

1 EXXON VALDEZ OIL SPILL  
2 TRUSTEE COUNCIL  
3 Public Meeting  
4 Tuesday, May 27, 2008  
5 8:35 o'clock a.m.  
6 441 West 5th Avenue, Suite 500  
7 Anchorage, Alaska  
8 TRUSTEE COUNCIL MEMBERS PRESENT:  
9 STATE OF ALASKA - DEPARTMENT MR. LARRY HARTIG  
10 OF ENVIRONMENTAL CONSERVATION: Commissioner  
11 (Chair)  
12 U.S. DEPARTMENT OF AGRICULTURE, MR. STEVE ZEMKE for  
13 U.S. FOREST SERVICE MR. JOE MEADE, Supervisor  
14 STATE OF ALASKA - DEPARTMENT MR. DENBY LLOYD  
15 OF FISH AND GAME: (By Phone) Commissioner  
16 U.S. DEPARTMENT OF INTERIOR: MR. HANS NEIDIG  
17 U.S. Department of Interior  
18 STATE OF ALASKA - MR. CRAIG TILLERY for  
19 DEPARTMENT OF LAW: Attorney General Colberg  
20 U.S. DEPARTMENT OF COMMERCE, MR. CRAIG O'CONNOR for  
21 National Marine Fisheries Svc: MR. JAMES W. BALSIGER  
22 Administrator, AK Region  
23 Proceedings electronically recorded, then transcribed by:  
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1 TRUSTEE COUNCIL STAFF PRESENT:

2	MICHAEL BAFFERY	Executive Director
3	LYNETTE SCHROEDER-EINWILLER	Administrative Manager
4	CATHERINE BOERNER	Restoration Specialist
5	CHERRI WOMAC	Associate Coordinator
6	MICHAEL SCHLEI	Data Systems Manager
7	BRENDAN MCGEE	Analyst Programmer
8	JOELLEN LOTTSFELDT	Envir. Prg. Specialist
9	LYNETTE ORTOLANO	Administrative Assistant
10	CARRIE HOLBA	ARLIS Librarian
11	REBECCA TALBOTT	Communication & Outreach
12	CAROL FRIES	ADNR
13	GINA BELT	Department of Justice
14	ELISE HSIEN	Department of Law
15	JENNIFER KOHOUT (By Phone)	U.S. Fish & Wildlife Svc.
16	DAVE IRONS (By Phone)	U.S. Fish & Wildlife Svc.
17	PETE HAGEN	NOAA

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1 P R O C E E D I N G S

2 (On record - 8:35 a.m.)

3 COMMISSIONER HARTIG: It's my turn to chair  
4 today. Let's see, we'll go to the approval of -- I guess  
5 we start with the agenda. Do I have a motion to approve?

6 MR. O'CONNOR: So moved.

7 MR. KOPCHAK: Good morning.

8 MR. TILLERY: Do we need to make a  
9 change.....

10 MR. O'CONNOR: We need a few changes  
11 to.....

12 COMMISSIONER HARTIG: Good morning. Is  
13 that you, Denby?

14 MR. KOPCHAK: No, good morning, gentlemen.  
15 This is R.J. Kopchak in Cordova. I'll just stand by.  
16 Thank you.

17 COMMISSIONER HARTIG: Oh, okay. Thanks for  
18 joining us. Do we wait -- do we have anybody from Fish and  
19 Game on?

20 (No audible responses)

21 UNIDENTIFIED SPEAKER: I did just speak to  
22 the secretary, so.....

23 COMMISSIONER HARTIG: Okay. Anybody from  
24 Fish and Game on?

25 MR. LLOYD: Yeah, Denby is here.

1 COMMISSIONER HARTIG: Oh, hi Denby.

2 MR. LLOYD: Hi.

3 COMMISSIONER HARTIG: Okay. So that means  
4 we got all the trustees then. Okay. Can I have a -- we  
5 had a motion to approve the agenda. Can I have a second?

6 MR. ZEMKE: I'll second.

7 COMMISSIONER HARTIG: Okay. Any changes?

8 MR. O'CONNOR: Yeah, I think we have a few  
9 and I'm trying to find my notes.

10 COMMISSIONER HARTIG: Oh, okay.

11 MR. O'CONNOR: Craig, do you have your  
12 thoughts on what we need to have while I pull out the right  
13 pile of stuff?

14 MR. TILLERY: The primary thing -- question  
15 I have is with respect to additional lingering oil projects  
16 for this year. This field season.

17 MR. O'CONNOR: That's -- what you're  
18 talking about, what Larry and I have.....

19 MR. TILLERY: Right. And my understanding  
20 was that you had -- the two of you had been in charge of  
21 coming up with any additional lingering oil projects and  
22 there is one more to put on the table.

23 MR. O'CONNOR: I had another one, Michael,  
24 and maybe it's just a question to you at this point. We've  
25 got some projects that we need to -- that are multi-year

1 projects we need to approve the continuation of funding for  
2 them. For my own personal standpoint, I'm thinking of  
3 Matkin's work on the killer whales. But if there's -- do  
4 we need to be taking any actions today on.....

5 MR. BAFFREY: Not until the end of the  
6 fiscal year. The federal fiscal year. So that can be done  
7 in August, September.

8 MR. O'CONNOR: Okay.

9 MR. BAFFREY: And we'll have a couple of  
10 meetings before then.

11 MR. O'CONNOR: Yeah. All right.

12 COMMISSIONER HARTIG: Okay. So we should  
13 put lingering oil projects after the FY-09 invitation?

14 MR. TILLERY: Or in front of it, perhaps.

15 COMMISSIONER HARTIG: Or in front of it.

16 MR. O'CONNOR: And do we have an executive  
17 session scheduled? I think we need to add that at the end.

18 MR. NEIDIG: Yeah, we need to add that at  
19 the end.

20 MR. BAFFREY: At the end?

21 MR. NEIDIG: Yeah.

22 COMMISSIONER HARTIG: Okay. So I add  
23 lingering oil after integration of herring, then after  
24 Barrow's Goldeneye, we'll put in an executive session.

25 MR. O'CONNOR: Those were my only thoughts,

1 Mr. Chairman.

2 COMMISSIONER HARTIG: Thank you.

3 MR. O'CONNOR: Oh, I'm done for the day.

4 That's it.

5 COMMISSIONER HARTIG: Okay. With those  
6 changes, is the agenda approved? Any objections?

7 (No audible responses)

8 COMMISSIONER HARTIG: Okay. Great. Looks  
9 like it's approved. Okay. If everybody had a chance to  
10 look at the May 1 meeting notes and if I can get a motion  
11 to approve.

12 MR. TILLERY: I move that they be approved.

13 MR. LLOYD: Second.

14 COMMISSIONER HARTIG: Was that a second?

15 MR. LLOYD: Yeah. That was a second from  
16 Denby.

17 COMMISSIONER HARTIG: Thanks, Denby. Any  
18 changes or additions to the May 1 meeting notes?

19 MR. O'CONNOR: I don't think so.

20 COMMISSIONER HARTIG: Okay. Hearing no  
21 objection, the notes are approved.

22 Do we have anybody from the Public Advisory  
23 Committee here to give comments?

24 MS. STUDEBAKER: Yes. Yes, this is Stacy  
25 Studebaker, the Public Advisory Committee Chair. I have

1 some comments this morning.

2 COMMISSIONER HARTIG: Great. Go ahead,  
3 Stacy.

4 MS. STUDEBAKER: Okay. Good morning,  
5 members of the trustee council. I'm not sure who all is  
6 there this morning. I'd appreciate a roll call, just so I  
7 know who's there.

8 COMMISSIONER HARTIG: Okay. Let's see,  
9 Steve, do you want to.....

10 MR. ZEMKE: Steve Zemke, Department of  
11 Agriculture.

12 MR. TILLERY: Craig Tillery, Department of  
13 Law.

14 MR. NEIDIG: Hans Neidig, Department of  
15 Interior.

16 COMMISSIONER HARTIG: Yeah, Larry Hartig,  
17 DEC.

18 MR. O'CONNOR: Craig O'Connor, NOAA.

19 MR. LLOYD: Denby Lloyd, Fish and Game.

20 MS. STUDEBAKER: Okay. Thanks a lot. And  
21 I think we have some other PAC members online, maybe some  
22 even present for the meeting there in Anchorage. Since we  
23 haven't had a PAC meeting since March 5th, I don't have  
24 many comments this morning, but I do have a few. I do want  
25 to talk about the FY-09 invitation and express the PAC's

1 concern over the many delays, especially since we skipped  
2 last year's invitation. At our May 5th meeting, we  
3 reviewed and discussed the FY-09 invitation and we're in  
4 support of the documents with the emphasis on the  
5 integrated approach to research and restoration for not  
6 only herring but for birds, nearshore and everything else.  
7 We think that Michael and his staff have done a great job  
8 in preparing the documents and making some changes, some  
9 very important changes, in the way we approach restoration.

10

11                   The shotgun approach of stand alone  
12 projects that has been pretty much the mode of operation in  
13 the past is clearly not working to get us any closer to  
14 restoration. We clearly need a new paradigm and better  
15 approach that encourages more collaboration among  
16 scientists and communities. The bottom line is that we  
17 want to get good science that will get us closer to  
18 restoration. I think that's what we all want.

19                   The PAC is in support of the FY-09  
20 invitation document as it stands and wants to emphasize the  
21 importance of community based involvement in restoration.  
22 Local ownership and local buy-in is essential for a  
23 successful restoration program that has any lasting value  
24 and sustain-ability.

25                   We're also concerned that there seems to be

1 no cap on spending down the restoration funds. As probably  
2 some of you old-timers know, the PAC has been unanimous  
3 about keeping the annual budget as close as possible to the  
4 interest earned on the restoration reserve account. That  
5 has been our guiding principle and the basis for -- of our  
6 funding recommendations to you.

7 Presently there appears to be an effort to  
8 spend down the remaining funds as fast as possible. At  
9 least that's our perception. The PAC recognizes that the  
10 natural resources of particularly Prince William Sound are  
11 far from recovered and therefore want to see the public's  
12 funds last long enough to see us through a full recovery.

13 Lastly, we want to thank Michael and his  
14 great staff for the wonderful work they do. And thanks for  
15 the opportunity to express my comments this morning. And  
16 I'd be happy to take any questions.

17 COMMISSIONER HARTIG: Okay. Any questions  
18 for Stacy?

19 (No audible responses)

20 COMMISSIONER HARTIG: I don't see any here,  
21 Stacy. Is there anybody else from the PAC that wanted to  
22 comment today?

23 MR. SMITH: Yeah, Michael.....

24 MR. KOPCHAK: Good morning.

25 MR. SMITH: .....this is Steve Smith over

1 in Cordova.

2 COMMISSIONER HARTIG: Let's see, Michael,  
3 what's your last name again?

4 MR. SMITH: This is Steve Smith in Cordova.

5 COMMISSIONER HARTIG: Oh, okay. Go ahead,  
6 please.

7 MR. SMITH: All right. I went to the  
8 meeting we had here in -- recently in Cordova and I'm a  
9 commercial fisherman, a herring fisherman. Been here  
10 almost 45 years or so. I think it's important to follow  
11 the guiding principles that we laid out in -- at this  
12 meeting, which includes pretty much most of what has just  
13 been mentioned. I think it's important to have the  
14 fishermen in, the local Fish and Game staff, and all of the  
15 scientists from the various parts sit down at least once a  
16 year and compare notes what's happened in the progress or  
17 regression, whichever it might be, that we've made on  
18 various fronts and not to operate in a vacuum. And if  
19 there are some remedial measures that the fishermen can  
20 help with, we'd be glad to do that, I'm sure. We don't  
21 want to just go out there and thrash around just to be  
22 spending the money. We'd like to hope that it has a  
23 reasonable chance of success.

24 So that's about all I got.

25 MS. STUDEBAKER: This is Stacy Studebaker

1 again. Just for clarification, I don't believe Steve is a  
2 member of the Public Advisory Committee. He's just  
3 representing himself.

4 COMMISSIONER HARTIG: Oh, okay. Thanks.

5 MS. STUDEBAKER: Yeah.

6 COMMISSIONER HARTIG: Is there anybody else  
7 from the PAC?

8 MR. KOPCHAK: Yes. Good morning, this is  
9 RJ Kopchak with the PAC.

10 COMMISSIONER HARTIG: Yes. Go ahead,  
11 please.

12 MR. KOPCHAK: Okay. Good morning. Thank  
13 you. I would -- first I'd like to thank Stacy for, I  
14 think, encapsulating what (indiscernible - telephonic beep)  
15 to be the informed view of the members of the PAC on both  
16 our concern about the delay within the issuance of the --  
17 this year's plan. And our concern as well about the  
18 maintaining a robust principal within the EVOS funds so  
19 that we can continue on with restoration. But I'd like to  
20 address specifically herring and I think -- I am the  
21 commercial fishing representative on PAC, 35 years I've  
22 been fishing the waters of the sound and the gulf. And  
23 herring, I own a couple of those permits.

24 Anyway, I would like to just make the  
25 following observations. Number one is that I think

1 community involvement, consistency of approach, oversight,  
2 focus and accountability are really, really critical within  
3 this effort to consolidate in a greater approach to  
4 herring.

5 I think that great progress has been made  
6 in the last couple of years and at the same time I'm  
7 frustrated at the glacier pace of our movement forward.  
8 There's only one way to both accelerate our capacity to  
9 have a focused program towards -- that will get us to  
10 restoration to get that program in place. Again, it's  
11 going to take consistency. I think it's as well going to  
12 take some reexamination of staffing on the part of the  
13 trustees and/or the trustees' administrators.

14 The projects, I'm still confused as to what  
15 our liaisons do, and I know everybody is going to say they  
16 do a whole lot of work, but I've never seen any written  
17 work or recommendations out of the liaisons, especially as  
18 it comes in representing (indiscernible - background noise)  
19 better structure for herring. And so if we're going to do  
20 any changes in our approach to herring, I think that  
21 somebody better articulate them fairly cleanly.

22 I did provide you all with a written piece  
23 of work relating to one fantasy about herring. My concern  
24 is when we understand enough about herring to restore them,  
25 there's not going to be any money left to put a project

1 underway. So as the trustees, I want to, if I could,  
2 direct you to support your staff in putting together an  
3 integrated approach, and at the same time carefully examine  
4 how we can secure sufficient funds within that reserve so  
5 that when we know how to restore herring populations and  
6 have the proper science in place to do the follow-up to  
7 those restoration efforts, we have a principal amount  
8 that's sufficient to actually implement that plan.

9 I appreciate all of the time and effort you  
10 folks all are putting on this EVOS issues. It's a long  
11 (indiscernible - background noise) open sore. Let's keep  
12 whacking away at it a little bit at time. And again,  
13 consistency and community involvement. Let's keep  
14 fishermen, Fish and Game, NOAA, and others all working  
15 together.

16 Thank you again for all your efforts and if  
17 you have any questions, I'd be happy to answer them.

18 COMMISSIONER HARTIG: Any questions?

19 MR. O'CONNOR: I have.

20 COMMISSIONER HARTIG: Go ahead, Craig.

21 MR. O'CONNOR: Yeah, I guess this goes to  
22 RJ and to Stacy. We have in our own IN (ph) solicitation  
23 what I would venture to say is several tens of millions of  
24 dollars worth of potential projects, not the least of which  
25 are in the world of herring. And you are asking us to go

1 forth as vigorously as possible with herring, evaluation  
2 and restoration, and at the same time asking us to restrict  
3 substantially the amount of money we spend each year. And  
4 there seems to be a tension there that I'm not getting any  
5 sense as to how we ought to be resolving that. If we're  
6 going to address herring and we're going to do it looking  
7 at the projects that are being -- potential projects that  
8 are being solicited and what may be a very, very  
9 substantial undertaking under the '09 solicitation both in  
10 terms of herring as well as a number of other areas that we  
11 are pursuing, we're not going to be able to live within a  
12 limited tap on the expenditures of money and get these  
13 problems accomplished in a timely fashion.

14 MR. KOPCHAK: Yeah.

15 MR. O'CONNOR: And the restoration  
16 accomplished. Do you have suggestion/reaction to that  
17 tension that is being created by your comments in our  
18 decision process?

19 MS. STUDEBAKER: Well, I'll take that  
20 first. This is Stacy Studebaker from Kodiak. Yes. You  
21 know, in the past -- I've been on the PAC for I think going  
22 on 14 years now and, you know, there's a selection process  
23 and I think Michael is even stepping up that selection  
24 process by requiring pre-proposals this time which can be  
25 used to screen down and tone down to the very, very best

1 proposals. And I see that, you know, in the past we  
2 weren't very selective because we had a lot of money  
3 annually. We don't have that kind of money annually now.  
4 We have to be more selective. We have greater focus  
5 because of the work that we've been doing the last few  
6 years, the focuses, honing in, and I think we can stay  
7 closer to our annual budget than we have in the past by  
8 using that selection process very keenly.

9 MR. KOPCHAK: I -- if I could, I'd like to  
10 follow-up on that just real quickly. And I think Stacy's  
11 observation on the fact that we have not focused on both  
12 accountability and an end game as it relates specifically  
13 to herring, but to other restoration projects as well.

14 One of the most difficult things has been,  
15 as a member of both the herring restoration group and the  
16 PAC, is taking a look at projects that have come in and  
17 have gone through the administrative review process and  
18 have gone up to the trustees with a recommendation do not  
19 fund, only to have huge amounts of money spent on projects  
20 that really don't fit into what those folks have  
21 (indiscernible - background noise) with you as consistent  
22 with the good husbandry of the cash availability. And then  
23 when these projects which are kind of strange get funded,  
24 there's no way at the end of the project or even in the  
25 middle of the project to account or review those efforts to

1 find out if the work product and the effort are consistent  
2 with the end gain.

3                   Now -- and that's the biggest challenge we  
4 currently face. With herring plan, at least in a good  
5 draft form, we're closer to being able to describe an end  
6 game.

7                   MS. STUDEBAKER: I don't (indiscernible -  
8 simultaneous speech) on that.

9                   MR. KOPCHAK: In my mind there needs to be  
10 a small group that filters this stuff with the end game in  
11 mind. And they need to be able to review these projects  
12 underway and provide some accountability to the projects  
13 and to be able to pull back from projects that are funded  
14 that aren't working. And that's stuff that -- those are  
15 things that we don't have in place, and that's what's  
16 killing us. I don't mind dipping into the principal if the  
17 project is going to get us towards the end game. It breaks  
18 my heart when we -- when projects are funded that have not  
19 made the test of review by the PAC or the administrator or  
20 sometimes even the science committee that get approved for  
21 funding, for some reason or other, because they have the  
22 word herring written on them.

23                   So my feeling is we can spend the money on  
24 herring restoration and spend it down, but only if we have  
25 an end game in sight and if we have provided for

1 accountability. Two things that we have not had in place,  
2 one of which is close. The end game. We still are  
3 struggling, and I think you folks are as well, as to how to  
4 provide accountability on some of these projects as to  
5 whether or not they're contributing to the end game.

6                   So I want to spend the principal when we  
7 need to, but I think we have to have in place that  
8 accountability component, and that means really giving a  
9 little bit of power to, and/or a lot more consideration of  
10 the recommendations coming out of your herring planning  
11 group and/or other planning groups. So thank you very much  
12 for your time.

13                   MR. O'CONNOR: Are you guys going to --  
14 Stacy, are you having a PAC meeting anytime soon where you  
15 think you're actually have enough people to have a quorum?

16                   MS. STUDEBAKER: We don't have anything  
17 scheduled until the end of summer, until the end of August  
18 or early September.

19                   MR. BAFFREY: Actually, Stacy -- this is  
20 Michael. There's a -- in the pre-proposal process, I want  
21 the PAC to review all the pre-proposals and make  
22 recommendations on that. And there will be another PAC  
23 meeting where you'll look at the full proposals and make  
24 recommendations on that. So that's -- the next meeting  
25 would probably be mid to late July to look at the pre-

1 proposals. If the FY-09 invitation is issued by June 2nd.

2 MS. STUDEBAKER: Okay. That's -- I'm in  
3 the middle of the field, doing my field work.....

4 MR. BAFFREY: Right.

5 MS. STUDEBAKER: .....during that time. So  
6 I'm sorry to hear that. This is the first I've heard about  
7 this meeting. The schedule had me because I'm out in the  
8 boonies all summer. Yeah, the other PAC members hopefully  
9 will be able to address that.

10 MR. BAFFREY: And we'll schedule that  
11 around the PAC members to make sure that there is a quorum.

12 MR. O'CONNOR: Well, you got -- this is  
13 Craig again. You've well focused the concerns that we have  
14 as trustee council members. How to get the job done, what  
15 is the end game, and how to accomplish it as quickly as  
16 possible. And we'd need your assistance in that regard.  
17 So to the extent that you can be an effective player in  
18 that process and provide us with your guidance and input,  
19 it will be very welcome.

20 MS. STUDEBAKER: Good. Well, if you want  
21 to send in a helicopter, that would be great.

22 MR. O'CONNOR: Well, maybe Uncle Ted's  
23 Black Hawk is available since he's going back to DC. But  
24 that's just a.....

25 MS. STUDEBAKER: Oh, okay. All right.

1 MR. O'CONNOR: Yeah. We'll see what we can  
2 do. But we do have a limited budget you realize.

3 COMMISSIONER HARTIG: Okay. Anymore PAC  
4 comments?

5 (No audible responses)

6 COMMISSIONER HARTIG: Okay. Then we'll go  
7 back over to public comment. Steve Smith had already  
8 commented. Are there any other people on the phone,  
9 members of the public, that would like to comment at this  
10 time?

11 UNIDENTIFIED TELEPHONIC SPEAKER: Larry?

12 MR. ADAMS: Mr. Chairman. Mr. Chairman, I  
13 would like to comment as a member of the public.

14 COMMISSIONER HARTIG: Okay. And who is  
15 this?

16 MR. ADAMS: My name is Ken Adams and I'm  
17 calling from Cordova.

18 COMMISSIONER HARTIG: Okay, Ken. Go ahead,  
19 please.

20 MR. ADAMS: Yeah. Thank you, Mr. Chairman  
21 and members of the council. I'd like to comment about the  
22 integrative approach for herring restoration. And I think  
23 it's my pleasure to be a little further down on the list of  
24 commenters. My pleasure to hear comments from Mr. Kopchak  
25 and Mr. Smith, Mr. Steve Smith, and also from Stacy. And

1 I'm very pleased to hear her say of the PAC's support for  
2 the integrative approach. And the recognition of what she  
3 called a new paradigm. A new paradigm for trustee council  
4 supported research.

5 I would just like to make the comment that  
6 the integrative approach for herring restoration, this  
7 Prince William Sound herring restoration, what I'm talking  
8 about, it's not exactly a new paradigm because it has been  
9 a very good example that was supported by the trustee  
10 council in the past. And it was along the approach that we  
11 discussed in the April meetings, end of April meetings in  
12 Cordova. If you recall there was a three day meeting that  
13 preceded your trustee council meeting in Cordova.

14 In any case, what I'm referring to is the  
15 planning effort that went into developing the SEA program.  
16 In the fall of '03, I believe it was August -- that's not  
17 quite actually fall but leaning on fall -- I sat in on the  
18 trustee council meeting that August when then Attorney  
19 General Charlie Cole announced the release of five million  
20 dollars to start a major ecosystem investigation of Prince  
21 William Sound. And there was also, as I recall, the  
22 release of \$50,000 to support the development of the  
23 science plan. Because I think this investigation of Prince  
24 William Sound would hellaciously more complicated than  
25 developing a restoration plan just for herring. So in any

1 case, a major planning effort was required and I  
2 participated. Rather, let's say I sat in on a number of  
3 the planning meeting for the development of SEA, that's the  
4 Sound Ecosystem Assessment, as I'm sure you're all aware.  
5 So I sat in on a number of those meetings, and I'll tell  
6 you, it was very, very impressive. An intense, a  
7 dedicated, cooperative, exhaustive effort to develop the  
8 SEA program, the SEA plan.

9                   And then, after the plan was written, it  
10 went out for peer review. And it wasn't just local peer  
11 review, there were some international reviewers. And they  
12 scrutinized that plan. That it went up -- it was  
13 thoroughly reviewed and given the thumbs up. It was highly  
14 acclaimed, as a matter of fact.

15                   And further, let's see, let's go on just a  
16 few more years. I think it was in about 2004. It was the  
17 first meeting of the newly seated trustee council members.  
18 It was in Juneau. And I flew down. I was the only member  
19 of the public and I sat in that meeting and Molly McCammon,  
20 who was the Executive Director at the time, was giving a  
21 bit of a history of trustee council affairs. And then Bob  
22 Spies, who I'm sure you're all aware of now, Bob Spies was  
23 the Science Director at the time. And Bob Spies referred  
24 to the SEA plan as the flag stone -- flag stone -- the  
25 flagship effort, the flagship of the trustee council. It

1 was the major ecosystem research plan. In this case it was  
2 for Prince William Sound. So it was a major piece of work.

3

4                   So I'm -- I guess I'm getting a little  
5 talkative here, but I just want to give support also for  
6 the integrated approach. Because that integrated approach  
7 has been successful in the past. It's a relatively new  
8 paradigm, going back to Stacy's comment, but not an  
9 exclusively new one, a reference to the SEA program.

10                   So I thoroughly support an integrated  
11 approach, a dedicated, cooperative, exhaustive approach to  
12 developing a rehabilitation program for Prince William  
13 Sound herring. And I think that's the kernel of the nut  
14 that I am bringing to your attention this morning and I  
15 thank you for doing it. And by the way, I am a fisherman  
16 in Prince William Sound and have been involved with the  
17 trustee council process for -- oh, for a number of years.  
18 So I'm not talking and making history. I'm talking about  
19 truth and experience with the trustee council and I  
20 completely support this cooperative effort rather than a  
21 shocking approach. So thank you very much.

22                   COMMISSIONER HARTIG: Thank you, Ken. Any  
23 questions for Ken?

24                   (No audible responses)

25                   COMMISSIONER HARTIG: I don't see any.

1 Anybody else on the phone from the public who wants to  
2 testify?

3 MS. GIBBONS: Hi. This is Jennifer Gibbons  
4 with the Prince William Soundkeeper in Cordova. And good  
5 morning everybody. And I always appreciate hearing Stacy  
6 Studebaker. And Stacy, your comments are just wonderful  
7 and I'm fully supportive of everything you're saying and  
8 our wonderful PAC and the trustee council.

9 And I just wanted to comment a little bit  
10 on the meeting in Cordova and again thank the members of  
11 the trustee council for coming to Cordova and giving our  
12 community that opportunity and we greatly appreciate it and  
13 I hope it was successful on your end.

14 And I also want to thank Michael again for  
15 the emphasis that he's put in the past couple of years on  
16 community outreach and that kind of grass roots dialogue.  
17 And it's very appreciated by everybody across the sound, so  
18 thank you very much, Michael.

19 And lastly, I just wanted to thank the  
20 trustee council for their support of the Cordova Center.  
21 And I was chatting with Michael the other day briefly and  
22 it's kind of funny because when I first came to Cordova and  
23 first heard about the trustee council possibly funding the  
24 Cordova Center I just -- I wasn't sure if I really thought  
25 that that was compatible with what I understood as the

1 goals of the trustee council and those funds. And over the  
2 years as I've come to know the community and the issue a  
3 little bit better, I -- my perspective changed and I really  
4 came to believe that that funding is just essential. And  
5 the health of all those communities in the sound, the  
6 psychological and the financial health of our communities  
7 is so essential to restoration. Not only restoration of  
8 the people as an injured resource, but restoration of the  
9 environment. And I just want to thank the trustee council  
10 for recognizing that making this investment in our  
11 community.

12                                   And, you know, the fact of the matter is  
13 our community members are not only the front line of  
14 defense but they are the experts of the sound. And they  
15 are the ones who are critical to restoration of the sound.  
16 And so this investment in our community I think is going to  
17 help the long term psychological and financial health and  
18 survival of our community and ultimately the restoration of  
19 the sound.

20                                   So thank you. Thank you very much. It was  
21 a great shot in the arm and I think we will reap the  
22 benefits, all of us, for many years to come. So thank you  
23 very much.

24                                   COMMISSIONER HARTIG: Thank you, Jennifer.  
25 Anybody else in Cordova?

1 MR. JANKA: Hi, this is Dave Janka.

2 COMMISSIONER HARTIG: Go ahead, Dave.

3 MR. JANKA: Yeah, good morning. This is  
4 Dave Janka over in Cordova, owner/operator of Auklet  
5 Charter Services, and I want to speak to the herring  
6 integration. I can't agree with the previous speakers  
7 enough, especially Stacy. And I just want to express the  
8 importance of the integration. And although I hear  
9 different definitions of what that's going to mean, so I  
10 hope you realize it's just more of cooperative effort  
11 getting people to stop working in a vacuum. Too many  
12 agencies, especially, no -- nothing intended there to  
13 anybody personal, but sometimes they prefer it than having  
14 to share and work cooperatively with others.

15 I really worry about the sticking to old  
16 protocols and stuck in routines because, given the chance,  
17 some will -- some of the -- some people would sample the  
18 last fish. Just keep on the old way and just keep sampling  
19 until they sample the last fish. And we can't let that  
20 happen.

21 In a cooperative effort, in a community  
22 based -- or a community based, science supported, toward  
23 direct restoration, is what the integrated, cooperative  
24 program would allow and keep from happening.

25 That meeting in Cordova earlier this month

1 was a good start to that cooperation and integration and I  
2 hope that can continue. I don't think anybody -- there --  
3 that really connected the researchers to reality, to the  
4 ground, to the people, and I hope those meetings can  
5 continue taking place here in Cordova.

6 And thank you, everyone, for your work and  
7 your comments and have a great day. Have a great meeting.

8 COMMISSIONER HARTIG: Thank you, Dave.  
9 Anyone else in Cordova who likes to -- wants to testify?

10 MR. CAIN: Yeah, Mr. Chairman, this is  
11 Bruce Cain.

12 COMMISSIONER HARTIG: Yeah, go ahead,  
13 Bruce.

14 MR. CAIN: Yeah, this is Bruce Cain,  
15 Executive Director with the Native Village of Eyak. I'll  
16 just kind of reiterate my previous comment. I think I'll --  
17 if we can look at a newspaper headline, imagine this big,  
18 black newspaper headline and it says Prince William Sound  
19 herring population, Prince William Sound herring population  
20 and in great big, bold, black letters with an exclamation  
21 point after it, restored! So that's our goal. We want  
22 that headline. Prince William Sound herring population  
23 restored! And I think we're going on the right track. And  
24 I'll remember the five words I gave you before. Scientific  
25 knowledge put to work. That might be something we want to

1 put on our little logo there. Scientific knowledge put to  
2 work. The herring aren't going to study themselves back to  
3 life, so we need to be doing work that restores the  
4 herring. We need to use the scientific knowledge and we  
5 have to have it. But we need to putting it to work in a  
6 way that's restoring the herring.

7                   So that's -- I guess that's all I really  
8 got to say. Thank you.

9                   COMMISSIONER HARTIG: Thank you, Bruce.

10 Anyone else in Cordova who wants to testify?

11                   MS. BIRD: This is Nancy Bird.

12                   COMMISSIONER HARTIG: Go ahead, Nancy.

13                   MS. BIRD: I am President of the Prince  
14 William Sound Science Center and I just will be very brief  
15 and say we look forward to the invitation for proposals  
16 being issued soon so that we can keep moving forward in the  
17 process that's been started.

18                   I would like to also state that the herring  
19 workshop that's been referred to several other speakers was  
20 much more of a success than I think most people thought it  
21 could be on such short notice. But I think it does  
22 demonstrate the importance of getting people together and  
23 trying to work toward this integrated approach.

24                   I will be -- one last comment would be to  
25 reiterate Jennifer Gibbons' thanks on behalf of the

1 community for the support of the Cordova Center. I was  
2 very sorry to miss that meeting but want to publicly  
3 applaud all of your listening to the community and working  
4 with us to make this happen.

5                   One last question I would have would relate  
6 in the schedule for the invitation for proposals. There is  
7 only a two week period as I see it in the invitation for  
8 the pre-proposals to be reviewed. The review would be done  
9 by whom in addition to the Public Advisory Committee?

10                   COMMISSIONER HARTIG: Did you hear the  
11 question, Michael?

12                   MR. BAFFREY: I heard the question. Nancy,  
13 the review right now would be done by the science and  
14 restoration working group. That's an expanded version of  
15 the current science panel that we have. And the PAC. I  
16 would also like to convene the steering committee, at least  
17 via email, to get some com -- their comments. And of  
18 course there will be liaison and legal review of it during  
19 that time period.

20                   MS. BIRD: Great. Thank you very much.

21                   COMMISSIONER HARTIG: Okay. Anyone else in  
22 Cordova?

23                   MR. PATRICK: Vince Patrick in Cordova.

24                   COMMISSIONER HARTIG: Go ahead, please.

25                   MR. PATRICK: I had the pleasure of seeing

1 the efforts of the council at the Cordova -- at the  
2 approval of the Cordova Center. It was (indiscernible -  
3 telephonic interference). It lasted till late into the  
4 evening, the early morning hours. And a good example of  
5 the work the council is doing currently and the  
6 contribution to the community and the community working  
7 with the council. It was an impressive evening. There was  
8 a write-up by Lindon O'Toole in the Cordova Times that  
9 described it well.

10                   The workshop in Cordova was another big  
11 plus on the council's part. It gave us four days to work  
12 together across the projects. And the consensus of the  
13 workshop was that we ought to have semi-annual meetings.  
14 And I -- although this -- that was a vote of the members  
15 present at the workshop, I'd also like to see it in  
16 Cordova. That -- in the region, that certainly makes a  
17 difference for everybody to be in the region and come  
18 together in the fall and the late winter.

19                   I'd like to comment on the successes that  
20 the council has had, the staff has had, in the last two  
21 years that I've noted. And they haven't got a lot of  
22 public recognition, and I'd like to see them acknowledged  
23 and locked in because they're important advances. There's  
24 the significant improvement of online documentation of the  
25 various meetings. There's now MP3 files of the meetings.

1 There's transcripts. There's records of presentations and  
2 those are available, it's on -- available online. The PAC  
3 is putting its transcripts online. It's in MP3 files.  
4 Those are a valuable resources and that's something new and  
5 it's something worth continuing.

6                   There's also significant steps forward in  
7 project management of folks to the multi-project programs  
8 that you have, herring in particular. There was a nice  
9 layout on the projects that are currently funded and their  
10 deliverables and their time lines they passed and put  
11 together for this current workshop. That's a -- that  
12 document was an important summary and view into the status  
13 and what's going forward. It is the material that one  
14 needs to have in hand to see what -- when Stacy and RJ are  
15 talking about these things.

16                   That -- one of the things that pops out of  
17 that summary is that in a few months nine of the 13 herring  
18 projects will close. This -- four will go forward into  
19 another year but nine will end. Four or five projects in  
20 the science center -- so three or four projects of the  
21 science center will end in September. The culture project  
22 ends. The ADF&G project ends. Both NOAA projects end in  
23 September. And this is -- this creates a real problem for  
24 those of us that are -- that have responsibilities to the  
25 community to deliver a cross project that -- outcomes, and

1 mainly restoration itself. This instability and  
2 uncertainty, when you -- when this invitation comes out, I  
3 hope you will consider doing whatever you can to streamline  
4 and facilitate the least overhead, retaining the projects  
5 that have been -- already gone through vetting and that are  
6 delivering and that are working together. We've got  
7 projects that are providing platforms to other projects  
8 that are going to end. Projects that are ending that are  
9 using existing platforms. There's a lot of already  
10 cross-collaboration in place. If there's any way to  
11 continue the core projects for herring in the most  
12 streamlined way, just as they are, and for the core part of  
13 this effort with minimum burdens to the PI's and minimum  
14 burden to you for reviewing a lot of the stuff, if there's  
15 any way to do that, I would recommend taking advantage of  
16 that.

17                   As it is right now with these projects,  
18 ending it makes it difficult for all of us to work  
19 together. Some are ending; some are not and it puts us in  
20 a very awkward situation. If the governor asked you to run  
21 your departments by having individual projects that were 12  
22 months long and that were constructed six months ahead of  
23 time, ran for a year, and six months later you got the  
24 results, you'd have a hell of a time running your  
25 departments, your divisions. Your departments would act as

1 stand alone entities and you to 12 months. That's what  
2 we're up against. So if you can find a way to fix that, I  
3 would urge you to do so. It's very hard to speak to the --  
4 answer when the community asks what are you doing and how's  
5 it going when we're having these contractual boundaries  
6 between the projects.

7                   Last item is it appears that something has  
8 caused the practice, the process to solidify around policy  
9 statement, policy decisions by solicitation. If there were  
10 some way to separate your decisions and your direction and  
11 your guidance of the restoration efforts from the project  
12 solicitation process, we might be able to make more headway  
13 on this -- on the integration and coordination by keeping  
14 the invitations and the policy decisions and review and  
15 statements separate. That might make life a lot easier and  
16 might make our engagement with the council and progress  
17 toward recovery of herring go much more quickly.

18                   That's it. Thanks for the chance to  
19 comment.

20                   COMMISSIONER HARTIG: Any questions for  
21 Vince?

22                   (No audible responses)

23                   COMMISSIONER HARTIG: Okay. Thank you,  
24 Vince. Anyone else in Cordova who'd like to testify?

25                   MR. BRELSFORD: Mr. Chairman, this is

1 Taylor Brelsford. I'm not actually in Cordova but do have  
2 some comments to offer, if I may.

3 COMMISSIONER HARTIG: Okay. Well, I don't  
4 -- I think we're done with Cordova, so why don't we -- and  
5 I do appreciate everybody's comments there from Cordova.  
6 That was very much appreciated. So why don't we go on. Go  
7 ahead, please.

8 MR. BRELSFORD: Thank you. This is Taylor  
9 Brelsford. I work with URS Corporation and I had the  
10 privilege of working with the herring integrated  
11 restoration plan workshop in Cordova. I have just a couple  
12 of comments and observations to offer about what I see as  
13 the substantial achievements of that workshop. First some  
14 perspectives on how we went about the work. And I think  
15 the first of those has to do with the purpose of the  
16 workshop. I think everybody there was very much aware of  
17 the charge from the trustee council to do business in new  
18 ways. To move from projects in a stovepipe to the broader  
19 integration. And I think as the discussions unfolded  
20 across several days, we realized that the integration took  
21 place in two dimensions. One was the multi-disciplinary  
22 integration among scientists, and equally important was the  
23 integration with the communities, with the purposes and  
24 hopes and aspirations for concrete restoration activities.  
25 And I think both of those understandings of the term

1 integration came to guide the conversations through the  
2 course of the week.

3                   There was very vigorous participation on  
4 the part of the scientists, the managers, and the community  
5 members, and I think that leads to my second observation  
6 about the meeting. I thought the session set aside for  
7 community and tribal engagement was one of the most frank  
8 and powerful conversations between a science program and  
9 the local community that I've seen in many years in  
10 resource management. I think we owe a great deal of  
11 gratitude to the community members for their long patience  
12 with the science and restoration process, their willingness  
13 to move beyond some very powerful frustrations to date, and  
14 to really recall some of the lessons of previous  
15 experience, some of the skills and capacities of the local  
16 community to participate in a science program. I thought  
17 that was a very valuable half day in the course of the  
18 meeting.

19                   And finally, during the meeting, one other  
20 session that really stood out to me was the conversation  
21 initiated by Ted Cooney in his sort of soft-spoken and wise  
22 elder manner, to talk about what an integrated program  
23 might look like. And I thought it was particularly useful  
24 the way in which many people talked about learning lessons  
25 from the Sound Ecosystem Assessment Program, drawing on the

1 experience to date by the trustee council in mounting a  
2 large, multi-disciplinary program and then realizing that  
3 some things didn't work quite in the ways that were  
4 expected. And so those are cautionary lessons for this  
5 current effort.

6                   Turning to outcomes, I want to talk -- I  
7 want to comment quickly on three points. First, I think  
8 the goal statement that the workshop reached consensus on  
9 is a very helpful, new emphasis on the restoration  
10 purposes. And in effect what it has done is reconfigure  
11 the existing goal statements to really emphasis that the  
12 purpose of all of the components is to arrive at an  
13 effective restoration program. So the ecosystem evaluation  
14 is framed as what can we learn about the barriers to  
15 effective recovery. The feasibility of interventions or  
16 direct restoration projects is to be evaluated in its  
17 social economic and ecological dimensions.

18                   And finally, there's the commitment to an  
19 ongoing monitoring of each restoration activity to ensure  
20 that it achieves purposes or can be adapted with lessons  
21 through time.

22                   Secondly, I think a significant outcome is  
23 found in the organizing conceptual framework that the  
24 committee put together. And here I think the contribution  
25 from Dale Kiefer, Vince Patrick, Evelyn Brown bear

1 particular acknowledgment. But this was the life cycle of  
2 herring and the ecological relationships at each life  
3 stage. And I think we came to understand that all of the  
4 projects tied together at some point in the life stage of  
5 herring and therefore our comprehensive understanding and  
6 our appreciation of gaps, of areas where new knowledge is  
7 needed, should be looked at comprehensively by looking at  
8 this conceptual framework.

9                   And similarly, in regards to the  
10 restoration activities, each of those also intervenes in  
11 some key life stage of the herring, and by tying those  
12 together in the life cycle, we can understand the  
13 collective contribution of the various restoration efforts.  
14 I think that's the way to bring cohesiveness to the  
15 research and the restoration effort that will be very  
16 helpful in the future.

17                   And finally, I again want to turn to the  
18 matter of community engagement. I think the level of  
19 commitment evidenced by the community participation and  
20 meeting and the expectation of an ongoing role for local  
21 community members is a very crucial part of what would go  
22 forward. I think people were urging an opportunity to be  
23 involved at both levels, on the ground, in the water, the  
24 sort of the hands-on capacity of knowledgeable fishermen to  
25 contribute to the restoration efforts. But it wasn't

1 limited to that. I think the community members were also  
2 saying that they need to be involved in the annual  
3 summaries of research accomplishments to date. That is to  
4 say, involved at the kind of scientific knowledge and  
5 conceptual development stage.

6 I think with that, let me close and say  
7 again it was really quite a privilege to see the level of  
8 commitment and energy and expertise across all of the  
9 sectors, the scientists, the managers, and the community.  
10 I thought it was a very powerful and a very rich meeting  
11 for several days. I look forward to learning about the  
12 ongoing accomplishments. Thank you.

13 COMMISSIONER HARTIG: Thanks, Taylor.

14 Anybody else online that -- who would like to testify?

15 MS. BURETTA: Hello, this is Sheri Buretta.

16 COMMISSIONER HARTIG: Go ahead, Sheri.

17 MS. BURETTA: Hi. Thank you. I just  
18 wanted to comment on a couple of things that I have  
19 recently come occupational therapy understand about the  
20 trustee council. I was previously on the Public Advisory  
21 Group several years ago and left pretty frustrated with the  
22 whole organization. And -- but I do understand that there  
23 have been some changes recently and I'm pleased to hear  
24 that the council may be putting more emphasis on the  
25 importance of projects happening at the community level.

1 And I wanted to just let you know how important that is to  
2 the communities of the Prince William Sound that were  
3 affected by the devastating oil spill. And so I would like  
4 to encourage you to continue to think about the benefits  
5 that will happen by allowing the people that were most  
6 affected by the oil spill to participate in the council's  
7 programs and encourage you to look for meaningful way  
8 science to encourage that, to -- especially for people who  
9 may have become frustrated with the council in the past.  
10 And, you know, that may want to come back and look at --  
11 look for opportunities to work with you.

12                   And the other thing that I wanted to just  
13 say is that in looking at the 20 years since the oil spill  
14 that's coming up, that if some attention could be focused  
15 on the land sales that took place. I mean, half of the  
16 money that the trustee council got was used to purchase,  
17 you know, Native land of people that were devastated by the  
18 oil spill. And, you know, good, bad, or indifferent, I  
19 think that it would be important to document the whole  
20 process. Because from where I sat on the Public Advisory  
21 Group, it was so clear to me that the organization that the  
22 environmental community had towards pushing the council in  
23 making their decisions about land sales was -- I think it  
24 would be important to document that.

25                   But it would also be important to document

1 what some of the Native organizations had been able to do  
2 with that money or what the -- you know, what has happened  
3 since those landfills have taken place, just so that it can  
4 be kind of the closing chapter, I guess, of that event.  
5 And, you know, the fact that Chugach Alaska Corporation, of  
6 which I'm the Chairman of, still owns the (indiscernible)  
7 of all the village land that was sold in the Prince William  
8 Sound. And that has never been really addressed and dealt  
9 with. And so I just wanted to remind everybody that that  
10 was a huge part of the council's mission early on and that  
11 it's -- it should be a part of what the chapter, the  
12 closing chapters of the organization focus on, as far as  
13 what the effects have been to the people who were most  
14 affected by the oil spill. Thank you.

15 COMMISSIONER HARTIG: Thanks, Sheri.  
16 Anyone else who would like to testify, is online?

17 MR. BAFFREY: May I ask Sheri a question?

18 COMMISSIONER HARTIG: Yeah, go ahead,  
19 Michael.

20 MR. BAFFREY: Sheri, this is Michael. I'm  
21 looking forward to meeting you in the near future. In our  
22 draft invitation there is a component that addresses  
23 habitat protection and acquisition. And the intent of that  
24 solicitation would be to evaluate the success of the  
25 habitat acquisition program as it relates to restoring

1 injured resources and services. Does that appeal to you as  
2 well as something that the council should be doing?

3 MS. BURETTA: Yes, I think so. I think  
4 that -- you know, there were psychologists, I guess, that  
5 spoke at some of the conventions that the trustee council  
6 had early on as far as how that -- those transactions would  
7 affect the people down the road. And I'm not sure, I  
8 haven't read closely the invitation, but I would imagine  
9 anything to kind of put that all back into perspective  
10 would be a benefit because, you know, I think it's probably  
11 the only model that's out there as far as a situation  
12 that's happened like this.

13 MR. BAFFREY: Thank you.

14 COMMISSIONER HARTIG: Okay. Thanks, Sheri.  
15 Okay. Anyone else who would like to testify who is online?

16 (No audible responses)

17 COMMISSIONER HARTIG: Okay. We'll go to  
18 the room here in Anchorage. Any members of the public who  
19 want to testify today?

20 (No audible responses)

21 COMMISSIONER HARTIG: Okay. Well, it looks  
22 like the public comment period is over. I thank everyone  
23 for their comments today.

24 And we'll go over to the next agenda item,  
25 Cordova Center. Michael, do you want to take that?

1                   MR. BAFFREY: Sure. We -- one thing we  
2 didn't settle in Cordova was the -- we settled on the  
3 amount but we didn't settle on which agency should be the  
4 administrative project manager for that project. And my  
5 recommendation is to have that agency be ADF&G. They have  
6 historically -- they were the project managers for the  
7 SeaLife Center and they also have a track record, I guess  
8 we have a track record, ADF&G, of 581 -- managing 581  
9 projects and we managed the majority of the projects. So I  
10 think we are -- I know we are fully staffed and we are  
11 fully capable of doing this. And my recommendation was  
12 just to designate ADF&G as the project management agency.

13                   COMMISSIONER HARTIG: Okay. Could I have a  
14 motion then?

15                   MR. O'CONNOR: Well, I got a question. Who  
16 manages -- if it's ADF&G, does that mean you manage it?

17                   MR. BAFFREY: We have a project manager,  
18 Catherine, on staff that manages that. We're managing  
19 ADF&G's projects right now.

20                   MR. O'CONNOR: And how many of those are  
21 you managing? Five hundred and some?

22                   MR. BAFFREY: Oh, historically we -- 581,  
23 but currently we have how many?

24                   MS. BOERNER: Approximately thir --  
25 according to -- about 12 to 13.

1 MR. BAFFREY: Ongoing projects.

2 MR. O'CONNOR: And what do you think is  
3 involved in managing this? What kind of an effort and what  
4 kind of activity? Do we need a motion before I ask these  
5 questions? I'm not sure I want to move it yet, but.....

6 COMMISSIONER HARTIG: We can go either way.

7 MR. BAFFREY: Yeah.

8 MR. O'CONNOR: Okay.

9 MR. BAFFREY: Ask the question.

10 MR. O'CONNOR: What do you think is  
11 involved in this process and how much time will be taken up  
12 by doing it?

13 MR. BAFFREY: Okay. I'll have to differ to  
14 my.....

15 MR. O'CONNOR: The lady who gets to do it.

16 MR. BAFFREY: Yeah. Project management.  
17 Lynette, you probably want to come to the table because  
18 there's a contractual, financial part of this.

19 MS. SCHROEDER-EINWILLER: Yeah.

20 MR. BAFFREY: We'll grab another chair.

21 MR. O'CONNOR: What did you do to yourself  
22 there?

23 MS. SCHROEDER-EINWILLER: No, I had another  
24 procedure.

25 MR. O'CONNOR: Oh, okay.

1                   MR. BAFFREY: So the question is, what's  
2 involved with project management.

3                   MR. O'CONNOR: For the Cordova Center.

4                   MS. BOERNER: I would assume, based on my  
5 background, I came from the architectural and engineering  
6 background, it would be just ensuring that the project is  
7 meeting the milestones that it set out in its proposal,  
8 ensuring that it's spending the money as they had laid out  
9 in the proposal. And then obviously there would be some  
10 contractual and financial issues as well, and Lynette will  
11 be better served to talk about that. It's really like we  
12 do with our projects. Just making sure that we know what's  
13 going on with the project and they're meeting their  
14 milestones and their deadlines.

15                   MS. SCHROEDER-EINWILLER: And keeping  
16 fiscally accountable. Getting the contracts set up in a,  
17 you know, timely manner and making sure that those are --  
18 with Catherine's help, of course, paid upon reaching the  
19 milestones that are laid out in the project.

20                   MR. TILLERY: Mr. Chairman.

21                   MR. O'CONNOR: I have a different reaction  
22 to the responsibilities here, but somebody else wants  
23 to.....

24                   MR. TILLERY: Hey, Craig.....

25                   MR. O'CONNOR: .....chime in.

1 MR. TILLERY: .....I just have a couple of  
2 clarifications. My understanding is that this project  
3 would be handled as a grant with the City of Cordova.

4 MS. SCHROEDER-EINWILLER: Yes.

5 MR. TILLERY: Okay. And isn't usually  
6 those things you just described something that the granting  
7 authority would do?

8 MS. SCHROEDER-EINWILLER: The grant would --  
9 they would still be accountable to the grantee -- or the  
10 grantor.....

11 MR. TILLERY: Right.

12 MS. SCHROEDER-EINWILLER: .....as far as  
13 the expenditures and the project deadlines. The.....

14 MR. TILLERY: Are you proposing that Fish  
15 and Game would be the grantor?

16 MR. BAFFREY: No, the council.....

17 MS. SCHROEDER-EINWILLER: No, the.....

18 MR. BAFFREY: .....is the grantor.

19 MS. SCHROEDER-EINWILLER: .....trustee  
20 council is the grantor.

21 MR. TILLERY: The trustee council is not  
22 the grantor. It has no granting authority whatsoever.

23 MR. BAFFREY: Then is that a trick question  
24 then?

25 MR. TILLERY: No.

1                   MR. BAFFREY: So it's not really a grant to  
2 the City of Cordova.

3                   MR. TILLERY: I think it should -- I think  
4 it would be done as a grant to the City of Cordova. I  
5 think it -- there's at least under state statutes there are  
6 granting authority for certain agencies. The trustee  
7 council has not authority to do a grant and to my knowledge  
8 I don't think we've ever done a grant. We do it through  
9 agencies, like we'd fund most projects.

10                  MR. BAFFREY: Right.

11                  MR. TILLERY: Fish and Game has no legal  
12 authority to make a grant of this nature.

13                  MR. BAFFREY: Correct. My question is, why  
14 would this be a grant then?

15                  MR. TILLERY: How else would you get the  
16 money to the City of Cordova?

17                  MR. BAFFREY: Like any other project. What  
18 did we do with the SeaLife Center.

19                  MR. TILLERY: And actually I don't remember  
20 the SeaLife Center, but let's take the Alutiiq Museum,  
21 which I actually do recall, we did as a grant. We did it  
22 through DEC, which then provided the money to the Alaska  
23 state -- to the state museum. We sent a grant to -- I  
24 forget actually who it was we gave the grant to. Whoever --  
25 the Natives of Kodiak or whatever it was when we were

1 doing it. And in this instance, and I've been looking into  
2 it, and it appears to me the only legitimate granting  
3 authority that we would probably -- or the most legitimate  
4 granting authority we'd probably have is DCCED, Department  
5 of Community -- Commerce Community and Economic  
6 Development.

7 I have been trying to get up with the head  
8 of the granting thing there and she's been out but she's  
9 supposed to be back in today. The only agency I think  
10 that's -- really has much experience in construction is DEC  
11 because they have an entire organization that does that. I  
12 don't think though that's going to make a big difference.  
13 But I think that the money is going to have to go through  
14 one of the state agencies, probably to someone like DCCED  
15 then as a grant to the City of Cordova. DCCED would then  
16 do the oversight that you're describing.

17 MR. BAFFREY: Actually, we actually stole  
18 Lynette from that organization, so she has background in  
19 that. We administered, ADF&G administered the project with  
20 the SeaLife Center. And I'm trying to figure out what  
21 would be different about that. And the DEC and the -- for  
22 Alutiiq Museum, what was DEC's responsibility there as  
23 project manager?

24 MR. TILLERY: Actually, they then pass  
25 through the money to the actual granting authority that

1 would then set up a grant that has certain terms and  
2 conditions in it, milestones, et cetera, et cetera, and  
3 then that granting would do it. But you can't get the --  
4 you have to get the money through there, through some  
5 statutorily permissible means.

6 MS. SCHROEDER-EINWILLER: Wouldn't it be  
7 possible to do the same thing but still have Fish and Game  
8 project manage it?

9 MR. TILLERY: Well, if you're not giving  
10 the grant -- I mean, typically you would have the entity  
11 that has a grant relationship with the grantee to do the  
12 management.

13 MS. SCHROEDER-EINWILLER: So you're saying  
14 to run it through DEC and then let DCCED be the.....

15 MR. TILLERY: At least until I can talk to  
16 DCCED and find out if they would actually accept that  
17 responsibility and be willing to do it and at what price  
18 and so forth and so on. I can't say for sure but that's  
19 what -- that's where I would kind of lean.

20 I mean I don't understand that Fish and  
21 Game, but in particular this office has any experience  
22 whatsoever in construction contract management.

23 MR. BAFFREY: Catherine does.

24 MS. BOERNER: You know, I -- the only  
25 thing, we're just trying to make sure that the trustees are

1 getting what they wanted when they paid for this, that  
2 there is some oversight and some responsibility to your for  
3 this money. I mean, you were very specific about what you  
4 wanted it used for and the square footage. So whether it's  
5 our agency or someone else, we just want to make sure that  
6 you are informed of what's happening with the project and  
7 that your goals are being met. So that's why we originally  
8 talked about project management, just to make sure that we  
9 don't lose all connection to the project.

10 MR. O'CONNOR: I've got -- Mr. Chairman.  
11 Just looping back, the reason -- I didn't realize we had  
12 these complications going on as well. I want to be sure  
13 that whatever construct we have in this office, it does  
14 exactly what you said, and that's make sure -- the council  
15 decided that they needed to establish a facility in Cordova  
16 for purposes of information, education, pictures of  
17 important things, aquarium, whatever the hell we're going  
18 to put in there. I want to be sure that that goal is  
19 realized in this process. What I don't want is our staff  
20 to have to go and oversee the kind of bricks used, and is  
21 this construction format the appropriate one, is the  
22 engineering right, and that kind of thing. Sort of that  
23 distinction. And this whole issue of granting I had never  
24 really thought through. So I'm glad that you've been  
25 engaging that, Craig, because I wasn't quite sure how we

1 were going to do this either. But I just -- your folks  
2 have more important things to do than count bricks and  
3 check the consistency of cement. So we need sort of that  
4 interface. Our policy needs and our management needs are  
5 one thing, but the construction is something different.

6 COMMISSIONER HARTIG: Well, if I understand  
7 things, where things sit right now, is you need, Craig, to  
8 talk with commerce and find out what they are willing to do  
9 and what they can do. It sounds to me, Michael, that we  
10 don't need to have a motion today so that we can maybe put  
11 this off to the next meeting. We'll have it better fleshed  
12 out.

13 MR. BAFFREY: Okay.

14 COMMISSIONER HARTIG: Is that.....

15 MR. TILLERY: I think that's correct. And  
16 there is no particular urgency at this point, given the --  
17 there's a lot more fund raising that has to go on before  
18 the trustee council does anything.....

19 COMMISSIONER HARTIG: Right.

20 MR. TILLERY: .....with the money.

21 MR. ZEMKE: On the federal side, I think  
22 their state private forestry has an economic development  
23 portion granting authority. You know, that's a  
24 possibility, but if you kind of run that through your line  
25 already then we might not want to try two different ways at

1 once.

2 MR. TILLERY: Well, if that's possible to  
3 run it through the federal side, that -- the -- one of the  
4 complications with the state side is that we're going to  
5 need to -- an appropriation for it, which we don't have.  
6 And I was anticipating we'd have to go through LBNA, which  
7 I expect we can do. You probably don't have that  
8 complication, so it might be that the forest service might  
9 be a better vehicle for this.

10 MR. ZEMKE: Since I haven't checked with  
11 anybody about it, I'm not going to commit whatsoever on it,  
12 but I will ask.

13 COMMISSIONER HARTIG: We understand. Okay.  
14 We'll explore that further and maybe take it up at the next  
15 meeting. Okay, I'll go on to integration of herring.

16 MR. BAFFREY: Okay. I'm going to ask the  
17 trustee council to authorize \$109,000 for the development  
18 of the integrated herring restoration program. And several  
19 of the people who commented today talked about what  
20 integration means to them. I have actually written down  
21 some to the notes that I've gleaned from our conversations  
22 with the PAC, the steering committee, Herring Steering  
23 Committee, our meeting in Cordova, and just the general  
24 public. So I'm going to tell you what -- I know that some  
25 of you have had questions about what integration actually

1 means. With regards to herring, I'm going to tell you what  
2 this program is actually going to -- what I think it's  
3 going to look like.

4                   An integrated, multiple component research  
5 and restoration program for Pacific herring in Prince  
6 William Sound will be -- and I've got six bullets here.  
7 The first one, ecosystem focused as opposed to single  
8 species focused. This means that while it is true that the  
9 PWS Pacific herring stocks will be the target of the work,  
10 it will be the various life stages that will identify  
11 critical time and space interactions with prey,  
12 competitors, predators, and the host marine environment.

13                   The herring will point to and describe a  
14 part of the more complex system that is dependent upon for  
15 survival. In other words, we don't study everything,  
16 herring will tell us where and when to look. The program  
17 will be, too, organized around common goals, hypothesis  
18 determined through teamwork to create efficiencies in  
19 levels of support and to elevate intellectual capacity  
20 required to successfully engage the difficult question,  
21 what is wrong with herring and what can we do about it.

22                   This overall program is best characterized  
23 as problem solving rather than just contributing to the  
24 body of knowledge. The intent is to eventually define for  
25 active restoration activities designed to restore, if

1 appropriate, herring production to sustained fish-able  
2 levels or explain why this is not possible. This will be  
3 applied research.

4                   The program will be marked by a continuous  
5 process of synthesis as opposed to the more common practice  
6 of summing up following several years of study. All  
7 investigators will participate in Cordova in an annual  
8 update of the herring story. What was learned over the  
9 past year will be addressed and debated by everyone  
10 including principal investigators, stakeholders, and the  
11 public. And this way a consensus herring story will be  
12 revisited and refreshed each year.

13                   The council will also benefit from the  
14 public awareness when you make the decision to enhance  
15 herring stock or not. The program will be led by a  
16 modeling activity whose principal task will include  
17 interactions with all the research to obtain the  
18 information needed to understand the mechanisms  
19 contributing to change in Prince William Sound herring.  
20 This will include obtaining traditional and local knowledge  
21 provided by participating community members.

22                   The program will be open to the impacted  
23 community by providing a seat at the table for one of more  
24 public members. Their participation will be compensated  
25 and it will be the responsibility of the community to

1 provide these individuals. The program will be, six, based  
2 on the premise that before large scale restoration  
3 activities for herring can be undertaken, the herring  
4 ecosystem of Prince William Sound will be understood in  
5 sufficient detail to significantly reduce the probability  
6 of unintended consequences.

7                   A positive outcome of the integrated  
8 herring restoration program will be the development of an  
9 outreach component that will help translate the science  
10 into community awareness. The UAF Sea Grant College Marine  
11 Advisory Program might be able to provide this translation.  
12 Torie Baker serves on this program in Cordova. She's a PAC  
13 member, a member of the Herring Steering Committee, a  
14 fisherman, and is well respected. Also, the Prince William  
15 Sound Science Center has a very good outreach program as  
16 well and they might also get involved, agree to get  
17 involved in the herring story for the public as  
18 appropriate.

19                   So we need to continue the work that we  
20 have started over the last two years. We've got a herring  
21 restoration plan. We had our first workshop in Cordova.  
22 Made, as you heard, some great strides there. I want a  
23 working group, a small working group of six people that  
24 will function much like the technical writing team did for  
25 the herring plan. We've got the 17 member steering

1 committee, which as a body, is a great review and  
2 advisory [sic] body, but it's not a body that could  
3 actually do the writing in the document. I want a group  
4 that's balanced between community and the scientific  
5 community to actually develop the plan. We're looking at  
6 four to six months to do it. These are for paid people, so  
7 there's approximately \$45,000 for the professional service  
8 agreements. Two workshops in Cordova of the smaller group  
9 and then a larger group incorporating the Herring Steering  
10 Committee that will add up to \$109,000 over this activity.  
11 So that's what I'm asking for.

12 MR. NEIDIG: Mr. Chair.

13 COMMISSIONER HARTIG: Denby.

14 MR. NEIDIG: Can I ask for a brief at ease?  
15 I need to make a call back to DC real quick.

16 COMMISSIONER HARTIG: Okay. Why don't we  
17 take a break at this time and we'll start up again at 10:00  
18 o'clock.

19 MR. NEIDIG: Can I use your office,  
20 Michael?

21 MR. BAFFREY: Sure.

22 MR. NEIDIG: Thanks.

23 COMMISSIONER HARTIG: So everybody on the  
24 phone.....

25 (Off record - 9:50 a.m.)

1 (On record - 10:04 a.m.)

2 COMMISSIONER HARTIG: Okay. We'll go ahead  
3 and get started again. Denby, are you still online?

4 MR. LLOYD: I am.

5 COMMISSIONER HARTIG: Thank you. We've got  
6 everybody back here at the table and when we left Michael  
7 had just talked about -- it's 90,000, right, that you were  
8 asking for the.....

9 MR. BAFFREY: Well, it's actually 109.  
10 I.....

11 COMMISSIONER HARTIG: 109.

12 MR. BAFFREY: I've never been accused of  
13 being a mathematician, so.

14 COMMISSIONER HARTIG: Okay.

15 MR. O'CONNOR: Well, inflation. The way  
16 things are going, 20 minutes and it's doubled.

17 COMMISSIONER HARTIG: Let's see, could I  
18 have a motion on that and then -- so we can get into  
19 discussion.

20 MR. NEIDIG: I move we approve the  
21 additional funding of 109,000 for the continued preparation  
22 of integrated herring restoration program.

23 MR. TILLERY: Second.

24 COMMISSIONER HARTIG: Thank you.  
25 Discussion?

1                   MR. TILLERY: Mr. Chairman, I -- just so I  
2 understand what this is. At the herring workshop there was  
3 sort of discussion to create what seemed like sort of an  
4 executive committee of a certain number of people to try to  
5 pull things together and to go forward with the planning on  
6 the theory that you couldn't get this group together all  
7 that often, but you did need some -- you needed to keep the  
8 momentum going, you needed to get the planning going, come  
9 up with stuff. Is that what this is?

10                   MR. BAFFREY: Yes. That's right. But it's  
11 a little more than that. You know, that -- what you call  
12 executive committee is -- the working group is similar to  
13 the technical writing group that put together the recently  
14 published herring restoration plan. That plan was  
15 basically the state of the herring in Prince William Sound.  
16 Where we go from here is what this group is going to be.  
17 Using the integrated approach to get there is what has been  
18 recommended. It came out of the plan, you've heard it from  
19 the public. That was the effort that was initiated in  
20 Cordova the end of April and the first part of May. And we  
21 don't need a 17 -- we tried with a 17 member Herring  
22 Steering Committee. It fell apart. Later on we had to --  
23 and they went as far as they could, but they didn't -- it  
24 wasn't cohesive enough to do that. So we put together a  
25 technical writing team to actually generate the plan and

1 use the Herring Steering Committee as a review and advisory  
2 body for that effort. The Herring Steering Committee is  
3 still in place. We need now a technical group to actually  
4 generate this program. So that's the component. That's  
5 the \$45,000. We did this with the technical writing team.  
6 Those are professional service agreements. That's six  
7 members. The math works out. I got that math right,  
8 \$45,000.

9                   Using the meeting we just had in Cordova as  
10 an example, if we have two workshops of the working group  
11 in Cordova, those are 18,000 each, \$36,000, and we bring  
12 the full body, the Herring Steering Committee at the end --  
13 and again, these are all public meetings in Cordova -- then  
14 that's another \$28,000. And I believe -- I see you're  
15 writing this down -- I believe that math does add up to  
16 \$109,000.

17                   MR. TILLERY: And the 45,000 was for.....

18                   MR. BAFFREY: Those are professional  
19 services agreements. That's what we're paying the people  
20 that are actually producing the document.

21                   MR. TILLERY: The six people.

22                   MR. BAFFREY: Right.

23                   MR. TILLERY: And are there names of six  
24 people?

25                   MR. BAFFREY: I have a list of people that

1 I haven't picked yet, but I want to balance the community  
2 with the science. This is -- it's going to be community  
3 involvement all the way through this process. So if you  
4 want the list of the names that I could select from.....

5 MR. TILLERY: My sense there at the  
6 workshop was that there was some discussion or concern  
7 about the makeup of the committee, that people seemed to  
8 recognize the need for a smaller group but there seemed to  
9 be some -- I mean, different people seemed to want to  
10 somehow be represented on it. But is there some kind of a  
11 consensus that the integrated -- the whole group came  
12 to.....

13 MR. BAFFREY: Yeah.

14 MR. TILLERY: .....on who.....

15 MR. BAFFREY: Yeah. We have. We have.  
16 For instance, for NOAA, a Jeep Rice or a Mark Carls. From  
17 Cordova, names that have been thrown out, Tim Joyce, who  
18 has an ADF&G background. You know, an expert in otoliths.  
19 Marie Leary (ph) is a fisherman. Sylvia Lang, who she and  
20 her husband are also fishermen, understand the resource.  
21 Those are people. In addition to the modeling side of  
22 that, Vince Patrick. The -- a Dale Keifer or an Evelyn  
23 Brown. So we got -- Steve Moffitt is a possibility. I  
24 know I can pick the team to do this. I got a lot of people  
25 wanting to do it, it's just a matter of balancing it out.

1 Got to get over this stage right here is what I to get, is  
2 to get your commitment to move forward with this.

3 MR. TILLERY: And there would be at least  
4 one person from NOAA?

5 MR. BAFFREY: Yeah. There would be one  
6 person from NOAA.

7 MR. ZEMKE: So when you talk about a  
8 writing group, you're really -- they're doing much more  
9 than just writing the plan, they're developing the plan.

10 MR. BAFFREY: Right.

11 MR. ZEMKE: And where are you at right at  
12 this moment with the planning effort? You know, we  
13 expended quite a bit of money in this process so far.

14 MR. BAFFREY: It's in your packet. There's  
15 a summary of what we did in Cordova. We have, and you  
16 heard Taylor Brelsford articulate that, several of the  
17 people articulate that. We've got -- there's a goal  
18 statement, there's a structure, there's a framework for  
19 which we want to develop this whole effort around. That's  
20 the summary that you got in your packet.

21 MR. ZEMKE: And so this new team would put  
22 together actually costs and time lines.....

23 MR. BAFFREY: Right.

24 MR. ZEMKE: .....on this effort?

25 MR. BAFFREY: Right.

1                   MR. ZEMKE:  And do you think that five --  
2  they're just going to have a recommendation for the TC to  
3  be able to say that this is the approach we want to use.

4                   MR. BAFFREY:  Right.

5                   MR. ZEMKE:  Do you think there's only one  
6  approach or are they going to try to develop several?

7                   MR. BAFFREY:  There may be others, but  
8  right now we're focused on what was developed at the  
9  Cordova workshop.

10                  MR. O'CONNOR:  Mr. Chairman.

11                  COMMISSIONER HARTIG:  Craig.

12                  MR. O'CONNOR:  I guess I want to -- I'm  
13  having trouble figuring out, and pardon me for this,  
14  because I can't recollect what we did before when we set up  
15  the original herring planning committee or whatever we  
16  called it.....

17                  MR. BAFFREY:  Right.  The steering  
18  committee.

19                  MR. O'CONNOR:  .....a couple of years ago  
20  now.  If we're going out with a solicitation for a number  
21  of herring projects, and as one of the public folks  
22  commented, we need to know what our end game is.  How do we  
23  sync -- we got to come up with a plan with -- we're going  
24  out and soliciting a number of projects and a number of  
25  activities today without having a plan in place to feed.

1 Am I missing something here or am I just misunderstanding  
2 what's going on in the sequence of events?

3 MR. BAFFREY: The initial herring  
4 restoration plan that was published this past February  
5 listed a series of data gaps. Those data gaps are itemized  
6 in the FY-07 invitation. And that -- so that's a process  
7 that's been in play. I mean, this whole effort to  
8 integrate the PI's, the herring research, and with an eye  
9 on that end game, which is restoration or not. That's a  
10 decision you guys are going to have to make.

11 MR. O'CONNOR: Yeah.

12 MR. BAFFREY: You collectively are going to  
13 have to make down the road, whether or not it's feasible,  
14 even possible to do enhancement activities. You want to  
15 get to that decision point with all the information that's  
16 available to you. The herring plan identify gaps in that  
17 data to date. Those -- that's what the FY-09 invitation  
18 contains. That was the whole purpose of the FY -- of the  
19 herring integrated plan. I mean, not herring -- the  
20 herring restoration plan was to identify those gaps. It  
21 did that in terms of the data that's needed. Also, what do  
22 we need if we really want to do enhancement. It listed  
23 three criteria if we want to get into enhancement. This  
24 program, it carries this whole effort into the future. It  
25 takes what we get at the pre-proposal stage and we look and

1 see how we integrate that. You have articulated in the  
2 March 17th meeting that you want herring research  
3 integrated with the restoration efforts. You want data  
4 that's community based. This program will delineate what  
5 that means. It will get you to that point. It will get  
6 you to that point.

7 MR. O'CONNOR: And the people -- when you  
8 guys came out of the session in Cordova, there was  
9 consensus among the folks there that these -- the gaps that  
10 were pointed out in the '07 time frame are consistent --  
11 continue to be gaps that we collectively think need to be  
12 filled to make an informed decision.

13 MR. BAFFREY: I'm not quite sure I  
14 understand your question.

15 MR. O'CONNOR: Well, are these -- these  
16 data gaps, there's agreement these data gaps are relevant  
17 today.

18 MR. BAFFREY: Right.

19 MR. O'CONNOR: Okay. I see.

20 MR. NEIDIG: Michael, I was just looking  
21 through this document and it said here at the end that the  
22 team will be limited to no more than five members  
23 representing each discipline and local community and you  
24 just said six.

25 MR. BAFFREY: Six.

1 MR. NEIDIG: Is it five or six -- it's six?

2 MR. BAFFREY: Six.

3 MR. NEIDIG: Okay. I just wanted to make  
4 sure that was clarified.

5 MR. BAFFREY: Also keep in mind that agency  
6 personnel get to travel on per diem. So they don't get the  
7 honorarium that the other agency individuals get. I think  
8 that's correct. Is that -- okay, thank you. And it's  
9 important, even though there's six people that are on the  
10 technical team, these are all meetings that are open to the  
11 public. Having them in Cordova, we'll have the fishermen  
12 there. We'll have the Prince William Sound Science Center  
13 staff there. So just the mere fact that there's six people  
14 listed doesn't mean that we're not going to be getting  
15 input, as well we should, from everybody else that's  
16 available in the community.

17 MR. O'CONNOR: So you're simply asking for  
18 funding to carry forward with this planning exercise,  
19 building on what occurred in Cordova, the general consensus  
20 was put together by your report. Not that everybody is in  
21 agreement, but there seems to be a general sense.

22 MR. BAFFREY: Right.

23 MR. O'CONNOR: And that we need to take the  
24 next steps and we'd be -- we need to be sure that we have  
25 adequate funding for the meetings for the people we're

1 going to bring into this. And the ultimate product will be  
2 something that comes back to the counsel for its  
3 endorsement with regard to this will be the herring  
4 plan.....

5 MR. BAFFREY: Correct.

6 MR. O'CONNOR: .....in the end. Okay. So  
7 this is a group of experts who are going to synthesize the  
8 recommendations, the thoughts, and the outcome of the four  
9 day session in Cordova and come up with a final plan.

10 MR. BAFFREY: Moving forward.

11 MR. O'CONNOR: We're moving forward. And  
12 you're going to take it back to the larger body to be sure  
13 that everybody is comfortable with that in the end.

14 MR. BAFFREY: Correct.

15 MR. O'CONNOR: Okay.

16 MR. BAFFREY: This also is a statement of  
17 support from the council of the importance of this issue.

18 MR. ZEMKE: Did you have a time frame that  
19 you're looking at? Obviously with the field season coming  
20 on, it seems like it would be difficult to fully vet this  
21 process through, but getting done by the October.....

22 MR. BAFFREY: We're looking at four to six  
23 months to do this. I always add another third on that, so  
24 probably a nine month effort to do this. I would -- eight  
25 to nine months. But the people that I referenced in

1 Cordova are not fishing this year, so that's -- they are  
2 available throughout the summer season. They're not -- the  
3 ones I referenced at the community level are not active  
4 PI's in this process. So they are available over the  
5 summer to work on this effort.

6 COMMISSIONER HARTIG: Craig.

7 MR. TILLERY: Mr. Chairman. How does the --  
8 timing-wise, it's going to take a while for this group to  
9 come up with the recommendations. How does -- is that  
10 going to mesh with the request for proposal for herring  
11 projects this year?

12 MR. BAFFREY: Good question. The -- what  
13 we decided was to go ahead and issue the invitation and  
14 have the pre-proposal stage, which we'll get a bunch of  
15 pre-proposals, hopefully, specific to the data gaps that we  
16 need for herring understanding. And that -- this group  
17 that -- I want to bring the Herring Steering Committee into  
18 the evaluation of these pre-proposals to make  
19 recommendations at will, the science and restoration  
20 working group. So it's -- the mesh is that this effort  
21 will go on concurrent with the FY-09 invitation. What I  
22 did not want to do was to miss another year. You heard  
23 Vince Patrick articulate the fact that at the end of  
24 September 9, out of the -- I forgot the number that are  
25 actually ongoing. Of the existing, nine out of the 14 or

1 15 herring projects are technically coming to a close. So  
2 I don't want to miss that, that time period. And so I want  
3 the invitation to be issued now with the data gaps that we  
4 know exist and then develop this program concurrent to  
5 that. And somewhere down the road, that will be a guiding  
6 -- that should be the guiding document for us to make  
7 decisions, for you to make decisions from.

8 MR. TILLERY: So at least for this first  
9 year we'll sort of hope that proposals that come in would  
10 end up fitting whatever this group needs to go forward,  
11 which is probably not an unrealistic hope given that most  
12 of the people who will be making the proposals are going to  
13 be part of this group. So it -- and it seems to me it's  
14 about the best you can do.

15 MR. BAFFREY: It's not a hope.

16 MR. NEIDIG: So you don't lose time.

17 MR. TILLERY: Right.

18 MR. BAFFREY: We've got the herring  
19 restoration plan which identified these gaps, and we're  
20 directing the solicitation towards filling those gaps.

21 MR. NEIDIG: Mr. Chair.

22 COMMISSIONER HARTIG: Yeah, Hans.

23 MR. NEIDIG: Michael, as they develop their  
24 proposal, will we have an opportunity to engage or see  
25 drafts of it, that way we can be sure to be asking

1 questions and ensuring that they're heading the direction  
2 that we're comfortable with?

3 MR. BAFFREY: I will give you an updated,  
4 at each one of the trustee council meetings, on where we're  
5 at. Are you talking about the program or were you talking  
6 about the proposals? You said proposals.

7 MR. NEIDIG: I'm sorry.

8 MR. BAFFREY: Okay.

9 MR. NEIDIG: This proposal that that will  
10 be developing. It's not really a proposal, but the  
11 program.

12 MR. BAFFREY: Yes. Oh, absolutely. That  
13 will be a standing item.

14 MR. NEIDIG: Obviously we'll be able to  
15 engage in the meetings as well since they'll be public  
16 meetings, but.....

17 MR. BAFFREY: If you're in Cordova.

18 MR. NEIDIG: .....it would be good for the  
19 trustees to be able to see that, see how it's progressing  
20 and to make sure any questions we have are being answered.

21

22 MR. BAFFREY: And also I'd like to say that  
23 you're -- the trustee council members showing up at our  
24 workshop in Cordova, invaluable. The community, the  
25 scientists, everybody enjoyed seeing your level of

1 commitment by just being in the room. So I highly  
2 encourage you to continue that practice.

3 MR. O'CONNOR: As long as they have  
4 spaghetti fests coincident with it, I'm happy to show up.

5 MR. BAFFREY: You have to thank the  
6 community for that.

7 MR. O'CONNOR: Yeah, that was great.

8 MR. BAFFREY: We'll see if they do it, you  
9 know, next time.

10 MR. O'CONNOR: Well, I guess a comment that  
11 I have or a request that I have, if we don't move forward,  
12 if we don't engage in this planning exercise, we're going  
13 to hope for some sort of spontaneous convergence of  
14 intelligent thought to move forward on herring. If we're  
15 failing to put together a plan, it means we just kind of  
16 sit around let's see what happens out there, which is not  
17 exactly part of the strategy that we're about, so I would --  
18 I think what you're suggesting is an appropriate course of  
19 action and I'm particularly supportive of having NOAA,  
20 somebody from NOAA who actually knows herring participate  
21 in this so that we can move forward as quickly as possible  
22 and we get on about this business.

23 MR. ZEMKE: Call the question.

24 COMMISSIONER HARTIG: Okay. Denby, do you  
25 have anything that you wanted to add?

1 (No audible response)

2 MR. O'CONNOR: He's sitting in his Kodiak  
3 window office, is what he's envisioning.

4 COMMISSIONER HARTIG: Okay. I guess not.

5 MR. ZEMKE: With that, I call the question.

6 COMMISSIONER HARTIG: Okay. The question's  
7 been called. All those in favor, raise your hand.

8 MR. TILLERY: Denby -- you have to.....

9 MR. BAFFREY: What about Denby?

10 COMMISSIONER HARTIG: Let's see, Denby, how  
11 are you voting?

12 MR. LLOYD: Aye.

13 COMMISSIONER HARTIG: Okay. It's  
14 unanimous.

15 MR. O'CONNOR: If we can get a -- that  
16 piece of paper that you read from. Can we get that.....

17 MR. BAFFREY: Sure.

18 MR. O'CONNOR: .....so that -- because I  
19 felt that was very valuable.

20 MR. BAFFREY: Okay.

21 MR. ZEMKE: Yeah, also a breakdown on the  
22 costs.....

23 MR. BAFFREY: Okay.

24 MR. ZEMKE: .....would be good.

25 MR. O'CONNOR: Yeah.

1                   COMMISSIONER HARTIG: Okay. The next  
2 subject is lingering oil projects.

3                   MR. O'CONNOR: All right. Mr. Chairman, as  
4 you recall at the -- two meetings ago now, I had put  
5 forward on our behalf, in furtherance of our commitment to  
6 the trustee council, if recall two or three projects that  
7 were focused on addressing the impacts of lingering oil and  
8 those were approved by the council with some slight  
9 modifications and they are under way. We also at that  
10 point had made a commitment or an indication that we had  
11 one final project or one additional project that we would  
12 be bringing forward.

13                   And what I'm requesting at this point is  
14 simply to bring the council -- make the council, put them  
15 on notice that that project has been developed, it's what  
16 we call the microcosm study. And what the focus is in that  
17 proposal, and I will have it for hand out and we will look  
18 to seek final approval of it at the next meeting with the  
19 final budgets and so on, but the -- it's all about taking a  
20 look at the various attributes of the oil that is in the  
21 environment that has weathered to certain degrees. Whether  
22 it's a 30 percent weathering, a 50 percent weathering, 70  
23 percent weathering, 80 percent weathering. And taking  
24 pieces of that oil out of the natural, it's natural  
25 substrate, taking it into a laboratory and determining

1 whether or not the oil at various stages of, shall we call  
2 it natural weathering, actually lends itself to further  
3 biodegradation through the introduction of what would be  
4 the normal biodegradation chemicals, if you will, or  
5 constituents which include additional nutrients, the  
6 introduction of oxygen to the system, other activities that  
7 would fall in the category of bioremediation.

8                   And we developed this project in concert  
9 with Environmental Protection Agency, their laboratory  
10 facilities out of Cincinnati, working in an integrated way  
11 with the other representatives of the scientific team and  
12 the PI's on the projects, the -- Michel Boufadel --  
13 Boufadel, excuse me, Jacqui Michel, Jeff Short and the bird  
14 folks and the mammal folks. We have talked through this  
15 particular project as we did the others and there is  
16 consensus among the lingering oil team, if you will, that  
17 was put together to address the impact in the context of  
18 the reopener that this project is a critical project as an  
19 initial undertaking to determine whether or not  
20 bioremediation may or may not work with regard to the oil  
21 that continues to be in the environment.

22                   And recognizing at the first stage this is  
23 a laboratory undertaking where we, within a relatively  
24 short period of time, are going to be able to determine  
25 whether bioremediating activities might work in the

1 environment. And if we end up with positive results in  
2 this context, then of course the next stage, which would be  
3 a year or two down the road, would be to engage in pilot  
4 projects in the field to see if we can translate what we  
5 may learn in this context with regard to the other projects  
6 on bioremediation. And this, as I say, we will have this  
7 project in final form to hand out between now and then for  
8 consideration.

9                   We did do, Michael, what I consider to be a  
10 peer review of it in the sense that we had a number of  
11 scientists, those who are on the teams that are working on  
12 lingering oil as well as others participating in the  
13 development and review and commenting on this project. And  
14 I feel comfortable that we have had an adequate science  
15 review but we're going to need -- one of the reasons I  
16 asked earlier about the PAC, we certainly are going to want  
17 to get their thoughts on this project so we can run it  
18 through the process in that context. But at this point, I  
19 don't want to move approval of the project because I don't  
20 have paper to hand you with the final budgets on it. And  
21 so -- and I appreciate the teamwork that was put in on  
22 putting this together between the state and federal folks.

23

24                   MR. BAFFREY: Is there -- can I ask a  
25 question?

1 COMMISSIONER HARTIG: Excuse me. Michael.

2 MR. BAFFREY: May I ask a question?

3 COMMISSIONER HARTIG: Yeah, go ahead.

4 MR. BAFFREY: Is this time sensitive?

5 MR. O'CONNOR: We'll be time sensitive in  
6 that we will probably need to get it approved at the next  
7 meeting because of the need for the acquisition of  
8 equipment and so and it's -- the collection of samples,  
9 field samples, is coincident with the work that's already --  
10 that's going out in the field this summer through Jacqui  
11 and Jeff and those folks. So we're going to have to be  
12 able to sync it together. And I'm anticipating that we're  
13 going to have another meeting here before the end of June  
14 to get it signed off on. So this was informational.

15 COMMISSIONER HARTIG: Okay. Well, I  
16 appreciate the information and certainly the opportunities,  
17 if there are any for bioremediation, are extremely  
18 important to DEC because people know we have the beaches  
19 there, the lingering oil listed as impaired water bodies  
20 and we want to do everything we can to put together a plan  
21 to get them off that list and this will be helpful in doing  
22 that.

23 MR. TILLERY: Mr. Chairman, I would note  
24 that one of the individuals who was working on this and  
25 commenting on it was from DEC, Sharon Richards, so.....

1                   COMMISSIONER HARTIG: Thank you. Okay. If  
2 nothing else on that, we'll go onto the FY-09 invitation.

3                   MR. BAFFREY: So do you want me to take the  
4 lead on this?

5                   COMMISSIONER HARTIG: Go ahead.

6                   MR. BAFFREY: Okay. Catherine you might as  
7 well hobble up to the table. Actually, why don't I just  
8 join you other there and we can.....

9                   Joe, do we need -- do I need to move this  
10 over that?

11                  REPORTER: They can bring it over this way.

12                  MR. BAFFREY: Okay.

13                  (Pause)

14                  MR. BAFFREY: We didn't -- the last  
15 invitation that we issued from this office was the FY-07  
16 invitation. We chose not to issue one last year primarily  
17 because we wanted to wait on the herring restoration plan  
18 and we wanted to figure out where it is we wanted to  
19 collectively go. We know, because of your retreat mid-  
20 March and your following council meeting you have now  
21 articulated the direction in which you want to collectively  
22 go. We had also decided that we want to use the -- not  
23 only integrated approach, community based approach, but  
24 there's a lot of -- we also want to do a top down approach  
25 where we actually target the projects that we want, to

1 target the areas that we want to request proposals from.

2                   And we have -- because this is brand new  
3 ground, this is definitely going to be a transition year  
4 for this process and we will -- we will be better at it for  
5 the FY-10 invitation. But right now what we're looking at  
6 is a series of projects both at the injured resources level  
7 and the injured services level. So we're looking at  
8 compensatory restoration for the services, something that  
9 we've not done before.

10                   Historically we have based our thoughts  
11 around the fact that if the injured resources recover then  
12 the injured services will recover as well. This time we're  
13 taking a more direct look at the actual injured services,  
14 the human services that were injured by the spill. So  
15 that's a new part of it.

16                   Probably the -- because this is a  
17 transition year and I think this is something I would like  
18 to see continued on and -- for the remainder of the  
19 invitation process, is we're dividing them into a two stage  
20 process. We're having a pre-proposals stage; we're having  
21 a full proposal stage. The purpose of the pre-proposals is  
22 so that we can figure out which -- where you want to put  
23 your priorities for funding.

24                   And also, we have a chance then at that  
25 stage to look at integration. There, as several people

1 have commented, there's no cap designated in the  
2 invitation, so it's very easy -- I think, Craig, you  
3 articulated the fact that there's potentially tens of  
4 millions of dollars worth of proposals here. At the pre-  
5 proposal stage, the PI's have vested efforts to generate a  
6 two, three page proposal and not a full proposal. And we  
7 can look at that package collectively to decide where it is  
8 that you want to go as a trustee council this year.

9                   So that is where we're at with the  
10 invitation schedule. I had initially wanted to issue this  
11 back in February, which is the historic issuance of the  
12 invitation. Because of the retreat in March I waited for  
13 that. I provided you with a detailed briefing paper on the  
14 invitation. We went through that during that time period.  
15 I -- you decided which ones of those topic areas you wanted  
16 to see included. We did that. We did send it to the  
17 liaisons, giving them only a two day turnaround period  
18 because I really wanted to get this thing issued. That was  
19 astutely pointed out, not enough time, so on May 8th I  
20 reissued it again to get comments from the liaisons and the  
21 PAC members, the Science Panel, you and your alternates on  
22 the 8th. We did not receive a single comment from anybody  
23 on that and what is before you is the invitation much the  
24 way it looked back on the -- at the end of the retreat  
25 period. So I'm wide open to your questions at this point.

1                   COMMISSIONER HARTIG: Okay. Do we need a  
2 motion first?

3                   MR. O'CONNOR: Well, I move we approve the  
4 '09 solicitation as presented by the Executive Director.

5                   MR. ZEMKE: Second.

6                   COMMISSIONER HARTIG: Thank you. Thank  
7 you. Any discussion then?

8                   MR. O'CONNOR: I'm begin the discussion  
9 with a general comment. And I think it's a comment that  
10 seems to prevail these days in the -- on the web, and I  
11 think it goes like oh my God. This, we are asking for so  
12 much and we are -- and I'm not criticizing that because we  
13 did ask for a lot. We are perceiving the need to go  
14 forward with the gathering and the evaluation of a lot of  
15 stuff over the course of the next two, three, four, five  
16 years, and that's what we've articulated. I'm wondering if  
17 at this stage however, in fairness both to ourselves and to  
18 the public that we are soliciting proposals from, that we  
19 shouldn't more narrowly define what it is that we're  
20 looking for, consistent with what I think are our higher  
21 priorities, which are certainly lingering oil, herring.

22                   And the urgency with regard to herring came  
23 through once again loud and clear this morning in the  
24 comments of the public and folks from Cordova. And whether  
25 we should be looking at -- or and looking at certain

1 projects that may be directly related to the capability of  
2 the environment to restore itself and are we creating harm  
3 to the environment today by other human activities. And  
4 I'm thinking of pollution events -- or not pollution  
5 events, but I'm thinking of the polluting activities that  
6 we are engaging in in marinas and that sort of thing. And  
7 that was one of the areas that we were particularly  
8 concerned with. And I recognize that I was a strong and  
9 continue to be a strong proponent of the need for an  
10 evaluation.

11                   As we talked about earlier, I think you  
12 commented on, or did we actually -- did we actually  
13 accomplish anything with regard to our habitat acquisition  
14 program in terms of restoration. Do we really need to do  
15 an evaluation of the status of the return of human  
16 services, particularly as an accomplishment with regard to  
17 our -- the restoration that we have effected over the last  
18 several years. Where are we in terms of bringing back both  
19 the services to humans as well as the ecological services.  
20 That is, as I would describe it, an inventory of the facts,  
21 an inventory of accomplishments. Part of that certainly  
22 was captured in the '06 Integral report on the status of  
23 resources and to a degree the status of services.

24                   But at this point, Mr. Chairman, I'm  
25 overwhelmed by what I'm asking for in this proposal and I'm

1 overwhelmed by the question of my ability to evaluate it  
2 all as a trustee council member, if we get proposals,  
3 significant, meaningful proposals with regard to all of the  
4 aspects that we are soliciting. I'm very concerned that  
5 herring is going to cost us a lot of money and I'm looking  
6 forward to your technical team and that evaluation because  
7 that I hope is going to come out of that exercise soon. I  
8 know that the business of lingering oil, and if we do  
9 engage in actual remediation of that oil, that that process  
10 is going to be an extremely expensive one, and one that  
11 that is going to consume a great deal of time and effort on  
12 behalf of the council and people who are going to be out  
13 there doing it. And I don't want to allow myself to have a  
14 shopping list that takes me beyond my budget. And I feel --  
15 and this is not a criticism, this is a reaction to my own  
16 evaluation of what I've said and how I feel. I feel like a  
17 kid in a candy store and I need constraints put on me at  
18 this point because all of this in many ways is very  
19 intriguing, very compelling, fascinating work that we need  
20 to accomplish, we're hoping we can accomplish, but I want  
21 to be sure that we don't miss -- lose sight of the fact  
22 that we have priority goals and that's herring and that's  
23 lingering oil and that's protection of the environment.  
24 What I consider to be our most sensitive interests at this  
25 point. So I provide that reaction at this stage. And

1 that's my comment right now.

2 COMMISSIONER HARTIG: Craig.

3 MR. TILLERY: Mr. Chairman, I too found it  
4 to be incredibly broad and virtually this is sort of a  
5 return to the anything you want to put in. And I note  
6 that, just going through it, the community involvement  
7 actually, as opposed to being kind of an overlay that would  
8 permeate all projects, it seems to be like asking for  
9 specific projects in itself, but then notes that priority  
10 will be given -- the first one -- priority will be given to  
11 projects that address stuff that's in -- including  
12 invitation, I assume meaning that, but we will take any  
13 projects, which again is a very broad request. The local  
14 and traditional ecological knowledge again I think is --  
15 that's an overlay for everything. It should permeate all  
16 areas. And environmental education happens to be one that  
17 I think does stand on its own. Community outreach is  
18 something that we used to do in the admin budget and I'm  
19 not sure if this is an attempt to get it out of the admin  
20 budget, which has some benefits to it, because the admin  
21 budget frequently looks bigger than it really is.

22 And continuing to go down, it looks like  
23 the monitoring seems to be potentially a return to GEM, but  
24 that -- which again is certainly possible. That's a very  
25 big concept. Then you go to a very specific project,

1 looking -- which I don't think is part of an integrated  
2 concept, which is part of a mesozooplankton study that  
3 specifically -- and asked for. Integrated nearshore  
4 program is a very broad thing. Herring is again I think  
5 very specific and very timely. Seabird, I'm not actually  
6 sure why we're -- would be calling for seabird projects at  
7 this point unless they again fit within -- as part of an  
8 integrated study of herring or something like that. Salmon  
9 enhancement, lessons learned, I'm not sure what that's all  
10 about, whether that's about addressing hatcheries or what.  
11 Because salmon enhancement hasn't been huge. I think  
12 there's been Coghill Lake and a few others. Lingering oil,  
13 again, is important. Forage fish, I don't understand  
14 exactly why they're being singled out.

15                   The additional injured resources is  
16 proposals for direct restoration of injured services and  
17 resources and that's, again, that's just a general call for  
18 projects from anywhere. The fact that responsiveness to  
19 the invitation is only 10 percent of the evaluation  
20 suggesting, first of all, you don't have to even be  
21 responsive to the proposal to be considered, but if you  
22 aren't responsive, it's only a 10 percent docking. You  
23 know, they're only going to get docked 10 percent for not  
24 being responsive, which again suggests to me that the  
25 invitation is nothing more than a fairly vague guideline.

1                   And finally, the habitat protection and  
2 acquisition, I actually thought that Sheri's comments are  
3 very good and I think someone should do that, and I've said  
4 that actually in the past. I don't know that it's  
5 appropriate for this council to fund that because I don't  
6 think that it's something that would be very credible  
7 coming from a council funded project, but it sure does seem  
8 to me that some socioeconomic researcher out there would be  
9 pretty interested in seeing what has been the economic  
10 effect on the sellers of land.

11                   But this idea of evaluating the benefits,  
12 we've been through that. We've been down there twice,  
13 we're -- in the last four or five years where people have  
14 said why don't we do this. And the answer each time is we  
15 don't do it because we can't do it because there is no  
16 baseline from which to evaluate the benefits of the  
17 habitat.

18                   So those are sort of my comments. I tend  
19 to agree with what Mr. O'Connor has said, is that it would  
20 be better to try to focus this invitation on some specific  
21 categories such as lingering oil and herring, are the two  
22 obvious ones, and certainly I could -- the idea of  
23 something that directly deals with marine pollution, I  
24 could certainly go along with. But certainly herring and  
25 lingering oil I think should be very much focal areas.

1                   COMMISSIONER HARTIG: Do any other council  
2 members have anything they want to say? Steve.

3                   MR. ZEMKE: Yeah, going through --  
4 obviously it is a very broad proposal looking for very much  
5 anything and everything. But at the same time, at the --  
6 our retreat, we did discuss some of this information. It's  
7 basically some of the discussions there. I think one of  
8 the things that was brought up that was very lacking was  
9 kind of the status of the injured services and kind of the  
10 idea about compensatory restoration of those services and  
11 this is -- if we put that off, it's just going to take that  
12 much longer to be able to get to that point where there's  
13 people that are very interested and concerned about that.

14                   And again, this -- I'm not sure how we'd go  
15 down, to pare this down, but one way to deal with that is  
16 actually establish in the criteria for selection of pre-  
17 proposals and more of a yes or no. And obviously I think I  
18 agree with Craig's comment about responsiveness to the  
19 invitation. That should be at least a yes or no if it's  
20 not responsive. It shouldn't be included at all, not like  
21 a 10 or 20 or 30 percent.

22                   So I found that there were some very  
23 compelling portions of the invitation but it was hard to be  
24 able to rate or rank each one against the other. That's  
25 what I have right now.

1 MR. O'CONNOR: A question.

2 COMMISSIONER HARTIG: Craig.

3 MR. O'CONNOR: Do you guys have any sense  
4 as to the dollar magnitude? If we were to get stuff on  
5 everything that we felt was legitimate and worthy of  
6 funding, any sense as to what all of this might cost?  
7 Because I chatted with one of the folks that I work with on  
8 the -- just on the community based and localized  
9 restoration activities and so on that we were soliciting  
10 and I got a reaction that that in and of itself could be a  
11 hundred million dollars worth of undertaking. And I know  
12 we're -- you know, I don't know whether that was a twinkle  
13 in the eye, oh, here's a hundred million dollars, or you  
14 know, sort of a -- this sort of experience costs a  
15 phenomenal amount of money, based on our prior experiences  
16 within NOAA on these kinds of activities. But I'm -- well,  
17 I know we asked for it all and we want it all but I think  
18 we need to prioritize what we're doing here and make sure  
19 that we can engage those things that have the highest  
20 priority to us early on and make sure that we're managing  
21 our funds in such a way that we have enough to take care of  
22 those things, the most compelling problems. And that if  
23 I've got a -- sort of a policy reaction to all of this,  
24 that's my -- although some of these things I'd love to -- I  
25 really want to do, but.....

1 COMMISSIONER HARTIG: Hans.

2 MR. NEIDIG: Mr. Chair. Craig, can you  
3 elaborate a little bit more on the habitat protection and  
4 acquisitions component of your comments? You were  
5 discussing that you didn't -- you weren't sure that it was  
6 appropriate for us to spend money on that.....

7 MR. TILLERY: Well, I was suggesting.....

8 MR. NEIDIG: And I'd just like to  
9 understand that a little bit better.

10 MR. TILLERY: There are two things that you  
11 can evaluate on the habitat acquisitions. One of them is  
12 the restoration effectiveness of the acquisitions. And  
13 again, we've looked at that a number of times and I think  
14 Carol actually is even -- had some draft -- I mean, we had  
15 a draft response -- we had, not a draft but a written  
16 response to that proposal that came up three or four years  
17 ago. The problem is that you can't determine because you  
18 don't have a baseline. The baseline was a -- is a  
19 relatively general.....

20 MR. NEIDIG: Right.

21 MR. TILLERY: .....these things are in this  
22 area. There are some eagle's nests, there are salmon, pink  
23 salmon, et cetera. But it was no real census of the.....

24 MR. NEIDIG: What (indiscernible -  
25 simultaneous speech) it was.

1                                   MR. TILLERY:   .....what the kinds of  
2 animals that were there.  So if you don't have a baseline,  
3 you don't have any way to compare what you have now.  But  
4 the thing that -- the other thing that specifically about  
5 not thinking it was appropriate was what Sheri Buretta had  
6 mentioned, which was the impact of the acquisition,  
7 socioeconomic impacts on the sellers of the land.  Some --  
8 a lot of the land, not all of it, but a good chunk of it  
9 was purchased from Native corporations.  Some of the Native  
10 corporations have, at least in my sort of observation,  
11 taken that money and done great things with it.  They have  
12 essentially monetized a otherwise -- an asset they could  
13 not otherwise monetize and they have done some great  
14 things.  Others, a substantial portion of the money they  
15 received appears to have sort of disappeared into dividends  
16 and that sort of thing, which again, you know, maybe that's  
17 good and maybe it's not.  That kind of analysis I think  
18 would be very -- it could be done.  I think it would be a  
19 good thing to do.  I would question whether it's something  
20 for the council to do because I believe that whatever we  
21 did, it would be very hard for it not to be viewed as  
22 tainted to try to portray that this has been something  
23 good.  And it just seems to me something that some doctoral  
24 thesis or whatever could have a great time with it.  They  
25 could actually do a -- you know, really get their teeth

1 into something like this. I don't think it's appropriate  
2 for us but I really think it's a kind of an excellent idea.

3 MR. NEIDIG: I appreciate that elaboration.  
4 Mr. Chair, if I could, I had a couple of questions.....

5 COMMISSIONER HARTIG: Sure, Hans.

6 MR. NEIDIG: .....for Michael too. Mr.  
7 Tillery raised a couple of questions also about the  
8 salmon's lessons learned component and the forage fish  
9 component. Michael, do you want to, or Catherine, do you  
10 want to elaborate on those a little bit?

11 MR. BAFFREY: There were several questions  
12 raised, so do you want to just.....

13 COMMISSIONER HARTIG: Yeah, go ahead,  
14 Michael.

15 MR. BAFFREY: Do you want to allow Denby to  
16 make general comments also and then we'll just start  
17 addressing them?

18 COMMISSIONER HARTIG: Denby, do you want to  
19 make any comments before Michael responds to some of the  
20 concerns that have been raised so far.

21 MR. LLOYD: Well, I appreciate the  
22 opportunity, but no, other than if there's a microphone  
23 near Craig, if somebody placed it closer to him. Believe  
24 it or not, I actually want to hear what he has to say.

25 MR. O'CONNOR: Well, which Craig are you

1 talking about?

2 UNIDENTIFIED SPEAKER: You.

3 UNIDENTIFIED SPEAKER: You.

4 COMMISSIONER HARTIG: They're trying

5 to.....

6 MR. LLOYD: Oh, I'm sorry. Craig O'Connor.

7 COMMISSIONER HARTIG: They're trying to

8 sneak things by you, you know.

9 MR. O'CONNOR: Oh, Denby.

10 COMMISSIONER HARTIG: Okay. Michael.

11 MR. BAFFREY: All right. I mean, I'll

12 quickly address the salmon enhancement and the forage fish.

13 Salmon enhancement is that if you collectively as a council

14 want to move forward with enhancement then the lessons

15 learned from salmon enhancement could be applicable. If

16 there's -- if there was harm caused; if there were

17 successes that were gained from salmon enhancement that is

18 applicable across the board to herring restoration, then it

19 would not be responsible to not consider these. That's the

20 purpose for the salmon enhancement. It's not just the

21 couple, three salmon hatcheries that we funded through the

22 trustee council, it's looking at the effects of introducing

23 stock to an environment and the impacts that that has had,

24 both good and bad. That's what we're looking at in terms

25 of salmon enhancement.

1                   With regards to forage fish, we hear  
2 repeatedly from the -- well, I'll just use the seabird  
3 people -- that until herring is recovered then the birds  
4 aren't going to recover. If in fact there is another  
5 resource out there and another forage fish out there that  
6 has filled that gap, we need to know that. So if it's not  
7 a matter of nutrition or availability, then what is the  
8 real issue with bird enhancement? I don't think it's fair  
9 for us to default to the facts that, well, once herring  
10 gets there, and the chances of that are hugely challenging,  
11 but until herring makes the cut and falls into the recovery  
12 category, that birds aren't going to be recovered. I think  
13 there's way more at play than just the status of herring  
14 with regards to birds. That's one prey species on birds.

15                   So that's -- you want to add to salmon  
16 enhancement and forage fish?

17                   MS. BOERNER: Not to salmon enhancement  
18 but.....

19                   MR. TILLERY: Okay. So what salmon  
20 enhancement programs has this council funded in the past?

21                   MS. BOERNER: We're not saying that they  
22 were funded by this council.

23                   MR. BAFFREY: You're the one that made the  
24 comment that we had funded some projects. At least that's  
25 what I -- I thought I heard you say.

1                   MR. TILLERY: Well, we funded Coghill Lake,  
2 I can think of.

3                   MR. BAFFREY: Okay.

4                   MR. TILLERY: We funded the lakes down in  
5 Kodiak, Red Lake or whatever that one was. We did a --  
6 that creek.....

7                   MR. BAFFREY: What about Port Graham?

8                   MR. TILLERY: That creek where we did.  
9 What -- do what?

10                  MR. BAFFREY: Port Graham. Was that --  
11 where's our -- I thought we did one in Port Graham also.

12                  MR. TILLERY: We -- and again, I'm not sure  
13 if this was the trustee council or the state with its  
14 restitution fund, but we did something with a -- when their  
15 hatchery, their coho hatchery, I think it was, burned down  
16 or something, we did something there.

17                  MR. BAFFREY: And that's.....

18                  MR. TILLERY: But the.....

19                  MR. BAFFREY: .....Port Graham, correct?

20                  MR. TILLERY: But the Prince William Sound  
21 hatcheries, I don't believe this council has ever funded.  
22 I think the state actually gave some money, again, with  
23 these restitution funds, to one of the hatcheries when they  
24 were having the economic hard times right after the spill.  
25 But I can't -- and we did some Kenai River sockeye work,

1 but I'm not sure what -- again, what that was. I  
2 don't.....

3 MR. ZEMKE: I think that was mostly habitat  
4 protection to protect the salmon stocks.

5 MR. TILLERY: Yeah, the -- primarily we're  
6 doing the bank stuff on it, so again, I'm just trying to  
7 figure out what it was that you had in mind here that we  
8 should be.....

9 MS. BOERNER: Yeah, they're not council  
10 funded particularly, it's looking at salmon enhancement  
11 programs funded by anyone who funded them. I mean billions  
12 of dollars have been spent on salmon in the state and in  
13 order to move forward with the potential herring  
14 enhancement program, it would just seem scientifically  
15 rigorous to look at those programs and the successes and  
16 the failures they've had before we begin down the path of  
17 even investigating an enhancement program for herring.

18 MR. TILLERY: Okay. All right. Well, I  
19 would -- again, I think Denby is probably the --  
20 Commissioner Lloyd is probably the appropriate person to  
21 comment on whether he believes the trustee council should  
22 be looking at the effectiveness of the hatchery program,  
23 the salmon hatchery program. But that's a very, I think  
24 going to be a very technically and politically difficult  
25 issue.

1                   MR. O'CONNOR: Is this part of the --  
2 what's coming out of the herring team? And I use that word  
3 loosely, but did they think it appropriate as part of the  
4 herring planning process and evaluation process to take a  
5 look at what has gone on in the salmon world as.....

6                   MR. BAFFREY: The Herring Steering  
7 Committee did. Gary Fandrei is on the Herring Steering  
8 Committee. He's Cook Inlet Aquaculture Association. He  
9 has made that comment that there's a lot to be gained from  
10 the lessons learned of salmon in Prince William Sound. Jim  
11 Fenton [sic] -- well, Winton, who's a USGS head down in  
12 Washington said that it would be irresponsible not to look  
13 at the lessons learned from salmon as we move forward with  
14 herring. There's many mistakes that were made, there were  
15 many innovative things that were done that helped them get  
16 to enhancement of both wild stock and commercial stocks.

17                   So we're just going -- the answer to your  
18 question, short answer would have been yes, yeah, that they  
19 have weighed in on this.

20                   MR. LLOYD: Larry, this is Denby. Michael,  
21 do you see the thrust of this as being a synthesis report  
22 of some sort or do you see a bit more, I guess, in-depth  
23 evaluation and actually going out and looking at each of  
24 the various hatchery programs and developing a hugely  
25 complex description of the system?

1                   MR. BAFFREY: This is a synthesis. It's  
2 annotated what worked, what didn't work.

3                   MR. O'CONNOR: I guess the question I've  
4 got is, can't we just call them up and ask them?

5                   MR. BAFFREY: Who do we call up?

6                   MR. O'CONNOR: The people with the state  
7 who have done the salmon enhancement work and say what  
8 worked, what didn't work, what were your problems and so  
9 on. Just learn by bringing a couple of these people to the  
10 -- to a meeting and talking to them about it. But I --  
11 just listening in the other day, was it Doug Hay, the  
12 fellow from Canada, who was talking about herring and  
13 simply said, let's not reinvent some of these wheels.  
14 We've already made some mistakes. Let's learn from those  
15 mistakes and move forward. We know the answers to some of  
16 these questions.

17                   An individual like that coming out of the  
18 state salmon enhancement program I would think would be  
19 able to just provide those kind of comments without us  
20 necessarily engaging in a full blown proposal process of  
21 the development of an assessment and reports and so on. I  
22 mean, it's -- this is the transfer of information, is  
23 really all we're looking for, I think.

24                   MR. BAFFREY: Doug Hay has recommended that  
25 we do this.

1                   MR. O'CONNOR: That we do a study or that  
2 we just get the answer?

3                   MR. BAFFREY: No, that we do -- we fund  
4 somebody to do exactly what you're talking about. And  
5 that's the whole scope of what we're asking for in this  
6 solicitation. It's basically a white paper. What Doug Hay  
7 did on herring enhancement, I'd like to see that done in  
8 terms of lessons learned from salmon. We don't know who to  
9 invite to the table, you know, and that's the -- and we  
10 don't know the scope of that. You know, does Atlantic  
11 salmon hatchery -- I know that they introduced disease  
12 there. I know down in Washington state some diseases were  
13 introduced to the wild stock. We don't want to do that to  
14 a depressed population of herring. We want to be able to  
15 build upon what they did successfully and not make the same  
16 mistakes.

17                   MR. O'CONNOR: Do you think it would be  
18 different than what we've -- what we're going to learn from  
19 -- or what you've already learned from the Japanese and  
20 their experiences and so on, and from the Canadians and  
21 their experiences, and.....

22                   MR. BAFFREY: I don't know the scope of  
23 that.

24                   MR. O'CONNOR: Yeah. Okay.

25                   MR. BAFFREY: The whole purpose is to find

1 out who could do this for us.

2 MR. O'CONNOR: I see.

3 COMMISSIONER HARTIG: Okay. Denby, do you  
4 have any follow-up questions on that?

5 MR. LLOYD: Well, no, I don't have any  
6 follow-up questions. And I'm not really sure what to think  
7 of this yet. I guess it's a reasonable question to ask  
8 whether we have on staff somebody who could more simply  
9 synthesis this type of information and present it to the  
10 council in the form of, you know, an information request  
11 kind of thing. I hesitate to offer that however for a  
12 couple of reasons. One is, I'm not sure there is a single  
13 individual that is qualified to do that let alone has the  
14 time. But also, the head of our hatchery permitting  
15 program has just retired and we're recruiting for the  
16 position and looking to rearrange our hatchery program  
17 staff. So we're not particularly well situated at the  
18 moment to address that information request, even it were to  
19 come forward.

20 On the other hand, I can see some of the  
21 value of what is being suggested here, assuming of course  
22 that responses to this request for proposals would  
23 recognize that really we are talking about a synthesis and  
24 maybe, you know, simply a month or a couple of -- of  
25 someone's time. And perhaps we would get a product at that

1 point for a small amount of money that would satisfy our  
2 request for information.

3                   COMMISSIONER HARTIG: Thank you. Okay,  
4 Michael, one question I have is on the timing of this. You  
5 know, we're getting this information to help in forming a  
6 decision on herring. It would come after the work group is  
7 done, but before the trustee's council would be making its  
8 decisions on what to fund as the next step. And so  
9 speaking of integration, you know, how do we take the -- I  
10 just worry as a trustee, and one that's not experienced  
11 with fisheries, somebody comes in and says, yeah, here is  
12 the problems with salmon enhancement, what does that tell  
13 me about how that relates to the recommendations we just  
14 got from the work group?

15                   MR. BAFFREY: Right. The integrated  
16 herring restoration plan that the work group is going to  
17 develop, that's going to be updated. That's a living  
18 document based upon our active management approach. It's --  
19 as soon as we get new information. And everyone -- these  
20 -- the annual workshops that we're going to be holding,  
21 it's going to be updated.

22                   COMMISSIONER HARTIG: So I get from that  
23 that the information that would come out of this salmon  
24 enhancement study would not be necessarily critical, you  
25 know, wouldn't be something that that group, the work group

1 would need, but it would be something that we'd want to at  
2 least check off on to make sure that we're not heading down  
3 a path that didn't work before.

4 MR. BAFFREY: Correct. There were several  
5 other questions, so.....

6 MS. BOERNER: I can -- I'll address the  
7 seabirds as well.

8 MR. BAFFREY: Okay. Integration.

9 MS. BOERNER: Yeah, the integrated seabird  
10 program, which was asked about. Over 30 percent of our  
11 injured resources and services list is seabirds. Seabirds  
12 or sea ducks. And today we have another petition in front  
13 of us to add another sea duck. Seabirds are not only  
14 indicators of -- have been a primary indicator of oil  
15 exposure with the harlequin duck and potentially with the  
16 Barrow's goldeneye, but they're also large predators of  
17 herring. So they're definitely very integrated with the  
18 herring program because we have to understand what they're  
19 taking out of the environment. They're also tied to the  
20 forage fish program, because we need to understand have  
21 they shifted to a different forage fish from herring and  
22 what impact is that having.

23 So I mean, these things, while they're  
24 separate here, they are intrinsically tied together. To  
25 kind of pull them apart is going to be a challenge. It

1 won't allow us to look at the ecosystem as a whole.

2 COMMISSIONER HARTIG: Okay. Any other  
3 responses to Catherine?

4 MR. O'CONNOR: This may sound glib but it's  
5 not. Is the problem with seabirds that we have failed to  
6 properly define the goal or what restoration might mean?  
7 And as I recall there was extensive discussion about that  
8 in the Integral report. And we may have failed simply  
9 because we inappropriately defined our -- the success. And  
10 I'm concerned that if that is true, that we will continue  
11 to spend money on projects that we really don't need to  
12 because we've accomplished the goal that we were required  
13 to accomplish under the law and the restoration plan. If  
14 we had properly defined that goal, which is to return to  
15 the condition the resource would be in today but for the  
16 impact of the spill. Have we created an insoluble  
17 situation for ourselves with regard to seabirds and sea  
18 ducks? Your learned opinion?

19 MS. BOERNER: That's a loaded question. In  
20 some cases we don't even have recovery objectives listed  
21 for some of these seabirds that we have on the injured  
22 resources and services list. Right there, that's kind of  
23 an issue onto itself. How can we ever say it's recovered  
24 when we don't even have a recovery objective for it.

25 In some cases, you know, and especially in

1 the case of sea ducks, they are still being exposed to  
2 lingering oil. There is still harm there. And I think  
3 there's still some question about whether or not that's  
4 having population level effects. Some birds, I know our  
5 researchers will tell us, as I'm sure they've told you,  
6 that there hasn't been -- the oiled areas and the unoiled  
7 areas still have not come into alignment yet. The unoiled  
8 areas are still having lower population counts than the  
9 oiled areas, which is the basis of a lot of the recovery  
10 objectives, is that that line started to converge again,  
11 where the oiled and unoiled areas were once again in  
12 alignment.

13 I mean obviously I'll have to defer to the  
14 seabirds experts but, you know, you almost have to take it  
15 bird by bird on the injured resources and services list.

16 MR. BAFFREY: One thing that is pretty  
17 universal is that we didn't have good baseline.....

18 MS. BOERNER: Right.

19 MR. BAFFREY: .....information. And it's  
20 really hard to base recovery objectives against a baseline  
21 when we didn't have it. And now that we're in a position,  
22 19, going on 20 years after the spill, clearly there's  
23 other factors in play that are affecting the recovery  
24 status of that. Looking in oiled/unoiled areas, as  
25 Catherine said. Looking at birds that are showing

1 indicators of exposure. That's -- those are tangibles.  
2 But if the recovery objective is based upon where we would  
3 have been had the spill not occurred and we didn't have the  
4 baseline to begin with, then you're correct. You know,  
5 it's a situation that's speculative at best.

6 COMMISSIONER HARTIG: Will these study of  
7 the birds be able to answer that question though, whether  
8 there are still effects from the spill?

9 MR. BAFFREY: Some of the ongoing ones are  
10 trying to address that, not only for harlequin ducks but  
11 also for Barrow's goldeneye.

12 COMMISSIONER HARTIG: Uh-huh.

13 MR. BAFFREY: The one that we recently --  
14 the recent lingering oil proposal that we just did. Most  
15 of the others are survey level studies looking at oiled and  
16 unoiled areas and population demographics.

17 And the integrated nearshore, that's -- the  
18 reason that we're promoting that -- that came out of our  
19 science group as well as from the public -- is that if the  
20 nearshore is a distinct ecosystem and it's true, and our  
21 restoration plan is based upon looking at the ecosystem,  
22 then that is -- that would be a study, a collective study,  
23 where seabirds would be a part of that. We have seabirds,  
24 harlequin ducks, black oystercatchers, are intertidal in  
25 their foraging habitat. Looking at that environment and

1 integrating seabirds into that along with other intertidal  
2 resources, clams, mussels, that are on our list, then that  
3 should give us an indication of what can be done at an  
4 ecosystem level.

5                   And we threw seabirds in there -- I threw  
6 seabirds in there from comments that I had heard from the  
7 public, from the PAC, from the Science Panel. My main  
8 reason for putting it in there as an integrated approach is  
9 that I'm frankly tired of seeing overlaps in state studies  
10 and in federal studies. Those guys collectively -- I'd  
11 like to see the PI's collectively making their -- be more  
12 efficient about the way that they do their studies. So by  
13 working together, I think that that could be done. And I  
14 think that would -- I know that would also give the trustee  
15 council a broader understanding of what the survey data is  
16 actually saying. That's where I was going with seabirds.  
17 My real focus was, on integration was herring and the  
18 nearshore, which it just made sense to me. The nearshore  
19 is a defined ecosystem based upon, you know, benthic  
20 habitat, sea grasses. It's right there -- it's primarily  
21 intertidal. What depends upon that intertidal ecosystem.  
22 And we've got several resources on the injured resources  
23 list that are in play there, all of which are recovering.

24                   MR. O'CONNOR: So what do you see coming  
25 out of this in the end then for our benefit?

1                   MR. BAFFREY: A little more specific,  
2 please. Of the whole invitation?

3                   MR. O'CONNOR: No, on the seabird effort.  
4 We want projects that will provide an integrated program  
5 that will include research monitoring and direct  
6 restoration activity.

7                   MR. BAFFREY: I'd like to see one project  
8 coordinator coordinate seabird activities, is what I would  
9 like to see, to maximize the efficiency of NOAA and the  
10 science but the logistics that go into those studies and to  
11 have their eye on restoration that -- going into the  
12 studies and also coming out of it to give us what we need  
13 to restore the injured resources that fall into the seabird  
14 and sea duck category.

15                  MS. BOERNER: And also to develop a  
16 community involvement program for the seabirds. Seabirds  
17 are a wonderful opportunity for the communities to  
18 meaningfully and truly be involved with the researchers.  
19 There's definitely on the ground work that they can be  
20 doing alongside the researchers to help and to help share  
21 that kind of local and traditional information with the  
22 seabird scientists.

23                  MR. NEIDIG: Catherine, I'm little bit  
24 fuzzy on that. What exactly does that mean? Does that  
25 mean they go out with the scientists and they -- I'm sorry,

1 Mr. Chairman.

2 COMMISSIONER HARTIG: No, go ahead.

3 MR. NEIDIG: Do they go out with the  
4 scientists and give them the traditional knowledge and say  
5 well this is where we've seen birds before. We're not  
6 seeing them since the spill. What is it -- how does that  
7 equate out and why is that a huge benefit?

8 MS. BOERNER: I mean, they can do that.  
9 The people in the Sound are intimately familiar with the  
10 birds in the Sound. I know that there's been experience in  
11 the spill area with bird counts utilizing local communities  
12 for that. They can -- that's something that they can  
13 assist the researchers.

14 It's cost effective and it's also useful to  
15 the community. Something as simple as helping to build  
16 nest boxes, helping to identify where birds were and aren't  
17 now. To try to better integrate that knowledge that they  
18 contain with what the researchers know today.

19 MR. BAFFREY: They can also do.....

20 MS. BOERNER: It helps to.....

21 MR. BAFFREY: In terms of capacity  
22 building, which you know I've weighted heavily, I mean, in  
23 terms of surveys, why not have locals do the surveys?

24 MR. NEIDIG: Follow-up.

25 COMMISSIONER HARTIG: Hans.

1                   MR. NEIDIG: Somewhat related, I guess I'm  
2 trying to figure out, and you probably went through it and  
3 I apologize. As I read through here I am sometimes  
4 distracted. But we're -- I guess I have a concern about  
5 integration. Integrated or integration. Because we're  
6 talking about an integrated seabird program, but then we're  
7 talking about that being kind of a fundamental part of the  
8 nearshore integration program. So then how do we match up  
9 the two and have the coordination between them? I mean,  
10 what's the connection there? Shouldn't it almost be a  
11 subset of the other and wouldn't that be kind of -- the  
12 integrated nearshore program seems to me it could be the  
13 overlying program, and of course birds are a part of that.

14                   MR. BAFFREY: Right. Not all seabirds are  
15 in the intertidal.....

16                   MR. NEIDIG: Oh, sure they are, Michael.  
17 Come on.

18                   MR. BAFFREY: Just the ones that you hunt,  
19 Hans, right, you're talking about?

20                   MR. NEIDIG: Let's not bring that into  
21 this.

22                   MR. BAFFREY: Sure. So, but that's the  
23 reason. If they are, then they certainly should be a part  
24 of the nearshore program.

25                   MR. NEIDIG: Okay.

1 COMMISSIONER HARTIG: Okay. We have a  
2 motion on the -- and.....

3 MR. BAFFREY: Can I make one.....

4 MR. O'CONNOR: Yeah, well I'd like to hear  
5 the rest of the answers.

6 MR. BAFFREY: One -- yeah, I'd like to --  
7 I'll try to figure out what the rest of the questions were.  
8 The reason for the pre-proposal process is to get a list of  
9 what we can look at without a potential PI expending a huge  
10 amount of effort, give us what you think falls into these  
11 categories. I disagree with Craig Tillery's assessment  
12 that this is a broad approach. It's very specific for the  
13 topics that we talked about during the retreat and said  
14 these are areas that we want to focus on. That granted  
15 regarding -- I'm hopeful we'll get a whole suite of pre-  
16 proposals that will allow us to make some hard decisions on  
17 where we want to go, how we want to prioritize the request  
18 for full proposals.

19 A question has been raised, if you were a  
20 potential PI submitting a pre-proposal and you responded or  
21 even ranked highly, then where would that -- where would  
22 the red-face test if in fact it was not funded? You need  
23 to make hard decisions regarding proposals. You need to  
24 make hard decisions about restoration. You've committed to  
25 doing that. Your statement about where you want to go

1 collectively into the future talks about that. So this is  
2 an invitation that says okay, this is -- these are the  
3 thoughts of the trustee council. Help us, formulate what  
4 this means. Do it as a pre-proposal stage, go back to  
5 these individuals and say, this is great, we need you to  
6 focus on this, we need you to work with this group and  
7 develop a goal proposal.

8                   We're there. It's a shift in directions.  
9 It's tough for the PI's. We had quite a bit of push-back  
10 from the PI's initially at the Cordova workshop. By the  
11 end of that workshop, people understood the value of  
12 integration. You were sitting there, you heard them say  
13 this. So scientists, fishermen, community members, they  
14 were all working together. And scientists were working  
15 together and understood the integration process.

16                   So it's a huge suite of potential  
17 activities. I understand that. We will make that cut in  
18 the pre-proposal process. We collectively. You'll get  
19 advice from the scientists and restoration working group.  
20 You'll get from the PAC, you'll get it from your liaisons.  
21 You'll get advice from the Herring Steering Committee.  
22 You'll get it from us. We, you know, we'll collectively  
23 work through this process and move this whole restoration  
24 program forward.

25                   COMMISSIONER HARTIG: Well, any other

1 council members have comments?

2 MR. TILLERY: Well, I appreciate that  
3 Michael doesn't think this is broad, but I can't figure out  
4 what's narrow about the council seeks proposals that will  
5 provide information or opportunities for direct restoration  
6 of the injured resources and services contained in the 2006  
7 update to the injured resources and services list.

8 MS. BOERNER: Let.....

9 MR. BAFFREY: Let me take this one.

10 MS. BOERNER: All right. Go ahead.

11 MR. BAFFREY: The reason being is for every  
12 invitation we have a catch-all category. That if you've  
13 got a better idea, give it to us. So that's what -- I  
14 can't imagine there being other ideas. And you're right,  
15 it's broad in terms of activities but it's focused in terms  
16 of what we want. That category is in there much the way  
17 we've done business in the past. Tell us what you think we  
18 need and we'll consider it. The whole focus of this  
19 invitation is we're telling you what we want, now tell us  
20 how to get there.

21 MS. BOERNER: It was a direct response to  
22 some folks being concerned that we were restraining new  
23 ideas or innovation with the list -- you know, with the  
24 groupings that we have. I mean, we do have an injured  
25 resources and services list and there are some things that

1 are included in the rest of the invitation, so.....

2 MR. TILLERY: Well, I don't actually -- I  
3 mean, having a broad invitation is certainly a viable  
4 approach. I mean, that's one way to do it. I disagree  
5 with the characterization that this is not a broad  
6 invitation because it's absolutely wide open under the  
7 terms of the invitation to anything anybody would ask  
8 that's legally permissible to use the settlement monies  
9 for.

10 MR. BAFFREY: Uh-huh. All right. I agree  
11 with you.

12 MR. O'CONNOR: Mr. Chairman, I would like  
13 to propose a break while I have an opportunity to cogitate.  
14 I'm not prepared to vote at this point. I'd like to walk  
15 back through this based upon the comments that we've heard  
16 and sort of think about what we're doing.

17 MR. TILLERY: Mr. Chairman.

18 MR. O'CONNOR: Also, I guess I have a -- I  
19 understand the motivation on pre-proposal and start to  
20 define the universe of relevancy and interest on our part.  
21 I also have heard rumblings among the scientific community  
22 that this is a big, hard effort to do pre-proposals and  
23 then proposals and on and on and there seems to be a waning  
24 interest in the scientific community in participating in  
25 Exxon activities. I'm assuming part of that is because

1 some of these folks may have other funding, you know, so  
2 they don't have to come here. But at the same time -- you  
3 know, and I will harken back to my earlier comments, I  
4 think that there is an elegance and a relevance to a  
5 clearly defined, focused proposal or invitation for  
6 proposals that hopefully will energize the response  
7 process.

8                   So -- but I would like to take a few  
9 minutes to think about it, because I think this is our  
10 first big step, following on our articulation of our goals,  
11 our vision, whatever it might be. And I want to be sure  
12 that I feel comfortable with the way we're doing it. So I  
13 would like to have a chance to sort of ruminate at this  
14 point and talk to my liaison particularly.

15                   COMMISSIONER HARTIG: Let's see, before  
16 we.....

17                   MR. BAFFREY: I would also -- if I could  
18 react to that real quickly, is that we've expanded our  
19 mailing list by over 2000.

20                   MR. O'CONNOR: Well I'm going to put in a  
21 proposal on a couple of these too.

22                   MR. BAFFREY: Good.

23                   MR. O'CONNOR: Yeah.

24                   COMMISSIONER HARTIG: Before we take a  
25 break here, any other comments? Craig.

1                   MR. TILLERY: Yeah, I just -- before Mr.  
2 O'Connor cogitates, I -- why the -- the one thing that's  
3 really specific, besides hatcheries, is this  
4 mesozooplankton. Why is that singled out as -- you're  
5 almost asking for a particular project as it appears to me  
6 on that one as opposed to more -- something more general.  
7 Why is that one in here like this? Is.....

8                   MR. BAFFREY: Do you want me to start?

9                   MS. BOERNER: Okay.

10                  MR. TILLERY: Somehow the need must have  
11 come up. Somebody must have said we really need this.

12                  MR. BAFFREY: The need came up from our  
13 efforts over the past couple of years since I've been here  
14 to how we incorporate oceanographic studies into the  
15 restoration program. And there's been -- there was a real  
16 struggle -- and you heard it, because you were in the room  
17 along with the rest of it. When the question was asked,  
18 how does continuous plankton recording get us to  
19 restoration. And there was a lot of people who fumbled  
20 over an answer to that. And I've been thinking about that  
21 over the past year and a half. That if we're really taking  
22 an ecosystem approach and we're looking at the energy  
23 transfer to the lower trophic to the upper trophic where  
24 herring is right in the middle, and other forage fish are  
25 right in the middle. But at the bottom, critical to all of

1 that is zooplankton. And they need -- we need to  
2 understand that component. We need to understand the  
3 health of that trophic level. That's what this is to  
4 address.

5 MR. TILLERY: And did that come from the  
6 science.....

7 MR. BAFFREY: Yes.

8 MR. TILLERY: .....group?

9 MR. BAFFREY: From the herring people, we  
10 heard it repeatedly. We heard it in Cordova over and over  
11 and over again. The importance if we don't understand  
12 that, the larva, the success of the larva, how are we ever  
13 going to get to recruitment if in fact we don't have  
14 success at the larval stage, dependent upon the  
15 zooplankton.

16 MR. TILLERY: So this again, again, I think  
17 like your proposed hatchery thing, is really or can be  
18 characterized as simply part of an integrated herring  
19 program.

20 MR. BAFFREY: Absolutely. And proposals  
21 that we -- the pre-proposals that were received against  
22 that will be incorporated into an integrated approach for  
23 herring.

24 COMMISSIONER HARTIG: Okay. How long,  
25 Craig?

1                   MR. O'CONNOR: Well, I guess what I would  
2 propose is we table the motion until we come to the end of  
3 our agenda and then bring it back up rather than delaying  
4 the process.

5                   COMMISSIONER HARTIG: Okay.

6                   MR. O'CONNOR: Go -- we've got a couple of  
7 other things to address. Barrow's goldeneyes, the 20-year  
8 update. If we can just defer voting on this motion till  
9 the end, I'll have a chance to take a -- maybe we can take  
10 a break then or maybe we'll have lunch during the course of  
11 that.

12                  COMMISSIONER HARTIG: Or we could take a  
13 lunch break and come back if we need to.

14                  MR. O'CONNOR: That would be -- I'm  
15 assuming we had lunch planned for today.

16                  MR. BAFFREY: No.

17                  UNIDENTIFIED SPEAKERS: No.

18                  MR. BAFFREY: No, this is supposed to be a  
19 teleconference. I am pleased that you showed up, but  
20 you're on your own for lunch.

21                  MR. ZEMKE: We were supposed to be done by  
22 noon, remember?

23                  MR. O'CONNOR: I'm.....

24                  UNIDENTIFIED SPEAKER: 1:30.

25                  MR. O'CONNOR: I'm going for that

1 zooplankton sandwich at Subway.

2 MR. BAFFREY: You're going to get it.

3 MR. O'CONNOR: Yeah. Oh, yeah. They're at  
4 the top of my list.

5 COMMISSIONER HARTIG: Okay. Well, let's  
6 push through because I have a lunch engagement at noon that  
7 I'd like to make and then if we have to convene after that,  
8 that's fine. Okay. So we'll move on.

9 If that's okay, we'll table the motion that  
10 we have right now and then move on to the agenda and then  
11 come back to the '09 solicitation. A communication  
12 planning update.

13 MR. BAFFREY: Let me introduce you to  
14 Rebecca Talbott. She is on IPA agreement from the Forest  
15 Service over here. I don't know if we've got it officially  
16 signed yet or not, but she's working and she's leading up  
17 our outreach and community involvement efforts. So.....

18 MS. TALBOTT: Great. It's a pleasure to  
19 meet you all at last. I've been here for about a month  
20 full time, so proverbial drinking from the fire hose of  
21 learning, trying to catch up on everything that's been done  
22 over the last 19 years in communication and outreach. One  
23 kind of -- and I guess we just dive in, right?

24 MR. BAFFREY: Uh-huh.

25 MS. TALBOTT: So one thing I've realized

1 looking through the past history is that throughout the  
2 history of the trustee council, the emphasis you've place  
3 on public involvement and community involvement throughout  
4 all aspects. So with that in mind, of course approaching  
5 what we would do in support of commemoration of the 20th  
6 year. My first step has been to go out and talk to folks  
7 and find out what it would be, what would have meaning or  
8 value to them. People in communities, Native villages, and  
9 a lot of our community partners. So that's been kind of  
10 the big focus, the start, is to go out and talk with folks.  
11 I think last week I met with Sheri Burette with Chugach  
12 Alaska and Mitch Close (ph) with Chenega, and I think the  
13 result of that has been really positive, not just from them  
14 but from other community partners, that we would take the  
15 time first to ask and find out what would have value to  
16 them before we would start putting together say a full-on  
17 communication plan, which is why I'm not presenting that to  
18 you today. Because to have a full communication plan with  
19 actions and specific items that didn't reflect those  
20 interests probably would -- I thought probably would be a  
21 non-starter with you guys.

22                   So I could go through a list of some of the  
23 folks we've talked to. We've sent out a list or email to  
24 PAC members and I've talked to several individual PAC  
25 members. And I'm looking forward to follow-up with more of

1 them. Some folks who were on the phone earlier today and  
2 might still be on the phone. Agency liaisons. Looking  
3 forward to those contacts as well as other people within  
4 some of the specific agencies I think that have been very  
5 involved with spill activities since the spill. I think  
6 that can help us also in shaping what the stories are, what  
7 they think are the really important things that we  
8 communicate during this 20th year.

9                   Also talked to many of our community  
10 partners. I talked with Nancy Bird briefly in Cordova.  
11 Cathy Sherman. I've got a list of folks that we're  
12 connecting with. The SeaLife Center, other key partners.  
13 Part of the question is talking to them not only about what  
14 they think we should be talking about and some of the --  
15 what are the really key lessons learned, implications for  
16 their futures, but different opportunities, different  
17 strategies we might use. Whether that's written  
18 communication products, like the notebook series that the  
19 trustee council used to do or enhancing the use of our  
20 website, partnering with other organizations and  
21 communities, with their sites. Other communication  
22 strategies. Let me go through a list.

23                   Talking also about formal education,  
24 partnering with existing organizations that are developing  
25 curriculum. Working with organizations that are putting on

1 teacher training. Other kind of in school and then out of  
2 school opportunities. Two other kind of key things, of  
3 course with Alaska Forum on the Environment. Next year  
4 they're looking to put a focus track together on EVOS  
5 related programs and events. Lessons learned. And right  
6 now working on a committee to kind of really flesh out what  
7 that should be. What those key aspects of the work of the  
8 trustee council has done that people are most interested in  
9 hearing about.

10                   One piece with that is they're really  
11 interested in having one of the key notes during the event  
12 be related to the oil spill. So looking for suggestions or  
13 input on that. They'd also offer to the trustee council an  
14 opportunity to meet there and hopefully even participate  
15 during that forum.

16                   And kind of a last piece that I think we're  
17 fairly well committed to is on March 24th we know that in  
18 communities there is considerable interest in doing  
19 something in their own communities. And I think that's  
20 quite extensive. You have the community of Seldovia  
21 wanting to do something in their community. Homer.  
22 Separate from that community. And I understand there's  
23 interest from the trustee council, hopefully, in actually  
24 helping to either support or participate in those events at  
25 some time.

1                               That's probably a little loose of a layout,  
2 but just generally casting a wide net on what kind of  
3 things we would want to participate in or support or  
4 products developed. Asking for feedback from folks and  
5 initially starting to get back some pretty strong  
6 responses. And looking also for a time to maybe connect  
7 with each of you individually with Michael and get a  
8 further kind of sensing of what your interests might be and  
9 where else you think we might want to go.

10                              MR. BAFFREY: That's a lot of work for a  
11 month. I thank you.

12                              MS. TALBOTT: That's a mouthful.

13                              MR. O'CONNOR: Well, Joe suggested that you  
14 walk on water and apparently you know where the rocks are  
15 at least so far, so good.

16                              COMMISSIONER HARTIG: Okay. Well, thanks,  
17 Rebecca.

18                              MS. TALBOTT: Great.

19                              COMMISSIONER HARTIG: Good to have you  
20 here.

21                              MS. TALBOTT: Look forward to the next  
22 council meeting, hopefully, if you do have one in June or  
23 sooner. Maybe having a little bit more substance to kind  
24 of report back out on. So great.

25                              MR. O'CONNOR: You look forward to these?

1 You haven't been long enough.

2 COMMISSIONER HARTIG: Okay. Thank you.

3 Should we go on to Barrow's goldeneyes?

4 MR. BAFFREY: Sure. Catherine.

5 MS. BOERNER: In your packet you'll see  
6 Fish and Wildlife Service has put forward a recommendation  
7 or a petition to add Barrow's goldeneyes to our injured  
8 resources and services list. Not necessarily based on  
9 population level effects but based on the potential  
10 continuing exposure to lingering oil.

11 MR. BAFFREY: And I understand -- David,  
12 are you online?

13 MS. BOERNER: Or Jennifer.

14 MS. KOLHOUT: David's online and I am as  
15 well.

16 MS. BOERNER: I was going to say Jennifer.  
17 Yeah.

18 MS. KOHOUT: Jennifer Kolhout.

19 MR. BAFFREY: Okay.

20 MR. IRONS: This is Dave Irons. I'm here.

21 MR. BAFFREY: Okay.

22 MS. BOERNER: Yes, that's one.

23 (Pause)

24 MS. KOHOUT: Catherine, were you going to  
25 say any more or is that it?

1 MS. BOERNER: That's about it. Please, if  
2 you want to add.....

3 MR. O'CONNOR: What is it we're supposed to  
4 doing?

5 MS. KOHOUT: I think I want to offer just a  
6 little bit more background, if that's all right.

7 MR. TILLERY: Mr. Chairman.

8 MR. O'CONNOR: Yeah, I mean is it.....

9 MS. BOERNER: One moment.

10 MR. O'CONNOR: Are we.....

11 MS. BOERNER: They want the bird added to  
12 our injured resources and services list -- or the sea duck,  
13 excuse me.

14 MR. O'CONNOR: Haven't we been here before?

15 MR. BAFFREY: Yes.

16 MS. BOERNER: Yes.

17 MR. O'CONNOR: And what did we do then? We  
18 said no.

19 MR. BAFFREY: You said no.

20 MS. KOHOUT: Craig, can I offer a little  
21 bit of background then I can fill you in on that?

22 MR. O'CONNOR: Please.

23 MS. KOHOUT: Okay. The gist is that last  
24 year the Science Panel met to update the injured resource  
25 list and during the discussion inclusion of the Barrow's

1 goldeneye was discussed and considered. The Barrow's  
2 goldeneye is a sea duck. It's endemic to North America and  
3 the majority of the population winters on the west coast.  
4 There's a large wintering population in Prince William  
5 Sound.

6                   We don't know how many birds were killed by  
7 the spill but 25 percent of the bird carcasses that were  
8 collected after the spill were sea ducks and that based on  
9 the numbers of Barrow's goldeneye in the Sound at the time  
10 were estimated probably in the thousands of the numbers  
11 killed. So in 1998, Dan Esler undertook a project to look  
12 at the recovery status of Barrow's goldeneye. They weren't  
13 on the list but he wanted to take a look to see whether  
14 they should be included. And what he found was at the time  
15 the population trends in the oil versus the unoiled  
16 differed in that you had a flat trend in oiled areas but an  
17 increase in population trend in unoiled areas. He also  
18 found that through 1997, the Barrow's goldeneye in oiled  
19 areas were still showing elevated cytochrome P450, so they  
20 were still being exposed to the oil. But at the time the  
21 density of the birds in oiled versus unoiled areas was  
22 pretty similar. But based on the weight of the evidence  
23 the goldeneyes weren't proposed for inclusion on the list.  
24 But they did recommend a couple of things, one of which was  
25 to continue monitoring the oil exposure and also to

1 continue monitoring the population levels.

2                   So what's happened today is that the  
3 population trends are both now flat. The oiled areas have  
4 continued to stay flat. The unoiled areas are now flat as  
5 well. But the most recent test of P450 in the goldeneyes,  
6 which occurred in 2005, showed that the birds were still  
7 being exposed to Exxon oil. So based on that ongoing oil  
8 exposure and also what we've learned about persistence of  
9 toxicity of the lingering oil, we're proposing that it be  
10 included on the list.

11                   Now I have one more thing to add and that's  
12 in Dan Esler's proposal that you've got in front of you he  
13 talks about nest losses as being a potential species  
14 specific restoration effort that the trustees might  
15 undertake. I think there's some diverging viewpoints on  
16 the likelihood of success of that kind of project, but from  
17 our perspective, we think that the Barrow's goldeneye are  
18 another key indicator in understanding and also addressing  
19 the effects of lingering oil on the intertidal resources.

20                   And so for that reason, it's important to  
21 either include them on the list or at least continue to  
22 support ongoing monitoring of them, whether that happens in  
23 the context of broader studies, like the seabird, Dave  
24 Irons' seabird population studies or the study that Michael  
25 mentioned, or was in that type of independently -- it

1 doesn't matter, it's just that we think it's important to  
2 keep an eye on them and for the trustees to acknowledge  
3 that that's important. That's it.

4 COMMISSIONER HARTIG: Okay. Thank you.  
5 Craig Tillery.

6 MR. TILLERY: Mr. Chairman. What would be  
7 the recovery objective?

8 MS. KOHOUT: Dave, do you want to speak to  
9 that? You know, as with other of the marine birds,  
10 particularly the sea ducks, you've got a combination of  
11 population component and then a component that states, you  
12 know, recovery happens when the bird is no longer showing  
13 elevated P450 in oiled areas. But Dave could speak better  
14 to the population trend component.

15 MR. IRONS: Well, as far as recovery  
16 objectives, it's always a slippery slope on defining these.  
17 The P450 is a fairly clear one and easy to define, whether  
18 it's significant or not. So that could certainly be one.

19 As far as the population level, recovery  
20 objective is more difficult and I am not sure right now  
21 what the harlequin duck, our recovery objective is. I'd  
22 have to review that and look at that but it could probably  
23 be similar to whatever we've set for harlequin ducks as far  
24 as a population recovery objective.

25 MR. TILLERY: Mr. Chairman.

1 COMMISSIONER HARTIG: Yeah, Craig.

2 MR. TILLERY: I don't disagree that the  
3 Barrow's goldeneye was injured and I don't disagree that it  
4 continues to show some signs of problems, but we have had  
5 such a problem with this. It seems to me that if we add a  
6 species to this injured resource list, it ought to come in  
7 as a package. In other words, you ought to take sort of  
8 what we do with some on the injured species list, which is  
9 you want to have, it describe the problem, you describe a  
10 recovery objective, and so forth. And the whole thing  
11 ought to come in kind of as a package.

12 I'm otherwise concerned that, okay, you add  
13 this bird to the list and it's very incomplete. You don't  
14 say what's going to get it off the list or what is going to  
15 be the recovery. So I tend to think it shouldn't be done  
16 piecemeal but it should come in just sort of as an  
17 integrated package to the injured species list.

18 COMMISSIONER HARTIG: Are there comments or  
19 suggestions here?

20 MR. O'CONNOR: Other than nesting boxes and  
21 the -- I guess the significance here is the CYP1A levels  
22 that we're seeing consistent or at least arguably  
23 consistent with what we're seeing in the harlequin ducks.  
24 I would assume that if the real focus here is CYP1A, it's a  
25 lingering oil issue. Would there be more to do with regard

1 to Barrow's goldeneye and the impact of lingering oil on  
2 them that we wouldn't otherwise be accomplishing, hopefully  
3 looking at the impact on harlequin ducks. And if we're  
4 going to remediate the lingering oil and hopefully its  
5 impact on harlequins, won't we have accomplished the same  
6 thing with regard to Barrow's goldeneye?

7 MS. KOHOUT: Craig, it's a little tough to  
8 hear you but from what I understood of your question, I  
9 mean, it -- are you saying is this giving you any different  
10 information in terms of the.....

11 MR. O'CONNOR: No, what I'm saying is if  
12 I'm going to fix the problem for harlequins through my  
13 lingering oil efforts, aren't I going to fix the same  
14 problems for the Barrow's goldeneye?

15 MS. KOHOUT: Well, you certainly hope so.  
16 I mean, they are both sea ducks. Their diets are slightly  
17 different. Dave maybe can speak to those foraging habits,  
18 if those are different. So you're getting a slightly  
19 different picture of what's happening in the intertidal  
20 zone when you're testing one for CYP1A versus the other.

21 MR. O'CONNOR: How do they forage? What is  
22 the distinct characteristic? I mean, harlequins go in and  
23 turn over rocks, that sort of thing, get clams or whatever  
24 out of the intertidal. That seems to be their general  
25 foraging approach. What is -- and I apologize if I -- if

1 it was in this write-up I missed it. What is the -- how do  
2 the Barrow's goldeneye forage?

3 MR. IRONS: The Barrow's eat more mussels  
4 than harlequin ducks. The blue mussel. The diet is mostly  
5 blue mussels in Prince William Sound. Harlequin ducks eat  
6 a lot more snails and other diverse invertebrates and so  
7 on. But as far as your point, if you recover -- I mean, if  
8 you do what's good for the harlequin duck, should also be  
9 good for the Barrow's goldeneye pretty much, as far as, you  
10 know, lack of oil in the environment.

11 MR. O'CONNOR: And that generally is see --  
12 in your opinion at least at this point, that is the problem  
13 for Barrow's goldeneye, is continuing exposure to oil?  
14 Nothing else?

15 MR. IRONS: This is Dave Irons again. As  
16 far as, you know, we don't have data to show that the  
17 elevated levels of P450 is causing a population decline.  
18 And so we can't say that. It's -- Barrow's goldeneye has  
19 been showing, you know, effects of oil for many, many years  
20 now and so it's -- you know, it's side-by-side with the  
21 harlequin duck and it's just never been added to the list.  
22 But -- and now it's, you know, time to talk about it.

23 MS. KOHOUT: You know, I guess, you know,  
24 in terms of the population issues too, you know, that  
25 question came up during the discussion of the invitation

1 and the -- you know, Dave, ever since the spill, has been  
2 looking at the trends in oiled versus unoiled areas. And  
3 this is one species where, you know, we don't necessarily  
4 know what happened before the spill but, you know, based  
5 upon the survey work after the spill, the numbers actually  
6 are less than the numbers that he recorded after the spill.  
7 And he's never seen an increase in the oiled area that  
8 would suggest any kind of a recovery in that oiled area  
9 vis-a-vis the unoiled area. So I guess I -- you know,  
10 there are ways to try and get a feel for whether recovery  
11 has happened among rain birds, which include both seabirds  
12 and sea ducks.

13 MR. BAFFREY: We are currently studying  
14 Barrow's goldeneye as part of the lingering oil study, so  
15 that's one of the -- that study that we originally -- you  
16 originally approved has five species, harlequin ducks,  
17 Barrow's goldeneye, sea otters and two fish species. So --  
18 and I support Jennifer's request that we should continue  
19 looking at them. We didn't know what the baseline was  
20 then, if getting it back to where it would be today would  
21 be a real challenge. And if what we do for harlequin, as  
22 David said, benefits Barrow's goldeneye, then my  
23 recommendation would be to continue to include it in  
24 further studies where it's applicable, especially the  
25 nearshore, if we do anything related to nearshore as one of

1 the species.

2 Monitoring, it could well be one of the  
3 indicator species that would be -- we would look at in a  
4 monitoring program.

5 COMMISSIONER HARTIG: Well, I haven't heard  
6 anything inconsistent with that, but I also haven't heard a  
7 motion. So I think that we can move on, unless somebody  
8 wants to make a motion and I think you've captured what I  
9 heard pretty well there, Michael.

10 MR. TILLERY: Mr. Chairman. I think that  
11 whether we can or can't do anything that's different than  
12 what we're doing now isn't sort of the deciding factor in  
13 whether you add something to the injured species list. I  
14 think the injured species list is sort of a record of the  
15 spill and clearly not all injured species are on that list.  
16 I mean, there's probably hundreds of them that aren't, but  
17 there are some that rise with certain level of importance  
18 and they end up on the list. And to my way of thinking,  
19 this sea duck is probably one of them. I just think that --  
20 and I would probably tend to support adding it the list,  
21 but I think that before we add something to the list, we  
22 should have with it the -- what our objective is for  
23 restoration and what would constitute recovery. Otherwise  
24 we might again end up with a species where we simply say we  
25 don't know. And yeah, we don't have a very good baseline

1 but we've dealt with that in other species where we have an  
2 unoiled versus oiled area kind of a thing, but I haven't  
3 heard anybody definitively say what it is. I'm pretty sure  
4 the exposure to CYP1A isn't it. But I think somebody needs  
5 to think through the whole thing before we would add it,  
6 would be my view.

7 MR. NEIDIG: So perhaps we should -- I  
8 would propose that we just defer until the next meeting and  
9 perhaps Fish and Wildlife Service could develop a recovery  
10 objective for us in the package that Craig is discussing  
11 right now.

12 COMMISSIONER HARTIG: And the other thing I  
13 heard that I think would be helpful is if there's something  
14 we should be doing differently for the recovery of the  
15 Barrow's goldeneye, then the harlequin duck, we'd like to  
16 know that. If there's something -- some reason to  
17 distinguish them. Okay.

18 MR. O'CONNOR: Yeah, I'm in support of what  
19 Craig's suggesting here.

20 COMMISSIONER HARTIG: So we haven't turned  
21 it down. We want more information and we'll continue to  
22 look at it and continue to want to monitor and keep them in  
23 mind.....

24 MR. BAFFREY: Okay.

25 COMMISSIONER HARTIG: .....with the other

1 studies. Okay. Now we're getting pretty close to the noon  
2 hour and the question is, is do we want to try to wrap up  
3 in the next five minutes or so or do we want to go to  
4 lunch, then come back and spend whatever time it takes to  
5 finish up on the two remaining agenda items, and those are  
6 the '09 solicitation and then the executive session?

7 MR. O'CONNOR: I would like to address them  
8 when we come back from lunch.

9 COMMISSIONER HARTIG: Okay.

10 MR. NEIDIG: I think that's probably the  
11 prudent thing to do at this point.

12 COMMISSIONER HARTIG: Good.

13 MR. LLOYD: Well, Mr. Chairman, I have a  
14 previous engagement that takes up all afternoon. I suppose  
15 I can delay some of that, but do we have an idea how long  
16 we're going to be if we come back after lunch?

17 COMMISSIONER HARTIG: I don't. Does  
18 anybody want to take a stab at that? I mean, I'm ready to  
19 vote. I don't need to cogitate anymore about that. I  
20 don't want to speak for others here, I want to give them  
21 time.

22 MR. O'CONNOR: An hour to cover both the  
23 executive session and the.....

24 COMMISSIONER HARTIG: Is there a time that  
25 would be better to reconvene for you, Denby?

1 MR. LLOYD: Well, no, today is pretty  
2 booked, but I guess if people are looking to come back at  
3 12:30 or a quarter to 1:00 and make sure.....

4 COMMISSIONER HARTIG: No, I got a.....

5 MR. LLOYD: .....an hour.

6 COMMISSIONER HARTIG: .....lunch meeting  
7 myself and I expected I wouldn't be back till 1:15. And  
8 that's probably pushing it.

9 MR. LLOYD: And so going to 2:15?

10 COMMISSIONER HARTIG: Yeah, would that  
11 work?

12 MR. LLOYD: Not very well, but I guess if  
13 that's the only option we have, let's do it. I'm sorry,  
14 Mr. Chairman, I'm not yet hanging there -- is that our  
15 plan?

16 COMMISSIONER HARTIG: Well, let's see.....

17 MR. LLOYD: Reconvening at 1:15 and  
18 hopefully be done by 2:15?

19 COMMISSIONER HARTIG: Okay. You might want  
20 to shoot for that, 1:15 we'll be back and then do people  
21 use the same call-in number I take it?

22 MR. BAFFREY: Correct.

23 UNIDENTIFIED SPEAKER: Uh-huh. Yes.

24 COMMISSIONER HARTIG: Okay. So use the  
25 same call-in number that you used before and we'll

1 reconvene at 1:15. Thanks everyone. Goodbye.

2 (Off record - 11:50 a.m.)

3 (On record - 1:25 p.m.)

4 COMMISSIONER HARTIG: Denby, this is Larry,  
5 we're back in business I guess. We'll start the meeting up  
6 again.

7 MR. LLOYD: Okay.

8 COMMISSIONER HARTIG: Okay. Should we go  
9 back to the FY-09 invitation for proposals. We left it, we  
10 had a motion on the table. We were discussing it. I  
11 didn't know if people wanted to have more discussion before  
12 calling the question.

13 MR. O'CONNOR: I'm -- I cogitated enough.  
14 I'm going to defer to my colleague from the state who seems  
15 to have the greatest of brilliance on this subject.

16 COMMISSIONER HARTIG: The other Craig.

17 MR. TILLERY: Wow.

18 COMMISSIONER HARTIG: He's not -- obviously  
19 not referring to Denby or me.

20 (Laughter)

21 COMMISSIONER HARTIG: Sorry, Denby.

22 MR. TILLERY: Mr. Chairman, in looking at  
23 this, it -- I have concerns with the way the invitation is  
24 currently drafted but I think we do have to be cognizant of  
25 the need to move it along fairly quickly. And my

1 suggestion -- and I'll just -- maybe I should just say a  
2 couple of things -- problems I see is that I think the  
3 community involvement stuff needs to be a section really of  
4 more general applicability to all the things rather than  
5 sort of a stand alone request for projects. It seems to me  
6 that the idea of the salmon enhancement is really a very  
7 kind of small subset of the -- but it's still part of the  
8 herring and that should be in what this herring group is  
9 going to be looking at. I don't see the urgency of putting  
10 that one out there now. Some of the things like the birds  
11 and stuff appeared to be -- and other things appeared to  
12 have to do with herring, they might be part of an  
13 integrated project.

14                   Generally, and I actually had -- I don't  
15 think that the habitat protection one should be here at  
16 all. So I have some concerns about the way it is drafted  
17 now, but I believe that we could fairly quickly turn it  
18 into something that at least from my perspective would  
19 work. And my suggestion would be that we just have some of  
20 the council members and liaisons get together with the  
21 trustee council staff over the next week or so and put  
22 together another draft of this and maybe try to get back  
23 together in about two weeks, if that's not being too  
24 ambitious, to come back with a somewhat different draft of  
25 that.

1                   And also at the same time perhaps we could  
2 have a final on the microcosm study and we could bring  
3 those both back in front of the council and we could a --  
4 maybe a telephonic conference in about two weeks to deal  
5 with both of those issues. And hopefully, I guess my plan  
6 would be if we could try to get these things done in a week  
7 so we could get them out in front of the public and whoever  
8 needs to be involved, then that would give them a week,  
9 they could come in and then comment prior to another  
10 meeting. So that would be my thought.

11                   COMMISSIONER HARTIG: Do you want to  
12 respond on the timing on that, Michael?

13                   MR. BAFFREY: It just pushes it back. Just  
14 for the record, I want to say that this was issued on May  
15 8th and you had until the 19th to give us these comments  
16 and I'm -- my question would be, why now we're doing what  
17 we should have been doing during that time period into the  
18 future?

19                   MR. TILLERY: Do you want me to show you my  
20 calendar where I was in Santa Fe for a week and then I was  
21 in Seattle for three or four days? I don't -- I have a job  
22 where I deal with the Department of Law for the civil  
23 division for the entire state of Alaska. I can't drop  
24 everything and necessarily spend, you know, a week or two  
25 at a concentrated effort to go through something like this.

1 I do it as I can get to it, and frankly, I was not able to  
2 get to it in time to get back to you immediately.

3 MR. BAFFREY: That I understand, however,  
4 you liaison, I'm doubtful was in Santa Fe and that we just  
5 need to -- I just want to be -- I think there's been a  
6 communication breakdown between this office and the  
7 liaisons and I have some ideas on how to improve that, I  
8 just want you to know that I'm willing to make that work.  
9 If it takes a two week delay to do this, fine. But I  
10 really want a commitment from the liaisons that they will  
11 work with us as we will work with them.

12 MR. TILLERY: Well, I will tell you that my  
13 liaison got back to me very quickly on this with comments  
14 and that's sort of what I've doing as I can get time over  
15 the last couple of weeks, is going back and forth with  
16 Carol and with the other people in my office, with Alyce  
17 (ph) and others, and with some of the federal people on the  
18 invitation. But you can't just turn these things around on  
19 a dime.

20 MR. BAFFREY: I understand that.

21 COMMISSIONER HARTIG: Well, we have a  
22 motion. Shall we vote that down and then proceed as you --  
23 assuming that gets voted down then proceed as you suggest  
24 there, Craig?

25 MR. TILLERY: Or I would move to amend the

1 motion to say that we -- and I think I can do that with the  
2 consent of the motioner, that we have interested council  
3 members and liaisons work with the trustee council staff in  
4 an effort to get a sort of revised invitation out within  
5 two weeks.

6 MR. O'CONNOR: I accept that as a friendly  
7 amendment to the motion.

8 COMMISSIONER HARTIG: Okay. Any other  
9 discussion on the motion? Okay.

10 MR. O'CONNOR: Call for the question.

11 COMMISSIONER HARTIG: Okay. I guess we'll  
12 start with Denby and then we'll kind of walk around the  
13 room here. Denby.

14 MR. LLOYD: Yes.

15 COMMISSIONER HARTIG: Craig.

16 MR. O'CONNOR: Yes.

17 COMMISSIONER HARTIG: Yes.

18 (Unanimous responses)

19 COMMISSIONER HARTIG: Okay. It's  
20 unanimous. So we'll work with Michael to come up with a  
21 plan B here and try to do it quickly and if we can,  
22 integrate the new lingering oil project.

23 MR. O'CONNOR: Right.

24 COMMISSIONER HARTIG: Anything else on the  
25 '09 solicitation?

1                   MR. BAFFREY: No, but I -- you know,  
2 getting you guys together even by phone is a challenge. So  
3 we'll try to do it within the next two weeks.

4                   COMMISSIONER HARTIG: I think it's going to  
5 be whoever you can -- well.....

6                   MR. BAFFREY: It can't be. It's got to  
7 be.....

8                   COMMISSIONER HARTIG: Yeah. Well, I mean  
9 for the final vote it has to be everybody, yeah.

10                  MR. BAFFREY: Right.

11                  COMMISSIONER HARTIG: Okay. If there's --  
12 I guess we're ready for the executive session unless  
13 there's any other business to come forth at the regular  
14 meeting.

15                  MR. O'CONNOR: I don't believe so. I think  
16 we've covered it all.

17                  COMMISSIONER HARTIG: Okay. Then now we  
18 have to say why we're going into executive session.

19                  MR. TILLERY: Mr. Chairman, I would move  
20 that we go into executive sessions for purposes of  
21 discussing personnel issues and a legal matter that has  
22 come up. And I guess that's the motion. I would also  
23 suggest that we should perhaps commit at this time that  
24 when we come out of the executive session we will take no  
25 further action other than to come out and adjourn, which

1 would mean that people wouldn't have to just hang  
2 around.....

3 COMMISSIONER HARTIG: Right.

4 MR. TILLERY: .....because they would know  
5 that.

6 COMMISSIONER HARTIG: Yeah, there won't be  
7 other business come up.

8 MR. NEIDIG: I second.

9 COMMISSIONER HARTIG: Okay. And second.

10 Any opposition to going into executive session?

11 MR. O'CONNOR: No.

12 COMMISSIONER HARTIG: Okay. We'll go into  
13 executive session. If we could have people leave the room,  
14 I'd appreciate it.

15 (Off record)

16 (On record)

17 The Trustee Council came out of Executive  
18 Session, conducted no further business and adjourned at 2:45  
19 p.m.

20 (Off record - 2:45 p.m.)

21 (END OF PROCEEDINGS)