

**EXXON VALDEZ OIL SPILL SETTLEMENT
TRUSTEE COUNCIL**

RESTORATION OFFICE
Simpson Building
645 G Street
Anchorage, Alaska

Trustee Council Teleconference Meeting

**Anchorage, Alaska
March 31, 1995
2:00 p.m.**

TRUSTEE COUNCIL MEMBERS in attendance:

In Anchorage

STATE OF ALASKA

MR. ALEX SWIDERSKI, Alternate
for **MR. CRAIG TILLERY**,
Trustee Representative
for **BRUCE BOTELHO**, Attorney
General, Alaska Department of
Law

UNITED STATES DEPARTMENT
OF THE INTERIOR

MS. DEBORAH WILLIAMS, Special
Assistant to **MR. GEORGE
FRAMPTON**, Assistant Secretary

In Juneau

STATE OF ALASKA DEPARTMENT
OF FISH AND GAME

MS. ELLEN FRITTS,
Alternate for **MR. FRANK RUE**,
Commissioner

UNITED STATES DEPARTMENT OF
AGRICULTURE - FOREST SERVICE

MR. PHIL JANIK,
Regional Forester

UNITED STATES DEPARTMENT OF
COMMERCE - NOAA

MR. BILL HINES, Alternate
for **MR. STEVE PENNOYER**,
Director, Alaska Region;

STATE OF ALASKA DEPARTMENT
OF ENVIRONMENTAL CONSERVATION

MS. MICHELLE BROWN, Deputy
Commissioner and Trustee
Representative for **MR. GENE
BURDEN**, Commissioner

TRUSTEE COUNCIL STAFF

MS. MOLLY MCCAMMON Executive Director, EVOS Trustees
Council, present in Juneau

MR. ERIC MYERS Director of Operations, EVOS Trustees
Council, present in Anchorage

OTHERS PRESENT who participated

In Anchorage

DR. ROBERT SPIES, Chief Scientist, EVOS Trustee Council
DR. LESLIE HOLLAND-BARTELS
DR. JOE SULLIVAN, Alaska Department of Fish & Game
DR. STAN SENNER

In Juneau

DR. DAVID GIBBONS, U.S. Fish & Wildlife Service

In Washington, D.C.

MR. BARRY ROTH, U.S. Department of the Interior

PUBLIC present in Anchorage

MS. BRENDA BALLACHEY
MS. GINI PELT (sp)
MR. DEAN HUGHES
MR. BILL HAUSER
D. LINDSEY HAYES
MR. JAMES L. BODKIN
MS. LISA THOMAS
MR. ANDY GUNTHER
MR. DAVID IRONS
MS. PAMELA BRODIE
MS. AMY LOCKE
MR. BUD RICE
MR. TIM WOOLSTON

P R O C E E D I N G S

(On Record at 2:03 p.m.)

MS. BROWN: Ready in Anchorage?

MS. WILLIAMS: We are ready in Anchorage.

MS. BROWN: Okay. It's March 31st, 1995. I'd like to call to order the meeting of the Exxon Valdez Oil Spill Trustees Council. I'm Michelle Brown, representing Gene Burden from DEC, and I'd like to announce who is here today: Mr. ** for Frank Rue; Alex Swiderski for Bruce Botelho; Phil Janik; Deborah Williams; and Bill Hines for Steve Pennoyer. I'd like to call the meeting to order, and the first order of business is to approve the agenda. Do you have any corrections?

MS. WILLIAMS: Move to approve.

UNIDENTIFIED VOICE: Second.

MS. BROWN: Moved by Ms. Williams, seconded by (indiscernible). The next item is the approval of the minutes we have -- several of them -- five meeting notes from the last meetings. Everyone has got them in their notebooks. Do we want to have any discussion on any of these? Anybody have anything to raise on any of these? Do I have a motion -- to adopt these?

MS. WILLIAMS: I move to adopt.

MS. BROWN: Moved by Ms. Williams, seconded by Mr. Janik -- the meeting notes from February 13, February 22, February 24, February 28 and February 1 are adopted. The second item is for our Executive Director, Molly McCammon, is to report.

MS. McCAMMON: Good afternoon. I don't intend to make a lengthy report today, but I would like to bring your attention

to a couple of items. The first is the financial statement in the packet that you received last week that indicates the status of revenues, disbursements and fees in the joint trust funds. The second item is -- I believe all of you received in your packet a copy of this raspberry colored document -- we argue over whether this is raspberry or red -- which is the invitation to submit restoration projects for federal fiscal year 1996 to the draft restoration program FY96 and beyond. This is actually a combination of two documents. It's first of all the invitation for projects -- project proposals for next year. It is also our first stab at a -- at the beginnings of a preliminary projection of what we kind of see as the anticipated restoration needs in projects for the next three fiscal years, and so it's beginning and starting to look at things in terms of a long-term context. It by no means reflects -- it's no endorsement to any of these things. Any of these projects that basically takes when it's started in the last one to two years and just projects them along to their conclusion. It also includes some projects that were proposed as a result of our mid-January workshop. There are -- I think it's a fairly complete description of the kinds of research proposals that we know of at this point, and certainly through the invitation process there could be new proposals and new ideas, but this is what we know right now. As part of this planning process we are embarking on a number of public meetings in the next month on this proposed plan. Starting next week, we go to Nanwalek, Port Graham, Cordova, Seldovia, Tatitlek, Chenega, Homer, Kodiak, Valdez, Seward -- Anchorage -- I'm not

sure if I missed any there -- but pretty much most of the major communities within the spill area to talk about this draft plan and to let the public comment on it. So, I'll be reporting back to you in the future to -- on kind of the feedback that we get from that. If you have any questions or comments at all about this, this is still in draft and we will be looking to trying to do a final on it by August.

It isn't -- I don't have too much to report in terms of the habitat protection and acquisition effort other than that we do have a technical amendment to the AKI-Old Harbor resolution, which is before you later in the meeting. I could report that the Chenega and Chugach negotiations are going well, and we hope to have something in the near future, and the Eyak Core Lands appraisal hopefully will be done in about a week or so, and hopefully there will be some action on the Eyak Core Lands. In the meantime, today is the last day for submission of additional nominations for the small parcel process. At the next meeting I will be able to report how many of those have been submitted and hopefully they'll be evaluated quickly. It shouldn't take very long to do this.

Also in your packet is a report on the Alaska Sea Life Center, and as you requested at the last meeting it has been structured so that it tracks the various provisions that were included in the November 2nd, 1994, Trustee Council resolution. The major development that is pertinent -- this memo was actually prepared -- is that on Tuesday night the Seward City Council did move to adopt the agreement between the Department of Fish and

Game and the City of Seward providing for the ownership and operation of the facility. Additionally, they adopted the agreement between the City of Seward and the SAAMS Board for operation of that facility. This was viewed as a major milestone in the project. The city now has a 30 day appeal period following the adoption of their resolution. If someone in the community obtains 120 signatures of 120 registered voters, they could call for the issue to go to a referendum. But from the comments that were received in Seward, and I did attend the city council meeting there, it seemed that those who started out opposing the project now support it, so -- and that resolution did pass unanimously by the city. So, this project is on track.

The next major step is the review of the detailed construction budget and operating plan and the agreement between the SAAMS Board and the University of Alaska defining the governing and management structure, and I'll be reporting back to you on those two items.

And that pretty much concludes my report today, unless there are any questions about these or any other items.

MS. BROWN: Thank you, Molly. Are there any questions? Hearing no questions, we've got four action items before the board today. The first one is the nearshore vertebrate predator package. I'll ask Ms. McCammon to introduce that for us.

MS. McCAMMON: Thank you, Madam Chair. At the Council's November 2nd and 3rd meeting, the Council deferred action on a proposed ecosystem project concerning nearshore

vertebrate and deferred action until further planning could be done on the project. Since that time, the project proposers have, I think, used that funding very wisely and have put together a very comprehensive proposal that has received outstanding review from the Chief Scientist and the other peer reviewers who looked at the proposal, and with that I would like to turn it over to Dr. Robert Spies in Anchorage who could describe a little bit more about the proposal.

DR. SPIES: Can you hear me clearly in Juneau?

MS. BROWN: Yes, we can.

MS. McCAMMON: Yes, we can.

DR. SPIES: Okay, thank you very much, Molly.

Today, you have before you two studies of injured species that take an ecosystem approach we've been trying to emphasize more as we've gone through the restoration process. The first of these is the nearshore vertebrate predator package, and the second is the apex predator ecosystem experiment, which is a -- a renamed -- it used to be called the forage fish interaction program. It's a continuation of project 94163, which was started in a pilot mode this past year. You funded both of these projects for further planning and coordination in November 1994, and soon after that project leaders were selected, and they included Dr. Leslie Holland Bartels for the nearshore vertebrate predator package and -- she's from the National Biological Service -- and Dr. David Duffy from the Alaska Natural Heritage Program, University of Alaska Anchorage. Both of those project leaders are here to answer any detailed questions that may be appropriate

for them to respond to from the Trustee Council today. Both of these projects arose out of the planning effort that was essentially started in 1994, and we're seeing a profusion of those now with the Trustee Council support that was made possible in November 1994.

Let's first consider the nearshore vertebrate predator package. This looks at the recovery of a suite of important predators: two invertebrate consumers, the sea otter and the harlequin duck; and two fish eaters, the river otter and the pigeon guillemot. And they basically asked three questions with regard to the recovery of these species. Are these resources or these species constrained by some sort of intrinsic, demographic factors? That is, if there was some sort of a damage that took place in '89, it's very slow to recover because the population was beat back so far, and that it's the intrinsic rate of increase that's really holding these populations back, and there are a number of things that are asked in that connection. The second of these questions, is the recovery basically unconstrained by -- are the resources, because of the spill or because of natural factors, such as fluctuation in highland, have a reduced food supply? And thirdly, is the recovery unconstrained by continued oil exposure? Is there an amount -- a small amount of remaining oil in the environment toxic to these species in somehow affecting reproduction growths or other processes necessary for full recovery of the species? And for each of these species then we have some demographic measures, surveys of the prey base and health indicators that are being used to answer these questions. We

could go through a few of these just in brief to give you a taste of what the -- what the -- what's being proposed here.

In the case of sea otters for demographics, the aerial surveys of Knight Island, both surveys that have been started in the past and continue on, some pup-adult ratio information that comes out of those surveys, and also some beach searching efforts for carcasses of dead otters that have been done in the past to look at age class structure of members that are leading the population. In the area of health measures for sea otters, there are blood panels that are being proposed, immune system work, and induction of P450, an enzyme that is sensitive to oil exposure.

In the area of prey availability for sea otters, there's studies of foraging prey density of subtidal invertebrates, especially some of their favorite foods, clams, mussels, and sea urchins.

Another invertebrate-eater, the harlequin duck, there are both survey data being analyzed for the demographic questions, and also the marking of adult females to look at their rate of survival in the wild.

Under health for harlequin ducks, body conditions, survival of radio-tagged birds is being done, as well as the aforementioned P450 analysis. And in the area of prey availability, prey abundance surveys are being done.

For the fish-eating, nearshore vertebrate predators, the river otter and pigeon guillemot, for the river otter in the area of demographics, latrine site abandonment rates, some morphometric information that also relates to health, and then as

far as further health parameters, blood parameters such as haptoglobin, interleukin, liver enzymes, blood cell counts, and some immune system assays are being proposed. And both for the river otters and pigeon guillemots, the prey availability -- since they both feed to some extent and favor nearshore fish -- nearshore demersal or on-the-bottom fish -- they will surveys carried out by scuba divers around the several study sites in Prince William Sound.

For pigeon guillemots for demographics, there are trends in the number of nests that are active and the rate of abandonment of nests, some measures -- (indiscernible) measures of reproductive success, and also morphometrics that also provide information on the health of pigeon guillemots and the colonies.

Blood acute phase proteins and blood panels are being proposed in the area of the health of the pigeon guillemots.

The reviewers have looked at this project very closely and are very unanimous in their praise of the project. We think that Dr. Holland-Bartels and the principal investigators have done a remarkable job in framing a series of testable hypothesis, looking at a variety of organisms that have different food sources, organisms that we know were affected by the spill and may continue to be affected to some extent by the remaining oil in the environment. It's a very cohesive package, and we think that the Trustee Council basically made a pretty sound investment in the planning that has gone on. So, based on the evaluation of the project that I've made and the reviews that I have received and the discussions of reviewers, I am recommending that this

project be funded as an important ecosystem approach to understanding the recovery of the nearshore portion of the marine ecosystem that was so hard hit by the oil spill. Are there any questions on that particular project?

MS. BROWN: Thank you. Do you have any questions of (indiscernible). Do you have any discussion on this project? (Indiscernible).

UNIDENTIFIED VOICE: I just had a question on the procedural aspects of various gates that usually these projects have to go through. In all respects, are we ready to vote on these?

MR. SWIDERSKI: I have question that actually -- a couple of questions that apply to both projects -- and I'm not sure if now is the time to ask them. If we're considering voting now, I guess I would, and it --

MS. BROWN: If it's a question of having an introduction and discussion of the other project, I would do that.

MR. SWIDERSKI: Well, let me -- I'll ask the question, and then Dr. Spies can maybe decide how to address it, and that is, how the two projects tie into each other, and I ask that primarily because I know that pigeon guillemots are one of the injured species as a focus of both projects? Is that by design or is that by accident or are they designed such that they will have, so to speak, a synergistic gain of knowledge or understanding from the two of them?

DR. SPIES: I think so. The pigeon guillemots feed

both on pelagic and demersal fish -- nearshore fish -- and the nearshore portion of their diet is being covered in this project, and the apex project the relationship of the pigeon guillemot to the pelagic resources, and in fact we have the same principal investigator in both, and he will certainly not be doing double duty here I don't think. I don't know if Leslie Holland-Bartels has anything to add to that comment?

DR. HOLLAND-BARTELS: I, in fact, believe we are sharing data and are, in fact, complimenting the efforts of both projects, so we've been in close -- close coordination -- on the projects.

MS. WILLIAMS: Mr. Chairman, I just received a message from the recorder, and she would ask that all of us identify ourselves before we begin speaking, for the record.

MS. BROWN: Thank you. Mr. Hines.

MR. HINES: Madam Chair -- Bill Hines. A question for Dr. Spies, basically along the same lines as Alex Swiderski's comments, what is the relationship between the three different ecosystem and the object of the SEA plan for the apex project and the nearshore and where the interface is and how does that inter-relate with one another? Are they just components of a larger ecosystem plan or what?

DR. SPIES: Well, I think they -- they generally compliment each other, Bill. The SEA program, of course, is focused on the recovery of pink salmon and herring in Prince William Sound, and as a result of that project a lot of the fish populations are being surveyed at certain times where they --

particularly when they interact with the larval fish in the system in the west and northwest side of the Sound. The forage fish project, which we'll get to in a moment, is focused on the forage fish themselves as a prey base for the seabirds, and they've got a little bit different focus in that they are interested in that period of time when the seabirds are breeding and provisioning their chicks and around the important seabird colonies in Prince William Sound. So, it's a little bit different spatial and temporal focus because it's a little bit later in the year and slightly different areas. The nearshore vertebrate predator package is somewhat similar, but it's taking a nearshore look -- look -- at these species that spend a lot of time in the nearshore areas, such as pigeon guillemots, river otters, sea otters, and have a lot of their prey base in those areas. They are also looking at food availability, but it's over a longer stretch of time and it's not limited to a particular key times in the reproductive cycle or when the young are being produced, as the other two projects. I think they're part of a really larger look at these spill area ecosystems, and I think there's probably opportunity in the future to somehow coordinate these more, but I think the -- they are separate starts right now, and each of them is asking separate questions and is getting organized with -- within -- the organization is taking place within each entity, and I think there will be opportunities to interface these projects as we go along. At this time, I don't think it's wise to try to make one big project out of it. It's just too much that's going on. I know SEA people themselves are

right now just -- are working very hard day and night to try to keep up with just the demands of this project, let alone try to interface with two other projects.

MR. HINES: Madam Chair, just wondering how they're going to communicate, how the PI's are going to communicate with each other? It seems there should be some type of continuity.

DR. SPIES: Yeah, there's quite a bit of cross-talk going on right now, Bill. For instance, the hydroacoustics workshop in Cordova these last three days and the representatives from the forage fish study and the SEA program together talking about use of hydroacoustics in these studies to quantify fish populations, use of common calibration methods, common software, and data packages, and common -- possible common databases. So there is quite a bit going on, and I think perhaps Leslie could comment on the interaction she's had with some of the other programs from the nearshore vertebrate predator point of view.

DR. HOLLAND-BARTELS: We're in close coordination, for example, on the pigeon guillemot issue, but we're also looking at -- we've started examining samples from the SEA project that may be useful for the nearshore project as far as invertebrate recruitment, so we are in those discussions and looking at the oceanographic data that they may have that will be for use on our project. So, we already have coordination between the three projects in several different areas, and then, of course, within the workshop environment -- the Trustees workshop -- we have had continuing conversations.

DR. SPIES: Bill, also I might add in my answer that

there is -- that there's some coordination going on outside of the EVOS process with EVOS projects. For instance, Minerals Management Service is funding Dr. John Pie (ph) to the National Biological Services to do some work on seabirds around the Barren Islands, and that's very much -- we've been talking very closely with him on the apex project, and he's been attending our hydroacoustic workshops and so forth. There's also work with other aspects of the U.S. Fish & Wildlife Service. For instance, Dr. Irons has got an aspect in his kittiwake studies that's funded by Fish & Wildlife Service outside the EVOS Trustee process, and he'll be coordinating, of course, that work with that foreclosed under the nearshore vertebrate predator -- excuse me -- the apex studies.

MS. BROWN: Thank you, Dr. Spies. Are there any other questions?

MS. McCAMMON: This is Molly McCammon. I think that to answer Mr. Janik's question, when project proposals in the past have come before the Trustee Council they've come in the form of a brief project description of about three or four pages. What's different, and following the Council's action on that brief project description (indiscernible -- poor teleconference quality), of the detailed budget, NEPA compliance, and a review - - peer review on the detailed project description. Because what you have before you is actually the detailed project description, and that's what you're being asked to take action on today, the steps that would still follow after this, after your approval if you so choose, would be -- the budget has gone through a review

prior to action today, and there is information on that in my recommendation -- NEPA compliance would still have to be secured before the project could go into the field, the money would have to be obtained through court request, and that court request would have to have the review of the Department of Justice and the Alaska Department of Law. In addition, this project in particular has an aspect of a collection of several birds in it, that aspect of the project would still be subject to further review and would not be authorized until it had gone through that review.

MS. BROWN: Do we have -- would the group prefer to have a discussion of the next project before we take action here -- so that it's -- interrelation . . .

MS. WILLIAMS: Yes.

MS. BROWN: . . . seems to be a question?

MS. WILLIAMS: Yes.

MS. BROWN: Okay. Can we could ahead -- would you like to introduce that project?

MS. McCAMMON: The next project before you is the apex predator-forage fish project. It's a continuation of 95163, and I'd like Dr. Spies to again go through this and describe the results of the peer review session. Dr. Spies?

DR. SPIES: Okay. The oil spill, as we all know, resulted in a significant mortality of seabirds. Some have estimated as many as a half a million sea birds may have been killed by the spill, and some of these species were, in fact, in decline from the late seventies, as far as our information

indicates, and six years after the spill we still have some species of sea birds that have apparently not recovered. This project is an innovative attempt to determine if the food of sea birds is limiting the sea bird populations in the spill area, and the general hypothesis that is being proposed is that there has been a shift in the Prince William Sound marine trophic structure that has prevented the recovery of injured species. Some of the evidence for this shift comes from studies of pigeon guillemot's diet. Pre-spill, in 1979, studies indicated that about 55% of the food items brought back to pigeon guillemot nests on Naked Island were sandlance, a very important forage fish species to sea birds throughout the Gulf of Alaska. Indications are from similar data collected in 1994 that there's less than 10% of the diets of two pigeon guillemot colonies in Prince William Sound. This is the sort of evidence that suggests that with the continuing decline that they be linked back to food resources in the area. This project is really an attempt to measure the availability of different forage fish species, such as sandlance, herring, pollock, eucelone (ph), and capelin, and the feeding and reproductive success of the sea birds that are recovering from the spill.

You've got two documents before you. One is a 109 page proposal that came from Dr. David Duffy and the reviewers that was in your packet. In addition, there was a three-page revision that outlined some of the changes that were made after review of this larger package earlier in the month. The initial package came in at about \$1.6 million for the remainder of '95. After

review and questions about potential overlap in projects, it was reduced by -- through the efforts of Dr. David Duffy -- by over 25% to \$1.16 million, and the second three-page document outlines some of the changes that were going to be made as a result of that latest revision. If we could just turn to page 12 of the larger proposal, the apex proposal, it outlines the general hypothesis that I've just stated about the Prince William Sound marine trophic structure in a series of 10 working hypotheses, and they relate to -- the first one, for instance, relates to the structure of Prince William Sound -- the trophic structure of Prince William Sound -- changing the decadal scale. The second one refers to the depending on plankton as a -- determining the abundance of forage fish species of sea birds. The third one, on the spatial responses of the forage species to oceanographic processes; the fourth, to productivity, the size of forage fish species, change of energy potential available to sea birds changes; the fifth, forage fish characteristics and interactions among sea birds limit availability of sea bird prey; the sixth, forage fish -- excuse me -- sea bird foraging group size composition reflect prey patch size; the seventh one, which is a key hypothesis, the sea bird diet composition and amount reflects the changes in the relative abundance and distribution of forage fish at relevant scales around colonies; the eighth, changes in sea bird reproductive reflective differences in forage fish abundance as measured in adult sea bird forage trips and chick meal size and chick provisioning rates -- that's another key hypothesis; the ninth, sea bird reproductive productivity

determined by differences in forage fish nutritional quality; and finally the tenth hypothesis -- working hypothesis -- sea bird species within the community react predictably to different prey species.

And then if we can turn now to the three-page proposal. It should be available to everyone here. It's the -- the outline I referred to earlier from Duffy as to how the program would change under this new budgetary constraint -- essentially refocused the study to inter-annual comparison between two colonies of very different forage fish environments, environments in Prince William Sound, particularly around Naked Island and around the Barren Islands in the Gulf of Alaska, and the pilot -- we essentially consider this a pilot project -- and the pilot project will explore different areas, the first of which is the degree of spatial variability of the food environment in Prince William Sound and its effect on reproductive success of kittiwakes and pigeon guillemots. The second is the degree of temporal variability in local fish abundance during the summer. This will be done by hydroacoustics from fishing vessels. Third, the importance of food concentrations for sea bird foraging, and that's by hydroacoustics and observation; and the fourth, the feasibility of using fish energetic conditions as an index of population trends, and this will involve analysis of the energetic content and nutritional quality of the fish that are being used by the sea birds; and the fifth is the foraging range of kittiwakes in Prince William Sound; and, finally, the sixth, they will include the analysis of existing dietary samples that

were gathered last year.

Some of the hypotheses that will generally be tested in this first year pilot are outlined in the second page. First will be the comparison of the Barren Islands with Prince William Sound -- Prince William Sound sea bird species that is, the kittiwake, tufted puffin, and pigeon guillemot have a nutritionally poor diet than do species in the Barren Islands, and that will be comparison with the kittiwake, tufted puffin, and common murre in the Barrens. Secondly -- the second hypothesis -- the nesting success and nesting condition of Prince William Sound is poor. Third, direct measurement through acoustic sampling and trolls will show that nutritionally favorable foraging species are more abundant in the Barrens; and/or the fourth hypothesis, foraging studies show all or just nutritionally superior forage fish species are more accessible in the Barren Islands. And within Prince William Sound we can go onto a fifth hypothesis, acoustic sampling and foraging studies show spatial variability and prey abundance and availability -- that's almost a given. The sixth hypothesis, the distribution and abundance of forage species is temporally stable within the sampling period. Seventh, the variability is reflected in differences in nesting productivity in (a) kittiwakes during extensive surveys of up to 26 colonies across the Sound, (b) kittiwakes studies extensively during the breeding season at Shell Bay, Eleanor Island, South Elkluk (ph) Bay, and Naked Island, and (c) guillemots at Naked and Jackpot islands, and (d) puffins at Naked Island and (indiscernible) Rocks. And generally, the hypothesis that will be tested and the

historical data will prove to be valuable and useful for testing of hypothesis concerning forage fish population, ecosystem changes in the northern Gulf of Alaska and Prince William Sound complex. And that, eight -- or this is really the ninth one -- the pilot data will show sharp disparities and energetic condition between prey species, suggesting strong testable hypotheses for future work; and ten, completion of initial analysis will similarly suggest that competition for food and predation are important factors in determining composition of the forage community, generating strong testable hypotheses for future work.

That's a general background on that project. There are actually 10 separate projects that are included in the package -- that since I've gone through so many hypotheses I forgot some -- unless the Trustee Council members wish we'll kind of leave the description of the project at that.

The reviewers, again, felt that this was a very, very promising project. The reviewers have been saying for quite a few years now, and I certainly agree, that one of the major things we're dealing with in the oil spill area is a decline of sea birds and mammals and that there are some climatic factors at least and certainly the spill has contributed to those declines in a way that we are concerned about, and that we really should be doing something about forage fish. It's an area that's very unknown, there's not much data available. There is some historical data that is being proposed to be analyzed in the Gulf of Alaska in connection with the first project under this

proposal, the umbrella proposal, but in general we have very little information, and that to really understand the recovery of these species and, I think, leave a legacy from the spill science activities that understanding how this system works and what's affecting and what's causing these declines is an -- would be an appropriate focus of the Trustee science program.

I think that is also a program not without risk. It's a cutting edge program. It's addressing the recovery resources, so it's appropriate for the Trustees to consider it, but there are some innovative new technologies, particularly simultaneous application of hydroacoustic technologies to many species in the areas around colonies, and trying to link that with the reproductive success of birds and the foraging activity. To my knowledge, this ambitious a program has not been taken before, and on the other hand, if the Trustees do decide to fund this, I think that we are partially successful at least in reaching our goals here, that they will contribute really to the understanding of the ecosystem. So, my recommendation, after considering the comments of the reviewers, several rounds of review, is that this is a good study, and it's an appropriate one, and something that we will learn quite a bit from.

MS. BROWN: Thank you. Are there any questions from Council members? Any further discussion?

MR. SWIDERSKI: Michelle, this is Alex Swiderski. I actually have a question. I would like to go back to the prior study, the nearshore vertebrate study, because I have a -- the Department of Law has a very serious concern about the collection

issue, and I neglected to bring that up earlier, but -- and I have a specific concern here because, as I understand it, harlequin ducks is one of the species in particular that has not recovered, is still not breeding, there is a very limited number of harlequin ducks in Prince William Sound, at least in the oiled portions of Prince William Sound, and we're talking about collecting -- I'm not sure if it's 25 of those ducks or 25 ducks from somewhere else. So, I think it's safe to say, and this really does because a question that Dr. Spies -- that -- at least as currently I don't think the Department of Law could support collection of harlequin ducks or the other birds without very strong, very clear, convincing evidence at the time you bring this question before us, if you do, that that will have a -- a clearly beneficial effect on restoration of those species that are being collected, and really the second part of this is that I would like some assurance now that if at some point in the future you come to us with the request to collect birds and the Trustee Council says, no, you are not going to be able to collect birds, that the study will nevertheless be a productive study, and the reason I ask that is that I wouldn't want to hear the argument that, well, you've spent a million dollars, you've spent more than a million dollars and this study is useless unless we can collect those birds.

DR. SPIES: I certainly agree that any taking of harlequin ducks from the population of the type here -- we have great concerns about their recovery on the western side of Prince William Sound -- would have to be very, very carefully

considered. My understanding is -- and I think we need to do a full review on this question and it is anticipated as a kind of a separate exercise that the ducks will be taken in the fall, and I think that this is a time when we're having more ducks in the area than what we see during the breeding season. I don't know if Dr. Holland -- Leslie Holland-Bartels -- can make any comments, further comments along those lines.

DR. HOLLAND-BARTELS: Yes, I'd be happy to. The proposed collections, as far as the process is concerned, we've been in contact with Dan Rosenberg and Tom Roffey (ph) of the State in relation to this issue, and we specifically are aware and concerned about the issue of collecting harlequin ducks in the oiled area, and that has been a specific item of discussion and will not occur -- the numbers would not be collected from the oiled area. The proposed collected birds represent less than .3% of the estimated winter numbers, and therefore constitute minimal impact to the population. So, we've discussed all these issues.

The significant advantage of doing this is that we create a one-time ground-truthing of non-lethal methodologies for all out-year studies related to harlequin ducks, that that's a big advantage.

So, we strongly feel and have applied for our permits, so we are going through the normal permitting process, that the take of the animals is, from a restoration standpoint and also from a scientific standpoint and a population impact standpoint, justifiable. But it is something that I would be more than happy to provide all the documentation for, as we must do for our permitting process.

MS. WILLIAMS: Ms. Chairman, if I could raise a few issues regarding this point.

MS. BROWN: Yes. Please do, and then after you Ms. McCammon.

MS. WILLIAMS: Okay. This is Deborah Williams. I had a chat with Leslie before this meeting to talk about this particular point. I raised concerns about collecting, particularly in the spill area, and Leslie did tell me that there wouldn't be any collection in the spill area, which I thought was very important. But the other thing that was discussed that I knew previously, and I would like ADF&G to chat about briefly, and that is that there is a legal sport take of harlequin ducks in the spill area of two per day, I believe, and out of the spill area 10 per day, and I was wondering whether the Trustee Council ever addressed the advisability of the legal sport take of harlequin ducks in the spill area, given the fact, as Mr. Swiderski pointed out, that the numbers are not recovering. And, we don't have to talk about this right now, but I would like to talk about this before the end of this meeting because I think it is relevant to our responsibilities for the recovery of species and, even if we don't believe we can answer this question, it might be one worthy of spending a little time thinking about and discussing at our next meeting whether we would recommend as a council to the Board of -- Game -- I guess -- that until the harlequin ducks are fully recovered or at least more recovered in the affected area that the take of harlequin ducks be curtailed. But I think that is something worthy of reviewing, and it may

have been reviewed before, before I came on the board, but I would again, sometime before the end of this meeting, like to look at that issue.

MS. BROWN: Yes, a very good point.

DR. GIBBONS: Madam Chairman, this is Dave Gibbons. I believe in 1993 and also 1994, there's been emergency closures on harlequin ducks. So, I think we've dealt with it -- Fish & Game has dealt with it in that manner in the past. The Council has at one point written a letter to the Game Board and saying basically what you said, Deborah, that we're concerned with the taking of harlequin ducks and that a closure should proceed.

MR. SWIDERSKI: Madam Chair, this is Alex Swiderski. I actually remember closures going back as far as 1990 in response to exactly this -- that issue. I actually do have a follow-up question, if I could ask that.

MS. BROWN: Ms. McCammon.

MS. McCAMMON: Madam Chair, if I could address the collection issue. This was an issue before the Council last year. At that time, the Council requested that the Executive Director notify them if there were any collections anticipated in any of the project proposals that had been proposed for the last of the year. At that time, there were two proposed collections for -- it would be FY94 projects at that time. One of those proposed collections was dropped by the sponsoring agency, and a second proposed collection, after review by the Chief Scientist, the Chief Scientist's recommendation was not to go forward with it. Following that -- following that discussion last year, staff

had extensive discussions among the staff of all of the agencies because there was some confusion -- there was some interest -- concerns that the Council not have some kind of duplicative review if there were existing federal and state review systems, and I did have staff review the various (indiscernible) systems that both the state and federal agencies have in place, and in fact a number of the questions that the Chief Scientist had were similar to the questions that must be answered in order to obtain those permits; however, what I have proposed and in working with the Chief Scientist and with the agencies liaisons of all of the affected agencies is a process for the Council to have for review of these kinds of projects, which includes the Chief Scientist looking at the project very closely and answering a number of --

I believe all of you have a copy of that proposed review process -- but answering such questions such as how many individuals would be proposed to be collected, how is the general health of the population, is the proposed take likely to affect any population trends, is the proposed take germane, are there any effective alternative means to obtain the data, what will be lost if there is no take allowed, what can we realistically hope to learn that would justify the collection, and have federal and state permits been procured, and if not, why not. Consistent with the policy that you adopted last year, what I would propose is that use this more elaborate. It's the same policy but it's just a little more fleshed out than it was last year: Has the Chief Scientist reviewed the proposed collection, consulted with peer reviewers and others with appropriate expertise. It could

be that this review would be conducted concurrent with the federal and/or state permit review; it may be separate from it. The Chief Scientist would then make a recommendation to myself that would be based on its scientific merit. I would relay that recommendation to the Trustee Council and to the Public Advisory Group prior to making any final authorization on the actual take, and if this would be -- this is consistent with the approach that was taken last year, and this is what I would propose that we do for the two proposed take collections for this summer.

MS. BROWN: This is Michelle Brown. I would like to see if we could, again, answer the question that Mr. Swiderski raises. If, in fact, it turns out that the Council does not authorize the collection, what would be the impact on the study results.

DR. SPIES: Yes, I was going to get to that second part of that of his question once we got over this take question, but my understanding, and I will certainly ask Leslie Holland-Bartels -- Dr. Bartels -- Holland-Bartels -- to comment further, but my understanding of the way this project is put together that the take of harlequin ducks that is proposed in this project is a relative small part of the overall project. It might something -- our ability to determine in this particular case something about body condition in a more absolute sense, and we may have to do it with data that is more relative in its nature. I would, however, comment that on some of the other projects that the scientific standard for determining dietary intake, and under the forage fish projects, for instance, if there was taking, any

aspect of those, that the scientific, kind of the criteria is that the actual examination of the stomach contents is really necessary, and that the stomach pumps, as I understand it, don't work all that well, and so, I think we have to be open to the possibility that to do credible scientific studies that we are going to probably have to shoot some birds eventually here, and the question is whether we are going to do it in a regional manner in accordance with what we know of the populations in the area or not, and I think that the process that Molly outlined addresses those questions fairly squarely.

MS. BROWN: Are there any other questions?

MR. SWIDERSKI: Madam Chair, I have a follow-up question. Bob, is it fair -- would it be fair to say that your comment on the taking of harlequins would apply as well to the taking of the other birds contemplated in this nearshore vertebrate study; that is, that it's -- the taking of those as well is not a critical component of that study.

DR. SPIES: I -- I think I'll have to refer that question to Dr. Holland-Bartels.

DR. HOLLAND-BARTELS: Critical is a hard question to answer. I agree with Dr. Spies on the harlequin take. It is a relatively small part of the overall project. As I said earlier, it provides for the ground-truthing for techniques that we can use in out-years and that other projects are interested in using. It provides a methodology that would be more precise and that allows us to tease apart the founding factors that we have been unable to tease apart related to the lack of recovery. So, from

that standpoint I think it's important. As far as the overall integrated study is concerned, it would not make or break the project. We have take involved for two other species in the project, those of goldeneye and white-ringed scoters. As Dr. Spies indicated, in the issue of diet and prey distribution, take is the standard scientific methodology applied to these species in studies that are ongoing in coastal waters of Alaska and many other places. The design that we have allowed us to have a variety of different windows into questions. So, we close out one window, not being able to look at the diet issue with the sea ducks, it doesn't eliminate the other windows that we have. It just -- at this point I can't say how it confounds our final ability to analyze what ends up being a fairly complex picture.

MS. BROWN: Thank you. I just have a follow-up question of Ms. McCammon. The procedure that was used and that you're proposing, is it something that we need to take action on or is there already action in place during the last time the issue was brought up.

MS. McCAMMON: Madam Chair, I think this could be something that the Council could either adopt formally or it could be (indiscernible -- extraneous noise). I don't think it necessarily requires action.

MS. BROWN: Thank you. Is there any further questions or discussion?

MS. WILLIAMS: Madam Chairman, this is Deborah Williams. I also discussed this briefly with Dr. Holland-Bartels, but I'll just mention it to the Council. As we've

already established the take for the harlequin ducks will be outside of the spill area, and of course there is a legal hunting harvest of those for, I believe, 10 a day, and would just urge the scientists in looking at their design to maximize the possibility of working with hunters, be they subsistence or sport, on take. I realize that presents some challenges, but I do think that if they can be legally harvested through hunting that we should maximize our opportunity to work symbiotically with the hunting community with this effort.

DR. SULLIVAN: This is Joe Sullivan with Alaska Department of Fish & Game. We have Dr. Stan Senner here who worked for the department several years ago, and in a manner of speaking is working for us again. But in any event, there are some considerations relative to hunting that I think minimizes the impact to the resident harlequin duck, which we are talking about now, and I'll ask him to address that.

DR. SENNER: Yes. This is Stan Senner, and I can just shed a little light on the harlequin hunting, and Alex Swiderski made reference to it before. The situation has been, since at least I believe the fall of '91, although I may be off by a year, that there was a total closure on harlequin hunting until the end -- until October 1st, and that was designed to protect the resident breeding population, which is the group of birds that's really at risk here. After October 1st, then the regular sport hunting for harlequins was allowed, and I believe that limit of 10 per day was in order. However, talking just yesterday with our ADF&G area biologist in Cordova, my

understanding is now that even for the season after October 1st the bag limit has been reduced from 10 to 2 a day, in recognition of the continued non-recovery of harlequins. Again, the primary concern is the residents, and then after October 1st the population of harlequins in the Sound increases by at least an order of magnitude as migrants from -- well, locations unknown, but migrants come into the area and significantly expand the population.

MS. BROWN: Thank you. Any further questions?

MR. HINES: Madam Chair, I just have a question of Dr. Bob Spies on the apex -- earlier that there's inherent risks.

I understand that there are inherent risks in all scientific endeavors; however, I understand there was a workshop in Cordova which dealt with hydroacoustics. Dr. Spies, essentially, has that workshop basically assuaged some of your concerns, some of your trepidations about utilizing emerging technologies, and can you comment on that?

DR. SPIES: Yeah, I think it was a very useful workshop in that we've got three different projects using hydroacoustics, and it's important for those -- especially the biologists involved to understand some of the limitations of the physical systems. The -- I think that the -- looking at the kinds of hydroacoustic technologies that are being used that everybody realizes that they are not absolute in their determination of the biomass of the foraging fish, for instance.

We can't go out there and be absolutely sure that we're going to get kilograms per cubic meter of each of the six species. We

will get relative measures, and with the combination of biological sampling and hydroacoustic sampling going hand-in-hand, we're going to get some good information on what the species' compositions in those area are if those two things are carried out together, and I think it was very useful from the standpoint of those in the apex project to be involved in the workshops. They were very experienced people involved, and there were also some biologists that gathered more information that will be very useful on the design of their studies. So, it's definitely a cutting edge project, and it is marrying this hydroacoustics with the sea bird observations, which is something on a scale -- we're doing it on a scale here I think that no one has attempted before. And essentially, if you look at hydroacoustics, there's no alternative method for censusing fish populations, and that's been -- on the kind of scales that give us biologically and useful and relevant information about the foraging of sea birds. So, yes, there is some risk, Bill, but I think it's worth going ahead, and we're definitely on the cutting edge. We're looking at a really important -- and I have confidence that we will get very useful information from this project relative to sea bird foraging.

MR. HINES: Thank you, Madam Chair.

MS. BROWN: Thank you. Any other questions?

MS. WILLIAMS: Madam Chair, if I could just make one comment before we vote.

MS. BROWN: Yes.

MS. WILLIAMS: The federal Trustees no this very well,

and perhaps the state Trustees, with the exception of Alex, are less familiar with the process of Department of Justice review. We do require a Department of Justice review before we submit a request to the court, since the Department of Justice is responsible for abrogating that whatever we request as a council is consistent with the Settlement Agreement. We historically had some challenges with respect to having this done before our votes, but we resolved those challenges by having staff -- EVOS staff -- give to Justice the proposals in a timely manner. With the press of other business, unfortunately the Department of Justice didn't get their package until yesterday, and so I am going to vote for this, but I do vote with the caveat that if the Department of Justice finds any problems -- I don't think they're going to find any problems, these are both very core research projects, but if they do find any problems that we will have to revisit the problems that are identified. I don't think this will happen in the future, and we hope it won't happen in the future, and we all just have to remember that the Department of Justice needs to receive these proposals in a timely manner so that we can benefit from their opinion before we take our votes in the future.

MR. SWIDERSKI: Madam Chairman, this is Alex Swiderski.

I, too, am going to vote for the projects . . .

MS. BROWN: Alex, go ahead.

MR. SWIDERSKI: Thank you. I would like to second the earlier comments of Deborah Williams that, to the extent possible, birds could be collected by working cooperatively with

hunters. That would be very much preferable. And, secondly, and I think this was implicit, but I'd like it to be clear, that I would ask that the Executive Director, before agreeing to any taking in any of the studies, bring the issue to the Trustee Council, even though we have adopted a policy with respect to that. Thank you. That's all.

MS. BROWN: Ms. McCammon.

MS. McCAMMON: Madam Chair, I think that -- the policy that the Council -- that we're operating under now is in this case to have to the proposed collection reviewed by the Chief Scientist, and then for myself to bring that recommendation to the Trustee Council. I would feel it probably as one of those things of informing you and getting your informed consent of whether to proceed. If any of the Council members had a question or a concern about the proposed recommendation, then we would arrange for a meeting to take that up.

MS. BROWN: Does that answer your question, Alex?

MR. SWIDERSKI: Yes.

MS. BROWN: Do we have a motion?

MS. WILLIAMS: So moved.

MR. SWIDERSKI: Second.

MS. BROWN: Would you like to restate the motion for us? Are you looking to adopt both projects with the caveats we have on the table?

MS. WILLIAMS: Why don't we start with the first project, because there might be a slightly different motion on the second project. I'm not sure, but it makes sense given the

magnitude of these projects that we do it on a project-by-project basis. I would move to have the Trustee Council approve funding for the nearshore vertebrate predator package project for the duration of the project and that we make that motion with the two provisos that we discussed earlier: one, that there be no collections unless and until Dr. Spies approves a methodology and the Trustee Council has the opportunity to review the methodology; and, two, to the maximum extent possible, if there is collections that they be done in conjunction with the hunting community.

MS. BROWN: Do you want to add also a caveat about the Department of Justice review?

MS. WILLIAMS: Yes -- yes -- and that the Department of Justice approve the proposals.

UNIDENTIFIED VOICE: Madam Chair -- point of clarification. When she said funding for duration of the project, through '99 or is that just through '95, or are we going to have a reevaluation in the fall?

MS. McCAMMON: Madam Chairman, the nearshore vertebrate predator -- this project is now contingent on a fall review. The recommendation of the peer reviewers was for the entire project to go forward. The forage fish project, a separate session prior to a final recommendation on the entire project.

MS. WILLIAMS: And my motion was reflective of that, that it would be for the entire project.

MS. BROWN: Yes. Just so we understand the motion. Is it clear? Do we have a second?

MS. WILLIAMS: Alex seconded.

MS. BROWN: Seconded. In favor of the motion?

ALL TRUSTEES: Aye -- aye.

MS. BROWN: All opposed? (No opposition) The motion carries. Do we have a motion on the second project?

MR. HINES: Madam Chair, I guess I present a motion that that be approved -- as proposed.

MS. BROWN: As proposed -- point of clarification?

MR. HINES: Subject to some of the other caveats that the first one was subject to.

MS. BROWN: Okay. And the point of clarification on the (indiscernible -- simultaneous talking at Juneau end) as Ms. McCammon stated -- subsequent review.

MS. McCAMMON: Yes. The recommendation on this proposal is only for the next -- this coming -- for one report writing and data analysis for that field season. Any further recommendations on this project would come following the fall review session.

MS. BROWN: Thank you for that clarification. The second on this was (indiscernible -- coughing). All in favor - aye?

ALL TRUSTEES: Aye -- aye.

MS. WILLIAMS: Aye, and Madam Chair, for the record, could you restate who made the motion and who seconded it; we did not glean that.

MS. BROWN: Mr. Hines made the motion, and seconded by Ms. Fritts.

MS. WILLIAMS: Thank you.

MS. BROWN: Any opposed? (No opposition) The motion carries. The next . . .

MR. JANIK: Madam Chairman?

MS. BROWN: Uh-huh.

MR. JANIK: Phil Janik here with a comment. Given the substantial amount of money associated with the nearshore that we just voted on for the five year, I'd like to get a little bit reacquainted with the practice we have for monitoring these projects. Is there a procedure set in motion that should we discover in year 2 or 3 that, based on monitoring or tracking of this project, we need to revisit something of this nature with this much money associated with it, are there procedures in place to deal with that?

MS. BROWN: Excellent question -- thank you.

MS. McCAMMON: Madam Chair, Mr. Janik, I believe that procedures are in place. With your approval of the entire project, it is in essence a conceptual approval. The only funding that you've actually authorized is year FY95. All of the funding for FY96 and FY97 will come before you on an annual basis. It's going to be at that time to reevaluate the project.

I believe there are also some reviews built into this project for some go-forward or not-go-forward steps, so (indiscernible) kind of flexibility.

MS. BROWN: Thank you.

MR. JANIK: Thank you.

MS. BROWN: The next item on the agenda is the four

amendments to the AKI and Old Harbor resolutions. I'd ask Ms. McCammon to introduce this for us, please.

MS. McCAMMON: Madam Chair, when the Council took action on the Akhiok-Kaguyak and Old Harbor resolutions on November 2nd, there was some language included in that that has been the subject of final negotiation between the federal and state governments. There is a proposal before you that accommodates the change in language that both parties have agreed to, and I would like to ask Barry Roth with the Department of Interior to go through this.

MS. BROWN: Mr. Roth.

MR. ROTH: Yes, I'm here in Washington, and would be happy to. Madam Chairman, the specific provisions of the November 2nd resolutions with respect to AKI and Old Harbor provided for language speaking of reverter or a transfer to the other government if one government attempted to sell the property. That raised a number of legal issues, particularly in the view of the Department of Justice. As a result, the Department of Justice, Interior, Agriculture General Counsel's Office, and the Solicitor's Office and the Alaska Department of Law have all been trying to refine the thinking as to what's the best way to implement the Council's goal of achieving permanent protection and giving the non-acquiring government an oversight role, just to make the acquisitions do achieve the restoration purposes. At our December 2nd meeting, with respect to the Koniag resolution, we refer to an easement-type concept of enforcement right by the other government. We are now finalizing

language with respect to the AKI and Old Harbor transactions that would accomplish this, again, with the concurrence of the Departments of Justice and the Department of Law. We expect probably by next week we will have the language finalized. The meantime, the shareholders of AKI and Old Harbor have approved these transactions and are most anxious to get the initial closings to take place, as are we in terms of the interest of assuring the protection of those resources. In order that we can move ahead expeditiously, we need to, one, correct the language and eliminate the references to restrictions on alienation of title, and to update this enforcement right, which is consistent with the way things are now developing and, secondly, to make clear that it's -- that the departments of Law and Justice may go ahead now and file with the court; two, withdraw the money for the initial payments to the two corporations, but that closing cannot actually take place, and the expenditure of those funds lie at the Fish & Wildlife Service until we have the finalize language in the purchase agreement which has been held up while we resolve this language, as well as the approval by the Executive Director that the conveyance instruments achieve the various purposes the Council voted in this particular aspect and as to public access in the conservation easements desired at the -- surrounding the discussions at the November 2 meeting. We think this is very narrow. We think it allows to proceed quickly, and we hope to see a court request very soon because we anticipate closings on both -- at least on the AKI transaction in the month of April, and not very long thereafter the initial

closing in Old Harbor. And I'd be happy to answer any questions.

MS. BROWN: Thank you, Mr. Roth. Are there any questions? Anchorage, any questions? Any discussion? Do we have a motion?

MS. WILLIAMS: I move that the Trustee Council adopt the resolution that is, I believe, before all of us, dated March 31, 1995.

MR. SWIDERSKI: Second that motion.

MS. BROWN: Moved by Ms. Williams, seconded by Mr. Swiderski. Do we have any discussion? All in favor?

ALL TRUSTEES: Aye.

MS. BROWN: Any opposed? (No response.) The motion carries. What -- are you going to circulate for signature?

MS. McCAMMON: Yes. (Indiscernible) originally for signature.

MS. BROWN: Okay. Thank you. The last item on our agenda are technical amendments to the '95 budget. Again, Ms. McCammon, for introduction.

MS. McCAMMON: Thank you, Madam Chair. Since the last time the Trustee Council met, there are a couple of very minor, technical budget amendments that the Council needs to authorize. These do not involve any additional new funds. In two cases, they request a transfer of previously authorized funds between two Trustee agencies, and in the third case the transfer is actually between two sub-project within an already authorized project, and I would recommend that the Council approve a motion to adopt these amendments as described in the memos from Ms.

Tracy Kramer.

MS. BROWN: The memos dated March 29th?

MS. McCAMMON: That's correct.

MS. BROWN: Is there any discussion? Do we have a motion?

MS. FRITTS: I'll move that the budget amendment dated March 29 be approved by the Council.

MS. BROWN: All three?

MS. FRITTS: All three of them.

MR. HINES: Second.

MS. BROWN: Seconded by Mr. Hines. Any other discussion? All in favor?

ALL TRUSTEES: Aye - aye.

MS. BROWN: Opposed? (No opposition). Hearing none, this motion also carries. We have reached the end of our agenda, is there any items anybody would like to bring up? Hearing none, we can adjourn this motion. We have a motion?

MR. JANIK: This is Phil Janik. I move we adjourn this meeting.

MS. BROWN: Is there a second?

MR. HINES: Second.

MS. BROWN: All in favor?

ALL TRUSTEES: Aye.

MS. BROWN: All opposed? (No opposition) Hearing none, the meeting is adjourned. Thank you very much for participating everyone.

(Off Record at 3:15 p.m.)

END OF PROCEEDINGS

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CERTIFICATE

STATE OF ALASKA)
) ss.
THIRD JUDICIAL DISTRICT)

I, Linda J. Durr, a notary public in and for the State of Alaska and a Certified Professional Legal Secretary, do hereby certify:

That the foregoing pages numbered 03 through 43 contain a full, true, and correct transcript of the Exxon Valdez Oil Spill Settlement Trustees Council meeting taken electronically by LTD Court Reporters on March 31, 1995, commencing at approximately 2:00 p.m. at the Restoration Office, 645 G Street, Anchorage, Alaska;

That the transcript is a true and correct transcript requested to be transcribed and thereafter transcribed by me to the best of my knowledge and ability from that electronic recording.

That I am not an employee, attorney or party interested in any way in the proceedings.

DATED at Anchorage, Alaska, this 3rd day of April, 1995.

Linda J. Durr, Certified PLS
Notary Public for Alaska
My commission expires: 10/19/97