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1 EXXON VALDEZ OIL SPILL  
2 TRUSTEE COUNCIL  
3 Monday, March 9, 1998  
4 2:30 o'clock p.m.

5 TRUSTEE COUNCIL MEMBERS PRESENT:

6 STATE OF ALASKA -	MR. CRAIG TILLERY
7 DEPARTMENT OF LAW:	Trustee Representative
8 (Chairman)	for the Attorney General
9 U.S. DEPARTMENT OF COMMERCE - NMFS:	MR. BILL HINES
10 (Telephonically)	for Steve Pennoyer
11	Director, Alaska Region
12 STATE OF ALASKA - DEPARTMENT	MR. FRANK RUE
13 OF FISH AND GAME:	Commissioner
14 (Telephonically)	
15 U.S. DEPARTMENT OF INTERIOR:	MS. DEBORAH WILLIAMS
16 (Telephonically)	Special Assistant to the
17	Assistant Secretary
18 U.S. DEPARTMENT OF AGRICULTURE -	MR. JIM WOLFE
19 U.S. FOREST SERVICE	for Phil Janik
20 (Telephonically)	Regional Forester
21 STATE OF ALASKA - DEPARTMENT	MS. GINNY FAY for
22 OF ENVIRONMENTAL CONSERVATION:	Commissioner Michele
23 (Telephonically)	Brown
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1 STAFF PRESENT:

2 MS. MOLLY McCAMMON

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4 MR. ERIC MYERS

5

6 MS. REBECCA WILLIAMS

7

8 MR. HUGH SHORT

9

10 MR. ALEX SWIDERSKI

11

12 MR. BARRY ROTH

13 (Telephonically from Virginia)

14

15

16 MS. GINA BELT

17 MR. ROB BOSWORTH

18

19 MR. GLENN ELISON

Executive Director

EVOS Trustee Council

Director of Operations

EVOS Trustee Council

Executive Secretary

EVOS Trustee Council

Community Involvement

Coordinator, EVOS Staff

State of Alaska

Department of Law

Attorney-Advisor

Conservation & Wildlife

Division

Department of the Solicitor

Department of Justice

State of Alaska Department

of Fish and Game

U.S. Fish & Wildlife Service

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P R O C E E D I N G S

1  
2 (On record - 2:41 p.m.)

3 CHAIRMAN TILLERY: Okay, we'll call to order  
4 the March 9th meeting of the Exxon Valdez Trustee Council.  
5 This is Craig Tillery in Anchorage representing the Department  
6 of Law. We have Deborah Williams with the Department of the  
7 Interior; Frank Rue with Department of Fish and Game; Bill  
8 Hines with NOAA; and Ginny Fay with DEC; and Jim Wolfe, I  
9 think.....

10 MR. WOLFE: Yeah.

11 CHAIRMAN TILLERY: .....with Forest Service.

12 The first order of business is approval of the agenda,  
13 do we have a motion?

14 MS. D. WILLIAMS: So moved.

15 MR. WOLFE: Second.

16 CHAIRMAN TILLERY: Okay, it's been moved and  
17 seconded, does anyone have any additions to the agenda?

18 Ms. McCammon.

19 MS. McCAMMON: Mr. Chairman, the only thing I  
20 wanted to add the agenda is to reaffirm the emergency session  
21 polling that occurred at the end of February.

22 CHAIRMAN TILLERY: Okay. Is that acceptable to  
23 the mover?

24 MR. WOLFE: Say again, would you, Molly.

25 MS. McCAMMON: I just wanted to put on the

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1 record the results of the emergency polling in late February.

2 MS. D. WILLIAMS: Yes, that's fine.

3 CHAIRMAN TILLERY: And perhaps have a sort of  
4 confirmatory vote by.....

5 MS. McCAMMON: You don't have to have a  
6 confirmatory vote according to the procedures, unless you'd  
7 like to.

8 CHAIRMAN TILLERY: Yes, that would be good.  
9 Okay, then all in favor of the agenda as amended, aye.

10 IN UNISON: Aye.

11 CHAIRMAN TILLERY: Okay. The first item of  
12 business, I believe, is the revision to the Homer Spit Small  
13 Parcel Resolution. Who's going to be addressing that?

14 MS. McCAMMON: Mr. Chairman, that would be Alex  
15 Swiderski who will address that.

16 CHAIRMAN TILLERY: Mr. Swiderski.

17 MR. SWIDERSKI: Yeah, Mr. Chairman, during a  
18 hazmat survey performed by the Department of Natural Resources  
19 last fall it became apparent that there is the remains of a  
20 small dump that is partially on two different lots which are  
21 among the five lots to be conveyed -- on which a conservation  
22 easement would be conveyed by the City of Homer to the State of  
23 Alaska and BLM. When I discussed this with Dennis Hoakwell  
24 from the DOI Solicitor's office he indicated that there was  
25 some concern about whether BLM would be willing to accept the

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1 conservation easement on these lots. And these are lots where  
2 the City already owns -- has title to them.

3 And we discussed the possibility of amending the  
4 Council resolution to allow BLM the option of either accepting  
5 the conservation easement on the lots or not accepting the  
6 conservation easement on the lots, depending on the results of  
7 their own hazmat survey. If they need only to do a level one  
8 survey I think they will accept it. If a level two survey were  
9 required, they would probably not be willing to accept the  
10 conservation easement.

11 MS. D. WILLIAMS: Alex, you're fading out a  
12 bit.

13 MR. SWIDERSKI: BLM, apparently, as I  
14 understand it, if only a level one survey is required BLM is  
15 willing to accept the conservation easement, if a level two  
16 survey is required they would prefer not to accept the  
17 conservation easement, primarily because of the complication of  
18 doing a level two survey.

19 So we would -- the proposal is to modify the resolution  
20 to allow BLM the option of either accepting an easement or not  
21 accepting an easement on these two lots.

22 MS. D. WILLIAMS: I move to modify the  
23 resolution accordingly.

24 MR. WOLFE: I would second.

25 CHAIRMAN TILLERY: Okay, is there any

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1 discussion on the motion?

2 (No audible responses)

3 CHAIRMAN TILLERY: Okay, all in favor of the  
4 motion, say aye.

5 IN UNISON: Aye.

6 OPERATOR: Excuse the interruption, I do have  
7 Mr. Elison on the line.

8 MS. McCAMMON: Thank you.

9 CHAIRMAN TILLERY: Thank you. Okay, anyone  
10 opposed to the motion?

11 (No opposing responses)

12 CHAIRMAN TILLERY: Hearing none the motion  
13 passes.

14 I guess the next order of business would be to have  
15 Molly give us a report on the emergency polling vote. And I  
16 guess it would be my preference to have the Council members, on  
17 the record, sort of confirm their vote.

18 MS. McCAMMON: Mr. Chairman, two matters were  
19 brought to the attention of the Trustee Council in late  
20 February. Because the matters were time sensitive and there  
21 was no scheduled Trustee Council meeting these action items  
22 were both addressed through use of the emergency action  
23 provision provided for in the Trustee Council procedures. And  
24 I can go through the two motions.

25 Both motions did pass unanimously. According to the

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1 procedures they then need to be reflected in the record at the  
2 next Trustee Council meeting. The first motion is as follows:  
3 By unanimous agreement of the Trustee Council, the Executive  
4 Director is hereby authorized to execute such documents as  
5 determined appropriate by the Alaska Department of Law to  
6 release any interest the Council may have in all insurance  
7 claims arising from damages to the aviary canopy at the Alaska  
8 SeaLife Center.

9 This action is premised on the Council's understanding  
10 that ADF&G, as party to the cooperative agreement with the City  
11 of Seward, which implemented the Council's decision to fund the  
12 research portion of the facility is responsible for ensuring  
13 that such proceeds are used in accordance with the purposes of  
14 the cooperative agreement.

15 All six Trustees voted in favor of this motion.

16 The second motion: By unanimous agreement of the  
17 Trustee Council, the Executive Director is hereby authorized to  
18 establish the appropriate due date for response to the RFP for  
19 comprehensive proposals concerning the establishment of a  
20 single regional archaeological repository and associated  
21 community display facilities and traveling exhibits within the  
22 Chugach and Lower Cook Inlet Regions.

23 Again, all six Trustees voted unanimously in favor of  
24 that resolution.

25 CHAIRMAN TILLERY: Okay, thank you. Again, for



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1 purpose of the record, I think it would be helpful if the  
2 Council members could essentially ratify their prior votes that  
3 they did through the emergency polling method on this. And I  
4 guess the easiest way to do that, so we can just go through  
5 them one-by-one and essentially ask if you're vote is in favor.

6  
7 So the first motion was a motion to -- which motion,  
8 Molly?

9 MS. McCAMMON: The first motion was on the  
10 SeaLife Center.

11 CHAIRMAN TILLERY: Okay. And all in favor of  
12 that motion, aye.

13 IN UNISON: Aye.

14 CHAIRMAN TILLERY: Opposed.

15 (No opposing responses)

16 CHAIRMAN TILLERY: None being opposed.

17 And the second motion was.....

18 MS. McCAMMON: The archaeological repository  
19 date for proposals.

20 CHAIRMAN TILLERY: And all in favor of that  
21 motion say aye.

22 IN UNISON: Aye.

23 CHAIRMAN TILLERY: Opposed.

24 (No opposing responses)

25 CHAIRMAN TILLERY: Okay. That brings us, then,

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1 if there's no other business, to executive session to discuss  
2 habitat protection negotiations on the agenda. I believe  
3 that's the last item we have on this agenda.

4 MS. McCAMMON: That's correct.

5 CHAIRMAN TILLERY: Is there a motion on that?

6 MS. D. WILLIAMS: I move to go into executive  
7 session to discuss habitat acquisitions.

8 MR. HINES: Seconded.

9 CHAIRMAN TILLERY: All in favor of that, aye.

10 IN UNISON: Aye.

11 CHAIRMAN TILLERY: Opposed.

12 (No opposing responses)

13 CHAIRMAN TILLERY: Okay, we will move into  
14 executive session. What's the logistics on this?

15 MS. R. WILLIAMS: We will disconnect, no one  
16 else disconnects. We will go down into Molly's office and the  
17 conference operator will call us back.

18 CHAIRMAN TILLERY: Okay, is there anyone  
19 publicly on here besides.....

20 MS. McCAMMON: No.

21 CHAIRMAN TILLERY: Nobody's publicly on here  
22 besides us?

23 MS. McCAMMON: No.

24 CHAIRMAN TILLERY: And about how long do you  
25 think we'll be for purpose of the public members?

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1 MS. McCAMMON: Probably take a minute.

2 CHAIRMAN TILLERY: No, I mean for the executive  
3 session for purpose of public members here.

4 MS. McCAMMON: Oh, an hour. It could be as  
5 long as an hour.

6 CHAIRMAN TILLERY: Okay. So it could be as  
7 much as an hour.

8 MS. McCAMMON: No action is anticipated after.

9 CHAIRMAN TILLERY: After the meeting, other  
10 than a report on what was said. Okay, then let's go off here.

11 (Off record - 2:55 p.m.)

12 (Moved to executive session)

13 At 4:00 p.m the Council resumed the open meeting and  
14 then it was moved by Deborah Williams and seconded by Bill  
15 Hines to recess. At 4:01 p.m. the meeting was recessed.

16 (END OF PROCEEDINGS)

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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 3 through 9 contain a  
8 full, true and correct transcript of the Exxon Valdez Oil Spill  
9 Trustee Council's Teleconference Meeting recorded  
10 electronically by me on the 9th day of March 1998, commencing  
11 at the hour of 2:30 p.m. and thereafter transcribed by me to  
12 the best of my knowledge and ability.

13 THAT the Transcript has been prepared at the request  
14 of:

15 EXXON VALDEZ TRUSTEE COUNCIL, 645 G Street,  
16 Anchorage, Alaska 99501;

17 DATED at Anchorage, Alaska this 16th day of March 1998.

18 SIGNED AND CERTIFIED TO BY:

19  
20 \_\_\_\_\_  
21 Joseph P. Kolasinski  
22 Notary Public in and for Alaska  
23 My Commission Expires: 04/17/00