

001

EXXON VALDEZ OIL SPILL
TRUSTEE COUNCIL
TRUSTEE COUNCIL MEETING

February 14, 1997
8:30 o'clock a.m.

Fourth Floor Conference Room
654 G Street
Anchorage, Alaska

TRUSTEE COUNCIL MEMBERS PRESENT:

STATE OF ALASKA -	MR. CRAIG TILLERY
DEPARTMENT OF LAW:	Trustee Representative
STATE OF ALASKA - DEPARTMENT	MR. FRANK RUE
OF FISH AND GAME:	Commissioner
U.S. DEPARTMENT OF INTERIOR:	MS. DEBORAH WILLIAMS
U.S. DEPARTMENT OF AGRICULTURE -	MR. JAMES WOLFE
U.S. FOREST SERVICE	for MR. PHIL JANIK
U.S. DEPARTMENT OF COMMERCE - NMFS:	MR. STEVE PENNOYER
(Telephonically)	Director, Alaska Region
STATE OF ALASKA - DEPARTMENT	MS. MICHELE BROWN
OF ENVIRONMENTAL CONSERVATION:	Commissioner
(Telephonically)	

Proceedings electronically recorded then transcribed by:
Computer Matrix, 3520 Knik Ave., Anchorage, AK - 243-0668

002

1 TRUSTEE COUNCIL STAFF PRESENT:

2 MS. MOLLY McCAMMON

3

4 MR. ERIC MYERS

5

6 MS. REBECCA WILLIAMS

7

8 MS. VERONICA CHRISTMAN

9 MS. SANDRA SCHUBERT

10 MS. CLAUDIA SLATER

11 MR. DAN MOORE

12 MS. RITA MIRAGLIA

13 MR. STAN SENNER

14 MR. BUFF BOHLEN

15 MR. BARRY ROTH

16 MR. JOE HUNT

17 MR. DAN SAKURA

18 MS. CAROL FRIES

19 MS. LISA THOMAS

20 MR. ALEX SWIDERSKI

21 MR. BUD RICE

22 MS. ANN CASTELLINA

23 MR. SANDY RABINOWITCH

24 MR. DAVE GIBBONS

Executive Director

EVOS Trustee Council

Director of Operations

EVOS Trustee Council

Executive Secretary

EVOS Trustee Council

EVOS Staff

EVOS Staff

Department of Fish and Game

Department of Fish and Game

Department of Fish and Game

Science Coordinator

Chief Negotiator

Attorney-Advisor

EVOS Staff

U.S. Department of Interior

Dept. of Natural Resources

USGS

State of AK, Dept. of Law

National Park Service

Superintendent, Kenai Fjords

National Park Service

U.S. Forest Service

003

1 TRUSTEE COUNCIL STAFF PRESENT (Continued):

2 MR. BILL HAUSER Department of Fish and Game

004

	PAGE
1 PUBLIC TESTIMONY	
2 Miranda Barrier	18/61
3 Michael Kliemann	19/29
4 Sally Kabisch	20
5 Barbara Seaman	21
6 Richard Tyler	23
7 Julie Baker	26
8 Robert Heinrich	27
9 Laura Johnson	30
10 Mark Luttrell	33
11 Eric Coufal	34
12 Beth Carlson	35
13 Rick Steiner	38
14 Rick Nelson	49
15 John Johnson	49
16 Chip Dennerlein	51
17 Lou Bencardino	56
18 Nancy Michaelson	58

005

P R O C E E D I N G S

1

2 Tape 1 of 3

3

(On record - 8:30 a.m.)

4

CHAIRMAN TILLERY: I bring this -- or start
5 this meeting. My name is Craig Tillery, I believe I'm
6 continuing chair of this meeting which is continuing from our
7 previous meeting in Juneau. The February 14th, 1997 Trustee
8 Council meeting. With us we have Jim Wolfe representing the
9 Forest Service; Frank Rue representing the Department of Fish
10 and Game; Deborah Williams representing the Department of the
11 Interior. And I believe in Juneau we have Michele Brown
12 representing the Department of Environmental Conservation; and
13 Steve Pennoyer representing NOAA, are you on line?

14

MR. PENNOYER: Yes, we are.

15

MS. BROWN: Yes.

16

CHAIRMAN TILLERY: Okay. What we'll do first
17 is we can look at the agenda, is there a motion.....

18

MS. D. WILLIAMS: So moved to approve the
19 agenda as written.

20

MR. WOLFE: Second.

21

CHAIRMAN TILLERY: The motion has been moved
22 and seconded by Jim Wolfe; is there any dissent?

23

(No dissenting responses)

24

CHAIRMAN TILLERY: Okay. It is approved. The
25 next item would be the meeting notes from December 6th meeting;

006

1 do I hear a motion on that?

2 MR. PENNOYER: I so move.

3 MR. RUE: Second.

4 CHAIRMAN TILLERY: Is there any discussion or
5 objection?

6 (No dissenting responses)

7 CHAIRMAN TILLERY: Those meeting notes are
8 approved. What we'll do -- and this meeting is scheduled to
9 adjourn at 1:30, I believe, some of our people here in
10 Anchorage will be trying to catch a flight back to Juneau, so
11 we're certainly going to try to be prompt. We're going to move
12 along pretty quickly. There is a public comment period
13 scheduled for 9:00 a.m., we will certainly anticipate starting
14 that on time and maybe perhaps start it a little early if we
15 get there. So with that admonition or something, Ms. McCammon,
16 you can move into the Executive Director's report.

17 MS. McCAMMON: Thank you, Mr. Chairman. I
18 think one thing that we do have to be careful of because of the
19 type of teleconference system that we have, if there's any
20 paper rustling up here at the main desk it kind of cuts out for
21 those folks in Juneau, so we do have to be real careful of
22 that.

23 MR. RUE: Shouldn't give us so much paper.

24 MS. McCAMMON: One of the first items I did
25 want to bring to your attention as you probably noticed is that

007

1 we're meeting for the first time up in the 4th floor conference
2 room and that's because we have vacated the space downstairs as
3 of January 1st. And this is part of our overall effort to
4 reduce administrative costs. And it's actually saving us quite
5 a bit by giving up that space. So I think we'll have this
6 remodeled a little bit to accommodate the meeting and I think
7 it'll work fine for the next few years.

8 In addition we have moved the office in Juneau also to
9 a smaller location and we'll probably be moving that office
10 once again, quite possibly in the next few months just in an
11 effort to reduce the size of the space and reduce our costs
12 there too.

13 I wanted to bring to your attention a few things in
14 your packet, the first -- you were handed out to you today, the
15 quarterly project status report and this goes through the
16 status of the report from prior year projects. And then also
17 the status of the FY97 projects, kind of what's currently going
18 on. And if you have any questions about this report over the
19 next few weeks or whatever just be sure to give me a call or
20 Sandra Schubert a call.

21 You also have a copy of the financial report as of
22 December 31st. I do have from Traci Cramer, the Director of
23 Administration, a report as of January 31st and as of January
24 31st the total estimated funds available that are uncommitted
25 is 335,000,000 for the next five years.

008

1 MR. PENNOYER: Molly, this is Pennoyer.

2 MS. McCAMMON: Yes.

3 MR. PENNOYER: The project status report, I'd
4 be very interested in that, but we did not receive it, so I
5 presume you'll fax it down here?

6 MS. McCAMMON: Well, it's actually about 20
7 pages long and there are a number of reports that we have here,
8 Steve, we'll probably just send them down with folks going back
9 tonight and have them delivered next week.

10 MR. PENNOYER: That's fine, thank you very
11 much.

12 MS. McCAMMON: But we will make sure that you
13 get copies of all of these.

14 As most of you know we do have an audit currently
15 underway for the FY96 work plan. That is in the final stages
16 of being completed right now. I believe all of the agencies
17 now have seen a draft of it and should be preparing comments
18 and responses to it that will be included in the final audit.
19 We hope to have that completed by March 1st.

20 There were a couple of comments that the auditors made
21 about the program in general and we've prepared a draft
22 response to those general comments and that's being circulated
23 today, I believe, so the agencies will all have a chance to
24 comment on that and modify it if they like to.

25 Overall I would say that the audit indicated that,

009

1 based on their recommendations last year, the agencies and the
2 Trustee Council responded very well and things seem to be in
3 pretty good order. There don't seem to be any major problems.

4 One of the other items that the Juneau folks will be
5 getting that's been distributed here is the FY98 invitation, it
6 has a yellow cover this year and this went out this week, a
7 little bit earlier this week. Proposals are due on April 15th,
8 the same day the reports are due from the prior year project.
9 And last year I think we received over 150 project proposals
10 and we anticipate this year probably about the same number.
11 So, again, if you have any questions about that or anything in
12 the next few weeks just give me a call or any of the staff
13 here.

14 The preparation of this invitation started with our
15 workshop in January, it was held here in Anchorage, we had more
16 than 250 people attend it. There was a three day session,
17 Thursday, Friday, Saturday, which from the comments that we've
18 received back from the public was -- seemed to be an
19 overwhelming success. We had a very dynamic keynote speaker,
20 Dr. Kai Lee, who is head of the Environmental Studies Program
21 at Williams College and in your packet is a copy of the speech
22 that he delivered to the assembled folks there.

23 It was very thought provoking, I think he raised
24 challenges to the Trustee Council and to the Trustee Council
25 process and I really encourage all of you to read it, I think

0010

1 it was -- it was definitely a highlight for me and, I think,
2 most of the people there.

3 We also had an excellent panel on the three ecosystem
4 projects and then followed that with a panel by a number of
5 agency managers talking about how you apply those kinds of
6 things to ecosystem management on a more practical level. That
7 also was very beneficial.

8 And then finally as an experiment this year we tried
9 something new and on the last day, on Saturday afternoon, we
10 held a public session that was advertised in the paper,
11 specifically geared towards the public. And it started out
12 with a slide show, just about the overall Restoration Program,
13 habitat acquisition, the research. And then we had eight
14 researcher who talked about their research projects and
15 described them. And for those of you who were able to attend
16 it was excellent, the folks who participated were interesting,
17 they brought tape recordings of bird sounds.

18 The marbled murrelet researcher brought her assistant,
19 showed how you climbed trees to get to murrelet nests. I
20 brought my kids there and they were fascinated by it. They
21 particularly liked the harlequin duck researcher who had a
22 radio transmitter that demonstrated how the sound of a live
23 bird was dit, dit, dit, dit. And the sound of a dead bird is
24 dit-dit-dit-dit-dit-dit and they thought that was amazing, they
25 were impressed.

0011

1 But I think this is something we're going to try doing
2 again in the future because it was very popular, we actually --
3 we had -- the room was crowded, a real nice addition.

4 The other thing that is part of the invitation and
5 review process is that we're continuing with our reviews, more
6 specific reviews of the various aspects of the program. There
7 was a killer whale review in the fall. The annual workshop was
8 followed by an intensive review of the MVP Project and next
9 week we have scheduled a review of the SEA herring program and
10 also the APEX project. And then following that the week after
11 with the harlequin duck review.

12 So each year we choose certain elements of the program
13 that need more intensive review than we can achieve from the
14 annual workshop and we bring in special peer reviewers for
15 those sessions and it's really an opportunity to get into
16 detail on those specific projects. And the peer reviews are
17 open to the public, we don't advertise them but they are open
18 to anyone who wishes to attend them.

19 And finally our last effort that we've been working on
20 is still preparing for the 10 anniversary. We do have the Egan
21 Convention Center rented and are planning a major international
22 symposium at that time. We would anticipate over 1,000 people
23 attending. And we're having additional meetings next week on
24 the first day, a public session and then that would be followed
25 by three or four days of more intensive scientific reports.

0012

1 So that's kind of a summary, I think, of the major
2 aspects of the Restoration Program in the last two months. Oh,
3 one other item, first fees update. Last week -- this week,
4 earlier this week, getting my weeks mixed up. Earlier this
5 week I flew back to Washington D.C. with Craig Tillery from the
6 Department of Law. We met with the Department of Justice and
7 the court system to talk about the reimbursement of the fees
8 that are charged by the court registry investment system and a
9 waiver of future fees.

10 If you'll recall, Department of Justice had petitioned
11 Judge Holland to reimburse the tax fees and to waive all future
12 fees. He, in a ruling in January, laid out some information,
13 asked for some additional information in return and basically
14 encouraged the parties to go talk to the court system and see
15 what their thinking was about it. We had a very fruitful
16 meeting, the court system seems very open to the idea of
17 waiving future fees and also seeing about ways to reimburse the
18 past years' fees. So it was a very positive meeting, we're
19 very hopeful that we should hear, by today, the results of that
20 meeting.

21 CHAIRMAN TILLERY: Okay. Are there any
22 questions from any of the Council members? Mr. Rue.

23 MR. RUE: Quick question. Why not advertise
24 the review of the different programs? At least let the public
25 who might be interested know what's going on.

0013

1 MS. McCAMMON: Mr. Chairman, we actually never
2 considered it. These are very technical reviews. I've
3 personally attended a few of them and after about a half an
4 hour I'm gone, you know, it's way beyond me. They're
5 advertised to the Public Advisory Group, they know about that
6 and often the Public Advisory Group attends. I'm not sure what
7 major interest it would be to the general public for something
8 like that, that would warrant advertising them. But I'd
9 consider it if you think it's a good idea.

10 MR. RUE: I'm not sure.

11 MS. McCAMMON: One of the things we have
12 considered is because of the success of the public presentation
13 at the workshop here in January is trying to do a smaller
14 session in some of the area in the spill area. For example,
15 fishermen in Kodiak have invited us to come next year during
16 their com-fish -- I don't know if it's a festival or what
17 exactly it is, commercial fisheries week which is held, I
18 believe, in March or April. But to come next year and do like
19 a day presentation summarizing the results of all of the
20 research studies.

21 We've been talking with the Science Center in Cordova
22 and with the SEA project about doing something in Cordova.
23 They do a presentation there about the results of the SEA
24 project but people in Cordova don't have the benefit of hearing
25 about what's happening with the other aspects of the research

0014

1 program, so we've been talking about that. And I think that
2 has a lot of merit in teaching.

3 MR. RUE: I think that's a great idea because
4 some of these projects will lead to an understanding of what's
5 going on out in the Gulf that right now is, you know, really
6 interesting to people.

7 MS. McCAMMON: Absolutely.

8 CHAIRMAN TILLERY: Okay. So if there are any
9 members of the public who think that would be -- something that
10 the public would be interested in, they could suggest something
11 like that at the public comment period.

12 Are there any other questions from Anchorage?

13 Mr. Wolfe.

14 MR. WOLFE: Just to follow up on what Frank was
15 talking about. All the information that's discussed in
16 reviews, that is available to the public, is it not, so if they
17 chose to have the information?

18 MS. McCAMMON: That's correct, but it's --
19 usually what people are talking about are draft results of data
20 and lots of technical slides and things of that nature and
21 they're talking in detail about methodology and results and
22 kind of where to go. How the project might be modified in the
23 future, whether it's on track. So the information is provided
24 publicly, the best way to get it is just the annual reports
25 from the project.

0015

1 CHAIRMAN TILLERY: Ms. Williams.

2 MS. D. WILLIAMS: Mr. Chairman, there is one
3 area of inquiry that I personally, and I believe the Department
4 of Interior in general, would be interested in seeing either
5 reflected in the 1998 invitation or reflected in discussion
6 about that, and that is the incidental take or potential
7 incidental take of marbled and kittlitz's and murrelets. I'm
8 sure Mr. Pennoyer, in particular, and others are aware in the
9 Bering Sea and other places there's some very creative and
10 productive thinking about how to reduce incidental take of
11 birds and marine mammals. And given that several of these
12 species have not fully recovered, I think it's a very fruitful
13 thing for us to ask for proposals on how to reduce -- first of
14 all to determine whether incidental take is something that is
15 hampering recovery and, if so, how incidental take might be
16 reduced productively and economically.

17 So I would just like to speak in favor of having that
18 be an issue that -- I would be enthusiastic about proposals
19 coming in for the '98 invitation and work plan.

20 CHAIRMAN TILLERY: Okay. Are there any other
21 comments from Anchorage? Are there comments or questions from
22 Juneau?

23 MR. PENNOYER: Mr. Chairman, this is Steve
24 Pennoyer, I'd like to ask Deborah a question.

25 MS. D. WILLIAMS: Yes.

0016

1 MR. PENNOYER: I guess I've concluded your
2 concern, all of our current efforts have been centered around
3 albatrosses and large birds that look for bait on long lines.
4 Most of what you're taking about is probably more gillnet and
5 other fisheries incidents, I'm not sure where you're going to
6 get these proposals from.

7 MS. D. WILLIAMS: Well, candidly, Steve, Fish
8 and Wild -- this is a concern that Fish and Wildlife Service
9 has targeted and I think they believe that other people have
10 ideas on this issue. My bringing this up at this time is just
11 to solicit potential proposals or ideas. I do not know
12 precisely what those would look like at this time, but just to
13 see if there is, you know, good, productive thinking on this
14 topic that might be helpful for recovery.

15 But I agree with you so far in the Bering Sea, in
16 particular, it has been on albatross and other species that are
17 either endangered or potentially endangered. It is possible
18 there could be productive work on this with the species that
19 we're concerned about recovering. And I would just be
20 interested in seeing if there were any proposals that might
21 address this issue productively.

22 MR. PENNOYER: Okay. Thank you. Mr. Chairman,
23 again, I agree with that, I'm not sure in my mind how (phone
24 cut out) but I think asking would be productive. Her idea was
25 a good idea, so I agree with you.

0017

1 CHAIRMAN TILLERY: Thank you. Other comments
2 or questions from Michele or Steve?

3 MS. BROWN: No, thank you.

4 CHAIRMAN TILLERY: Okay. Is that it?

5 MS. McCAMMON: That concludes my report,
6 Mr. Chairman.

7 CHAIRMAN TILLERY: Okay. At this time it's
8 about five minutes till 9:00 and I would suggest we go ahead
9 and move into the public comment period. Who do we have on
10 line?

11 MS. McCAMMON: We have the Juneau LIO, do we
12 have Seward?

13 MS. R. WILLIAMS: I don't know.

14 MS. McCAMMON: Is Seward on line?

15 (Pause)

16 MS. McCAMMON: Not yet.

17 SEWARD LIO OPERATOR: Yes, Seward is on line.

18 MS. McCAMMON: Okay. So that's Seward and
19 Juneau.

20 CHAIRMAN TILLERY: Okay. Is there any other
21 sites, besides Seward and Juneau on line?

22 HOMER LIO OPERATOR: Homer's on line and one
23 lady that said she wanted to testify (indiscernible - phone cut
24 out).....

25 CHAIRMAN TILLERY: That's Homer?

0018
1 HOMER LIO OPERATOR: Homer.
2 CHAIRMAN TILLERY: Is Soldotna on line? I
3 understood there was somebody who was going to be there?
4 (No response)
5 CHAIRMAN TILLERY: Is there anybody
6 besides.....
7 CORDOVA LIO OPERATOR: Cordova's on line.
8 CHAIRMAN TILLERY: I'm sorry who was that
9 again?
10 CORDOVA LIO OPERATOR: Cordova.
11 CHAIRMAN TILLERY: Cordova. Okay. Anyone
12 besides Juneau, Seward, Homer and Cordova?
13 (No response)
14 CHAIRMAN TILLERY: Okay. If any other site --
15 if there is anybody out there and we skipped over you, please
16 speak up at some point. Why don't we go ahead and begin with
17 Juneau. Is there anyone in Juneau who wishes to comment?
18 MR. MEACHAM: This is Chuck Meacham, at this
19 point I'm the only one that's here and I don't have anything to
20 say at this point.
21 CHAIRMAN TILLERY: Okay. Thank you. What
22 about in Seward?
23 SEWARD LIO OPERATOR: Mr. Chairman, we have
24 Miranda Barrier here, she'd like to testify.
25 CHAIRMAN TILLERY: Okay. If you would please

0019

1 be sure that you state your name and spell the last name for
2 the benefit of the person who's transcribing the meeting.

3 MS. BARRIER: Miranda Barrier, B-a-r-r-i-e-r,
4 and I'm an environmental health consultant for the local tribe
5 Qutekcak, Qutekcak Native Tribe, and I'm testifying for the
6 purchase of English Bay area, we want you to buy it. And
7 that's it, that's the message from us.

8 CHAIRMAN TILLERY: Okay. Thank you very much.
9 Are there any question from any Council members in Anchorage?
10 Ms. Williams.

11 MS. D. WILLIAMS: I don't have a question, but
12 I just want to thank you Ms. Barrier for testifying today.

13 MS. BARRIER: You're welcome.

14 CHAIRMAN TILLERY: Are there any questions or
15 comments from Council members in Juneau?

16 MS. BROWN: No. Thank you for the testimony
17 though.

18 CHAIRMAN TILLERY: Okay. Is there anyone else
19 in Seward who would like to testify?

20 SEWARD LIO OPERATOR: Not at this time.

21 CHAIRMAN TILLERY: Okay. Thank you. Is there
22 anyone in Homer who has a comment?

23 MR. KLIEMANN: Yes, my name is Michael
24 Kliemann, I'm a resident of Fritz Creek near Homer, I'd like to
25 testify, please.

0020

1 CHAIRMAN TILLERY: Okay. Thank you. Will you
2 please spell your last name?

3 MR. KLIEMANN: Yes, it's spelled
4 K-l-i-e-m-a-n-n.

5 CHAIRMAN TILLERY: Okay. Thank you, go ahead.

6 MR. KLIEMANN: I would like to testify in
7 support of the Trustee Council purchasing the English Bay
8 properties in the Kenai Fjords National Park.

9 CHAIRMAN TILLERY: Okay. Do you want to give
10 us any detail on that or just simply a statement of support?

11 MR. KLIEMANN: Yes, I will expand on that a
12 little bit. I've never been there and (indiscernible - phone
13 cut out) boat and I probably never will get out to the outer
14 coast. However, I like to think that any purchases of those
15 inholding (indiscernible - phone cut out) develop into a
16 national park, I think that's (indiscernible - phone cut
17 out).....

18 CHAIRMAN TILLERY: Okay. Are there any
19 questions from Council members in Anchorage or comments?

20 (No responses)

21 CHAIRMAN TILLERY: Are there any questions or
22 comments from Council members in Juneau?

23 MS. BROWN: No, but thank you very much for the
24 testimony.

25 CHAIRMAN TILLERY: Okay. Thank you,

0021

1 Mr. Kliemann. Is there anyone else in Homer who would like to
2 speak at this time?

3 MS. KABISHCH: Yeah, this is Sally Kabishch,
4 I'm a resident of Homer and I wanted to follow up on the
5 comments of Michael here and say that I strongly support these
6 acquisitions in Kenai Fjords National Park. And I have visited
7 a lot of these areas and it's a wonderful accomplishment and I
8 congratulate the Trustee Council and the English Bay
9 Corporation for reaching agreement on settlement here. Thanks.

10 CHAIRMAN TILLERY: Okay. Thank you for your
11 comments. Are there questions or comment from Anchorage?

12 (No responses)

13 CHAIRMAN TILLERY: Are there any questions or
14 comments from Council members in Juneau?

15 MS. BROWN: No, but thank you very much for
16 your testimony.

17 CHAIRMAN TILLERY: Okay. Thank you,
18 Ms. Kabisch. Is there anyone else in Homer who would like to
19 speak?

20 MS. SEAMAN: Yes, my name is Barbara Seaman,
21 I'm Executive Director of the Katchemak Heritage Land Trust.
22 First of all I would like to thank you very much for taking all
23 of this effort to preserve and protect Alaska's special lands.
24 My primary purpose today in speaking to you is to take
25 advantage of a unique opportunity to protect exceptional

0022

1 intertidal habitats by considering and also approving the
2 purchase of some sensitive lands on the Homer Spit and in
3 Beluga Slough.

4 I believe each of you has in your possession today an
5 update and the core of an application package requesting
6 acquisition of some very important lands in those two
7 locations. Since the Spit and the Slough are well known as
8 recreational areas, as well as providing unusual rich
9 intertidal habitat for several spill injured species. Although
10 this proposal is new to you I would like you to keep it in mind
11 as you assess future projects. I'd also encourage approval of
12 the English Bay Corporation lands in Kenai Fjords National
13 Park. And as always the Land Trust will encourage you to keep
14 considering and looking towards a positive conclusion to
15 acquisition of Overlook Park (indiscernible - bad tape).

16 Thanks very much for your attention and Katchemak
17 Heritage Land Trust wishes you well.

18 CHAIRMAN TILLERY: Okay. Thank you. Are there
19 any questions or comments from Anchorage Council members?

20 (No response)

21 CHAIRMAN TILLERY: Are there any comments or
22 questions from Juneau?

23 MS. BROWN: No questions. Thank you for the
24 testimony.

25 CHAIRMAN TILLERY: Okay. Thank you. About how

0023

1 many more people in Homer are there who wish to testify?

2 HOMER LIO OPERATOR: One more.

3 CHAIRMAN TILLERY: Why don't you go ahead. And
4 be sure to spell your last name for us.

5 MR. TYLER: Am I on?

6 HOMER LIO OPERATOR: Yes.

7 MR. TYLER: My name is Richard Tyler and I also
8 live here in Homer and I want to commend you on all these
9 different projects you're doing and I'm very enthusiastic about
10 every one of them, I particularly want you to try to come to
11 some resolution of the problem of the Overlook Park. As you
12 probably know the highway up there is now being redone and the
13 plan to redo the pullouts there and that is probably one of the
14 most famous views in all of Alaska and I think it's very
15 important to get that Overlook Park area and the foregrounds
16 preserved. Thank you.

17 HOMER LIO OPERATOR: Spell your last name.

18 They wanted you to spell your last name.

19 MR. TYLER: Oh, my last name is spelled Tyler,
20 T-y-l-e-r.

21 CHAIRMAN TILLERY: Thank you, Mr. Tyler. Are
22 there any comments from Anchorage? Ms. Williams.

23 MS. D. WILLIAMS: I actually have a question
24 for Ms. McCammon. Can you bring the Trustee Council up to
25 speed on where we are on Overlook Park?

0024

1 MS. McCAMMON: Yes, Mr. Chairman, the Overlook
2 Park appraisal was reviewed and approved by the government
3 appraisers and given to the land owner. They had some concerns
4 about and have submitted some additional information to the
5 appraiser. In the meantime the appraisal expired, it was over
6 a year old and so we do have an update on that appraisal
7 currently under way.

8 CHAIRMAN TILLERY: Okay. Other questions from
9 Anchorage? Mr. Rue.

10 MR. RUE: What's the timing on the appraisal
11 coming back? Do you have any idea?

12 MS. McCAMMON: Ask Carol Fries from the
13 Department of Natural Resources, she might have a better idea
14 of the update of the Overlook.

15 MS. FRIES: (Indiscernible - away from
16 microphone)

17 CHAIRMAN TILLERY: Could the people on the
18 teleconference hear that response?

19 MS. McCAMMON: Probably not.

20 CHAIRMAN TILLERY: Carol, could you maybe.....

21 MR. PENNOYER: No, we didn't.

22 CHAIRMAN TILLERY:come up here, maybe,
23 and speak.

24 MS. FRIES: Where?

25 MS. McCAMMON: Just sit right there.

0025

1 CHAIRMAN TILLERY: Right there.

2 MR. FRIES: Oh, okay. The updated appraisal
3 has been completed by the appraiser, it wasn't (indiscernible -
4 bad tape) review appraiser, there were some questions that were
5 reflected back to the appraiser and we're waiting for a
6 response from him. He was unable to get to it until the end of
7 January, so I would assume his response would be due very
8 shortly. And then I think probably most of those issues will
9 be resolved.

10 CHAIRMAN TILLERY: Okay. Thank you very much,
11 Carol.

12 MS. FRIES: Sure.

13 CHAIRMAN TILLERY: Does that answer your
14 question, Frank?

15 MR. RUE: That's fine, thank you, Mr. Chairman.

16 CHAIRMAN TILLERY: Are there any questions or
17 comments from the Juneau Council members?

18 MS. BROWN: No, thank you.

19 CHAIRMAN TILLERY: Okay. And, Ms. Williams.

20 MS. D. WILLIAMS: I just want to thank the
21 people from Homer for their testimony.

22 CHAIRMAN TILLERY: Okay. And did that last
23 response engender any more additional comments from Homer?

24 (No response)

25 CHAIRMAN TILLERY: Okay. Let's move on then to

0026

1 Cordova. Is there anyone in Cordova that wishes to comment?

2 CORDOVA LIO OPERATOR: Yes. Hold on a second.

3 MS. BAKER: Yes, this is Julie Baker in Cordova
4 and I just wanted to add a couple of comments to what Molly
5 said about the last annual meeting in January. I, too, and
6 many of the fishermen that were there in Anchorage found the
7 format very interesting. I'm particularly interested in panel
8 exchange (indiscernible - bad tape) resource managers and their
9 resource needs or their management needs. (Indiscernible - bad
10 tape) answered by some of the research that is coming out. A
11 lot of us found that very enlightening as well as very
12 exciting.

13 I also wanted to suggest that in terms of getting more
14 of these research results opportunities or reveiws out to the
15 public, I think -- some suggestions that were made to me was
16 you can maybe put some of those videotapes of some of those
17 presentations on the Rural Television Network. I know there
18 has been some work on some of the bio sampling that we've seen
19 here as well as other programs and it was suggested to me that
20 some of those lectures that were given in Anchorage could
21 maybe, possibly, if possible, put out on the Rural Television
22 station.

23 Again, we just wanted to (indiscernible - bad tape)
24 work that was presented in Anchorage, it was very enlightening
25 and we just continue the efforts on the Trustee (indiscernible

0027

1 - bad tape) Trustee staff to continue that kind of outreach.

2 Thank you.

3 CHAIRMAN TILLERY: All right, thank you,
4 Ms. Baker. Are there questions or comments from Anchorage
5 Council members?

6 (No responses)

7 CHAIRMAN TILLERY: Are there questions or
8 comments from Juneau Council members?

9 MS. BROWN: No questions. Thank you for your
10 comments.

11 CHAIRMAN TILLERY: Okay. Thank you. Are there
12 additional people in Cordova who wish to comment and, if so,
13 could you let me know how many.

14 MR. HEINRICH: Bob Heinrich, I'm on line here.

15 CHAIRMAN TILLERY: Okay, Bob, why don't you go
16 ahead.

17 MR. HEINRICH: Yeah, okay. I'm mainly talking
18 about the artifacts repositories and I'm President of the
19 Native Village of Eyak Traditional Council. I'd like to see
20 those artifacts that, you know, were removed from Prince
21 William Sound during the oil spill (indiscernible - bad tape)
22 protected, I'd like to see them returned to the tribes because
23 they were artifacts from our culture.

24 And our tribe supports scenario one where the artifact
25 (indiscernible - bad tape) repository in every village. We

0028

1 don't support any (indiscernible - bad tape) repositories if
2 they're -- it means there will not be repositories. And that's
3 about all I got to say this morning and it's raining down here.

4 CHAIRMAN TILLERY: Okay. Thank you very much.
5 Are there questions or comments from Anchorage Council members?

6 MS. D. WILLIAMS: Bob, this is Deborah
7 Williams. I have a question about option one, how much do you
8 think it will cost to maintain artifacts in the repository if
9 there were a repository in Cordova and who do you think should
10 pay for that and if it's the tribe, is that something that you
11 (indiscernible - bad tape)

12 MR. HEINRICH: I understand the artifacts that
13 were taken, as I've explained, they're from our culture, I
14 think they should be returned and if somebody is going to
15 (indiscernible - bad tape) maintained to a certain standard
16 then I feel (indiscernible - bad tape) and I believe that we
17 can (indiscernible - bad tape) be ongoing maintenance once we
18 get something put up. I understand there's a court case in
19 Arizona as to who owns the artifacts, you know, on Indian
20 lands, the local cultures, and if that -- depends on how that
21 goes, you know, it'll come out to where that if they win then
22 the artifacts (indiscernible - bad tape) so.....

23 CHAIRMAN TILLERY: Are there additional
24 questions or comments from Anchorage Council members?

25 (No responses)

0029

1 CHAIRMAN TILLERY: Are there comments or
2 questions from Council members in Juneau?

3 MS. BROWN: No, thank you.

4 CHAIRMAN TILLERY: Okay. Thank you, Bob. Is
5 there anyone else in Cordova who wishes to make a statement?

6 (No responses)

7 CHAIRMAN TILLERY: All right. Is there anyone
8 from any site that's joined us since we started?

9 (No responses)

10 CHAIRMAN TILLERY: Is there anyone at any of
11 the sites who has come in or as a result of previous testimony
12 would like to make a comment. Please identify where you're
13 from.

14 (No responses)

15 CHAIRMAN TILLERY: Okay. We'll come to
16 Anchorage and then we'll come back at the very end and check
17 around one more time.

18 I'm sorry, who was speaking? Please go ahead.

19 HOMER LIO OPERATOR: This is Homer, we have
20 another person waiting.

21 CHAIRMAN TILLERY: Okay. If they could go
22 ahead and state their name, spelling their last name.

23 MR. KLIEMANN: This is Michael Kliemann again,
24 K-l-i-e-m-a-n-n, I'll make it short. I'm from Fritz Creek in
25 Homer. I would also like to support the purchase of the so

0030

1 called Overlook Park near Homer. (Indiscernible - bad tape)
2 February, continue along those lines and bring that project to
3 an end.

4 CHAIRMAN TILLERY: Okay. Thank you,
5 Mr. Kliemann. Here in Anchorage, I believe the first person
6 that we have signed up is Laura Johnson.

7 MS. JOHNSON: Up there?

8 CHAIRMAN TILLERY: Yes, just come up here and
9 have a seat and state your name and spell your last name, that
10 would be great.

11 MS. JOHNSON: My name is Laura Johnson, I am
12 currently employed at Chugach (indiscernible - bad tape) which
13 is the Chugach Region. I hope everyone is familiar with that
14 because that (indiscernible - bad tape) community plan which is
15 on the agenda here. I'll keep this very brief because I know
16 you got a full schedule.

17 Basically I would just like to urge the Trustees to
18 consider (indiscernible - bad tape) plan, this is a scenario
19 that we debated a lot within our region, there's been a lot of
20 talk and a lot of work in this over the last few years and
21 especially the last year to try to come up with something that
22 would work for the Chugach communities as whole. And we were
23 able to reach an agreement among the communities that this was
24 something that we think can work and this involves a regional
25 repository organization (indiscernible - bad tape) and all of

0031

1 this is outlined in the plan.

2 So basically I would just like to (indiscernible - bad
3 tape) I know that there has been a resolution that has been
4 sent in by a number of communities and Chugach Native
5 (indiscernible - bad tape) has a resolution of support for it
6 which I can leave off, I'm not sure if it ever made it over
7 here. (Indiscernible - bad tape) regional organization as
8 well. To help facilitate this I also suggest that -- I know
9 that a number of communities have suggested also that there be
10 additional planning effort involved (indiscernible - bad tape)
11 details in terms of the operation, there's a lot of questions
12 and all of this is outlined in the last few paragraphs -- pages
13 in the report, go through a lot of the steps that are really
14 needed.

15 (Indiscernible - bad tape) very involved in this
16 process to really make sure we (indiscernible - bad tape)
17 community and that Chugach, and I know we'd be willing to take
18 on this type of (indiscernible - bad tape) and that we continue
19 along those steps.

20 And if there's any questions on anything related to it,
21 I'm more than happy to answer any questions. Thank you.

22 CHAIRMAN TILLERY: Okay. Wait just a second.
23 Are there any Council members in Anchorage who have a question
24 or a comment?

25 (No responses)

0032

1 CHAIRMAN TILLERY: Are there any Council
2 members in Juneau that have a question or comment?

3 (No responses)

4 MS. D. WILLIAMS: Mr. Chairman.

5 CHAIRMAN TILLERY: Okay. Ms. Williams.

6 MS. D. WILLIAMS: I wonder (indiscernible - bad
7 tape) operations maintenance cost and other issues would take?

8 MS. JOHNSON: I think we could actually
9 (indiscernible - bad tape) what it is, is we've gone through
10 just kind of a general plan. There's really nothing
11 (indiscernible - bad tape) some support from the Trustees that
12 we continue (indiscernible - bad tape) and so what we're
13 looking at is going back to each community and getting a real
14 detailed (indiscernible - bad tape) what it's going to look
15 like in Seward, that sort of thing. (Indiscernible - bad tape)
16 between four and 10,000,000, that basically that kind of the
17 small (indiscernible - bad tape) this also includes Homer
18 (indiscernible - bad tape) for the Chugach Region it would be
19 about 3.5 million for those (indiscernible - bad tape) up and
20 running basically.

21 We're also looking into other (indiscernible - bad
22 tape) in all of this, so we're not asking the Trustee Council
23 for everything, we're just really (indiscernible - bad tape)
24 these further details need to be worked out in each community
25 because (indiscernible - bad tape) facilities, other may be

0033

1 renovating. And I think we just need to get (indiscernible -
2 bad tape) And in terms of your question to Bob Heinrich about
3 the operational maintenance (indiscernible - bad tape) and it's
4 like how can this work. I support his view in terms of
5 (indiscernible - bad tape) but I also would like to see these
6 facilities really flourishing, particularly for the
7 communities. I think it's also an excellent opportunity for
8 this archaeological (indiscernible - bad tape), not just
9 artifacts but helping to set up a whole program, you might say,
10 throughout the regional communities.

11 CHAIRMAN TILLERY: Okay. Thank you. Any other
12 comments or questions from Anchorage?

13 (No responses)

14 CHAIRMAN TILLERY: Can the Council members in
15 Juneau hear the public testimony here

16 (No responses)

17 CHAIRMAN TILLERY: Are there any Council
18 members in Juneau?

19 MS. BROWN: Can you hear us?

20 CHAIRMAN TILLERY: (Indiscernible - bad tape)

21 MS. BROWN: Yeah, we can hear. Thank you for
22 commenting. The last speaker was a little bit (indiscernible -
23 bad tape).

24 CHAIRMAN TILLERY: Okay. Thank you,
25 Ms. Johnson. The next person is Mark Luttrell from Seward.

0034

1 MR. LUTTRELL: My name is Mark Luttrell, that's
2 spelled L-u-t-t-r-e-l-l and I'm the Director of the
3 (indiscernible - bad tape) Kenai Peninsula Environmental
4 Action. Our 150 members are very much in support of the
5 acquisition of (indiscernible - bad tape) and I thank you all
6 for allowing me to speak today.

7 (Tape malfunction)

8 Tape 2 of 3

9 MS. D. WILLIAMS:wouldn't mind passing
10 your 100 letters across the Council table here.

11 MR. LUTTRELL: Sure. Thank you.

12 MS. D. WILLIAMS: Thank you.

13 CHAIRMAN TILLERY: Okay. Thank you,
14 Mr. Luttrell. Eric Coufal (pronunciation).

15 MR. COUFAL: Coufal (pronunciation).

16 CHAIRMAN TILLERY: Coufal, sorry.

17 MR. COUFAL: My name is Eric Coufal, spelled
18 C-o-u-f-a-l, and I'm from Seward. And I, too, am here to
19 express my hopes and desires that you folks will come up with
20 some money to buy back the English Bay properties. I'm a small
21 business owner in Seward, I own a sea kayak expedition company,
22 so my motivations are many. One is that's the area that I make
23 my living and it's a very important piece of property for the
24 state of Alaska, not just because I make my living at it, but
25 it's a crown jewel for coastal Alaska, as well as a crown jewel

0035

1 for the national park system. And I think we're on the verge
2 of having a pretty big victory in getting some property back
3 for this park and I would be in full support of that. So
4 anything that you folks can do to get that property back into
5 the park's hands, I'm expressing my hopes and desires for.

6 CHAIRMAN TILLERY: Thank you, Mr. Coufal. Are
7 there questions or comments from Anchorage?

8 (No responses)

9 CHAIRMAN TILLERY: Are there questions or
10 comments from Juneau?

11 MS. BROWN: No questions, thank you for the
12 comments.

13 CHAIRMAN TILLERY: Okay. Thank you very much.
14 Beth Carlson.

15 MS. CARLSON: Good morning, my name is Beth
16 Carlson, it's C-a-r-l-s-o-n and I live in Eagle River. I'm a
17 member of the Alaska Chapter of the Sierra Club and today I'm
18 speaking on their behalf. I'm also making remarks today on
19 behalf of the Sierra Club's Alaska Task Force which is chaired
20 by Dr. Ed Rayburn. First of all I would like to thank you all
21 for completing the acquisition of the Chenega lands, protection
22 of this extraordinary beautiful land and the viable wildlife
23 habitat at the heart of the Nellie Juan Wilderness Study Area
24 has been a high priority of the Alaska Rain Forest Campaign.
25 The Sierra Club and the Alaska Task Force also believe that the

0036

1 agreement offers the possibility of a very bright economic
2 future for the village of Chenega.

3 And at this point I would also like to add my own
4 personal thank you for that particular purchase. As someone
5 who spent two weeks last summer kayaking in the area from Port
6 Nellie Juan down to Icy Bay and doing a little bushwhacking on
7 the side on layover days, I have seen how spectacular this area
8 is and I really do appreciate the fact that you realized how
9 spectacular and wonderful that area is as well.

10 Another high priority for conservationists in Alaska
11 and throughout the country is the coastline of Kenai Fjords
12 National Park. Both the Sierra Club and the Alaska Task Force
13 look forward to the possibility of an offer from the Trustee
14 Council to the English Bay Corporation for the acquisition of
15 approximately 32,000 acres of English Bay Corporation land for
16 Kenai Fjords National Park. Both the Sierra Club and the
17 Alaska Task Force fully support such an acquisition.

18 The Sierra Club considered this acquisition critical to
19 the integrity of the national park which is very pristine and
20 quite a rugged area. The remote close to the park is wild
21 country filled with glacier carved valleys, waterfalls and
22 hanging glaciers. Kenai Fjords coast lands and marine waters
23 is again, as I'm sure you know, provide habitat for a wide
24 variety of marine mammals, fish and sea birds. And because of
25 this Kenai Fjords has grown into one of Alaska's most

0037

1 frequently visited national parks. Yet private Native
2 corporations still own 60 percent of the coast, including
3 almost all of the accessible flat land in that area.

4 Acquisition of the English Bay Corporation lands will
5 provide additional habitat for many of the species injured by
6 the Exxon Valdez Oil Spill which reside in the waters and on
7 these lands. For example, the old growth forest of James
8 Lagoon is home to marbled murrelets and bald eagles, pigeon
9 gullamets** colonies exists on these lands and an abundance of
10 sea otters can be found in the lagoon.

11 In addition, acquisition of the English Bay Corporation
12 lands will provide increased recreational opportunities for
13 sport fishing, kayaking, which is one of my favorite
14 activities, camping and other outdoor activities. The
15 acquisition will permanently protect access to the Park Service
16 North Arm Nuka Bay public use cabin, which is one of the gems
17 of the entire public use cabin system. Adding these lands to
18 the national park is the first and most important step to
19 making Kenai Fjords whole as a national park. Acquisition will
20 ensure the wild coastline of one of America's premier national
21 parks will be available for future generations.

22 Sierra Club and the Task Force would like to thank you
23 for your leadership and your perseverance in obtaining this
24 goal. Sierra Club would also like to honor the commitment and
25 the foresight of the English Bay Corporatation for its

0038

1 willingness to ensure the protection of these lands.

2 And finally, the Sierra Club and many other
3 conservationists are delighted that negotiations are
4 progressing once again with Eyak, we look forward to a
5 comprehensive agreement in the future. We are quite pleased
6 with the progress of the Trustee Council in making protection
7 of fish and wildlife habitat in the oil spill area. We do have
8 some concern about the slow pace of the Afognak joint venture
9 project, however, we hope that that will get back on track very
10 soon, despite the delays and other things that have gone on.

11 Thank you for your time.

12 CHAIRMAN TILLERY: Thank you. Are there
13 questions or comments from Anchorage Council members?

14 (No responses)

15 CHAIRMAN TILLERY: Are there questions or
16 comments from Juneau Council members?

17 MR. PENNOYER: Thank you, Mr. Chairman.

18 CHAIRMAN TILLERY: Okay. Thank you very much,
19 we appreciate it.

20 MS. CARLSON: Thank you.

21 CHAIRMAN TILLERY: Okay. Our next person who's
22 signed up is Rick Steiner.

23 MR. STEINER: Good morning, I'm Rick Steiner,
24 S-t-e-i-n-e-r. I just wanted to briefly make a couple of
25 comments and then ask a question of the general Council. First

0039

1 of all, thank you for the Chenega acquisition, I think it's by
2 far and away the most significant thing the Trustee Council has
3 accomplished to date, with all respect to the Department of
4 Interior, thank you, Forest Service or State, whoever pulled
5 this one off.

6 I'd also encourage you to continue in closing the
7 Tatitlek deal and, of course, the Eyak deal it would be nice to
8 have an offer approved on Eyak by the anniversary, that's this
9 anniversary not the 10th anniversary by the way.

10 And finally -- oh, not finally, the Chugach Corporation
11 lands on Knight Island, I would ask that you either continue or
12 reopen discussions with the Chugach Corporation concerning
13 protection of the Bay of Isles area. That would give pretty
14 much the entire western part of Prince William Sound some
15 degree of protection and I think, as that was clearly the most
16 damaged area, that would be appropriate.

17 Next, I would ask the Trustee Council become a strong
18 advocate for the excusing of tax liability for these monies
19 that are paid to the Native corporations by the Congress. The
20 Federal government itself has already made 5-600, maybe
21 \$700,000,000.00 off of this oil spill just in personal and
22 corporate income taxes paid by people who worked on the
23 \$2,000,000,000 clean up. And I shudder to think of this
24 Congress getting the notion that oil spills are good for
25 deficit reduction. But certainly the Native corporations

0040

1 should be excused from any tax liability from these monies that
2 are paid. If the Federal government is asserting they want fee
3 title to the Native corporation lands, then the Federal
4 government should not assert a tax liability of a third or more
5 of these monies that are just paid. There are ways to do that
6 and it would be wonderful if the Council itself would either
7 initiate the process in Congress or at least advocate it once
8 it comes up.

9 Lastly, I would like to ask -- there's been a number of
10 people who brought concerns to me over the past few months
11 concerning the Trustee Council official position on fee title
12 acquisition and its relationship to conservation easements. I
13 know this has been discussed for years by the Council, previous
14 councils, and even this Council so I would just appreciate a
15 somewhat -- if it's possible, a precise clarification of this
16 Council's position on fee acquisition and why?

17 Thank you. If possible.

18 CHAIRMAN TILLERY: Okay. Thank you. Are there
19 questions or comments from Anchorage? Ms. Williams.

20 MS. D. WILLIAMS: Mr. Steiner, or anyone in the
21 room, Council members or Molly, the tax issues, obviously, is a
22 very compelling one. Does anyone know what has happened to
23 date in terms of that.

24 MS. McCAMMON: Yeah. Ms. Williams,
25 Mr. Chairman, some of the land owners, the attorneys that

0041

1 represent them have drafted legislation that would have an
2 exemption for the tax liabilities for the trust funds that are
3 established from the funds that the corporations receive. And
4 I think they hope to get that introduced and work through the
5 Congressional session this year, so that is underway.

6 MS. D. WILLIAMS: Just a follow-up.

7 CHAIRMAN TILLERY: Ms. Williams.

8 MS. D. WILLIAMS: I would recommend,
9 Ms. McCammon, Mr. Chair, that we do have our staffs look at
10 that and be prepared to discuss that at the next meeting.

11 MS. McCAMMON: About whether to take an
12 official position on it?

13 MS. D. WILLIAMS: Right.

14 CHAIRMAN TILLERY: Okay. Mr. Rue.

15 MR. RUE: I was just going to say the same
16 thing.

17 CHAIRMAN TILLERY: Thank you. One comment. I
18 believe I noticed that you had at least sent a letter on some
19 of the ongoing projects, I believe it was on the Whittier Road,
20 suggesting that people look at some of the Council data. Now,
21 I think that's a very important point, I think we have an awful
22 lot of data out there and I think that when any of those major
23 projects are going in this area that it would be well for the
24 Council to start thinking on how we can facilitate getting our
25 information to government agencies in making management

0042

1 decisions, that is something that I believe is in the
2 Restoration Plan and it's perhaps something that maybe we ought
3 to think about taking it a further step to encourage use of the
4 Council generated information.

5 Mr. Rue.

6 MR. RUE: Mr. Chairman, what sort of thing are
7 you talking about? Can you describe something to me? Like
8 having DOT use information that our scientists have developed
9 when they develop an EIS or design the road?

10 CHAIRMAN TILLERY: Well, Rick, maybe you can
11 elaborate on the point that you had made.

12 MR. STEINER: Well, in their EIS for the
13 Whittier Road they did not -- there was just a casual mention
14 of the Exxon Valdez Oil Spill and as you know, they're required
15 to conduct some assessment of a potential accumulative impact
16 of a proposed action. I personally feel that the EIS didn't
17 even approach that sort of comprehensive assessment. They
18 didn't look at any of the information, the several hundred
19 million dollars worth of information generated by the Trustee
20 Council on western Prince William Sound, it would be nice if
21 they had.

22 CHAIRMAN TILLERY: Without, you know, making
23 any kind of.....

24 MR. STEINER: Yeah.

25 CHAIRMAN TILLERY: This one, one way or the

0043

1 other, when there's going to be a lease sale or something like
2 that. When there is a major project like that it would seem
3 that our data is pretty significant, I mean, it's really what's
4 out there right now and we should perhaps take a role in
5 getting that to government agencies and others, who are
6 undertaking major projects.

7 Mr. Rue.

8 MR. RUE: Yeah, Mr. Chairman, maybe -- Molly,
9 have you thought about how we might initiate contact, because
10 it's probably going to be -- some of the agencies, like Forest
11 Service, does a lot of EIS work on their own and DNR might have
12 to do some of that, some of the Trustee agencies, but the
13 others have you thought of how we might initiate contact and
14 encourage this?

15 MS. McCAMMON: Yeah, Mr. Chairman, the one
16 thing I have thought about and I have talked about this with
17 our Science Coordinator, Stan Senner, is we have a large
18 mission in terms of outreach and getting information out and a
19 lot of different audiences. We have the general public outside
20 of the state, we have the general public within the state, we
21 have communities within the spill area, we have the Trustee
22 agencies, we have non-Trustee government agencies and we have
23 different kind of avenues of getting information out. The one
24 thing we really have not targeted very well, and really thought
25 about, we're just thinking about it now because the information

0044

1 is starting to accumulate to the point is to the resource
2 manager.

3 And I think we have the first kind of starting of that
4 at the workshop in January, but I would think that this would
5 be kind of an effort, kind of spearheaded by our science team
6 and our communications team. So one aspect, we're pretty
7 overloaded right now just in terms of everything we already
8 have on the plate, but one thing would be trying either to
9 expand that staff to an additional person to do that kind of
10 effort or -- yeah, looking at something like that.

11 MR. RUE: Mr. Chairman, I would encourage that
12 as an agency that has sort of a research group and a management
13 group, it's always a challenge to get the two to talk to each
14 other and so I think the more we can do to encourage that is
15 great. Whether it's a workshop session, like you had before,
16 or whatever, so I would just encourage us to look at ways to do
17 that.

18 CHAIRMAN TILLERY: Ms. Williams.

19 MS. D. WILLIAMS: One other approach which may
20 be less labor intensive would be to draft a letter, send it to
21 city, state, local governments reminding them of the data that
22 we have in the spill area and telling them how, if they are
23 embarking on any analyses or projects or any other management
24 decisions, how they could access our data and how we would be
25 willing to work with them or whatever we would propose in that

0045

1 sense, but sometimes we forget because we are so well aware of
2 the data we have, but other State departments, other Federal
3 departments and local city, county governments may be less
4 aware of the vast amount of data we have. So it might be a
5 good idea to start out with a letter and then some recommended
6 way they could most easily access or discuss the information we
7 have.

8 CHAIRMAN TILLERY: Mr. Wolfe.

9 MR. WOLFE: Mr. Chair, you know, I support most
10 of what I hear, saying here, I'm not sure I support adding a
11 new person to our staff to do some of these things. Part of
12 what's going through my mind though is most of the resource
13 management agencies that we're talking about here are
14 represented around this table and part of what Frank brought
15 out was is having our management folks talking to research
16 folks is very difficult at times and so I think, and Forest
17 Service has taken an effort to include and bring a lot of our
18 resource managers into these annual workshops and to me that is
19 the best tool that we have available to make the management
20 aware of the information that's going on. And a letter, I
21 think would be appropriate, but to me I think we need to put
22 more emphasis on bringing people outside of the oil spill from
23 the agencies into these workshops to hear and see what's going
24 on in this effort that we have initiated.

25 CHAIRMAN TILLERY: Thank you, Mr. Wolfe. Are

0046

1 there any additional questions or comments from Anchorage?

2 (No responses)

3 CHAIRMAN TILLERY: Are there any questions or
4 comments from Juneau?

5 MR. PENNOYER: There are two comments. One,
6 not everybody's mic is working apparently because some people,
7 commissioners' testimony down here is breaking up. And the
8 second is I think I concur with Jim, I like the idea of the
9 information being made transparent to people who need it. I'm
10 not sure we need an extra staff member and I think we could
11 talk about it, but Deborah's idea about a letter out
12 emphasizing the type of information that is available again
13 makes sense. I don't know if need to put an extra staff member
14 on at this time.

15 MS. BROWN: I would just concur with that view.

16 MR. PENNOYER: Thank you.

17 CHAIRMAN TILLERY: Okay. Anything else? Thank
18 you.

19 MS. McCAMMON: Mr. Chairman, Mr. Steiner did
20 ask a question about the Council's policy on fee acquisitions
21 and I think this was a question that was asked at the public
22 session of the Restoration Workshop in January and I responded
23 to it at that time, so I would actually like to respond to
24 it.....

25 CHAIRMAN TILLERY: Please.

0047

1 MS. McCAMMON:then if I'm wrong you can
2 tell me right now.

3 CHAIRMAN TILLERY: Please go ahead.

4 MS. McCAMMON: What I have told the public on
5 the issue of fee or less than fee acquisition is that it is the
6 Council's preference to do fee acquisitions, it is much simpler
7 from a land manager prospective to know what the interests are,
8 it's easier to manage. It's easier to ensure that the purposes
9 for the acquisition are achieved if there is a fee acquisition.
10 And so from a land manager's perspective, fee is the preferable
11 way to go.

12 However, the Council has acknowledged that there are
13 other situations and other interests that play into these
14 negotiations and that there may be occasions where conservation
15 easement or less than fee acquisition is appropriate and what
16 often happens, and this is I think Chenega is a perfect
17 example, is that in a lot of cases when you aren't dealing,
18 you're going above appraised value and you're trying to
19 negotiate the price at which the Council feels it is in the
20 public's interest to do the acquisition and also get agreement
21 from the land owner that it's a price that they're willing to
22 sell their lands for, it's somewhat of a back and forth, and as
23 ended up in Chenega, we ended up with a mixture of a fee
24 acquisition and a less than fee acquisition. The same thing is
25 true with Tatitlek and I would imagine it would probably be

0048

1 similar with Eyak also.

2 MR. STEINER: A quick one?

3 CHAIRMAN TILLERY: Sure.

4 MR. STEINER: Would the Council be willing to
5 entertain an offer that excluded the acquisition at all? In
6 other words, a large comprehensive offer that was simply
7 conservation easement?

8 CHAIRMAN TILLERY: Commissioner Rue.

9 MR. RUE: I'm not sure that I want to answer
10 that one directly but I was going to add one comment to what
11 Molly said, is by fee simple you guarantee a couple of things,
12 you also guarantee that you're going to achieve the restoration
13 objectives, which is a significant issue to us. And very often
14 the less than fee acquisition may cost nearly as much as fee,
15 so you have perhaps less of a guarantee in achieving your
16 restoration objectives at perhaps the same -- or almost the
17 same costs, so that equation has to play into it. And I'm not
18 -- I don't know if we want to individually answer the question
19 Mr. Steiner raised or not. I think we've shown a willingness
20 to look at different alternatives but we have to be sure we're
21 achieving the objectives of restoration.

22 MS. D. WILLIAMS: Well stated.

23 CHAIRMAN TILLERY: Other comments or questions
24 from Anchorage?

25 (No responses)

0049

1 CHAIRMAN TILLERY: Any additional comments or
2 questions from Council members in Juneau?

3 MR. PENNOYER: Mr. Chairman, thank you.

4 CHAIRMAN TILLERY: Thank you, Rick. John
5 Johnson.

6 MR. NELSON: John, can I.....

7 MR. JOHNSON: Sure, go ahead.

8 MR. NELSON: I don't mean to break in but I got
9 another meeting to go.....

10 CHAIRMAN TILLERY: Oh, please.

11 MR. NELSON: I'm Rick Nelson from Chugach
12 Alaska Corporation, Board of Directors. We delivered a letter
13 to Ms. McCammon and I just wanted to get it on a matter of
14 record that the regional corporation supports the villages and
15 communities within our regions in their desire to have the
16 repositories located in their localities. We have no desire to
17 pursue EVOS funds for a regional repository.

18 CHAIRMAN TILLERY: Okay. Thank you. Do you
19 want to elaborate any or is that.....

20 MR. NELSON: No.

21 CHAIRMAN TILLERY: Are there Council members
22 question or comments from Anchorage?

23 (No responses)

24 CHAIRMAN TILLERY: Any questions or comments
25 from Juneau Council members?

0050

1 MS. BROWN: No, thank you.

2 MR. NELSON: Thank you. And I apologize for
3 breaking in.

4 CHAIRMAN TILLERY: That's fine, that's great.

5 MR. NELSON: Thanks, John.

6 MR. JOHNSON: Yeah, sure. Greetings. My name
7 is John Johnson, I'm also a Board of Director for the Chugach
8 Alaska Corporation and for the last 15 years I've been working
9 at trying to gain land acquisitions, as the Council here has,
10 in Prince William Sound and protecting and gaining land back
11 under the Alaska Native Claims Settlement Act for historical
12 sites, for ancient burial grounds and for ancient village
13 locations.

14 I'm in support of Project 96-154, the comprehensive
15 community planning for archaeological resources. I would like
16 to fully support what Robert Heinrich said, the village tribal
17 chief in Cordova or in Eyak and Dr. Laura Johnson and Rick
18 Nelson. I think it's about time that this Council started
19 putting money towards the people I think. Enough money has
20 been placed for various animals and other things, I think it's
21 time the people realize that the impact -- there is a great
22 impact to the actual people that live out there. And I think
23 it's very important for the presentation of our culture and
24 heritage of the Chugach people that local repositories be
25 funded for helping the growth of the people.

0051

1 It'll be great to have all land preserved, but if the
2 people -- the original people here, that's been here for over
3 6,000 years aren't protected as well then I think we're missing
4 everything. And that is my comments.

5 CHAIRMAN TILLERY: Thank you very much. Are
6 there questions or comments from Anchorage Council members?

7 (No responses)

8 CHAIRMAN TILLERY: Are there questions or
9 comments from Council members in Juneau?

10 MS. BROWN: We thank you for the comments.

11 CHAIRMAN TILLERY: Thank you very much.

12 MR. JOHNSON: Okay. Thank you.

13 CHAIRMAN TILLERY: Chip Dennerlein.

14 MR. DENNERLEIN: Thank you. Members of the
15 Council, my name is Chip Dennerlein and I would like to address
16 briefly the acquisition of -- proposed acquisition of lands
17 from English Bay to be included in Kenai Fjords National Park.

18 I am a member of the Public Advisory Group, as you
19 know, but the seat that I hold on that group is the seat for
20 conservation and I was appointed to that conservation seat
21 based a lot upon the conservation land work that I do. For the
22 Council members who don't know I would -- I mention that so you
23 know I will speak from the reason that I was appointed onto the
24 PAG, not for the PAG. In my main work I am the Alaska Regional
25 Director for National Parks and Conservation Association. NPCA

0052

1 is a 500,000 member citizen organization of citizens protecting
2 America's parks.

3 Our board, our publications and our magazine, our
4 membership are strongly supportive of the acquisition of lands
5 for the inclusion in Kenai Fjords National Park. I also serve
6 currently on the National Park System Advisory Board and the
7 board and committees are very interested in fulfilling this
8 possibility of acquiring the lands.

9 I would just ask as you consider the acquisition to
10 consider a few perspectives. One, I think the acquisition is
11 consistent with a long range, hoped-for policy. The U.S.
12 Congress established the boundaries of Kenai Fjords National
13 Park in 1980. The Alaska Native Claims Settlement Act was
14 passed in '71. The people of the United States set these
15 boundaries with full knowledge that the lands within the
16 boundaries were not Federal public lands, many of them would
17 not be Federal public lands. But Congress laid the groundwork
18 not for any kind of a hostile and contentious takeover but with
19 the hope of some kind of consistent management and acquisition.
20 If these lands are acquired they will become automatically part
21 of the national park system and Congress laid the groundwork
22 for that to happen.

23 Secondly, just to look at changes in tourism. That
24 used to be one of the axioms of Alaska tourism that no ships
25 could cross the Gulf, you couldn't possibly cross the Gulf of

0053

1 Alaska, you know, you'd get sick, you couldn't bring people
2 across the Gulf of Alaska. Last year more than 60 percent of
3 the landings of tour ships in Alaska were tour ships that came
4 across the Gulf. So the relationship of this park to visitors,
5 whether tour ships or kayakers, is very important.

6 And the third point is that much of this coastline is
7 rugged land, but it is cut by valleys. And any land manager
8 knows that it's the same rule with habitat as it is with real
9 estate, it's location, location and location. The management
10 of 1,000 acres can compromise the quality, the habitat value,
11 the use, accessibility of 10,000 acres. And I think that as a
12 package the strategic pieces, as well as the habitat and rugged
13 coastline, are important.

14 I understand that you will probably go into your own
15 executive session and you will consider the issue of the prices
16 as part of the package. I will not speak about the price here
17 in this testimony, but I will ask -- I will speak and ask you
18 to consider a bit of a just a framework to approach this. The
19 first is that this, whatever the price, that this arrangement
20 is certainly not any rush to judgment. English Bay was, as you
21 know, one of the very first proposals for land acquisition. It
22 was not one of the first to come before you. It has taken
23 several years and I think that it is a mix of thoughtfulness,
24 of good negotiations, of what contracts are, a meeting of minds
25 and reality. So I would ask you to consider that.

1 I'd also ask you to consider this perspective, you are
2 the only hope for the acquisition of these lands and the
3 restoration of these lands in a way that is compatible and
4 favored by the owners as well as constituent public. I hope
5 you don't miss this opportunity.

6 I'll just mention I'm currently dealing with another
7 national park, a great national park, Yellowstone. On the
8 northwest boundary of Yellowstone is a ranch. In 1980 that
9 ranch was offered to the United States Government. The
10 government didn't buy that property because they couldn't agree
11 on the appraisal. The two parties were slightly under a half a
12 million dollars apart. The government refused to negotiate.
13 Sixteen years later it is a cattle ranch, it is a very uneasy
14 neighbor into the park and with a heavy snowfall of 200 percent
15 most of the bison try to go there because it's winter range.

16 That National Park Service this year alone spent much
17 more than the difference in the appraisal. What we have to
18 show for it, however, is not the winter range habitat, but over
19 700 slaughtered bison. I think that shows two things. First,
20 the agencies cannot, will not, will never make this kind of
21 deal on their own. It may seem ironic that six Trustees would
22 have to agree unanimously, three Federal commissioners. I
23 served in state government, commissioners don't always agree
24 with each other. And then there's three Federal Trustees and
25 then they all have to agree and some how you are able to come

0055

1 to conclusions because, I think, you can stand in the public
2 eye and make a public policy decision, where appraisal
3 information and factors inform the decision, but it's a
4 responsible decision.

5 There are other examples, the United States was offered
6 the land in Manassas Battle Field for between six and
7 \$7,000,000.00, turned it down on the appraisal. You may recall
8 we paid \$120,000,000.00 for it. I just was in the Southwest
9 where we didn't take the appraisal on a three-way deal with
10 Navaho and Hopi nation and right now not only would it have
11 been a better deal if we had taken it, the owner of the
12 property is digging archaeological resources adjacent to the
13 reserve, and adjacent to petrified forest.

14 So in the last 15 years the property at Yellowstone had
15 quadrupled and we have 700 dead bison. I'll just say that I'm
16 not in the one-year business, I'm in the 100-year business and
17 I hope you are too. And it will be the 125th anniversary of
18 Yellowstone. Just buying land doesn't solve problems, but
19 buying land in the right situation it is simply the absolute
20 best tool that we have. And if we're going to fulfil a good
21 long term relationship with the villages corporations and our
22 neighbors and a long term security for this national park, we
23 can, like Yellowstone, deal forever and spend money on the
24 impacts and we can try to save a petrified forest from the
25 problems on the boundary, but if we're really hoping to work

0056

1 with the villages in the park, in this world it is simply not
2 enough to prevent the worst, we have to bring about the best
3 and I think that this deal is the best approach that we can
4 envision for this area in the future.

5 Thank you.

6 CHAIRMAN TILLERY: Thank you, Mr. Dennerlein.
7 Keeping in mind our need to move on, are there any questions or
8 comments from Anchorage Council members?

9 (No responses)

10 CHAIRMAN TILLERY: Are there any questions or
11 comments from Council members in Juneau?

12 MS. BROWN: No questions. Thank you very much
13 for your comments.

14 CHAIRMAN TILLERY: That is the end of the list
15 of people who have signed up, are there additional people?
16 There are two additional here in Anchorage and I'll get to the
17 people on the network later. There are three, at least,
18 additional in Anchorage. We do need to move along so if you
19 could try to keep your comments down to three minutes or
20 whatever that would be helpful.

21 MR. BENCARDINO: Thank you. My name is Lou
22 Bencardino, I'm Mayor of Seward.

23 CHAIRMAN TILLERY: Can you spell your last name
24 for us?

25 MR. BENCARDINO: Bencardino is

0057

1 B-e-n-c-a-r-d-i-n-o.

2 CHAIRMAN TILLERY: Thank you.

3 MR. BENCARDINO: I know probably I make a few
4 people nervous coming up here because normally I'm for building
5 the gas pipeline, a sewer or doing some logging or something of
6 that sort. But today I'm here because I think we have a good
7 project, or you do, to look at. The city of Seward feels that
8 these lands do belong to the Park Service and we hope that your
9 organization will go forward with the acquisition and get the
10 land into the park where it can be managed properly. As you
11 know, we are becoming a big tourist area and it is something
12 that the people from all over the Unites States and all over
13 the world come to our area to look at, this type of facilities
14 and lands we have in our area.

15 I feel that the best thing we can do is what I hope
16 you're going to do, is to buy these lands from the English Bay
17 Corporation and that it will be something that we can talk
18 about -- well, I don't know if I'll be around in 100 years, I
19 doubt that, but our children can talk about and feel proud of
20 what we have done today or right here in the near future.

21 So we support this project and, the city does, and I do
22 too. Like I say, normally I'm on the other side of the fence,
23 but this here project is a good one and I support it 100
24 percent and so does the city. Thank you.

25 CHAIRMAN TILLERY: Thank you very much. Are

0058

1 there questions or comments from Anchorage? Ms. Williams.

2 MS. D. WILLIAMS: I just want to thank you very
3 much, Mayor, for coming to testify and we really appreciate the
4 excellent relationship between the city and park now.

5 MR. BENCARDINO: I would also thank you for
6 supporting our SeaLife Science Center.

7 CHAIRMAN TILLERY: Any questions or comments
8 from Council members in Juneau?

9 MS. BROWN: No questions. Thank you very much
10 for your comments.

11 CHAIRMAN TILLERY: Okay. Thank you. We had a
12 couple of more hands raised. Ma'am.

13 MS. MICHAELSON: Hello, my name is Nancy
14 Michaelson, that's spelled M-i-c-h-a-e-l-s-o-n. I live outside
15 Palmer and although currently I'm employed at a conservation
16 organization here in Anchorage at the time of the oil spill in
17 1989 I was at home with my children. And I decided that I
18 would go down to Valdez at the first call of some friends of
19 mine who said there had been an oil spill and there had been
20 some impacted wildlife and there was going to be a wildlife
21 rehabilitation effort. And after making some arrangements with
22 my husband, who had a lot of time that he could take off, I
23 went down to Valdez and ended up doing wildlife rehabilitation
24 for five and a half months.

25 I started out on the 10th day of the spill washing

0059

1 otters for 22 hours and after I became employed by Exxon to be
2 on their staff at the Valdez Otter Rescue Center, I also
3 volunteered many hours a day washing birds and tube feeding
4 birds. I was - then after the otters that I worked with in
5 Valdez, I ended up working with the otters after the first part
6 of the spill and the otters came from dying in the halls when
7 they were first let off the helicopters to working with the
8 otters that were held in the holding pens, first down in the
9 harbor, then out by the fishery -- I mean by the cannery, the
10 octagon.

11 After the otters I was caring for down in the harbor
12 were released, I was with the healthier otters at that time, I
13 went down to Seward and at that point I was -- I just kind of
14 transferred down to Seward and worked there until the last
15 healthy adult otters were released. In Seward I worked 12
16 hours a day with the otters waiting to be released, I was
17 mainly with healthy otters.

18 And so I come to speak to you today from my interest in
19 wildlife rehabilitation. I am currently am with the
20 International Wildlife Research, IWR, which is headed by
21 Dr. Terry Williams and Dr. Randy -- I always forget Randy's
22 name. I'm sorry, I'm nervous. Anyway, and also Dr. Pam Tuomi
23 here in town. I have received continuing ongoing training with
24 them for wildlife rehabilitation. In the event of another
25 spill such as Exxon Valdez I would be one of the persons who

0060

1 would be employed through them and with Alyeska, whom I also
2 work with on IWR.

3 I just wanted to let you know that I strongly support
4 the acquisition of the lands within Kenai Fjords National Park.
5 Many of the otters that I worked with came from bays either in
6 the park or just south of the park and so it's very interesting
7 because although I have traveled in those bays in my kayak,
8 have flown over them and now have actually gotten fur out of
9 some of the otters who also use the park, I just really think
10 this would be a wonderful acquisition. I'm very proud of the
11 English Bay Corporation for being a willing seller. I'm proud
12 of you for all the work that you've done in acquiring the
13 Chenega lands and the other acquisitions you have made. And I
14 really appreciate the efforts that you've gone through in your
15 negotiations for these lands.

16 Thank you very much.

17 CHAIRMAN TILLERY: Thank you very much. Are
18 there questions or comments from Anchorage?

19 (No responses)

20 CHAIRMAN TILLERY: Are there questions or
21 comments from Council members in Juneau?

22 MR. PENNOYER: No, thank you, Mr. Chairman.

23 CHAIRMAN TILLERY: Okay. There was at least
24 one other person in Anchorage that indicated a desire to
25 testify, I believe.

0061

1 UNIDENTIFIED VOICE: I think it was that was
2 (indiscernible - no microphone).....

3 CHAIRMAN TILLERY: Oh, okay. It looks like
4 there's no one else in Anchorage. Is there anyone in any of
5 the sites -- well, let me just go down the list real quick. Is
6 there anyone else in Juneau who wishes to testify?

7 MR. MEACHAM: Nobody else in Juneau.

8 CHAIRMAN TILLERY: Seward.

9 SEWARD LIO OPERATOR: Yes, I have a person who
10 would like to speak again.

11 CHAIRMAN TILLERY: Okay. How many people do
12 you have there that would like to speak?

13 SEWARD LIO OPERATOR: Just one person right
14 now.

15 CHAIRMAN TILLERY: Okay. If they could go
16 ahead and speak and we are running a little bit behind so if
17 you could -- the comments could be succinct but clear that
18 would be great.

19 MS. BARRIER: I Miranda Barrier am also in
20 support of Chugach -- it was dealing with the artifacts in each
21 of the villages and the repository, whatever. Thank you.

22 CHAIRMAN TILLERY: Thank you very much for
23 those comments. Are there any questions or comments from the
24 Council members in Anchorage?

25 (No responses)

0062

1 CHAIRMAN TILLERY: In Juneau?

2 (No responses)

3 CHAIRMAN TILLERY: Okay. Is there anyone else
4 in Homer that would like to say anything?

5 HOMER LIO OPERATOR: No, there's just
6 (indiscernible - phone cut out).

7 CHAIRMAN TILLERY: Okay. Is there anyone else
8 in Cordova who would like to say anything?

9 (No response)

10 CHAIRMAN TILLERY: Okay. Is there any sites --
11 I'm sorry, go ahead.

12 CORDOVA LIO OPERATOR: No, no one in Cordova.

13 CHAIRMAN TILLERY: Okay. Is there any site
14 that has joined us since we started in addition to Juneau,
15 Seward, Homer and Cordova?

16 (No response)

17 CHAIRMAN TILLERY: Okay. I believe that will
18 then end the public comment period. Thank you all very much
19 for your comments. I believe the next thing on the agenda is a
20 status report on the archaeological planning effort.
21 Ms. McCammon.

22 MS. McCAMMON: Thank you, Mr. Chairman. Maybe
23 we should try to put a time frame on this discussion, too, so
24 that we can -- with a goal to get into executive session by
25 11:00 and we still have the work plan.

0063

1 CHAIRMAN TILLERY: That is correct and data
2 policy.

3 MS. McCAMMON: So maybe a discussion, half hour
4 maximum.

5 CHAIRMAN TILLERY: Yeah, I figure what the data
6 policy, take about 10 minutes?

7 MS. McCAMMON: Yeah.

8 CHAIRMAN TILLERY: And the work plan take about
9 10 minutes?

10 MS. McCAMMON: Yeah.

11 CHAIRMAN TILLERY: Okay.

12 MS. McCAMMON: Yeah, about that.

13 CHAIRMAN TILLERY: So if you could.....

14 MS. McCAMMON: Okay. Mr. Chairman, last night,
15 and, Rebecca, there are additional copies if you can make them
16 available if anybody in the audience desires. But I did send
17 out a memo to the Trustee Council last night kind of outlining
18 the status of our planning effort for archaeological resource
19 restoration. And the one thing you don't have in Juneau are
20 the attachments and these are the compilations of the testimony
21 of the various public hearings, and those are on their way to
22 you either last night or today, so you will be getting those
23 next week at the very latest. But I hope all of you did get
24 the copy of the memo, but I'd like to walk you through it
25 because it's already been described to me as brilliant but

0064

1 completely not understandable.

2 So I'll take this chance to walk you through it. At
3 the December 6th meeting you asked me to follow up and conduct
4 a review of the final report for Project 96154, which is the
5 Comprehensive Community Plan for Restoration of Archaeological
6 Resources in Prince William Sound and Lower Cook Inlet. And as
7 such I directed Veronica Christman, on my staff, to spearhead
8 that effort, and Veronica is at the table here and will be
9 chiming in as we go through this.

10 The review process itself is still not complete, but I
11 think we have retained enough additional information and
12 comment to hopefully start moving this parcel forward. In
13 December we sent out over a 100 copies of the final report to
14 the Public Advisory Group, the community involvement
15 facilitators, local governments, local museums, village
16 councils and any other interested party who expressed an
17 interest in the process. We requested comments by February
18 15th. So far the office has received comments from the
19 National Park Service, the Alaska Department of Fish and Game
20 and two letters from the Native Village of Eyak. Although we
21 have started to receive resolutions from various councils, the
22 Qutekcak Native Council.....

23 MS. CHRISTMAN: Tatitlek.

24 MS. McCAMMON:Tatitlek Council supporting
25 Scenario One in the report.

1 In January the office held two workshops, the first one
2 was a briefing for the public, an informal briefing for the
3 Public Advisory Group by teleconference on the final report,
4 and starting to lay out some of the issues and getting them
5 thinking about this process. Our second meeting was held on
6 January 22nd and this was -- the results of that meeting are in
7 Attachment A.

8 On January 22nd we held a joint workshop with the
9 Public Advisory Group and the community facilitator and invited
10 a number of experts in from the museum/repository field to
11 provide their input into the process. And in Attachment B is a
12 description of that meeting.

13 We then laid out a series of public meetings between
14 January 28th and February 10th. Unfortunately a number of
15 those meetings had to be postponed for a variety of reasons.
16 The only two meetings that were actually held were in Seward
17 and Cordova. And the results of those meetings are in
18 Attachment C.

19 So that is, so far as the status of our outreach and
20 discussion with the community and with other folks interested
21 in this process. As you'll recall the green document that was
22 produced under contract for the Trustee Council describes
23 Scenario One as the alternative preferred by the eight
24 communities in the project area. And these are the
25 Eyak/Cordova area, Valdez, Tatitlek, Chenega Bay,

0066

1 Qutekcak/Seward, Port Graham, Nanwalek and Seldovia. Under
2 this scenario the oil spill related artifacts that are
3 presently stored in Anchorage or Juneau or at the University of
4 Alaska Museum in Fairbanks would be transferred to eight local
5 repositories that would be constructed or renovated with
6 support from the Trustee Council, but then that would then be
7 operated and maintained using other funds.

8 The proposal would have a regional repository
9 organization that would provide the curatorial and technical
10 support that is required for public artifacts to be displayed
11 in other areas.

12 There was a strong expression in all of these meetings
13 by members of the communities that Native artifacts be returned
14 to the villages. This was almost a unanimous view expressed by
15 everyone. When we had further discussion about what it meant
16 to have a repository, a lot of the requirements that were
17 described in the green document for those requirements, it
18 turned out when we talked to individual agencies it appeared
19 that there was actually more flexibility in some of those
20 requirements than was apparent at first. That in many case
21 climate control was not required for these artifacts. And in
22 many cases the types of curatorial assistance was not quite as
23 extreme as we originally thought. So there's a lot of
24 flexibility there in terms of making arrangements with
25 communities, tailoring them to local needs and interests.

0067

1 The other kind of effort that came out though this
2 session is that Chugach Alaska has won a competitive bid on the
3 railroad depot immediately adjacent to the SeaLife Center and
4 are planning a major cultural facility at this building. They
5 view this as their prime cultural facility, this is the only
6 one they intend to put money into. They intend for it to be a
7 money making operation and that the funds generated by this
8 facility will go to support other cultural activities in the
9 communities and in the region, including long term support of
10 the spirit camps at Nuchek Island that were originally funded
11 by the state criminal funds.

12 So this kind of came up into the picture just recently
13 in the last month or so and we actually had a meeting with
14 Chugach Alaska earlier this week to further discuss their plans
15 with them. We have received a letter from Chugach Alaska today
16 that they are not interested in serving as a regional
17 repository for the Chugach Region, that they support Scenario
18 One, individual facilities in the communities.

19 So this is kind of a summary of where the discussion
20 had led us to and we had a lot of discussion in-house here on
21 how we take this information and put it into a framework for
22 you to make some kind of a judgment or decision on.

23 And with that I would like to propose for you to
24 consider a couple of things. One of the proposals that was
25 suggested by the National Park Service, which I believe has a

0068

1 lot of merit, is putting together an exhibit quality catalogue
2 of the artifacts that have been recovered as a result of the
3 oil spill and that would enable the Council to share this
4 information with a broad audience. I think this is especially
5 important if the collections end up getting divided among a
6 number of communities. This would be a high quality
7 publication with photographs and interpretive information in it
8 about the significance of these artifacts. So I think this
9 kind of an effort has a lot of merit.

10 Secondly, I would suggest that the Council consider
11 issuing an invitation for proposals for community based
12 archaeological restoration projects and that this go out to the
13 communities inviting them to submit individual proposals that
14 could either implement Scenario One, the individual community
15 aspect or if there is further reflection and discussion among
16 the region, some kind of a regional repository.

17 And as part of those proposals and as a major element
18 of the invitation we would have a number of aspects or
19 conditions, requirements attached to it. One would be, what
20 type of project. And in this case some of the communities have
21 expressed an interest in a repository in a larger facility,
22 others are interested more in just a display area only. So I
23 think there is individual needs in the different communities,
24 they're not all the same. So I think we could either look at
25 something as a repository or as a display area.

1 The third aspect would be asking for additional
2 projects for other kinds of things, like stewardship programs,
3 the development of displays, things like that. Although the
4 Chugach Region has been very clear that they're interested
5 primarily in facilities because there is very little
6 alternative funding for facilities. They believe they have
7 easy, fairly easy access to other funding for things like
8 programs, traveling displays, interpretive materials and things
9 of that nature. So they're actually not seeking money from the
10 Trustee Council for these kinds of efforts. They have
11 committed that if the Council were to pursue the facility that
12 they would commit to doing those other efforts through other
13 funding sources.

14 The second aspect of the invitation would be to specify
15 the artifact collection to be transferred. The artifacts right
16 now are stored in boxes in various government agencies' offices
17 and in the museum. They primarily come from the Chenega area,
18 Nanwalek area and Port Graham area. And there are a number of
19 other artifacts that are considered regional, but the majority
20 of them were obtained on the western side of Prince William
21 Sound.

22 The Chugach Region has proposed that they take those
23 artifacts and work individually with communities and take those
24 sites and develop what they call steward zones. So, for
25 example, the village of Tatitlek would be responsible for

0070

1 certain sites and kind of have oversight stewardship of those
2 sites. This is something that's in a very preliminary stage.
3 How it would actually work since the majority of the sites are
4 either on the western side of Prince William Sound or on Lower
5 Cook Inlet, I'm not really sure, but that's kind of their
6 thinking. And this might also play into the fact that some
7 might be repositories and others might only be display type
8 facilities.

9 The third element would be the amount of funding. In
10 Dr. Johnson's report it contained a low estimate of 340,000 for
11 a local display facility and 512,000 for a local repository for
12 a total somewhere of 2.7 to 4.1 million for the eight
13 facilities.

14 Another possibility is limiting the amount to the award
15 -- something similar to the award for construction of the
16 Alutiiq Museum which would be something around 225,000 per
17 community, so there is that element there of whether the
18 Council is interested in setting some kind of a funding cap in
19 this invitation.

20 The next element is timing. The communities have told
21 us that some of them are ready to go. We know that Chenega is,
22 they have the architectural plans drawn up, they're ready to go
23 with their facility. Other communities are just in the very
24 beginning stages of talking to other groups in their community,
25 they would like to have a window in which to pull their

0071

1 proposal together. And what I would recommend is that we
2 consider something like a three-year period of time in which
3 proposals could be coming in. Although we would like a letter
4 of intent from those communities who are interested in that so
5 we knew which ones were actually going to follow through.

6 The next element is financial responsibility and this
7 has been a major concern of the Trustee Council, it was a major
8 concern of the Public Advisory Group. We believe that it's
9 imperative that the proposers be able to demonstrate how these
10 facilities would be operated and maintained in the future and
11 that their proposals for doing such would have to be
12 independently reviewed. So that would be another aspect of the
13 proposals as they came in.

14 And then finally the last aspect is the issue of TAPLA
15 funds. Chugach Alaska, Chenega Corporation, Port Graham
16 Corporation and English Bay were all awarded Trans Alaska
17 Pipeline Liability Act funds to compensate them for reasonable
18 excavation and curations costs on archaeological sites that
19 received physical impact from the discharges of the Exxon
20 Valdez Oil Spill.

21 I would recommend that proposals from any of these
22 corporations or communities should describe how these funds
23 would be used to supplement or complement the proposal.

24 So I know this is a lot of material and I'm not sure
25 the Council is -- if the Council will be prepared to go forward

0072

1 at this time. The Public Advisory Group is meeting March 4th
2 and 5th, this will be on their agenda. And what I would like
3 to do, with your concurrence, is to take this to them at that
4 time and get some final action from the Public Advisory Group.

5 CHAIRMAN TILLERY: Are you asking for a motion
6 to -- for you to put this plan into effect; is that.....

7 MS. McCAMMON: I am asking for your concurrence
8 to take this, at least, one other step, which is to go further
9 and actually go to the Public Advisory Group with this. But I
10 would like some sense from the Council that we are going down
11 the right alley here.

12 CHAIRMAN TILLERY: But you're not asking for
13 sort of approval to go out with an invitation?

14 MS. McCAMMON: That's correct.

15 CHAIRMAN TILLERY: Questions from Council
16 members in Anchorage? Mr. Wolfe.

17 MR. WOLFE: Just a little additional
18 clarification. What we're proposing to go forward to the PAG
19 is with an alternative such as what you've proposed here or
20 with what's developed as part of the archaeological project at
21 this point in time and get their feedback on recommendations
22 for it? I'm not clear.

23 MS. McCAMMON: We have already gotten their
24 feedback on the overall plan and based on their feedback, based
25 on the feedback from the community facilitators, based on the

0073

1 feedback from local museums, this is our first cut at a draft
2 recommendation. So what I would like to do now is to take it
3 to them, but there's been a lot of concern from the
4 communities, they would like some indication from the Council
5 to whether there's even a remote possibility of this or if
6 there's not, they'd like to hear it pretty quickly.

7 CHAIRMAN TILLERY: Commissioner Rue.

8 MR. RUE: Yeah, Mr. Chairman, I guess the
9 question that arises in my mind first is the idea of putting
10 any kind of a number on what we might spend on these things so
11 that -- I don't want to give people -- I don't want to
12 necessarily give the idea that we're ready to spend \$400,000.00
13 on a building or something when they might have a community
14 building already that could house these kinds of things very
15 well. I was just in Akutan, for instance, and they have a
16 community library and half of it is some displays of various
17 archaeological pieces and it was neat, it was wonderful, and it
18 was actually very nice that it was right in the library because
19 it's the kind of place that a lot of kids and people use and it
20 was kind of a nice complement to an existing facility.

21 So I'm a little concerned -- I've seen in the past when
22 we put a number out for whatever reason, that suddenly becomes
23 a floor and starts guiding people in directions that they might
24 not otherwise, so I'm a little reluctant to say any kind of
25 figure and perhaps just say we're interested in looking at

0074

1 these and the more creative you are the better, the more
2 efficient you are the better, or something like that. That was
3 the one bit of hesitation I had was the number, you know, which
4 drives an expectation and perhaps stifles creativity.

5 CHAIRMAN TILLERY: Anyone else? Ms. Williams.

6 MS. D. WILLIAMS: Ms. McCammon, can you remind
7 the Trustee Council members who may not have been involved in
8 the debate on the Alutiiq Museum how that debate, in essence,
9 evolved and resolved and came with this, you know, this
10 contribution recommendation?

11 MS. McCAMMON: I think when you look back the
12 record is a little bit incomplete, but one of the experts
13 actually that we had our workshop was Rick Connect ** who was
14 on the Public Advisory Group at the time the Council took its
15 action and was the primary advocate for the contribution to the
16 Alutiiq Museum. And I think he very eloquently described the
17 purpose and the result of the Council's contribution there. It
18 had always been my thought at first that the whole purpose of
19 the museum was to house the oil spill artifacts and at this
20 point they are currently not, the Kodiak ones are currently not
21 there, they're still in storage.

22 But his perspective was, and I think this is actually
23 the perspective that should be used in looking at this -- the
24 whole restoration effort for the Chugach Region, is that the
25 museum becomes a center piece for encouraging local communities

0075

1 to respect archaeological resources and to respect their
2 culture and to develop a sense of responsibility and
3 stewardship over the long term for these resources. And
4 certainly through the programs, through Afognak -- dig Afognak
5 and through a lot of the resources that the Alutiiq Museum was
6 done. That has really encouraged that sense of pride in the
7 culture, pride in the artifacts, pride in archaeological sites
8 and hopefully is translating into long term protection of these
9 resources.

10 And that would be the goal of these kind of individual
11 facilities in the community, that they would become the focal
12 point in the community for housing whatever artifacts are
13 there, but also using it as a springboard for that long term
14 restoration stewardship of resources in the region.

15 CHAIRMAN TILLERY: If I could add as someone
16 who was actually here at that time and looking at that. It was
17 -- one of the keys to that decision to go forward was the
18 strong commitment of the local community, the Native groups and
19 so forth, to fund the ongoing maintenance, and that's again,
20 sort of part of the whole idea of it, bringing in the
21 stewardship and creating a sense of pride and protection for
22 the artifacts and that's certainly something that I would look
23 to see in any kind of a proposal here.

24 Is there additional comments from Anchorage?
25 (No responses)

0076

1 CHAIRMAN TILLERY: Are there comments from
2 Trustee Council members in Juneau or questions?

3 MR. PENNOYER: Mr. Chairman, thank you, that
4 question and answer didn't exactly get to something that I was
5 going to ask because I, of course, was a survivor of the Kodiak
6 Museum wars too. I seem to think we went along on that a long
7 time without ever getting a real good readout as to the
8 appropriateness of the actual building and expenditure. And I
9 was wondering, are we running into other problems here besides
10 the philosophical question of whether we want to pursue
11 something like this, which I think Ms. McCammon gave a very
12 good summary of the rationale for doing some of this, but are
13 we going to run into problems in this project, other than our
14 philosophical question, but one that deals more with the
15 practical aspect of committing funds to this type of endeavor?

16 CHAIRMAN TILLERY: Ms. McCammon.

17 MS. McCAMMON: Mr. Pennoyer, is the question
18 whether this is something additional facilities similar or in
19 the nature of the Alutiiq Museum would be legally permissible
20 under the terms of the settlement; is that what you're asking?

21 MR. PENNOYER: Ms. McCammon, I was a supporter
22 of the Kodiak Project, as you know, but I support the idea, I'm
23 not sure I -- when we get into the broad distinction of how
24 many places you're going do it versus centralized, there's
25 still some questions there, but I liked the idea at the time

0077

1 and still I think I do, but, yes, you boiled it down pretty
2 well, are there going to be legal problems with this type of an
3 approach?

4 CHAIRMAN TILLERY: I would note that in my
5 notebook I have written down Department of Justice with a
6 question mark. And it seems to me that they should certainly
7 be involved. And I believe Bill Brighton last week indicated a
8 willingness to get involved in some of these more
9 people-oriented projects.

10 MS. McCAMMON: Mr. Chairman, the Department of
11 Justice, the Department of Law, the Department of Interior, the
12 Department of Agriculture, all of their attorneys have been
13 invited to all of the meetings that we've held, they've been
14 given copies of all of our material. They have provided as
15 much guidance as they have been able to give, not having a
16 formal proposal before them. Based on the guidance that they
17 have been able to give to us, and at this point it's been
18 fairly limited, I think now is the time for them to take a
19 harder look at what we have and that was one of the reasons for
20 starting to put something on the table is to move this process
21 along because without having something actually out there
22 they've been very reluctant to take any strong positions.

23 MR. PENNOYER: Mr. Chairman. I understand that
24 Ms. McCammon, I'm just (indiscernible - phone cut out) I just
25 wanted to be sure at some point (phone cut out) raised

0078

1 expectations and then have the door slammed shut. And I don't
2 know how you engender that type of response you're looking for.
3 It seems to me getting to the very final stage, design and
4 construction plans and land commitments and so forth, is a
5 little bit beyond the point in which we ought to find out if
6 we're going to have a problem with this or not.

7 MS. McCAMMON: The indications that I've had
8 from Department of Justice is that they acknowledge that
9 something in this area will be done and the question is what
10 and to what scale. So they have already, I think, agreed that
11 there will be something done on this effort.

12 MR. PENNOYER: Thank you.

13 MR. RUE: Mr. Chairman.

14 CHAIRMAN TILLERY: Commissioner Rue.

15 MR. RUE: If I understand what we're doing now,
16 we were planning on asking the PAG to take a look at this and
17 give us some advice.....

18 MS. McCAMMON: And the attorneys.

19 MR. RUE: Okay. And the attorneys, so we're
20 not going to raise any expectations, hopefully, at this point
21 because just right now we're just putting a flyer out there and
22 we're going to get some feedback before we actually ask the
23 public to come to us or the communities to come to us with any
24 proposals. That's correct?

25 MS. McCAMMON: Right, right.

0079

1 MR. RUE: Seems like Mr. Pennoyer has raised a
2 very good question and we ought to make sure that the attorneys
3 will let this balloon fly.

4 CHAIRMAN TILLERY: Much like our information
5 discussion, perhaps an outreach to the Department of Justice to
6 ensure that we can get that.

7 MS. CHRISTMAN: Mr. Chairman, may I address
8 Commissioner Rue's question about.....

9 CHAIRMAN TILLERY: Please.

10 MS. CHRISTMAN: And the question I'd like to
11 address is whether there's a pitfall in supplying a maximum
12 dollar amount and I'd like to just explain why we included
13 that. I suspect it may be part of the discussion when
14 Department of Justice looks at this. What we asked Dr. Johnson
15 to do in the green book was to estimate what the cost of a
16 facility that served only one purpose, and that is to house and
17 display the EVOS collection, what would something like that
18 cost? How much space are we looking at, basically make a
19 connection between the artifacts we're trying to protect, just
20 EVOS related, versus space requirement. And the space
21 requirement is really minute, quite small. And then if you
22 divide it among eight communities, we wanted to know what would
23 that look like.

24 And in the final report there is an estimate of the
25 space requirements. And one of the reasons we even include in

0080

1 this flyer a notion of a maximum amount per community is to
2 have some proxy, some general indication of that portion of
3 these projects that possibly could be justified by housing just
4 the EVOS collection.

5 We already know, for example, that the Chenega
6 repository is in -- and, in fact, most of these ideas are
7 intended to house a much larger collection of artifacts for one
8 thing, collections over and above the EVOS collections and to
9 serve a much larger purpose in the community. We know the
10 Chenega artifact repository alone is estimated to cost 1.3
11 million and that is on its way and, in fact, support for that
12 proposal was received in fiscal year '96.

13 So the idea of specifying some number, and the reason
14 we talked a great deal about possibilities without any
15 recommendation of a hard and fast number was at least to give
16 some indication of the scale of what might be justified by just
17 the EVOS collection. That's usually the first question that
18 comes up when we talk to any attorney. What were the
19 artifacts? This report includes an inventory of the artifacts
20 and then there were questions how much space would be required
21 to house them and then what would the cost be? And in most
22 cases what -- the figures that we're discussing would be for a
23 portion of the facility. And that was the idea.

24 CHAIRMAN TILLERY: Recognizing that we need to
25 be moving along, Ms. Williams, did you have a comment?

0081

1 MS. D. WILLIAMS: Well, I would just attempt to
2 summarize and just to make one comment so that perhaps a
3 slightly different view is on the record. With respect to the
4 latter, I was actually most attracted to the 225,000, I was
5 most attracted to three and so I certainly respect Mr. Rue's
6 comments on that, but if we go forward with this package I
7 certainly want to get both Justice's and PAG's reaction to
8 three, I was very attracted to it from a historical
9 perspective, the fact that we did something very similar to
10 that in the Alutiig, so there is precedent for this and also I
11 think it is something that we can most clearly justify in terms
12 of expending EVOS funds to contributing that portion which is
13 attributable to the EVOS artifacts.

14 So I will just vote that that goes forward. I will
15 then just -- I don't think it's necessary for a motion,
16 probably we should just see if there's any objection. I'd
17 certainly encourage Ms. McCammon to go forward with this
18 proposal as it's written to get both Department of Justice and
19 the PAG comments and report back to us as soon as possible so
20 that we can take action. I realize that we are working in a
21 small time frame here, window of opportunity, to get these
22 things out in an invitation form in a timely manner. I would
23 like to proceed with the idea that we would like, if possible,
24 if it passes with the scrutiny with the PAG. I think it's a
25 good idea and if we ultimately unanimously think it's a good

0082

1 idea to get invitations out on these two issues, both the
2 catalogue and the repositories, so I certainly give my green
3 light to go ahead on those two points.

4 CHAIRMAN TILLERY: Thank you. It appears to be
5 something of a consensus that Ms. McCammon should go forward to
6 the Public Advisory Group to get their opinions on the
7 suggestions she has here, sort of as modified, I think, by some
8 of the Council members comments.

9 Are there any Council members here or in Juneau that
10 would disagree with that kind of action.

11 MS. BROWN: Craig, this is Michele. Okay. Go
12 ahead.

13 CHAIRMAN TILLERY: Yeah, go ahead, please.

14 MS. BROWN: I don't disagree with it, I think
15 lot of my questions have already been raised but I do think
16 (phone cut out) legal issues resolved, sooner rather than
17 later. I'm also -- I share your view having been a veteran of
18 a lot of Council projects that have been in a lot of places of
19 having extremely strong plan for O&M as well as staffing and
20 those kinds of issues.

21 My remaining question though is when this came up in
22 the Kodiak situation was there a discussion by the Council of
23 rollout of that kind of idea in the sense of once you do
24 something, I mean, are we then on a path that every community
25 wants to come forward and if we do it here, do we start

0083

1 thinking of, you know, many sealife centers? I mean, I don't
2 know whether we discussed any of about earlier stages.

3 CHAIRMAN TILLERY: I think the answer is that
4 there was no discussion of additional repositories at the time
5 of the Kodiak one, but I do believe that everyone recognized
6 that having funded that there would inevitably be a suggestion
7 from the Prince William Sound area, perhaps Cook Inlet, that we
8 should do something similar in those areas but there certainly
9 was no motions, there were no -- nobody took any action, there
10 really wasn't a whole lot of discussion at the time, other
11 than, I think, a recognition.

12 MR. PENNOYER: Mr. Chairman, if I might. I
13 think you're right. I think the other thing we had (phone cut
14 out) is the concept of regional versus local, how many and all
15 that type of thing, I think we knew we would need to consider
16 this type of action in other situations, but I don't think we
17 defined how many situations or the type of thing we would be
18 looking at.

19 CHAIRMAN TILLERY: I sort of concur on that.
20 Mr. Wolfe.

21 MR. WOLFE: I'm feeling a little bit uneasy at
22 this point in time because I'm not sure what Molly is going to
23 go to Justice about at this point in time. We just got the
24 Comprehensive Plan not too long ago, we really haven't had a
25 chance to start digesting it, we haven't had the PAG input on

0084

1 it, yet we're trying to develop alternatives for proceeding
2 before I think we got all the input that we'd like to have, but
3 certainly we do need the input of the PAG on the Comprehensive
4 Plan and their recommendations. This is one approach and I
5 think Molly's folks have done an extremely good job of pulling
6 something together that may be a very viable alternative. But
7 I would -- and I want this to move ahead quickly because we've
8 been talking about this it seems like forever, but just like --
9 since we've taken this long to get to this point, I would like
10 a chance for all of us to have an opportunity to digest what's
11 in the Comprehensive Plan, get the input from the PAG and then
12 have a chance to develop an alternative that we all have a
13 chance to input on at that point and then move forward. And I
14 don't want this to take a long time either.

15 CHAIRMAN TILLERY: I think that that is then
16 sort of support for the concept that Molly would take. This
17 discussion and this sort of concept to the Public Advisory
18 Group and bring some opinions back.

19 MR. WOLFE: Yes.

20 CHAIRMAN TILLERY: Is that a fair statement?

21 MR. WOLFE: That's where I'm at at this point.

22 MR. RUE: And Justice.

23 CHAIRMAN TILLERY: And make sure that -- and
24 they do need to get involved at an early stage so you start
25 finding out if things get ruled out before you.....

0085

1 MR. WOLFE: No, I -- it needs to go the PAG and
2 Justice needs to see it. The only thing is my feeling is,
3 based on past experience, is Justice likes to see something
4 that's got some shape to it before they start commenting.

5 CHAIRMAN TILLERY: It's part of our outreach
6 program.

7 MR. WOLFE: Yes.

8 CHAIRMAN TILLERY: Commissioner Rue, did you
9 have a.....

10 MR. RUE: I think just a final comment from me
11 is that I think this is good to take it to people now with a
12 number, as Veronica said, to give them a picture, but I want to
13 think before we go to the public whether we want to give them a
14 hard number or what, just as something to think about before we
15 go to the communities. I think it's a good idea.

16 CHAIRMAN TILLERY: Okay. Then unless there are
17 -- are there any more comments from Juneau?

18 MS. BROWN: No, nothing more from Juneau,
19 Mr. Chairman.

20 CHAIRMAN TILLERY: Okay. Then, Ms. McCammon,
21 do you have enough to go forward?

22 MS. McCAMMON: Yes. If it wasn't for the fact
23 that we already had two meeting with the Public Advisory Group,
24 I don't feel I would have been in the position to even develop
25 this proposal yet, so this was really based on a lot of input

0086

1 already from the Public Advisory Group. It's very possible in
2 March they may come back with a totally different
3 recommendation, but I don't think that's real likely because of
4 their other input. I will do that.

5 CHAIRMAN TILLERY: Thank you. Are we ready to
6 -- I think we're probably at this point ready to move along to
7 the data policy.

8 MR. RUE: I'd like to hear if Veronica has one
9 last thing.

10 MS. McCAMMON: Did you want something,
11 Veronica?

12 CHAIRMAN TILLERY: I'm sorry, did you have
13 something else?

14 MS. CHRISTMAN: The only one thing I wanted to
15 add is when you have time the attachments, especially
16 Attachment A, does summarize the Public Advisory Group's first
17 work session on this. It was extremely well attended and I
18 would say that a lot of their concern had to do with operation
19 and maintenance. The difficulty coming up with that kind of
20 money, et cetera, and the effort that was in the memo was try
21 to take those concerns and put them into some kind of a
22 proposal or some procedure that might address those concerns
23 through the proposals. So the attachments, I think, would have
24 some indication of PAG concerns.

25 MR. RUE: Thank you.

0087

1 CHAIRMAN TILLERY: Mr. Wolfe.

2 MR. WOLFE: I hate to do this but, you know, I
3 know the PAG has been involved in this all along, but we just
4 got the Comprehensive Plan done not too long ago, as I recall,
5 and so I think we just need to get their last shot at what's
6 being proposed. You've given them a good proposal for them to
7 consider as a part of their evaluation and then I think very
8 quickly after that that we can move forward with shaping a
9 proposal that all of us have a chance to agree to.

10 CHAIRMAN TILLERY: Is there anything else from
11 any Council member?

12 (No responses)

13 CHAIRMAN TILLERY: Okay. If we could move
14 along to data policy.

15 MS. D. WILLIAMS: Mr. Chairman, if I could make
16 one quick announcement that's consistent with having talked
17 about the PAG so much. I'm pleased to announce that the
18 Secretary yesterday did sign all the documents necessary to
19 reconstitute the PAG and confirm the recommendations and
20 nominations we made, so the PAG is official.

21 CHAIRMAN TILLERY: Thank you for adding that
22 for.....

23 MS. McCAMMON: Mr. Chairman.

24 CHAIRMAN TILLERY: Ms. McCammon.

25 MS. McCAMMON: And also sorry to announce that

0088

1 we already had our first resignation. Actually the PAG Chair,
2 Mr. Vern McCorkle has resigned as both Chairman and from the
3 PAG just in the last couple of days, so I have not had the
4 opportunity to talk to him about this. So we have a new
5 opening.

6 Data policy?

7 CHAIRMAN TILLERY: Data policy.

8 MS. McCAMMON: Okay. In your packet you will
9 see a tab marked Data Policy, if you'll recall this was an
10 issue that was brought up in December and deferred for further
11 legal review. And it has received such legal review and we now
12 have a slightly modified version in front of you.

13 The existing policy is in both the Restoration Plan and
14 then under the Trustee Council procedures that were adopted in
15 August. What we are now proposing is to clarify the policy by
16 adopting the following: Therefore, consistent with State and
17 Federal laws any data resulting from any project to which the
18 Trustee Council has contributed financially are in the public
19 domain and as such must be available to the public. Fees will
20 only be charged for copies of data in accordance with Federal
21 Freedom of Information Act, the State Public Records Act or
22 other applicable law. Data means recorded information,
23 regardless of form or the media on which it is recorded,
24 including computer programs, databases and software. Each
25 final report on a restoration project shall include a brief

0089

1 description of data gathered in the project, including
2 definition of the types of data gathered, the form or forms in
3 which the data are recorded, the location of the data, and a
4 permanent contact at the appropriate federal or state agency,
5 such that the data are accessible to the public, including
6 scientific users at the completion of the project.

7 MS. D. WILLIAMS: Mr. Chairman

8 CHAIRMAN TILLERY: Ms. Williams.

9 MS. D. WILLIAMS: Move to approve.

10 MR. RUE: Second.

11 MR. WOLFE: Second.

12 CHAIRMAN TILLERY: Is there discussion?

13 Anchorage?

14 (No responses)

15 CHAIRMAN TILLERY: Is there discussion from

16 Juneau Council members?

17 MR. PENNOYER: No, thank you, Mr. Chairman.

18 CHAIRMAN TILLERY: I have one question. As I
19 understand this then, it sort of hinges on whether the Council
20 contributed financially to the development of something. So if
21 the Council paid for the development of a -- like a database
22 program and for the collection of the data, both of those would
23 be available to the public?

24 MS. McCAMMON: That's correct.

25 CHAIRMAN TILLERY: Is there any further

0090

1 discussion? Is anyone opposed to the motion?

2 (No responses)

3 CHAIRMAN TILLERY: Hearing none, it passes.

4 Deferred work plan projects.

5 MS. McCAMMON: Okay. Mr. Chairman, this is
6 actually -- in the next segment of your packet there is a small
7 spreadsheet that we work from with additional detail on each of
8 the individual projects following that.

9 The first proposal is an amendment to the existing
10 Project 97100, which is the administration budget. This is a
11 supplement of a total of \$100,700.00 with 71.4 for FY97, which
12 is the existing fiscal year and an additional 29.3 in FY98.
13 I'm requesting these funds to add to our administration budget
14 to develop a video -- a stockpile of video footage and still
15 photographs of the EVOS acquired lands and the Restoration
16 Program. We have discovered, especially in the past year, that
17 we have virtually no photographs of the lands that are being
18 acquired through the Council process and virtually no video for
19 use in public outreach efforts, in use with the media and as a
20 major part of our educational efforts leading up to the 10th
21 anniversary.

22 The funds would be used to contract, through a
23 competitive bid with an independent film crew and a still
24 photographer, to produce, first, a 10 minute video which would
25 be used just for informational purposes at public meetings and

0091

1 press briefings. And then secondly a larger 30 minute
2 documentary which would be aired on Public TV and other cable
3 TV stations. And then also still photographs to be used in
4 newspapers, magazines, the Council's annual report, to be used
5 at any kinds of public ceremonies, to be used in other
6 educational efforts. There would also be additional raw
7 footage that would be acquired as part of this process, this
8 would be all available to the public upon their request. This
9 is something over the last year that we have been desperately
10 in need of and I'm asking for the funds to go ahead and obtain
11 this.

12 MS. D. WILLIAMS: Mr. Chairman, move to
13 approve.

14 MR. RUE: Second.

15 CHAIRMAN TILLERY: I suppose what we'll do is
16 go through these as we get to each project, we'll vote on.....

17 MR. RUE: And do you want to approve them
18 all.....

19 CHAIRMAN TILLERY: Well, why don't we just.....

20 MS. McCAMMON: Each one.

21 MR. RUE: Yeah.

22 MS. D. WILLIAMS: Each one.

23 CHAIRMAN TILLERY: Yeah. Okay. Is there any
24 discussion on this project from Anchorage?

25 (No responses)

0092

1 CHAIRMAN TILLERY: Is there discussion from
2 Council members in Juneau?

3 MR. PENNOYER: No, thank you, Mr. Chairman.

4 CHAIRMAN TILLERY: Okay. All in favor of this
5 project say aye.

6 IN UNISON: Aye.

7 CHAIRMAN TILLERY: Opposed.

8 (No opposing responses)

9 CHAIRMAN TILLERY: This project is approved as
10 recommended.

11 MS. McCAMMON: Mr. Chairman, the next project
12 is 97162, a supplement to this project, and Stan Senner, the
13 Science Coordinator, is here to explain this project.

14 MR. SENNER: Very briefly. We all recall that
15 disease was implicated in the crash of the herring population
16 in Prince William Sound in 1993. And recent work funded by the
17 Trustee Council has indicated an association between this
18 disease and the pound fishery in Sitka Sound. And if that
19 information continues to be borne out by subsequent research,
20 that has strong management implications for the pound fishery
21 and our approach to management of the population.

22 We have an opportunity in 1997 when the Department of
23 Fish and Game has decided they can reopen the spring fishery
24 for herring for the first time since they closed it in '93.
25 And the request here is to supplement Project 97162, add

0093

1 \$34,300.00 so that we can actually look at the disease levels
2 associated with the pound fishery in Prince William Sound.

3 The prior work, which was in Sitka Sound, and this is
4 an opportunity to look at that in Prince William Sound. The
5 fishermen have worked closely with the Department of Fish and
6 Game on this and are in support of it. And I think it's a
7 great example of sort of the management payoff to the
8 Restoration Program.

9 CHAIRMAN TILLERY: Commissioner Rue.

10 MR. RUE: I would hope that you all support it.
11 I think that this is a very good project and the issue has been
12 raised, at least in other parts of the state, as to whether
13 this is a -- we should do a different method of managing these
14 fisheries through an open pound system and so the Board of Fish
15 -- this kind of information will help not only in Prince
16 William Sound but around the state, so it has important
17 implications for our management in Prince William Sound, but
18 elsewhere in the state as well.

19 MR. PENNOYER: Mr. Chairman.

20 CHAIRMAN TILLERY: Mr. Pennoyer.

21 MR. PENNOYER: Yeah, I'm sorry, but we're
22 missing a lot of that, I don't know why all of a sudden the
23 system started to cut out.

24 MR. RUE: Because we had the button pushed
25 that's why.

0094

1 CHAIRMAN TILLERY: Commissioner Rue, could you
2 repeat your.....

3 MR. RUE: I was simply exhorting us all to
4 support this project, it has not only good implication for
5 restoration of the resource in Prince William Sound, but the
6 issue of closed pound versus open pound and how you manage
7 herring is an issue around the state and so it has broad
8 implications for the Department in how we manage herring
9 fisheries.

10 CHAIRMAN TILLERY: Mr. Pennoyer, did that come
11 through?

12 MR. PENNOYER: Yeah, it did. Can I ask a
13 question?

14 CHAIRMAN TILLERY: Please.

15 MR. PENNOYER: Frank, so basically this could
16 lead to a management decision that closed pounding was a bad
17 idea then?

18 MR. RUE: Mr. Pennoyer, that's right.

19 MR. PENNOYER: Thank you.

20 CHAIRMAN TILLERY: Go ahead, is there a motion?

21 MS. McCAMMON: Take action.

22 MR. RUE: I move that Project 97162 be
23 approved.

24 MS. BROWN: Second.

25 CHAIRMAN TILLERY: Is there any further

0095

1 discussion?

2 (No responses)

3 CHAIRMAN TILLERY: All in favor of the project

4 say aye.

5 IN UNISON: Aye.

6 CHAIRMAN TILLERY: Opposed.

7 (No opposing responses)

8 CHAIRMAN TILLERY: The project passes.

9 MR. SENNER: Okay. If you'll look next at

10 Project 97248, documentation of herring through local and

11 traditional ecological knowledge. This goes back to a proposal

12 that was submitted and reviewed as part of the regular work

13 plan last April. The project was put on hold, however, while

14 we looked and developed a related project to address

15 traditional ecological knowledge more broadly in the program.

16 That has taken shape nicely, we have a TEK, to use the acronym,

17 we have a TEK project underway. We hired a -- or actually the

18 CRRC, Chugach Regional Resources Commission hired two people on

19 contract to assist our investigators and to work in the

20 communities on traditional knowledge.

21 So that is now in place, so we are asking that you come

22 back and take another look at the herring project, in

23 particular. I won't describe it in detail except it does

24 involve working with our investigators in the SEA Project and

25 the APEX Project

0096

1 Tape 3 of 3

2 and then going to communities, talking to fishermen as well as
3 Natives and others who would have local knowledge about herring
4 and other forage fish.

5 The recommendation from the Chief Scientist is that the
6 goal should be to integrate these two sources of knowledge, not
7 to set up, sort of parallel databases or different databases,
8 but that we want to see the integration of this knowledge for
9 the benefit of the resource.

10 The recommendation from the Executive Director to you
11 the Trustees is to fund this contingent on approval of a final
12 DPD because we do feel that what is in your packets needs a
13 little bit more work. Also there's been some discussion about
14 whether this project should be a free standing project or
15 actually and formally integrated into one of the others. And
16 our recommendation is that it, in fact, be integrated into the
17 SEA Project, 320. And we have talked about that with the
18 project leader, Dr. Ted Cooney and also the principal
19 investigator for herring, Dr. Brenda Norcross. They're
20 agreeable to this and so what we're really asking is not to
21 approve Project 248 but a supplement to 320T, contingent upon
22 approval of a final DPD.

23 MS. McCAMMON: And budget.

24 MR. SENNER: And budget.

25 MS. D. WILLIAMS: Mr. Chairman.

0097

1 CHAIRMAN TILLERY: Ms. Williams.

2 MS. D. WILLIAMS: So moved. I move that
3 funding for this is contingent on upon formally integrating it
4 into the SEA Project and final approval be till project
5 description of the budget.

6 MR. RUE: Second.

7 MS. BROWN: Second.

8 CHAIRMAN TILLERY: Okay. Is there discussion
9 from Anchorage? Mr. Wolfe.

10 MR. WOLFE: Mr. Chairman, just noting that the
11 Chief Scientist indicated that the funding seemed to be high,
12 just like a reaction to that and will combining it with one of
13 the projects help to bring the cost -- to keep the cost down?
14 I'm just asking for your input, that's all.

15 MR. SENNER: In asking that you approve it
16 contingent on a final DPD and budget, we're suggesting that
17 we'll certainly work to take another look at that budget and if
18 there's a way to trim it some we'll look for every savings
19 possible.

20 MR. WOLFE: Thank you.

21 MS. McCAMMON: Mr. Chairman, I think one of the
22 reasons it's so high is because the approach that is strongly
23 recommended by the TEK specialist is to have numerous visits to
24 the village when you're working on a project like this. And I
25 know the original proposal had maybe one, maybe two visits to

0098

1 the village, this one calls for four visits to the village, so
2 all of this is kind of in the experimental stage so we may be
3 actually changing this also as we go along.

4 MR. WOLFE: Mr. Chair, just my reaction now is
5 a literature search with a couple of visits to the communities,
6 it does seem a little high, so anything you can do, I think, we
7 should be looking for ways to save.

8 MS. McCAMMON: Well, it is more than a
9 literature search, it's a literature search and then going to
10 the communities, explaining to them about the project, coming
11 back, spending a lot of time with local experts in the
12 community actually mapping out areas where they have historical
13 knowledge about herring spawn and things of that nature and
14 then coming back another time with the results of that mapping
15 effort and really sharing the results of the project, so it's
16 much more than a literature search.

17 MR. PENNOYER: Mr. Chairman.

18 CHAIRMAN TILLERY: Mr. Pennoyer.

19 MR. PENNOYER: I have my concerns about how
20 this all meshes together but it's more than in this instance
21 and it's obviously something that needs to be addressed
22 statewide, in a lot of different situations, it's a request
23 from a lot of areas. There's knowledge that extends back to
24 our scientific sampling, even (phone cut out) that agencies
25 have carried out and the integration of that type of knowledge

0099

1 into our management system and into our science basis is a real
2 outstanding question, a lot of different areas.

3 I favor doing this, I think it's good in this case
4 relative to a restoration effort, but I also think it may serve
5 as a guideline to answer some of these questions about how we
6 integrate this type of knowledge into the resource management
7 scenarios statewide. So I favor going ahead with it. I agree
8 with looking at the costs and having the integrated proposal as
9 proposed and an evaluation of the costs, but I favor going
10 ahead with it. Thank you.

11 CHAIRMAN TILLERY: Thank you, Mr. Pennoyer.
12 Are there other comments from Juneau?

13 MS. BROWN: No, thank you, Mr. Chairman.

14 CHAIRMAN TILLERY: I had a couple of questions.
15 One is it seems to me given that you're going to -- you're
16 saying approve the money contingent upon you coming up with a
17 plan that may cost less, it may be integrated with another
18 project and so forth, why do we need to do this now? Is there
19 a timing issue such that we can't wait for another Council
20 meeting? And then I guess my second issue is I think the
21 intellectual property rights issue raised by the community
22 facilitators, is that implicated in this?

23 MS. McCAMMON: Mr. Chairman, two things. First
24 of all, the herring season is fast approaching and so there is
25 a time critical aspect to this. The project needs to get

00100

1 underway. This is very common for all the project proposals
2 that the project proposer does not receive official
3 authorization until the Executive Director sends the letter
4 saying all the conditions of the Council's approval has been
5 met. So there is a way of not having the funds go forward
6 until those conditions have been met. In terms of timing, they
7 need to get this underway right now.

8 The second aspect is, the whole concept of integrating
9 traditional ecological knowledge into the Council's Restoration
10 Program was brought to the Council by members of the Native
11 communities. And we have spent a lot of time in the last year
12 working with them on what this means, developing this proposal,
13 developing protocols for how we conduct such research in
14 communities. Since that time there has been a number of
15 questions raised. There are concerns in the communities about
16 -- they call them intellectual property rights, it's a question
17 of how this information will be used and what format it will be
18 presented and to whom.

19 And in the protocols these are listed as one of the
20 items that need to be discussed with communities and worked out
21 in advance. And I think their big fear is that they will be
22 contributing towards the gathering of information that will be
23 used to regulate against them. And in this case I think we
24 have to take things on an individual, project-by-project basis,
25 what are the goals of this project, work with the individual

00101

1 community and work out those questions because when you talk to
2 them on an individual basis about this project, they have no
3 problems with it.

4 But there is this kind of greater issue out there, it's
5 being referred to as intellectual property rights and it's kind
6 of this who owns the data, and this does tie into this question
7 of data ownership and we've made it very clear that we are a
8 public organization using public funds, that the data is
9 public, but there are ways that subsistence division is done
10 over the years to aggregate data in a way that doesn't
11 implicate individuals and things of that nature. So I think we
12 have to deal with these things on a case-by-case basis. I
13 think if we can have a successful project that that will ease
14 some of the communities' fears about this.

15 CHAIRMAN TILLERY: Any further questions or
16 comments? All in favor of this project say aye.

17 IN UNISON: Aye.

18 CHAIRMAN TILLERY: Opposed.

19 (No opposing responses)

20 CHAIRMAN TILLERY: This project passes.
21 There's one more?

22 MR. SENNER: One more, last one here. This is
23 Delight and Desire Lakes, 97254. You had an extended
24 discussion on this in December in Juneau. There were several
25 questions raised about costs if ultimately a fertilization

00102

1 program were to be undertaken. Some other questions. You have
2 in your packets a reply from the Department of Fish and Game
3 responding to some of those questions that were raised.

4 You can note in the Chief Scientist's recommendation
5 that he still, in fact, has some questions about ultimately
6 cost and need for a fertilization project. However, our review
7 of this at the staff level and talking with others is that
8 there is agreement that the basic limnological work that's been
9 proposed here at Delight and Desire Lakes is, in fact, valuable
10 in itself whether or not a fertilization project ever were to
11 go forward. That the land managers and fisheries managers will
12 learn important things about the ecology and caring capacity
13 and management, including proper escapement levels of those
14 lakes. And that that's of inherent value from a restoration
15 standpoint.

16 So on the basis that those limnological -- that the
17 limnological work is valuable and that that is really what's
18 proposed here, not fertilization, our recommendation is that we
19 go forward.

20 CHAIRMAN TILLERY: Thank you. Is there a
21 motion for purposes of discussion?

22 MR. RUE: I move that this project be approved.
23 Do you want me to state the number and all that stuff?

24 CHAIRMAN TILLERY: No, that's fine.

25 MR. WOLFE: Second.

00103

1 CHAIRMAN TILLERY: It has been moved and
2 seconded. Is there any discussion about the project?
3 Ms. Williams.

4 MS. D. WILLIAMS: I have several items. First
5 of all, we do concur with Mr. Senner's comments that if this
6 project is approved it is not a precursor to fertilization and
7 should be viewed as completely independent of any subsequent
8 discussion about the merits or demerits of the fertilization
9 program. To the extent we support this project, we support it
10 purely based on its merits as a limnological study and we in no
11 way are supporting at this time a fertilization project. And I
12 would ask that the Trustee Council's motion on this would be
13 specific that it is not perceived as a precursor to or in any
14 way supportive of a fertilization project.

15 Secondly, obviously this is an area that is of
16 tremendous concern to the Department of Interior in terms of
17 its location for all the reasons that, and I just counted,
18 particularly for Mr. Reinhardt's benefit, the 11 people who
19 testified on acquisition of the English Bay lands and the 100
20 letters, minimum, in support of the acquisition and people's
21 great interest in the Kenai Fjord area.

22 We would like to offer to ADF&G to work with you, have
23 at least one or two individuals from now the Biological
24 Resources Division and the Water Resources Division of USGS to
25 work with you to refine the project design and to do

00104

1 appropriate assistance in the field on this project. So we
2 would like to be more involved in this project and would ask
3 that ADF&G work with us in proceeding with this project.

4 MR. RUE: Okay. I don't think that's a
5 problem. Does that suggest that we need to change the project
6 description or do you think it's something we just -- something
7 our people can do?

8 MS. D. WILLIAMS: Yes, we would like a sentence
9 in the project description saying that ADF&G will work
10 with.....

11 MR. RUE: Coordinate with?

12 MS. D. WILLIAMS: Yeah, coordinate with USGS,
13 right.

14 MR. RUE: I don't think we have a problem with
15 that at all.

16 MR. SENNER: You're talking about the same
17 cost, not changing.....

18 MR. RUE: Yeah.

19 MS. D. WILLIAMS: We would not propose to
20 change the cost, correct.

21 MR. RUE: No problem with that.

22 MS. BROWN: Mr. Chairman.

23 CHAIRMAN TILLERY: Ms. Brown.

24 MS. BROWN: I have a question. It seems like
25 we've done a number of similar other activities and even with

00105

1 the caveat that's put on them, that says we're not necessarily
2 going to go to fertilization, what do we have in mind in this
3 project that we have not -- knowledge that we have not gained
4 from other similar projects?

5 CHAIRMAN TILLERY: Mr. Senner.

6 MR. SENNER: Yes. Ms. Brown, the -- I think
7 the key piece of information here that the limnological work
8 can help address is what the capacity -- carrying capacity and
9 productivity of those two lakes really is or are, whatever.
10 And that's something that you have to do on a case-by-case
11 basis. It's not a matter of just plugging information into a
12 model that's been derived elsewhere and so the opportunity here
13 is to learn something specific about these lakes which then, in
14 fact, could help adjust what the department manages the
15 escapement to be. And that is something that is of restoration
16 benefit and benefits the fishermen who derive the service from
17 it, so it is something case by case.

18 MR. PENNOYER: Mr. Chairman.

19 CHAIRMAN TILLERY: Mr. Pennoyer.

20 MR. PENNOYER: Yeah, as a follow up to that, I
21 think that's a good answer, but the -- there are a lot of lakes
22 particularly as you go down the Kenai Peninsula, we've done
23 limnology on a number of them, but probably not all of them.
24 What makes these two particularly unique in your view that we
25 ought to fund this study here or is this just a statement that

00106

1 we really ought to do it anywhere in the spill area where the
2 information is lacking on what the optimum escapement ought to
3 be?

4 MR. SENNER: I'm not sure, Mr. Pennoyer, that I
5 could offer a reason that what makes these two lakes unique,
6 it's a proposal that's come before the Trustees for these ones
7 in particular. They are important to a number of fishermen in
8 Lower Cook Inlet and one of the questions that was raised at
9 the Trustee Council meeting in Juneau, which we did get more
10 information on is whether there is importance of this
11 particular fishery from a subsistence standpoint to the
12 residents of Port Graham and I think the answer came back that
13 there are at least eight permit holders in Port Graham and
14 that, in fact, it is important for both commercial and
15 subsistence purposes to those residents. So you're absolutely
16 right, there are a lot of other lakes in the oil spill area,
17 these two have come before you with, I think, demonstrable
18 importance to local residents and it's on that basis that we
19 continue to recommend it favorably.

20 MR. RUE: And, Steve, I think in addition, this
21 is Frank, we've also seen a significant downturn in
22 productivity in these two lakes since the spill, since the
23 parent year, returning from the spill year, I think, is as I
24 read it. So there is something going on with these lakes that
25 is somewhat unique.

00107

1 MR. SENNER: I do want to say no one has
2 proposed a direct spill effect in this case, but the timing is
3 more correlation rather than causation but there has been an
4 apparent downturn.

5 MR. RUE: Right.

6 MR. PENNOYER: Mr. Chairman, I don't -- Frank,
7 Delight and Desire have been, for the last 20 or 30 years
8 interesting case studies in Lower Cook Inlet, on the outer
9 coast. It is an area that we've done a lot of other studies
10 in, but I just, you know, we've done Coghill Lake and we did
11 limnological studies there, we dumped fertilizer in it for a
12 while, we've done limnological studies on care and capacity all
13 around Kodiak Island, in some areas of the Kenai Peninsula.
14 And I'm not clear what funding this means -- I like sockeye
15 research projects, they're a favorite of mine, I started there
16 and I enjoy seeing the results of them and I think they're
17 important, but in terms of where we're going ultimately in
18 research around the spill area, I'm just wondering how to fit
19 this in because I think there's a lot of places we don't have
20 good knowledge and (indiscernible) data -- good knowledge on
21 what optimum escapement ought to be to different systems and
22 how they're reacting.

23 I'm not clear whether we're doing case by case because
24 were just finding out about them or if there is a plan how to
25 approach this on a broader area, are we doing certain lake

00108

1 types for information and then trying to translate the
2 knowledge or are we going to try and do it everywhere where we
3 think there is a problem or a lack of information. I'm not
4 particularly against this project, I'm just trying to -- my
5 mind -- actually I'm not against it, but I'm just trying in my
6 mind to fit in how this goes together with the fertilization
7 work we've already done and have suspended. The limnological
8 studies we've already done and have suspended and others we may
9 want to do.

10 CHAIRMAN TILLERY: Mr. Senner.

11 MR. SENNER: You asked -- you do make some good
12 comments. Let me just say, we do not have a plan that
13 addresses a -- sort of a rationale or a systematic program on
14 the lake fertilization question. It has been case-by-case. I
15 believe that maybe Bill Hauser from the Department of Fish and
16 Game may want to add a comment in here, but I think the one
17 that I would come back to is that although our research in the
18 sense of basic research is heavily oriented toward looking at
19 underlying causes of long term decline in harbor seals and
20 marine birds. And looking at factors that influence
21 productivity in the marine system, we always need to be mindful
22 and open to the opportunities where we can make a direct sort
23 of management pay off that benefits local users. And I think
24 that would be my justification for wanting to go ahead with
25 this.

00109

1 But, Bill, or anyone else from the Department of Fish
2 and Game? I think you have to come up here.

3 MS. McCAMMON: You have to come up to the mic.

4 MR. HAUSER: Yeah, Mr. Chairman, just a very
5 quick comment about the system and why it's different. Quite
6 simply it's very -- it's a rather small drainage compared to
7 the other sockeye systems and it's got a very rapid flushing
8 rate which will affect the limnology of the entire system and
9 productivity, so it would be an excellent research opportunity.
10 It always has been.

11 MR. RUE: It's somewhat unique, different from
12 others that we've looked at, yeah.

13 CHAIRMAN TILLERY: Thank you. Are there
14 further comments from Anchorage?

15 (No responses)

16 CHAIRMAN TILLERY: Mr. Pennoyer, Michele, are
17 there further comments from Juneau?

18 MS. BROWN: Yes, Mr. Chairman, this is Michele,
19 I'm not opposing this project, I just think that as we get down
20 (phone cut out) being repetitive type of project, if we're
21 going to see a lot in the similar area because of the need to
22 do case by case, we may want to think hard about developing
23 some criteria by which we're going to evaluate which ones we
24 want to work on. I mean, there's been a case made these
25 present some unique issues but, you know, I think if we're

00110

1 going to see repetitive types of projects coming forward it
2 would be good to have some thoughts funneling into what are we
3 going to judge these on in the future.

4 MR. SENNER: Ms. Brown, we do have
5 supplementation material which were adopted at an extended
6 workshop. Those criteria don't specifically address
7 fertilization issues and if that's something that the Council
8 would like the staff to look at more closely, I think that's
9 something we can do, but -- Ms. McCammon.

10 MS. McCAMMON: Yeah, Michele, I'm not aware of
11 any other proposals for lake fertilizations that are kind of
12 out there in the wings. This one has been around for a least a
13 couple of years, that has kind of come and gone through various
14 stages, but I think if there does appear to be a rash of these
15 in the future, which I don't think there will be, then I think
16 it would be appropriate to look at it more comprehensively.

17 MS. BROWN: Thank you, both.

18 MR. PENNOYER: Yes, Mr. Chairman, one last
19 question/comment. I think the Trustee Council and (phone cut
20 out) help facilitate some great leaps forward in the
21 understanding of sockeye limnology and the effects of things
22 like supplementation and lake fertilization. And certainly the
23 Fish and Game Soldotna Lab has done a lot in that direction.

24 As just one last update for personal interest, I know
25 we're running out of time, can the Forest Service update us on

00111

1 where we are on the Coghill Lake fertilization project?

2 MR. SENNER: Mr. Pennoyer, I think I can do
3 that. This is Stan. The project is over, the fertilization
4 had ended. The result was an increase in the plankton levels
5 in lake and smolt levels were increased accordingly and so in
6 that sense it's been a success. I think the only sort of
7 remaining issue there, and it's one of a longer term management
8 situation, is how to manage that mixed stock fishery to make
9 sure there's the kind of escapement there that will keep going,
10 the increase in productivity that's been there. But the
11 Trustee Council's role is essentially over in that project.

12 MR. PENNOYER: Mr. Chairman, that, in fact, the
13 fertilization has not been continued there?

14 MR. SENNER: That's right, it is over.

15 MR. PENNOYER: Okay. Thank you.

16 CHAIRMAN TILLERY: Okay. Commissioner Rue.

17 MR. RUE: Yeah, one quick question, perhaps, of
18 Molly. I don't have the Restoration Plan in front of me, and
19 maybe I should, and I can't remember what we said about our
20 goals for this sockeye or whatever. Do you think we've done
21 enough in the Restoration Plan to kind of direct ourselves on
22 research in this area?

23 MS. McCAMMON: Mr. Chairman, I don't really
24 view this as a direct restoration activity for sockeye. How I
25 view it is as a replacement fishery restoration activity for

00112

1 injuries to commercial fisheries and to subsistence. So it's
2 kind of a different approach.

3 MR. RUE: Yeah. Perhaps we should make sure as
4 the projects come forward that we thought though that and we
5 kind of hook back to the Restoration Plan and I'll, you know,
6 put that burden on the Department as we propose projects
7 because I think some of the questions that have just been asked
8 could have been helped if we had consistently referred back to
9 the Restoration Plan and said, remember we had this objective
10 of doing this for this particular resource, this particular
11 use. So, you know, I'll look to that in the future as a
12 department, but I think that it would be good for all of us to
13 consistently think of that, what are we trying to do here.

14 MR. SENNER: And Molly is correct.....

15 MR. RUE: It's more of a service that.....

16 MR. SENNER:that we would not carry
17 forward under the sockeye restoration heading, it's restoration
18 of service.

19 MR. RUE: Yeah.

20 CHAIRMAN TILLERY: Additional comments from
21 Anchorage? No?

22 MR. WOLFE: I do.

23 CHAIRMAN TILLERY: Mr. Wolfe.

24 MR. WOLFE: Do we have a friendly amendment to
25 the motion and could somebody restate.....

00113

1 CHAIRMAN TILLERY: I think I'm going to try to
2 do that and see if that works. But before I do that, anything
3 else from Juneau?

4 MS. BROWN: No, thank you, Mr. Chairman.

5 CHAIRMAN TILLERY: Okay. What I understand it,
6 the motion is to approve Project 97254 with the understanding
7 that this is being approved for the purposes of limnological
8 work only, that approval of this project does not mean either
9 approval or disapproval of fertilization of the lake but is
10 simply approval of the limnological aspect of this. And that
11 the Department of Fish and Game is to work cooperatively with
12 the Department of the Interior in carrying out this project.
13 Does that capture everything?

14 MS. McCAMMON: Captures.

15 CHAIRMAN TILLERY: With that as the motion,
16 then, all in favor of the project.

17 IN UNISON: Aye.

18 CHAIRMAN TILLERY: Opposed.

19 (No opposing responses)

20 CHAIRMAN TILLERY: The project passes. Before
21 we go into executive session we are losing Council members and
22 it is appropriate to mark that occasion. Molly.

23 MS. McCAMMON: Well we do have a number of
24 people that have left the Council process in the last couple of
25 months and I have Certificates of Appreciation for them that

00114

1 I'll distribute for everyone to sign. The first one is Doug
2 Hall who was the Deputy Administrator of NOAA and served on the
3 Washington policy group very effectively. He has now returned
4 to the private sector and is working with the Nature
5 Conservancy. And I have an appreciation in his honor to sign.

6 The next person is Ray Thompson with the Forest Service
7 who was very active in the restoration planning phase and the
8 restoration activities on the behalf of the Forest Service and
9 Department of Agriculture in the last few years. He has moved
10 on to greener pastures in Montana recently.

11 And then the third on is the Assistant Secretary of the
12 Department of Interior for Fish, Wildlife and Parks, George T.
13 Frampton, Jr. and I have a certificate in his honor here also.
14 Today is his official last day on the job. And as most of you
15 know we sent around a little blank card for you to sign and you
16 probably didn't see what we were going to attach it to. And
17 this isn't the original, this isn't what was sent to George,
18 but it's what it was attached to. And this is a Calvin and
19 Hobbes cartoon and I'll read it to you because I think it's
20 very appropriate for the work that George did and also for the
21 work that the Council does.

22 And it starts out: People keep talking about opening
23 more wilderness for development. We seem to understand the
24 value of oil, timber, minerals and housing but not the value of
25 unspoiled beauty, wildlife, solitude and spiritual renewal. We

00115

1 need to start putting prices on the price list. Yeah, if our
2 woods are worth a zillion, jillion, bagillion, think what
3 Alaska is worth.

4 So the signatures that you did last week were framed in
5 in a separate deal around here and it was sent to George at the
6 party on Wednesday, Dan Sakura presented it to him on behalf of
7 the Council and, Dan, I don't know if you want to describe
8 George's party or reaction.

9 MR. RUE: Is this going to take a long time?

10 MS. McCAMMON: Briefly.

11 MR. SAKURA: On behalf of Mr. Frampton, I would
12 just like to thank the Council for the wonderful gift. I
13 presented it to him at the party on Wednesday and he very much
14 appreciated it. And he would like for me to express his
15 gratitude to the Council for the wonderful gift. Thank you
16 very much.

17 CHAIRMAN TILLERY: Thank you. Are there
18 Council members that would like to make comments or say
19 anything at this time in Anchorage? Ms. Williams.

20 MS. D. WILLIAMS: I just want to thank all
21 three individuals and particularly George and Doug for their
22 tremendous leadership over the last three and half years and I
23 think much of what we're accomplishing today and that we've
24 accomplished in the last three and a half years can be
25 attributed directly to their insight, judgment, work and belief

00116

1 in this process.

2 CHAIRMAN TILLERY: Thank you. Is there anyone
3 in Juneau that would like to make any comments?

4 MR. PENNOYER: Mr. Chairman, yeah, I'd like to
5 second what Deborah said, I think that (phone cut out) great
6 support. Early on in the process there was a lot of questions
7 how we were going to interact between Washington, D.C. and
8 locally, regionally and make a smooth operation from that
9 process and I think the gentlemen that she's mentioned have
10 help facilitate that. I'm appreciative of that and I think
11 that we have accomplished things we couldn't have otherwise.
12 Thank you.

13 CHAIRMAN TILLERY: Thank you.

14 MR. RUE: I guess I'd like to make one final
15 comment. I certainly add my appreciation to the work of all
16 three people listed her, but I'd also like to thank
17 Mr. Frampton for having such a capable designee here in Alaska
18 to help us get through all the hard work we do here. And not
19 only for his work but his wisdom in finding such a capable
20 person to sit in for him at the meetings.

21 MS. D. WILLIAMS: Thank you.

22 CHAIRMAN TILLERY: Thank you. I would
23 certainly echo these remarks. All three of these individuals
24 have contributed greatly to the process over the years and we
25 wish them well in where they're headed.

00117

1 We are at the point where we need to go into executive
2 session. I think.....

3 MS. McCAMMON: Five minute break, too.

4 CHAIRMAN TILLERY: Well, let's talk about it
5 first so the public can assume what we're going to do. The
6 plan, I believe, is to go into executive session and rejoin as
7 a public session -- I would suggest the public plan on 12:30,
8 that would give everybody time to get some lunch. I don't
9 think this little area out here in front of the door will be
10 available to sort of gather in and so if you could pretty much
11 time it to come back at 12:30 and we'll plan to restart the
12 public session at that time to the best of our ability.

13 Ms. McCammon.

14 MS. McCAMMON: That's correct, Mr. Chairman, we
15 plan on having the door to the kitchen closed and this entire
16 area will be closed for executive session and public members
17 who are interested in stay, the Oil Spill Public Information
18 Center downstairs is opened and available, there's phones
19 there. We also have extra office space if you need to make
20 phone calls or whatever.

21 CHAIRMAN TILLERY: And we will check downstairs
22 before we go back into public session in case anybody is
23 waiting down there.

24 I guess we're going to need a motion to go into
25 executive session; do I hear such a motion?

00118

1 MS. D. WILLIAMS: Mr. Chairman, I move we go
2 into executive session to discuss habitat acquisition issues,
3 both small and large parcels.

4 CHAIRMAN TILLERY: And.....

5 MS. McCAMMON: Executive Director's evaluation.

6 MS. D. WILLIAMS: Oh, and Executive Director's
7 evaluation.

8 CHAIRMAN TILLERY: Is there a second?

9 MR. RUE: Second.

10 CHAIRMAN TILLERY: Is there any discussion? Is
11 there anyone opposed?

12 (No opposing responses)

13 CHAIRMAN TILLERY: Hearing no one, we are in
14 executive session. And I guess the people in Juneau, hang up
15 and we will call you back in about five minutes.

16 MR. PENNOYER: Mr. Chairman, I know that you
17 don't want to chair this thing forever and you're doing a good
18 job by not taking any breaks, could we have about a 10 minute
19 break?

20 CHAIRMAN TILLERY: We will have a 10 minute
21 break and we'll be back on in 10 minutes. Thank you.

22 (Off record - 11:24 a.m.)

23 (On record - 1:05 a.m.)

24 CHAIRMAN TILLERY: The meeting is called back
25 to order. The Trustee Council did meet in executive session,

00119

1 the matters that were discussed were those described prior to
2 going into session, habitat acquisition and the Executive
3 Director's evaluation.

4 The next item on the agenda is the English Bay
5 proposal. Deborah, does the Department of Interior care to
6 lead off?

7 MS. D. WILLIAMS: Trustee Council members,
8 members of the public, members of staff, it is with great
9 pleasure and enthusiasm that we bring to you today a resolution
10 to acquire English Bay Corporation's land holdings within the
11 boundaries of Kenai Fjords National Park. As you know, there
12 has been tremendous support for this acquisition. Eric gave us
13 over 100 letters today and the Trustee Council office has
14 several hundred more. We heard some excellent today in support
15 of it.

16 And what we would like to do, very briefly, is describe
17 the land transaction with you. And to do that we have Buff
18 Bohlen, who is the chief negotiator, so he will briefly walk
19 the Trustee Council members and the public through the terms of
20 the offer that we hope the Trustee Council will agree to make
21 today. We also have in the audience today Ann Castellina, the
22 Superintendent of Kenai Fjords National Park who will be
23 available to answer any questions you have. Buff.

24 MR. BOHLEN: Thank you, Deborah. It really is
25 a great pleasure to bring this proposal to the Council. It's

00120

1 the culmination of several years of discussions between the
2 Department of Interior and English Bay Corporation. And I
3 would like to just start off by commending their Board, and
4 particularly their late chairman and their president for their
5 marvelous attitude in this and their desire to add these lands
6 to the park for the benefit of all the people in the United
7 States.

8 Now, I won't go into much depth on the value of these
9 lands in terms of their habitat protection because I think we
10 had some very good testimony from the public this morning.
11 Suffice it to say that although all these lands provide
12 valuable habitat for nearly all of the injured resources and
13 services harmed by the oil spill, some parcels, such as James
14 Lagoon, have especially high values. And six of the seven
15 parcels were ranked as having high values for wilderness, and
16 as you know that is one of the main attractions for the
17 visitors who come to Kenai Fjords National Park.

18 The package we have put together involves the purchase
19 of in fee of 30,200 acres in the park and additional 2,270
20 acres in the adjacent maritime national wildlife refuge, Alaska
21 Maritime National Wildlife Refuge. The basic price for those
22 lands, we're asking the Council to approve \$14.1 million for
23 this fee purchase. And this price was based on the English Bay
24 Corporation retaining access rights for hunting, fishing and
25 other activities on all the lands within the park that they

00121

1 were selling. Because the park does not allow hunting under
2 its legislation, English Bay Corporation has agreed to limit
3 those rights to about 9,000 acres in the southwest portion of
4 the park. And will sell to the Department of Interior their
5 access rights on the remaining acreage within the park.

6 And the Federal Trustees have already agreed, pending
7 approval today of the Council of the 14.1 million, they would
8 then approve 1.1 million from the Federal restitution funds,
9 criminal funds, for the purposes of purchasing these access
10 rights.

11 I think altogether it makes a very attractive package
12 at a price that is fair to the Government and fair to English
13 Bay. I would add one other very important element, English Bay
14 has offered to take \$500,000.00 of their proceeds to put them
15 in a special fund to protect archaeological sites and cultural
16 artifacts that are associated with their lands within the park.
17 Obviously these sites and artifacts are of great importance,
18 historically and culturally, to the people of Nanwalek,
19 formerly known as English Bay, and I think this is a step for
20 which they should be commended. This money will be used to
21 survey and protect these archaeological sites and artifacts and
22 the English Bay people will be working in close cooperation
23 with the people of the National Park Service in a joint effort
24 to protect these areas.

25 That's the summation of it.

00122

1 MS. D. WILLIAMS: Do Trustee Council members
2 have questions for Buff Bohlen?

3 CHAIRMAN TILLERY: Anyone in Anchorage have a
4 question?

5 (No responses)

6 CHAIRMAN TILLERY: Is there any Council member
7 in Juneau who has any question for Mr. Bohlen?

8 MS. BROWN: No question again, thank you.

9 CHAIRMAN TILLERY: Okay.

10 MS. D. WILLIAMS: Mr. Chairman, I believe we
11 have a representative from the English Bay Corporation here,
12 perhaps it would be appropriate to hear from him now if he
13 would like to speak or perhaps after the resolution is reviewed
14 in more detailed.

15 CHAIRMAN TILLERY: It would be, I think,
16 appropriate now.

17 MS. D. WILLIAMS: Bill.

18 CHAIRMAN TILLERY: Would you like to come up
19 and make a statement.

20 MS. D. WILLIAMS: Let me underscore Buff's
21 comments that we thank English Bay with our entire heart for
22 persisting in this transaction. It has been a long and tough
23 negotiation, it's been a negotiation that has gone on over
24 three years, maybe even four years, depending how you count.
25 And we really do commend English Bay for its desire and

00123

1 commitment to have these parks (sic) as part of the park and
2 also the proceeds from the transaction, should it go forward,
3 for the benefit of the people. Bill.

4 MR. TIMME: Thank you. Mr. Chairman, my name
5 is William Timme, Bill Timme, I'm counsel to the English Bay
6 Corporation. I want to extend the corporation's appreciation
7 for the Council's consideration of this package today. To
8 express our President, Don Emil's, regrets that he was not able
9 to be here today as he had initially had intended.

10 You're right, Deborah, this thing is -- I was just
11 thinking about it this morning, it was about four years ago
12 that we first started meeting with representatives of the Park
13 Service to see if there was some way which we could accommodate
14 the Park Service desire to have the lands that the corporation
15 had selected within the park. And now, fortunately, as a
16 result of a lot of people's hard work and long efforts,
17 especially Buff's and Don Emil's and members of the Park
18 Service and a lot of your help and arm twisting, I'm certain,
19 we're at this point where the resolution is before the Council.

20 Our only regret is that Bobby Kavasnikoff, our
21 Chairman, is not here with us today to witness this. I had an
22 opportunity to meet with him shortly before he died and it was
23 a matter that was foremost on his mind. He saw this as being
24 an opportunity to provide an economic opportunity for his
25 people for the future, to provide access to lands to the public

00124

1 in general and most importantly to provide an opportunity to
2 fund -- for using the SEA money, archaeological study of an
3 area that's very special to the people of Nanwalek. That they
4 have a long history of settlements in the area that have,
5 because of the inaccessibility of the area, has not been
6 touched upon.

7 We hope the Council will act favorably with respect to
8 the resolution. Again I want to express on behalf of the
9 corporation our gratitude for the hard work that the Federal
10 staff has put in on this project and we look forward to working
11 with the Park Service very closely in the future with the
12 implementation of this. Thank you.

13 CHAIRMAN TILLERY: Thank you very much.

14 MS. D. WILLIAMS: Mr. Chairman, perhaps it
15 would be an opportune time to present to the other Trustee
16 Council members a resolution regarding Robert "Bobby"
17 Kavasnikoff that we would hope to get Trustee support for and
18 signature for the resolution because as Mr. Timme so
19 appropriately said, Bobby Kavasnikoff's inspiration is what
20 probably provided the most important momentum for this
21 transaction. So with the Chair's permission if I could read
22 the resolution?

23 CHAIRMAN TILLERY: Go ahead.

24 MS. D. WILLIAMS: Robert "Bobby" Kavasnikoff,
25 Native leader, musician, husband and father, 1953 to 1997.

00125

1 Bobby Kavasnikoff could always be found center stage in his
2 home town of Nanwalek ready with a smile and a song. As a
3 village leader and Chairman of the English Bay Corporation
4 Bobby spoke eloquently about Native issues. His role in
5 negotiating the sale of village holdings in Kenai Fjords
6 National Park led to the establishment of a permanent endowment
7 for the people of Nanwalek, training and jobs for village youth
8 and long term protection of Native heritage.

9 But it was through his electric guitar, golden voice
10 and home grown songs where Bobby's passion took root in the
11 heart of Alaska. He reached Alaskans through rock and roll,
12 leading the English Bay band to local fame at the Alaska State
13 Fair and statewide Native gatherings. When Bobby talked or
14 sang people listened. He returnally (sic) served as Grand
15 Master for community events with his band often providing
16 entertainment for dances and pageant. He was a central figure
17 who brought smiles to his village, whether as a jolly Santa
18 Claus for village children, a band leader or a steady voice
19 promoting Native issues.

20 As members of the Exxon Valdez Trustee Council we join
21 with the family and friends of Bobby Kavasnikoff in honoring
22 his life accomplishments and vision. We extend our sincere
23 condolences to Bobby's wife, Susan, his eight children, his
24 parents, his 12 brothers and sisters and to the community of
25 Nanwalek. Bobby's leadership, commitment, talents and sense of

00126

1 community will be greatly missed by all.

2 And I move that we pass this as a resolution of the
3 Trustee Council.

4 MR. WOLFE: Second.

5 MR. RUE: Second if you need it.

6 CHAIRMAN TILLERY: Okay. Would anyone else
7 like to make any comments at this time?

8 (No responses)

9 CHAIRMAN TILLERY: Okay. All in favor of the
10 resolution say aye.

11 IN UNISON: Aye.

12 CHAIRMAN TILLERY: Opposed.

13 (No opposing responses)

14 CHAIRMAN TILLERY: The resolution passes. If
15 you could have Council members sign it and that will be
16 provided to his family. Thank you, Deborah.

17 At this time I would like to take a somewhat unusual
18 step, but if there are any members of the public either -- and
19 let me start here in Anchorage, who didn't speak earlier, at
20 the earlier public comment period, who would like to add
21 anything about this particular transaction as it's been
22 described, I'd just like to take a few minutes, and I would
23 request that you keep any remarks pretty brief, but if there is
24 anyone who would have some additional comments from Anchorage
25 could you raise your hand or identify yourselves?

00127

1 (No responses)

2 CHAIRMAN TILLERY: And I guess I'm not too sure
3 what sites are on the line, but if there's anyone at any of the
4 sites would like to comment who has previously spoken on this
5 issue, could you please identify yourself?

6 (No responses)

7 CHAIRMAN TILLERY: Okay. We had an awful lot
8 of comments earlier on this issue.

9 MS. McCAMMON: Mr. Chairman.

10 CHAIRMAN TILLERY: Ms. McCammon.

11 MS. McCAMMON: I'd like to make a comment.

12 CHAIRMAN TILLERY: Ms. McCammon would like to
13 make a comment.

14 MS. McCAMMON: For the non-members of the
15 public. Ms. Williams was correct when she said that this
16 particular acquisition had received some of the greatest amount
17 of public support of any of the elements of the Council's
18 habitat protection program. We have in our library over 500
19 letters and comments from individuals in Alaska and outside the
20 state of Alaska supporting this acquisition. Since last Friday
21 alone we have received more than 135 individual, either
22 letters, e-mail or telephone calls that are represented in this
23 binder. And they're all unanimous in support of going forward
24 with this acquisition. And I think this definitely is a major
25 part of this public record.

00128

1 MS. D. WILLIAMS: Mr. Chairman.

2 CHAIRMAN TILLERY: Ms. Williams.

3 MS. D. WILLIAMS: I believe all the Trustee
4 Council members have the resolution in front of them, I would
5 move now that the Trustee Council adopt the resolution to make
6 an offer to English Bay Corporation to acquire the lands that
7 we've discussed.

8 MR. RUE: Second.

9 MS. BROWN: Second.

10 CHAIRMAN TILLERY: The motion to adopt the
11 resolution for the acquisition of the English Bay lands has
12 been moved and seconded. Is there additional discussion,
13 first, here in Anchorage?

14 (No responses)

15 CHAIRMAN TILLERY: Is there additional
16 discussion from Council members in Juneau?

17 MR. PENNOYER: No, Mr. Chairman, thank you.

18 CHAIRMAN TILLERY: We'll bring it to a vote.
19 All in favor of the motion signify by saying aye.

20 IN UNISON: Aye.

21 CHAIRMAN TILLERY: Opposed.

22 (No opposing responses)

23 CHAIRMAN TILLERY: The motions carries, we have
24 unanimously agreed that the offer will be extended to English
25 Bay as described in the resolutions.

00129

1 Thank you very much, Deborah and congratulations Buff
2 and congratulations English Bay Corporation.

3 (Round of applause)

4 CHAIRMAN TILLERY: And there's more on the
5 agenda, if I can find it. I believe the next item on the
6 agenda will be the -- what is now know as the Roberts parcel,
7 it was the Schilling parcel, Kenai small parcel 1038.
8 Mr. Swiderski, would you like to come up and describe for us
9 briefly what that is.

10 MR. SWIDERSKI: Thank you, Mr. Chairman.
11 Members of the Trustee Council the Roberts parcel which was
12 originally known as the Schilling parcel was sold to
13 Mr. Roberts at the beginning of last summer. As originally
14 contemplated this parcel encompassed approximately 5.9 acres.
15 It's located on the Kenai River at the -- just downstream from
16 where the Sterling Highway crosses the Kenai River in
17 essentially downtown Soldotna.

18 The parcel originally appraised at \$1,304,000.00.
19 Following discussions with the Council we determined that the
20 price given the nature of the parcel was higher than was
21 appropriate for the Council to be spending, spoke with the land
22 owner and he agreed to reduce the size of the parcel from 5.9
23 acres to 3.34 acres, nevertheless, reserving in the
24 reconfigured parcel all of the shoreline that was in the
25 original parcel and, thereby, retaining a vast portion of the

00130

1 original restoration benefits of the parcel.

2 This parcel has more than 600 feet of shoreline along
3 the Kenai River, the Kenai River provides spawning habitat for
4 all species of Pacific salmon, specifically pink salmon spawn
5 and dolly varden spawn and rear along this stretch of the
6 river. The stream side vegetation afforded by this parcel not
7 only stabilizes the stream banks but protects water quality,
8 moderates temperatures and provides cover for rearing fish.

9 As the Council is well aware, the increasing pressure
10 of fishing in the Kenai River, including bank fishing, has
11 destroyed much of this stream side protection all along the
12 river. This parcel is currently subject to shoreline easement
13 held by the Kenai River Sportfish Association. Pursuant to
14 that easement they have constructed a boardwalk and put in
15 place bank stabilization measures to provide for the
16 regeneration for destroyed habitat along this stretch of bank.

17 That easement is not a perpetual easement, it can be
18 terminated by the land owner upon one year's notice and one of
19 the benefits of this acquisition would be to effect -- merge
20 title with that easement and acquire it, thereby providing
21 permanent protection for the boardwalk. By virtue of its
22 location at the Sterling Highway crossing and in downtown
23 Soldotna and it's also adjacent to the Kenai River -- I'm sorry
24 the Kenai Visitors Center, the parcel will attract many bank
25 fishermen and thereby deflect fishing pressures from more

00131

1 remote parcels and, I think, I would submit, make it easier for
2 fishery managers when they need to to close other parcels to
3 bank fishing.

4 The acquisition of the parcel has received extensive
5 public support, strongly supported and the current
6 configuration is strongly supported by the Kenai River
7 Sportfishing Association, also by the Kenai Borough Mayor and
8 the Soldotna Mayor.

9 The current price of the parcel as reconfigured is
10 \$698,000.00. This price was arrived at by calculating a square
11 footage for the initial parcel as it was appraised and applying
12 that to the reduce size of 3.34 acres. I was assured by the --
13 Dennis Slattery who was the review appraiser who confirmed with
14 the appraiser who appraised the property that by reducing the
15 size of the parcel and keeping within it the shoreline, all of
16 the shoreline that the square foot price would go up, which in
17 effect means that the Council will be acquiring this parcel as
18 somewhat an undetermined amount below what the parcel would
19 appraise at.

20 I have prepared a resolution that also includes --
21 because the parcel was reduced in size, the one boundary, and
22 there is, I believe, in your packet a map that shows the parcel
23 with the proposed reconfiguration, that one boundary will need
24 to be surveyed and the resolution does include provision for
25 the survey costs to be paid by the -- with the use of Trustee

00132

1 Council funds to be provided, with Ms. McCammon's approval. I
2 believe the cost should be relatively low because there's
3 survey markers out there, but that one boundary would need to
4 be resurveyed.

5 Are there any question?

6 CHAIRMAN TILLERY: Are there any questions of
7 Mr. Swiderski from the Council members in Anchorage? Mr. Rue.

8 MR. RUE: Not so much a question as a comment.
9 I think I'd just like to commend this parcel and the efforts of
10 Mr. Swiderski in getting a proposal before us, as well as the
11 property owners. I've been on the parcel a number of times and
12 the Kenai Sportfishing Association has done a tremendous job
13 down there, not only developing access but doing it in a way
14 that protects the banks and maintains a natural bank so that we
15 can have access to this incredible resource but also maintain
16 its habitat functions. I think it's an area that has gotten a
17 lot of attention, a lot of people will use it. It's really not
18 only an important parcel, but it's also an incredible example
19 for other property owners to see how to do it right in
20 protecting their banks.

21 So I think a lot of people put a lot of effort into
22 this and I would commend it to the Council.

23 MR. PENNOYER: (Indiscernible)

24 MR. RUE: Pardon?

25 CHAIRMAN TILLERY: Mr. Pennoyer, was there a

00133

1 comment?

2 MR. PENNOYER: Mr. Chairman, we were talking
3 about the boardwalk process and the fish walk contribution and
4 how that plays into this.

5 CHAIRMAN TILLERY: I'm sorry, did you have a
6 question for Alex on how the fish walk works?

7 MR. PENNOYER: Well, no, I think that was an
8 element that was presented to us as further reason why this
9 makes a lot of sense and we were just going to ask that
10 question on the record.

11 MR. SWIDERSKI: I believe it does enhance the
12 value of the parcel to the Council in a couple of different
13 ways. One is that it does allow a concentration of fishing
14 there that will deflect pressure from other parcels and by
15 fishing there on a boardwalk people will not be threatening
16 banks. And, of course, an advantage to the Council is that the
17 boardwalk is already in place. The boardwalk was not included,
18 I believe I'm correct, in the value of the appraisal because
19 there was an easement for it and technically title to the
20 boardwalk, I think, currently will remain with the -- would
21 remain with the Kenai River Sportfish Association, although as
22 I say, the owner can terminate the easement upon a year's
23 notice and acquire that interest if it so desires. But
24 essentially we will be buying protection provided by the
25 boardwalk and the bank stabilization measures that are already

00134

1 there and I, too, have seen the parcel and I would agree with
2 Mr. Rue, that it is well done.

3 CHAIRMAN TILLERY: Are there any additional
4 questions or comments for Mr. Swiderski from Juneau?

5 MR. PENNOYER: No, thank you, Mr. Chairman.

6 CHAIRMAN TILLERY: Any from Anchorage?

7 (No responses)

8 CHAIRMAN TILLERY: Thank you, Alex. I noticed
9 that Ben Ellis is in the audience. Ben, would you like to
10 address the Council?

11 MR. ELLIS: I'm Ben Ellis, the Executive
12 Director of Kenai River Sportfishing. We appreciate the
13 consideration of purchasing this property. To maybe address
14 the boardwalk issue just a little bit, the area prior to
15 construction of the boardwalk a year ago by the Soldotna
16 Visitors Center was a complete mud hole, it was a catastrophe,
17 people fishing in mud and slopping in mud and tearing habitat
18 up. In the first segment of the boardwalk, the first 72 feet
19 was constructed on the city of Soldotna property there at the
20 Visitors Center, which is a sliver, as you see in your diagram,
21 out of this parcel, of which the original parcel was. And then
22 another 200 feet was added in August onto the Schilling
23 property with the 10 foot easement that you've been talking
24 about.

25 The total cost of that project is right at \$140,000.00

00135

1 and that's the bank stabilization and the boardwalk and the
2 steps going into the river for hip boot fishing type of thing.
3 And I might just mention all this -- the 140,000 was raised
4 through private funds, though fishing events, Senator Stevens
5 participates in the Kenai River Classic. So we're committed to
6 continue this type of effort, we encourage the Council to
7 purchase the property because we do think it's a critical area
8 for habitat. The part that you're looking at is still in
9 fairly good riparian state, we'll be interested in working with
10 any of the new owners to design, create a further extension of
11 the boardwalk using Classic funds and to do it in the most
12 habitat responsible way. Our sportfishing association has two
13 goals and that is to protect the fish habitat and to promote
14 responsible sportfishing.

15 Thank you.

16 CHAIRMAN TILLERY: Thank you very much. Are
17 there any question from Council members of Mr. Ellis, here in
18 Anchorage?

19 (No responses)

20 CHAIRMAN TILLERY: Happy Valentine. Let the
21 record reflect that Deborah received flowers. Are there any
22 questions for Mr. Ellis from the Juneau Council members?

23 MR. PENNOYER: No. Thank you very much for the
24 explanation.

25 CHAIRMAN TILLERY: Okay. Thank you, Mr. Ellis.

00136

1 MR. RUE: One last comment. I would just like
2 to say that the Sportfish Association has done a tremendous job
3 in developing some of these access facilities and
4 rehabilitating banks. They're doing a great job.

5 MS. D. WILLIAMS: Actually let the record
6 reflect, this was just care of me, this is to the Trustee
7 Council, the entire Trustee Council, so we all get a couple of
8 roses from Kenai Fjords Coast and Critters Within. We thanks.
9 Thank you whoever sent them.

10 MR. RUE: I guess it was those otters.

11 MS. D. WILLIAMS: The otters, yeah. That's
12 very splendid, we'll all split and enjoy these beautiful
13 flowers.

14 CHAIRMAN TILLERY: I'd like to just briefly
15 make one comment about the parcel 1038. That is I think we're
16 doing really a pretty good job on the Kenai, we were looking at
17 that map earlier, of finding areas, of acquiring them and of
18 protecting the banks. And I think we have to keep in mind that
19 when we do protect banks and we take some of the river and we
20 say, okay, let's don't fish anymore, let's let this bank
21 recover that people -- we need to find a place for those people
22 to go and to fish. And I think one of the most important
23 things about this parcel is it allows -- it really is a place
24 that is protected, it's a good fishing location, one that now
25 has a fish walk on it. It's going to allow the bank to be

00137

1 stable but we're going to be able to direct traffic away from
2 other areas, allowing them to restore, while putting people in
3 this area. And I think it's really -- it's part of an overall
4 comprehensive strategy but it's a very necessary part of that
5 overall comprehensive strategy.

6 Anyway, with that, is there a motion?

7 MR. RUE: I move that the Council approve the
8 purchase of the Roberts parcel for a sum of \$698,000.00.

9 MS. BROWN: Second, Mr. Chair.

10 CHAIRMAN TILLERY: The motion has been moved
11 and seconded. Is there any further discussion from Anchorage
12 on the motion?

13 (No responses)

14 CHAIRMAN TILLERY: Is there any further
15 discussion from Juneau on the motion?

16 MS. BROWN: No, thank you.

17 CHAIRMAN TILLERY: Hearing none, all in favor
18 of the motion signify by saying aye.

19 IN UNISON: Aye.

20 CHAIRMAN TILLERY: Opposed.

21 (No opposing responses)

22 CHAIRMAN TILLERY: The motion carries. Thank
23 you. Congratulations.

24 We have one item left on the agenda and, Molly, do you
25 want to explain that or who will be explaining that? It has to

00138

1 do with the Chenega.....

2 MS. McCAMMON: Well, Mr. Chairman, this is a
3 small amendment to the Chenega resolution that does two things.
4 First of all it clarifies that for the \$34,000,000.00 purchase
5 price for the Chenega property that 24,000,000 comes from
6 Trustee Council funds and 10,000,000 from the Federal
7 restitution funds.

8 And then secondly it allows us to go forward by
9 changing the language when Department of Law and Department of
10 Justice are authorized to go forward to request the money from
11 the court. It allows us to go forward right away, get the
12 money from the court, put it into the Federal NRDA R account,
13 be getting interest on it while we're waiting for the closing
14 to occur. But then those funds would be almost immediately
15 available for when that event happens.

16 CHAIRMAN TILLERY: Thank you. Are there
17 questions of Council members?

18 MS. D. WILLIAMS: So moved.

19 MR. WOLFE: Second.

20 CHAIRMAN TILLERY: It's been moved and
21 seconded. Is there discussion from Council members in
22 Anchorage on this motion?

23 (No responses)

24 CHAIRMAN TILLERY: Is there any discussion from
25 Council members in Juneau on the motion?

00139

1 MS. BROWN: No, thank you.

2 CHAIRMAN TILLERY: Okay. All in favor of the
3 motion signify by saying aye.

4 IN UNISON: Aye.

5 CHAIRMAN TILLERY: Opposed.

6 (No opposing responses)

7 CHAIRMAN TILLERY: The motion passes.

8 MS. McCAMMON: It's a resolution.

9 CHAIRMAN TILLERY: The resolution passes and

10 we'll be signing it and sending it around.

11 I think that brings us to the end, almost on schedule.

12 MR. WOLFE: Mr. Chair.

13 CHAIRMAN TILLERY: Mr. Wolfe, it doesn't bring
14 us to the end?

15 MR. WOLFE: Not quite. I wanted to just take
16 one second to extend my appreciation and thanks to the Interior
17 folks and folks of English Bay for continuing to negotiate and
18 work out a deal that I think is to the benefit of all the
19 parties and really happy to see this part of what we were
20 trying to achieve and set out to achieve in the Restoration
21 Plan to provide some protection of habitat throughout the oil
22 spill area with as much balance as we could. So this just adds
23 one more piece to the puzzle.

24 Thank you.

25 CHAIRMAN TILLERY: Thank you. Other comments

00140

1 by Council members?

2 MS. D. WILLIAMS: You don't get three roses for
3 that though, Jim.

4 MR. WOLFE: Sorry, sorry.

5 CHAIRMAN TILLERY: That increased your rose
6 allotment. All right. Is there a motion?

7 MS. D. WILLIAMS: Yeah.

8 MS. McCAMMON: Recess.

9 MS. D. WILLIAMS: I move to recess. In
10 executive session we discussed the need for a subsequent
11 executive session to discuss habitat acquisition, particularly
12 small parcels, further, so I move to recess until we can have
13 that executive session.

14 MR. WOLFE: I second.

15 CHAIRMAN TILLERY: It has been moved and
16 seconded. Is there any discussion in Anchorage?

17 (No responses)

18 CHAIRMAN TILLERY: Is there any discussion in
19 Juneau on the motion?

20 MS. BROWN: No.

21 MR. PENNOYER: No, thank you.

22 CHAIRMAN TILLERY: All in favor say aye.

23 IN UNISON: Aye

24 CHAIRMAN TILLERY: Opposed.

25 (No opposing responses)

00142

1 C E R T I F I C A T E

2 UNITED STATES OF AMERICA)

3) ss.

4 STATE OF ALASKA)

5 I, Joseph P. Kolasinski, Notary Public in and for the
6 State of Alaska and Owner of Computer Matrix do hereby certify:

7 THAT the foregoing pages numbered 5 through 141 contain
8 a full, true and correct transcript of the Exxon Valdez Oil
9 Spill Trustee Council's Meeting recorded electronically by me
10 on the 14th day of February 1997 and thereafter transcribed by
11 me to the best of my knowledge and ability;

12 THAT there are numerous indiscernibles in pages 2
13 through 34 due to a malfunction of the first tape which caused
14 a great deal of warbling;

15 THAT the Transcript has been prepared at the request
16 of:

17 EXXON VALDEZ TRUSTEE COUNCIL, 645 G Street,
18 Anchorage, Alaska 99501;

19 DATED at Anchorage, Alaska this 13th day of December
20 1996.

21 SIGNED AND CERTIFIED TO BY:

22 _____
23 Joseph P. Kolasinski
24 Notary Public in and for Alaska
25 My Commission Expires: 04/17/00