

1 EXXON VALDEZ OIL SPILL TRUSTEE COUNCIL

2 Public Meeting

3 Wednesday, June 23, 2010

4 9:30 o'clock a.m.

5 441 West 5th Avenue, Suite 500

6 Anchorage, Alaska

7 TRUSTEE COUNCIL MEMBERS PRESENT:

8 STATE OF ALASKA - DEC: MR. LARRY HARTIG

9 (Chair) Commissioner

10 STATE OF ALASKA - MR. CRAIG TILLERY for

11 DEPARTMENT OF LAW: MR. DANIEL SULLIVAN

12 U.S. DEPARTMENT OF AGRICULTURE, MR. STEVE ZEMKE for

13 U.S. FOREST SERVICE MR. JOE MEADE, Supervisor

14 (TELEPHONICALLY)

15 U.S. DEPARTMENT OF INTERIOR: MR. KIM ELTON

16 Senior Advisor

17 U.S. DEPARTMENT OF COMMERCE, MR. CRAIG O'CONNOR for

18 STATE OF ALASKA - DEPARTMENT

19 OF FISH AND GAME: COMMISSIONER DENBY LLOYD

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1 ALSO PRESENT:

2 ELISE HSIEH Executive Director

3 CATHERINE BOERNER Science Coordinator

4 BARAT LaPORTE Patton Boggs

5 CAROL FRIES ADNR

6 RENEE JAMES

7 CARRIE HOLBA ARLIS

8 SAMANTHA CARROLL DNR

9 (TELEPHONICALLY)

10 VERONICA VARELA USFWS

11 MARIT CARLSON-vanDORT AK DEC

12 LAUREL JENNINGS NOAA

13 TOM BROOKOVER ADF&G

14 PETE HAGEN NOAA

15 MIKE ZEVENBERGEN DOJ

16 JEN SCHORR ADOL

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P R O C E E D I N G S

(Anchorage, Alaska - 6/23/2010)

(On record - 9:30 a.m.)

CHAIRMAN HARTIG: Okay. We're ready to go. Do I do a roll call or do you want me to do the roll call?

MR. O'CONNOR: Craig O'Connor from NOAA.

MS. HSIEH: Oh, yes.

CHAIRMAN HARTIG: Okay. Got Craig O'Connor. We got Kim Elton on the phone. Steve Zemke here from Forest Service. Craig Tillery from Law. Denby on the phone from Fish and Game and Larry Hartig from DEC. And.....

MR. ZEVENBERGEN: Listening in, this is Mike Zevenbergen in Seattle, USDOJ.

CHAIRMAN HARTIG: Thanks, Mike. Anybody else on the phone?

MS. SCHORR: Jen Schorr.

CHAIRMAN HARTIG: Thanks, Jen, in the parking lot in Denver.

MS. SCHORR: That's me.

MS. VAN DORT: Marit Van Dort.

CHAIRMAN HARTIG: Marit Van Dort from DEC.

MS. BIRD: Nancy Bird and RJ Kopchak in Cordova.

MS. HSIEH: RJ Kopchak in Cordova.

CHAIRMAN HARTIG: Oh, okay. Thank you.

MR. BROOKOVER: Tom Brookover in Anchorage.

1 CHAIRMAN HARTIG: Thanks, Tom.

2 MR. HAGEN: Pete Hagen in Juneau.

3 CHAIRMAN HARTIG: Hi, Pete.

4 MR. TKACZ: Bob Tkacz, reporter for the Fisherman's
5 News magazine in Juneau.

6 CHAIRMAN HARTIG: Good. Welcome, Bob.

7 MS. VARELA: Varela in Anchorage.

8 CHAIRMAN HARTIG: Okay. Anybody else on the phone?
9 Who was the last.....

10 MS. HSIEH: We couldn't hear the last name.

11 CHAIRMAN HARTIG:person in Anchorage?

12 MS. VARELA: Veronica Varela with the Fish and
13 Wildlife Service.

14 CHAIRMAN HARTIG: Okay.

15 MS. HSIEH: Oh.

16 CHAIRMAN HARTIG: Thanks, Veronica. Okay. So I
17 guess we'll go around the room here, who all we have in the
18 room. Catherine, do you want to start?

19 MS. BOERNER: Okay. Catherine Boerner.

20 MS. HOLBA: Carrie Holba.

21 MS. JAMES: Renee James.

22 MS. CARROLL: I'm Samantha Carroll from DNR.

23 MS. LAPORTE: Barat LaPorte.

24 CHAIRMAN HARTIG: Okay. Well, got the draft agenda
25 in front of us. If I can get a motion for approval of

1 today's agenda.

2 MR. O'CONNOR: So moved, Mr. Chairman.

3 MR. TILLERY: Second.

4 CHAIRMAN HARTIG: Okay. Any changes requested on
5 the agenda? Doesn't look like it, so the agenda is
6 approved. See then, we need to approve the May 14, 2010
7 meeting notes. Will I get a motion to approve those, the
8 meeting notes?

9 MR. ZEMKE: Move to approve the meeting notes of
10 May 14th, 2010.

11 CHAIRMAN HARTIG: Thanks, Steve. A second?

12 MR. TILLERY: Second.

13 CHAIRMAN HARTIG: Thanks, Craig. Any changes or
14 additions to the May 14th meeting notes that are in your
15 packet?

16 (No audible responses)

17 CHAIRMAN HARTIG: Hearing none, those are approved.
18 So I guess we go on to PAC comments. Do we have any today?

19 MS. HSIEH: We have not had a meeting, so I don't
20 -- and Stacy is also not online, so I don't think we have
21 any.

22 CHAIRMAN HARTIG: Okay. So we'll go on then to
23 public comments. Any member of the public on the phone
24 that wished to comment today?

25 (No audible responses)

1 CHAIRMAN HARTIG: It doesn't sound like it. Any
2 member of the public here in the room in Anchorage want to
3 comment today?

4 (No audible responses)

5 CHAIRMAN HARTIG: Doesn't look like it there
6 either. So I guess we go on to Item 5, Executive
7 Director's Report and turn it over to Elise.

8 MS. HSIEH: We have completed our remodel and move,
9 and the people here present can see. And thanks to Renee
10 James and Dede Bohn and Susan Moser and the whole team at
11 USGS for helping with that project, as well as our staff,
12 has camped out and moved all of our documents and everyone
13 has been really good natured about all the upheaval.

14 Long term monitoring work group, we had Pete Hagen,
15 Phil Mundy, Gary Cherr, Pete Peterson, Ron O'Dor, and ex
16 officio members Kim Trust and Tom Dean -- who are out in
17 the field and also in the Gulf -- and Catherine Boerner and
18 myself over the weekend met to add some more information to
19 our invitation. I'm -- we're hoping to get a draft
20 circulated to that group and liaisons hopefully soon, and
21 then out to the public around the beginning of July.

22 Science management contract. As many of you know
23 our science coordinator, Catherine Boerner, is relocating
24 to Seattle. In her role as science coordinator Catherine
25 has been a very critical EVOS employee for the last several

1 years and we're very pleased that she's available to
2 continue to work with us from her new home. So with
3 council approval, we'll be contracting with Catherine to
4 cover her existing duties from July 1st, 2010 through
5 September 30th, 2011. We have a motion and also a
6 resolution to facilitate that contract that requires
7 Trustee Council approval.

8 CHAIRMAN HARTIG: Okay. So we have that in front
9 of us as our first action item. Do you want to say
10 anything more about it or walk through it? I think all of
11 us had the pre-briefing on this, but is there anything else
12 you want to discuss?

13 MS. HSIEH: As it states in the motion as well, the
14 amount is \$119,332, which includes 9 percent G&A. This
15 actually ends up being a savings for the Trustee Council of
16 a minimum of \$50,000, which would have been spent in
17 benefits costs and allows for uninterrupted science program
18 services. The contract is a not to exceed amount and will
19 only be billed for the actual hours.

20 CHAIRMAN HARTIG: So this would take us through the
21 end of federal fiscal year 2011, is that correct? So, end
22 of August 2012?

23 MS. HSIEH: No. End of August 2011.

24 CHAIRMAN HARTIG: 2011. Okay. That's right.

25 MS. BOERNER: Take it to fiscal '11.

1 MS. HSIEH: Yeah.

2 CHAIRMAN HARTIG: Okay. Can I have a motion on
3 Resolution 10-08?

4 MR. O'CONNOR: Yeah, Mr. Chairman, this is Craig
5 O'Connor.

6 CHAIRMAN HARTIG: Yeah, Craig.

7 MR. O'CONNOR: I would move to approve Resolution
8 10-08, authorizing the Executive Director to enter into a
9 contract for science management services beginning July 1st
10 of this year through September 30th of 2011. I think
11 that's the end of the fiscal -- federal fiscal year. That
12 contract with Catherine Boerner, Natura Consulting, the
13 amount of \$119,332, including 9 percent general and
14 administration fees. The remaining amount in the FY-2010
15 administrative budget devoted to Catherine's FY-2010 salary
16 is no longer to be used for that purpose and project
17 management fees are not applicable for this contract. So I
18 would move approval of Resolution 10-08 under those
19 conditions.

20 CHAIRMAN HARTIG: Okay. And so the contract, is it
21 with Catherine or with her company, Natura Consulting, or
22 is that a.....

23 MS. HSIEH: It is with Catherine Boerner of Natura
24 Consulting but I think it might be a one-woman shop at this
25 point, so I doubt she's going to switch off.

1 CHAIRMAN HARTIG: Okay. So the motion is correct.

2 MS. HSIEH: Yes, that's correct.

3 CHAIRMAN HARTIG: Okay. Do we have a second?

4 MR. ZEMKE: Second the motion.

5 CHAIRMAN HARTIG: Thanks, Steve. Any other
6 discussion on the Resolution 10-08?

7 MR. TILLERY: Mr. Chairman.

8 CHAIRMAN HARTIG: Yeah, Craig.

9 MR. TILLERY: Does this then presume that we are
10 not going to be seeking a full time employee?

11 MS. HSIEH: That's correct, during this next year.
12 I think we'll -- probably Catherine and I will discuss --
13 and the Trustee Council, and sort of evaluate as this
14 contract draws to a close. But I think that Catherine is
15 the best person to take us through this next year.

16 MR. TILLERY: And I guess I can understand that for
17 the remainder of this fiscal year but I guess I wonder why
18 it would take us 15 months or more to.....

19 MS. HSIEH: You know, it's -- actually her time is
20 full time under this contract. It's the same as her
21 services that she's providing now. And I think it would be
22 hard for me to find, at this point, in this juncture, a
23 replacement for Catherine because of her experience with
24 the Trustee Council and also the different groups that we
25 work with.

1 MR. TILLERY: That's again true over three months
2 or four months; is that really true over 15 months?

3 MS. HSIEH: I believe because of the changes that
4 we're going through, that's correct. Also, if we went out
5 and found someone else, if we felt that was necessary, we
6 would start that process overlapping with Catherine's
7 contract so she could train them. We've had a real -- a
8 lot of turnover in this office and I think it's necessary
9 to keep Catherine on because she has a lot of information,
10 not only -- she has institutional knowledge and she works
11 with our administrative budget and in many different areas
12 and I would hesitate to switch that out in the near term.

13 MR. TILLERY: Over the next year and a half?

14 MS. HSIEH: Yes. I think we can revisit this as
15 this contract draws to a close and see how it's going, but
16 I wouldn't support doing it a different way in a shorter
17 term.

18 MR. TILLERY: Mr. Chairman.

19 MR. O'CONNOR: Mr. Chairman. This is O'Connor.
20 I'd like to comment whenever it's appropriate.

21 CHAIRMAN HARTIG: All right. Craig Tillery, are
22 you done with your questions or.....

23 MR. TILLERY: Oh, I had some more, but go ahead.

24 CHAIRMAN HARTIG: Go ahead, Craig O'Connor.

25 MR. O'CONNOR: Just on that point, Craig, as I

1 recall, we went through a pretty exhaustive recruitment
2 process trying to secure a science advisor or chief
3 scientist for the council. It took us many, many months
4 and proved to be an unsuccessful undertaking. I'm
5 comfortable with establishing this relationship to maintain
6 continuity of knowledge and experience, and if during this
7 period of time, if we as a council decide that we should be
8 looking, given our long term plans, to maintain such a
9 position, that we can then begin a recruitment process that
10 hopefully we can get completed by September 30th of 2011
11 and find somebody who's willing to do it in the -- within
12 the construct that we would have established for our long
13 term activities.

14 MS. HSIEH: In addition, under the council's
15 current proposal, you won't have this position at the end
16 of 2013. This position will no longer exist and won't be
17 necessary. You will still have independent consultant
18 science advisors similar to the position she now would be
19 in this contract for the Trustee Council administrators,
20 but this will no longer be a full time position. So trying
21 to fill this position for that 24 month period would be --
22 or even a 36 month period would be very difficult in trying
23 to bring someone up to speed.

24 CHAIRMAN HARTIG: Okay. Craig Tillery.

25 MR. TILLERY: Yeah. So then this was a -- based on

1 billable hours, as I understand this, and not -- it's not a
2 term contract. So if we were to decide to go with someone
3 local who lives in Anchorage for this position, would we
4 simply say don't do any more work and therefore don't bill
5 anymore money?

6 MS. HSIEH: That's correct.

7 MR. TILLERY: And so why is it we're doing this for
8 next fiscal year now instead of next fiscal year?

9 MS. HSIEH: Well, the withdrawal of the money right
10 now would only cover through the end of September 2010 and
11 then there would be a separate withdrawal of funds as
12 billed over that -- the next fiscal year. But we're
13 bringing it up to you in one discussion so we don't have to
14 bring it up again in our August meeting when we do our
15 annual budget. But the withdrawal of funds will be more
16 piecemeal. So the authorization for a bill to contract
17 like this would happen today, but the withdrawal of funds
18 would be at the intervals as per first the fiscal year,
19 plus the billings.

20 MR. ZEMKE: Mr. Chair.

21 CHAIRMAN HARTIG: Yeah, Steve Zemke.

22 MR. ZEMKE: Is there any problems with sole source
23 contract here? We're not going out for an active bid,
24 we're just going out with a specific company or.....

25 MS. HSIEH: I don't believe so. The Department of

1 Law had produced a memo with regard to the Trustee Council
2 some years back with regard to procurement code. And it
3 was my understanding from that memo that as long as the
4 Trustee Council -- we do many of these sorts of contracts,
5 actually. When you guys approve like our science panel you
6 approve it in May and then it's allowed. Our science panel
7 works the same way, so.....

8 MR. ZEMKE: Well, looking at this, at least in my
9 mind, it does make sense, particularly since we're in the
10 process of potentially changing our method of operations in
11 the future and the idea about hiring a full time person
12 soon, as Craig O'Connor said, is difficult in its own
13 right; and too, I think with the uncertainty of where we're
14 going at the moment, it would be difficult to recruit
15 qualified individuals that would want to commit for 24
16 months or less. And with that, I think I would support
17 this motion and tend to vote for it.

18 MS. HSIEH: In addition, your current proposal
19 contemplates orchestrating a long term monitoring and long
20 term herring program in the next 24 months. That is no
21 small feat and we could not have come this far so quickly
22 without Catherine, and I don't believe we could complete
23 that task if indeed it's voted in October without her. So
24 I think that if we were to go out and recruit, you'd have
25 to totally shift the workload and expectations of this

1 office.

2 CHAIRMAN HARTIG: Any other discussion?

3 MR. TILLERY: Just one clarification. As I
4 understand this resolution, it only authorizes the
5 expenditure of \$27,516 and the remainder of the money would
6 have to come back to the council for approval in the fall
7 as the motion is written. Is that the intent?

8 MS. HSIEH: I believe the intent was to authorize
9 the entire contract but you will actually see the amounts
10 again in the annual budget, so.....

11 MR. TILLERY: But it will be -- again, just to make
12 sure, it appears to me that it would require a unanimous
13 vote of the council in the fall because this contract only
14 approves 27,506 -- this resolution only approves \$27,516.

15 MR. O'CONNOR: That's not the resolution I
16 provided, Mr. Chairman. My resolution -- or my motion was
17 the resolution that provided through September 30th of
18 2011. If we have a different resolution sitting out there,
19 I'd like to know.

20 MS. HSIEH: Craig may not have -- we're actually --
21 Cherri, does Craig have the latest materials?

22 MS. WOMAC: Yes, Craig should have it.

23 MR. TILLERY: This is the one that showed up this
24 morning. The older one says -- has a much larger sum, but
25 the one dated June 22nd as opposed to June 18th has only

1 27,516.

2 MS. BOERNER: And the motion covers the entire
3 amount.

4 MS. HSIEH: I see. Why don't -- if you vote
5 unanimously to approve the motion then we can conform the
6 resolution to add the second figure, the 84,235, for fiscal
7 year 11.

8 CHAIRMAN HARTIG: Yeah, now I'm confused. I
9 mean.....

10 MS. BOERNER: Do you want me to clarify?

11 MS. HSIEH: Yes, Catherine's going.....

12 CHAIRMAN HARTIG: What are we withdrawing, say that
13 we want to withdraw at this time, the \$27,516?

14 MS. HSIEH: You're authorizing expending up to that
15 amount for the end of this fiscal year.

16 CHAIRMAN HARTIG: Right.

17 MS. HSIEH: As per billings. And then the other
18 amount, 84,235 would be authorized starting the next fiscal
19 year, but isn't withdrawn until.....

20 CHAIRMAN HARTIG: Yeah, but we say.....

21 MS. HSIEH:invoice driven.

22 CHAIRMAN HARTIG:it would be authorized, we'd
23 come back for another motion in August?

24 MS. HSIEH: No, this resolution should be drafted
25 so that it authorizes the full amount so we don't have to

1 come back again and authorize it.

2 CHAIRMAN HARTIG: Yeah, and I understand that's
3 what Craig O'Connor's intent was and presumably the second.

4 MS. HSIEH: I think the motion is accurate but I
5 think the resolution could use some editing.

6 MR. ZEMKE: Well, looking at the resolution in the
7 preamble it does talk about the 25,244, and that's not with
8 the 9 percent GA, and so if you look at adding 9 percent
9 GA, that's the 27,516. So that's the amount we'd be
10 authorizing for fiscal year 10.

11 MS. HSIEH: Right.

12 MR. ZEMKE: And then the other addition, it adds
13 the \$84,235, plus another 9 percent GA, which is.....

14 MS. HSIEH: Right.

15 MR. ZEMKE:about 89,000.....

16 MS. HSIEH: Right.

17 MR. ZEMKE:or so.

18 MS. HSIEH: I.....

19 MR. ZEMKE: And that's what we would be
20 authorizing, I would think. And the -- where it's total
21 approved, we'd have fiscal year 10 and we'd be approving
22 27,516. And then in fiscal year 11 or tentat -- I guess,
23 not tentatively, we are approving at this time, 80 --
24 probably 89,000 or so.....

25 MS. HSIEH: Right.

1 CHAIRMAN HARTIG: The 84,235 plus 9 percent.

2 MR. ZEMKE: Plus 9 percent GA. And then at the
3 August meeting, that figure would be included in the
4 administration budget for 2011.....

5 MS. HSIEH: That's right.

6 MR. ZEMKE:because we previously authorized
7 it through this motion, is my understanding.

8 MS. HSIEH: We had the total amount in an earlier
9 resolution and then there was some 11th hour discussions
10 with our council last night about the -- how the resolution
11 should be structured. I think that we should -- I think
12 the motion is accurate and I think we can make those
13 changes as outlined just now by Steve Zemke into the
14 resolution before signature. There was some concern the
15 way we had it that it would be all withdrawn or authorized
16 for this fiscal year.

17 CHAIRMAN HARTIG: So any other questions or
18 discussion on the motion?

19 MR. ELTON: Mr. Chair, this is Kim Elton.

20 CHAIRMAN HARTIG: Yeah, Kim.

21 MR. ELTON: I just want to, for clarification
22 purposes, I'm assuming that the amount of money that we're
23 appropriating for this contract also covers other expenses,
24 for example, travel.

25 MS. HSIEH: It would not cover travel. That is

1 just the full time for that period of time for work. It's
2 not -- travel would be addressed separately.

3 MR. ELTON: And the travel then would come out of
4 staff budget, Elise?

5 MS. HSIEH: Yes, it would. And if it's -- I
6 believe if it's international or over a certain amount then
7 it gets kicked into a completely different approval
8 process, if it's international travel or over a
9 certain.....

10 MS. JAMES: It's just an internal approval process,
11 but it would come out of your current budget.

12 MS. HSIEH: Okay. Thank you.

13 MR. ELTON: Is there -- does anybody have some idea
14 or some notion of how much travel there would be?

15 MS. HSIEH: I think we discussed may -- fairly
16 minimal, maybe three meetings in a year or less. We tend
17 to work telephonically and over the email and so we're not
18 considering a large amount of travel.

19 MR. ELTON: Thank you, Mr. Chair.

20 CHAIRMAN HARTIG: Thanks, Kim. Yeah, Craig
21 Tillery.

22 MR. TILLERY: Are there any other expenses other
23 than travel that are not covered in this contract? I sort
24 of understood this to be the entire amount approved.

25 MS. HSIEH: I don't think so. I don't think

1 there's any other expenses.

2 MR. TILLERY: And the money for the travel is under
3 some other approved council contract?

4 MS. HSIEH: It would be under our science
5 management section of our APDI.

6 MR. TILLERY: And does your analysis that this
7 would save us money include the.....

8 MS. HSIEH: Yes.

9 MR. TILLERY:other costs?

10 MS. HSIEH: Catherine won't be flying up and back
11 and forth to Anchorage very often, so yeah. We've kept
12 travel to a minimum as much as possible in the year and a
13 half that I've been here and I'm going to continue that
14 practice with Catherine as well.

15 CHAIRMAN HARTIG: Okay. Any other discussion?

16 (No audible responses)

17 CHAIRMAN HARTIG: Okay. So we'll have a vote then.

18 Do you need a roll call vote since we have people on the
19 phone or.....

20 MR. O'CONNOR: O'Connor is yea.

21 CHAIRMAN HARTIG: Okay. Kim?

22 MR. ELTON: Yea.

23 CHAIRMAN HARTIG: Denby?

24 MR. LLOYD: Yes.

25 CHAIRMAN HARTIG: And Craig Tillery?

1 MR. TILLERY: Yes.

2 CHAIRMAN HARTIG: Steve?

3 MR. ZEMKE: Yes.

4 CHAIRMAN HARTIG: I'm yes, so it passes. Okay. I
5 guess we'll go with the rest of the Executive Director's
6 report.

7 MS. HSIEH: The next item is transition in the
8 administrative budget and I'll just introduce -- and if
9 there's going to be a lot of discussion, I think we should
10 table it until after habitat. We only have Jen Schorr for
11 another 30 minutes, so I want to make sure that you have
12 her available for that discussion. The Alaska Marine
13 Science Symposium has been funded by the Trustee Council
14 really since its inception. We sort of were one of the
15 contributing partners, although our -- we've been surpassed
16 in funding. They -- my recommendation is, as that Trustee
17 Council funds diminish and contract somewhat, is to fund
18 the Alaska Marine Science Symposium at its existing \$10,000
19 level through federal fiscal year 2013 with a plan to end
20 the annual funding at that time. The Trustee Council, if
21 it wanted to reinstate funding at any time, could by
22 unanimous vote; however, under current proposals and also
23 without current proposals, just the reality of the funds
24 diminishing and being more focused, even without the entire
25 NEPA process, it's -- I think it would be helpful to give

1 this organization a three-year lead time of funding versus
2 cutting it short at a -- in the future and giving them less
3 time. We're also adjusting later today ARLIS and so I
4 thought bringing these two in tandem was also a good idea.
5 And the ARLIS funding changes start this federal fiscal
6 year, so that's why I brought this at this time. It gives
7 the organization three year's time and also we're
8 discussing ARLIS today, so.

9 The symposium contributions for 2010, I was looking
10 at the last three years, 2007 through 2009, the Trustee
11 Council -- so we've got North Pacific Research Board at
12 28,000. It's about 21 contributors, three non-monetary and
13 18 monetary, of which we're one. Many organizations give
14 \$5,000 as a typical amount. A few seven, 26 from NPRB.
15 \$8,000 from USMMS. And that kind of gives you a flavor of
16 the different contributors who are involved.

17 CHAIRMAN HARTIG: Okay. Do I have a motion?

18 MR. O'CONNOR: Well, let me ask a question, Mr.
19 Chairman, before we have a motion, if I might.

20 CHAIRMAN HARTIG: Sure, Craig.

21 MR. O'CONNOR: Is there any reason why we have to
22 have a motion on this? Isn't this well within your --
23 contemplated by your administrative budget, Elise, at least
24 the Alaska Marine Science Symposium? I'm not sure why we
25 would need to have a motion on this. Can you clarify that

1 for me?

2 MS. HSIEH: It is true that you could wait till
3 August when we have our meeting -- well, you could wait
4 till August 20 -- what is it, 2012 -- and then decide not
5 to fund it for the next year, but I think that's not the
6 right way to do it. I think it's better for the Trustee
7 Council to discuss it, make a decision and give the
8 organization three year's lead time so that they know your
9 intent, versus not funding it in just a very short period
10 of time of notice.

11 MR. O'CONNOR: All right.

12 MS. HSIEH: And we also probably don't need a
13 resolution. I mean, you could just make a motion and put
14 it on the record but I thought it was a way to formalize
15 it. But it's not, I don't believe, required.

16 MR. O'CONNOR: All right. Well, Mr. Chairman, I
17 did so well on my last motion I hesitate to make another
18 one.

19 CHAIRMAN HARTIG: Go ahead.

20 MR. O'CONNOR: All right. I move to approve, and
21 it's Resolution 10-09, authorizes final annual contribution
22 to the amount of \$10,000 for the 2011, 2012 and 2013 Alaska
23 Marine Science Symposia be distributed annually through the
24 science management portion of the EVOS annual program
25 development and implementation budget.

1 CHAIRMAN HARTIG: Do I have a second?

2 MR. LLOYD: Second.

3 CHAIRMAN HARTIG: Thanks, Denby. Discussion.
4 Craig.

5 MR. TILLERY: Mr. Chairman, this thing concerns me
6 a lot. I don't understand this. We're -- we -- are we
7 actually approving money? There's no request to withdraw
8 the funds. There's no -- is this a unanimous consent to
9 expend monies three fiscal years?

10 MS. HSIEH: No, it's a unanimous consent that your
11 intent is to withdraw funding at the end of 2013, or.....

12 MR. TILLERY: Is that binding? That means we -- if
13 we wanted to keep it going we couldn't without a unanimous
14 consent?

15 MS. HSIEH: I would ask for unanimous consent to
16 keep it going. I'm not sure how else procedurally to do it
17 because I don't think you guys should wait till 2012 to
18 withdraw funding in 2013.

19 MR. TILLERY: But why -- I don't -- guess I don't
20 understand why you wouldn't simply -- we wouldn't approve
21 this year's in the normal course of the budget and then we
22 wouldn't just notify them that, hey.....

23 CHAIRMAN HARTIG: Our intent is.....

24 MR. TILLERY:our intent is the following.

25 MS. HSIEH: You can do that as well. You could

1 discuss it today and do -- express the unanimous intent, if
2 that's what you're interesting in doing.

3 CHAIRMAN HARTIG: Well, the problem that I have too
4 is, you know, I -- it's perplexing because I can see where
5 you could have different council members in a year -- or
6 again, in two years and, you know, they may change mind on
7 it. I don't think they would, but they could.

8 MS. HSIEH: They can.

9 CHAIRMAN HARTIG: And this wouldn't bind them.

10 MS. HSIEH: No.

11 CHAIRMAN HARTIG: So I mean, it's an expression of
12 the current intent of the board that may not be around in
13 one year or two years or three years.

14 MS. HSIEH: That's right. That's true with almost
15 all council matters to a certain extent.

16 CHAIRMAN HARTIG: Right.

17 MS. HSIEH: And even if you don't.....

18 CHAIRMAN HARTIG: But I don't know if it.....

19 MS. HSIEH:change members, you can change
20 your vote, so.....

21 CHAIRMAN HARTIG: And so I don't know if it gives
22 the certainty that you want to provide to the Alaska Marine
23 Science Symposium. I think we could in August approve it
24 as part of next year's budget with an expression of intent,
25 but -- you know, something like a fiscal note that the

1 legislature would do, but we wouldn't -- I don't know that
2 we can bind anything past this fiscal year.

3 MS. HSIEH: We can't bind anything past this fiscal
4 year but we need some sort of procedure for expressing
5 current intent, and of course it is changeable. At the
6 same time, your intent is that at some point you'll
7 withdraw funding. This funding has been going on for years
8 and years, so.....

9 CHAIRMAN HARTIG: Yeah.

10 MS. HSIEH:for you to reinstate funding would
11 probably be a welcome change and they don't mind having no
12 notice, but -- and of course, as anyone who deals with the
13 Trustee Council, you can change your votes and the
14 membership changes, it's inherently inconsistent anyway.
15 There's very little consistency with this organization,
16 which people are aware of. I'm not sure -- we struggled
17 over how to formalize the present intent of the council,
18 and I don't know if there's another vessel, or you know,
19 document that would be more helpful.

20 MR. TILLERY: Mr. Chairman.

21 CHAIRMAN HARTIG: Yes, Craig.

22 MR. TILLERY: I think that in the past the council
23 has simply indicated that there is a sense of the council
24 that this is what's going to happen and that has been
25 communicated by letter or whatever. But I guess I'm a

1 little bit leery of unanimous votes that then have to be
2 undone. And it's probably not a problem in the one
3 direction, all you have to do is, I guess not -- you have
4 to fund it by a unanimous vote, but if this binds us for
5 three years, then you could end up with a situation where
6 you've got five people that don't want to do it and one
7 person that does and it would stop it. And I would be
8 leery of putting in unanimous votes for something like
9 this. But I think the sense of the council would be fine
10 though.

11 CHAIRMAN HARTIG: Yeah, I mean I can see a letter
12 saying, you know, subject to appropriation in the future,
13 you know, that it's this board's hope that, you know, they
14 would continue to fund at 10,000, but no guarantee. And
15 that in our -- in all likelihood at this point in time that
16 we anticipate that funding would end though in federal
17 fiscal year 2013.

18 MS. HSIEH: That sounds fair.

19 CHAIRMAN HARTIG: Actually, the last year of
20 funding would 20 -- federal fiscal year.....

21 MS. HSIEH: Right.

22 CHAIRMAN HARTIG:2012. But that just kind of
23 gives an impression without a commitment. But I guess we
24 have a motion and a second, so we can take a vote on that
25 and see if we want to do something different. I think it

1 will take a motion to do a letter.

2 MR. TILLERY: No.

3 MS. HSIEH: No.

4 CHAIRMAN HARTIG: So any other discussion on the
5 motion?

6 MR. O'CONNOR: Well, I -- Mr. Chair, I'm a little
7 bit confused. I mean, so in order to do a letter or I
8 think one of the alternatives that you had suggested is,
9 for the next budget, just indicating an intent to continue
10 to fund till a year certain. I mean, to do that, I mean,
11 it's going to require at least one no vote on this motion,
12 right?

13 CHAIRMAN HARTIG: Right.

14 MR. LLOYD: Well, we could withdraw the motion too,
15 couldn't we?

16 CHAIRMAN HARTIG: Yeah, you could. I mean, should
17 we -- why don't we go ahead and vote and then that will
18 clear that off and then we can have another discussion, see
19 if it passes. So any other discussion on the motion right
20 now? I don't want to rush anybody if they want to say
21 anything.

22 (No audible responses)

23 CHAIRMAN HARTIG: Okay. Let's see, Denby, we'll
24 start with you.

25 MR. LLOYD: Yes.

1 CHAIRMAN HARTIG: Kim?

2 MR. ELTON: No.

3 CHAIRMAN HARTIG: Craig?

4 MR. TILLERY: No. Oh, O'Connor. Sorry.

5 CHAIRMAN HARTIG: Craig O'Connor. I'm still on the
6 people on the phone.

7 MR. O'CONNOR: No.

8 CHAIRMAN HARTIG: Craig Tillery?

9 MR. TILLERY: No.

10 CHAIRMAN HARTIG: Steve?

11 MR. ZEMKE: Yes.

12 CHAIRMAN HARTIG: And I'm a no. So the motion
13 fails. Any other discussion on this?

14 MR. ZEMKE: Looking at -- in my mind, then I guess
15 we need to take a look and say our intent is to -- probably
16 look at funding at least this next fiscal year and be
17 included in the administration budget, and then from what I
18 heard, our intent is to fund it again for another three
19 years through fiscal year 2013, that's federal fiscal year.
20 Well, the way we had it is 2011, 2012 -- well, that is
21 three years, yeah. So it would be an additional two years
22 through -- and then the intent after that would be to
23 discontinue funding unless we make further consideration.
24 Now I guess we -- and then we're going to direct the
25 Executive Director to contact NPRB -- or not NPRB, the

1 Alaska Marine Science Symposium board and give them that as
2 our intent for moving forward.

3 CHAIRMAN HARTIG: Okay. So that was a suggested
4 direction to Elise on preparing a letter. I don't know
5 that we need a motion on that. Is there any other
6 discussion on it? It will come up, I guess, in our
7 proposed budget for next year and we'll be able to see it
8 then and have another discussion on it then.

9 MR. TILLERY: Yeah, Mr. Chairman.

10 CHAIRMAN HARTIG: Yeah, Craig.

11 MR. TILLERY: I would concur that we certainly hope
12 -- expect to see it in the budget and that we should
13 approve it for this coming year. And I agree that we need
14 to give them kind of notice of our direction and my view is
15 based on where we are now and where the program seems to be
16 heading that they should not expect funding after two
17 additional fiscal years.

18 CHAIRMAN HARTIG: Yeah.

19 MR. TILLERY: So I agree with Steve.

20 CHAIRMAN HARTIG: Yeah.

21 MR. TILLERY: Have that on record.

22 MS. HSIEH: Thank you.

23 CHAIRMAN HARTIG: Okay. Going on then with the
24 Executive Director's report, I guess we're done with that.
25 Is that -- do you have anything else, Elise? If you want

1 to move to ARLIS now or do you want to reorder the agenda
2 and go right down to habitat right now and get the.....

3 MS. HSIEH: Your agenda should show habitat next
4 and we have 20 minutes left with Jen, so that would be
5 great.

6 CHAIRMAN HARTIG: Okay. So it's number 8 on my,
7 but mine is apparently not up to date. So we'll move on to
8 habitat, small parcels, as the next agenda item and turn
9 that over to Jen -- if you can hear us, Jen.

10 MS. SCHORR: I can. Can you hear me okay?

11 CHAIRMAN HARTIG: Yes, we do.

12 MS. SCHORR: Okay. And I'm sorry, I couldn't hear
13 who was in the room. Is Carol present today or not?

14 MS. HSIEH: Carol is not present today, either in
15 person.....

16 MS. SCHORR: Okay.

17 MS. HSIEH:or on the phone.

18 CHAIRMAN HARTIG: Samantha is here from DNR. I
19 don't know, are you here for this or.....

20 MS. HSIEH: Yes, Samantha.....

21 MS. CARROLL: Yes, I am.

22 MS. HSIEH:is here.

23 CHAIRMAN HARTIG: Okay. Do you want to come up to
24 the table then or.....

25 MS. CARROLL: Sure. I kind of got thrown into this

1 this morning.

2 CHAIRMAN HARTIG: Okay. Well, you're really thrown
3 into it now.

4 MS. CARROLL: I am.

5 CHAIRMAN HARTIG: You're on the hot seat.

6 MS. SCHORR: Okay.

7 MS. CARROLL: Well, I hope Jen will do most of the
8 talking.

9 MS. SCHORR: Well, I'll give just give the brief
10 overview of these three habitat resolutions and leave time
11 for discussion hopefully. As Elise mentioned, I have about
12 20 minutes left before I have to return to training and I
13 apologize. The first habitat for consider -- for habitat
14 resolution for consideration is regarding KAP 3002, which
15 is a Native allotment on Kodiak Island. This was
16 originally authorized by the council in March of 2008,
17 subject to certain conditions. And one of the conditions
18 was the purchase agreement needed to be executed by the end
19 of June 2009. Subsequently the council then resolved to
20 extend that condition for the signature of the purchase
21 agreement to June 30th, 2010. Although we do have
22 agreement on the purchase price and we do anticipate that
23 we will be able to close this acquisition hopefully
24 sometime fairly soon, those documents are currently under
25 review by the solicitor's office at BLM. And -- I'm sorry,

1 by the solicitor's office. And so it does not appear that
2 the purchase and sale agreement will be executed prior to
3 June 30th as required by the previous resolution. So
4 resolution simply extends that condition for execution of a
5 purchase agreement to June 30th, 2011.

6 CHAIRMAN HARTIG: Okay. So I guess we should take
7 this one up now then. So does somebody want to make a
8 motion?

9 MR. TILLERY: Mr. Chair.....

10 MR. O'CONNOR: So.....

11 MR. TILLERY:I'd move approval of Resolution
12 10-11.

13 CHAIRMAN HARTIG: Okay. Second?

14 MR. O'CONNOR: I'll second.

15 CHAIRMAN HARTIG: Thanks, Craig. Was that Craig or
16 Denby?

17 MR. O'CONNOR: That's Craig seconding.

18 CHAIRMAN HARTIG: Okay. Craig O'Connor seconded
19 it. Any discussion on Resolution 10-11?

20 (No audible responses)

21 CHAIRMAN HARTIG: Okay. I don't hear any. I guess
22 we'll have a vote on it then. Denby?

23 MR. LLOYD: Yes.

24 CHAIRMAN HARTIG: Kim?

25 MR. ELTON: Yes.

1 CHAIRMAN HARTIG: Craig O'Connor?

2 MR. O'CONNOR: Yes.

3 CHAIRMAN HARTIG: Craig Tillery?

4 MR. TILLERY: Yes.

5 CHAIRMAN HARTIG: Steve?

6 MR. ZEMKE: Yes.

7 CHAIRMAN HARTIG: And I'm yes, so that passes.

8 Okay. Go on, Jen.

9 MS. SCHORR: Okay. Moving next to Resolution 10-

10 12, which regards funding for due diligence expenses

11 related to land owned and nominated by the Lesnoi Native

12 Corporation, and that actually involves three different

13 parcels. The first one that is -- has been -- is under

14 consideration is Termination Point. This was previously

15 nominated several years ago and as the council is most

16 likely aware, that process was then subsequently delayed

17 due to some litigation over title issues. That litigation

18 has been resolved, title has been conveyed to Lesnoi. And

19 this parcel, Termination Point, is slightly over a thousand

20 acres. It is on the road system, approximately four miles

21 from the town of Kodiak, and is a popular recreational and

22 other, you know, use, consistent use resource for both

23 locals and visitors to Kodiak. And so this -- the -- this

24 resolution would provide funding for an appraisal of

25 Termination Point as well as an update to a previously

1 completed timber cruise. So it would not be a complete
2 timber cruise but it will be a timber evaluation.

3 MS. HSIEH: Can I add something?

4 CHAIRMAN HARTIG: Excuse me. Elise?

5 MS. HSIEH: Oh, can I add something? I have some
6 notes from Carol too. The restoration benefits of
7 Termination Point include intertidal resources that provide
8 feeding areas for Marbled Murrelets and Pigeon Guillemots
9 as well as other marine birds and mature Sitka spruce
10 forest offering prime nesting habitat for Marbled
11 Murrelets. Additionally, the parcel, as Jen noted,
12 provides subsistence resources for the residents of
13 Ouzinkie and several cultural resource sites.

14 CHAIRMAN HARTIG: Okay.

15 MS. SCHORR: So would you prefer to discuss
16 Termination Point before I move on to -- because this
17 resolution contains funding for three parcels. Would you
18 prefer to include discussion on Termination Point before I
19 move on to the next part?

20 CHAIRMAN HARTIG: Why don't you move on to the
21 other parcels so we make sure that we have everything from
22 you before you have to leave.

23 MR. TILLERY: Mr. Chairman.

24 MS. SCHORR: Okay. Thank you.

25 CHAIRMAN HARTIG: Oh, hold on just second. Craig

1 Tillery wants to ask something.

2 MR. TILLERY: Yeah, just to clarify, this request
3 of 43,600, is that just Termination Point or is that for
4 all these parcels we're hearing?

5 MS. SCHORR: That is for all of these parcels that
6 we're hearing.

7 MR. TILLERY: Okay. Thanks.

8 CHAIRMAN HARTIG: Okay.

9 MS. SCHORR: At the back of the benefits package in
10 your attachment there's a breakdown of the estimated costs
11 for each item. Okay. So moving on to the next parcel,
12 it's -- Lesnoi has nominated two rivers as a proposed
13 public access easement. Along those two river mouths, the
14 American and the Olds. I'll start with the American. And
15 this is also on the road system in Kodiak and it's a very
16 popular fishery for both locals and visitors alike. This
17 -- the priority for Lesnoi as well as for the local Alaska
18 Department of Fish and Game representatives that I met with
19 is from the bridge, the highway bridge which is
20 approximately half a mile up river from the mouth downward,
21 although those two representatives are also in agreement
22 that ideally the easement would go from the bridge one mile
23 upstream. And there is -- just so the council is aware,
24 there is an existing 17(b) public access easement from the
25 bridge downstream to the river mouth. And this -- the

1 packet says on the south side of the river. I believe -- I
2 don't have the easements in front of me, but I believe
3 based on my knowledge of this river that that is actually
4 on the north side of the river. So I apologize for that
5 confusion. Fish and Game has an active stocking program
6 for Chinook salmon on this river and it does provide road
7 accessible, year round fishing, which are limited on Kodiak
8 Island. So this resolution would allow for appraisal of
9 that proposed easement. Are there any questions before I
10 move on to the parcel at the mouth of the Olds Rivers?

11 CHAIRMAN HARTIG: No, why don't you go ahead and go
12 on.

13 MS. SCHORR: Okay. Likewise, Lesnoi has nominated
14 a proposed easement along the Olds River. Once again there
15 is -- the highway bridge is approximately a half a mile
16 upstream from the mouth of the river, and once again the
17 Lesnoi and the local representatives of Fish and Game that
18 I met with are in agreement that the priority for public
19 access is from the bridge down to the river mouth.
20 Although, again, ideally they would prefer to see the
21 easement extend from the bridge one mile upstream. Once
22 again, Fish and Game does have a stocking program on this
23 river. And once again, this is -- parcel is unique because
24 it provides road accessible, year round fishing
25 opportunities. Unlike the American, there is no 17(b)

1 easement that extends along one side of the river from the
2 bridge down to the mouth; however, there are a few
3 existing, limited public access easements that go to --
4 close to the mouth of the river but that wouldn't allow
5 access along the length of the river.

6 CHAIRMAN HARTIG: Okay.

7 MS. SCHORR: And for both of the American and the
8 Olds, the potential threats are common in that there's a
9 potential for sub development -- subdivision development of
10 both of those parcels. And both conservation easements
11 along the American and Olds would be managed by Fish and
12 Game.

13 CHAIRMAN HARTIG: Okay. Any other questions while
14 we have Jen on the phone? Yeah, Craig Tillery.

15 MR. TILLERY: Yeah, Mr. Chairman, I don't have a
16 problem with providing the money for this. My question has
17 to do with the amount. As I understand this, \$20,000 is
18 going to get us an appraisal of Termination Point, the Old
19 [sic] River and the American River conservation easement.
20 That seems -- doesn't seem like that's adequate. Is that
21 -- do we know that that's enough money to do all of those
22 appraisals?

23 MS. SCHORR: I believe so. Carol estimated those
24 costs and I believe that -- and Samantha may be able to
25 address this better than I, but I believe that the estimate

1 is that \$20,000 will be able to appraise those three
2 parcels, yes. With an additional \$10,000 dedicated to a
3 timber evaluation on Termination Point.

4 MR. TILLERY: Okay.

5 MS. CARROLL: I'd have to go with Carol's.....

6 MS. SCHORR: Samantha, do you have anything.....

7 MS. CARROLL:recommendation.

8 MS. SCHORR:to add to that?

9 MS. CARROLL: I'd have -- I was just saying, I'd
10 have to go with Carol's recommendation. I don't know any
11 different. But we're looking at 30 grand.

12 CHAIRMAN HARTIG: Okay. Any other questions on it?
13 Okay. I guess we need a motion.

14 MS. SCHORR: I also would just.....

15 CHAIRMAN HARTIG: Oh, go ahead, Jen.

16 MS. SCHORR: I'm sorry. I just would also like to
17 make sure that the council is aware that this does cover
18 preliminary due diligence efforts, but that if the state
19 would like to move forward with due diligence efforts,
20 including phase one environment assessment, then additional
21 due diligence expenses will be required. I should clarify.
22 If the state and Lesnoi wish to move forward with due
23 diligence efforts.

24 CHAIRMAN HARTIG: Okay. Can I get a motion then on
25 Resolution 10-12?

1 MR. TILLERY: Mr. Chairman, I move approval of
2 Resolution 10-12.

3 MR. ELTON: Second.

4 CHAIRMAN HARTIG: Thanks, Craig.

5 MR. ELTON: That was Kim who seconded it.

6 CHAIRMAN HARTIG: Oh, it was Kim. Okay. Thanks,
7 Kim. Okay. Any other discussion on Resolution 10-12? It
8 doesn't look like it, so I guess we'll proceed to a vote.
9 Denby?

10 MR. LLOYD: Yes.

11 CHAIRMAN HARTIG: Kim?

12 MR. ELTON: Yes.

13 CHAIRMAN HARTIG: Craig Tillery?

14 MR. TILLERY: Yes.

15 CHAIRMAN HARTIG: Or excuse me, Craig O'Connor,
16 then Craig Tillery. Sorry. I'm looking at one, thinking
17 of the other. Craig O'Connor?

18 MR. O'CONNOR: No, don't ever make that mistake.

19 CHAIRMAN HARTIG: I wouldn't if you were in the
20 room.

21 MR. TILLERY: That's scary, Mr. Chairman. Very
22 scary.

23 MR. O'CONNOR: That offends both of us. Yea. Yes,
24 Mr. Chairman.

25 CHAIRMAN HARTIG: Thanks. Craig Tillery?

1 MR. TILLERY: Yes.

2 CHAIRMAN HARTIG: Steve?

3 MR. ZEMKE: Yes.

4 CHAIRMAN HARTIG: I'm a yes, so that Resolution 10-

5 12 passes. So.....

6 MS. SCHORR: Okay. Finally -- oh, I'm sorry.

7 CHAIRMAN HARTIG: Oh, go ahead. 10-13 I guess

8 we're going to talk about.

9 MS. SCHORR: 10-13, the final habitat resolution

10 for your consideration today, is regarding K -- parcel KEN

11 3006, which is Coal Creek Moorage II. This parcel is

12 approximately -- it's just under seven acres and it's at

13 the confluence and Little Coal Creek and the Kasilof River

14 on the Kenai Peninsula. It's located immediately adjacent

15 to a parcel previously acquired by the Trustee Council,

16 small parcel KEN 19. So essentially this parcel consists

17 of two lots that front on Coal Creek and those lots are

18 approximately two and a half miles upstream from the mouth

19 of the Kasilof River and Cook Inlet. And this -- both of

20 the lots in this parcel contain important tidally

21 influenced wetlands as well as intertidal resources and

22 also this parcel has significant cultural values, including

23 remnant structures from an early 20th Century fox farm as

24 well as house depressions and additional features from

25 prehistoric or very early historic Dena'ina village sites.

1 And this has been approved -- or I'm sorry, I apologize, an
2 appraisal has been -- that was previously authorized by the
3 Trustee Council has been completed, reviewed and approved.
4 That appraisal establishes fair market value as \$100,000.
5 And this resolution would authorize that amount in order to
6 proceed with the purchase of this parcel.

7 CHAIRMAN HARTIG: So are we ready for a motion or
8 is there any other presentation on that first? So can I
9 have a motion on this, Resolution 10-13?

10 MR. O'CONNOR: I move its approval, Mr. Chairman.

11 CHAIRMAN HARTIG: Second?

12 MR. TILLERY: : Second.

13 CHAIRMAN HARTIG: Thank you.

14 MS. HSIEH: Craig O'Connor.

15 CHAIRMAN HARTIG: Any other discussions?

16 (No audible responses)

17 CHAIRMAN HARTIG: Any other discussion? Doesn't
18 look like it. People prepared for a vote then. Let's see,
19 Denby?

20 MR. LLOYD: Yes.

21 CHAIRMAN HARTIG: Kim?

22 MR. ELTON: Yes.

23 CHAIRMAN HARTIG: Craig O'Connor?

24 MR. O'CONNOR: Yes.

25 CHAIRMAN HARTIG: Craig Tillery?

1 MR. TILLERY: Yes.

2 CHAIRMAN HARTIG: Steve?

3 MR. ZEMKE: Yes.

4 CHAIRMAN HARTIG: I'm yes too, so 10-13 passes.

5 MS. SCHORR: All right. Thank you all very much.

6 CHAIRMAN HARTIG: Thanks, Jen.

7 MR. O'CONNOR: Thank you, Jen.

8 CHAIRMAN HARTIG: Thanks, Samantha.

9 MS. SCHORR: I'll be logging off now.

10 CHAIRMAN HARTIG: That was a good job.

11 MS. CARROLL: Thank you.

12 MS. SCHORR: Thank you. Sorry about the rush,
13 but.....

14 MS. HSIEH: We're just warming Samantha up.

15 CHAIRMAN HARTIG: That's right.

16 MS. SCHORR: Yeah. Okay, I'll sign off now.
17 Goodbye. Thank you.

18 CHAIRMAN HARTIG: Goodbye. Okay. So now is the
19 next one ARLIS? I don't know since my agenda is not up to
20 date.

21 MS. HSIEH: Oh, it is ARLIS, and before we start,
22 thank you for your patience with the procedural issues
23 regarding the council intent for future action. I think
24 that with regard to ARLIS, after Carrie's presentation, if
25 you decide to follow the transition plan presented by

1 Carrie we probably -- we may want to suggest a letter of
2 intent to ARLIS similar to with AMSS and then funding of
3 Carrie Holba's salary for FY-2011 can just be in the
4 administrative budget. So if you just want to clarify your
5 intent in this meeting and not sign any resolution as per
6 your earlier conversation about AMSS, follow that format,
7 that's -- looks to me like the likely action for this as
8 well.

9 CHAIRMAN HARTIG: Okay. So, Carrie.

10 MS. HOLBA: Good morning. My name is Carrie Holba
11 and I'm the Trustee Council funded librarian at Alaska
12 Resources Library and Information Services, ARLIS. Elise
13 has asked me to speak to you about the ARLIS transition as
14 the Trustee Council's restoration program evolves. Some of
15 you may not be familiar with the Trustee Council's history
16 of library support, so I'll provide some background
17 information. Think of it as ARLIS 101.

18 Shortly after the spill the Department of Justice,
19 on behalf of the trustee agencies, established a document
20 center as part of their litigation support effort. The
21 mission of the document center was then expanded to include
22 public access and it became the Oil Spill Public
23 Information Center, OSPIC for short, which opened in the
24 fall of 1990. After the settlement in 1991, OSPIC was
25 funded by the Trustee Council. In 1995, OSPIC joined the

1 planning efforts of seven other state and federal agency
2 libraries, all focused on Alaska natural resources to
3 address funding issues that most were facing. These were
4 BLM, Forest Service, MMS, Park Service, USGS, ADF&G, and
5 UAA's Environment and Natural Resources Institute. At the
6 time the MMS collection was already boxed in a warehouse
7 and BLM's library was facing closure. Other libraries had
8 seen staff cuts or were facing budget shortfalls and the
9 Trustee Council was looking for a more cost efficient, long
10 term home for the OSPIC collection. The librarians
11 determined that consolidating these libraries would provide
12 cost efficiency for the agencies, one stop shopping for
13 Alaska resources information for library users, preserve
14 unique materials available nowhere else in the world, and
15 keep the materials in Alaska where they are needed. Under
16 the auspices of Vice President Al Gore's Reinventing
17 Government program and with the help of Department of the
18 Interior advisors in Washington DC, the librarians were
19 able to overcome a tremendous amount of red tape and do
20 what had never been done before, combine libraries from a
21 mix of state, federal and university entities. To date
22 ARLIS is still the only library of its kind in existence.

23 The directors of the founding agencies authorized
24 the consolidation via a five year memorandum of
25 understanding, which has since been renewed twice, most

1 recently in September 2008. The current MOU expires in
2 September 2011 -- 2013. The library collections and staff
3 were consolidated in one location at 31st and C Street, and
4 in October 1997 ARLIS opened its doors. During the grand
5 opening, ARLIS received Vice President Al Gore's Golden
6 Hammer award for efficiency and operations in service.
7 Four years later in 2001, ARLIS received the National Award
8 for Library Service for innovation in partnership and
9 service. This is the only national level award for
10 libraries and was presented at a White House ceremony by
11 First Lady Laura Bush. In 2002, ARLIS received a citation
12 for the Alaska State Legislature for exceptional service to
13 the state of Alaska. ARLIS's cost efficiency efforts are
14 ongoing. ARLIS shares a library catalog with the UAA
15 library and Anchorage public libraries, allowing all
16 partners to save money on the automated library system.
17 Resource sharing and cooperative collection development
18 agreements with the other Anchorage libraries avoid
19 duplication of purchases and stretch dollars budgeted for
20 books and journals. In 2004, ARLIS moved to the UAA campus
21 to larger space at a lower rent.

22 The ARLIS mission is to provide universal access to
23 Alaska natural and cultural resources information. The
24 ARLIS partners recognize that improved understanding of
25 Alaska's resources facilities -- Alaska resources

1 facilitates wise resource management. ARLIS serves the
2 diverse information needs of its customers in an unbiased
3 and effective manner. Serving as a two-way channel, ARLIS
4 provides information service to the researchers and a means
5 of conveying research findings to those in need of the
6 information. This accessibility is key to maximizing the
7 research benefit, making the most of research dollars, and
8 demonstrating accountability for public funds. For EVOS,
9 this means cost effective support for research and public
10 participation in the restoration process. Since opening,
11 ARLIS has lived up to its vision statement to be the mother
12 lode of Alaska natural resources information. It serves as
13 a permanent repository for print and digital reports
14 produced by the founding agencies. The consolidated
15 collection continues to grow and now includes 250,000 books
16 and reports, 700 print journals, 700 electronic journals,
17 25 topic databases, countless maps, photos, DVDs, video
18 footage, public review documents and a circulating
19 collection of animal skulls, furs and bird mounts. In
20 addition, our partnership with UAA provides onsite access
21 to thousands of additional electronic journals and
22 databases. ARLIS provides worldwide access to these
23 materials by cataloging them in a global catalog shared by
24 72,000 in 171 countries worldwide.

25 ARLIS is now recognized as the most comprehensive

1 collection of its kind, prompting organizations and
2 individuals to donate significant collections. These
3 include collections on the TAPS right-of-way renewal, Point
4 Thompson EIS, wild and scenic rivers, Susitna hydroelectric
5 project, Anaconda minerals exploration, DNR's RS 2477
6 collection and several private collections. Over the
7 years, as several other libraries lost funding and closed
8 their doors, ARLIS accepted those collections to ensure the
9 materials remained available for use. ARLIS has taken in
10 collections from the libraries of ARCO and BP, Alaska Oil
11 and Gas Commission library, Juneau Minerals Information
12 Center library, the ADF&G Juneau Douglas Fisheries library
13 and the DEC library. When the Forest Service library
14 closed, ARLIS offered to take that collection as well to
15 maintain in-state access to those materials, but it was
16 shipped out of state.

17 Most of these acquisitions did not come with
18 funding to cover the cost of incorporating the materials
19 into the ARLIS collection. ARLIS doesn't have the staff or
20 money in the operating budget to keep up with the influx of
21 donated materials and one management team member has
22 described it as drowning in our success; however, we've
23 been able to secure several grants over the years to hire
24 extra temporary staff to incorporate these collections and
25 scan some of the smaller collections. ARLIS is managed not

1 by a director but by the six founding agency librarians
2 acting as a management team, and much like the Trustee
3 Council, all decisions are made by consensus. Policy and
4 budgets are approved by the founder's board, a panel of the
5 directors of the eight founding agencies or their designees
6 including the Trustee Council's Executive Director. ARLIS
7 has a staff of 12 FTEs, nine full time staff and six part
8 time staff. This includes librarians, catalogers, inter-
9 library loaned staff, technicians, shelvers and IT staff.
10 This small staff serves the information needs of 2,400
11 founding agency researchers in Alaska plus academic and
12 private sector researchers, the general public and the
13 state and federal agencies in Alaska that regularly use
14 ARLIS but do not provide funding, which includes DNR, DEC,
15 Forest Service and NOAA. Each year the ARLIS staff
16 receives 55,000 visitors, answers 14,000 questions,
17 circulates 14,000 books, handles 12,000 inter-library loan
18 requests, catalogs 4,000 print and digital items and
19 provides 175,000 articles downloaded from the ARLIS
20 website. The percent of ARLIS use related to EVOS varies
21 from year to year and ranges from about seven percent to 17
22 percent of total usage, with an average of 20 to 40
23 questions per week. Since 1990, librarians have answered
24 35,000 EVOS questions. Usage peaks during major
25 anniversary years or when a large oil spill occurs. For

1 example, during the 20th anniversary in FY-09, 14 percent
2 of total ARLIS use was EVOS related, 13 percent of all
3 items loaned to other libraries were EVOS materials, 57
4 percent of all items loaned to libraries in Alaska were
5 EVOS materials. And ARLIS distributed 5,000 digital copies
6 of EVOS photos and loaned historical video footage to film
7 makers and media staff throughout the US and the world. I
8 should note that this usage does not include those people
9 who use EVOS materials in the library or at the ARLIS
10 website without staff assistance. We don't have a way of
11 counting that usage but we know from observation that it
12 occurs frequently.

13 In addition to providing reference, inter-library
14 loan and cataloging services, ARLIS serves the council in
15 other ways. ARLIS stores EVOS reports and publications on
16 a document server and provides persistent URLs or pearls to
17 ensure consistent long term access via the internet. ARLIS
18 reviews the format of EVOS reports, about 520 to date.
19 ARLIS maintains the Trustee Council public record, the
20 publicly accessible version of the council's official
21 record kept at the EVOS office. ARLIS assists in editing
22 EVOS documents and publications and assists in responding
23 to FOIA requests. For the 20th anniversary, ARLIS staff
24 prepared an annotated bibliography of 350 resources for
25 teachers and students. ARLIS supported the 20th

1 anniversary zoo event, including providing items for
2 display and staffing at the event. ARLIS translated the
3 script of the 20th anniversary film into Russian for
4 members of the Russian Marine Environment Protection
5 Division who attended the zoo event. ARLIS also obtained
6 digital versions of historic EVOS video footage, assisted
7 in the editing and publishing of the council's book,
8 Mission without a Map, recently scanned 2,000 EVOS slides
9 into high and low resolution formats and has begun
10 compiling a full text database of journal articles from
11 Trustee Council funded research.

12 FY-10 usage statistics are not yet available but we
13 do know that there has been a big increase in EVOS requests
14 since late April due to the recent spill in the Gulf of
15 Mexico which has refocused attention on EVOS. Since April
16 20th we have received 405 requests from the media; federal
17 agencies in the Gulf states; the Coast Guard; National
18 Guard; Congressional Research Service; Louisiana Attorney
19 General's Office; law firms in New York, Virginia,
20 Louisiana, California and Illinois; environmental groups;
21 libraries and Gulf residents inquiring about what to expect
22 in the future based on what happened in Alaska. Many of
23 these questions have taken from 30 minutes to an hour or
24 more to answer. We received numerous requests for legal
25 documents and so we're scanning the most frequently

1 requested items. We're also scanning older EVOS
2 publications that are not available digitally. We've
3 compiled a list of frequently asked questions with links to
4 full text reports, which is posted on our website, and
5 we've compiled a list of contacts for media interview
6 requests. We will also be providing EVOS research support
7 as needed to UAA Chancellor Fran Ulmer during her work on
8 the Gulf Oil Spill Commission.

9 ARLIS has a total annual budget of 1.8 million
10 dollars with each of the founding agencies providing a
11 portion. From 1998 to 2010 the Trustee Council's portion
12 has fluctuated from six percent to 14 percent of the total
13 budget and has been seven to eight percent for the last six
14 years. The ARLIS budget has remained flat for the past six
15 years while costs for personnel, books, subscriptions and
16 rent have increased. ARLIS has made cuts in positions and
17 spending to compensate. Efforts by the ARLIS founder's
18 board to recruit new partners among the agencies that use
19 ARLIS have been unsuccessful. The private sector
20 environmental consulting firms that use ARLIS on a regular
21 basis would like to contract for specialized services,
22 however ARLIS does not have the authority to take in
23 private sector funds. A draft bill to provide the
24 authority was written by Senator Murkowski's office a few
25 years ago but has not moved forward, despite the efforts of

1 the founder's board.

2 So that's ARLIS 101. As the Trustee Council's
3 program evolves, Elise recommends that the council phase
4 out its funding for ARLIS over the next two years. The
5 current FY-10 funding is about \$165,000, which is one FTE
6 librarian, me, and \$26,000 cash for the operating budget.
7 In FY-11 the cash would be cut and only the full time
8 librarian funded. In FY-12, the librarian time at ARLIS
9 would be cut to half time with the other half time spent at
10 the EVOS office. This would be the last year of the
11 council's participation in ARLIS. In FY-13, all of my time
12 would be spent at the EVOS office to assist in organizing
13 the extensive records which the office has accumulated.
14 This proposal is presented today for the council's
15 consideration. Thank you for your time and I'd be happy to
16 answer any questions you may have.

17 CHAIRMAN HARTIG: Okay. Thanks, Carrie. Good
18 overview. That was helpful. Any questions for Carrie?

19 MS. HSIEH: I would just like to make one comment.
20 Carrie and I have been talking about this for the last year
21 and I think that ARLIS serves a lot of great purposes in
22 this state for many different both private sector members,
23 contractors and agencies. ARLIS I think is going through
24 its own transition with regard to how to recoup fees. I
25 think that's probably a critical piece that would assist

1 the library greatly. In addition, I believe ARLIS realizes
2 that the Trustee Council is a more temporary entity perhaps
3 than some of the agency users which take part in using
4 ARLIS's resources. So I think this is a good juncture to
5 sort of discuss that and sort of highlight that aspect of
6 ARLIS as well. I think ARLIS deserves long term funding
7 from the agencies which also use it. And I think the
8 Trustee Council is a more temporary entity than many of
9 those agencies.

10 CHAIRMAN HARTIG: Craig.

11 MR. TILLERY: Yeah, Mr. Chairman. So after this
12 phase-out, after 2012, what will be different about
13 services provided with respect to the oil spill? Will,
14 what, nobody be answering questions.....

15 MS. HOLBA: It will be reduced.

16 MR. TILLERY:will materials not be available?

17 MS. HOLBA: It will be significantly reduced. If I
18 might give you some information about that. Reduced
19 funding will impact services to all partners, including
20 EVOS, and ARLIS users. In May the ARLIS founder's board
21 approved the FY-11 budget. The EVOS funding amount, which
22 is always subject to Trustee Council approval, is in line
23 with Elise's proposal and does not include cash, just one
24 FTE librarian. To compensate for this loss and other cost
25 increases, we cut back on journal subscriptions.

1 Ultimately this will increase the library load, inter-
2 library loan workload and slow service. Reducing the
3 librarian funding from full time to half time will directly
4 impact reference service and the workload of other
5 librarians as they have to take on additional reference
6 work. As the librarian funding is eliminated completely,
7 the other librarians will have to take over my duties,
8 which include responsibility for the public services
9 department and supervision of six staff in reference,
10 inter-library loan and circulation. This will impact
11 service to the founding agencies and reduce service to
12 EVOS. The reference desk hours may have to be reduced.
13 Agencies and organizations that do not fund ARLIS will have
14 to self-serve. Even if the other ARLIS partners choose to
15 increase their amounts to compensate for the loss of EVOS
16 funding, no increase could be made by the Department of
17 Interior partners until FY-13 as the DOI agency's money
18 comes through the working capital fund in Washington DC,
19 which is set two years in advance.

20 Yeah, there would be a significant reduction across
21 the board and what would happen is questions would be
22 referred to whoever they thought could answer them outside
23 of ARLIS. And that would be turning things back to the
24 agencies.

25 MR. TILLERY: They're not going to kick our

1 documents out.

2 MS. HOLBA: Those cataloged in the collection, no,
3 they will retain -- they will remain; however, the public
4 record in another story. It occupies a lot of file
5 cabinets and if the Trustee Council is not funding ARLIS,
6 ARLIS is under no obligation to maintain that.

7 MS. HSIEH: Although it's my understanding the
8 public record has both federal and state interest in
9 its.....

10 MS. HOLBA: It does.

11 MS. HSIEH:retention.

12 MS. HOLBA: It does, yeah. And if that were
13 resolved, while the Trustee Council is still funding it,
14 ARLIS would facilitate in making sure that they -- those
15 documents get wherever they need to go. There's interest
16 in NARA and there's interest in the state archives as well.
17 I've talked to Glenn Cook from the state archives and what
18 he and I have talked about is possibly NARA receiving the
19 official record and state archives receiving the public
20 record, which is a duplicate copy. If this was resolved
21 prior to the Trustee Council withdrawing from the ARLIS
22 partnership, you know, we would facilitate that. But I do
23 want to point out that if the Trustee Council is not
24 funding anything for ARLIS, ARLIS does not have an
25 obligation to, you know, retain those materials. And space

1 in libraries is always limited.

2 CHAIRMAN HARTIG: Any questions? I guess I have
3 one, and that -- you say that there's still a lot of
4 documents here that we have in -- at this office that will
5 need to be sorted through and find a home, that you'd be
6 involved in that, not this coming year but the year after
7 that, if I understood right. Where would -- would those
8 documents go over to ARLIS or -- some of them or where
9 would those.....

10 MS. HOLBA: No, those are documents that either
11 need to be incorporated in the official record and then
12 copies go to ARLIS to the public record, or resolved
13 according to some record retention schedule. And this
14 depends on the requirements for retaining all documents
15 according to the court requirement. So in other words,
16 right now we have to save everything. There are a lot of
17 things that really don't need to go into the official
18 record, such as timesheets, travel, you know,
19 administrative things, and that's what we'll be sorting
20 through.

21 CHAIRMAN HARTIG: And so there's.....

22 MS. HOLBA: You see some of them here in the back.

23 CHAIRMAN HARTIG: So there's some record retention
24 plan that we have already and we're.....

25 MS. HSIEH: We.....

1 MS. HOLBA: We're working on that.

2 MS. HSIEH: We've been under a court order to hold
3 everything.....

4 CHAIRMAN HARTIG: Right.

5 MS. HSIEH:related to expenditure of the
6 funds, which has been perhaps overly broad and in some
7 cases burdensome. But here we are with a lot of records
8 and -- that need attention.

9 MS. HOLBA: What we're doing now is working with
10 state archives and going by their general admin record --
11 or administrative records retention schedule. We've tried
12 to organize our documents with that schedule in mind so
13 that should the requirement to keep everything be modified
14 and we can eliminate some of those things, we will then
15 know what we immediately need to transfer to the records
16 center or what we can dispose of.

17 CHAIRMAN HARTIG: So is there a plan then to go
18 back to court and get a revised order on.....

19 MR. TILLERY: Yes, Mr. Chairman, we're working on
20 that.

21 CHAIRMAN HARTIG: Okay. That's makes sense then.

22 MR. ZEMKE: How much space do the records -- such
23 official records occupy in ARLIS and.....

24 MS. HOLBA: Oh, in ARLIS?

25 MR. ZEMKE: Yeah.

1 MS. HOLBA: I think it's about 18 file cabinets.

2 MR. ZEMKE: About like that wall right there. Is
3 there official -- or is there a requirement that it has to
4 be housed in a public facility where it has access to
5 provide the public? I guess if it goes to state archives
6 it wouldn't -- normally you wouldn't have access to that,
7 but.....

8 MS. HOLBA: Right. What we're done with the
9 official record and the public record is use the public
10 record for public access so that originals are not at risk.
11 So this way the public can come in, they can look at those
12 materials and we don't have to risk losing them. They're
13 -- the originals are kept here.

14 CHAIRMAN HARTIG: Okay. Is there a motion or do we
15 need a motion?

16 MS. HSIEH: I think that you should disregard our
17 resolution and motion, which is fairly brief anyway, and
18 depending on your intent, if you are -- if your intent is
19 to follow the transition as outlined by Carrie, then I
20 think the funding, a hundred percent of Carrie Holba's full
21 time salary at ARLIS will come to you in the administrative
22 budget or you could have a resolution also to codify that.
23 It would come before you again in August regardless. And
24 then we could do the same thing as we did with AMSS where
25 you direct me to send a letter to ARLIS that formalizes or

1 captures the intent -- the present intent of this council
2 subject to future approval and et cetera, et cetera, as
3 regard to the transition.

4 CHAIRMAN HARTIG: I guess I don't know that I have
5 enough in front of me to write -- say what that would be in
6 that letter because we are funding six, seven percent of
7 ARLIS, if I caught that right, right now. I guess that
8 means their administrative operating costs, or their
9 operating costs. And I don't know that equates to a
10 hundred percent of Carrie's salary or there's more on top
11 of that.

12 MS. HSIEH: There's Carrie's salary plus I believe
13 \$26,000 that would.....

14 CHAIRMAN HARTIG: So.....

15 MS. HSIEH:has been the funding. And the
16 proposal is, for FY-2011, to continue the funding, a
17 hundred percent of Carrie's full time salary at ARLIS but
18 there wouldn't be the cash contribution of \$26,000. Then
19 in FY-2012 there would be funding for Carrie, 50 percent at
20 ARLIS and 50 percent would be in EVOS, which we'd have to
21 approve in this. And then in 2013, it would be a hundred
22 percent of Carrie's salary here at the Trustee Council.

23 CHAIRMAN HARTIG: Any other discussion?

24 MR. ZEMKE: Mr. Chair.

25 CHAIRMAN HARTIG: Yeah, Steve.

1 MR. ZEMKE: Have -- as a member of the founder's
2 board, have you gone over and discussed with the board the
3 idea about this is the intent.....

4 MS. HSIEH: Carrie has.....

5 MR. ZEMKE:what we're.....

6 MS. HSIEH:presented this transition proposal
7 to them in discussion. I'm sure that Carrie is a very
8 valuable asset wherever she is, so I'm sure that ARLIS is
9 -- of course would love to have her for the next 20 years.

10 CHAIRMAN HARTIG: Yeah, Craig.

11 MR. TILLERY: Mr. Chairman, I'd just note that I
12 agree with this transition plan. I mean, I think that we
13 should communicate something to the ARLIS board along these
14 lines if this is -- where at least this board, based on the
15 information that we have, where we're headed.

16 CHAIRMAN HARTIG: Okay. Yeah, Elise.

17 MS. HSIEH: It would also, I think, be helpful if
18 it is consistent with the Trustee Council's present
19 understanding of ARLIS, if we can encourage the
20 organizations which do use ARLIS to consider their
21 contributions or lack thereof. I think ARLIS is at a
22 juncture with funding, it's a great resource for the state
23 and continues to be for anyone interested in the resources
24 here. So if you could make some statement of support like
25 that, I think it would be helpful. Carrie, do you have any

1 suggestions?

2 MS. HOLBA: That would be very helpful.

3 CHAIRMAN HARTIG: Yeah, I mean, the figures that
4 you were giving on use were pretty impressive. One, that
5 you had those figures; and two, that, you know, the size of
6 them. I think that is helpful in us understanding, you
7 know, the need to continue to fund it from some source or
8 another. And I think, I really appreciate, Carrie, your
9 conscientiousness also in, you know, keeping track of
10 things as we wind down and finding a home for those things
11 that need to be kept. So I don't -- does anybody else on
12 the phone have any other thoughts on this other than that
13 Elise will be providing a letter describing our intent as
14 she set out earlier?

15 MR. O'CONNOR: Yeah, I'm in agreement with that,
16 Mr. Chairman. This is O'Connor.

17 CHAIRMAN HARTIG: Thanks, Craig.

18 MR. ELTON: As am I, Mr. Chairman. This is Kim.

19 CHAIRMAN HARTIG: Great, Kim.

20 MR. LLOYD: Fine with me, Larry. Denby.

21 CHAIRMAN HARTIG: Thanks, Denby. So I guess we'll
22 proceed on that path then. Thanks again.

23 MS. HOLBA: Thank you.

24 CHAIRMAN HARTIG: So are we having a Koniag
25 investment summary?

1 MS. HSIEH: We're not.

2 CHAIRMAN HARTIG: Okay. I must have an old agenda.

3 I'm sorry.

4 MS. HSIEH: I'm sorry.

5 CHAIRMAN HARTIG: It's in my packet, but.....

6 MS. HSIEH: Let me give you.....

7 CHAIRMAN HARTIG: So are we then onto.....

8 MS. HSIEH: Cherri, do you have a copy that we

9 could use?

10 CHAIRMAN HARTIG: So we.....

11 MS. HSIEH: We have on next Catherine Boerner, the

12 Draft Integrated Herring Restoration Plan. I can give a

13 quick intro and Catherine will as well.

14 CHAIRMAN HARTIG: Okay. So we're on Item 8.

15 MS. HSIEH: On Item 8.

16 CHAIRMAN HARTIG: Integrated Herring Restoration

17 Plan.

18 MS. HSIEH: Uh-huh. We have the Draft Integrated

19 Herring Restoration Program, which has been sent to you,

20 and perhaps even more helpful, Catherine's cheat sheet memo

21 of restoration options. This document contains or

22 synthesizes where the Trustee Council has tread in the last

23 few years with regard to herring and lays out a number of

24 restoration options. Our recommendation is -- this

25 document is going to be appended to our invitation, our

1 proposed -- the council's current -- under the council's
2 current proposal, the invitation for FY-12, which asks for
3 a multi-year, a 20-year herring program, and this document
4 would help provide guidance for the proposals. And in
5 light of that, we have recommended that the Trustee Council
6 consider stating their intent or interest or -- in our
7 recommendations, the options of enhanced monitoring and
8 altering carrying capacity. Catherine's memo gives a great
9 chart which lists the different restoration options and the
10 pros and cons, some of which we simply -- the Trustee
11 Council doesn't have the authority to implement or which
12 may be overly ambitious, such as the supplemental
13 production through a hatchery option. By doing this, by
14 directing the staff here to make conforming revisions in
15 the IHRP before we put out a public draft in the next
16 couple of weeks for additional public comment will help
17 focus people's attention on what -- on which restoration
18 options the Trustee Council at this point in time is
19 interested in pursuing and would also help shape the
20 herring program so they could focus their funds on
21 realistic restoration options that have the Trustee
22 Council's support and interest. With that, I'll let
23 Catherine answer any of the real substantive questions.

24 MS. BOERNER: Yeah, one thing I'll add to Elise's
25 comments was the document recommends that everything we do,

1 whether -- any of the options we'd pursue would be phased
2 in a three-stage process which you -- like I said, is
3 outlined in my memo and is outlined in the document as
4 well, which I think is a wise way of moving ahead where
5 we're doing a lot of double checking, ensuring -- you know,
6 ensuring scientific validation before we move forward with
7 any option.

8 CHAIRMAN HARTIG: Everybody's looking through the
9 memo right now.

10 MR. TILLERY: Mr. Chairman, who is the author of
11 the plan?

12 MS. HSIEH: Catherine, do you want to encapsulate
13 or summarize the many, many contributors?

14 MS. BOERNER: I will. I mean, this plan has been
15 started back in April 2006, so this is four year's coming.
16 The most current draft you have in front of you was
17 refined. We took all the information that came out, was
18 refined by myself, Doug Hay, Jeep Rice, and Doug Woodby of
19 ADF&G, just to kind of, you know, present it in a more
20 cohesive way. But the doc -- it's the 10 people -- the 10
21 members of the herring group that met in Cordova, they have
22 significant contributions to this document. Their writing
23 is encapsulated here as well as all of our researchers, the
24 local Native interests that we've spoken with. So I think
25 it would be hard to say there's one writer, more of an

1 editor.

2 MR. TILLERY: Is this the consensus view of those
3 people?

4 MS. HSIEH: I am not sure we could say that. I'm
5 not sure you could get a consensus view of this diverse
6 group that we drew the raw material from through the
7 herring meetings. I think what this represents is that raw
8 material then edited and shaped and we take responsibility
9 for by Catherine and myself, Jen Schorr, Doug Woodby, Jeep
10 Rice and Doug Hay. I think it would have been impossible
11 for us to create a document that captured a consensus.

12 MR. TILLERY: Is it fair to say it represents a
13 consensus of Doug Hay and Woodby and Jeep?

14 MS. HSIEH: Yes.

15 MS. BOERNER: Yes. And the restoration options
16 are.

17 MR. LLOYD: Well, hold on. Mr. Chairman.

18 CHAIRMAN HARTIG: Yeah, go ahead.

19 MR. LLOYD: Yeah, this is Denby and I think that in
20 reality there still might be some reservations and some
21 comments from.....

22 MS. BOERNER: Uh-huh.

23 MR. LLOYD:Doug Woodby and from Department of
24 Fish and Game. And although I'm happy to hear the rest of
25 the conversation from folks, I'm probably going to make a

1 recommendation that we make one more pass through this
2 document, back to the lead authors, and provide a bit more
3 opportunity for at least staff comment before the document
4 goes out for public review. I've got about three pages of
5 comments, and very quick comments from our staff that
6 aren't simply editorial. So I wanted to chime in at this
7 point because I'm not sure it's prudent to characterize as
8 the document being a consensus of even the three folks,
9 Doug Hay, Doug Woodby and Jeep, because so far as I know,
10 Doug Woodby wouldn't agree to that.

11 CHAIRMAN HARTIG: Okay. Thanks, Denby.

12 MS. BOERNER: I would state that any kind of
13 document like this, there will never be consensus but there
14 will be compromise, and I think that's what we're trying to
15 work toward.

16 CHAIRMAN HARTIG: Are you.....

17 MS. HSIEH: I think.....

18 CHAIRMAN HARTIG:going to get there? I mean,
19 if.....

20 MS. BOERNER: We could get toward compromise, but
21 that's why I was hoping that if we released it for public
22 comment we would also get a little more information from
23 outside people and from people that may, you know,
24 influence the shaping of the document.

25 CHAIRMAN HARTIG: What is the timing on this? I

1 mean, how would the integrated herring report be used and
2 the memo be used and do you need to have them finalized by
3 a certain point in time for solicitation of proposals or
4 something else?

5 MS. HSIEH: The -- under the current proposal, the
6 FY-12 invitation, which helped shaped -- although in many
7 different stages and many different -- it just starts the
8 process of different stages of approval, but this document
9 would be used and hopefully reach a fairly final point by
10 October 1st. Now I think that I had seen emails back and
11 forth between Doug Woodby saying -- or I guess Tom
12 Brookover saying there was some edits that weren't
13 included. I spoke to Catherine and she said that she went
14 back, one sentence, I think had gotten dropped off, but she
15 said the others were largely editorial. I think -- and no
16 one else contacted me with any other information, so this
17 is new to me -- I think that the three pages of comments
18 should be forwarded to me so that I can take a look at them
19 and incorporate whatever we can into this document before
20 it goes public. Again, you know, reaching consensus, I'm
21 not sure you can reach that at a hundred percent but
22 hopefully at some high percent. So if someone could
23 forward those to me.....

24 CHAIRMAN HARTIG: So it would -- this document
25 would need to get through the public review process and be

1 finalized by some time in October.

2 MS. HSIEH: Well, it should be fin -- what you have
3 to do is we put it out for a public review, like let's say
4 Tom sends me those comments and we can add what we can and
5 then put it out for review the beginning of July, or maybe
6 around the end of the first week of July, and then ask for
7 comments within a two or three week period, receive those
8 comments back, put those comments in and send out another
9 draft, so it ends up taking many stages to make sure we
10 incorporate and get back out on the street to see if we've
11 captured what people are interested in. So I think in this
12 case it would be helpful for Doug Woodby's edits that he
13 feels are very critical to this document be sent to myself
14 and Catherine as well and we'll take another look. I
15 hadn't seen the list of edits, I've only had discussions
16 about them, so -- and then we'll send out the public draft,
17 hopefully at the end of the first week of July.

18 And at the same time I would like the Trustee
19 Council -- it's really a separate issue with regard to the
20 restoration options. I don't know if Doug Woodby is
21 suggesting some of the other -- is he suggesting.....

22 MS. BOERNER: No, the eight.....

23 MS. HSIEH:in your recollection.....

24 MS. BOERNER: The eight restoration options, I
25 don't think there's been discussion about.

1 MS. HSIEH: Okay.

2 MS. BOERNER: And the recommendations for the two,
3 that is -- I'm only speaking for myself as a science
4 coordinator, I am not speaking for those three members.
5 They wrote the document exactly as we had asked them to do.

6 MS. HSIEH: Right.

7 MS. BOERNER: It's our task to then make
8 recommendations based on what they provided.

9 MS. HSIEH: That's correct.

10 MS. BOERNER: So -- and I'll also say in order to
11 go back to the three who helped us edit down to where we
12 are, we have exhausted the contract of Doug Hay, so you
13 would have to authorize additional funding if that was a
14 route that you wanted to pursue. But we can certainly work
15 with Doug Woodby.....

16 MS. HSIEH: Doug Woodby.

17 MS. BOERNER:Denby and Tom Brookover to
18 incorporate the ADF&G comments that they feel are important
19 and haven't been picked up. And then you can direct us to
20 release to -- for a public comment period at that time.

21 CHAIRMAN HARTIG: So you need action from.....

22 MR. LLOYD: Mr. Chair.

23 CHAIRMAN HARTIG: Excuse me -- do you need action
24 from this board before you release it for public comment,
25 and so we wouldn't be meeting again.....

1 MS. BOERNER: Authorization.

2 CHAIRMAN HARTIG:until August.

3 MS. BOERNER: Uh-huh.

4 MS. HSIEH: Yeah, it will go through a couple more
5 cycles before we meet again in August and hopefully we'd
6 have something that's already been cycled through at least
7 one and a half times or maybe.....

8 MS. BOERNER: Twice.

9 MS. HSIEH:two before we meet again in
10 August. And then it wouldn't be finalized formally until
11 October, but you really need to have that lead up time to
12 have it circulating.

13 CHAIRMAN HARTIG: So the idea is we come back in
14 the August meeting then authorize it to be released to the
15 public for comment and review?

16 MS. HSIEH: No. It will be out for public comment
17 now, for example, at the end of July, and then, I don't
18 know, we'd have a two or three week comment period and then
19 bring those comments back in and put it out again.....

20 CHAIRMAN HARTIG: Okay.

21 MS. HSIEH:would be my hope.

22 MS. BOERNER: Thirty day would be a normal comment
23 period. We're not certainly obligated to do that, but --
24 and we also want to allow the PAC time to review and
25 comment on the draft. And they are meeting July 22nd and

1 they are not.....

2 MS. HSIEH: Yeah.

3 MS. BOERNER:scheduled to meet again back
4 till the end of the fiscal year.

5 CHAIRMAN HARTIG: Okay. So somebody on the phone
6 was trying to get in there and I cut them off.

7 MR. LLOYD: Larry, thanks. This is Denby.

8 CHAIRMAN HARTIG: Thanks, Denby.

9 MR. LLOYD: I appreciate the notion here and I
10 think I was going to come up with the same idea, that I'm
11 not asking to put this off completely until the next time
12 the council meets but rather have a more serious review
13 done on various department comments. It's not just Doug
14 Woodby, there's some others, but Tom Brookover can forward
15 those specific comments to Catherine and to Elise and if we
16 have some assurance that they'll at least be looked at
17 critically and possibly incorporated into the draft before
18 it goes out for public comments, I think that's
19 satisfactory, because we will always have the opportunity
20 to look at it again after public comment as a trustee
21 council.

22 The second part of my concern is that I'm probably
23 not going to support having the council identify the two
24 specific options as the one we're interested in pursuing.
25 From my perspective it's premature to do that and I'm not

1 sure that they're characterized in a way that I would
2 support them at this time anyway, so I don't know that we
3 need to identify them as some form of preliminary preferred
4 alternatives.

5 MS. HSIEH: I think that's up to the council.....

6 MS. BOERNER: Yeah, absolutely.

7 MS. HSIEH:as long as the council recognizes
8 that when it goes out with the invitation, then the program
9 will try to address all of them, which will take their
10 resources and spread them out unless the council gives some
11 further direction. But it's completely up to the council
12 and it again wouldn't be finalized till later, so.....

13 MR. O'CONNOR: Well, I -- Mr. Chairman, this is
14 O'Connor.

15 CHAIRMAN HARTIG: Yeah, go ahead, Craig.

16 MR. O'CONNOR: I'm lost now. I agree with Denby's
17 comments in the sense that apparently there's some
18 substantial input from the principal regulatory agency,
19 management agency for this resource, so I'm particularly
20 concerned with having those as an integral part of what we
21 send out to the public. I'm also -- I tend to agree with
22 the idea of not tipping our hand, if you will, at this
23 point. I really do want to hear what the public has to say
24 with regard to a broader range of options here, because it
25 has been such a sensitive and protracted matter.

1 One of the questions that I have as well as we did,
2 and it's not because I have a good memory, it's because
3 Pete's great and he reminded me that we have a Trustee
4 Council policy on supplementation and this seems to be one
5 of the more critical issues, basically hatcheries and that
6 sort of thing, and I'm wondering if that policy guidance
7 has been reflected on in the document that we're going to
8 be putting out to the public. Or if it needs to be -- we
9 do have a prior position on that issue and my recollection,
10 although I haven't read it today, was that it was -- that
11 it will be given new consideration, as will other things,
12 but it doesn't have a priority, nor does it have a second
13 order of interest, but I cannot recall its substance. But
14 anyway, I want to be sure that what we're doing here is
15 consistent with prior policy to the extent that that is
16 relevant. And as I say, I don't have it in front of me, so
17 -- and may -- I'm sure, you know, Catherine and Elise do,
18 so I would make those comments.

19 CHAIRMAN HARTIG: I'm not sure they do, Craig.

20 MR. O'CONNOR: I'm not quite sure where we are.
21 Are we going to be putting out this package that's --
22 Catherine's summary with the list of options with the
23 highlighting or are we just going to be sending it, sending
24 the whole plan out without a head fake to the public, a
25 potential head fake to the public on what our priorities

1 might be, because they may be readjusted when we hear what
2 they've got to say.

3 MS. BOERNER: Yeah, my memo is merely provided as
4 information for you. I don't believe it will be provided
5 with the public draft of the document.

6 MS. HSIEH: That's -- that was my.....

7 MR. O'CONNOR: Okay.

8 MS. HSIEH:intent as well.

9 MR. O'CONNOR: I was having trouble hearing you,
10 Catherine. My commendation for this effort, too. I bless
11 you for doing this. But I was having trouble hearing what
12 your presentation was, so I.....

13 MS. BOERNER: Sorry.

14 MR. O'CONNOR:had that question. Okay.

15 MS. BOERNER: I was not aware that there was a
16 policy.

17 CHAIRMAN HARTIG: So, Pete.....

18 MS. BOERNER: That's the first (indiscernible).

19 MS. HSIEH: No. Have Pete send it to you.

20 CHAIRMAN HARTIG: Pete Hagen, are you still here on
21 the phone? Can you give us a brief synopsis of this
22 supplement -- supplementing the policy?

23 MR. HAGEN: Oh, yeah, this is Pete Hagen with NOAA.
24 No, I -- well, I just looked it up last night. It's on the
25 trustee website, it's under the policy section, and it was

1 crafted back in 1995. Probably at the time, you know,
2 salmon hatcheries were probably kept in mind, but it's
3 really a generic policy. It identifies there's a NEPA
4 process that we'd likely have to be going through. It
5 identifies permitting issues. It identifies genetic issues
6 are involved with supplementation. And I think it just
7 basically says proponents of the supplementation efforts
8 need to get all their permits and all their ducks in a row
9 in hand before the Trustee Council would consider funding
10 any of those operations.

11 CHAIRMAN HARTIG: Oh, okay.

12 MR. HAGEN: I think that's all it is, is a generic
13 policy, but it's probably worth, I guess, for the trustees
14 to kind of look at it and see if they need to update it
15 with respect to kind of the message going out with the
16 herring plan as well. So that would be my suggestion.

17 CHAIRMAN HARTIG: Okay. So I guess, Elise,
18 Catherine, you need to at least take a look at it and see
19 if it's something we need to consider in the context of the
20 Integrated Herring Restoration Plan. And so -- or whether
21 we need to revisit.....

22 MS. HSIEH: I think if you guys get close to
23 supplementing production, A, you're going to have to come
24 up with a lot more money; and B, we'll pull that policy out
25 and update it at that time, but we'll take a look and see.

1 CHAIRMAN HARTIG: Well, that's what I -- it sounds
2 like it's.....

3 MS. HSIEH: Yeah.

4 CHAIRMAN HARTIG:procedural if you want to do
5 it, but I.....

6 MS. HSIEH: Yeah.

7 CHAIRMAN HARTIG:don't know what all is in
8 there.....

9 MS. BOERNER: Uh-huh.

10 CHAIRMAN HARTIG:so I don't know if.....

11 MS. HSIEH: Yeah.

12 CHAIRMAN HARTIG:there's something else.....

13 MS. HSIEH: We'll take a look.

14 CHAIRMAN HARTIG:in there that we need to
15 look at. It's probably worth just seeing what it is.

16 MS. BOERNER: At this point I would request that
17 you authorize us to release this for public comment after
18 we begin the interactive process with ADF&G and the staff
19 members there to ensure that all of the substantive changes
20 have been made and are appropriate.

21 CHAIRMAN HARTIG: Yeah, I would say that -- and
22 correct me if I'm wrong on this because I -- it's up to
23 Denby and you all how you want to proceed here, I think, on
24 this to get -- finalize Fish and Game's input, but that
25 would be the working plan, but if something comes up,

1 that's just as big impasse then Denby can let us know and
2 we could try to reconvene on the phone or do something to
3 address the.....

4 MS. HSIEH: I'm sure we can work it out.

5 MS. BOERNER: I'm sure.

6 CHAIRMAN HARTIG: Yeah, I'm sure we can.

7 MS. BOERNER: Yeah.

8 CHAIRMAN HARTIG: Okay. Do we actually need a
9 motion then?

10 MR. LLOYD: Mr. Chairman.

11 CHAIRMAN HARTIG: Yeah, Denby.

12 MR. LLOYD: Mr. Chairman, thanks for the offer and
13 I don't anticipate that our comments will come to a crisis
14 point, so I tend to agree with what you've just outlined.
15 Thanks.

16 CHAIRMAN HARTIG: Great. Thank you. So do you
17 need a motion to authorize release of the draft?

18 MS. HSIEH: Sure. We'll take it.

19 CHAIRMAN HARTIG: You don't want to take the heat
20 on anything, do you?

21 MS. HSIEH: We get enough.

22 CHAIRMAN HARTIG: Okay. So I guess I need a motion
23 to authorize the Executive Director to release the
24 Integrated Draft Herring Restoration Plan after the draft --
25 the final comments from Fish and Game are incorporated

1 into that draft and be released for initial public comment.

2

3 MR. ZEMKE: I move that.

4 MR. LLOYD: Mr. Chairman, so moved. This is Denby.

5 Thanks.

6 MR. ZEMKE: I'll second then.

7 CHAIRMAN HARTIG: Okay. So.....

8 MR. O'CONNOR: I'd second that, Mr. Chairman. It's

9 O'Connor.

10 CHAIRMAN HARTIG: Okay. So again, any other

11 discussion?

12 MR. ELTON: Mr. Chair, this is Kim.

13 CHAIRMAN HARTIG: Yeah, Kim.

14 MR. ELTON: I mean, I'm comfortable with going

15 ahead this way, but I just have a request. I mean, I would

16 hope that, you know, whatever changes are made, whether

17 substantive or not, I mean, I'd kind of like to know about

18 them. And so I guess I would just request -- and I don't

19 want to speak for anybody else on the council -- but I

20 guess I would just like to see what the changes are at some

21 point in time.

22 MS. HSIEH: We will -- we can send out.....

23 MS. BOERNER: Absolutely.

24 MS. HSIEH:a redline strikeout with the

25 Department of Fish and Game edits in the document for you

1 guys.

2 MR. ELTON: That.....

3 CHAIRMAN HARTIG: Whatever.....

4 MS. BOERNER: Absolutely.

5 CHAIRMAN HARTIG:depending on how
6 extensive.....

7 MS. HSIEH: Yeah.

8 CHAIRMAN HARTIG:they are, either redline or
9 just a summary would be good. That would be a helpful
10 option.

11 MR. ELTON: That takes care of my concern. Thank
12 you.

13 MS. BOERNER: Absolutely.

14 CHAIRMAN HARTIG: Thanks, Kim. Okay. We'll go --
15 if there's no other discussion, we'll go for a vote.
16 Denby?

17 MR. LLOYD: Yes.

18 CHAIRMAN HARTIG: Kim?

19 MR. ELTON: Yes.

20 CHAIRMAN HARTIG: Craig O'Connor?

21 MR. O'CONNOR: Yes, sir.

22 CHAIRMAN HARTIG: Craig Tillery?

23 MR. TILLERY: Yes.

24 CHAIRMAN HARTIG: Steve?

25 MR. ZEMKE: Yes.

1 CHAIRMAN HARTIG: And me, yes. Okay. Thanks,
2 Catherine.

3 MS. BOERNER: Thank you.

4 CHAIRMAN HARTIG: Okay. I guess, Craig O'Connor,
5 you're next on the -- is it the update on the Boufadel
6 study, is that what we're doing next?

7 MR. O'CONNOR: I think so, Mr. Chairman. Thank
8 you. Let me just say a few words. What I'm asking is that
9 we fund some additional work by Michel Boufadel's model on
10 the limiting factors work that was done. As you recall, in
11 the '09 field season Michel's work left -- it had deployed
12 some PVC pipes and so on and were looking at trying to
13 determine what it was that was causing problems with oil
14 degrading insitu using lithium tracers and trying to see
15 what the flow distribution within the beach structures.
16 There have been some question raised by the scientific
17 community with regard to some issues related to that study,
18 and since it is a particularly critical aspect of answering
19 the question of the biodegradability of the oil and why
20 hasn't it biodegraded and what maybe we can do to address
21 the problem.

22 So what I'm suggesting is that for 2010 that Michel
23 redeploy his field work, reuse the equipment that he left
24 in place to repeat the tests that were run in 2009 that
25 measured the travel time of liquids through the beach

1 strata using the lithium tracer and to repeat the last
2 year's measurement of dissolved oxygen temperature and
3 salinity. A couple of reasons for this. The first -- and
4 this are the apparent challenges here -- the first is that
5 the 2010 data -- we need the 2010 data to confirm or not
6 confirm the '09 data. And it will answer a couple of
7 questions. Some of the critics contended that the -- in
8 '09 the beach strata had not been fully reestablished in
9 the two months between when the wells were installed and
10 when the equipment was used to gather the data. Now it has
11 been there for a year, so my guess is, as all the
12 scientists say, that beach should be reestablished by now.

13

14 The second focus would be confirming the '09 data
15 to address the contention that there actually is plenty of
16 dissolved oxygen and nutrients in the pore water next to
17 the subsurface oil. As you recall, that was perceived to
18 be by the final studies to be the limiting factor, the
19 availability of dissolved oxygen. And that is the most
20 critical limiting factor there. What we're looking at, you
21 know, is -- we have Al Venosa's work that showed that
22 lingering oil was not too weathered to degrade further
23 under the proper conditions and it seems that oxygen is the
24 -- the absence of oxygen is a limiting factor. So what
25 we're looking to do is go out, reconfirm or otherwise if

1 this year's study comes up with a different answer or
2 discredits or disagrees with the work that was earlier
3 done, then we've learned from that. But I want to be sure
4 that when we're making decisions that we know what the
5 limiting factor is out there. So with a hundred -- or with
6 81,000, Michel can go back out, redeploy and we can confirm
7 what was found in '09 or update or information accordingly.
8 So with that I would move the approval of \$81,000 to
9 support field work this summer by Michel Boufadel on the
10 limiting factor studies.

11 CHAIRMAN HARTIG: Okay. Do we have a second?

12 MR. ZEMKE: I'll second.

13 CHAIRMAN HARTIG: Thanks, Steve. When would the
14 final report be done then, Craig, do you know?

15 MR. O'CONNOR: I think he was just granted a
16 limited extension. I would ask Elise on that. I can't
17 remember when the final report is due. If you're talking
18 about the '09 one.

19 MS. HSIEH: When is it currently due?

20 CHAIRMAN HARTIG: Right.

21 MS. BOERNER: April 15th of '11.

22 MS. HSIEH: Okay. So it's currently due April 15th
23 of 2011. We're not familiar with any extensions at this
24 point. If you fund this, would that date remain the same?

25 MS. BOERNER: That's the question. I don't know.

1 Pete would be able to reply because he's.....

2 MS. HSIEH: We don't know if Pete.....

3 MS. BOERNER:the project manager.

4 MR. O'CONNOR: I would think so.

5 MS. BOERNER: Pete Hagen is the project manager, so

6 he should be able to give you some answers.

7 MR. O'CONNOR: Yeah. And by the way, we're not --

8 NOAA is overseeing this and we're not going to charge any

9 fees for that. I know that's important.

10 CHAIRMAN HARTIG: We appreciate that.

11 MS. HSIEH: Pete Hagen, can you.....

12 MR. O'CONNOR: Other than my usual carrying charges

13 in entertainment value.

14 CHAIRMAN HARTIG: Let's see, Pete, do you know when

15 we had planned to have the final report that would include

16 both, I guess, the field work from '09 and '10 in it?

17 MR. HAGEN: Yeah, I think we should have -- at

18 least parts of it should be coming in or some of it already

19 has. Michel has actually published in the literature some

20 of the work that we had funded previously. He says, I

21 think along with this request, I think there's two kind of

22 preliminary reports that kind of bring us up to the point

23 now. And I think for this next project he'll incorporate

24 the final results, you know, from this summer work will be

25 a final report for next year, but at least that's what it

1 looks like to me. We had granted -- he was granted, I
2 think, a brief extension. His final report was due April
3 15th and there was an extension on that. He's submitted
4 some material along with this request, so it's coming in
5 and I think we'll have a grand finale probably as soon as
6 his field work is completed, probably next fall.

7 CHAIRMAN HARTIG: Okay. Thank you. Any other
8 discussion on the motion? Craig.

9 MR. TILLERY: Yeah, Mr. Chairman, these critics
10 that disagreed as to whether there was adequate oxygen in
11 the beach, did they do their own study?

12 MR. O'CONNOR: You know, I understand they did, Mr.
13 Chairman.

14 CHAIRMAN HARTIG: Do we have a copy of that study?

15 MR. O'CONNOR: Oh, they make that -- that comes
16 from one of those major oil companies and they usually run
17 behind on releasing that kind of information. I'm sure
18 we'll get it soon.

19 CHAIRMAN HARTIG: Was it done on another beach or
20 how was it done?

21 MR. O'CONNOR: My understanding is it was -- well,
22 you know, I can't remember now. I was told but I cannot
23 remember.

24 MR. HAGEN: Yeah, this is Pete. It was presented,
25 a 2009 report discussed some of the results and questioned

1 the studies that the trustees had funded. It's referenced
2 in the proposal, I think, is one of the documents that it's
3 addressing.

4 MR. O'CONNOR: Yeah, those are the Atlas/Bragg
5 references, and that's the.....

6 CHAIRMAN HARTIG: Okay.

7 MR. O'CONNOR:that is the scientific
8 countervailing position by those two individuals on the
9 biodegradability of the oil.

10 MR. TILLERY: Mr. Chairman, I guess I just wonder
11 what technique did they use to test for the oxygen?

12 CHAIRMAN HARTIG: Did you hear that question.....

13 MR. O'CONNOR: I don't know.

14 CHAIRMAN HARTIG:Craig and Pete? Guess.....

15 MR. O'CONNOR: I don't know. I'm going to ask Mike
16 Zevenbergen. Do you re -- do you know what the answer is
17 to that, Mike? Have they given us anything on that study?

18 MR. ZEVENBERGEN: I can't give you a scientific
19 description. My recollection is that they -- this is going
20 to be really unscientific but stuffed a probe down into the
21 beach and took oxygen measurements in that way.

22 MR. TILLERY: Mr. Chairman. Is it fair to say that
23 this study would be directed -- I mean, would be actually
24 looking at what was done by that study and the intend is to
25 respond to it? I mean, that it would -- it wouldn't just

1 be a repeat of what we did earlier but would actually be
2 looking at this countervailing notion and trying to deal
3 with it?

4 MR. ZEVENBERGEN: This is Mike Zevenbergen. My
5 understanding is that the final proposal will use the same
6 methodology for measuring oxygen in the pore water that he
7 used in the prior year. There is a debate, as far as I can
8 see, a debate among the scientists about just how much
9 dissolved oxygen is in the pore water and therefore
10 available to the lingering oil for biodegradation. And
11 part of that debate may be a debate over appropriate
12 methodology for measuring the dissolved oxygen.

13 MR. TILLERY: See, that's what I'm kind of
14 wondering, if we're just repeating the exact same thing. I
15 mean, is it a question that we didn't implement it right or
16 is the challenge to the methodology?

17 CHAIRMAN HARTIG: Or the beach settling back
18 and.....

19 MR. TILLERY: Well, yeah, the beach settling
20 back.....

21 CHAIRMAN HARTIG:restitut.....

22 MR. TILLERY:I guess I can understand if that
23 was -- but I understood that to be a.....

24 CHAIRMAN HARTIG: Yeah, does this get us to a
25 conclusion or is it going to be just perpetuating the

1 debate?

2 MR. O'CONNOR: I'd say, from my standpoint, Mr.
3 Chairman, this is going to get us to a conclusion. There
4 was a recognition that there may be this issue,
5 particularly on the two months. May have some validity, we
6 don't know, we don't think so. We would not have used that
7 technique if we thought it was a problem, but it's a
8 legitimate challenge and we want to verify and one year of
9 settlement certainly works that, to resolve that. And this
10 whole -- the whole idea of the availability of oxygen is
11 the critical issue here and I'm going to feel more
12 comfortable myself, on behalf of my agency, if we have
13 confirmed the work that we did last year because it is such
14 a critical aspect of the ultimate decision by the council
15 with regard to remediation of the beaches, what we can do
16 and what is the reason that the oil is still there. And it
17 certainly appears to be the oxygen and it's availability.
18 And we've had discussions with regard to why that oil is
19 not uptaking the oxygen and it appears as though we have a
20 lens situation that's impeding that. And I want to be sure
21 that that's the case, so I am -- I'm very much in support
22 of this, although I was -- you know, I supported the
23 decision earlier. I think they were the right decisions.
24 But if there are legitimate scientific questions, let's go
25 out and confirm it. And, you know, the Atlas/Bragg work

1 certainly is -- they are legitimate scientists and we have
2 worked with those individuals in the past. So let's see
3 what the story really is. And we've got the equipment in
4 place, let's go out and do it.

5 CHAIRMAN HARTIG: But you're comfortable with the
6 methodology?

7 MR. O'CONNOR: Yes, I am.

8 MR. TILLERY: Mr. Chairman. Am I correct in
9 understanding that there's sort of two issues here? The
10 beach settling has to do with the deliverability of the --
11 of whatever -- of the remediation of the.....

12 CHAIRMAN HARTIG: For the flow, I guess.

13 MR. TILLERY:peroxide or whatever, but the
14 question of whether there currently exists enough dissolved
15 oxygen is sort of a separate question not related to the
16 settling? Is that right or wrong?

17 CHAIRMAN HARTIG: I think it's the availability in
18 the measurement of it. The measurement of it, is that
19 correct?

20 MR. O'CONNOR: Yeah, is it an adequate -- the
21 availability and is it available in adequate concentrations
22 to accomplish the need.....

23 CHAIRMAN HARTIG: Yeah, and how are you.....

24 MR. O'CONNOR:to bio.....

25 CHAIRMAN HARTIG:going to measure that, I

1 guess, is what the question I heard.

2 MR. TILLERY: But the beach settling doesn't relate
3 to whether there's currently adequate oxygen, is that
4 right?

5 MR. O'CONNOR: That's cor -- that's my
6 understanding, yes, and I'm -- what I'm doing is flashing
7 back here to the writeup on the proposal. Basically the
8 argument on beach settling is simply, one, did you have the
9 right circumstances before you began your study. The
10 physical geomorphology of the beach at that point, because
11 we went and dug up a bunch of it to put in our equipment,
12 would have created an artificial situation and so now after
13 a year we have a real situation, if it even was artificial
14 at that point. But we now have -- we have addressed that
15 issue, which makes me feel more comfortable in that regard.
16

17 CHAIRMAN HARTIG: Any other discussion, Craig, or
18 questions?

19 MR. O'CONNOR: Not from this Craig.

20 MR. TILLERY: No.

21 CHAIRMAN HARTIG: Looks like we're okay in the room
22 here in Anchorage. Then if there's no other discussion
23 we'll proceed to a vote. Denby?

24 MR. LLOYD: Yes.

25 CHAIRMAN HARTIG: Kim?

1 MR. ELTON: Yes.

2 CHAIRMAN HARTIG: Craig O'Connor?

3 MR. O'CONNOR: Yes.

4 CHAIRMAN HARTIG: Craig Tillery?

5 MR. TILLERY: Yes.

6 CHAIRMAN HARTIG: Steve?

7 MR. ZEMKE: Yes.

8 CHAIRMAN HARTIG: And I'm a yes, so it passes.

9 MR. O'CONNOR: All right. And the next agenda item

10 is mine as well, I think, Mr. Chairman, is it not?

11 CHAIRMAN HARTIG: Yes.

12 MR. O'CONNOR: Okay. I'll give you an update on

13 our Draft Supplemental Environmental Impact Statement.

14 That's -- I think we've let everybody it went out in the

15 federal register, it's out for public review and comment as

16 we speak. We've had one comment from the Environmental

17 Protection Agency which was a here's how to make it better

18 kind of comment in terms of language and so on. They had

19 no challenges whatsoever to the substantive content and

20 we're very happy with the work that had been done. They're

21 just trying to help us make it a little bit better in terms

22 of fitting their protocols. And at this point we're

23 waiting for other comments and the comment period closes on

24 July 19th. And at that point again we'll share with the

25 council what the comments were in the process of

1 deliberating and preparing our responses to those comments
2 based upon what the council may have to say after we've
3 received those. That's where we stand.

4 CHAIRMAN HARTIG: Okay. So we're in the public
5 period which ends July 19th and it's proceeding well, it
6 sounds like.

7 MR. O'CONNOR: All is well, yes, sir.

8 CHAIRMAN HARTIG: Good. Any other questions
9 for.....

10 MR. O'CONNOR: That's all I've got on that subject.

11 CHAIRMAN HARTIG: Okay. Any questions for NOAA?
12 It doesn't look like it. Thanks, Craig.

13 MR. O'CONNOR: All right. Thank you, Mr. Chairman.

14 CHAIRMAN HARTIG: The next thing we have is
15 executive session, if needed. I haven't heard any requests
16 for an executive session. Is there one?

17 MR. TILLERY: Mr. Chairman.

18 CHAIRMAN HARTIG: Yeah, Craig.

19 MR. TILLERY: Just could I note that I don't think
20 we need an executive session today but at some point in the
21 near future when Jen and Carol Fries are available I think
22 it would be helpful to have an executive session on the
23 Lesnoi land acquisition process.

24 CHAIRMAN HARTIG: Okay.

25 MS. HSIEH: Would the August -- I believe your next

1 meeting is August 26th. Would that be timely?

2 (No audible response)

3 CHAIRMAN HARTIG: Okay. I guess are there any
4 other agenda requests for the next meeting?

5 (No audible responses)

6 CHAIRMAN HARTIG: Any other items to come before
7 the meeting today?

8 MR. TILLERY: Mr.....

9 CHAIRMAN HARTIG: Yeah, Craig.

10 MR. TILLERY:Chairman, I remain a little bit
11 troubled by this -- by the contract for the science
12 coordinator in one particular aspect because I've just been
13 through this. I would urge the Executive Director to talk
14 to the Department of Law and the Department of
15 Administration to ensure that this indeed ends up being an
16 independent contractor and not an employee. The IRS can
17 get really touchy about that and I just want to make --
18 there are certain things you do and have to do and you need
19 to make sure that you don't cross the line on that one.

20 MS. HSIEH: Yeah. And also Ms. Boerner will be
21 taking on other clients and hence the diversity in her
22 work, so I'll discuss, I think, elements like that.

23 MR. TILLERY: Exactly. That's one of the elements.

24 CHAIRMAN HARTIG: Good point. Anything else to
25 come before this meeting? Can I get a motion to adjourn

1 then?

2 MR. O'CONNOR: So moved, Mr. Chairman. I hope I
3 can get this one through without a lot of debate.

4 MS. HSIEH: Craig O'Connor.

5 CHAIRMAN HARTIG: Thanks, Craig. Okay. Any
6 objection to the motion? I don't think we need a second
7 for that one. Hearing no objection, we're adjourned.

8 Thanks, everyone.

9 REPORTER: At 11:35.

10 (Off record - 11:35 a.m.)

11 (END OF PROCEEDINGS)

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C E R T I F I C A T E

UNITED STATES OF AMERICA)
) ss.
STATE OF ALASKA)

I, Salena A. Hile, Notary Public in and for the state of Alaska and reporter for Computer Matrix Court Reporters, LLC, do hereby certify:

THAT the foregoing pages numbered 2 through 95 contain a full, true and correct transcript of the Exxon Valdez Oil Spill Trustee Council's Meeting recorded electronically by Computer Matrix Court Reporters on the 23rd day of June 2010, commencing at the hour of 9:30 a.m. and thereafter transcribed under my direction and reduced to print:

THAT the Transcript has been prepared at the request of:

EXXON VALDEZ TRUSTEE COUNCIL, 441 W. 5th Avenue, Suite 500, Anchorage, Alaska 99501;

DATED at Anchorage, Alaska this 30th day of June 2010.

SIGNED AND CERTIFIED TO BY:

Salena A. Hile
Notary Public, State of Alaska
My Commission Expires: 09/16/10