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**EXXON VALDEZ OIL SPILL SETTLEMENT  
Trustee Council**

Simpson Building  
645 "G" Street  
Anchorage, Alaska  
April 27, 1992  
10:00 o'clock a.m.

**IN ATTENDANCE:**

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

\* \* \* \* \*

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P R O C E E D I N G S

1 MR. TREADWELL: Gentlemen, I'm going to call this  
2 meeting to order. My name is Mead Treadwell, I'm John Sandor's  
3 Deputy, and I'll be here 'till the lunch hour, and it's the  
4 State's turn, Mr. Sandor's turn, to be Chairman today. So,  
5 it's a beautiful day and let's see if we can get this show on  
6 the road. We've all got microphones, which I'm advised are  
7 appropriate to wear for the recording. And I guess we'll go to  
8 the first item on the agenda, which is the status of the Public  
9 Participation Working Group, we'll call on Marty Rutherford,  
10 unless Mr. Gibbons do you have any .....

11 DR. GIBBONS: Yeah. Before we get started, I've got a  
12 couple of announcements. And the first is the Restoration  
13 documents, the planning documents for '92, the Restoration  
14 Framework, and the comments to -- the responses to the public  
15 comments from Oil Year 3 are still being printed; we have  
16 copies -- some copies available. As they become available,  
17 they tend to get shipped out, but we'll have more copies of  
18 this available for you. Basically, that's all I have to say.

19 MS. RUTHERFORD: Thank you, Mr. Chair. Basically,  
20 there are four areas that I want to cover today. The first is  
21 to talk a little bit about the definition for the Public  
22 Advisory Group -- the Principal Interest Group. And then, I  
23 thought, Mr. McVee, I would turn it over to you for a brief  
24 update on the status of the Public Advisory Group charter.

25 MR. McVEE: Okay.

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MS. RUTHERFORD: Then, I'd move onto the nomination  
1 process for the Public Advisory Group, and finally, talk  
2 briefly with you about the public meeting schedule for the '92  
3 Draft Work Plan and Restoration Framework, those will be  
4 scoping meetings.

5 At the last meeting, the Trustee Council approved 12  
6 principal interests. At that time, you asked us to go back and  
7 to expand on and provide you with some definitions; we have  
8 done that, that's Item Number 1 in your document -- in your  
9 packet. Those 12 Principal Interests that you approved are  
10 aquaculture, commercial fishing, commercial tourism,  
11 environmental conservation, forest products, local government,  
12 Native landowners, recreation users, sports hunting and  
13 fishing, subsistence and science academics. You may want to  
14 review those quickly and discuss them at this point in time.

15 I would like to point out that at the same time that  
16 you approved the 12 Principal Interests, you chose 15 members  
17 as the number to be used for the charter for the Public  
18 Advisory Group. The Restoration Team did spend some time  
19 talking about that, the number of Principal Interests versus  
20 the number of members. We suggest that should you wish to  
21 expand the list, that there are some options; it's in the next  
22 document, just following the definitions there is just a quick  
23 sort of sheet that talks about those options. You could add  
24 commercial marine transportation, mining or public at large, or  
25 you could split three of the existing Principal Interests into

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two; you could split local government into municipal government  
 1 and traditional Native government, you could split Native  
 2 landowners into corporate landowners and individual landowners;  
 3 and you could split sport hunting and fishing into sport  
 4 hunting and sport fishing. You may also want to discuss  
 5 whether you want to continue to have, as you currently do,  
 6 fewer Principal Interests than there are Public Advisory Group  
 7 members, the same number or greater than.

8           And I thought before we go on, maybe we could pause  
 9 here. And what we are asking from you today is approval or  
 10 acceptance of the definitions that have been provided, and a  
 11 decision on whether or not you would like to expand the  
 12 Principal Interests beyond the 12.

13           MR. TREADWELL: Is there any discussion on the 12  
 14 definitions?

15           MR. COLE: Mr. Chairman.

16           MR. TREADWELL: Mr. Cole.

17           MR. COLE: It's not quite exactly in the 12 Interests,  
 18 but I would like to propose to the Council that we add three  
 19 members of the public at large to this group.

20           MR. TREADWELL: Do I take that as a motion?

21           MR. COLE: No. I would like to hear, you know, an  
 22 expression of views from the Trustee Council on that subject.  
 23 I think the public at large has -- let's say deserves or might  
 24 merit a voice in this rather than simply interest groups. I  
 25 think that the public at large would serve to, perhaps, balance

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1 some, if that's the word, special interest thoughts and to  
2 serve us by helping us blend this 12 member interest group into  
3 some decisions which we are -- difficult decisions which we are  
4 constantly required to make.

5 MR. PENNOYER: Mr. Chairman.

6 MR. TREADWELL: Mr. Pennoyer.

7 MR. PENNOYER: Mr. Cole, a couple of questions in that  
8 regard. We currently have 15 members, we've got 12  
9 disciplines, these aren't seats, they're disciplines, and we  
10 could choose within that 15 any way we want to I presume. So,  
11 are you adding a specific number of seats to go to 18 or are we  
12 just adding public at large to the classifications here and  
13 we'll choose within those classifications how many we want per  
14 seat or whatever?

15 MR. COLE: Yes. I'm advancing the thought that we  
16 choose out of the 15, in addition to the 12 disciplines, three  
17 members comprising the public at large. In other words, my  
18 thought is that we would have one member representing each of  
19 the 12 disciplines, and then three public at large members.  
20 Now, I realize that finding "three public at large members" who  
21 have no relationship to any of those 12 disciplines might be  
22 hard to find, but I think we could make an effort. There must  
23 be three people out there someplace in this great state who  
24 could serve as a good sounding board for the "public interest."

25 MR. TREADWELL: Mr. Pennoyer.

MR. PENNOYER: Mr. Chairman, I've got no problem with

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having a public at large category here, but I didn't know we  
1 had decided that we're going to have one person representing  
2 each of these interests. We talked earlier about, perhaps,  
3 having an interest -- one person covering two or more of those  
4 interests and just being able to sort of choose within it. I'm  
5 unsure I'd prefer to go back to an individual seat per interest  
6 and trying to define each person as that seat. But I have no  
7 problem with adding public at large as a category, and then  
8 within that choosing -- they might want -- one person might end  
9 up being three of these, you might end up with three more  
10 people public at large. But .....

11 MR. COLE: I'm not saying that we've decided on one  
12 member for each of those interest groups, but it would be my  
13 thought that that's a good starting point. I would like to see  
14 a broad representation of interest groups on this Public  
15 Advisory body, it seems to me that's the concept that, at  
16 least, I'm searching for. And I think that if we do that, you  
17 know, we're less subject to criticism from any particular  
18 interest group because we can say look, you know, you had your  
19 representatives there, expressed the views of your group, and  
20 you know, you made the cut or you didn't make the cut. But I  
21 think we need a broad group of people on this Advisory Group,  
22 and then also, it would serve to balance out in loading of any  
23 special interest groups so that any particular group does not  
24 have a disproportionate voice.

25 MR. TREADWELL: Mr. Barton, did you have a comment?

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MR. BARTON: Yes. I agree that we need to have broad  
 1 representation on this Advisory Group, and I support the idea  
 2 of adding three public at large. I am concerned in terms of  
 3 how this listing of Principal Interest is intended to be used.  
 4 It was not my understanding that we would have a seat from  
 5 each one of these Principal Interests, but these are the types  
 6 of interests that are involved in the Spill activity, but not  
 7 necessarily that each of these interests would be represented  
 8 by a seat on the Advisory Group.

9 MR. COLE: Mr. Chairman. Excuse me. Go ahead, I'm  
 10 sorry.

11 MR. TREADWELL: Mr. Rosier and then .....

12 MR. ROSIER: Yes, Mr. Chairman. I agree with the need  
 13 for a broad base within the Advisory Group. But as I  
 14 understand what Mr. Cole is relating to here, we're getting  
 15 back into that with the assignment of three seats to the public  
 16 at large. It's my understanding that while this will certainly  
 17 be the focus of the public input to the Council that we're  
 18 really -- that's just not going to be the only point of input  
 19 to the Council; that we are, in fact, going to have a fairly  
 20 substantial number of the public that's, in fact, going to  
 21 continue to participate in this process on a long-term basis.  
 22 And I would certainly like to see the public member at large be  
 23 a category here, but I'm not sure about the assignment of three  
 24 seats at this point.

25 MR. TREADWELL: Mr. Cole, did you want to follow up?

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MR. COLE: Well, I was going to ask Mr. Barton what  
1 would you propose then if we did not do it as I have, even say,  
2 suggested or thought about?

3 (Off record comments)

4 MR. BARTON: No. I would envision a body of 15  
5 members, amongst which these interests could be found, but that  
6 a specific individual would not be responsible for representing  
7 commercial fishing, per se, in the activities of the group.

8 MR. PENNOYER: Mr. Chairman.

9 MR. TREADWELL: Mr. Pennoyer.

10 MR. PENNOYER: Is it not adequate at this stage to  
11 simply have a category for public at large and put it in there.  
12 We recognize, I think all of us, we want a broad  
13 representation of interests on this group, and we don't know  
14 yet whether some people are going to easily speak for one or  
15 more of these categories. So, they included public at large so  
16 it was obvious we weren't just simply seeking nominations from  
17 individual interest groups but the public at large as well, and  
18 then we will make a choice. And when we make our choice,  
19 hopefully, it will be a broad representation without specific  
20 seat assignments but a broad representation of these interests.  
21 So, we don't have a category in here of public at large, and I  
22 think the impression is we only want interest groups, and I  
23 think what you're suggesting gets around that. So, if we could  
24 add -- I don't know how you write the words exactly, but add a  
25 category of public at large and it will be considered, so it's

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obvious we're seeking nominations from public at large as well<sup>9</sup>  
1 as special interest groups.

2 MR. COLE: Mr. Chairman.

3 MR. TREADWELL: Mr. Cole.

4 MR. COLE: I'd like to rejoin to Mr. Barton. I  
5 haven't, you know, necessarily concluded that there is a  
6 specific seat for each of these interest groups, but I think it  
7 would be ill-advised not to focus the selection that way. I  
8 guess that's a little narrower line, but I mean if we do not  
9 have a voice for these various -- you know, a voice, maybe not  
10 a specific seat but a voice, we're going to be forever dogged  
11 by that decision as the months go on; and people say if you had  
12 only had one of our group there, well then we wouldn't have  
13 this, and you didn't hear us, and et cetera, 'cause then  
14 they'll just, you know, make their voice heard elsewhere. So,  
15 I think they -- all these various interests deserve to "have a  
16 say" in this process. So, anyway, maybe that's a slight  
17 distinction there that I haven't gotten across well, but I  
18 think it's very important.

19 And let me say one other thing while we're at it,  
20 'cause this might not be inappropriate to mention it, I think  
21 before we go too far in this process that we should start  
22 preparing a charter for this public interest group, because I  
23 have read comments on the Public Advisory Group, and I want to  
24 mention that Advisory Group, because we should get those  
25 parameters laid out early on. Do you know what I'm driving at?

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MR. PENNOYER: Mr. Chairman.

1 MR. TREADWELL: Mr. Pennoyer and then Mr. Barton.

2 MR. PENNOYER: Marty, I believe we have one at this  
3 meeting, do we not, to consider.

4 MS. RUTHERFORD: Yes.

5 MR. PENNOYER: So, we satisfy that requirement.

6 MS. RUTHERFORD: In fact, the next item, it's in your  
7 packet, it's a generic charter, and it has, I believe, been  
8 submitted, and Mr. McVee will add -- give us an update on that.  
9 However, it is pretty, like I said, generic, and we are  
10 currently working on operating procedures that will be brought  
11 to you at your next meeting; they are pretty close to being  
12 finalized at this point, and those are much more detailed.

13 MR. COLE: Mr. Chairman.

14 MR. TREADWELL: Mr. Cole.

15 MR. COLE: I had in mind of what is the term, if there  
16 is a term, members of the Advisory Group, what is the scope of  
17 advice, how new people are selected, will there be any right of  
18 removal or grounds for removal, et cetera, et cetera. I think  
19 we should thrash those out early, and that's not in this  
20 existing document. So, that when people go on this board and  
21 accept the appointment they know what the deal it, then we  
22 don't have a big squabble in Phase II.

23 MR. TREADWELL: Let me suggest, it might be  
24 appropriate, you've really got three issues here; you've got  
25 the issue of whether or not you want to add the public at large

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category, you've got the question of whether or not your seats  
1 are limited to those specific categories, and you've got the  
2 question of the charter. It may be appropriate, at this point,  
3 to receive a motion on the at large issue which you seem to  
4 have a consensus on and move forward on the other issues.

5 MR. COLE: I so move.

6 MR. TREADWELL: Is there a second?

7 MR. ROSIER: I would second that.

8 MR. PENNOYER: Mr. Chairman, clarification, are we  
9 moving to add the category or three specific seats?

10 MR. TREADWELL: Would you state your motion?

11 MR. COLE: I'm moving to add -- well, let me be more  
12 specific -- three specific seats for members of the public at  
13 large.

14 MR. TREADWELL: There's a motion pending to add three  
15 specific seats for the members of the public at large to the  
16 Public Advisory Group, and there is a second; does that meet  
17 with the approval of the second?

18 MR. ROSIER: No, it does not.

19 MR. TREADWELL: Is there a second? So, the motion dies  
20 for lack of a second.

21 MR. PENNOYER: Mr. Chairman.

22 MR. TREADWELL: Mr. Pennoyer.

23 MR. PENNOYER: I move that we add the category of  
24 public at large to our categories appropriately described  
25 making it clear that we are going to consider members of the

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public at large for this group as well as special interest  
1 groups, and that we reserve our decision on the number of seats  
2 when we see the nominees that we get, but that we act --  
3 everybody recognizes we want as broad a representation as  
4 possible covering these interests that we have specified.

5 MR. COLE: Would you mind restating that motion?

6 MR. PENNOYER: I think the restatement was that we will  
7 add a category amongst our Principal Interests definitions of  
8 public at large to make it clear to the public we are seeking  
9 nominations from not just special interest groups, and that we  
10 will, as we select our candidates, recognize we're going to try  
11 and cover as broad a sector as possible with these interests,  
12 and including people from -- folks from the public at large;  
13 that we won't, at this time, specify a specific number of seats  
14 to any category, but we'll select -- seek the nominees and then  
15 select a group of slated members to the Public Advisory Group  
16 that represents these interests that we're concerned about.

17 MR. TREADWELL: Is there a second to the motion?

18 MR. ROSIER: I'll second that motion.

19 MR. TREADWELL: The motion has been seconded by Mr.  
20 Rosier. Is there any discussion? Mr. Cole?

21 MR. COLE: Well, I object and will not agree to  
22 everything beyond the three seats for the public at large, that  
23 I would agree to. But I think the remainder is too far blended  
24 into a concept of how we select the remaining 12 to be prepared  
25 to vote for that now.

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MR. TREADWELL: Okay. At this point, the motion does  
1 not speak to three seats, it just says that we add the  
2 category. You can call for a division of the question if you'd  
3 like or we can vote on this motion as it is?

4 MR. PENNOYER: There's no vote if there's an objection.

5 MR. TREADWELL: Say again.

6 MR. PENNOYER: There needs to be the consensus.

7 MR. BARTON: Yeah. Any objection .....

8 MR. COLE: What I'm saying .....

9 MR. BARTON: ..... kills it.

10 MR. TREADWELL: Thank you.

11 MR. COLE: I missed that, Mr. Barton.

12 MR. BARTON: I just said any objection kills the  
13 motion.

14 MR. COLE: Let me see what I can say. I have no  
15 objection to adding the category of public at large, that I  
16 agree to, I think that's fine, I would support that.

17 MR. TREADWELL: Okay. If -- I think we have a  
18 consensus then. There is -- if we want to narrow that motion  
19 to say we add the public at large as a category that we will  
20 seek nominations for along with the 12 other nominations for  
21 the 15 seats. Is there any objection to approving that motion  
22 as I have stated it, that we will add this public at large as a  
23 category?

24 All right. Having found no objection to that motion,  
25 we are still open to a discussion on whether or not we're going

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to allocate specific seats to individuals. If anyone wants to  
1 make a motion to that effect.

2 MR. COLE: May I suggest -- is that a motion to that  
3 effect?

4 MR. TREADWELL: No, there is no motion to that effect  
5 at the time.

6 MR. COLE: Well, I would suggest maybe that would be a  
7 subject on which it would be well to get public comment.

8 MR. TREADWELL: Okay. We will hold off on that second  
9 issue as far as the number of seats until this afternoon. Move  
10 on, Marty.

11 MS. RUTHERFORD: Mr. Chair, I was wondering do  
12 you .....

13 MR. COLE: Excuse me just a second, until this  
14 afternoon? I wasn't quite prepared for that.

15 MR. TREADWELL: Well, if you'd like to ask for public  
16 comment now, we can .....

17 MR. COLE: No. I mean aren't we .....

18 MR. PENNOYER: We're receiving public comment on the  
19 process anyway.

20 MR. TREADWELL: Sure.

21 MS. RUTHERFORD: Mr. Chair.

22 MR. TREADWELL: Yes.

23 MS. RUTHERFORD: I do want to point out I'm skipping  
24 ahead just a little bit, but there is in here a discussion on  
25 the nomination process, and behind that is a timeline. If we

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do not go forward with the process at this point in time, we're  
1 going to go beyond the current date of getting a Public  
2 Advisory Group up and running by the week of August 25th. Now,  
3 we could -- given now the fact that you have 13 Principal  
4 Interests and 15 seats, you could move forward with it, and at  
5 a later date, after you get the nomination process done, decide  
6 how you allocate the seats; you could do that at that point in  
7 time. But to put off that decision and not proceed with the  
8 nomination process will extend this timeline somewhat  
9 significantly, and you may not want to do that, so I just want  
10 to point that out.

11 MR. PENNOYER: Mr. Chairman.

12 MR. TREADWELL: Mr. Pennoyer.

13 MR. PENNOYER: Ms. Rutherford, I'm not sure why we're  
14 putting off the process.

15 MS. RUTHERFORD: Well, you don't .....

16 MR. PENNOYER: Mr. Cole talked about seeking public  
17 comment. We take public testimony at each one of these  
18 meetings. At the time we seek the nominations, the public will  
19 have the chance to write a note as to whether they think there  
20 ought to be one seat for a particular aspect or not. I'm not  
21 sure why we're putting off the process.

22 MS. RUTHERFORD: Well, I guess maybe I just needed a  
23 clarification on it. What you're really talking about then is  
24 just proceeding and getting comments as we go in terms of the  
25 number of -- on how many of each of the Principal Interests

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would fill the 15 seats.

1 MR. PENNOYER: That was my understanding.

2 MS. RUTHERFORD: Okay.

3 MR. PENNOYER: I didn't know we were going to put off  
4 the sending out -- when we send out the requests for  
5 nominations, we're not telling people how many seats, we're  
6 not .....

7 MS. RUTHERFORD: Right, we're not.

8 MR. PENNOYER: ..... guaranteeing a seat, we're not  
9 doing any of that.

10 MS. RUTHERFORD: That is not what we're going to  
11 propose.

12 MR. PENNOYER: So that comment is available to us to  
13 base our selection on. We don't make the selection until when  
14 in your timeline?

15 MS. RUTHERFORD: We hope to have the nomination package  
16 to you on June 22nd, and we're hoping that you can preliminary  
17 selections on it by the 29th of June.

18 MR. PENNOYER: That's a reasonably ample time for  
19 people to comment on how we ought to structure it.

20 MS. RUTHERFORD: Good. All right. Thank you, that  
21 clarifies it for me then.

22 MR. COLE: Mr. Chairman.

23 MR. TREADWELL: Mr. Cole. We're still on the -- just  
24 for the status, we're still on the issue of the definition, are  
25 there -- is there anything else to come up on this list of

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definitions?

1 MR. COLE: That's what I had in mind. Well, we had,  
2 you know, we'll get to it later, the public review processes of  
3 the 1992 Work Plan Draft, et cetera. I mean I would have in  
4 mind that as letters were received on that during the period  
5 April 20 to June 4, that we could receive public comment on  
6 this issue by those letters and consider that comment as we  
7 make the decision on June 27th or whenever it is. I just  
8 really would like to hear from the public on this subject.

9 MR. TREADWELL: Mr. Barton.

10 MR. BARTON: What specifically do we have in the  
11 documents that are out for public comment right now on this  
12 issue?

13 MS. RUTHERFORD: The only thing that is out for public  
14 comment right now is what is in this packet here.

15 MR. BARTON: Okay. And in this form or is it also in  
16 the Framework document?

17 MS. RUTHERFORD: It's just in this form.

18 MR. TREADWELL: Well, let me just ask Mr. Cole. Would  
19 it be appropriate if we move forward today to publish this list  
20 of definitions, including the at large category which has just  
21 been added, that when we ask for the public to make nominations  
22 for these categories, we also ask the public to comment on the  
23 issue of whether or not each category requires a specific seat.

24 MR. COLE: Yes.

25 MR. BARTON: I would further like to ask the public to

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comment on the comprehensiveness of these categories, whether  
1 should there be more or should there be less, at the same time.

2 MR. TREADWELL: Okay.

3 MR. BARTON: The adequacy of the list, in other words.

4 MR. TREADWELL: Is there any other discussion about  
5 these definitions as far as the definitions that have been  
6 derived at this point? Why don't we leave this item with the  
7 three points of consensus then, which is adding public at  
8 large, and then asking for public comment on both the number of  
9 seats and the number of categories, and we'll get back to that  
10 specifically when we look at the nomination process.

11 Mr. McVee, can you bring us up to date on the status of  
12 the Advisory Group charter?

13 MR. McVEE: I can do that, I think, rather quickly,  
14 unless there's some questions. The charter has gone forward,  
15 it's being processed in the Secretary's office Interior, and of  
16 course, it gets another review by the solicitor there. But it  
17 gets routed through a couple of offices within Interior,  
18 Congressional Affairs, will basically identify the appropriate  
19 Congressional committees that the charter gets submitted to,  
20 and that submission is for information purposes. And, after it  
21 has gone through that process, it goes to the Secretary for  
22 signature, it's filed with the committees in GSA, and there's  
23 no waiting period on that. On Friday, I was told that it  
24 should take one to two weeks to get the Secretarial signature,  
25 so we should have a charter within a couple of weeks. And

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1 then, you know, I think the next thing, and the Staff is  
2 working on that, are those operating procedures which are  
3 probably a lot more significant than the charter.

4 MR. COLE: Mr. Chairman.

5 MR. TREADWELL: Mr. Cole.

6 MR. COLE: Could I have an explanation of this Page 3,  
7 Paragraph 6, Subsection B, specifically the last sentence, I'm  
8 a little confused about that.

9 MR. McVEE: The last sentence: From these nominations  
10 the Trustee Council will recommend membership to the Trustees  
11 and following selection by the Trustees, the Secretary will  
12 make the appointments. Is that the sentence, Mr. Cole?

13 MR. COLE: As I read it it says the Secretary of the  
14 Interior will make the appointments, and I just had a little  
15 trouble with that. I, apparently, missed that before.

16 MR. McVEE: The reason for that is that it's operated  
17 under FACA (ph), we need a federal official to sign the  
18 appointment papers, and that's what it amounts to.

19 MR. COLE: Well, do we have a commitment by the  
20 Secretary that he will appoint the people whom we recommend?

21 MR. McVEE: I think there's probably strong indications  
22 that that will happen, but his instructions to me was he was  
23 reserving, at least, the Interior's decision on appointments to  
24 himself; one thing that he had not delegated to me so .....

25 MR. COLE: We better hold the horses if that's the  
case, as far as I'm concerned.

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MR. McVEE: This is written that the Trustees -- the  
1 way we wrote it was the Trustees and following selection by the  
2 Trustees, it would be the Trustees themselves that would make  
3 the selection and then the Secretary would made the  
4 appointments. The reason it was written that way is in  
5 connection with his instructions.

6 MR. PENNOYER: Mr. Chairman.

7 MR. TREADWELL: Mr. Pennoyer.

8 MR. PENNOYER: Speaking to Mr. Cole's question, I think  
9 does the language imply to you that the Secretary of Interior  
10 has latitude to make other appointments than those recommended  
11 by the Trustees?

12 MR. McVEE: That's wasn't the intention. The Trustees  
13 would make the selections, the Secretary would sign the papers.

14 MR. PENNOYER: So, he is, in fact, then -- well, you  
15 said he would reserve, he is, in fact, bound by the selection  
16 of the Trustees?

17 MR. COLE: He says he was reserving, he's really not  
18 reserving. I mean let's -- I just think that we really should  
19 make sure that -- I mean I have great confidence in Secretary  
20 Lujan, but I mean don't you think it would be well if we got  
21 that cleared up; I sort of think we should. I mean, you know,  
22 the Governor has taken the position that this is -- the State  
23 should assert its sovereignty; you know, we may justifiably  
24 hold the view that in some of these subsistence regulations and  
25 other things that the Secretary is just beyond the line. We

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should assure ourselves that we're comfortable in this  
1 selection process.

2 MR. PENNOYER: Mr. Chairman.

3 MR. TREADWELL: Mr. Pennoyer.

4 MR. PENNOYER: Mr. McVee, the language reads: "From  
5 these nominations the Trustee Council will recommend membership  
6 to the Trustees and following selection by the Trustees, the  
7 Secretary of Interior will make appointments." It's slightly  
8 ambiguous, but it seems to me to say that the selection is by  
9 the Trustees, I don't see it saying the Secretary of the  
10 Interior will make different appointments. What do you mean by  
11 reserve?

12 MR. McVEE: Mr. Chairman.

13 MR. TREADWELL: Mr. McVee.

14 MR. McVEE: I guess what I mean by that, or  
15 clarification at least, is that he felt -- the Secretary felt  
16 like that the selection, you know, of the advisers should be  
17 something that's done at the Trustees level, he wanted to be  
18 personally involved at the Trustee level in the appointments.  
19 And so, this language, when it says the selection will be made  
20 by the Trustees, it would be the principal Trustees, not the  
21 Trustee Council; of course, on the State side, the three  
22 members are Trustees.

23 MR. COLE: Well, Mr. Chairman.

24 MR. TREADWELL: Mr. Cole.

25 MR. COLE: I will move to amend the language to read

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from these nominations, the Trustee Council will recommend  
1 membership to the Trustees and following selection by the  
2 Trustees, the Secretary of the Interior will appoint those  
3 selected by the Trustees.

4 MR. TREADWELL: Is there a second to the motion?

5 MR. McVEE: I'll second that.

6 MR. TREADWELL: The question's been moved and seconded,  
7 is there any further discussion? Is there any objection to the  
8 motion? Without objection, the motion is approved. I guess  
9 that brings a question I'd like to ask which is what -- after  
10 this is filed, what opportunity do the Trustee -- or does the  
11 Trustee Council have to change this charter if it finds a need  
12 to change the charter?

13 MR. McVEE: I guess the charter can be amended at any  
14 time. It has to be reviewed on a two-year cycle, but it can be  
15 amended at any time. I think probably more importantly are the  
16 operating procedures, which will actually describe the  
17 functions, how the PAG will function.

18 MR. TREADWELL: And I guess another question I'd like  
19 to ask is did you consider, in drafting this, staggered terms?

20 MR. McVEE: Mr. Chairman, I think that would be in the  
21 procedures in the -- it's certainly thought about there should  
22 be some continuity, you know, from year to year on the  
23 membership, so I would hope that that would be in the  
24 procedures, some way of -- and I know that's typically done of  
25 making some longer term appointments and some short-term

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appointments.

1 MR. TREADWELL: Marty, did you have anything to add?

2 MS. RUTHERFORD: Yeah, Mr. Chair. The operating  
3 procedures do deal with terms, and we are looking at staggered  
4 terms; it does deal with the scope of the advice that the  
5 Public Advisory Group would be giving to you; it does deal with  
6 how people can be removed. It does not, at this point in time,  
7 and maybe I'd like to get your input, deal with how people are  
8 appointed, that nomination process is sort of distinct, and  
9 we're going to talk about it here. Do you want it in the  
10 operating procedures?

11 MR. TREADWELL: About how people are appointed?

12 MS. RUTHERFORD: How they are nominated and appointed,  
13 yes.

14 MR. TREADWELL: Is there any thought from the group?

15 MR. COLE: I'm not sure -- Mr. Chairman, I'm not sure I  
16 understood the question.

17 MS. RUTHERFORD: Well, just earlier, when you guys were  
18 discussing the operating procedures, someone suggested that the  
19 operating procedures would talk about how people are nominated  
20 and appointed. And the operating procedures as we foresaw them  
21 would not include that, and I just wanted to clarify that.

22 MR. COLE: My view is that we should address those.  
23 When will we address them if we don't address them there?

24 MS. RUTHERFORD: I was hoping we would address them  
25 today in this context, and it's not a formal document like

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operating procedures, it would just be an established process  
1 for nominations.

2 MR. PENNOYER: Mr. Chairman.

3 MR. TREADWELL: Mr. Pennoyer.

4 MR. PENNOYER: The operating procedures govern the  
5 operation of the group .....

6 MS. RUTHERFORD: Right.

7 MR. PENNOYER: ..... after it's appointed and  
8 operating. I'm not clear why the operating procedures for the  
9 group would dictate how the nomination process occurs, which is  
10 our responsibility.

11 MS. RUTHERFORD: Again, we did not perceive that it  
12 would, but someone suggested that it probably would, and I  
13 wanted to clarify it. We did not see that as being part of the  
14 operating procedures and I wanted to point that out.

15 MR. BARTON: Mr. Chairman.

16 MR. TREADWELL: Mr. Barton.

17 MR. BARTON: In our packet is laid out the nomination  
18 process, it seems to me that the nomination process is outside  
19 the operating procedures of the group. But I guess I don't  
20 think it needs to be in the operating procedures, but we do  
21 need to have a formal nomination process laid out somewhere.  
22 It can be a separate document as far as I'm concerned, it could  
23 be an appendix, perhaps, to the basic charter that has been  
24 submitted to the Secretary I think, it might be an appropriate  
25 place for it.

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MS. RUTHERFORD: Then, Mr. Chair, maybe I should  
1 proceed with going through the nomination process, and if you  
2 guys agree to it, we will set it up as a process -- a formal  
3 process that someone can refer to.

4 MR. TREADWELL: Well, before we do that, we're still on  
5 the charter issue, and I guess in 6B, the clause that we just  
6 amended, there is some description of the nomination process,  
7 except that it doesn't really speak to the list of groups and  
8 so forth. If you want to add it to the charter, now is the  
9 appropriate time.

10 MR. COLE: Mr. Chairman.

11 MR. TREADWELL: Mr. Cole.

12 MR. COLE: Well, we decided, I thought, that this  
13 charter which we're filing to comply with the federal law is  
14 sort of a bare bones charter.

15 MR. TREADWELL: Okay.

16 MR. COLE: And that we're just complying with federal  
17 law so we can get on with the public participation process.  
18 So, that's the reason it's not in this document is my  
19 understanding, Number 1. Number 2 is I agree with Mr. Barton  
20 that it not necessarily need not be in the operating procedures  
21 of the Public Advisory Group. But my remarks earlier this  
22 morning were predicated on the fact that we need some document  
23 that's broader than simply the "operating procedures" of the  
24 Advisory Group, and I think that was the sense that Mr. Barton  
25 understood my remarks and said we need some other formal -- or

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some type of formal document that in which to lay those out.

1 MR. TREADWELL: Okay. At this point, if there is no  
2 further action to come on the charter, let's set the charter  
3 aside and have a discussion about the nomination process and  
4 then we can approve the whole thing if there's further  
5 approvals necessary. Why don't you go ahead and describe the  
6 nomination process, Marty.

7 MS. RUTHERFORD: The process for soliciting nominations  
8 for the Public Advisory Group involves notifying the public,  
9 evaluating the nominations and compiling a list of potential  
10 nominees for Trustee Council consideration. The Trustee  
11 Council will then review the nominations and recommend  
12 membership to the Trustees for appointment by the Secretary of  
13 the Interior. At this point, what we're recommending is that  
14 nominations would be solicited using a wide range of media;  
15 examples include newspapers in the affected areas, the Federal  
16 Register, existing Exxon Valdez Oil Spill mailing list,  
17 agencies, interest groups mailing lists, public service  
18 announcements, flyers for posting in communities and all  
19 persons having expressed interest, sent in letters, in serving  
20 on the Public Advisory Group.

21 We also are recommending that the request for  
22 nominations will ask for the following information and only the  
23 following information, so if you feel it needs to be expanded,  
24 you need to comment and tell us that. It would include a  
25 biographical sketch, asking for education information,

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experience, address and phone number; some demonstrated  
1 knowledge of the region, peoples or principal economic and  
2 social activities of the area affected by the Exxon Valdez Oil  
3 Spill, or demonstrated expertise in public lands and resource  
4 management; identification of the relationship and involvement  
5 with one or more of the identified public -- Principal  
6 Interests; and, identification of a group or groups, if any,  
7 that are recommending this person be appointed and providing  
8 the point of contact information and phone number for that  
9 group. And then, attached is, also, the timeline that we are  
10 foreseeing and recommending we proceed with.

11 But I think the most important thing we need to hear  
12 from you is if the information that we are requesting from  
13 nominations is adequate or if it's, perhaps, too much.

14 MR. TREADWELL: Is there any thought on that question?

15 MR. COLE: Mr. Chairman.

16 MR. TREADWELL: Mr. Cole.

17 MR. COLE: Why should we limit the amount of  
18 information that a candidate or a nominee might want to supply  
19 us with?

20 MS. RUTHERFORD: I don't think we are asking to limit  
21 it, I do think, though, that we have to ask for at least some  
22 of this information, and I think if they wanted to provide us  
23 more, that would be adequate. But when we are going to do a  
24 comparison, we want to make sure that you have what you need to  
25 adequately do that.

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MR. BARTON: Mr. Chairman.

1 MR. TREADWELL: Mr. Barton.

2 MR. BARTON: This is actually a minimum list, as I  
3 understand it, Marty?

4 MS. RUTHERFORD: Yes.

5 MR. TREADWELL: Would you like to add the word  
6 "minimum?"

7 MS. RUTHERFORD: I think -- Mr. Chair?

8 MR. TREADWELL: Yes.

9 MS. RUTHERFORD: If you're going to ask for more, now  
10 is the time, because if we're going to start the process, you  
11 know, we need to tell them what we need. So .....

12 MR. PENNOYER: Mr. Chairman. Maybe you're just making  
13 it clear that any other information -- just the way you write,  
14 any other information you care to submit that would help the  
15 Trustees deciding on qualifications to serve on this committee  
16 or something like that.

17 MS. RUTHERFORD: Okay.

18 MR. PENNOYER: They realize that this is -- if they may  
19 have other information, they can submit it.

20 MS. RUTHERFORD: Other pertinent information. What --  
21 I mean is this enough, though, for you guys to make decisions,  
22 I think that's the most important thing; is there something --  
23 some element missing?

24 MR. PENNOYER: Well, I think they really should be  
25 encouraged to submit any other information that would help

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qualify them or our discussions of their qualifications to  
1 serve on this committee. And I think you could bare bones do  
2 some of this and still not have very much, so make it clear  
3 that they're trying to present us with the case of why they'd  
4 be the appropriate person to put on a committee, that's going  
5 to be one of the most structured ways of getting public input  
6 to us.

7 MR. TREADWELL: Okay. Well, I see a consensus here, I  
8 don't know if we need a formal motion to that fact that you  
9 want to add that maybe as a fifth bullet under request for  
10 information, that would make sense, Marty.

11 MS. RUTHERFORD: Absolutely.

12 MR. TREADWELL: Is there anything else that we'd like  
13 to discuss in the nomination process at this point?

14 MR. COLE: Yes, Mr. Chairman.

15 MR. TREADWELL: Mr. Cole.

16 MR. COLE: If you reflect upon Ms. Rutherford's remarks  
17 there, it comes close to saying, at least one could argue that  
18 we're saying, that there are not to be "assigned seats" in this  
19 selection process. And, you know, I would like to have the  
20 record today clear that the remarks here on the nomination  
21 process do you not imply that there will not be assigned seats.  
22 Make it clear that that's a decision we're reserving for the  
23 future.

24 MR. BARTON: It's still open.

25 MR. COLE: Yes. It's still open.

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MR. TREADWELL: Yeah. I think that's clear, and in the  
1 record we've already said that at the same time we publish the  
2 request for nominations, we will ask for comments on the number  
3 of assigned seats and the number of categories, and we'll be  
4 publishing the categories at the same time. So, I believe that  
5 issue is clear.

6 MS. RUTHERFORD: Yes. We will make certain that that  
7 is part of the request for nominations, that they hopefully  
8 will comment on what they'd like to see.

9 MR. TREADWELL: Okay. Mr. Barton.

10 MR. BARTON: Given the addition of the public at large  
11 category in the Interest list, how do you see the last two of  
12 the minimum information request applying to the public at large  
13 applicants?

14 MS. RUTHERFORD: I think we should add the words "if  
15 any" to Number 3.

16 MR. BARTON: Well, and 4.

17 MS. RUTHERFORD: It already has it, "if any."

18 MR. BARTON: Yeah, it does.

19 MR. TREADWELL: At this point, we've discussed this and  
20 we've discussed the timeline, are there any other comments on  
21 the Public Advisory Group nomination process?

22 MR. COLE: Yes, Mr. Chairman. Mr. Barton made a  
23 comment, why don't we have a paragraph in there on why you  
24 would -- requesting a statement of why you think this candidate  
25 fits -- fills the bill or why you think you fill the bill if

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you nominate yourself. I'd like to have a expression of, you  
1 know, reasons we ought to appoint this particular person; that,  
2 I think, would be helpful to all of us. I think these other  
3 things -- these four items that we say we ask for should be  
4 included to add one more along those lines; why.

5 MS. RUTHERFORD: Mr. Chair, I had-- kind of from the  
6 discussion of just a minute ago, I had sort of -- I had written  
7 that down, maybe a statement of why they feel they should be on  
8 the Public Advisory Group.

9 MR. COLE: Okay.

10 MR. TREADWELL: Do we have a consensus to add that? Is  
11 there any other thinking to go on this issue? Okay. Is there  
12 any objection? Then, I will consider this process approved  
13 without objection. Is there any question? And just to make it  
14 very clear that there's no question on the timeline that has  
15 been laid before us, the timeline would have request for  
16 nominations published by the 6th of May, a deadline of June 5  
17 for receipt of nominations and comment on the issues that we've  
18 asked for comment on, and nominations package to the Trustee  
19 Council along with, I guess, a synthesis of that public  
20 comment, and an Executive Session of the Trustee Council  
21 June 29 with an announcement that day of the choice of  
22 selections to go forward to the Trustees. That's how I  
23 understand the timeline, and if there's no further thought on  
24 that, we could consider that approved without objection.

25 MR. COLE: I would -- Mr. Chairman. I would like to

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say that, at least, from my standpoint so the people know that  
1 I think all of us have read the draft summary of comments from  
2 the community meetings on a public participation process, and  
3 I've read all of those comments. And I think it should be  
4 clear that we have considered them and we'll continue to  
5 consider them as we proceed along this process.

6 MR. TREADWELL: Thank you.

7 MR. COLE: There's some interesting comments that are  
8 -- and I think the public should know that those public  
9 participation groups in the various cities have been translated  
10 into -- compiled into a summary form by the Restoration Team,  
11 that the trouble that they've gone to to attend those meetings  
12 is not simply -- and expressed their views has not been  
13 disregarded, but they have been read and, I think, considered  
14 by the Council even though many -- a number of them said we're  
15 an untrustworthy group and view our actions and decisions with  
16 great suspicion.

17 MR. PENNOYER: Mr. Chairman.

18 MR. TREADWELL: Mr. Pennoyer.

19 MR. PENNOYER: Marty, were you going to specifically  
20 cover the public meeting schedule and so forth?

21 MS. RUTHERFORD: Yes. If you're ready to move onto  
22 that.

23 MR. TREADWELL: Yeah, actually, why don't we hold off  
24 on that for just a second, and let me just ask the charter is  
25 -- I guess we've given our request to the Interior Department

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to change the filing of the charter once, are there any other  
1 suggestions for changes to the charter at this point or shall  
2 we consider that approved by the Trustee Council without  
3 objection for now? That done, the only other question is how  
4 -- were you prepared to talk about the operations issue of this  
5 Advisory Group today?

6 MS. RUTHERFORD: No, we are not. The Restoration Team  
7 has not finished their review of the operating procedures, and  
8 we hope to have it -- we will have it at your next meeting.

9 MR. TREADWELL: Okay. That done, then let's move onto  
10 the time table for the Restoration Framework meetings.

11 MS. RUTHERFORD: Mr. Chair, there is in front of you a  
12 draft public meetings schedule to -- for the scoping meetings  
13 on the '92 Draft Work Plan and the Restoration Framework  
14 document. It's two pages there, it notes the meetings that are  
15 currently scheduled in all the communities, it also notes that  
16 letters were sent to some other communities asking if they  
17 wanted us to attempt to travel there; we have not heard from  
18 some of them.

19 I should note here that we have provided you with  
20 information on who from the Restoration Team will be attending  
21 each of the scoping meetings. However, there also will be  
22 attending a member from the Restoration Planning Working Group  
23 to each of these meetings, one person from the sub working  
24 group for each of the meetings. We also are intending to have  
25 the same Recorder attend every single meeting so that there is

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1 great consistency in the public record, so that what you are  
2 provided from those meetings is consistent. And, I also wanted  
3 to note that those communities, specifically the villages that  
4 have not indicated to us yet that they wanted us to visit them,  
5 we will attempt to teleconference with them, we are attempting  
6 to do that.

7 Other than that, if you -- we're just looking for an  
8 approval on this public -- the meeting schedule.

9 MR. McVEE: Mr. Chairman.

10 MR. TREADWELL: Mr. McVee.

11 MR. McVEE: Yes. Although, you know, this is a subject  
12 that will come up later as we talk about budget, I guess one  
13 thing that has bothered me is that the '92 Draft Work Plan  
14 contains the project budgets, and as a result of that, we  
15 haven't given the public, you know, the complete picture, but  
16 we've got say 20% or somewhere in that area of the proposed  
17 annual budget, you know, that's not been released for public  
18 review. And I guess my recommendation would be that we do  
19 maybe a one page supplement, and I know we've got some work to  
20 do on this, but -- and maybe we make those decisions after  
21 we've done that, but we prepare a supplement containing that  
22 increment of the proposed budget that's not in the '92 Draft  
23 Work Plan and mail it out very soon, say prior to that first  
24 meeting on May 4th. One of the problems by not having the  
25 budget for public review is, I believe, compliance with the MOA  
where we were to have a Public Advisory Group that would be

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commenting upon the budget prior to the time it was finalized.

1 We don't have that group in-place yet, so this would be an  
2 alternative way of getting some public input into the total  
3 budget, and I think put us in compliance with the MOA.

4 MR. PENNOYER: Mr. Chairman.

5 MR. TREADWELL: Mr. Pennoyer.

6 MR. PENNOYER: Are you suggesting we vote on that at  
7 this time or something, Mr. McVee? We'll do that after we take  
8 up the budget so we can see what you're proposing being sent  
9 out to review.

10 MR. McVEE: That would be -- we can come back to that  
11 at that point in time.

12 MR. TREADWELL: Yeah. I think the suggestion is  
13 whatever we decide on the budget, we get out a mailing so that  
14 we can collect comment on that as we collect comment on the  
15 Restoration Work Plan. Is there any objection to that  
16 suggestion?

17 MR. BARTON: I have a comment.

18 MR. TREADWELL: Mr. Barton.

19 MR. BARTON: Yeah. I think that's a very worthwhile  
20 effort. I do think, though, it's important to recognize the  
21 amount of opportunity that the public has had to comment on the  
22 development of the budget; it's been discussed in this meeting  
23 -- in these meetings since January, and it's a matter of public  
24 record, it's been in the record. I do recognize the need to  
25 get additional comment, but I don't think that that process has

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been without public involvement.

1 MR. TREADWELL: Okay. Well, let's move on then, and we  
2 will note the public meeting schedule is accepted without  
3 objection of the Trustees, and that we will also try to do a  
4 mailing ahead of time so that once we have concluded  
5 deliberation on the budget this afternoon people are aware of  
6 that and bring that up at the hearings.

7 MR. McVEE: Mr. Chairman. Just maybe one other  
8 question. I notice that of the Restoration Team, the RT, that  
9 some of the Staff are sharing a heavy burden there in terms of  
10 the public meetings. Is that just the way it feel or just  
11 based upon who ever was going to be available for those days?

12 MS. RUTHERFORD: It was a combination of all of that.

13 MR. McVEE: Okay.

14 MR. TREADWELL: Okay. Well, everybody appreciates the  
15 tremendous amount of work that this Team is doing. Let's move  
16 onto the second agenda item, which is the project -- the  
17 Position Description of the Administrative Director, and we'll  
18 call on Dave Gibbons to brief us on that.

19 DR. GIBBONS: Before I get into that, there's one other  
20 section in the book. And Mr. Cole related to it, it's the  
21 Draft Summary of Comments from the Community Meetings, and it's  
22 a pretty good summary, and I just wanted to point out that it  
23 is in there and it is an actual summary of the meetings.  
24 So .....

25 MS. RUTHERFORD: Mr. Chair, I might also that the

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Working Group -- the Public Participation Working Group and the  
1 Restoration Team took these comments very seriously in making  
2 their decisions to propose to you folks today.

3 MR. TREADWELL: Thank you. Dave, go on.

4 DR. GIBBONS: What's available in the book is a draft  
5 position description for the Oil Spill Administrative  
6 Director's position. And I just am requesting comments from  
7 the Trustee Council on the wording of it and with suggested  
8 changes, if any, to proceed with the advertisement of this  
9 position both in the State and the Federal side, and the public  
10 sector also.

11 MR. McVEE: Mr. Chairman.

12 MR. TREADWELL: Mr. McVee. A question of Dave. You  
13 know, have these been through kind of the classification  
14 process? I've noticed several levels -- grade levels there,  
15 have they been through the formal process of classification?

16 DR. GIBBONS: The position has been looked at by the  
17 classification specialist from the Department of Agriculture.  
18 I thought before we finalized that, if the Trustee Council had  
19 any changes, we should incorporate that into it before we  
20 classify that.

21 MR. TREADWELL: What is your time table on this?

22 DR. GIBBONS: The time table is to make the changes as  
23 quick as possible and then immediately go to advertisement.

24 MR. TREADWELL: Without having finished the  
25 classification?

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DR. GIBBONS: No. Incorporate the comments from the  
1 Trustee Council on the position description, have it classified  
2 and move through the normal process for advertisement.

3 MR. COLE: Mr. Chairman.

4 MR. TREADWELL: Mr. Cole.

5 MR. COLE: It's well done. I have some comments. In  
6 the second paragraph on Page 1 is this sentence: The mission  
7 of the Administrative Director and the Restoration Team is to  
8 restore the natural resources injured as a result of the Exxon  
9 Valdez Oil Spill to pre-spill conditions." I think that's a  
10 little strong statement, you know, that's not quite the precise  
11 mission as I view that. Maybe we could soften that a little  
12 bit and make it a little more accurate.

13 Also, on Page 3, in the next to the last paragraph from  
14 the bottom under Factor 2 is this sentence: "The Trustee  
15 Council is kept informed of progress on major issues but  
16 recommendations are accepted as technically authoritative even  
17 though final approval depends upon formal action by the Trustee  
18 Council." I'm not sure that's quite the way it works,  
19 technically authoritative. Anyway, maybe some people would  
20 agree.

21 On, I think, Page 4, is the word "statutes" correctly  
22 spelled there at the end of the first line on -- I'm not sure,  
23 it doesn't look right to me.

24 MR. TREADWELL: We'll put in a T and we'll cross that.

25 MR. COLE: And lastly, sometimes we capitalize services

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and other times we don't, and sometimes we capitalize federal  
1 and sometimes we don't. If anybody wants to change it, that's  
2 up to them. That's my comments.

3 MR. BARTON: Mr. Chairman.

4 MR. TREADWELL: Mr. Barton.

5 MR. BARTON: I share Mr. Cole's concern over the  
6 mission of the Restoration Team and the Administrative  
7 Director. I, too, think that returning to pre-spill conditions  
8 may not be what we're all about.

9 MR. COLE: It's called Mission Impossible.

10 MR. BARTON: Yeah. And it doesn't recognize that time  
11 marches on. In terms of whether the recommendations are  
12 accepted as technically authoritative, I don't have any trouble  
13 with that particular statement; I think the Restoration Team is  
14 responsible for the technical accuracy of the materials of  
15 which we deal. The implication that the Trustee Council's  
16 final approval is more administerial than actual, I think has  
17 been proven to be not so, however, and maybe that needs a  
18 little changing, whether that's desirable or not, that's the  
19 way I think we've operated.

20 MR. TREADWELL: Well, I think we've heard some  
21 discussion on that though, Dave, as you're rewriting that  
22 paragraph that you might even want to drop it. This is -- the  
23 way I see this position is that it's very similar to any  
24 challenge that an Executive Director has with a very active and  
25 strong board of directors, who themselves have got constraints

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upon them. You know, there are, oftentimes, decisions that are  
1 deferred by one board are taken on by another board later, so  
2 it ought to be understood that that path is set as you go  
3 along.

4 On the first issue, I wanted to ask if we could use the  
5 word "enhance" along with restore, possibly, you know, in line  
6 with the terms of the Settlement, restore and enhance the  
7 natural resources injured.

8 MR. BARTON: I think we're getting in -- Mr. Chairman.

9 MR. TREADWELL: Mr. Barton.

10 MR. BARTON: I think we're getting into an area where  
11 we need legal advice at that point, in terms of what it is  
12 we're doing out there and what is encompassed in restoration.

13 MR. TREADWELL: So, would you consider that as you move  
14 forward.

15 MR. COLE: Did you want to comment on that? I would  
16 say why don't we just sort of duck the issue and say something  
17 bland and get on with it rather than .....

18 MR. PENNOYER: Mr. Chairman.

19 MR. COLE: ..... trying to get into some technical,  
20 legal concepts of what the mission is.

21 MR. PENNOYER: Mr. Chairman. I agree. I don't think  
22 it's that pertinent to the job description, the degree of  
23 independent authority, the mission of the whole operation which  
24 includes the Administrative Director, you could restate it  
25 right up the line. I think if you can just sort of smooth

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through that and say generally the program we're about and the  
1 Administrative Director is the person who directs that program  
2 for us. But I don't want to get -- I don't think we should get  
3 into a big legal hassle over the definition of the mission, and  
4 the amount of restoration, and the alternative resources and so  
5 on and so forth. This shouldn't be a definition of the program  
6 in terms of the legal sense.

7 MR. BARTON: This should not set policy.

8 MR. PENNOYER: Right. Better stated. Thank you.

9 MR. BARTON: It will hire an Administrative Director

10 MR. PENNOYER: Thank you.

11 MR. TREADWELL: Okay. I guess the only other question  
12-- Mr. Rosier, please.

13 MR. ROSIER: Yes. Two things. I don't see a salary  
14 listed here, I see a Range 28. I'd like to know what the  
15 salary is and what the thought process was that went into that  
16 salary. And no where in the description of the position do we  
17 make the tie with the Public Advisory Group that we made with  
18 the charter. That seemed to me that's going to be the  
19 important function of this position is he made the commitment  
20 that he was going to supervise it, but that doesn't make the  
21 tie-in anywhere in the duties.

22 DR. GIBBONS: To respond to -- Mr. Chairman.

23 MR. TREADWELL: Yes.

24 DR. GIBBONS: I'll respond to the first one. The  
25 first, on the levels, was more looking at the responsibilities

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of those types of levels of people; we had both Federal and  
1 State members on there, and we're looking at a high level  
2 manager type position. And that's why the Restoration Team  
3 kicked around salaries versus actual cost to the Trustee  
4 Council and then looked at responsibilities. And so what we  
5 finally kind of settled on here was looking at the  
6 responsibility of this position as related to the federal  
7 government and the state's governments, and so that's why those  
8 figures are in there; the Range 28 and the 15.

9 MR. ROSIER: What's the price tag for that?

10 DR. GIBBONS: On the State side, I'm not sure on the  
11 28, maybe somebody on the State side can help me. But on the  
12 15, it's probably around 95,000, total, that's with benefits  
13 and everything.

14 MR. TREADWELL: Ms. Rutherford.

15 MS. RUTHERFORD: Mr. Chair. With the benefits, Range  
16 28 is probably right around a hundred thousand dollars, but the  
17 actual salary is about 72. That's what the differences are,  
18 the State benefit package is greater than the Federal, the  
19 salary is probably greater with the Feds so .....

20 MR. TREADWELL: Well, which benefit package are we  
21 going to use?

22 MS. RUTHERFORD: It depends. Right now, I think the  
23 intent was to which -- whoever they hire, whether it's a State  
24 person, they'll use the State, if it's a Fed, they'll use the  
25 Federal. That's why we tried to use comparable job

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descriptions, the 15 and the 28 are about comparable, although  
1 salary and benefits really vary there.

2 MR. COLE: Well, what -- Mr. Chairman.

3 MR. TREADWELL: Mr. Cole.

4 MR. COLE: What if he's neither? And that's a  
5 possibility.

6 MR. PENNOYER: Or she.

7 MR. COLE: Or she, excuse me.

8 MS. RUTHERFORD: I think the intent was for then it to  
9 be a State person, a State hire, one of the State agencies  
10 would do the hire.

11 DR. GIBBONS: Yes. The intent is to advertise  
12 simultaneously in the Federal -- soliciting Federal, State and  
13 public, you know, non-agency associated, and then make the --  
14 to have the Trustee Council -- come forward with a list to the  
15 Trustee Council and have them make the selection.

16 MR. COLE: Mr. Chairman.

17 MR. TREADWELL: Mr. Cole.

18 MR. COLE: What are we going to do about that, are we  
19 going to run the -- hire this person on the State payroll or  
20 the Federal payroll, is that required in what we're doing?

21 MR. TREADWELL: Mr. Barton.

22 MR. BARTON: I think we should consider contracting it,  
23 if the successful applicant is from neither the Federal  
24 government or the State government, then I think we better  
25 consider contracting that activity at that point.

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MR. COLE: Contracting it how?

1 MR. TREADWELL: It might be useful to make that  
2 decision now before you get to the person, because if it's  
3 Candidate A who is going to cost us a hundred thousand versus  
4 Candidate B who is going to cost us, you know, some kind of a  
5 different thing, I don't think you'd want, necessarily, that to  
6 factor into the decision; you want to make that decision ahead  
7 of time. The other thing is that you can shift between the  
8 State and Federal government using the IPA process. So, if you  
9 made the decision right now that this would be either a State  
10 employee or a contract, for example, you could still bring in a  
11 Federal employee and keep that Federal employee's benefits, if  
12 that's who you choose and/or vice versa. So, you know, it may  
13 behove us right now to just pick.

14 MR. BARTON: Well, I don't think -- Mr. Chairman. I  
15 don't think it's a problem if the person selected is currently  
16 either a Federal employee or a State employee. The problem  
17 will arise if we pick an individual who is neither of those, in  
18 which case, I would suggest we look strongly at contracting  
19 versus putting an individual on either government's payroll,  
20 from a very practical standpoint, and that's the FTE (ph)  
21 problem that both of us have.

22 MR. TREADWELL: How much are we budgeted for this  
23 position?

24 DR. GIBBONS: Presently at 95,000.

25 MR. BARTON: In fact, you know, it may be possible

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through a contract to come in at a lower level.

1 MR. McVEE: Mr. Chairman.

2 MR. TREADWELL: Mr. McVee.

3 MR. McVEE: Yes. It seems to me like to make the  
4 contracting proposition work that -- simultaneously with the  
5 announcement, that you'd also have to go out with a request for  
6 proposals at the same time the announcements went out in order  
7 to open that door.

8 MR. BARTON: Personnel services.

9 MR. TREADWELL: Well, you know, I don't think we've had  
10 a giant problem with the FTE issues for Exxon Valdez positions,  
11 at least not as much as we've had from the agencies themselves.  
12 Carl, you have more experience here, but I think it would be  
13 appropriate to try to state just one and say that we're  
14 negotiable on others if that's the candidate we choose, and try  
15 to do it as a State position.

16 Mr. Barton.

17 MR. BARTON: I would think that we would be better off  
18 leaving it open. If we select a Federal employee, in all  
19 probability, that individual would want to continue their  
20 Federal tenure; if we pick a State employee, that individual  
21 would want to continue with his State tenure in all  
22 probability. But I don't -- I honestly don't see the need to  
23 pick one or the other of those for current employees. Now, if  
24 it's somebody who's not an employee, and we want to reject the  
25 contracting approach, I have no trouble picking one or the

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other for that purpose.

1 MR. PENNOYER: Mr. Chairman. I'm not sure of the  
2 necessity to make this decision at this point before we send it  
3 out for .....

4 MR. TREADWELL: Okay.

5 MR. PENNOYER: ..... informational purposes. If people  
6 know we have that broad spectrum of choice, then if they have a  
7 certain feeling about wanting to, quote, stay a Federal  
8 employee under the system and that was the best person for the  
9 job, we could make that choice at the time.

10 MR. TREADWELL: Okay. What I would take from your  
11 comments and Mr. Barton's comments, Dave, is that you should be  
12 sure to make sure that if we do decide to contract, we have the  
13 contracting option by the initial announcement, and make sure  
14 that that's checked.

15 Mr. Rosier.

16 MR. ROSIER: Yeah. Well, I'm still a little concerned  
17 about the salary range, I guess, is that I realize the need for  
18 a good administrator, but when I look, you know, at a Range 28  
19 on this and the responsibilities that go with this position is  
20 something -- in our budget of something in the neighborhood of  
21 about 18 million dollars, within the State system we've got pay  
22 grade 26s that are handling twice that much money in terms of  
23 time. So, I'd like -- you know, maybe the Restoration Team can  
24 give me a little bit more information in terms of what they  
25 compared it against. I'm not sure that -- you know, the

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Executive Director of the North Pacific Fisheries Management

1 Council, for instance, I'm not sure that they make \$81,000.00 a  
2 year on this. So, this overall salary kind of concerns me a  
3 little bit here. We've been fairly tight with dollars in terms  
4 of projects and trying to hold costs down, but I'm not  
5 convinced that we're at that point with this position.

6 MR. TREADWELL: Mr. Gibbons.

7 DR. GIBBONS: Yeah. Maybe I can talk a little bit to  
8 that. On the Federal side, it's like a staff director at the  
9 Federal level with a large staff and responsibilities. That's  
10 where the 15 comes from. I think we were looking at somewhere  
11 as the -- maybe as a director of a division or an assistant to  
12 a commissioner level on the State side, that maybe the State  
13 can -- you know, I'm not fully aware of the levels in the  
14 State, but I think a director is it not normally a 26? And  
15 then, so somewhere at that level or above, that was the  
16 thinking that I had behind it.

17 MR. TREADWELL: Mr. Barton.

18 MR. BARTON: Aren't we doing the classifier's job right  
19 now? Why don't we have a Federal classifier and a State  
20 classifier look at this, and that's, I thought, part of their  
21 mission in life was to make these kinds of judgments as to what  
22 grade levels are associated with what responsibilities. Maybe  
23 we ought to do that and then come back and see whether we want  
24 to make some adjustments at that point.

25 MR. McVEE: I would agree with that, Mr. Chairman.

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MR. TREADWELL: All right.

1 MR. McVEE: Mr. Chairman.

2 MR. TREADWELL: Mr. McVee.

3 MR. McVEE: Yeah. I would suggest that with the  
4 direction that we've given Mr. Gibbons that he, you know,  
5 proceeds to make the changes in the Draft, the rewording that's  
6 been suggested here, plus follow through with the  
7 classification, and then proceed to advertise. I guess I would  
8 not have any problem with them circulating, you know, one more  
9 draft of this if they think it's necessary. I guess I  
10 personally feel like that if it classifies out at the 15 level,  
11 and I can't speak to the State's side, but that he be  
12 authorized to proceed with advertising the position so that we  
13 can move forward with selection.

14 MR. COLE: Mr. Chairman.

15 MR. TREADWELL: Mr. Cole.

16 MR. COLE: Why do we need to concern ourselves, I think  
17 as Mr. Barton or someone says, with whether this is 26 or 28,  
18 why don't we just say salary range, you know, of 70,000 to  
19 85,000 or something like that, DOA (ph) and be done with it.

20 MR. TREADWELL: Settle at the time. I've just watched  
21 the State of Alaska fill its Space Board position by, you know,  
22 getting somebody from the SDI (ph) Office, and they've had to  
23 negotiate on salary. But they picked -- you know, they went  
24 through a national process and found the person they wanted and  
25 still has the flexibility (ph) .....

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MR. COLE: It sounds just like what the State would do.

1 MR. TREADWELL: Sure.

2 MR. COLE: Highly bureaucratic.

3 MR. TREADWELL: Actually, it .....

4 MR. COLE: Why don't we just put down salary range and  
5 get on with it.

6 MR. TREADWELL: Do it. All right. I think we've got a  
7 consensus there. I've got one other question to ask Dave,  
8 which is: You say provides oversight with the Restoration  
9 Team, we're really going to be looking to this person to be the  
10 director of the Restoration Team and have a dotted -- you know,  
11 kind of a dotted line authority in that area are we not, or am  
12 I mistaken in this position?

13 DR. GIBBONS: Well, that's a thin line. I've been  
14 trying to look at what I've been doing recently, and trying to  
15 put that into a position description and it's very difficult.  
16 There's no authority over the Restoration Team, direct  
17 authority. The Restoration Team members, you know, .....

18 MR. TREADWELL: Sure.

19 DR. GIBBONS: ..... report to the Trustee Council --  
20 the respective Trustee Council members. So, this person has to  
21 have some influence on the activities of the Restoration Team  
22 but has no direct authority. So, it's a tough one to write  
23 about.

24 MR. TREADWELL: In essence, you do serve, though, as  
25 the coordinator of the Restoration Team?

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DR. GIBBONS: That's correct.

1 MR. TREADWELL: I think that should be reflected in  
2 there. I mean you've got -- it's well-understood that each of  
3 the Restoration Team members report back to their individual  
4 Trustees, and the Team itself reports to the Council. But at  
5 the same time, we would be counting on this person to keep the  
6 trains running on time and to knock out the baffles if the  
7 Restoration Team is having problems.

8 DR. GIBBONS: That's correct.

9 MR. TREADWELL: Okay. With no further comment, let's  
10 move on to the next agenda item. At this point, Dave, I think  
11 you can consider this, essentially, with the comments included,  
12 ready to go out, and you are free to move ahead and advertise  
13 this position after you've done the bureaucratic things that  
14 have to be done.

15 The third item on our agenda that we're going to try to  
16 finish this one before -- get as far as we can before we break  
17 for lunch is the approach for releasing Exxon Valdez Oil Spill  
18 Injury Assessment Information, and that's Byron Morris and Bob  
19 Spies.

20 MR. MORRIS: Yeah, I'll start out. The action item you  
21 have before you is approval to initiate planning for a  
22 symposium for the presentation of damage assessment results  
23 from the Exxon Valdez Oil Spill. There are four pages in your  
24 packet that address this issue. Briefly, a little background.  
25 You're well aware that we're in the process of closing out

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most or all of the damage assessment studies that have been  
1 conducted over the past three or more years. And final reports  
2 on most of these projects will be available between now and  
3 March 1st of next year. We anticipate that sometime in the  
4 near future the lid will be lifted on litigation sensitivity  
5 information, and we'll want to get it out in as much detail as  
6 possible to the public. And with -- the best information we  
7 have to date is that this lid may be lifted on or around  
8 September 1st when the discovery for the third party litigants  
9 takes place.

10           With that in mind, we went through -- formed a small  
11 subgroup and went through an exercise of identifying the  
12 different ways that this damage assessment information would be  
13 made available to the public. And the table on the second page  
14 of this packet identifies the various avenues of information  
15 release that we could identify. Each of them has its pros and  
16 cons, its upsides and its downsides, and briefly, I'd just like  
17 to go over the various one.

18           The first one being the status of injury reports, which  
19 is in the Restoration Framework document, there's been two of  
20 those released, the most recent one's the update. This report  
21 is distributed to a fairly wide audience, lay people as well as  
22 technical people. It can be produced in a relatively short  
23 period of time, and it covers the broad scope of injuries that  
24 we have identified from the Spill but in a very general way.  
25 It basically gives a brief summary of what we know, but it

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doesn't tell how we know this, what approach we took to find  
1 out this information. And it's sort of as a take it or leave  
2 it type of document, you know, believe us or not. So, the  
3 detail is, at best, fair.

4 Press releases haven't been used much to date for the  
5 NRDA damage assessment information. Usually, when they are,  
6 they're very brief and to the point and lack lots of detail.

7 The study reports will be produced within this coming  
8 year. We expect them to be quite detailed, and many of them  
9 will be quite lengthy, a number of pages. However, there is no  
10 mechanism for the distribution other than to deposit them at  
11 OSPIC and to have them available for people who come here and  
12 read. The cost of duplicating these reports for wide  
13 distribution would probably be quite prohibitive.

14 The fourth avenue is through scientific publications,  
15 either in journals or technical books. And this is very good,  
16 if it reaches the scientific audience, there's a wide variety of  
17 journals that this information would be valuable to;  
18 unfortunately, the information tends to get scattered in  
19 various disciplines, and there's no continuity to where it  
20 goes. Individual PIs, presumably, would choose the journal  
21 they like best to publish their information in.

22 Popular articles are another avenue. And to date, none  
23 of us are contemplating, to my knowledge, producing any; we  
24 know there are third parties, journalists and what have you  
25 that are interested in this information for magazine articles

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and popular books.

1 Another avenue is through conferences. And by  
2 conferences I mean the special -- let's get the right word --  
3 special organizations hold conferences and often invite papers  
4 on a wide variety of topics for their conference. So, one  
5 could attend a conference and present information on the Exxon  
6 Valdez damage assessment information, but that would in company  
7 with lots of other papers from lots of other disciplines and  
8 interests as well. And this is much like in the scientific  
9 journal approach, the information would be scattered out in a  
10 variety of different conferences.

11 The final two items on the list, one is a symposium  
12 that would be sponsored by the Trustee Council that would focus  
13 on the NRDA damage assessment information. The audience that  
14 would attend that would be a broad audience, it would be  
15 members of the public, any other interested parties that so  
16 wish to attend, as well as scientists and government folks that  
17 are involved in oil spills and damage assessment type of  
18 activities. The level of detail can be quite high and quite  
19 in-depth if it was accompanied by a published proceedings of  
20 the symposium itself.

21 And the last item on the list is a book, a synthesized  
22 book of all the information that would be accumulated under the  
23 damage assessment to date, including putting it into the  
24 perspective of what we know, perhaps, about other spills;  
25 lessons we learned compared to the knowledge that maybe

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previously existed from oil spills.

1           So, what the Restoration Team -- we've run this through  
2 the Restoration Team from the subgroup, we'd like to propose to  
3 the Trustee Council is that we receive approval to start a more  
4 detailed planning for an oil spill symposium on the Exxon  
5 Valdez. We have some basic assumptions in mind, a few of them  
6 are that we would like to hold the conference as soon as  
7 possible. The soonest we can anticipate doing this would be  
8 next spring, we're suggesting either February or March. We're  
9 suggesting the Egan Convention Center as an appropriate place  
10 to hold the conference, and we've made some assumptions about  
11 what the scope of the conference would be, what the commitment  
12 of the Trustee Council would be to the cost of it. And we  
13 would, then, working with these assumptions, come back with  
14 more detailed estimates of costs to give to the Trustee  
15 Council.

16           Some of the assumptions we've made are that  
17 approximately 500 people or more would register to attend this  
18 conference. That there would be no additional travel funds  
19 provided to participants or speakers at the conference, it  
20 would be mainly principal investigators that are presently a  
21 part of the process. That there would be a minimum  
22 registration fee of approximately \$25.00, or thereabouts, would  
23 be charged to cover the costs of putting on the conference  
24 itself. That the proceedings of the conference would be made  
25 at cost -- made available at cost to any participants who wish

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to order them. The conference would, as we said earlier, focus  
1 on the full array of the damage assessment information that  
2 would be available at the time. And the remaining cost of the  
3 conference would be paid by funds approved by the Trustee  
4 Council, and which we would identify what those costs would be  
5 at a later date. Some of the things that I have in mind is  
6 some of the support for publishing the proceedings, for getting  
7 it put together and published, perhaps, so some of the copies  
8 would be available to public libraries around the country at  
9 maybe no cost and things like that.

10 The fourth page is a brief quote from the Egan  
11 Convention Center on what their costs would be for the  
12 conference; and essentially, it's \$1,500.00 a day for the  
13 facilities; and we anticipate this would be a three -- probably  
14 four day conference to get all the presentations fit in.

15 With that in mind, I would like to turn it over to Bob,  
16 Dr. Spies, our chief scientist who you well know, and to  
17 Dr. Doug Wolfe from NOAA's Damage Assessment Center who is a  
18 senior scientist there who has been involved in a number of  
19 past oil spills on an international level to address the merits  
20 of the conference in their view -- of the symposium and their  
21 view of its value. Could we start with Bob.

22 DR. SPIES: I really hadn't prepared any formal  
23 comments, I'm just here to support the general concept of a  
24 systematic release of the scientific information from these  
25 studies. I feel with a hundred million dollars spent on the

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science in the last three years, or a number approaching that,  
1 that we should be putting out this information in a systematic  
2 way and not just simply releasing data as in kind of a random  
3 process. And I see the symposium as one of the better ways to  
4 do this in combinations with some of the other mechanisms  
5 proposed here by Byron. So, I'm just here to lend my support  
6 to that idea, and I think if the Trustees would like to support  
7 this, it would be good. I think there are other ways of doing  
8 it as well, perhaps, private organizations, but in that case,  
9 the costs might be fairly high to the participating public in  
10 terms of obtaining proceedings and attending the meeting and so  
11 forth. So, I don't know if you have anything to say, Doug.

12 DR. WOLFE: Yeah, I do. Yeah. I'd like to add some of  
13 my experience to support for the concept of carrying out a  
14 symposium as well, or more importantly, perhaps, for a very  
15 high quality -- and by high quality I mean scientifically high  
16 quality -- publication that documents the overall NRDA process  
17 for the public. I think that the Amoco Cadiz spill in Britain  
18 -- that occurred in Brittany, France in 1978, in fact, provides  
19 a valuable precedent here. After the second year of field  
20 studies in that program, the French National Center for the  
21 Oceans sponsored a symposium leading to a comprehensive  
22 compendium that encompassed governmental, academic, industry  
23 studies undertaken after the spill. Two years after that, NOAA  
24 and Synexxo (ph), the French agency, published another  
25 compendium in 1982 that described all the work undertaken, with

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support by Amoco at that time, by the International Commission  
1 for Ecological Studies of the Amoco Cadiz.

2           These two volumes are widely cited, and they provide a  
3 focal point for all studies on the history, the response, the  
4 affects, both environmental and socioeconomic of that spill.  
5 They also provide a directory to the studies that were  
6 subsequently carried out and published in the dispersed  
7 literature by identifying all of those investigators and  
8 authors who were involved in spill studies from the start.

9           Without such a product, the results from those spill  
10 studies and the results from the Exxon Valdez Oil Spill NRDA  
11 studies are going to be destined for diffusion into a mixture  
12 of gray literature reports and scientific papers in a wide  
13 range of journals, some peer reviewed, some not, scattered over  
14 several years I'm afraid. This will make retrieval a nightmare  
15 for the scientists and managers who need to access and use that  
16 information. Such a proceedings is a most important technical  
17 product of the overall NRDA process, one that's going to  
18 benefit future scientists, and the managers, and lawyers and  
19 damage assessors that are going to be carrying out related  
20 studies in the future. And they need access to a focused,  
21 centralized source of information for that purpose, and I hope  
22 the Trustee Council will find a means for producing and  
23 generating such a product from this very extensive effort that  
24 we've undertaken so far.

25           MR. PENNOYER: Mr. Chairman.

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MR. TREADWELL: Mr. Pennoyer.

1 MR. PENNOYER: Doug, one of our missions here has  
2 always -- we've stated it is to sort of tell the story, and so  
3 I think we've already assumed that's what we're going to do in  
4 some comprehensive, cohesive fashion. What you didn't say is  
5 how this relates to the symposium proceedings (ph) exactly.  
6 The two -- the publications from Amoco Cadiz were done  
7 separately from the sympos- -- they were just done as a  
8 compendium, would you care to relate that to the symposium  
9 concept?

10 DR. WOLFE: Yes. Excuse me, I didn't make that clear.  
11 The French symposium was a symposium which led to the first  
12 hardbound book which covered the entire scope of that spill.  
13 And I think that the symposium, per se, probably affords a  
14 rather limited means of communicating the spill results;  
15 although, it does afford an opportunity for the investigators  
16 who were involved and -- well, to convey their results to one  
17 another, to help ensure that there's compatibility among the  
18 studies and use of the information, and also to convey the  
19 results to the concerned public at that moment. But I think  
20 that the symposium provides a very important mechanism for  
21 bringing together the conclusions and generating, what in my  
22 view, is the more important product, the published document.

23 MR. BARTON: Mr. Chairman.

24 MR. TREADWELL: Mr. Cole, then Mr. Barton.

25 MR. COLE: Do you want to go first.

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MR. BARTON: Fine. Go ahead.

1 MR. COLE: Let me say this, for over a year now, I've  
2 taken heavy pounding for requiring that the information  
3 collected by the Department of Law in connection with the  
4 prosecution of its claims against Exxon, Alyeska Pipeline  
5 Service Company remain confidential. I have taken that  
6 pounding from the Legislature, from these meetings, and from  
7 literature, but I'm pleased to say that those days are over,  
8 and I am no longer requiring, as Attorney General, the holding  
9 of that data confidential. I made that decision because, in my  
10 view, it was essential to protect the State's litigation rights  
11 against those responsible for the Spill, and to protect in good  
12 faith our agreement with the third party plaintiffs who were  
13 prosecuting claims against the State and subsequently settled  
14 those claims with the understanding that the State of Alaska  
15 would furnish its material to their lawyers. I made that  
16 decision in recognition of what I thought to be very legitimate  
17 complaints of public that they should be entitled to see that  
18 information, and that information was necessary for them to be  
19 able to evaluate the proposed restoration programs.

20 So, to the extent that others don't care to see that  
21 data released generally for whatever reasons, the Attorney  
22 General is no longer responsible. There. Now, I want to just  
23 comment briefly about the symposium and the release of that  
24 data. I think we should get on with the releasing of that  
25 data. As I said, I thought the clamor, if you will, by the

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public for that data was rooted in very legitimate concerns.

1 And it would be my thought that the Restoration Team should  
2 devote itself to providing that mechanism for the expeditious  
3 release and dissemination of that data. And I also feel that  
4 delaying, if you will, the release of that data until the  
5 symposium can be held next year, is an inordinate delay.

6 MR. TREADWELL: Mr. Barton.

7 MR. BARTON: I, too, am concerned with the delay. I am  
8 delighted to hear the Attorney General has released the data --  
9 the hold on the data, at any rate. I was going to suggest that  
10 -- and this was based on the assumption that the data and  
11 information would be available around the 1st of September, I  
12 was going to suggest that the Draft Restoration Plan would be  
13 an excellent place to disseminate all of the damage or injury  
14 information with the timeline we have for that. Now, that it's  
15 available today .....

16 MR. COLE: Did I say that? I said we should set about  
17 getting it released in orderly form forthwith.

18 MR. BARTON: That's what I was going to address, that  
19 I, too, share your direction to the RT to get on with figuring  
20 out how to release this information in an orderly fashion. But  
21 I don't know that there's anything wrong with the symposium, I  
22 just don't think it's timely enough to accommodate the public  
23 interests.

24 MR. MORRIS: Mr. Chairman. Just clarification. MR.

25 TREADWELL: Just have an answer on that and we'll go to Mr.

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Morris.

1 MR. MORRIS: Yeah. I'm sorry I didn't make it clear.  
2 All the other ways that I discussed are currently being  
3 accomplished, it's just that the symposium is the one form of  
4 release of information that we haven't yet been able to act on.  
5 The information, as the reports come in, will be put in the  
6 library and their availability will be announced. We will ask  
7 our PIs to start preparing papers for scientific publication.  
8 All those other forms we would proceed with as well, so there  
9 wouldn't be any delay in the release of the information, one  
10 would not hold the other up.

11 MR. TREADWELL: Would Restoration Planning Work Groups  
12 that have previously had to take place in confidence because  
13 they've been using the data, could those meetings be opened up  
14 to the public at this point?

15 MR. MORRIS: That, I don't know, that's a policy call.  
16 It wouldn't be because the data was sensitive of that (ph).

17 MR. TREADWELL: Any thoughts on that? Mr. Cole? Mr.  
18 Barton.

19 MR. BARTON: Well, one thing is that that's really a  
20 discussion the Restoration Team has as well as the various work  
21 groups that work for the Restoration Team, you know, those are  
22 pre-decisional meetings, and whether we would want to open them  
23 up or not, we would need to consider that aspect.

24 MR. TREADWELL: Mr. McVee.

25 MR. McVEE: One thought, that, you know, this data is

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involved in a dynamic process in that the PIs -- we've approved  
 1 projects are currently NRDA projects, damage assessment  
 2 closeout projects -- are in the process of preparing those  
 3 reports; you know, so it's data that they may have in some form  
 4 before it has been analyzed or synthesized into those final  
 5 reports. I guess one of my concerns is that even though, you  
 6 know, a symposium is not a bad idea, these have been useful  
 7 tools, there was one put on last spring on arctic research, and  
 8 I think Minerals Management Service does information exchange  
 9 programs and they're valuable tools in order to bring all that  
 10 information before the scientists and before the public, but my  
 11 concern is that I don't want to see anything that detracts from  
 12 the principal investigators from completing the damage  
 13 assessment reports. I think we need to find a way, if we're  
 14 going to do a symposium, that we could put it on without  
 15 impacting that process.

16           The other part of it is that the Restoration Team is a  
 17 group that is probably over-obligated at the present time. So,  
 18 I feel like that if we do move towards a symposium, we should  
 19 look for someone outside the Restoration Team to do that. I  
 20 feel like they're going to have their hands full with the work  
 21 that has to be done, reviews and so on on setting up this  
 22 program, and the Restoration Plan and the drafts that have to  
 23 go out, and the Public Advisory Group, getting that  
 24 implemented. So, I certainly would recommend that we look  
 25 somewhere else for, you know, lead to handle that if we're

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going to move that direction.

1 MR. TREADWELL: Are there any other thoughts to come  
2 before the group on the proposal for the symposium at this  
3 time?

4 MR. PENNOYER: Mr. Chairman. The action being  
5 requested of us here is to ask the RT to scope -- further scope  
6 out the concept and come back to us with an organizational  
7 budget structure and how it might work?

8 MR. TREADWELL: As I understand it .....

9 MR. PENNOYER: We're not approving the symposium, per  
10 se, at this point.

11 MR. MORRIS: I guess what we need is approval of the  
12 symposium and some commitment risk, at least, on the symposium  
13 facilities, the cost of \$1,500.00 a day, so we could have those  
14 lined up, and then come back with greater detail on the further  
15 costs of conducting the symposium based on some committee being  
16 established to flush these out. I identified a ballpark figure  
17 of the cost to the Council, including the proceedings, of  
18 \$50,000.00. But I only realize that the proceedings, as we  
19 anticipate them, the time frame would follow the symposium,  
20 there's no way you could get manuscripts and a proceedings  
21 accomplished before then. So, this -- the cost of the  
22 proceedings would, in fact, be a cost for next year not for  
23 this year.

24 MR. TREADWELL: Well, based on .....

25 MR. MORRIS: The cost for this year would probably be

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about \$10,000.00 just to have the symposium and whatnot.

1 MR. TREADWELL: You're looking for a commitment of  
2 \$6,000.00 right now before you -- to tie down the date and then  
3 to come back with a plan?

4 MR. MORRIS: Yes. Up to \$6,000.00. I don't know what  
5 a penalty would be if we canceled the reservation.

6 MR. TREADWELL: Right. Mr. Cole.

7 MR. COLE: The \$50,000.00 figure sort of staggers me.  
8 Did you say 50,000 to put on this symposium?

9 MR. MORRIS: Up to. That's including the proceedings,  
10 the publication costs would be the major expense I would  
11 presume.

12 MR. PENNOYER: Mr. Chairman. Mr. Cole, I think part of  
13 the answer to that is that we're looking for ways to  
14 disseminate this information, and part of that is the cost of  
15 the book, so to speak; the proceedings would be sort of the  
16 book about the Spill, it would be one method of getting that  
17 book out. So, the costs go up as much as we want to put into  
18 that book and on how widely we want to distribute it. The  
19 symposium is simply just the focus to bring all of that  
20 together, as I understand it and .....

21 MR. TREADWELL: Well, at this point, if I could say,  
22 Charlie, I think your announcement will be welcomed very much,  
23 and I would hope that the plan that they come back with is, as  
24 you said, much more ambitious here and also looks at  
25 partnerships with entities such as the universities, science

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centers and also looks at the participation of other  
1 investigators besides those having done NRDA research, if  
2 you're going to have a large symposium, and looks at other  
3 mechanisms to get information out. But the idea being that,  
4 you know, because we are now free to move forward, we try to  
5 move forward with as much speed as possible.

6 MR. COLE: Mr. Chairman.

7 MR. TREADWELL: Mr. Cole.

8 MR. COLE: Who would like to hear views of others on  
9 whether they really feel that a \$50,000.00 expenditure is the  
10 best means of disseminating the information? I really don't  
11 have a good enough feel for that, although, I certainly respect  
12 Dr. Spies and other views on the subject. But I mean could I  
13 ask, for example, Mr. Rosier to see what his sense of that is.  
14 I don't have enough experience in this area to make a very  
15 informed judgment.

16 MR. ROSIER: Well, I would say -- Mr. Chairman.

17 MR. TREADWELL: Mr. Rosier.

18 MR. ROSIER: I would say that, you know, the cost  
19 estimate that's been put forth is probably about in the  
20 ballpark for this type of operation. Generally, you don't get  
21 much for less than about 50 to \$60,000.00 on this. This  
22 timing, this issue is something that I know that the public has  
23 really been pushing hard for getting that information, and it  
24 would seem to me that the symposium, you know, in February or  
25 March would almost be an after the fact type of thing. That

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we're really talking about a situation that those people that  
1 are really after that information are going to be collecting  
2 that, you know, as of tomorrow probably, after Mr. Cole's  
3 announcement.

4 MR. TREADWELL: Across the hall during lunch.

5 MR. ROSIER: Yeah. Quite possibly. But I suppose that  
6 in terms of a final wrap-up of the -- so to speak of the damage  
7 assessment then, you know, that it might be -- in order to have  
8 some type of conference of symposium. I cringe a little bit at  
9 the thought of 50 to \$60,000.00 just to wrap the program up  
10 myself.

11 MR. MORRIS: There are other ways to approach it. In  
12 some ways, the symposium could be self-supporting with the  
13 registration fee and the charge for the cost of the  
14 proceedings, there'd be some respite that it could,  
15 essentially, pay for itself. Those are sorts of details that I  
16 think maybe need to be established to flesh out .....

17 MR. TREADWELL: We need to come to a consensus because  
18 we're coming up on a break, and I know some people have got  
19 noon appointments. At this point, does the Council want to go  
20 forward and authorize the Restoration Team to set a date as  
21 early as possible for a symposium, and to come to back with an  
22 ambitious plan for releases of information in the meantime and  
23 to proceed?

24 MR. PENNOYER: The motion -- your idea is that the plan  
25 to release information would include a symposium and other

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factors .....

1 MR. TREADWELL: Yes.

2 MR. PENNOYER: ..... and a timeline of how this is  
3 going to be done?

4 MR. TREADWELL: Yes.

5 MR. McVEE: Mr. Chairman.

6 MR. TREADWELL: Mr. McVee.

7 MR. McVEE: I think the proposal needs a little bit  
8 more work since the Attorney General's announcement. I think  
9 because we're almost dealing with two issues here, immediate  
10 release -- immediate access to information versus trying to do  
11 something that ultimately puts this information out before the  
12 scientists and the general public in winds up in a publication.  
13 But I guess one thought is maybe looking at a contractor,  
14 there are people that put those things on, and you know, there  
15 are contractors that do that; it would be one way of keeping  
16 the burden off of the Restoration Team.

17 MR. TREADWELL: Mr. Rosier.

18 MR. ROSIER: Yes. In that regard, certainly, the  
19 Alaskan Sea Grant (ph) Program laid out -- they have excellent  
20 capabilities in this particular arena, and they have put on a  
21 couple that I've been involved with. They've certainly done a  
22 find job of .....

23 MR. TREADWELL: Okay. Well, at this point, I sense  
24 there is a consensus to have the Restoration Team set a date  
25 for a symposium but to come back in the wake of Mr. Cole's

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announcement with a more ambitious plan of the budget and  
1 timeline at the next meeting. Is there any further any  
2 further business .....

3 MR. COLE: Mr. Chairman.

4 MR. TREADWELL: Mr. Cole.

5 MR. COLE: Is there really a consensus on that  
6 symposium? I'm not sure I have that sense, but maybe there is,  
7 I'm not sure.

8 MR. TREADWELL: Well, Charlie, I'd be happy to back you  
9 up by saying I'm not sure the symposium couldn't be held  
10 earlier or cheaper either. I think it would make sense to try  
11 to reserve a date and work toward, I guess is the point.

12 MR. BARTON: Mr. Chairman. I would -- I assume you're  
13 making a motion, and I would amend your motion to ask that the  
14 symposium be largely self-supporting, then I would have no  
15 trouble supporting your entire motion.

16 MR. PENNOYER: Mr. Chairman. I don't disagree with  
17 that except part of the costs of the proceedings may be part of  
18 our public information release, and therefore, it may be fully  
19 appropriate for this group to underwrite. I don't know how  
20 much those are, I don't know how they relate to other things we  
21 might do. So, I think the cost of actually holding the  
22 symposium, I would agree that the cost of what we do with the  
23 proceedings in terms of getting the word out as a summary of  
24 what we've done on damage assessment might be a little bit  
25 different.

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MR. TREADWELL: Well, maybe the best thing to do is  
1 hazard the guess that the Egan Center is going to be able to  
2 find -- it's either the Egan Center or something else will be  
3 able to find four or five days a month from now and you'll be  
4 able to come back with a better plan at this point for the  
5 whole thing, and just authorize you to move forward with it.

6 MR. MORRIS: I guess I didn't quite follow that.

7 MR. TREADWELL: I guess the point is is don't -- I  
8 would like to pull the motion, so to speak, and I was trying to  
9 form a consensus as Chair here and just suggest that we'll take  
10 the risk in the time between now and the next meeting that we  
11 can find a place to hold this next spring, and we'll have a  
12 better laid out plan that will take in some of the concerns the  
13 Trustees have raised today and the public comment we'll hear  
14 this afternoon.

15 MR. COLE: Well, Mr. Chairman, let's stay on this a  
16 little bit just .....

17 MR. TREADWELL: Okay.

18 MR. COLE: ..... more, if you don't mind.

19 MR. TREADWELL: Certainly.

20 MR. COLE: I would move to amend the motion to amend,  
21 if you will, to contribute \$25,000.00 to this symposium to show  
22 our support for it. I think asking it to be totally self-  
23 supporting may be a little onerous. But I mean I would say  
24 25,000 and get it going wouldn't shock my conscious -- economic  
25 conscious, let's put it that way. That's -- I make that

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motion.

1 MR. McVEE: Mr. Chairman.

2 MR. TREADWELL: Mr. McVee.

3 MR. McVEE: I think as a guide that's a pretty good  
4 number, as I recall this arctic informational thing we did last  
5 spring or (indiscernible), that the National Science Foundation  
6 contributed 25,000 for the publication, and the rest of it was  
7 borne by several groups and agencies. But I think that that  
8 was a three-day symposium, so there was a fairly thick document  
9 developed out of that, so I think that's a pretty good ballpark  
10 number.

11 MR. COLE: May I just say we could give some support  
12 from this body to that symposium, too, to cut the expense.

13 MR. TREADWELL: Okay. At this point then it might be  
14 to invite proposals to stage a symposium on NRDA data and other  
15 data, and to say that the Trustees will support \$25,000.00  
16 toward publication of those proceedings is how I would restate  
17 the motion. Is there any objection to that motion?

18 MR. COLE: Well, I don't want to fuss, but I don't  
19 think it was 25,000 to support publication.

20 MR. TREADWELL: Okay.

21 MR. COLE: As I understood it, it was 25,000 to  
22 contribute to the symposium, and where those monies are put  
23 would be in the discretion of those who are organizing the  
24 symposium, that would be my thought.

25 MR. TREADWELL: Is there any objection to that as

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Charlie has stated it?

1 MR. PENNOYER: Mr. Chairman.

2 MR. TREADWELL: Mr. Pennoyer?

3 MR. PENNOYER: No objection, but as a follow-up,  
4 though, we still have the part in there about given the timing  
5 of the release of data how this fits in with total data release  
6 and releasing things -- pieces now and this might form the  
7 comprehensive book bringing it all together later on or  
8 however, that report will be brought back to us at the next  
9 meeting?

10 MR. TREADWELL: I believe that's understood as well.

11 Thank you.

12 MS. BERGMANN: Mr. Chair. Could you please clarify  
13 what you meant by other data when you said release of NRDA data  
14 and other data, please?

15 MR. TREADWELL: If there is going to be a comprehensive  
16 symposium, there has been some independent science conducted in  
17 the same lines of inquiry, there's been some industry science,  
18 there's been some -- there may be others who want to take the  
19 data and do their own papers based on their review of the data,  
20 and if you're going to have a symposium, somebody may want to  
21 come with an independent view. I think once you do that, you  
22 may have some question on peer review, on proceedings, and I  
23 think that the scie- -- you know, you may want to look at those  
24 issues later. But the issue is -- the idea really is to have a  
25 comprehensive symposium.

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MS. BERGMANN: But only focusing on the Exxon Valdez  
1 Oil Spill .....

MR. TREADWELL: That's correct.

MS. BERGMANN: ..... and not bringing in other spills  
4 was my .....

MR. TREADWELL: That's correct.

MS. BERGMANN: Thank you.

MR. BARTON: But encompassing all the work that's been  
8 done regardless of whether it's done by Exxon or as part of the  
9 damage assessment or independently, is that .....

MR. TREADWELL: That's correct.

MR. BARTON: ..... the motion?

MR. TREADWELL: Yes.

MR. BARTON: Okay.

MR. MORRIS: Okay. For my benefit then, I guess I'm a  
15 little unclear. We didn't -- I'm just concerned now with what  
16 to do with the proposed reservations with the Egan Convention  
17 Center. Those were the only two time frames that were open  
18 this coming spring for them. We all know that any later in the  
19 year, you run into the problem with tourism season and  
20 availability of hotels and other things. So, we were looking  
21 at probably February as the earliest we could probably feasibly  
22 put this together without distracting PIs from final reports  
23 and what have you and still have them available. We can come  
24 back with you for -- at your next meeting, I don't know when  
25 that's going to be, with more detail. I guess I need some

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guidance on what to do with the reservations that the Egan is  
1 holding for us now, they'll hold them till the middle of this  
2 week. But if you hope it to be available after the next Trus-  
3 -- .....

4 MR. PENNOYER: Mr. Chairman. My assumption was if we  
5 said we were committing some funding to this, and that was an  
6 appropriate time to have it, you would proceed with that, and  
7 maybe we might, through some unforeseen circumstances, have to  
8 absorb penalty costs, but hopefully we would not. So, I guess  
9 we're saying to proceed with .....

10 MR. TREADWELL: I think you've got the leeway to go  
11 ahead, but you've got to try to help find -- you know, while  
12 you're signing on the dotted line there, you're also trying to  
13 find a partner to take on that risk at some other point and see  
14 that -- see those funds returned.

15 MR. MORRIS: We can handle that tomorrow probably.

16 MR. TREADWELL: All right. Ms. Bergmann.

17 MS. BERGMANN: I might suggest that, perhaps, over the  
18 lunch hour, Byron could call the Egan Center and find out what  
19 their refund policy is if we would cancel in a month, and that  
20 be a useful piece of information to the Trustee Council.

21 MR. TREADWELL: Okay. If there is no further business  
22 to come, we will adjourn for lunch and reconvene at 1:00?

23 MR. COLE: 1:00? How about .....

24 MR. PENNOYER: Let's try to make it about 1:15.

25 MR. TREADWELL: Why don't we say 1:15.

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MR. COLE: 1:15.

1 (Off record)

2 (On record)

3 MR. SANDOR: Good afternoon, can you hear? The Exxon  
4 Valdez Oil Spill Settlement Trustee Council meeting will  
5 reconvene with Item 4 on the agenda, which is the Public Review  
6 Processes. I did want to announce that the technicians, the  
7 audio technicians, have asked that we adjourn at 4:30, a half  
8 an hour prior to the 5:00 p.m. start of the teleconference  
9 portion of this meeting to set up the telephone equipment, so  
10 we will have a break somewhere in the vicinity of 3:00 o'clock  
11 and then reconvene and plan to have that break at 4:30. I  
12 express appreciation to Mead Treadwell for representing the  
13 Department of Environmental Conservation this morning.

14 We'll move forward then with Item 4 on the agenda, the  
15 Public Review Processes, Jerome Montague and Stan Senner will  
16 make the presentations.

17 DR. MONTAGUE: Thank you, Mr. Chairman. At the  
18 beginning of this section you'll see there's one page here that  
19 lists the four items that we're going to cover, and also lists  
20 the action that is requested of the Trustee Council. The first  
21 thing in this section is the procedure for responding to public  
22 comments on the 1992 Draft Work Plan, and that includes some  
23 portion of the comments on the Restoration Framework. And on  
24 this, we request approval of the process and schedule.

25 The second item is the first portion, or at least, the

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beginning through the 1st of July schedule for the development  
1 of the 1993 Work Plan, and we'd like an approval on the first  
2 section of this '93 Work Plan.

3 The third item is the Exxon Valdez Oil Spill Trustee  
4 Council format for public ideas for restoration projects, and  
5 on this, we request approval of this format.

6 And the last item in this section is a timeline for the  
7 completion of the Restoration Plan and associated Environmental  
8 Impact Statement, and we'd be interested in approval on that  
9 timeline as well.

10 Very briefly, if you'll turn to the next page, there's  
11 a little flow chart here on how we'll be responding to the  
12 public comments. And if you come down to the point where there  
13 is a box off to the left where it says Restoration Plan, since  
14 the request for comments on the '93 Work Plan were sent out  
15 concurrently with the request for comments -- or the '92 Work  
16 Plan as sent out concurrently with requests for comments on the  
17 Restoration Framework, they will be coming in at the same time  
18 and we intend to handle them all as one group. Also, comments  
19 will be coming in from the scoping meetings that we're going to  
20 be holding in May around the State, and these will be included  
21 as well. And basically, the primary sort (ph) at this stage on  
22 the flow chart is whether it's a comment for the '92 Work Plan  
23 or a comment for the Restoration Plan. And we won't really  
24 address the Restoration Plan any further because the response  
25 to the comments will basically be the Draft Restoration Plan,

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so there won't be any response to comments, per se. But for  
1 the '92 Work Plan, the next stage is concurrent reviews that  
2 include the technical reviews, legal reviews, if there's any  
3 economic comments, and a general response. And there's only  
4 about five days in the schedule for that.

5 And, just the main thing -- one of the main things I  
6 want to point out about the schedule here is that from June 4th  
7 to June 29th, basically, the comments will be put together and  
8 recommendations to the Trustee Council made. And this is very  
9 fast; for instance, our response to comments from 1991 just  
10 came out this month, so we're planning on doing something that  
11 in the past has taken six to eight months in less than a month.  
12 So, I just wanted to highlight that so that -- then, after we  
13 have done that portion, and we're just looking at '92 Work Plan  
14 comments, the primary decision is does it change the Work Plan  
15 or does it not change the Work Plan? If it changes the Work  
16 Plan, it can either do it by deleting or adding a project, by  
17 changing the cost or changing the scope. And if it's a new  
18 project or a project was dramatically changed or increased  
19 scope, there may be some need to evaluate it for environmental  
20 compliance.

21 Then, there'll be a draft of the recommendations in  
22 about a six day period where the drafts will be reviewed two or  
23 three times; and again, the reviews will be concurrent, and any  
24 delays in these reviews will extend the approval of the Work  
25 Plan, which is already, at the end of June, a month later than

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our original end of May deadline. So, we'd have approval of  
1 the '92 Work Plan by June 29th. And as far as what the  
2 document that's released after that would be like, we're not  
3 really sure; it depends on the magnitude of the comments, but  
4 it would either be an addendum to the Draft '92 Work Plan or,  
5 if necessary, if the changes are extensive, then a whole new  
6 final 1992 Work Plan.

7 There's no comments on the '92 Work Plan. The next  
8 page is just a more detailed schedule of the flow chart.

9 MR. SANDOR: Perhaps, let's take, unless the Council  
10 wants to do otherwise, each one of these items in sequence.  
11 Are there any questions with respect to Item 1, the procedure  
12 for responding to public comments in the 1992 Draft Work Plan,  
13 any questions? Yes, Steve.

14 MR. PENNOYER: Mr. Chairman. Not exactly a question,  
15 but at some time about the time we get to the final approval, I  
16 would like some type of a status report on where we are in  
17 various projects. We have some chart of where -- what stage of  
18 implementation we're at on various projects. I don't need that  
19 now but at some time as you go through you're asking us to make  
20 approvals at different times, it would be helpful to know the  
21 status of projects when we do that.

22 MR. SANDOR: Can that be accommodated, Jerome?

23 DR. MONTAGUE: Yes, Mr. Chairman. If you could advise  
24 me on the time that you would want that, concurrent with our  
25 recommendations or at an earlier time than our recommendations?

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MR. PENNOYER: Well, I'd like to have them by the time  
1 you made your recommendations, so if we could have them a  
2 little bit earlier so we've got a chance to look at them.

3 MR. SANDOR: Mr. Gibbons, can we plan for that?

4 DR. GIBBONS: Yes, I think we can do that.

5 MR. SANDOR: Mr. Barton, did you have a question?

6 MR. BARTON: Looking on Page 2 of the flow chart at the  
7 June 29 box, and then there's a three-way split from that box,  
8 what determines which track we go down?

9 DR. MONTAGUE: Mr. Chairman, if I could address that.  
10 The press release itself is just that, the press release Since  
11 at June 29th we would have recommendations of the Trustee  
12 Council put into effect, the affect -- whatever changes that  
13 brings about should take place immediately. So, even though  
14 the actual document, other than what's presented here at the  
15 Council, hasn't been put together. New projects are to be  
16 added or projects stopped or changed, it should happen as soon  
17 as possible after the 29th.

18 MR. BARTON: Well, how do we get down to the right-hand  
19 track; what determines if we go down that track?

20 DR. MONTAGUE: Well, if it's not the press release or  
21 -- basically, what the right-hand track is is taking the brief  
22 document that's presented to the Council and providing more  
23 details and putting it in and having it going to professional  
24 editors and made up to a document to be distributed to the  
25 public.

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MR. COLE: Mr. Chairman.

1 MR. SANDOR: Yes, Mr. Cole.

2 MR. COLE: Following up on Mr. Barton's view there,  
3 don't we need sort of an arrow from implement appropriate  
4 project actions and run that over to prepare final '92 Work  
5 Plan? I mean I think we've got to get over to the right-hand  
6 column from the left-hand column somehow.

7 MR. SANDOR: How about that, Jerome or Dave Gibbons?

8 DR. MONTAGUE: Mr. Chairman, that's fine, we can do  
9 that. I am afraid that that seems to indicate that the actions  
10 won't be taken until, you know, July 31st when the document's  
11 to the printer. If that's not what's intended, then yes, we  
12 can have a line .....

13 MR. COLE: Run it over to the 6/30 line.

14 DR. MONTAGUE: I see. Yes, we can accommodate that.

15 MR. SANDOR: That change, have we made any other  
16 questions or suggestions.

17 MR. McVEE: Mr. Chairman.

18 MR. SANDOR: Yes, Mr. McVee.

19 MR. McVEE: I believe I missed this, but what happens  
20 to the public comments after they flow into the Restoration  
21 planning process?

22 MR. SANDOR: Jerome, what happens to the public  
23 comments after they flow into the rest- -- .....

24 DR. MONTAGUE: Pardon me, I didn't hear your question.

25 MR. SANDOR: What happens to the public comments after

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they go into the restoration planning process, are they  
1 responded to or are they summarized?

2 DR. MONTAGUE: Mr. Chairman. Yes. The comments that  
3 actually change the projects will be in there, and they'll be  
4 described, more or less, by the June 29th time frame (ph). The  
5 reason for the additional time beyond June 29th is to better  
6 assimilate and put together the response to comments that were  
7 not -- that did not bring about a change to the '92 Work Plan.

8 MR. RICE: Mr. Chairman. I think the question was more  
9 what happens to the comments that relate to the Draft  
10 Restoration Plan.

11 MR. SANDOR: Um-hum.

12 MR. RICE: That information will go into identifying  
13 the issues that would need to be addressed in the Environmental  
14 Impact Statement and the questions that would be answered in  
15 the Draft Restoration Plan. We don't, at this time, envision  
16 specific responses back to the public on that. We would, in  
17 the draft plan, provide a summary of the public involvement and  
18 those issues that were raised, and then how they were addressed  
19 in the Environmental Impact Statement.

20 MR. McVEE: One other question, Mr. Chairman. In  
21 looking at the Public Comment Review Schedule, the Milestones  
22 and/or Activity, I guess what's bothering me a little bit in  
23 looking at that 9th of June through the 17th period where it  
24 looks like we've got the Restoration Team locked up with the  
25 Work Plan Working Group; and part of that time, seven days of

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that time, we've got the attorneys in there also. And I just<sup>81</sup>  
wonder if that's really the way it's going to work. My problem  
being, I guess, of having the Restoration Team, with all the  
other things they have to do, you know, going through this kind  
of a detail. We've got 10 people on the Working Group, it  
seems like the Restoration Team will just have to review their  
product, and it shouldn't take that whole period of time.

MR. SANDOR: Dr. Gibbons, do you want to comment on  
that?

DR. GIBBONS: Yeah. That is an estimate on our part.  
We envision we're going to quite a few comments, and to meet  
the schedule that we have laid out here, it's going to take  
everybody working full-time to get those done. And so, yeah,  
this is an estimate of based on what we think we're going to be  
receiving, and I think it's going to need the work of everybody  
to progress in an orderly manner.

MR. SANDOR: Any further questions?

MR. COLE: Mr. Chairman.

MR. SANDOR: Yes, Mr. Cole.

MR. COLE: Looking at that milestone chart, I'm a  
little confused about the text material after the date of  
May 5, there is the term "principal investigators" there, and  
I'm not just sure what they have in mind there.

MR. SANDOR: Dr. Gibbons?

MR. COLE: Well, let me just .....

DR. GIBBONS: What we have in mind there is .....

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MR. COLE: Let me give a little help, if you don't  
1 mind. You see, are the investigators looking for principles or  
2 are they the principal investigators, that's what's troubling  
3 me.

4 DR. GIBBONS: They're principal investigators, the  
5 project leader, we'll correct that.

6 MR. COLE: That's under May 25, too, I was just thrown  
7 there for a minute to figure out 'cause I also thought it might  
8 the unprincipled investigators, too.

9 MR. SANDOR: Any further questions or comments? May we  
10 have a motion to approve the procedures for responding to  
11 public comment on the 1992 Draft Work Plan.

12 MR. BARTON: So moved.

13 MR. SANDOR: Barton moves and who seconds? Pennoyer  
14 seconds. Any further discussion on this motion to approve the  
15 procedure for responding to public comment on the 1992 Draft  
16 Work Plan? Is there any objection? Unanimous consent and that  
17 is approved.

18 Item Number 2, 1993 Work Plan Development Schedule.  
19 Jerome, are you doing this one?

20 DR. MONTAGUE: Yes, Mr. Chairman, thank you. As you  
21 can see, the '93 Work Plan development schedule isn't complete.  
22 Various -- well, in a minute, I'll outline some of the  
23 problems that we've been wrangling with that we haven't  
24 resolved, which is the reason why it's not complete. The main  
25 point that we're trying to seek approval on here is back

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earlier in the year, the Trustee Council asked us to set up  
1 some sort of a process for how we would handle -- I think the  
2 word used was public proposals, whether it really meant full-  
3 blown proposals or not, I'm not sure. But what we're  
4 recommending for the Council to consider now is that for 1993,  
5 attached to this is a letter and a format for which ideas for  
6 1993 and future work would be submitted.

7 And some of the problems that we haven't resolved that  
8 shed light on this idea of format is that in the future, 1993  
9 and beyond, we had a desire to, more or less do what need to be  
10 done as opposed to what sometimes can happen of agencies or  
11 individuals successfully selling a particular idea. And the  
12 idea was that we would let the injuries, and the technology and  
13 the urgency drive the formulation of generalized restoration  
14 needs. And we envision the logical process of goal setting and  
15 consideration of the public ideas that come in on these forms,  
16 and developing generalized project identification. And the  
17 exact procedure that we would use to do this we haven't set  
18 upon, but on May 8th, we are having an expert on a process  
19 called Adaptive Environment Assessment come to speak to the  
20 Restoration Team.

21 Another problem that we were wrangling with was how to  
22 deal with unsolicited proposals. And one of the main reasons  
23 we wanted the Trustee Council to consider this idea approach is  
24 to prevent potentially severe disappointment in individuals or  
25 firms or agencies for spending a lot of time and thousands of

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dollars on projects that had a lower probability of funding.

1 So, that's one of the primary reasons for trying to go with the  
2 idea format. And as I just mentioned above, we'd like to have  
3 an unbiased direction of what needs to be done to, more or  
4 less, determine what projects go ahead in '93.

5 The third thing we were trying to achieve is if we were  
6 reading the Council correctly is to try to get this to be more  
7 -- not just an agency operation but to also get a fair amount  
8 of money to the private sector, and not that the '92 Work Plan  
9 and earlier plans don't have considerable amount of government  
10 activities. One of the best ways we thought about going about  
11 this would be through a request for proposals approach where  
12 once the general project that we wanted to go ahead with was  
13 approved, then it could be written up in detail and those in  
14 the private sector wishing to do it would be able to compete  
15 for a project that had a high probability of funding. One of  
16 the problems that adds complexity to this issue is how to  
17 decide which -- what proportion or whatever goes to agencies as  
18 opposed to the public or all one way or all the other.

19 One thing that we're trying to do is since -- as we'll  
20 talk about under the financial topic, that we will be trying to  
21 get onto a federal fiscal year, which begins October 1st, so  
22 that would be -- require getting approval for the '93 Work Plan  
23 by September. And, in fact, the State and the Federal process  
24 actually works on a more advanced schedule than that, and we're  
25 even considering trying to have the '94 Plan ready for approval

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by this September.

1           That's all I had on the '93 Work Plan, I hope that  
2 describes, somewhat, why we're just looking for approval of the  
3 schedule through the 1st of July and approval of using the idea  
4 format.

5           MR. SANDOR: Okay. Are there any questions of Dr.  
6 Montague regarding the 1993 Work Plan Development Schedule up  
7 to the period 1 July?

8           MR. McVEE: Mr. Chairman. Question. Would by our --  
9 by our next meeting, would the schedule be available to show, I  
10 guess, the remainder of the Work Plan development? What I'm  
11 thinking about is, you know, crucial is when we would be going  
12 to the court, or when we would actually be receiving money.  
13 And in '93, for the '93 program, that crucial date might be by,  
14 you know, sometime in January so that we can look at  
15 contracting processes and not be in the cycle we're in this  
16 year. But it seems like the rest of -- maybe the rest of the  
17 schedule could be developed for looking at that end --  
18 achieving that end by maybe whatever is reasonable, a January  
19 date or early February date.

20           DR. MONTAGUE: Mr. Chairman. In response to  
21 Mr. McVee's comment, we actually do have a schedule of that  
22 latter end of the Work Plan development, but since we hadn't  
23 agreed upon how to handle non-solicited proposals and whether  
24 we use a request for proposals route and whether we use this  
25 adaptive environmental assessment process, that you're kind of

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middle in the schedule, we decided to get those worked out  
1 before we presented the rest of it. But in response to your  
2 comment about whether we'll have it available by the next  
3 Trustee Council meeting, Dave, I think we can assure that.

4 DR. GIBBONS: Yes, we can assure that.

5 MR. COLE: Mr. Chairman.

6 MR. SANDOR: Mr. Cole.

7 MR. COLE: I think I'm confused. How can we come out  
8 with a '93 Work Plan until we get the results of these studies  
9 that are out there? I think we would need the results of these  
10 ongoing studies before we can decide what to do in '93. Am I  
11 getting off base there?

12 MR. SANDOR: Dr. Gibbons.

13 DR. GIBBONS: Yeah. That's a real concern that we have  
14 also, we've tried to get around that. The earliest that we can  
15 have any information from the '92 work would be like we've  
16 operated in the past, probably late October or November, and  
17 that pushes us way back out of sync. So, yeah, we wrestled  
18 with that problem also, and the only solution we came up with,  
19 if we're going to get on a Federal fiscal year and get it the  
20 time schedule turned around, is to make some decisions without  
21 full information from the '92 studies.

22 MR. COLE: Mr. Chairman. I just don't see how we can  
23 do that. I mean it seems to me what we're trying to do is to  
24 commission these studies, review the results of the studies and  
25 then decide on the basis of those studies what restoration

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1 projects need to be initiated to further restoration, et  
2 cetera. And I think that should be the central focus rather  
3 than getting on the Federal calendar year or whatever that is.

4 I mean so what?

5 DR. MONTAGUE: Mr. Chairman.

6 MR. SANDOR: Is it -- excuse me. Do you want to  
7 respond, Mr. Montague?

8 DR. MONTAGUE: Please. Mr. Cole, I agree those are  
9 very good comments, and it was largely that idea that had us on  
10 the schedule that we were this year. I guess having worked in,  
11 you know, long-term programs like this one, and many other  
12 people on the Restoration Team, what happens is that .....

13 UNIDENTIFIED VOICE: Mr. Chairman, could you have the  
14 gentleman either speak up, get closer to the mike or get the  
15 mike closer to him.

16 DR. MONTAGUE: I'm sorry. Is this any better?

17 (Off record comments)

18 DR. MONTAGUE: Is that okay? Now.

19 UNIDENTIFIED VOICE: There you go.

20 DR. MONTAGUE: Sorry. And what happens is that by  
21 October or November the investigators really don't have their  
22 findings together, and they're presenting findings that aren't  
23 fully thought out and defensible; that's one part of it. We  
24 feel that to really do a report and analysis right that the  
25 report for something happening in the summer of '92 wouldn't be  
out until April or May of '93. And just the schedule of being

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able to accomplish this requires doing it that far in advance,  
1 and that's the way it's done within State agencies and Federal  
2 agencies now for such a program. And I guess we just don't see  
3 a way to do it in two or three weeks, it takes five or six  
4 months.

5 MR. McVEE: Mr. Chairman.

6 MR. SANDOR: Yes, Curt McVee.

7 MR. McVEE: Yes. Another problem, you know, in the  
8 scheduling, and I don't know what to do about it, but is that  
9 the Restoration Plan -- not even the Draft will be out before  
10 we're looking at -- or before we're asking the public to make  
11 their comments or their recommendations on the '92 program.  
12 So, they -- the public will not have that guidance document to  
13 help them.

14 MR. SANDOR: Dr. Gibbons, is it possible to -- would it  
15 not be possible to incorporate in the milestone work plans  
16 schedule either quarterly or periodic instances where the  
17 feedback from the ongoing studies could be incorporated into  
18 this plan for the 1993 Work Plan; was that considered or is  
19 that enough .....

20 DR. GIBBONS: Well, we hadn't thought about that  
21 option. Just thinking about it right now, the investigators  
22 are out in the field, they're collecting this stuff during the  
23 summertime, and I'm not sure when they're going to have time to  
24 prepare a quarterly report when they're out; that was just my  
25 first thinking. They're going to be busy actually doing --

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running the experiments. I'm not sure how that would work.

1 MR. PENNOYER: Mr. Chairman. Excuse me. It is sort of  
2 a Catch-22, but if we're not to be putting the plans out after  
3 the work's already half over, we've got to start earlier than  
4 we're going to have the data to really evaluate what we want to  
5 do. And I don't know you get around that. I think this is an  
6 iterative process, next year it'll be a little bit more  
7 awkward, the following year it'll match a little bit better  
8 because we'll have a Restoration Plan out. I think we just  
9 have to work into it, but I don't think we can go on putting  
10 our plans out in June, or July or August for work that starts  
11 in April. So, I think we're stuck with starting it at this  
12 point, and we just have to work with the Restoration Team and  
13 the PIs and start an iterative process of updating as we go  
14 along. If we wait until we get the results of the work to put  
15 out our request for projects or a Draft Plan to the public,  
16 we'll be back in the situation we are this year; we will be  
17 actually putting a Plan out after we're already halfway through  
18 the year. In the past, we actually put the Plan out after the  
19 year was over, so we're getting a little bit better, we're  
20 putting the Plan out halfway through, next year, hopefully,  
21 it'll be out before we start. So, I don't know how we avoid  
22 working into it that way. We have to have our eyes wide open,  
23 as Mr. McVee said, because these events don't match up very  
24 well.

25 MR. SANDOR: Mr. Cole.

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MR. COLE: It strikes me -- is this gadget on or off  
1 now?

2 DR. MONTAGUE: It's on now.

3 MR. COLE: It's on now. Well, it strikes me that to  
4 put out a '93 Plan before we have the results of the studies  
5 which form the basis for that Plan or should form the basis for  
6 that Plan strikes, you know, at the heart of the entire  
7 scientific process and what we're trying to do. I mean it just  
8 strikes me that this is a very fundamental issue that we -- why  
9 are we holding this Plans, doing these studies in '92 so we can  
10 use them for the '94 work? I think that we simply have to step  
11 up the results of these studies, at least preliminary, and we  
12 cannot wait for four, or five or six months to get these things  
13 done before we decide what we're going to do in '93. We'll,  
14 essentially, lose an entire season of really constructive  
15 restoration work if we do it that way. I can't see any other  
16 way to approach it than that.

17 MR. SANDOR: Any other comments for Dr. Montague?

18 DR. MONTAGUE: Mr. Chairman. On how we would be able  
19 to use new information coming in, certainly once a project --  
20 you know, between September approval and beginning a project in  
21 March, there's certainly a fair amount of leeway in changing --  
22 you know, even stopping the project entirely or changing its  
23 scope quite a bit on these interim findings. And for instance,  
24 we funded closing out a bunch of projects this year that was  
25 field work in '91 and '90, and we did not have that information

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in a final assimilated form in the preparation of the '92 Work  
1 Plan. As Mr. Pennoyer was saying, it's just one of the -- I  
2 believe one of the hazards of having to do this kind of work.

3 MR. COLE: Mr. Chairman.

4 MR. SANDOR: Mr. Cole.

5 MR. COLE: You know, I'm struck as I sit here and  
6 listen to those remarks how they fought this war over there in  
7 the Middle East and ran, you know, 500 -- a thousand planes,  
8 you know, day after day, you know, and they got data from the  
9 raids the day before, they put together, you know, an armada of  
10 500 airplanes to fly the next day, and somehow, you know, they  
11 got it done. And here we sit around and we say yeah, they're  
12 out there studying these things and it takes them six months to  
13 put this data together so they can decide what we should be  
14 doing with it next year. I just don't think we have the luxury  
15 of, you know, people sitting around, if you will, smoking pipes  
16 and reflecting on this, we have to make decisions and get on  
17 with it instead of, you know, waiting for this stuff to play  
18 out for months and months and months. Now, I'll tell you, I  
19 obviously feel very strong about this stuff. I mean we've got  
20 to get on with this process.

21 MR. SANDOR: Mr. Pennoyer.

22 MR. PENNOYER: Mr. Chairman. I think it's true, if we  
23 throw enough money and people at it, we can probably get the  
24 results a lot sooner than we're getting them now, but we don't  
25 have that type of staff to sit around and practically analyze

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that stuff post-experience, it does take some time. And I  
1 think the results are speeding up because as you gain more  
2 experience, one study -- year's study builds on the past year  
3 and start to gain that experience so we can make decisions from  
4 it. But .....

5 MR. COLE: Let me continue this argument. Excuse me.  
6 I make decisions, gentlemen, daily, you know, daily, involving  
7 much more vast sums of this, and I don't take six months to  
8 figure out, you know, shall we file a complaint or shall we do  
9 some- -- I mean decisions have to be made. And, you know,  
10 maybe this is the way government works, but I just think that  
11 we've got to change this process and make decisions. Because I  
12 mean we're going to lose a whole year and we're simply flying  
13 blind in the '93 season if we don't have that data on which to  
14 base what we do in '93. That's the end of my remarks on the  
15 subject. Thank you.

16 MR. SANDOR: Any other comments by members of the  
17 Council? Any -- Mr. McVee.

18 MR. McVEE: Yeah. Mr. Chairman. I guess will there be  
19 a parallel process for the agencies to submit proposals?

20 MR. SANDOR: Dr. Gibbons, can you answer that, or  
21 Jerome?

22 DR. MONTAGUE: Mr. Chairman.

23 MR. SANDOR: yes.

24 DR. MONTAGUE: We anticipate that the agencies would  
25 send in their ideas using the same format during the same

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period. Somewhere along the way, when we decide how to make  
1 the division between what goes out to the public through a  
2 request for proposals and what's done by an agency, then at  
3 that point, once that decision has been made, then the lead  
4 agency could have its people put together a detailed proposal.

5 MR. SANDOR: Any other questions or comments? The  
6 Chair surmises from the comments that there are at least a  
7 couple of deficiencies with respect to the Work Plan  
8 development schedule that's been outlined. The first being the  
9 fact that the remaining process is yet to be defined. The  
10 second, that results of the 1992 work activities are not  
11 provided for -- or do not appear to be provided for in the 1992  
12 Work Plan development schedule. That leads me to ask  
13 Dr. Gibbons is if the Restoration Team might want additional  
14 time to bring this back at the next meeting?

15 DR. GIBBONS: Yes. That's one of -- you know, you'll  
16 notice the short nature of the list. And we were wrangling  
17 with the same problems that we're trying to deal with here, is  
18 how do you build a '93 program in a reasonable amount of time,  
19 can -- how do you incorporate it, if you can, with '92  
20 information. And it's a complicated process. What we would  
21 like to get the Trustee Council today to make a recommendation  
22 on to give us the authority to move forward and solicit ideas  
23 on the public, and we'll come back to you with some of this  
24 other -- the other timelines.

25 MR. SANDOR: Jerome, you had .....

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DR. MONTAGUE: Yes, Mr. Chairman. I just wanted to  
1 point out that the problems that are arising around a schedule  
2 that we haven't yet presented and what we do have here, I hope  
3 that there's not as much concern about it 'cause all we're  
4 trying (ph) to get approval for at the moment.

5 MR. SANDOR: Mr. Barton, did you have a comment?

6 MR. BARTON: Well, we've talked a lot about trying to  
7 get the '93 Work Plan developed before we get it completed and  
8 get the '92 Work Plan funded before we get it completed, you  
9 know, I think we just need to move ahead as rapidly as we're  
10 able to, not as we'd like to, and develop the '93 Work Plan and  
11 develop the '94 Work Plan, perhaps, before we've got all the  
12 information that we'd like to have to provide the foundation  
13 for that. Go ahead and get it out to the public for comment  
14 with full recognition that we will adjust that Work Plan as the  
15 information becomes available; for example, from the '92 field  
16 season, we'll use that information to modify the '93 Work Plan.  
17 But I don't think we can just sit and wait till we have all  
18 the '92 field information available to us.

19 MR. PENNOYER: Mr. Chairman.

20 MR. SANDOR: Yes, Mr. Pennoyer.

21 MR. PENNOYER: Mr. Gibbons, it wasn't your intent to  
22 not use '92 information, you would at least use qualitative  
23 information from the PIs. We have done this in the past, they  
24 would come in and tell you if they saw anything dramatically  
25 different. We'd proceed with decision-making with the best

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information we had. So, in other words, we would use, at  
1 least, qualitative information from PIs, if they saw anything  
2 dramatically different occurring than would have been  
3 anticipated.

4 DR. GIBBONS: That's correct. We'd use all the  
5 information we have possible that's available to us to make  
6 these decisions. We wouldn't say just because, you know, it's  
7 not complete we wouldn't use it. If we've got trends showing  
8 up, those types of things, we would use that information.

9 MR. SANDOR: Literally, Dr. Gibbons, listing of  
10 milestones and activities does not, in any way, reflect any  
11 input from the 1992 studies, and I think that was one of the  
12 points that Mr. Cole is making. And even though the final  
13 results aren't in, cannot there be a mechanism in which there's  
14 ongoing input from those 1992 activities?

15 DR. GIBBONS: Yes. We can build that into the process.  
16 I would envision that occurring after July 1, and that's where  
17 that would be coming in. So, when we have the next timeline  
18 for you with the milestones and activities, we can build that  
19 into that, you know, and it will be later on in the process;  
20 but it will be after the July 1, '92 date but we can build that  
21 in.

22 MR. SANDOR: Any other comments from members of the  
23 Council. The Chair would entertain a motion that would express  
24 the desire of the Trustee Council to, in fact, have the 1993  
25 Work Plan reflect the 1992 project results. And that with that

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understanding in that the Restoration Team would work toward  
1 having that mechanism, give interim approval to proceed with  
2 this public participation you want. Is that a motion that any  
3 member of the Council would want to deal with? Yes,  
4 Mr. Barton.

5 MR. BARTON: No, it's not what I want to deal with, but  
6 I'll provide an alternate motion. I move that we accept the  
7 package as presented, and in addition to that, ask the  
8 Restoration Team to further develop this schedule reflecting  
9 incorporation of the 1992 field season data at the appropriate  
10 time.

11 MR. SANDOR: Is there a second to that?

12 MR. McVEE: Second.

13 MR. COLE: Point of inquiry. I'm not sure I get the  
14 nuance of the difference between your position and that of the  
15 suggestion of the Chairman.

16 MR. BARTON: There isn't any. It's just I couldn't  
17 repeat what he said.

18 MR. SANDOR: Nor can I. Is the motion clear? Mainly  
19 that the approval of the 1993 Work Plan development schedule is  
20 proposed, however the division, that there be added the input  
21 from the 1992 (indiscernible).

22 MR. COLE: Mr. Chairman.

23 MR. SANDOR: Yes.

24 MR. COLE: Could I say generally that I would ask that  
25 the Administrative Director to urge the investigators during

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the 1992 work to complete their projects and give us at least tentative conclusions as soon as they can, I don't think that's an unreasonable request, so that their tentative conclusions can be molded into the tentative 1993 Plan.

MR. SANDOR: Okay. Any further discussion? Any opposition to the motion? The motion is adopted to have the 1993 Work Plan development schedule as outlined is approved with the understanding that the 1992 projects results will be integrated in that process.

Item Number 3, Exxon Valdez Oil Spill Trustee Council Format for Public Ideas for Restoration Projects. Dr. Montague, are you doing this one?

DR. MONTAGUE: Yes, Mr. Chairman. This is pretty self-explanatory. The first page is just a cover letter to invite anyone who's interested in submitting an idea to do it through the office of Administrative Director by June 15th. And we would anticipate beginning to distribute these on May 1st. One thing I would like to point is that when an idea is submitted, it enters the public forum, and as such, proprietary information should not be divulged in this one page project idea nor should the submission of an idea be construed as meaning the person or the firm that submitted the idea to have any special ownership of it.

MR. SANDOR: Any questions on the proposed format?

MR. COLE: I have one comment, Mr. Chairman.

MR. SANDOR: Yes.

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MR. COLE: I think it would not be amiss to put in  
1 there that these ideas for restoration must be within the  
2 confines of the Federal Court order as to what we can use these  
3 monies for. You know, we'll get a lot of suggestions but we're  
4 circumscribed by law as to what these funds can be used for. I  
5 don't know, that's up to .....

6 UNIDENTIFIED VOICE: I'm sorry, we're fading out again.

7 MR. COLE: Well, I'll speak up a little bit. My  
8 thought was that in this proposed letter to Dear Concerned  
9 Citizens that we note that the ideas or proposed projects must  
10 be within the limitations of the Federal Court order as to what  
11 these monies can be used for. We have a lot of good, salutary  
12 ideas but, you know, we're guided by Judge Holland's order.

13 MR. SANDOR: Dr. Gibbons, can we add that suggestion to  
14 the letter?

15 DR. GIBBONS: We sure can.

16 MR. PENNOYER: Mr. Chairman. I think that's a good  
17 suggestion but if you're going to add those words, give some  
18 people (ph) the idea of what it means. Are you actually going  
19 to have something in there talking about the scope of the  
20 proposals and what they have to fall within?

21 MR. SANDOR: Any suggestions on that?

22 MR. PENNOYER: I don't know. If we had the things Mr.  
23 Cole was talking about earlier, the Restoration Framework out  
24 and the rest of it, people would have a better idea. But is  
25 there some wording we can substitute simply saying it ought to

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fall within the bounds of the Court order doesn't get people  
1 very far in terms of suggesting some type of process.

2 DR. GIBBONS: We can expand on that and make it clear  
3 to the public what -- you know what that is.

4 MR. PENNOYER: Thank you.

5 MR. SANDOR: Okay. Any other questions or suggestions  
6 on either the letter or the format? The Chair would entertain  
7 the motion to approve the Trustee Council format as proposed  
8 with the provision that the paragraph suggested by Mr. Cole be  
9 added. Is there .....

10 MR. McVEE: I so move.

11 MR. SANDOR: It's been moved by McVee, seconded  
12 by .....

13 MR. PENNOYER: Mr. Barton's alternate from the audience  
14 may respond (ph).

15 MR. SANDOR: Are you Mr. Barton's alternate do you have  
16 objection to that?

17 UNIDENTIFIED VOICE: No objection.

18 MR. SANDOR: Okay. It's been moved and seconded that  
19 that be approved with that addition, any objection? Any  
20 objection? Okay. The motion is approved.

21 Item Number 4, a timeline for completion of the  
22 Restoration Plan and Environmental Impact Statement, Item 4,  
23 Mr. Montague.

24 DR. MONTAGUE: Yes. Thank you, Mr. Chairman. I'll  
25 give a brief overview here, and then I'd like Ken Rice and Stan

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1 Senner to offer some of the details. But I guess it's useful  
2 to get right to the point on what we think is going to be the  
3 critical issue here, and that is that after a lot of discussion  
4 and evaluating of the situation we feel that the Draft  
5 Restoration Plan and the associated programmatic (ph)  
6 Environmental Impact Statement cannot be completed by September  
7 and would have to put off to December, and the final  
8 Restoration Plan and Environmental Impact Statement in May of  
9 1993. And the reasoning for this is (1) the Restoration  
10 Framework was delayed by about one month, and we feel that  
11 having to go the route of preparing a programmatic  
12 Environmental Impact Statement will be something more than just  
13 a chapter to the Restoration Plan but would be a document unto  
14 itself. And such documents, generally, take on the order of 12  
15 to 18 months to prepare, so we're much, much shorter than that.  
16 And the Restoration Framework -- well, the Restoration Plan is  
17 probably going to be on the order of magnitude above the  
18 complexity of the Restoration Framework, and great difficulty  
19 in achieving consensus -- with the great difficulty we had in  
20 achieving consensus on the Restoration Framework has carried  
21 through to the Restoration Plan, we feel it will require this  
22 additional time. And, you know, it's sad to present it until  
23 -- because we had really hoped to have the Draft Restoration  
24 Plan come out concurrently with the September, 1993 Work Plan.  
25 Ken and Stan can probably reflect more on it, but again, we  
feel that it's just not doable.

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MR. SANDOR: Mr. Rice, do you want to reflect further  
1 on this?

2 MR. RICE: Mr. Chairman. The schedule that we've laid  
3 out is trying to take a realistic look at what we can  
4 accomplish and put all the information into the Restoration  
5 Plan that we envision the Trustee Council is going to need to  
6 make decisions on in there. We feel that a Restoration Plan is  
7 a document that's going to guide the actions and the programs  
8 for the next 10 years. And an Environmental Impact Statement  
9 really serves a different purpose, and that is to inform the  
10 decision makers of the consequences of their action and to  
11 display to the public what it is the impacts are projected to  
12 be from those decisions. So, we feel that they need be two  
13 separate documents to make it more readable to the Trustee  
14 Council and more understandable by the public.

15 MR. SANDOR: Mr. Senner, did you want to add something?

16 MR. SENNER: Mr. Chairman. Maybe you should have  
17 whatever discussion you want to have, and if there's something  
18 useful I can add, I will, but I think that Dr. Montague and  
19 Mr. Rice have framed the issue.

20 MR. SANDOR: Is there any questions by any members of  
21 the Council?

22 MR. McVEE: Mr. Chairman.

23 MR. SANDOR: Mr. McVee.

24 MR. McVEE: Yes. It was in February that the Trustee  
25 Council appointed, you know, six -- appointed the committee to

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set up the Restoration Planning Committee, six people full-  
1 time, and a six support staff, three of which were full-time.  
2 I guess I'm a bit dismayed, you know, that the schedule has  
3 slipped. I understand the problems associated with doing the  
4 Plan and the associated EIS, and the normal processes there  
5 take about 18 months. I just wonder if there aren't some areas  
6 where, you know, we can save some time in this process so we  
7 can have a finished product a little bit earlier. The other  
8 thing, I think, is the Working Group, we funded them through  
9 December, so we're going to have additional funding that we'll  
10 have to obligate to carry on for the remaining period of time  
11 here.

12 I guess I'm disturbed about waiting until a year from  
13 now before -- well, a year and a month before we have a final  
14 Plan and EIS.

15 MR. SANDOR: Any other comments from the Council? I  
16 guess the Chair also has that concern. Maybe at this point,  
17 Mr. Senner, you could .....

18 MR. SENNER: One think I can add, Mr. Chairman and  
19 Mr. McVee, is that the projections we had for the staff  
20 required to do the Restoration Plan were all developed before  
21 we knew we also had to do programmatic Environmental Impact  
22 Statement. And when I appeared before this group in December  
23 of '91, I told you then my best estimate for completion of a  
24 Restoration Plan was March of '93, and you greeted that  
25 suggestion with a distinct lack of enthusiasm. And in our

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1 desire to try and be responsive to your wishes, we said we  
2 would try and do it in September of '92. But subsequent to  
3 that, you made the decision to require a full-scale  
4 programmatic Environmental Impact Statement, we simply had not  
5 bargained on that. And we've had discussions ad nauseam with  
6 the Environmental Compliance Working Group and the Restoration  
7 Team about what's real, and we thought we'd rather give you the  
8 bad news now than, you know, five months from now.

9 Let me add one other thing, and that is our experience  
10 in producing the Restoration Framework suggested that it is not  
11 easy to get six agencies and Trustees to agree on the content  
12 of a document that has as many policy implications as these do.  
13 And the Restoration Framework, in truth, will be a piece of  
14 cake in comparison to the Restoration Plan where something  
15 really big is at stake.

16 MR. BARTON: Mr. Chairman.

17 MR. SANDOR: Mr. Barton.

18 MR. BARTON: Could you -- I don't know whether this is  
19 answerable by Mr. Rice or Mr. Senner, who, could you lay out  
20 the statutory time requirements associated with the EIS itself,  
21 let alone the work required, but just the time?

22 MR. SENNER: I think Mr. Rice better respond.

23 MR. RICE: Mr. Chairman. The first thing you have to  
24 do is publish a notice of intent, which has already been  
25 accomplished. The next requirement is filing of a -- after you  
publish the notice of intent, you go through your scoping --

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formal scoping process, which takes a period of time, although  
 1 that time is not mandated by the NEPA (ph) procedures as to how  
 2 long that would take; it would depend on the project itself.  
 3 Once you've filed a draft Environmental Impact Statement there  
 4 is a minimum of a 30 day public review up to 60 days, sometimes  
 5 longer depending on the complexity of the project and the  
 6 issues that have been raised on that. Then, you have to spend  
 7 whatever time is necessary to come up with your final  
 8 Environmental Impact Statement, and I think there's another  
 9 minimum 30 day waiting period after the final has been filed  
 10 and notice of availability is in the Federal Register before a  
 11 decision can be made on a course of action.

12 I may have missed a couple of others, but I think those  
 13 are the major time requirements.

14 MR. SENNER: This timeline here, Mr. Chairman, I'll  
 15 just note that we have 45 days in here for comment on the draft  
 16 EIS, that's 15 February to 31 March, so we're assuming 45 days  
 17 there rather than the minimum of 30. Yes.

18 MR. PENNOYER: Mr. Chairman.

19 MR. SANDOR: Mr. Pennoyer.

20 MR. PENNOYER: Stan, I understand the process from  
 21 about the 15th of January on, and the time periods you've laid  
 22 out are obviously correct. What about the period of time prior  
 23 to that, the first draft Restoration Plan and draft EIS we send  
 24 out for comment, it goes out on the 15th of June of this year,  
 25 you've got basically nearly eight months between those two

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events. What occurs and what statutory requirements are there  
1 for that eight month period of time?

2 MR. SENNER: The 15th of June, that's this June, is  
3 simply to be able to have an outline of the Plan and  
4 Environmental Statement ready for review. So .....

5 MR. PENNOYER: But I guess my question, though, Stan,  
6 is why does it take then eight months to prepare it in draft  
7 form before you send it out and start these clocks rolling that  
8 you're talking about?

9 MR. SENNER: Because that's really when the rubber  
10 meets the road. I mean that's when we've got to really do the  
11 work. An outline is easy to prepare, it's actually drafting --  
12 doing the analytical work and then drafting it is what takes  
13 between June and mid-November.

14 MR. COLE: Mr. Chairman.

15 MR. SANDOR: Mr. Cole.

16 MR. COLE: It seems to me that these teams -- this Team  
17 is going to be swamped with work, if you look back at these  
18 other timelines, which you know we're doing here in the '92  
19 Draft Work Plan, I mean they've got a myriad of things to do  
20 virtually everyday. I am surprised if they will be able to  
21 complete everything that's on this '92 Work Plan public comment  
22 review schedule within that. And I think that that it just  
23 won't be possible for them to -- preparing this Plan during  
24 that time. And I would -- then, do you agree with that,  
25 Mr. ....

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MR. SENNER: I do.

1 MR. COLE: What is the harm for not having this  
2 Restoration -- this Plan available until next spring? I mean,  
3 you know, what -- is there some damage that's being done,  
4 disadvantages being incurred if we don't get it out until then  
5 as against say November? I just don't under- -- there might  
6 be, I don't know, I'm asking.

7 MR. SANDOR: Mr. Barton.

8 MR. BARTON: Well, I think as a practical matter that  
9 probably the timeline that's laid out here is pretty realistic.  
10 Much of the -- I hate to take an extra five months and incur  
11 the additional expense, this is probably a realistic timeline  
12 for given the tasks to be done. We did not consider, I don't  
13 think, the EIS when we approved the budget earlier, 5/6 (ph)  
14 and the budget earlier. And so I don't think there's any harm,  
15 it's a matter of whether we're being diligent enough; and I  
16 guess in my assessment I think we are in regards to this  
17 matter.

18 MR. SANDOR: Any other comments or questions?

19 MS. BERGMANN: Mr. Chair. I think the -- in an ideal  
20 situation we would like to have the draft Restoration Plan in-  
21 place before we go out with our plans for 1993, because  
22 obviously we'd like to have all those projects be under that  
23 umbrella of the Plan.

24 MR. PENNOYER: Mr. Chairman. Yeah. I concur, I wasn't  
25 suggesting you were dragging your feet, it was just as Mr.

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I  
Barton asked the question about the statutory mandates, and I  
1 think it's really workload that shoves us off that far, and  
2 then you add on top of that the statutory mandates. And I  
3 don't disagree with that, I think that -- I don't think we can  
4 avoid this, but clearly amongst the same questions you brought  
5 up of having an eye to results available to Plan '93, this also  
6 is something that would be essential, I think, if you had it  
7 for people to suggest the restoration projects based on it, and  
8 they won't have it, it's just another piece of it that's going  
9 to have to catch up with itself. I don't think we can avoid  
10 that.

11 MR. SENNER: And Mr. Chairman, even this schedule  
12 assumes that things are going to work pretty well like  
13 clockwork.

14 MR. SANDOR: Any other questions or comments? This  
15 will, I take it, require a supplemental budget to cover this  
16 additional timeline?

17 MR. SENNER: Well, it's something you're going to have  
18 to discuss further. Certainly, one of the possibilities is  
19 that if by the end of December you feel that the substance of  
20 the document is in-hand and the Restoration Team, the RT, can  
21 handle any necessary revisions to make it public, then there is  
22 still -- there would be no reason to extend the life of the  
23 Restoration Planning Work Group. That's a possibility, and I  
24 think it's probably a judgment you can make a little ways down  
25 the road.

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MR. BARTON: But in fact, the Environmental Compliance  
1 Work Group would have to be continued.

2 MR. SENNER: Yes.

3 MR. McVEE: Mr. Chairman.

4 MR. SANDOR: Yes, Mr. McVee.

5 MR. McVEE: Back further in the notebook there's a  
6 listing of Restoration Team Working Group, and I notice we have  
7 seven people, a couple of those are part-time, five months  
8 each, and then a support staff of six, which is some part-time.  
9 I guess the question is is that enough to get the job done or  
10 could we assign additional people to it and accelerate the  
11 process?

12 MR. SENNER: In my judgment, the Restoration Planning  
13 Work Group is not yet firing on all cylinders. We don't have  
14 all those positions filled to pick out one but not pick on one,  
15 DEC's position is unfilled at this point, so we don't have the  
16 benefit of that. You know, I won't start making more detailed  
17 comments with respect to anything else, but that's just an  
18 obvious hole right there. I believe we only have four, does  
19 it say six support staff, 'cause I'm only aware of four, and  
20 we've got three of those four functioning right now.

21 MS. RUTHERFORD: Mr. Chair.

22 MR. SANDOR: Yes.

23 MS. RUTHERFORD: The reason that it looks like six  
24 instead of four is that some of them are divided into like one  
25 takes three months, one takes seven months.

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MR. SENNER: Okay.

1 MS. RUTHERFORD: But there's an FTE of 10 months to  
2 four.

3 MR. SENNER: Okay.

4 MR. SANDOR: Okay.

5 MR. SENNER: I think that that level of staff is not --  
6 is probably sufficient if we can get it all up and running the  
7 way it should be.

8 MR. SANDOR: If there's no further comments or  
9 questions, the Chair would entertain a motion to approve the  
10 proposed timeline for completion of the Restoration Plan and  
11 Environmental Impact Statement. Is there a motion to that  
12 effect?

13 MR. PENNOYER: So moved.

14 MR. SANDOR: Pennoyer moved.

15 MR. BARTON: Second.

16 MR. SANDOR: Barton seconds. Any discussion? Any  
17 objections to the motion? The timelines of completion of the  
18 Restoration Plan and Environmental Impact Statement has been  
19 approved.

20 MR. PENNOYER: Mr. Chairman.

21 MR. SANDOR: Yes, Mr. Pennoyer.

22 MR. PENNOYER: I would like to point out that the head  
23 of the Restoration Work Group is wearing a tie that seems to  
24 indicate he fully supports the reinitiation of NOAA's killer  
25 whale study in Prince William Sound.

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MR. SENNER: Do I have to comment?

1 (Off record comments)

2 MR. SANDOR: Let's move on to Item Number 5, the  
3 financial process. Pamela Bergmann and Dr. Gibbons.

4 MS. BERGMANN: Okay. Mr. Chair.

5 (Off record comments)

6 MS. BERGMANN: Okay. Can you hear me now? How about  
7 now?

8 DR. GIBBONS: Yeah.

9 MS. BERGMANN: All right. We presented the Trustee  
10 Council with a preliminary draft financial .....

11 MR. SANDOR: Can you hear?

12 UNIDENTIFIED VOICE: No.

13 MS. BERGMANN: Can you hear this now? It was working a  
14 minute ago. Can you hear it now?

15 MR. SANDOR: No.

16 MS. BERGMANN: It died.

17 MR. SANDOR: Once again, the financial process.

18 MS. BERGMANN: I'll try again here. The Restoration  
19 Team presented a preliminary draft financial operating  
20 procedures .....

21 (Off record comments)

22 MS. BERGMANN: Let me try one more time, now is this?

23 UNIDENTIFIED VOICE: Pretty good.

24 MS. BERGMANN: Okay. The Restoration Team presented  
25 the Trustee Council with preliminary draft financial operating

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procedures at the last meeting. In the meantime, the Financial  
 1 Working Group and the Restoration Team have been continuing to  
 2 work on particular pieces of that document. At this point, the  
 3 RT is not prepared to present a finalized document for your  
 4 approval at this particular meeting. We still have several  
 5 issues that have been rather contentious, and we would  
 6 basically like to present them for your consideration and  
 7 guidance at this meeting. If we can receive guidance from you  
 8 at this meeting, then we can go back and finalize the financial  
 9 operating procedures and bring them back to you at the next  
 10 meeting for your approval.

11 What I'd like to do first is just go through what those  
 12 issues are so that you'll have a general feeling for what they  
 13 are, and then walk back through them one by one, if that is  
 14 fine with the Trustee Council. Okay.

15 MR. SANDOR: Why don't you proceed.

16 MS. BERGMANN: One of the issues that we need some  
 17 assistance on is does the Trustee Council want budgets for each  
 18 working group. The second one is whether the Trustee Council  
 19 wants budgets for the Restoration Team members to include the  
 20 costs for office rent, phones, faxes, utilities, supplies and  
 21 equipment, and those sorts of materials and equipment. The  
 22 next one that is in order to carry out Trustee  
 23 responsibilities, does the Trustee Council want each agency to  
 24 be provided with one Restoration Team member, one professional  
 25 support staff, which would be a full-time equivalent person for

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each Restoration Team member, and during the Restoration Plan  
1 development one Restoration Planning Working Group member. And  
2 the last item is basically who the financial advisers should  
3 report to, the Restoration Team or the Trustee Council.

4 So, those are -- that's basically the outline of the  
5 issues, and what I'd like to do now is just go back and take  
6 them one by one.

7 MR. SANDOR: Please proceed.

8 MS. BERGMANN: Okay. The first question is if the  
9 Trustee Council wants budgets for each working group. And we  
10 actually have prepared those for you, and we'll be providing  
11 those -- Dave, I guess, will be providing those to you at a  
12 later point in time. But if you look at the financial  
13 operating procedures, which are in your packet, if you look at  
14 the top of Page 2, the version that we currently have indicates  
15 that the budget for the RT and standing working groups would be  
16 presented to you, but we would not be providing you a budget  
17 for each working group. So, we would simply like to know if  
18 your wishes would be to have those budgets for working groups,  
19 and if so, then we will change the information in that first  
20 paragraph to reflect that.

21 MR. PENNOYER: Mr. Chairman.

22 MR. SANDOR: Mr. Pennoyer.

23 MR. PENNOYER: Is there some policy or practical reason  
24 you see that you would not provide us with the budgets for the  
25 working groups?

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MS. BERGMANN: It's simply .....

1 MR. PENNOYER: Why would it not be just a further  
2 breakdown of the work you're doing that is something you have  
3 to do anyway.

4 MS. BERGMANN: That was simply something that the group  
5 wrestled with for quite some time, and there were some  
6 differences of opinion. So, we would simply want to come back  
7 and ask for your guidance on that. I might also point out the  
8 financial operating procedures that you have in front of you  
9 contains some strike outs and highlighting that are points  
10 where the Restoration Team is offering some different wording  
11 from what the Financial Group had been considering at some of  
12 their meetings. And as I said before, on the first paragraph  
13 on the top of Page 2, depending on the advice that we receive  
14 -- the guidance from the Trustee Council, we would go back and  
15 work -- rework this particular paragraph to reflect your  
16 guidance.

17 MR. PENNOYER: Mr. Chairman.

18 MR. SANDOR: Mr. Pennoyer.

19 MR. PENNOYER: Perhaps, a question in general on the  
20 process and where we are. I notice, as you pointed out, that  
21 there are both strike outs and shaded areas on this draft. I  
22 think there have been a couple of previous drafts that have  
23 somewhat conflicting strikings and shadings, either by  
24 yourselves or by the Financial Management Group. And I don't  
25 know how this compares with what the Financial Management Group

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recommended at this stage; I'm not sure what the original draft  
 1 looked like or what changes have been made. But can you  
 2 describe the process you went through with the Financial  
 3 Management Group and where that left off? I have the  
 4 impression that some commitments were made in the preliminary  
 5 fashion OMB (ph) on such things that the procedures led to  
 6 overhead estimates and things like that. I don't think -- I  
 7 think there's just preliminary presentations, but I don't know  
 8 where we are in the process. Financial Management Group's  
 9 going to meet again next week as I understand it.

10 MS. BERGMANN: Thursday.

11 MR. PENNOYER: Or this week. Later this week?

12 MS. BERGMANN: Right. This coming Thursday. It's  
 13 simply my understanding, and this is before I was the Chair of  
 14 this working group, so I would defer to Dave if my  
 15 understanding is incorrect, that there were some preliminary  
 16 discussions with OMB, I'm not sure during what time period, but  
 17 simply to kind of grease the skids to make sure that what was  
 18 being prepared would not cause any particular problem in  
 19 getting them to okay the operating procedures. It's my  
 20 understanding that was not considered a formal review. The  
 21 working group then came -- had a draft that I presented to the  
 22 Restoration Team at our meeting on the week of the 15th, 16th  
 23 and 17th -- or we had a meeting during the 15th, 16th and 17th.  
 24 The version that was presented and agreed upon by the  
 25 Financial Working Group was presented to the RT, the RT then

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made some revisions on that draft, and I guess we do have  
1 copies of what was presented to the -- it does get confusing,  
2 but we do have copies of what was presented to the Financial  
3 Working Group.

4 This really represents kind of the second revised  
5 draft, it has some additional changes that have not been voted  
6 upon by the RT, so this one is a little bit of a mixed bag.  
7 There are some places in here where it shows shading and  
8 deletions that the RT agrees with, the Financial Working Group  
9 agrees with, but there's also some other areas where there is  
10 not necessarily agreement or, as I said, there were some  
11 changes made late last week that the RT actually didn't even  
12 vote on. So, we -- it seemed to us that the simplest way to  
13 proceed was to ask for some policy direction from the Trustee  
14 Council on several of the issues. And once we receive that  
15 guidance, then we can go back and make the appropriate changes  
16 in the text.

17 MR. PENNOYER: Mr. Chairman.

18 MR. SANDOR: Mr. Pennoyer.

19 MR. PENNOYER: One additional question. The Financial  
20 Management Group or working group, or whatever you're calling  
21 them, hasn't had the opportunity to comment back on this or you  
22 have no comments from them on your current draft?

23 MS. BERGMANN: The current draft actually came out on  
24 late Friday, and it was not faxed. Some members did but it  
25 wasn't faxed out to everybody late Friday.

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MR. PENNOYER: Mr. Chairman, one final -- then as part  
1 of your process you go back and check with the Financial  
2 Working Group, you'll be working with them this week on this as  
3 well?

4 MS. BERGMANN: Well, I think it's getting a little  
5 confusing, so that's why we're asking for some guidance.

6 MR. PENNOYER: Okay.

7 MS. BERGMANN: And my feeling is that once we  
8 understand the guidance from the Trustee Council, then this is  
9 going to sort out and we can go back and reflect your wishes in  
10 the document.

11 MR. SANDOR: At the agreement of the Trustees, can we  
12 deal with these four questions that have been raised or is  
13 there an alternative thing that you'd like?

14 MR. BARTON: Why don't we deal with them one at a time.

15 MR. SANDOR: Let's deal with, first, does the Trustee  
16 Council want a budget for each working group, is that the first  
17 question?

18 MS. BERGMANN: Right.

19 MR. SANDOR: Is there a motion to that effect?

20 MR. BARTON: I move that we get budgets for each  
21 working group.

22 MR. ROSIER: Second.

23 MR. SANDOR: Moved by Barton and seconded by Rosier  
24 that the Trustee Council direct that budgets be developed for  
25 each working group. Is there any objection? It's so approved.

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MS. RUTHERFORD: Mr. Chair. Could -- I think there are  
1 a couple of these issues that maybe some of the RT would like  
2 to comment upon. I know that Dave, I think you wanted comment  
3 on this one.

MR. SANDOR: Well, the motion's already past, so we can  
4 reconsider I guess. I would suggest though that on these  
5 subsequent items if there's a case to be made and a  
6 recommendation to be made to the Trustee Council for the year or  
7 nay, pro or con, maybe that would be the time to present it.

9 Dr. Gibbons.

10 DR. GIBBONS: Yes. A quick comment. I passed out two  
11 pages, it's out back on the table. The first page is called  
12 Working Group Budget, personnel and travel, and the second page  
13 is called Working Group Budget Summary, and this replaces the  
14 section in your document. What the second sheet does is  
15 summarize by agency the total of all the working groups costs  
16 by line, by personnel -- by line item. The previous page, what  
17 it does is it displays personnel costs and travel costs for  
18 each one of the working groups, and it has a total down there.  
19 The concern that we have -- that the Restoration Team has is  
20 splitting the "Category 300, 400 and 500"; for example, 500  
21 there's \$21,000.00, if we spread it, you know, by agency,  
22 first, NOAA has \$5,000.00 of it, for example, then we spread  
23 that over nine working groups. I mean it gets to a point here  
24 where you've really got a lot of detail. So, what we've got  
25 here is an explanation of the working group budgets where the

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majority of the costs can be split easily in personnel costs  
1 and travels, and the other ones are on Page 2. So, we do have  
2 a breakdown by working groups but not complete. So, the  
3 question I have is is this sufficient to the Trustee Council or  
4 do they want us to go back and split the 300, 400's, the  
5 equipment, that type of stuff out?

6 MR. SANDOR: I guess the question that the action that  
7 the Trustee Council took was (1) to require budgets for each  
8 working group, and you're not suggesting some modification of  
9 that or are you?

10 MS. BERGMANN: Mr. Chairman.

11 MR. SANDOR: Yes.

12 MS. BERGMANN: I think the clarification is in actually  
13 how the budget is presented. If we want to be consistent with  
14 the budget format that we're using in Appendix H in your  
15 package, which is a quarterly report form, and also, if we want  
16 to be consistent with the format that we presented budgets in  
17 our 1992 Work Plan, then what we would need to do is include  
18 several additional categories -- the breakout for several  
19 additional categories which would be contracts, commodities and  
20 equipment. Right now, the working group budgets are only  
21 broken down with respect to personnel and travel, contracts,  
22 commodities and equipment are lumped together.

23 So, it's sim- -- the question is how would you like to  
24 see those budgets broken out?

25 MR. McVEE: Mr. Chairman.

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MR. SANDOR: Mr. McVee.

1 MR. McVEE: Yes. I notice in some instances, just  
2 under contractual, we're looking at dollar figures of 70,000 or  
3 80,000. I guess, you know, for just supplies it amounts to  
4 small amounts of funds, maybe it's not significant but we're  
5 getting up to where we're looking at the contractual amount a  
6 hundred thousand dollars here in one case, it seems like it  
7 would be of some significance.

8 MR. BARTON: Mr. Chairman.

9 MR. SANDOR: Yes, Mr. Barton.

10 MR. BARTON: I think we're getting bogged down in an  
11 awful lot of detail here that we don't need to get bogged down  
12 in. I would urge the Restoration Team to develop work group  
13 budgets to the extent possible, and those items that are not  
14 attributable to specific work groups, just divide it by 9 or 10  
15 or whatever it is and plug it in. I think we're beating a  
16 horse here we don't need to beat.

17 MR. McVEE: I agree.

18 MR. SANDOR: I'm opposed to cruelty to animals and we  
19 will clarify the motion that was passed with that qualification  
20 and do the best we can, is that understood? Let's move to the  
21 second question.

22 DR. GIBBONS: I would like to add we can identify some  
23 of these, like the contractual which was identified for a  
24 hundred thousand dollars, that's the one contract for the NEPA.

25 MR. BARTON: Yeah. But I mean .....

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DR. GIBBONS: We can identify that contract.

1 MR. BARTON: . . . . where you can do it, do it, and  
2 where you can't, divide it by 9 and get on with it.

3 MS. BERGMANN: Okay. The second item relates to Page 2  
4 of the draft financial operating procedures, and it's the large  
5 paragraph -- it's contained in the large paragraph that's  
6 shaded on that page, and really, the issue is whether or not  
7 the Trustee Council wants budgets for the Restoration Team  
8 members to include costs for their office rent, phones, faxes,  
9 utilities, supplies, equipment and equipment maintenance. And  
10 if you look at the Restoration Team budget that's provided in  
11 your package, you will get an idea of what those numbers are.  
12 I guess that was a separate handout, Dave?

13 DR. GIBBONS: Mr. Chairman. That's a separate handout,  
14 it's Page 2, the first page would have Budget Summary 1992, the  
15 second page is the Restoration Team Budget for Fiscal Year '92.

16 MR. McVEE: Could I get . . . .

17 MS. BERGMANN: So, if you look down at the bottom of  
18 that . . . .

19 MR. BARTON: Well, wait till we find it.

20 MS. BERGMANN: Yeah. The second page of this, right.  
21 The table that at the top says Restoration Team Budget FY '92.

22 MR. COLE: Hold on. So, there's two handouts.

23 MR. SANDOR: Does everyone have the Restoration Team  
24 budget for fiscal year '92.

25 MR. COLE: Okay.

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MR. SANDOR: The question then .....

1 MR. COLE: Excuse me, Mr. Chairman.

2 MR. SANDOR: Yes.

3 MR. COLE: Could we have her repeat that now that all  
4 of us down here have this document?

5 MS. BERGMANN: Okay. If you look at the second to the  
6 last line, right above total where it says additional  
7 requirements, that includes costs of some of the items that I  
8 was just referring to for RT members.

9 MR. SANDOR: That's represented in the shaded .....

10 MS. BERGMANN: Yes.

11 MR. SANDOR: ..... paragraph on Page 2?

12 MS. BERGMANN: On Page 2.

13 MR. SANDOR: One might -- well, I guess the Chair would  
14 defer to other members of the .....

15 MR. COLE: I suggest .....

16 MR. SANDOR: ..... Trustee Council to ask whatever  
17 questions. Any questions on this? Yes, Mr. Cole.

18 MR. COLE: I so move.

19 MR. SANDOR: It's been done before.

20 MR. COLE: I move that we require the detail of the  
21 overhead.

22 MR. SANDOR: Okay.

23 MR. COLE: And if there's a second, I would like to  
24 make comments .....

25 MR. SANDOR: It's been moved .....

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MR. PENNOYER: Second.

1 MR. SANDOR: ..... that detail be required, is there a  
2 second?

3 MR. PENNOYER: Second.

4 MR. SANDOR: Seconded by Pennoyer.

5 MR. COLE: I would like to say that, you know, you  
6 notice that the Department of Law has not one penny in this  
7 budget for overhead, for telephones, for office rent, for  
8 travel, for attorneys who support this Trustee Council. And we  
9 did that deliberately because we thought that those costs were  
10 something that -- and equipment maintenance, too, by the way --  
11 that it was something that the Department of Law could  
12 contribute to this restoration effort. Maybe it's a small  
13 commitment, but nevertheless, it was our view that we should  
14 try to absorb that type of costs within our budget even though  
15 the Legislature cut some \$800,000.00 out of our budget for  
16 prosecutors, and another 10 million out of the budget to go  
17 after the hairy chested (ph) producers. But nonetheless, we  
18 still stand willing to make that commitment to the process.  
19 And frankly, you know, it saddens me, if that's the word, to  
20 see that the agencies are seeking here, apparently, to recover  
21 those type of costs from this process. And I would urge them  
22 to support my motion, and then if they do, to reflect upon  
23 whether they want to make a similar commitment as the  
24 Department of Law has to the process. Thank you.

25 MR. PENNOYER: Mr. Chairman.

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MR. SANDOR: Mr. Pennoyer, did you second that motion?

1 MR. PENNOYER: I seconded the motion to get the detail,  
2 I didn't know I was seconding a motion to get rid of the costs.  
3 I guess I think there's a sort of philosophical question here.  
4 I'm not against any of these charges, if they're legitimate  
5 charges, and we know what they are, and we consciously vote to  
6 include. I believe agencies are funded to do a lot of  
7 different jobs, and most of them are not funded to do this job,  
8 and I don't know that I should, again, take legitimate charges  
9 out of ground fish or shellfish management or something else.  
10 So, I'm not against having the charges in there, but we have a  
11 number of different types of "overhead" we've approved here; we  
12 have overhead for working groups that we have to do the job.  
13 We've separated those, and those are now just charges, not  
14 general administration, they're just programmatic charges and  
15 we approve them (ph). We have Restoration Team members and  
16 their travel costs and direct costs while they're working on  
17 this project. And I noticed we have about the same amount of  
18 "overhead" in the upper category that we now have under  
19 something called additional requirements. And I'm wondering  
20 what this paragraph in here means; I don't see percentages of  
21 allowed overhead or types of expenditures or that type of  
22 thing, and it seems to be dramatically different from one  
23 agency to another. I don't know if there's any consistency  
24 here or what the approach means or how you arrive at what  
25 "additional requirements" we may vote to allow.

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I don't have much problem with people coming in and making a case for a specific need. But this paragraph sort of implies it's just going to happen, and I don't know how you separate that from other overhead requirements. By adding this paragraph, what did you add to all the other administrative and overhead calculations that are possible under the Framework?

MS. BERGMANN: Mr. Chairman. Just .....

MR. SANDOR: Yes.

MS. BERGMANN: ..... one clarification I'd like to make, and then I'll Dave address the other part of the comment. But in the additional requirement columns that you see on the Restoration Team budget, the kinds of expenses that we were talking about are not in there for all of the agencies; for example, the Department of Interior, the \$4,109.00 does not include office rent, phones, lights, et cetera, et cetera. So, as these numbers are currently presented, it's not consistent.

MR. PENNOYER: Mr. Chairman. I guess that's sort of what bothers me. I'm not sure what -- I'm not sure it's not required by one group more than it's required for another for some reason. But you at least need to know what the charges are, you need to come in and consciously decide on them, then you need to see how they fit into your overall overhead calculations that you've done. You've sort of added a category here to a lot of different categories of overhead than you've had in the past, but I'm not clear what we've done here or why those numbers are as they are.

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MR. SANDOR: Marty.

1 MS. RUTHERFORD: Mr. Chair. Maybe I could just take a  
2 stab at this. Basically, the financial procedures -- that  
3 paragraph that we're referring to is an attempt to try to allow  
4 us to come to you with some detail, four agencies that do have  
5 special needs. Like, for instance, DNR currently has on staff  
6 a man who is providing computer support upstairs to all the  
7 support, the working groups and to the whole restoration  
8 process. And there is -- he really isn't required. I didn't  
9 want to load up the working groups trying to get 12 months of  
10 his time. Now, in reality, he's needed, he's working 12 months  
11 on this process only. He's not really DNR's, he's not somebody  
12 I need, but he is somebody that the process needs. Now, in an  
13 effort to try to not load up the working groups, I tried to  
14 honestly reflect, and it came out that that was nine months of  
15 him required by the working groups; the other three months  
16 tends to be more generic things, and it's a reflection of that  
17 three months that he's in DNR additional requirements for  
18 \$51,000.

19 That paragraph would allow us to come to you with the  
20 specifics and say this is above and beyond the working groups,  
21 this is support to the process and to maybe the Restoration  
22 Team. It's just a facilitation paragraph, it doesn't imply  
23 that you wouldn't have the chance or the opportunity to say yea  
24 or nay.

25 MR. McVEE: Mr. Chairman.

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MR. SANDOR: Mr. McVee.

1 MR. McVEE: As I understood the product that was put  
2 together by the Financial Management Group, they tried to come  
3 to grips with this but in a little different way, and maybe the  
4 recommendation is a problem, I don't know, but they used a 5  
5 percent of the project costs be added for general  
6 administration costs, then 45 -- or \$45,000.00. And maybe  
7 there's some way to approach it that way, some kind of guidance  
8 that could be developed that we could adopt.

9 MS. RUTHERFORD: Mr. Chair.

10 MR. SANDOR: Yes, ma'am.

11 MS. RUTHERFORD: Could I try to react to that, too.  
12 Just to share information, the 5 percent on the projects, the  
13 agencies did take, all of them. Agencies that have a lot of  
14 projects, their five percent equates to a lot of money; those  
15 agencies who don't many projects, it doesn't equate to much  
16 money at all, and that's where the 45,000 got plugged in as a  
17 minimum. The 5 percent that was assigned to the working  
18 groups, nobody has taken, nobody, it's reflected in that  
19 administration line under Restoration Team budget, and nobody's  
20 taken money associated with it. I don't now if that's helpful  
21 but .....

22 MR. SANDOR: Any other questions or comments? Yes,  
23 Jerome.

24 DR. MONTAGUE: Mr. Chairman, I know Marty has just  
25 misstated, I'm sure she knew it, but the project isn't 5

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percent, it's 15 for Line 100 .....

1 MS. RUTHERFORD: Oh, I'm sorry, yes, I mean 15%.

2 DR. MONTAGUE: ..... and 7 for Line 300.

3 MR. SANDOR: Any other questions or comments?

4 MR. BRODERSON: Mr. Chairman.

5 MR. SANDOR: Yes.

6 MR. BRODERSON: I was hoping to avoid getting into a  
7 lot of wrangle here, but I see there's some confusion still  
8 over what the 15 and 7 percent on the project general  
9 administration is for. It turns out that general  
10 administration for the Federal government means a very specific  
11 set of things, whereas the State side, we don't have that. And  
12 so, in an attempt to get away from that in these procedures,  
13 we've gone to administration services or let's say  
14 administrative support, I believe, rather than general  
15 administration. The 15 and the 7 percent is for the kinds of  
16 things that a division of administration would provide to an  
17 agency, such things as a personnel officer, a supply officer,  
18 fiscal accounting, et cetera, that was not intended to be rent,  
19 telephones, anything like that. Those agencies that have a lot  
20 of projects end up with a substantial amount of money from  
21 this; the agencies that have few projects do not have too much  
22 in the way of funding here, and that's where the \$45,000.00  
23 came from, it's strictly for administrative services as  
24 proposed in the oper- -- in the financial procedures here.

25 Another cost that the agencies have to bear is this

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cost of supporting an office for the Restoration Team members.

1 The Restoration Team members are not housed in this building,  
2 it's back in the agencies; the agencies have those costs,  
3 somehow or another, we need to fund those. Either you take  
4 them out of other projects that are operating or else you take  
5 them out of the settlement.

6 There's also a separate issue, which has been kind of  
7 somewhat melded into this one, of an agency's ability to  
8 participate in the process. If you have a lot of projects,  
9 from those projects you are able to fund a fair number of  
10 people to handle those projects; around the edges, you can use  
11 those people on a catch as catch can basis, when necessary, to  
12 do work for you. If you have very few projects, you do not  
13 have these people that you can basically get extra work out of  
14 them to help out on specific topics.

15 The agency that falls into that category the most is  
16 DEC, that's why I'm sitting here talking to you on that. We  
17 have the first number of projects of any other agency. It's  
18 also one of the reasons that you see under additional  
19 requirements DEC's number is one of the highest. If you look  
20 at the total budget figures for each agency, you'll see that  
21 they're the lowest. This, in part, is because some of the  
22 agencies discovered that they were able to fund some other  
23 things out of their 15 and 7 percents from projects to cover  
24 some of their other costs. To their credit, they then did not  
25 come back in and take this same amount twice under additional

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requirements; we didn't have that luxury, we don't have a whole  
1 lot of projects in which to fund those additional services.

2           What this paragraph was intended to do was basically to  
3 actively participate at efficient level an agency needs one  
4 Restoration Team member plus one additional full-time  
5 equivalent to support that Restoration Team member to do their  
6 work, and during the time of the Restoration Plan development,  
7 it should be one Restoration Plan member for that. What is  
8 hoped here is that the one additional professional, full-time  
9 equivalent would, in large part, be taken up in working on the  
10 working groups. There is no means to make the Restoration Team  
11 member efficient and be able to participate in all these  
12 activities without there being this additional support to the  
13 Restoration Team member. It's not an attempt to sit here and  
14 say every single agency, we're now going to automatically get  
15 another member, it just says that there will be a minimum of  
16 three at this point. And as it turns out, DEC, once again, is  
17 that one that falls into this category.

18           So, it's an attempt to make all of the players on, more  
19 or less, an equal footing. There just is not enough staff,  
20 with very few projects, for some of the agencies to come in and  
21 fully participate in the development of the plan and getting  
22 all of the administrative work done without this somewhat  
23 additional staff. I might add, on DEC's budget, we have pages  
24 and pages and pages of backup as to how we got to these  
25 numbers; I feel very comfortable about trying to support it, I

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could do so now, I don't want to use up the Trustee Council's  
1 time to do, but the documentation is there for anybody who  
2 actually wants to look at it?

3 MR. SANDOR: Any questions? Yes, Mike Barton.

4 MR. BARTON: I didn't understand the comment that the  
5 additional full-time equivalent support to the Restoration Team  
6 would be involved in the working groups, is that what I  
7 understood you .....

8 MR. BRODERSON: Were appropriate. We're trying to get  
9 away from a concept of agencies feel they had to load up the  
10 working groups to get people both funded and also to give full  
11 participation in the process.

12 MR. BARTON: I think that's a commendable goal. I  
13 don't think we ought to be funding people, I think we ought to  
14 be funding work.

15 MR. BRODERSON: Well, that's what we're trying to get  
16 across. Because some of this work, as Marty was pointing out,  
17 that is generic to the process, and you can't really identify  
18 it as specific to a work group; it's much more to make the  
19 Restoration Team member able to function in an efficient  
20 manner. Now, DEC, this year, as one example, we did not take  
21 in the full 12 months, we requested nine months of fundings,  
22 it's all specifically identified with work groups. But still  
23 it's easy enough to imagine the case arising where we would  
24 have wanted to request this additional three months time, as  
25 Marty was talking about and the gentleman that's working for

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her, where it's generic support to the Restoration Team to make  
1 the Restoration Team function smoothly.

2 MR. SANDOR: Mr. Pennoyer.

3 MR. PENNOYER: Mark, I think I pretty fully agree with  
4 the concept, if we have the detail. I have a couple of  
5 questions about what's included; for example, under your office  
6 -- under your paragraph that you've included, you have and  
7 during Restoration Plan development, one Restoration Planning  
8 Working Group member, now that's not over under this working  
9 group budget concept?

10 MR. BRODERSON: That is not showing up in the  
11 Restoration Team budget, nor does it show up in the other page  
12 that you had on the working groups. The Restoration Planning  
13 Working Group member was one the Trustee Council approved, 10,  
14 12, 5, 6 -- about two meetings ago, so we just left that one  
15 off to the side.

16 MR. PENNOYER: And it doesn't appear in any of these  
17 budgets?

18 MR. BRODERSON: It doesn't appear in any of those  
19 budgets.

20 MR. PENNOYER: So, what we've got in front of us is  
21 non-previously approved funding?

22 MR. BRODERSON: Except where starred. On the  
23 Restoration Team budget there's a Line 100 and Line 200 that's  
24 starred, that's the Restoration Team member and travel, as you  
25 previously approved.

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MR. PENNOYER: Restoration Team member, but what about  
1 the Restoration Planning Working Group?

2 MR. BRODERSON: Then, that's not on either of these  
3 budget forms.

4 MS. RUTHERFORD: Because it was previously approved in  
5 some of the administra- -- .....

6 MR. PENNOYER: It doesn't appear in the total amount  
7 that's in the total budget we've got either, the 18 million?

8 MR. BRODERSON: It does appear in 18 million, yes,  
9 because it is an approved number.

10 MR. PENNOYER: Well, when we get to that part, perhaps,  
11 you can point out to me which things appear in which places  
12 because I'm .....

13 DR. GIBBONS: Mr. Chairman.

14 MR. SANDOR: Yes, Mr. Gibbons -- or Dr. Gibbons.

15 DR. GIBBONS: The reason for it not appearing here is  
16 the support for the Restoration Planning Work Group is covered  
17 under the Office of the Administrative Director, and it's not  
18 being reflected any further funding at all. This just -- this  
19 is the last piece of the budget that needs Trustee Council  
20 approval, and then we've got a package that the Trustee  
21 Council's approved everything or .....

22 MR. PENNOYER: Okay.

23 MR. COLE: Mr. Chairman.

24 MR. SANDOR: Mr. Cole.

25 MR. COLE: I move that we defer this -- these issues

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until the next meeting, and that we have the Administrative  
1 Director and the Staff prepare position papers on these  
2 subjects. I'm, frankly, hopelessly confused, and I think we  
3 need the time this afternoon for some more substantive issues.

4 MR. SANDOR: Mr. Cole's motion is to table this until  
5 the next meeting, at which time it will be a presentation, a  
6 paper, clarifying and justifying these decisions. Is there a  
7 second to that motion? The Chair will second the motion. Mr.  
8 Barton.

9 MR. BARTON: I'm concerned that if we table this what  
10 we're doing to the ultimate financing of the projects and  
11 getting the work done; you know, there's a process by which, at  
12 least, the Federal side has to notify OMB, and notify the  
13 Congress. We've got the Judge to be concerned about and  
14 getting the money from the Court Registry. I would expect that  
15 they would like to see the financial procedures by which the  
16 money is going to be managed before they give us any blessing  
17 or at least express non-objection. I am concerned if we table  
18 this that we're going to end up at the end of the fiscal year  
19 and have the projects completed and still not have any money to  
20 pay for them.

21 MR. SANDOR: Mr. Pennoyer.

22 MR. PENNOYER: Mr. Chairman. I have somewhat the same  
23 concern. I'm not sure whether final approval of these is  
24 required to go forward with the budget, and we haven't heard  
25 any discussion of that yet. I would prefer deferring the

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1 tabling motion until we hear a presentation of the budget and  
2 where it has to go and what has to go with it. And I probably  
3 would want to add to that motion that we have the Financial  
4 Management Group, who is meeting this week anyhow, meet with  
5 the Team and get some type of combined presentation to maybe be  
6 decided by teleconference over the next week or two, if it's  
7 required, on these issues. But I haven't heard enough yet to  
8 decide whether the approval of these four items -- when  
9 Ms. Bergmann started out, she said she didn't want to complete  
10 this process anyway, they're going to bring something back to  
11 us anyhow, and I haven't heard any discussion on how that  
12 relates to the budget to going forward to the court and asking  
13 for money to go into OMB or whatever. So, I think I'd prefer  
14 to defer that motion until we hear that explanation.

15 MR. McVEE: Mr. Chairman.

16 MR. SANDOR: Mr. McVee.

17 MR. McVEE: Yes. I think we need some more help with  
18 the numbers that we've got before us, because obviously, that  
19 we haven't all applied the same criteria in arriving at these  
20 numbers. In fact, I can see where maybe it was based upon that  
21 criteria or are not understanding what we (ph) submit but those  
22 salaries for Restoration Team budget, we haven't got enough  
23 money for our member there. You know, I think we should go  
24 look at these numbers again and look at the criteria used to  
25 develop those, and then also, the input from the Finance  
Committee, which will be meeting later on this week. But it

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would seem like if those two elements were completed that we  
1 could move to achieve closure, which could happen within the  
2 next week or so.

3 MR. SANDOR: Mr. Rosier, did you have a comment or a  
4 question?

5 MR. ROSIER: If I understood Dave correctly, these  
6 numbers are in the total budget package which we would, in  
7 fact, deal with later on. So, if we table at the present time  
8 until the next meeting, it appears to me that we've got a  
9 problem with the budget going forward here at this time. I  
10 think I would agree with Mr. Pennoyer there, I'd like to hear a  
11 little bit more description of the total dollars forward on the  
12 budget prior to the time that we, in fact, proceed with the  
13 motion.

14 MR. SANDOR: Any other comments or questions? Let the  
15 Chair say that the reason he seconded the motion is because I  
16 do not understand, in other words, the allocation of the  
17 additional funds as outlined under the Alaska Department of  
18 Environmental Conservation, but specifically why 79,000 out of  
19 99,500 for contractual should be allocated to ADEC; similarly,  
20 22,000 out of 30,000 for supplies, et cetera, et cetera. And,  
21 although, I heard Mr. Broderson's explanation of the 127,300 as  
22 additional assistance, it seems to me that what we've done, if  
23 we approve this, is essentially added another member to the  
24 Restoration Team for the support group, which we decided  
25 specifically not to do.

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So, I -- the Chair has problems and would not, in fact,  
1 be able to approve the budget allocations as outlined simply  
2 because the Chair doesn't understand it. Mr. Cole.

3 MR. COLE: I join with the Chairman. I don't see how  
4 it would be fruitful for us to continue discussion of the  
5 budget when we don't understand this very integral part of the  
6 budget. So, I mean what do we gain by continuing the  
7 discussion on the budget? But if that's the sense of the  
8 group, I'm prepared to do it; but when we get to the end of  
9 that discussion, I don't know where we're going to be.

10 MR. BARTON: Mr. Chairman.

11 MR. SANDOR: Mr. Barton.

12 MR. BARTON: I can understand the frustration of  
13 members who don't understand the budget, I don't either. What  
14 I ask is that we move quickly to gain that understanding and  
15 take the action that we need to take.

16 MR. COLE: Mr. Chairman.

17 MR. BARTON: You know, we've been fooling with this  
18 budget since January.

19 MR. COLE: Mr. Chairman. Why don't we have a special  
20 telephonic session to deal with the budget as soon as these  
21 teams can give us some good guidance and straighten out these  
22 problems which I sense we're all having.

23 MR. SANDOR: The motion on the floor was to table this  
24 to the next meeting, which it's been amended and agreed to by  
25 the second, that this could be in the form of a teleconference

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because we simply do not have the information available nor has  
1 the Financial Team reviewed this package. Is there any further  
2 discussion on this motion to table? Yes, Mr. Pennoyer.

3 MR. PENNOYER: Mr. Chairman. I think I could vote for  
4 that in concept, but they asked us four policy questions, I'd  
5 like to at least deal with the last one about the financial  
6 advisers and who they report to, and who they are and what type  
7 of charter they have before we go on with -- before we just  
8 drop the topic entirely. So, I would vote for the motion to  
9 table the detail of the budget until the next meeting, but I  
10 would hope we could finish out the discussion, at least  
11 briefly, of what these policy items are that they wanted to  
12 deal with.

13 MR. SANDOR: Yes, we would do that.

14 MR. PENNOYER: Okay.

15 MR. SANDOR: Any objection to the motion to table this  
16 approval of the budget till the next teleconference or meeting,  
17 at which time the presentation would be made? Mr. Barton.

18 MR. BARTON: No objection, but I think it's important  
19 that the Restoration Team understands what it is we want in  
20 order to be able to do whatever it is we're going to do on the  
21 telephone.

22 MR. COLE: Mr. Chairman.

23 MR. SANDOR: Mr. Cole.

24 MR. COLE: I think we need some materials in advance  
25 that we can study and prepare for the teleconference, because

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if we don't, we'll be just as confused then as we are now; I  
1 mean at least I think I am now. And so, if we had some  
2 materials to study in advance and get a sense of what the  
3 issues are and what the recommendations of every disparate  
4 group are, then I think we could have a good meeting on this  
5 issue and do it quickly.

6 MR. SANDOR: Any further comments or questions? Is  
7 there any objection on the motion to table until the next  
8 teleconference or regular meeting, until the information's  
9 available? The motion to table is adopted. We will then go on  
10 to answer the remaining questions that Pamela Bergmann was  
11 deciding -- or Dr. Gibbons?

12 DR. GIBBONS: Excuse me, Mr. Chair. I've got a  
13 question. We can provide you the detail of the numbers  
14 presented here, is that what the Trustee Council is requesting?

15 MR. SANDOR: No. From the standpoint of the Chair, the  
16 Chair is concerned with the allocations of the items enumerated  
17 on the Restoration Team budget under ADEC, and specifically,  
18 for the -- essentially, what I understand to be the approval of  
19 additional positions, which that 127,000 is marked.

20 MR. PENNOYER: Mr. Chairman.

21 MR. SANDOR: So, it's not just the figures. Yes, Mr.  
22 Pennoyer.

23 MR. PENNOYER: I think that line, though, is the one  
24 that most people keyed in on. I think we ought to also better  
25 understand the relationship between the strike out of working

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group budgets, Restoration Team budgets, previously approved  
1 working group budgets and so forth, and you've got it spread  
2 over several tables here, if you could sort of bring it back to  
3 even was previously approved, we're still going to go out and  
4 ask the court for the money, so we're going to ask for it  
5 again. And if you present all of it in a more cohesive fashion  
6 with starred or noted items where previous approval had  
7 occurred, and I think that would help, too. So, it's sort of  
8 an explanation of where the whole thing fits together as well  
9 as the specific line.

10 MR. McVEE: Mr. Chairman.

11 MR. SANDOR: Yes, Mr. McVee.

12 MR. McVEE: It seems to me like there also should be an  
13 opportunity for the Restoration Team budgets to be adjusted; I  
14 guess either way, up or down. I know that we have the one  
15 error in Interior budget that I can spot from here.

16 MR. SANDOR: Yeah. Okay. Any questions on what was  
17 tabled? Then, maybe we can proceed.

18 MR. BARTON: Mr. Chairman.

19 MR. SANDOR: Yes.

20 MR. BARTON: I have one more question.

21 MR. SANDOR: Yes.

22 MR. BARTON: What was tabled?

23 MR. SANDOR: What was tabled was (indiscernible -  
24 interrupted) .....

25 MR. BARTON: Let me ask my question. When will we --

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the approved financial operating procedures, was that part of<sup>140</sup>  
1 the tabling process and we'll do that telephonically or is that  
2 another subject?

3 MR. SANDOR: It's my understanding that if that which  
4 we table is an essential item to that, that is also tabled, and  
5 that's my understanding. We cannot approve the total budget  
6 until we have this issue resolved, is that correct?

7 MR. BARTON: I understand that, but my question relates  
8 to the document, the financial operating procedures by which we  
9 are going to operate. Is that to be the subject of the  
10 telephone teleconference as well?

11 MR. SANDOR: That was not a part of the motion.

12 MR. COLE: Mr. Chairman.

13 MR. SANDOR: Yes.

14 MR. COLE: Well, my view is, for what it's worth, that  
15 we need to defer that also because of here this big, shaded  
16 paragraph on Page 2 entitled Calculation of Restoration Team  
17 Support Costs, obviously, is a very important part of this  
18 whole subject. So, I think of necessity we must defer that.

19 MR. BARTON: And I agree that it needs to be deferred.  
20 My real question is when is it going to be dealt with, is it  
21 going to be dealt with as part of the teleconference when we  
22 deal with the budget or is it going to be dealt with at the  
23 next meeting?

24 MS. BERGMANN: Mr. Chair.

25 MR. SANDOR: Yes.

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MS. BERGMANN: It would seem to me that one of the  
1 difficulties in bringing this forward for approval today is  
2 that we're still missing some of the appendices so that the  
3 document is complete. So, in the meantime, we also need to be  
4 preparing and finalizing those appendices. And it seems that  
5 we need to provide you with the information that you're  
6 requesting for your teleconference, based on that meeting and  
7 the decisions there, then we can, I would hope very quickly,  
8 itemize the operating procedures. It may be that we could have  
9 two different drafts prepared for you so that you could --  
10 depending on, you know, how your decision -- or which way your  
11 decisions go, so that we could then hopefully get approval on  
12 the financial procedures at the same time, but that would be  
13 optimistic.

14 MR. PENNOYER: Mr. Chairman.

15 MR. SANDOR: Mr. Pennoyer.

16 MR. PENNOYER: I think what I'd like to have is  
17 whatever is required to send this forward to get budget  
18 approval through the State and Federal system and funding  
19 approval through the court. If that requires to have the  
20 operating procedures with it, then we ought to try and have  
21 that, as much as possible, at the same time. And I realize  
22 there's some blank chapters there, and you may not be able to  
23 do some; if you can't do them period, for one reason or  
24 another, then that's just something we'll have to live with.  
25 But I think I'd like to hear -- see as much as possible this

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finalized, recognizing based on the numbers you present, we may  
1 want to make changes in it. But present it as much as possible  
2 so we can finalize it, if we can, at that teleconference. Get  
3 this whole thing done, as Mr. Barton said, that we've been  
4 looking at since January, out the door, get the court started  
5 on the funding, get the OMB going, send whatever we've got to  
6 send to Congress and so on.

7 MR. COLE: And the Legislature.

8 MR. McVEE: Mr. Chairman.

9 MR. SANDOR: Yes, Mr. McVee.

10 MR. McVEE: I would agree that it seems that if we're  
11 going to talk about, you know, staffing within the financial  
12 procedures that we need to deal with those at the time we deal  
13 with the budget, or even in advance of the time that we deal  
14 with the budget. So, it seems like we should take up both  
15 issues at the same meeting.

16 MR. COLE: Mr. Chairman.

17 MR. SANDOR: Yes, Mr. Cole.

18 MR. COLE: That leads to the question, when do you  
19 think this material can be available so we could study it and  
20 then have a day or two before the meeting, telephonic meeting?

21 MR. SANDOR: The question on the floor is when will  
22 this material be available so we may have time to study it for  
23 a day or two and schedule a teleconference or additional  
24 meeting?

25 MS. BERGMANN: I would assume, given the schedule of

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public meetings that we're all going to be involved in and the<sup>143</sup>  
1 other time commitments, that probably mid-May at the earliest.

2 MR. SANDOR: Mid-May at the earliest.

3 MR. PENNOYER: Mid-May's okay with me.

4 MS. BERGMANN: We will be meeting -- the group will be  
5 meeting on Thursday, and we'll try to iron out as many things  
6 as we can at that point in time.

7 MR. SANDOR: In summary, we've tabled not only this  
8 budget issue but also the related financial operating procedure  
9 questions that relate to -- as much of this as possible will be  
10 dealt with at that time, is that agreed to? Okay. Can we then  
11 go on with the, what, remaining two or three items?

12 MS. BERGMANN: Actually, we've now deferred Numbers 2  
13 and 3.

14 MR. SANDOR: Okay.

15 MS. BERGMANN: Which are contained in the highlighted  
16 paragraph on Page 2. The last item, really, is who the  
17 financial advisers report to.

18 MR. PENNOYER: Mr. Chairman.

19 MR. SANDOR: Mr. Pennoyer.

20 MR. PENNOYER: I guess I have a question about the  
21 financial adviser you just mentioned is. I see no charter. I  
22 know that when we started this process, we had kind of a  
23 bifurcated system of one kind of budget assistant people to  
24 work with the RT in developing budget documents, we had another  
25 function which was sort of an audit function that would take

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audit reports coming back in from the various agencies, it was  
 1 sort of an overview of State and Federal audit function that  
 2 was a little beyond just putting together some numbers and  
 3 figuring out what personnel costs were and that type of thing.  
 4 And what you've got now, I think, is sort of mix and match it.  
 5 You've got a group that's advising you on budgets and also  
 6 advising you on budget procedures and policy and that type of  
 7 thing. And, I'm not sure when that group goes away and another  
 8 group comes on, I can't see where it fits in the diagram here  
 9 because I don't know what it is.

10 MS. BERGMANN: Okay. Currently, we have a Financial  
 11 Working Group that's structured like other working groups that  
 12 reports to the Restoration Team. And, the idea was that that  
 13 working group would be providing general policies and  
 14 procedures, that then another group, another entity, which we  
 15 named the Financial Committee, it doesn't really matter what  
 16 the name of that group would actually be, but once the policies  
 17 and procedures are set in place, then they would actually be  
 18 watchdogging some of the specifics for the 1993 Work Plan and  
 19 some of the work in the future. And that the Financial Working  
 20 Group would actually (indiscernible) .....

21 MR. PENNOYER: Mr. Chairman. I guess my feeling was  
 22 the Financial Working Group, in terms of advising us on  
 23 financial procedures, maybe ought to report to us; in terms of  
 24 helping you with the budget, it would help you with the budget.  
 25 The Audit Group, I think, should report to the Trustee

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Council. So, it's some of each, and I don't know how to, at  
 1 this stage, separate it, because the current group is advising  
 2 you on legitimate financial procedures including, for example,  
 3 the Federal procedures and dealing with OMB. And I don't know  
 4 that -- I think you're all working very hard and doing a very  
 5 good job, but I don't know, by not hearing them -- that's why I  
 6 asked for comparative documents; what did you change in terms  
 7 of their recommendation. Because if it's a recommendation on  
 8 procedures and how the Federal procedures or State procedures  
 9 should be meshed (ph) into this process, then really, they  
 10 ought to be telling us directly. So, I don't think it's an  
 11 easy answer, I guess is what I'm saying.

12 MS. BERGMANN: That's right, it's difficult, because  
 13 you know, the way the working groups are set up is they are  
 14 reporting to the Restoration Team, and if the Restoration Team  
 15 wants to go along with the recommendations of the working group  
 16 or if they want to make changes to that, then they do that and  
 17 report that to the Trustee Council. And I think as you  
 18 accurately characterized, we're looking a little bit here at  
 19 apples and oranges, so it becomes more difficult.

20 MR. BARTON: Mr. Chairman.

21 MR. SANDOR: Mr. Barton.

22 MR. BARTON: Yeah. It seems to me that we're all best  
 23 served by having the most independent view of the financial  
 24 procedures and the budget process and the audit process as  
 25 possible. I would prefer to see the Financial Management Group

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reporting to the Trustee Council rather than the Restoration  
1 Team, and I think that will ease the Restoration Team's  
2 burdens, frankly. But that would be my druthers (ph).

3 MR. SANDOR: Is that a motion?

4 MR. BARTON: I so move.

5 MR. SANDOR: It has been moved that the Financial  
6 Management Group report to the Trustee Council.

7 MR. BARTON: Yes.

8 MR. PENNOYER: Mr. Chairman.

9 MR. SANDOR: Is there a second?

10 MR. PENNOYER: I'll second that and ask for a friendly  
11 (ph) amendment.

12 MR. SANDOR: Okay.

13 MR. PENNOYER: You have them reporting to us, are you  
14 assuming they won't talk to the Restoration Team or work with  
15 them or through them? I don't think that is going to work, if  
16 that's the case.

17 MR. BARTON: I would expect that not to happen. If it  
18 did happen, then there's something wrong with this whole  
19 process. I mean we've all got to be talking to one another,  
20 you know. I can think that the Financial Group has some  
21 special expertise in financial management which, perhaps, the  
22 Restoration Team does not have; on the other hand, whatever the  
23 Financial Group comes up with has got to be workable in terms  
24 of what we're working on, so I would expect a dialogue back and  
25 forth between those two groups, just as there is, I hope, in

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the course of most of the work that we're doing.

1 MR. PENNOYER: Thank you. I just wanted that for the  
2 record.

3 MR. BARTON: Okay.

4 MR. SANDOR: It's moved and seconded that the Financial  
5 Management Group .....

6 MS. RUTHERFORD: Mr. Chair.

7 MR. SANDOR: ..... while working on the day-to-day  
8 basis or as necessary with the Restoration Team will really  
9 answer to the Trustee Council. Yes, Marty Rutherford.

10 MS. RUTHERFORD: A question of clarification. Are we  
11 talking about the Financial Committee or the Financial Working  
12 Group? Because there are two distinct entities again, as Mr.  
13 Pennoyer indicated.

14 MR. PENNOYER: Mr. Chairman.

15 MR. SANDOR: Yes.

16 MR. PENNOYER: I think to some degree you're splitting  
17 hairs, though, because I think some elements of what the  
18 Financial Working Group is doing now in setting up audits and  
19 processes and so forth, the procedures of how we're going to  
20 deal with finance, would be a Finance Committee's job at some  
21 point. So, I think they're doing some of each, and I would  
22 hope that they would be working with and through the  
23 Restoration Team on natural budget development. But if they  
24 have concerns about procedures, processes and the way things  
25 are presented for our various requirements, that they would

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1 tell us what those are. So, I think the Financial Working  
2 Group does have some elements of the Financial Committee,  
3 Marty, and I'm not sure you can just simply say now the  
4 Financial Working Group has to report through the Restoration  
5 Team to talk to us.

6 MR. COLE: Mr. Chairman.

7 MR. SANDOR: Yes, Mr. Cole.

8 MR. COLE: Could we have a list of the members on each  
9 of these various teams and set of groups.

10 DR. GIBBONS: It's in the package.

11 MR. COLE: I haven't seen it. And looking at Exhibit G  
12 simply gives me a headache. I was wondering if we could have a  
13 simpler schematic, it seems a little complex.

14 MR. McVEE: Mr. Chairman.

15 MR. SANDOR: Yes, Mr. McVee.

16 MR. McVEE: I guess if we're going to have the  
17 Financial Group, you know, kind of have a double area to  
18 Trustee Council and to the RT, the Restoration Team, one  
19 suggestion might be to not call it a work group anymore, give  
20 it a different -- give it a name, call it committee. In our  
21 original organizational proposal, we had called it a Financial  
22 Oversight Group, I'm not locked in on that.

23 MR. SANDOR: The maker of the motion and the second  
24 agree that new terms, something like Financial Committee or  
25 Financial Oversight Group, and this is what's intended.

MR. PENNOYER: Mr. Chairman. I think we ought to avoid

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the acronym of FOG, though.

1 MR. McVEE: Very appropriate.

2 MR. SANDOR: Any other discussion of this motion? The  
3 motion on the table is to have the Financial Working Group or  
4 Committee, although it works with the Restoration Team, to be  
5 responsible to the Trustee Council. Any objection to that?  
6 This motion is passed. Any other items in this financial  
7 process agenda item?

8 MS. BERGMANN: No. But I would like, Mr. Chair, a  
9 clarification on that. So, there is no longer a Financial  
10 Working Group reporting directly to the RT, that function is  
11 now moved up to the Financial Committee who reports to the  
12 Trustee Council, and they are still developing the kinds of  
13 things that we've been working on?

14 MR. SANDOR: As a day-to-day, week-to-week working  
15 relationship directly between the Financial Management Group  
16 with the Restoration Team, but its ultimate responsibility is  
17 to the Trustee Council as its oversight as it originally -- or  
18 as considered in one of the earlier proposals.

19 MS. BERGMANN: So, the .....

20 MR. SANDOR: Is that your motion?

21 MR. PENNOYER: Mr. Chairman. I think that's the  
22 intent. I think it's clear, though, that the Restoration Team  
23 should expect the Trustee Council to make sure we don't have an  
24 independent group that is simply not communicating; we're going  
25 to have to make very sure that communication on a day-to-day

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basis in a reasonable fashion does occur. And that's going to, obviously, whenever we set up different groups that aren't responsible to each other to work together, they're dependent on a lot of both of those. Mr. Barton said goodwill (ph) but also in terms of monitoring of how the process is working.

MR. SANDOR: Is there any further questions of Pamela?

MS. BERGMANN: So, I'm assuming then that the current members of the Financial Working Group then become the new Financial Committee, and it would seem appropriate that they would then appoint a Chair among themselves for that group, and then perhaps, there would be an RT member that would be a liaison or .....

MR. PENNOYER: Mr. Chairman. I think maybe at the next conference, along with those procedures, we need a charter for that group and some operating procedures for it. And I think we would expect, since it has to be a practical operation, for the RT and the Financial Group to communicate on how that might work.

MR. SANDOR: Can we agree then the third item on the agenda is for the teleconference is, in fact, this charter and operating process and procedures? Does that conclude Item 5 on the agenda?

MS. BERGMANN: The first part, my part.

MR. SANDOR: The first part.

MS. BERGMANN: That was the easy part.

MR. SANDOR: Okay. Let's continue then, Pamela. Let's

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do this, .....

1 MR. PENNOYER: Do you want to take a break,  
2 Mr. Chairman?

3 MR. SANDOR: ..... how much time will this take,  
4 because we .....

5 MS. BERGMANN: Actually, Dave is presenting the rest of  
6 Part 5.

7 MR. SANDOR: Okay. Do we want to break for 10 minutes?

8 MR. BARTON: I do.

9 MR. PENNOYER: I think we do need a break.

10 MR. SANDOR: Maybe we can break and then we'll  
11 reconvene at a quarter to .....

12 MR. COLE: Mr. Chairman.

13 MR. SANDOR: ..... 4:00. Yes.

14 MR. COLE: I would like to say that I think these  
15 habitat issues are extremely important, that we address them  
16 today. And if we're going to have to shut this meeting down at  
17 4:30 .....

18 MR. SANDOR: Can we defer the balance of this financial  
19 item for that same teleconference; in other words, cover the  
20 total financial process at that one time?

21 MR. COLE: Maybe -- excuse me, Mr. Chairman. Maybe  
22 other members of the Council do not agree with me on that  
23 issue, so therefore, you know, I seek their thoughts.

24 MR. SANDOR: Well, yeah, and that was part of the  
25 question. And then I was going to ask Dr. Gibbons, can the

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Habitat Protection Working Group item, Item 6, be covered from  
1 3:45 to 4:30?

2 DR. GIBBONS: I think I can just run down through the  
3 items under the financial process and just get a yes/no from  
4 the Trustee Council and we can get it done in about two or  
5 three minutes, and then take a break and start right in with  
6 habitat protection.

7 MR. SANDOR: Okay. The clock is running.

8 DR. GIBBONS: My two minutes, okay. The second item  
9 called Peer Review on the agenda, under financial process, I  
10 would like to defer that until the teleconference and include  
11 that in an overall budget package that has all the groups for  
12 the budget. I plan to have a detailed budget that has -- I'll  
13 try to keep it simple, but it isn't very simple. And we'll  
14 have that, we'd like -- i'd like to include the peer review in  
15 that package.

16 MR. SANDOR: Unless there's objection, this will be  
17 deferred. Continue.

18 DR. GIBBONS: The third item, Presentation of working  
19 groups, we've already dealt with that. At the teleconference,  
20 we need to deal with the issue of a two-month extension or an  
21 extension to the existing approved budget for the 1992  
22 activities. At present, we have an approved budget that runs  
23 March 1st through the end of May, a three-month budget.  
24 Through the timeline presented to you for dealing with the '92,  
25 the earliest we'll be able to get to a final '92 is the end of

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June; therefore, we need an authorization for some money

1 between the end of May and whenever we get a final '92.

2 MR. SANDOR: Can you do that at the teleconference?

3 DR. GIBBONS: Yes. I propose to have that there. I

4 need to know if you want a two-month budget or a four-month

5 budget that runs us to the end of the Federal fiscal year or

6 what's the pleasure of the Trustee Council?

7 MR. SANDOR: The longer the better, I would suspect.

8 MR. BARTON: I'd suggest -- I'd move that we extend the

9 budget to the end of the Federal fiscal year.

10 MR. SANDOR: Is there a second to that motion?

11 MR. PENNOYER: Second.

12 MR. SANDOR: It's been moved and seconded that the

13 budget be extended to the end of the Federal fiscal year, which

14 is September 30. Any objection? So approved.

15 DR. GIBBONS: And the last item that's in your book

16 also is called a Budget Summary by Agency. This is the total

17 budget. I need to have you take a quick look at it, if you

18 like the format of it, we'll have this on the teleconference

19 also; it's complete, it's prepared by agency, and then the

20 following pages give the details of the project budgets, the

21 budgets associated with the Administrative Director, budgets

22 associated with the Restoration Team and budgets associated

23 with the working groups both for planning working groups and

24 the other working groups. And so, I will defer this to --

25 also, to the teleconference.

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MR. SANDOR: Okay. Does that complete the item on  
1 financial process? (Indiscernible) recess until 10 minutes to  
2 4:00.

3 (Off record)

4 (On record)

5 MR. SANDOR: May I have your attention, please. We  
6 want to reconvene the Exxon Valdez Oil Spill Settlement Trustee  
7 Council meeting with Item 6 on the agenda. Item 6 is Habitat  
8 Protection Working Group report, Dr. Gibbons and Art Weiner.  
9 Dr. Gibbons.

10 MR. GIBBONS: Yes. I'll start the process. I would  
11 like to make a couple of opening comments and then I'll turn  
12 the presentation over to Art.

13 The first comment I have is some materials on the  
14 outside table, there's one sheet out there that's called  
15 Potential Restoration Option that's identified by the Citizen's  
16 proposal for 10-year expenditure of civil settlement; this is  
17 not a Trustee Council document. I don't know who put this out  
18 there, but I just thought I'd let people know about this out  
19 there.

20 At the March 9th Trustee Council teleconference, you  
21 charged the Restoration Team to develop a draft goal statement,  
22 process and criteria for potential habitat protection. The  
23 Habitat Protection Working Group has made good progress towards  
24 this, and we have a presentation for you today. The  
25 Restoration Team would like to include the material -- some of

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the material we have today, or all of it, at the decision of  
1 the Trustee Council, to be included in the Draft Restoration  
2 Plan that has been discussed earlier. We would recommend that  
3 the Restoration options, including habitat protection,  
4 acquisition, whatever, be included in that document.

5 So what the presentation is today is Art's going to  
6 walk us through, I believe, the goal statement, walk us through  
7 a detailed process with narratives on an acquisition, and then  
8 we have some sets of threshold criteria in dealing with project  
9 evaluations. So, Art.

10 MR. WEINER: Thank you, Dave, members of the Council.  
11 The Habitat Protection Working Group produced the documents  
12 that you have in your package that include a number of  
13 narratives, several flow charts and a set -- or actually two  
14 sets of threshold criteria. What I'd like to do is, as quickly  
15 as I can, walk you through these documents, and I'd certainly  
16 entertain questions as we move through it because it is a  
17 rather complex process rather than wait to the end of the  
18 presentation, so feel free.

19 What we've done initially is to try and present  
20 diagrammatically the relationships between the various elements  
21 in the process. The starting point, of course, is the goal  
22 statement; you'll find the goal statement on Page 1 of the  
23 narrative under the introduction. The goal statement was put  
24 together by the working group, and we tried, as succinctly as  
25 possible, to define where we're going with the process.

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The Habit- -- .....

1 MR. PENNOYER: Mr. Chairman. Where is the goal  
2 statement? It's not at the front of my package.

3 MR. SANDOR: After the blue sheet -- or the second blue  
4 sheet, under that heading.

5 MR. WEINER: It should be after the first diagram or  
6 the second diagram, depending on how you structured your book.

7 MR. SANDOR: The heading Habitat Protection and  
8 Acquisition Process.

9 MR. PENNOYER: Introduction?

10 MR. WEINER: Introduction, first paragraph of the  
11 Introduction, Page 1.

12 MR. PENNOYER: Thank you.

13 MR. WEINER: The habitat protection and acquisition  
14 process is composed of the evaluation process, the imminent  
15 threat process, the Federal acquisition process and,  
16 ultimately, a State acquisition process which is being  
17 developed right now. And what we've created here is,  
18 essentially, a field guide to the flow charts, because there's  
19 so many flow charts you needed a master diagram to give you an  
20 idea of how the flow charts relate to one another.

21 What the process is it attempts to answer what we  
22 believe is the goals set forth by the settlement in terms of  
23 restoration. We are attempting to not only adhere to the  
24 settlement, but also, as the general restoration of strategy  
25 does, to make habitat protection and acquisition an integral

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part of the big picture. It doesn't stand by itself in a vacuum, it does not stand alone.

And one of the reasons we've included Figures 6 and 7 in the package is to make it -- or attempt to make it clear to you all how either with the hierarchal approach to restoration or the concurrent approach to restoration, you'll find habitat protection is one of a number of different strategies. And what I would like to describe to you is the habitat protection acquisition element of the Restoration Plan. So, again, habitat protection and acquisition is only one of a number of different strategies. And these two diagrams come directly from the Framework document. If Mr. Cole thought the other flow diagram gave him a headache, this one should certainly give him a cerebral hemorrhage.

MR. COLE: This gives me migraine.

MR. WEINER: Yeah. This is the evaluation process. This is what we consider to be the main way in which we will deal with injured resources and services, that habitat protection and acquisition is going to be considered as a restoration strategy. The imminent threat process I'll discuss a little bit later, and it also plugs into this. The acquisition process, as I referred to earlier, is found in Box 21. You have to get through at least to 16 or to 16 before you can get into Box 21. So, this is the main strand of the process right here in this Figure 1.

The top portion of the diagram, Figures 1, 2 and 3, are

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the elements that come directly out of Figure 6 and 7; that's  
1 common to all of the processes. It comes directly out of the  
2 Framework document, there's nothing new here, basically.

3 The shaded diagrams all indicate what we feel are very  
4 clear decision points that are to be made by the Trustee  
5 Council. As you go through the flow chart, you'll see that  
6 there is direct linkage to injury. Unless you can tie a  
7 proposal to injury, either injured resource or an injured  
8 service, the process doesn't go forward.

9 Box 4 is an important box. Box 4 is where Staff will  
10 characterize the habitat types that we believe are important to  
11 restoration of the resources or the services. It's a generic  
12 step, we will determine from the literature, from the NRDA  
13 studies, from the summary of injuries statement what we believe  
14 are the habitat types that are important to the restoration of  
15 either the services or the resource. This is not a site  
16 specific category, it's a generic category; repairing of  
17 habitats, spawning habitat, nesting habitat, things of this  
18 nature.

19 Then, we move down through the process, once we've  
20 identified the generic habitat types, and then eventually, we  
21 will solicit nominations from landowners from the public and  
22 the agencies for proposals for lands that contain those  
23 particular habitat types. Obviously, there's other steps off  
24 to the side, but I won't go into them. Each of these steps is  
25 described in the narrative, and they're numbered in the same

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manner as the numbers in the boxes on the flow charts. So,  
1 when you read the narrative, the best thing to do is keep the  
2 flow chart at hand.

3 A key step here is Number 11, we want to be very clear  
4 to the public that this is not a condemnation process, that the  
5 nominations that we're soliciting are key to a willing owner.  
6 There's nothing about condemnation even implicit in this  
7 process.

8 Step 12 is a major filtering step, this is where the  
9 threshold criteria will be applied to the proposals. The  
10 reason we're using threshold criteria is to hopefully very  
11 easily and quickly eliminate those proposals that are obviously  
12 inappropriate to the process. And we'll have further  
13 discussion, I hope, on the threshold criteria.

14 Those proposals that pass through this filter of  
15 threshold criteria will ultimately become candidate lands.  
16 When a proposal becomes a candidate land, we do a detailed  
17 evaluation. And one of the reasons why we're applying  
18 threshold criteria at Step 12 is so that we don't spend a lot  
19 of energy and money doing detailed evaluations on proposals  
20 that are obviously inappropriate or unreasonable. And that's  
21 why Step 12 is very, very important, it will hopefully save us  
22 a great deal of money.

23 As part of the detailed evaluation, we have to  
24 determine whether or not there's enough information at hand to  
25 do a proper evaluation of the proposal. In many cases, I

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believe and I think the rest of the Team that put this together  
 1 believes, we're going to have to go out for more information.  
 2 A great deal of information on the habitats will probably need  
 3 to come in before we can make a reasonable decision as to  
 4 whether or not to exercise one of the protection tools. Those  
 5 proposals that make it through the detailed evaluation will  
 6 then be ranked, and the ranking will then be applied to the  
 7 next step wherein we will apply the appropriate protection  
 8 tools, whether they're direct acquisition of title or any of  
 9 the lesser tools, to the particular proposal. The proposals or  
 10 the ranked land at this particular point in time will then  
 11 either have a non-acquisition tool, an acquisition tool or a  
 12 mix of tools applied to the particular ranked lands. Once the  
 13 land is acquired, then it will be incorporated into the  
 14 appropriate type of public management that the Trustee Council  
 15 feels is appropriate for that particular parcel.

16 This is the main process, and we call it the evaluation  
 17 process. An adjunct that we found to be necessary to the  
 18 process is the imminent threat process. A key portion of this  
 19 is to determine whether or not you really have an imminent  
 20 threat. This is an accelerated process, it differs from the  
 21 evaluation process in that the lands that we're going to review  
 22 have not been solicited by the Trustee Council; these are  
 23 proposals that are coming in unsolicited from the public. And  
 24 we have to make a determination whether or not these proposals  
 25 should be addressed and evaluated. And what we need to do here

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is to do -- this is a very different step from the other  
1 process, is a threat analysis on the proposal. I'm trying to  
2 point out the major differences between the processes.

3           The threat analysis, hopefully, will tell us whether or  
4 not there's a real imminent threat that the particular parcel  
5 of land is going to be subjected to. If a person calls us up  
6 and we hear a chain saw in the background on the phone, that  
7 doesn't make it an imminent threat, we have to determine  
8 whether or not that's a real threat. So, we have asked the  
9 Nature Conservancy to help up with this, they have supplied us  
10 a draft threat analysis process and we're reviewing that at  
11 this particular point in time. Hopefully, we're going to be  
12 able to determine from the threat analysis whether or not we do  
13 have a real imminent threat; if not, the proposal will be  
14 dropped, if so, then we will identify the preferred short-term  
15 protection options. We use this kind of language to indicate  
16 that we're trying to buy time here. We're going to exercise  
17 those short-term protection options that allow us to go out and  
18 do a detailed evaluation on a parcel of land before the  
19 imminent threat is realized and we're foreclosed from  
20 exercising the ultimate restoration option that we deem is  
21 necessary.

22           As you can see, once the short-term protection tool is  
23 implemented, it gives us time to run the proposal through the  
24 other process, the evaluation process. And this process then  
25 hooks into the evaluation process I showed you on the earlier

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flow diagram. That, in a nutshell, is the way the process is  
1 designed to work.

2 The element that is undecided upon right now is Element  
3 Number 12. And in your package are two sets of threshold  
4 criteria that are somewhat different, Sets A and Set B. And we  
5 would certainly like to propose those to you for your review.  
6 I don't have the package in front of me, so I can't tell you  
7 exactly where Dave has got .....

8 MS. RUTHERFORD: Right at the end.

9 DR. GIBBONS: Right at the end.

10 MR. WEINER: Right at the end. But you'll notice that  
11 in both processes, the evaluation process and the imminent  
12 threat process, threshold criteria are very prominent, very  
13 important. If we choose to go forward without threshold  
14 criteria, I might say, we might spend a heck of a lot of money  
15 doing detailed analyses on proposals that should have been  
16 rejected right early on in the process. And that's why we feel  
17 that a decision from the Council on threshold criteria is quite  
18 important to us.

19 That's it for me.

20 MR. SANDOR: Is there any question before we deal with  
21 -- I guess on the presentation before we deal with the action  
22 items needed?

23 MR. McVEE: Mr. Chairman.

24 MR. SANDOR: Yes, Mr. McVee.

25 MR. McVEE: It's not a question on the presentation but

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I guess I had one thought in looking at the goal statement, the  
1 evaluation process. But it seemed like that it might be  
2 worthwhile to consider doing a paragraph in that opening  
3 section that would link this effort back to the MOA and the  
4 court decree. Because here, all we're linking it to is the  
5 March 1, 1991 Federal Register publication, which was prior --  
6 would have been prior to the MOA and the decree. I think I'd  
7 suggest that some wording, some language in there, a brief as  
8 possible, might be useful.

9 MR. SANDOR: Do you agree?

10 MR. WEINER: Absolutely.

11 MR. SANDOR: Any other questions or comments on the  
12 goal statement or the process or both?

13 MR. COLE: Yes, Mr. ....

14 MR. SANDOR: Mr. Cole.

15 MR. COLE: I'm looking now so that I -- just to make  
16 sure I'm looking at the right piece of paper, it's entitled  
17 Habitat Protection and Acquisition Process, I. Evaluation  
18 Process and II Imminent Threat Protection Process; is that the  
19 organic document?

20 MR. SANDOR: That's the ....

21 MR. COLE: Okay.

22 MR. SANDOR: Yeah.

23 MR. COLE: Well, if you read the second paragraph,  
24 Habitat Protection and Acquisition is one of the potential, so  
25 forth, the second sentence says: This alternative includes

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changes in management practices on public or private lands and  
1 creation of protected areas on existing public lands in order  
2 to prevent further damage to resources injured by the Exxon  
3 Valdez Oil Spill. I'm troubled about the language "in order to  
4 prevent further damage to the resources"; that seems too narrow  
5 to me. Am I off base or am I not? I mean here's the thought I  
6 have is that I mean we're seeking to restore damaged resources  
7 as well, and I think that concept should be in there  
8 prominently; I mean first, not to prevent further damage but to  
9 restore damage which has already occurred is the central thesis  
10 of what I think we ought to or should be doing here.

11 MR. SANDOR: So that the Chair understands then, you  
12 suggesting adding a clause with respect and to restore  
13 resources damaged?

14 MR. COLE: Well .....

15 MR. SANDOR: Dr. Gibbons or Montague, did you want to  
16 comment?

17 DR. MONTAGUE: Mr. Chairman. I think the primary logic  
18 behind habitat acquisition would be if there isn't going to be  
19 any damage to the wildlife -- or fish and wildlife in that  
20 habitat, then you don't need to buy it, that whatever value  
21 that habitat is providing for the wildlife to help it restore  
22 is going to be there. So, if you -- there isn't an assumption,  
23 whether it's correct or not is up the Council. But if there  
24 isn't an assumption that alteration of that habitat is going to  
25 be damaging, then it has no applicability to restoration.

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MR. McVEE: Mr. Chairman.

1 MR. WEINER: Mr. Chairman, I beg to differ with that.

2 MR. SANDOR: Please do.

3 MR. WEINER: The concept of acquisition of equivalent  
4 resources as carefully spelled out in the settlement, I think,  
5 that argue very clearly against that philosophy. My  
6 interpretation, I think, is shared by a number of people, that  
7 if we are to pursue a strategy of acquisition of equivalent  
8 resources that we don't necessarily have to acquire those  
9 resources that have been damaged, per se; they have to be  
10 either structural or function equivalents to those resources  
11 that were damages. Unless I'm misreading the intent in the  
12 letter of the settlement; it's somewhat presumptuous of me to  
13 even try in front of Mr. Cole, but that's the way I certainly  
14 interpret the settlement.

15 MR. SANDOR: Any other comments? Yes, Dr. Montague.

16 DR. MONTAGUE: Mr. Chairman. My response was just to  
17 restoration not to acquisition of equivalent resources. I was  
18 making a distinction.

19 MR. SANDOR: Mr. Barton.

20 MR. BARTON: Well, I wonder if Mr. Cole's comment  
21 doesn't go to what's the priority issue. Is the priority issue  
22 the restoration of damaged resources versus protection from  
23 further damage. It seems to me our first obligation is to  
24 restore damaged resources first and then talk about possible  
25 further protection from further damage. I mean it seems to me

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the emphasis is on the wrong syllable.

1 MR. COLE: That's what I think but I may be confused.

2 MR. WEINER: Well, I would argue that if we're faced  
3 with the resources on an equivalent resource basis that are  
4 potentially threatened, and we believe that they, in fact, may  
5 be justifiably acquired or protected, we could be doing that --  
6 thinking about that at the same time we're doing direct  
7 restoration.

8 MR. BARTON: You're starting down the road one step,  
9 though, before we get to consideration of the acquisition of  
10 equivalent resources, isn't our obligation to the restoration  
11 of damaged resources, if it's possible?

12 MR. WEINER: I think we need to be doing both at the  
13 same time, that's why we're dealing with a hierarchial analysis  
14 or a concurrent analysis. My preference to be .....

15 MR. BARTON: Well, that's the basic question, and  
16 that's another question we're going to need to address.

17 MR. COLE: Well, Mr. ....

18 MR. WEINER: Well, I think it's very germane here if I  
19 may .....

20 MR. BARTON: Oh, I agree with you.

21 MR. COLE: Mr. Chairman.

22 MR. SANDOR: Mr. Cole.

23 MR. COLE: See, my view is not that it's one or the  
24 other, I think we're dealing with both. But I mean I think we  
25 can put in order to prevent further damage, but I haven't

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1 thought it through well, but it seems to me that we might want  
2 to acquire habitat to enable damaged or injured resource to  
3 restore -- be restored. That's the central, primary focus of  
4 the entire effort. So, that's why I thought we should put in  
5 there in order, you know, to further the restoration process  
6 and too -- whatever, you know, add some other appropriate  
7 language. But I think we must have to further the restoration  
8 process, that's why we would want to acquire this habitat,  
9 principally.

10 MR. SANDOR: Is there any objection from the Trustee  
11 Council members of the addition of to restore as well as to  
12 prevent?

13 MR. PENNOYER: Mr. Chairman.

14 MR. SANDOR: Yes.

15 MR. PENNOYER: Would it clarify that sentence if you  
16 added services in so it isn't just .....

17 MR. COLE: Sure.

18 MR. PENNOYER: ..... Mr. Montague's idea of, in fact,  
19 the habitat's already not being hurt, so therefore you're not  
20 going to have further damage, and if it's not hurt then you're  
21 restoring as much as possible damaged resources, but services,  
22 restoring services may require some other acquisition. If we  
23 add the thought of services in, would that take care of  
24 the .....

25 MR. COLE: I think we should restore and enhance  
resources and services. We should get all the concepts in

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there that are spelled out expressly in the Settlement

1 Agreement and the Consent Decree.

2 MR. SANDOR: Just a reiteration of what we've talked  
3 before. Dr. Gibbons, can we add the language to include all of  
4 those activities?

5 DR. GIBBONS: Yes.

6 MR. SANDOR: Okay. Any other comments on the goal  
7 statement and process itself before moving into the criteria?

8 MR. BRODERSON: Yeah, Mr. Chairman.

9 MR. SANDOR: Yes.

10 MR. BRODERSON: One little comment to Mr. Cole's  
11 statement there. I think we agreed with each other on that  
12 wholeheartedly, we may just be trying to say something  
13 different, which I haven't said anything yet, so you don't know  
14 what I think on that. But the actual acquisition or protection  
15 of habitat does not restore a resource or a service, per se.  
16 It's making sure or helping to ensure that the resource then  
17 has time to restore itself. I think that's what Mr. Cole was  
18 saying but I'm not quite sure, and I really was hoping for  
19 clarification on that to see if we were in agreement on this  
20 concept, that we have negatively said something in this process  
21 that perhaps we need to say positively. But what it is is that  
22 habitat protection allows the resource and/or service to  
23 restore itself; the acquisition of the habitat does not restore  
24 that resource or service.

25 MR. COLE: Well, let me say, Mr. Broderon, I agree

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with Mr. Broderon, he's used a little more precise expression  
1 of the concept that I had in mind.

2 MR. BRODERSON: You flatter me.

3 MR. SANDOR: Mr. Pennoyer, did you have a comment or  
4 Barton?

5 MR. PENNOYER: This is a philosophical discussion, put  
6 the words in, let's go on from there.

7 MR. SANDOR: Mr. Barton.

8 MR. BARTON: In the opening statement on this subject,  
9 Dr. Gibbons made reference to incorporating this into a Draft  
10 Restoration Plan, could you elaborate on that and are we on a  
11 wild goose chase here or an unnecessary goose chase, not wild  
12 but unnecessary?

13 DR. GIBBONS: Yeah. Our intent is -- excuse me. Our  
14 intent is to get this into the public arena to see what the  
15 public thinks about. Right now in the Framework we've got the  
16 two flow charts, Figures 6 and 7, that shows a hierarchial  
17 process and the concurrent process. We would like to go to the  
18 public with this process, too, to see the thoughts on the  
19 public on the process we have outlined here and for dealing  
20 with some of these issues. Rather than trying to get into a  
21 nitty-gritty of the wording here, we would like to include  
22 this, recommend to include this as a section in the Draft  
23 Restoration Plan for public comment.

24 MR. SANDOR: Unless there's objection, you are  
25 authorized to do so. Is there any further discussion on the

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goal statement or the process before we get to the specific  
1 action items that you propose? Let's move, then, onto -- and  
2 is there a recommendation from the Restoration Team as to what  
3 action then -- action reviewed (ph) or what's your motion?

4 DR. GIBBONS: Our recommendation was to move the goal  
5 statement and the detailed process with narratives into the  
6 Draft Restoration Plan. That was it.

7 MR. SANDOR: Is there a motion to that effect?

8 MR. BARTON: So moved.

9 MR. SANDOR: Is there a second?

10 MR. McVEE: Second.

11 MR. SANDOR: Seconded by McVee, motion by Barton. Any  
12 objection?

13 MR. COLE: Well, Mr. Chairman, .....

14 MR. SANDOR: Comments? Okay.

15 MR. COLE: ..... I had thought that I'd like to hold  
16 for a little while on that subject until after we've discussed  
17 these -- this criteria a little farther today, if that's our  
18 intent.

19 MR. SANDOR: Any objection to the maker of the motion  
20 or the second that we defer until we get to the criteria? Can  
21 we have a recommendation in the criteria, what action are you  
22 proposing from the Trustee Council on the criteria? Dr.  
23 Gibbons.

24 DR. GIBBONS: Yes. The request to the Trustee Council  
25 was that we have two optional sets of threshold criteria, and

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they do various -- they do different components. And we have  
1 outlined the acquisition process threshold criteria, this is  
2 Box 12 on the flow chart there Art's got up. And the Habitat  
3 Protection Working Group's been wrestling with two sets of  
4 criteria; Option A and Option B. And we brought it to the  
5 Trustee Council for informational purposes at this time and to  
6 get feedback on it.

7 MR. SANDOR: Dr. Gibbons, this (indiscernible) -- sure  
8 we've got -- these are the last five pages in this segment in  
9 our book?

10 DR. GIBBONS: That's correct.

11 MR. SANDOR: The last five pages of the book, which  
12 begins with Discussion in Set A and Set B of the proposed  
13 threshold criteria. Was there a recommendation on the part of  
14 Restoration?

15 DR. GIBBONS: Well, we propose these two different sets  
16 to the Trustee Council, and if the Trustee Council wants to  
17 discuss it now and give us feedback on it, that's the Trustee  
18 Council -- that's why we have them here, to get feedback from  
19 the Trustee Council on these two sets. If the Trustee Council  
20 would like us to move it into the Draft Restoration Plan, also;  
21 it's just they're here for the Trustee Council to read and be  
22 informed about.

23 MR. SANDOR: Question of clarification. Then, the  
24 Restoration Team is making no recommendation; is not  
25 recommending that both be submitted to the public, just that

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the Trustee Council review it?

1 DR. GIBBONS: Yes. The Restoration Team has not  
2 reached closure on which set of these, or if two sets should go  
3 to the public.

4 MR. SANDOR: I see. Okay. Mr. Pennoyer.

5 MR. PENNOYER: Mr. Chairman. Further clarification,  
6 Mr. Gibbons. I don't mind (ph) sending both out for people to  
7 comment on, but I'm not sure they're the same thing; it looks  
8 like, again, you've got some apples and oranges. A has willing  
9 seller and that's over in your flow diagram above the threshold  
10 criteria, you never even get to threshold criteria if there's  
11 not a willing owner/seller. So, I don't know if that's a  
12 threshold criteria or just a previous part of the diagram. And  
13 then, one set of criteria seems to deal with immediacy, and the  
14 other set seems to deal with the more considered part of the  
15 process. So, are they really two different sets of criteria or  
16 are they sort of mixed and matched the same way of looking  
17 at .....

18 MR. SANDOR: Can you respond, Dr. ....

19 MR. PENNOYER: .... different areas of immediacy.

20 MR. SANDOR: Can you respond?

21 DR. GIBBONS: Yeah. I can help to clarify. Both sets  
22 contain the willing seller. We wanted to make sure that -- it  
23 was Item Number 7 on the second discusses that also. We wanted  
24 to make it clear to the public that this is not a condemnation  
25 process. We know it comes in the flow chart, above that it's

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there, we just wanted to emphasize that again, that this is a  
1 willing owner process.

2 The other part of the criteria is the discussion the  
3 Restoration Team's been having, what the threshold criteria are  
4 intended to do in the process. Some members envision that the  
5 threshold criteria should pass a red face test and leave the  
6 detailed evaluation criteria to Box 14, while others believe  
7 that the threshold criteria should be a little bit more  
8 stringent and screen more out up on top before you get to  
9 Box 14. So, there's various options here.

10 MR. PENNOYER: Mr. Chairman.

11 MR. SANDOR: Yes, Mr. Pennoyer.

12 MR. PENNOYER: Well, I think the reemphasis is a good  
13 idea, and I don't have a problem with it; I didn't notice it on  
14 Number 7 on the second one, to tell you the truth I didn't get  
15 that far, so I apologize. But for example, Item Number 2 on  
16 Set A is the seller acknowledges that governments can only  
17 purchase the parcel or property rights at fair market value, is  
18 that in both of them? That's certainly true of either set  
19 isn't it?

20 UNIDENTIFIED VOICE: B(6).

21 DR. GIBBONS: Yeah, that -- that item is -- is  
22 discussed in both. In -- in set A it specifically references  
23 fair market value. Excuse me. In -- in the set B, item six  
24 talks about cost effective to the restoration alternative. So  
25 it's a little bit different terminology, but -- but the idea is

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there in both of them.

1 MR. BARTON: Well, but in fact the -- the governments  
2 have to pay fair market value in -- in either event.

3 DR. GIBBONS: That's correct.

4 MR. COLE: Mr. Chairman?

5 MR. SANDOR: Yes, Mr. Cole?

6 MR. COLE: To -- to help us follow these and evaluate  
7 these, set A and set B, could we have in -- just sort of a  
8 similar or the same requirements matched, like if you have a  
9 willing seller in A, number one, then we could have a willing  
10 seller in B, number one, so, you know, you could just sort of  
11 look across and you wouldn't have to put these in the mind and  
12 try to match them up? It would be a lot easier if we could do  
13 that, and I think it would be easier for the public to be able  
14 to follow this. It's sort of a chess game trying to figure  
15 them out.

16 MR. SANDOR: Dr. Gibbons?

17 DR. GIBBONS: Yeah, if -- if you walk -- if you go back  
18 to page one in this document, right there it displays the  
19 overlap of the two sets of criteria. The willing seller is  
20 required, there must be a linkage to injured resources or  
21 services, and, three, that the acquisition should provide some  
22 benefit or protection beyond. The cost element, the next  
23 discussion is in -- in both sets also.

24 And so we -- we tried to do some of this, and then we  
25 get to set B, and it incorporates the following four additional

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concepts that's discussed here, and then on page two we get to  
1 some issues that we -- that we -- that the restoration team saw  
2 between the -- the two sets, and so we try to -- we tried to  
3 talk about the issues involved with -- with the -- with the  
4 threshold criteria.

5 MR. COLE: Mr. Chairman?

6 MR. SANDOR: Yes, Mr. Cole?

7 MR. COLE: It's getting late. We only have another  
8 perhaps six minutes, and I would like to express some thoughts  
9 I have on this subject.

10 I am concerned that we may be taking too narrow an  
11 approach in our basic statement of the goals of habitat, or of  
12 the goals of the acquisition process, and we have if you read  
13 these materials some very stringent -- I would say very  
14 stringent, certainly stringent in my view, requirements for the  
15 relationship between the restoration process and -- and the  
16 acquisition. And those are set forth in say paragraph one of  
17 the evaluation process on page three, if you would look at that  
18 definition of injury. And .....

19 MR. BARTON: Mr. Cole, where are you?

20 MR. COLE: Well, I'm on page three of -- of .....

21 MR. PENNOYER: Of habitat protection .....

22 MR. COLE: ..... habitat protection and .....

23 MR. PENNOYER: ..... and acquisition process.

24 MR. COLE: ..... acquisition process. It -- let me go  
25 right to what I -- I -- the thought I wanted to express.

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As we've discussed before, the settlement process with Exxon under the Department of Interior guidelines involved a major damage which was approved under the regulations dealing with contingent evaluations. And I wonder if by limiting our acquisition process to the criteria which we have set before us we are not failing to recognize the contingent value preservation which was a material part of the settlement. I would like to see the Council and the Restoration Team give some thought to that.

MR. SANDOR: Any other comments by Council members on that point? Any further questions on this -- these criteria? Any preference on how this is to be presented to the public? Mr. Pennoyer?

MR. PENNOYER: Mr. Cole did make the point that on the criteria we should try and make A and B a little bit more concurrent so you can follow from one to the other and clearly see the differences. They are pointed out in that sort of diagrammatic discussion on the first part of the package, but you probably ought to incorporate in the actual presentation of those criteria the similarities and -- and -- so as you read down, it's the same, the same, the same, and then all of a sudden it shifts into different -- where the differences occur.

MR. SANDOR: Can you do that?

DR. GIBBONS: (Nods affirmative)

MR. SANDOR: Can we also have consultation with counsel, the A.G.'s office, with respect to the -- making this

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as broad as -- as the settlement language dictates so it isn't  
1 more restrictive? And so I suggest -- I guess there would be  
2 some possible modification of wording that -- to accommodate  
3 the points that Mr. Cole made.

4 MS. RUTHERFORD: Mr. Chair, I think -- I believe that  
5 does get a little to the heart of -- of the difference between  
6 set A and set B, and perhaps it would be useful for us to hear  
7 any further discussion you -- you'd like to .....

8 MR. SANDOR: We are now encroaching on 4:30 and the  
9 preparation time for the public comment period. I suspect the  
10 preparation team can do it in 25 as opposed to 30 minutes, but  
11 -- Yes, Mr. Cole?

12 MR. COLE: Mr. Chairman, I don't want members -- my  
13 designee on the Restoration Team to be afield on this. It's  
14 not the heart of the difference between A and B. It's also  
15 should we put in C? "C". So, you know, .....

16 MR. SANDOR: That there may be a C alternative as well.  
17 I sense that the Trustee Council would want perhaps  
18 alternatives A, B, and perhaps a C to go forward to -- to the  
19 public then, is -- is that the sense of the Trustee Council?  
20 Mr. Pennoyer?

21 MR. PENNOYER: Mr. Chairman, I think the sense is that  
22 -- to have both a narrow and a broad construction, and make  
23 sure you cover the difference between the two. The strictly  
24 (ph) definition of the injured resource, the broader definition  
25 of the contingent valuation service approach. Is that what

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you're basically .....?

1 MR. COLE: Yes, sir.

2 MR. PENNOYER: So there's an A, B, and C, or an A and  
3 B with different elements, however you present it, just as long  
4 as you cover the gamut so you go from the strict construction  
5 of an injured resource and it's got to be proven to be injured  
6 to the broader construction of a contingent valuation service.

7 MS. RUTHERFORD: And is this something you would like  
8 brought back to the next -- at the next meeting?

9 MR. COLE: I -- my view is, Mr. Chairman, that it  
10 could go out to the public for comment like .....

11 MS. RUTHERFORD: As part of the .....

12 MR. COLE: ..... with these. Yes.

13 MS. RUTHERFORD: As part of the framework?

14 MR. COLE: Yeah.

15 MR. SANDOR: Any objection with the clarification?

16 MS. RUTHERFORD: Or as part of -- just a -- sorry, not  
17 part of the framework.

18 MR. SANDOR: Mr. Barton?

19 MR. BARTON: Well, that was my question, as part of the  
20 framework?

21 DR. GIBBONS: Mr. Chairman?

22 MS. RUTHERFORD: As another mail out?

23 MR. SANDOR: Mr. Gibbons? Or Dr. Gibbons, do you  
24 understand what the Trustee Council is stating here?

25 DR. GIBBONS: I'm not -- I'm not quite sure. I've

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heard framework, another mailing and draft restoration plan.

1 The recommendation was to include the process in the draft  
2 restoration plan. Is that the recommendation of the Trustee  
3 Council, rather than the -- you know, the framework's already  
4 out, and so we'd have to either supplement the framework or put  
5 it in the draft restoration plan, and the restoration team  
6 would suggest that it be included in the draft restoration  
7 plan.

8 MR. SANDOR: Can this be .....

9 MR. PENNOYER: Mr. Chairman, again, timewise, when is  
10 the draft restoration plan going out? There's some question on  
11 the habitat acquisition being a rather focused point of comment  
12 we had from the public, and if we hold the process up for eight  
13 months or something while we go -- deal with the -- with the  
14 restoration plan, we may be doing ourselves a disservice.

15 DR. GIBBONS: Yeah, the -- the timeline identified was  
16 -- was early January or late December.

17 MR. PENNOYER: Is there -- is there a problem with  
18 sending these out as you've drafted them now for comment?

19 MR. SANDOR: But reworded to .....

20 MR. PENNOYER: But reworded.

21 MR. McVEE: Mr. Chairman?

22 MR. SANDOR: Yes?

23 MR. McVEE: I think by it going out separately that the  
24 -- the public doesn't see all of the restoration options that  
25 are available. I think that -- that it would be difficult for

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us to act upon public comments without having the comments upon  
1 the total restoration plan.

2 MR. PENNOYER: Mr. Chairman, I think you're correct,  
3 but how does that deal with the imminent threat concept? I  
4 mean, we may not act on these separate from the total  
5 restoration plan, but at least in terms of that level of the  
6 criteria, it gives us something to look at the projects that  
7 come in in the interim. I don't know. It's -- I guess I'm  
8 not adamant on it one way or another, but it has certainly been  
9 a very -- an area of considerable public concern, including  
10 imminent threat, and if we don't send it out until January then  
11 -- if we know where it is, are we just doing a disservice by  
12 sending it -- are -- are we sending out notification to the  
13 public we're going to consider this totally separately by  
14 sending it out. Is that what you're saying, Mr. McVee? It's  
15 probably not a good idea to send it out because it sends a  
16 message that we're going to consider it out of step with the  
17 rest of the restoration .....?

18 MR. McVEE: Out of context with the rest of the  
19 restoration decisions.

20 MR. SANDOR: Mr. Rice, do you have a suggestion?

21 MR. RICE: Mr. Chairman, I would suggest that if we  
22 wait until the restoration plan is developed to present this,  
23 that one -- one alt- -- one way of doing that would be present  
24 it as different alternatives. In other words that we're going  
25 to have a plan, and we have alternative approaches to

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1 implementing the plan. And presenting this information in --  
2 in that way would allow us to evaluate the consequences of  
3 them.

4 MR. SANDOR: Any other opinions of -- of the --of  
5 Council members? Mr. Barton?

6 MR. BARTON: I had a question. I understood A and I  
7 understood B. What's C?

8 MR. PENNOYER: It's not necessarily a C, but the idea  
9 was that you .....

10 MR. SANDOR: Mr. Cole, what might a C alternative be?

11 MR. COLE: C envisions the acquisition of -- of  
12 resources in Prince William Sound measured or considered in  
13 light of the elements of the damages which made up this  
14 settlement with Exxon, i.e., .....

15 MR. SANDOR: Does that .....

16 MR. COLE: ..... i.e., a measure of -- of contingent  
17 valuation, which is right in the -- the regulations as -- as a  
18 permissible measure of damages for -- for environmental spills  
19 of this nature. That's the concept.

20 MR. SANDOR: So we have agreement already, Dr. Gibbons,  
21 that you have at least two, possibly three alternatives. The  
22 question is whether -- is when this ought to go out to the  
23 public. The Chair believes that -- that some reflection on the  
24 public testimony that we've received, almost the overwhelming  
25 comments have related to this very subject. Certainly a high  
26 proportion of comments have related to this subject, and I

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think you ought to try to get it out as -- in really a timely way. What is -- would be time- -- a timely way, Dr. Gibbons, to get this out?

DR. GIBBONS: The only -- the only timely way would be to supplement the -- the framework document.

MR. SANDOR: What's the wish of the Council on this? Do we want to have a supplement or do we want to put this out with the rest .....

MR. BARTON: When are the comments due back?

DR. GIBBONS: The comments on the framework are due back June 4th.

MR. SANDOR: The Chair would entertain a motion to resolve this or maybe prepare it for public hearing.

MR. PENNOYER: Mr. Chairman, the only disservice in sending it out for comment is that people might get the idea that we're not going to consider how this stacks up against other restoration options, and I think by and large we are. We're probably not going to take it out of context entirely. But if there is an imminent threat characteristic that somebody can prove to us, then we may want the option of looking at that imminent threat, and sort of keeping your option open if there is -- I -- I -- I don't know if there is imminent threat first of all. It's been relayed to us there is, but I have no proof resource by resource, a piece of land and a piece of -- by piece of land, but if in fact somebody did present us with an imminent threat, then we'd probably want the option of being

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able to, if we felt like it, acting on it. And without these  
1 criteria, you'd be acting very much in the blind, so I'm -- I  
2 guess I'm not against sending it out and getting comment and  
3 then making our decision at that point how we use it relative  
4 to all the other options in front of us.

5 MR. SANDOR: Is there a motion that anyone -- any  
6 Council member would wish to make.

7 MR. COLE: So move.

8 MR. PENNOYER: Move we send it out -- second, that we  
9 send it out with the plan.

10 MR. SANDOR: It's been moved and seconded that we send  
11 this out as described. Is there any discussion of this? Any  
12 objection? Okay. We will move -- send it out now.

13 Any further action item on this before we -- any  
14 further -- any further discussion or action on this item,  
15 Dr. Gibbons, that's needed?

16 DR. GIBBONS: No, that's it.

17 MR. SANDOR: Was -- was there any other action item  
18 that must be dealt with at this meeting? Or can the remaining  
19 items be covered as discussion following the teleconference or  
20 handled -- handled otherwise?

21 DR. GIBBONS: I -- I think the -- the rest of them can  
22 wait. We have an executive session listed here, but we can --  
23 we can do that at a later time.

24 The only question would -- would be is we will have to  
25 set up a date for the teleconference and I'm not quite sure

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1 how we can do that yet without getting some feel of where we  
2 come to closure with the financial group here on Thursday.

3 But also to keep your calendars open for June 29th or  
4 30th which is the end of that -- the 1992 process where we'll  
5 be coming back to you with -- with a hopefully final 1992 work  
6 plan. So we envision a meeting then.

7 MR. SANDOR: This then concludes the action items that  
8 the Restoration Team has proposed for action by the Trustee  
9 Council. Any .....

10 MR. McVEE: Mr. Chairman?

11 MR. SANDOR: Yes, Mr. McVee?

12 MR. McVEE: I'm almost hoarse I guess, but I guess I'd  
13 like to recognize the work that the habitat protection and  
14 acquisition folks have done to put together this package. It  
15 represents -- represents an excellent piece of staff work, and I  
16 really appreciate -- appreciate the thought that has gone into  
17 this.

18 MR. COLE: Mr. Chairman, may I make a request? I -- if  
19 possible, I would like to see the Department of Natural  
20 Resources, presumably they have this capability, but furnish us  
21 with -- with, you know, a big map showing the land ownership  
22 pretty much in detail in all these oil spill affected areas, so  
23 as we evaluate this habitat acquisition process, focus on a map  
24 and look at the land holdings there.

25 MR. SANDOR: Ms. Rutherford, do .....

MS. RUTHERFORD: Mr. Chair, we have that. It would

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1 have to be a series of maps and it could include land  
2 ownership. The only thing it won't have on it is habitat  
3 types, I mean, but it would still have oil spill impact areas.

4 MR. PENNOYER: Mr. Chairman, .....

5 MR. COLE: Just something we can look at.

6 MR. SANDOR: Mr. Pennoyer?

7 MR. PENNOYER: I'd like to second what Mr. McVee said,  
8 and I'd like to add that in the motion to send this out as part  
9 of the framework, I heard no complaint upon the Restoration  
10 Team that was an impossible work order. Certainly if that was  
11 something you could not get done for some reason and it needed  
12 to be delayed, then we -- I would accept that.

13 MR. ROSIER: We can get it done.

14 MR. PENNOYER: Than you.

15 MR. SANDOR: Any other comments before we close --  
16 recess for -- for the public hearing? This -- the Council  
17 meeting is recessed until five or shortly thereafter for the  
18 public hearing.

19 (Off record)

20 (On record)

21 MR. SANDOR: The Exxon Valdez Spill Settlement Trustee  
22 Council is reconvening for public testimony by teleconference  
23 and in person in Anchorage. We will begin by having Dr.  
24 Gibbons summarize briefly the relevant points that were covered  
25 at today's meeting. Dr. Gibbons?

DR. GIBBONS: Yes, I -- I hope all of the packages -- I

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hope all of the packages have arrived at the -- the  
1 teleconferencing sites. It was a -- it was a large package and  
2 we ended up mailing some of them rather than faxing them to the  
3 -- to the locations.

4 The Trustee Council -- I will briefly summarize the  
5 actions in regards to the -- the items on the agenda for today.  
6 The first action item was a motion was passed to add the  
7 category of public at large to the list of 12 principal --  
8 principal interests. The -- the Trustee Council requested that  
9 the -- that the Restoration Team ask for public comment on the  
10 number of seats and the categories at the up-coming public  
11 scoping sessions, and that has to -- to do with the -- with the  
12 selection process.

13 The charter of the public advisory group, clause 6(b)  
14 on page four was changed. The -- the two words "make  
15 appointments to," or "make appointments by the Secretary of  
16 Interior" were changed to read "The Secretary -- Secretary of  
17 Interior will appoint those selected by the Trustees." And the  
18 charter was approved with that change.

19 Under the nomination process, we added some  
20 information to it. Other -- in particular another item was --  
21 was added to the -- to the list of information to be supplied,  
22 including other pertinent information is encouraged, and also  
23 a thought on why should you be a member of the public advisory  
24 group. We wanted -- the Trustee Council wanted to get a feel  
25 for the public and why they thought that they should be on the

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public advisory group.

1           The meeting schedule for -- for public meetings was  
2 accepted as proposed.

3           The -- item number two, the draft position description  
4 for the administrative director, modifications were made to --  
5 to the job -- to the position description, and the decision was  
6 to have the adminis- -- interim administrative director make  
7 those changes, and have a classifier look at the job  
8 description to -- to evaluate the -- the duties and the level  
9 of -- of the position and move forward for advertisement.

10          Item number three, release of Exxon Valdez oil spill  
11 injury assessment information. Mr. Cole made the -- the  
12 statement that there is no longer a confidentiality regarding  
13 the Exxon Valdez oil spill information, and that information --  
14 that the Restoration Team expedite the release in an orderly  
15 form for this information. The Restoration Team is to come  
16 back to the Restoration -- to the Trustee Council at the next  
17 meeting and lay out a plan for the release of the information  
18 which will encompass all types of -- of information release,  
19 including a symposium.

20          The Restoration -- the Trustee Council also requested  
21 of the Restoration Team that we supplement the 1992 work plan  
22 with a budget summary sheet identifying all budgets for the --  
23 to be expended for 1992, all funds to be expended for 1992.

24          We would also like to have at the evaluation process of  
25 the 1992 and status of the 1992 projects along with the

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recommendations of the -- the Restoration Team for the work in '92.

The next item on the agenda was the 1992 draft work plan, the Trustee Council accepted a 1992 work plan public comment review schedule as -- as proposed with -- with the status of -- of the project.

The 1993 work plan schedule, the Trustee Council approved the schedule as proposed, but would like the Trust-- the Restoration Team to come back to the Trustee Council at the next meeting with additions to it, completing the -- the 1993 plan, and -- and to -- to emphasize the fact that the principal investigators should move information along from the 1992 studies as quickly as possible so they can be used in the 1993 process.

The Trustee Council approved the form enclosed in the -- in the package to solicit ideas from the public with some additional word relating to the requirements of the fed-- the settlement in the federal court.

The last item under item number four, the timeline for the -- for the draft restoration plan was approved as proposed.

The -- item number five, the financial process, the Trustee Council tabled the decision on the financial process, to be considered as a package for teleconference in mid May. The -- the package would include the operating procedures, a detailed budget including the entire 1992 plan, and a charter and operating procedures for the financial -- financial

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committee or -- or working group.

1           The item number six, the habitat protection working  
2 group, the Trustee Council approved to move the process  
3 identified in -- in the document for public review by  
4 supplementing the restoration framework. And this will be done  
5 as -- as quickly as possible.

6           The Trustee Council also recommended -- recommended to  
7 the Restoration Team that another set of threshold criteria --  
8 criteria be prepared using contingent -- contingent evaluation  
9 as a basis for threshold criteria, so there will be three sets  
10 of criteria in the document supplement to the restoration  
11 framework.

12           The next face-to-face Trustee Council meeting will be  
13 either June 29th or 30th with a location yet to be determined,  
14 and the teleconference will be in mid May. We'll -- we'll try  
15 to get the -- the date of that teleconference out as quickly as  
16 possible.

17           Mr. Chairman, that's all I have.

18           MR. SANDOR: Thank you, Dr. Gibbons.

19           We have as I understand it on line Juneau and  
20 Fairbanks.

21           UNIDENTIFIED: And Kodiak.

22           MR. SANDOR: And?

23           UNIDENTIFIED: Kodiak.

24           MR. SANDOR: And Kodiak. And we understand that Juneau  
25 has a time restraint with respect to -- to use of the

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teleconference facilities and has limited testimony to give, so  
1 we'll begin with -- with Juneau, and I would point out to the -  
2 - those on teleconference that the -- all the members of the  
3 Trustee Council are -- are present.

4 Can we begin then therefore with -- with Juneau, and if  
5 those who wish to testify, please state their name and  
6 affiliation if any, and present the testimony. Can you hear us  
7 in Juneau?

8 MR. TOMA: Yes, Anchorage, I can hear you. Can you  
9 hear me there?

10 MR. SANDOR: Yes, we can. Please proceed.

11 MR. TOMA: Okay. My name is Chip Toma (ph). I'm --  
12 I'm testifying as an individual here today in Juneau, and I  
13 certainly appreciate the opportunity to do so.

14 I received my packet of the response or the restoration  
15 framework last week. I'd certainly like to compliment the  
16 staff on a very well-presented set of documents. I think it's  
17 very clear, it's concise. I -- I compliment then to the  
18 highest degree. I think we could have had a few more maps in  
19 there perhaps relating to different sections and showing people  
20 areas that we're talking about, and I think that's something  
21 that will certainly come and .....

22 I'd like to give about two minutes of public comment  
23 regarding the -- the restoration and -- and the -- and the  
24 Trustee Council.

25 First of all to the issue of endowment, I'll just speak

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to that right off the top. I -- I don't support the idea of  
 1 putting the monies that we're getting from the settlement into  
 2 an endowment. I consider this to be the pay-out on the  
 3 endowment that's transpiring now, and Exxon actually holds the  
 4 endowment principal, the one billion, and I think that the  
 5 first three or 400 million that come from the settlement should  
 6 be spent and -- and should be put out and -- and if we decide  
 7 that another five or 600 million should go into the endowment  
 8 in 1995 or six, I think we certainly have that opportunity to  
 9 do so.

10 It's obvious from the document and from reports that  
 11 have been done recently that more -- that more extensive damage  
 12 to wildlife and fisheries than was ever admitted has occurred,  
 13 and it's really likely that -- that the total contingent  
 14 valuation or the actual damages could range up into the  
 15 billions. Perhaps three billion is not an unlikely figure for  
 16 the -- the damage that actually occurred. This new -- this new  
 17 information on -- on herring stocks is not at all good, and I  
 18 think it -- I think it foretells a lot of problems that we're  
 19 going to have with both herring, salmon and other species  
 20 throughout the spill-affected area, especially perhaps with  
 21 Prince William Sound and with some of the bird species there.

22 I personally feel, having attended the majority of your  
 23 meetings and -- and, of course, having attended I think all  
 24 the meetings here in Juneau last year regarding the  
 25 settlement, that the Trustee function must perform and allocate

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monies toward minimal restoration, actual restoration projects,  
1 and maximum monies expended toward habitat purchases.

2           And I think that it's real important that this  
3 opportunity that we have with agreements between federal and  
4 state agencies go forward. And it's always concerned me,  
5 living here in Southeast, knowing the history, for instance, of  
6 the federal agencies here in Southeast, how there has been a  
7 continual warning (ph), discussion, and -- and sometimes battle  
8 between the federal agencies to come up with good habitat  
9 decisions, not only in the Tongass, in the Chugach, in other  
10 parts of Alaska. I think the, call it somewhat the animosity  
11 that's been generated over the years between the U.S. Fish and  
12 Wildlife Agency and the U.S. Forest Service towards the use of  
13 wildlife in the Tongass, should be a departure point that we  
14 should try to see that these agencies get along to a much  
15 better degree than they have in the past, and I hope that the  
16 interest of wildlife conservation and protection and  
17 preservation in many cases do prevail.

18           I think it's important, and I -- I'd like to make one  
19 point. I've seen a lot of publicity just recently on sport  
20 fish areas in Prince William Sound put out not only by our own  
21 Fish and Game, but by other entities. I think it's real  
22 important that these areas that have not been affected by the  
23 spill in Prince William Sound not be over -- over-fished this  
24 summer as far as sport fish. There's still going to be a lot  
25 of people up there. I think it's vital if we -- where we found

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out that there's -- there's a lot more extensive damage that we  
1 not over-harvest some of these areas that are in good shape  
2 while these others, you know, slowly recover.

3 I personally think the settlement was made too hastily  
4 without the acknowledge of this damage, and we basically let  
5 Exxon off the hook, and I -- I especially feel strongly, of  
6 course, on these -- on the felony charges, the crew standard  
7 charges that were made, and that we could have prevailed on  
8 getting some maritime standards for the manning of these ships  
9 and seeing that safety goes forward.

10 Just one note, my last 30 seconds here, excuse me. In  
11 volume one of the restoration framework, chapter seven, the  
12 scope of potential restoration alternatives. I certainly  
13 support the majority of the alternatives that are listed under  
14 the management of human re- -- the management of human uses,  
15 section B, and also the major- -- all the provisions that are  
16 put in the section D, the habitat and the acquiesce- --  
17 acquisition of equivalent resources, and I -- I think that a  
18 lot of these are just excellent suggestions.

19 I -- I do reiterate that I think the only actual  
20 expenditure for restoration that's of any value, I think I said  
21 this in December, is the sowing of beach grass, and I think  
22 that we can put a couple of million bucks into this, five  
23 million, whatever it's going to take, to hit these areas that  
24 really should be reseeded. I think that's the extent of what  
25 we should be doing. I don't agree that we should be doing any

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manipulation of resources, and I think that we should let  
1 these streams, these animal resources and whatever recover at  
2 their own rate. We've -- we've spent so much time blasting  
3 these beaches with hot water that we drove that oil down to the  
4 substrata and the years and years and years we're going to have  
5 a leaching of that oil is -- is going to create further  
6 problems that we're just going to have to -- to monitor, and I  
7 hope that we don't spend a whole lot of money even doing that.  
8 I hope we can go back in three or four years and see what the  
9 damage was.

10 I strongly recommend that we spend the up-front money,  
11 the first three or 400 million of this money coming from this  
12 settlement till the year '96 on habitat acquisition. I think  
13 it's vital that the federal agencies get together and work on  
14 these problems. I hope that Fish and Wildlife -- U.S. Fish and  
15 Wildlife and NOAA and the Department of Fish and Game for the  
16 State take the lead in this in -- in getting across to the  
17 other agency heads how important it is that this area not only  
18 recover, but be protected, preserved, and that these fly ways  
19 and -- and vital habitat areas in the Gulf of Alaska be  
20 protected from now on.

21 And that's the end of my testimony, Mr. Chairman, and  
22 there's one other person in Juneau that wants to testify.

23 MR. SANDOR: Thank you. Is there any questions from  
24 any of the Council members? There are none. Let's have the --  
25 the second person in Juneau then testify, please?

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MS. McBRIDE: Yes, thank you, Mr. Chairman. I'm Diane  
1 McBride from Homer. Mine is very brief.

2 I -- I simply want to state my on-going appreciation  
3 and concern that we continue public comment, and I thank you  
4 for this.

5 I'd like to see the Open Meetings Acts -- Act  
6 applicable to all meetings involving Trustees, and would like  
7 to be assured that the Open Meeting Act could be applicable  
8 here. And we'll -- and perhaps you can give me information on  
9 that.

10 And also a question I have, if the State Ethics  
11 Statutes will be followed by the advisory group? I, of course,  
12 understand all state officials need to follow those, but what  
13 about other advisory group meetings? Will they be following  
14 State Ethics Statutes?

15 And that's my comments. Thank you.

16 MR. SANDOR: Thank you for your testimony. As a point  
17 of record, it should be noted that all of our meetings except  
18 for executive sessions, which we deal with personnel and -- and  
19 specific matters that's not covered in the Open Meetings Act,  
20 are in fact held in accord with that act. Is that not right,  
21 Dr. Gibbons?

22 DR. GIBBONS: That's correct.

23 MR. SANDOR: And are there any other comments or  
24 response to the -- the testimony that was given in Juneau? We  
25 thank you for your testimony. Is there anyone at Juneau before

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you sign off there?

1 MS. McBRIDE: There are no others to testify in Juneau,  
2 but my second question was about the State Ethics Statutes  
3 being followed by the advisory group. Can you inform me on  
4 that?

5 MR. SANDOR: The state ethics on advisory group?  
6 You're talking about the advisory group to be formed, is that  
7 your question?

8 MS. McBRIDE: Yes, that's correct.

9 MR. SANDOR: Yeah. Can -- I was not here at the  
10 discussion of that this morning. Marty Rutherford, do you want  
11 to respond to -- to that question?

12 MS. RUTHERFORD: Yes. Actually the public advisory  
13 group was -- public participation working group was talking  
14 about that early this week, and I think that we -- we got the  
15 forms from the Governor's Office, the ethics forms that were  
16 used, and I -- at first review it did not look like that they  
17 would be appropriate for a FACA created group, so at this point  
18 in time, no, we are not thinking of -- of requiring that the  
19 state ethics releases be part and parcel of this.

20 MR. COLE: Mr. Chairman?

21 MR. SANDOR: Yes, Mr. Cole?

22 MR. COLE: I would -- I would suggest that we obtain a  
23 commitment .....

24 JUNEAU: This is Juneau, and the last two speakers have  
25 been pretty well illegible, although we did understand the "no"

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from the female speaker.

1 MR. SANDOR: That was Marty Rutherford who -- who .....

2 MR. COLE: What does one speak into?

3 MR. SANDOR: ..... on the Restoration Team that  
4 summarized the action that was taken by the Restoration Team to  
5 date on this issue. Attorney General Cole will now speak.

6 MR. COLE: I would suggest that each person appointed  
7 to the advisory group make a written amendment that they will  
8 abide by the State Ethics Laws as a condition to their  
9 appointment. That should take care of that. Certainly if they  
10 don't, they will be evicted.

11 MR. SANDOR: Does the Trustee Council -- did you hear  
12 that response in Juneau? Is Juneau still on line? Hopefully  
13 that answered the question. If they come back on line then --  
14 then -- well, that can be repeated.

15 MS. RUTHERFORD: Mr. Chair?

16 MR. SANDOR: Is anyone at Juneau on line yet? I guess  
17 that ends that.

18 Marty Rutherford, do you have a statement?

19 MS. RUTHERFORD: Is it the wishes of the Trustee  
20 Council to include that as part of the operating procedures for  
21 the public advisory group?

22 MR. SANDOR: That was the advice of Mr. Cole. Is that  
23 in the form of a motion? And is it seconded by anyone?

24 MR. PENNOYER: Mr. Chairman, I don't know that it's not  
25 a good idea, but I'm not sure what the State Ethics Law, how it

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reads. I'm a little awash right at the moment to say whether  
1 it ought to apply or not.

2 MS. RUTHERFORD: Maybe I could help .....

3 MR. SANDOR: The Chair will second the motion for  
4 purposes of getting it on the table.

5 Yes, Ms. Rutherford?

6 MS. RUTHERFORD: I -- we could provide you an analysis  
7 and -- and see what the impacts are and provide that when we  
8 provide the operating procedures, and if it doesn't look like  
9 it's a problem, we'll also have included it in the operating  
10 procedures. Is that to be .....

11 MR. SANDOR: Yeah. And this can be dealt with at the  
12 teleconference?

13 MS. RUTHERFORD: Yes, it can be added to the agenda,  
14 and I think that's something that Mr. Gibbons was going to  
15 discuss whether this was -- that was going to be a continuation  
16 of this meeting or a new agenda?

17 MR. COLE: Mr. Chairman?

18 MR. SANDOR: Yes?

19 MR. COLE: Well, how about the federal ethics law?

20 MR. PENNOYER: Let's .....

21 MR. COLE: I mean, you know, use that one.

22 MR. BARTON: Yeah.

23 MR. COLE: If Mr. Pennoyer would prefer that?

24 MR. SANDOR: Yeah. Mr. Barton?

25 MR. BARTON: I'm -- I'm not sure who prefers what, but

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I do think that needs to be looked at, since it is a committee  
1 being formed under the Federal Advisory Committee Act, that the  
2 federal ethics law may come into play. So I'd suggest the RT  
3 talk to the attorneys and find out if there isn't some  
4 connection there.

5 MR. COLE: We could have them comply with both, too.

6 MR. BARTON: That's -- that's very possible.

7 MR. SANDOR: Okay. It .....

8 MR. BARTON: Or we can construct our own.

9 MR. COLE: Yes.

10 MR. SANDOR: Well, that will be analyzed and covered at  
11 the teleconference in mid May.

12 Juneau has signed off. We have three communities,  
13 Fairbanks, Anchorage and Kodiak, and we'll rotate and begin  
14 with Fairbanks. Is there anyone on line in Fairbanks that  
15 wishes to speak? Would you please identify your name and --  
16 and affiliation if any and make your statement?

17 FAIRBANKS: This is (indiscernible, feedback) MR.

18 SANDOR: Can -- can you -- there was some feedback  
19 unfortunately. Can you restate your name, please?

20 FAIRBANKS: This is Christy, the moderator here in  
21 Fairbanks, and we only have one observer tonight.

22 MR. SANDOR: Thank you very much. No statements from  
23 Fairbanks.

24 Let's move on to Anchorage here, and, Nancy?

25 MS. LESCO: Mr. Chairman and Councilmen, my name is

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Nancy Lesco. Am I speaking loud enough? Thank you.

1 I have just a few comments. I -- it's been very  
2 interesting listening to you today, and -- and I think you for  
3 having the commit- -- these meetings open. I -- I think as a  
4 member of these audience one can learn a lot just by watching  
5 and listening.

6 One problem that's disturbed me in the past and it --  
7 it bothered me again today is that throughout the day you're  
8 making decisions on important issues in which there might have  
9 been appropriate -- it might have been appropriate to ask for  
10 some comments from the public. And I realize that could slow  
11 things down a lot, and that you try to identify, particularly  
12 Mr. Cole, points at which he thought there would be input from  
13 the -- the public that might be useful. Perhaps you could  
14 establish a mechanism such as passing written questions or --  
15 or comments to you during the course of your day-long meetings.

16 Sometimes I had the feeling that -- that there were  
17 people here who could perhaps have -- have thrown some light on  
18 some -- some questions or -- or maybe posed particular pitfalls  
19 that you might want to have avoided.

20 Mr. Cole did ask for comments this evening on the seats  
21 on the public advisory committee. The criteria for selecting  
22 those seats is going to be very important for those of us who  
23 are considering either applying ourselves or recommending  
24 somebody from an organization. The -- as it is now, I -- I  
25 really don't feel that you are giving the public sufficient

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information. The number of areas, I think there's a lack of<sup>201</sup>  
1 information for somebody to decide whether or not to put their  
2 name in, or whether for an organization to decide who they  
3 would select to suggest to you.

4 One is this question of multiple. People who can --  
5 the ability to have a back- -- a person who has a background in  
6 a multiple number of your special interest categories could  
7 either be a liability or an asset. I would hope that you would  
8 consider people with backgrounds in, for example, a science  
9 degree for somebody from the University who was a kayaker in  
10 Prince William Sound and whose specialty was timber management.  
11 That person would fall into three of your special interest  
12 groups, but I'm not sure that the recreation people would  
13 necessarily feel that that repre- -- person represented  
14 recreation, or somebody in -- in the forestry industry might  
15 feel that he didn't represent forestry and be very hesitant to  
16 put forward people who had multiple backgrounds if -- if they  
17 felt you were then going to eliminate anybody from those other  
18 fields.

19 I can for myself think that I -- I would -- could be  
20 put underneath an environmentalist, a conservationist, a  
21 recreation or a tourism person. And if my name was put in and  
22 you then decided I represented all four of those groups, that  
23 would be very unfair, and I think this would be true for a  
24 number of other people.

25 However, it could also be an asset. This is a very

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wide geographical area, and a person from Kodiak who  
1 represented commercial fishing interests and -- and recreation  
2 interests and hunting interests would be a major positive along  
3 with somebody else from the Prince William Sound area or Cook  
4 Inlet.

5           So I hope you'll think more about that, because those  
6 decisions need to be told us in -- in advance, because I would  
7 -- would not put my name in if it was somehow seen that I or --  
8 or anybody else represented four different groups.

9           The nomination process. You don't ask for  
10 recommendations. You ask for people to give a statement of why  
11 they would want to be on there, but I should think that  
12 recommendations might be also a useful tool for help you make a  
13 decision so that you had maybe better background on the type  
14 of expertise somebody has. I -- there are some people who are  
15 very well known, but there are also people who are much quieter  
16 and are not well known who might be even better people on this  
17 committee, but you might not have adequate information to make  
18 that decision. So I would -- I would suggest that you ask for  
19 or have some mechanism for obtaining recommendations.

20           And you might also want to consider how well these  
21 people work with other people in a group situation.

22           I also think you ought to consider, and I didn't see  
23 anything in there, on the expectations of this person. Before  
24 somebody would want to be on this committee, I think they need  
25 to know what are the times on their -- the time demands going

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to be on them, what's the financial contribution that they're  
1 going to have to make? There's per diem and travel provided  
2 for, but there's a lot -- reading all these documents and being  
3 well informed and playing a constructive role is going to  
4 require many hours as you all personally have discovered I'm  
5 sure in the last two years, three years. You're asking a  
6 member of the public to do that. Some places maybe have this  
7 provided as job time, but for others this will be time away  
8 from their jobs, time not meant (ph) earning income. It's  
9 really -- it can be quite a financial sacrifice. Or for an  
10 organization.

11 And so I think one needs to know whether this is a  
12 once a year meeting or once a week meeting so that those types  
13 of decisions can be made in -- in proposing people for these  
14 memberships -- members on this committee.

15 I think also there needs to be a little more  
16 clarification whether you are looking for people who are  
17 resource people capable of providing additional information  
18 from special interest groups, or communicators between  
19 yourselves and special interest groups, or are you looking for  
20 people who are evaluators? Are you looking for all three? Is  
21 one of the criteria that these people put out a newsletter?  
22 Would their special interest groups? It's -- it's very vague  
23 at this point, and I think some of those things need to be  
24 clarified before these mem- -- you select members, or before  
25 you ask groups or individuals to name possible members to you.

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I also was concerned about the budget. There's -- I've  
1 mentioned the time commitment, but I -- I think that there  
2 needs to be some consideration given to remuneration for costs  
3 to the members for, for example, telephone calls between  
4 themselves and the public. It can be quite expensive.

5 I -- I did have the honor of serving on the Governor's  
6 Forest Practices Act Steering Committee, and although our way  
7 was paid to Juneau, there was a major breakdown in  
8 communication because of the cost involved between members  
9 representing various different groups on there, and I would  
10 hate to see that repeated in this situation.

11 Communication is expensive and it's extremely  
12 important, particularly in this oil spill area where we go from  
13 Prince William Sound to Kodiak. It's a very long ways, and  
14 most of us have never met each other, and I think it's very  
15 important that there be some type of -- of funding and budget  
16 for that.

17 I did like the idea of symposiums. I hope that you  
18 will -- will proceed with the symposium and with the putting  
19 out of a book. I hope that that book or report of papers from  
20 the symposium will look at potential audiences. There are a  
21 number of different audiences that symposium and the paper  
22 product from the symposium can -- can address, and I won't take  
23 any more time, but I have listed about eight of them on my  
24 notes, and I think in setting it up, it's important.

25 I certainly, having served on the inter-agency

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shoreline clean-up committee in Prince William Sound from the  
1 fourth or fifth day of the spill, wish desperately that  
2 something was available to us, and I would hope that that would  
3 be one of the goals of this symposium is that there is a  
4 compact place where people, hopefully not in Alaska, will be  
5 able to go in the event of another cold water oil spill and  
6 get some pretty good thumbnail sketch in as great of detail as  
7 possible of what to expect and what the problems are and what  
8 the pros and cons are. That was -- that was just anecdotal at  
9 best during the early days of the spill, and it doesn't need  
10 to be that any -- way any more.

11 That's all. Thank you.

12 MR. SANDOR: Thank you. Are there any questions or  
13 comments by any of the members of the Trustee Council? Thank  
14 you very much.

15 We'll move on to Kodiak. Is there anyone at Kodiak  
16 that wishes to testify? Kodiak, are you on line?

17 MR. PATRICK: Yes. My name is Craig Patrick. Can  
18 you hear me okay?

19 MR. SANDOR: You're coming in loud and clear. Please  
20 proceed.

21 MR. PATRICK: My name is Craig Patrick and I serve as  
22 the conservation chair for Kodiak Audubon. I'll keep my  
23 comments relatively brief.

24 In volume one of the restoration framework, scope of  
25 potential restoration alternatives, I'd just like to call your

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attention to a couple of flow charts in there that describe the  
1 hierarchy of decision making. And I much prefer figure seven,  
2 which keeps all the alternatives on equal footing, habitat  
3 acquisition along with several other things such as  
4 management of human uses or manipulation of resources.

5 The other flow chart, figure six, would use habitat  
6 acquisition only as a last resort, and I'm really uncomfortable  
7 with that, because of the philosophical opposition that some of  
8 the Trustees' employers show during their working hours. The  
9 Governor or federal people's overseers, seem to have a  
10 philosophical opposition to habitat acquisition. And it makes  
11 a lot of people uncomfortable feeling that those interests may  
12 not very -- be very well represented in this process.

13 And in order to alleviate some of that uneasy feeling,  
14 I would suggest that damage assessment be made very early and  
15 that when you can have a finding that a resource or a certain  
16 area has been injured, that there should be immediate work to  
17 assess and proceed along acquiring other habitat as a  
18 mitigation for that as opposed to saying, well, let's study the  
19 situation and come back next year and maybe the natural  
20 processes would have helped us out to some point. I think that  
21 you can go on and on in that course for quite some time and do  
22 nothing but generate paperwork.

23 And I favor very substantive purchases with this money,  
24 habitat acquisition, study and assessment of archaeological  
25 resources and enhancement of wild fishery stocks should be at

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the top of the list.

1 And those are the only comments I had. Thank you.

2 MR. SANDOR: Thank you. Are there any questions or  
3 comments from members of the Council? There are none.

4 Let's return to Anchorage. Yes?

5 VALDEZ: This is Valdez, which is on line, just to let  
6 you know.

7 MR. SANDOR: Okay. Well, we'll do Valdez next then.  
8 Thank you.

9 SEWARD: Yeah, Seward's on line also.

10 MR. SANDOR: Okay.

11 KODIAK: And Kodiak does have more testimony.

12 MR. MCKEE: My name is Charles McKee, and first of all  
13 I'd like to bring to your attention that out of all land mass  
14 on the global map, the State of Alaska is the only one referred  
15 to as a state. All others are countries, regardless of how  
16 small they are.

17 So in lieu of that, I might bring to your attention  
18 that seeing as how we are an appendage to the country of North  
19 America, United States of Alaska, that rather than purchase --  
20 focus only on purchasing habitat, maybe we should purchase  
21 America, the merchant ship America. The official number is  
22 239738, radio call letters WEDI, being sold on auction. Seeing  
23 as how a merchant vessel of that size could be used to assist  
24 in the restoration by having on site capability for crews to be  
25 bivouacked and seeing as how a documented vessel with such a

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name would increase our -- not so much dependance, but  
1 appendage of the country that gave us the constitution that we  
2 enjoy today, the Constitution of the State of Alaska.

3 I want to bring to your attention section one of the  
4 State of Alaska Constitution, inherent rights, section two,  
5 source of government of the State Constitution of Alaska, and  
6 -- but I really want to talk about is the fact that I had  
7 brought the attention of Honorable Judge Holland that -- in my  
8 letter of dissention on the settlement was because the money  
9 was so low, the settlement issue. I pointed out that a  
10 \$3.5 billion should be considered.

11 And also Exxon Valdez oil spill settlement peer review  
12 of the financial process attesting to the lack thereof by me,  
13 Charles E. McKee, 4/27/1992, i.e., raw material cartels, please  
14 see line 13 on this letter. It's a brief synopsis of our  
15 problem in our local, state and national and global situation.

16 And another testimony previously by me was in reference  
17 to the difference between United States currency and the  
18 Federal Reserve corporate note, franchise note. And I have  
19 here a seal, the current seal used by the United States  
20 Treasury on the Federal Reserve note. It's not our seal. They  
21 started changing it as far as I can determine in 1958. And  
22 the original seal, which is based on the Bible, which is where  
23 the Founding Fathers got the seal, it's grounded in the Bible.  
24 The Bible is a legal document and one submitted as a diary.

25 And here it is. The seal was actually generated before

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the Article of Confederation. United States currency has a seal on it, the original seal, whether it be the printing of the 1923 series for four years, the '53 series for four years, or the '63 series to 1966, except for the \$100.00 bill which I indicated here that Johnson changed, stripping it down.

Shall I say rape? Exxon Valdez was raped, spilled oil so that the --the Valdez -- the Exxon -- Prince William Sound was raped. I'm using that word, because we hear it so common day anyhow.

The United States seal was raped. They had usurped their authority, so it's actually -- what it represents is a notary seal, so when you do reconsider, and I'm demanding that, the settlement and the money, you focused on United States currency in settlement, not Federal Reserve corporate note, because I want the original seal on that currency. Not new currency, the old currency.

MR. SANDOR: Mr. McKee, excuse me for interrupting, but please try to summarize in perhaps three more minutes and then we can incorporate -- give us whatever documents you -- you wish. Okay.

MR. MCKEE: I have this -- well, I will supply with you.

So I'm speaking for everybody here, because everybody -- I do believe there's no green cards in this -- present here -- citizens of the United States, and it's to their best interests that we bring back into circulation at least

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greenback, United States note with original seal on it.

1           And on the final page I have here the math which I sent  
2 in for copyright. It has the math for Big Bang, it's not a  
3 theory any more, they've proved it. I submitted this to the  
4 Assembly, Anchorage Assembly, a little over a year ago, and the  
5 seal goes right there below it. And so I submitted this and I  
6 received a date as of today on a copyright of this, so it  
7 encompasses unity, and in -- the seal a lover's knot, or seal  
8 of infinity, so unity equals unity. And so I'm -- I'm  
9 encompassing the fact that they can't separate me and the math  
10 from the seal, and the seal from the American people.

11           MR. SANDOR: Thank you, Mr. McKee. I apologize for my  
12 throat, but I guess I've been talking too much today. Give it  
13 to the director.

14           Can we move on to Valdez, please? Anyone at Valdez?

15           MR. McCOLLUM: Yes, I'm ready. Can you hear me, you're  
16 kind of broken on there?

17           MR. SANDOR: Loud and clear. Please proceed.

18           MR. McCOLLUM: Yes. Hello, my name Paul McCollum. I'm  
19 the executive director for Valdez Fisheries Development  
20 Association. I just have some real brief comments, and I  
21 appreciate the opportunity to speak today.

22           On the definitions listed in item one of the documents  
23 that were prepared here, under aquaculture I would like to see  
24 Valdez Fisheries Development Association included in the  
25 organizations mentioned. Just -- we're a private nonprofit

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aquaculture corporation licensed in the State and -- and we're  
1 certainly in the spill area, so we'd appreciate inclusion in  
2 that.

3 And also I had a -- I noticed that Cook Inlet  
4 Aquaculture Association seems to be listed twice. It says  
5 there's a Cook Inlet Aquaculture Corporation and to my  
6 knowledge there's just -- there's a regional association with  
7 -- which is Cook Inlet Aquaculture. I'm not sure which one of  
8 the two they are, but I think there's just one.

9 And then just finally I just had a question on the --  
10 the schedules of the expenditures, the -- it's under a title of  
11 working groups budget summary, 3/1/92 to 2/28/93, and I just  
12 was wondering if I could get clarification on the Department of  
13 Environmental Conservation -- Conservation. They -- it seems  
14 to have disproportionately high value for support to  
15 Restoration Team member for working groups, which is broken  
16 down. It seems the bulk of which is in contractual on the --  
17 on the following page, line item 300, and I just wondered what  
18 that was?

19 MR. SANDOR: Yeah. Have you finished your statement?  
20 We'll then respond to that specific question.

21 MR. McCOLLUM: Yes, I have. That's all -- that's all  
22 I had. Thank you.

23 MR. SANDOR: Yeah, we raised that same question, sir,  
24 at -- at our discussion, and in fact this whole item has been  
25 deferred for coverage at our teleconference meeting to be held

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1 in -- in mid May. But -- but both with respect to the items  
2 that you -- you had made reference to and others associated  
3 with it. We need clarification of that, so that is to be  
4 dealt with at our next teleconference meeting.

5 It's my understanding that insofar as the -- the  
6 contractual item, that this represents the work that's being  
7 done not only for the DEC's representative to the Trustee -- to  
8 the Restoration Team, but for others as well, but I may be  
9 wrong. That's to be clarified.

10 Any further statement from -- from you, and then we'll  
11 move on to Seward.

12 MR. MCCOLLUM: Well, thank you. Thank you very much.

13 MR. SANDOR: Thank you. Seward is next on line.

14 SEWARD: Thank you, Mr. Chairman, we're -- we're  
15 listening intently. We have no comments at this time. Thank  
16 you very much.

17 MR. SANDOR: Thank you. At Kodiak, is there anyone who  
18 wishes to testify at Kodiak?

19 MR. DONOHUE: Yes. Good afternoon. My name is Mark  
20 Donohue. I'm with the Kodiak Area Native Association.

21 And I'd like to address a point made by I think it was  
22 Chip Toma about putting any more money into research and  
23 habitat restoration, but only into compensation. We have --  
24 those of us who are not in state agencies have a hard time  
25 coming up with meaningful proposals, especially when the damage  
assessment work is not available to all of us, if it's

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completed. We think, for instance, that herring damage is probably become -- going to become very evident this year, and we also have some big questions about our razor clam populations on the Olympic (ph) Peninsula. I know that this hasn't been brought before you. We want to make our proposals as scientifically sound as possible.

But I think maybe we would caution about moving all of the funding into just habitat compensation and getting away from what has really been directly damaged by the oil spill.

Thank you.

MR. SANDOR: Thank you. Are there any questions or comments from any members of the Council or Restoration Team?

Thank you.

As I understand it, someone is back on line in Juneau?

JUNEAU: Juneau is on line with several observers, Mr. Chair. No one to testify at this time.

MR. SANDOR: Thank you.

Fairbanks, still observer status?

FAIRBANKS: Yes, we're fine here, and we only have one observer.

MR. SANDOR: Thank you.

No one at Chenega Bay? No one at Cordova? No one at Homer? No one at Kenai Peninsula?

Back to Anchorage. Yes?

MR. WALKER: Thank you, Mr. Chairman. My name is Bill Walker. I -- I'm here somewhat on behalf of the City of

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Valdez today, but I also would like to make a couple of  
1 comments to follow up on what Nancy had to say.

2 I serve on the RCAC Council for the last several years.  
3 I see you struggling with a lot of areas that we have  
4 struggled with in the past and still struggle. One procedure  
5 which we have adopted is to allow public comment at the very  
6 beginning of our meetings, that which is pertinent to the  
7 agenda items so we can have the public input prior to our  
8 deliberation on the agenda items. Public comment that is not  
9 germane to the agenda is usually held for later in the meeting,  
10 so that perhaps is a -- as a suggestion.

11 I thank you for the -- for your enactment or adopting  
12 the Open Meetings Act as a -- as a guideline. I was at the  
13 meeting when you did that. That was a very strenuous position  
14 to take and I -- I'm pleased you did.

15 My comments today are specific to -- specific to the  
16 definition of -- of the advisory group. I'm -- my concern is  
17 under local government, it look -- appears there will be one --  
18 one representative for all the local governments, and I -- I'm  
19 not sure that that is -- is a very workable representation of  
20 local governments. Each repre- -- each local government  
21 certainly was affected differently. Certainly some  
22 similarities in the oil spill, but affected differently. The  
23 impact of your deliberations and expenditures will also affect  
24 each community differently.

25 OPA 90, Oil -- Oil Pollution Act of 1990, dealt with

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1 this by listing specific organizations that would sit on the  
2 RCAC Council or on the Cook Inlet Council, and then let the  
3 specific communities that it was felt would -- would be  
4 appropriate to be -- to have representation at the table.

5 In my time on RCAC, I think it has been very helpful to  
6 hear represen- -- representation from around a varied -- varied  
7 group of communities rather than just one voice. I don't know  
8 how -- I honestly don't know how it would have worked with just  
9 one voice representing the communities, because it's -- it  
10 would be -- it would be very difficult.

11 RCAC has -- and I'm not necessarily using them as an  
12 example, but there are some similarities. RCAC has presently  
13 17 members. We're presently looking at adding two and possibly  
14 three more: the communities of Tatitlek and Chenega. As the  
15 numbers grow, the ability to get a quorum together increases --  
16 I mean, the difficulty increases, so I -- that -- that is a  
17 concern about getting a larger group. I guess our concern was  
18 that we didn't want to leave someone out that had a legitimate  
19 reason to be -- to be involved.

20 I was very interested in Mr. Cole's discussion about  
21 adding three specific seats for the -- the public at large. I  
22 think that's -- that's admirable, but I would -- I would like  
23 to see that -- that there would be something done for the  
24 specific communities. And I would again direct your attention  
25 to the communities listed in OPA 90 for the -- for the advisory  
26 group.

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My last comment is just a procedural comment as far as  
1 if you're going to -- I think it's good that you talked about  
2 a procedure how to control the advisory group as far as  
3 eliminating them. It's sometimes easier to create a process of  
4 how to weed out those that don't participate before you select  
5 them, because once you've selected them and then they do  
6 participate and they don't, it becomes difficult to create that  
7 process. It's -- it -- because personalities are involved, so  
8 I think you're on the right track. Just create a procedure  
9 before you select the group. And again, what's worked for us  
10 is -- is we selected the organization that would represent the  
11 interest and then that organization selected the individual,  
12 so .....

13 Thank you for your time.

14 MR. SANDOR: Thank you. Are there any questions or  
15 comments from any of the Council members. We appreciate that.

16 Let's continue with Seward. Anyone at Seward?

17 MR. GATES: Mr. Chairman, this is Vern Gates (ph) at  
18 the City of Seward, and we wholeheartedly agree with  
19 Mr. Walker's comments. The community representation on the  
20 proposed listing really should be more broad in our opinion.  
21 We hope that the communities and the representation that the  
22 city councils have in the spill-affected area will be  
23 considered when your -- when you're making up the final  
24 advisory team.

25 With that, sir, we -- we pass the -- we pass the mike

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on.

1 MR. SANDOR: Any questions or comments of .....?

2 Moving on, excuse me, .....

3 MR. COLE: Mr. Chairman?

4 MR. SANDOR: Yes, Mr. Cole?

5 MR. COLE: I just want to say that the night before  
6 Judge Holland was to pass upon whether he approved the  
7 settlement, I valiantly solicited support from these  
8 communities for the settlement, and I couldn't get one  
9 community to support this settlement. Not one was willing to  
10 step forward and say "We support this settlement, Your Honor."

11 MR. SANDOR: Any other comments or questions?

12 My understand no -- understanding, no one is at  
13 Tatitlek? Moving on to Valdez? Anyone at Valdez?

14 VALDEZ: Valdez has no comment at this time.

15 MR. SANDOR: Thank you. And I understand Whittier is  
16 not on line unless they've come on the line. Okay.

17 Moving back to Anchorage then? Yes?

18 MR. PHIPS: Thank you, Mr. Chair. For the record, my  
19 name is Allen Phips, and I'm speaking today on behalf of the  
20 Alaska Center for the Environment. We have two major issues to  
21 bring before the Trustee Council today.

22 First, we're concerned about language in the Federal  
23 Register notice dated April 10th regarding the intent to  
24 prepare an environmental impact statement for the development  
25 of a restoration plan. In the summary of that section, it

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states the restoration activities, quote, "will be conducted within the area affected by the Exxon Valdez oil spill."

We're concerned that this is an attempt to limit the scope of the restoration process. The term "area affected by the oil spill" is not in the spill settlement document -- document that we could find, and if we are going to begin to use that term, we need to define it so that people understand that that could include acquisition of equivalent resources or services outside the, quote/unquote, "affected area".

So again we think that either a definition needs to be put in or that language needs to be changed so that it reflects what the spill settlement says.

Our second major point is to take exception with testimony that was given by Attorney General Cole before the House Resources Committee in the Alaska Legislature last Thursday, April 23rd. That testimony was among other things in regard to House Bill 411, which would invest most of the State's criminal restitution money in immediate acquisition of habitat. Now, while that bill is not the direct concern of the Trustee Council, it is germane to the over-all discussion of habitat acquisition.

Alaska Center for the Environment was disappointed not only by the misrepresentation of the spill settlement to that body by Mr. Cole, but also by his incorrect statements regarding the ecological, cultural, and economic importance of Cape Suckling and other areas to the recovery process.

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Since Mr. Cole opposes the will of the people as  
1 expressed in House Bill 411, we want to address his comments,  
2 because we believe it's important for people sitting in the  
3 room this evening and all along the teleconference network to  
4 know what Mr. Cole has said about the public's vision for  
5 habitat acquisition.

6 Most people know that House Bill 411 was developed by  
7 members of the State Legislature in close cooperation with  
8 groups and individuals from the spill-impacted region and  
9 elsewhere throughout Alaska. It includes among other things  
10 money for acquisition of timber rights at Cape Suckling, which  
11 would then allow for inclusion of that area in the Yakataga  
12 State Game Refuge.

13 Mr. Cole's comments in opposition to habitat  
14 acquisition at Cape Suckling included that it is beyond the  
15 spill-impacted area, that there is, quote, "no connection to  
16 the spill," and that, quote, "if Cape Suckling is an equivalent  
17 resource, then Yosemite is an equivalent resource," close  
18 quote. This would be a laughable statement if it didn't come  
19 from the Attorney General and a member of the Trustee Council.

20 I regret having to take time to refute such a  
21 statement, but this issue is too important to let it go  
22 unchallenged. Mr. Cole has no basis for these statements other  
23 than the Hickel Administration's grasping at straws to try and  
24 derail House Bill 411.

25 Certainly Mr. Cole can't be basing his opposition to

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Cape Suckling in terms of science. According to the Prince  
1 William Sound Science Center, Copper River Delta Institute and  
2 Conservation International in their Prince William Sound,  
3 Copper River, Gulf of Alaska ecosystem overview document,  
4 released in 1991 and endorsed by Governor Hickel, Cape Suckling  
5 is a part of the Greater Prince William Sound ecosystem. The  
6 document shows Western Cape Suckling as being in the, quote,  
7 "critical marine environment of Prince William Sound." It  
8 also shows salmon spawning streams and a portion of the  
9 temperate rain forest of Cape Suckling in the Greater Prince  
10 William Sound ecosystem. Moreover, it shows the area  
11 immediately adjacent to Cape Suckling as being a major  
12 subsistence use area.

13 There's also the U.S. Fish and Wildlife Service study  
14 done as part of the Exxon Valdez oil spill bald eagle damage  
15 assessment project, which reveals that the late salmon runs of  
16 the Cape Suckling area are used by as many as 1,000 juvenile  
17 bald eagles which nest in Prince William Sound. Quoting from  
18 the study, "the most important fall and early winter feeding  
19 areas we located were the Copper River Delta and the Cape  
20 Suckling area."

21 We don't believe that Mr. Cole can be basing his  
22 opposition to habitat acquisition under 411 on an objective  
23 reading of the settlement either. There is nothing in the  
24 spill settlement documents which would preclude the acquisition  
25 of Cape Suckling or other areas included in House Bill 411, yet

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Mr. Cole said he felt that most -- that's a quote, "most of  
1 House Bill 411 does not fall under the settlement definition of  
2 restoration."

3           Since most of House Bill 411 provides for habitat  
4 acquisition within the, quote, "spill impacted region," if  
5 Mr. Cole's statement is true, then the habitat acquisition  
6 process being discussed and established by the Trustee Council  
7 is little more than a charade. Habitat acquisition as proposed  
8 in House Bill 411 in fact is well within the terms of the  
9 settlement, and what we heard from Mr. Cole was little more  
10 than political posturing.

11           The Alaskans who have come forward time and time again  
12 to express their support for habitat acquisition immediately  
13 are the same people who are most impacted by the spill. These  
14 are the people who responded in numerous heroic ways to help  
15 attempt to clean up the Nation's worst oil spill. These are  
16 the people whose subsistence opportunities were lost, whose  
17 business income was seriously eroded, and whose bank accounts  
18 have never recovered. These are the people who have fished,  
19 hunted, subsisted and otherwise depended on the coastal forest  
20 and marine ecosystem for years, and who hope to continue to do  
21 so. These are also the people who know which areas are most  
22 important and which areas are most threatened.

23           Mr. Cole has talked about developing a grand plan, but  
24 House Bill 411 is a grand plan providing much needed  
25 restoration activities for individual communities. To buy the

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in-holdings in Kachemak Bay State Park, for instance, would be  
1 the grandest of grand events for people in Homer and South  
2 Central Alaska. The Community of Cordova wants and needs to  
3 protect the Eyak River drainage for countless future  
4 generations. Kodiak has united behind the idea of protecting  
5 two important drainage on Afognak Island. What else could be a  
6 grander plan for the first 5% of the spill money than to join  
7 hands across the gulf and help each other begin the restoration  
8 process?

9 Thank you, Mr. Chairman.

10 MR. SANDOR: Thank you, Mr. Phips. Are there any  
11 comments or questions by members of the Trustee Council or the  
12 Restoration Team?

13 MR. COLE: Yes, Mr. Chairman. I would like to say,  
14 Mr. Phips, I re-affirm here at this moment everything I said at  
15 that meeting last Friday, just so that the record's clear and  
16 there's no misunderstanding about it. And I'm not going to  
17 retract one word I said. Okay?

18 MR. PHIPS: Okay. Just for the .....

19 MR. COLE: I hope you understand that. And I -- I'd  
20 also like to tell you if you think you've furthered the  
21 environmental movement by your remarks here this afternoon,  
22 savaging me in the fashion that you've elected to do, I think  
23 it's been a terrible mistake. Okay?

24 MR. PHIPS: Mr. Chairman, just for the record, I was  
25 referring to Thursday's comments. I didn't hear Friday's

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comments.

1 MR. COLE: You can put "Thursday's" in there.

2 MR. PHIPS: And I -- I regret that Mr. Cole has taken  
3 offense, but many of us were offended by his comments on  
4 Thursday. Thank you.

5 MR. SANDOR: Thank you for your statement.

6 Moving on to the teleconference line, I believe that  
7 everyone who wishes to testify has done so unless someone has  
8 joined the group. Well, let's rerun it.

9 Fairbanks? Anyone at Fairbanks to -- to testify?

10 FAIRBANKS: We have no participants to testify.

11 MR. SANDOR: And Juneau still observers only? Is  
12 Juneau still on line or -- or closed?

13 JUNEAU: We're on line and there's no one to speak.

14 MR. SANDOR: Thank you.

15 Kodiak? Anyone but observers?

16 KODIAK: No further testimony in Kodiak.

17 MR. SANDOR: And Seward?

18 SEWARD: Yes, sir, Seward is on line and listening.  
19 Thank you.

20 MR. SANDOR: And Valdez?

21 VALDEZ: Valdez is on line.

22 MR. SANDOR: And no one to testify.

23 This leaves Anchorage, and we have one more. Two more.  
24 Go ahead.

25 MR. PARKER: My name is Jeff Parker, and I'm speaking

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representing the Alaska Sport Fishing Association and Trout

1 Unlimited.

2 I'm -- I'm a latecomer today -- to today's meeting, but  
3 I have a vague understanding that the Trustees have adopted an  
4 alternative -- also an alter- -- an alternative C or a set --  
5 potential set C of criteria for purposes of land acquisition.  
6 And my understanding is that that third alternative set seems  
7 to focus on contingent services measured by contingent  
8 valuation. Assuming my understanding is correct, I think that  
9 would -- is a fruitful avenue to pursue.

10 Along that line, I have a couple of suggestions. One  
11 of the issues that I think faces the Trustee Council and the  
12 public in any -- in establishing any criteria for land  
13 acquisition, particularly if it is focused on the expenditures  
14 of money that for the most part were probably achieved due to  
15 what the state and federal government could do -- or could  
16 potentially show with a contingent valuation study of non-use  
17 or what are often called passive use, or what are alternatively  
18 called existence or option values, those were the reputed  
19 several billion dollar figures that were at times put in the  
20 press, the question that emerges I believe from that likely or  
21 probable source of the money as a settlement weapon in  
22 negotiating with Exxon is -- or one question that emerges is do  
23 you acquire lands for purposes of restoring a passive or  
24 non-use -- a passive use, a non-use or an existence or option  
25 value for scenic type qualities, or do you achieve -- to you

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acquire them for wildlife sorts of qualities. That question is  
1 relevant both in areas adjacent to where oil went, what we call  
2 the area affected by the spill, and it's relevant to areas  
3 outside of -- of where floating oil went. It might be outside  
4 of the area affected by the spill.

5 A question of whether or not you focus on -- on  
6 acquiring for say a scenic value service or a fish and wildlife  
7 value service. And -- and I'm focusing on services, because  
8 it's passive, idiose (ph) or non-use or existence or option  
9 that we're talking about. That question might be resolved by  
10 looking at what the survey instrument was that the state's  
11 experts used to -- excuse me -- used to try and achieve or to  
12 measure those losses of values. I believe that that was most  
13 likely a fish and wildlife based instrument. If that's the  
14 case, then it may sen- -- then there is a better argument for  
15 buying lands that have, or acquiring lands or conserving lands,  
16 that have high non-use or passive use or existence or option  
17 values for fish and wildlife, particularly probably charismatic  
18 fish and wildlife, that may mean, for example, brown bear or  
19 caribou, et cetera, and many high quality fishery values than  
20 it does to buy something that has scenic values, a scenic  
21 service, and I hope you understand the distinction I'm trying  
22 to make here.

23 I believe, for example, if -- if the survey instrument  
24 focused on scenic values, that is, what we were measuring was  
25 the respondent's sense of loss, for oil on the water, oil on

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1 beaches, those are scenic -- frequently scenic services, and  
2 that may make sense more to just buy blanket trees.

3 If, however, the respondent is responding to dead  
4 animals, marine, birds, otters, then it makes more sense to be  
5 buying habitat. And that may be outside of the spill area.  
6 My personal druthers is buying habitat, but what I'm trying to  
7 raise here is, the -- and I as probably several of you know,  
8 I'm skeptical of blanket purchases of large -- large scale  
9 purchases of trees in Prince William Sound. I am in favor, or  
10 my clients are in favor of acquisitions of habitat in Prince  
11 William Sound, in Southeast, for examples, those areas where  
12 forestry practices may be a threat to habitat values, and that  
13 probably means coastal -- that probably means, excuse me,  
14 riparian zones where the Forest Practices Act is inadequate,  
15 or coastal strips that may be important for both scenic and  
16 wildlife values, but it probably doesn't mean large scale  
17 purchase -- blanket purchases of trees, because for the most  
18 part uplands of Prince William Sound are not prime habitat.  
19 It's a marine ecosystem, and its values are for the most part  
20 there.

21 However, if we're -- if -- if that survey instrument  
22 was focusing on fish and wildlife mortality as -- as what was  
23 being meas- -- when it was measuring the person's sense of loss  
24 of passive use, non-use, existence or option value, then it  
25 makes great sense to go over and look at where other habitats  
are that have a commensurate or an equal service, an equal

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passive use, an equal existence value, and from the purposes of  
 1 the people who I work for, many -- many such habitats may in  
 2 fact be not where floating oil went, but in the Bristol Bay  
 3 drainages, for example, where you have high brown bear values,  
 4 high caribou values, highest fishery values in salmon heads  
 5 (ph), highest trout values, high raptor and bald eagle and  
 6 moose values, incredible services in the form of recreation.  
 7 Bristol Bay drainages being the most -- the -- the most -- the  
 8 heaviest use area for dispersed wilderness recreation, high job  
 9 production and commerce values, and I'll detail those to you in  
 10 a paper to you later that I've tried -- been -- meant to send  
 11 to you. And where you could frankly achieve a great bang for  
 12 the buck, probably one of the simplest acquisitions to acquire.

13           What that -- what that type of thing does is it focuses  
 14 on southern coastal drainages as I think most of you have known  
 15 that I have been trying to focus you on in the past.

16           For criteria, if there -- since I haven't seen Attorney  
 17 General Cole's, I believe it's his, alternative C, if there --  
 18 and I'll close with these remarks -- if there is a fleshing  
 19 out that is needed for that alternative, I would suggest a  
 20 three-part set of criteria: That the lands be valuable for  
 21 fish, wildlife -- fish or wildlife habitat, or for service --  
 22 you know, for fish and wildlife or service purposes, and that  
 23 they face some clearly identifiable near or long-term risk, and  
 24 that they -- the acquisition of them bear some relationship  
 25 either in terms of resources in the habitats or in terms of

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the services to the injuries occasioned by the spill. In  
1 other words, high value for habitat or services that face some  
2 clearly identifiable near or long-term risk, and that it bears  
3 some relationship to the injuries occasioned by the spill,  
4 whether to habitats or resources or services.

5 Thank you.

6 MR. SANDOR: Thank you. Are there any comments or  
7 questions? Thank you very much.

8 And I think you're the last person. Go ahead.

9 MR. McCUTCHEON: For the record my name is Jerry  
10 McCutcheon.

11 Mr. Chairman, you won't have to worry about buying the  
12 America. It isn't called the America, it's the S.S. United  
13 States, and it's already sold for a couple of million dollars.  
14 It will take a couple of hundred million to restore it, and  
15 it's going to go into the tourist trade. So you're saved.

16 Mr. Cole, I would have added to your first amendment on  
17 page four after Mr. -- the Secretary of Interior, "and the  
18 Governor of the State of Alaska". And I think that applies to  
19 other things. This is 50/50. I don't know what the hell  
20 we're going onto a federal fiscal year for. Let's go on both  
21 years. And we ought to go it all the way.

22 Taking six to 18 months for the previous year's work to  
23 get it in form so it may be used for the following year's  
24 planning is just a big much. And it's the action of the  
25 federal bureaucracy, and I guess there's not much there. But I

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think if you cut their funding off along about Thanksgiving,  
1 you'd be surprised how quick you'll get your reports out, and  
2 you ought to have them by the first of the year.

3           Next, I guess I've -- I've watched -- what I've  
4 witnessed today is I've seen the loss of control, and I've  
5 probably already expressed that. And I see a further --  
6 further the loss -- loss of control off to the federalities,  
7 and I see a loss off control into the black hole of the  
8 bureaucracy, and I would like to see that come back to some  
9 kind of realistic thing.

10           I'm afraid that we're going to see that the weight of  
11 the paperwork involved in getting the restoration done -- and I  
12 don't like the word "restoration," "clean-up" is better 'cause  
13 it's truthful -- is going to equal the amount of work we're  
14 going to do, and then it might get done.

15           As far as public input would go, I think somebody else  
16 addressed it, but I've got it down here and I'll address it.  
17 If you will provide the public say a week in advance prior to  
18 your meeting so that you have the opportunity to see the  
19 material, the public has the same opportunity, then after you  
20 get through with your first orders of business, you can put  
21 that on the agenda and have the public hearing first, and they  
22 can shoot their mouths off, tell you what they think about what  
23 it is you're going to do, and if you want to have a second one  
24 and clean-up one after the meeting is done, that's up to you,  
25 but I would get it. That way you'll get -- the public can't

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say they didn't have input.

1 Speaking of public input, I don't know that those  
2 committees that you're going to get involved in and appointing  
3 from the public is really worth while. I've been on one of  
4 those things, and I don't think so. It came down and we just  
5 wasted a whole bunch of money. It happened to be Jay Hammond's  
6 money at that particular time, the State of Alaska. But I  
7 don't see -- if they've got a public input period of time, and  
8 if they want to do it, do it and get on with it. Get out to it  
9 and get going. I hate to see the bureaucracy continue to build  
10 and finding a further and further excuse to build.

11 You can restore an old car, a boat, a building, an  
12 airplane, but labelling the work that you're about to do or  
13 supposed to do as restoration is a lie. You're not going to  
14 replant sea grasses. You're not going to breed the birds.  
15 You're not going to replace the mollusks. You're not going to  
16 do anything but clean it up, if that. Now somebody mentioned  
17 something, oh, they're going to have it (ph) growing sea  
18 grasses. Well, I think one of the things you ought to have is  
19 somebody who can think ahead and see how much these things  
20 cost, and I think -- I can't think of a nuttier idea unless  
21 it's taking an oiled bird and trying to clean it up. It just  
22 isn't worth the money. There comes some time that you've just  
23 got to cut her off. It's called triage in people.

24 It also adds -- when you call it restoration rather  
25 than calling it cleaning up, it adds to confusion. If you'll

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remember, the last half hour you spent trying to waltz around  
1 that word. The last half hour today, that's where you spent  
2 your time in your -- in your meeting. And so the sooner you  
3 get on and get rid of the word restoration, that you're not  
4 going to do, the quicker you can get down to things and go  
5 about the business of saying, well, you don't have to say it  
6 like -- well, if you're trying to buy habitat, well, just go  
7 say we've got to buy habitat, because we screwed it up. It  
8 isn't going to be restored. Nature will get around to it some  
9 day. It might be ten years and it might be 20 years, and it  
10 might be 30 years, but to make up for this, we're going to go  
11 buy a piece of ground somewhere and do it, and this gentleman  
12 before me got into a great deal of detail about it, and I won't  
13 cover it again other than to say, Mr. Cole, I share your  
14 opinion on 411.

15           And furthermore, if you people are going to entertain  
16 buying Kachemak Bay, I hope that you will put up enough money.  
17 And first I hope that you will go to DNR and get yourself a  
18 little spruce beetle map -- spruce beetle map and take a look  
19 at it. A couple of dry years in a row and that's going down  
20 the tubes. So if you're not going to put up the money, enough  
21 money to helicopter selectively log that thing and keep it  
22 cleaned up, in a few years you're going to have an eye sore,  
23 and I think you need to take a look at those kind of things.  
24 When you buy something, now what's the consequences of us  
25 having bought this? Are -- is there going to be money there in

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the future to take care of this thing?

1           Symposium, I'd like to address that thing. I don't  
2 know where the two Ph.D.s were coming from, but most of the  
3 material collected from the spill is not suitable to a  
4 symposium. I can only relate to professional symposium of the  
5 Society of Petroleum Engineers where papers are submitted for  
6 a peer review committee prior to being accepted, and then  
7 they're selected after they get through with that. And they're  
8 corrected and they're published, and they're put out well in  
9 advance and you can buy a paper or the collection of papers,  
10 and the collection of papers is only about the cost of ten of  
11 the papers. And when you get there, you have ten rooms and  
12 there's ten conferences going on at one time.

13           That's not what's contemplated here. And looking from  
14 the material you've got in there, there's just no way you can  
15 do it. And besides, you couldn't get a peer review on it. And  
16 further you have another peer, and call it an ad hoc peer  
17 review if you want to, all these people who got your paper, and  
18 they're out to nail you, and so you're going to have to stand  
19 that little test, too, and that's -- that's not what I see  
20 coming out of this.

21           I think that you could probably handle your  
22 distribution by the public by printing two sets each on  
23 document paper. Document paper, not plain paper. Document  
24 paper. And in -- and those sets, give one to the State  
25 Archives, one to the federal archives. Two sets -- I mean the

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-- these two sets to the federal archives, two sets to the  
1 State Archives, two sets to Alaska Resources Library, two sets  
2 to the State -- State Library in Juneau, two sets to the  
3 library -- Loussac Library, two sets to the Fairbanks Library.  
4 And then after that, I think that maybe you ought to entertain  
5 the possibility of putting it on -- oh, gosh, what's the name  
6 of that machine that you've got? I've forgotten it. Anyway,  
7 it's .....

8 MR. PENNOYER: Microfiche.

9 MR. McCUTCHEON: Microfiche. You put it on microfiche.  
10 And we're rapidly coming into the world of diskettes and you  
11 can put the whole works on a diskette, and I would make those  
12 distributions for the rest of the libraries in the State of  
13 Alaska and such other people who want -- who then would want to  
14 buy them as that might be.

15 With that, gentlemen, have a good day.

16 MR. SANDOR: Thank you for your comments. Are there  
17 any questions or comments on the testimony?

18 Any last -- or any other persons -- oh, I see two more.  
19 Sorry, I didn't realize we had additional testimony here.  
20 Please proceed.

21 MS. BRODY: Thank you, Mr. Chairman. I'm Pamela Brody,  
22 representing the Sierra Club.

23 First I'd like to say we're very happy that the -- the  
24 scientific damage assessment studies will now be released to  
25 the public. Equally important is the release of the economic

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1 damage assessments, and I understand that that decision is  
2 still to be made. This is not just an academic matter of  
3 curiosity. I believe that the economic data will be relevant  
4 to deciding what sort of restoration we should pursue,  
5 particularly with the contingent valuation option, which we  
6 support. I think that the -- the economic damage assessment  
7 will be relevant to that.

8 Next I'd like to say with the -- the -- a couple of the  
9 flow charts that were in the documents released today, there  
10 were two different approaches to deciding what restoration  
11 options would be followed: a hierarchical approach and a  
12 concurrent approach. And in the hierarchical approach, habitat  
13 acquisition was put at the bottom as the option of last resort,  
14 and I don't think that there's any justification for why this  
15 particular form of restoration should be considered the option  
16 of last resort. I think it should be considered equally with  
17 other options as it was in I think it was segment six. That  
18 is, the concurrent approach is more appropriate.

19 My third point is one in which I agreed with Attorney  
20 General Cole, though possibly for different reasons, and that  
21 is that the document said that -- it spoke of restoration to  
22 prespill conditions as being the goal, and I don't think that  
23 restoration of wildlife populations to prespill conditions  
24 should be the only goal or the only measure of success. If we  
25 can prevent further damages to this area, which is a big "if,"  
but if we can, then perhaps the populations will eventually be

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restored, but by the time that happens we may be all or -- all  
1 old -- be old or dead.

2 And Alaskans and the people of America have suffered a  
3 loss from the oil spill. It was certainly an extremely  
4 emotional event and people felt it very closely, not only  
5 people in Alaska, but people throughout the country and even  
6 throughout the world. I -- I was coordinating volunteer  
7 activities, and so I'm -- I'm very aware of -- of the passion  
8 that people had about it.

9 Now, restoring populations eventually to original state  
10 leaves out the fact that -- that people suffered a loss that is  
11 to some degree retrievable. If I may use an analogy, it is  
12 like, God forbid, you get hit by a truck, and you spend say a  
13 year in the hospital and then you move to a -- to a wheelchair  
14 and then a walker and then a cane and eventually maybe ten  
15 years later you're restored to your -- your pre-accident  
16 condition, but you've still lost those ten years of being okay,  
17 and you can't ever get that back, so if you sue the person who  
18 hit you, you want compensation, money that you can use for  
19 something else to make up for it, and -- and I believe that the  
20 people who have suffered from this oil spill should get  
21 something that makes things even better than the status quo in  
22 terms of the -- the recreation opportunities and our pristine  
23 wilderness and our well-being, and so I think that protection  
24 of areas that are not protected now is the kind of thing that  
25 compensates people for the loss that we have had.

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And my last point is really just a very minor one, but  
1 that is, there are some public meetings coming up that were  
2 announced today, meeting in the spill-affected communities  
3 starting as early as a week from today, and I realize it's too  
4 late to change that now, but I would hope in the future that  
5 when public meetings are announced that there is more public  
6 notification than that. The people of Homer will find out in  
7 their Homer News on Thursday about a meeting on Monday, and it  
8 -- it's something that is helpful if the public has more  
9 notification than that. Thank you.

10 MR. SANDOR: Thank you, Ms. Brody. Are there any  
11 comments of the Trustee Council members? Yes, Mr. Pennoyer?

12 MR. PENNOYER: Mr. Chairman, I'd like to ask  
13 Mr. Gibbons, is it true that there's only a week's notice of  
14 these meetings or have you put out some preliminary  
15 notifications already?

16 DR. GIBBONS: I -- I think there's preliminary notice  
17 out already for those meetings. Marty may have a better handle  
18 on that, but I think -- I think there has been notice sent out.

19 MS. RUTHERFORD: I don't see L.J. Evans here, but I  
20 believe we had -- we had attempted to get those draft notices  
21 out last week. I could go check. I'm sure she's upstairs.

22 MR. PENNOYER: That's all right. Thank you.

23 MR. SANDOR: Okay. You had additional statement?

24 MS. BRODY: I did ask L.J. about that, and -- and she  
25 said that -- that the -- the City of Homer was notified

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earlier, but it won't get out into the newspaper, the Homer  
1 News, until this coming issue on Thursday. Thank you.

2 MR. SANDOR: Any other testimony in Anchorage? Yes?

3 MS. MILLER: Hello, I'm Pat Miller representing the  
4 Wilderness Society, and I will make my comments brief.

5 I primarily want to discuss the role of the NEPA  
6 process in this exercise that we're going onto, and as NEPA  
7 says, ultimately, of course, it is not better documents, but  
8 better decisions that count. And we're in a kind strange  
9 situation with NEPA in that there are many decisions that your  
10 body made that will be made -- that are made prior to the  
11 completion of the NEPA documents.

12 And my concern is pertaining to the importance of the  
13 scoping process that the public is involved in right now, and  
14 the importance that the Federal Register notice placed on the  
15 scoping process. And my concern that because the public at  
16 this date does not have the results of the scientific studies  
17 about the damage and we're being asked to provide the issues  
18 that we think are important for a document that as the Federal  
19 Regis- -- Register Notice states is for the next ten years of  
20 restoration, the restoration process. I think it would be  
21 fair to expect that the Trustees may need to supplement their  
22 document at a later date once we have the full damage  
23 information. As one of the earlier speakers mentioned, the  
24 extent of damage to herring or some information that we don't  
25 know at this date may affect how we believe the funds should

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be spent.

1           And that's not to say that my organization -- my  
2 organization still supports habitat acquisition as the priority  
3 based on information we have to this date.

4           Another thing that NEPA says is agencies shall not  
5 commit actions that will prejudice the consideration of  
6 alternatives, and the Trustee Council has already decided to  
7 expend funds for restoration management activities, and if you  
8 look at this in a gross sense, three times the amount of money  
9 is proposed for this budget cycle to be spent on management  
10 actions as opposed to habitat acquisition, and to me that looks  
11 like an action that could prejudice the future options. And I  
12 think those kinds of concerns to be made real clear as we go  
13 through both the restoration planning and the concurrent EIS  
14 process. Otherwise it's kind of preparing the EIS is a  
15 fruitless exercise and we want better decisions, not just to  
16 fulfill the appearances of the federal statute.

17           And, finally, I was a little con- -- confused today in  
18 the agenda item on the financial management and submission of  
19 the request from the Trustee Council to get money from the  
20 court, if that request is envisioned to be made prior to the  
21 receipt of public comments on the work plans. If that's indeed  
22 the case, I'm not going to bother to comment on the work plans,  
23 because the action will have been taken, and it's a fruitless  
24 exercise.

25           So I -- could I ask a question about the budget

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planning for this year and if that decision will be made prior  
1 to receipt of public comment?

2 MR. SANDOR: Dr. Gibbons, do you want to respond to  
3 that, please?

4 DR. GIBBONS: Yeah. The request -- the request is from  
5 the court to move the money from the court into an interest  
6 bearing account on the federal side, called the NERDA-R  
7 account, and an interest bearing account on the gen- --on the  
8 state side in the general fund. And then -- the -- the request  
9 is to move it out of the court and into these other interest  
10 bearing accounts and then, you know, proceed from there.

11 MS. MILLER: Okay.

12 DR. GIBBONS: It's not -- it's not to, you know,  
13 before the -- the plan.

14 MS. MILLER: Okay. But my understanding is the amount  
15 that is being requested for the court to move is the amount  
16 that is listed under the current budget for which damage  
17 assessment close-out projects, the various restoration  
18 management projects and all those things that the Trustee  
19 Council's approved. Is that correct?

20 DR. GIBBONS: That's correct, but the authorization, if  
21 -- if the plan shows that the public does not want one study  
22 and the Trustee Council goes along with that, that money can --  
23 it is not expended. It's sitting there gaining interest. It  
24 can be moved back in. And that's what a lot of the things,  
25 the left over fund from any proposed activities of 1992 will

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not go into the general -- you know, will not go into the  
1 agencies' budgets. It will be accounted for, so .....

2 MS. MILLER: Right. But the court's decision to move  
3 the money is over at the point that they turn it over to the  
4 governments, correct?

5 DR. GIBBONS: For that year.

6 MS. MILLER: Okay. Thank you.

7 MR. SANDOR: Thank you for your statement. Any other  
8 comments or questions on that presentation?

9 For those on line, we have -- I think we have one or  
10 two more in Anchorage, and then we'll poll the -- the -- those  
11 on teleconference, but I think we have our last statement in  
12 Anchorage.

13 MR. WARREN: I'm Dan Warren with Prince William Sound  
14 Aquaculture, and thank you for the opportunity. I just have  
15 three short points.

16 First, we'd like again to stress the importance of  
17 private nonprofit aquaculture representation on the Council's  
18 public advisory, and feel that private nonprofit aquaculture  
19 should be involved in the management and funding decision, and  
20 do represent a wide spectrum of salmon users.

21 We'd also suggest finding a possible way of setting  
22 aside an endowment possibly just for salmon work, including  
23 biological cooperative work with agencies, rehabilitation  
24 projects, sport fish development and even marketing research.  
25 We feel there was an economic impact in salmon markets.

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Point three, to continue with responsible enhancement  
1 of salmon resources for existing and future enhancement and  
2 restoration work, we need to stress developing a data base for  
3 wild and hatchery stock interaction at both juvenile and adult  
4 -- for both -- both juvenile and adult salmon. And this type  
5 of research actually supports longer-term regional resource  
6 restoration projects such as tagging or the seafost (ph) work  
7 going on.

8 Definitely the effected communities dependent on the  
9 salmon industry benefit from the -- the type of data that  
10 provides very -- the fisheries managers precise information and  
11 management. There's a definite economic connection there.

12 Also many of the salmon data base projects have been  
13 rejected by the working group and the council. And I just want  
14 to stress that these aren't just science projects. They're  
15 definite support for long-term economic and resource  
16 restoration, and it's very critical that this type of work is  
17 longitudinal over a period of time, so rejecting a project year  
18 by year based on preliminary findings, there may not be  
19 anything astounding to year by year findings, but they are the  
20 data base that's needed for this future type of restoration  
21 work.

22 Thank you.

23 MR. SANDOR: Thank you for your statement. Any  
24 comments or questions? After we poll the folks on  
25 teleconference, we'll set the teleconference date for

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continuation of this meeting. Polling the -- the units we  
1 believe are still on line: Fairbanks? Any statements there?  
2 Juneau?

3 JUNEAU: No at this time, Mr. Chair, Thank you.

4 MR. SANDOR: Kodiak?

5 MR. PATRICK: I'd like to give one more comment,  
6 please?

7 MR. SANDOR: Please proceed.

8 MR. PATRICK: Mr. Cole, this is Greg Patrick of Kodiak  
9 Audubon again. I just want to ask you personally, are you  
10 going to be able to remain objective on this habitat  
11 acquisition issue? I'm not certain with your comments earlier  
12 if you are. Okay?

13 MR. SANDOR: Is that your statement? Mr. Cole?

14 MR. COLE: No, he asked me a question. And the answer  
15 is of course.

16 MR. SANDOR: Any other comments from Kodiak?

17 MR. PATRICK: Mr. Cole, that makes my evening.

18 MR. SANDOR: Any other comments from Kodiak?

19 KODIAK: No, thank you.

20 MR. SANDOR: Okay. Seward?

21 SEWARD: Mr. Chairman, thanks very much. I might have  
22 missed it in this agenda packet, but could somebody just  
23 briefly tell me if criteria have been established for  
24 non-habitat acquisition projects that may meet restoration  
25 objectives? Have -- have there been criteria established for

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projects, sir?

1 MR. SANDOR: Dr. Gibbons?

2 DR. GIBBONS: Yes, we dealt with that. We have  
3 criteria for restoration projects that had been passed out at  
4 the February 5th and 6th Trustee Council meeting, and will be  
5 included in a draft restoration plan.

6 SEWARD: Thank you very much.

7 MR. SANDOR: Anything -- any other comments from  
8 Seward? Valdez? Have I overlooked any communities on line?  
9 Any last testimony from Anchorage?

10 MR. McCUTCHEON: If there's nobody else? Earlier in  
11 the day you addressed having money managers, and I was rather  
12 curious about that. My first response to it, well, why are  
13 you hiring separate money managers? Why don't you just go  
14 over to the Permanent Fund and say, "Hey, take care of this for  
15 me." And then now I think it was Mr. Gibbons who stated that  
16 there are going to be two separate pools of money, one federal,  
17 one state. Is that correct?

18 MR. COLE: Let -- may I respond? I was a little  
19 shocked to learn that this money may be going into the general  
20 fund of the State of Alaska. It gives me the willies, because  
21 only the Legislature gets it out of the general fund.

22 MR. McCUTCHEON: That's right.

23 MR. COLE: And I think that, you know, we should -- I  
24 would -- well, anyway, I don't want to say anything else.

25 MR. SANDOR: Dr. Gibbons?

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MS. RUTHERFORD: The Office of Management and Budget  
1 advises us it would go into a special account within the  
2 general, a separate .....

3 MR. McCUTCHEON: There is no such thing.

4 MS. RUTHERFORD: Well, it's -- for purposes of -- of  
5 tracking as a .....

6 MR. McCUTCHEON: There's two pools of money in the  
7 State of Alaska. That which is in the Permanent Fund and that  
8 which belongs to the general treasury, and that's all there is.

9 MR. SANDOR: It's obvious this is going to have to have  
10 additional research.

11 MR. McCUTCHEON: All right. Anyway, if we're going to  
12 have two separate pools of money, I would like to suggest that  
13 the State pack up its marbles and its money and go its separate  
14 way and say "Good-bye, federalities," and I don't care what you  
15 federal people do. And we can set up some kind of a permanent  
16 fund or restoration fund if you want to call it that. I'd call  
17 it a clean-up fund, or something to do with Prince William  
18 Sound. You can dedicate or non-dedicate the money to it as it  
19 be, and we can go our separate ways and cut a lot of  
20 bureaucracy out and I'm sure the State can take its portion of  
21 the money and wind up spending it alone wiser than the -- than  
22 you jointly are going to wind up doing over the next ten years.

23 Thank you.

24 MR. SANDOR: Thank you. Any other comments? If there  
25 be none, the public comment period is closed, and we will now

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set the date for the continuation of this meeting in

1 teleconference form. In polling the members of the Trustee --  
2 in polling of .....

3 (Feedback)

4 MS. EVANS: Why did they leave?

5 (Laughter)

6 MR. SANDOR: Polling the members of the -- the Trustee  
7 Council, I find Carl Rosier is occupied the fif- -- well,  
8 travelling the 11th to the 15th, and suggested May 18. Is May  
9 18 an objectionable date to any member of the Council?

10 MR. BARTON: It's not possible for me.

11 MR. SANDOR: Not possible? So that's a bad date.

12 Well, let's do this: Councilmember Rosier is on travel status  
13 all week, and how long would we expect this teleconference  
14 meeting to last and -- and in what -- and on what -- what time  
15 might it be? Afternoon?

16 DR. GIBBONS: Hopefully it will -- it will be an  
17 afternoon session, it will be streamlined budget package, move  
18 right through that and -- and be done with it.

19 MR. BRODERSON: I'd recommend two days.

20 (Laughter)

21 MR. SANDOR: Sounds of skepticism perhaps.

22 Dr. Montague?

23 DR. MONTAGUE: Yes. Yes, Mr. Chairman. Wouldn't we  
24 need to also present the remainder of the '93 work plan  
25 schedule at that?

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MR. SANDOR: Well, our intent was to -- to cover those  
1 items deferred as -- as well as the -- its relationship to such  
2 items I think that you're referring to. Dr. Gibbons, do you  
3 want outline the agenda that's intended for .....?

4 DR. GIBBONS: My -- the two agenda items that I have,  
5 and I'd like to keep it short, would -- one would be the  
6 financial operating procedures and the budget to go along with  
7 that, and the other items would be -- the other item would be  
8 the operating procedures for the public advisory group so they  
9 can have meaningful comment on that. And that was the two  
10 agenda items I thought were -- were slated for the  
11 teleconference.

12 MR. SANDOR: Okay. Looking at Councilmember Rosier's  
13 note, he says alternate the week of May 18 -- Mike Barton, are  
14 you also travelling all week on that week or is that any day?  
15 The 19th? The 20th?

16 MR. BARTON: No, I'll be gone the entire week of the  
17 18th.

18 MR. SANDOR: I suggest that we schedule something the  
19 week of 11 to 15 and -- and get an alternate perhaps for  
20 Rosier, or to try to have him tie in on teleconference while in  
21 travel status. What we're trying to do is set a date so that  
22 the public here and any remaining on line would know when the  
23 meeting is going to continue. May the 14th is not possible for  
24 one of the others, but how about the -- is there a preference  
25 for the Restoration Team, for you, Dr. Gibbons, or the staff on

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-- on the 13th or the 15th or the 12th?

1 DR. GIBBONS: Maybe I can ask the -- the chair of that  
2 -- that working -- that working group on finance if -- if she  
3 feels that that's enough time to get it done?

4 MS. BERGMANN: Mr. Chair, I'm concerned that that's too  
5 early. Two of the R- -- well, my -- I'm going to be on travel  
6 the entire week of May 3rd, and, Dave, you're on travel that  
7 week as well?

8 MR. SANDOR: How about the 15th?

9 MR. COLE: Mr. Chairman?

10 MR. SANDOR: Yes?

11 MR. COLE: Can't we do this at -- say at 7:00 o'clock  
12 at night? Every- -- everyone in the world is near a telephone  
13 at 7:00 o'clock at night unless you're in an airplane. I mean,  
14 I just think we ought to just get a date in the evening and  
15 just say that's it and everybody find a telephone and be done  
16 with it. This is pretty important.

17 MR. SANDOR: Is the 15th too soon a date for .....?

18 MS. BERGMANN: That was my concern, that that's just  
19 not going to allow us enough time to get the materials  
20 together. I think early the following week would be a more  
21 reasonable time period.

22 MR. SANDOR: Yeah, we have -- how about you? Are you  
23 accessible by teleconference, Mike, the week of the 18th?

24 MR. BARTON: Perhaps on the 20th. In the evening  
25 you're talking about, not during the day.

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1 MS. RUTHERFORD: Mr. Chair, let me -- I want to point  
2 out that right now tentatively Anchorage is scheduled for the  
3 scoping meetings on the 20th. May I ask L.J. if that .....

4 MR. SANDOR: Yes.

5 MS. RUTHERFORD: ..... could be changed?

6 MS. EVANS: Would be very possible.

7 MS. RUTHERFORD: All right. Then that could be  
8 changed.

9 MR. SANDOR: So then propose May 20 at -- in the  
10 evening at seven Alaska time? Or do you want it earlier?  
11 Seven? Six?

12 MR. PENNOYER: Try to make a little earlier so we don't  
13 cut ourselves off at the end.

14 MR. SANDOR: Yeah. Six p.m. on May the 20th. Is that  
15 --? Okay. We'll have a continuation of this meeting May the  
16 20, 6:00 p.m. Teleconference to be arranged by staff.

17 Any final comments or conclusions to -- to make?

18 One expression I guess for the next regular conference  
19 meeting, a number of folks had suggested public information  
20 comments first. Is there any expression or thought on the  
21 Council members of whether we want to -- to introduce that into  
22 the agenda? Regular agendas? Any thoughts?

23 MR. BARTON: For subsequent meetings?

24 MR. SANDOR: Yes, subsequent meetings?

25 MR. BARTON: I think it would be a good idea.

MR. SANDOR: Is there any objection to having a public

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comment period beginning in advance of the .....

1 MS. RUTHERFORD: Mr. Chair?

2 MR. SANDOR: ..... regular agenda items? Yes?

3 MS. RUTHERFORD: I -- I just -- L.J. indicates that  
4 that might be very difficult to do with the Legislative  
5 Information Office system splitting the teleconference at the  
6 beginning and end. Maybe is -- do .....

7 MR. SANDOR: Let's -- let's research that then and --  
8 and report that at the teleconference meeting itself, shall we?

9 MS. RUTHERFORD: Okay.

10 MR. SANDOR: Okay. Any last items?

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

12 MR. SANDOR: Yes?

13 MR. COLE: I would say let's think about the whole  
14 process of .....

15 MR. SANDOR: Okay.

16 MR. COLE: ..... comments in the morning, or, you know,  
17 at the beginning rather than the evening.

18 MR. SANDOR: Thank you very much. This session will be  
19 concluded tonight and recessed and -- and extended to a  
20 teleconference on the 20th of May, 6:00 p.m. Thank you. Good  
21 night.

22 (Off record)

23 (END OF PROCEEDINGS)

24 \* \* \* \* \*

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