-down meeting necessarily but a teleconference?

23 DR. GIBBONS: That's correct, Mr. Chairman.

24 MR. SANDOR: Well, then the only other thing,
25 Mr. Chairman, to resolve is whether there's a meeting in April.

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MR. BARTON: All right. Let's deal with April.

1 Dr. Gibbons, help us deal with April.

2 DR. GIBBONS: We propose a meeting date of April 10th,
3 and there was some scheduling conflicts, and that was one of
4 the topics that needed to be brought up today is when we could
5 probably get together with the Trustee Council on a face-to
6 face meeting. Suggested sometime in the week of April 6th or
7 after.

8 MR. COLE: Commissioner Rosier looks as troubled as I
9 feel.

10 MR. BARTON: That's what I'm trying to hurry through,
11 I'm also troubled.

12 MR. PENNOYER: I'm gone the week of April 6th, 13th and
13 20th and the 1st.

14 MR. SANDOR: Well, to make it unanimous, I'm troubled
15 as well.

16 MR. BARTON: I suggest we adjourn this meeting and let
17 the Restoration Team try to find a commonly suitable date for
18 an April meeting.

19 MR. COLE: I agree.

20 MR. SANDOR: Great (ph).

21 MR. BARTON: Would somebody move that?

22 MR. PENNOYER: So moved.

23 MR. McVEE: I'll so move.

24 MR. COLE: Second.

25 MR. BARTON: Any objection to the motion?

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UNIDENTIFIED VOICE: None.

MR. BARTON: This meeting's adjourned.

(END OF DAY'S PROCEEDINGS)

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