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EXXON VALDEZ OIL SPILL TRUSTEE COUNCIL

January 11, 2017

10:00 A.M.

Anchorage, Alaska

TRUSTEE COUNCIL MEMBERS:

- U.S. FOREST SERVICE: Ms. Terri Marceron
 - AK DEPARTMENT OF FISH & GAME: Mr. David E. Rogers
 - AK DEPARTMENT OF LAW: Mr. Steven E. Mulder
 - AK DEPART OF ENVIRON CONSERVATION: Mr. Larry Hartig
 - U.S. DEPARTMENT OF THE INTERIOR: Mr. Michael Johnson
 - U.S. DEPARTMENT OF COMMERCE, NMFS: Mr. James Balsiger
- Proceedings electronically recorded, then transcribed
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1 ALSO PRESENT:
2 Elise Hsieh, Executive Director, EVOSTC
3 Linda Kilbourne, EVOSTC Administrative Manager
5 Helen Woods, ARLIS, EVOSTC Staff
6 Cherri Womac, EVOSTC Staff
7 David Wigglesworth, U.S. Fish and Wildlife Service
8 Michael Daigneault, U.S. Fish and Wildlife Service
9 Heather Hanson, U.S. Fish and Wildlife Service
10 Veronica Varela, U.S. Fish and Wildlife Service
11 Susan LaKonski, U.S. Fish and Wildlife Service
12 April Dent, U.S. Fish and Wildlife Service
13 David Mitchell, Great Land Trust
14 Ellen Kazary, Great Land Trust
15 Erika Ammann, NOAA
16 Liz Gogeski, DOI, Office of the Solicitor
17 Jennifer Schorr, Alaska Department of Law
18

1 ATTENDING TELEPHONICALLY:

Ron Britton, U.S. Forest Service

Catherine Boerner, EVOSTC Science Coordinator

2 Dede Bohn, U.S. Geological Survey

3 Sylvia Kreel, Alaska Department of Natural Resources

4 Jessica Garin, UAA

5 Greg Siekaniec, U.S. Fish and Wildlife Service

6 Tim Richardson, Wildlife Forever

7 Roy Jones, Stiefel & Jones Consulting

8 Catherine Boerner, EVOSTC Science Coordinator

9 Ted Roosevelt

10 Carol Hoover, Eyak Preservation Council

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P R O C E E D I N G S

(On record)

CHAIRMAN JOHNSON: Okay. Good morning. This is Michael Johnson. I am one of the Trustees, and have been asked to chair this meeting. We've got -- it sounds like we've got the full group between folks here in person and three of our Trustees on line, Terri, Jim, and David.

So with that, I think we will call the meeting to order and start moving through our relatively short agenda this morning.

I guess first off is to approve the existing agenda. I'm working off a draft dated January 5th of this year. I hope that's what my fellow Trustees have. And with that, does anybody wish to make any changes to the agenda or am I hearing any motions to adopt it as a draft.

MR. HARTIG: I'll move to approve the January 5th draft.

MR. MULDER: I'll second.

CHAIRMAN JOHNSON: Okay. So the agenda has been moved and seconded. Any -- is there any discussion or any opposition to doing that. My understanding is that according to our rules, with three Trustees calling in, we need to actually do the

1 roll call rather than just ask if there's any
2 opposition, I'll ask Staff if they'll do that for us.

3 MS. HSIEH: Sorry, we were getting people on
4 the line. You have motioned to move the draft meeting
5 agenda, and someone has seconded it I believe?

6 CHAIRMAN JOHNSON: Correct.

7 MS. HSIEH: Steve Mulder.

8 MR. MULDER: No objection.

9 MS. HSIEH: Larry Hartig.

10 MR. HARTIG: Approve, yeah.

11 MS. HSIEH: Michael Johnson.

12 CHAIRMAN JOHNSON: Approve, please.

13 MS. HSIEH: David Rogers. David Rogers, can
14 you hear me?

15 MR. ROGERS: Sorry, I had the mute on. I
16 apologize. Approve.

17 MS. HSIEH: Thank you. Jim Balsiger.

18 MR. BALSIGER: Approved.

19 MS. HSIEH: Thank you. Terri Marceron.

20 MS. MARCERON: Approve.

21 MS. HSIEH: Thank you.

22 CHAIRMAN JOHNSON: All right. That sounds
23 unanimous to me.

24 The next item on our agenda would then be
25 approval of our most recent meeting notes from the

1 November 3rd, 2016 meeting. I hope my fellow Trustees
2 have had a chance to look these over. I personally
3 didn't have any concerns or comments, but I'm happy to
4 hear discussion or a motion there.

5 MR. MULDER: I'll move.....

6 MR. ROGERS: This David in Juneau. I think my
7 name is misspelled. That's my only comment, but it's
8 R-O-D-G-E-R-S in the.....

9 MS. HSIEH: Oh, yeah.

10 MR. ROGERS:draft, and as I was looking
11 -- as I recall, I don't have it in front of me, but as
12 I recall it was.....

13 MS. HSIEH: That's correct.

14 MR. ROGERS:spelled R-O-D-G-E-R-S.

15 MS. HSIEH: That's correct. We can make
16 that.....

17 MR. ROGERS: Right. Right.

18 MS. HSIEH: We can make that correction.

19 MR. ROGERS: Thanks.

20 CHAIRMAN JOHNSON: It's corrected.

21 MS. HSIEH: It's -- yes, we'll correct it.

22 CHAIRMAN JOHNSON: It's correct in the version
23 I've got.

24 MS. HSIEH: Oh. Cherri Womac? What date do
25 you have on your version?

1 CHAIRMAN JOHNSON: 11/18.

2 MS. HSIEH: Oh, me, too.

3 MR. MULDER: Oh, it's -- there's some.....

4 MS. HSIEH: Right here.

5 MR. MUTTER: Later in the document.

6 MS. HSIEH: It's a little D right here.

7 CHAIRMAN JOHNSON: Oh, yeah, it's the first
8 time it's listed.

9 MS. HSIEH: Yeah. Yeah.

10 CHAIRMAN JOHNSON: It's later in the document
11 it's done correctly.

12 MS. HSIEH: Yeah. So we will correct that.

13 CHAIRMAN JOHNSON: Any other notes.

14 MR. HARTIG: Well, with that change I'll move
15 to approve the minutes.

16 MR. ROGERS: Second.

17 MR. MULDER: I'll second.

18 MR. ROGERS: David Rogers in Juneau.

19 CHAIRMAN JOHNSON: All right. A motion to
20 approve has been made and seconded. Staff. Is there
21 any discussion -- any further discussion on this.

22 MS. HSIEH: And I think -- in the room I don't
23 think we need roll call. I'll just do the ones on the
24 phone.

25 CHAIRMAN JOHNSON: Okay.

1 MS. HSIEH: Are there any objections in the
2 room.

3 MR. MULDER: None here.

4 CHAIRMAN JOHNSON: No.

5 MS. HSIEH: On the phone, David Rogers.

6 MR. ROGERS: No objection.

7 MS. HSIEH: Thank you. Jim.....

8 MR. ROOSEVELT: On the telephone also, Ted
9 Roosevelt.

10 MS. HSIEH: Ted Roosevelt.

11 UNIDENTIFIED VOICE: Welcome, sir.

12 MR. ROOSEVELT: Thank you.

13 MS. HSIEH: Thank you. Jim Balsiger.

14 MR. BALSIGER: Approve.

15 MS. HSIEH: Terri Marceron.

16 MS. MARCERON: Approve.

17 MS. HSIEH: Thank you.

18 CHAIRMAN JOHNSON: All right. So we can now
19 have an agenda in front of us. The next item on our
20 agenda would be a public comment period, and I realize
21 that we've got -- for the benefit of folks on the
22 phone, we've got roughly 15 or so people, a dozen
23 people here in the room. I don't know how many we have
24 signed up to testify.

25 MS. HSIEH: Cherri's going to look.

1 MS. WOMAC: None of them.

2 MS. HSIEH: None of them.

3 CHAIRMAN JOHNSON: None of them in the room.

4 Okay. Given the number of people that we have on line,
5 I guess what we would do then is just ask -- I'll ask
6 those who are on line to -- with the purpose of
7 testimony to call out, identify themselves and if
8 they're representing an institution or organization, if
9 they'd identify that as well. And then once we have a
10 complete list, we can start marching through that,
11 and.....

12 MS. HSIEH: I may.....

13 CHAIRMAN JOHNSON:public testimony is
14 limited to three minutes.

15 MS. HSIEH: I may be able to, so everyone
16 doesn't call out at once -- Tim Richardson and Roy
17 Jones, are you each giving three minutes of testimony.

18 MR. RICHARDSON: I'll speak. This is Tim. I'll
19 speak. I don't know that it will take three minutes.
20 I think everyone really has a good background, but.....

21 MS. HSIEH: Okay. Just a moment. Let me go
22 through.....

23 MR. RICHARDSON: The other.....

24 MS. HSIEH: Just a moment, please. And then,
25 Mr. Roosevelt, Ted Roosevelt, are you also here for

1 public testimony.

2 MR. ROOSEVELT: If the committee would like to
3 hear from me, of course, I'd be pleased. After all,
4 genetically what Roosevelt cannot resist a temptation
5 for a microphone.

6 (Laughter)

7 MS. HSIEH: All right. And is there anyone
8 else on line? Jessica Garin, are you here for public
9 testimony or just listening.

10 MS. GARIN: No, I'm just here to listen.

11 MS. HSIEH: Okay. So I have Tim Richardson and
12 Ted Roosevelt. Is there anyone else on line who'd like to
13 give public comment.

14 MR. JONES: You had asked -- this is Roy Jones.
15 You had asked me, and I appreciate that Tim and Ted
16 Roosevelt can adequately do that. And I've been
17 sending the information up to the Council, so I've said
18 everything that needs to be said from the peanut
19 gallery here back in D.C., so I won't be talking today.

20 MS. HSIEH: Okay. So it sounds like Tim
21 Richardson and Ted Roosevelt.

22 CHAIRMAN JOHNSON: Okay. It sounds like we've
23 only got two -- go ahead, please.

24 MS. HSIEH: Oh, yes?

25 MS. HOOVER: Well -- and this is Carol Hoover.

1 MS. HSIEH: Oh, yes.

2 MS. HOOVER: I'm pretty much in line with
3 everything that Mr. Roosevelt and Ted and Roy say, but
4 I just want to thank you for this opportunity.

5 MS. HSIEH: Thank you, Carol. My apologies.

6 CHAIRMAN JOHNSON: Okay. With that, it sounds
7 like we have two folks then set for public testimony.
8 Tim, if you would like to go ahead.

9 MR. RICHARDSON: Okay. Thank you. And thank
10 you for the opportunity.

11 To reiterate, Wildlife Forever got invited to
12 the project by Eyak Preservation Council. And we
13 judged that when the pollock/sockeye salmon agreement
14 -- the (indiscernible) pollock agreement failed, that
15 it was a good idea to go after some more sockeye to
16 fulfill your mission, and we believe the Copper River
17 Delta would be an exceptional opportunity, and have
18 gone forward with the argument for a link to injury,
19 which you have documents on. We would like to make a
20 contribution at the recommendation of a Federal Trustee
21 of a \$5,000 grant dedicated to letting the Trustee
22 Council do an assessment of a legal case for a link to
23 injury.

24 And so I don't want to take more time. I'd
25 like to invite Ted to speak on it, but we're here to

1 offer that to the Trustee Council.

2 CHAIRMAN JOHNSON: Okay. Well, thanks, Tim,
3 and that's less than three minutes, so congratulations.

4 And next up would be Mr. Roosevelt.

5 MR. ROOSEVELT: Call me Ted, please. I can be
6 very brief.

7 I think that from where I sit, this is a
8 classic example of risk management. And if the
9 committee goes ahead and approves this, it would be in
10 effect saying, we want to pay a very modest insurance
11 premium in order to preclude or make sure that a
12 potentially very bad thing does not happen. And so --
13 and anyways, the members of the committee have the
14 opportunity in my opinion, and I don't want to get too
15 high falluting here, this is an opportunity where if
16 you proceeded along with the recommendations that Tim,
17 Roy, and I, and Carol, and others, are making, this
18 will be a decision that future -- your future children
19 and grandchildren will look back on this and say, thank
20 gosh, my great grandparents or grandparents made this
21 decision, because it was something that saved a vital
22 resource for us against something that would have been
23 catastrophic.

24 CHAIRMAN JOHNSON: Okay. Thank you. That
25 would appear to preclude all of our public testimony.

1 Is there anybody else here in the room who did not sign
2 up who is interested in public comment. I'm not seeing
3 any hands. Is there anybody else on line.

4 Okay. I'm not hearing any, so with that, we'll
5 close the public comment period.

6 And moving on through our agenda, that brings
7 us to item number 4, Executive Director's report. And
8 it's my understanding, Elise, that you don't have
9 anything you wish to report at this time, so that is
10 also expeditious here.

11 So with that, we're down on the agenda to item
12 number 5, Kodiak Island habitat enhancement Buskin
13 River watershed project. And I think we have some
14 Staff from some of the various agencies here to give us
15 the short brief on the projects. It looks like they're
16 coming forward, so thanks very much. Please introduce
17 yourselves and your institutions for the record.

18 MS. AMMANN: I'm Erika Ammann with NOAA
19 Fisheries.

20 MS. HANSON: Heather Hanson with Fish and
21 Wildlife Service.

22 MS. AMMANN: Great. Okay?

23 CHAIRMAN JOHNSON: Yes.

24 MS. AMMANN: So you will have received our
25 proposal. This is for 20 replacement, or removal of 20

1 culverts in the Buskin River system on Kodiak Island.
2 And it will be enhancing not only the salmon and the
3 habitat around the Buskin River system, but also the
4 sport fish and the subsistence use of that fishery.
5 The Buskin system is kind of important, because it's
6 one of the only road-accessible fisheries on the Island
7 of Kodiak, and so it's used widely by the population.
8 And some of this work is near the state parks
9 recreation site, and it will have benefits to that area
10 as well.

11 We're kind of excited about this project. It's
12 been kind of on our list to do for a long time, but
13 with the Coast Guard's participation and partnership in
14 this project, we've really been able to make a lot of
15 headway, and are therefore able to present it to you.

16 And we are asking -- let's see, get this
17 project -- 4.5 million approximately for the
18 restoration of these culverts, and for some debris
19 removal from -- historic debris in the system that is
20 changing some of the hydrology.

21 Do you have anything to add?

22 MS. HANSON: We've got a great cooperation
23 going with the Coast Guard, Alaska DOT, and Natives of
24 Kodiak, who are all landowners, in this situation, as
25 well as DNR's support, Kodiak Island Borough has

1 written a letter of support. So we feel like it's a
2 great time to move forward with this. The U.S. Coast
3 Guard is already moving forward with removals and has
4 removed six culverts, and is in the process of
5 restoring that. And ADF&G habitat biologist Will Frost
6 has been involved in really setting the stage for this
7 project, and making sure that the projects we do are
8 important culvert removals, fish passage barrier
9 removals, to allow for access to quality habitat for
10 both juvenile and adult salmon.

11 MS. AMMANN: And I think that you should have
12 gotten the DOT letter of support that was pending up
13 until.....

14 CHAIRMAN JOHNSON: Okay. Any questions or
15 comments from my fellow Trustees here in the room.

16 MR. HARTIG: No.

17 MR. MULDER: None from me.

18 CHAIRMAN JOHNSON: Okay. Any questions,
19 comments from the Trustees on line?

20 MR. ROGERS: This is David Rogers. I just
21 think it's a great project and support it.

22 MR. BALSIGER: And this is Jim Balsiger also in
23 Juneau. I think it's an excellent example of after so
24 months of time the Coast Guard's representing and able
25 to afford to put this project in place. I just don't

1 see any downside to it at all. Fish and Game is
2 interested in it, so I think it's wonderful.

3 MS. MARCERON: This is Terri from USDA. It's a
4 well-written proposal and we have no questions.

5 MR. HARTIG: Okay. So this is Larry. I'll
6 move we approve \$4,535,533, which includes GA, for
7 authorization of the Kodiak Island Habitat Enhancement
8 Buskin River Watershed Project 17170119, dated December
9 1, 2016, with the authorization valid until July 11,
10 2018.

11 MR. MULDER: Steve Mulder, I'll second.

12 CHAIRMAN JOHNSON: Okay. I've heard a motion
13 and it's been seconded. Is there any opposition to the
14 motion in the room. Seeing as how the two other folks
15 here have made it and seconded it, I'm guessing not. I
16 certainly don't oppose it.

17 Elise, if you'd want to call the roll of
18 Trustees on line.

19 MS. HSIEH: And if I may make two comments, I
20 think the Coast Guard cooperation has been a wonderful,
21 timely interaction over the last year of all of us
22 discussing this project. And so I think it's a great
23 opportunity for the Trustee Council.

24 And also this may end up being a multi-year
25 project. And of course, we do the 18 months with

1 habitat enhancement, so the Trustees may see it again
2 as these projects sort of roll through construction and
3 field seasons, but it looks like a very strong project,
4 so.....

5 On line, David Rogers.

6 MR. ROGERS: Approve if that's the right term.

7 MS. HSIEH: Terri Marceron.

8 MS. MARCERON: Approve.

9 MS. HSIEH: Jim Balsiger.

10 MR. BALSIGER: Approve.

11 MS. HSIEH: Thank you.

12 CHAIRMAN JOHNSON: I think that makes it
13 unanimous. Thanks very much.

14 MS. HANSON: Thank you.

15 MS. AMMANN: Thank you.

16 CHAIRMAN JOHNSON: This brings us down to item
17 number 6 on our agenda, which are two habitat parcels
18 to be acquired. If I -- we've got Staff here in the
19 room from Fish and Wildlife Service, if they'd like to
20 come forward and give us just a quick overview of those
21 parcels. And if you could, for the benefit of folks on
22 line, remember to speak up. Mics are in the ceiling.

23 MS. LaKOMSKI: Good morning. Thanks for the
24 opportunity to present these projects. My name is
25 Susan LaKowski, and I'm with the Realty Division of the

1 U.S. Fish and Wildlife Service.

2 And I'm here to present a proposal for funding
3 an acquisition of a parcel of land. It's an unimproved
4 lot, and it's about 5.86 acres in size. It has 500
5 feet of water frontage along the Kasilof River. And
6 the eastern boundary is adjacent to the Kenai National
7 Wildlife Refuge. And if we're able to acquire the
8 parcel, we would do a minor boundary adjustment to
9 include the parcel within the Refuge.

10 It has some really good valuable habitat,
11 riverine and upland, including some wetlands. It has
12 very good habitat for a number of EVOS-affected
13 species, including bald eagles, Dolly Varden, river
14 otters and sockeye salmon. And it would allow
15 protection to be maintained for these species and their
16 habitat.

17 And it would also contribute to a larger effort
18 and strategy of a partnership, the Kenai Mountains to
19 Sea partnership, that is working with a number of
20 partners to ensure a riparian corridor and connectivity
21 along the Kasilof River from the mountains to the sea.

22 Let's see, we're requesting \$165,000 that would
23 include the acquisition costs and all closing costs,
24 and environmental assessments. I do believe it will be
25 significantly less than that amount.

1 Any questions.

2 CHAIR JOHNSON: This is Michael Johnson, the
3 Chair. I guess the question would be for the benefit
4 of the State and particularly for Fish and Game,
5 because this issue has come up at past meetings on some
6 parcels adjacent to the Kenai National Wildlife Refuge,
7 is -- I'm hop -- let me put my understanding on the
8 record and have you clarify that for me if I misstate
9 or if I'm wrong.

10 My understanding is that the interest in land
11 that the Trustees would be acquiring to add to the
12 wildlife refuge, is only uplands, and the State of
13 Alaska owns the submerged lands under the river;
14 therefore this transaction would not affect fishing
15 jurisdiction on the Kasilof River itself. Is that.....

16 MS. LaKOMSKI: That is correct.

17 CHAIRMAN JOHNSON: Okay. Thank you.
18 Commissioner Cotton had asked about this issue related
19 to a prior -- a previous parcel, and I just thought for
20 everybody's benefit, it would be good to be clear about
21 what we're doing here on the record.

22 MR. ROGERS: Thank you, Michael.

23 CHAIRMAN JOHNSON: You're welcome, David. And
24 David and I have obviously discussed this issue prior
25 to the meeting as well, just to make sure that we're

1 working together well.

2 With that, does either of you here in the room
3 have any questions about this particular parcel? We'll
4 just handle this parcel for now and go to the next one.
5 Do any of my fellow Trustees on line have questions or
6 comments about this parcel acquisition.

7 MR. BALSIGER: This is Jim Balsiger. I have no
8 questions. I think it's a great opportunity for the
9 Trustee Council.

10 MR. ROGERS: This is David Rogers. I support
11 this one. Can do.

12 MS. MARCERON: And this is Terri Marceron from
13 USDA. I support it and especially appreciate the
14 integration of the Great Land Trust ranking being high
15 based on their 2014 analysis, and appreciate the
16 emphasis on the model from (indiscernible) which is not
17 recovered. So I support the project.

18 CHAIRMAN JOHNSON: Great. Thanks. Thank you,
19 Susan. If you want to just hang out, we'll have April,
20 if she will, discuss the Kodiak parcel.

21 MS. DENT: I'm April Dent with the Fish and
22 Wildlife Service, and I'm here today to request funding
23 for acquisition a parcel in Spiridon Bay. It's 7.54
24 acres, and it does have -- it is located within
25 Spiridon Bay. It's -- it does have a 480-square-foot

1 cabin on the property, and the parcel does have 1950
2 feet of ocean frontage.

3 And just to back up a little bit, last go
4 around with funding, I had presented a proposal for
5 Chief Cove, and EVOS Trustee Council approved the
6 funding for that. That is just right down the
7 coastline from this property.

8 So, anyway, some of the benefits for this
9 parcel, it is coastal, and so, you know, healthy
10 habitats are essential for the oil spill recovery, so
11 the acquisition of this parcel would benefit future
12 recovery efforts. Some of the coastal redline (ph)
13 environment in that area contain sea otter forage areas
14 in the intra-tidal areas, harbor seal haul out and
15 pupping habitat. Also immediately adjacent to the area
16 is seabird nesting colonies occupied by Arctic tern, a
17 known seabird in decline, black-legged kittiwake,
18 glaucous wing gull, black oystercatchers. Also the
19 stellar sea lion. And it's a waterfowl concentration
20 area during the winter, and Pacific herring spawning
21 area.

22 And I know there was a question on what the
23 Fish and Wildlife Service would do with the cabin
24 that's currently on there, so I did talk to the Refuge.
25 And because of this parcel on Chief Cove that was

1 recently funded and their plan is -- and, of course it
2 has to go through public comment period, but the plan
3 for that parcel is to have one of the cabins for a
4 public use cabin and then the other for an admin site.
5 And so for -- since that's going to happen with this
6 one hopefully, then the current parcel that we're
7 requesting funding, the plan is to tear down the 480-
8 square-foot cabin.

9 There was a question on if the outhouse could
10 remain. And so I did ask and again they'd have to go
11 through public comment and that sort of thing, but it
12 takes, you know, a couple of years or so to get funding
13 to demolish the -- take down the cabin, so we would
14 leave the outhouse and people could use it during that
15 time until we go through that process.

16 So I think we are requesting -- Fish and
17 Wildlife is requesting not to exceed \$180,000 for this
18 parcel, and that is to include due diligence and
19 closing costs.

20 Does anybody have any questions?

21 CHAIRMAN JOHNSON: Do either of my fellow
22 Trustees here in the room.

23 MR. MULDER: No questions.

24 MR. HARTIG: No.

25 CHAIRMAN JOHNSON: Any other Trustees on line

1 have questions or comments for April.

2 MR. ROGERS: This is David. Just a couple
3 quick ones. The cabin, I didn't -- I couldn't -- I'm
4 having a little hard hearing everything, but it sounds
5 like it's going to take a couple of years to demolish
6 the public use cabins. I -- one of my folks made the
7 point that it's a tough place to camp in, and cabins
8 decrease bear encounters. So I think there's a hope
9 that the cabin will stay there until the new cabins are
10 built. But just a comment, nothing more at this point.

11 The second question has to do with an EMI
12 rating, and what does that mean compared to others?

13 MS. DENT: Okay. So, I'm sorry about that. I
14 didn't go through that. The Great Land Trust was very
15 nice to produce all these maps for this proposal.

16 So as you recall, the Chief Cove parcels, that
17 were at the highest level of habitat prioritization.
18 This one is still at the high level, but it's just
19 right underneath the highest level. Some of the
20 benefits that the Great Land Trust has highlighted
21 through these maps are that there's coastal wetlands on
22 the property. There's a bird colony or rookery. There's
23 five kilometers of coastal forage areas. There's the
24 juvenile fish habitat, and the whole property has
25 continuous eel grass located right there. And also

1 continuous kelp. The anadromous diversity was, you
2 know, at one of the highest levels as well. And it's
3 also a conservation area buffer.

4 So, you know, it's right there at the top; it's
5 just not the highest as the property that was approved
6 last go around.

7 MR. ROGERS: All right. Thank you very much.
8 No other questions.

9 MR. BALSIGER: No questions from Jim.

10 MS. MARCERON: And this is Terri. I think my
11 read of the proposal shows that black oystercatchers,
12 pacific herring are the two that are still on our
13 injury list, that it will be addressing. And then I
14 interpret the Fish and Wildlife Service entrance as
15 well as the additional species is that the project
16 again is kind of building to sustain existing
17 previously injured species, and that analysis connects
18 both to the Refuge as well as just to the need of the
19 area based on what you described. If I didn't capture
20 that right, add any clarification, because that would
21 be my sort of interpreting question.

22 Thank you.

23 MS. DENT: Yes, that's right.

24 CHAIRMAN JOHNSON: So did you catch that,
25 Terri, that essentially Staff confirming your

1 supposition?

2 MS. MARCERON: Yeah. So I have no questions.

3 Thank you.

4 CHAIRMAN JOHNSON: Okay. All right. Any other
5 questions from Trustees?

6 MR. HARTIG: No.

7 MR. MULDER: No.

8 CHAIRMAN JOHNSON: Okay. Am I hearing any
9 interest in a motion then?

10 MR. MULDER: I'll make the motion. I move we
11 approve funding for the protection of the following
12 parcels with purchases of interests in land to be at
13 the fair market value established by an approved
14 appraisal and the total cost of which, including due
15 diligence and closing costs, does not exceed the amount
16 noted for each parcel:

17 Parcel Kenai 4006, Kasilof River parcel, Lot
18 31, Kenai, \$165,000;

19 Parcel KAP 4007, Spiridon Bay, Kodiak National
20 Wildlife Refuge, \$180,000.

21 These purchases are further conditioned upon
22 due diligence reports, which are acceptable to the
23 Alaska Department of Natural Resources, the U.S.
24 Department of Interior Solicitor's Office, and the
25 Alaska Department of Law; and provided that the Trustee

1 Council Executive Director, in consultation with the
2 Alaska Department of Natural Resource, U.S. Department
3 of Interior Solicitor's Office, and the Alaska
4 Department of Law, determines that it is in the
5 interest of the Council to move forward with the
6 purchase of the interest in the parcels.

7 Authorization for the funding for the purchase
8 of interests in the parcels shall terminate if purchase
9 agreements are not executed by July 11th, 2018.

10 CHAIRMAN JOHNSON: Thanks, Steve, for that
11 rather lengthy motion. And am I hearing any seconds.

12 MR. HARTIG: This is Larry. I'll second it.

13 CHAIRMAN JOHNSON: Great. Thanks. So the
14 motion's been made and seconded. I don't see any
15 opposition from -- and I personally have none, from the
16 three Trustees here in the room. I'll ask Elise to run
17 through the three Trustees on line.

18 MS. HSIEH: David Rogers.

19 MR. ROGERS: I approve.

20 MS. HSIEH: Thank you. Jim Balsiger.

21 MR. BALSIGER: Approve.

22 MS. HSIEH: Thank you. Terri Marceron.

23 MS. MARCERON: Approve.

24 MS. HSIEH: Thank you.

25 CHAIRMAN JOHNSON: Thank you all. That takes

1 us down to what I have as second item number 6, so we'll
2 call it number 7 on the agenda.

3 MS. HSIEH: Oh, sorry.

4 CHAIRMAN JOHNSON: Which is an annual budget
5 adjustment for the Trustee Council.

6 MS. HSIEH: As the Trustee Council may
7 remember, they approved our annual budget in November
8 in Resolution 16-02. We've had some staffing changes
9 at ADNR and also we've been ramping up their caseload
10 for us quite a bit, and asking quite a bit from their
11 realty services. But I needed a little more time with
12 some of the new staff to figure out some of those
13 numbers. I didn't have them ready in November, but I
14 would like to request the Trustee Council approve an
15 addition of \$51,230 for ADNR realty services, which
16 includes GA to the FY17 annual budget previously
17 approved by the Council in Resolution 16-02.

18 MR. HARTIG: I'll move to approve. This is
19 Larry.

20 MR. MULDER: I'll second it.

21 CHAIRMAN JOHNSON: Okay.

22 MR. ROGERS: I second. Or did we have -- I'm
23 sorry, did we have a motion?

24 MS. HSIEH: Sort of.

25 CHAIRMAN JOHNSON: Yeah. It sounded like we

1 did, and we've had two seconds here, so.....

2 MR. ROGERS: Okay. Thanks. I guess it's
3 covered.

4 CHAIRMAN JOHNSON: While we have a motion, I
5 just wanted to have a little bit more discussion of
6 this item.

7 MS. HSIEH: Uh-huh.

8 CHAIRMAN JOHNSON: Elise, if you could just
9 give us a little bit more flavor what this money would
10 be used for, so that it's clear on the record.

11 MS. HSIEH: Yep. The funds are provided -- the
12 funds previously were \$28,000, which we knew was sort
13 of low, but we weren't sure what the increment should
14 be. The funds are provided in support of agency
15 efforts to bring viable proposals to the Council for
16 consideration. Expenses include the review of due
17 diligence efforts, appraisal, appraisal review,
18 environmental clearances, survey requirements, title
19 reports, et cetera required by the sponsoring agencies.
20 So the Realty Division is pretty hard working. They
21 also look at all of our documents as we draft them as
22 they go through the process, and every single revision
23 is a pretty heavy duty. So it takes a lot of time. We
24 appreciate very much DNR's coordination and
25 collaboration with the Trustee Council.

1 CHAIRMAN JOHNSON: Okay. Any other questions,
2 concerns, comments while we have a motion in front of
3 us. I'm not hearing any. So seeing as how the two
4 other Trustees in the room have again made the motion,
5 I have no objection, so I'm happy to approve and will
6 ask Elise to check with Staff -- with Trustees on line.

7 MS. HSIEH: David Rogers.

8 MR. ROGERS: Approve.

9 MS. HSIEH: Thank you. Jim Balsiger.

10 MR. BALSIGER: Approve.

11 MS. HSIEH: Thank you. Terri Marceron.

12 MS. MARCERON: Approve.

13 MS. HSIEH: Thank you.

14 CHAIRMAN JOHNSON: All right. That takes us to
15 the end of our scheduled agenda here. I guess I'll
16 just take a quick liberty and ask if any of my fellow
17 Trustees have anything for the good of the order that
18 they want to put on the record quickly before we
19 adjourn in.....

20 MS. MARCERON: This is Terri.

21 CHAIRMAN JOHNSON:a fairly successful
22 meeting.

23 MS. MARCERON: I do.

24 CHAIRMAN JOHNSON: Go ahead, Terri. Please.

25 MS. MARCERON: Okay. So I'm going to go back

1 to the public comments on the requested -- Tim
2 Richardson's request on a link to injury grant. And on
3 behalf of USDA, we have supported a link to injury
4 assessment. The question that I raise to that is that
5 my understanding that, again, a third party could
6 complete a link to injury assessment in coordination
7 with previous types of assessments. So, in other
8 words, working with the Executive Director and Staff to
9 gather what information would be most useful, and
10 submit that to the Trustees as a piece of information.
11 And so to me, my kind of question is, is that if that's
12 viable, that still meets USDA's interest in still being
13 supportive of a link to injury assessment.

14 I want to put on the record that I don't know
15 whether or not the Trustee Council can accept a grant
16 or whether or not to facilitate my interpretation of
17 what presented by Mr. Richardson today on the phone was
18 clearly a partial amount of money that would not --
19 \$5,000 would not complete the link to injury
20 assessment, even if the Trustees could or could not --
21 again, the question of whether they can even accept the
22 money is the first.

23 But I just want to put on the record that USDA
24 is supportive. Again there's a lot of ways to
25 accomplish that, and to me it doesn't have to

1 necessarily be through the Trustee Council. If that
2 assessment was completed, the Trustees certainly could
3 look at it and determine.

4 And my understanding of some information that I
5 received over the past few days, indicating that there
6 may be some changes in the surrounding Chugach Alaska
7 Corporation land and some of their interests may be
8 changing. I have no information from CAC to confirm or
9 understand those decisions and how those might
10 influence how an injury to link analysis may be done
11 for this area at this time.

12 So I just wanted to share that perspective for
13 the record.

14 CHAIRMAN JOHNSON: Thanks, Terri. I appreciate
15 that. Do either of our other, excuse me, Trustees on
16 line have anything they want to add on that topic or
17 another.

18 MR. BALSIGER: This is Jim. I think Terri's
19 assessment of all the uncertainty on whether we can go
20 forward is also in my mind, so I'm in line with her
21 thoughts.

22 CHAIRMAN JOHNSON: Thanks, Jim. David.

23 MR. ROGERS: You know, I need more information.
24 I have no problem with the approach that Terri
25 described and her thinking on it.

1 CHAIRMAN JOHNSON: Okay. So just for folks
2 here, I mean, what's happening is there's public
3 discussion of an item that's not on our agenda, so
4 there will be no action today in this meeting, so just
5 that we can be very clear about that on the record, and
6 for folks listening in. But this is, you know,
7 tentative -- I hesitate to even use the word tentative,
8 you know, more theoretical discussion of what might
9 relate to future steps looking at potential acquisition
10 of parcels outside of the defined spill area that the
11 Trustee Council has set up. So in case people are
12 wondering what's going on, because there hasn't been
13 that much direct going on -- that much explicit
14 description of what has in fact happened. We're just
15 trying to make it clear for folks who are listening in
16 and potentially confused. I know I certainly would be.

17 So with that, do either of my fellow Trustees
18 here in the room have anything they want to add or can
19 we adjourn for the day.

20 MR. HARTIG: This is Larry. I agree with the
21 other Trustees' comments on this last question.

22 CHAIRMAN JOHNSON: Okay.

23 MR. MULDER: I have nothing to add.

24 CHAIRMAN JOHNSON: All right. Thanks, Steve.

25 With that, thank you all very much for being here.

1 We're 13 minutes ahead of schedule, and with that we'll

2 adjourn. Thank you very much.

3 (Off record)

4 (END OF PROCEEDINGS)

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C E R T I F I C A T E

UNITED STATES OF AMERICA)
STATE OF ALASKA)

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

THAT the foregoing pages numbered 2 through 35
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Exxon Valdez Oil Spill Trustee Council's Meeting
recorded electronically by Computer Matrix Court
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THAT the Transcript has been prepared at the
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EXXON VALDEZ TRUSTEE COUNCIL
Anchorage, Alaska

DATED at Anchorage, Alaska this 17th day of
January 2017.

SIGNED AND CERTIFIED TO BY:

Salena A. Hile
Notary Public, State of Alaska
My Commission Expires: 09/16/18